

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY –
DATE 7 SEPTEMBER 2020

APPLICATION NO:
P/2019 /0792

LOCATION:
COMMUNITY CENTRE EATON
DRIVE WREXHAM LL13 9HG

DATE RECEIVED:
21/10/2019

COMMUNITY:
Caia Park

DESCRIPTION:
DEMOLITION OF EXISTING
COMMUNITY CENTRE, ERECTION
OF NEW APARTMENT BLOCK
COMPRISING 10 NO. TWO BED
APARTMENTS AND 6 NO. 1 BED
APARTMENTS

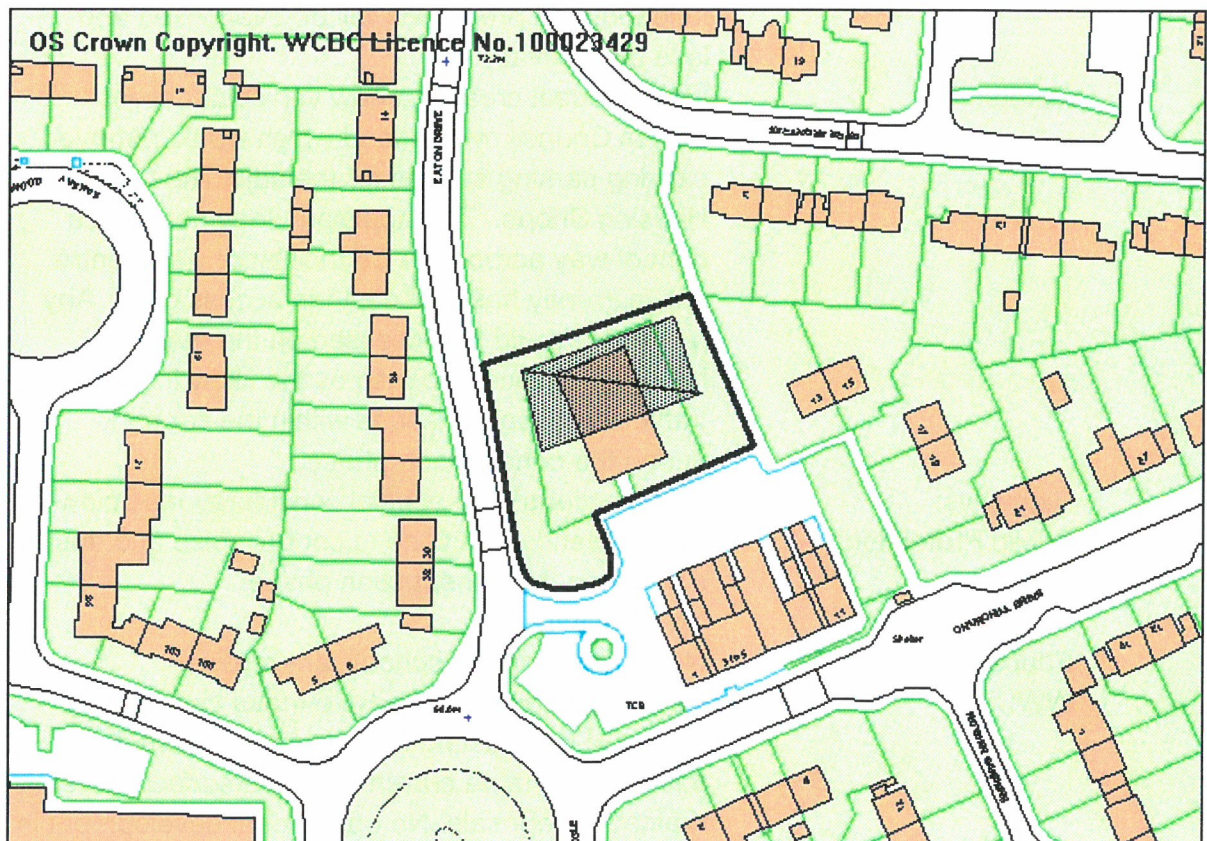
CASE OFFICER:
SEH

WARD:
Cartrefle

AGENT NAME:
D2 ARCHITECTS
ROBERT ADAM LLOYD

APPLICANT(S) NAME:
MR ALAN FIELD
LMF PROPERTIES LTD

THE SITE



PROPOSAL

As above

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HISTORY

None relevant

PLANNING POLICY

Within settlement limit and on Brownfield land. Policies PS1, PS2, PS3, PS4, GDP1, GDP2, H2, EC4, EC6, CLF5 and T8 apply. Local Planning Guidance Notes (LPGN) Nos. 10 'Public Open Space', 21 'Space around Dwellings', 16 'Parking Standards', 17 'Trees and Development' and 27 'Developer Contributions to Schools' are also relevant.

