

**REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -**  
**5 May 2015**

**APPLICATION NO:**  
P/2014 /0739

**LOCATION:**  
LAND WEST OF LEY FARM GREEN  
LANE HALTON CHIRK WREXHAM  
LL14 5BG

**DATE RECEIVED:**  
02/10/2014

**COMMUNITY:**  
Chirk

**DESCRIPTION:**  
RESIDENTIAL DEVELOPMENT OF  
73 DWELLINGS, INCLUDING NEW  
ACCESS FROM SYCAMORE DRIVE  
AND ASSOCIATED LANDSCAPING,  
PLAY AREA AND PUBLIC OPEN  
SPACE

**CASE OFFICER:**  
MP

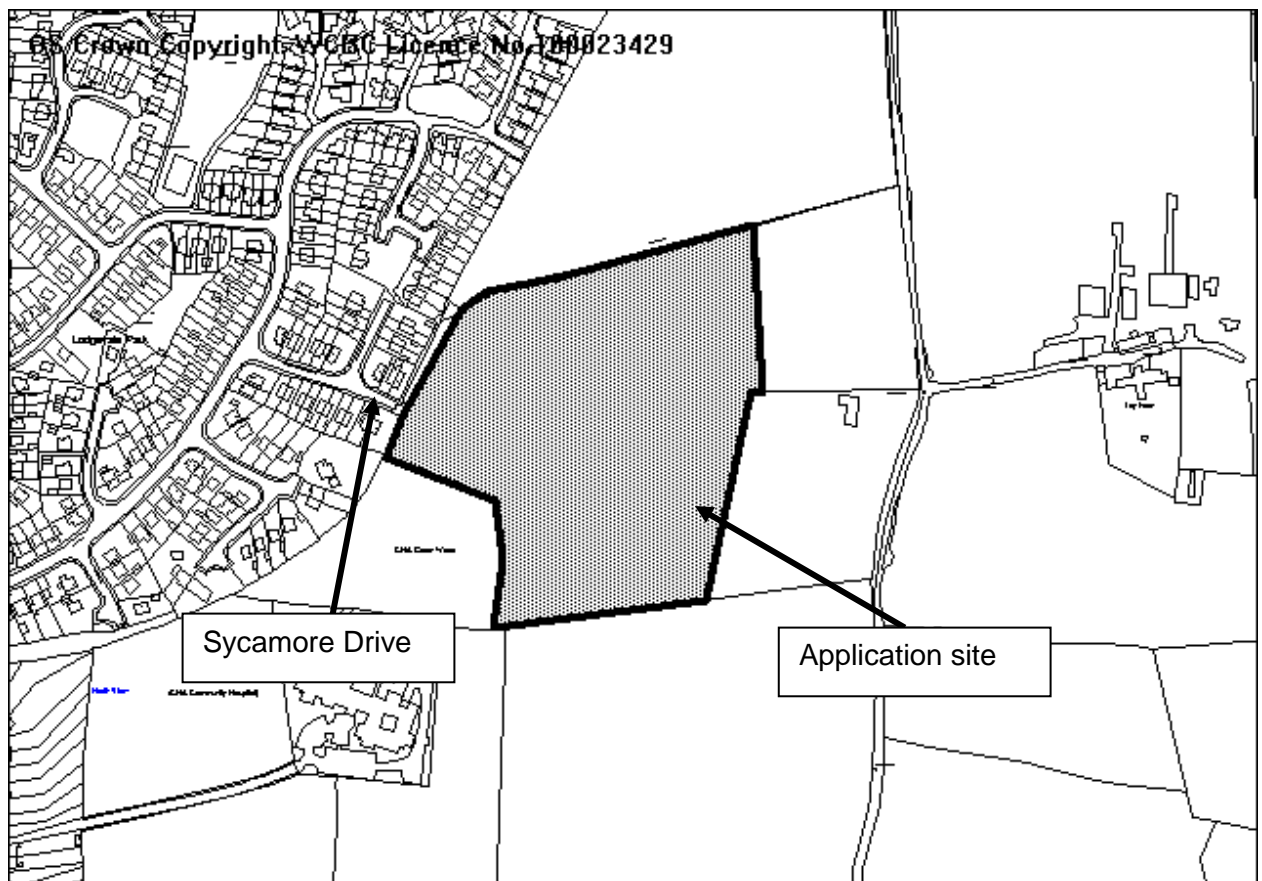
**WARD:**  
Chirk North

**AGENT NAME:**  
GREENSPACE  
ARCHITECTS LTD  
MR KEVIN SLACK

**APPLICANT(S) NAME:**  
MR GERAINT PIERCE

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**THE SITE**



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## **PROPOSAL**

The application proposes the erection of 73 dwellings (20 x 2 bedroom dwellings, 42 x 3 room dwellings and 11 x 4 bedrooms dwellings) together with associated estate roads and the provision of a surface water drainage system. Vehicular and pedestrian access to the site will be via Sycamore Drive.

## **HISTORY**

9/1796	Residential development (outline). Granted 3.7.1973
4/0275	Retail development (outline). Granted 12.2.1975
4/0419	Public house. Refused 8.4.1975
4/0420	Details of estate roads under 9/1796. Granted 8.4.1975
4/0873	Details of dwellings under 9/1796. Refused 27.7.1976
4/1009	Details of shop under 4/0275. Granted 9.3.1976
4/1462	10 bungalows. Refused 27.7.1976
4/2006	Erection of 85 dwellings. Granted 14.6.1977

The 1977 permission for the site was excluding an area reserved for a retail development and proposed 56 two bedroom semi-detached houses, 12 three bedroom semi-detached dwellings, 12 three bedroom detached dwellings and 5 two bedroom bungalows. A small area of open space was proposed in the north-east corner of the site. The retail development was a 400m<sup>2</sup> self-service neighbourhood shop sited on the west part of the site near to the access from Sycamore Drive.

Following Counsel's opinion, confirmation was given by the Chief Executive of Glyndwr District Council in December 1995 that the planning permissions as referred to above had been implemented and they remain valid.

- P/2004/0627 Residential development (106 No. 2 & 2.5 storey dwellings). Construction of new vehicular and pedestrian access, roads, public open space and all associated works. Withdrawn 23.7.2004.
- P/2004/1198 Residential development (89 dwellings) construction of new vehicular and pedestrian access, public open space and all associated works including a new junction between Chirk Road and Offa Lodgevale Park Chirk. Committee resolution on 6.12.2004 to grant planning permission subject to the prior completion of a Planning Obligation in respect of contributions towards the future maintenance of and a Revocation Order in respect of previous planning permissions. Withdrawn 14.2.2006.
- P/2007/0028 Erection of 89 no. residential dwellings garages and associated roadworks. Refused 5.3.2007. Appeal dismissed 1.7.2008.
- P/2007/1045 Erection of 80 no. residential dwellings, garages and associated roadworks. Refused 11.01.2008

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## **DEVELOPMENT PLAN**

Within settlement and the Pontcysyllte World Heritage Buffer Zone. Policies GDP1, GDP2, EC4, EC6, EC11, H2, H7, CLF5 and T8 apply.

