

REPORT OF THE CHIEF PLANNING OFFICER – 4 DECEMBER 2023

APPLICATION NO:

P/2023 /0280

LOCATION:

LAND OFF BRYN LANE WREXHAM
INDUSTRIAL ESTATE WREXHAM
LL13 9UT

DATE RECEIVED:

12/04/2023

COMMUNITY:

Isycoed

DESCRIPTION:

CANIATAD CYNLLUNIO HYBRID (A)
CANIATAD AMLINELLLOL (HOLL
FATERION WEDI EU CADW'N OL AC
EITHRIO MYNEDIAD) AR GYFER
CODI HYD AT 3 WARWS AC UNED
DOSBARTHU (DEFNYDDIO
DOSBARTH B8) A (B) CANIATAD
CYNLLUNIO LLAWN AR GYFER
DYMCHWEL, MYNEDIAD, GWAITH
CLODDI, DRAENIO, TIRLUNIO,
PARTH ECOLEG A MESURAU
LLINIARU ECOLEGOL
CYSYLLTIEDIG, A GWAITH ATEGOL

CASE OFFICER:

GH1

WARD:

Holt

AGENT NAME:

PLAN RED LTD
MR RICHARD PURSER

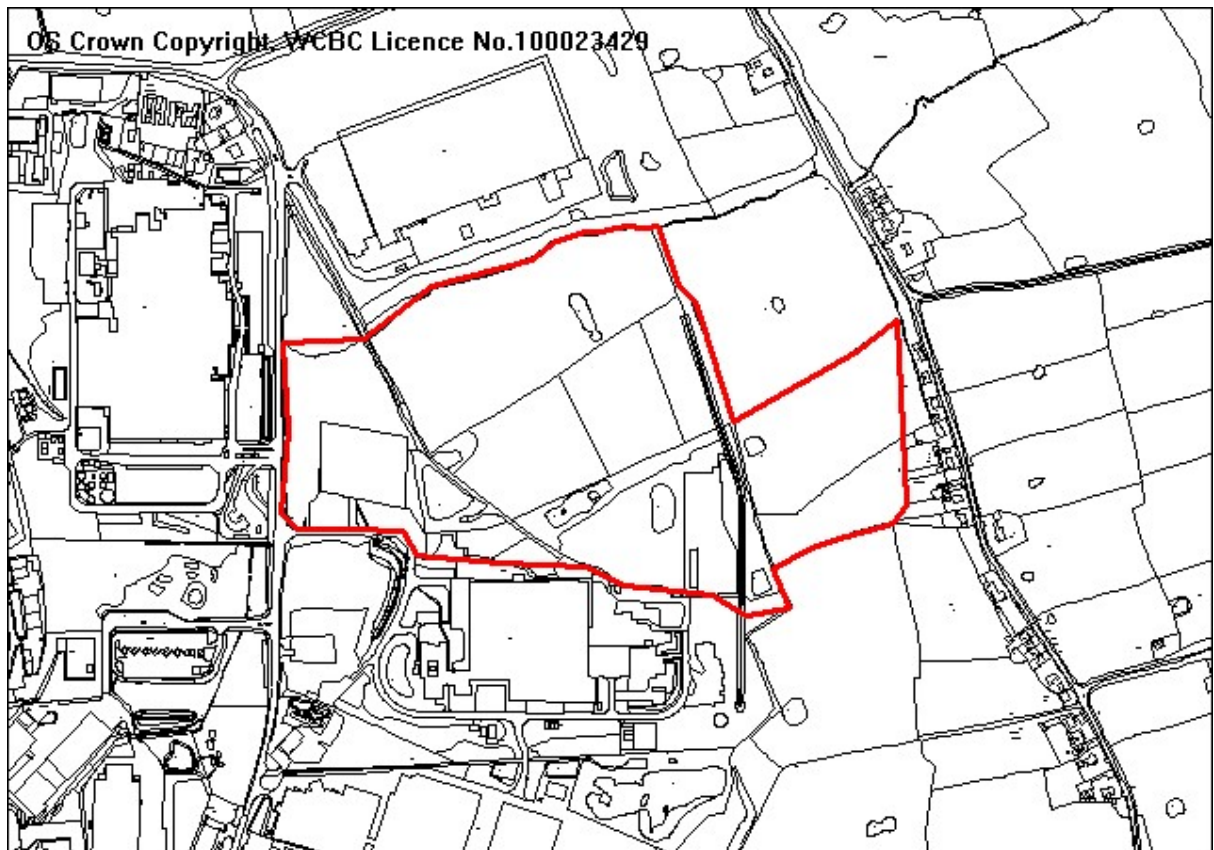
HYBRID PLANNING PERMISSION (A)
OUTLINE PERMISSION (ALL
MATTERS RESERVED EXCEPT FOR
MEANS OF ACCESS) FOR
ERECTION OF UP TO 3
WAREHOUSE AND DISTRIBUTION
UNITS (USE CLASS B8) AND (B)
FULL PLANNING PERMISSION FOR
DEMOLITION, MEANS OF ACCESS,
EARTHWORKS, DRAINAGE,
LANDSCAPING, ECOLOGY ZONE
AND RELATIVE ECOLOGICAL
MITIGATION MEASURES, AND
ANCILLARY WORKS

APPLICANT(S) NAME:

MRS EMILY ARMSTRONG
FI REAL ESTATE MANAGMENT LTD

THE SITE

The application site extends to approximately 25 hectares of land to the east of Bryn Lane; comprising approximately 3 hectares of previously developed land relating to the former Owens Corning site, and the remainder being greenfield land. The existing Net World Sports site lies to the north of the application site, whilst the Very site lies to the south.



PROPOSAL

The application seeks outline planning permission, with all matters reserved except for means of access, for the erection of up to three warehouse and distribution units (B8 use class), together with ancillary office accommodation, totalling up to 93,019 sq. metres net floor space, service yards, car parking, HGV parking, internal circulation, landscaping and ancillary works.

In addition to the above, full planning permission is sought for the demolition of existing structures on the site, means of access, earthworks, drainage, landscaping, the creation of an 'ecology zone' within the easternmost areas of the site, to include ecological mitigation measures, and ancillary works.

HISTORY

P/2005/0334 Outline application for industrial/employment development.
Withdrawn 25/10/2005.

P/2010/0072 Outline application for B2/B8 development and associated ecological mitigation area including means of access and layout;
Decision: Withdrawn; Date: 17/05/2010.

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

REPORT OF THE CHIEF PLANNING OFFICER – 4 DECEMBER 2023

P/2023/0640 Change of use from agriculture to ecological area and creation of ponds and ditches. Pending.

The site was also subject of a Development Consent Order for a Gas Fired Power Station in 2017. This permission expired in 2022.

RELEVANT NATIONAL PLANNING POLICY

- Future Wales: The National Plan 2040
- Planning Policy Wales (Edition 11)
- Technical Advice Note 4: Retail & Commercial Development
- 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 23: Economic Development
- Technical Advice Note 24: The Historic Environment

DEVELOPMENT PLAN

Adopted Unitary Development Plan:

Partially within Wrexham Industrial Estate settlement boundary as an employment allocation, and partially within open countryside. Policies PS1, PS2, PS3, PS4, PS6, PS8, PS11, GDP1, GDP2, EC2, EC4, EC6, EC9, EC11, EC12, EC13, E1, E3, E5, T1, T8 and T9 are of relevance.

Draft Local Development Plan:

Partially within Wrexham Industrial Estate Employment Area and Strategic Ecological Network, and partially within the open countryside. Policies SP2, SP5, SP8, SP9, SP11, SP12, SP13, SP14, SP15, SP17, SP18, SP19, EM1, EM2, EM3, NE1, NE2, NE3, NE6, DM1, T1, T2, T3, MW5 and RE1 are of relevance.

CONSULTATIONS

Isycoed Community Council:

Objects on six grounds:

- Visual impact concerns associated with proposed height of buildings.
- Impact upon neighbours in terms of noise, pollution, light and operational activities.
- Ecological mitigation area is off-site and is on prime agricultural land. Brownfield land should be considered before greenfield land is developed.
- Ecological mitigation measures do not go far enough.
- Concerns regarding proposed demolition works and the potential for contamination.

REPORT OF THE CHIEF PLANNING OFFICER – 4 DECEMBER 2023

- Concerns in relation to the impact of the development upon the local highway network and an existing lack of lorry park and driver facilities within the area.

Farndon Parish Council:

Consideration should be given to the wider visual impact of the proposals. Any permission granted should require the use of dark green materials.

Local Member:

Notified 24/05/2023. No response received.

Sarah Atherton MP:

Residents have expressed concerns with the height and colour of the proposed buildings, and have requested that bunding is utilised to reduce the visual impact. Other concerns also relate to the possibility of the development exacerbating existing flooding issues within the vicinity, the impacts upon ecology and an increase in HGV traffic. Light and noise pollution issues have also been expressed by local residents. Whilst supportive of Wrexham expanding, the MP considers that sufficient supporting infrastructure needs to be developed as part of any expansion. The MP is pleased with the Applicant's commitment to working with local residents on the issues raised, and appreciates that it is impossible for all to be happy with any decision made.

Highway Officer:

Consulted 24/05/2023. No response received.

Contaminated Land Officer:

Raises no objections subject to a number of appropriately worded conditions in relation to a phased site investigation, the production of a verification report and an informative note in relation to contamination issues.

Public Protection Officer:

No objections raised subject to a number of conditions and informative notes in relation to noise, the burning of waste, a Vibration Management Scheme and a dust management scheme. The Officer confirms the findings of the submitted Noise Assessment Report and Air Quality Assessment are accepted.

Rights of Way Officer:

No comments to make.

Arboricultural Officer:

The Arboricultural Officer raises concerns in terms of the loss of both individual trees and collective groupings of trees and the overall impact of such losses on both biodiversity and overall tree canopy cover. Objections are also raised in terms of the proposed loss of approximately 640 metres of existing hedgerow. The Officer confirms that the development is currently contrary to the requirements of Planning Policy Wales and the Wrexham County Borough Council Tree and Woodland Strategy (2016-2026).

REPORT OF THE CHIEF PLANNING OFFICER – 4 DECEMBER 2023

Ecology & Biodiversity Officer:

The Officer raises no fundamental objections to the principle of the development and the provisions of the proposed ecological mitigation/compensation areas. However, issues are raised with the submitted Ecological Report regarding water vole. Further ecological enhancement measures have also been requested and additional detail is required on the management and enhancement of the mitigation site and also its long-term management and security. Further, the Officer has requested that further details of proposed site drainage be submitted. A range of areas to be covered by conditions and planning obligations are identified.

Conservation Officer:

The Officer notes that four Grade II listed buildings lie to the south west of the site, at Isycoed, and whilst the proposed development site is not part of the listed buildings' immediate setting, the site does contribute to their wider appreciation and understanding within the landscape. Some inter-visibility between the listed buildings and the proposed development is anticipated, particularly due to the height of the buildings breaking above the treeline. However, the Officer considers this to have a minor impact on the buildings' significance as the development will be seen in context with the existing industrial estate to the west, north and south. The Officer concludes that the development is likely to cause a low level of harm to the identified listed buildings through the loss of and redevelopment of existing fields.

Natural Resources Wales:

Concerns are expressed in relation to foul drainage arrangements. Concerns are also raised in relation to the potential impacts upon great crested newts. However, conditions and planning obligations are recommended to overcome the issues raised.

Dwr Cymru Welsh Water:

Advises it is likely that insufficient capacity exists within the public sewerage network to accommodate foul flows from the development without causing detriment to existing services and the environment. It is recommended that the Applicant undertakes a Hydraulic Modelling Assessment.

North Wales Fire & Rescue Service:

No objections raised as the Fire Authority will have opportunity to comment during the Building Regulations Consultation process.

Flood & Water Management Team:

Consulted 24/05/2023. No response received.

Press Notice:

Expired 05/07/2023.

Site Notice:

Expired 02/08/2023.

REPORT OF THE CHIEF PLANNING OFFICER – 4 DECEMBER 2023

Neighbours:

The owners/occupiers of 15 nearby properties/businesses were notified on 16/06/2023.

24 public representations have been received at the time of writing this report, with 23 in objection to the proposals and one being neutral. The comments received are summarised as follows:

Objection:

- Concerns regarding phosphate and pollution
- Issues relating to the ecological impact
- Desire to see bunding proposed
- Concerns relating to the height, design and external appearance of the proposed buildings
- Visual impact upon the landscape and the wider Clwydian Range and Dee Valley AONB
- Flooding concerns
- Impact upon neighbouring residents
- Light pollution concerns
- Issues relating to noise pollution
- Traffic concerns
- Proposals represent an over-development of the site
- Concerns relating to surface water drainage
- Issues relating to siting
- Only part of the site is located within the UDP settlement boundary, and the ecological mitigation area would be within the open countryside
- Questions regarding the accuracy of supporting documents
- Agricultural land should be protected
- Proposed ground level changes would increase height of the buildings
- Additional landscaping should be required
- Development would impact upon views and property prices
- Questions regarding consultation process

Neutral:

- Development should include renewable energy infrastructure

SPECIAL CONSIDERATIONS

Principle of Development: The application site is partially located within the Wrexham Industrial Estate settlement boundary as per the adopted Wrexham UDP; with the area of the proposed warehouse development being located wholly within the settlement. The land is allocated for employment development as part of UDP Policy E3, and therefore the principle of the proposed B8 use in this location is considered acceptable.

In terms of the draft LDP, the area of the proposed warehouse development itself would lie wholly within the identified Wrexham Industrial Estate Employment Area, where LDP Policy SP9 supports new B1, B2 and B8 employment. The development is therefore acceptable in-principle.

REPORT OF THE CHIEF PLANNING OFFICER – 4 DECEMBER 2023

In terms of the proposed ecological mitigation areas, which lie outside of the defined settlement limit as per both the UDP and draft LDP, it is considered that the use as an ecology zone would not be incompatible in-principle with the open countryside location. Whilst there are no policies directly applicable within either development plan, given the land would remain 'open' and would not be subject to any built development, it is considered the impact upon the character of the countryside would be acceptable in accordance with UDP Policies PS2 and GDP1 and LDP Policy DM1. 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.

In light of the above, the development is acceptable in-principle in accordance with UDP Policies GDP1 and E3 and Policies DM1 and SP9 of the draft LDP.

Design, Visual & Landscape Impact: The application proposes the erection of up to three warehouse (B8) buildings (with ancillary office accommodation) together with associated service yards, car parking, HGV parking, internal circulation, landscaping and ancillary works. The application is submitted in a hybrid format; with certain elements being sought in outline and other parts being sought in full.

Whilst matters in relation to appearance, landscaping, layout and scale for the proposed employment development itself are reserved for future consideration, based upon the submitted indicative site plan, there are no objections to the proposed site layout. It is considered that an acceptable layout could be devised so as not to cause any adverse visual impact upon the application site, its vicinity, and the wider landscape.

In terms of scale, the proposed buildings would have a maximum height to the ridgeline of 30 metres above adjacent ground levels. Whilst this would be minimally taller than the adjacent Net World Sports building to the north of the application site, it is comparable to the tallest structures at the adjacent Kelloggs site, to the west. Indeed, it is considered that given the proposed buildings would be viewed against the backdrop of the wider industrial estate, where existing structures of similar height and scale already exist, the proposals would not cause any unacceptable or intrusive visual or landscape impact. Further, indicative landscaping proposals have been advanced for the area of the development itself and it is considered an acceptable scheme of landscaping could be developed to assimilate the development successfully into the landscape setting. Full landscaping features for this part of the application site would be subject to a future reserved matters application.

It is noted that concerns relating to the proposed colour and external appearance of the buildings have been raised within the public representations. However, the final design and appearance of the buildings would be subject to a future reserved matters application, including their external colour finish.

REPORT OF THE CHIEF PLANNING OFFICER – 4 DECEMBER 2023

Concerns have also been raised within the public representations regarding a lack of any bunds being proposed to the east of the proposed buildings. Whilst the Net World Sports building to the north of the site does include a relatively small scale bund to its east, on this occasion it is not considered that a bund would be necessary to make the development acceptable in visual terms. The site is located wholly within the Wrexham Industrial Estate Employment Area as per the draft LDP, where such B8 units are deemed acceptable in principle.

The element of the application seeking full permission relates to a range of earthworks, demolition, landscaping, ecological mitigation measures and the provision of utilities (including SuDS features). Whilst this part of the application site is located outside of the settlement boundary, as noted above, it is considered the proposed works would be acceptable in this location and would not detract from the character of the countryside.

Issues relating to levels and the extent of ground/earthworks required would be controlled by way of condition as part of any permission granted.

Impact upon Neighbouring Residential Amenity: There is a distance of approximately 290 metres between the eastern elevation of the proposed buildings and the nearest residential properties to the east of the site. Whilst the final siting, design and scale of the proposed buildings are not known at this time, it is considered that given this generous separation distance, there would be no potential for any adverse overbearing, overshadowing or overlooking effects to arise.

Furthermore, the Council's Public Protection Officer has raised no objections to the proposal subject to a number of appropriately worded conditions and Informative Notes in relation to dust management, noise, a vibration management scheme and the burning of waste.

In light of the above, subject to the imposition of appropriate conditions, the proposals are deemed to be acceptable in this regard and compliant with UDP Policy GDP1 and LDP Policy DM1.

Highway Safety: The proposal seeks to gain vehicular access from an existing access point off Bryn Lane, which would be improved as part of the development. Within the site, the creation of internal estate roads, parking areas and service yards are all subject of the outline application, with details reserved for future consideration.

No formal consultation response has been received from the Local Highway Authority at the time of writing. Whilst the site is located within the boundary of the industrial estate where the principle of development is acceptable, the acceptability of the proposed access arrangements along with any required active travel and public transport improvements remains unknown at this stage. Planning permission would not be granted until such time that these details were agreed by the Highway Officer.

REPORT OF THE CHIEF PLANNING OFFICER – 4 DECEMBER 2023

Ecology: Since the submission of the application, Chapter 6 of Planning Policy Wales has been updated, which requires all applications to be accompanied by a Green Infrastructure Assessment, and to demonstrate that the 'step-wise approach' has been followed during the preparation of the application. The LPA is still awaiting further information from the Applicant to satisfy the updated requirements.

Information submitted with the application confirms the presence of Great Crested Newts (GCN) on the site. The Ecology Officer notes that the proposed GCN mitigation area is contiguous with the application site and would promote the natural distribution of the species along foraging and dispersal routes. The Officer does, however, note that the mitigation measures could go further to enhance the mitigation land for GCN and provide a net benefit for biodiversity. The Officer also notes that further information is required in terms of the long-term management and security of the mitigation land. These issues are currently outstanding, with a response awaited from the Applicant.

NRW has also been consulted and has raised concerns in relation to the potential impacts of the development upon GCN. However, subject to the inclusion of a condition to require the submission of an Amphibian Conservation Plan to the Local Planning Authority, NRW considers the issues outlined would be addressed. NRW also deem that the Applicant would need to enter into a Planning Obligation to secure provisions including a commuted sum to resource ecological surveillance, management and wardening of the site and to secure the long-term management of the site.

Any planning permission granted would be subject to a Planning Obligation to secure this in agreement with the Applicant.

The Ecology Officer has also recommended several areas that would need to be subject to appropriately worded conditions; including external lighting details, details of landscaping, net biodiversity benefit measures, details of an Ecological Clerk of Works and details of ongoing liaison meetings. Again, any planning permission granted would be subject to the recommended conditions.

