

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
7 December 2015

APPLICATION NO:
P/2015 /0405

LOCATION:
LAND OFF AND EAST OF
ELLESMERE LANE PENLEY
WREXHAM
LL13 0LP

DATE RECEIVED:
02/06/2015

COMMUNITY:
Maelor South

CASE OFFICER:
SEH

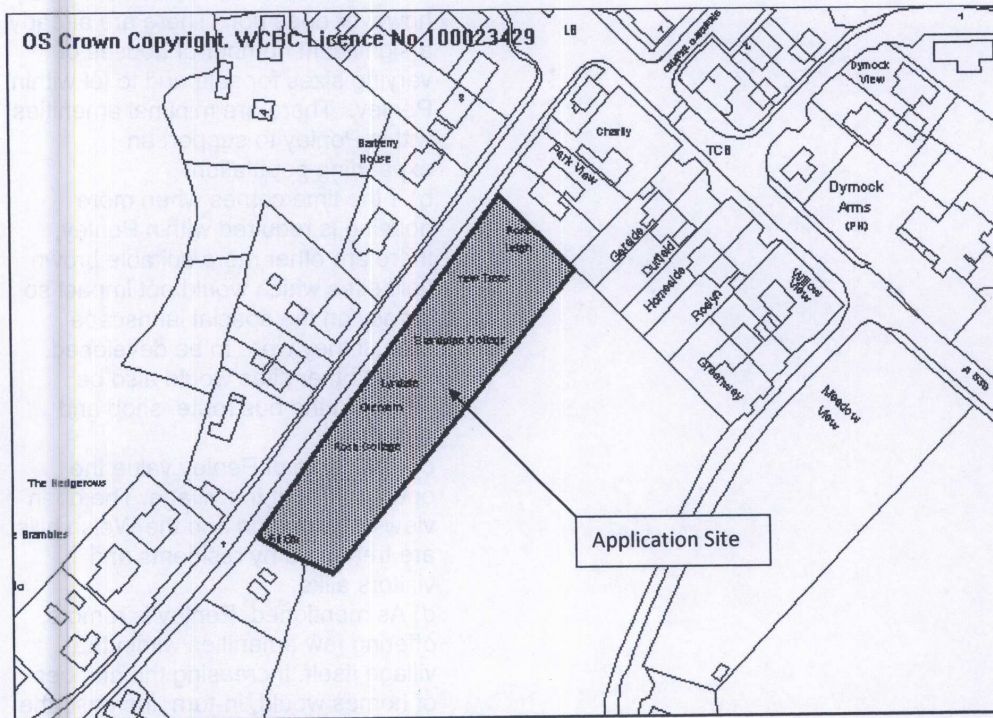
WARD:
Overton

DESCRIPTION:
OUTLINE APPLICATION FOR THE
ERECTION OF 9 DWELLINGS WITH
ACCESS ON TO ELLESMERE LANE -
ALL MATTERS RESERVED EXCEPT
ACCESS AND LAYOUT

AGENT NAME:
OM ARCHITECTURE
AND DESIGN
MR OSIAN JONES

APPLICANT(S) NAME:
PRIMESAVE PROPERTIES

THE SITE



PROPOSAL

This is an outline application (with access and layout unreserved) for residential development consisting of 9 no. 2, 3 and 4 bedroom detached and semi-detached houses. The application includes a design and access

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
7 December 2015

statement, ecological appraisal, outline drainage and surface water management plan, and indicative landscaping scheme.

HISTORY

None relevant.

DEVELOPMENT PLAN

The site is outside any settlement limit. Policies PS1, PS2, PS3, PS4, GDP1, GDP2, EC2, EC4, EC6, EC13, H5, T8 and T9 of the Wrexham UDP are relevant. 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:

a) Wrexham may need to provide more houses for its residents, Penley however does not. There are already a significant number of houses of varying sizes for sale and to let within Penley. There are minimal amenities within Penley to support an expanding population.

b) If the time comes when more housing is required within Penley, there are other more suitable brown field sites which would not impact so greatly on the special landscape area, if they were to be developed. These other sites would also be nearer to the bus route, shop and schools.

c) Residents of Penley value the open nature of the village. The open views of farmland and the Welsh hills are treasured by residents and visitors alike.

d) As mentioned, Penley is remote, offering few amenities within the village itself. Increasing the number of homes would, in-turn, increase the amount of car journeys made on the surrounding roads. The roads to the North and South in particular are particularly unable to deal with increased traffic flow safely.

