

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 1<sup>st</sup> JULY 2019**

**APPLICATION NO:**  
P/2019 /0263

**LOCATION:**  
NANT SILYN PONT WEN CAIA PARK  
WREXHAM LL13 8SQ

**DATE RECEIVED:**  
27/03/2019

**COMMUNITY:**  
Caia Park

**DESCRIPTION:**  
ERECTION OF 14 NO. DWELLINGS  
COMPRISING 8 NO. ONE BED  
APARTMENTS, 4 NO. TWO BED  
HOUSES, 1 NO. TWO BED  
BUNGALOW AND 1 NO. ONE BED  
BUNGALOW AND ALL ASSOCIATED  
CAR PARKING, LANDSCAPING AND  
HIGHWAY WORKS

**CASE OFFICER:**  
SEH

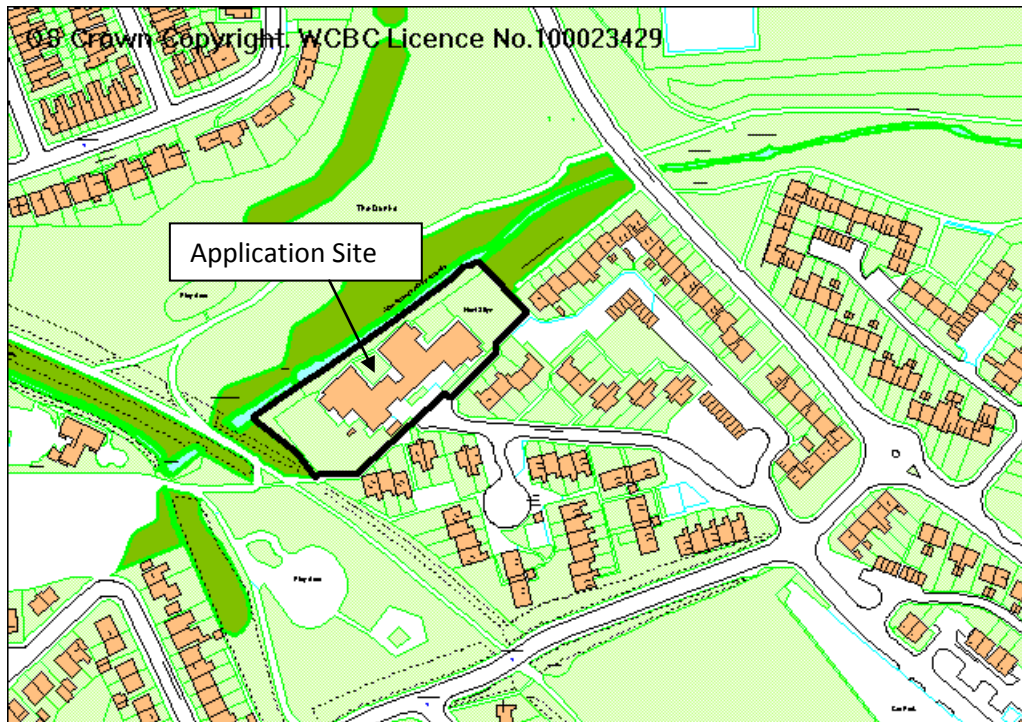
**WARD:**  
Smithfield

**AGENT NAME:**  
MISS RACHEL TAYLOR  
JENNINGS DESIGN  
ASSOCIATES

**APPLICANT(S) NAME:**  
WREXHAM COUNTY BOROUGH  
COUNCIL

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**THE SITE**



**PROPOSAL**

As above

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**PLANNING HISTORY**

None relevant

**DEVELOPMENT PLAN**

Inside of settlement limit. Policies PS1, PS2, PS3, PS4, GDP1, GDP2, H2, EC4, EC6, 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:	No objection
Local Member:	Notified 05/04/2019
Highways:	No objection subject to recommended conditions (see special considerations section below).
Public Protection:	No objection subject to the imposition of conditions to limit the impact of development in terms of noise and dust nuisance etc. and notes in relation to dust management.
Education:	There is sufficient capacity in local schools (Gwenfro, Bodhyfryd and Rhosnesni) and no contributions are required.
Welsh Water:	No objection subject to the imposition of a condition securing a drainage scheme for the site.
NRW:	No objection to the development subject to drainage conditions.
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.
Press Notice:	Expired 04/05/2019
Site Notice:	Expired 26/04/2019
Neighbours:	1 letter received expressing the following concerns: <ul style="list-style-type: none"><li>• Worries are mainly about the traffic and parking problems this will cause, no objections to the construction of the properties;</li><li>• Observed and experienced the parking problems that occurred in the past and there is sure to be an increase with the construction</li></ul>

