

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 ANDREW AIRD	Code Number	MAE P/2021/0107
Agent	CHRIS BURNETT WHITEHOUSE FARM SHOCKLACH MALPAS SY14 7BN	Date Received	21/01/2021
		Decision Date	05/01/2022

Town and Country Planning Act, 1990

Location of application

PENLEY MILL, LION LANE, PENLEY, WREXHAM, LL13 0LY

Description of application

ADEILADU LLYN NEWYDD, GWLYPTIR A DOL BLODAU GWYLLT /
CONSTRUCTION OF NEW LAKE, WETLAND AND WILDFLOWER
MEADOW

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

CLF6	Informal recreation - rights of way
EC12	Development and flood risk
EC13	Surface water run-off
EC4	Hedgerows, Trees and Woodland
EC5	Special Landscape Areas
EC6	Biodiversity Conservation
GDP1	Development objectives
PS2	Development and the environment

Revision	Date	Description of Decision
0	05/01/2022	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(s) numbered:
PMLW20.04 Rev 03 Tree survey

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- PMLW20.05 Rev 03 Proposed site layout plan
PMLW20.06 Rev 03 Location Plan
PMLW20.07 Rev 03 Proposed landscaping
PMLW20.08 Rev 03 proposed contours and sections
Flood Consequences Assessment (FCA) dated November 2021 by Water Resource Associates.
Sambrook, R. (2021). Great Crested Newts - Reasonable Avoidance Measures Method Statement: Penley Mill, Lion Lane, Penley, Wrexham, LL13 0LY. Wildbanks Conservation. (Unpublished Report No R001).
and as contained within the application documentation.
3. The lake shall be used for private recreation only with no use by motor boats or jet skis, incidental to the use of the dwelling as a single dwelling house and for no other purpose.
 4. Within 3 months of commencement of development on site, full details of both hard and soft landscape works, to include some native planting for the site shall be submitted to and approved in writing by the Local Planning Authority. The plan 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. The works shall be carried out prior to the occupation of any part 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 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 as carried out in connection with condition no.5 shall be retained for a minimum of 5 years. Within this timescale, any planting becoming 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 with trees or shrubs of similar size and species to those originally required to be planted and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.
 7. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment as carried out by penny Anderson Associates and dated December 2020 approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.
 8. No development shall commence until updated versions of the following plans are submitted to reflect the advice in the FCA:

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- PMLW20.05-05 OS Proposed 1m Contours & Lake 1,000@A1P (08-06-21)
- PMLW20.08-03 Lake Sections 750@A1L (08-06-21)
- PMLW20.07-03 Landscaping Proposals 1,000@A1P (08-06-21)

The development shall be carried out and subsequently maintained in accordance with the approved details and plans.

9. The development shall be carried out in strict accordance with the following plans and report(s) submitted and approved as part of this application:

- 1) Arboricultural Implication Assessment Chris Burnett September 2020
- 2) Tree Protection Plan ref no.PMLW20.04-01.
- 3) Arboricultural Method Statement Chris Burnett September 2020

No development or other operations shall take place except in strict accordance with the reports as approved.

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 that the development does not harm the species identified on site in the interests of the conservation of wildlife in accordance with Policies GDP1 and EC6 of the Wrexham Unitary 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 Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
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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 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.
8. Updated plans should be submitted to ensure necessary measures are agreed prior to commencement of development or phase of development and implemented to reduce the risk of flooding to the development and elsewhere.
9. To protect trees which are of significant amenity value to the area in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.

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Note(s) to applicant

Your attention is drawn to Highway Supplementary Notes - 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)

The development directly affects a public right of way and the applicant should ensure that the footway is not interfered with until such time as a legal diversion is in place. Further guidance can be obtained by contacting the Council's Rights of Way Officer on 01978 792761.

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.

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.

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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 Planning & Regulatory Department on 01978 292040 for further advice and information.

The Applicant is advised that under the Environmental Protection Act 1990, 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 Planning & Regulatory Department on 01978 292040 for further advice and information.

Warning: An European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake 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. 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/europeanprotected-species/?lang=en>

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WHITEHOUSE FARM
SHOCKLACH
MALPAS
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Detailed advice for the development has been issued by NRW and is available on the Council's website



Officer Appointed for this purpose
Chief Officer Planning & Regulatory

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