

HISTORY

- P/2015/0405 Outline application for the erection of no. 9 dwellings with access on to Ellesmere Lane - all matters reserved except for access and layout. Approved 07/12/2015
- P/2016/0360 Submission of reserved matters pursuant to outline planning permission code no. P/2015/0405 (appearance, layout, scale and landscaping - erection of 9 no dwellings with access onto Ellesmere Lane). Approved 04/07/2016

The site is outside of settlement limit and within a Special Landscape Area (SLA). Policies PS1, PS2, PS3, PS4, PS11, GDP1, GDP2, EC4, EC5, EC6, EC13, H5, T8 and T9 of the Wrexham UDP are applicable. Local Planning Guidance Notes Nos. 16 'Parking Standards', 21 'Space around Dwellings' and 32 'Biodiversity and Development' are also relevant.

CONSULTATIONS

- Community Council:
- Objects on the following grounds:
 - Penley has received more than its fair share of new residential development over the last few years with much of it concentrated, quite properly, onto the former Penley Hospital brownfield site now known as Penmere Park. That development, by Morris Homes Ltd, has been completed and yielded around 110 plus units of accommodation. Wrexham Council has also recently granted planning permission for a further 37 dwellings within the village. This we believe meets all local needs, with quite a few of these houses currently on the market. If further residential development is essential in Penley, then there is brownfield land immediately adjacent to Penmere Park on its north-eastern flank at Tupa, Penley Hall Drive (PENL05CS – 1ha), being the site of other redundant hospital buildings, as well as other brownfield land at Penley Hall Industrial Estate (North) (PENL001UCS – 1.1ha).
 - The existing development has already caused problems with gardens backing onto the existing 9 houses flooding during winter months. This has been caused by surface water drainage, a further 15 dwellings will alter the drainage system even further resulting in home owners having the cost of safeguarding properties from an even greater risk of surface water flooding. Rainwater run-off and surface water from the existing 9 dwellings has also caused flooding and standing water along Ellesmere Lane and the developer /

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highways department should address surface water drainage on Ellesmere Lane before any consideration is given granting permission to further development.

- Turning to policy matters. We are still awaiting approval of the 2013-2028 LDP and we accept that the weight given to the previous Wrexham Unitary Development Plan (UDP) 1996-2011 must be tempered by its age, and other material considerations - particularly national planning policy, housing land supply (already addressed in these objections) and the objective of achieving sustainable development. But these planning policies are important in providing a framework against which to test the application proposals. The application (P/2019/0312) performs badly when measured against many of the policies cited. In particular:

- Policy EC5 (Special Landscape Area). The development would have an adverse impact on the landscape by substantially obstructing views of the open countryside. The development would not blend into the built environment but would extend it to the detriment of the open character of Penley.

- Policy H5 (Housing in the countryside). By no stretch of the imagination can this scheme be regarded as 'infilling' - which is commonly defined as the development of a *small gap* in an otherwise substantially developed frontage. This scheme would destroy the open nature of a substantial tract of farmland that is indistinguishable from many similar sites within and adjacent to Penley village.

- Policy PS2 (Development and the environment). Development of this Greenfield site would materially and detrimentally affect countryside, landscape character, open space and the quality of the natural environment.

- Policy S3 (Brownfield land). This policy requires development to occupy previously developed brownfield land comprising vacant, derelict or underused land in preference to the use of Greenfield sites - particularly where the land is of landscape value. As I have already indicated, there is still brownfield land available for development in Penley. There is no urgent need for further housing land at this time, in advance of a thorough review of competing sites assessed through the local plan process.

