

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



|                  |                                                                                                                |                      |             |
|------------------|----------------------------------------------------------------------------------------------------------------|----------------------|-------------|
| <b>Applicant</b> | MR RICHARD AND<br>MRS ANGELA<br>HUGHES                                                                         | <b>Reference</b>     | P/2023/0893 |
| <b>Agent</b>     | GARY CHESTERS<br>BSC MRICS<br>CHARTERED<br>BUILDINGS<br>Carmen<br>Nook Lane<br>Weston<br>Shrewsbury<br>SY4 5LP | <b>Date Received</b> | 19/12/2023  |
|                  |                                                                                                                | <b>Decision Date</b> | 29/08/2024  |

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### **Town and Country Planning Act, 1990**

#### **Location of Application**

MOUNT PLEASANT, PLASSEY LANE, WILLINGTON, MALPAS, WREXHAM,  
SY14 7LT

#### **Description of Application**

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CONVERSION OF BUILDING TO DWELLING

In reaching this decision the Council has had regard to the following relevant policies: -

#### **National Policies and Technical Advice Notes (TAN):**

TAN5 – Nature Conservation and Planning  
TAN6 – Planning for Sustainable Rural Communities  
TAN12 – Design  
TAN18 – Transport  
TAN24 – The Historic Environment

#### **Wrexham Local Development 2013 – 2028:**

DM1 – Development Management Considerations  
H7 – Housing in the Countryside  
H9 – Conversion of Buildings Outside of Settlement Limits to Residential Use  
NE1 – International and National Nature Conservation Designations  
NE5 – Special Landscape Areas  
NE6 – Waste Water Treatment and River Water Quality  
SP11 – Transport and Accessibility  
SP12 – Design Principles and Masterplanning Framework

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SP14 – Natural Environment  
SP15 – Historic and Cultural Environment  
SP19 – Green Infrastructure  
SP2 – Location of Development  
T1 – Managing Transport Impacts  
T2 – Active Travel

| Revision | Date       | Description of Decision    |
|----------|------------|----------------------------|
| 0        | 29/08/2024 | Planning permission issued |

**Particulars of decision : GRANTED subject to the following:-**

**Condition(s)**

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s):
  - Drawing 23-116c;
  - Drawing 23-116a Revision A;
  - Drawing 23-116b Revision A;
  - Supporting Statement;
  - Letter dated 09 August 2024 outlining drainage details;
  - Ecological Appraisal ref: 23-09 216.1R dated 31st October 2023;
  - Green Infrastructure Statement and Net Biodiversity Benefit dated 8/8/2024.

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3. No development shall take place until a Great Crested Newt Reasonable Avoidance Measures scheme has been submitted to and approved in writing by the Local Planning Authority.

The Reasonable Avoidance Measures (RAMs) shall include, but not necessarily be limited to:

- further details and associated plans concerning amphibian avoidance and mitigation measures including, but not limited to, one-way amphibian fence design and locations (prior to and throughout the duration of any work);
- including installation of permanent amphibian fencing into the boundary fence line.
- details of timing, phasing and duration of construction activities and conservation measures;
- a timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- persons responsible for implementing the works; and
- biosecurity measures to be adhered to onsite.

The Reasonable Avoidance Measures scheme shall be carried out in accordance with the approved details throughout the development process.

4. The development hereby permitted shall not be occupied until measures to deliver net benefit for biodiversity (NBB) shown in the Green Infrastructure Statement and Net Biodiversity Benefit document and on Drawings no. 23-116c and 23-116b Rev A have been implemented in full. The measures shall thereafter maintained for the lifetime of the development.

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5. Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 5 metres behind the adjoining highway.
6. Prior to first use of the development hereby permitted the vehicular access shall provide visibility splays of 2.4 metres x 43 metres in both directions measured to the centreline of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
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 and thereafter permanently retained.
8. Prior to the first use of the development the site shall be laid out in strict accordance with Drawing no: 23-116c.
9. The development shall be carried out in strict accordance with the recommendations contained within the Ecological Appraisal ref: 23-09 216.1R dated 31st October 2023. The mitigation measures hereby approved shall be fully implemented prior to first use of the development.

