

**REPORT OF THE CHIEF OFFICER PLANNING AND
REGULATORY – 1 November 2021**

APPLICATION NO:
P/2021 /0610

LOCATION:
LAND SOUTH OF RIDLEYWOOD
LANE AND EAST OF BRYN LANE
WREXHAM INDUSTRIAL ESTATE
WREXHAM
LL13 9UT

DATE RECEIVED:
17/06/2021

COMMUNITY:
Isycoed

CASE OFFICER:
MP

WARD:
Holt

DESCRIPTION:
MATERION A GADWYD YN OL YN
UNOL A CHANIATAD CYNLLUNIO
AMLINELLLOL P/2020/0167
(EDRYCHIAD, TIRLUNIO A
GRADDFA) – CODI WARWS STORIO
A DOSBARTHU / RESERVED
MATTERS PURSUANT TO OUTLINE
PLANNING PERMISSION
P/2020/0167 (APPEARANCE,
LANDSCAPING AND SCALE) -
ERECTION OF STORAGE AND
DISTRIBUTION WAREHOUSE

AGENT NAME:
HELEN CLARKSON

APPLICANT(S) NAME:
MR ALEX LOVEN

The application was reported to Members on 6 September 2021 and Members resolved to approve the application subject to outstanding ecology issues being addressed. The application is being returned to Members to clarify specific matters of detail in respect of ground levels.

Ground Levels: The height of the building specified in my original report (see below) is the height from the ground upon which the building is to be erected.

To erect the building the developers need to form a level development platform due to the fact that there are ground level differences within the site. The ground levels in the north and west of the site are higher than those in the south and east of the site.

The north-west corner of proposed development platform that the building will sit on will be 1.5 metres below existing ground levels and approximately 3 metres above existing ground levels in the south-east corner. The development platform will be less than 0.5m above existing ground levels in the north-east and south-west corners. No part of the development platform will exceed ground levels of the highest part of the site – i.e. the north-western corner of the site.

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The nearest property to section of the development platform that is highest relative to existing ground levels is Park Cottage. This is situated approximately 130 metres from the north-eastern boundary of the application site. The proposed building will be situated just over 100 metres from this boundary. As such the

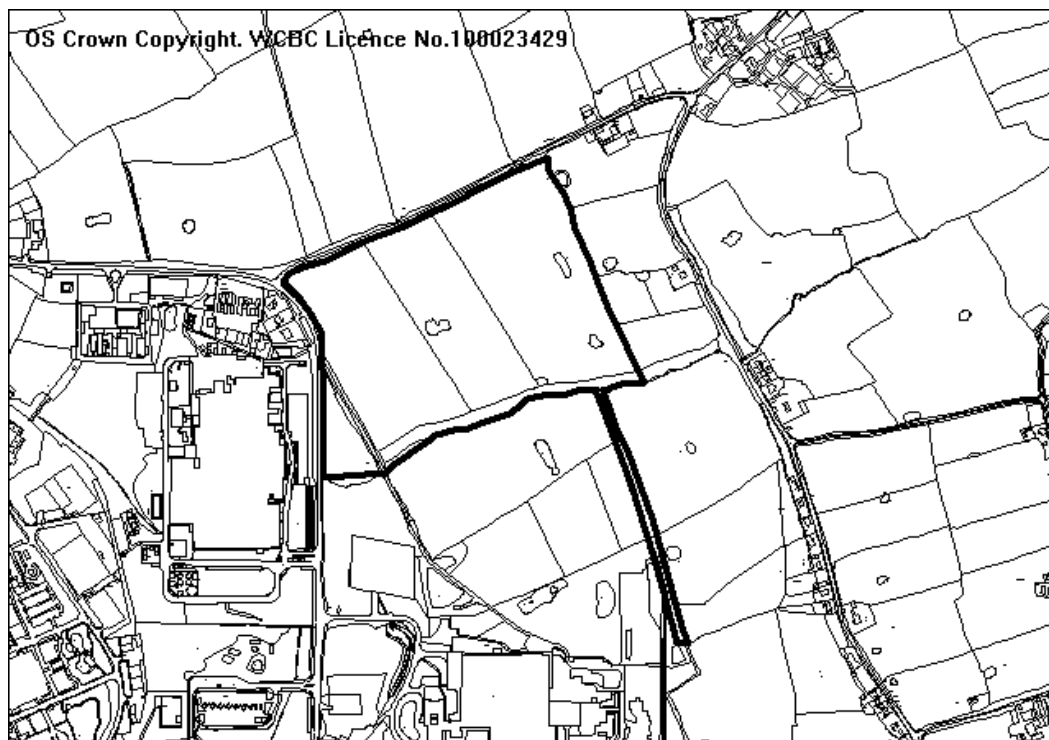
The proposed development platform does not the conclusions set out in my previous report in respect of scale, appearance and landscaping or residential amenity.