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
7 December 2015

Local Member:	Objects to the application because it is outside of the settlement limit.
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 in the amount of £40,848.
WG:	The Welsh Government does not hold any detailed survey work for the site. Given experience with the underlying soil type, the evidence I have to hand leads me to expect 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. No objection to the development provided that the development is carried out under a scheme of RAMs.
Senior Flood Officer:	No objection to the development provided that a condition is attached to the permission to secure SuDS at the site.
Site Notice:	Expired 02/07/2015
Press Notice:	Expired 10/07/2015
Neighbours:	17 letters of objection and online comments: • 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;

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
7 December 2015

- There are brownfield sites within Penley better suited to development of this kind;
- The application site in Ellesmere Lane forms part of a larger field that separates frontage development of varied character and age on the west side of the northern section of Ellesmere Lane from open countryside lying to the east of and beyond the settlement. Erection of 9 houses laid out in this unimaginative and linear fashion would unacceptably intrude into attractive unspoilt countryside;
- 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 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

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
7 December 2015

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 9 dwellings would generate a significant level of additional traffic to the detriment of the safety of all road users;
- The local schools are full;
- Views across the field will be spoilt and existing properties devalued;

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
7 December 2015

- Development will lead to a loss of privacy;
- The site is known to flood;
- The development would introduce an urban theme to 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;
- Lack of services such as pubs and shops etc;
- Increased noise and dust;
- Existing properties along Ellesmere Lane are a mixture of individual styles from different periods and reflect the nature and character of the Village. Modern style housing along this stretch would not be in keeping with the general look and feel of the area and would be an eyesore.

SPECIAL CONSIDERATIONS

Background: The proposal is in outline but with details relating to access and layout submitted for consideration at this stage. All other matters are reserved for further approval. The main issues to consider relate to the impact of the proposed erection of 9 houses on the openness of the countryside, 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 Policy 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) at paragraph 9.2.3 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 the most recently published Joint Housing Land Availability Study

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
7 December 2015

(JHLAS) (2014) found that Wrexham has a housing land supply of 3.1 years. Dwellings proposed on sites allocated for housing in the UDP and/or already benefitting from planning permission have already been taken into account by the most recent JHLAS. The recently updated Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015) advises that the results of the JHLAS should be treated as a material consideration in determining planning applications for housing. However, it further states that where local planning authorities do not have an adopted Local Development Plan (LDP) or where their UDP is out of date, they will not be able to produce a JHLAS and that means that they will have no 5 year housing land supply.

TAN 1 (paragraph 6.2) advises that the need to increase supply should be **given considerable weight** when dealing with planning applications outside of the settlement limit, provided that the development would otherwise comply with national planning policies. The proposal conflicts with UDP policies PS3 and H5, however as already discussed above, the 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 thus making it a comparatively straightforward site to develop. The entire site is within the ownership of the applicant therefore 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.

Planning Policy Wales 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 para 4.7.8 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.

Paragraph 9.2.9 of PPW (to be read in conjunction with paragraph 9.2.8), 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 set out in paragraphs 9.2.8 and 9.2.9 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 an hourly bus service to Wrexham, Whitchurch and Oswestry during the day.

Despite the fact that the proposal does not fully comply with policies H5 and PS3, given the sustainable location of the development and its edge of settlement location, I accept that its small scale development for residential

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
7 December 2015

use in principle would not cause any detrimental harm to the countryside. This is particularly in comparison to the existing development to which this would represent a minor and logical extension which would follow the existing pattern of development on the opposite side of the access road. The development is therefore in compliance with Policy PS1, PS2 and PS4 of the UDP.

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 relatively small 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. 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. The application site is located directly opposite existing residential development with the layout proposed reflecting the linear layout of the existing dwellings and forming an extension of the adjacent building line to the north. There is no particular strong or distinct architectural character to the existing properties on Ellesmere Lane 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 general built form of Ellesmere Lane.

The site frontage is bounded by a substantial hedge which is to be largely retained with the exception of that to be lost to create the new vehicular access point. This is in the interests of preserving the character and appearance of the site and maintaining its semi-rural appearance, and eases the integration of the new development into its surroundings. A hedge will be planted to the rear of the site to form the boundary with the remaining agricultural land. The site layout plan demonstrates that the site can accommodate the 9 dwellings proposed whilst providing private gardens and off street parking. The houses have been carefully sited to ensure that the development does not turn its back on the highway fronting the site. The dwellings face the highways in order to provide active frontages in the interests of the visual amenities of the area and the development would accord with Policies PS2 and GDP1 of the UDP. The single access point, position of the buildings within the site and the retention of the existing hedge boundary will help maintain the semi-rural character of area.

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
7 December 2015

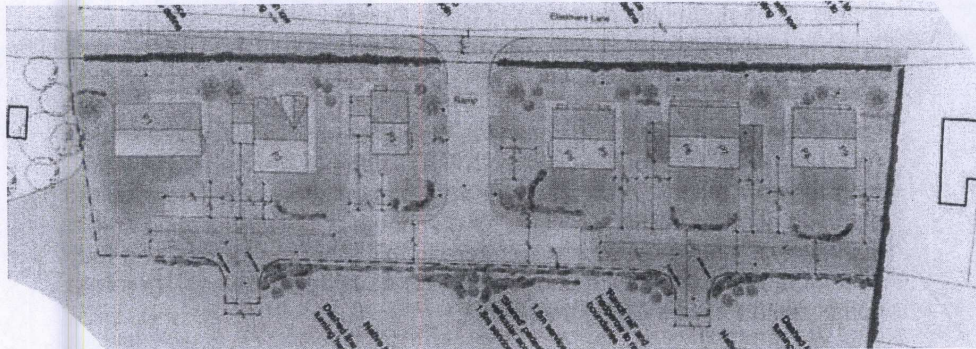


Figure 1. site layout

Residential Amenity: There would be no issues of significant 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 the 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 amenities of the occupiers. These matters will be further considered as part of the reserved matters application should outline permission be granted.

