

REPORT OF THE CHIEF PLANNING OFFICER – 4 DECEMBER 2023

APPLICATION NO:

P/2023 /0497

LOCATION:

LAND NORTH OF BRYN LANE
WREXHAM INDUSTRIAL ESTATE
WREXHAM
LL13 9US

DATE RECEIVED:

19/07/2023

COMMUNITY:

Holt

CASE OFFICER:

GH1

WARD:

Holt

DESCRIPTION:

CAIS HYBRID AM: GANIATÂD
CYNLLUNIO LLAWN I DDYMCHWEL
ADEILADAU PRESENNOL AC
ADEILADU DATBLYGIAD DOSBARTH
B1C/B2/B8 MEWN CAMAU AC MEWN
MODD AR WAHÂN, GYDAG
ARWYNEBEDD LLAWR AC ISADEILEDD
CYSYLLTIEDIG DOSBARTH B1A
ATEGOL (YN CYNNWYS IS-ORSAF A
MYNEDFA); CANIATÂD CYNLLUNIO
AMLINELLO I ADEILADU DATBLYGIAD
DOSBARTH B1C/B2/B8 MEWN CAMAU
AC MEWN MODD AR WAHÂN, GYDAG
ARWYNEBEDD LLAWR DOSBARTH B1A
ATEGOL; MANWERTHU, CYFLEUSTER
GYRRU TRWODD, GWESTY, GORSAF
BETROL (DOSBARTHADAU
A1/A3/C1/SUI GENERIS); A'R
ISADEILEDD CYSYLLTIEDIG (POB
MATER WEDI'I GADW'N ÔL)

AGENT NAME:

CBRE LIMITED
MS HELEN CLARKSON

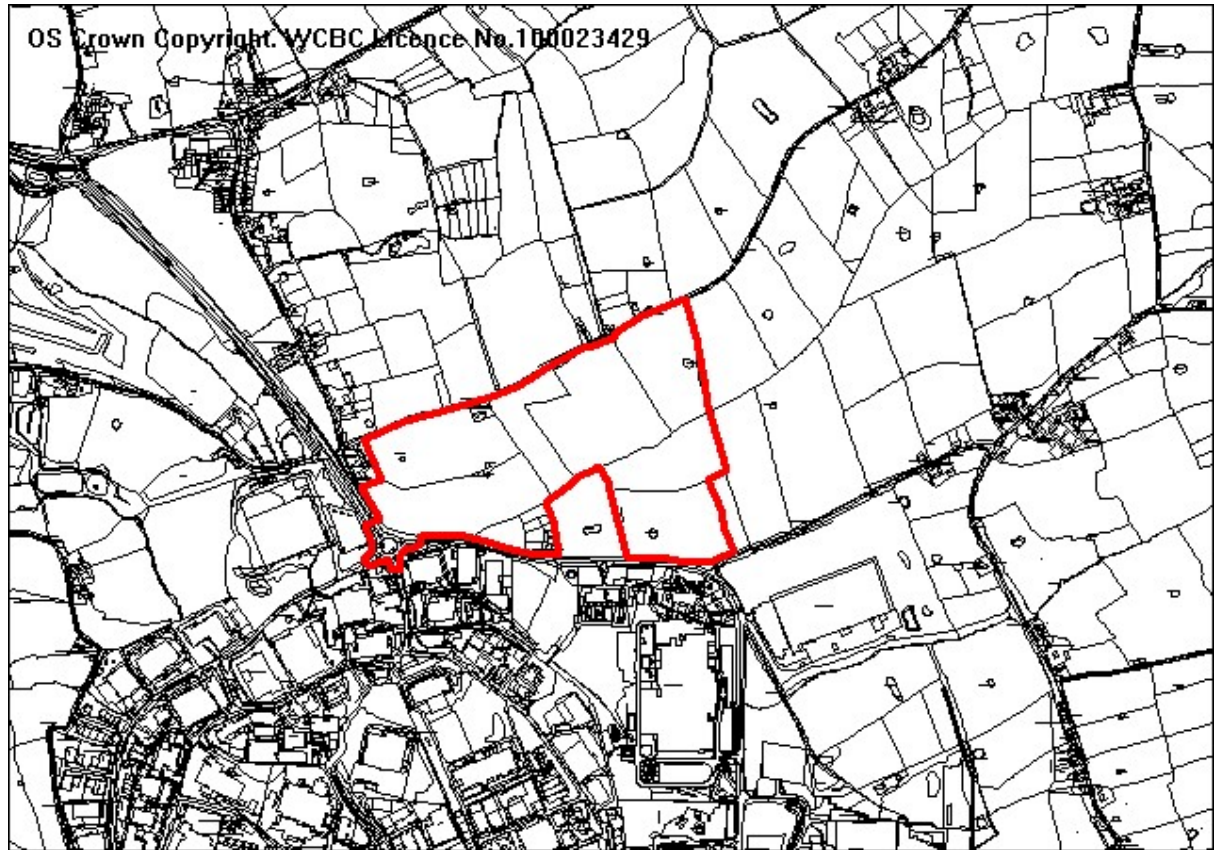
HYBRID APPLICATION SEEKING: FULL
PLANNING PERMISSION FOR
DEMOLITION OF EXISTING BUILDINGS
AND THE SEVERABLE AND PHASED
ERECTION OF CLASS B1C/B2/B8
DEVELOPMENT WITH ANCILLARY
CLASS B1A FLOORSPACE AND
ASSOCIATED INFRASTRUCTURE
(INCLUDING SUBSTATION AND
ACCESS); OUTLINE PLANNING
PERMISSION FOR THE SEVERABLE
AND PHASED CONSTRUCTION OF
CLASS B1C/B2/B8 DEVELOPMENT
WITH ANCILLARY CLASS B1A
FLOORSPACE; RETAIL, DRIVE-THRU,
HOTEL, PETROL STATION (CLASSES
A1/A3/C1/SUI GENERIS); AND
ASSOCIATED INFRASTRUCTURE (ALL
MATTERS RESERVED)