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10. Within three months of commencement of the development hereby permitted, full details of a hard and soft landscaping scheme together with a timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority. The landscaping at the site will thereafter be carried out in accordance with the approved details.
11. Prior to first use of the development secure on-site bicycle parking facilities shall be provided within the site. The facilities shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of bicycles.
12. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwelling/building hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
13. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification), no buildings shall be erected other than those shown on the approved plan(s).

### **Reason(s)**

- 1 To comply with Section 91(3) of the Town and Country Planning Act, 1990.

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- 2 To comply with Section 91(3) of the Town and Country Planning Act, 1990.
- 3 To ensure that an approved Great Crested Newt (GCN) Reasonable Avoidance Measures scheme is implemented, which protects GCNs affected by the development. in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.
- 4 To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.
- 5 To ensure that no deleterious material is carried onto the highway, in the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 6 To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 7 In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 8 In the interests of highway safety, having regard to Policy DM1 of the Wrexham Local Development Plan.
- 9 In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.

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- 10 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DM1, SP12 and SP14 of the Wrexham Local Development Plan.
- 11 To assist occupiers/users of the development to make sustainable transport choices in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 12 To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.
- 13 In order to protect the special character of the Special Landscape Area having regard to Policy NE5 of the Wrexham Local Development Plan.

### Note(s) to applicant

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care 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.

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To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environmental Health & Housing Standards Team on [healthandhousing@wrexham.gov.uk](mailto:healthandhousing@wrexham.gov.uk) or 01978 292040 for further advice and information.

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60 Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at [healthandhousing@wrexham.gov.uk](mailto:healthandhousing@wrexham.gov.uk) or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

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In the interests of maintaining highway safety, and to avoid obstruction of the public highway (in contravention of the Highways Act), The Applicant is advised to coordinate with the highway authority at [highwayroadworks@wrexham.gov.uk](mailto:highwayroadworks@wrexham.gov.uk) in advance of commencement of the development/works with respect to:

1. Skip, scaffolding, hoarding or A frame/signage (Permit required for these items, if on the public highway);
2. Use of a parking space for a set down/delivery area;
3. Record a dilapidation survey of the adjacent carriageway prior to commencement (to avoid being asked to repair damage by the Applicant whilst carrying out their works);
4. If any lane closure or obstruction of the highway is required for a crane or similar;
5. Protection against dust and debris blowing onto the public highway;
6. Construction traffic parking locally avoiding nuisance to others;
7. If the Applicant's scope of work includes new apparatus in the highway, such as new mains services then a Section 50 licence will be required. Insurances and demonstration of competency to carry out works in the public highway will be required;
8. Lowering of kerbs or minor pavement alterations require Section 184 agreement. Insurances and demonstration of competency to carry out works in the public highway will be required;
9. A section 278 agreement works agreement is required for more significant alterations to the existing highway;
10. Any temporary works affecting traffic lights, [pedestrian/cycle road crossings, or bus stops require pre-planning and permits;
11. For applications with a private driveway (either existing or proposed) connecting onto the public highway, the following conditions of approval apply:
  - No surface water from the applicants site should be allowed to drain onto the public highway;
  - The first 5m\* minimum (for residential property) should be hard paved, avoiding gravel or loose chippings from spreading;

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- No gate should be built in a location where it would result in a car obstructing the highway whilst being unlocked, and it should not swing out and over a pavement or any other part of the highway.

\*The hard paved length and set back if required is subject to the applicants proposed vehicular length.

The applicants should allow a minimum of 4 weeks' notice for any of the above standard requirements, and 6-8 weeks for lane closures & road closures (lead times may change without notice subject to workload and complexity). Any works involving Trunk roads should be coordinated separately and directly with the North & Mid Wales trunk Road Agency. For larger sites with a significant impact upon the highway, a Construction Traffic Management Plan will be required.

A handwritten signature in black ink, appearing to read 'David Fitzsimon'.

**David Fitzsimon**

***Prif Swyddog Yr Economi a Chynllunio, Cyngor Bwrdeistref Sirol Wreccsam  
Chief Officer Economy and Planning, Wrexham County Borough Council***

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

[Planning and building control | Wrexham County Borough Council](#)