## **CONSULTATIONS**

Community Council:

The Council has serious concerns about this development and also the affects it will have on the existing Lodgevale Park residences:

1. The proposed development site is on steeply sloping ground. Ground and surface water run-off from the site is a serious flooding problem to properties on Sycamore Drive and nearby. This water eventually goes into the combined sewerage system that surcharges and floods the area and properties with polluted water. This is a fact. The building of 73 dwellings will exacerbate this serious problem.

**The Council recommends that planning permission is not granted until the sewerage system for Chirk is made capable of dealing safely with all sewage flows at all times without causing flooding or other nuisance.**

2. The Council is wary that the proposed sustainable form of drainage system included in the development proposals will not be able to accommodate the ground and surface water and **recommends that some other way of dealing with this water by installing a SW sewer should be considered necessary.**

3. The Council considers that provision in the proposals should include for some social housing and **recommends that due consideration is given, making social housing available.**

4. The proposed site for the play area is on higher ground than the existing dwellings at Ash Grove and could be

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a cause of nuisance to the residents.

**The Council recommends that further consideration is given to the siting of the play area.**

No details of the proposed play area are provided with the application. The Council **recommends that full details of the play area and play equipment that needs to be provided for approval before planning permission is granted.**

5. Access to the site is from an un-adopted road that serves 25 dwellings at Sycamore Drive and Ash Grove. The Council considers that the access road must be upgraded to an adopted standard and **recommends that this is done before planning permission is granted.**

6. Lodgevale Park is a large residential development with 100's of dwellings but has only one main access from the B5070. The Council considers that there should be another access provided from the B5070 to cope with the additional traffic the 73 dwellings will create. **The Council recommends that another main access is at Lodgevale Park**

7. Details of Street Lighting proposals have not been provided. The Council **recommends that details are required to show Street Lighting is provided and to be installed to the correct and proper standard for Street Lighting and including for future maintenance.**

8. The amenity areas are mainly on the steeply sloping ground and therefore be a greater problem for maintenance. The Council recommends that the Planning Authority **ensures that proper agreements are in the development proposals for the future maintenance of all amenity areas, trees, shrubs etc including**

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**the play area and play equipment  
so that the cost of this does not be  
the responsibility of the local  
authority nor the Town Council**

Local Member:	Notified 10.10.14
Councillor Terry Evans:	Notified 10.10.14
Public Protection:	Recommends conditions/notes in respect of minimising the impact of construction.
Highways:	Have made the following comments: <ul style="list-style-type: none"><li>- There was a Welsh government appeal on the site in 2007. The Inspector confirmed that there was an extant planning permission for 85 dwellings and commented that ‘although I can understand local residents concerns about additional traffic, these must be set against the original position’. The principle of residential development at this site has therefore been established and accepted by the Welsh Government;</li><li>- The site has access to an unadopted highway known as Sycamore Drive. Until such time that Sycamore Drive is constructed to an adoptable standard no development will be permitted at the site. It is a matter for the developer to ascertain how this is to be achieved. It is also noted that Ash Grove which adjoins Sycamore Drive is not an adopted highway and is in need of upgrading;</li><li>- Although traffic generation from the site will increase queuing at Crogen junction onto the B5070 it is considered that the junction will still operate within capacity. In order to reduce the traffic impact I would recommend a Travel Plan is formulated in conjunction with the local travel plan coordinator. A condition will be attached to ensure the travel plan</li></ul>

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requirements are implemented and monitored to help encourage sustainable travel and identify measures to increase the scope for modal shift;

- There vertical and horizontal alignment of the road meets with current council design standards. Adequate turning facility for a refuse wagon is provided at the top of the site. Pedestrians are adequately catered for throughout the site with links to the existing estate road and Public Rights of Way. The Council will only adopt footways constructed to the appropriate standards; gravel based footpaths and link paths shall be maintained by as part of a POS management regime;
- A traffic calming feature will ensure that the speed of traffic is controlled as vehicles approach Sycamore Drive from the new site. The traffic calming will also provide a safe route across the estate road for pedestrian using the PROW;
- Visibility from each private access is concurrent with current guidance although this will be reliant on hedgerows around plots 15 to 18 being maintained below 600mm in height. Forward visibility along the highway is also concurrent with design standards;
- Parking provision is in full compliance with LPG16;
- It is notice that Welsh Water has refused permission to discharge water via their combined sewer. Full calculations must be submitted to demonstrate hoe the site is to be adequately drained;
- Conditions recommended.

Education:

Contribution towards secondary school provision required.

Parks, Countryside, Rights of Way:

Has made the following comments:

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- Requests to see details of the play area and how it fits into the open space. We would not want to adopt the play area or open space.
- The site access will cross Chirk Footpath 45 and I would recommend a speed table is constructed;
- The properties in Ash Grove and Sycamore Drive have encroached onto the footpath by extending their gardens. If we could divert this section through the site, this would be helpful in sorting out the remainder of the route (which suffers similarly from encroachment) as it would be one less landowner for us to deal with. A diversion would need to be carried out under the Highways Act rather than the Town and Country Planning Act as it would be difficult to argue that a diversion is required to enable the development to go ahead.

National Trust:

Have made the following comments in relation to the potential impacts on National Trust land;

- Chirk Castle is a Grade I listed building set within a park and garden registered grade I on the Cadw/ICOMOS Register of Landscape, Parks and gardens of Special Historic Interest in Wales. The gardens and park include several other listed building;
- As a medieval fortress, the Castle was sited and designed to overlooking the surrounding area including the town of Chirk. The relationship with surroundings was also integral to the design of the garden, which features a terrace with stunning views across Chirk and surrounding countryside. The views from the terrace are specifically identified

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- in the Cadw/ICOMOS register entry;
- Planning Policy Wales advises local planning authorities to protect parks and gardens and their settings. Cadw should be consulted on planning applications affecting grade 1 and ii\* sites and the Garden History Society should be consulted on all parks and gardens on the Register. Information on the historic landscapes should be taken into account by local planning authorities in considering the implication of developments which are of such a scale that they would have a more than local impact on an area on the Register. The effect of the proposed development on a park or garden contained in the Register may be a material consideration in the determination of a planning application;
  - The Trust is concerned about the effect of the proposed development on the views from the terrace, which are an intrinsic part of the design and special interest of the garden;
  - The Trust is concerned that on the elevated areas of the proposed scheme. The application site is a hillside site on the edge of Chirk. The slope, direction and elevation above the rest of the town make the site more visible than other areas of Chirk from the parkland at Chirk Castle;
  - The Trust made representations to the previous application on the site and accept that some form of development will take place given the site history. However, it is also accepted that the initial consented scheme cannot be implemented, and the consented



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dwellings cannot be built under current planning and building regulations requirements. There could thus be fundamental changes to the scheme which are more acceptable. The impact on the views from Chirk Parkland should be an integral part of any modified scheme;

- It is note that the scheme has emerged from pre-application discussions with the local planning authority. The application does not record the considerations given to the view from Chirk Castle parkland in the evolution of the submitted scheme, nor modifications as a consequence of the sensitivities of the upper area of the site;
- The submitted application will bring forward a high density development at the upper area of the site which is not supported. The submitted scheme will also bring forward a green wall structure at the top of the site. The construction of this green walling could contribute to greater visual harm as the structure may be seen as an artificial engineering structure in area of recognised high landscape value;
- A more acceptable solution to the upper part of the site would be a reduction in the house numbers, thus decreased density, a reduction in the height of built development in the upper area of the site thus facilitated increased natural ridge tree planting. The increased tree planting to the submitted scheme is supported, however the inclusion of built development to the upper areas of the site still brings forward an unacceptable built form to a sensitive landscape;

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- It is noted the site is included in the Chirk Landscape Character Area 7a and thus recognised high landscape sensitivity. The Management Strategy for the area suggests built development will be restricted to skylines and open slopes and aims to conserved undeveloped rural hillside character. The proposed scheme brings forward development on a skyline and open slope thus does not meet the requirements of this policy;
- The application site lies within the buffer zone of the Pontcysyllte Aqueduct and Canal World Heritage Site. Landscaping is brought forward to the north as part of a mitigation scheme. No buffer planting is proposed at the upper end of the site and the development brings forward a green wall with high visibility. The application site also relies on the tree planting to mitigate the impact on the WHS that is not in its ownership or control;
- The submission with the Design and Access Statement includes a poor quality photomontage from Chirk Castle. This underestimates the nature of the landscape change from the registered park and garden. An alternative layout with reduced density in the upper areas of the site, greater landscaping and the removal of the need for intrusive engineering operations on the ridge line may provide an acceptable solution to the development of the site.

Welsh Water:

Has made the following comments:

- Recommend drainage conditions;
- In terms of the surface water leaving the site, the information to date has demonstrated that in all likelihood on-site infiltration will be

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limited and an alternative method of disposing of the majority of surface water will be required.

- The alternative method will require the surface water to leave the site and I am satisfied with the mitigation proposed in order to control flows leaving the site to greenfield runoff rates.
- There are two proposed two options, the connection of surface water to the existing 150mm surface water sewer along Crogen or the laying of an adoptable sewer from the development site connecting directly to a watercourse;
- The developer will need to obtain consent from the NRW or the Local Authority to discharge into a watercourse.
- The developer is aware that the discharge to the combined network should be avoided and I am satisfied that these 2 options will avoid putting unnecessary pressure of the surrounding sewerage network;
- In order to secure the implementation of one of these options a condition should be imposed requiring the method of surface water disposal to be agreed and put in place prior to the development commencing.

NRW:

Have made the following comments:  
*Flood Risk*

- We recommend conditions requiring development not commence until a scheme for the provision and implementation of a surface water regulation system and a scheme for the management of overland flow from surcharging the site's surface water system has been submitted and approved;

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*Protected Species*

- Satisfied the daylight inspection and emergency bat survey has been carried out to an acceptable standard. The report states the surface area has low potential for roosting bats. We recommend that native trees and hedgerows should be retained where possible and the trees identified on site with roosting potential should be examined to confirm their potential;
- The recommendations of the report should be adhered to;
- Care should be taken in the type and location of external lighting to ensure hedgerows and trees are not illuminated;
- NRW have records of great crested newts (GCN) within approximately 400 m of the site and it is possible that GCN may cross/use the site. To ensure the development has no detrimental impact upon the favourable conservation status of the GCN population we request a Reasonable Avoidance Measures Strategy is agreed prior to commencement of development.;
- We also have the following recommendations:
  - i) Long term management of habitat areas should be secured as part of the planning process;
  - ii) Ensure that development area remains permeable to wildlife such as hedgehogs, amphibians and reptiles;
  - iii) Integrate any sustainable drainage system with biodiversity interests;

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- iv) New lighting must be designed to minimise impacts on wildlife;
- v) Any trees felled or work upon should be assessed for the implications of bats.

Ramblers Association:  
Site Notices (x4):  
Press Notice:  
Neighbours:

Consulted 10.10.14  
Expired 12.11.14  
Expired 14.11.14  
The owners/occupiers of 65 nearby dwellings notified 22.10.14.

61 individual letters, 3 petitions received with cumulative total of 58 signatures received objecting to the appeal. One petition was also accompanied by 39 identical letters signed by or more of the signatories. The reasons for objection are:

- Obstruction of Right of Way, Chirk no.45. The path is already obstructed and the only route through diversion is through the proposed new site. If the development prevents the only possible diversion it may be illegal;
- Lack of a transport assessment;
- Lack of flooding assessment;
- Impact upon the skyline;
- Loss fields and trees;
- Not in keeping with the area;
- Additional traffic;
- Congestion;
- Highway safety;
- Sycamore Drive is unadopted, in poor condition and the top section is too narrow for additional traffic;
- Previous applications rejected;
- Lack of regard for local residents by the landowner;
- Potential for surface water flooding – existing drains cannot cope;
- The foul drainage systems cannot cope – they have already been problems;

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- Too many dwellings for this steeply sloping site;
- Question whether the 1977 planning permission is still valid;
- Lack of school capacity;
- Anti-social behaviour from the proposed play area;
- Proximity of the proposed play area to existing properties/detrimental impact to existing residents;
- Impact of construction traffic;
- Additional traffic will adversely impact upon pedestrian safety;
- Additional Carbon Dioxide emissions;
- Noise;
- Loss of view
- Light pollution;
- Possibility of theft from site workers;
- Residents of Sycamore Drive and ash Grove benefit from prescriptive rights;
- The proposed site does not have access and the applicant cannot claim prescriptive rights, having not used it on a regular basis for at least a year;
- Loss of an oak tree;
- Reduced property values in Lodgevale Park;
- Sycamore Drive will need regular maintenance and renewal – something which cannot be guaranteed in these times of financial constraint on the Council;
- The development is located on the World Heritage Buffer Zone and its layout would create an unattractive intrusive appearance from nearby and far reaching viewpoints;
- The gradient of the site is such that there could be safety issues with vehicles in winter months;
- Sunday visitors to the car boot sales area would see it as a quick

