

11TH May 2018

SUPPLEMENTAL PLANNING NOTE

P/2017/1032 & 1037 & 1038 MAELOR FOODS, PICKHILL LANE, WREXHAM APPLICATIONS FOR REMOVAL OF CONDITION

Further to a meeting with representatives of WBC Planning and & Highways on 28th March in respect of the above site and associated planning applications, further information has been gathered and a review of existing information undertaken with a view to putting forward this supplemental note for further consideration by the local planning authority prior to a final determination of the applications.

The key issues of contention raised by the local planning authority are those of impact upon highway safety and amenity of nearby residential properties associated with an increase in HGV movements.

This note is to be read in conjunction with a separately submitted updated transport statement and associated appendices, as prepared by Vectos.

Key items for consideration:

Highway Safety

All associated issues are addressed in the separately submitted updated transport statement. In summary, this covers the following:

- Visibility splays at the site access can be addressed. Agreement secured in principle with adjoining land owner to purchase land and accommodate improved visibility splay. Discussed with and approved by WBC Highways.
- Junction with A525/Pickhill Lane – improvements to. Discussed with and approved by WBC Highways.
- Vehicle movements / numbers. Ultimately there will be a net reduction in consideration of the Lloyd Fraser site (historic and potential future movements), which is now under the control of the applicant.

Residential Amenity

- Service Management Plan to be put in place to alleviate potential impact upon residential amenity.

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- Vehicle movements / numbers. Ultimately there will be a net reduction in consideration of the Lloyd Fraser site (historic and potential future movements), which is now under the control of the applicant.
- Two out of the five properties are in the ownership of the applicant. An offer to purchase has been made for two of the remaining three properties (Marlbrook and Parkleigh House). One offer is under consideration and one has been rejected.
- The two properties have been in residence for 36 years and 21 years respectively, during which timeframe will have experienced the historically higher levels of HGV movements on Pickhill Lane associated with the First Milk operational site at full capacity and likewise the Lloyd Fraser site.
- Porthlyn – owned by same landowner currently in legals on the additional piece of land at the site entrance is open to negotiation on a future purchase.

Planning History : Residential Amenity

- Historically, activity (and associated vehicle movements) at the site has been of a considerably larger scale than that associated with this planning application. Refer separately submitted aerial image sheets and extract from Envirocheck report providing historical mapping for the site.

P/2011/0750 – First Milk – New cheese cutting and packaging plant and chill store

- No planning conditions restricting the level of commercial operation on site or associated number of vehicle movements.
- No planning conditions restricting hours of operation.

P/2014 /0781 – Maelor Poultry – Change of Use to poultry processing facility

Extract from officer's report:

The site will operate 24 hours a day which means that there will be both staff vehicles and HGVs leaving the site at night. However there are no conditions limiting the operating times of the existing site and none were imposed on the 2012 planning permission. As such the development will not increase the likelihood of night-time traffic passing nearby dwellings.

- It is submitted that the number of 'out of hours' HGV movements associated with the operational site would be minimal and less than that experienced historically with previous operators at the site. The site has always been a 24hr operation and residents on Pickhill Lane have experienced this.

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Use of Planning Conditions

- When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.
- Specific circumstances where conditions should not be used include, conditions which unreasonably impact on the deliverability of a development. Conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness.
- It is submitted that the key failure of the condition is against the test of reasonableness. In that the condition:
 - Would unreasonably impact on the deliverability of the development.
 - Would place unjustifiable and disproportionate financial burden on the business.
 - Has been imposed based upon unfounded assumptions of a potential future scenario, e.g. noise complaints, for which there are separate legislative controls in place and a process of Environmental Protection that can be applied.
 - The condition is wider in scope than is necessary.

Economic Benefit

Please refer to a separately submitted sheet prepared by Maelor Foods providing a simple summary comparison of the financial benefit to the local economy associated with the poultry facility. This highlights the already considerable benefit associated with the current business and the potential uplift that would be seen from an increase in processing numbers. This represents a snapshot of the direct business links to the operation, the wider reaching economic benefits are even more considerable.

- It should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Often these different dimensions point in the same direction.

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- Planning should positively and imaginatively seek such 'win-win' outcomes, where development contributes to all dimensions of sustainability.
- P/2011/0750 – First Milk – New cheese cutting and packaging plant and chill store

Extract from officer's report:

Conclusion: The site is a large scale existing employment use in the open countryside but recognised as brownfield as defined in Planning Policy Wales. Normally, new employment provision of this scale should be directed to the strategic employment site of the Wrexham Industrial Estate. However, as detailed above, I note the economic circumstances that the applicant is faced with and the difficulties of relocating to a suitable alternative site within the County Borough. In this regard I accept the economic arguments put forward and given the national and local planning policy context a proposal of redevelopment within the footprint of the existing operation can be accepted. This will enable the business to remain competitive in the current market, retain jobs within the County and improve the overall environmental and visual impacts over what is currently on site.

- Correct consideration by the Officer of the economic circumstances of the applicant and the position of being competitive in the marketplace. The marketplace is ever changing and a business must be allowed to adapt to those changes.

Objections

Each objection will not be responded to individually. All objections have been reviewed and the key issues raised are summarised as follows:

- HGV movements – impact upon residential amenity (night activity in particular)
- HGV movements – highway safety (junction of A525/Pickhill Lane in particular)
- HGV movements – impact upon users of the Lane
- Odour from factory
- Pollution of watercourse
- Operational noise
- Litter

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As a general response it is submitted that all matters concerning HGV movements and associated highway safety, residential amenity and general operational movements are addressed through previous and current submissions.

All issues associated with the operation of the site itself that have been raised are noted but we do not feel further comment needs to be made. The site benefits from a series of planning permissions and a series of conditions have been discharged covering operational requirements such as odour, noise, water treatment etc.. The original change of use application was subject to an Environmental Impact Assessment and the site benefits separately from an Environmental Permit, which is subject to regular inspection by NRW who are in a position to request that action is taken and any issues raised are addressed at the appropriate junctures.

Conclusion

In summary, it is concluded that, whilst an increase in the operational capacity of the site would result in an increase in HGV movements from that currently experienced and from that experienced in recent years, there is no net increase in comparison to historical activity on Pickhill Lane and at the A525 junction associated with previous operation on the site. The resulting position is actually a net decrease, in consideration of the Lloyd Fraser site and its historic and potential future operations.

The proposal represents opportunity to provide positive enhancements to the road network and associated highway safety, which will benefit all users of the network.

Residential amenity cannot be dismissed but must be considered in the context of the established position of commercial activity on this site for over sixty years, unrestricted in respect of operational capacity and associated vehicle movements and hours of operation and historically at higher levels than that existing and proposed. Through tried and tested methods, i.e. a service management plan, a conscientious site operator can mitigate potential impacts.

The economic argument is a material consideration and must be given appropriate weight in a balanced determination of the planning application.