

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 GERALD CARTWRIGHT                                                                                | <b>Code Number</b>   | BRN P/2021/0640 |
| <b>Agent</b>     | GREEN PLANNING STUDIO LTD<br>UNIT D LUNESDALE<br>UPTON MAGNA BUSINESS PARK<br>SHREWSBURY<br>SY4 4TT | <b>Date Received</b> | 11/05/2021      |
|                  |                                                                                                     | <b>Decision Date</b> | 03/07/2023      |

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

#### **Location of application**

LAND BETWEEN HOLLY COTTAGE, AND CHAPEL FARM, WHITEWELL, WHITCHURCH, WREXHAM, SY13 3AL

#### **Description of application**

NEWID DEFNYDD TIR AMAETHYDDOL I FAES CARAFANAU A GWAITH CYSYLLTIEDIG / CHANGE OF USE OF AGRICULTURAL LAND TO CARAVAN SITE AND ASSOCIATED WORKS

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

| Revision | Date       | Description of Decision    |
|----------|------------|----------------------------|
| 0        | 03/07/2023 | 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 drawing ref: 20\_1124\_003 Rev D and as contained within the application documentation.
3. No part of the development shall commence until a scheme of external lighting has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall have regard to best practice guidance provided by the Institution of Lighting Professionals (<https://www.theilp.org.uk/resources/free-resources/ilp-guidance-notes/>). The external lighting scheme as required must include the following:
  - a) Location and height of proposed lighting,

|                  |                                                                                                           |                          |                          |
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b) An Isolux diagram for the proposed lighting scheme to a distance that includes sensitive premises, and

c) Design of columns and any proposed hoods.

The lighting shall be installed in strict accordance with the scheme as is approved prior to first use of the development, and shall thereafter be permanently retained in a fully operational condition.

4. Within 3 months of commencement of development, full details of both hard and soft landscape works, to include all boundary treatments and some native planting, shall be submitted for the written approval of the Local Planning Authority. The plan shall include a timescale for the implementation of works, and shall provide for ecological improvement / habitat creation and enhancement in the soft landscape areas for the benefit of biodiversity conservation specifically tailored to the landscape features.

5. The scheme submitted and approved in connection with condition no. 4 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

6. The landscaping scheme implemented in connection with condition no. 4 shall be permanently retained. Any planting which becomes severely damaged or seriously diseased, or is in poor physiological condition and/or are removed shall be replaced within the next available planting season by trees or hedgerow of the same size and species to those originally required to be planted.

7. Notwithstanding drawing no.20\_1124\_003 Rev D there shall be no more than 5 no. 4 person holiday touring caravans on the land at any one time.

8. Notwithstanding the provisions of Part 2, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected on any part of the application site.

9. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment as carried out by Salopian Consultancy and dated 29/06/2021, approved as part of this application. Any mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development and thereafter permanently retained.

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10. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 52 metres in both directions measured to the nearside wheel track of the adjoining highway (i.e. measured to a point 0.5 in from the nearside edge of the carriageway). 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.

11. Prior to first use of development a verge crossing to the site shall be constructed to Highway Authority adoptable standards.

12. 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 10 metres behind the adjoining highway.

13. There shall be no gates or other means of enclosure across the vehicular access point within 10 metres of the highway boundary.

14. The vehicular access hereby approved shall be a minimum width of 5.5 metres.

15. No part of the development shall be occupied until the drainage scheme shown on plan refs: 719-21-30 and 719-21-15 Rev C approved as part of this application have been fully implemented in all respects. The drainage scheme shall be managed and maintained in an operational condition in accordance with approved Report ref: 'Calculation of Wastewater Flows from Treatment Plant to Soakaway' dated 06 October 2021

16. The development shall be carried out in strict accordance with the Amphibian Method Statement prepared by Salopian Consultancy and the Reasonable Avoidance Measures (RAMs) contained within it shall be fully implemented in all respects prior to the first use of the development.

17. The caravan pitches hereby granted permission shall be used only for the siting of touring caravans and shall only be used to provide holiday accommodation. For the avoidance of doubt, none of the pitches shall be used for the siting of static caravans nor shall they be used to provide permanent residential accommodation. The land shall also not be used for the storage of caravans at any time.

### **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 71ZA (2) of the Town and Country Planning Act 1990.
3. This is a non-standard reason
4. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary 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 Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
6. 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.
7. To safeguard the integrity of the River Dee SAC in accordance with policy EC6 of the Wrexham Unitary Development Plan.
8. 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.
9. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
10. 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.
11. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
12. 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.
13. 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.
14. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
15. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

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16. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

17. In the interests of protecting the countryside from inappropriate development in accordance with policy CLF10 of the Wrexham Unitary Development Plan.

### **Note(s) to applicant**

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage:  
[https://www.wrexham.gov.uk/english/planning\\_portal/sab/sab.htm](https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm) or by contacting the SAB Team directly at [SAB@wrexham.gov.uk](mailto:SAB@wrexham.gov.uk)

Detailed advice has been issued by Natural Resources Wales (NRW) which is available on the Council's planning applications website.

A licence will need to be obtained (as required by section 184 of the Highways Act 1980) from the Highway Authority in order to cross the verge to the access, in connection with condition no.12. The licence is a separate form and will need to be obtained from the Highways Department, Wrexham County Borough Council, telephone 01978 297158.

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.

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](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.

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

The applicant is advised that they may need to apply for a Caravan Site licence under the Caravan and Control of Development Act 1960.



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