

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 4 SEPTEMBER 2023

APPLICATION NO:
P/2022 /0668

COMMUNITY:
Abenbury

WARD:
Holt

LOCATION:
LAND OPPOSITE WILKINSON
BUSINESS PARK CLYWEDOG ROAD
SOUTH WREXHAM INDUSTRIAL
ESTATE WREXHAM
LL13 9XS

DESCRIPTION:
ADEILADU STORFA A WARWS
DOSBARTHU (DOSBARTH B8)
ERECTION OF STORAGE AND
DISTRIBUTION WAREHOUSE
(CLASS B8)

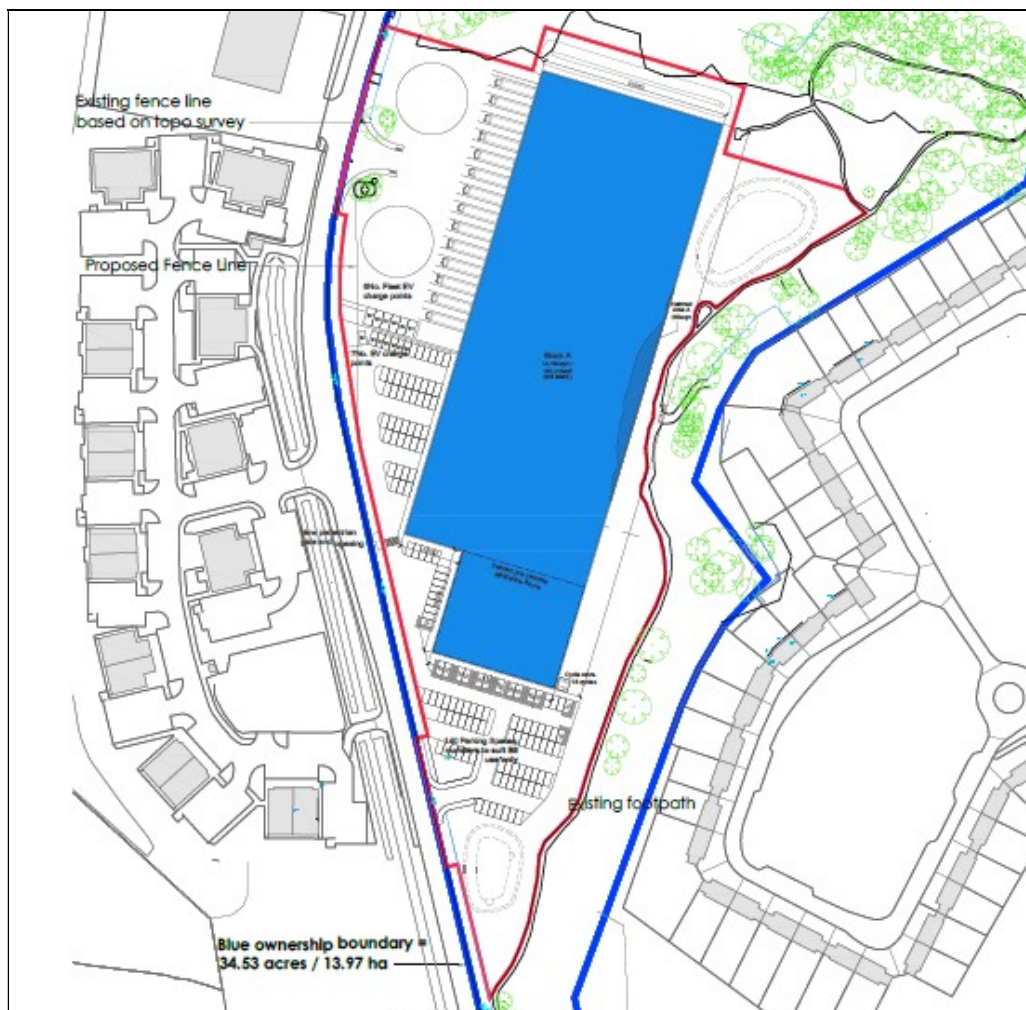
APPLICANT(S) NAME:
EMILY ARMSTRONG

DATE RECEIVED:
15/07/2022

CASE OFFICER:
MP

AGENT NAME:
PLAN RED LTD
RICHARD PURSER

THE SITE



PROPOSAL

The application proposes a 14,147 sq.m warehouse building (Class B8), along with vehicular accesses, vehicular parking, turning and loading/unloading areas.

