

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
29th JULY 2019

APPLICATION NO:
P/2018 /1087

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

DATE RECEIVED:
27/12/2018

COMMUNITY:
Abenbury

CASE OFFICER:
PF

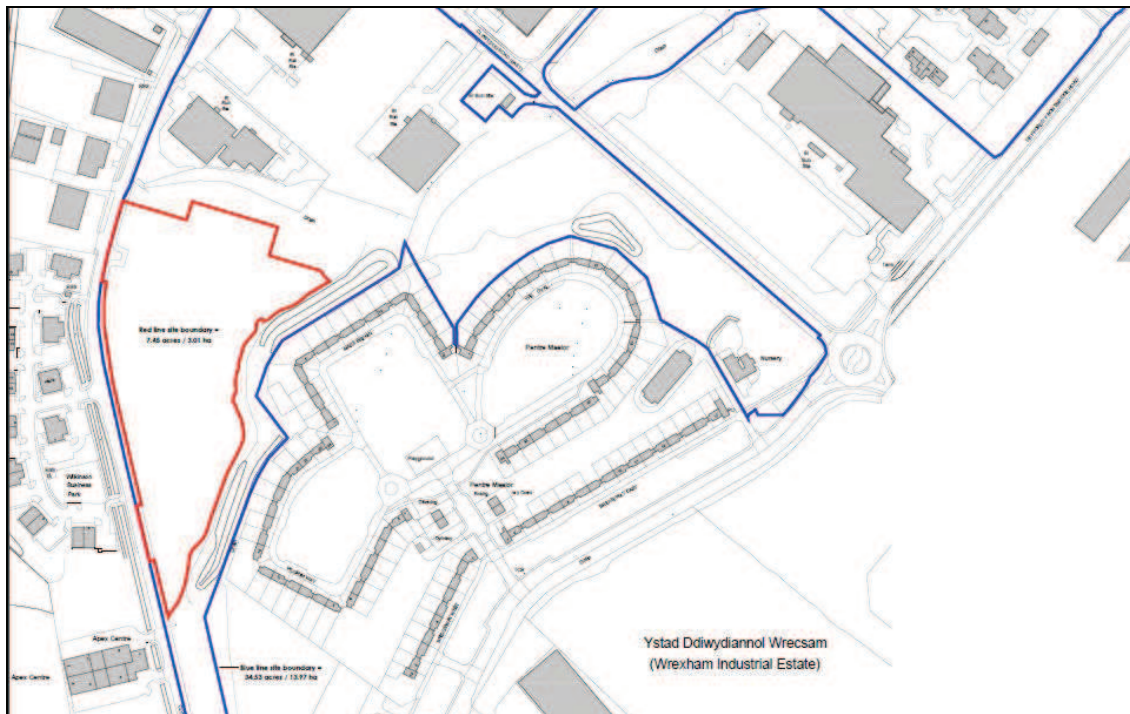
WARD:
Holt

DESCRIPTION:
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)

AGENT NAME:
J10 PLANNING LTD
MR JUSTIN PAUL

APPLICANT(S) NAME:
MS JANE HETHERINGTON
FIRST INVESTMENTS REAL ESTATE
MANAGEMENT LTD

THE SITE



REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
29th JULY 2019

PLANNING POLICY

The site is located inside the Wrexham Industrial Estate settlement limit. Policies PS1, PS2, PS3, PS4, GDP1, EC4, EC13, EC17, E8 and T8 are relevant. Guidance is also contained in Local Planning Guidance Notes 16 – Parking Standards and 17 – Trees and Development.

