

REPORT OF THE CHIEF OFFICER PLANNING AND ECONOMY – 5 FEBRUARY 2024

APPLICATION NO:

P/2023 /0640

LOCATION:

LAND OFF BRYN LANE WREXHAM
INDUSTRIAL ESTATE WREXHAM
LL13 9UT

DATE RECEIVED:

17/08/2023

COMMUNITY:

Isycoed

DESCRIPTION:

NEWID DEFNYDD O ARDAL
AMAETHYDDOL I ARDAL
ECOLEGOL A CHREU PYLLAU A
LLEINIAU / CHANGE OF USE OF
FROM AGRICULTURE TO
ECOLOGICAL AREA AND CREATION
OF PONDS AND DITCHES

CASE OFFICER:

GH1

WARD:

Holt

AGENT NAME:

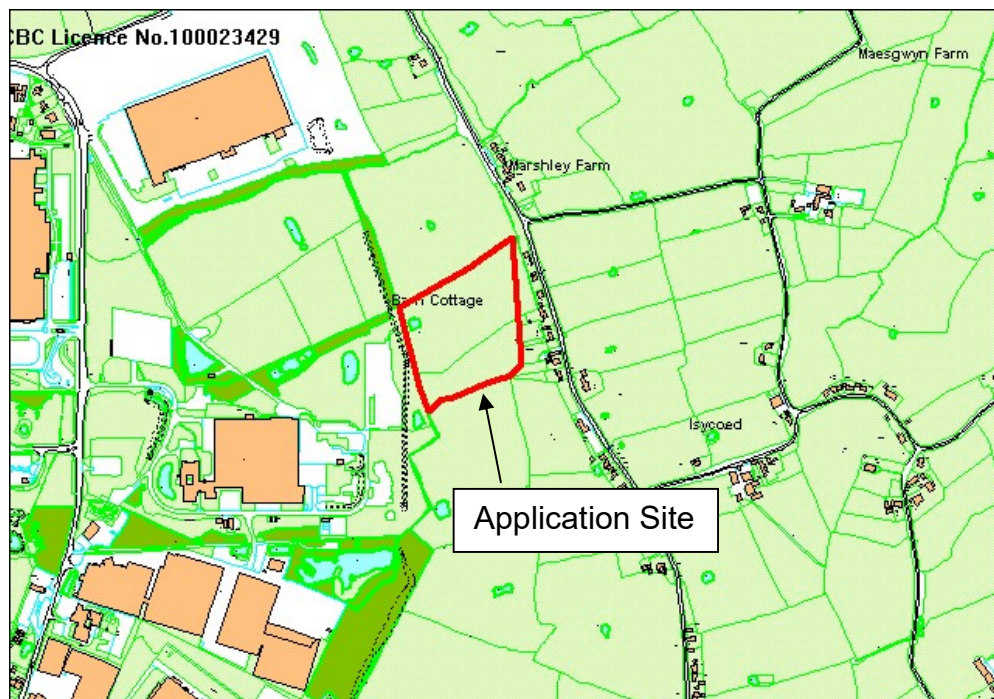
PLAN RED
MR RICHARD PURSER

APPLICANT(S) NAME:

MS EMILY ARMSTRONG
F1 REAL ESTATE MANAGEMENT
LTD

THE SITE

The application site extends to approximately 4.5 hectares of agricultural land located to the immediate east of the Wrexham Industrial Estate Employment Area boundary. The B5130 public highway lies to the east of the application site, along with a number of neighbouring residential properties.



PROPOSAL

Full planning permission is sought for the change of use of the agricultural land into an 'ecological area' (Sui Generis use) in support of wider re-development proposals to the west of the application site forming part of a separate planning application (reference P/2023/0280). The application also proposes the creation of thirteen new wildlife ponds and the formation of two new ditches within the site.

HISTORY

P/2012/0837 Outline application for B2/B8 development and associated ecological mitigation area, including means of access and siting; Decision: Refused; Date: 06/07/2009. Appeal allowed in-part on 06/05/2010.

P/2023/0280 Hybrid planning permission (a) Outline permission (all matters reserved except for means of access) for erection of up to 3 warehouse and distribution units (use class B8) and (b) Full planning permission for demolition, means of access, earthworks, drainage, landscaping, ecology zone and relative ecological mitigation measures, and ancillary works; Decision: Pending Consideration.