HISTORY

P/2018/1087 OUTLINE APPLICATION FOR DEVELOPMENT OF SITE FOR B1 LIGHT INDUSTRIAL UNITS AND B2 / B8 INDUSTRIAL UNIT INCLUDING MEANS OF ACCESS, SCALE OF BUILDING AND ECOLOGICAL MITIGATION ZONE WITH INDICATIVE DETAILS PROVIDED IN RELATION TO APPEARANCE, LAYOUT AND LANDSCAPING (SITE 5). Granted 18.12.2020

DEVELOPMENT PLAN

Unitary Development Plan

Within the settlement limit of Wrexham Industrial Estate. Policies PS1, PS2, PS3, PS4, GDP1, EC4, EC13, EC17, E1, E8 and T8 are relevant.

Draft Local Development Plan

With a designated employment area (Wrexham Industrial Estate) and partly within the Pentre Maelor Residential Buffer and Wrexham Industrial Estate Strategic Ecology Network. Policies SP2, SP9, SP14, SP18, DM1, NE1, NE6, EM1, RE1 and T1 appl.

CONSULTATIONS

Community Council

Consulted 18.8.2022. No response received.

Local Member

Notified 18.8.2022. No response received.

Highway Officer

Raises no objection. The Highway Officer advises that the traffic generated by the development is not expected to have a significant safety or operational impact on the highway network.

Public Protection Officer

Raises no objections. The Public Protection Officer accepts the findings of the Noise Assessment Report and Air Quality Assessment and recommends conditions regarding noise, dust management and advisory notes regarding construction impacts.

Contaminated Land Officer

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The Contaminated Land Officer agrees with the findings of the submitted Geotechnical Assessment and confirms no contaminated land conditions are required

Ecology Officer

Raises no objection to the development. The Ecology Officer recommends the long term management of the ecology mitigation areas should be undertaken by a responsibility body whose main purpose is nature conservation.

Arboricultural Officer

Consulted 19/08/2022. No response received.

NRW

Raises no objection provided that:

- NRW's policy advice regarding developments that have the potential to increase phosphorous discharges to the River Dee and Bala Lake SAC is followed; and
- A planning condition to be imposed require 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.

NRW advise that the freehold tenure of the ecology mitigation areas should be transferred to the Council or a body approved by the Local Planning Authority.

Welsh Water

Have significant concerns about the proposed private treatment plant that subsequently discharges to the public sewer and would not permit connection to the public sewer.

Welsh Water confirm Five Fords has a phosphate permit.

Press Notice

Expired 21.9.2022

Site Notice

Expired 12.9.22

Neighbours

The owners/occupiers of 32 nearby residential properties and 24 nearby business premises notified 19.8.2022 and 11.5.2023.

1 representing in support of the development subject to any disruption to adjoining businesses being taken into account.

1 representation expressing the following concerns:

- Noise;
- Continued access to the rear of residential properties;
- Lack of a bus shelter at a nearby bus stop; and

- Sense of encroachment.