CONSULTATIONS

Community Council:	Members had real concerns regarding potential noise and light pollution. They also noted that this application is not in accord to the current UDP policy for the area. This should be re looked at.
Local Member:	Observations provided on the following matters: • The proposals seem to breach the buffer zone to some extent as defined within policy EM6 of the LDP on this site. It is appreciated that the buffer (between The Oval and Hydro Aluminium) is protected in both UDP & LDP but that zone is not part of this application site; • The LPA should be careful as not to want to build up problems for the future given that this is a speculative development and we do not know the end user or class use. For example, a B8 use might be more acceptable than a B1 use with a 24hr operation. • How safeguards can be built into any conditions imposed remains to be seen. There have also been issues with noise conditions. For example, properties in The Oval are protected by a noise condition not to exceed 47 dba at the property facade in the evening. A similar level of protection might not be achievable at the boundary of this site.
Site notice:	Expired 05.02.2019
Press notice:	Expired 09.02.2019
Public Protection:	No objection. Conditions are recommended: • To ensure that any ground contamination is identified, remediated and validated;

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

29th JULY 2019

Highways:

- That controls are imposed to restrict noise levels from the development when measured from the nearby noise sensitive properties accompanied by a noise survey to ensure that this condition can be complied with; and
- Controls relating to the hours of working in the implementation of the planning permission are also recommended.

The application cannot be supported in its current format. The following comments are made:

- Access visibility is achievable from the site in accordance with Welsh Government standards;
- The northerly access road as shown on the indicative plan is directly opposite that of RF Bellis and this would be unacceptable due to traffic movement conflicts;
- The plan does not indicate a 2m wide footway across the entire site frontage. This would not be appropriate as there is a need to serve not only the development site but for the wider benefit of those visiting the industrial estate to support a more sustainable approach to accessibility;
- A service delivery management plan should be submitted to limit the number of HGVs on the site at any one time;
- There is no existing bus service in close proximity to the site. A contribution should be made towards the provision of improved infrastructure to facilitate the provision of transport;
- Details of how the section of bellmouth access will be drained is required;
- The southerly access is shown with a limited kerb radii which will result in conflict of vehicles entering and leaving the site. The access should be relocated further north east;
- Adequate lateral and forward visibility needs to be demonstrated – alternatively the site could be limited to smaller vehicles by way of a service delivery management plan;

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

29th JULY 2019

- There are concerns regarding the layout of parking spaces having limited space for reversing if there is a HGV parked up on site; and
- Swept path analysis shows HGV movements will be unacceptable at the southerly access as they do not meet standard designs – this will result in conflict of vehicle movements on the highway if two vehicles attempt to enter and leave the site at any one time.

WCBC Flood Officer:

Requests a condition for the submission of a comprehensive drainage scheme design for approval of the LPA.

Business & Investment Lead
Officer (Housing & Economy):

Provided the following observations relating to the proposal:

- The First Investment proposition represents a significant investment for the Wrexham Industrial Estate creating jobs and opportunities, however ultimately this investment will provide the conditions required for growth for many businesses located on, or looking to invest in the Industrial Estate;
- Land and units are currently in short supply; however demand remains strong for this location. This demand comes from a local, regional and national basis, however increasingly we are seeing demand from existing occupiers who are unable to realise their ambitious growth potential due to the constraints of their current units in terms of size and appearance;
- Wrexham Industrial Estate is well connected and is therefore a key location for businesses looking for units in the North East Wales / North West of England region. A lack of suitable units is hindering the growth of the estate, therefore this commitment being made by FI to re-invest in their current stock and create new stock is very positive; and
- This investment shows the confidence in Wrexham Industrial Estate as a location for significant investment.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

29th JULY 2019

NRW:	Does not object to the proposal. The following comments are made: • In relation to protected species the proposed habitat mitigation strategy is acceptable. details concerning its implementation should be secured via planning condition / Section 106 Agreement. Material provisions of the agreement to include, but not limited to, financial arrangements, management plan and updates, wardening, monitoring and tenure. • No comments are made in relation to water disposal from the site. • Contamination investigations are noted however no further pre-determination submissions are required from NRWs perspective.
Welsh Water:	Requests a condition to detail a drainage design.
Wales & West Utilities (Gas):	Apparatus is located in the vicinity of the site and the applicant must assume a presence on the site.
National Grid (Plant Protection):	Consulted 02.01.2019
Neighbouring occupiers:	56 neighbouring occupiers notified. 3 responses received raising the following objections: • Neighbours will be looking out from their gardens on to industrial buildings; • Surely it would have been better to build the offices on this land the industrial buildings further away from the dwellings; • The neighbouring community has been ridden roughshod over time and time again; • The proposal will result in an increase risk to motorists because of the extra traffic generated in the area; • The traffic survey only looks at traffic incidents up to 2016 – incidents have increased since 2016; • B2 refers to 'industrial process'. In view of their proximity to a residential area the risk of pollution by noise, lighting and fumes is unacceptable.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