RELEVANT NATIONAL PLANNING POLICY

Future Wales: The National Plan 2040
Planning Policy Wales (Edition 11)
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 24: The Historic Environment

DEVELOPMENT PLAN

Local Development Plan:

Located within the open countryside. Within a Local Search Area for solar development and partially within a Non-Energy Mineral Extraction Exclusion Area. Policies SP2, SP11, SP12, SP13, SP14, SP15, SP16, SP17, SP18, SP19, NE1, NE2, NE3, NE6, DM1, T1, MW3, MW5 and RE2 are of relevance.

Wrexham Local Planning Guidance Notes:

The following are of relevance:

07 – Landscape & Development
17 – Trees & Development

32 – Biodiversity & Development

CONSULTATIONS

Isycoed Community Council

Notified 19/09/2023. No response received.

Local Member

Notified 19/09/2023. No response received.

Dwr Cymru Welsh Water

No objections.

Natural Resources Wales

No objections subject to several conditions being attached to any permission granted in relation to biosecurity and protected species. It is confirmed NRW concur with the findings of the submitted ecology information, and it is recommended that the submitted ecological reports are included within the list of approved plans and documents as part of any planning permission granted.

It is also advised that the proposals are unlikely to increase the amount of phosphorus entering the catchment, and NRW are therefore satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

North Wales Fire & Rescue Service

Consulted 22/11/2023. No response received.

Highway Officer

No objections. Assumes that construction traffic and operational movements associated with the development would be via the existing access of Bryn Lane. Identifies that a Construction Traffic Management Plan is likely to be required. Notes the proximity of the application site to a public right of way.

Public Protection Officer

No objections. Recommends that several informative notes are attached to any permission granted relating to construction noise, dust and the burning of waste on the application site.

Contaminated Land Officer

No comments to make.

Parks, Countryside & Rights of Way Manager

Consulted 22/11/2023. No response received.

Ecology & Biodiversity Officer

No objections to the change of use. Comments that it may be necessary for some minor alterations to the site layout to be made.

Conservation Officer

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No comments to make.

Arboricultural Officer

No response received.

Press Notice

Expired 20/12/2023.

Site Notice

Expired: 03/01/2024.

Neighbours

The owners/occupiers of 15 nearby properties/businesses were notified on 22/11/2023.

Five public representations have been received at the time of writing this report, all in objection to the proposals. The comments received are summarised as follows:

- Questions regarding what the soil from the pond excavations will be used for;
- Concerns for wildlife using the site, particularly newts and barn owls;
- Nature should be left to re-wild the site;
- The land should be retained for agricultural purposes;
- The loss of agricultural land is a matter of national significance;
- The site lies outside of a settlement boundary;
- The method of application does not allow transparency of the planning process;
- Submitted ecology information is out of date;
- Surface water drainage concerns

SPECIAL CONSIDERATIONS

The main issues to be considered include the principle of development, design and landscape visual impact, effects upon neighbouring residents, highway safety, ecology and biodiversity issues, the loss of agricultural land, drainage and contaminated land issues.

Principle of Development: There are no policies contained within the adopted Wrexham Local Development Plan relating specifically to the change of use of agricultural land into an 'ecology area'. Whilst the application site is located outside of a defined settlement boundary, the proposal is considered to be compatible and appropriate within an 'open countryside' location.

Furthermore, the land is graded as 3b as per the Welsh Government Agricultural Land Classification Predictive Map, which is not the best and most versatile land to be preserved for future agricultural use. Given that the proposal would not see the change of use of the best and most versatile agricultural land, the development is considered to be compliant with Paragraph 3.58 of Planning Policy Wales.

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In light of the above, the development is acceptable in-principle in accordance with Policies SP2 and DM1 of the adopted LDP.

Design, Visual & Landscape Impact: The proposals would maintain the openness of the land on-site and would not introduce any large retaining structures within the landscape of the open countryside. The application site is currently bound by mature hedgerows and contains additional hedgerows and trees within the site. None of these would be removed as part of the proposed works.

The proposed works would include the planting of additional trees and soft landscaping works, the creation of wildflower meadows, new ponds and grass paths. The proposed works are considered to be acceptable in visual terms and would likely result in an enhancement of the application site in landscape visual impact terms.

It is recommended that full details of the extent of ground/earthworks required, together with planting species, schedules and methods are secured by conditions attached to any planning permission granted.

At the time of writing, amended plans are expected to be submitted to increase the number of ponds on the site, taking into account the comments of the Ecology Officer. Once received, the visual impact of the development will be further assessed. However, given the context of the application site and the nature of the proposals, it is considered the inclusion of additional ponds into the design would be unlikely to cause any adverse visual impact.

