

POLICY UPDATE

LAND NORTH OF BRYN LANE

Policy Update

Net World Sports

Friday, 14 June 2024

Carter Jonas

Land North of Bryn Lane

R6 Policy Update

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Client: Net World Sports

6th Floor
17 Marble Street
Manchester
M2 3AW

CONTENTS

INTRODUCTION	5
1.0 PLANNING POLICY CONTEXT	6
2.0 RESPONSE TO RETAIL IMPACT AND POLICY R6	10
Clarity of Non-B Uses	10
Subsequent Considerations in Respect of Impact	11
3.0 SUMMARY / CONCLUSION	12

INTRODUCTION

This Policy R6 addendum report has been prepared by Carter Jonas LLP on behalf of Net World Sports ('the Applicant') in support of a hybrid planning application for a proposed development known as 'Utopia City' on Land North of Bryn Lane, Wrexham Industrial Estate (ref. P/2023/0497).

The proposals include a range of uses, including Use Classes B1(c), B2, B8, A1, A3, C1 and Sui Generis floorspace including ancillary office space (Use Class B1a), access, servicing, parking and landscaping.

The description of the proposed development is as follows:

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); and 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).

The application site comprises agricultural land to the north of Bryn Lane, Wrexham Industrial Estate (the 'Site'), as shown on the location plan below.

The Site is identified as a Key Strategic Site in the Local Development Plan (LDP) under Policy SP10 'KSS3: Land to the north of Bryn Lane, Wrexham Industrial Estate' for 28ha of Use Class B employment uses.

The Planning Statement addresses the need for the development and the socio-economic benefits of the scheme in detail.

Following submission of the application, the Case Officer has requested additional information in support of non-commercial supporting amenity use at the site including retail, F&B and hotel use (use classes A1; A3; Unique Use and C1 respectively).

This response should be read in conjunction with the Sequential Assessment prepared by CBRE Ltd (December 2023) and is prepared in response to recently provided comments from WCBC Planning Policy which requests additional clarity in respect of non-B uses associated with the development (including the Hotel).

1.0 PLANNING POLICY CONTEXT

This chapter summarises relevant planning policy relating to the sequential test requirement.

The statutory development plan for WCBC currently comprises the Wrexham Local Plan (adopted 2024), which covers the plan period to 2030

Other material considerations include Planning Policy Wales (PPW) and Technical Advice Note 4 (2016).

Planning Policy Wales (2024)

The latest edition of Planning Policy Wales (PPW), published in 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 Welsh Government states that the primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental, and cultural well-being of Wales (paragraph 1.2). There is a presumption in favour of sustainable development in accordance with the development plan, unless material considerations indicate otherwise (paragraph 1.18).

Active and Social Places

Planning authorities need to ensure that residents of existing and new communities have access to jobs and an appropriate range of community facilities including recreation, leisure, health and education (paragraph 4.0.2).

New development should be located and designed in a way which minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, local services, and community facilities.

In determining planning applications, planning authorities must ensure development proposals, through their design and supporting infrastructure, prioritise provision for access and movement by walking and cycling and, in doing so, maximise their contribution to the objectives of the Active Travel Act (2013) (paragraph 4.1.34).

Section 4.3 *Retail and Commercial Development* sets out that retail and commercial centres are hubs of social and economic activity, and the focal point for a diverse range of services. They are highly accessible to different modes of transport and are the most sustainable locations for new development.

In regards to the sequential test, PPW sets out that the Welsh Government operates a 'town centres first' policy in relation to the location of new retail and commercial centre development, and in implementing this policy, local authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications for retail and other complementary uses (paragraph 4.3.18).

If a suitable site or building to meet identified need is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites and if no such sites are suitable or available, only then should out of centre sites in locations that are accessible by a choice of travel modes, including active travel and public transport, be considered. Developers should

demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out of centre sites are considered (paragraph 4.3.19).

Paragraph 4.3.21 sets out that the sequential approach applies to retail and 'all other uses complementary to retail and commercial centres', including:

- Financial and professional services (Use Class A2);
- Food and drink (Use Class A3);
- Offices (Use Class B1);
- Hotels (Use Class C1);
- Educational and other non-residential establishments (Use Class D1);
- Leisure (Use Class D2); and
- Certain other uses such as laundrettes and theatres.

