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Wrexham County Borough Council
Planning Department,
Lambpit Street,
Wrexham,
LL11 1AR

02 July 2024

Dear Sir/Madam,

UNIT 26 ABENBURY WAY, WREXHAM LL13 9UZ
RETROSPECTIVE APPLICATION ENABLING THE STORAGE AND MAINTENANCE OF VEHICLES LINKED TO THEIR COMMERCIAL HIRE AND ASSOCIATED DEVELOPMENT (B8 / SUI GENERIS USE)

Montagu Evans LLP is appointed by Car Hire (Day of Swansea) Ltd ("the Applicant") to submit a retrospective application to facilitate the use of the Site for the purposes of the storage and distribution of vehicles linked to their commercial hire and associated development at Unit 26 Abenbury Way, Wrexham, LL13 9UZ ("the Site").

The pre-application submission comprises the following documentation:

- Completed Pre-Application Forms
- Site Location Plan
- Drawing No. 22457_PL-SP-00 Site Plan as Existing
- Drawing No. 22457_Pl-SP-01 Site Plan as Proposed
- Highways Note

The application has been submitted via the Planning Portal (Ref- PP-13163163). The application fee of £460 has been paid to the Council.

SITE DESCRIPTION AND PLANNING HISTORY

The Site comprises Unit 26 Abenbury Way, Wrexham. It is 0.2ha in size and comprises an existing workshop building occupied by the Applicant since 2017, associated parking and hardstanding to the east of the unit.

The Site is within the Settlement Boundary. It is located within Wrexham Industrial Estate and in close proximity to highway infrastructure from which vehicular and pedestrian access is taken comprising Abenbury Way.

Abenbury Way benefits from a direct connection to Industrial Estate Road which in turn connects with Wrexham Road providing a link to both Wrexham City Centre to the west and settlements to the east. Bus stops on Ash Road North are within close proximity from which the No. 41 and 42W service run to a variety of location within the Borough Council area.

Based on NRW Development Advice Map, the Site sits within Flood Zone 2 (extract below):

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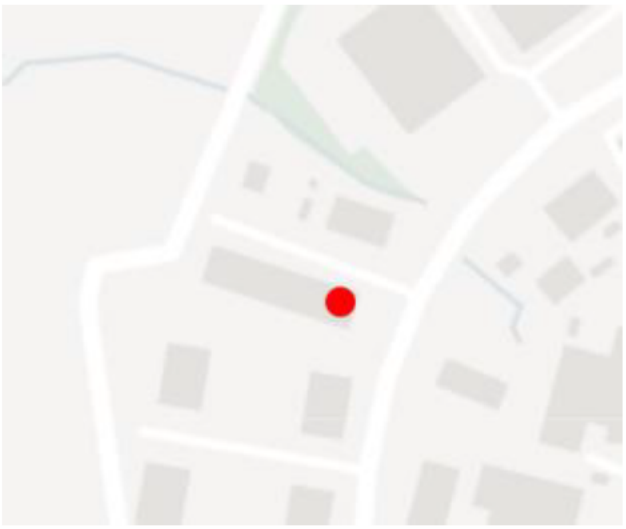


Figure 1 – Development Advice Map Extract

The forthcoming Flood Map for Planning identifies the Site within Flood Zone 2 (extract below):



Figure 2 – Flood Map for Planning Extract

A review of Historic Wales records show that the Site is free from any heritage assets that would present issues for the purposes of achieving planning permission. It is not located within or adjacent to a Conservation Area, nor is any element of it is subject of a Listing.

Reflective of the location within Wrexham Industrial Estate, surrounding uses are commercial in nature. The area is characterised by warehousing and industrial uses including to the immediate west, north and south of the Site. Abenbury Way is located to the east with warehousing beyond.

The Council have written to the Applicant setting out that they consider the existing use of the unit is Class B2. We have undertaken a search of the planning history of the Site using the Council's online planning explorer in addition to holding discussions with Officers prior to the submission of the retrospective application. The search did not identify any applications of relevance to the submission subjection of this letter.

