

Policy Comments on P/2023/0497

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)

Relevant National Policy

Future Wales: The National Plan 2040

Planning Policy Wales 11

TAN 5: Nature Conservation and Planning

TAN 6: Planning for Sustainable Rural Communities

TAN 12: Design

TAN 18: Transport

TAN 23: Economic Development

As the UDP policy requirements for new housing, employment and retail developments are out of date, little weight can be attached to these.

Although the LDP has not been adopted, the evidence base is a significant material consideration as the LDP has been found to be sound by the Inspectors' report. Therefore, the LDP policies and allocations are material considerations that carry significant weight.

Relevant LDP Strategic Policy

Policy SP2: Location of Development

Policy SP7: Wrexham City

Policy SP8: Economic Growth Employment and Enterprise

Policy SP9: Wrexham Industrial Estate

Policy SP10: Key Strategic Site 3

Policy SP11: Transport and Accessibility

Policy SP12: Design Principles & Masterplanning Framework

Policy SP14: Natural Environment

Policy SP19: Green Infrastructure

Relevant LDP Topic, Criteria and Area Based Policy

Policy DM1: Development Management Considerations

Policy NE1: International and National Nature Conservation Designations

Policy NE3: Trees, Woodlands and Hedgerows

Policy NE6: Waste Water Treatment and River Quality

Policy EM2: Provision of Supporting Facilities for Employees in Business, Industrial and Warehousing Developments

Policy EM3: Alternative Use of Employment Land and Premises

Policy EM6: Pentre Maelor and KSS3 Housing Buffer Zones

Policy R1: Retail, Leisure and Commercial Centre Hierarchy

Policy R6: Retail, Leisure and Commercial Development (Edge and Out of Centre)

Policy RE1: Development and Renewable Energy/Low Carbon Technology

Policy T1: Managing Transport Impacts

Policy T2: Active Travel

Relevant SPG's

Draft SPG01 Masterplanning Framework (2018) – Site C: Key Strategic Site 3 Land to the north of Bryn Lane, Wrexham Industrial Estate.

Principle of Development

As the UDP policy requirements for new housing, employment and retail developments are out of date, little weight can be attached to these.

Although the LDP has not been adopted, the evidence base is a significant material consideration as the LDP has been found to be sound by the Inspectors' report.

Paragraph 9.4.8 of the Development Management Manual (DMM) states: *certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report.* Therefore, the LDP policies and allocations are material considerations that carry significant weight.

LDP Policy SP10: KSS3 allocates the site to deliver employment land for B Class uses, an ecological network, and residential buffer zones along with enabling and necessary infrastructure.

The full planning permission part of the application proposes B use Classes together with associated infrastructure. These proposed uses are, in principle, in line with LDP policy requirements. The outline part of the application proposes B use Classes, non B use Classes and a Sui Generis use. The proposed non B use classes represent a significant departure from the policy requirement of the LDP.

Proposed Uses

The outline part of the application proposes a number of non-B Class uses. These would not be in line with Policy SP10 which specifically allocates the site for B Class uses. Furthermore, it is not known what sui generis uses are proposed or how much.

Policy SP10 allocates the site for employment B uses in recognition of a proven need for this scale and type of development in this location. This site offers the only opportunity for B1 development of this scale in Wrexham, the promotion of other uses on the site would need to justify departing from the B allocation.

While LDP Policy EM2 supports provision for open space, public realm, leisure, food and drink, and child-care facilities elsewhere within Wrexham Industrial Estate, EM2 does not support C1 uses and the policy requires the facility to be of an appropriate size and scale, does not impact on the status and character of the employment area, and does not adversely impact on the industrial and employment uses in the vicinity.

As the non-B Class uses are proposed to occupy a significant area of employment land, these uses would be at odds with the overall strategic objective of the KSS3 allocation to provide for sufficient additional land for B Class uses on Wrexham Industrial Estate. Uses proposed by EM2 can be flexibly located elsewhere on Wrexham Industrial Estate (or Wrexham City Centre) but there is a proven lack of opportunities for B uses of this scale. Justification for departing from SP10 is required.

Sequential and Needs Test

LDP Policy R6 requires a needs assessment for retail, leisure and commercial development, sequential test assessment and impact assessment for anything above 100m².

LDP Policy R1 sets out a retail hierarchy for the County Borough where retail, leisure and commercial proposals will be supported in accordance with a hierarchy with Wrexham City Centre at the top position.

Planning Policy Wales 11 sets out the Welsh Government's 'town centre first' approach in relation to the location of new retail and commercial centre developments. This policy requires a sequential approach to the selection to be applied when determining planning applications for retail and other complementary uses. This is detailed in paragraphs 4.3.18 of PPW11. Paragraph 4.3.21 confirms that the sequential approach applies to Class A1, Class A2, Class A3 and Class C1 uses.

No evidence has been presented to demonstrate a sequential or needs test has been conducted and no evidence has been submitted to demonstrate the proposal would not cause unacceptable harm to the vitality, attractiveness or viability of Wrexham City Centre, or other designated centres.

LDP Policy SP7: Wrexham City states that: *Wrexham City as defined on the proposals map will be the focus for new development including housing, employment, commercial, retail, leisure, tourism, services, education, transport, infrastructure and the arts in order to strengthen the City's regional function as a settlement of national importance.*

The proposals, therefore, do not adhere to Policy R1, Policy R6, Policy SP7 or Planning Policy Wales 11.