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- access or a place to park without having to pay fees. This would be extremely detrimental to existing residents and a nightmare for the police;
- There is only one access route in and out of Lodgevale Park and this present creates problems – evacuation of Lodgevale Park would be impossible in an emergency;
  - Loss of natural habitat/impact upon wildlife;
  - Pollution from extra traffic;
  - Extra traffic will exacerbate the condition of an asthma sufferer;
  - Increase parking demand in the centre of Chirk;
  - It is already difficult to get an appointment at the surgery;
  - There are shift workers living on the estate who would be subject to construction noise and heavy plant when trying to sleep;
  - Visual impact;
  - We believe the area to be a preferred Green Belt area;
  - There must be better sites available for consideration;
  - Overlooking/loss of privacy;
  - Risk of vehicles descending the hill at speed – danger to residents of Sycamore Drive;
  - The site is visible from Chirk Castle. The ‘green valley’ effect will be lost if the development were allowed to proceed;
  - Placing larger properties at the top of the site will make them dominant, overbearing and vulnerable to wind damage;
  - Road layout will create worse traffic noise for residents of Ash Grove;
  - New entrance needs to be considered;
  - Loss of green open space for financial gain;

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- It will add to problems of queuing traffic waiting to leave the estate;
- Safety of the access into Lodgevale Park;
- Question whether there is a need to build this number of dwellings;
- Those looking at the application should declare any financial or personal gain;
- Skyline of Chirk is already blighted by Kronospan;
- Site is unsuitable for so many houses;
- Why is a new play area needed? There is not far away in Offa that is not much used

1 representation expressing no objection but having the following concerns;

- Will Sycamore Drive and Ash Grove be adopted and maintained;
- Run-off from the fields in winter has been extreme. Will there be measures to correct this?

3 representations expressing approval for the development going ahead subject to roads and drains in Sycamore Drive and Ash Grove being adopted and maintained

3 representations objecting to the amended plans for the following reasons:

- Re-iterating previous objections;
- More 4 bed and fewer 2 bedroom dwellings are proposed. Two bedroom dwellings are necessary for first time buyers, single purchasers and older couples seeking to downsize;
- Object to siting of the large properties at the top of the site – there is a need for single storey properties in this location;
- Increase the closeness and intrusion to existing property;



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- Transport Statement refers to Sycamore Drive as an adopted road. It is not, nor is Ash Grove;
- The Transport Statement was produced on behalf of the applicant. This is not an independent or impartial report;
- It is questionable whether the pictures were taken at peak time;
- In the last application for development for this site, the applicant was asked for and could not provide legal documents to prove easement over Sycamore drive;
- There is a strip of property adjacent/parallel to my driveway which is owned by a third party and not the applicant, to which again they can neither provide nor prove legal ownership despite being asked to do so. Therefore my legal advisor fails to believe how the council can approve planning permission with access over a strip of land the applicant does not own. The owners of property on Sycamore Drive have prescriptive rights over this strip of land;
- Overlooking, intrusion and an eyesore to our community which rests on the border of the "Heritage Site";
- Questions the Integrity and validity and methodology of the transport assessment;
- Greenspace Architects are not travel assessment experts.

## **SPECIAL CONSIDERATIONS**

**Background:** This is a steeply sloping site – the eastern boundary of the site being some 28 metres higher than the western boundary. This level difference equates to an average gradient of around 1 in 7. Developing the site will represent an intrusion into the rural landscape to the east of Chirk, and its elevated position relative to the surrounding built up area means it will be visible from both near and long distant viewpoints.

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Other than the extant permissions to develop the site, in my opinion it is very unlikely that the site would have been included within the settlement limit. It is also unlikely that it would be considered suitable for development today even at a time when the Council is under pressure to increase the supply.

The site, however, benefits from a number of extant planning permissions dating back to 1970's including one for the erection of 85 dwellings granted in 1977. Initial site works were carried out that constituted commencement of development thus securing the planning permissions in perpetuity. Legal advice obtained by Glyndwr District Council in 1995 confirmed that the permissions, including the 1977 planning permission for residential development had been implemented and remained extant.

There have been several attempts to obtain planning permission for revised development proposals. Planning Committee resolved to grant planning permission for a development of 89 dwellings in 2004, however the application was subsequently withdrawn.

In 2007 a further planning application for 89 dwellings was refused due to:

- 1) the layout and design of the development,
- 2) the lack of affordable housing provision;
- 3) the lack of provision in respect of sustainable development; and
- 4) the lack of adequate public open space.

**After receiving Counsel's advice in 2008 (*i.e. affordable housing*) the second reason was not pursued at the subsequent appeal.**

However the appeal was dismissed with the Inspector broadly agreeing with the other three reasons for refusal. A subsequent 2007 planning application for 80 dwelling was refused due to the appearance of the development.

Notwithstanding the site history it is unlikely that the 1977 permission will be implemented in full. The types and style of dwellings proposed together with the proposed garden areas (likely to be steeply sloping in many cases) are unlikely to be sufficiently attractive today for a developer to want to build them. The fact that applications for alternative developments have been made only serves to confirm that to be the case. Nevertheless the 1977 permission does establish the principle of as well as the general layout, form and amount of development that can take place. Essentially the current situation is broadly comparable to a site benefitting from a permanent outline planning permission with layout, access and scale having been approved. As such the site history remains a significant material consideration in favour of the current application.

**Policy:** The site lies within the settlement limit for Chirk and, as noted above, benefits from an extant planning permission therefore the principle of residential development is established. There is no policy requirement for an