CAR HIRE (DAY OF SWANSEA) LTD

The business Car Hire Day of Swansea Ltd has been trading since 1956 and provides fleet rentals to the public and private sector throughout the UK.

The history of the company has been punctuated by progressive development, expansion and success, resulting in the it being the largest Welsh based dealer group within Wales and within the top fifty dealer groups nationally. The company employs in the region of 600 people throughout South Wales, making it one of the largest private employers in the area.

The business continues to grow and requires new depots to service the demand from new contracts. They have occupied the application Site since 2017. Further, they have recently agreed to rent additional space for the storage of vehicles at a secondary location within Wrexham which will reduce pressure on the application Site.

Days have identified that circa 85% of their rentals are to Local Authorities and Government operations throughout the UK. Just 2% of their rentals are to the public (i.e. for retail purposes).

THE PROPOSED SCHEME

The Council wrote to the Applicant on 28'th of May 2024 (LPA Ref. ENF/2024/DAYS), setting out that a retrospective change of use is required to regularise operations on Site.

The proposal is therefore retrospective in nature and comprises the use of the Site for the purposes of vehicle storage in association with their commercial hire. The prevailing use will be as a distribution hub for vehicle hire servicing the wider Wrexham area. In separate, but very similar applications throughout the UK, such as use has been accepted as Class B8. Notwithstanding, the Council consider the required planning use to be Sui Generis. We have therefore applied for a mixed Class B8 / Sui Generis use.

No physical works are proposed other than the retrospective introduction of boundary fencing on the eastern periphery of the Site. The workshop building as existing will not be altered as a result of proposals.

Alterations to the existing layout are limited to the rationalisation of the exiting vehicle parking area to the east of the workshop building. The existing vehicular and pedestrian access from the adopted highway will continue to be taken from Abenbury Way and not altered.

The proposed development will lead to economic benefits via the retention of 8no. positions comprising:

- Business Development Manager
- Depot Manager
- 2 Hire Controllers
- 4 Driver / Cleaners

Albeit cleaning takes places out of hours, the hours of operation comprise:

- Monday – Friday 8AM – 5:30 PM
- Saturday 8AM – 12:30 PM
- Sunday Closed

In respect of Green Infrastructure, the Applicant has not altered the amount of hardstanding at the Site during the period they have operated from it. It is acknowledged that a grassed area sits to the south of the site which will not be altered as a result of the proposals. No existing landscaping or trees are proposed to be removed or altered. Bird boxes are proposed in order to ensure a biodiversity net gain.

Linked to the use of an existing building and no addition of hardstanding arising from Day's occupation of the Site, it is not considered that SAB requirements are triggered via the retrospective proposal.

PLANNING POLICY

We consider national policy contained in Future Wales: The National Plan 2040, Planning Policy Wales, various Technical Advice Notes and The Wellbeing of Future Generations (Wales) Act 2015 are relevant to this application. At a local level, the statutory Development Plan comprises the Wrexham Local Development Plan (2023).

Future Wales: The National Plan 2040

Future Wales: The National Plan 2040 was adopted in February 2021 establishes a national framework setting the direction for development in Wales to 2040.

The Plan forms a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate resilience, developing strong ecosystems and improving the health and well-being of our communities.

Policy 1 promotes employment generating development within the growth regions including Wrexham.

Policy 6 of the Future Plan is in relation to a Town Centre First approach and states:

> *"Significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. They should have good access by public transport to and from the whole town or city and, where appropriate, the wider region. A sequential approach must be used to inform the identification of the best location for these developments, and they should be identified in Strategic and Local Development Plans."*

Policy 11 supports the creation of a network of rapid-charging points to enable longer distance travel by electric vehicles throughout Wales.

Policy 20 identifies Wrexham a National Growth Area.

Planning Policy Wales

Planning Policy Wales (PPW) Edition 12 (February 2024) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.

The planning system is central to achieving sustainable development in Wales. It provides the legislative and policy framework to manage the use and development of land in the public interest which is consistent with key sustainability principles. Paragraph 3.3 states:

> *"Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area."*

PPW emphasises that the planning system should support economic growth within the context of sustainable development and that economic development should facilitate regeneration and promote social and environmental sustainability.

Para 5.4.2 identifies:

> *"Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services."*

Para 5.4.4 states:

> *"Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration. Sites identified for employment use in a development plan should be protected from inappropriate development."*

Technical Advice Notes

The following Technical Advice Notes (TANs) adopted by Welsh Government are also considered to be of relevance to this submission:

- TAN 4: Retail and Commercial Development
- TAN 18: Transport
- TAN 23: Economic Development

The Wellbeing of Future Generations (Wales) Act 2015

The Wellbeing of Future Generations (Wales) Act 2015 places a duty on public bodies that they must carry out sustainable development. The Well-being Goals include:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh Language
- A globally responsible Wales.

Local Development Plan (2023)

The Wrexham Council CBC Local Development Plan was adopted in 2023. Under the provisions of the Planning (Wales) Act, it comprises the statutory Development Plan for the Borough Council area.

The Site is located within the Settlement Boundary and is allocated for employment purposes as per the Proposals Map (extract below):



Figure 3 – Proposals Map extract

Linked to the allocation of the Site, the following policies are considered relevant:

- Policy SP2 identifies new development is directed to the defined settlement limits and employment areas as identified on the Proposals Map.
- Policy SP8 relates to economic growth, employment and enterprise. It states the Borough Council will undertake the following:
    - *"Allocating a strategic expansion site of 28ha at Wrexham Industrial Estate – the County Borough's Key Business Sector area, improving the quality of employment sites supply within Wrexham Industrial Estate and protecting a strategic ecological network for a number of local, national and internationally protected species and habitats;*
    - *Safeguarding 25 existing national, regional and locally important industrial sites essential to meeting the future economic growth of the County Borough, which ensures a range and choice of sites co-located with housing in both urban and rural settlements;*
    - *Providing a level of growth which allows opportunities to deliver approximately 4200 jobs in the County Borough over the Plan period across a wide range of employment sectors."*
- Policy SP9 relates to Wrexham Industrial Estate. It identifies, *"Wrexham Industrial Estate as shown on the proposals map is the County Borough's Key Business Sector Area and will be the primary focus for new employment development over the plan period for class B1, B2 and B8 employment. Land is also protected on the estate for a strategic ecological network for a number of local, national and internationally protected species and habitat."*
- Policy EM1 identifies Wrexham Industrial Estate as a protected site for Class B and complimentary uses.
- Policy T1 relates to the management of traffic impacts arising from developments.

PLANNING CONSIDERATIONS

The proposed development is retrospective in nature and comprises the use of the unit and adjacent hardstanding in association with the storage and maintenance of vehicles associated with their commercial hire.

In the context of the proposed development, the following observations are made:

- The Site is located within the Settlement Boundary. It is therefore suitable for development in principle.
- It is located within Wrexham Industrial Estate which is the principal Employment location within the County Borough Council area as per the LDP. It is surrounded by commercial uses.
- The Applicant has operated from the Site since 2017. Owing to their expansion and growth, they have recently agreed to occupy additional vehicle storage space within the County Borough Council area which will alleviate pressure on the storage of vehicles at the Site.
- The Site meets the requirements of the existing occupier. The proposal is therefore not speculative.
- No physical development is proposed save for the retention of an existing fence line at the eastern boundary of the Site and a rationalisation of vehicle parking.
- The existing vehicular and pedestrian access will be utilised as part of the proposed development.
- The rationalisation of vehicle parking at the Site which will enhance its visual appearance and the operation from it.
- As existing, the premises enable linked trips with surrounding commercial uses, thus reducing the need to travel between alternative facilities within Wrexham.
- The development will result in economic benefits via retention of existing positions which comprises a material consideration in the determination of the application.

<u>Principle of Development</u>

The Site is brownfield in nature and identified as suitable for employment generating development via its allocation in the Local Development Plan. The Applicant has occupied the Site since 2017.