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- Policy PS4 (Settlement pattern). This development would not maintain the existing settlement pattern and character, and would not help reduce the overall need to travel. Many of the new residents would be likely to travel by car to distant places of employment.
- Policy T8 (Parking, transport). The No 146 bus service is not hourly throughout the whole day and does not operate in the evenings and on Sundays.
- Policy GDP1 (Development objectives). Built development here would not accord with the open character of the site and would not make a positive contribution to the appearance of the locality.
- Policy GDP2 (Capacity of infrastructure and community facilities). There is no need for further housing development here to support community facilities. More than 150 new dwellings have been built in the village in recent years, and both primary and secondary schools are believed to be at or beyond capacity. Unlike some rural villages Penley is NOT threatened by a loss of population.
- It is common knowledge that there is not a 5-year supply of available housing land in the Wrexham authority area. However, the Minister clarified the Welsh Government's policy on this in a letter to the Heads of Planning in each Council on the 18th of July 2018. The letter said that the Minister had decided to dis-apply paragraph 6.2 of Technical Advice Note (TAN)1 (Joint Housing Land Availability Studies), which refers to attaching "considerable" weight to the lack of 5-year housing land supply as a material consideration in determining planning application applications for housing. Instead, the Minister said it would be a matter for decision makers to determine the weight to be attributed to the need to increase housing supply where a Council has a shortfall in its housing land. There is no shortfall or need for extra housing in Penley as indicated already in paragraph 2

Re-consulted

13.11.2019

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Local Member:	Re-notified	13.11.2019
Highways:	No objection subject to recommended conditions (see special considerations section below).	
Public Protection:	No objection subject to the imposition of a condition to restrict hours of construction works, and advisory notes in relation to dust management.	
Education:	Contributions are required for both primary and secondary education provision.	
WG:	The Welsh Government does not hold any detailed survey work for the site. Given experience with the underlying soil type, the evidence suggests the site to be dominant ALC Grade 3b.	
Welsh Water:	No objection subject to the imposition of a condition securing a comprehensive drainage scheme for the site.	
NRW:	A condition is required to secure the submission of a Sustainable Urban Drainage System (SuDS). No objection to the development provided that the development is carried out under a scheme of RAMs.	
Senior Flood Officer:	Re-consulted	
Site Notice: Expired	20.05.2019	
Press Notice: Expired	25.05.2019	
Neighbours:	13 letters / online comments received expressing the following:	
	• Housing land shortfall should be met where it is most needed where supporting services can be most efficiently provided; Wrexham is the logical choice; • Planning permission should not be granted just because it contributes to the land supply; • Penley has already had its fair share of new development; • There are brownfield sites within Penley better suited to development of this kind; • It would not constitute acceptable “infilling” which is generally defined as 'the filling of a small gap by one or two houses within a substantially developed frontage'; • The land lies entirely outside the settlement boundary previously defined for Penley and is an unsustainable greenfield site; • Policy H5 (Housing in the countryside). This is not 'infilling'. This scheme would destroy the open nature of a substantial tract of farmland that is indistinguishable from many similar sites within and adjacent to Penley village; • Policy PS1 (Settlement Limits). This site is	

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patently outside the carefully thought out settlement limits of the village;

- Policy PS2 (Development and the environment). Development of this greenfield site would materially and detrimentally affect countryside, landscape character, open space and the quality of the natural environment;
- Policy S3 (Brownfield land). This policy requires development to occupy previously developed brownfield land comprising vacant, derelict or underused land in preference to the use of Greenfield sites. It is disputed that there is no brownfield land in Penley. There is not an urgent need for further housing land at this time, in advance of a thorough review of competing sites assessed through the local development plan process;
- Policy PS4 (Settlement pattern). This development would not maintain the existing settlement pattern and character, and would not help reduce the overall need to travel. Many of the new residents would be likely to travel by car to distant places of employment;
- Policy T8 (Parking, transport). The Number 146 bus service referred to by the applicant is not hourly throughout the whole day and does not operate in the evenings and on Sundays;
- Policy GDP1 (Development objectives). Built development here would not accord with the open character of the site and would not make a positive contribution to the appearance of the locality;
- Policy GDP2 (Capacity of infrastructure and community facilities). There is no need for further housing development here to support community facilities. More than 100 new dwellings have been built in the village in recent years, and both primary and secondary schools are believed to be at or beyond capacity. Unlike some rural villages Penley is NOT threatened by a loss of population;
- This proposal is not in any way sustainable;
- Ellesmere Lane carries a significant volume of traffic and the additional dwellings would generate a significant level of additional traffic to the detriment of the safety of all road users;
- The local schools are full;
- Poor public transport;
- Views across the field will be spoilt and existing properties devalued;

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- Development will lead to a loss of privacy;
- The site is known to flood;
- The development would urbanise the area;
- Local job opportunities are limited;
- Local sewerage system cannot cope;
- The land is the ideal habitat for Newts;
- Loss of natural daylight will be oppressive on the area;
- Detrimental impact upon wildlife;
- Lack of play spaces and services such as pubs and shops etc.;
- Increased noise and dust;
- Loss of agricultural land;
- Over development of the site;
- The village of Penley gets its character from its dispersed settlement pattern intermingled with farmland and open pasture. The proposed development would intrude into attractive open countryside and affect the rural aspect of the community.