APPLICANT(S) NAME:

MR ALEX LOVEN
NET WORLD SPORTS

THE SITE

The application site relates to approximately 37 hectares of agricultural land located to the north of Bryn Lane.



PROPOSAL

The planning application is a hybrid proposal. Full planning permission is sought for the demolition of existing buildings and the re-profiling of the site, employment development (B1, B2 and B8 uses), and the provision of associated infrastructure to include earthworks, a substation, parking areas, landscaping, and access from both Bryn Lane and from Industrial Estate Road Roundabout.

In addition to the above, outline planning permission is sought for the construction of employment floor space (B1, B2, B8 uses), ancillary retail and drive-thru facilities (A1 and A3 uses), a hotel (C1 use) and a petrol filling station (Sui Generis use), together with associated infrastructure to include earthworks, internal estate roads, parking and landscaping. All matters subject of the outline proposal are reserved for future consideration (Access, Appearance, Landscaping, Layout and Scale).

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HISTORY

P/2015/0396 Installation of solar farm and associated development; Decision:
Refused 07/12/2015. Appeal allowed on 13/09/2016.

P/2015/0397 Installation of solar farm and associated development; Decision:
Refused 07/12/2015. Appeal allowed on 13/09/2016.

RELEVANT NATIONAL PLANNING POLICY

- Future Wales: The National Plan 2040
- Planning Policy Wales (Edition 11)
- Technical Advice Note 4: Retail & Commercial Development
- Technical Advice Note 5: Nature Conservation & Planning
- Technical Advice Note 11: Noise
- Technical Advice Note 12: Design
- Technical Advice Note 15: Development & Flood Risk
- Technical Advice Note 18: Transport
- Technical Advice Note 23: Economic Development
- Technical Advice Note 24: The Historic Environment

DEVELOPMENT PLAN

Adopted Unitary Development Plan:

Outside of a defined settlement limit. Policies PS1, PS2, PS3, PS4, PS6, PS8, PS11, GDP1, GDP2, EC2, EC4, EC6, EC9, EC11, EC12, EC13, E5, S7, S8, T1, T8 and T9 are of relevance.

Draft Local Development Plan:

Allocated for employment development (B-use classes) (KSS3). Policies SP2, SP5, SP8, SP9, SP10, SP11, SP12, SP13, SP14, SP15, SP17, SP18, SP19, EM2, EM6, NE1, NE2, NE3, NE6, DM1, R1, R6, T1, T2, T3, MW5 and RE1 are of relevance.

