

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 ROBERTS	Code No	GWE P/2015/0093
Agent	BLUEPRINT ARCHITECTURAL SERVICES LTD REDWITHER BUSINESS CENTRE ABBEY ROAD WREXHAM INDUSTRIAL ESTATE WREXHAM LL13 9XR	Date Received	11/02/2015
		Decision Date	05/05/2015

Town and Country Planning Act, 1990

Location of application

EATON HOUSE, BOTTOM ROAD, SUMMERHILL, WREXHAM, LL11 4TW

Description of application

OUTLINE APPLICATION FOR DEMOLITION OF CAR MAINTENANCE BUILDINGS AND ERECTION OF 3 DWELLINGS (ALL MATTERS RESERVED)

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

EC6	Biodiversity Conservation
GDP1	Development objectives
H2	Residential development within settlements
PS1	Settlement limits
PS2	Development and the environment
T8	Parking

Particulars of decision that Outline Planning Permission be GRANTED Subject to the following:-

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 layout of the building(s)
 - b. the scale of the building(s)
 - c. the appearance of the building(s)
 - d. the means of access to the site and building(s)
 - e. the landscaping of the site.

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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. Demolition of the building subject to this grant of planning permission shall only be carried out in a precautionary manner to include the following:

- Any weather boarding, hanging tiles, soffits, fascia and barge boarding shall be removed by hand, and
- Should any bats be discovered all works on the building shall cease and the Natural Resources Wales contacted for further advice.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no further development shall take place under Classes A, B, and C of Schedule 2 Part(s) 1, other than the development hereby granted permission.

6. The landscaping and layout details to be submitted as part of the reserved matters shall also include details and cross sections of existing and proposed finished levels of the site/dwellings in relation to existing finished ground floor levels at 76 Heol Hyfryd and Tudor Cottage. The levels as subsequently approved shall be fully implemented as part of the development.

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. 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 above the level of the adjoining carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

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9. As part of the reserved matters application, the layout details shall include details for two off street parking for each new dwelling and two spaces for the existing property Eaton House, and a shared turning area for use by the existing and proposed dwellings. The facilities as are approved shall be fully laid out, surfaced and drained prior to the first use of the new dwellings, and shall thereafter be retained and kept free of any obstruction, and made available for the parking and turning of vehicles at all times.

10. 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.

11. No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. 10 above have been satisfactorily carried out, has been submitted to and approved in writing by the Local Planning Authority.

12. 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.

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

14. No business or commercial use shall operate from Eaton House upon commencement of this residential permission.

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.
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4. To protect named species/habitats/biodiversity which would otherwise be damaged / lost by the development hereby permitted.
5. Based upon the suggested layout of the site, the site is considered to be severely restricted, and given the site relationship to adjacent properties it is important to ensure that no additional development as described in the condition is carried out without the permission of the Local Planning Authority.
6. To ensure that the finished levels between adjacent properties and the development are fully explained as part of the reserved matters to allow the amenity relationships to be fully considered and controlled, in the interests of the amenities of occupants of both existing and proposed dwellings.
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 ensure that adequate visibility is provided at the proposed point of access to the highway.
9. 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.
10. In the interests of the amenities of the future occupants of the buildings
11. In the interests of the amenities of the future occupants of the buildings
12. To protect the amenities of the occupiers of nearby properties.
13. 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.
14. In the interests of highway safety.

Note(s) to applicant

Further advice on compliance with condition no. 10 may be obtained by contacting the Council's Environmental Protection Team on 01978 315733. Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Housing and Public Protection Department prior to commencement of works on site.

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The applicant is advised that compliance with condition no. 12 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 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

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01978 315300 for further advice and information.

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

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Your attention is drawn to Highway Supplementary Notes Numbered 1, 3, 4 and 5 on the enclosed ""Applicants' Rights and General Information"".

The development is adjacent to a public right of way and the applicant should ensure that the footway is not interfered with. Further guidance can be obtained by contacting the Council's Rights of Way Officer on 01978 792761.



**Officer Appointed for this purpose
Head of Community Wellbeing and Development**

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