

Applicant MS L WRIGLEY

Reference P/2023/0881

Agent MR STEVE JONES
D S JONES AND CO
25 Prospect Drive
Coedpoeth
Wrexham
LL11 3PE

Date Received 14/12/2023

Decision Date 18/09/2024

Town and Country Planning Act, 1990

Location of Application

BRYN YR EOS CHAPEL WHITEHURST CHIRK WREXHAM LL14 5AS

Description of Application

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CONVERSION OF BUILDING TO 2 DWELLINGS

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

National Policies and Technical Advice Notes (TAN):

TAN 12 : Design
TAN 18 : Transport
TAN 24 : The Historic Environment
TAN 5 : Nature Conservation and Planning
TAN 11 : Noise

Wrexham Local Development 2013 – 2028:

BE1 - Pontcysyllte Aqueduct and Canal World Heritage Site
DM1 - Development Management Considerations
H7 - Housing in the Countryside
H9 - Conversion of Buildings Outside of Settlement Limits to Residential Use
MW1 - Minerals Safeguarding
NE1 - International and National Nature Conservation Designations
NE4 - Area of Outstanding Natural Beauty
NE6 - Waste Water Treatment and River Water Quality
SP11 - Transport and Accessibility
SP12 - Design Principles & Masterplanning Framework
SP14 - Natural Environment

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



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SP15 - Historic and Cultural Environment
SP16 - Minerals Supply and Safeguarding
SP19 - Green Infrastructure
SP2 - Location of Development
T1 - Managing Transport Impacts

Revision	Date	Description of Decision
0	18/09/2024	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 10588.01.dsj;
 - Drawing 10588.02.dsj;
 - Drawing 10588.03.dsj;
 - Drawing 10588.04.dsj;
 - Drawing 10588.05.dsj;
 - Drawing 10588.06.dsj;
 - Drawing 10588.07.dsj;
 - Design and Access Statement ref: 10588:DASv1;
 - BS8233 & BS6472 Assessment by James Flitton;
 - Percolation Test Results and Drainage Field Calculation;
 - Preliminary Ecological Appraisal and Roost Assessment by Arbtech;
 - Green Infrastructure Assessment by Arbtech.

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3. The development hereby permitted shall not be occupied until the measures to deliver net benefit for biodiversity (NBB) outlined in the Green Infrastructure Assessment by Arbtech have been implemented in full. The measures shall thereafter be maintained for the lifetime of the development.
4. 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.
5. 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.
6. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) No. 10588.02.dsj.
7. No part of the development shall be first occupied until the approved scheme for foul drainage detailed on plans 10588.06.dsj and 10588.07.dsj has been implemented.
8. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and 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 extensions shall take place to the dwelling[s] shall take place and no other structures within the curtilage of the dwelling[s] shall be erected.
9. The development shall be carried out in strict accordance with the findings and recommendations contained within the Preliminary Ecological Appraisal and Roost Assessment by Arbtech. The recommendations hereby approved shall be fully implemented prior to first use of the development.

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10. The noise mitigation scheme as approved within the BS8233 & BS6472 Assessment by James Flitton shall be implemented in full prior to the first occupation of the dwelling(s) and all measures for noise mitigation shall be retained thereafter

Reason(s)

- 1 To comply with Section 91(3) of the Town and Country Planning Act, 1990.
- 2 To comply with Section 91(3) of the Town and Country Planning Act, 1990.
- 3 To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.
- 4 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.
- 5 In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 6 In the interests of highway safety, having regard to Policies DM1 and T1 of the Wrexham Local Development Plan.
- 7 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 Policy DM1 of the Wrexham Local Development Plan.

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- 8 In the interests of the character and importance of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty and the Pontcysyllte Aqueduct and Canal World Heritage Site, and in the interests of residential amenity having regard to policies DM1, NE4, BE1 and SP14 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.
- 10 In the interests of the amenities of the future occupants of the development in accordance with Policy DM1 of the Wrexham Local Development Plan.

Note(s) to applicant

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

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the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

The Applicant is advised that under the 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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

The Public Right of Way adjacent to the site shall at no time be obstructed during the construction process.

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A handwritten signature in black ink, appearing to be 'DF' or similar initials.

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](#)