CONSULTATIONS

Isycoed Community Council:

Objects on the following grounds:

- The development would extend Wrexham Industrial Estate into prime agricultural land. Brownfield land should be considered before more agricultural land is taken.
- The development would harm neighbouring amenity by way of increased traffic, noise, nuisance and light pollution.
- Satellite navigation systems direct HGVs through Isycoed village at present. The proposals would exacerbate this problem.

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- Pollution.
- Visual impact for nearby residents due to the height of the proposed buildings.
- No bunds are proposed.
- The land is prone to flooding and a development of this scale would exacerbate existing issues.
- Existing hedges, trees and wildlife corridors should be retained.
- Proposed ecological mitigation measures are not sufficient.
- Questions are raised over the need for a hotel in this location.

Holt Community Council:

Notified 09/08/2023. No response received to date.

Local Member:

Notified 09/08/2023. No response received to date.

Highway Officer:

Consulted 09/08/2023. No response received to date.

Contaminated Land Officer:

The Council's Contaminated Land Officer raises no objections subject to the imposition of conditions relating to a phased site investigation and Verification Report, along with the inclusion of an Informative Note on any planning permission issued.

Public Protection Officer:

The Council's Public Protection Officer raises no objections and accepts the findings of the submitted Air Quality Impact Assessment and Noise Report. Conditions are recommended in terms of dust management, a CEMP, a noise survey, noise levels and external lighting. Several Informative Notes are also recommended in the event that planning permission is granted.

Ecology Officer:

Consulted 18/09/2023. No response received to date.

Arboricultural Officer:

The Arboricultural Officer objects to the application in its present form. Objections are raised in relation to the extent of proposed hard surfaced areas without sufficient tree planting being proposed, the narrow width of highway verges proposed, the extent of hedgerow loss proposed, the potential impacts upon trees of value, and the overall landscaping scheme.

Conservation Officer:

The Conservation Officer considers that the proposals would cause a negative impact through the loss and redevelopment of open agricultural fields. However, the Conservation Officer considers that the overall level of harm caused by the development upon nearby listed buildings would be low.

Rights of Way Officer:

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No objections raised. Advises that relevant agreements with landowners would be required for proposed public right of way works and any new gates or stiles would need to comply with the relevant British Standards.

Flood & Water Management Team:

Consulted 25/08/2023. No response received to date.

Planning Policy Team

Raises some concerns relating to the proposed non-B Use Class uses and a lack of justification having been advanced. Concerns also raised regarding the residential buffer being less than 50m wide, as prescribed by LDP Policies SP10 and EM6.

NRW:

Consulted 09/08/2023. No response received to date.

North Wales Fire & Rescue Service:

The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice.

Trunk Roads:

The Welsh Government, as Highway Authority for the A483, does not issue a direction.

CPAT:

CPAT has confirmed that pre-determination investigative trial trenching must be undertaken, and a WSI must be submitted prior to any works commencing on-site. CPAT also state that consideration should be given to the removal of Field 5 from the proposal so as to preserve the historic landscape and archaeological components of the site. Concerns are also raised in relation to the proposed removal of 'important' hedgerows from the site.

Dwr Cymru Welsh Water:

Advises it is likely that insufficient capacity exists within the public sewerage network to accommodate foul flows from the development without causing detriment to existing services and the environment. Recommends that the Applicant undertakes a Hydraulic Modelling Assessment.

North Wales Police:

Consulted 25/08/2023. No response received to date.

CADW:

Consulted 25/08/2023. No response received to date.

Press Notice:

Expired 20/09/2023.

Site Notice:

Expired 12/09/2023.

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Neighbours:

The owners/occupiers of 26 nearby properties/businesses were notified on 25/08/2023.

