

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 & MRS LLOYD

Reference P/2023/0132

Agent ABIGAIL OWEN
ARCHITECTS LTD
ABIGAIL OWEN
ABIGAIL OWEN
PLANNING 25 FOX
LANE WAVERTON
CH3 7PQ

Date Received 30/11/2022

Decision Date 12/11/2024

Town and Country Planning Act, 1990

Location of Application

CLOY BANK FARM CLOY LANE OVERTON WREXHAM LL13 0HR

Description of Application

NEWID DEFNYDD ADEILAD AMAETHYDDOL I STORFA A DEFNYDD HAMDDEN
AR Y LLAWR GWAELOD A LLETY GWYLIAU AR Y LLAWR CYNTAF
CHANGE OF USE OF AGRICULTURAL BUILDING TO STORAGE AND
RECREATIONAL USE AT GROUND FLOOR AND HOLIDAY LET AT FIRST
FLOOR

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

National Policies and Technical Advice Notes (TAN):

TAN 12 : Design

TAN 18 : Transport

TAN 5 : Nature Conservation and Planning

TAN 6 : Planning for Sustainable Rural Communities

Wrexham Local Development 2013 – 2028:

DM1 - Development Management Considerations

NE1 - International and National Nature Conservation Designations

NE5 - Special Landscape Areas

NE6 - Waste Water Treatment and River Water Quality

SP8 - Economic Growth, Employment and Enterprise

SP11 - Transport and Accessibility

SP12 - Design Principles & Masterplanning Framework

SP14 - Natural Environment

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SP15 - Historic and Cultural Environment

SP19 - Green Infrastructure

SP2 - Location of Development

T1 - Managing Transport Impacts

Revision	Date	Description of Decision
0	12/11/2024	Planning permission issued

Particulars of decision : 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 following plan(s) and document(s):
 - Drawing PL01;
 - Drawing PL02;
 - Drawing PL03;
 - Drawing PL05;
 - Drawing LP06;
 - Drawing CB-GA-300 dated August 2024;
 - Letter from Woodsyde Developments Limited dated 19th August 2024;
 - Preliminary Roost Assessment by Arbtech, Final version dated 20/02/2023;
 - Bat Surveys Report by Amenity Tree dated 21.06.2023;
 - Green Infrastructure Statement and Net Biodiversity benefit form dated 19/09/2024;
 - Aerial planting plan, bird box brochure, bat box brochure and wildflower brochure submitted on 21st October 2024;
 - WTE Ltd Vortex S 6 0.55P document;
 - Vortex brochure.

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3. The development hereby permitted shall not be occupied until the measures to deliver net benefit for biodiversity (NBB) shown on the aerial planting plan, bird box brochure, bat box brochure and wildflower brochure submitted on 21st October 2024 to accompany the the Green Infrastructure Statement and Net Biodiversity Benefit dated 19th September 2024 have been implemented in full. The measures shall thereafter be maintained for the lifetime of the development.
4. No development shall take place until a Photographic Survey has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of investigation (WSI) which has been submitted and approved in writing by the local planning authority.

The Photographic Survey will be completed by a professional archaeological contractor in accordance with the brief, approved WSI and relevant CIFA Standards and Guidance. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust via- neil.bayliss@cpat.org.uk Tel: 01938 553670).

On approval by the Local Planning Authority, project data must be submitted and approved for inclusion in the Clwyd-Powys Archaeological Trust's Historic Environment Record [CPAT HER]. For any questions regarding this submission process, please contact the HER Team at her@cpat.org.uk. The full digital archive must also be submitted and approved for inclusion within the National Monuments Record, RCAHMW or the Archaeology Data Service, ADS.

5. The ground floor of the building shall not be used at any time other than for purposes ancillary to the residential use of the dwelling house known as Cloy Bank Farm.

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6. The first floor of the development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
7. The development shall be carried out in strict accordance with the enhancement measures relating to lighting contained within Section 5.2 of the Bat Surveys Report by Amenity Tree dated 21.06.2023.
8. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D, and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification), no extensions or alterations shall take place to the development.

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 the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.
- 4 To secure a full photographic record of the original building(s) internally and externally prior to conversion in accordance with Policy DM1 of the Wrexham Local Development Plan.

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- 5 In order to ensure the use remains as permitted in accordance with Policy DM1 of the Wrexham Local Development Plan.
- 6 In order to ensure that the building is used for an appropriate purpose within the open countryside, having regard to policy DM1 of the Wrexham Local Development Plan.
- 7 In order to protect wildlife interests in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.
- 8 To allow the control of development within a Special Landscape Area and Registered Historic Landscape, having regard to policies DM1, SP15 and NE5 of the Wrexham Local Development Plan.

Note(s) to applicant

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.

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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.

Any works to the highway may require an agreement under Sections 38 or 278 of the Highways Act 1980.

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.

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A handwritten signature in black ink, appearing to be 'DF' or similar initials.

David Fitzsimon

Prif Swyddog Yr Economi a Chynllunio, Cyngor Bwrdeistref Sirol Wreccsam
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](#)