Planning authorities should be flexible in their approach where it is necessary. The nature of a proposed use is likely to determine what type of centre (i.e. higher or lower order centre) is most appropriate as a starting point for the sequential approach process.

Productive and Enterprising Places

Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration (paragraph 5.4.4). Development should be co-ordinated with all forms of infrastructure provision such as transport and utilities (paragraph 5.4.13).

Economic clustering typically occurs when businesses from the same or similar industry, or with a common interest, choose to locate in close proximity for mutual benefit. Businesses can benefit from shared facilities, infrastructure, local pools of skilled and qualified labour, common supply chains, and links to higher education (paragraph 5.4.16). Planning authorities should seek to support the development of business networks and clusters (paragraph 5.4.17).

Technical Advice Note 4 Retail and Commercial Development (2016)

Technical Advice Note (TAN) 4 *Retail and Commercial Development* provides guidance on the role of land use planning in retail and commercial development.

Section 7 sets out the requirements of the sequential test, which supports the Welsh Government's policy objective of promoting centres identified in the retail and commercial centre hierarchy as the most sustainable locations to live, shop, socialise and conduct business.

Planning applications for retail, leisure and other complementary uses should be subject to the sequential test. The sequential location of development plan allocations or planning applications should be considered in the following order:

- Firstly, within retail and commercial centres identified in the retail hierarchy where suitable sites, or buildings for conversion are available. Where this relates to a development plan allocation, they must be available for development within the plan period. Local planning authorities should ensure that any development plan allocation or planning application is of an appropriate scale in relation to the role and function of the centre.

- If no suitable sites are available in retail and commercial centres then edge-of-centre locations should be considered, with preference given to brownfield sites that are or will be well connected to the existing centre and accessible by a variety of means of transport, particularly walking, cycling and public transport.
- Only when retail and commercial centres and edge of centre locations have been considered and found to be unsuitable can out of centre options within, and then outside, a settlement area be considered. Where out of centre sites are concerned preference should be given to brownfield sites which are or will be well served by a choice of means of transport and are close to an established retail and commercial centre.

In terms of suitability, TAN 4 sets out that suitability refers to a site's attributes and whether these are sufficient to meet the development requirements of a proposal. Paragraph 7.2 states:

"Where a developer favours a development site on the edge of or outside a retail and commercial centre the developers will need to provide evidence to explain why potential sites or buildings within the centre are unable to accommodate the format, scale and design of a proposed development."

Wrexham Local Development Plan 2013-2028

The application site is identified in the LDP as a Key Strategic Site under Policy SP10 'KSS3: Land to the north of Bryn Lane, Wrexham Industrial Estate' for 28ha of Use Class B employment uses.

Policy EM2 *Provision of Supporting Facilities for Employees in Business, Industrial and Warehousing Developments* sets out that provision for open space, public realm, leisure, food and drink, and child-care facilities will be appropriate in the employment areas shown on the proposals map, provided:

- i. the facility is of an appropriate size and scale and is subordinate in its nature to meet the needs of workers in the vicinity and does not result in an over concentration of such facilities in one area,
- ii. the proposal does not impact on the status and character of the employment area for B1, B2 or B8 uses,
- iii. the operations of other industrial and employment uses in the vicinity of the site would not be adversely affected, and
- iv. the proposal would not result in significant levels of visitor traffic into the area or exacerbate existing traffic conditions.

In the justifying text the Council highlight that the absence of such facilities in an employment area can increase travel demand and make the areas less attractive to employers and employees. Where new employment areas are proposed, the need for such facilities should be considered as part of the overall development scheme. In all cases, only facilities of an appropriate nature and scale to meet the needs of employees will be permitted.

Policy R6 *Retail, Leisure and Commercial Development (Edge and Out of Centre)* states that proposals in edge and out of centre locations will need to demonstrate compliance with the National Planning Policy sequential test; the preference is first to locate new development within a retail, leisure and commercial centre.

