

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 JOHN DEROSA	Code Number	ERB P/2022/0924
Agent	BLUEPRINT LTD DAFYDD EDWARDS OFFICE 3K4 REDWITHER TOWER WREXHAM INDUSTRIAL ESTATE WREXHAM LL13 9XT	Date Received	14/07/2022
		Decision Date	06/02/2023

Town and Country Planning Act, 1990

Location of application

LAND AT, TALFRYN COTTAGE, ERBISTOCK, WREXHAM . LL13 0DF

Description of application

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

EC3	Agricultural Buildings
EC5	Special Landscape Areas
EC6	Biodiversity Conservation
GDP1	Development objectives
PS2	Development and the environment

Revision	Date	Description of Decision
0	03/02/2023	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 details shown on the approved drawing(s) numbered and labelled as follows and contained within the application documentation:
 - Site and Location Plan, Drawing D133/004, Dated July 2022, Rev B;
 - Drawing D133/003, Dated July 2022, Rev B.

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3. No facing or roofing materials shall be used other than those detailed on the approved plan D133/003, Dated July 2022, Rev B.
4. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) labelled Site and Location Plan, Drawing D133/004, Dated July 2022, Rev B.
5. Prior to first use of the development hereby approved the 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.
6. There shall be no gates or other means of enclosure across the vehicular access point within 10 metres of the highway boundary.
7. 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.
8. No development shall commence until a Great Crested Newt (GCN) Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement should include, but not necessarily be limited to:
 - the submission of details and plans concerning GCN reasonable avoidance and mitigation measures;
 - details of timing, phasing and duration of construction activities and conservation measures;
 - a timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
 - persons responsible for implementing the works.
 The Method Statement shall be carried out in accordance with the approved details.
9. No development shall commence until a plan to provide net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped has been submitted to and approved in writing by the Local Planning Authority. The measures should thereafter be implemented in full and maintained for the lifetime of the development.

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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. 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.
7. 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.
8. To ensure that an approved GCN Method Statement is implemented, which protects GCN affected by the development.
9. To comply with Welsh Government Planning Policy Wales and subsequent letter to Local Planning Authorities which requires all development to provide NBB, having regard to Policy EC6 of the Wrexham Unitary Development Plan.

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.

The applicant is advised that the agricultural building should be built by a suitably qualified engineer to meet the standards set in the Water Courses (Control of Agricultural Pollution)(Wales) Regulations 2021 and BS 5502 (Building and Structures for Agriculture Code Of Practice for Design, Construction and Loading).

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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.

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.

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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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

It is recommended that an external bat-sensitive lighting scheme should be installed at the site in accordance with the Preliminary Ecological Appraisal by Tyler Ecology dated 24/10/22.



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