Four public representations have been received at the time of writing this report, with the comments received summarised as follows:

Objection:

- Impacts upon the local environment have been underestimated.
- There are poor active travel and public transport links to Wrexham Industrial Estate from Wrexham and Holt.
- Questions and concerns regarding surface water drainage arrangements.
- Concerns regarding the impact upon the local road network during both construction and operational phases of the development.
- The proposals exceed the size of the development allocated within the LDP.
- The scale of the proposed buildings would be against the spirit of the LDP allocation and would impact negatively upon local residents.
- The proposed hotel, drive thrus and petrol filling station are not allocated within the LDP.
- Concerns surrounding the impact upon the environment and protected species.
- Brownfield sites within the existing industrial estate should be re-developed instead

Neutral:

- All new buildings should be finished externally with green cladding to reduce the landscape visual impact

SPECIAL CONSIDERATIONS

Principle of Development: The application site is located within the open countryside as defined by the adopted Wrexham UDP, lying outside of the Wrexham Industrial Estate settlement boundary. On this basis, this proposal for employment development (together with ancillary uses) is contrary to UDP Policies PS1 and E5.

However, the application site is allocated for employment development (B-uses) within the draft Wrexham Development Plan. The approach to employment land allocation and protection of existing employment sites in the LDP was informed by an Employment Land Review (ELR) commissioned jointly by Wrexham and Flintshire Council. While the findings of the ELR suggest that the County Borough as a whole has sufficient employment land to meet its needs, the qualitative research undertaken indicates a growing land supply shortfall, relative to identified demand at Wrexham Industrial Estate, a nationally significant employment area.

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In preparing the LDP, alternative options for a strategic allocation at Wrexham Industrial Estate were considered against a range of considerations. In light of the assessment carried out and the consultations undertaken, the lower quality agricultural land at KSS3 was considered to offer the best option for accommodating a new extension to Wrexham Industrial Estate.

The principle of development for the proposed B1, B2 and B8 uses on the site is therefore considered to be acceptable in the context of the draft LDP. As the LDP has been found to be a sound plan by the independent Inspectors following the Examination in Public, it must be afforded very significant weight within the overall planning balance.

It is noted that the application includes a range of non B-uses, including a hotel (C1), drive-thru retail units (A1 and A3), and a petrol filling station (Sui Generis). LDP Policy SP10 does not specifically include provision for the allocation of such facilities on the site.

The Welsh Government operates a 'Town Centre First' policy with regard to new retail development; with Part 4.3 of Planning Policy Wales (Edition 11) and LDP Policy R6 requiring evidence of need testing, and a sequential test to be undertaken when new retail development is proposed outside of a town centre location. The application, at present, includes no justification for the inclusion of the C1, A1, A3 and Sui Generis uses within the site.

Notwithstanding this, LDP Policy EM2 does allow for the provision of supporting facilities, including food and drink premises, within employment areas. To this end, it is considered that a reasonable argument could be made in sustainability terms for the provision of such non B-Class uses meeting the specific demands generated by the industrial estate. In light of the above, the applicant has been asked for further justification for this element of the scheme.

Design, Visual & Landscape Impact: The application proposes a range of different industrial, warehouse, ancillary office, hotel, drive-thru and petrol filling station buildings, together with associated infrastructure including estate roads, landscaping, bunds and ecological mitigation measures. The application is submitted in a hybrid format; with certain elements being sought in outline and other parts being sought in full.

In design terms, there are no overarching objections or concerns with the site layout, which broadly follows the indicative masterplan for the site outlined within LDP Policy SP10. The submitted Illustrative Masterplan is of an acceptable spatial design, which is in-keeping with the existing Wrexham Industrial Estate. It is considered the illustrative design as submitted would not cause any unacceptable landscape or visual impact upon the site's locality and the wider area; particularly noting the site is allocated for employment uses within the draft LDP.

The tallest/largest building subject of the full application would be Unit 2, within the south-eastern corner of the application site, measuring 21.5 metres

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to the ridge, and having a gross internal area of approximately 33,000 sq. feet. The building would have a functional appearance for such an employment use, and this is considered to be in-keeping with the rest of the existing industrial estate; particularly with the existing substantial Net World Sports building, to the south-east of the application site. The smaller buildings also subject of the full planning application are of a similar design style, which is considered to be appropriate to the application site's context. Further details of external materials and finishes would be secured by way of conditions attached to any permission granted to ensure they would assimilate into the wider landscape setting.

In terms of the outline elements of the application, it is noted that the tallest structures would be up to 28.5 metres to the ridge above ground levels. Whilst this is acknowledged to be relatively tall and would increase the overall visual impact of the proposals, there is a precedent for structures of such a scale/height within the existing industrial estate. Furthermore, given the site's allocation within the draft LDP, together with modern industry standards for such warehouse buildings, it is considered that such a height is justified in this instance. Full matters regarding appearance, landscaping, layout and scale would be subject to a future reserved matters application.