Where proposals demonstrate there are no suitable available sites or premises within these centres, then edge of centre sites can be considered and if no such sites are suitable or available only then should out of centre sites be considered.

Policy R6 also states that retail development will only be permitted outside designated centres if:

- i. There is a need for the proposed floorspace; and
- ii. That the need cannot be satisfactorily accommodated in existing centres; and
- iii. The proposal would not cause unacceptable harm to the vitality, attractiveness or viability of an existing centre; and
- iv. The site is accessible by a choice of means of transport.

The supporting policy text states that Retail Impact Assessments will be required for developments of 2,500 sq m or more.

2.0 RESPONSE TO RETAIL IMPACT AND POLICY R6

Clarity of Non-B Uses

During the pre-application engagement associated with the Planning Application feedback was received, which advised of a lack of amenity and parking provision of HGV drivers accessing Wrexham Industrial Estate (WIE). In response to this feedback, the design team have sought to provide dedicated HGV parking within the application site, which is designed to remove highways, anti-social and other nuisance issues created as a result of a lack of visitor amenity across the site.

The development therefore proposes a suite of non-B uses as part of an overall masterplanned approach that seeks to deliver commercial floorspace as well as critical supporting amenity for visitors as well as employees for both the development itself as well as the surrounding Industrial Estate.

The proposed ancillary uses at the application site, including the hotel, have been identified by the Applicant as those necessary to serve the existing and future extension to Wrexham Industrial Estate and seek to bolster WIE's role as an internationally significant employment destination.

Retail and F&B

The development proposes a maximum of 2,450sqm (however it should be noted that the scheme may well not deliver this total amount of floorspace). It is expected that this potential floorspace will be split across a range of uses including:

- Drive-thru Restaurant;
- Hot Food "sit-in" Restaurant and Take-away;
- Café; and
- Small Convenience Retail Unit

There is currently no proposal for any traditional comparison retailing as it is not considered that this would be necessary to support existing uses across the wider industrial estate.

Wrexham Industrial Estate is the UK's second largest industrial estate (the 4th largest in Europe), extending to over 550ha. It is recognised as a regionally and nationally important employment area and employs c.10,000 people (upon completion of this development that number could rise to 13,000). Notwithstanding this (and as evidenced within the CBRE Sequential Report) it lacks the facilities needed to support this working population and visitors.

The existing provision comprises a small Nisa local store and Greggs unit in the south of the Industrial Estate. This is not sufficient to support the range of employees and visitors to the site, many of whom work within the logistics sector and drive large vehicles and HGVs. On this basis we consider that there is a clear need for additional services/facilities, especially in the northern half of the Industrial Estate.

Provision of a modest suite of facilities at the application site would ensure suitable provision within easy walking distance of businesses located in the north of the Industrial Estate and on a key route into and out of the Industrial Estate.

Hotel

Despite its size and status, the Industrial Estate lacks a hotel. There are no hotels located within the existing Industrial Estate boundary. The nearest hotel is Holt Lodge, which is 2.7km to the north of Wrexham Industrial Estate and provides no facility for heavy goods vehicles.

The hotel forming part of the development proposal, will be located on the edge of the Industrial Estate and is intended to be used by those visitors to WIE that need to be close to the Industrial estate and those that work within the distribution sector and need to make onward journeys. It is for this reason that the hotel is located in close proximity to the HGV Park (a facility specifically requested by WCBC Members). This will ensure that the hotel provides critical amenity for visitors to WIE and (in tandem with the retail and F&B provision) will encourage HGV drivers to utilise the dedicated parking facilities within the development site.

Overall Quantum and Individual Unit Sizes

As previously articulated, the development proposes a maximum of 2,450sqm of retail / F&B floorspace (although the scheme may well not ultimately deliver this amount of floorspace). It is expected that this potential floorspace will be split across a range of uses including:

- Drive-thru Restaurant
- Hot Food Restaurant and Take-away
- Café
- Small Convenience Retail Unit

Feedback provided by the design team has detailed the typical floor areas associated with the above uses. These units have been designed to serve only a locally derived need (that which is generated by the Industrial Estate itself). As such, no single unit comprising any of the above uses is anticipated to exceed 510sqm / 5,500sqft.

