

Report of the Chief Officer Economy and Planning

Application Reference

P/2023/0387

Applicant

MR PHIL WALSH

Agent

PLAN RED LTD MR RICHARD PURSER

Site Address

F LLOYD PENLEY LTD BRIDGE ROAD SOUTH WREXHAM INDUSTRIAL ESTATE
WREXHAM LL13 9SQ

Description of Development

/ CODI ESTYNIAD AR WARWS A CHANOPI BAE LLWYTHO / ERECTION OF
WAREHOUSE EXTENSION AND LOADING BAY CANOPY

Ward

Holt/Holt

Community

Abenbury/Abenbury

Recommendation

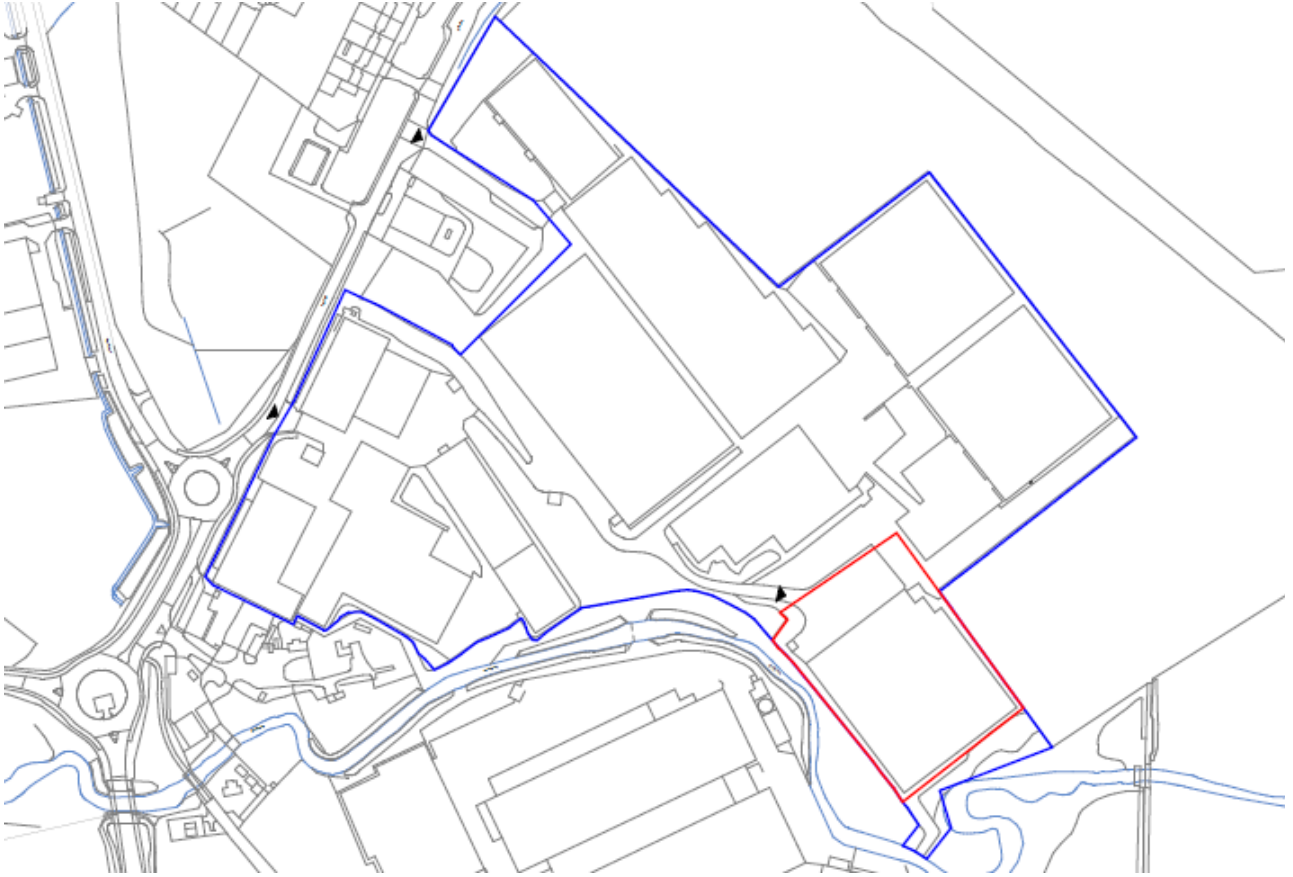
Grant

Officer Report

Site Description

The application site comprises an established warehousing, transport and logistic operation located to the south east of Wrexham Industrial Estate. The site adjoins ecological mitigation land associated with HMP Berwyn to the north east. River Clywedog borders the southern edge of the site. There is a significant level change of circa 10m difference in height between the northern and southern regions of the site. The north eastern and south eastern boundaries are formed by woodland.

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Proposal

Permission is sought for the erection of an extension to the front of the existing warehouse with a loading bay canopy. The proposed development would increase its internal floor area from 9213 sq.m to 10,333 sq.m and associated external area from 9,383 sq.m to 10,499 sq.m. Additionally, an external canopy to the north west and north east elevations facing the yard space is also proposed.

Reason for Committee Determination

Major Development

Site History

P/2003/1430 – Demolition of building, erection of 2no. warehouses and extension to existing warehouse – refused – 5/4/2004

P/2004/0522 - Demolition of building, erection of 1no. warehouse and extension to existing warehouse – granted - 6/9/2004

P/2023/0388 ERECTION OF WAREHOUSE EXTENSION AND LOADING BAY CANOPY. Pending

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Local Planning Policy

Within a designated employment area (Wrexham Industrial Estate) and adjacent to Wrexham Industrial Estate Strategic Ecology Network. Policies SP2, SP8, SP9, SP10, SP14, SP18, DM1, NE1, NE6, EM1, RE1 and T1 apply.

Relevant National Policy

Planning Policy Ed. 12, Future Wales Plan 2020-40, TAN 12 – Design, TAN 15 – Flood Risk, TAN 18 – Transport and TAN 23 – Economic Development are also considered.

Consultation Responses

Community Council:

No response received.

Local Member:

No response received

Natural Resources Wales:

Raises no objection subject to conditions to secure the implementation of a Great Crested Newt Conservation Plan, lighting details and assessment of the site for potential contamination and any mitigation measures as may be necessary.

Comments that in light of there being no change in staffing numbers, it is unlikely the development would increase the amount of phosphorous entering the River Dee and Bala Lake SAC catchment.

Notes that the site to be partly within Zone B of the Development Advice Map. Flood Maps for Planning identifies the site to fall within Zone 2. Comments that the submitted Flood Consequences Assessment shows the risks and consequences of flood risks are manageable to an acceptable level.

Dwr Cymru Welsh Water:

Raises no objection.

Highway Officer:

Raises no objection. Advises that the traffic generated by the development is not expected to have a significant safety or operational impact on the highway network. Based on a proposed floor area of 1195m² (Extension I), LPGN 16 would normally require the provision of 12 additional spaces (maximum).

Contaminated Land Officer:

In agreement with the conclusions and recommendations of the report and recommends that conditions requiring further investigation and remediation (if applicable) are applied to the planning permission if granted.

Public Protection Officer:

Raises no objections and recommends conditions regarding noise, dust management and advisory notes regarding construction impacts.

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Arboricultural Officer:

No response received

Ecology Officer:

Raises no objection. Recommends the inclusion of a condition requiring Great Crested Newt mitigation.

Publicity Undertaken:

Press Notice: YES

Site Notice: YES

Notification Letters: 16

Responses to Publicity:

None

Principle of Development

The site falls within the Wrexham Industrial Estate designated employment area in the LDP and is protected for employment uses (Class B1, B2 or B8) by policy EM1. The principle of employment development on this site is therefore acceptable.

Design

The proposed development would be to the front (west) of the existing warehouse, would have a floor area of 1,116 sq. Its external appearance would reflect that of the existing building, with profiled sheet walls in green finish and profiled sheet roof. It would also be consistent with the appearance of development elsewhere on the site and within the wider industrial estate.

Having regard to the above, the proposal accords with LDP policies DM1 and SP12.

Impact on Neighbouring Amenity

The application site is relatively central within the industrial estate, close to other factories and offices and approximately 400m from the nearest residential properties. The Council's Public Protection Officer raises no objection to the proposal. The proposal would have no significant impact upon the living conditions of the nearest dwellings.

Having regard to the above, the proposed development accords with Policy DM1.

Highway Considerations

Access

Access to the application site via the existing northern F Lloyd access onto Bridge Road South. Visibility from the access is adequate in both directions.