A number of bunds are proposed along the site's northern and north-western boundaries; some of which are subject of the outline application and some subject of the full application. In principle, there are no concerns with the proposed bunds in design terms and they may assist to lessen and soften the visual impact of the development to a degree. Full details of proposed bunding works could be controlled by condition as part of any planning permission granted.

Impact upon Neighbouring Residential Amenity: It should be noted that the existing residential properties at Honeysuckle Cottage and Little Acorns lie within the application site, and are proposed for demolition as part of the proposals. Several additional residential properties lie within close proximity to the north and north-west of the application site.

The Masterplan Framework for the site, as outlined within LDP Policy SP10, includes provision for a 50 metre wide buffer zone to be included within the north-western corner of the application site, to help protect the residential amenity of neighbours along Hugmore Lane. This is reinforced by LDP Policy EM6. Whilst the submitted Illustrative Masterplan does contain such a buffer, it is not consistently at a width of at least 50 metres, as is required by LDP Policy EM6. However, the Council's Public Protection Officer has not raised any objections in terms of the impact upon neighbouring amenity, and this area of the site is subject of the outline proposals and will be the subject of further detailed design work.

In terms of other neighbouring residential properties, it is noted that due to the separation distances involved, the development proposals would not cause any unacceptable overbearing, overshadowing or overlooking issues. Furthermore, as aforementioned, the Council's Public Protection Officer has

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raised no objections subject to a number of appropriately worded conditions and Informative Notes in relation to dust management, light and noise along with a Construction Environmental Management Plan.

Highway Safety: The proposed two new accesses into to the site from Bryn Lane and from Industrial Estate Road Roundabout form part of the full planning application, whilst internal estate roads form part of the outline application, with 'Access' being a matter reserved for future consideration.

Whilst the Welsh Government, as Highway Authority for the A483 Trunk Road, has confirmed it does not issue a direction in respect of the proposals, no formal consultation response has been received from the Local Highway Authority at the time of writing this report.

Whilst the acceptability of the detailed proposed access arrangements along with any required active travel and public transport improvements are not confirmed at this stage, it is noteworthy that the Inspectors appointed to examine the LDP were satisfied that the site is suitable for a major employment development in principle without causing undue highway safety issues. Matters of highway detail would have to be resolved to the satisfaction of the County Highway Officer before planning permission could be granted.

Ecology: At the time of writing, no consultation responses have been received from the Authority's Ecology Officer or Natural Resources Wales.

Since the submission of the application, Chapter 6 of Planning Policy Wales has been updated, which requires all applications to be accompanied by a Green Infrastructure Assessment and to demonstrate that the 'step-wise approach' has been followed during the preparation of the application.

The submitted Illustrative Masterplan demonstrates that areas of the site would be set-aside for environmental mitigation/compensation and enhancement. However, in the absence of any detailed consultation input from the Council's Ecology Officer and NRW, the acceptability of these proposals has not been confirmed at this stage.

Members can be assured that planning permission would not be granted until such time that plans for landscaping and ecological mitigation and ongoing management have been finalised to the satisfaction of relevant consultees. In addition, a Planning Obligation would be required to secure the long-term management of the environmental compensation areas.

Trees: The application proposes the removal of extensive areas of hedgerow from the application site, whilst several trees of value have been identified for removal. It is noted that none of the trees within the site are subject to a Tree Preservation Order.

The Council's Arboricultural Officer currently objects to the development due to the extent of hedgerow removal and lack of adequate compensatory

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planting. Concerns are also raised in relation to the proposed site layout and the narrowness of highway verges proposed along the estate roads. These concerns have been shared with the Applicant's Agent and remain unresolved at present. Again, planning permission would not be granted until the concerns of the Arboricultural Officer have been suitably addressed.

Phosphorous: In terms of foul drainage, the application currently proposes an on-site treatment solution. However, in-line with Welsh Government Circular 008/2018 and NRW's published advice concerning Phosphates for Local Planning Authorities, it is considered this method of foul drainage is unacceptable and a connection to the mains sewer network would be required.

