

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

APPLICATION NO:
P/2019 /0355

LOCATION:
LAND WEST OF EVERSLEY COURT
MINERA WREXHAM LL11 3YZ

DATE RECEIVED:
08/05/2019

COMMUNITY:
Minera

DESCRIPTION:
RESIDENTIAL DEVELOPMENT FOR
9 NO. DETACHED DWELLINGS WITH
ASSOCIATED MEANS OF ACCESS
AND LANDSCAPING

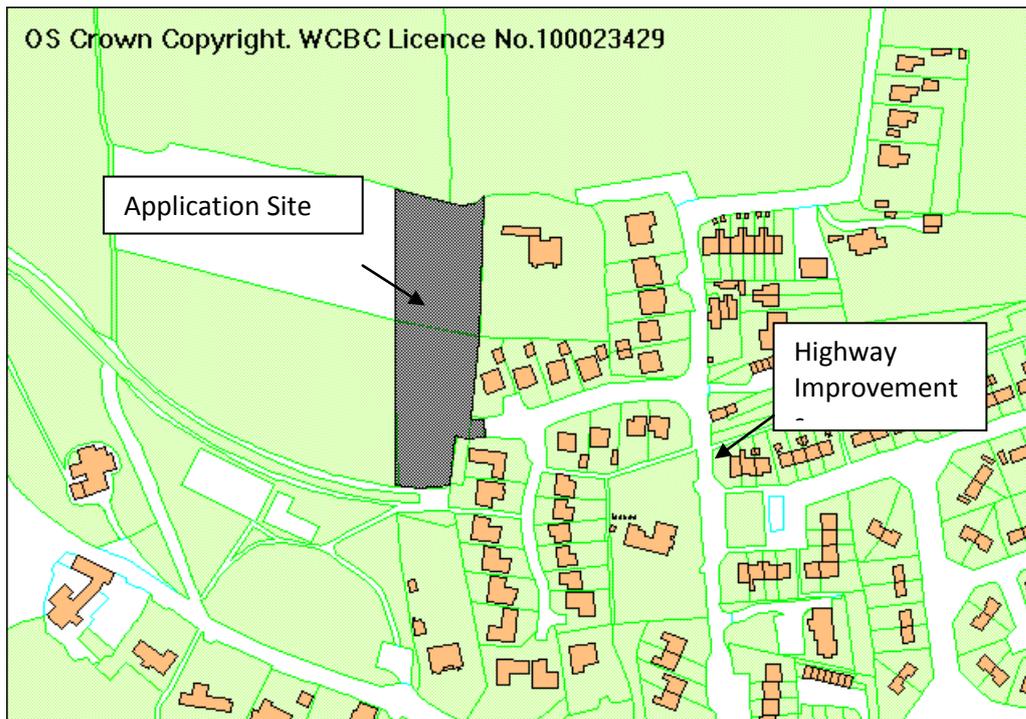
CASE OFFICER:
SEH

WARD:
Minera

APPLICANT(S) NAME:
MR MICHAEL FORGRAVE GOWER
HOMES LTD

AGENT NAME:
J10 PLANNING LTD
MR JUSTIN PAUL

THE SITE



PROPOSAL

As above.

PLANNING HISTORY

P/2018/0802	APPLICATION FOR VARIATION OF CONDITIONS 2 AND 3 IMPOSED UNDER OUTLINE PLANNING PERMISSION P/2015/0356 TO EXTEND THE TIME LIMIT FOR COMMENCEMENT OF DEVELOPMENT BY 5 YEARS	APPROVED 07/10/2018
P/2015/0356	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT - ALL MATTERS RESERVED	APPROVED 05/10/2015
P/2014/0596	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT - ALL MATTERS RESERVED	WITHDRAWN 10/10/2014
P/2012/0618	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (3 DWELLINGS)	REFUSED 25/10/2012

DEVELOPMENT PLAN

Inside settlement limit. UDP Policies PS1, PS2, PS3, PS4, H2, GDP1, GDP2, EC4, EC6, T8 and T9 apply. Local Planning Guidance Notes Nos. 16 'Parking Standards', 17 'Trees and Development', 21 'Space around Dwellings' and 27 'Developer Contributions to Schools' are also relevant.

CONSULTATIONS

Community Council:	Consulted	14.05.2019
Local Member:	Notified	14.05.2019
Highways:	No objection subject to recommended conditions. (see special considerations section below).	
Welsh Water:	No objection subject to a condition securing the submission of a comprehensive drainage scheme.	
Flood Officer:	The site is located in DAM Zone A as defined within TAN15. NRW's surface water flood map identifies a low risk of flooding to isolated parts of the site. There are no objections subject to a condition securing the submission of a comprehensive drainage scheme.	
Education:	There is capacity in both primary (Bryn Tabor and Penygelli) and secondary (Clywedog) schools. No contributions are required.	
NRW:	No objections subject to a condition relating to the submission of a bat friendly lighting scheme.	
Public Protection:	No objection subject to recommended conditions relating to the potential for land contamination and noise nuisance during the construction phase.	

