

Planning note in support of application P/2022/0668 relating to LDP Policy EM6
Site 5, Clywedog Road South, Wrexham Industrial Estate

26 May 2023

Policy EM6

Land surrounding Pentre Maelor and residential dwellings adjacent KSS3: Land to the north of Bryn Lane, as shown on the proposals map, are safeguarded as buffer zones remaining free of built development to ensure satisfactory standards of residential amenity.

The objective of Policy EM6 is to ensure a satisfactory standard of residential amenity is achieved by creating a buffer zone free from built development around the estate. Because residential amenity is a subjective matter the buffer is effectively a means in land use planning to set out a general position on what might be considered an acceptable relationship between existing residential and potential future non-residential built development.

What policy EM6 does not do is state that a building beyond the buffer zone, even by only one metre, could not harm residential amenity because the nature and use of that building may still cause harm outside this buffer zone; for example heavy industry, incinerators, etc. Also, as a policy, it is silent on the potential for harm to residential amenity from activity outside buildings associated with a commercial use. The policy is explicit that the buffer applies to built development and does not mean an absence of development within the buffer zone, which in the context of employment land could mean service yards, car parks, storage areas, etc. All of which may be lit, emit noise / fumes, movement of forklifts and vehicles, reversing sirens, idling engines, plant / cooling fans of refrigerated trailers and activity that disturbs or harms residential amenity. Yet the presence of this activity would not offend the objective of Policy EM6 which is concerned only with separation of built development, but potentially those issues would be a consideration of other policy and statutory controls under the Environmental Protection Act in terms of harm to residential amenity.

So it is to this area that the policy does not cover that we consider provides the basis of our planning case to permit a building to partly encroach into the buffer zone as a permissible exception or departure to Policy EM6.

We've already set out our case in the original Planning Statement, but as recap the position of the proposed building will provide a physical barrier and screen to protect residents from the active façade of the unit and the yard areas to the western frontage of the site. In our view the physical barrier will prove far more effective long-term to protect amenity than any arrangement which provides storage areas, parking or servicing on the rear / east side of the unit beside homes even if such arrangement complies with Policy EM6 in built layout terms.

This was a point made and accepted in the previous outline application P/2018/1087. The committee report set out the officer consideration on the issue thus;

"... Approval of building scale is sought at this stage therefore it is safe to conclude, given the restrictions on site shape, that the buildings are to [be] located roughly in the locations as shown in the indicative site plan. Another consequence of the site shape is the need to locate

the buildings with their operation elevations facing away from the residential properties. Matters of detail in relation to layout are reserved for further approval but designing the buildings in this way is considered to be a significant mitigation measure in relation to noise control.

This outline planning permission can include conditions ensuring that the openings on any buildings do not face the Pentre Maelor estate. As discussed above, the deposit LDP has removed any land use restriction on future development of the land. A non-developable strip of 50m as shown on the associated proposals map is intended to provide a buffer for these residents. The indicative site plan shows a layout which would broadly accord with this requirement. However, there are certain sections of both buildings which eat into this buffer simply by reason of the buffer's irregular shape and the regular form of the building footprints. In their submission, the applicant has made reference to the unscientific application of this buffer and how the distance of 50m was arrived at given its purpose as an amenity buffer. The objections to this element of the emerging LDP designation is a matter for the EiP and not this planning application. Only the merits of this planning application can be considered at this time.

Given that the council's Public Protection officers have not objected to this application on the grounds of noise or air quality subject to the imposition of conditions, and that the emerging LDP is seeking to derestrict this parcel of land, I am satisfied that the development will not have a detrimental impact upon the neighbouring occupiers. The applicant has indicated the retention of a buffer zone within which defensive ecological habitat improvements and landscaping is to be provided. Where the development footprint does impinge within this buffer, I am satisfied that the no part of the building will emanate noise and controls will be in place by way of the noise restriction condition. Members are also reminded that controls are also available to the local authority through the Environmental Protection Act 1990. Whilst I am satisfied that there will be no detrimental amenity impacts in planning terms, any extreme or unusual instances of harm can be dealt with as a statutory nuisance."

In the current application Public Protection has again not objected, subject to relevant conditions, to the proposal on grounds of noise and air quality.

In the current application the same issue of a regular shaped building and an irregular boundary arises, but this time with one, larger building and only one area of encroachment and not two into the buffer zone.

And in the current application we propose landscape and mitigation measures within the site and between the proposed building and share boundary to the homes.

A clear parallel in approach and issues from the approved development and the current proposed scheme arises in considering the planning balance of Policy EM6 and the proposed siting of the building.

As requested we've now illustrated these points in an attached comparison set of drawings to show the proposed and approved layouts, approved buffer zone in the outline and the policy alignment. What is apparent is that the current proposal involves a larger, single building with a uniform building line presented to the east, unlike the two unit scheme approved in outline which involved the second southern unit turning with the boundary. It is our view that the proposed scheme has merit that a

single elevation creates a better barrier to noise and activity on the west side away from homes and as a single unit it does not present a gap between units that can focus noise and disturbance from front to rear towards homes as the approved layout illustrates.

Both schemes encroach the buffer zone, which we consider broadly evens out between the schemes from the different layout. And it is relevant that the closest homes to the proposed building are protected by a significant group of mature trees and undergrowth, as well rear garden fences creating an effective visual barrier in winter and summer months.

We refer you back here to the Planning Statement, section 6.18 Visual Amenity, as this confirms the proposed building is 49m separated from the rear elevation of the closest dwelling, that the tree group is approximately 16.5m in height to canopy top, and Figure 12 Central image illustrates this group of trees and associated shrub and undergrowth (image repeated below with mark of closest point added).



Planning conditions on lighting, removal of PD rights to alter the rear elevation, noise controls can properly control the future use and activity of the unit and its relationship with existing homes. Landscape and ecology conditions will ensure the buffer is maintained within the site.

We consider the current application maintains the same approach found acceptable in the consented outline and makes improvement through the use of a single building and building line as a barrier to residents to protect their amenity. In that respect it maintains the objective of Policy EM6 to ensure a satisfactory standard of residential amenity through control of the separation of existing homes and the proposed commercial unit, and can be supported on balance.