Ecology: Discussions are still between the Council's Ecologist, NRW and the applicant's Ecologist to secure an Landscape and Ecological Management Plan.

My original report is set out below. My original recommendation is unchanged other than:

- a correction of part iii) of the recommendation to refer to condition 01; and
- adding an additional plan to condition 01 and

THE SITE



PROPOSAL

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As above.

HISTORY

P/2011/0891 Outline application for B8 storage and distribution warehouse development and associated ecological mitigation area including means of access off Bryn Lane and layout. Refused 22.6.2012. Allowed on appeal 6.8.13

P/2016/0327 Variation of condition nos.2 and 3 of planning appeal reference no. APP/H6955/A/12/2188910 to extend time limits for the submission of reserved matters application and for commencement of development by a further 3 and 5 years respectively. Refused 6.6.2016. Allowed on appeal 5.4.2017.

P/2016/0722 SUBMISSION OF RESERVED MATTERS (APPEARANCE, LANDSCAPING AND SCALE) IN RESPECT OF OUTLINE PLANNING PERMISSION P/2011/0891 (APPEAL DECISION APP/H6955/A/12/2188910 (GRANTED ON 06.08.2013). Approved 19.9.2016

P/2018/0977 CONSTRUCTION OF 2 NO. WILDLIFE PONDS. Granted 7.1.2019

P/2020/0167 APPLICATION FOR REMOVAL OR VARIATION OF CONDITIONS IMPOSED UNDER PLANNING APPEAL REF NO. APP/H6955/A/16/3164652 (PLANNING REF NO. P/2016/0327):-

CONDITION 2 - TO EXTEND THE TIME PERIOD FOR SUBMISSION OF RESERVED MATTERS BY A FURTHER THREE YEARS

CONDITION 3 - TO EXTEND THE TIME PERIOD FOR COMMENCEMENT OF DEVELOPMENT BY A FURTHER FIVE YEARS

CONDITION 4 - TO REMOVE THE DRAWINGS NUMBERS REFERRED TO IN THE CONDITION

CONDITION 5 - TO REMOVE THE SINGLE OCCUPIER RESTRICTION OF THE SITE

CONDITION 10 - TO REMOVE THE REQUIREMENT FOR THE PROVISION OF VISIBILITY SPLAYS

CONDITION 24 - TO REMOVE THE BREEAM ASSESSMENT AND CERTIFICATION REQUIREMENT. Granted 10.8.2020

P/2021/0446 DIWYGIO DEUNYDD DEUNYDDOL I GANIATAD CYNLLUNIO P / 2020/0167 I DIWYGIO SAFLEOEDD LLAWER, MAINT UNED, PARCIO A GWASANAETHAU GWASANAETHU / NON MATERIAL AMENDMENT TO PLANNING PERMISSION

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P/2020/0167 TO AMEND SITE LAYOUT, UNIT SIZE, PARKING
AND SERVICING AREAS. Approved 17.6.21