29th JULY 2019

- Noise pollution is already an issue because of an alarm that goes off intermittently in one of the factories in or near the Wilkinson Business Park.
- The additional volume of traffic on that road potentially at all times will further impact on the peace of the estate.
- An unspecified 'industrial process' gives no indication of what might be permitted there initially or in the future.
- Our estate is home to a large number of children and bright lights shining at night can be both distracting and distressing.
- B8 suggests the possibility of outdoor storage. The risk of debris and litter will add to the large quantities of litter being blown around the industrial estate at present
- The industrial estate has no lorry park - the sight of human excrement, toilet paper and detritus left generally by truck drivers on the road sides is common and unacceptable - the development of the proposed buildings can only add to this problem.

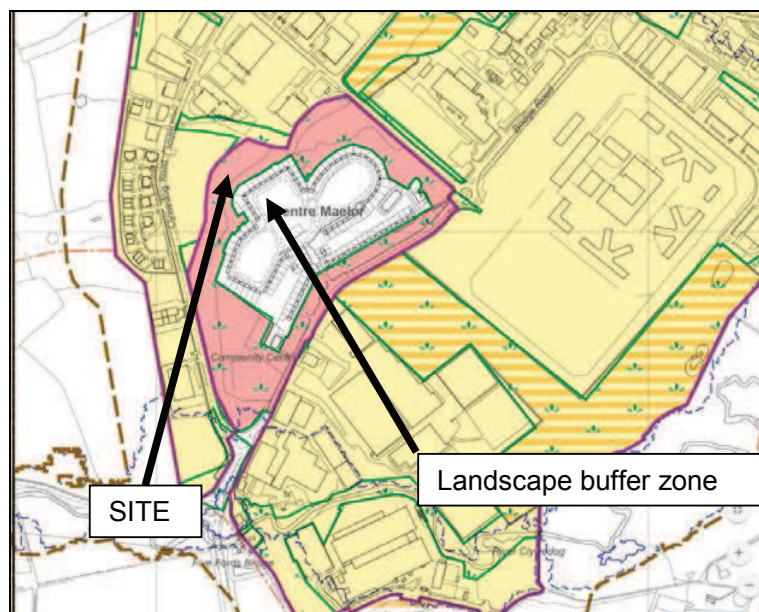
SPECIAL CONSIDERATIONS

Policy: The proposed development site falls within the defined settlement limit of the Wrexham Industrial Estate. In accordance Wrexham UDP policies PS2 and E4, commercial development in such locations is acceptable in principle.

In the current UDP, the land has a specific allocation. Policy E8 stipulates that the land be safeguarded for 'business use'. The reasoned justification goes on to state that the Pentre Maelor housing estate lies within the WIE settlement limit and existing residents often suffer harm to their quality of life through traffic, operational noise associated with industry. Such problems should not be permitted to increase, and this policy, by strictly limiting the type of employment use on land adjacent to the Pentre Maelor housing estate, ensures that the amenity of local residents is not detrimentally affected. The land is to be developed solely for Business Use, as defined by Class B1 of the Town and Country Planning (Use Classes) Order 1987, i.e. as an office, for research and development, and for those industrial processes which can be carried out in a residential area without detriment to the amenity of that area by reason of noise, vibration, smell etc. No general industrial development will therefore be allowed within this area.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
29th JULY 2019