Traffic Generation

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The application is accompanied by a Transport Statement which considers the highways and transportation implications associated with the proposed development and also a development proposed by a separate planning application for an extension to another warehouse within the wide F Lloyd site. This demonstrates that both developments would generate just 2 additional trips in both the AM and PM peaks. The proposed development would therefore not have a detrimental impact on the surrounding highway network.

Parking & Turning Provision

There are 33 existing car parking spaces currently on the F Lloyd site. The maximum parking provision for the proposed development would be 12 additional spaces in line with guidance in LPGN16. No additional parking provision is proposed, however the development is not expected to result in any additional employees being on site.

The development would leave sufficient space within the site for the turning of vehicles (including 16.5m long HGVs).

Having regard to the above, the proposed development would not give rise to highway safety concerns and therefore accords with policies DM1 and T1.

Natural Environment

The application is supported by a Preliminary Ecological Appraisal (PEA). The PEA has identified that Great Crested Newts (GCN) have been recorded in the vicinity of the application site and a scheme of Reasonable Avoidance Measures is therefore proposed. On the basis of the information submitted and subject to a suitably worded condition to secure the implementation of a GCN Conservation Plan, NRW advises that the proposed development would not be likely to be detrimental to the maintenance of the population of the GCN at a favourable conservation status in its natural range.

Otter and Water vole have been identified as being present in the vicinity and section and mitigation measures are proposed in the PEA. The PEA confirms that no external lighting is proposed along the length of the river bank to the south west of the site. No information has been provided in relation to external lighting on the north-west or south-east elevations nor on potential internal light spillage from the south-east elevation. However, the provision of any external lighting could be controlled by a suitably worded condition. Subject to this, the proposed development would not be likely to be detrimental to the maintenance of the population of Otter and Water Vole at a favourable conservation status in their natural range.

The application is accompanied by a Green Infrastructure Statement which demonstrates compliance with chapter 6 of PPW. The proposed development would not lead to a loss of green infrastructure immediately on the site, or surrounding it. Biodiversity enhancements are proposed in the form of new bat boxes and removal of light spill to the River Clywedog but detailed plans of these measures have not been submitted. However, these measures could be secured by a suitably worded condition.

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Subject to the conditions discussed above, the proposal would accord with Policies SP14, NE1 and NE2 and paragraph 6.4.5 of PPW12.

Flood Risk

NRW Flood Risk Map confirms the site to be partially within Zone B of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 2 (Rivers).

A Flood Consequence Assessment (FCA) and Drainage Strategy & Maintenance Document has been submitted in support of the application. The FCA concludes the flood risk to range from negligible, to very low and low. The FCA outlines mitigation measures, including the floor levels of the proposed warehouse being no lower than the existing building.

The planning application proposes less vulnerable development (an extension to existing warehousing for storage purposes). Having regard to the criteria set out at para 6.2 of TAN 15, the development's location in Zone 2 is considered necessary to contribute to key employment objectives supported by the local authority, given the site falling within a large established employment site within a defined employment area.

The FCA demonstrates that the risks and consequences of flooding are manageable to an acceptable level. NRW raises no objection on flood risk grounds.

Having regard to the above, the proposed development complies with policies DM1 and SP18 and TAN 15.

Drainage

On the basis that there would be no change to staffing numbers or additional foul drainage provision, the proposed development is unlikely to increase the amount of phosphorus entering the River Dee and Bala Lake catchment so is not likely to have a significant effect on the SAC.

The surface water drainage arrangements for the site will need approval separately from the Council as Sustainable Drainage Systems Approval Body (SAB) before development commences on site. This is a statutory requirement. There is no requirement for SAB approval be obtained before planning permission or reserved matters approval can be given. The need to obtain SAB approval means that there are adequate controls in place to ensure surface water is properly managed.

Having regard to the above, the proposed development accords with policies NE1 and NE 6.

Conclusion

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The proposed development would not give rise to design, residential amenity, highway safety or flood risk concerns and subject to suitably worded conditions, nor would it adversely affect ecology and biodiversity. As such it accords with the relevant policies of the LDP.

