In pursuance of its powers under the Acts an 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

wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
wrecsam

Applicant HARMIN AGRICULTURE LTD

Agent MR PHILIP MOREN
PHILIP MOREN PLANNING
11 BISHOPS WALK
LLANGOLLEN LL20 8RZ

Reference P/2024/0323

Date Received 24/04/2024

Decision Date 05/08/2024

Town and Country Planning Act, 1990

Location of Application

LAND SOUTH WEST OF TOP FARM, ERBISTOCK, WREXHAM, LL13 0DG

Description of Application

ADEILADU ADEILAD AMAETHYDDOL / ERECTION OF AGRICULTURAL BUILDING

In reaching this decision the Council has had regard to the following relevant policies: -

National Policies and Technical Advice Notes (TAN):
TAN 6 : Planning for Sustainable Rural Communities

Wrexham Local Development 2013 – 2028:

DM1- Development Management Considerations
EM4 - Employment Development Outside of Settlement Limits
NE1 - International and National Nature Conservation Designations
NE2 - Local Designations for Nature Conservation and Geological Importance
NE3 -Trees, Woodlands and Hedgerows
NE5 - Special Landscape Areas
NE6 - Waste Water Treatment and River Water Quality
SP14 - Natural Environment
SP15 - Historic and Cultural Environment
SP19 - Green Infrastructure
T1 - Managing Transport Impacts

Revision	Date	Description of Decision
0	05/08/2024	Planning permission issued

Particulars of decision : GRANTED subject to the following:-

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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 following plan(s) and document(s):
20.23.ELP.01.1
P-02 Rev C
P-10 Rev C
P-20 Rev C
P-30 Rev C
101 Rev B
Arboricultural Implication Assessment ref no. PC23/618
'Arboricultural Report 06/06/2023 (Old Oak Tree Care)
Tree Protection Plan ref no. PC23/618/TPP
Ecological Appraisal Ref: PEA 23-05 108.1, Dated 21 June 2023, by Greenscape Environmental
Green Infrastructure Statement Ref: GIS BJ24-080.1, Dated 18 April 2024, by Ben Jones Ecology

3. Notwithstanding the details shown on the approved plans and detailed within the application submission, and prior to the commencement of the development hereby permitted, full details and samples of all the materials to be used in the construction of the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

4. No development shall commence, including any works of demolition, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

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5. No external illumination within the site shall take place before a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. The lighting scheme shall be installed and operated in accordance with the approved details. No other lighting shall be used on any external part of the development.

6. The premises / land shall only be used for agricultural storage in connection with the ancient grain farming enterprise detailed with the application submission and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification).

7. There shall be no wc, washing or any other wastewater generating facilities within the building, and the building shall not be used to house livestock or the waste product of livestock.

8. The development shall be carried out in strict accordance with the findings and recommendations contained within Ecological Appraisal Ref: PEA 23-05 108.1, Dated 21 June 2023, by Greenscape Environmental. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.

9. The development hereby permitted shall not be occupied until measures to deliver net benefit for biodiversity (NBB) detailed within the Ecological Appraisal Ref: PEA 23-05 108.1, Dated 21 June 2023, by Greenscape Environmental have been implemented in full. The measures shall thereafter maintained for the lifetime of the development.

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10. Landscaping shall be undertaking in accordance with the scheme submitted and approved in connection with condition 20.23.ELP.01.1. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting (November to March) and seeding seasons following the first use of the development (April to September). Any trees, hedgerows or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

11. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound (or any Guidance revoking or re-enacting that Guidance with or without modification).

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. Prior to first use of the development hereby permitted the vehicular access shall provide visibility splays of 2.4 metres x 25 metres to the south and 2.4 metres x 16 metres to the north 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.

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14. Prior to first use of the development hereby permitted a visibility splay of 2.4 metres x 33 metres measured to the centreline of the adjoining highway in the westerley direction shall be provided at the junction of Nant Errol with Plas Goulbourne Lane. 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.

15. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development and thereafter permanently retained.

Reason(s)

1 To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2 To comply with Section 91(3) 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 DM1, SP12 and SP14 of the Wrexham Local Development Plan.

4 In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local 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 DM1, SP12 and SP14 of the Wrexham Local Development Plan.

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6 To protect the amenities of the occupiers of nearby properties and to prevent pollution of the water environment in accordance in accordance with Policies DM1 and NE6 of the Wrexham Local Development Plan.

7 To safeguard against the pollution to the River Dee and Bala Lake SAC in accordance with Policies DM1, NE1, NE2 and NE6 of the Wrexham Local Development Plan.

8 In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.

9 To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.

10 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DM1, SP12 and SP14 of the Wrexham Local Development Plan.

11 To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.

12 To ensure that no deleterious material is carried onto the highway, in the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.

13 To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy DM1 of the Wrexham Local Development Plan.

14 To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy DM1 of the Wrexham Local Development Plan.

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15 In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.

Note(s) to applicant

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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 or by contacting the SAB Team directly at SAB@wrexham.gov.uk

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

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.

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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 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.

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David Fitzsimon
Prif Swyddog Yr Economi a Chynllunio, Cyngor Bwrdeistref Sirol Wrecsam
Chief Officer Economy and Planning, Wrexham County Borough Council

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-
Planning and building control | Wrexham County Borough Council