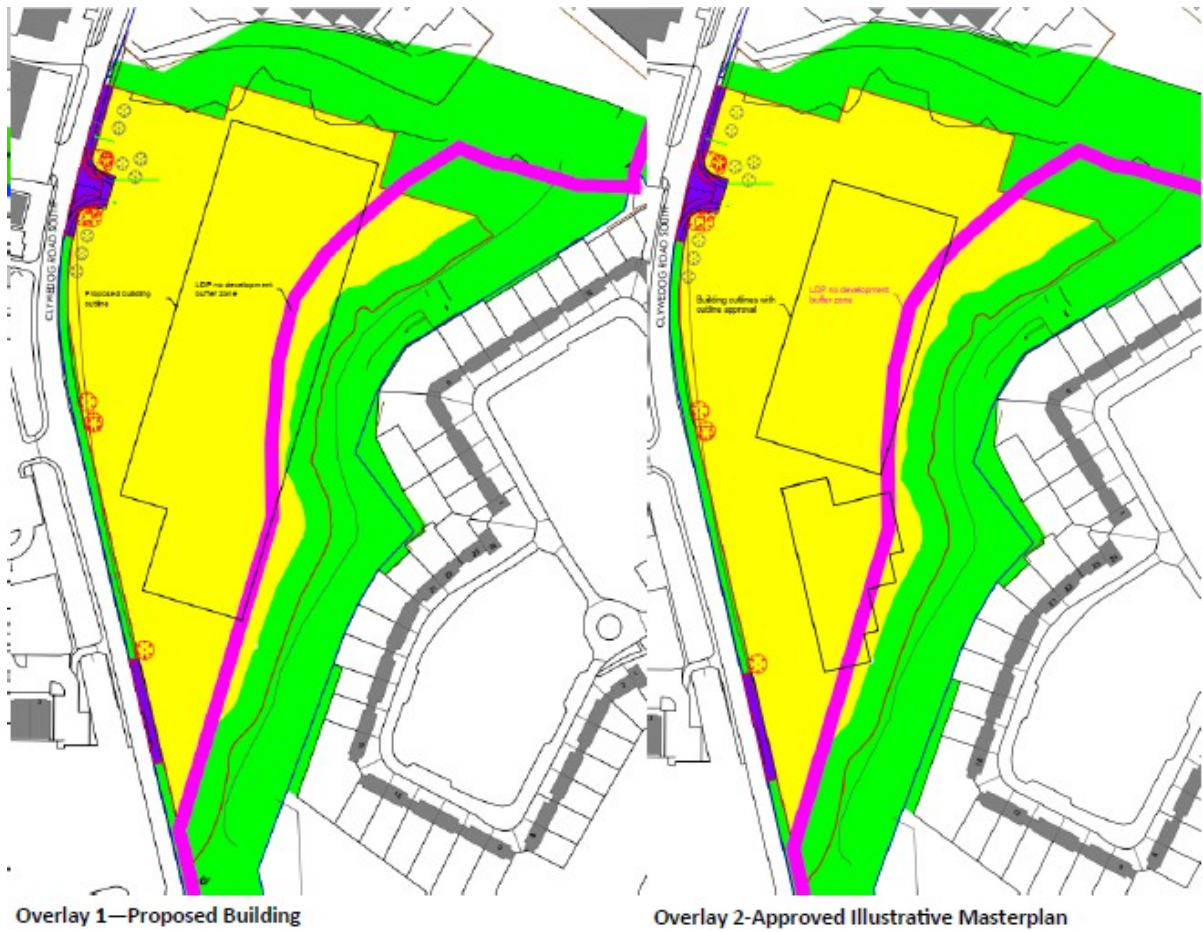
SPECIAL CONSIDERATIONS

Principle of Development: The site lies within the settlement limit of the Wrexham Industrial Estate and is specifically allocated for employment in the UDP. Accordingly, the principle of employment development is acceptable, subject to the provisions of policy E8 which safeguards the land for purposes falling within Class B1 in order to protect the amenity of residents in Pentre Maelor.

The majority of the site falls within the Wrexham Industrial Estate designated employment area in the draft LDP and is protected for employment uses (Class B1, B2 or B8) by policy EM1. The principle of employment development on this part of the site is therefore acceptable.

The remainder of the site falls within the Pentre Maelor Residential Buffer and Wrexham Industrial Estate Strategic Ecology Network. Policy EM6 protects land within the Pentre Maelor Residential Buffer from development in order to protect the amenity of the residents of the Pentre Maelor Estate. Policy SP9 designates corridors within the Industrial Estate as ecological corridors for statutory protected species, notably Great Crested Newts.

