

Report of the Chief Officer Economy and Planning

Application Reference

P/2024/0082

Applicant

MR PHIL GARDNER

Agent

MS KERRY JAMES KERRY JAMES PLANNING

Site Address

PARRYS RETAIL FURNITURE WAREHOUSE MOLD ROAD GWERSYLLT WREXHAM
LL11 4AQ

Description of Development

NEWID DEFNYDD O DDOSBARTH D2 I DDEFNYDD CYMYSG SY'N CYNNWYS
STORIO CERBYDAU, GWASANAETHU, ATGYWEIRIO CYRFF CEIR, PARATOI CEIR,
GLANHAU A SWYDDFEYDD (DOSBARTH B2 A B8), NEWIDIADAU ALLANOL A
MEWNOL / CHANGE OF USE FROM CLASS D2 TO MIXED USE COMPRISING
VEHICLE STORAGE, SERVICING, BODYWORK REPAIRS, CAR PREPARATION,
VALETING AND OFFICES (CLASS B2 AND B8), EXTERNAL AND INTERNAL
ALTERATIONS

Ward

Gwersyllt East and South/Gwersyllt East and South (Historic)

Community

Gwersyllt/Gwersyllt

Recommendation

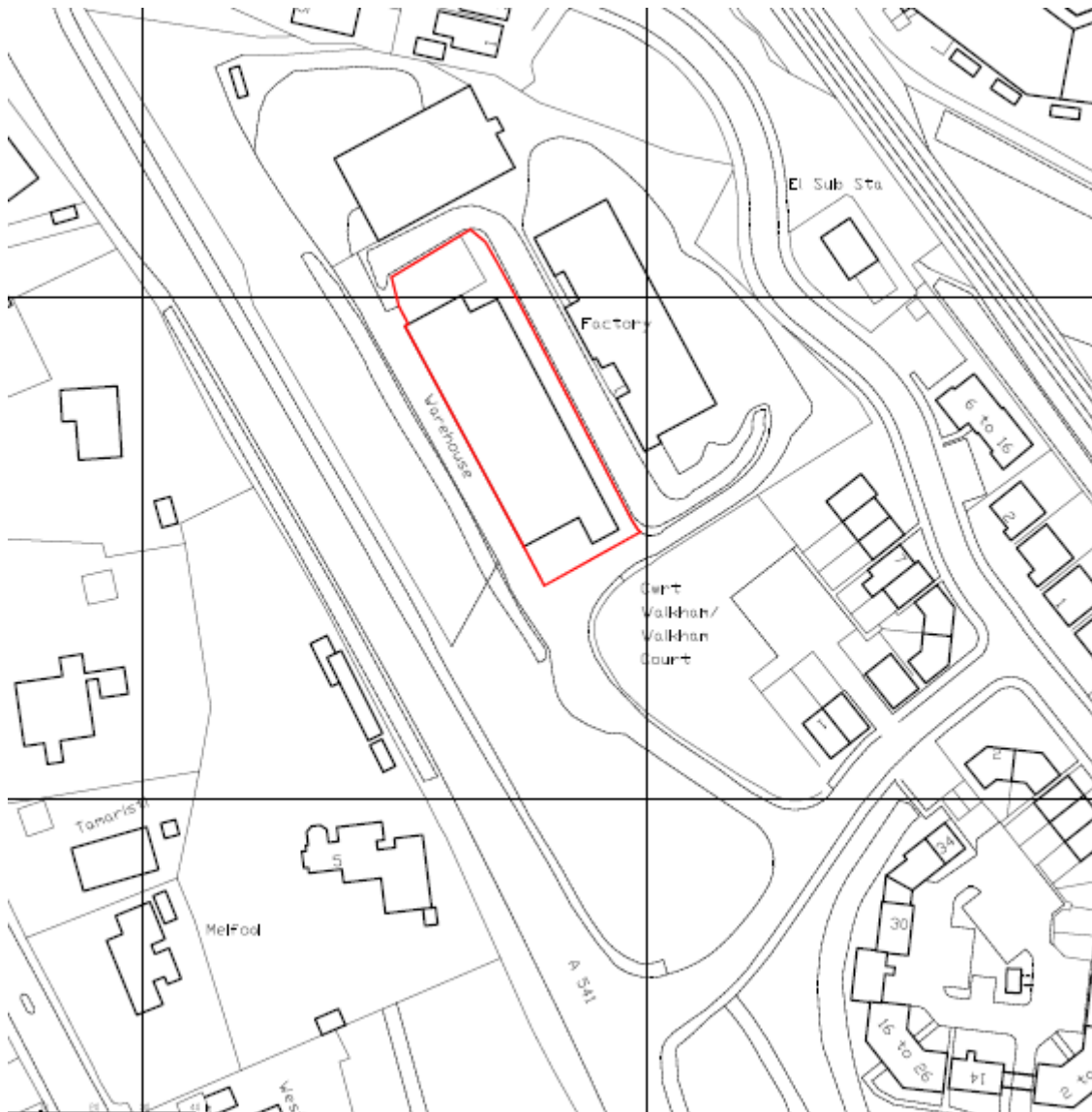
Grant

Officer Report

Site Description

The application site comprises the Former Parry's Retail Furniture Warehouse, located off of Hardwick Drive, south of Gwersyllt train station. The area is mainly residential save for the 3 buildings that make up the small industrial estate where the proposed development is situated.

