

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 DAVID BRERETON	Code Number	ISY P/2022/0962
Agent	ST OSWALDS ARCHITECTURAL MR ELGAN ROBERTS ST OSWALDS NANT Y CAWS OSEWSTRY SY10 9AP	Date Received	07/11/2022
		Decision Date	21/02/2023

Town and Country Planning Act, 1990

Location of application

EAST WAY, BOWLING BANK, WREXHAM, LL13 9RR

Description of application

NEWID DEFNYDD TIR O FOD YN AMAETHYDDOL I BRESWYL A CHODI GAREJ GYDA CHAMPFA A SWYDDFA AC ADLEOLI STABLAU / CHANGE OF USE OF LAND FROM FIELD TO RESIDENTIAL, ERECTION OF STABLES AND ERECTION OF GARAGE OFFICE AND STORE.

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

GDP1	Development objectives
PS2	Development and the environment
T8	Parking

Revision	Date	Description of Decision
0	21/02/2023	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 amended plan(s) numbered and labelled as follows:
 - Buy A Plan, Site Plan, Produced on 13th Jul 2022;
 - Block Plans, Scale 1:500, Dated: Jan 2022;
 - Plan showing replacement horse stables, Scale 1:50, Dated Jan 2022;

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- Plan showing proposed garage with office and store, Scale 1:50, Dated Feb 2023.

3. No facing or roofing materials shall be used other than those detailed on the amended plans detailed as follows:

- Plan showing replacement horse stables, Scale 1:50, Dated Jan 2022
- Plan showing proposed garage with office and store, Scale 1:50, Dated Feb 2023.

4. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) showing the Block Plans, Scale 1:500, Dated: Jan 2022.

5. Prior to first use of the development hereby approved the vehicular access serving the approved garage 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 carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

6. 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.

7. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.

8. Prior to first use of development a verge crossing to the site shall be constructed in strict accordance with Highway Authority adoptable standards.

9. The existing southerly access as shown on the amended plan showing the Block Plans, Scale 1:500, Dated: Jan 2022 shall be permanently closed, the use of it ceased and the hedgerow reinstated prior to the first use of the approved stables.

10. The gym, office and stables hereby approved shall be ancillary to the existing dwelling Eastway, Bowling Bank, Wrexham, LL13 9RR and shall not be used, occupied or disposed of separately from that dwelling.

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11. Prior to the first use of the stables hereby approved, the existing stable blocks shall be demolished removed from the site in their entirety.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no further development shall take place on the site under Classes E and F of Schedule 2 Part(s) 1.

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 Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
4. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
5. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
6. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
9. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
10. To ensure that the building is not used as or sold off as a separate planning unit or for commercial purposes.
11. In the interests of visual amenity.
12. Due to the sites location within open countryside it is important to ensure that no additional development as described in the condition is carried out without the permission of the Local Planning Authority in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

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Note(s) to applicant

The accuracy of the detailed plans and drawings forming part of the application documents hereby approved shall remain the responsibility of the applicant/developer.

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.

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

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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.



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