

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 1st JULY 2019

APPLICATION NO:
P/2019 /0141

LOCATION:
LAND ON NORTH SIDE OF STATION
AVENUE CHIRK WREXHAM LL14
5NA

DATE RECEIVED:
22/02/2019

COMMUNITY:
Chirk

DESCRIPTION:
RESIDENTIAL DEVELOPMENT FOR
THE ERECTION OF 24 DETACHED
DWELLINGS, ACCESS AND
ASSOCIATED WORKS

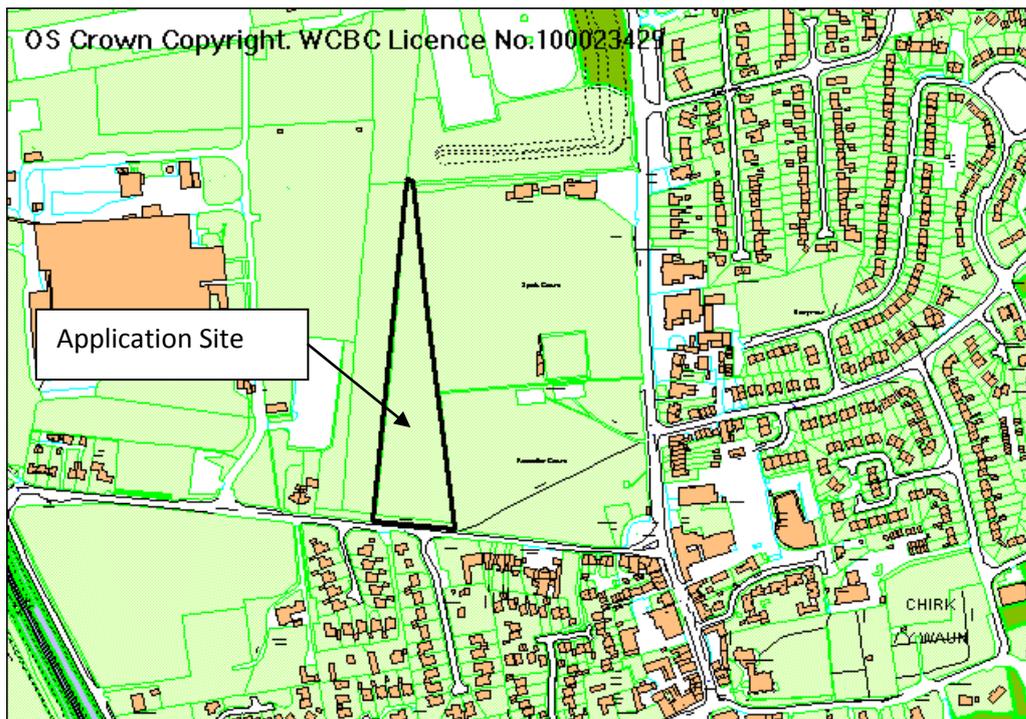
CASE OFFICER:
SEH

WARD:
Chirk South

AGENT NAME:
DS JONES AND CO
MR STEVE JONES

APPLICANT(S) NAME:
MR N EDWARDS
EDWARDS HOMES LIMITED

THE SITE



PROPOSAL

As above

PLANNING HISTORY

P/2017/0350 TPO Application for Works to the Lime Tree.
Withdrawn 14/07/2017

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P/2016/0695 Outline application for residential development of up to 22 no. units and associated works with all matters reserved except for access.

Refused 11/08/2017 – Appeal ref: H6955/A/18/3194493 –
Allowed 03/07/2018

DEVELOPMENT PLAN

Inside settlement and partly within the Chirk conservation area. Policies PS1, PS2, PS3, PS4, PS11, GDP1, GDP2, H2, EC4, EC6, EC7, EC12, EC13, T8 and T9 of the Wrexham UDP are relevant. Local Planning Guidance Notes Nos. 16 – Parking Standards, 17 – Trees and Development, 21 – Space around Dwellings, 27 – Developer Contributions to Schools and 32 – Biodiversity and Development are also relevant.