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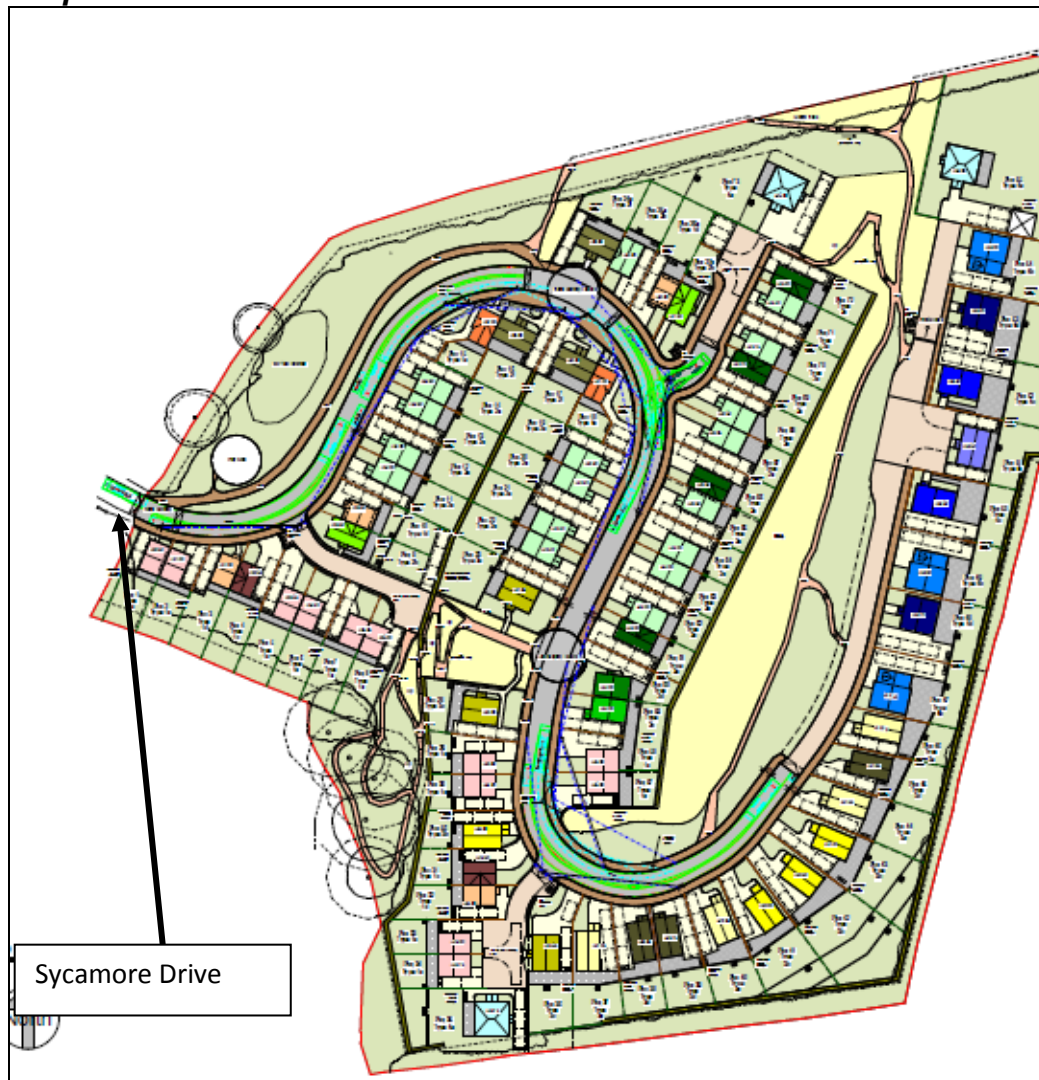
applicant / developer to prove the need for development on sites lying within the settlement limits.

Since the determination of all previous applications, the Pontcysyllte Aqueduct has been designated a World Heritage Site and a buffer zone established around it and the associated Llangollen Canal. The purpose of the buffer zone is not to prevent development but rather to ensure that developments are sensitively designed to take account of the Outstanding Universal Value of the World Heritage Site. I will consider this issue in more detail below.

**Layout and Design:** As noted above this is a steeply sloping site and this presents a significant challenge for anyone wishing to design a development for this site, particularly with regards to providing internal estate roads that do not have excessive gradients. Highways require estate roads to normally have gradients not exceeding 1 in 12. The 1977 development proposed by planning permission would have roads with gradients in excess of 1 in 8.

The development currently proposed will comprise of single spine road with a gradient of 1 in 12. The dwellings all front onto the main access road or short courtyards and will thus provide strong built frontages. There is also a mix of house types to given variation and interest within the site. (see site plan below).

**Proposed Site Plan**



Due to the considerable differences in ground level across the site gardens will be terraced in order to provide reasonably useable areas of private amenity space. Retaining structures of up to 3 metres will be required in places to provide the terraced gardens. This is a considerable improvement on the proposals put forward in 2007 which included retaining walls of around twice that height on parts of the site.

The proposed retaining structures within the site are also designed to be 'green walls' and the extent of these features are shown on the submitted landscaping scheme and they form a significant element. These walls will have planting/climbing vegetation thus softening the appearance of a feature that would otherwise would have a very engineered appearance. This in turn will help to minimise the visual impact the provision of gardens will have from both near and distinct viewpoints. Views of these features will also be restricted by the dwellings themselves as well as on-site landscaping. Given

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the constraints of the site, the proposed terracing is the only design solution that can both ensure adequate and usable private amenity space is provided whilst also seeking to minimise visual impact.

A total of 0.95 ha of public open space will be provided – exceeding the minimum requirement of policy CLF5 by 60% and is considerably more open space than the 1977 permission makes provision for. The submitted plans also show the provision of a children’s play area. The open spaces are well located within the site to be accessible to residents of the development, to benefit from natural surveillance whilst also contributing towards its overall appearance. A detailed landscaping plan has also been submitted that proposes significant planting within the open space areas. It is noted that the main linear areas open spaces are showing extensive areas of new native woodland planting, which will help break up views towards the site from further afield.

Representations have been received questioning the need for the play area. The 2009 Public Open Space survey shows that there is a deficit of children’s equipped play facilities in Chirk. Whether there is a surplus or deficit is determined on the basis of there being a defined area open space provision per person. Given that the development will lead to an increase in the population of Chirk, the deficit of children’s equipped play facilities will **increase** if no additional provision is made. Also there is a policy requirement for developments of this size to make provision for on-site play areas wherever possible. Details of the equipment to be sited within the play area will be required by planning condition.

A planning obligation will be required to secure the long term management and maintenance of the public open space and play area.

**Amenity:** The proposed dwellings will be far enough away from the nearest existing dwellings in Sycamore Drive, Ash Grove, Crogen and Richmond Gardens that they will not adversely impact upon the occupiers of those dwellings by way of loss of light, overlooking or by being visually overbearing

Separation distances within the site are below LPG21 advice in places however I do not consider the strict application of that guidance is appropriate in this particular case due to the significant differences in ground levels.

Where dwellings face each other across rear gardens the difference in ground levels is such (around 8 metres) that the ones built on higher ground will be afforded views over the top of rather than down into the ones to the rear of them. In other cases dwellings face each other across the internal access road. Given that views into rooms with windows facing the estate roads will be possible from passing pedestrians or motorists, they will not be afforded the same level of privacy in any case. I am therefore satisfied that future occupiers will be afforded an adequate standard of amenity,

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The play area will be some 9 metres from the boundary of the nearest existing dwelling there will be planting along the site boundary. I do not believe it will give rise to significant noise or disturbance. I appreciate that the play area will be on higher ground than the properties in Sycamore Drive and Ash Grove, however the landscape plan makes provision for the retention/provision of sufficient planting to ensure that significant overlooking of the gardens of existing dwellings will not occur.

The new play area will also benefit from considerable natural surveillance from within the site and therefore is unlikely to result in significant anti-social behaviour problems.

In my opinion the development offers improvements over the extant permission in terms of its appearance, landscaping, by minimising the gradient of internal estate roads and increased provision of open space.

**Long Distance Visual Impact:** As acknowledged above, the site intrudes into the rural landscape to the east of Chirk and its elevated position means it will be visible from long distance viewpoints – including Chirk Castle, the Pontcysyllte Aqueduct and Canal World Heritage site and its buffer zone. The designation of the latter and its associated buffer zone is the most significant material change in circumstances since planning permission was granted in 1977, as well as since more recent previous applications.