P/2021/0660 DIWYGIO DEUNYDD DEUNYDDOL I GANIATAD CYNLLUNIO
P / 2020/0167 I DIWYGIO SAFLEOEDD LLAWER, MAINT
UNED, PARCIO A GWASANAETHAU GWASANAETHU / NON
MATERIAL AMENDMENT TO PLANNING PERMISSION
P/2020/0167 TO AMEND SITE LAYOUT, UNIT SIZE, PARKING
AND SERVICING AREAS. Pending

P/2021/0713 RHYDDHAU AMOD 11 (PRIFFYRDD) 20 (CERRIG PALMANT
A PHOTIAU RHIGOL CYFEILLGAR I FYWYD GWYLLT) A
21(ASESIAD CLWYDFAN YSTLUMOD A BRIDIO ADAR)
CANIATAD CYNLLUNIO P/2020/0167 / DISCHARGE OF
CONDITIONS 11 (HIGHWAYS) 20 (WILDLIFE FRIENDLY
KERB STONES AND GULLY POTS) AND 21 (BAT ROOST
AND BIRD BREEDING ASSESSMENT) OF PLANNING
PERMISSION P/2020/0167. Pending

DEVELOPMENT PLAN

Outside the settlement limit for Wrexham Industrial Estate. Policies E3, PS1,
PS2, PS11, GDP1, EC2, EC6, T8 and CLF6 apply. Trees adjacent to the site
boundaries are subject to the following Tree Preservation Order WMBC no.60.

CONSULTATIONS

Isycoed Community Council:	Members asked for clarification on 2 issues: i. the proposals for external lighting and whether it would have any impact on neighbouring properties. ii. if any trees were being removed would they be replaced.
Holt Community Council:	Consulted 2.8.21
Local Member:	Notified 28.6.21
Public Protection:	No comments made.
Highways:	I understand that the proposed development already has approval in respect of access and layout. I therefore advise you that I do not intend to make any recommendations on highway grounds.
SAB	Consulted 2.8.21
Contaminated Land:	No comments.
Tree Officer:	The landscaping scheme is well considered and addresses both the required increases in tree canopy cover and increases in associated biodiversity levels. The

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	positioning and species selection within the planting scheme should, upon maturity also assist visually in the softening and screening of the development.
Welsh Water:	No objection to the application for approval of the reserved matters subject to compliance with the requirements of the drainage conditions imposed on the outline planning permission, and the subsequent applications to vary the conditions thereon.
NRW:	We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding European Protected Species. If this information is not provided, we would object to this planning application. Further details are provided below.
Neighbours:	The owners/occupiers of 17 properties notified 1.7.21. 4 objections received expressing the following concerns: • access is on a fast dangerous bend; • Wildlife, including Great Crested Newts; • Better placed areas within the industrial estate better suited to new storage units; • There is empty units and land already available; • Encroachment onto Bowling Bank • Increased traffic/highway safety; • Negative environmental impacts • Use of accesses for maintenance; • Wildlife Site 240m away; • Who manages Wrexham Biodiversity Action Plan; • Statements regarding hedgerow and tree retention are vague; • Does applicant own land within red line boundary?; • Further work required to ensure Great Crested Newts are protected; • DAS refers to the UDP 1996-2011 – can this be used in this proposal;

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- Reference is made to emerging LDP – when will this be adopted, it is under scrutiny;
- Development will result in irreversible damage;
- Parking provision;
- Has the Council proof of ownership of land edged in blue on location plan;
- Operating hours;
- Light pollution;
- Noise;
- CCTV provision - impact upon privacy;
- security;
- Loss of mature trees;
- Height of the building;
- Drainage;
- No landscaping carried out for ponds previously provided;
- All existing s106 should be maintained and improved;
- Cappers Lane subject to an Inquiry regarding whether it is a footpath/bridleway;
- Multi-user as opposed to original single user granted by the Planning Inspectorate.

SPECIAL CONSIDERATIONS

Principle of development: The principle of development was established in 2013 when outline permission was granted (P/2011/0891). The period of time for reserved matters approval and commencement of development has subsequently been renewed on two occasions, once in 2017 (P/2016/0327) and again in 2020 (P/2020/0167). The 2020 permission also removed the previously imposed restrictions that limited the development and use of the site to a single occupier.

This is not an application for Planning permission, but rather an application for approval of reserved matters. Therefore, whether the site should or should not be developed cannot be revisited. In addition, site access and layout (including parking provision) were approved at outline stage so the merits of these matters can also not be revisited. The Council is limited to considering the merits of the matters for which reserved matters approval is sought, namely appearance, landscaping and scale.

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The extant outline permission is subject to a planning obligation that secures the long term management of ecological mitigation and landscaped areas and the implementation of a travel plan.

Scale, Appearance and Landscaping: The building will be 274m long x 133m wide x 18.5m high. The development will be situated on undeveloped land that is currently agricultural land set within undeveloped open countryside to the north-east of the Wrexham Industrial Estate. When viewed from the east the proposed building will be seen against the backdrop of existing buildings within the Industrial Estate, in particular the substantial buildings on the Kelloggs site. Nevertheless it will inevitably have a significant impact on the appearance of the site and will be visible from surrounding land.

Whilst scale was reserved when the development was allowed on appeal in 2013, the Inspector would have been well aware of the impact of the development upon the landscape given that approval for the layout of the site, including the footprint of the building, was sought. The outline application was also accompanied by indicative elevation plans showing a building 281m long x 133m wide and just over 18m in height and therefore broadly comparable to the current proposals. In granting outline permission, the Inspector accepted that subject to landscaping the development would not be detrimental to the character and appearance of the area. The overall scale of the building, including its height, is not materially different to the one previously approved in 2016 (P/2016/0722).

A significant part of the site will be left undeveloped; indeed the total footprint of built development is around 40% of the site area. There will be some tree removal, but this arises from the site layout which has already been approved and does not impact upon the trees subject to Tree Preservation Order WMBC no.60. The existing belt of trees adjacent to the southern boundary of the site and immediately to the west of the building will be retained. The trees and hedges enclosing the Ridley Wood Road and the north-eastern boundaries of the site will also be retained. The landscaping scheme proposes planting a belt of native woodland trees immediately to the north-east of the building, a native species hedge adjacent the parking and serving areas to the north-west of the building as well as well as ornamental planting enclosing the parking areas to the south-west of the building.

The external appearance of the building will be broadly similar in appearance to other warehouse and factory buildings found elsewhere on the Wrexham Industrial Estate.

The scale, appearance and landscaping details submitted are acceptable and in accordance with relevant UDP policies.

Ecology and Landscape Management Plan: The application is accompanied by a Landscape and Ecological Management Plan. This has

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been submitted with the application in accordance with the requirements of Condition 19 of the outline approval which requires the following:

As part of the reserved matters application a long term Ecological Management Plan and Ecological Method Statement shall be submitted to and approved in writing by the local planning authority. This information shall demonstrate how existing features of ecological/wildlife interest will be protected, identify any areas of compensation and demonstrate management in the long term. The recommendations as approved shall be fully implemented in accordance with timescales to be agreed in writing before any part of the development commences on site.

NRW concerns regarding protected species, in this particular case Great Crested Newts, are noted. The applicants have been made aware of NRW's concerns and the Council has sought further advice from NRW on the additional information they require. Approval of the application is dependent upon NRW confirming that their concerns have been addressed.

Access for landscape/ecology management: Landscape and Ecological Management Plan refers to maintenance access points along the western boundary on Bryn Lane and northern boundary adjacent to Ridley Wood Lane. An objector has questioned the location and frequency of use of these. The site currently has a number of existing field access. Access to the landscaped areas for maintenance will not generate significant volumes of traffic, indeed vehicular movements are unlikely to be any more frequent than were the site to remain in agricultural use. These accesses would not be used to serve the warehouse development itself. The only proposed means of access to the warehouse is the one off Bryn Lane approved as part of the outline planning permission.

Residential amenity: The nearest dwellings are in excess of 100m from the proposed building which is sufficient to ensure the proposals are not harmful by way of loss of light or by being overbearing.

The impacts of dust, noise and vibration are dealt with by Conditions 06, 07 and 08 of the outline permission. These require schemes to be submitted and approved to manage these impacts and provide sufficient scope to ensure that both construction and operation of the development does not adversely impact upon residential amenity.

Objectors have expressed concerns about potential impact of privacy from any CCTV security cameras. The plans submitted do not confirm where any security cameras will be provided, although based on experience of other similar sites within the Industrial Estate, where security cameras are provided they are normally sited to monitor the main site access as well as operational areas immediately surrounding buildings. Given the distance of these areas to residential properties I do not anticipate the proposals giving rise to any loss of privacy.

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Lighting: The application does not confirm where external lighting is likely to be provided. In common with other premises on the Industrial Estate such lighting would be directed to the site access and operational areas only. Given the distances of these to nearby residential properties any lighting provided is unlikely to result in any significant disturbance to residential amenity. However, the site is situated on the edge of the Wrexham Industrial Estate which is in an area not subject to significant night time illumination at present. Therefore to ensure lighting and the light 'spill' does not impact significantly upon the wider landscape at night, a condition to require a lighting scheme will be imposed.

Other Matters: The application site boundary is consistent with that of the plans submitted with the outline permission. The Location Plan also suggests that the applicants own the land immediately to the south, but the ownership of the adjoining land is not material to the consideration of this application.

Part of the site is subject to a prospective public right of way/bridleway designation, but, if confirmed, this would not pass across land where the building or serve areas are to be situated.

CONCLUSION

The proposed scale, appearance and landscaping are acceptable and, subject to the applicants overcoming NRW's concerns, the proposals are in accordance with relevant UDP policies.

RECOMMENDATION: That the Chief Officer Planning and Regulatory be given delegated authority to **APPROVE** the application subject to:

- i. NRW's outstanding concerns being addressed;
- ii. the conditions below; and
- iii. the version of Landscape and Ecological Management Plan agreed by NRW being referenced in condition 01.

RECOMMENDATION: That permission be APPROVED

CONDITION(S)

1. The development shall be carried out in strict accordance with:
 - i. Drawing no. 01 Revision B
 - ii. Drawing no. 19153-C4P-B1-ZZ-DR-A-2001 Revision P3
 - iii. Drawing no. 19153-C4P-B1-ZZ-DR-A-2101 Revision P4
 - iv. Drawing no. 19153-C4P-B1-ZZ-DR-A-2102 Revision P1

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- v. Drawing no. 19153-C4P-B1-RF-DR-A-3301 Revision P2
- vi. Drawing no. 19153-C4P-B1-ZZ-DR-A-2201 Revision P2
- vii. Drawing no. 19153-C4P-AV-ZZ-DR-A-0504 Revision P6
- viii. Drawing no. 19153-C4P-AV-ZZ-DR-A-0505 Revision P6
- ix. Drawing no. 19153-C4P-AV-ZZ-DR-A-0506 Revision P6
- x. Drawing no. T_21_2412-60-02 Revision P2
- 2. No external lighting shall be installed on any part of the site or building until a lighting scheme, to include details of the extent of the site that will be illuminated, has been submitted to and approved in writing by the Local Planning Authority. External lighting shall thereafter only be installed in strict accordance with the scheme as approved.

REASON(S)

- 1. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
 - 2. To control the impact of lighting at night in the interests of protecting the rural landscaping surrounding the site in accordance with policy GDP1 of the Wrexham Unitary Development Plan.
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