Dwr Cymru Welsh Water have advised it is unlikely that sufficient capacity exists within the public sewerage network to accommodate the foul flows from the development, and that a Hydraulic Modelling Assessment (HMA) needs to be carried out. Whilst Dwr Cymru Welsh Water have advised this could be subject to an appropriately worded condition, in-line with NRW's Phosphates Guidance, this matter would need to be resolved, and the HMA completed satisfactorily, prior to any approval of the planning application.

The Applicant has confirmed they are currently liaising with Dwr Cymru Welsh Water regarding the HMA process, and the Local Planning Authority is awaiting the submission of the HMA. This matter therefore currently remains unresolved and planning permission would not be granted until it was.

Contaminated Land: The application is accompanied by substantial information regarding land contamination, which has been reviewed by the Authority's Contaminated Land Officer. Within the latest response, the Contaminated Land Officer notes and accepts the information submitted thus far. However, two conditions in relation to a phased site investigation and the production of a Verification Report, have been recommended in the event that planning permission is granted.

Historic Environment: Several listed buildings sit within the site's vicinity. The Council's Conservation Officer considers that the proposed development would have a negative impact upon the setting of the listed buildings, but concludes that the overall level of harm caused would be low. In light of this, together with the fact the site is allocated for significant employment development within the draft LDP, it is considered that the limited impact upon the listed buildings would be justified in this instance.

In terms of archaeology, Clwyd-Powys Archaeological Trust (CPAT) have confirmed that pre-determination trial trenching is required and a subsequent mitigation strategy would need to be completed at the pre-determination stage also in accordance with the requirements of Planning Policy Wales and TAN 24. CPAT also consider that a Written Scheme of Investigation would need to be completed by a competent Archaeologist. Furthermore, CPAT have advised that consideration should be given to the removal of 'Field 5' from the development proposals, to preserve identified ridge and furrow field system

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earthworks; which are noted to be a characteristic feature of the Wrexham Maelor rural landscape. Additionally, CPAT have also expressed concerns over the proposed loss of substantial lengths of 'important' hedgerows as part of the development.

With regard to CPAT's comments, it is considered that given the whole site has been allocated for employment development within the draft LDP, the economic benefits the development would bring to the Wrexham and wider North Wales economy would outweigh the harms caused by the loss of the ridge and furrow features and important hedgerows. Indeed, the application site forms an important part of the Wrexham and Deeside National Growth Area, as per Policy 20 of Future Wales, and it is thus considered that the loss of these features would be justified in this instance.

Correspondence has been sent to the Applicant's Agent regarding the requirement for pre-determination trial trenching to be completed, although no formal response has been received at the time of writing. This issue therefore remains unresolved at present.

Renewable Energy: Policy RE1 of the draft LDP requires major developments to incorporate schemes to generate energy from renewable and low carbon technologies. At present, insufficient information has been submitted to demonstrate compliance with this policy criterion, and therefore this issue currently remains unresolved.

CONCLUSION

In summary, the principle of development for the proposed B-uses is considered to be acceptable in accordance with draft LDP Policy SP10 and it should be noted that a commercial development of this scale would generate significant economic benefits to the County Borough. However, at this stage, insufficient justification has been advanced for the inclusion of the non-B Class uses (C1, A1, A3 and Sui Generis), whilst several other issues require resolution including buffer zones, highway safety and transport, ecology, phosphates, trees and hedgerows, archaeology and renewable energy. These matters would have to be resolved to the satisfaction of external statutory consultees and the Chief Officer Economy & Planning before planning permission could be granted.

RECOMMENDATION

It is considered that development of the site is acceptable in principle. As a result, the Chief Officer Economy & Planning seeks delegated authority to grant planning permission and outline planning permission for the scheme subject to the outstanding matters highlighted within this Report being resolved to the satisfaction of all relevant statutory consultees and subject to the completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the long term management of the ecology mitigation/compensation measures, to secure the long-term maintenance of the residential buffer zones and to secure the

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provision of any required highways and active travel improvement works. In the event that the Planning Committee agrees with this request, it is recommended that the Chief Officer Economy and Planning be given delegated authority to determine the final form and content of the planning conditions and Planning Obligations.

Should the outstanding issues outlined within this report not be resolved to the satisfaction of all relevant statutory consultees and the Chief Officer Economy & Planning, the application would be returned to the Planning Committee for a decision.