Whilst nothing the concerns expressed about visual impact by both the National Trust and objectors, the Planning Inspector for the 2007 planning appeal (P/2007/0028) considered the impact the development would have on the longer distance views (including from Chirk Castle) and the (then) proposed World Heritage Site and buffer zone. He commented accordingly:

*“The applicants’ visual appraisal examines the impact of the proposed development on both the immediate and the wider area. Including in the latter are views from Chirk Castle to the west of the site. The National Trust expresses particular concern about this matter, and during my site inspection of the site and its surroundings I looked carefully at the longer distance views towards the site from the castle environs. Longer distance views are also relevant in considering the impact on the proposed Pontcysyllte Aqueduct and Canal World Heritage Site, as the appeal site lies within the proposed buffer zone.*

*Although development on this sloping hillside would be quite noticeable in the wider landscape, the principle of development has been established. At the distances involved it would be difficult to discern any difference in impact between the scheme proposed in this appeal and any alternative residential development of the site, such as that which is the subject of the extant planning permission. The overall impact of development on the site in these longer distance views could be mitigated by choice of materials and by landscaping”*

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The Inspectors' comments are as applicable to this proposal as they were to the scheme he considered in 2008. I am satisfied that the development will have no greater impact upon the setting of the World Heritage Site or the views from Chirk Castle and its grounds than the extant permission or an alternative proposal. Indeed ***long distance views of the site compared to the 1977 permission will also be improved as a result of the open space and associated landscaping that is proposed.***

**Highways:** The site will be accessed via Sycamore Drive which, along with Ash Grove, is a public highway, but also an un-adopted private street. Whilst noting the considerable concern about the use of Sycamore Drive to access the site and the doubts that objectors have about whether there is a legal right to form an access to the site from Sycamore Drive, the latter road is the approved means of access to the site by virtue of the 1977 planning permission so from a planning perspective it is possible for an access to be constructed. Whether a developer needs to gain permission or agreement from third parties is a separate private matter.

The road is not currently in a condition suitable for highway adoption and would need to be brought up to that standard in order for the development to take place. In 2004 the use of a "Grampian" condition was proposed requiring that both Sycamore Drive and Ash Grove be made up to a standard suitable for adoption by the Council prior to the commencement of development. I remain of the opinion that this approach remains valid with the exception of the upgrade of Ash Grove.

The development is unlikely to result in additional traffic needing to use Ash Grove and therefore improvements to it are not essential to enable the development to take place. As such I therefore intend to impose a condition requiring Sycamore Drive only to be brought up to an adoptable standard. Subject to these works taking place, the road is capable of safely accommodating the traffic generated by the development.

I note that there is concern about additional traffic to/from the site however the site lies within the settlement limit and benefits from an extant planning permission for 85 dwellings and therefore the proposals must be considered in that context. Indeed the proposals have advantages over the 1977 permission and three of the subsequent proposals in that fewer dwellings are proposed.

Traffic will leaving the site will travel along Crogen in order to access the B5070. The 2004 application included provisions for a second means of access from Lodgevale Park onto the latter at the junction of Wern and Offa. I note that a second means of access from Lodgevale Park is something that the Town Council have requested. Objectors have also commented on the fact that there is currently only a single access from Lodgevale Park onto the B5070.

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Planning permission has not been sought to create a second access from Lodgevale Park as part of or in conjunction with this application. Whilst such provision may be desirable, as noted above this proposal application seeks permission for fewer houses than the extant 1977 permission. Furthermore there are over 450 existing dwellings in Lodgevale Park. In that context the development is unlikely to significantly increase traffic congestion. I note that Highways have raised no objection to the development and have advised that the Crogen/B5070 will still be still operating within its design capacity should the development to take place. As such it is unnecessary to require a second means of access onto the B5070 in order to make the development acceptable. I am also satisfied the development will not have a significant adverse impact upon highway safety.

Highways have recommended that a Travel Plan be provided however given the site history I do not consider this, together with the funding for the monitoring of it, are essential to make the development acceptable in planning terms. As such I do not intend to impose these requirements.

The gradients of the roads within the proposed scheme accord with highways standards. I note objectors have raised concerns about the safety of traffic leaving this steeply sloping site. The shallower gradients used in the proposal represent a significant benefit over the extant permission. Traffic calming at the point where the site access meets Sycamore Drive is also proposed. As such I am satisfied traffic exiting the site is unlikely to pose a significant risk to the residents of Sycamore Drive and Ash Grove.

Each dwelling will be provided with adequate off-street parking provision.

**Drainage:** Welsh Water has not expressed any concerns about the capacity of the local sewer network to cater for the development. As such I have no reason to believe that the development will place undue pressure on the existing local foul drainage network. Furthermore, the current application proposes 12 fewer dwellings than the extant 1977 planning permission and therefore will place less pressure on the local foul drainage system.

The extant 1977 permission made no provision to control the rate of surface water discharges from the site. In comparison the proposed development will have a sustainable drainage urban drainage system comprising of both a pond and underground storage. Surface water will be discharged from the site at a controlled rate equivalent to run-off rate from the site in its current greenfield state. The water will be discharged into the public sewer system or into a watercourse to the northwest via a new adoptable sewer.

Welsh Water has confirmed that either of above two options will avoid putting unnecessary pressure on the existing sewer network. They have advised that a condition be imposed requiring the implementation of an agreed surface water drainage system prior to commencement of development.



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**Trees:** There are a number of trees on the site however with the exception of one mature oak tree, all are located adjacent to the site boundaries. The oak tree is the only tree that requires removal. Whilst its loss is regrettable, the 1977 permission made no provision for its retention. Furthermore no provision for its retention was made in subsequent proposals for developing the site but its removal was not a reason for the refusal of earlier unsuccessful applications. As such it would be difficult to justify refusal of this application on the grounds that the tree is to be lost. The loss of the tree will be offset by considerable planting proposed within the areas of open space.

The remainder of the trees around the edge of the site will be retained. They will need to be protected when development takes place. A condition requiring the submission and implementation of an arboricultural method statement will therefore be imposed.

There are five mature trees adjacent to the south-western boundary of the site that area will form part of an area of informal open space. The submitted plans show the provision of footways within their root protection areas. The laying of formal surfaced footways is likely to damage the root protection areas. Given that the footpaths are not essential to provide pedestrian access across the site I intend to impose a condition to prevent formal footpaths being laid out in this particular area.

**Ecology:** The site itself is not of generally high biodiversity value and the oak tree to be removed has been accessed and been found to be absent of bat roost potential. However in the wider rural landscape surrounding the site is of high value for bat species.

The site could be used by bats to travel between different areas of habitat in the locality although no activity surveys have been carried out to demonstrate whether or not this is the case. However I have to be mindful of the fact that the site already benefits from planning permission. The impact of the proposed development is unlikely to be materially different than the extant scheme.