CONSULTATIONS

Community Council:

The maximum 22 units should be adhered to and not increased by 2 to 24 units. Our suggestion made at the pre-application consultation stage has been overlooked. This was to consider a local demand for purpose built homes designed for persons confined to a wheelchair. While construction is underway some highways conditions should be imposed to minimise disruption on an already congested Station Avenue. No HGV's should present to the site when nearby factories are on shift change over. In addition there should be no parking on nearby roads by vehicles linked to the construction site – Castle Crescent and Oakcroft as well as all along Station Avenue especially adjacent to the railway station which is already oversubscribed by vehicles and related rail travellers.

Local Members:

Notified 26/02/2019

Highways:

No objection subject to recommended conditions (see special considerations section below).

Public Protection:

No objection subject to the imposition of a condition to restrict hours of construction works and advisory notes in relation to dust management. A scheme of noise

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	attenuation measure should also be submitted (to be secured by planning condition).
Education:	There is sufficient capacity in local schools (Min y Ddol and Ysgol Ruabon) and no contributions are required.
Welsh Water:	No objection subject to the imposition of a condition securing a drainage scheme for the site.
HSE:	Does not advise against the development on safety grounds.
NRW:	No objection to the development.
Senior Flood Officer:	No objection to the development provided that a condition is attached to the permission to secure SuDS (sustainable drainage) at the site.
Ramblers:	This is near footpath Chirk 42 which should not be diverted or blocked by the development, nor during its construction.
Press Notice:	Expired 30/03/2019
Site Notice:	Expired 22/01/2019
Neighbours:	1 letter received expressing the following: <ul style="list-style-type: none">• What road access will there be to the development from Station Avenue and where will this access be located in connection to the junction of Castle Crescent and Station Avenue. I am concerned about the impact on the road when leaving for work in the morning, and more generally. It is already a dangerous exit with very limited visibility in either direction on Station Avenue and I can see this making matters worse;• What disruption will there be to accessing my property and for what period and what proposals are there for ensuring any disruption is kept to a minimum.

SPECIAL CONSIDERATIONS

Background: Outline planning permission for the residential development of this site has previously been granted on Appeal (P/2016/0665) for 22 no. dwellings. This application is now made in full to increase the number of dwellings to 24 no. which has been achieved by amended the site layout and by reducing the number of larger 4 bedroom dwellings and increasing the

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number of 3 bedroom units of smaller footprints. The application site is within the defined settlement limit and residential development is therefore acceptable in principle subject to compliance with UDP Policy GDP1. The relevant matters for consideration are the impact of the development upon highway safety, local residential amenity, ecological concerns, impact upon the TPO trees, and impact upon the visual amenities of the area and upon the character and appearance of the conservation area.

Scale, Design and Site Layout: The application is accompanied by a detailed Design and Access Statement which fully outlines the rationale behind the site layout in responding to the site constraints. The site layout plan demonstrates a functional development that sits comfortably within the landscape setting which has been satisfactorily mitigated in landscape terms and makes a positive contribution to the character and appearance of the area. The properties are located a sufficient distance from the existing dwellings opposite the site on Station Avenue, the closest dwelling being far in excess of 22 metres away (the minimum separation standard required by LPGN 21). As such there would be no significant loss of privacy or daylight to these properties and the proposal accords with UDP Policies H2, GDP1 and PS2.



Figure 1. Indicative site layout



Figure 2. Proposed Street Scene Facing Station Road

Conservation Area: One of the key considerations here is the acceptability of removing two of the frontage trees, one lime tree and one sycamore tree, to make way for the vehicular access. The importance of the lime trees along Station Avenue is not questioned and this is confirmed by their TPO status within the designated Chirk Conservation Area. The adopted Conservation

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Area Character Assessment and Management Plan makes several references to the important contribution made by the trees to the special character and appearance of the area, having a strong presence within the street-scene, adding to the sense of place and enhancing the linear street pattern by creating enclosure whilst channelling views along the avenue.

This special character derives from the cumulative impact of trees and the continuity along the avenue which should be strengthened and maintained not diminished through incremental loss. The trees form such a valuable feature of the Town and of the conservation area, as well as the approach to the World Heritage Site, that the removal of these trees could not be supported without their replacement. It is proposed therefore that the two trees to be removed will be replaced with two trees of suitable size and quality so that in the medium to long term the character of this part of the conservation area will not be unduly harmed, and the character of the conservation area would be preserved. Figures 2, 3, 4, 5 and 6 below demonstrate the negligible impact that the removal of the two trees will have upon the street scene.



Figure 2. Trees to be removed (marked in red) - Easterly

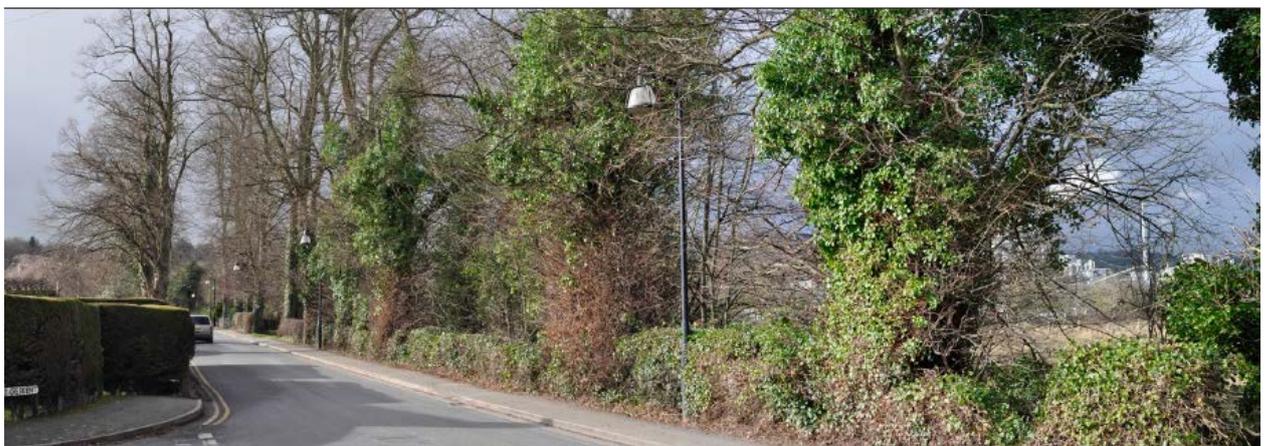


Figure 3. Existing Street Scene (Easterly)



Figure 4. Proposed Street Scene (Easterly)



Figure 5. Trees to be removed (marked in red) - Westerly



Figure 6. Existing Street Scene (Westerly)



Figure 7. Proposed Street Scene (Westerly)

Trees and Landscaping: The site is immediately adjacent to the existing Public Open Space (POS). As this POS is easily accessible there is no requirement for the open space on site to be equipped. The informal open space area (IOS) proposed for the north of the site provides a good opportunity for increasing both biodiversity and increasing canopy cover in accordance with Policy EC4, the Tree & Woodland Strategy (objective 1(9)) and LPGN No. 17 'Trees & Development'. The proposed tree planting within the IOS should be improved upon with additional planting of trees with potential large stature such as *Tilia* spp, *Quercus* spp, *Pinus* spp, *Acer* spp; large tree species capable of providing a significant visual 'back-drop' to the development whilst increasing canopy cover.

Proposed tree planting within residential garden areas should also be increased with a greater mix of small ornamental tree species to improve plant diversity across the site. A detailed landscaping scheme will be required by condition for further approval. The overall plot layout is acceptable with appropriate protection afforded to the existing hedgerow to the eastern boundary through well considered design. The hedgerow itself requires maintenance and rejuvenation in parts and a hedgerow management plan should be submitted to address this as part of the landscaping scheme.

