

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 MALCOLM JONES	Code Number	BRO P/2016/0993
Agent	PAUL WHALE STUDIO 83 MR PAUL WHALE THE FORT OFFICES ARTILLERY BUSINESS PARK PARK HALL OSWESTRY SY11 4AD	Date Received	27/10/2016
		Decision Date	28/11/2016

Town and Country Planning Act, 1990

Location of application

FFRWD FARM, FFRWD, CEFN Y BEDD, WREXHAM, LL12 9TG

Description of application

CONVERSION OF TWO FORMER AGRICULTURAL BUILDINGS INTO 2 NO DWELLINGS TOGETHER WITH ANCILLARY WORKS INCLUDING DRAINAGE, ACCESS DRIVEWAYS AND ECOLOGICAL PROTECTIVE MEASURES

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
EC6	Biodiversity Conservation
GDP1	Development objectives
H3	Residential conversion of buildings outside settlement limits
PS1	Settlement limits
PS2	Development and the environment
PS3	Brownfield Land
PS4	Settlement Pattern
T8	Parking

Revision	Date	Description of Decision
0	28/11/2016	Planning permission issued
1	30/04/2018	APPLICATION FOR APPROVAL OF DETAILS RESERVED BY CONDITIONS IMPOSED UNDER PLANNING PERMISSION P/2016/0993 CONDITION 10 WINDOW AND DOOR DETAIL CONDITION 11 EXTERNAL JOINERY

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		DETAILS CONDITION 13 RAIN WATER GOODS CONDITION 14 ROOF LIGHT DETAIL CONDITION 15 SAMPLE OF GRAVEL CHIPPINGS TO BE USED CONDITION 21 ECOLOGY CONDITION 23 LANDSCAPING
2	15/06/2016	CONDITION 22 BIOSECURITY RISK ASSESSMENT
3	23/04/2019	p/2019/0200 - APPLICATION FOR A NON- MATERIAL AMENDMENT TO CONDITION NO.17 OF PLANNING PERMISSION REF: P/2016/0993 TO ALLOW OCCUPATION OF 'BARN A' WITHOUT IMPLEMENTING THE BAT LOFT IN 'BARN B'

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 three 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 Site Block Plan 01, 1210.73 Barn A.1, 1210.73 Barn A.2, 1210.73 Barn A.3, 1210.73 Barn B.1, 1210.73 Barn B.2, 1210.73 Barn B.3, Bat Loft Barn 'B' 4 and contained within the application documentation.
3. Prior to their use on the development samples of all external facing and roofing materials 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.
4. 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 extensions or additions to the dwellings or within their residential curtilages hereby approved shall be erected under Class(es) A, B, C, D or E of Schedule 2 Part 1.

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5. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 33 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 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.

7. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.

8. The vehicular parking and turning areas as shown on approved drawing ref: Site Block Plan 01 shall be fully laid out, surfaced and drained prior to first use of the development. These areas 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.

9. The vehicular access hereby approved shall be a minimum width of 4.1 metres.

10. 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, method of opening and glazing type and include cross sections for glazing bars, sills and heads etc. The works shall only be carried out in strict accordance with such details as are approved.

Approval: 30.04.2018 **Reference Number:** P/2018/0297

By: Wrexham County Borough Council

Approved Window and Door Joinery Details Plan Refs: 001, 002 and 003.

11. Prior to first use of the development, all external joinery shall receive a painted finish in accordance with a colour which has been submitted to and approved in writing by the Local Planning Authority. The colour of the painted finish shall not thereafter be changed without the prior written consent of the Local Planning Authority.

Approval: 30.04.2018 **Reference Number:** P/2018/0297

By: Wrexham County Borough Council

Approved Joinery: Email dated 10/04/2018

12. All re-bedding and re-pointing works shall be carried out using a lime based mortar only. The Council's conservation officer shall be given 5 days'

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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.

13. Prior to their installation on the building, a specification of rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The details shall fully describe the proposed materials, fixing method, decorative/protective finishes and include cross sections. Works shall only be carried out in strict accordance with such details as approved.

Approval: 30.04.2018 **Reference Number:** P/2018/0297

By: Wrexham County Borough Council

Approved Cast Iron Rainwater Goods

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

Approval: 30.04.2018 **Reference Number:** P/2018/0297

By: Wrexham County Borough Council

Approved Conservation Roof Windows by Velux

15. Prior to installation, a sample of the proposed gravel chippings to be used for the new driveway and parking areas shall be submitted to and approved in writing by the LPA. The works shall be carried out and retained in strict accordance with details as approved.

Approval: 30.04.2018 **Reference Number:** P/2018/0297

By: Wrexham County Borough Council

Approved Gravel Sample: Email dated 04/04/2018

16. No new pipework, extracts, meter boxes, flues, vents or ductwork shall be fixed to or formed through the external walls or roofs of the building until their exact position, type, number and finish has been submitted to and approved in writing by the Local Planning Authority. Works shall only be carried out in strict accordance with such details as approved.

17. The development shall be carried out in strict accordance with the findings, recommendations and method statement contained within the Ecological Appraisal as carried out by Pearce Environment Ltd and dated 15 July 2016 approved as part of this application. The mitigation and compensation measures contained within, including the bat loft as detailed on plan ref: BAT LOFT Barn B 4 shall be fully implemented prior to first use of the development.

S96 Non-material Amendment Approved on: 23.04.2019

Reference Number: P/2019/0200

By: Wrexham County Borough Council

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Amended Condition: The development shall be carried out in strict accordance with the findings, recommendations and method statement contained within the Ecological Appraisal as carried out by Pearce Environment Ltd and dated 15 July 2016, approved as part of this application. The approved mitigation and compensation measures shall be fully implemented prior to first occupation of the building to which the measures relate. For the avoidance of doubt, 'Barn B' shall not be occupied until the bat loft as detailed on approved plan ref: 'BAT LOFT Barn B 4' has been fully implemented.

18. Prior to first use of the development an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. 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 at the site.

19. No part of the development shall commence until either:

- a) Bat and Newt licences issued by NRW pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising commencement of the development; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a licence for either great crested newt or bats, has been submitted to and approved in writing by the Local Planning Authority.

20. A compliance audit shall be carried out by a qualified ecologist, independently of the appointed principle 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.

21. 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 any 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.

Approval: 30.04.2018 **Reference Number:** P/2018/0297

By: Wrexham County Borough Council

Approved RAMS Report Ref: Tim Yardley - EE 331/RH and **Dated:** 28/06/2017

- 22. No part of the development shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall include appropriate measures to prevent the introduction of Invasive Non Native Species (INNS) during the construction phase, and measures to control INNS as are currently present on site. The measures and proposals shall be fully implemented in strict accordance with the details as are approved.

Approval: 15.06.2018

By: Wrexham County Borough Council

Approved Biosecurity Risk Assessment Referenced: Enfys Ecology

Dated: 2018

- 23. Within three months of commencement of development, full details of a hard and soft landscaping scheme together with a plan indicating the positions, design, materials and type of boundary treatment and timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.

Approval: 30.04.2018 **Reference Number:** P/2018/0297

By: Wrexham County Borough Council

Approved Landscape Layout Plan Ref: 1

- 24. The landscaping scheme including the paving and footpath areas submitted and approved in connection with condition no. 23 shall be fully

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implemented in all respects within three months of the first use of the building 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.

25. The planting scheme implemented in connection with condition no. 24 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 a similar size and species to those originally required to be planted.

26. Development shall not begin 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.

27. The site shall be laid out in strict accordance with the approved site layout ref: Site Block Plan 01.

28. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the local planning authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

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29. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 28 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

30. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday unless the prior written approval of the Local Planning Authority has been obtained.

Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To ensure that the development fully complies with the appropriate policies and standards.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
4. Due to the restricted application site and its relationship with adjoining properties it is considered important to ensure that no additional development as described in the condition is carried out without the permission of the Local Planning Authority. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
5. To ensure that adequate visibility is provided at the proposed point of access to the highway.
6. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety.
7. 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.
8. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
9. To ensure the formation of a safe and satisfactory access.
10. To ensure the works reflect the character and appearance of the building.
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13. To ensure the works reflect the character and appearance of the building.
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 the development is carried out in a manner that reflects the existing character and appearance of the Listed Building
17. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted.
18. To ensure that the development does not harm the bats identified on site in the interests of the conservation of wildlife.
19. The development has the potential to impact on both great crested newt and bats.
20. In order to protect wildlife interests, which are afforded special protection.
21. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted.
22. To prevent the spread of Invasive Non Native Species.
23. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
24. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
25. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
26. To provide for a record of a building or buildings of local architectural or historic interest
27. To ensure adequate useable outdoor space and access within the site in the interests of amenities of the future occupiers of the development.
28. In the interests of the amenities of the future occupants of the buildings
29. In the interests of the amenities of the future occupants of the buildings
30. To protect the amenities of the occupiers of nearby properties.

Note(s) to applicant

Further advice on compliance with condition no. 28 and 29 may be obtained by contacting the Council's Environmental Protection Team on 01978 315733. Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended

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that these works are also addressed in consultation with the Housing and Public Protection Department prior to commencement of works on site. The applicant is advised that compliance with condition no. 30 does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

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. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

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.

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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**Officer Appointed for this purpose
Head of Environment and Planning**

**Refer to the Statement of Applicant's Rights and General Information enclosed
or refer to the following link:-**

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