CONSULTATIONS

Community Council:	No objection to the proposal.
Local Member:	I support the re-development of the site, but not on the scale proposed. 16 units are too many and it is a case of cramming them in. The building is to be 3 storeys and so I have concerns that the neighbouring properties will be overlooked and lose their privacy.
Assets:	The proposal creates a new vehicular access across Council owned land which would remove existing parking spaces for the adjoining Council Housing Shops. The applicant does not have a right of way across the Council land. The centre only currently has a pedestrian access gate. Any proposal should be accessed off the main highway. Concerned also by the likely increase in traffic and capacity issues within the car park during the construction phase.
Highways:	No objections (see special considerations below).
Public Protection:	Recommend conditions to control noise and dust etc. during the construction phase.
NRW:	No objections.
Education:	No contributions to schools are required.
WW:	Prior to demolition we advise that a connectivity survey of the existing development is completed, this will determine current foul and surface water drainage proposals. No operational development is to commence within 3 metres either side of the centreline of the public sewers crossing the site. A comprehensive drainage scheme is required by condition.

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Site Notice:	Expired	18.11.2019
Press Notice:	Expired	23.11.2019
Neighbours:	One online objection received:	
	• The building is not in keeping with the surrounding properties and it will be too imposing and unsightly; • The building would result in a negative outlook from windows and the high rise is not welcome; • Concerned as to the type of resident that this development will attract; • Family housing with more green space would be a better option.	

SPECIAL CONSIDERATIONS

Background: The application site lies within the settlement limit where residential development is acceptable in principle subject to compliance with UDP policy GDP1. This application proposes 16 no. apartments (10 x 1 bed and 6 x 2 bed) within a 2.5 storey (9.5 metre high) building. The main issues to consider relate to the impact of the development upon the character and appearance of the area, residential amenity and highway safety.

Design: The proposal is for the demolition of the existing dilapidated community centre and to replace it with a 2.5 Storey, 16 unit, apartment block. The regeneration of the site will visually enhance the general appearance of the area, in accordance with policies GDP1(a), PS2 and PS3. The shape of the building and layout of the site has been strongly influenced by the existing features of the site and pattern of the surrounding dwellings, shops and adjacent public open space. As already mentioned, the building will be 9.5 metres high and the units are set out over 3 floors (ground, first and second floors), with the second floor being located within the roof space. Whilst the building is taller than the dwellings on Eaton Drive, the land slopes upwards beyond the application site, as do the dwellings, and the proposed building will sit comfortably with the street scene. The development proposes a contemporary mix of materials common to the area to ensure that the built development is sympathetic to the locality.