Notwithstanding the provisions of draft LDP policies EM6 and SP9, the principle of development within the Residential Buffer and Strategic Ecology Network is already established by an extant outline planning permission (Ref. P/2018/1087). The outline planning permission gives approval for 8,871 sqm of floor space. This permission is subject to a condition limiting the use of the development to Class B1. Layout was reserved for subsequent consideration although the application was accompanied by an illustrative layout plan as shown below.



Residential Amenity: The relationship between the application site and Pentre Maelor is shown in the aerial photograph below:



Aerial photograph showing relationship with Pentre Maelor

The extant outline planning permission already establishes the principle of development within the Pentre Maelor Buffer.

The proposed warehouse building would be situated between Pentre Maelor and the loading/unloading area. The building itself would effectively act as an acoustic barrier to protect residents from the noise of vehicles entering and exiting the site, manoeuvring within it and loading and unloading. Part of the staff/visitor car park would be situated to the south of the building, served by its own separate vehicular access. Noise associated with the arrival and departure of cars would be significantly less than HGV traffic. The Noise Report accompanying the application concludes the development would have a low impact and that no mitigation is required. The Public Protection Officer accepts the findings of the report.

The proposed development would result in additional HGV traffic on roads within the Industrial Estate in the vicinity of the Industrial Estate. The roads all serve as access to existing development and carry a significant volume of HGV traffic. The Noise Report therefore concludes that noise from HGV traffic on would not have an adverse effect.

The rear elevation of the warehouse building would 14 metres high to the eaves. It would be 49 metres from the nearest dwellings in Pentre Maelor and 29m from their garden boundaries. There is an existing low bund and mature vegetation in between. Having regard to these matters, the development proposed would not harm the living conditions of the occupiers of nearby dwellings by way of loss of light or by being overbearing.

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Whilst the proposed use results in a conflict with policy E8 of the UDP, this is outweighed by the extant outline planning permission, which permits Class B1 along with the provisions of policy EM1 of the draft LDP.

The modest encroachment into the Pentre Maelor Buffer does bring the proposal into conflict with EM6 of the LDP. However, having regard to the fallback position of the extant planning permission and the matters discussed above, this is also not considered to be fatal. The development would not harm to the living conditions of residents of Pentre Maelor. In such terms it complies within policies GDP1 of the Unitary Development Plan and DM1 of the Wrexham Local Development Plan.

Air Quality: The application is accompanied by an Air Quality Assessment (AQA) which concludes the development would not lead to unacceptable harm from air pollution. Dust mitigation measures during construction are recommended. The Public Protection Officer raises no objection on air quality grounds and has confirmed the findings of the AQA are accepted. A Construction Method Statement that includes a dust mitigation strategy for construction can be required by a suitably worded condition.

Ecology: The proposed development would encroach into the Wrexham Industrial Estate Strategic Ecology Network. However, as explained, the principle of development in this area is already established by the extant planning permission.

The Wrexham Industrial Estate is of national importance for a variety of flora and fauna, in particular Great Crested Newts. Notwithstanding this, the application is accompanied by Landscape and Ecological Management Plan (LEMP), which concludes there is a lower risk of GCN being present within the site due existing developments in the vicinity presenting a barrier to their dispersal.

The LEMP proposes off-site habitat creation on land to the north, east and south of the proposed development that is also owned by the applicants, including habitat suitable for Great Crested Newts. Other habitat creation works would include planting of new hedgerow, the provision of bird and bat boxes and management of unimproved grassland.

The proposed habitat creation measures would ensure the enhancement and long term management of land that would make an important contribution to the Wrexham Industrial Estate Strategic Ecology Network. The measures would also ensure the development does not threaten the Favourable Conservation Status of populations of GCN in the wider Wrexham Industrial Estate and deliver a net benefit to biodiversity.

