

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 TONY WALSH	Code Number	ISY P/2021/0604
Agent	BLUEPRINT LTD STUART HATHERALL OFFICE 3K4 REDWITHER TOWER WREXHAM INDUSTRIAL ESTATE WREXHAM LL13 9XT	Date Received	11/06/2021
		Decision Date	25/02/2022

Town and Country Planning Act, 1990

Location of application

LOWER FARM, BOWLING BANK, WREXHAM, LL13 9RY

Description of application

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

EC13	Surface water run-off
EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
GDP1	Development objectives
H3	Residential conversion of buildings outside settlement limits
T8	Parking

Revision	Date	Description of Decision
0	25/02/2022	Planning permission issued

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.

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2. The development shall only be carried out in strict accordance with the details shown on the approved drawings numbered W0178/001 Planning Elevations, W0178/001 Planning Floor Plans, W178/005 Site Plan, W178/001 Rev A Landscaping Plan, and as contained within the application documentation.

3. No facing or roofing materials shall be used other than those detailed on the approved plans and as detailed within the approved application documentation and material specification.

4. Prior to their installation on the building, drawings to the 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, colour and decorative/protective finishes. The works shall only be carried out in strict accordance with such details as are approved, and the windows and doors shall thereafter only be replaced on a like for like basis.

5. Prior to first use of the development, all external joinery / timber shall receive a painted finish, coloured cream or off white. The colour shall not thereafter be changed.

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

7. All new and any replacement rainwater goods shall be cast iron or aluminium and coloured black.

8. Notwithstanding the approved landscape plan (Dwg No. W178/002 Rev A) and within 3 months of commencement of development, full details of a hard and soft landscaping scheme, to include bin storage, native tree and hedge planting as well as type, positions, materials and design of all boundary treatments, together with a timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.

9. The landscaping and boundary treatment scheme submitted and approved in connection with condition no. 8 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

10. The planting and boundary treatment scheme implemented in connection with condition no. 9 shall be permanently retained. Any planting / boundary treatment 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 fencing, trees or shrubs of similar size, type and species to those originally required to be planted / constructed.

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11. No part of the development shall be occupied until the foul / waste water drainage scheme has been fully implemented in strict accordance with approved plan references:

- * W178/002 Rev A,
- * Horizontal Reedbed Installation, Planting and Maintenance Guidelines,
- * DS0654P,
- * DS0749P, and
- * DS0750P.

The shall be no other means of foul / waste water drainage at the site.

12. Prior to first use of the development hereby approved, the central vehicular access shall provide visibility splays of 2.4m x 43m in both directions measured to the centreline of the adjoining carriageway. Within these splays there shall be no obstruction in excess of 1m 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.

13. 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 10 metres behind the adjoining highway.

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

15. A compliance audit shall be carried out by a qualified ecologist, independently of the appointed principal ecologist, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. A copy of the completed audit reports should be submitted to and approved in writing by the Local Planning Authority after each phase of development.

16. No part of the development shall commence until details of the proposed Reasonable Avoidance Measures (RAMs) have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following:

- a) Details of a tool box talk on the identification and ecology of great crested newts to be made available to all construction staff employed on the project;
- b) Details of an artificial amphibian hibernacula to be constructed adjacent to the site (Details of the design can be found in great crested newt mitigation guidelines - August 2001);

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c) Details of a walk over survey of the site prior to commencement of development, and a destructive search (under the supervision of a licensed great crested newt handler) made of any potential great crested newt habitat (such as rubble piles or sheet materials that are on the site) on the site. Any amphibians found should be relocated to the artificial hibernacula;

d) Details of storage of material on pallets off the ground and bulk materials which are to be delivered on site and used within the day of delivery.

e) Confirmation that excavated trenches will be covered over at the end of each working day with plywood and the edges sealed with sand or soil. Trenches are to be checked each morning for amphibians. Any amphibians located are to be moved to the artificial hibernacula.

The development shall be carried out in strict accordance with the RAMs as are approved.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2013 and 1995 (or any order revoking or re-enacting that Order with or without modification), no further development shall take place under Classes A - E of Schedule 2 Part 1 or Class A of Schedule 2, Part 2 other than the development hereby granted permission.

18. No works shall commence until an appropriate photographic survey, equivalent to an English Heritage Level 1 study, of the existing building/s has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The resulting digital photographs should be forwarded on a CD to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Email: markwalters@cpat.otg.uk Tel: 01938 553670. After approval by the Local Planning Authority, a copy of the photographs should also be sent to the Historic Environment Record Officer, Clwyd Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

19. The development shall be carried out in strict accordance with the recommendations and GCN mitigation measures as detailed within the ecology report referenced:

* Sawrey, L. (2021). Preliminary Ecological Appraisal and Preliminary Roost Assessment. Arbtech, and

* Griffin, E. (2021). Bat Emergence and Re-entry Surveys: Barn at Lower Farm (Plot 6), Bowling Bank, Wrexham, LL13 9RY. Arbtech, approved as part of this application.

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20. No part of the development shall commence until an external bat friendly lighting scheme has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall:

a) identify those areas and features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around their foraging or commuting routes; and

b) Indicate where external lighting will be installed and the type of lighting to be used.

The scheme as is approved shall be fully implemented in strict accordance with the details as are approved and no other external lighting shall be installed on any part of the site.

21. No part of the development 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 or remove invasive species both during construction and operation.

22. No part of the residential / domestic use shall extend beyond the residential curtilage as is in red colour on the approved proposed site layout plan ref: W178/005, hereby approved.

23. 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), and with the exception of those approved as part of this application, no gate, fence, wall or other means of enclosure shall be erected, constructed on any part of the application site, edged red on the approved site plan ref: W178/005.

24. No part of the development shall commence until full details of bat mitigation measures, including a timescale for implementation of these measures, have been submitted to, and approved in writing by, the Local Planning Authority. The mitigation measures as may be approved shall be fully implemented, within the approved timescales, and shall thereafter be permanently maintained on the development.

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.

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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 works reflect the character and appearance of the building in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
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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 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 satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 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 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.
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 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.

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16. 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.
17. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
18. To provide for a record of a building or buildings of local architectural or historic interest in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
19. 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.
20. 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.
21. To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the site.
22. 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.
23. 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.
24. 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.

Note(s) to applicant

An European Protected Species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

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To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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.

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 Environment and Planning Department on 01978 315300 for further advice and information.

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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 Housing and Public Protection Department on 01978 315300 for further advice and information.

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

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.

The Applicant is advised to contact NRW's Permitting Team on 0300 065 3000 at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible).

The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

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More information, including a step by step guide to registering and the relevant application forms are available on NRW's website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.



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