SPECIAL CONSIDERATIONS

Background: This is a Full application for residential development consisting of 15 no. 2, 3 and 4 bedroom detached and semi-detached, single and two storey houses. The application includes a design and access statement, ecological appraisal, indicative drainage and surface water management plan, and indicative landscaping scheme. The main issues to consider relate to the impact of the proposed erection of the houses upon the character and visual amenities of the area, accessibility to services, ecology and highway safety.

Policy: The proposals do not accord with any of the circumstances set out in Policy H5 that permit small scale residential development on sites outside of settlement limits (rural exception site, infilling and agricultural workers dwellings). Additionally, the site would not accord with Policies PS1 and PS3 which relates to the broad location of development which should utilise brownfield land before Greenfield wherever possible. Ordinarily I would recommend that a planning application be refused for proposals that represent a departure from UDP policies. However the Council is only required to determine planning applications in accordance with an adopted development plan *unless material considerations indicate otherwise*. Applications should also be considered in relation to up to date national policies.

Planning Policy Wales (PPW) requires local planning authorities to ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing. Members will be aware that as this authority does not have an adopted Local Development Plan (LDP) and the UDP is now out of date, we currently have zero housing land supply. Whilst

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the proposal does conflict with UDP policies PS3 and H5, this lack of a 5 year land supply is a significant material consideration in favour of the site being developed.

For sites to contribute towards the 5 year housing land supply, they must be free, or readily freed from planning, physical and ownership constraints, and be economically feasible for development. The site is relatively level with an existing vehicular access thus making it reasonably straightforward site to develop. I am unaware of any ownership issues that would prevent the site from being developed and there are no reasons to believe that the development is unviable.

PPW includes a *presumption in favour of sustainable development*. The development of the site would broadly accord with this presumption as it is in a sustainable location on the edge of the settlement limit of Penley, and the development would accord with PPW which states that development in the countryside should be located within and adjoining settlements where it can best be accommodated in terms of infrastructure, access, and habitat and landscape conservation.

PPW indicates that a search sequence should be followed by local planning authorities when identifying sites to be allocated for housing. Whilst this doesn't strictly apply to the consideration of planning applications, it nonetheless provides useful guidance. The proposal does not entirely comply with the guidance since it is not within existing settlement limits and is not brownfield. However in terms of being located within a sustainable location with accessibility to employment, shops, church, schools etc. the site is within easy access on foot and is just as accessible as those within the adjoining settlement. There is also a regular bus service to Wrexham, Whitchurch and Oswestry during weekdays.

Despite the fact that the proposal does not fully comply with UDP Policies H5, PS1 and PS3, given the sustainable location of the development and its edge of settlement location, I accept that its development for residential use in principle would not cause any detrimental harm to the countryside. This is particularly in comparison to the existing built environment to which this would represent a minor and logical extension which would follow the existing pattern of development on the Ellesmere Lane. The development is otherwise in compliance with Policy PS2 and PS4 of the UDP.

Within SLAs, Policy EC5 advises that development should be strictly controlled with special attention paid to minimising the impact of development from both nearby and distant viewpoints. The proposed residential development, set against the backdrop of existing housing will not have a negative impact upon the character and appearance of the area, and the development complies with this policy.

Land Classification: Due to the low resolution of the mapping data in this area, Welsh Government (WG) cannot properly predict the classification of the agricultural land. WG records show no detailed survey information for the site but given experience with the underlying soil type it is expected it would be Graded 3b and is not the best and most versatile (BMV) agricultural land. Policy EC2 does not therefore apply and the loss of this area of agricultural land will have only a minimal impact upon agricultural locally.