The same principle applies to the hotel associated with the development. The Transport Assessment is based upon a hotel of around 100 keys. This gives an indicative picture of the scale of the proposed hotel and the role that it will play in supporting the wider Industrial Estate, rather than catering to a need out with the Industrial Estate.

Subsequent Considerations in Respect of Impact

LDP Policy EM2 allows provision for open space, public realm, leisure, food and drink, and child-care facilities within allocated employment areas subject to the facility being an appropriate size and scale and subordinate in nature to the employment use of the area.

Based upon the above, it is considered that the proposed non-commercial uses will support the existing industrial estate, but will not draw trade away from other in-centre locations.

The modest number of facilities proposed, their proposed use and the location of the supporting uses have been carefully considered so as not to compete with nearby in-centre uses and the application would be happy to accept a planning condition which limited the use of these units.

On this basis, we consider the proposed development against the key criteria of Policy R6 below:

- i. There is a need for the proposed floorspace;

The Industrial Estate could employ 13,000 people upon completion of the development and currently has very limited provision in the form of a small local shop and a Greggs café. The provision of a series of small units providing a modest convenience offer alongside some F&B options is considered to be entirely necessary to support the ongoing success of WIE and will contribute towards fulfilling a locally derived need generated by the Industrial Estate.

- ii. That the need cannot be satisfactorily accommodated in existing centres;

The nature of the proposed supporting uses (as well as the role that they play in providing supporting amenity for employees and visitors to the Industrial Estate) means that this need cannot be satisfactorily accommodated within an existing centre without ceasing to fulfil its purpose in supporting WIE. By locating these supporting uses within an existing centre, they would either, not be used by WIE employees or would generate additional vehicle movements (some of which would be large-goods vehicles) by existing employees driving off-site to utilise these services.

- iii. The proposal would not cause unacceptable harm to the vitality, attractiveness or viability of an existing centre;

As previously referenced the type, size and location of the proposed supporting uses would not result in any trade being taken away from existing centres and therefore there would be no unacceptable harm upon these centres.

- iv. The site is accessible by a choice of means of transport.

The site is accessible by a variety of means of transport and the proposed development seeks to introduce walking and cycle routes that link into the wider industrial estate. As such, we consider that the site is accessible via a choice of means of transport and will be well-utilised by employees and visitors of WIE.

On the basis of the above assessment, it is considered that the proposed uses are in line with the criteria of Policy R6 and the applicant is happy to accept conditions limiting the size and use of units to ensure that these criteria can be met in perpetuity. We therefore consider that the proposed supporting uses are acceptable and are in accordance with Policy R6.

3.0 SUMMARY / CONCLUSION

This Policy R6 addendum report has been prepared by Carter Jonas LLP on behalf of Net World Sports ('the Applicant') in support of a hybrid planning application for a proposed development known as 'Utopia City' on Land North of Bryn Lane, Wrexham Industrial Estate (ref. P/2023/0497).

This response should be read in conjunction with the Sequential Assessment prepared by CBRE Ltd (December 20203) and is prepared in response to recently provided comments from WCBC Planning Policy which requests additional clarity in respect of non-B uses associated with the development (including the Hotel).

The development therefore proposes a suite of non-B uses as part of an overall masterplanned approach that seeks to deliver commercial floorspace as well as critical supporting amenity for visitors and employees for the development itself as well as the surrounding Industrial Estate.

The proposed ancillary uses at the application site, including the hotel, have been identified by the Applicant as those necessary to serve the existing and future extension to Wrexham Industrial Estate and seek to bolster WIE's role as an internationally significant employment destination.

The size, location and function of these units has been carefully considered so as to not compete with existing centres within the surrounding area, but to service a locally derived need driven by a working population across WIE of 13,000 people (not including visitors to WIE).

The application would be content to accept conditions attached to the planning application, which cement these unit sizes and restrict the sale of goods so as to ensure that there is no negative impact upon surround centres.

On this basis we consider that the level of retail, F&B and hotel provision is acceptable and respectfully request that this element of the scheme is supported by Planning Policy.