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Proposal

The application seeks permission retrospectively for the change of use from Class D2 to a mixed use comprising vehicle storage, servicing, bodywork repairs, car preparation, valeting and offices (Class B2 and B8), external and internal alterations.

Reason for Committee Determination

Objection received from the Community Council

Site History

None relevant

Development Plan

SP2 Location of Development

SP11 Transport and Accessibility

SP14 - Natural Environment

SP19 - Green Infrastructure

DM1 - Development Management Considerations

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T1 - Managing Transport Impacts

T2 - Active Travel

Local Planning Guidance Notes (LPGN's)

LPGN 16 - Parking Standards

LPGN 30 - Design

LPGN 32 - Biodiversity

Relevant National Policy

Planning Policy Wales Ed 12

The Future Wales Plan

TAN 12 - Design

TAN 18 - Transport

TAN 23 - Economic Development

Consultation Responses

Community Council:

Objects on the grounds that the road is not suitable due to the number of vehicles which are already parking on the road leading into the industrial estate and this will further increase the problems within that area.

Local Member:

Notified. No response received

Natural Resources Wales:

Raise no objection

Dwr Cymru Welsh Water:

Confirms capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site and advises that Gresford WWTW has a phosphate permit. Recommends that surface water not be allowed to drain to the public sewer system.

Highway Officer:

Raises no objection in principle subject to conditions requiring the following:-

- Provision of a Service Delivery Management Plan that demonstrates a commitment to avoiding overspill parking and, in the event of HGV delivery of vehicles to and from the site, ensures space is available without obstructing or hindering access to neighbouring units;
- The provision of turning and unloading should be demonstrated on a suitably scaled plan with swept path analyses;
- Provision of a drainage improvement scheme at the entrance to reduce the risk of surface water and loose gravel overflowing onto Hardwick Drive; and
- Details of secure cycle parking, refuse collection, external lighting for safe access.

Contaminated Land Officer:

No comments

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Public Protection Officer:

Raises no objection. The findings and recommendations of the submitted Noise Assessment are accepted. Recommends the inclusion of standard Advisory Notes in relation to construction noise management and the burning of waste. Also advises that the spray booth may require a separate Environmental License.

Arboricultural Officer:

Raises no objections.

Ecology Officer:

Raises no objections. Comments that prior to receiving this application, scrub and trees were removed from the surrounding site and suggests a landscaping scheme of replacement planting be implemented.

Publicity Undertaken:

Notification Letters: 18 sent to nearest adjacent occupiers.

Responses to Publicity:

1 representation received raising the following concerns:

- The road is a through road to the other units at the bottom of the road and this presents a hazard; and
- Surface water issues lead to localised flooding.

Principle of Development

Current Status of the Local Development Plan

The Court of Appeal judgement handed down on the 20th of December 2024 concluded that the Planning and Compulsory Purchase Act 2004 (the 2004 Act) does not impose a duty on a Local Planning Authority to adopt a Local Development Plan. It has the effect of overturning the High Court judgement of 29 November 2023, which had concluded to the contrary. However, this judgement is currently subject to an application to the Supreme Court to challenge by the Welsh Ministers.

The Wrexham Local Development Plan (2013-2028) (LDP) was adopted by Full Council on 20th December 2023. The judgement of the 20th December 2024 does not, by itself, alter the status of the LDP as 'the development plan', as defined in section 38(4)(c) of the 2004 Act and further legal process is required to 'unadopt' it. In accordance with section 38(6) of the 2004 Act, any planning applications or appeals must be determined in accordance with the development plan unless material considerations indicate otherwise.

The LDP therefore remains adopted at this point in time and therefore is the starting point for the determination of planning applications until the Court orders to the contrary.

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The site is located within the settlement of Gwersyllt where the principle of development can be accepted in accordance with Policy SP2 of the LDP.

The site forms part of a housing allocation for 15 dwellings. However the building is extant and could continue being used for its lawful use (Class D2) irrespective of whether planning permission is granted for the proposed uses. As such, the site is not currently available for development for housing and, given that this is a retrospective application, is unlikely to be in the immediate future. Moreover, the site would need to be comprehensively cleared of the existing development to enable a housing development to come forward. The proposed development does not materially alter the situation in this regard, particularly given the relatively modest size of the unit. The proposed development is therefore not considered to conflict with policy H1.

