

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

|                  |                                                                     |                      |                 |
|------------------|---------------------------------------------------------------------|----------------------|-----------------|
| <b>Applicant</b> | MR DORIAN HOPKINS                                                   | <b>Code Number</b>   | WOR P/2022/0441 |
| <b>Agent</b>     | JUSTIN PAUL<br>J10 PLANNING<br>2 WREXHAM ROAD<br>CHESTER<br>CH4 7QR | <b>Date Received</b> | 02/03/2022      |
|                  |                                                                     | <b>Decision Date</b> | 15/12/2023      |

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### **Town and Country Planning Act, 1990**

#### **Location of application**

GORSE FARM, WORTHENBURY, WREXHAM, LL13 0AL

#### **Description of application**

DYMCHWEL ANNEDD PRESENNOL A CHODI ANNEDD NEWYDD GYDA GAREJ AR WAHÂN, MYNEDIAD NEWYDD I GERBYDAU, TIRLUNIO A CHAU MYNEDIAD PRESENNOL, GYDA'R HOLL WAITH CYSYLLTIEDIG / DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT DWELLING WITH DETACHED GARAGE, NEW VEHICULAR ACCESS, LANDSCAPING AND CLOSURE OF EXISTING ACCESS, WITH ALL ASSOCIATED WORKS

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

|        |                                          |
|--------|------------------------------------------|
| E5     | Special Landscape Areas                  |
| EC6    | Biodiversity Conservation                |
| FW     | Future Wales: The National Plan 2040     |
| GDP1   | Development objectives                   |
| H10    | Replacement dwellings in the countryside |
| PPW    | Planning Policy Wales (Edition 11)       |
| PS11   | Biodiversity                             |
| PS2    | Development and the environment          |
| TAN 12 | Design                                   |
| TAN 18 | Transport                                |
| TAN 24 | The Historic Environment                 |
| TAN 5  | Nature Conservation and Planning         |

| Revision | Date       | Description of Decision    |
|----------|------------|----------------------------|
| 0        | 15/12/2023 | Planning permission issued |

**Particulars of decision that permission be GRANTED subject to the following:-**

|                  |                                                                     |                                                 |                 |
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### Condition(s)

- The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
- The development hereby approved shall be carried out strictly in accordance with the following approved plans and documents:
  - Dwg No: 18 - Location Plan [Received: 25/08/23]
  - Dwg No: 17 - Existing Site Layout & Demolition Plan [Received: 25/08/23]
  - Dwg No: 16 REV A - Proposed Site Plan [Received: 25/08/23]
  - Dwg No: 15 - Proposed Floor Plans & Elevations [Received: 25/08/23]
  - Dwg No: 14 - Proposed Garage Floor Plans & Elevations [Received: 25/08/23]
  - Dwg No: YD2\_GOR\_LP001 REV A - Landscape Masterplan [Received: 25/08/23]
  - Dwg No: 22 - Visibility Splays [Received: 10/10/23]
  - Email from Agent - Access Details [Received: 10/10/23]
  - Preliminary Ecological Appraisal - Gorse Farm [By: Dunelm Ecology; Dated: April 2022]
  - Supplementary Ecology Report - Cottage Green Farm [By: Dunelm Ecology; Dated: January 2023]
- No development or phase of development, including site clearance, shall commence until a site wide species Conservation Plan for construction has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should include:
  - Build upon the principles outlined in Anon. (2023). Cottage Green Farm, Worthenbury: Supplementary Ecology Report. Dunelm Ecology. (Unpublished) report
  - Details of protective measures to be taken to minimise the impacts
  - Details of timing, phasing and duration of construction activities and conservation measures
  - Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development
  - Details of initial aftercare and long-term maintenance (two ponds)
  - Actions to be taken in the event that previously unidentified species features are found
  - Persons responsible for implementing the works

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- Details of measures to prevent or reduce incidental capture or killing

The development shall be carried out strictly in accordance with the approved details.