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Site Notices:

Expired

05.06.2019

Neighbours:

4 representations received expressing the following concerns:

- Increase in traffic generation on an already busy road where footway provision is inadequate. This will impact on pedestrian safety generally but particularly on children walking to and from school;
- Loss of privacy due to overlooking;
- Loss of view;
- Concerned about flood risk;
- This application does not give back to the community;
- Devaluation of existing properties;
- Light pollution;
- There are few amenities within the Village;
- Visual impact and conservation area;
- Increase in indiscriminate parking on the surrounding roads;
- Proper drainage is required;
- The local sewerage treatment capability is unsustainable;
- The development will cause disturbance to local residents in terms of noise, dust and damage to road surfaces;
- Impact on bird population and wildlife;
- Impact upon the trees on site;
- This development may lead to more houses being built on the adjacent land;
- How will Eversley Court be kept clear of mud;
- Construction traffic will be dangerous;
- Access to the fields beyond has been retained. This would indicate possible future development beyond the application site;
- The development to the south of the site would be better as a bungalow.

SPECIAL CONSIDERATIONS/ ISSUES

Background: Outline planning permission for the residential development of this site has previously been granted in 2015 for 8 dwellings (P/2015/0356) which was renewed in 2018 (P/2018/0802). This application is now made in Full in order to increase the number of dwellings to 9. 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 consider relate to the impact of the development upon highway

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safety, residential amenity and upon the character and appearance of the area.

Visual Impact: The application site is bounded to the south by the former railway line which forms the northern boundary to the adjacent Minera Conservation Area. The northern boundary of the site, which adjoins the western boundary with Eversley, is lined by a variety of trees. The trees within this area when viewed cumulatively with the trees within the adjoining fields to the west form a backdrop to views across the Conservation Area from Pentre in the South and from the AONB at Minera Mountain and give enclosure to the settlement. The lower section of the site is more open with trees and hedges positioned around the boundary. This section is viewed in the context of the existing residential development at Eversley Court and new development within this area would not appear out of character with the general pattern of land use, plot size etc. In addition, development in this area would not require the removal of significant tree cover.

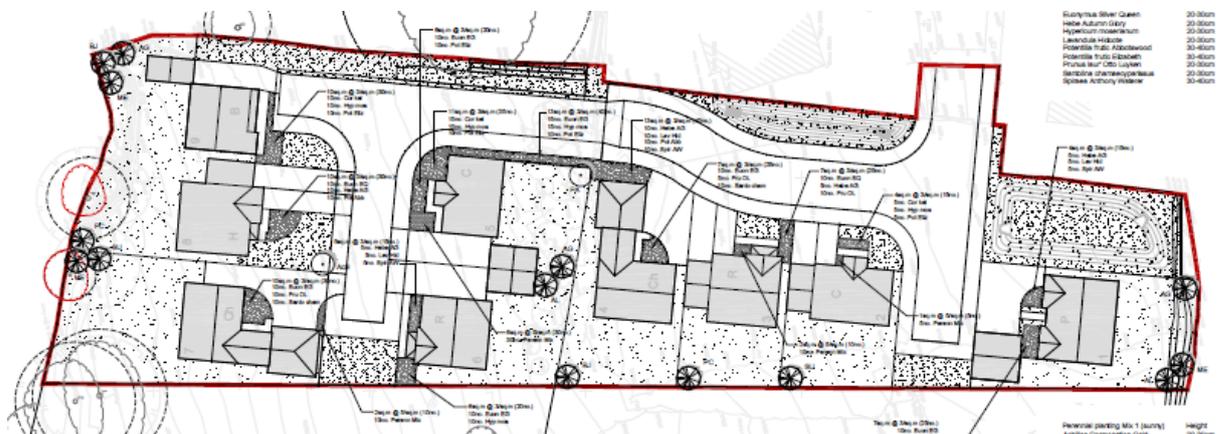


Figure 1. Site Layout

The mixture of materials of construction which include brick and render together with different house types provide variety and visual interest and ensure sensitive integration with the existing residential development at Eversley Court (see elevations at figures 2 to 6 below), and the development as proposed would make a positive contribution to the visual amenities of the area in accordance with Policies GDP1 and PS2 of the UDP.



Figure 2. Front Elevation - Beaumaris House Type



Figure 3. Front Elevation – Harlech House Type



Figure 4 Front Elevation – Conwy House Type



Figure 5. Front Elevation – Powis House Type



Figure 6. Front Elevation – Ruddlan House Type

Design and Residential Amenity: The submitted layout plan has demonstrated that the site is capable of supporting the 9 no. dwellings as proposed. On-site parking and garden space together with safe and satisfactory individual vehicular access points have been provided in accordance with LPGN 16 and 21. Separation distances in accordance with Council guidelines set out in LPGN 21 have been met and there would be no significant loss of light or privacy to the existing properties, or any shortfall in standards for the future occupiers of the development.