Design

The external wall and roof cladding having been replaced. The new materials are typical for industrial/commercial buildings and are consistent with those used on a unit adjacent to the site and also in keeping with the existing character and appearance of the building.

Having regard to the above, the development accords with policy DM1.

Impact on Neighbouring Amenity

LDP Policy DM1 requires that development does not have an unacceptable effect on the amenity of the occupiers of nearby properties/land and provides a satisfactory standard of amenity for the occupiers/users of the development itself. It also requires that development safeguards the environment from the adverse effects of pollution arising from development.

The building is approximately 55 meters from the nearest dwellings on Hardwick Drive and is accessed via a road off Hardwick Drive. It is used by the Toyota dealership in Bradley for vehicle storage, servicing, repairs, preparation, valeting, and office space. There is also a body paint booth for minor repairs like fixing dents, scratches, and windscreen chips. Toyota exclusively uses water-based paints in this process, which significantly reduces environmental impact. The paint booth's exhaust system filters the air before release, emitting only warm air through the chimney. Operational hours have not been specified, however this could be secured by a suitably worded planning conditions.

The application is supported by a Noise Assessment which concludes that the specific noise level generated by the workshop is above the level, in accordance with BS4142:2014, for there to be the likelihood of adverse impact on the nearest noise sensitive receptors i.e. occupiers of dwellings nearest to the site. Mitigation is therefore necessary to protect the living conditions of the occupiers nearby dwellings. The proposed method to achieve this is to ensure the roller shutters doors be closed, except to permit vehicles to enter or leave the building.

The Council's Public Protection Officer accepts the findings of the Noise Assessment and recommends that the mitigation measures be secured by a

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suitably worded planning condition. Although the opening of the roller shutter doors to permit vehicles to enter or leave the building would allow noise to escape, any such bursts of noise would be for relatively short periods and would be unlikely to significantly harm the living conditions of the occupiers of nearby dwellings.

Subject to the noise mitigation measures discussed above, the proposed development is unlikely to have an adverse impact on the living conditions of the occupiers of nearby dwellings in terms of noise or air quality. As such, the proposed development accords with policy DM1.

Highway Considerations

LDP Policy T1 states that proposals for new development will be supported where they mitigate any significant adverse effects upon the transport network that arise from the proposed development (including improvements to transport infrastructure where required), do not compromise the safe, effective and efficient use of the highway network, do not have an adverse impact on highway safety or create unacceptable levels of traffic generation, provide appropriate levels of parking and ensure access arrangements for the site to allow for safe manoeuvring.

The applicants have purchased the site partly to alleviate parking and access issues associated with the showroom and garage site at Bradley. Approximately 20 cars are brought to the site on a daily basis. No customers visit the site and cars are only be dropped off and picked up by Toyota staff.

Planning permission is sought to continue to use the building for a mix of Class B2 and B8 uses. LPGN16 advises that for Class B2, the car parking standard is 1 space per 50m² gross floor space and for Class B8, it is 1 space per 100m². The gross floor area is approximately 830 sq metres. The B2 use accounts for approximately 270m² and the B8 use 560m². The maximum parking provision is therefore 11 spaces. The site comprises the building itself and a small area of land immediately to the east, north and south. There are three existing car parking spaces within the site. These are to be retained for use by staff. A total of 6 staff are based at the site.

The Council's Highways Officer raises no objection to the proposals subject to the implementation of a Service Management Delivery Plan and adequate parking and turning provision for HGVs. However, the land required for this is outside of the applicant's control. All deliveries of goods/parts are to be made by van and not HGV. Waste collections would be made by a contractor who generally utilise a Class 2 HGV vehicle. Waste collections are undertaken 1 x weekly. However, it is likely that the site would have been visited by waste collection vehicles under its extant/previous use. The use is therefore unlikely to increase HGVs visiting the site.

The site has previously been used for the manufacture, storage and sales of furniture, although it is understood this use ceased in the early 2000s. The building was then subsequently used as an indoor football centre and gym for 14 years. Although planning permission was not sought, this is now the established

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use of building. The building was in use during the day and evening for classes (10.00am to 10.00pm). The maximum parking standards for Class D2 leisure as set out in LPGN 16 is 1 car space per 15 sq.m gross floor space, which equates to 55 spaces. This compares a maximum of 11 spaces for the proposed development. The Class B2/B8 use is therefore far less likely to give rise to parking issues in the wider locality.