The Local Development Plan (LDP) designation for the land is a material consideration. Whilst the plan has not yet been through its Examination in Public (EiP), it has been agreed as sound by full council. It would therefore be remiss to not take into consideration the evidence base of the plan. Planning Policy Wales advises that whilst significant weight cannot be given to the plan policies at this stage, weight can be afforded to the evidence base used to formulate the plan. Policy SP10 of the deposit LDP identifies the WIE as the county's Key Business Sector Area and will be the primary focus for new employment development over the plan period for B class employment and other ancillary related development. Policy EM6 in the deposit LDP seeks to introduce a 50m buffer from the residential curtilages of the nearest residential properties within which there should be no development. The land should be safeguarded for landscaping purposes. The deposit LDP makes no stipulation on the type of development that would be acceptable on the site in question, effectively removing the restriction currently imposed in the current UDP. For the benefit of Members, an extract from the proposals map of the deposit LDP is shown below.



WIE deposit LDP proposals map extract

Whilst the evidence base for the deposit LDP should be given consideration, planning law requires the LPA to determine planning applications in

accordance with the development plan in force i.e. the UDP, unless there are material planning considerations which would indicate otherwise. These matters are discussed further in the report.

Need: The proposal provides for a mixed use development of B1, B2 and B8 development. This would therefore not accord with policy E8 of the current UDP because of the B2 and B8 element.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
29th JULY 2019

The applicant has provided a detailed background to their development rationale. The applicant (First Investments Real Estate Management) has 100% of its property occupied with continued queries from prospective occupiers or existing occupiers wishing to expand. With no existing buildings available to offer, the applicant's opportunities to offer accommodation are limited to the development of land parcels within their control. The applicant claims that there is a known demand for 3000sqft of B1 accommodation as well as a demand from single site manufacturers looking for their own sites.

The diminishing rate of readily available units on the WIE is supported by the latest Employment Land Review (Jan 2018) in support of the deposit LDP. Whilst the ELR identifies that across the County Borough as a whole there is a sufficient provision of land to meet need through the plan period, from a qualitative perspective there is a shortfall on the WIE. At the time the ELR was carried out, the WIE had a vacancy rate of 4% - with 7-10% being considered reasonable in terms of giving occupiers a choice of premises type, location, sizes and tenures to suit their needs. A below average vacancy rate on the WIE supports the applicant's position of a diminishing range and choice of accommodation for new and existing businesses. The ELR has noted that the council's own Business and Investment Officers report that a lack of range and choice is deterring businesses from locating to the WIE. Given the economic focus of the Plan, and the clear evidence of need for an extension to the WIE, ensuring a sufficient supply of land at the WIE is vital within the overall context of the plan because it is identified as a nationally important employment area, and is important in the context of the local economy. Recent infrastructure improvements to the road network, which included a £30 million investment, and the completion of HMP Berwyn demonstrates the continued success of the area.

The applicant has provided further information to state that there is a reduced demand for B1 office uses on the WIE, with the likes of existing provision across from the site (Wilkinson Business Park) saturating the market. The applicant has provided a letter from a marketing agent confirming that there is effectively no demand for office uses in this location. Their own marketing exercise for the application site confirms that there is no interest for B1 office uses.

On this basis, I am satisfied that the applicant has adequately demonstrated that there is a general need for additional land on the WIE to be developed for uses beyond B1. In isolation from the policies identified in the deposit LDP,

the ELR evidence based which has been used to support the case for additional land allocations is a material consideration and must carry significant weight in this instance.

Amenity: The proposed development would be located immediately adjacent to the Pentre Maelor housing estate. As mentioned above, UDP policy E8

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
29th JULY 2019

has placed a restriction upon the development of this site for B1 purposes only.

Outlook

The relationship with the neighbouring dwellings is shown in the aerial photography below. The rear curtilages of the dwellings are bounded by mature tree coverage. The indicative layout plan shows an intention to position the buildings some 30 metres from these rear curtilage boundaries at their closest point. For this reason, I am satisfied that whilst elements of the resulting development may be seen from those properties, the outlook for those residents will not be harmed to a point where it will appear oppressive. There is no right in planning terms to a view. To refuse this proposed development on the basis that the applicants will see the development is unjustifiable.



