

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 AND MRS BEBBINGTON	Code No	BRN P/2023/0416
Agent	PETER RICHARDS AND CO HOLLY WALKER CRAB TREE FARM PREES HEATH WHITCHURCH SY13 3JY	Date Received	20/06/2023
		Decision Date	21/12/2023

Town and Country Planning Act, 1990
Section 73

Location of application

CORNER COTTAGE, SMOKEY LANE, TYBROUGHTON, WREXHAM, SY13 3BH

Description of application

AMRYWIO AMOD 2 CANIATAD CYNLLUNIO P/2021/0014 (CYNLLUNIAU CYMERADWY) / VARIATION OF CONDITION 2 OF PLANNING PERMISSION P/2021/0014 (APPROVED PLANS)

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 objectives

Revision	Date	Description of Decision
0	21/12/2023	Planning permission issued

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.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawings and documents referenced - Site Plan as Proposed Dated 16 June 2023, TA-PL-01 REV A, TA-PL-02 REV B, and Preliminary Ecological Appraisal (Stirling. P.; June 2023, Arbor Vitae), and as contained within the application documentation.

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3. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
4. The landscaping and boundary treatment scheme approved as part of this application shall be fully implemented in strict accordance with approved drawing referenced 'Site Plan as Proposed Dated 16 June 2023' 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.
5. The landscaping and boundary scheme, implemented in connection with condition no. 4, shall be permanently retained. Any planting or boundary treatment which becomes severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced within the next available planting season by trees or shrubs of similar size and species / fences to those originally required to be planted / constructed.
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 ancillary outbuilding hereby approved shall be used except for the precise purposes described in the application plans and documents (Garage, Home Office and Storage). The revised residential curtilage, as is outlined in red on the approved 'Site Plan as Proposed Dated 16 June 2023', shall be established prior to first use of the development, and no domestic use of the land outside of this revised residential curtilage, shall be made thereafter.
7. No WC / toilet, washing or any other waste / foul water generating facilities shall be provided within the building hereby permitted.
8. The existing vehicular access as shown on approved plan ref: 'Site Plan as Proposed Dated 16 June 2023' shall be permanently closed up prior to first use of any part of the development in accordance with this approved plan.

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9. Prior to first use of the development hereby the re-opened vehicular access shall provide visibility splays of 2.4 metres x 33 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 adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
10. The vehicular parking and turning areas as shown on approved drawing ref: 'Site Plan as Proposed Dated 16 June 2023' shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.
11. The ground level upon which the building will sit shall be 300mm below the existing ground level.

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 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.
5. 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.
6. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area, and to protect the countryside from incursion, in accordance with Policy DM1 of the Wrexham Local Development Plan.
7. To prevent pollution of the water environment in accordance with Policy DM1 of the Wrexham Local Development Plan.

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8. In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.
9. 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.
10. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety in accordance with Policy DM1 of the Wrexham Local Development Plan
11. 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.

Note(s) to applicant

All works relating to this development which are audible beyond the site boundary should be carried out only between 7.30 and 18.00 hrs Monday to Friday, and 08.00 to 14.00 hrs 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.

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The applicant must adhere to the times given above wherever possible. If however there are urgent or unavoidable circumstances requiring works outside of the specified times, permission to proceed may be sought by contacting Environmental Health and 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

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.htm