Traffic generation is considered likely to be comparable to the previous use of the site as a gym. No changes to the site access have been carried out or are proposed. The access is considered suitable to accommodate the traffic associated with the use being applied for, with adequate visibility to allow safe egress onto Hardwick Drive. The application demonstrates provision for staff car parking and spaces within the unit for the parking of the vehicles brought to the site to be worked on. It is noted that detail of external lighting and safe pedestrian access to and from the entrance of the building is requested by the Highways Officer. However, as this is an established site with an extant, albeit, different lawful use, it is unlikely that the use being applied for attracts significantly greater volumes of pedestrian traffic. As such, it would not be reasonable or necessary to impose a planning condition to require such details.

Having regard to the above, the development does not give rise to highway safety concerns and therefore accords with Policies DM1(vi) and T1 of the LDP.

Natural Environment

The application site comprises of a building itself and areas of hardstanding immediately adjacent to it. There is no existing soft landscaping within the site. As such, there are no features within the site that are likely to be occupied by protected species. The Council's Ecology Officer raises no objections and the proposals are considered to accord with Policy NE1 of the LDP. In order to provide a net benefit to biodiversity, it is proposed to install bird and bat boxes on the building. This is considered to be proportionate to the development and in accordance with the requirements of Chapter 6 of PPW12.

The Council's Ecology Officer notes that prior to the application being submitted, a number of trees were felled upon banks close to the site and requests that a landscaping scheme be submitted to mitigate the loss. However, these areas lie outside of the application site. It could not therefore reasonably be argued that the work carried out to remove trees from the surrounding banks was pre-emptive site clearance to accommodate the development.

Flood Risk

It is noted that concerns have been raised in respect of surface water disposal. The development has not increased the area of hard surfacing and no additional areas of hard surfacing are proposed. The development therefore does not result in any increase the volume of surface water run-off from the site.

Drainage

The foul flows arising from the development are considered likely to be comparable to the previous use. Moreover both the previous and current uses are also likely to have served a local population rather than attracting visitors

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from outside of the River Dee and Bala Lake SAC. As such, the development is unlikely to increase the amount of phosphorous entering the SAC and as such complies with Policy NE6 of the LDP.

Conclusion

The proposed development does not give rise to residential amenity, highway safety or ecology concerns and therefore accords with the relevant LDP policies.

Conditions

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

[CR/PD/01 REV B, CR/PD/06, CR/PD/02, CR/PD/03, CR/PD/07]

2. The use hereby permitted shall be permanently ceased within 28 days of a failure to meet any one of the requirements set out in i) to iv) below:

i) Within 12 weeks of the date of this decision details of a scheme of noise mitigation shall be submitted for the written approval of the Local Planning Authority. The scheme shall include full details of any measures and/or procedures to ensure the closing of the roller shutter doors following the entry or exit of any vehicle.

ii) If within 20 weeks of the date of this decision the Local Planning Authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Welsh Ministers

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted details shall have been approved by the Welsh Ministers;

iv) The scheme of noise mitigation shall implemented in full within 1 month from the date of approval in writing by the Local Planning Authority or, in the event of ii) and iii) above, by the Welsh Ministers.

The scheme of noise mitigation shall thereafter be adhered to for the lifetime of the development.

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3. No use of the development shall be made before 0730 hours or after 1800 hours Monday to Friday and before 0800 hours or after 1700 hours on Saturdays. No part of the development shall be used on Sundays or Bank Holidays.
4. The use hereby permitted shall be permanently ceased within 28 days of a failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 12 weeks of the date of this decision details of a scheme of on-site bicycle parking facilities shall submitted for the written approval of the Local Planning Authority;
 - ii) If within 20 weeks of the date of this decision the local planning authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Welsh Ministers;
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted details shall have been approved by the Welsh Minsters;
 - iv) The scheme of on-site bi-cycle parking shall be fully implemented in accordance with approved details within 12 weeks from the date of approval in writing by the Local Planning Authority or, in the event of ii) and iii) above, by the Welsh Ministers.

The on-site cycle parking facilities shall be permanently retained in accordance with the approved scheme and kept free of any obstruction, and made available solely for the parking of bicycles
5. The use hereby permitted shall cease to operate within 12 weeks of the date of this decision if there is a failure to implement in full the measures to deliver net benefit for biodiversity (NBB) shown on drawing No. CR/PD/06 and detailed within the Green Infrastructure and Planning Statement.
6. Customers are not permitted on the premises at any time.

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Reasons

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. In the interest of protecting residential amenity in accordance with Policy DM1 of the Local Development Plan.
3. In the interest of protecting residential amenity in accordance with Policy DM1 of the Local Development Plan.
4. To assist occupiers/users of the development to make sustainable transport choices in accordance with Policy DM1 of the Wrexham Local Development Plan.
5. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.
6. Due to the limited on-site parking and in the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.

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 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.

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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

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. 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.