The application proposes the retrospective use of it for the purposes of vehicle storage and maintenance associated with their commercial hire. The proposed development is therefore consistent with the allocation of the Site in prevailing planning policy.

In correspondence with the Applicant regarding the use of the Site, the Council have maintained that the lawful use of the Site should be under a Sui Generis use. Day's operations throughout the UK have been accepted as a B8 use class. Accordingly, a split use is sought.

The specifics of Day's operation, with 98% of business undertaken for fleet hire and only 2% for retail purposes serves to highlight their occupation is not akin to a traditional retail operation for the rental of vehicles such as Enterprise or Hertz. The retail element of the business is de minimis in nature and ancillary to the prevailing element which is the storage and maintenance of vehicles linked to their fleet hire via Local Authorities and Government organisations.

Irrespective, regardless of interpretation re the lawful use, the operation from the Site is one that is consistent with the aims and aspirations for Wrexham Industrial Estate as set out in Policy SP9 and those set out in Policy SP8.

Visual Enhancement

Physical development proposed by the application is limited to the retrospective introduction of perimeter fencing at the eastern corner of Site in addition to a rationalisation of vehicular parking arrangements.

Days have recent secured an agreement to rent additional premises within the Wrexham area which will enable additional capacity for the storage of vehicles. This will allow for a reduction in the number of vehicles at the Site.

Given the rationalisation of vehicle parking arrangements, the proposed development will result in a significant reduction in the number of vehicles stored at the Site and thus a visual enhancement of it – particularly when viewed from Abenbury Way.

In accordance with the above, the proposal will result in a visual enhancement of the Site when compared to the existing arrangement.

Access and Highways

The proposed development will utilise the existing vehicular and pedestrian access from Abenbury Way.

On the basis of Day's extensive experience of managing such facilities throughout the UK, the applicant would anticipate circa 20 movements of commercial vehicles in and out of the Site on a daily basis. The level of vehicle movements will therefore be relatively low in the context of potential uses for the Site.

A note has been prepared regarding highways matters by Dynamic Transport Planning. The note identifies:

- A review of the existing highway accident data within the vicinity of the site has been undertaken and shows that there are no pre-existing patterns or trends of incidents that could be impacted by the development proposals.
- The accessibility of the site for non-car modes of travel has been assessed. It is considered that the site is located to allow potential for some journeys to be undertaken by modes other than private car.
- The TRICS database has been utilised to generate anticipated movements associated with the parking area, where it was concluded that the proposals would not have any material impact on the operation of the surrounding highway network

In accordance with the above, the retrospective application is compliant with the requirements of Policy T1 of the Local Development Plan.

Economic Benefits

The proposed development will lead to economic benefits in the form of job retention comprising 8no. positions. It will therefore comprise sustainable economic development and accord with the principles of the PPW.

The economic benefits comprise a material consideration in the determination of the forthcoming application.

Green Infrastructure and SAB

It is acknowledged that a grassed area sits to the south of the site which will not be altered as a result of the proposals. No existing landscaping or trees are proposed to be removed or altered. Bird boxes are proposed in order to ensure a biodiversity net gain.

Linked to the limited scope of the proposal, the proposed development does not present an opportunity to provide additional green infrastructure at the Site.

Further, the proposed development does not trigger a requirement for a SAB application.

CONCLUSION

The scope of the application has been agreed with Officers prior to submission of the application. The works proposed are limited. The existing use of the Site is one which accords with the allocation of the Site and the Councils aims and aspirations for Wrexham Industrial Estate.

The occupier overwhelmingly provides fleet hire vehicles to Local Authorities and Government organisations, with just 2% of their trade being retail in nature. Given this, the use of Site is generally of a low intensity. They have recently agreed terms to occupy a further site within Wrexham which will alleviate pressure on the storage of vehicles at the application Site.

We trust that the above is clear and consider that the information submitted should enable a positive determination of the application. Should you have any questions or wish to discuss, please do not hesitate to contact Matthew Gray (07881230361 / matthew.gray@montagu-evans.co.uk) at this office.

Yours sincerely,

MONTAGU EVANS LLP

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