Report of the Chief Officer Economy and Planning

Application Reference
P/2025/0629

Applicant
Mr L Morris

Agent
Rachel Thornley

Site Address
EBENESER (CAPEL YR ANNIBYNWYR), 2 CHESTER ROAD, WREXHAM, LL12 7AD

Description of Development
CODI FFLATIAU RHIF 27 / ERECTION OF NO 27 APARTMENTS

Ward
Acton and Maesydre/Gwaunyterfyn a Maes-y-dre

Community
Acton/Acton

Recommendation
Recommendation A
That the Chief Officer Economy & Planning be given delegated authority to GRANT planning permission subject to the following, as well as the conditions below:

1. NRW confirming they agree with the conclusions set out in the assessment completed under the Conservation of Habitats and Species Regulations 2017 (as amended) that concludes the development is not likely to have a significant effect on the integrity of the River Dee and Bala Lake; and

2. The completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure commuted sum payments towards off-site open space provision with the Chief Officer Economy and Planning given delegated authority to determine the final form and content of the Obligation.

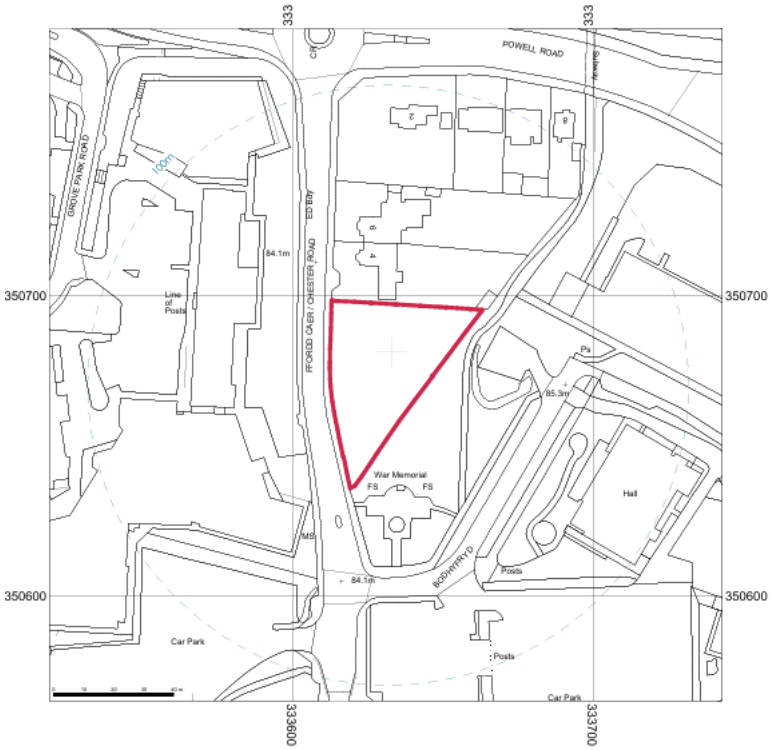
Recommendation B
That if the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 is not completed within six months of the date of the Committee resolution, the Chief Officer for Economy and Planning be given delegated authority to **REFUSE** the application for the following reasons:

The development does not make any provision for public open space and therefore does not accord with policy CLF5 of the Wrexham Unitary Development Plan.

Report of the Chief Officer Economy and Planning

Officer Report

Site Description
The site is a triangular area of land amounting to 0.16 hectare, on the east side of Chester Street to the north of the War memorial.



Proposal
This application proposes the erection of 27 no. 1-bed apartments to be made available for social rent.

Reason for Committee Determination
Major Development.
Individual letters of objection received from the owners/occupiers of 3 or more properties.

Site History
P/2016/0337 Demolition of former chapel and erection of 23 no. apartments, over four floors, with associated parking, external works and access. Granted 23/3/2017

P/2016/1030 Demolition Notification. Approved 01/12/2016

P/2021/0313 Variation of condition 01 of planning permission P/2016/0337 to extend time period for commencement of development. Granted 19/08/2024

Development Plan
<u>Unitary Development Plan</u>
UDP PS1 - The Broad Location Of Development
UDP PS2 - The Broad Location of Development
UDP Policy PS11 - Biodiversity

UDP Policy GDP1 - Development Objectives
UDP Policy EC4 - Hedgerows, Trees and Woodland
UDP Policy EC6 - Biodiversity Conservation
UDP Policy H2 - Residential Development (of Unannotated Land) within Settlements
UDP Policy H7 - Affordable Housing
UDP Policy CLF5 - Open Space Requirements from new Residential Developments

Local Planning Guidance Notes (LPGN)
LPGN 07 - Landscaping and Development
LPGN 10 - Public Open Space
LPGN 16 - Parking Standards
LPGN 21 - Space around Dwellings
LPGN 27 - Developer Contributions to Schools
LPGN 32 – Biodiversity

Relevant National Policy
Future Wales Plan 2040
Planning Policy Wales Ed 12
Technical Advice Note (TAN) 5 - Nature Conservation
Technical Advice Note (TAN) 12 - Design
Technical Advie Note (TAN) 16 - Recreation and Sport
Technical Advice Note (TAN) 18 – Transport

Consultation Responses
Community Council:
No response received

Local Member:
The Local Member requested to discuss the application with the case officer. Following discussion, no further response received.

Natural Resources Wales:
Raise usual concerns over foul drainage and Protected Sites and provide advice in relation to ecology matters,

Dwr Cymru Welsh Water:
Do not object. Advise that foul flows generated by the proposed development can be accommodated within the immediate public sewerage system. DC/WW recommend the inclusion of a planning condition to prevent surface water run off being discharged into the public system and advisory notes in relation to the requirement for SAB approval.

Fire and Rescue Service
Do not object. Provide advice in respect of appliance access.

Highway Officer:
Raises no objection to the proposal. Requests cycle parking provision in accordance with LPGN 16.

Contaminated Land Officer:
No comments to make.

Public Protection Officer:
Does not object. Recommends the inclusion of standard advisory notes in relation to construction noise and dust management and the burning of waste.

Ecology Officer:
Raises no objection.

Publicity Undertaken:
Press Notice
Site Notice
Notification Letters

Responses to Publicity:
3 representations received - 1 of which makes no reference to planning matters. The further 2 representations are summarised below:

- Supports the redevelopment of the long-vacant former chapel site in principle and welcomes investment in the site.
- Objects to the conclusions of the submitted assessment regarding impacts on neighbouring amenity, particularly in relation to the residential care home at 4 Chester Road.
- Considers that the submitted visual representations and shadowing assessment do not accurately reflect the extent of overshadowing that would occur and contends that the proposal would have a greater impact on the amenity of neighbouring occupiers than identified in the application documents.
- Queries the scale of the proposed building and its relationship with neighbouring properties.
- Objects to the proposed housing mix, noting that all 27 units are one-bedroom apartments.
- Considers that the provision of only one-bedroom units would not contribute to a balanced and diverse community and suggests that a mix of one, two and three-bedroom units should be provided.
- Refers to the aspirations of the Wrexham Town Centre Masterplan for a wider range of housing choices and a diverse residential population.
- Questions references made within the Planning Statement to the Local Development Plan and requests that the proposal be assessed against the adopted development plan and relevant national planning policy.

Principle of Development
Planning Policy Wales (Edition 12) supports the efficient reuse of previously developed land and recognises that, within settlements, such sites should generally be considered suitable for development where sustainability objectives can be achieved and site constraints can be satisfactorily addressed and Policy 7 of Future Wales: The National Plan 2040 seeks to increase the delivery of

affordable housing and supports proposals that contribute towards meeting identified housing needs.

All of the proposed apartments would be affordable. This exceeds the 25% requirement set out in Local Planning Guidance Note 28. However, there would be no policy basis to impose a requirement for 100% of the apartments to be affordable housing. Although UDP Policy H7 and Local Planning Guidance Note 28 seek the provision of affordable housing where developments of 25 or more residential units are proposed, both pre-date current national policy and the viability evidence prepared to inform the now withdrawn Local Development Plan. Consequently, limited weight is afforded to the requirement for 25% of dwellings in qualifying developments to be afforded that LPGN 28 applies uniformly across the County Borough.

The Wrexham Viability Study (2019), which formed part of the evidence base on the now-withdrawn LDP, assessed the level of affordable housing that could realistically be required without threatening the viability and deliverability of individual residential developments. The Viability Study identified that viability varied across the County Borough and therefore different affordable housing requirements should apply to non-strategic housing sites (i.e. less than 500 dwellings) ranging from 0% up to 30%, depending on the sub-market area they were located in. This evidence has been scrutinised at Examination in Public. On the specific topic of affordable housing, the LDP Inspectors found the now-withdrawn LDP's affordable housing evidence to be robust and consistent with national planning policy objectives.

The site is within the South Wrexham sub-market area where the Viability Study recommended that a requirement for 10% affordable housing would be viable. Guidance set out in Circular 016/2014: The Use of Planning Conditions for Development Management states that conditions can only be imposed where they are necessary and where planning permission would otherwise be refused permission. Having regard to the matters discussed above, although the proposed affordable housing provision would be 100%, a suitably worded condition to secure an element of affordable housing could only be imposed to secure compliance with policy H7, informed by the viability evidence discussed above – i.e. 10%.

The principle of residential development on this site is considered acceptable and accords with local and national planning policy.

The application site is located within the settlement limits of Wrexham on previously developed land formerly occupied by Ebeneser Chapel. As such, the proposal accords with UDP policy H2, which supports residential development on unallocated land within settlement boundaries as well as policy PS3 which support the development of brownfield land, subject to compliance with Policy GDP1.

Design

The development would provide a strong street presence whilst respecting its surroundings. The articulation of the elevations, combined with the varied roof form and material treatment, would reduce the perceived bulk of the structure when

viewed from public vantage points. The development would redevelop a long-vacant brownfield site and would provide an attractive and modern focal point within the street scene, contributing positively to the regeneration of the site. It is considered that the proposal would integrate satisfactorily within its urban setting and would not appear incongruous or out of character with the wider townscape. The quality of the design, together with the proposed landscaping and public realm improvements, would enhance the visual appearance of the site and make a positive contribution to local distinctiveness and place-making objectives.

Accordingly, the proposal is considered to represent a well-designed form of development that responds appropriately to its context and accords with the design and placemaking objectives of UDP Policies PS2 and GDP1.

Impact on Neighbouring Amenity
The proposed apartment building would be positioned approximately 7m from the nearest neighbouring dwelling to the north. This falls significantly below the separation distances set out within LPGN 21: Space Around Dwellings. Furthermore, whilst some additional landscaping is proposed along the northern boundary in the form of a new section of hedgerow, this is limited in extent and would only provide screening across a relatively small section of the boundary.

Notwithstanding the above, the relationship between the proposed development and the adjacent property must be assessed having regard to the specific orientation and layout of the development. The principal elevation of the apartment building would not directly face the neighbouring dwelling and there would be no direct overlooking between opposing windows serving habitable rooms. Windows proposed in the northern elevation of the development would serve circulation corridors rather than habitable rooms. There is one first floor window on the southern elevation of the adjacent dwelling, however the main outlook is gained from the front and rear facing windows, which face west-east. Whilst occupiers of the development would inevitably obtain some views towards neighbouring properties, this would be comparable to that experienced within many established urban residential areas and would not, in the circumstances of this case, give rise to an unacceptable loss of privacy.

Given the orientation of the site, some additional overshadowing of the neighbouring property and garden would inevitably occur, particularly during winter months when the sun is lower in the sky. However, having regard to the spacing between the buildings, the scale and form of the proposal, and the retained access to daylight, the impact is not considered likely to result in an unacceptable loss of residential amenity by reason of loss of light or visual over dominance. Furthermore, the proposal is not considered likely to result in unacceptable levels of noise or disturbance and no objection has been raised by the Council's Public Protection Officer.

Having regard to the position of the proposed building, the orientation of windows, the urban context of the site and the absence of direct window-to-window overlooking, it is considered that the proposal would not result in such a degree of overlooking, loss of privacy or overbearing impact as to justify refusal of the application. Whilst the proposal does not fully comply with the guideline separation

distances contained within LPGN 21, the relationship is considered acceptable on balance and would not result in a significant adverse impact on neighbouring residential amenity.

Having regard to the above, the proposal accords with UDP policy GDP1.

Highway Considerations
The Council's Highway Officer raises no objection in principle to the redevelopment of the site and confirms that the proposed access arrangements are acceptable. The site benefits from adequate visibility in both directions onto Chester Road and the proposed access can be accommodated subject to the necessary highway approvals and standard construction requirements. It is also considered unlikely that the development would have a significant detrimental impact on the local highway network in terms of traffic generation.