Site Layout and Design: The application site is located to the south of the main Village and falls just outside of the settlement limit boundary for the area. This section of Ellesmere Lane has a semi-rural character with existing houses along its boundaries to the north and west. Outside of the settlement limit, housing is predominantly, but not exclusively, contained to the western side of the road which forms a linear extension to the main settlement towards the satellite settlement of Hillcrest, Oak Drive and Tudor Drive to the south west. There is no particular strong or distinct architectural character to the existing properties locally with most buildings characteristic of their age of construction. Building types also vary and there is a mixture of detached, semi-detached and two-storey dwellings. The layout of the proposed development has again reflected this building variety and would not be out of character with the existing general built form.

The single access point, position of the buildings within the site and the retention of the existing hedge boundary on Grange Road will help maintain the semi-rural character of area. The site layout plan demonstrates that the site can accommodate the 15 dwellings proposed whilst providing private gardens and off street parking and the development would accord with Policies PS2 and GDP1 of the UDP.

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Figure 1. Site Layout

Residential Amenity: There would be no issues of overlooking or loss of light to the existing nearby dwellings arising from the proposed development. The site layout has been carefully designed to meet the separation distances recommended in LPGN No.21 to ensure that the occupiers of both the existing and proposed dwellings will enjoy private outdoor spaces and habitable rooms which will also have the benefit of a good level of natural daylight in the interests of the residential amenity.

Highways, Access and Parking: The site is located on Ellesmere Lane which is a classified road subject to a 30 mph speed limit. Assuming typical speeds of 30 mph the proposed access should provide visibility spays of 2.4 x 56 metres in both directions, and this has been demonstrated on the submitted indicative site layout plan. Parking provision is in accordance with LPGN No.16. There is adequate existing footway provision linking Ellesmere Lane to the Village centre and the traffic generation associated with 15 new houses is not considered to have any detrimental impact upon highway safety.

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The developer has indicated that the road will remain private. Manual for Streets suggests that it is possible for streets to remain private as long as a properly constituted body with defined legal responsibilities is established to maintain the street to the common benefit of the residents in perpetuity. This will form part of the S106 agreement to be signed and sealed prior to the granting of planning permission. The development therefore complies with Policies PS4, GDP1, T8 and T9 of the UDP.

Ecology: The updated ecological assessment submitted has been carried out to a good standard. The site plan includes areas of habitat creation and enhancement to off-set the loss from the development. Overall the development now complies with the principles of green infrastructure and the layout is acceptable. The existing hedgerow is also to be enhanced and the development should be carried out under a Reasonable Avoidance Method Statement in relation to the potential presence of Great Crested Newts in order to ensure that the proposal accords with Policies PS11 and EC6 of the UDP. This will be secured by way of planning condition along with an amphibian friendly drainage.

Drainage: There are no objections to the scheme from either Welsh Water (WW) or Natural Resources Wales (NRW), or the Council's senior flood management officer. A comprehensive drainage scheme will be required by planning condition which secures a scheme of SuDS including on-site soakaways. I have no reason therefore to think that the surface and foul water cannot be properly managed and the development would therefore comply with Policies GDP1 and EC13.

Other Matters: Concerns have been raised about where the householders of properties 1 – 15 would present their recycling and refuse containers for collection. There is a temporary bin storage area at the entrance to the site and the bins can be collected in the same way as those existing on Ellesmere Lane.

CONCLUSION

Whilst representing a departure from UDP Policies PS1, PS3 and H5, the development of the site is justified in this instance as contributing to the 5 year land supply whilst at the same time being in a sustainable location and providing an acceptable form of development. The current proposal would not be to the detriment of the visual or residential amenities of the area, or have an adverse effect upon highway safety, and would comply with all other relevant planning policies including GDP1 (a), PS1, PS2, PS4 and EC5 which seek to ensure that development does not harm the appearance of area, that it positively contributes to the appearance of the nearby locality, and is within a sustainable location which safeguards the amenity of settlement limits against large scale extensions.

RECOMMENDATION A

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

- Management Company for the future maintenance by the applicant of all communal areas including private access driveway, footways and hard and soft landscaped areas and planted features',
- Payment of a financial contribution towards the provision of primary and secondary education facilities in accordance with LPGN No.27, and
- Payment of a contribution towards off-site public open space in the amount of £24,000.

The final form and amount shall be determined by the Head of Community Wellbeing and Development.

