

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

Applicant	MR H WILSON	Code Number	MAE P/2023/0747
Agent	MISS CHARLOTTE MASON PETER RICHARDS & CO CRAB TREE FARM PREES HEATH THORNYCROFT WHITCHURCH MERRINGTON SY13 3JY	Date Received	22/09/2023
		Decision Date	13/02/2024

Town and Country Planning Act, 1990

Location of application

OLD HALL, OVERTON ROAD, PENLEY, WREXHAM, LL13 0LS

Description of application

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In reaching this decision the Council has had regard to the relevant policies in the Wrexham Local Development Plan which are as follows:-

DM1	Development Management Considerations
NE2	Local Designations for Nature Conservation and Geological Importance
SP14	Natural Environment
SP15	Historic and Cultural Environment

Revision	Date	Description of Decision
0	13/02/2024	PLANNING PERMISSION ISSUED
1	20/05/2024	P/2024/0250 - DISCHARGE OF CONDITION 4 (ECOLOGY) OF PLANNING PERMISSION P/2023/0747

Particulars of decision that permission be 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.

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2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered 01224_022 Rev B and Design and Access Statement Dated September 2023, and as contained within the application documentation.

3. No facing or roofing materials shall be used other than those detailed within the submitted Design and Access Statement and within the approved application documentation.

4. No part of the development shall commence until details of the proposed Reasonable Avoidance Measures (RAMs) have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following:

- * Build upon the principles outlined in the submitted ecological report;
- * Details and associated plans concerning GCN reasonable 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);
- * Measures to be taken to prevent or reduce accidental capture or killing of GCN including installation of permanent amphibian fencing into the boundary fence line;
- * Measures to control any Invasive Non-Native Species (INNS) and diseases (e.g. Chytrid) on site; and to prevent INNS and diseases being introduced to the site for the duration of the construction and operational phases of the scheme ;
- * All works to be carried out under the appropriate licence issued by NRW under the provisions of Regulation 55 (2) of the Conservation of Habitats and Species Regulations 2017 (as amended).

The Reasonable Avoidance Measures scheme shall be carried out in accordance with the details as may be approved.

Approved on: 20/05/2024 **Reference Number:** P/2024/0250

By: Wrexham County Borough Council

Approved RAMs Report Ref: ArborVitae, March 2024. Reasonable Avoidance Measures

5. The development shall be carried out in strict accordance with the findings and recommendations contained within the Preliminary Ecology Assessment as carried out by Arbor Vitae and dated 25/10/2023 approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.

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6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking and re-enacting that Order with or without amendment), no part of the building shall be used except for the purposes of the storage of hay and / or farm machinery, as described in the application plans and documents.

Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DM1 of the Wrexham Local Development Plan.
4. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies DM1 and SP14 of the Wrexham Local Development Plan.
5. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies DM1 and SP14 of the Wrexham Local Development Plan.
6. To prevent pollution of the water environment in accordance with Policy DM1 of the Wrexham Local Development Plan.

Note(s) to applicant

An European protected species (EPS) Licence may be required for this development. This planning permission does not provide consent to undertake any works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

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To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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 or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.



David Fitzsimon
Prif Swyddog Yr Economi a Chynllunio / Chief Officer Economy and Planning

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

[http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.h
tm](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)