The long term management of the off-site habitat areas can be secured by a Planning Obligation.

Subject to the implementation of the measures set out in the LEMP and long term management and maintenance of the habit areas, the development

accords with policy EC6 of the Unitary Development Plan and policy NE1 of the draft Local Development Plan.

Highway safety:

Access and Traffic Generation

The development would, as noted above, be served by two accesses, one serving a HGV turning/loading/unloading area, the other a staff and visitor car park. Adequate visibility can be provided from both.

The northern access is located directly opposite the access to an existing development. Such an arrangement is not without precedent in the Industrial Estate and the risk of vehicle conflict, in particular of HGVs entering and leaving both simultaneously, is relatively low. Vehicles approaching would have a clear view of both accesses whilst equally, the accesses have good visibility in both directions for drivers leaving the site.

The application is accompanied by a Traffic Assessment (TA) which indicates that at in the AM peak the development would generate 76 car trips and 22 HGV trips and in the PM peak 65 car trips and 15 HGV trips. Average daily car tips would be around 55 per hour. The TA concludes that the development does not give rise to highway safety concerns.

The Highway Officer has raised no objections to the site accesses or anticipated traffic generation and has confirmed agreement with the conclusions of the TA.

Footway provision

The application does not propose footways along the site frontage. This matter was given detailed consideration prior to the extant outline planning permission being granted. Whilst the provision of a footway along the full site frontage would be desirable, the omission of any such proposals would not be a reasonable grounds to refuse planning permission.

There is no continuous footway provision on either side Clwywedog Road South to the south of the proposed development. Providing a footway along the site frontage would therefore not provide for pedestrian access to/from the site to the south. Footways are proposed around the kerb radii of both accesses with dropped tactile crossing points to link in with the continuous footway on the opposite side of Clywedog Road. From the northern access, the footway would extend along the side frontage to connect to existing footway that presently terminates close to the side boundary. A further pedestrian crossing point is also shown part way along the side frontage between the two accesses. The development would therefore make adequate provision for a safe means of pedestrian access to/from the site.

Parking

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The proposed site layout plan makes provision for 140 spaces, including 14 spaces to mobility standards. This accords with the maximum parking provision recommended in LPGN16.

Having regard to the matters above, the development would not give rise to highway safety concerns. In such terms it accords with policies GDP1 and T8 of the Unitary Development Plan and policies DM1 and T8 of the draft Local Development Plan.

Phosphorous: The Wrexham Industrial Estate is served by public sewers that drain to the Five Fords or Waste Water Treatment Works (WWTW). Whilst the proposed development proposes connecting to the public sewerage network, it also proposed to treat foul water in a private treatment plant (PTP) prior it being discharged to the public sewer. Welsh Water have advised that this would not be acceptable.

The proposed use of a PTP pre-dates the recent review of the Five Fords WWTW Environmental Permit.

The applicants have been asked to confirm that the development would make a direct connection to the foul sewerage network. Once this is confirmed, Welsh Water will need to be re-consulted and ask to confirm:

- Whether there is capacity to accommodate the additional wastewater in compliance with revised permit limits; and
- Whether the sewer network and associated WwTW has the hydraulic capacity for new connections without leading to an increase in the environmental impact of storm overflows.

Provided Welsh Water are able to confirm the above, the development is unlikely to have a significantly effect the SAC.

Renewable Energy: Policy RE1 of the draft LDP requires major developments to incorporate schemes to generate energy from renewable and low carbon technologies.

The application is accompanied by Low and Zero Carbon Report the outlines measures that could contribute to reducing energy use and carbon emissions. These include:

- The use of materials in the fabric of the building that minimise heat loss and reduce energy demand; and
- The use of air source heat pumps, photovoltaic cells or hydrogen ready gas boilers.

Subject to a suitability worded condition could require the implementation of a low and zero carbon scheme, the development would comply with draft LDP policy RE1.

CONCLUSION

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The proposed development is acceptable in respect of layout and design and would not give rise to highway safety or ecology concerns. The Noise Assessment also demonstrates that it would not harm the living conditions of occupiers of Pentre Maelor.