The primary arboricultural issue with this application is the proposed removal of the two protected trees adjacent to Station Avenue in order to provide a suitable vehicular access point into the development. Of the two trees to be removed, one is a multi-stemmed, mature sycamore (T5) set back from the highway and subject to Conservation Area protection. The second is a mature lime tree subject to TPO WCBC 59 (T14) identified as T6.

The sycamore (T5) is considered to have reduced amenity value due to its poor form and suppression by adjacent and dominant trees, the removal of the tree would be considered acceptable providing its contribution to the overall canopy cover along Station Avenue is mitigated through replacement

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planting in a location as near to as practicable to the location of the sycamore itself.

The removal of the lime tree (T6) is more contentious due to both the elevated protective status of the tree and its amenity contribution within the significant tree-lined feature present along Station Avenue. Whilst the tree has been identified within the survey as a category 'B' feature, my own assessment reduced the retention value of the tree to a category 'C' due to the level of die-back and dead material present within the upper crown, the tree is also considered to be of a reduced stature compared to similar adjacent lime trees in Station Avenue.

Despite the reduced values of both trees, their removal should be mitigated through appropriate replacement planting. T6 must be replaced on a 'like for like' basis and be located approximately 2.0m from the original location and of a size and form capable of providing instant amenity (see figure 3 above). The tree to replace T5 must also be a suitable species to be planted within the site boundary and again, adjacent to Station Avenue. The specific planting details will be considered as part of the detailed landscaping scheme.

Highways: The development site is located on a classified highway subject to a 30mph speed limit. As part of the previous Outline planning application, the applicant undertook a vehicular speed survey over a single day in July 2016 with determined 85th percentile speeds of 28.28mph westbound and 30.41 mph eastbound. A second survey was commissioned over the course of a week in December 2016 which determined speeds of 28mph westbound and 28.7 mph eastbound. The Welsh Government guideline TAN 18 recommends visibility splays measuring 2.4 x 40m for the higher of the measured speeds and the applicant has demonstrated that it is possible to achieve these splays from the proposed site access.

The plans make it clear that the location of the existing trees to be retained (particularly tree T4) do not obstruct visibility from the site access. Similarly the proposed new feature tree (replacement T6) at the site access will not obstruct visibility. The proposed scheme of future maintenance for hedges / trees etc. in this location would be of benefit to a currently unmanaged area and will ensure visibility is maintained in perpetuity.

A proposed road width of 5.5m with associated footway provision meets with current highway design standards. A swept path analysis has demonstrated that the proposed access is capable of catering for an 11.2m long refuse wagon. Traffic generated from a development of 24 dwellings is likely to be no more than 20 movements at peak hours. This equates to an average of just one additional vehicle every 3 minutes.

There are some significant traffic generators already served by Station Avenue (Chirk Castle, Canal Wood Industrial estate and the Caravan Park). However, the level of traffic likely to be generated by this proposal is so low that it is considered unlikely to have any detrimental impact on the highway.

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The site layout in acceptable and refuse and service vehicles will be able to properly manoeuvre within the site. On-site parking for each dwelling accords with LPGN 16. However this depends upon parking within the proposed garages and so it will be necessary to attach a planning condition to prevent the conversion of the garages and ensure that they remain available for the parking of motor vehicles. A construction traffic management plan (CTMP) is required and this will be secured by planning condition.

Noise: The application site is in close proximity to two existing industrial uses; Kronospan and Mondelez (formerly known as Cadburys). Noise mitigation measures must accord with WHO recommended noise levels (both internal and external). There are no objections to the development on the grounds of compatibility of uses. The industrial uses will not impact significantly upon the residential amenities of the occupiers of the proposed development and there is no reason to believe that the dwellings will encroach upon these uses. The noise attenuation/mitigation measures proposed as part of this application (double glazing and trickle vents) will be secured by way of planning condition.