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Figure 1. Front Elevation

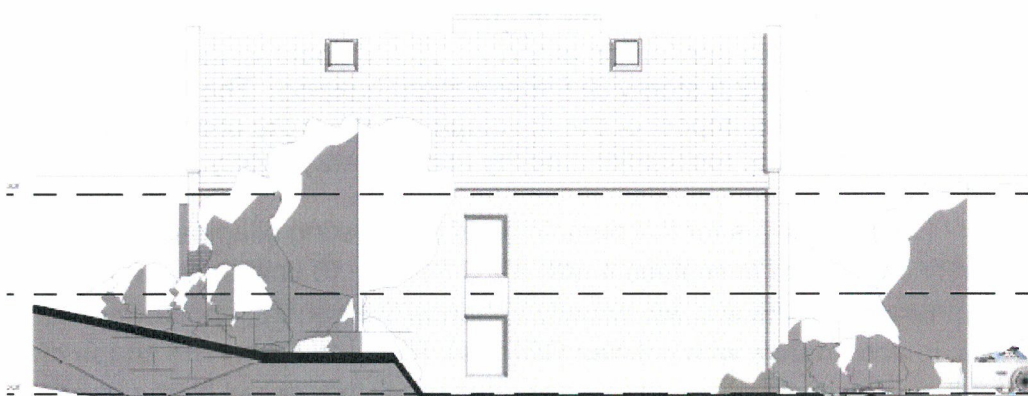


Figure 2. Side Elevation – Fronting Eaton Road

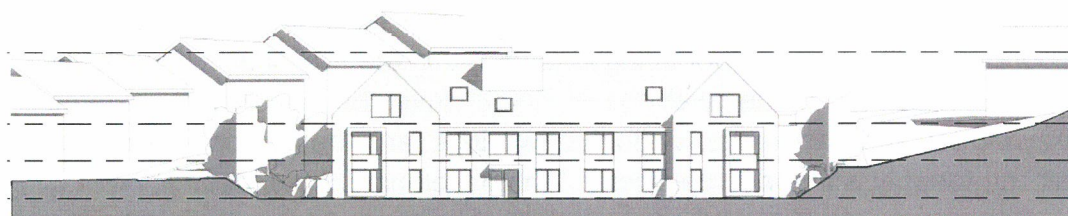


Figure 3. Streetscene Perspective – Showing Backdrop of Existing Dwellings on Eaton Drive

Residential Amenity: LPGN 21 recommends onsite outdoor space of 160 m/sq. Most of the outdoor space within the site is taken up by the parking and bin storage areas. However, there is public outdoor space immediately adjacent to the site to which the developer will be contributing, should planning permission be granted, and it is not therefore essential to provide this space on site. Each of the apartments has a kitchen/lounge/diner, a bathroom

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and either 1 or 2 bedrooms. The smallest unit has approx. 60m/sq. internal floor space which easily meets the requirements of modern living standards.

LPGN 21 recommends a separation distance of 22 metres between habitable room windows, to prevent overlooking. The building has been orientated to face north and south to avoid any direct overlooking into the properties to the east and west of the site. The windows in the side elevations do not serve habitable spaces, will be obscurely glazed, and non-opening. There will therefore be no overlooking and the development will not result in the loss of privacy to the nearby existing dwellings.

LPGN 21 also recommends a separation distance of 13 metres between habitable room windows and blank elevations, in order to safeguard against loss of daylight and restriction of outlook. The separation distance should be increased by two metres in respect of the additional height of the building, and by a further 2 metres in respect of the difference in land levels. The minimum separation distance required in this case, in respect of the existing dwellings facing inwards from Eaton Drive, is therefore 18 metres. The location of the proposed building exceeds the minimum separation distance, being 21 metres away from the closest windows facing the site, and the proposed development will not lead to an unacceptable loss of daylight or restriction of outlook. Further, the development is sufficient distance away from the nearby private gardens to avoid any over dominance, and the scheme as proposed complies with policy GDP1 and the supporting guidance on 'Space around Dwellings'

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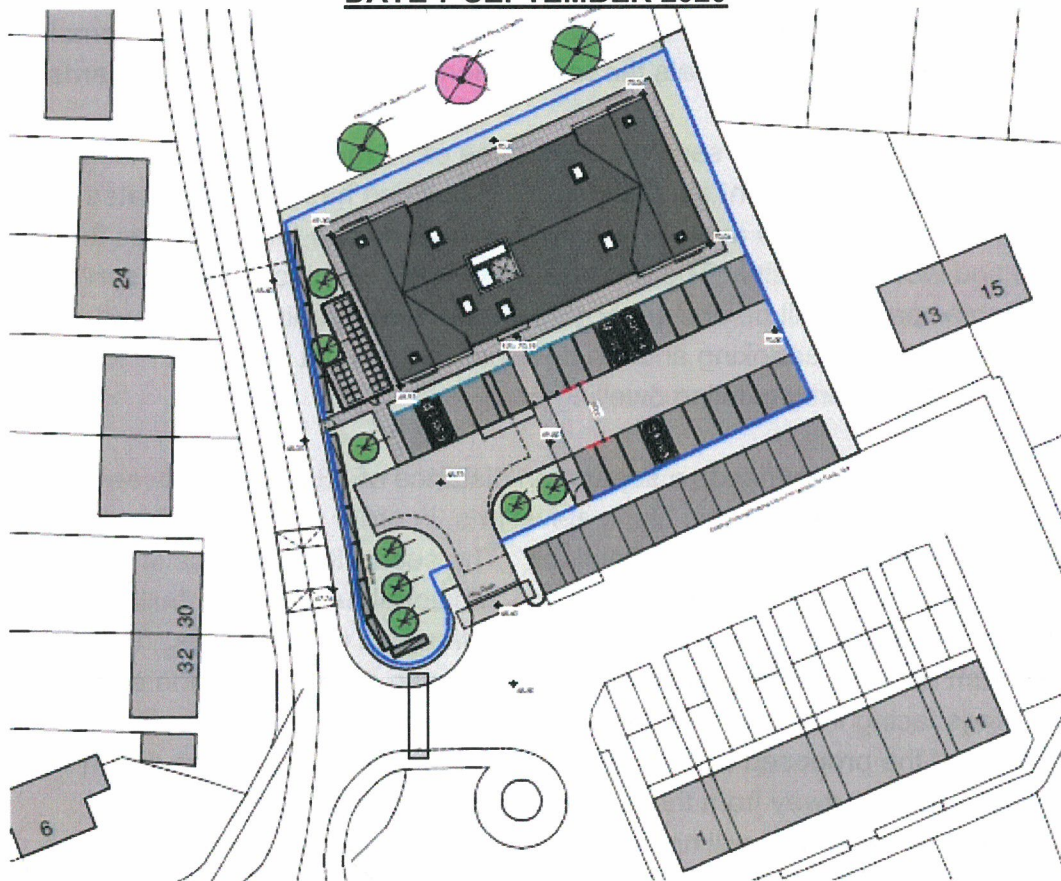