The proposed development provides 9 car parking spaces, which is below the maximum parking standards set out in LPGN16. Based on LPGN16 requirements, the proposed development (27 x 1 bed apartments) would require a maximum of 41 spaces. The submitted layout plan indicates 9 proposed parking spaces (7 no. standard spaces and 2 no. spaces to mobility standards). This represents 22% parking provision compared with maximum LPGN 16 requirements. The original application (ref: P/2016/0337) for 23 no. 2 bed apartments was granted consent with 23 proposed spaces. However, given the site's highly sustainable location on the edge of the city centre, close proximity to services and public transport, and the presence of traffic regulation measures in the surrounding area, the Highway Officer considers the proposed parking provision to be acceptable. Furthermore, census data for the Acton/Maes y Dre Ward indicates that car ownership levels are substantially lower amongst occupants of flats and apartments, particularly within the shared ownership/rented sector, where around half of households have no access to a car. A condition requiring the submission and implementation of a Car Parking Management Plan is recommended.

The Highway Officer raises comments regarding servicing arrangements, as the internal layout does not provide sufficient turning space for refuse and delivery vehicles. Whilst this would ordinarily warrant an alternative access arrangement, it is acknowledged that similar servicing concerns were identified but not secured as part of the previous planning permission for a development of apartments on the site. It is acknowledged that refuse vehicles are likely to stop on the highway when bins are emptied. However considering that this would only occur for relatively short periods of time each week, it would not give rise to a significant highway safety concern that would warrant refusal of planning permission, particularly this is already likely to occur when the bins of the adjacent dwellings are also collected.

The Highway Officer has requested a financial contribution towards improvements to the bus stop located opposite the site, including the refreshment of road markings and the provision of a raised kerb. Whilst the applicant has indicated a willingness to provide this contribution, it is not considered that the requested works are necessary to make the development acceptable in planning terms, nor are they fairly and reasonably related in scale and kind to the proposed development. As such, the request does not satisfy the statutory tests for Planning

Obligations. It would therefore not be reasonable to make the granting of planning permission subject to the completion of a Planning Obligation to secure such a contribution.

The Highway Officer has requested further details in relation to the proposed cycle parking arrangements to demonstrate compliance with Active Travel guidance. LPGN 16 advises that cycle parking should be provided at a rate of two spaces per dwelling, equating to 54 cycle spaces in this instance. The submitted plans demonstrate that 21 cycle parking spaces would be provided within a secure cycle store located at ground floor level. Whilst this level of provision falls below the requirements of LPGN 16, it is noted that the guidance is not prescriptive and should be applied having regard to the circumstances of each case. Furthermore, the Active Travel guidance does not form part of the adopted development plan. Having regard to the highly sustainable location of the site, within easy walking distance of the city centre, public transport facilities, employment opportunities and local services, together with the provision of secure on-site cycle storage, it is not considered that the shortfall in cycle parking provision would discourage sustainable travel choices or warrant refusal of the application. On balance, the proposed cycle parking arrangements are considered acceptable.

Having regard to the above, the access and parking arrangement proposed are considered acceptable and would not give rise to highway safety concerns in accordance with UDP policies GDP1 and T8.

Natural Environment
A Preliminary Ecological Assessment submitted in support of the application concludes that the site is of low ecological value, comprising predominantly hardstanding, neutral grassland, ruderal vegetation and scattered scrub. The site is not located within or adjacent to any designated wildlife sites and no evidence of protected species was identified. Whilst mature trees beyond the eastern boundary provide some ecological connectivity, nesting birds and hedgehogs were identified as the only species with the potential to be affected by the development. The loss of on-site habitats is not considered significant, subject to mitigation measures including restrictions on vegetation clearance during the bird nesting season, pre-commencement nesting bird checks where necessary, and precautionary working methods to safeguard hedgehogs during construction.

Biodiversity enhancement measures are recommended, including native shrub and herbaceous planting, species-rich grassland sowing, bird boxes, hedgehog-friendly features and the implementation of a sensitive lighting strategy to minimise impacts on commuting bats associated with trees adjacent to the site. Subject to the implementation of these measures, the proposed development is not expected to result in significant adverse ecological effects and provides opportunities to deliver biodiversity enhancements within the site.