Ecology: Sufficient bat surveys have been carried out on site to adequately assess the impact the development may have on the species, including any potential for bat roosts in the trees to be removed from the site frontage. The site as a whole has potential to be used by foraging and commuting species and so submission of a bat friendly lighting scheme is required by planning condition.

CONCLUSION

As the site is within the settlement limit and Outline planning permission has already been granted on the site, there can be no objection in principle to its residential development. Whilst providing much needed housing in a sustainable location, this proposal offers the opportunity to regenerate and visually enhance the area in accordance with planning policies H2, GDP (a), EC7 and PS2 which seek to ensure that development does not harm the appearance of the townscape, and that it positively contributes to the appearance of the nearby locality and preserves the character of the conservation area.

On-site parking provision is acceptable for this sustainable location and a safe and satisfactory vehicular access has been proposed. Further, the proposed soft landscaping and replacement tree planting will be of benefit not only to the visual amenities within the development, but to the appearance of the locality as a whole. I have considered the impact of the development upon the residential amenities of the occupiers of the existing adjacent properties and concluded that there will be no significant detrimental impact, and I recommend accordingly.

RECOMMENDATION A

That the Council enters into an obligation under Section 106 of the Town and Country Planning Act 1990 requiring:-

- Management Company for the future maintenance by the applicant of all communal areas including the driveways, parking areas, hard and soft landscaped areas and planted features.

The final form and amount shall be determined by the Head of Environment and Planning.

RECOMMENDATION B

That if the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990, as detailed above, is not completed within six months of the date of the Committee resolution, the Head of Environment and Planning is given delegated authority to **REFUSE** planning permission for the following reasons:-

- Lack of appropriate maintenance by the applicant of all communal areas including the parking areas, hard and soft landscaped areas and planted features.

That the Head of Environment and Planning is given delegated authority to determine the final form and content of reasons for refusal.

RECOMMENDATION C

Subject to the completion of the S106 obligation, planning permission be **GRANTED** subject to the following conditions:-

CONDITION(S)

1. 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 approved drawing(s) numbered -
 - 10349.03G.dsj,
 - 10349.Gar01.dsj,
 - 10349.War.01.dsj,
 - 10349.Ling.01.dsj,
 - 10349.Kemp.01.dsjand as contained within the application documentation.
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

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Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.

4. 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.

5. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 4. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.

6. Prior to first use of the development hereby approved all windows in external elevations shall be double glazed and incorporate trickle ventilation as detailed within Report ref: NIA/6847/19/6813/v4/Chirk dated January 2019, approved as part of this application.

7. The noise level associated with the pumping station shall not exceed the background noise level at the nearest existing / proposed residential dwelling as detailed within Report ref: NIA/6847/19/6813/v4/Chirk dated January 2019, approved as part of this application.

8. 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 unless the prior written approval of the Local Planning Authority has been obtained.

9. 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.

10. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 40 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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11. Prior to first use of the development hereby approved, the vehicular access shall be laid out in strict accordance with approved plan ref: 10349.03G.dsj.
12. The vehicular parking and turning areas as shown on approved drawing(s) No(s). 10349.03G.dsj shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.
13. No part of the development shall commence until a scheme detailing the layout, lighting, design, drainage and construction of the internal estate road and footways has been submitted to and approved in writing by the Local Planning Authority. The scheme as is approved shall be fully implemented prior to first use of the development.
14. No part of the development shall commence until an external bat friendly lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details prior to first use / occupation of the development.
15. With the exception of the hedgerow removal and Tree refs: T5 and T6 required to form the vehicular and pedestrian access, all other existing trees, shrubs and hedges shown on drawing refs: 10349.03G.dsj shall be permanently retained and shall not be cut down, grubbed out, lopped or uprooted. Any trees, shrubs or hedges removed or being severely damaged or becoming diseased shall be replaced with trees, shrubs or hedging plants of an appropriate size and species all within a timescale to be approved in writing by the local planning authority.
16. No part of the development shall commence until a detailed 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 the Method Statement as is approved. The Method Statement shall include the following:
 - a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
 - b) 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;
 - c) 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;
 - d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
 - e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
 - f) Method for protecting retained trees during demolition works;
 - g) Details of all proposed tree works, including felling and pruning.
17. No part of the development shall commence until full details for any hard surfaced areas within retained tree(s) Root Protection Areas, as specified by BS5837:2012 or as shown on a Tree Protection Plan, have been