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 have visibility triangles 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. A 2 metre wide footway will be provided just inside the site frontage and a detailed scheme for these works should be submitted for approval prior to work commencing on site (to be secured by condition). There is adequate existing footway provision linking Ellesmere Lane to the Village centre and the traffic generation associated with 9 new houses is not considered to have any detrimental impact upon highway safety.

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 ecological assessment submitted has been carried out to a good standard. The existing hedgerow should be maintained at a height of no less than 2 metres and cut no more than once a year. The section of hedgerow to be removed for the new vehicular access should be done outside of the bird nesting season (March-September inclusive). The development should be carried out under a Reasonable Avoidance Method Statement in

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
7 December 2015

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.

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 provides for 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 in relation to the loss of views across these fields; however there is no right to a view over this land. Further, concern raised in relation to the devaluation of existing properties is not a relevant planning consideration.

CONCLUSION

Whilst representing a departure from two of the policies of the adopted UDP (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 and PS4 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 in 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 driveway, footways and hard and soft landscaped areas and planted features.
- Payment of a financial contribution towards the provision of secondary education facilities in the amount of £40,848.

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

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
7 December 2015

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 driveway, footways and hard and soft landscaped areas and planted features.
- 2 Lack of adequate contribution to schools to offset the development.

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. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
 - a. the scale of the building(s)
 - b. the appearance of the building(s)
 - c. the landscaping of the site
2. Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.
3. The development hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.
4. 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.
5. 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.
6. No part of the development shall commence until a 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

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
7 December 2015

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."

7. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 06. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.

8. Details of all of the proposed boundary treatments in and around the site shall be submitted to and approved, in writing, by the Local Planning Authority as part of the reserved matters application. The boundary treatments as are approved shall be fully implemented in strict accordance with the details as are approved prior to first use of the development.

9. The mitigation measures identified within the Flood Risk and Drainage Assessment dated September 2015, approved as part of this application, shall be reflected in the site design to be submitted as part of the reserved matters application.

10. 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 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.

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
7 December 2015

11. Prior to first use of the development the site shall be laid out in strict accordance with layout plan no. PL05 Rev C - dated 17/09/2015.
12. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 56 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.
13. 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.
14. 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, drainage, lighting and construction of the proposed new estate roads and footways;
 - 2) Detailed layout, design, drainage and construction of the proposed new 2 metre wide footway fronting the dwellings;
 - 3) A scheme of street lighting along Ellesmere Lane.The scheme as is approved shall be fully implemented prior to first use of the development.
15. 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.
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. No part of the development shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall include appropriate measures to prevent the introduction of Invasive Non Native Species (INNS) during the construction phase, and measures to control INNS as are currently present on site. The measures and proposals shall be fully implemented in strict accordance with the details as are approved.
18. The hedgerow removal required to provide the vehicular access to the site shall only be carried out outside of the bird nesting season which is between the months of March-September inclusive. The remaining hedgerow fronting the development site shall be permanently retained and maintained in perpetuity at a height of no less than 2 metres from ground level.
19. As part of the reserved matters application, 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.

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
7 December 2015

REASON(S)

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
2. To comply with Section 92 of the Town and Country Planning Act, 1990.
3. To comply with Section 92 of the Town and Country Planning Act, 1990.
4. To protect the amenities of the occupiers of nearby properties.
5. 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.
6. To ensure satisfactory drainage of the site and to avoid flooding.
7. To ensure satisfactory drainage of the site and to avoid flooding.
8. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to protect the amenities of the occupiers of nearby properties.
9. To ensure the risk from surface water flooding is sustainably managed for the lifetime of the development.
10. To protect named species/habitats/biodiversity which would otherwise be damaged/lost by the development hereby permitted.
11. In the interests of highway safety.
12. To ensure that adequate visibility is provided at the proposed point of access to the highway.
13. In the interests of highway safety.
14. In the interests of highway safety.
15. In the interests of highway safety.
16. Due to the restricted application site and 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 prevent the spread of Invasive Non Native Species.
18. In order to protect wildlife interests, which are afforded special protection.
19. To protect named species/habitats/biodiversity which would otherwise be damaged/lost by the development hereby permitted.

NOTE(S) TO APPLICANT

The applicant is advised that compliance with condition no. 04 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 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

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
7 December 2015

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 Housing and Public Protection Department on 01978 315300 for further advice and information.

The Applicant is advised that under the Environmental Protection Act 1990, dust from construction and/or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any 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. If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 917 2652.

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.

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.

You are advised that this grant of planning permission was made following the completion of an Agreement under Section 106 of the Town and Country Planning Act. Before undertaking any work under this permission you are

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
7 December 2015

advised to obtain full details of the Agreement and ensure that you are able to comply with its terms.