The submitted plans show the retention trees and hedgerows around the edge of the site that help ensure that connectivity between areas of bat habitat surrounding the site are maintained. Part of the open space incorporates a linear feature. A scheme of lighting will be required by condition to ensure that street and other lights are located / designed so as not to illuminate the trees and hedges adjacent to the site boundaries. A scheme of reasonable avoidance measures will also be required by condition to ensure construction works takes account of the potential presence of bats on / adjacent to the site.

NRW have advised that as there are records of Great Crested Newts in the area and therefore a scheme of reasonable avoidance measures is recommended and will be secured by condition.

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Subject to the above mentioned conditions I am satisfied that the development can take place without a detrimental impact upon the favourable conservation status of statutorily protected species.

**Rights of Way:** The route of public footpath Chirk no.45 runs parallel to but outside of the northern and western boundaries of the site. The route of the footpath along the western boundary of the site is currently obstructed by the gardens of some of the properties in Ash Grove and Sycamore Drive. The development presents an opportunity to address this problem by diverting the footpath through the site. Whilst it is not necessary for the footpath to be diverted in order to make the development acceptable in planning terms, the submitted plans nevertheless provides an area of open space along the western boundary that could accommodate a diverted public right of way if required.

The development does not encroach or prevent the use of any other part of footpath no.45 nor any other rights of way. The submitted plans do however show the footpaths provided within the on-site public open space will have links to footpath no.45, therefore providing future occupiers with easy access to the wider footpath network.

**Developer Contributions:**

**a) Affordable housing** – In accordance with policy H7 and LPG28 the affordable housing requirement for the development is 18.25 dwellings. No such provision is made in this instance and the applicants have not submitted an appraisal to demonstrate that it would render the scheme unviable. Under such circumstances I would ordinarily recommend that permission be refused. However as noted above, Counsel advised in 2008 that because the site benefits from a planning permission which makes no provision for affordable housing it would be very difficult for the Council to successfully defend a refusal of planning permission based on the absence of such provision. I am unaware of any material changes in circumstance since 2008 that would lead me to the conclusion that the advice is no longer valid.

**b) Education** – Education has advised that a contribution towards secondary education provision is required. Whilst I have not sought legal advice on this matter, given that the extant permission is not subject to any similar requirement I am of the opinion that Counsel advice given in respect of affordable housing is equally application to school contributions. As such I do not intend to pursue a planning obligation to secure education contributions in this instance.

**Revocation:** The resolution to grant application P/2004/1198 was subject to Order being made under Section 97 of the Town and Country Planning Act 1990 to revoke extant planning permissions applicable to the site.

Whilst it is unlikely that a future owner would want to build the dwellings approved in 1977 it is possible that they could proceed to lay out the internal

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estate roads and simply seek to substitute the house types approved in 1977 for more up to date house types. As a consequence there is the potential for two separate but not mutually compatible developments to be implemented on the same site should current proposals also be granted permission. I am therefore of the opinion that it is still necessary for a revocation order to be completed in respect of earlier planning permissions before permission can be granted for this development.

**Construction disturbance:** I appreciate that there is potential for disruption during construction and this is inevitable with any development project. I intend to impose a condition to require a construction environment management plan (CEMP). The CEMP will set out measures that will be put in place to limit the disruption during construction. Subject to compliance with the CEMP the impact of construction will be minimised.

**Other Matters:** The impact the development will have upon property prices is a private matter and not a material planning consideration. The owners of nearby properties also have no right to a view over private land.

I consider it unlikely that the site would be used by visitors to the car boot sales on Ley Farm. The north east corner of the site is approximately 120 metres away from Ley Farm and no provision is made for vehicular or formal means of pedestrian access from the site to Ley Farm. In any case the current proposals present no more risk of people trying to access Ley Farm via Lodgevale Park than the extant scheme or any other alternative development.

I consider it unlikely that the development will give rise to light pollution that will cause significant nuisance to nearby residents.

I note the concerns about pollution from traffic, however I consider it unlikely that traffic from the development will have a significant impact upon local air quality.

## **CONCLUSION**

The principle of development is already established on this site via an extant planning permission and the fact that it lies within the settlement limit.

The proposed development represents an improvement over the extant planning permission in terms of design, highway gradients, open space provision and drainage. The site can be developed without significant adverse impact upon highway safety and without adversely impacting upon the amenity of nearby occupiers. It is also presents an opportunity to secure the upgrade of Sycamore Drive to adoptable standards.

However it should be noted that the scheme does not propose to secure any affordable housing as this was not raised as an issue for previous planning applications/decisions for housing development.

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**RECOMMENDATION A**

That and Order be made under Section 97 of the Town and Country Planning Act 1990 to revoke the following planning permissions:

9/1796	Residential development (outline) Granted 3.7.1973
4/0275	Retail development (outline). Granted 12.2.1975
4/0420	Details of estate roads under 9/1796. Granted 8.4.1975
4/1009	Details of shop under 4/0275. Granted 9.3.1976
4/2006	Erection of 85 dwellings. Granted 14.6.1977

**RECOMMENDATION B**

That the Council enters into an obligation under Section 106 of the Town and Country Planning Act 1990, to secure:

- i) The management and maintenance on-site public open space;

The Head of Community Wellbeing and Development be given delegated authority to determine the final form and content of the obligation.

**RECOMMENDATION C**

Upon the completion of the Order and the Obligation, that 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 be carried out in strict accordance with the following approved drawings:
  - i) Drawing no. 13-33 A102 Revision G Proposed Site Layout Plan
  - ii) Drawing no. 13-33 A111 Revision A Type 1a Plans & Elevations;
  - iii) Drawing no. 13-33 A112 Revision A Type 1b Plans & Elevations;
  - iv) Drawing no. 13-33 A113 Revision A Type 1c Plans & Elevations;
  - v) Drawing no. 13-33 A114 Revision B Type 1d Plans & Elevations;
  - vi) Drawing no. 13-33 A115 Type 1e Plans & Elevations;
  - vii) Drawing no. 13-33 A121 Type 2a Plans & Elevations;
  - viii) Drawing no. 13-33 A122 Revision B Type 2b Plans & Elevations
  - ix) Drawing no. 13-33 A123 Revision A Type 2c Plans & Elevations;
  - x) Drawing no. 13-33 A124 Revision B Type 2d Plans & Elevations;
  - xi) Drawing no. 13-33 A125 Type 2e Plans and Elevations;
  - xii) Drawing no. 13-33 A126 Type 2f Plans and Elevations;
  - xiii) Drawing no. 13-33 A331 Type 3a Elevations;
  - xiv) Drawing no. 13-33 A130 Type 3a Plans;

