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 Mr Michael Evans

Agent Miss Amy Rainsford
NSC Planning LTD, 22
Nicholas Street,
Chester CH1 2NX

Reference P/2024/1336

Date Received 02/01/2024

Decision Date 19/12/2024

Town and Country Planning Act, 1990

Location of Application

COED DERWEN, ERBISTOCK, WREXHAM, LL13 0DN

Description of Application

YMESTYN A TRAWSNEWID YSGUBOR I ANNEDD AC ADEILADU GAREJ NEWYDD AR WAHÂN
EXTENSION AND CONVERSION OF THE BARN TO DWELLING AND ERECTION OF NEW DETACHED GARAGE

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

National Policies and Technical Advice Notes (TAN):

TAN 5 : Nature Conservation and Planning
TAN 12 : Design
TAN 18 : Transport
TAN 5 : Nature Conservation and Planning

Wrexham Local Development 2013 – 2028:

DM1 - Development Management Considerations
H7 - Housing in the Countryside
H9 - Conversion of Buildings Outside of Settlement Limits to Residential Use
NE1 - International and National Nature Conservation Designations
NE6 - Waste Water Treatment and River Water Quality
SP12 - Design Principles & Masterplanning Framework
SP14 - Natural Environment
SP19 - Green Infrastructure
SP2 - Location of Development
T1 - Managing Transport Impacts

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Revision	Date	Description of Decision
0	19/12/2024	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 PR01 Revision E;
   - Drawing PRST01 Revision B;
   - Drawing G01 Rev A;
   - Drawing 5049-D01;
   - Foul Drainage Design Ref: SS44797;
   - Green Infrastructure Statement an Net Biodiversity Benefit form;
   - Arboricultural Impact Assessment dated August 2024;
   - Preliminary Ecological Appraisal by Andy Harmer Ecology Services;
   - Bat Scoping Survey and Activity Surveys by Andy Harmer Ecology Services.

3. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4. The development hereby permitted shall not be occupied until the measures to deliver net benefit for biodiversity (NBB) shown on Drawing PRST01 Revision B have been implemented in full. The measures shall thereafter be maintained for the lifetime of the development.

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5. Prior to first use of the development hereby permitted the vehicular access shall provide visibility splays of 2.4 metres x 25 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

6. Prior to the first occupation of the development hereby permitted, the site shall be laid out in accordance with Drawing no: 5049-D01.

7. No development shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 2 building survey, has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of investigation which has been submitted by an archaeological contractor and approved in writing by the local planning authority.

   The programme of building analysis and recording will be completed by an archaeological contractor and must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures. A copy of the resulting report should be submitted to the Local Planning Authority and the Planning Archaeologist, Heneb: Clwyd Powys Archaeology (The Offices, Coed y Dinas, Welshpool, SY21 8RP).

   After approval by the Local Planning Authority project data must be submitted and approved for inclusion in the Heneb: Clwyd Powys Archaeology Historic Environment Record. The full digital archive must also be submitted and approved for inclusion within the National Monuments Record, RCAHMW or the Archaeology Data Service, ADS.

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8. No development shall commence until a Bat Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:

• Build upon the principles outlined in the ecological report;
• The submission of further details including plans of all bat roost retention and compensation proposals. Plans shall clearly illustrate the locations of all retained and proposed entrance/exit points;
• The submission of further details concerning the prevention of injury or killing of bats during construction and post-construction;
• Details of timing, phasing and duration of construction activities and conservation measures;
• Timetable for implementation and demonstrating that works are aligned with the proposed phasing of the development;
• Actions to be taken in the event that previously unidentified species of bat are found;
• The submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA. Given the significance of the roost, we advise that the ECA is carried out by an external body. The purpose of the ECA is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The ECA shall identify Key Performance Indicators (KPI's) that are to be used for the purposes of assessing and evidencing compliant implementation of proposals;
• Persons responsible for implementing the works;
• Post-construction monitoring and record dissemination for a period of not less than 5 years;
• Submission of details including plans concerning external lighting together with any light spillage originating from internal locations. This component requirement shall include plans illustrating projected or retained bat emergence points; together with retained or proposed features such as existing and proposed landscaping and vegetation that currently or are planned to be functionally used by bats for foraging/dispersal purposes.

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Provisions of the scheme shall accord with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/18: Bats and Artificial Lighting in the UK.

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

9. No development shall commence until the full details of a scheme of Reasonable Avoidance Measures (RAMs) for Great Crested Newt has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved RAMs scheme.

10. 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.

11. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.

12. 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 shall take place to the dwelling[s] shall take place and no outbuildings or other structures shall be erected.

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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 91(3) of the Town and Country Planning Act, 1990.

3. To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

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

5. 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.

6. In the interests of highway safety, having regard to Policy DM1 of the Wrexham Local Development Plan.

7. To allow an adequate analytical record of the building to be made, before it is altered, to ensure that the buildings origins, use, and development are understood and the main features, character and state of preservation are recorded, having regard to Policy SP15 of the Wrexham Local Development Plan.

8. In the interests of the protection of protected species, having regard to Policy SP14 of the Wrexham Local Development Plan.

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

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

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11. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment in accordance with Policy DM1 of the Wrexham Local Development Plan.

12. In the interests of the visual amenity of the open countryside, having regard to Policy DM1 of the Wrexham Local Development Plan.

Note(s) to applicant

In the interests of maintaining highway safety, and to avoid obstruction of the public highway (in contravention of the Highways Act), The Applicant is advised to coordinate with the highway authority at highwayroadworks@wrexham.gov.uk in advance of commencement of the development/works with respect to:

1. Skip, scaffolding, hoarding or A frame/signage (Permit required for these items, if on the public highway);
2. Use of a parking space for a set down/delivery area;
3. Record a dilapidation survey of the adjacent carriageway prior to commencement (to avoid being ask to repair damage by the Applicant whilst carrying out their works);
4. If any lane closure or obstruction of the highway is required for a crane or similar;
5. Protection against dust and debris blowing onto the public highway;
6. Construction traffic parking locally avoiding nuisance to others;
7. If the Applicant's scope of work includes new apparatus in the highway, such as new mains services then a Section 50 licence will be required. Insurances and demonstration of competency to carry out works in the public highway will be required;
8. Lowering of kerbs or minor pavement alterations require Section 184 agreement. Insurances and demonstration of competency to carry out works in the public highway will be required;
9. A section 278 agreement works agreement is required for more significant alterations to the existing highway;

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10. Any temporary works affecting traffic lights, [pedestrian/cycle road crossings, or bus stops require pre-planning and permits;
11. For applications with a private driveway (either existing or proposed) connecting onto the public highway, the following conditions of approval apply:

- No surface water from the applicants site should be allowed to drain onto the public highway;
- The first 5m* minimum (for residential property) should be hard paved, avoiding gravel or loose chippings form spreading;
- No gate should be built in a location where it would result in a car obstructing the highway whilst being unlocked, and it should not swing out and over a pavement or any other part of the highway.

*The hard paved length and set back if required is subject to the applicants proposed vehicular length The applicants should allow a minimum of 4 weeks' notice for any of the above standard requirements, and 6-8 weeks for lane closures & road closures (lead times may change without notice subject to workload and complexity). Any works involving Trunk roads should be coordinated separately and directly with the North & Mid Wales trunk Road Agency. For larger sites with a significant impact upon the highway, a Construction Traffic Management Plan will be required.

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.

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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