

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	MS NICOLA SELVEY	Code Number	ESC P/2019/0898
Agent	DMS A & S SERVICES 31 HAIG ROAD HIGHTOWN WREXHAM LL13 7BU	Date Received	09/12/2019
		Decision Date	09/04/2020

Town and Country Planning Act, 1990

Location of application

CARETAKER HOUSE, HAFOD, RUABON, WREXHAM, , LL14 6HF

Description of application

ERECTION OF STABLES BLOCK INCLUDING EQUINE SOLARIUM AND WASH BOX AND CONSTRUCTION OF 40M X 20M RIDING AREA ILLUMINATED WITH 4 NO. FLOODLIGHTS

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
EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
GDP1	Development objectives
PS11	Biodiversity
PS2	Development and the environment

Revision	Date	Description of Decision
0	09/04/2020	Planning permission issued
1	12/4/2021	Discharge of conditions 3 and 7 approved on appeal P/2020/0287
2	29/11/2021	Discharge of condition 6 approved P/2021/0559

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.

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		Date	09/12/2019
		Received	09/04/2020
		Decision	
		Date	

2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered FV7/R1019/:

1a Location plan

2a site layout (excluding lighting details)

3 Elevations and floor plans

and as contained within the application documentation.

3. Notwithstanding the submitted details, within 3 months of commencement of development a scheme of external lighting including retractable poles, illumination levels and times/days of use shall be submitted to and approved in writing by the Local Planning Authority. The lighting as is approved shall be installed in strict accordance with the scheme prior to first use of the development and shall thereafter be permanently retained in a fully operational condition.

Date Approved: 12/4/2021 **Reference Number:** P/2020/0287

By: Planning Inspectorate/Wrexham County Borough Council

Approved Details: Site development Plan May 2020, Drawings FV7 / R1019 / 2a, FV7/R1019/3, FV7 / R1019 / 1a. Lighting to be bat friendly.

4. No facing or roofing materials shall be used other than those detailed on the application form and within the approved application documentation.

5. The existing trees, shrubs and hedges shown on drawing No. FV7/R1019/2a to be retained shall not be cut down, grubbed out, lopped or uprooted within five years of the date of first occupation of the development. Any trees, shrubs or hedges removed or being severely damaged or becoming diseased within this time shall be replaced with trees, shrubs or hedging plants of the equivalent size and species.

6. No development shall commence until a site GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should:

- Build upon the principles outlined in the ecological report (reference: Molesworth, J. (2020). Habitat Suitability Index (HSI) Report. Pearce Environment Ltd. Unpublished);
- Submission of details concerning amphibian avoidance measures during the construction phase of the proposal;
- Submission of further details including location plans of habitats to be retained created and/or enhanced specifically for amphibians. Details shall be provided in respect of timescales for implementing habitat schemes;
- Submission of a long term management plan for the amphibian habitats, details to include management prescriptions, person responsible for undertaking habitat management works, licensing requirements, monitoring and reporting of management actions;
- Details of timing, phasing and duration of construction activities and

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conservation measures;

- Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- Ecological Compliance Audit, including key performance indicators;
- Persons responsible for implementing the works;
- Biosecurity Risk Assessment.

The Conservation Plan shall be carried out in accordance with the approved details.

Date Approved: 29/11/2021 **Reference Number:** P/2021/0559

By: Wrexham County Borough Council

Approved Details: Site Development and GCN Conservation Plan amended October 2021, Site development Plan May 2020, Drawings FV7 / R1019 / 2a,

7. Within six months of the first use of the development, trees and shrubs shall be planted on the site in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

Date Approved: 12/4/2021 **Reference Number:** P/2020/0287

By: Planning Inspectorate/Wrexham County Borough Council

Approved Details: Site development Plan May 2020, Drawings FV7 / R1019 / 2a, FV7/R1019/3, FV7 / R1019 / 1a

8. The landscaping scheme submitted and approved in connection with condition no. 7 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

9. The riding area, equine solarium and stables shall be used only for purposes ancillary to the use of the dwelling and shall not be used as a riding school or for any other business purposes.

10. No light source to any sign(s) hereby granted consent shall be directly visible to drivers of motor vehicles using the adjacent highway.

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. This is a non-standard reason
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.
5. To ensure the amenity afforded by the trees is continued into the future in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary

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Development Plan.

6. To safeguard protected species
7. 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.
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. This is a non-standard reason
10. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

Note(s) to applicant

The external lighting scheme as required in connection with condition no. 4 should include the following:

- A) location and height of proposed lighting;
- B) An Isolux diagram for the proposed lighting scheme to a distance to include sensitive premises;
- C) Design of columns and any proposed hoods.

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 should adhere to the times given above wherever possible. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

There should be no burning of manure and soiled horse bedding at the site. Lighting has the potential for classification as a statutory nuisance under the Environment Protection Act 1990. If lighting is found to be causing a nuisance than an Abatement Notice may be served, and the applicant is advised to consider this when designing the installation of any lighting.

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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 Environment and Planning Department on 01978 315300 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 Housing and Public Protection Department on 01978 315300 for further advice and information.

Advice issued by Natural Resources Wales:
Pollution Prevention

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options

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- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls.

The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

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>



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