4. Prior to its installation, full details of all lighting shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Plan shall include:
  - External lighting/internal light spillage assessment and plans that are compliant 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 lighting shall be installed and retained as approved during construction and use of the dwelling house.

5. No development, including site clearance, shall commence until a site wide Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation. The development shall be carried out strictly in accordance with the approved details, and the approved details shall be fully implemented throughout the course of the development.
6. No development shall commence until a detailed Hedgerow Translocation Plan or Hedgerow Replacement Planting Plan, to incorporate the area of the new access, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures of any new plants.
7. The approved hedgerow scheme, as per Condition 6, shall be implemented in the first planting and seeding season following the first beneficial use of the new access, or the completion of the development (whichever is the sooner), and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. If any plants fail more than

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once they shall continue to be replaced on an annual basis until the end of the 5-year defects period.

8. No development shall commence until a detailed Net Biodiversity Benefit Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented as approved prior to the first beneficial occupation of the replacement dwelling and the measures shall thereafter be retained for the lifetime of the development.
9. Prior to their use on the development, samples of all external facing and roofing materials (to include windows, glazing and doors) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
10. The landscaping scheme approved as part of this application shall be fully implemented in strict accordance with approved drawing no. YD2\_GOR\_LP001 REV A within three months of the first beneficial occupation of the dwelling, with the exception of soft landscaping which shall be carried out in the first planting season (November to March) or seeding season (April to September) following the first beneficial occupation of the dwelling.
11. Planting implemented in accordance with approved landscaping scheme drawing no. YD2\_GOR\_LP001 REV A shall be retained for a minimum of 5 years. Within this timescale, any planting becoming severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced within the next available planting season by trees or shrubs of similar size and species to those originally required to be planted.
12. The existing vehicular access as shown on approved plan no. 22 shall be permanently closed up prior to first use of the new vehicular access hereby approved in accordance with a specification of works which has first been submitted to and approved in writing by the Local Planning Authority.
13. Prior to first use of the development hereby approved, the new vehicular access [as detailed on approved plan no: 22] shall provide visibility splays of 2.4 metres x 120 metres to the north-east and 2.4 metres x 90 metres to the south-west measured to the nearside edge of the adjoining highway.

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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.

14. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.
15. 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 5 metres behind the adjoining highway.
16. The vehicular access hereby approved shall be a minimum width of 4.8 metres in accordance with approved plan no: 22.
17. 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.
18. The garage building hereby approved shall be used for purposes ancillary to the enjoyment of the residential dwelling house on-site only and not for any independent or commercial use.

### **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 that an approved species Conservation Plan is implemented, which protects bats and GCN affected by the development in accordance with Wrexham UDP Policy EC6 and TAN 5.
4. To ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species in accordance with Wrexham UDP Policy EC6 and TAN 5.
5. To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of

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any invasive non-native species at the site in accordance with Wrexham UDP Policy EC6 and TAN 5.

6. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
7. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
8. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 11.
9. 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.
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 GDP1 and PS2 of the Wrexham Unitary Development Plan.
11. 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.
12. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
13. 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.
14. 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.
15. 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.

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16. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

17. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

18. To ensure the building remains ancillary to the use of the dwelling, noting the site's rural location in accordance with Wrexham UDP Policies PS1, PS2 and GDP1.

### **Note(s) to applicant**

This permission is granted subject to the above conditions. Some conditions may require your attention prior to you carrying out any work on the proposal. These conditions are known as "conditions precedent". You should be aware that it is important that you comply with any "conditions precedent". If you do not, then any work you undertake on the development subject of this permission would not have planning permission.

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](https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm) or by contacting the SAB Team directly at [SAB@wrexham.gov.uk](mailto:SAB@wrexham.gov.uk).

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: <https://www.gov.uk/government/organisations/the-coal-authority>.

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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](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm).