

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	MS LARISSA JONES	Code Number	LLA P/2020/0811
Agent	SARINAH FAROOQ CADNANT PLANNING 20 CONNAUGHT HOUSE RIVERSIDE BUSINESS PARK BENARTH ROAD CONWY LL32 8UB	Date Received	25/11/2020
		Decision Date	05/07/2021

Town and Country Planning Act, 1990

Location of application

LAND NORTH OF STRAIGHT MILE, LLAY, WREXHAM, LL12 0PA

Description of application

CODI SIOP FFERM A CHAFFI ATEGOL NEWYDD GYDA MYNEDIAD CYSTLLTIEDIG, PARCIO CEIR A THIRLUNIWO / ERECTION OF NEW FARM SHOP AND ANCILLARY CAFE WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING

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

E5	Employment in the countryside
E6	Small farm-based or related employment operations
EC13	Surface water run-off
EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
GDP1	Development objectives
PS11	Biodiversity
PS2	Development and the environment
PS3	Brownfield Land
PS4	Settlement Pattern
PS7	Shopping priority areas
S7	Retail sales in the countryside
T8	Parking

Revision	Date	Description of Decision
0	05/07/2021	Planning permission issued
1	6/6/2022	Discharge of conditions 3, 6, 9 and 13 approved P/2021/0914

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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. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered
RF-GA-500 General Arrangements
2026 D 02A Proposed floor plans and elevations
2026 D 03B Proposed site plan and location plan
2026 D 04 Landscaping
and as contained within the application documentation.

3. No part of the development shall commence until samples of all external facing materials have been 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.

Date Approved: 6/6/2022 **Reference Number:** P/2021/0914

By: Wrexham County Borough Council

Approved Details: Details on 2026 D08

4. The existing trees, shrubs and hedges shown on drawing(s) No(s). the approved plans shall be permanently retained shall not be cut down, grubbed out, lopped or uprooted. Any trees, shrubs or hedges removed or being severely damaged or becoming diseased shall be replaced with trees, shrubs or hedging plants of the equivalent size and species.
5. 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.
6. 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

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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.

Date Approved: 6/6/2022 **Reference Number:** P/2021/0914

By: Wrexham County Borough Council

Approved Details: 2026 D 06 tree protection

7. The landscaping scheme approved as part of this application shall be fully implemented in strict accordance with approved drawing no. 2026 D 04 Landscaping within three months of the first use of the development 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 use.

8. The planting scheme implemented in connection with condition no. 02 shall be permanently retained. Any planting which becomes 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.

9. No part of the development shall commence until an updated Ecological Assessment as carried out by a qualified ecologist has been submitted to and approved in writing by the Local Planning Authority. The report shall include an Ecological Method Statement demonstrating / identifying any measures of protection / compensation / mitigation and

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demonstrate management in the short or long term. The recommendations as approved shall be implemented in strict accordance with timescales to be agreed before any part of the development commences on site.

Date Approved: 6/6/2022 **Reference Number:** P/2021/0914

By: Wrexham County Borough Council

Approved Details: Arbor Vitae Assessment A

Landscape proposals May 2022

2026 D04A

2026 D03B

10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking and re-enacting that Order with or without amendment), no part of the premises shall be used except for the precise purposes described in the application plans and documents.

11. No goods of any description shall be kept, stored, sold or displayed on any part of the site other than within the building(s).

12. 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.

13. No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority and the Plan as is approved has been fully implemented.

Date Approved: 6/6/2022 **Reference Number:** P/2021/0914

By: Wrexham County Borough Council

Approved Details: CMP 20/9/2021

Drawing 2026 D 07

14. Prior to first use of the development, the proposed vehicular access shall be laid out in strict accordance with approved plan no. Proposed Site Plan, 2026 D 03 rev B. The visibility splays shall thereafter be permanently retained free of all obstruction in excess of 1 metre in height.

15. The vehicular access(es) hereby approved shall take the form of a dropped vehicular crossing.

16. There shall be no gates or other means of enclosure across the vehicular access point within 10 metres of the highway boundary.

17. Prior to first use of the development on-site vehicular and cycle parking facilities shall be provided in strict accordance with a scheme which has been

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submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of vehicles and cycles.

18. 80% of products sold for retail (A1) at Rackery Farm Shop shall be produced or reared from within the administrative area of Wrexham County Borough Council.

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 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.
4. To ensure the amenity afforded by the trees is continued into the future in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
5. To ensure that the retained trees are adequately protected during development in the interests of amenity in accordance with Policies GDP1 and EC4 of the Wrexham Unitary Development Plan..
6. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
7. 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.
8. 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.
9. 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.
10. To control the nature and intensity of the retail A3 use which is not normally allowed within the open countryside.
11. This is a non-standard reason

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

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

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

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

16. 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.

17. To ensure that adequate parking facilities are provided and maintained within the curtilage of the site in the interests of the free flow of traffic, highway safety and the amenities of the locality in accordance with Policy GDP1 of the Wrexham Unitary Development Plan

18. To control the nature and intensity of the retail use of that of a Farm Shop.

Note(s) to applicant

A licence must be obtained (as required by section 184 of the Highways Act 1980) from the Highway Authority in order to lower the kerbline and cross the footpath in connection with condition no. @@. Further guidance can be obtained from the Highway Authority of Wrexham County Borough Council on telephone 01978 729670.

Advice for the Developer

Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of

surface water drains and local watercourses. Oils and chemicals should be stored in bunded

areas and spill kits should be readily available in case of accidental spillages.

For further guidance please refer to GPP 5 and PPG 6 at the following link:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Environmental Management

All works at the site must be carried out in accordance with

<http://www.netregs.org.uk/environmental-topics/pollution-prevention->

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guidelines-ppgs-andreplacement-

series/guidance-for-pollution-prevention-gpps-full-list/

The activity of importing waste into the site for use as, for example hardcore, must be

registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

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

The Applicant is advised that under the Environmental Protection Act 1990, 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 Planning & Regulatory Department on 01978 292040 for further advice and information.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

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- 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 Planning & Regulatory Department on 01978 292040 for further advice and information.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

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The development is adjacent to a public right of way and the applicant should ensure that the footway is not interfered with. Further guidance can be obtained by contacting the Council's Rights of Way Officer on 01978 792761.

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.

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Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority
Your attention is drawn to Highway Supplementary Notes - 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.h
tm](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)



Officer Appointed for this purpose
Chief Officer Planning & Regulatory

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