

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

Applicant	MR JOHN DAVIES WREXHAM COUNTY BOROUGH COUNCIL	Code Number	PEN P/2016/0530
Agent	CREU MR ALWYN ROWLANDS UPPER FLOOR STUDIO DIAMOND BUILDING 6 HIGHGATE DENBIGH LL16 3LE	Date Received	03/06/2016
		Decision Date	05/09/2016

Town and Country Planning Act, 1990

Location of application

PENYCAE INFANTS SCHOOL, COPPERAS HILL, PENYCAE, WREXHAM, LL14 2SD

Description of application

RE DEVELOPMENT OF SITE TO COMBINE INFANTS AND JUNIOR SCHOOL INCLUDING NEW VEHICULAR ACCESS, PARKING AND PLAYING FIELDS

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

EC1	Green Barriers
EC11	Archaeology
EC13	Surface water run-off
EC2	Agricultural Land
EC4	Hedgerows, Trees and Woodland
GDP1	Development objectives
PS1	Settlement limits
PS2	Development and the environment
PS3	Brownfield Land
PS4	Settlement Pattern
T8	Parking

Revision	Date	Description of Decision
0	05/09/2016	Planning permission issued
1	17/11/2016	Approval of condition nos. 3, 5, 6, 10, 15, 21, 28 and 30
2	12/06/2017	Approval of condition 22
3	20/10/2017	Approval of condition nos. 2 and 4

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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. 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.

P/2017/0812	20/10/2017	Approval of detail in email from Alan Rowlands dated 23.12.2017	Approved by Wrexham County Borough Council
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3. No part of the development shall commence until a scheme to deal with potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a phased investigation approach to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring.

P/2016/0928	17/11/2016	Approval of contaminated land letter of Betts Associates ref: 16REC001/RS rev1 dated 16/11/2016	Approved by Wrexham County Borough Council
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4. No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no.

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3 above have been satisfactorily carried out, has been submitted to and approved in writing by the Local Planning Authority.

P/2017/0812	20/10/2017	Approval of contaminated land letter of Betts Associates ref: 16REC001/L2 dated 30/06/2017 and photographs in email of Beverley Lewis dated 18/10/2017	Approved by Wrexham County Borough Council
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5. 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.

P/2016/0928	17/11/2016	Approval of Dust Mitigation Plan (internal) dated 15/6/2016	Approved by Wrexham County Borough Council
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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.

P/2016/0928	17/11/2016	Approval of foul and surface water disposal scheme ref: 005 Rev H dated Aug 2016	Approved by Wrexham County Borough Council
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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 unless otherwise agreed in writing by the local planning authority.

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8. Foul and surface water shall be drained separately from the site.
9. Prior to first use of the development a suitable grease trap shall be provided in order to prevent entry into the public sewerage system of matter (cooking fats, oils and grease etc) likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents.
10. No part of the development shall commence until details of all boundary treatments and retaining walls proposed in and around the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details as are approved and retained in this condition thereafter.

P/2016/0928	17/11/2016	Approval of drawing no. C313 012f dated Sept 2016	Approved by Wrexham County Borough Council
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11. No equipment, machinery, plant or materials of any kind in connection with the development shall be brought onto the site until tree protection fencing and ground protection measures have been fully implemented. The fencing shall consist of a scaffold framework in accordance with Figure 2 of British Standard 5837:2012 comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3 metres. Onto this, 2.1 metre weldmesh panels shall be securely fixed with wire or scaffold clamps. This fencing shall be erected at the extent of each tree(s) Root Protection Area, as set out in British Standard 5837:2012 or as shown as the Construction Exclusion Zone on the approved Tree Protection Plan Ref. PYC/TPP/OL/05/16/01. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made.
12. The tree protection fencing and ground protection measures approved in connection with condition no. 11 shall be kept in place until all external site works have been completed and the removal of the fencing has been approved in writing by the Local Planning Authority.
13. The development shall be carried out in strict accordance with the following plans and report(s) submitted and approved as part of this application: Arboricultural Method Statement and Tree Protection Plan Ref: PYC/AMS/05/16 dated 23rd May 2016 of Shields Arboricultural Consultancy.

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No development or other operations shall take place except in strict accordance with the reports as approved.

14. The following activities should not be carried out under any circumstances:

- a) No fires should be lit within 10 metres of the nearest point of the canopy of any retained tree.
- b) No works, including earth works and the bringing onto site of machinery or materials shall proceed until the approved tree protection measures are put in place, with the exception of the approved tree works.
- c) No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- d) No mixing of cement or use of other materials or substances shall take place within tree root protection areas or tree construction exclusion zones, or close enough to these that seepage or displacement of those materials or substances could cause them to enter tree root protection areas or tree construction exclusion zones.
- e) No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

15. No part of the development shall commence until full details of a hard and soft landscaping scheme together with a scheme of ecological enhancements, additional native hedgerow planting and a five year Maintenance Plan and timescale for the implementation of works shall be submitted to and approved in writing by the Local Planning Authority.

P/2016/0928	17/11/2016	Approval of drawing nos. D082.001 and D082.002 dated Sept 2016	Approved by Wrexham County Borough Council
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16. The landscaping scheme submitted and approved in connection with condition no. 15 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

17. The landscaping scheme as carried out in connection with condition no. 15 shall be retained in perpetuity. 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

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shall be replaced with trees or shrubs and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.

18. No works, to include the creation of trenches or culverts or the bringing on to the site of pipes shall commence until mitigation measures have been implemented to protect badgers, details of which have been submitted to and approved in writing by the local planning authority. The measures may include:

- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed in them at the end of each working day; and
- b) open pipe work greater than 150mm outside diameter being blanked off at the end of each day.

The development shall be carried out strictly in accordance with the detail as may be improved.

19. The development shall be carried out in accordance with the recommendations set out in section no 4 of the approved Marches Ecology report dated June 2016.

20. No removal of hedgerows, trees or shrubs shall take place between 1st march and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation to the local planning authority that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site.

21. No part of the development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the standards laid down by the Institute for Archaeologists and MoRPHE (2006). On completion, appropriate reports and an archive assessment shall be submitted for approval to the Local Planning Authority.

P/2016/0928	17/11/2016	Approval of drawing no. C313 012f dated Aug 2016 and email from	Approved by Wrexham County Borough Council
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		Mark Walters of CPAT dated 12.9.2016	
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22. Within 3 months of commencement of development a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting as is approved shall be installed in strict accordance with the scheme prior to first use of the development and shall thereafter be permanently retained in a fully operational condition.

P/2017/0299	12/06/2016	Approval of drawing no. 16021/E4 Rev B	Approved by Wrexham County Borough Council
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23. Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 10 metres behind the adjoining highway.

24. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.

25. The vehicular access hereby approved shall be a minimum width of 5.5 metres.

26. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 33 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 highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

27. The vehicular parking and turning areas as shown on approved drawing(s) No(s). C313/012b 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 and turning of motor vehicles at all times.

28. 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:

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a) Detailed design of a revised scheme of road markings and lines across the full site frontage to include junction protection measures.
The scheme as approved shall be fully implemented prior to the first use of the development.

P/2016/0928	17/11/2016	Approval of drawing no. 003 Rev F dated July 2016 and email from Simon Roberts dated 30.9.2016	Approved by Wrexham County Borough Council
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29. Prior to the first use of the development, a Travel Plan shall be submitted to and approved in writing by the local planning authority. This plan shall include details of an annual monitoring which shall be submitted to the local planning authority for written approval following the anniversary of the first use of the development, and every year after up to and including the fifth anniversary.

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

P/2016/0928	17/11/2016	Approval of Traffic Management Plan Rev A dated 16/9/2016	Approved by Wrexham County Borough Council
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31. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.

32. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered C313 007d, C313 008e, C313 011a, C313 012b, C313 020c and C313 021a and contained within the application documentation.

Reason(s)

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1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
3. In the interests of the amenities of the future occupants of the buildings
4. In the interests of the amenities of the future occupants of the buildings
5. To protect the amenities of the occupiers of nearby properties.
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 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.
8. 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.
9. To prevent pollution of the water environment.
10. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
11. To ensure that the retained trees are adequately protected during development in the interests of amenity.
12. To ensure that the retained trees are adequately protected during development in the interests of amenity.
13. To protect trees which are of significant amenity value to the area.
14. To ensure that hard surfacing does not cause harm to retained trees in the interests of visual amenity.
15. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
16. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
17. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
18. In the interests of protecting ecological habitat.
19. In the interests of protecting ecological habitat.
20. In the interests of protecting ecological habitat.

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21. The site is thought to contain archaeological remains and it is considered desirable that a full evaluation of their importance should be undertaken before development commences.
22. To protect the amenities of the occupiers of nearby properties, to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to ensure that bats are not unduly harmed by artificial lighting.
23. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety.
24. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
25. To ensure the formation of a safe and satisfactory access.
26. To ensure that adequate visibility is provided at the proposed point of access to the highway.
27. 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.
28. In the interests of highway safety.
29. To support the Council's approved Integrated Transport Strategy and to reduce dependency on the motor vehicle.
30. In the interests of highway safety.
31. In the interests of highway safety.
32. To ensure that the development fully complies with the appropriate policies and standards.

Note(s) to applicant

The applicant is advised that the position of the playing field and any of its associated drainage provision should be located away from the root protection area as identified on the approved Tree Protection Plan.

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.

The applicant is advised that the Council has the option to control construction

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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.

Applicants are advised that compliance with condition no. 5 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.



Officer Appointed for this purpose

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Head of Environment and Planning

**Refer to the Statement of Applicant's Rights and General Information enclosed
or refer to the following link:-**

http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm