

Applicant SG ESTATES

Reference P/2021/1057

Agent NIGEL THORNS
22 Kingsland Road
Shrewsbury
SY3 7LD

Date Received 29/10/2021

Decision Date 06/06/2024

Town and Country Planning Act, 1990

Location of Application

LAND OPPOSITE OF ST PETERS CLOSE, LLAY NEW ROAD, RHOSROBIN, WREXHAM, LL11 4RB

Description of Application

CODI 92 ANNEDD GAN GYNNWYS DARPARU CYLCHFAN AR Ffordd NEWYDD LLAI, FFYRDD MYNEDIAD MEWNOL, MAN AGORED CYHOEDDUS, ARDAL CHWARAE A CHADW LLWYBR TROED SY'N BODOL / ERECTION OF 92 DWELLINGS INCLUDING PROVISION OF ROUNDABOUT ON LLAY NEW ROAD, INTERNAL ACCESS ROADS, PUBLIC OPEN SPACE, WILDLIFE AREA, PLAY AREA AND RETENTION OF EXISTING FOOTPATH ROUTE

In reaching this decision the Council has had regard to the following relevant policies: -

Wrexham Local Development 2013 – 2028:

- T1 - Managing Transport Impacts
- H2 - Affordable Housing, Non-Strategic Housing Allocations and Windfall Sites
- H1 - Housing Allocations
- DM1- Development Management Considerations
- SP13 - Health and Wellbeing
- SP14 - Natural Environment
- SP18 - Climate Change
- MW1 - Minerals Safeguarding
- MW3 - Sustainable Supply of Minerals
- SP19 - Green Infrastructure
- Policy SP1 - Housing Provision
- SP2 - Location of Development
- SP5 - Planning Obligations

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



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SP6 - Green Wedge
CF2 - Provision of New Open Space
NE1 - International and National Nature Conservation Designations
NE6 - Waste Water Treatment and River Water Quality
NE3 - Trees, Woodlands and Hedgerows

Revision	Date	Description of Decision
0	06/06/2024	Planning permission issued

Particulars of decision : 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.

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2. The development shall only be carried out in strict accordance with the details shown on the approved drawing referenced:
 1. Flat Type F Plans and Elevations PHTD Fa
 2. House Type BRADMAN Elevations PL DIN 2
 3. House Type BRADMAN Floors PL BRAD 1
 4. House Type DINAS Elevations PL DINA 2
 5. House Type DINAS Floors PL DINA 1
 6. House Type DEGANWY SEMI (Dys) Render PD / Dys re-1
 7. House Type DEGANWY SEMI (Dys) Brick PD / Dys br-1
 8. House Type DEGANWY DETACHED Plans and Elevations with Render PL Dy re 1
 9. House Type BODFARI 2 Plans and Elevations with Render PL BF re 2
 10. House Type BODFARI 1 Plans and Elevations Brick PD BODF br 1
 11. House Type DERWEN STANDARD LAYOUT PL DERW 2
 12. House Type DERWEN Elevations PL DERW 1
 13. House Type DERWEN Elevations GF Rear Handed PL DERW 1
 14. House Type 3BS Ver 2 Elevations PL 3BSv2/1
 15. House Type 3BS Ver 1 Elevations PL 3BSv1/1
 16. House Type CONWAY Elevations PL CONWAY 1
 17. House Type ARMITAGE Plans and Elevations PL DERW 1
 18. House Type RICHMOND 2 Brickwork PD RICH 2 re
 19. House Type RICHMOND 1 Brickwork PD RICH 1 br
 20. House Type LLANFERRES Plans and Elevations RTSV PL DERW 1
 21. House Type LLANFERRES LF btsv Plans and Elevations PL LLAN 2
 22. Proposed Site Plan VRR-SAL-A1-ZZ-DR-A-0600 Rev P4
 23. Proposed Road Layout 31976-SUT-ZZ-XX-DR-C-615-0001 Rev P03

And as contained within the application documentation.

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3. Prior to their use on the development hereby permitted, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted for the written approval of the Local Planning Authority. The development shall be carried out in accordance with the details that are approved.
4. No part of the development shall commence until full details of a hard and soft landscaping and boundary treatment scheme together with a timescale for the implementation of works, have been submitted to, and approved in writing by, the Local Planning Authority.
5. The landscaping and boundary treatment scheme approved in connection with condition no. 4 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
6. The planting and boundary treatment scheme implemented in connection with condition nos. 4 and 5 shall be permanently retained. Any planting or boundary treatment which becomes severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority, shall be replaced within the next available planting season by boundary treatment, trees or shrubs of similar size and species to those originally required to be planted / constructed.
7. Within three months of the commencement of development a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be managed and maintained in strict accordance with these details as are approved.

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8. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 1. hours of working; and
 2. a scheme of dust management;
 3. a scheme to manage the impacts of construction noise and vibration.
9. No part of the development / works shall commence until details of a programme of archaeological works in accordance with a written scheme of investigation, prepared and to be carried out by a suitably qualified archaeologist, for the duration of the construction works has been submitted to, and approved in writing by, the Local Planning Authority. The archaeological programme of works must meet the standards laid down by the Chartered Institute for Archaeologists.
10. The works shall be carried out in strict accordance with the archaeological programme of works, approved in connection with condition no.9, and a copy of the resulting report should be submitted to and approved in writing by the Local Planning Authority and the Development Control Archaeologist, Clwyd Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, Powys, SY21 8RP Email: mark.walters@cpat.org.uk Tel: 01938 553670), within 2 months of completion of the fieldwork. On approval the digital archive shall be submitted to the Historic Environment Records Officer at Clwyd-Powys Archaeological Trust and the National Monuments Record, RCAHMW (nmr.wales@rcahmw.gov.uk).

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11. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the local planning authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.
12. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 11 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

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13. No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with Method Statement as is approved. The Method Statement shall include the following:
 - 1) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
 - 2) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
 - 3) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
 - 4) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
 - 5) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
 - 6) Method for protecting retained trees during demolition works;
 - 7) Details of all proposed tree works, including felling and pruning.

14. The noise mitigation measures contained within the noise assessment report referenced P21-297-R01V03, dated November 2021, hereby approved, shall be fully implemented prior to the first occupation of any dwelling hereby permitted.

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15. No part of the development shall commence until a scheme of external lighting has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall have regard to best practice guidance provided by the Institution of Lighting Professionals ([https://www.theilp.org.uk/resources/free-resources/ilp-guidance notes/](https://www.theilp.org.uk/resources/free-resources/ilp-guidance-notes/)). The external lighting scheme as required must include the following:
1. Location and height of proposed lighting,
 2. An Isolux diagram for the proposed lighting scheme to a distance that includes sensitive premises, and
 3. Design of columns and any proposed hoods.
- The lighting shall be installed in strict accordance with the scheme as is approved prior to first use of the development, and shall thereafter be permanently retained in a fully operational condition.
16. No part of the development shall commence until an invasive non-native species (INNS) protocol has been submitted to, and approved in writing by, the Local Planning Authority. The protocol shall detail the proposed measures of containment, control and removal of INNS on site. These measures as are approved shall be fully implemented on site prior to first occupation of the development.
17. Prior to commencement of development, a plan showing the accurate location of the public sewer assets which cross the site shall be submitted to, and approved in writing by, the Local Planning Authority. No development shall take place within 3 metres either side of the public sewer assets as identified on the plan.

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18. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating how foul water 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.

19. No part of the development shall commence until a long-term management and surveillance plan, covering a period of a minimum of 24 years and 364 days, has been submitted to and approved in writing by the Local Planning Authority. This plan should comprise, but not be limited to:
 1. Defined aims and objectives (for each identified ecological feature);
 2. Management prescriptions for each identified ecological feature;
 3. Contingency prescriptions if adverse factors such as invasive non-native species colonize the site;
 4. Skills, competencies and licensing requirements for habitat management and surveillance;
 5. Long term annual surveillance with results uploaded to the Wales Monitoring database;
 6. Proposed changes to tenure (Amphibian and Reptile Conservation (ARC) or North Wales Wildlife Trust;
 7. Proposals that regulators can utilise in the event of lack of inappropriate actions being carried out on site;
 8. Resource provision;
 9. Contingencies in the event of mitigation for the features of interest not being effective.
 10. The measures as are approved shall thereafter be fully implemented in accordance with the approved timescales, all to be agreed in writing before any part of the development commences on site.

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20. No part of the development shall commence until the following details together with a timescale for implementation, have been submitted to, and approved in writing by, the Local Planning Authority:
 1. Fencing and security for the ecological mitigation area to prevent access by people and pets;
 2. Establishment of the herb-rich grassland including soil preparation and species;
 3. Pond creation including lining and contingency measures.The details as are approved shall be implemented in all respects within the agreed timescale and thereafter permanently retained.
21. No part of the development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to ground water has been submitted to, and approved in writing by, the Local Planning Authority. The piling / foundation designs shall be implemented in accordance with the approved details.
22. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment as carried out by Hodnett T. and dated 2021, numbered 1025-Rhosrobin Report V2a, approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.
23. Prior to first use of the development the site and access shall be laid out in strict accordance with approved plans referenced: Proposed Site Plan VRR-SAL-A1-ZZ-DR-A-0600 Rev P4 and Proposed Road Layout 31976-SUT-ZZ-XX-DR-C-615-0001 Rev P03.

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24. The vehicular parking areas as shown on approved drawing referenced: Proposed Site Plan VRR-SAL-A1-ZZ-DR-A-0600 Rev P4 shall be fully laid out, surfaced and drained prior to first use of the development. This parking area shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of motor vehicles at all times.

Reason(s)

- 1 To comply with Section 91(3) of the Town and Country Planning Act, 1990.
- 2 To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
- 3 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DM1, SP12 and SP14 of the Wrexham Local Development Plan.
- 4 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with policy DM1 of the Wrexham Local Development Plan.
- 5 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with policy DM1 of the Wrexham Local Development Plan.
- 6 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with policy DM1 of the Wrexham Local Development Plan.

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- 7 To ensure landscape features are properly considered and protected in accordance with policy DM1 of the Wrexham Local Development Plan.
- 8 To protect the amenities of the occupiers of nearby properties in accordance with policy DM1 of the Wrexham Local Development Plan.
- 9 The site may contain archaeological remains which should be recorded if they are damaged in accordance with policy SP15 of the Wrexham Local Development Plan
- 10 The site may contain archaeological remains which should be recorded if they are damaged in accordance with policy SP15 of the Wrexham Local Development Plan
- 11 In the interests of the amenities of the future occupants of the development in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 12 In the interests of the amenities of the future occupants of the development in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 13 To preserve the health, safety and amenity value of the tree(s) in accordance with Policies DM1, SP12, SP14 and NE3 of the Wrexham Local Development Plan.
- 14 To protect the amenities of the future occupiers of the development in accordance with policy DM1 of the Wrexham Local Development Plan.
- 15 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to protect local habitat in accordance with policies DM1 and NE1 of the Wrexham Local Development Plan.

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- 16 To prevent the spread of non-native species in accordance with policies DM1 and NE1 of the Wrexham Local Development Plan.
- 17 To protect the integrity of the public sewer and avoid damage thereto in accordance with policy DM1 of the Wrexham Local Development Plan.
- 18 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 in accordance with policy DM1 of the Wrexham Local Development Plan.
- 19 In order to protect wildlife interests, which are afforded special protection in accordance with policies SP14 and NE1 of the Wrexham Local Development Plan.
- 20 In the ecological interests of the site in accordance with policies SP14 and NE1 of the Wrexham Local Development Plan.
- 21 To minimise any impacts of the development upon sensitive receptors in accordance with policy DM1 of the Wrexham Local Development Plan.
- 22 To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with policies SP14 and NE1 of the Wrexham Local Development Plan.
- 23 In the interests of highway safety in accordance with DM1 of the Wrexham Local Development Plan.
- 24 To provide for the parking of vehicles clear of the highway in accordance with policy DM1 of the Wrexham Local Development Plan.

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Note(s) to applicant

The site is close to Footpath Gwersyllt 30 which will need to be temporarily closed during the construction of this development. An application to the public rights of way section should be made for a traffic regulation order, 8 weeks prior to the commencement of development.

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises. 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. The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate. The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

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.

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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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

Further advice on compliance with condition no. 11 and 12 may be obtained by contacting the Council's Contaminated Land Officer on 01978 298771 or 298333, or contaminatedland@wrexham.gov.uk. 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 Council's Contaminated Land Officer prior to commencement of works on site.

The scheme of arboricultural supervision required in connection with condition no.14 above shall make provision for a pre-commencement site meeting between the Local Planning Authority's Arboricultural Officer the Developer/ Applicant/ Agent and their appointed Arboricultural Supervisor to agree matters of detail. It shall specify the frequency of arboricultural monitoring and reporting to the Local Planning Authority on the status of all tree protection measures throughout the course of the development and make provision for the submission and approval of a satisfactory arboricultural completion statement

The scheme of landscaping referred to in the above conditions shall include any changes to ground levels (shown by existing and proposed contours/levels) and any existing vegetation (showing that to be retained) and proposed planting. In addition, any of the following which apply to the particular site must be included:- means of enclosure, car parking layout, access and circulation areas, materials for hard surfaced areas, any minor structures (e.g. refuse stores, lamp columns, play equipment) location of services, and any historic landscape features to be retained/improved.

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This permission is granted subject to the above conditions. Some conditions may require your attention prior to you carrying out any work on the proposal. These conditions are known as ""conditions precedent"". You should be aware that it is important that you comply with any ""conditions precedent"". If you do not, then any work you undertake on the development subject of this permission would not have planning permission.

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties in that section include the following:

* Notice of initiation of development

Before beginning any development to which this planning permission relates, notice must be given to the Local Planning Authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The forms set out the details that must be given to the Local Planning Authority to comply with this duty.

* Display of notice

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details that the person carrying out development must display to comply with this duty.

The person carrying out development must ensure that the notice is:

- a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- b) Legible and easily visible to the public without having to enter the site; and
- c) Printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

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A handwritten signature in black ink, appearing to be 'David Fitzsimon'.

David Fitzsimon

***Prif Swyddog Yr Economi a Chynllunio, Cyngor Bwrdeistref Sirol Wreccsam
Chief Officer Economy and Planning, Wrexham County Borough Council***

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

[Planning and building control | Wrexham County Borough Council](#)