Furthermore, no credible evidence has been submitted to assess the impact that these uses would have on the overall supply of employment land, other than references in the Planning Statement.

Although it is acknowledged that the potential employment generation could create a positive impact, and, it is recognised that the provision of a range of complementary uses could potentially be of benefit to the Wrexham Industrial Estate, both in terms of facilities for existing and new employees and, to the ability of the County Borough to attract further inward investment, there is no substantial or justified reasoning in the application documents that addresses why the proposed non-B Class uses should take precedent over potential B class proposals.

Layout, Scale, Design and Amenity

The layout of the proposed units in the full planning permission part of the application (units 2, 3, 4, 5, 6, 7, 14, 15 and 16), notwithstanding comments earlier regarding the ecological network, broadly reflects the draft Masterplanning Framework Supplementary Planning Guidance note. The overall form of development would appear to be broadly reflective of the wider industrial estate in terms of scale and appearance.

However, the proposed siting in close proximity to Bryn Lane, and very large scale of unit 2, (overall length of 228m, 138m width and maximum haunch height of 18m) would have a significant visual impact when viewed from Bryn Lane. Although the existing buildings, to the immediate south of KSS3 are of B Class use, and are of no architectural merit, the proposed unit 2 would be of a significantly different scale.

The existing Net World Sports building, adjacent to KSS3, to the south of Ridley Wood Road is also of a very large scale. The visual impact of this and other existing very large scale buildings and complexes accessed via Bryn Lane, including the Kelloggs and the Very Group buildings are lessened however, as these buildings are set back at varying degrees from Bryn Lane.

It is not clearly illustrated in the application documents how the proposed development of the site will protect the amenity of the adjacent residential dwellings. The indicative plan does not comply with LDP policies SP10 and EM6, it does not show a 50m deep buffer from all properties and the extent of the buffer should be established at outline PP stage.

The proposals include a petrol filling station to be located in the north west corner of the site (the use of land nearest the residential dwellings). The use of land nearest the residential dwellings is restricted to uses within the B1 use class¹ by policy EM6.

¹

Although the proposed layout and amenity are issues of concern, due to the scale of KSS3, there is a significant opportunity for a revised scheme to be accommodated that would allow for the units to be proposed to be set back from Bryn Lane at a greater distance and for other policy conflicting issues to be addressed.

Ecology, Natural Environment and Landscape

Policy SP10: KSS3 and the accompanying Masterplanning Framework SPG (SPG01) set out the requirements for an ecological network and residential buffer zones to be delivered as integral elements of any proposed schemes.

The departure from the masterplan framework in the scale of ecological network which seeks to conserve and enhance green infrastructure and to protect key features including internationally protected species is a concern. There are no details of corridors within the outline application areas and bunds proposed within ecological corridors compromise the function of the corridors. Furthermore strategic corridors should be established in full at outline PP stage not RM. This departure needs to be justified and natural environment concerns addressed.

In line with the recent publication of an update to chapter 6 of Planning Policy Wales a Green Infrastructure Assessment is required with the application. The Assessment should use ecological, arboricultural, hydrological, active travel plans and existing strategic plans to demonstrate a robust approach to maintaining and enhancing biodiversity and green infrastructure. The assessment should also establish how the step wise approach to development has been accomplished.

Highways and Transport

LDP Policy T1: Managing Transport Impacts, encourages the use of the transport hierarchy to manage traffic impacts arising from development. The applicants have issued a Transport Assessment. The applicants state the proposed development would have a minimal impact on the local highway network for all assessment scenarios.

The applicants also state that the Transport Assessment did not identify any existing highway safety patterns or problems and assessments of the proposed site access junctions have demonstrated that both would operate well within their capacity.

The purpose of Policy T2: Active Travel is to improve the current Active Travel Network and increase opportunities to improve levels of walking, cycling. The submitted Framework Travel Plan provides an overarching framework for managing multi-modal access to the site and promoting sustainable and active modes through a series of measures.

The applicants state that initial targets have been set to encourage a 10% reduction in the number of single occupancy car trips to and from the site and stated that this target is considered to be aspirational but achievable given the location and high level of accessibility by sustainable modes

Additional footpaths are proposed within the site which provide access to Francis' Lane and the PRow accessible from Francis' Lane. The PRow on the eastern boundary of the site is also proposed to be retained and improved providing linkage between Bryn Lane and Francis' Lane. These should be secured in this application.

Although there is evidence of a commitment to active travel measures, a greater level of connectivity to allow an increased priority to pedestrian and cycle movements could be

achievable. Furthermore, there is little detail, and active travel measures should be delivered for the full application element of the hybrid application and secured for the outline element.

Phosphorous

Wrexham Industrial Estate is served by mains drains that connect to the Five Fords Wastewater Treatment Works (WwTW). This has provision to remove a percentage of phosphates from wastewater and consents to discharge treated water into adjacent watercourses (and therefore indirectly into the River Dee), subject to specific limits on the amount of phosphate within the treated water.

Connection to Five Fords is proposed where the environmental permit has been reviewed against revised conservation objectives for water quality. Confirmation is required that capacity is in place to accommodate additional wastewater in compliance with revised permit limits and the sewer network and associated WwTW has the hydraulic capacity for new connections without leading to an increase in the environmental impact of storm overflows.