Highways, Access and Parking: The site is located at the end of a hammerhead on an unclassified highway (Eversley Court) with a 30 mph speed limit. Eversley Court is 5.5 metres wide which, by Council standards, is adequate to cater for up to 150 no. dwellings. Eversley Court currently serves 37 dwellings and so it will easily cater for the additional 9 dwellings as proposed.

Visibility from Eversley Court onto Vicarage Lane is also concurrent with Welsh Government guidelines and there are no concerns with the increased use of this access. However, footway provision along Vicarage Lane is substandard. As this is the main route to the local school on Minera Hall Road it is considered necessary that improvements are made in the interests of pedestrian safety. A scheme has been identified adjacent to No 44. Mwyn Ffordd where it will be possible to utilise a small section of garden to construct a footway which will be of benefit to all users of the highway. I have received written confirmation from the Housing Department that the developer will be permitted to make this highway improvements which will be secured by way of Grampian planning condition.

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.

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

Trees: A full Arboricultural Impact Assessment has been carried out and submitted as part of the application which demonstrates that no significant trees will be lost to make way for the development. Trees located outside of the application site appear to have roots encroaching into the site and a condition requiring the submission of an arboricultural method statement for further approval is required to ensure that all trees within influencing distance are protected accordingly. A greater level of feature tree and hedge planting to soften and enhance the street scene is required within the property frontages, and this will also be secured by attaching a tree planting condition attached to the permission should it be granted.

Ecology: There are no objections to the development of this site provided that it is carried out in accordance with the recommendations contained within submitted ecology report. Prior to commencement the site must undergo a check for badger activity by a suitable ecologist. The planting scheme as already mentioned above should include additional planting and improvements to the existing hedgerows. Several trees on the perimeter of the site have the potential to support roosting bats. There should be no removal or pruning of these trees and this will be secured by condition, as will a scheme for the installation of integrated bat and bird boxes into the new dwellings.

Drainage: No objections to the scheme have been received from the Council's flood officer, Welsh Water or Natural Resources Wales (NRW). A comprehensive sustainable drainage scheme will be required by planning condition for further approval by these statutory consultees.

Other Matters: Devaluation of property is not a relevant planning consideration for this application and there is no right to a view across the application site.

Though local residents will experience some level of disturbance during the development stage, this impact is not permanent and a condition restricting operational construction hours will be attached to any permission.

Access to the remaining undeveloped land to the west has been retained from the development site. However this does not infer that additional development of the land is forthcoming.

CONCLUSION

The application site lies within the defined settlement limit where residential development is acceptable in principle subject to compliance with UDP policy GDP1. The proposed development of the site will not be to the detriment of the character of the area and will make a positive contribution to the locality in accordance with UDP policies PS2 and GDP1. Subject to the highway

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improvements being secured by condition, the development is acceptable in terms of highway safety and will not have a significant detrimental impact upon local residential amenity.

RECOMMENDATION: That permission be GRANTED

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 -
 - 16.5719/1 Rev B
 - 16.5719/2
 - 16.5719/3
 - 16.5719/4
 - 16.5719/5 1 of 2
 - 16.5719/5 2 of 2
 - 16.5719/6
 - 16.5719/7 Rev A
 - 16.5719/9
 - 16.5719/S1and 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). 16.5719/1 Rev B 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.

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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 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. 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.

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 a new footway / carriageway within and adjacent to the development site, and fronting 44 Mwyn Ffordd together with new boundary wall.

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

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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 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 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.

15. 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.

16. The landscaping scheme approved as part of this application shall be fully implemented in strict accordance with approved drawing no. 00/101/01 v 1.0 within three months of the first use of the development with the exception of soft landscaping which shall be carried out in the first planting season (November to March) or seeding season (April to September) following the first use.

17. Within six months of the first use of the development, trees and shrubs shall be planted on the site in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

18. The planting scheme implemented in connection with condition nos. 16 and 17 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.

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

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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 the site has been inspected by a competent ecologist for signs of occupation by badgers. The results of this survey should be submitted to and approved in writing by the Local Planning Authority. The development shall commence no later than within one month of the approval of these survey results.

21. Prior to first occupation of the site a scheme for the installation of integrated bat and bird boxes into the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The scheme as is approved shall be fully implemented in strict accordance with the details as are approved and thereafter permanently retained.

22. The existing trees, shrubs and hedges shown on drawing(s) No(s). 18/AIA/WXM/239 02 Rev A 8 to be permanently retained 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 the equivalent size and species.

23. 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.

24. 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.

25. 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.

26. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

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27. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 26 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

28. The development shall be carried out in strict accordance with the methodology, findings and recommendations contained within the Ecological Survey Report carried out by Kingdom Ecology and dated 3 January 2019 approved as part of this application.

30. 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.
11. To ensure that the garage is not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties

and 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.

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 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.

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 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.

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 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.

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 in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

26. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

27. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

28. 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.

30. 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

Further advice on compliance with condition nos 26 and 27 may be obtained by contacting the Council's Environmental Protection Team on 01978 315733. Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Housing and Public Protection Department prior to commencement of works on site.

The applicant is advised that compliance with condition no. 24 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. 25 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

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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. 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.
