

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 DONALD SHONE	Code No	ROS P/2018/1083
Agent	MR DONALD SHONE STRYT ISA FARM STRYT ISA PENYFFORDD CHESTER CH4 0JY	Date Received	28/12/2018
		Decision Date	01/05/2019

Town and Country Planning Act, 1990
Section 73

Location of application

LOWER RACKERY FARM, DARK LANE, BURTON, WREXHAM, LL12 0AG

Description of application

VARIATION OF CONDITION NO. 1 IMPOSED UNDER PLANNING PERMISSION P/2013/0285 TO ALLOW ADDITIONAL TIME FOR COMMENCEMENT OF DEVELOPMENT

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

EC4	Hedgerows, Trees and Woodland
GDP1	Development objectives
H3	Residential conversion of buildings outside settlement
H5	limits
PS2	Housing in the countryside
T8	Development and the environment
	Parking

Revision	Date	Description of Decision
0	01/05/2019	Planning permission issued
1	29/09/2023	P/2022/1078 Discharge of Condition 23

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.
2. No part of the development shall commence until samples of all external facing and roofing materials have been submitted to and approved in

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writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.

3. The development shall be carried out strictly in accordance with the conclusions and recommendations as set out in the Protected Species Survey dated 10 October 2011 compiled by Clwydian Ecology and the Great Crested Newt Reasonable Avoidance Scheme dated 24 July 2012 complied by Clwydian Ecology approved as part of planning permission P/2013/0285.

4. The existing westerly vehicular access as identified on the approved plan numbered 130506 dated June 2013 shall be permanently closed up prior to the first use of the development hereby approved in accordance with a scheme of enclosure details of which have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details as may be approved.

5. Prior to the first use of the development, the easterly access shall be fully laid out in strict accordance with the layout as detailed on the approved plan numbered 130506 dated June 2013. The visibility splays as indicated on the aforementioned plan shall be retained permanently clear of all obstruction in excess of 1 metre in height.

6. No part of the development shall commence until further details of the proposed vehicular parking and turning facilities and internal circulation spaces have been submitted to and approved in writing by the Local Planning Authority. The facilities as are approved shall be fully laid out, surfaced and drained prior to first use of the development, and shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of vehicles at all times.

7. Prior to the first use of development a verge crossing to the site shall be constructed in strict accordance with a scheme which has been submitted and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details as may be approved.

8. No equipment, machinery, plant or materials of any kind in connection with the development shall be brought onto the site until tree protection fencing and ground protection measures have been implemented in strict accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The details should include specification and location for the fencing. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made.

9. The tree protection fencing and ground protection measures approved in connection with condition no. 8 shall be kept in place until all external site

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works have been completed and the removal of the fencing has been approved in writing by the Local Planning Authority.

10. No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:

- a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
- b) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
- c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
- d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
- e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
- f) Method for protecting retained trees during demolition works;
- g) Details of all proposed tree works, including felling and pruning.

11. The following activities should not be carried out under any circumstances:

- 1) No fires should be lit within 10 metres of the nearest point of the canopy of any retained tree.
- 2) No works, including earth works and the bringing onto site of machinery or materials shall proceed until the approved tree protection measures are put in place, with the exception of the approved tree works.
- 3) No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- 4) No mixing of cement or use of other materials or substances shall take place within tree root protection areas or tree construction exclusion zones, or close enough to these that seepage or displacement of those materials or substances could cause them to enter tree root protection areas or tree construction exclusion zones.

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5) No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

12. No part of the development shall commence until full details of both hard and soft landscape works, to include some native planting has been submitted to and approved in writing by the Local Planning Authority. The plan shall include a timescale for the implementation of works, and shall provide for ecological improvement / habitat creation and enhancement in the soft landscape areas for the benefit of biodiversity conservation specifically tailored to the landscape features.

13. The landscaping scheme submitted and approved in connection with condition no. 12 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

14. The landscaping scheme as carried out in connection with condition no. 12 shall be permanently retained. 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 with trees or shrubs and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.

15. The approved landscaping scheme shall be maintained in strict accordance with the five year Maintenance Plan as approved in connection with condition no 12.

16. No part of the development shall commence until a scheme of boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The scheme shall fully specify the treatments proposed for the full boundary of the development site and also all boundaries between the proposed residential units as well as a timescale for their implementation and shall be carried out strictly in accordance with those details as may be approved.

17. Prior to their installation on the building, drawings to scale 1:5 and 1:20 fully detailing all new or replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The details shall fully describe the proposed materials, decorative/protective finishes, cross sections for glazing bars, sills, heads etc, method of opening and glazing type. The works shall only be carried out in strict accordance with such details as are approved.

18. All rainwater goods shall be cast iron or aluminium only.

19. Prior to their installation on the buildings, details of all new plumbing, pipes, flues, vents, ductwork, handrails and balustrades shall be submitted to

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and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details as may be approved.

