

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	PENNAF HOUSING GROUP LTD	Code Number	WRC P/2013/0840
Agent	AINSLEY GOMMON ARCHITECTS MR S VENABLES THE OLD POLICE STATION 15 GLYNNE WAY HAWARDEN FLINTSHIRE CH5 3NS	Date Received	10/12/2013
		Decision Date	18/02/2014

Town and Country Planning Act, 1990

Location of application

LAND BETWEEN COED ABEN AND GLAN GORS, CAIA PARK, WREXHAM, LL13 9NU

Description of application

RESIDENTIAL DEVELOPMENT (8 FLATS AND 15 HOUSES),
CONSTRUCTION OF NEW ACCESS AND ROADS

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

EC12	Development and flood risk
EC13	Surface water run-off
EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
GDP1	Development objectives
GDP2	Capacity of infrastructure and community facilities
H2	Residential development within settlements
PS1	Settlement limits
PS11	Biodiversity
PS2	Development and the environment
PS3	Brownfield Land
PS4	Settlement Pattern
T8	Parking
T9	Walking, cycling and horse riding routes

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

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Condition(s)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. Development shall not begin until the following scheme of details has been submitted to and approved in writing by the Local Planning Authority:
 - a) relocation of the existing goal posts to the adjoining land;
 - b) provision of off-site Local Equipped Area of Play (LEAP);
 - c) a maintenance plan for proposed on-site Public Open Space and communal areas.
3. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
4. Each new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide Version 3. The development shall be carried out entirely in accordance with the approved assessment and certification
5. Construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide Version 3.
6. Prior to the occupation of the individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide Version 3.
7. The landscaping scheme approved as part of this application shall be fully implemented in strict accordance with approved drawing no. 1424/S1/100 Rev C within three months of the first use of the development with the exception of soft landscaping which shall be carried out in the first planting

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season (November to March) or seeding season (April to September) following the first use.

8. The landscaping scheme as carried out in connection with condition no. 7 shall be permanently retained. Any planting becoming severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced with trees or shrubs and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.

9. 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.

10. 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.

11. 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.

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

13. Should any made ground and/or contaminated land be identified during ground works, the developer shall inform the Council's Contaminated Land Officer immediately at the Council's Environmental Protection section on 01978 315733 for further guidance.

14. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 25 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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15. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) No. C801.03L

16. 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:

- Detailed layout, design, drainage and construction of the proposed new footway / carriageway.

The scheme as is approved shall be fully implemented prior to first use of the development.

17. 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 extensions or additions to the dwelling as approved shall be erected under Classes A, B, C, D, E, F of Schedule 2 Part 1.

18. 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 gate, fence, wall or other means of enclosure shall be erected, constructed or placed in front of the forward most part of the dwelling fronting onto the highway under Class A, of Schedule 2 Part 2.

19. With the exception of those shown on the approved plan and 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 windows or other openings shall be inserted in any elevation of the buildings.

20. 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), any window or opening in the side elevations of Plot nos. 3, 4, 5, 6, 12, 16 and 17 shall only be glazed or re-glazed using obscure glass which shall thereafter be permanently retained.

21. Notwithstanding the details shown on the approved plan and the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), the ground floor lounge side window and first floor side window to bedroom 1 of Plot no. 9 shall only be glazed or re-glazed using obscure glass which shall thereafter be permanently retained.

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22. The development shall be carried out in strict accordance with the recommendations, mitigation measures and RAMs as detailed with the ecology report carried out by 'Marches Ecology' ref: Marches Ecology Ref: C200/AGA/GCN and dated October 2012 approved as part of this application.

23. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. 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:

- i) 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;
- ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,
- iii) 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.

24. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 23. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.

25. The development shall be carried out in strict accordance with the boundary treatment details shown on approved plan nos. C801.03L/20/21 and 22 and the boundaries shall be completed in all respects prior to occupation of the last dwelling/unit hereby approved.

26. Prior to installation on site the colours proposed for the painting, powder coating and staining of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these details as are approved.

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27. Surface water shall only be allowed to connect into the public surface water sewer at a limited discharge rate of 5 l/s.

28. 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 implemented in strict accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The details should include specification and location for the fencing. 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.

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

- 1) No fires should be lit within 10 metres of the nearest point of the canopy of any retained tree.
- 2) 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.
- 3) No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- 4) 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.
- 5) 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.

Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To ensure provision of adequate public open space facilities and suitable measures to maintain on site public open space and communal areas.

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3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
4. To comply with the requirements for sustainable buildings published by the Welsh Government (Planning Policy Wales Edition 5 (2012))
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7. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
8. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
9. To protect the amenities of the occupiers of nearby properties.
10. To protect the amenities of the occupiers of nearby properties.
11. In the interests of the amenities of the future occupants of the buildings
12. In the interests of the amenities of the future occupants of the buildings
13. Due to the potential for contamination issues as a result of historical industrial use of the land covering the site and surrounding area.
14. To ensure that adequate visibility is provided at the proposed point of access to the highway.
15. In the interests of highway safety.
16. In the interests of highway safety.
17. Due to the potential for contamination issues as a result of historical industrial use of the land covering the site and surrounding area.
18. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
19. To protect the amenities of the occupiers of nearby properties.
20. To protect the amenities of the occupiers of nearby properties.
21. To protect the amenities of the occupiers of nearby properties.
22. To protect named species/habitats/biodiversity which would otherwise be damaged/lost by the development hereby permitted.
23. To ensure satisfactory drainage of the site and to avoid flooding.
24. To ensure satisfactory drainage of the site and to avoid flooding.
25. 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.

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26. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

27. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

28. To ensure that the retained trees are adequately protected during development in the interests of amenity.

29. To ensure that hard surfacing does not cause harm to retained trees in the interests of visual amenity.

Note(s) to applicant

The applicant is advised that compliance with condition no. 9 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

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Department on 01978 315300 for further advice and information.

Applicants are advised that compliance with condition no. 10 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.

Further advice on compliance with condition no. 11 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. 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 permission hereby granted does not authorise encroachment upon, or interference with, the adjoining property.

This planning permission requires that development be carried out in accordance with the approved plans, including the construction of an estate road intended for adoption by the Council under the Highways Act 1980. It is essential therefore that the detailed proposals are submitted to the Highway Authority and confirmed as acceptable BEFORE development commences. Please contact the Highway Authority on telephone no. 01978 729690 for further guidance.

The applicant is advised that submission of a copy of the relevant section 38 adoption agreement, between the applicant and the Highway Authority, to the Local Planning Authority will allow the above condition nos. 14 and 15 to be

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15 GLYNNE WAY
HAWARDEN
FLINTSHIRE
CH5 3NS

**Date
Received** 10/12/2013

**Decision
Date** 18/02/2014

formally discharged in writing.



**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.h
tm](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)**