In respect of ecology, NRW raises no objection, noting the findings of the submitted Preliminary Ecological Assessment, which concludes that bats and other protected species are unlikely to utilise the application site.

NRW notes that the Arboricultural Impact Assessment references the removal of trees located outside the application boundary and recommends that the Local Planning Authority consider whether further ecological survey work is required. The Council has reviewed the submitted Preliminary Ecological Assessment, which concludes that the site is of generally low ecological value and is unlikely to support bats or other protected species.

Given that the trees are located outside the application site and no evidence has been presented to indicate the presence of protected species requiring further survey, it is not considered necessary to seek additional ecological information. Any vegetation clearance can be undertaken in accordance with the mitigation measures contained within the submitted ecological assessment, including safeguards for nesting birds and sensitive lighting design.

The application is accompanied by a Green Infrastructure Statement and Ecological Enhancement Plan which seek to deliver a net benefit for biodiversity through the creation of higher quality habitats and improved ecological connectivity across the site. The development retains the mature purple beech tree and incorporates a range of ecological enhancement measures including new tree planting, hedgerows, wildflower grassland, rain gardens and integrated bat and bird boxes.

The proposals include the planting of four standard rowan trees (*Sorbus aria 'Magnifica'*), approximately 54 metres of native species hedgerow together with 23 metres of ornamental hedgerow planting. These features are intended to provide habitat connectivity, shelter, nesting opportunities and food sources for birds, pollinators and hedgehogs.

Approximately 270m² of species-rich wildflower grassland and 58m² of ornamental planting will be created, providing nectar and pollen resources for invertebrates and enhancing biodiversity within the site. Two rain gardens are also proposed to manage surface water whilst creating additional habitat diversity.

Built-in ecological features include two bat boxes, one tree-mounted bat box and two swift/sparrow bricks integrated into the new building to provide roosting and nesting opportunities for protected and priority species. A Landscape and Habitat Management Plan is proposed to ensure the long-term establishment and maintenance of these habitats and biodiversity enhancements.

Having regard to the above, the proposal is considered to accord with UDP policies PS11 and EC6 and with the requirements of chapter 6 of Planning Policy Wales Ed 12.

Drainage

In accordance with NRW's advice for proposed developments within river Special Areas of Conservation, the proposed development has been assessed to determine whether it is likely to have a significant effect on the River Dee and Bala Lake SAC.

Based on the submitted phosphorus budget calculations, the proposed development would result in a net increase of 3.15kg TP/year (including the 20% precautionary buffer) entering the River Dee SAC catchment. In the absence of mitigation, the proposal would therefore have the potential to contribute to the existing phosphorus pressures affecting the SAC.

However, evidence provided by NRW's monitoring data and the Council's review undertaken by Brookbanks Consulting Ltd demonstrates that the lower Dee waterbody, which receives treated effluent from Five Fords WwTW, is currently achieving the relevant phosphorus standards and the SAC remains in favourable condition. Consequently, mitigation can be secured through connection to the public foul sewerage network served by Five Fords WwTW, where sufficient treatment capacity exists and where the wastewater discharge is directed to a waterbody demonstrated to be meeting the required phosphorus targets.

Taking account of this evidence, and subject to the development being connected to the public sewer network and served by Five Fords WwTW, it can be concluded that the proposal would not adversely affect the integrity of the River Dee and Bala Lake SAC, either alone or in combination with other plans and projects. The identified phosphorus loading is appropriately mitigated through treatment at the permitted wastewater treatment works, and the competent authority can ascertain beyond reasonable scientific doubt that the proposal will not result in an adverse effect on site integrity.

Having regard to the above, the proposed development is unlikely to have a significant effect on the River Dee and Bala Lake SAC.

A Habitat Regulations Assessment has been undertaken and sent to NRW for review. A copy of this is appended to the report.

Other Considerations

Education Contributions

Local Planning Guidance Note 27 sets out the circumstances in which education contributions may be sought from new residential development. However, the guidance applies only to dwellings and apartments containing two or more bedrooms. As the proposal comprises 27 one-bedroom apartments, it is not expected to generate a demand for school places that would justify an education contribution and none is therefore required.