20. All roof lights hereby approved shall be 'conservation type' only fitted flush with the adjoining roof surface.

21. All re-pointing works shall be carried out using a lime based mortar only. The Council's Conservation Officer shall be given 5 days notice in writing of a meeting on site to approve the mix and finish. Works shall only be carried out in strict accordance with such details as are approved.

22. No works shall commence until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The resulting digital photographs should be forwarded on a CD or DVD to the Local Planning Authority, and the Development Control Archaeologist at Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR (Tele no. 01938 553670).

23. No part of the development shall commence until a scheme to deal with potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a phased investigation approach to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring. Alternatively, gas protection measures should be installed in all new buildings. A methodology of these works (including specification details, design plans, installation, inspection and validation details etc...) should be submitted in writing to the Council for approval prior to any works commencing on site.

Application Reference: P/2022/1078 Details Approved : Email from Rachael Evans, Discharge of Condition 23 – Contaminated Land attached to P/2018/1083 Dated 29th August 2023, Cordek, Tri-Gas Membrane Data Sheet, Cordek, Drawing of Cordek Methane /CO2 Protection System, Typical Existing Wall Abutment Detail, Cordek, E20 formwork for in-situ concrete, Cordek, J40 Flexible Sheet Tanking / Damp Proofing, Cordek, Drawing of Cordek VOC/Ground Gas Venting System – Ground Bearing Slab – Vent Box, Cordek, Ventform Data Sheet, GroundSolve Ltd, Letter report RE: Lower Rackery Farm, Llay – Contamination Assessment. Dated 10th May 2021, Cordek, Radon Sump Data Sheet, Cordek, Drawing of Cordek Radon Protection System, Typical Radon Sump Detail, Cordek, Drawing of Cordek Radon Protection System - Typical Radon Sump Layout, Cordek, VOC & Ground Gas Protection Brochure

□ Email from Steel 4 Structures Limited, Re: Discharge of Condition at Lower Rackery House, Dated 17th April 2023, Barron Design, Site Entrance and Land Management Existing Site Block Plan, Cordex, VOC/Hydrocarbon Protection

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System Typical Existing Wall Abutment Detail, Cordex, VOC/Hydrocarbon Protection System Typical Ground Slab with Perimeter Thickening Detail, Cordex, VOC/Hydrocarbon Protection System Typical RC slab Edge Detail, Cordex, Puraflex VOC Membrane Data Sheet. **Approved By:** Wrexham CBC
Date Approved: 29/09/2023

24. No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. 23 above have been satisfactorily carried out, has been submitted to and approved in writing by the Local Planning Authority.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no further development shall take place under Classes A to G of Schedule 2, Part 1 or Class A of Schedule 2, Part 2, other than the development hereby granted permission.

Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
3. In order that full consideration and protection is given to biodiversity interests on the site.
4. In the interests of highway safety.
5. To ensure the formation of a safe and satisfactory access.
6. To provide for the parking and turning of vehicles clear of the highways and to ensure that all hard surfacing is carried out in the interests of the visual amenities of the area.
7. In the interests of highway safety.
8. To ensure that the retained trees are adequately protected during development in the interests of amenity.
9. To ensure that the retained trees are adequately protected during development in the interests of amenity.
10. To ensure the work is carried out to accepted arboricultural practices for the long term well being of the tree(s).
11. To ensure that hard surfacing does not cause harm to retained trees in the interests of visual amenity.
12. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to protect biodiversity

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interests which would otherwise be damaged or lost by the development hereby permitted.

13. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

14. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

15. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

16. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to protect biodiversity interests or lost by the development hereby permitted.

17. To ensure the works reflect the character and appearance of the building.

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19. To ensure the works reflect the character and appearance of the building.

20. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

21. To ensure the works reflect the character and appearance of the building.

22. To provide for a record of a building or buildings of local architectural or historic interest

23. In the interests of the amenities of the future occupants of the buildings

24. In the interests of the amenities of the future occupants of the buildings

25. In order that the Local Planning Authority may have control over future development at the site to ensure that special character of the building is retained.

Note(s) to applicant

The applicant is reminded that Public Right of Way Llay 19 passes through the site and the requirement of condition no. 4 should take this into account. A gap of at least 1.5 metres should be retained and a level surface provided between the site and the adjoining highway.

You should ensure that any difference between the plans approved under the Town and Country Planning Acts and under the Building Regulations is resolved prior to commencement of development, by formal submission of amended plans.

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You are advised that building work which involves work on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near a neighbouring building may require the separate consent of the neighbour under the provisions of the Party Wall Act. If you require further information or advice please contact the Building Control Section on 01978 292050.

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during

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construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

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.

A licence should be obtained (as required by section 184 of the Highways Act

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1980) from the Highway Authority in order to lower the kerblin and cross the footpath at the new access position. Further guidance can be obtained from the Highways Department of Wrexham County Borough Council on telephone 01978 729690.

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.

If evidence of storage/spillage of agro-chemicals are found in or around the farm buildings/outbuildings/area, then it would be prudent to investigate the potential for residual contamination. The applicant is advised to contact the Housing and Public Protection Department of the Council on 01978 315733 for further guidance.



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