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- of fourteen private dwellings as proposed by the Council;
- At present, the condition of the road to the estate is in dire need of attention and repair. It has not had any attention for a considerable amount of time resulting in the disappearance of the top surface. The constant flow of heavy machinery and vehicles necessary to begin and complete the proposed work on the site will undoubtedly worsen the already existing rough surface. The development will therefore also have a detrimental impact upon the present occupants of Pont Wen estate and possibly result in damage to vehicles;
  - Parking facilities on the estate at present are already stretched. Availability of parking space to present tenants is already totally inadequate. Fourteen new dwellings will add many more vehicles to the area causing a great increase these problems if no steps are taken to address the problem,
  - Allowing two parking spaces per property will not alleviate the problem as these days families own more than two cars. Both parents and children in late teens will each have a car. Plus there is no consideration for the vehicle parking of any visitors to the properties. This will again compound the gross inadequate parking situation in Pont Wen.

### **SPECIAL CONSIDERATIONS**

**Background:** This application is made in full and is for the erection of 14 no. dwellings and associated alterations to the vehicular access off Pont Wen. The site previously housed the Nant Silyn Residential Care Home which has now been demolished and the site cleared. The application site is within the defined settlement limit and residential redevelopment is therefore acceptable in principle subject to compliance with UDP Policy GDP1. The main issues to

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consider relate to the impact of the development upon highway safety, residential amenity and upon the character and appearance of the area.

**Design and Residential Amenity:** The regeneration of this Brownfield site will visually enhance the general appearance of the area, in accordance with UDP Policies GDP1 (a), PS2 and PS3. The application is accompanied by a detailed Design and Access Statement which fully outlines the rationale behind the site layout which responds to the site constraints and opportunities.

The site is considered large enough to accommodate the 6 no. dwellings and apartment block proposed together with outdoor space of adequate size, in accordance with LPGN No.21 'Space around Dwellings'. The dwellings are of traditional design and materials of construction common to the area and consist of one block of 8 apartments, 4 semi-detached houses, and 2 detached bungalows. The dwellings are set in a line following the original building line of the former care home, which will create a cohesive street frontage. The proposed site layout demonstrates that it is possible to achieve a functional development that sits comfortably in its landscape setting which can be satisfactorily mitigated in landscape terms and make a positive contribution to the character and appearance of the area. I have included below a perspective sketch of the proposed street scene when viewed from Pont Wen.



*Figure 1. Proposed Street Scene*

There would be no issues of overlooking or loss of light to the existing nearby dwellings. The site layout has been carefully designed to meet the separation distances recommended in LPGN No.21 to ensure that the occupiers of the proposed dwellings will enjoy private outdoor spaces and habitable rooms which will also have the benefit of a good level of natural daylight in the interests of the residential amenities of the future occupiers of the development. The proposal therefore accords with UDP Policies GDP1, H2 and PS2.

**Trees and Landscape:** The Council's Arboricultural officer agrees with the findings and categorisation of the trees on site as stated within the submitted report. As previously considered and agreed in principle, it will be necessary to remove the stand of birch trees (T11, 12, 13, 14, 15 and 16) to facilitate the adjacent new bungalow. On-site mitigation for the loss of these trees, as well as the adjacent groups identified as G6, G7 and G8, is shown along the site frontage.

Hedgerow management of the cypress trees (G1) is required and details of this work and all other pruning / felling works should be detailed within an arboricultural method statement (AMS) which will be secured by planning

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condition. Further planting of trees and large shrubs will be required to the frontage of the development with all grassed verges exploited to maximise mitigation, enhancement and climate resilience potential. This will also be secured by way of conditions requiring submission of a detailed planting and landscaping scheme for further approval.

Given the abundance of Public Open Space (POS) immediately adjacent to the site and the play areas and sport centres close by, there is no requirement for POS to be provided on site.

**Ecology:** The Council's biodiversity officer raises no objection to the development of this site. A scheme of Reasonable Avoidance Measures (RAMs) is required in respect of the protection of the otters recorded to be using the River Gwenfro, and this scheme will be secured by planning condition for further approval. A condition regarding lighting is also required which should be low level and not encroach onto the river corridor. Prior to commencement of development, an invasive non-native species protocol shall be submitted which details containment, control and removal of any Japanese knotweed on site.

**Highways:** The proposed site layout, access and access road are acceptable (see site layout at figure 2 below). A street-lighting scheme will be required by condition. On-site parking for the dwellings is in accordance with LPGN 16 (2 spaces per dwelling). 10 spaces are proposed for the apartment block which is 2 spaces short of the 12 required by LPGN 16. Whilst this is a slight shortfall from the maximum parking standard, given the sustainable location of the site close to the town centre and local amenities we would be unjustified in insisting upon provision of the maximum standard in this location. The former care home had just 7 parking spaces within the curtilage of the site, and the proposed should reduce parking demand when balanced against the former use of the site. The implementation and retention of the parking areas will be secured by way of condition.