Impact upon Neighbouring Residential Amenity: The application site borders a number of residential properties to the east, located along the B5130 public highway. Given the nature of the proposals, the development would not cause any harm in terms of outlook or loss of natural light for neighbouring residents.

In terms of other potential impacts upon neighbouring residential amenity, the Council's Public Protection Officer has raised no objections. Whilst it is accepted there may be some disruption whilst the development is being carried out, this would be short-term only. An Informative Note is recommended to ensure the developer is aware of their responsibilities with regards construction noise and dust generation.

In light of the above, the proposals are considered to be acceptable in accordance with LDP Policy DM1.

Highway Safety: No new vehicular access point is proposed into the site from the B5130 public highway, to the east of the site. As such, access would be gained from the west of the application site, via Bryn Lane.

The Highway Officer has confirmed no objections to the proposals subject to access being gained from Bryn Lane. The Officer has also advised that a Construction Traffic Management Plan should be secured by condition.

In light of the above, and subject to a condition to secure the submission of a CTMP, it is considered the development would not cause any adverse highway safety effects, in compliance with LDP Policy T1.

Ecology: The application has been accompanied by a Great Crested Newt Method Statement & Pond Specification, as well as a Great Crested Newt Presence/Absence Survey & Population Size Class Assessment. The submitted information confirms Great Crested Newt (GCN) are present on the application site.

Having reviewed the submitted information, Natural Resources Wales raises no objection to the proposal subject to the submitted reports being listed within the approved plans/documents, and subject to a condition securing the submission of a site-wide Biosecurity Risk Assessment to the Local Planning Authority. Furthermore, the Council's Ecology Officer raises no objections to the scheme.

It is recommended that in addition to NRW's suggested condition, a further condition is attached to any permission granted to secure adherence to the submitted GCN method statement.

As explained, the Council is waiting for the submission of amended plans at the time of writing this report to increase the number of ponds on the site, taking into account the comments of the Ecology Officer. Once received, both the Ecology Officer and NRW will be re-consulted.

Subject to NRW and the Council's Ecology Officer confirming no objection to the amended plans, the development would accord with the requirements of LDP Policies NE1, NE2, NE3, SP14 and DM1, as well as TAN 5.

Phosphorous: The proposed development would not increase the volume and phosphorus concentration of wastewater, and therefore the development is not likely to cause a significant effect upon the integrity of the River Dee and Bala Lake SAC by way of increased phosphate inputs.

Land Contamination: The Council's Contaminated Land Officer has confirmed they have no comments to make regarding the proposals. Officers therefore consider there are no risks regarding land contamination associated with the proposed development in this location.

Surface Water Drainage: Small sections of the application site, along the eastern boundary, are located within Zones 2 and 3 of the Flood Map for Planning for Surface Water and Small Watercourses. Given the small extent of the site falling within the flood risk zones, and noting the scale and nature of development, it is considered the risks from surface water flooding would remain as existing. In addition, separate SAB approval would be required prior to the commencement of any development on the site, where surface water drainage issues would be considered in-full.

Solar Local Search Area: The application site is located within a Local Search Area for solar development as per the adopted Wrexham Local Development Plan. LDP Policy RE2 confirms that proposals for solar farms <10MW will be directed to the solar local search areas identified on the Proposals Map. However, the policy does not stipulate that alternative development proposals within a local search area should be avoided, and in this case, it is not considered the proposed development would prejudice the wider Solar Local Search Area at Wrexham Industrial Estate. Indeed, the proposed development would only impact a small proportion of the local search area, and Policy RE2 also confirms that new solar development can be considered acceptable in locations outside of a local search area too. As such, it is considered that the proposal would not prejudice the delivery of new renewable energy developments within the County Borough.

CONCLUSION

Having regard to Policies SP2, SP14 and DM1 of the adopted Wrexham Local Development Plan, the proposed development is deemed to be acceptable in-principle in this location. The proposal is also considered to be acceptable in visual terms, and in terms of the impacts upon neighbouring amenity, phosphorous, highway safety, land contamination and the solar Local Search Area. Subject to the Council's Ecology Officer and NRW raising no objections to the amended plans, the proposed development would also not give rise to any ecology concerns.

RECOMMENDATION

That the Chief Officer Economy and Planning be given delegated authority to grant planning permission subject to the Council's Ecology Officer and NRW confirming no objection to the amended plans and to finalise the form and content of appropriately worded conditions to secure the following:

- The development to be carried out in accordance with the submitted plans and GCN Method Statement;
 - The submission of further details of planting and the extent of earth/groundworks associated with the development
 - The submission of a Construction Traffic Management Plan.
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