Trees: The application proposes the removal of several areas of trees and hedgerows, whilst several trees of value have been identified for retention. It is noted that none of the trees within the site are subject to a Tree Preservation Order, although the site's northern boundary is comprised of a group TPO.

The Authority's Arboricultural Officer is currently objecting to the development for a number of reasons, including the loss of both individual trees, collective groupings of trees and hedgerows and the overall impact of such losses on both biodiversity. It is further noted that several category 'A' and 'B' trees are proposed for removal, and the Officer raises concerns with this.

REPORT OF THE CHIEF PLANNING OFFICER – 4 DECEMBER 2023

These concerns have been shared with the Applicant's Agent and remain unresolved at present. Again, planning permission would not be granted until the concerns of the Arboricultural Officer have been suitably addressed.

Phosphorous: In terms of foul drainage, the application proposes to connect to the public sewerage system within the site's vicinity.

Dwr Cymru Welsh Water have advised it is unlikely that sufficient capacity exists within the public sewerage network to accommodate the foul flows from the development, and that a Hydraulic Modelling Assessment (HMA) needs to be carried out. Whilst Dwr Cymru Welsh Water have advised this could be subject to an appropriately worded condition, in-line with NRW's Phosphates Guidance, this matter would need to be resolved, and the HMA completed satisfactorily, prior to any approval of the planning application.

The Applicant has confirmed they are currently liaising with Dwr Cymru Welsh Water regarding the HMA process, and the Local Planning Authority is awaiting the submission of the HMA. This matter therefore currently remains unresolved and planning permission would not be granted until it was.

Contaminated Land: The application is accompanied by substantial information regarding land contamination, which has been reviewed by the Authority's Contaminated Land Officer. Within their response, the Contaminated Land Officer notes and accepts the information submitted thus far. However, two conditions in relation to a phased site investigation and the production of a Verification Report, have been recommended in the event that planning permission is granted.

Historic Environment: Four Grade II listed buildings lie to the south-west of the site, at Isycoed. The Council's Conservation Officer considers that the proposed development would have a negative impact upon the setting of the listed buildings, but concludes that the overall level of harm caused would be low. In light of this, together with the fact the developable area of the site is located wholly within the Wrexham Industrial Estate Employment Area, it is considered that the limited impact upon the listed buildings would be justified in this instance.

Renewable Energy: Policy RE1 of the draft LDP requires major developments to incorporate schemes to generate energy from renewable and low carbon technologies. At present, insufficient information has been submitted to demonstrate compliance with this policy criterion, and therefore this issue currently remains unresolved.

CONCLUSION

In summary, the principle of development is considered to be acceptable in accordance with Policy E3 of the Wrexham UDP and Policy SP9 of the draft LDP, and it should be noted that a commercial development of this scale would generate significant economic benefits to the County Borough. However, at this stage, several issues require resolution including highway

REPORT OF THE CHIEF PLANNING OFFICER – 4 DECEMBER 2023

safety, ecology, phosphates, trees and hedgerows and renewable energy. These matters would have to be resolved to the satisfaction of external statutory consultees and the Chief Officer Economy & Planning before planning permission could be granted.

RECOMMENDATION

It is considered that the proposed scheme is acceptable in principle. As a result, the Chief Officer Economy & Planning seeks delegated authority to grant planning permission and outline planning permission for the scheme subject to the outstanding matters highlighted within this Report being resolved to the satisfaction of all relevant statutory consultees and subject to the completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the long term management of the ecology mitigation/compensation measures and to secure the provision of any required highways and active travel improvement works. In the event that the Planning Committee agrees with this request, it is recommended that the Chief Officer Economy and Planning be given delegated authority to determine the final form and content of the planning conditions and Planning Obligations.

Should the outstanding issues outlined within this report not be resolved to the satisfaction of all relevant statutory consultees and the Chief Officer Economy & Planning, the application would be returned to the Planning Committee for a decision.