Public Open Space

In accordance with policy CLF5, on-site public open space should be provided on all developments of 10 or more dwellings. However the policy also makes provision for financial contributions to be paid towards off-site provision where the development is unsuitable for on-site provision and where it will not place significant pressure on existing facilities in the area. Local Planning Guidance Note 10 advises that the Council may agree to off-site provision where less than 20 dwellings are proposed. Notwithstanding the fact that 27 dwellings are proposed, the site is relatively restricted in size, and is not suitable for on-site public open space provision. It would therefore be reasonable the secure a contribution towards off-site provision in this instance.

The upgrading of the nearby Aran Road play area has been identified. A £25,000 contribution would be used for upgrading works to the existing play area. This includes the supply and installation with appropriate wet pour safety surfacing and installation of:
1 x set of Steel Cradle Swings
1 x set of Steel Flat Swings
1 x Inclusive Multi Unit with Slide

The contribution could be secured via a Planning Obligation.

Conclusion
The proposed development is acceptable in principle, and no concerns are raised in respect of design, residential amenity, highways safety or ecology. Subject to the imposition of conditions, as well as securing a financial contribution to off-site play area improvements, the proposed development accords with relevant UDP policies, as well as Future Wales and PPW12.

Condition(s)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

2. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s):
Level 00 Proposed Plan Dwg no. 020 REV U
Level 01, 02, 03 Proposed Plan Dwg no. 021 REV D
Proposed Site Plan Dwg no. 006 REV L
Proposed Site North East AXO Dwg no. 007 REV K
Proposed Site South West AXO Dwg no. 008 REV J
Proposed Elevations sheet 1 of 2 Dwg no. 022 REV G
Proposed Elevations sheet 2 of 2 Dwg no. 023 REV D
Site sections Dwg no. 16744-2250 REV P02
Proposed site sections Dwg no. 009 REV F
Location plan Dwg no. 001 REV D
Available visibility Splays dwg no. J000586-SK102

3. No part of the development shall commence until a scheme for the provision of affordable housing as part of the proposed development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN2 or any future guidance that replaces it. The scheme shall include:

i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10 % of the apartments to be built;

ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

iii. the arrangements for the transfer of the affordable housing to an affordable housing provider/the long term management of the affordable housing;

iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

4. The development shall be carried out in strict accordance with the following plans and report(s)
1) Arboricultural Implication Assessment ref no.25/AIA/WXM/331
2) Tree Protection Plan ref no. 25/AIA/WXM/331
3) Arboricultural Method Statement ref no. 25/AMS/WXM/331

5. No development shall commence, including any works of demolition, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

6. The development shall be carried out in strict accordance with the findings and recommendations contained within Preliminary Ecological Assessment Prepared For: Wales & West Housing Association, Document Reference: 10835.002 dated December 2024 . The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.

7. The development hereby permitted shall not be occupied until the measures to deliver net benefit for biodiversity (NBB) shown in the approved Green Infrastructure and Net Biodiversity Benefit Statement have been implemented in full. The measures shall thereafter be maintained for the lifetime of the development.

8. 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.

9. Landscaping shall be undertaken in accordance with Boundary Treatment Plan dwg no. 123.01.04 REV A, Outline Specification for Planting dwg no. 123.01.03, Planting Schedules dwg no. 123.01.02 REV A, Hard and Soft Landscape General Arrangement Plan dwg no. 123.01.01 REV A and Ecological Enhancement Plan dwg no. 123.01.05. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting (November to March) and seeding seasons following the first use of the development (April to September). Any trees, hedgerows or plants which following the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

10. Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 5 metres behind the adjoining highway.

11. Prior to first use of the development hereby permitted the vehicular access shall provide visibility splays of 2.4metres x 25m 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.

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 secure the provision of affordable housing in accordance with Policy H7 of the Wrexham Unitary Development Plan.

4. To preserve the health, safety and amenity value of the tree(s) in accordance with Policies GDP1, PS11, EC4, EC5 and EC6 of the Wrexham Unitary Development Plan.

5. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

6. In order to protect wildlife interests in accordance with Policies GDP1, PS11 and EC6 of the Wrexham Unitary Development Plan.

7. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.

8. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

9. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1, PS11, EC4, EC5 and EC6 of the Wrexham Unitary Development Plan.

10. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

11. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

Notes

The Applicant is advised that under the 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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

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

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage: https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk

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.