The proposed development encroaches into Pentre Maelor Residential Buffer and Wrexham Industrial Estate Strategic Ecology Network, contrary to UDP policy E1. However, the principle of developing the site in this manner has been established by the extant outline planning permission, which is a material consideration of sufficient weight to justify the grant of planning permission.

RECOMMENDATION A

That planning permission be granted subject to Welsh Water confirming the WWTW and foul sewerage network have capacity to accommodate the foul water flows from the proposed development along with the completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure the long term management of the habitat mitigation measures specified in the Landscape & Ecology Management Plan (with the Chief Officer Economy and Planning given delegated authority to determine the final form and content of the Obligation).

RECOMMENDATION B

That if Welsh Water do not confirm that the WWTW and/or the foul sewer network have the capacity to accommodate the foul water flows from the development, the Chief Officer Economy and Planning be given delegated authority to refuse planning permission and to determine the final form of the reason for refusal.

RECOMMENDATION C

That if the Obligation pursuant to Section 106 of the Town and Country Planning Act, as detailed above, is not completed within six months of the date of this Committee resolution, the Chief Officer Economy and Planning be given delegated authority to REFUSE planning permission and formulate that reason for refusal on the following grounds:

The development makes inadequate provision for the long term management and maintenance of the proposed habitat mitigation measures and therefore conflicts with policy EC6 of the Wrexham Unitary Development Plan and policy NE1 of the draft Local Development Plan.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

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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 following drawings:
 - 02-000 Revision P04 Existing Site Plan
 - 02-001 Revision P02 Proposed Site Plan
 - 03-001 Revision P02 Proposed Floor Plans
 - 04-001 Revision P04 Proposed Site Sections
 - 05-001 Revision P03 Proposed ElevationsUnited Environmental Services Ltd Landscape & Environmental Management Plan dated 6 December 2021 reference UES03416/03
3. No part of the development hereby permitted shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:
 - a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
 - b) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
 - c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
 - d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
 - e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
 - f) Method for protecting retained trees during demolition works;
 - g) Details of all proposed tree works, including felling and pruning.
4. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i. hours of working; and
 - ii. a scheme of dust management
5. Within three months of commencement of development a timetable for the implementation of the measures set out in Section 3: Landscaping and Habitat Management of the United Environmental Services Ltd Landscape & Environmental Management Plan dated 6 December 2021 reference UES03416/03 shall be submitted for the approval of the Local Planning Authority. The measures shall be implemented in strict accordance with the approved timetable and thereafter managed and maintained in accordance with the details set out in Section 3: Section 3: Landscaping and Habitat Management of the United Environmental Services Ltd Landscape & Environmental Management Plan dated 6 December 2021 reference UES03416/03.

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6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy as approved shall be implemented in full.
7. Prior to first use of the development hereby permitted, both vehicular accesses shall provide visibility splays of 2.4 metres x 120 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
8. The vehicular parking and turning areas as shown on approved drawing(s) No(s). 02-001 Revision P02 Proposed Site Plan shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.
9. 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.
10. A Final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority following the first anniversary of first use of the development. The approved Travel Plan shall be implemented and remain in place thereafter.
11. The development hereby permitted shall not be occupied until a scheme of low and zero carbon has been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the measures installed in accordance with the scheme shall be retained.
12. No external illumination within the site shall take place before a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, no lighting shall be used on any external part of the development except in accordance with the approved lighting scheme.

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 ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.

4. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
5. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
6. To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks, in accordance with policy GDP1 of the Wrexham Unitary Development Plan.
7. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan
9. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
10. To support the Council's approved Integrated Transport Strategy and to reduce dependency on the motor vehicle in accordance with Policies GDP1 and PS4 of the Wrexham Unitary Development Plan.
11. To ensure the development minimises energy use and carbon emissions in accordance with policy RE1 of the draft Wrexham Local Development Plan.
12. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority
