

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

APPLICATION NO:
P/2023 /0400

LOCATION:
LAND ADJACENT TO LVW
WAREHOUSE RHOSDDU
INDUSTRIAL ESTATE OLD
RHOSROBIN WREXHAM
LL11 4YL

DATE RECEIVED:
19/06/2023

COMMUNITY:
Gwersyllt

CASE OFFICER:
JP

WARD:
Gwersyllt South

DESCRIPTION:
ADEILADU 3 UNED DDIWYDIANNOL
GAN GYNNWYS PARCIO AR Y
SAFLE A CHAEL GWARED A THANC
TANDDAEAROL NA DDEFNYDDIR /
ERECTION OF 3 NO LIGHT
INDUSTRIAL UNITS INCLUDING
SITE PARKING AND REMOVAL OF
DISUSED UNDERGROUND TANK

AGENT NAME:
AZZURRI ARCHITECTS
MR DAVID PATCHETT

APPLICANT(S) NAME:
MR PETER WALSH
LVW GROUP LTD

SITE

The existing 4040 square metre site has direct vehicle access from the Rhosddu Industrial estate, an adopted road, and comprises of a 920 square metre light industrial unit with concrete hardstanding to the front to accommodate parking for around 20 staff cars. The site is unallocated within the LDP but is within a settlement boundary and within an established industrial estate.



PROPOSAL

Permission is sought for the erection of 3no. light industrial units to the west of the site with associated parking, cycle and waste collection facilities. In addition to the development, an existing below ground 25,000 litre fuel storage tank is to be purged, removed from site with the area being backfilled and a new parking area for the existing unit formed over.

RELEVANT HISTORY

None relevant to this part of the site.

NATIONAL POLICIES & GUIDANCE

- Future Wales: The National Plan 2040
- Planning Policy Wales (Edition 11)
- TAN 5: Nature Conservation & Planning
- TAN 12: Design
- TAN 18: Transport
- TAN 23: Economic Development

DEVELOPMENT PLAN

Local Development Plan

Within a defined settlement limit. LDP Policies DM1, SP14 and T1 are applicable.

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Local Planning Guidance Notes (LPGN) No. 16 'Parking', No. 30 'Design' and No. 32 'Biodiversity and Development' are applicable.

CONSULTATIONS

Community Council

No response at time of writing

Local Member

No response at time of writing

Natural Resources Wales

Raises no objection provided that:

- NRW's policy advice regarding developments with the potential to increase phosphorous discharges to the River Dee and Bala Lake SAC is followed; and
- Planning conditions to be imposed requiring a remediation strategy to be submitted if any land contaminated not previously identified is found;
- The submitted Ecology Reports are listed in the 'approved plans' condition.
- A planning condition be imposed requiring GCN Reasonable Avoidance Measures to be submitted and approved.
- A pre commencement condition be imposed requiring that no development, including site clearance, shall commence until a Biosecurity Risk Assessment and Method Statement that considers invasive non-native species and specific diseases (e.g. Chytrid) has been submitted to and approved in writing by the Local Planning Authority.

Welsh Water

Confirm hydraulic capacity within the sewer network and relevant phosphate permit in place at Five Ford Treatment Works. Request imposition of planning condition requiring submission and approval of drainage scheme.

North Wales Fire Authority

No observations in regard to access for appliances and water supplies. The Fire Authority will have an opportunity to comment on the proposed fire safety measures within the premises during the Building Regulations Consultation process.

Public Protection Officer

Recommends standard conditions in relation to noise and dust management and advisories in relation to the burning of waste.

Contaminated Land Officer

Notes the removal of underground fuel tank. Recommends conditions are imposed requiring site investigation and remedial works if necessary.

Ecologist

Recommends inclusion of condition requiring Nett Biodiversity Benefit and tree protection measures for existing trees.

Highway Officer

Further to receipt of drawing 2219/DD/001A and covering email 13th November 23, confirms no further comments relating to highways approval but requests any approval is subject to receipt of a CTMP to demonstrate the works are managed without disruption to the road network and neighbouring existing buildings.

Advises standard highways guidance notes should be attached to any planning permission for the Applicant's reference. Request that the Applicant coordinates with the Highway Officer regarding refreshing the entrance surfacing when any construction works are completed.

Publicity

Neighbours: 21 neighbour notifications issued and site notice displayed – no representations received.

SPECIAL CONSIDERATIONS

Principle of Development: The principle of development is acceptable in accordance with Policy SP12 of the LDP which directs new development for employment to sites within settlements limits.

Visual Impact: The three units are proposed to be sited in 1no. block, with a standing seam mono-pitch roof to form a single rainwater gutter on the rear of the building to simply discharge into the existing surface water system. Service access would be via 4x4m insulated roller shutter doors with vision panels. Externally, the existing concrete apron would be broken out and the below ground 25,000 litre fuel storage tank, at the front of the site would be dismantled and removed.

Screened bin spaces would be allocated to each of the new units, sized to accommodate 1,100 litre commercial Euro bins. Access to the front entrance doors, roller shutter doors and rear fire escape doors would be via a 1/12 ramp with level areas in front of the thresholds. The proposed units are considered to be of appropriate scale, layout and design to assimilate well into the site, with the external finishes being reflective of the visual appearance of nearby buildings. The site is bound by existing palisade fencing which is mirrored elsewhere on the Industrial Estate. However, it is recommended that a scheme of hard and soft landscaping should be submitted and approved to further protect the visual amenities of the area, which could be secured via planning condition. It is not considered that the development would be detrimental to the character and appearance of the site and wider area and as such satisfies Policy DM1 of the LDP.

Access and Parking: The existing access serving the site is considered to be adequate to accommodate increased vehicular movements, as confirmed by the Highways Officer. Parking provision in accordance with LPG 16 is

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proposed, calculated for B1 – Business and Light Industry use to be 1 car space per 30 m2 gross floor space, equating to 21 spaces. The existing LVW storage and distribution warehouse retains a minimum of 10 spaces and for the total new and existing floor areas, 4No. cycle rack spaces are proposed.

The access and parking arrangements proposed are in compliance with LPG 16 and in accords with policies DM1 and T1 of the LDP. To further ensure the works are managed without disruption to the road network and neighbouring existing buildings, it is recommended that a Construction Traffic Management Plan be submitted for approval and that this be secured via planning condition. In addressing the comments of the Highways Officer, an advisory attached to any subsequent consent will recommend that the developer coordinate with the Highway Officer regarding refreshing the entrance surfacing when any construction works are completed.

Ecology and Biodiversity: The submitted PEA fails to identify the potential presence of nearby habitats for breeding Great Crested Newts, as recorded in the vicinity. Table 7, Section 4 of the report includes a precautionary working method in relation to amphibians including Great Crested Newts, however additional information should be provided in respect of reasonable avoidance measures. As recommended by NRW and the County Ecologist, it is recommended that a condition be imposed, if planning permission is granted, requiring the submission and approval of GCN RAMS.

A scheme of Biodiversity enhancements to comply with Chapter 6 of PPW Ed11, Policy NE1 and LPGN 32 should be submitted and approved and it is recommended that this is secured via planning condition, being linked to the requirement of a landscaping scheme.

There are 4no. maple trees identified to the south east of the site which would be retained. To ensure these trees are adequately protected during the duration of construction, it is recommended that a planning condition be imposed requiring tree protection measure be implemented during the development.

Subject to the above, it is considered that impact upon protected sites/species can be mitigated and the proposal satisfies Policy NE1 of the LDP.

Foul Drainage: Foul flows are to be disposed of via connection to the main sewer network. Dwr Cymru/Welsh Water have confirmed that there is capacity within the network to accommodate the foul flows only and that there is a phosphate permit in place at the Five Fords Wastewater Treatment Works. Subject to the imposition of a condition requiring the submission and approval of a comprehensive drainage scheme, the development accords with Policies DM1 and NE6 of the LDP and would not cause a significant impact upon the River Dee SAC.

Residential Amenity: Owing to the location of the proposed building amongst the built form of an existing industrial estate, it is not considered it would give rise to a negative impact on adjacent living conditions. A planning condition

could ensure that noise levels do not exceed the pre-existing background levels, as measured from the nearest noise sensitive receptors.

CONCLUSION

In conclusion, the proposal represents an appropriately scaled and designed development which would harmonise with its surroundings. Access and parking is considered acceptable as is the foul drainage and ecology proposals subject to the imposition of planning conditions. There would not be an unacceptable impact upon the integrity of the SAC, nor upon adjacent living conditions. The proposal complies with the relevant planning policies and is subsequently recommended for approval.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

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 approved drawing(s) numbered 2219/DD/001A, 2219/DD/002A, 2219/DD/003A and as contained within the application documentation.
3. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment as carried out by Arbtech Consulting Limited and dated December 2023 approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development and shall thereafter be retained.
4. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in accordance with a timescale to be agreed as part of the submitted details and retained thereafter.
5. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound.
6. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is

found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

7. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 07 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

8. Prior to the occupation or operation of the development or phase of development, a long-term monitoring plan for water quality and land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long-term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required (for 3 years)
- Timescales for submission of monitoring reports to the LPA e.g. annually
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Justification: A land contamination long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on water quality and flood risk.

9. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

10. No development, including site clearance, shall commence until a Biosecurity Risk Assessment, and Method Statement that considers invasive non-native species and specific diseases (e.g. Chytrid) has been submitted to and approved in writing by the Local Planning Authority.

The risk assessment must include:

- (i) appropriate measures to control any INNS on site;
- (ii) measures or actions that aim to prevent INNS from being introduced to the site for the duration of construction and operational phases of the scheme.

The risk assessment shall consider landscaping and other related plans.

The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

11. No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority. The plan as approved shall be implemented for the duration of the construction of the development.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with policies DM1 and NE1 of the Local Development Plan.
4. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policy DM1 of the Local Development Plan.
5. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Local Development Plan.
6. In the interests of the amenities of the future occupants of the buildings in accordance with Policy DM1 of the Local Development Plan.
7. In the interests of the amenities of the future occupants of the buildings in accordance with Policy DM1 of the Local Development Plan.
8. A land contamination long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on water quality and flood risk in accordance Justification: A land contamination long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on water quality and flood risk in accordance with Policy DM1 and SP18 of the Local Development Plan.
9. To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution in accordance with Policies DM1 and NE6 of the Local Development Plan.
10. To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to prevent or control the spread and effective management of any invasive non-native species and listed diseases at the site in accordance with Policy DM1 of the Local Development Plan
11. In the interests of highway safety in accordance with Policy DM1 of the Wrexham Local Development Plan.

NOTE(S) TO APPLICANT

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

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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.

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.

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.

Lighting has the potential for classification as a statutory nuisance under the Environment Protection Act 1990. If lighting is found to be causing a nuisance than an Abatement Notice may be served, and the applicant is advised to consider this when designing the installation of any lighting.

Further advice on compliance with condition nos. 7 - 9 may be obtained by contacting the Council's Contaminated Land Officer on 01978 298771 or 298333, or contaminatedland@wrexham.gov.uk

Should the investigation identify contamination issues that may affect

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receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Council's Contaminated Land Officer prior to commencement of works on site.

Highways Development Control Standard Advisory Note

In the interests of maintaining highway safety, and to avoid obstruction of the public highway (in

contravention of the Highways Act), The Applicant is advised to coordinate with the highway

authority at highwayroadworks@wrexham.gov.uk in advance of commencement of the

development/works with respect to:

1. Skip, scaffolding, hoarding or A frame/signage (Permit required for these items, if on the

public highway);

2. Use of a parking space for a set down/delivery area;

3. Record a dilapidation survey of the adjacent carriageway prior to commencement (to avoid

being ask to repair damage by the Applicant whilst carrying out their works);

4. If any lane closure or obstruction of the highway is required for a crane or similar;

5. Protection against dust and debris blowing onto the public highway

6. Construction traffic parking locally avoiding nuisance to others;

7. If the Applicant's scope of work includes new apparatus in the highway, such as new mains services then a Section 50 licence will be required.

Insurances and demonstration of competency to carry out works in the public highway will be required