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:-

- 1 Lack of appropriate maintenance by the applicant of all communal areas including the private access driveway, footways and hard and soft landscaped areas and planted features,
- 2 Lack of adequate contribution to schools to offset the development, and
- 3 Lack of adequate contribution to the provision of public open space

That the Head of Community Wellbeing and Development is given delegated authority to determine the final form and content of reasons for refusal.

RECOMMENDATION C

Subject to the completion of the S106 obligation, planning permission be GRANTED subject to the following conditions:-

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 PL10 Rev H, PL15, PL20, PL30, PL40, PL50, PL60 and PL70 and as contained within the application documentation.

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3. No facing or roofing materials shall be used other than those detailed on the application form and within the approved application documentation.
4. Notwithstanding the details shown on the approved plans, a schedule of colours for the external front doors and render shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall be constructed in strict accordance with the schedule as may be approved.
5. 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.
6. 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.
7. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.
8. No part of the development shall commence until an amphibian friendly scheme for the comprehensive and integrated drainage of the site indicating provision for surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Any submission should take account of the principles highlighted within the Flood Risk and Drainage Assessment dated September 2015, approved as part of this application. 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:
 - * 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;
 - * Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,
 - * Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
9. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 8. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.
10. Notwithstanding the details shown on the approved site layout plan, all site boundary treatments to the north, south, east and west shall be of continuous native hedgerow planting in strict accordance with a scheme which

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has been submitted to and approved in writing by the Local Planning Authority.

11. Within six months of first use of the development the planting scheme submitted and approved in connection with condition no. 10 shall be fully implemented in all respects.

12. Within three months of commencement of development, full details of both hard and soft landscape works, to include some native planting shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a timescale for the implementation of works, and shall provide for ecological improvement / habitat creation and enhancement in the soft landscape areas for the benefit of biodiversity conservation specifically tailored to the landscape features.

13. The landscaping scheme submitted and approved in connection with condition no. 12 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

14. The planting scheme implemented in connection with condition nos. 10, 11, 12 and 13 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.

15. Within three months of the commencement of development a landscaping Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be managed and maintained in strict accordance with these details as are approved.

16. 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 further development shall take place under Classes A, B, C, D, E, F and G of Schedule 2 Part 1, other than the development hereby granted permission.

17. Within 3 months of commencement of development an external bat friendly lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details prior to first use / occupation of the development.

18. No part of the development shall commence until details of the proposed Reasonable Avoidance Measures (RAMs) have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following:

- a) Details of a tool box talk on the identification and ecology of great crested newts to be made available to all construction staff employed on the project;
- b) Details of an artificial amphibian hibernacula to be constructed adjacent to the site (Details of the design can be found in great crested newt mitigation guidelines - August 2001);
- c) Details of a walk over survey of the site prior to commencement of development, and a destructive search (under the supervision of a licensed

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great crested newt handler) made of any potential great crested newt habitat (such as rubble piles or sheet materials that are on the site) on the site. Any amphibians found should be relocated to the artificial hibernacula;

d) Details of storage of material on pallets off the ground, and bulk materials which are to be delivered on site and used within the day of delivery.

e) Confirmation that excavated trenches will be covered over at the end of each working day with plywood and the edges sealed with sand or soil.

Trenches are to be checked each morning for any amphibians. Any amphibians located are to be moved to the artificial hibernacula.

The development shall be carried out in strict accordance with the RAMs as are approved.

19. The vehicular parking areas as shown on approved drawing(s) No(s). PL10 Rev H shall be fully laid out, 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 of motor vehicles at all times.

20. Prior to first use of the development, the boundary treatments shall be erected on site in strict accordance with approved plan ref: PL10 Rev H. The boundary treatment shall thereafter be permanently retained and no other fences, walls or other means of enclosure shall be erected on any part of the site.

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 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.

5. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

6. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

7. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

8. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

9. 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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10. To protect landscape features which are of significant amenity value in the area and which would ensure a satisfactory standard of appearance the development in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
11. 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.
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.
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.
13. 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.
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 landscape features are properly considered and protected in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
16. Due to its relationship with adjoining properties it is considered important to ensure that no additional development as described in the condition is carried out without the permission of the Local Planning Authority.
17. 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.
18. 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.
19. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
20. 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.
To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

The applicant is advised that compliance with condition no. 5 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

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Complaints and legal action may be taken where appropriate.

Applicants are advised that compliance with condition no. 6 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.