Conditions

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

2. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s):

3850-DMWR-A-DR-0300

3850-DMWR-A-DR-02002-A

3850-DMWR-A-DR-0101-B

3850-DMWR-A-DR-100-A

3850-DMWR-A-DR-0030

3850-DMWR-A-DR-0010-A

3850-DMWR-A-DR-0006-A

3850-DMWR-A-DR-0005-A

3850-DMWR-A-DR-0004-A

3850-DMWR-A-DR-0002-A

3850-DMWR-A-DR-0001

2514-C-0001.1-P02

Design and Access Statement

Planning Statement

Transport Assessment project no. P22009 and dated February 2023

Flood Consequences Assessment

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Biosecurity Risk Assessment- F Lloyd (Penley) Ltd. Wrexham Industrial Estate. Report No UES03411/08, United Environmental Services Ltd.

Ecological Compliance Audit - F Lloyd (Penley) Ltd. Wrexham Industrial Estate, Report No UES03411/08 United Environmental Services Ltd.

Drainage Report

3. No development shall take place until a GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:

a) Implementation of appropriate GCN reasonable avoidance measures. We advise that further details and associated plans concerning GCN avoidance and mitigation measures are provided including, but not limited to: fence design, specifications and locations; considerations of access issues (including PROW if applicable); monitoring and maintenance requirements; and supervised removal. Submission to include proposed timescales and reporting requirements;

b) Submission of measures designed to prevent the accidental capture/killing of GCN during operational (and decommissioning) phases of the scheme (i.e., post-construction). This is essentially the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots (or other similar features)

c) Details of timing, phasing and duration of construction activities and conservation measures

d) Timetable for implementation demonstrating that works are aligned with the proposed development

e) Persons responsible for implementing the works

f) Post-construction monitoring (if subsequently applicable)

The measures above shall be carried out in accordance with the approved details.

4. Prior to commencement of development, a lighting scheme be submitted to and approved in writing by the Local Planning Authority.

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This scheme shall consider existing and proposed lighting together with any spillage originating from internal locations. Details shall include:

- An assessment of lighting in respect of wildlife interests of the site, notably otters and water vole.
- Details of the siting and type of any external lighting and internal light spillage during and post development. This shall include plans illustrating the location and type of lighting together with isolux drawings.
- Details to demonstrate that light spillage will not affect wildlife sensitive areas.
- Measures to monitor light spillage once development is operational (post-construction light monitoring)

Lighting shall thereafter only be installed in accordance with the approved scheme.

5. No development or phase of development, in a specific parcel of land known to be / suspected of contamination, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority:

1. A preliminary risk assessment which has identified (this is understood to already have been completed):

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

6. Prior to the occupation or operation of the development or phase of development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long- term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

8. No part of the development shall commence until a plan to provide net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped has been submitted to, and approved in writing by, the Local Planning Authority. The measures shall be implemented in full, prior to first occupation / use of the development, and thereafter maintained for the lifetime of the development.

Reasons

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1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
3. To ensure adequate protection is afforded to those species affected by the development in accordance with Policies SP14 and NE1 of the Wrexham Local Development Plan.
4. To protect the wildlife and ecological interests of the site including protected species in accordance with Policies SP14 and NE1 of the Wrexham Local Development Plan.
5. To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development and to prevent unacceptable risks from contamination in accordance with Policy DM1 of the Wrexham Local Development Plan
6. To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation in accordance with Policy DM1 of the Wrexham Local Development Plan.
7. To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policy DM1 of the Wrexham Local Development Plan.
8. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.

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Notes

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage: https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk

Notes

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties in that section include the following:

*** Notice of initiation of development**

Before beginning any development to which this planning permission relates, notice must be given to the Local Planning Authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The forms set out the details that must be given to the Local Planning Authority to comply with this duty.

*** Display of notice**

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details that the person carrying out development must display to comply with this duty.

The person carrying out development must ensure that the notice is:

- a)Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- b)Legible and easily visible to the public without having to enter the site; and
- c)Printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

Notes

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to

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18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

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.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

Notes

The Applicant is advised that under the 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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

Notes

Flood Risk Activity Permit

Please note that the Environmental Permitting Regulations (2016) would require the Applicant/Developer to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the Afon Clywedog, a designated "main river". Further advice and guidance is available on our website at:

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<http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>

Notes

Due to the potential for contamination issues as a result of historical use (manufacture of explosives) of the land covering the majority of the Wrexham Industrial Estate, should any made ground be identified during the works it would be prudent to investigate the potential for such contamination and inform the Council's Contaminated Land Officer immediately. The applicant is advised to contact the Council's Contaminated Land Officer on 01978 298771 or 298333 for further guidance.