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submitted to and approved in writing by the Local Planning Authority. The details shall include existing and proposed levels, a specification for hard surfaces, and a method statement detailing the construction process. The works shall be carried out in strict accordance with the details as are approved.

18. No part of the development shall commence until full details for the arboricultural supervision of tree protection measures and any ground works within retained tree(s) Root Protection Areas, as specified by BS5837:2012 or as shown on a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The supervisory works shall be carried out in strict accordance with the details as approved.

19. No part of the development shall commence until full details of both hard and soft landscape works, to include some native planting has been submitted to and approved in writing by the Local Planning Authority. The plan shall include a timescale for the implementation of works, and shall provide for ecological improvement / habitat creation and enhancement in the soft landscape areas for the benefit of biodiversity conservation specifically tailored to the landscape features.

20. The landscaping scheme submitted and approved in connection with condition no. 19 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

21. The planting scheme implemented in connection with condition no. 20 shall be permanently retained. Any planting 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 trees or shrubs of similar size and species to those originally required to be planted.

22. Within three months of commencement of development a landscaping 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.

23. The landscaping plan to be submitted in connection with condition no.20 shall include replacement planting in respect of trees nos. T5 and T6 within the development frontage.

24. 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 building.

25. No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority and the Plan as is approved has been fully implemented.

26. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.

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27. No part of the development shall commence until a boundary treatment scheme within and around the site, to include the pumping stations, has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment as may be approved shall be completed in all respects prior to first use / occupation of the development and shall thereafter be permanently retained.

28. Any garage erected under this permission shall be used only for a purpose incidental to the use of the dwelling as a single dwelling house provided that such use shall not preclude the garaging of a private motor car.

29. 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) and with the exception of those shown on the approved plans, no gate, fence, wall or other means of enclosure shall be erected on the site.

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 GDP1 and PS2 of the Wrexham Unitary Development Plan.
4. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
5. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
6. To protect the amenities of the future occupiers of the development in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. To protect the amenities of the existing occupiers and future occupiers of the development in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
9. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
10. This is a non-standard reason
11. This is a non-standard reason
12. 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 in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan
13. This is a non-standard reason
14. This is a non-standard reason
15. This is a non-standard reason

16. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
17. To ensure that hard surfacing does not cause harm to retained trees in the interests of visual amenity in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
18. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
19. 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 and PS2 of the Wrexham Unitary Development Plan.
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23. 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 and PS2 of the Wrexham Unitary Development Plan.
24. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
25. In the interests of highway safety and in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
26. In the interests of highway safety and in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
27. 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 and PS2 of the Wrexham Unitary Development Plan.
To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
28. To ensure that facilities for the garaging of a car remain available at this address at all times in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan.
29. 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 and PS2 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

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

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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 Environment and Planning Department on 01978 315300 for further advice and information.

Applicants are advised that compliance with condition no. 9 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.

The Applicant is advised that under the Environmental Protection Act 1990, dust from construction and/or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.

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.

The scheme of arboricultural supervision required in connection with condition no. 18 above shall make provision for a pre-commencement site meeting between the Local Planning Authority's Arboriculturist, 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

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

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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 may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication ""Sewers for Adoption""- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The applicant is advised that compliance with condition no. 8 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.

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

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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.

This site is close to footpath Chirk 42 which should not be diverted or blocked by the development, nor during its construction.