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- xv) Drawing no. 13-33 A332 Revision B Type 3b Elevations;
- xvi) Drawing no. 13-33 A132 Revision A Type 3b Plans
- xvii) Drawing no. 13-33 A333 Type 3c Elevations
- xviii) Drawing no. 13-33 A133 Type 3c Plans
- xix) Drawing no. 13-33 A334 Type 3d Elevations
- xx) Drawing no. 13-33 A134 Plans
- xxi) Drawing no. 13-33 A141 Revision A Type 4a Plans
- xxii) Drawing no. 13-33 A341 Revision A Type 4a Elevations
- xxiii) Drawing no. 13-33 A142 Revision A Type 4b Plans
- xxiv) Drawing no. 13-33 A342 Revision A Type 4b Elevations
- xxv) Drawing no.13-33 A143 Type 4c Plans
- xxvi) Drawing no. 13-33 A343 Type 4c Elevations
- xxvii) Drawing no. 13-33 A144 Type 4d Plans
- xxviii) Drawing no. 13-33 A344 Type 4d Elevations
- xxix) Drawing no. 13-33 A345 Type 4e Elevations
- xxx) Drawing no. 13-33 A145 Type 4e Plans
- xxxi) Drawing no. 13-33 A151 Garage Type 1 Plans and Elevations
- xxxii) Drawing no. 13-33 A152 Garage Type 2 Plans and Elevations;
- xxxiii) Drawing no.13-33 A400 Typical Plot Section;
- xxxiv) Typical Section : Textomur Reinforced Soil

3. No development shall take place on the application site until the highway and footways of Sycamore Drive has been brought up to a standard suitable for adoption by the Highway Authority in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority.

4. No part of the development shall commence until a scheme for the drainage of a surface water from the development by way of a Sustainable Urban Drainage System has implemented in full in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

5. No part of the development shall commence until a scheme for the management of overland flow from surcharging of the site's surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in accordance with a timescale that shall be included within it.

6. 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:

- 1) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
- 2) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
- 3) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction

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Exclusion Zone, including any related sections and method for avoiding damage to retained trees;

4) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;

5) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;

6) Method for protecting retained trees during demolition works;

7) Details of all proposed tree works, including felling and pruning.

7. Development shall not commence until a scheme of reasonable avoidance measures (RAMS) in respect of bats and Great Crested Newt has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the scheme as approved.

8. Development shall not commence until a Construction Environment and Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction shall thereafter be carried out in strict accordance with the details as approved.

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

i) The detailed layout, design, drainage and construction of the new footways/carriageway.

The development shall thereafter take place in strict accordance with the details as approved.

10. Within three months of the commencement of development a schedule of landscaping maintenance to include details of the arrangement for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be implemented and maintained in strict accordance with these details as are approved.

11. 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.

12. The landscaping scheme approved as part of this application shall be fully implemented in strict accordance with approved drawing no. LFCHD14.03 Revision 05 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.

13. Notwithstanding the approved plans, within three months of the commencement of development a scheme of boundary treatment for plots 8, 23, 24, 55, plots 57-72 and plot 73 shall be submitted to and approved in writing by the Local Planning Authority, to include a timescale for the provision of the boundary treatment. The scheme as approved shall thereafter be implemented in full.

14. Within three months of commencement of development a timetable for the provision of the areas of public open space as shown on approved drawing no. 13-33 A102 Revision G Proposed Site Layout Plan shall be submitted to and approved in writing by the Local Planning Authority. The

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public open space shall thereafter be provided in strict accordance with the timetable as approved.

15. Within three months of commencement of development full details of the siting, size, layout and appearance of the children's equipped play area shown on approved drawing no. 13-33 A102 Revision G Proposed Site Layout Plan shall be submitted to and approved in writing by the Local Planning Authority. The play equipment shall thereafter be provided in accordance with the details as approved and in accordance with the timescale submitted and approved in respect of condition 14.

16. Within one month of commencement of development a scheme detailing the layout, design and means of traffic calming proposed for the internal estate road(s) shall be 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.

17. No street lighting shall be installed on any part of the site until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details demonstrating how the street lighting has been sited and designed so as to minimise the potential impact upon bat species. Street lighting shall thereafter only be installed in accordance with the scheme as approved.

18. The estate roads and footways shall be progressively constructed to base coat standard from Sycamore Drive to and across the frontage of each dwelling prior to the first occupation of that dwelling.

19. Each dwelling shall be provided with parking areas in accordance with the details shown on the approved drawing no. 13-33 A102 Revision G Proposed Site Layout Plan prior to first occupation of that dwelling.

20. The driveway(s) to each dwelling shall not exceed a gradient of 1 in 8 (12.5%).

21. Notwithstanding the approved plans, not footpaths shall be laid within the Root Protection Areas of trees 546, 547, 549, 549 and 550 as shown in the Old Oak Tree Care Arboricultural Report dated 5 August 2014.

22. 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.

23. Nothing shall be planted, allowed to grow or erected to a height exceeding 0.6m above the level of the nearside edge of the adjoining carriageway for a distance of 2.4 metres measured back from the adjoining highway along the entire site frontages of plots 15, 16, 17 and 18. This area shall be permanently retained of any obstruction exceeding that height.

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.

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**REASON(S)**

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To enable control over matters which have been specified in the application.
3. To ensure that there is a safe and satisfactory access to serve the development.
4. To ensure satisfactory drainage of the site and to avoid flooding.
5. To reduce the risk of flooding to the proposed development.
6. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s).
7. In order to protect wildlife interests, which are afforded special protection.
8. To protect the amenities of the occupiers of nearby properties.
9. In the interests of highway safety.
10. To ensure landscape features are properly considered and protected.
11. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
12. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
13. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
14. In the interests of the visual amenities of the area and the amenity of occupiers of the development.
15. In the interests of the visual amenities of the area and the amenity of occupiers of the development.
16. In the interests of highway safety.
17. In order to protect wildlife interests, which are afforded special protection.
18. To ensure adequate means of access to the development is provided prior to each dwelling being occupied.
19. To provide for the parking of vehicles clear of the highway.
20. To ensure the formation of a safe and satisfactory access.
21. To protect trees which are of significant amenity value to the area.
22. In the interests of highway safety.
23. To ensure that adequate visibility is provided at the proposed point of access to the highway.
24. To protect the amenities of the occupiers of nearby properties.

**NOTE(S) TO APPLICANT**

You should ensure that any difference between the plans approved under the Town and Country Planning Acts and under the Building Regulations is resolved prior to commencement of development, by formal submission of amended plans.

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining



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activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

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.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

## **RECOMMENDATION D**

That if Order under Section 97 of the Town and Country Planning Act and Obligation pursuant to Section 106 of the Town and Country Planning Act

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1990 is not completed within six months of the date of the Committee resolution the Head of Community Wellbeing and Development be given delegated authority to refuse the application for the following reasons:

1. There is the prospect of the simultaneous implementation of incompatible planning permissions to the detriment of the appearance of the site and wider locality and in conflict with policy GDP1 of the Wrexham Unitary Development Plan.
  2. The development makes inadequate provision for the long term maintenance of on-site open space and as such does not accord with policies GDP1 and CLF5 of the Wrexham Unitary Development Plan.
-