

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



|                  |                                                                                                           |                      |                 |
|------------------|-----------------------------------------------------------------------------------------------------------|----------------------|-----------------|
| <b>Applicant</b> | MR PAUL BUCHANAN JJA<br>ESTATES LTD                                                                       | <b>Code Number</b>   | ROS P/2016/0303 |
| <b>Agent</b>     | GREEN SQUARE ARCHITECTURE<br>LIMITED<br>MR JOHN SEAGER<br>THE TAP<br>2 KINGSWAY<br>ALTRINCHAM<br>WA14 1PJ | <b>Date Received</b> | 29/03/2016      |
|                  |                                                                                                           | <b>Decision Date</b> | 28/11/2019      |

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### **Town and Country Planning Act, 1990**

#### **Location of application**

BARTON HOUSE, DARLAND LANE, ROSSETT, WREXHAM, LL12 0EL

#### **Description of application**

DEMOLITION OF EXISTING OFFICE BUILDING AND ERECTION OF 4 NO DETACHED DWELLINGS WITH ASSOCIATED ACCESSES

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

|      |                                 |
|------|---------------------------------|
| GDP1 | Development objectives          |
| PS1  | Settlement limits               |
| PS2  | Development and the environment |

| Revision | Date       | Description of Decision                                                               |
|----------|------------|---------------------------------------------------------------------------------------|
| 0        | 28/11/2019 | PLANNING PERMISSION ISSUED                                                            |
| 1        | 25/09/2020 | P/2020/0545 - NON-MATERIAL AMENDMENT TO PLANNING PERMISSION P/2016/0303 - SITE LAYOUT |

#### **Particulars of decision that permission be GRANTED Subject to the following:-**

##### **Condition(s)**

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. 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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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. Development shall be carried out strictly in accordance with the Recommendations and Conclusions contained in Section 5 of the Building Inspection for Bats and Birds compiled by Ecoscope Ltd and dated March 2016.
5. No surface water and or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
6. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in accordance with a timescale to be agreed as part of the submitted details and maintained thereafter.
7. 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.
8. 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), the first floor window on Plot 4 facing South East shall only be glazed or re-glazed using obscure glass which shall thereafter be permanently retained and remain fixed shut at all times.
9. Details of all boundary means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site. Works shall be carried out strictly in accordance with the details as are approved and retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

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10. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) No. Drawing 7165/P/002 Rev B.

**S96 Non-material Amendment Approved on:** 25/09/2020

**Reference Number:** P/2020/0545

**By:** Wrexham County Borough Council

**Amended Plan Ref:** Y20016-SAT-Z1-ZZ-DR-A-1101 PO4

11. 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.

12. The landscaping scheme including the paving and footpath areas submitted and approved in connection with condition no. 11 shall be fully implemented in all respects within three months of the first use of the building with the exception of soft landscaping which shall be carried out in the first planting season (November to March) or seeding season (April to September) following the first use.

13. The landscaping scheme as carried out in connection with condition no. 12 shall be permanently retained. Any planting becoming 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 with trees or shrubs of similar size and species to those originally required to be planted and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.

14. No dwelling shall be occupied until the existing footway along Darland Lane has been widened to at least 2.0m along the full length of the site frontage, in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

15. Notwithstanding approved drawing no. 7165/P/002 Revision B, the driveway to Plot 2 shall be 3.2m wide for its full length. The driveway shall be laid out, surfaced and drained to that width prior to the first occupation of the dwelling.

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16. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered 7165/P/002 Revision B, 7165/P/003, 7165/P/004, 7165/P/005, 7165/P/006, 7165/P/007, 7165/P/008, 7165/P/010, 7165/P/011 and 7165/P/012 and contained within the application documentation.

**S96 Non-material Amendment Approved on:** 25/09/2020

**Reference Number:** P/2020/0545

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**Deleted Plan Ref:** 7165/P/002 Revision B

**Amended Plan Ref:** Y20016-SAT-Z1-ZZ-DR-A-1101 PO4

### **Reason(s)**

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To protect the amenities of the occupiers of nearby properties.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
4. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted.
5. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
6. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.
7. To protect the amenities of the occupiers of nearby properties.
8. To protect the amenities of the occupiers of nearby properties.
9. In the interests of residential amenity and the general visual amenities of the area.
10. In the interests of highway safety.
11. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
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14. To ensure that adequate visibility is provided at the proposed point of access to the highway.
15. To ensure the driveway is of adequate width to enable occupiers to get in and out of their vehicles.
16. To ensure that the development fully complies with the appropriate policies and standards.

### **Note(s) to applicant**

Applicants are advised that compliance with condition no. 3 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.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

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;
- 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.

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The applicant is advised that compliance with condition no. 7 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. The Council's flood officer recommends the applicant considers the use of flood resistant construction techniques to minimise the risk of flood risk to the development in to the future.

Your attention is drawn to the advisory notes of Welsh Water attached to this decision.



**Officer Appointed for this purpose  
Chief Officer Planning & Regulatory**

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

[http://www.wrexham.gov.uk/english/planning\\_portal/publications/info\\_sheets.htm](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)