Figure 4. Proposed Site Layout

Trees: The existing trees identified on site are not a constraint to development due to their condition and size. However, mitigation for tree loss and further enhancement planting is a requirement in accordance with WCBC Tree & Woodland Strategy (Objective 1.9) and PPW 10: 2018 (6.4.5). By way of mitigation, 3 no. trees (2 No semi-mature *Quercus robur* and 1 No semi-mature *Pinus sylvestris*) are proposed to be planted to the rear of the site, in an alternating linear fashion, approximately 8.0m from the powder coated fence-line. These trees will also serve to soften the visual impact of development and break up sightlines, in the interests of enhancing the visual amenities of the area. The site layout allocates areas of space within the site to further mitigate for tree loss and increase canopy cover, and the birch trees proposed for the interior of the site are well considered and provide a net benefit for biodiversity. The development therefore complies with policies EC4 and EC6 of the UDP.

POS: The POS to the north of the site forms part of an ongoing project to make a series of ecological and environmental improvements throughout the Caia Park and Plas Madoc estates, to demonstrate how local green spaces can become havens for wildlife, and benefit health and wellbeing within

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communities. On this particular piece of land, it is proposed to create a circular perennial wildflower meadow, 455m/sq. 80 metre circumference (see image below) which the proposed tree planting mentioned above will compliment.



Figure 5. POS to North of the Application Site

As part of this application a financial contribution is required, at a rate £1,000 per unit, in lieu of the provision of onsite POS. This contribution will be secured by way of S106 agreement and will be used for the ongoing maintenance of the land.

Highways: The highway authority has been consulted and raises no objections to the proposed development. The proposed development site is bounded by Eaton Drive to the west and Sycamore Road to the north. Both are unclassified, residential roads subject to a 20mph speed limit. Eaton Drive & Sycamore Road incorporate traffic calming features in the form of speed cushions. The community centre itself is accessed off Eaton Drive via the existing access serving the car park associated with the Kingsley Circle shopping arcade and community centre. Visibility from this existing access

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onto Eaton Drive is adequate providing plays in excess of 2.4 x 25m in both directions in accordance with Manual for Streets.

The existing communal car park appears to provide around 26 spaces. It is likely that the 10 no. spaces fronting the community centre were previously allocated to the community centre. These existing spaces still appear to be utilized in connection with the shops etc. The submitted layout plan shows that these spaces will be unaffected by the development, and all of the parking for the apartments is contained within the application site.

As recommended by the highway authority, the submitted layout plan shows that the existing 3.9m wide access road serving the site is to be widened to a minimum of 5.5m. The footways bordering the site are also to be widened to 2m including the footway link on the eastern side of the site, linking the existing car park with Sycamore Road. Tactile paving / dropped kerbs should be provided at this point across Eaton Drive, and this will be secured by way of planning condition. These works are all within the confines of the adopted highway.

The proposed 16 apartments would normally require a maximum of 29 spaces in accordance with LPGN 16. The layout plan provides for 25 spaces for the proposed apartments which are considered adequate, and this reduction from the maximum provision will allow for planting to be carried out with the hard landscaped area. The proposed internal access within the development site is wide enough for a refuse vehicle to enter and manoeuvre appropriately within.

The Assets Management Section has raised concerns in respect of the adequacy of the capacity issues within the car park during the construction phase. There are also concerns in relation to the use of the adjoining open space during construction. A Construction Management Plan, including details of builder's compound and contractor parking, is therefore required and this will be secured by planning condition.

Other Matters: The Asset Management Section has expressed concerns with the access to that site in that the land between the access off Eaton Road and the entrance into the application site (i.e. the existing car park) is under its ownership and asserts that the applicant has no right of vehicular access over this section of land. However, the applicant asserts that the vehicular access to the community centre was always over this piece of land, and he has the same rights of vehicular access to the site, across the car park, as did the previous owner of the site, as is detailed within the land transfer. As rights of access are a private matter between landowners, it is not incumbent upon the

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planning authority to make a judgement in the matter, and the applicant has demonstrated a safe and satisfactory vehicular access to the site as part of this application.

CONCLUSION

The current proposal offers the opportunity to regenerate and visually enhance the area in accordance with planning policies GDP1, PS2 and PS3 which seek to ensure that development does not harm the appearance of the townscape, makes re-use of brownfield, and that it positively contributes to the appearance of the nearby locality. A safe and satisfactory means of access to the site has been proposed, and there would be no detrimental impact upon local residential amenity. The development complies with all of the relevant local planning policies, and I recommend accordingly.

My recommendation is however in three parts to reflect the requirement for a S106 agreement prior to the granting of any permission, and to allow for the application to be refused should the S106 not be completed within six months of the date of this resolution.

RECOMMENDATION A

That the Council enters into an obligation under Section 106 of the Town and Country Planning Act 1990 requiring:-

- The payment of £16,000 as developer's contribution in lieu of on-site POS to improvements and maintenance of the POS to the north of the application site.

The final form and amount shall be determined by the Chief Officer Planning & Regulatory.

RECOMMENDATION B

That if the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990, as detailed above, is not completed within six months of the date of the Committee resolution, the Head of Community Wellbeing and Development be given delegated authority to **REFUSE** planning permission for the following reasons:-

- Insufficient provision of POS.

That the Chief Officer Planning & Regulatory is given delegated authority to determine the final form and content of reasons for refusal.

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RECOMMENDATION C

Subject to the completion of the S106 obligation, that planning permission is **GRANTED** subject to the following conditions:

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered:
SK02 Rev B
SK03 Rev A
SK04 Rev C
SK05 Rev B
SK06 Rev B
SK11 Rev F
SK12 Rev X
SCP/2000/70/FO1C, and as contained within the application documentation.
3. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
4. With the exception of those shown on the approved plan and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification) no windows or other openings shall be inserted in any elevation of the building.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), any window or opening in the elevation facing north east or south west shall only be glazed or re-glazed using obscure glass and shall be non-opening, and shall thereafter be permanently retained as such.
6. The ridge and eaves heights of the building hereby approved shall not exceed a maximum of 9.5 metres and 6.5 metres respectively, when measured from ground level.
7. Prior to the first occupation of the residential development hereby approved, the amenity and bin storage areas shall be laid out in strict accordance with the approved drawing no. SK11 Rev F and shall thereafter be retained for those uses.
8. The site shall be developed in strict accordance with the ground and / or floor levels indicated on the approved plan ref: SK11 Rev F. No changes to floor levels or external ground levels shall be made without the prior written approval of the Local Planning Authority.

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9. Within three months of commencement of development, full details of a hard and soft landscaping scheme together with a timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.
10. The landscaping scheme submitted and approved in connection with condition no. 9 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
11. The planting scheme implemented in connection with condition no. 10 shall be permanently retained. Any planting which becomes severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced within the next available planting season by trees or shrubs of similar size and species to those originally required to be planted.
12. Within six months of the first use of the development, trees shall be planted on the land to the north of the application site, as shown on plan ref: SK11 Rev F in accordance with a detailed planting scheme which has been submitted to and approved in writing by the Local Planning Authority.
13. The development shall be carried out in strict accordance with the methodology, findings and recommendations contained within the Preliminary Ecology Report (by Anthony Nickson Ecology) dated May 2019, approved as part of this application.
14. No part of the development shall commence until a boundary treatment scheme within and around the site has been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification) and with the exception of those shown on the approved plans, no gate, fence, wall or other means of enclosure shall be erected on the site. The boundary treatment as may be approved shall be completed in all respects prior to first use / occupation of the development and shall thereafter be permanently retained.
15. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority. Where a SuDS scheme is to be implemented, the submitted details shall:
- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;
 - ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,
 - iii) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements

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for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

16. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 15. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.

17. No development shall take place within 3 metres either side of the public sewer which crosses the site.

18. No part of the development shall commence, including the demolition of the existing building, until a drainage connectivity survey of the existing development has been carried out to determine current foul and surface water drainage methods and has been submitted to and approved in writing by the Local Planning Authority in conjunction with the drainage scheme as is required by condition no. 15.

19. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) No. Sk11 Rev F.

20. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 25 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

21. The vehicular parking and turning areas as shown on approved drawing no. SK11 Rev F shall be fully laid out / marked with white lining materials, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of vehicles at all times.

22. No part of the development shall commence until a Construction Management Plan including provisions for contractor parking and builder's compound has been submitted to and approved in writing by the Local Planning Authority and the Plan as is approved has been fully implemented.

23. No part of the development shall commence until a scheme detailing the construction of the following has been submitted to and approved in writing by the Local Planning Authority:

1) Detailed layout, design, lighting, drainage and construction of the proposed new access and footways,

2) 1200 x 1200mm tactile paving and dropped kerbs,

3) Stopping up of existing highway (footway) at the existing access.

The scheme as is approved shall be fully implemented prior to first use of the development.

24. No part of the development shall commence until an appropriate Dust Management Scheme has been submitted to and approved in writing by the Local Planning Authority. The dust mitigation measures as are approved shall be fully implemented for the entire duration of the construction phase.

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25. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday unless the prior written approval of the Local Planning Authority has been obtained.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
4. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
5. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
6. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
7. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
9. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
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12. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
13. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
14. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
15. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

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16. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
17. To protect the integrity of the public sewer and avoid damage thereto in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
18. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
19. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
20. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
21. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan
22. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
23. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
24. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
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NOTE(S) TO APPLICANT

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

The permission hereby granted does not authorise encroachment upon, or interference with, the adjoining property.

You are advised that building work which involves work on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near a neighbouring building may require the separate consent of the neighbour under the provisions of the Party Wall Act. If you require further information or advice please contact the Building Control Section on 01978 292050.

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The proposed scheme should be constructed to a standard suitable for adoption by the Council for future maintenance at the public expense and the developer will need to enter into an agreement with the Council under s.38 / 278 of the Highways Act 1980. You are advised that the Highway Authority will require such works to be completed to their satisfaction before they will formally adopt the relevant Highway works for public use and to be maintained at public expense. This will include the provision of a bond to cover the estimated value of such works. The appropriate fees will become due to the Council when the Highways Authority approve the proposed works to be carried out.

There are existing sections of adopted highway passing through the development site. These sections of adopted highway / footway will need to be stopped up by the applicant prior to the commencement of any development. The applicant will be required to apply for consent to the Welsh Government to stop up this section of adopted highway under the Town and Country Planning Act 1990 - Section 247.

Any additional lighting columns / re-location of existing columns at the development site and connecting footways will need to be agreed with our Street Lighting Section - contact Paul Rogers on Tel: 01978 729673.

The applicant is advised that compliance with condition no. 25 does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

Applicants are advised that compliance with condition no. 24 does not provide an exemption from the statutory nuisance provisions of the Environmental Protection Act 1990. Under the Act dust from any type of activity can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that the dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;

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- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environment and Planning Department on 01978 315300 for further advice and information.

This permission is granted subject to the above conditions. Some conditions may require your attention prior to you carrying out any work on the proposal. These conditions are known as ""conditions precedent"". You should be aware that it is important that you comply with any ""conditions precedent"". If you do not, then any work you undertake on the development subject of this permission would not have planning permission.

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties in that section include the following:

*** Notice of initiation of development**

Before beginning any development to which this planning permission relates, notice must be given to the Local Planning Authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The forms set out the details that must be given to the Local Planning Authority to comply with this duty.

*** Display of notice**

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details that the person carrying out development must display to comply with this duty.

The person carrying out development must ensure that the notice is:

- a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
 - b) Legible and easily visible to the public without having to enter the site; and
 - c) Printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.
-