A construction traffic management plan (CTMP) is required and this will be secured by planning condition.



*Figure 2. Site Layout*

**Drainage:** There are no objections to the scheme from Welsh Water, Natural Resources Wales (NRW) or the Council's flood water management officer.. The required 3 metre buffer zones around the public sewers which cross the site have been provided, and a comprehensive drainage scheme will be required by planning condition.

**Conclusion:** The proposed development is acceptable in terms of scale and design, and adequate onsite parking has been provided together with safe and satisfactory vehicular and pedestrian access. The residential development of the site would not be detrimental to local residential or visual amenity and I recommend accordingly.

## **RECOMMENDATION**

That Wrexham County Borough Council Resolves in accordance with Regulation 3 of the Town & Country Planning General Regulations 1992 that planning permission be Granted subject to any conditions specified below:

**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:
  - 1044 A 203 Rev A,
  - 1044 A 201 Rev D,
  - 1044 A 200 Rev E,
  - 1044 A 600 Rev A,
  - 1044 A 100 Rev N,and 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 Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no further development shall take place under Classes A, B, C, D, E, F or G of Schedule 2 Part 1, other than the development hereby granted permission.
5. The vehicular parking and turning areas as shown on approved drawing(s) No(s). 1044A 100 Rev N 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.
6. 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.
7. 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.
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. 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

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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.

10. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 9. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.

11. No development shall take place within 3 metres either side of the public sewer which crosses the site.

12. No part of the development shall commence until a scheme detailing the construction of the following has been submitted to and approved in writing by the Local Planning Authority:

- 1) Detailed layout, design, drainage and construction of the proposed new 108 metre wide footway either side of the proposed access.

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

13. 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.

14. 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.



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15. Within three months of commencement of development, full details of a hard and soft landscaping scheme together with a five year Maintenance Plan and timescales for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.

16. The landscaping scheme submitted and approved in connection with condition no. 16 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

17. The planting scheme implemented in connection with condition no. 16 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.

18. No part of the development shall commence until a method statement for the construction of the SUDs pond, car parking spaces, services and all other construction or excavation works proposed within the wayleave/stand-off strip has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the method statement as may be approved.

19. Prior to first use of the development, an external lighting scheme compliant with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/18: Bats and Artificial Lighting in the UK shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- a) identify those areas and features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around their foraging or commuting routes; and
- b) indicate where external lighting will be installed and the type of lighting to be used.

The scheme as is approved shall be fully implemented in strict accordance with the details as are approved and no other external lighting shall be installed on any part of the site.

20. No part of the development shall commence until an invasive non-native species protocol has been submitted to, and approved by, the Local Planning Authority. The protocol shall detail the proposed measures of containment, control and removal of Japanese knotweed on site. These measures as are approved shall be fully implemented on site.

21. The development shall be carried out in strict accordance with the Otter RAMs contained within the Survey dated 10 January 2019 and prepared by Marches Ecology, submitted and approved as part of this application.

22. 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.

23. 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,

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and at no time on a Sunday or a Bank Holiday unless the prior written approval of the Local Planning Authority has been obtained.

24. 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.

25. The scheme of bin / refuse storage as shown on approved plan ref: 1044 A 600 Rev A shall be fully implemented prior to first use of the development, and bins / refuse / recycling shall not otherwise be stored on any other part of the site.

27. 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. Due to the restricted application site and its relationship with adjoining properties it is considered important to ensure that no additional development as described in the condition is carried out without the permission of the Local Planning Authority in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
5. 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
6. In the interests of highway safety and in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. In the interests of highway safety and in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
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 Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
9. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
10. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

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11. To protect the integrity of the public sewer and avoid damage thereto in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

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

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

19. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

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.

20. To prevent the spread of non-native species.

21. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

22. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

23. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 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. To protect the amenities of the occupiers of nearby properties and to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

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.

## **NOTE(S) TO APPLICANT**

The applicant is advised that compliance with condition no. 23 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. 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 Environment and Planning Department on 01978 315300 for further advice and information.

Applicants are advised that compliance with condition no. 24 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.

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The scheme of arboricultural supervision required in connection with condition no. 15 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 essential therefore that the detailed proposals are submitted to the Highway Authority and confirmed as acceptable BEFORE development commences. Please contact the Highway Authority on telephone no. 01978 729690 for further guidance.

The applicant is advised that formal submission of the relevant section 38 adoption agreement, between the applicant and the Highway Authority, to the Local Planning Authority will allow the above condition no(s). 12 to be formally discharged in writing.

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.

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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.
-