Aerial photograph showing relationship with Pentre Maelor

Noise and air quality

The main issues in relation to amenity are noise and air quality impact. Public Protection has raised no objection to the proposed development. Conditions are recommended to secure the imposition of a background noise level restriction at the nearby noise sensitive properties. To facilitate this, and to ensure suitable control over potential noise levels, it is considered that any subsequent reserved matters application which deals with layout and appearance includes an acoustic assessment to demonstrate any noise mitigation measures within the design of the buildings to prevent excessive

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
29th JULY 2019

noise disturbance from the operational phase of the development. This would also include noise from vehicles and other machinery.

As the development is speculative, details in relation to the end user of the site and their working practices are not known. Therefore it is not possible to understand the type of business or their working hours. It must therefore be assumed that any business which falls under the established use class applied for could occupy the site.

The quantum of development is indicated as 2979 sqm B1 in the southerly building and 6038 sqm B2/B8 in the northerly building. 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 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.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
29th JULY 2019

Highways: Highways raise concerns regarding the nature of the proposal. The application has been accompanied by a Traffic Assessment. No objections are raised in relation to the principle of the development, the likely traffic generation impact upon the local highway network or the level of parking provision. The main areas of concern are discussed below.

Footway provision

The applicant has shown the provision of a footway 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. These access positions are only indicative at this stage as means of site access is a reserved matter for further approval. Highways have requested the provision of a continuous 2m wide footway across the entire site frontage not only to serve this proposed development but for the wider benefit of those visiting and working on the industrial estate to support the approach for more sustainable means of accessibility.

It is acknowledged that footways on both sides of the road would be an ideal situation. However, the LPA can only insist on the implementation of such infrastructure where it is necessary and it can be shown that without it, the development would prove unacceptable. In this instance, the developer is seeking to provide for pedestrian access to the site, with a suitable crossing in two locations to the existing continuous footway. The development is likely to generate a low level of pedestrian activity that could not safely be accommodated by the proposed provision. I am of the opinion that to demand this additional infrastructure would be unnecessary, disproportionate and burdensome on the developer. Its omission would not make the development any less acceptable.

Access position and geometry

As the means of access to the site is reserved for further approval, the positions as shown on the submitted plans are purely indicative. That said, the positions as shown are likely to be their final design locations. The most northerly access as shown is in the same position as an existing access that serves the field parcel.

Concern is raised about the northerly access being located opposite an existing access (RF Bellis Haulage Ltd) and that a conflict of vehicle movements is likely to occur. The concern arises because highways standards stipulate that accesses on opposite sides of the road should be staggered a minimum distance of 25m away from each other.

The applicant has countered this argument in submissions suggesting that the standards refer to junctions on main roads and not private access points. The spacing requirements are in place to prevent the creation of a cross road on a main road. Given that the existing and proposed accesses would be minor

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
29th JULY 2019

private accesses it is considered that the likelihood of a conflict occurring would be extremely minimal. Where vehicles are likely to be leaving both sites at the same time, because they are not junctions of main public highway, either driver waiting to allow the conflict to disperse is not going to cause congestion or further conflict which would inconvenience or involve general highway users. Additionally, it is considered that a conflict caused by a vehicle waiting to turn off the main highway and vehicles wishing to leave

either site will be so infrequent that to insist the access position be altered would be a disproportionate requirement based on that risk.

Further concern has been raised regarding the shape of the southerly access and that it does not meet normal standards because it is not able to provide sufficient depth before it reaches the turning area leading to possible conflict. This could either be resolved by providing an alternative swept path analysis based on lateral and forward visibility surveys or accept that the site can only accept smaller rigid HGVs. The applicant has sought to counter this concern and make alterations to relocate the proposed turning area away from the access.

It must be borne in mind that access and layout are a reserved matter – the plans before members now are for indicative purposes and these matters would be for consideration at a later stage. However, I accept that the southerly access position is likely to come forward as shown. I acknowledge that the swept path analysis does show that HGVs would cross either lane of the junction when making the manoeuvre. However, I am satisfied that any potential conflict is likely to occur so seldom that it would not pose an unacceptable risk to road users. The worst case scenario would only occur if there were a constant stream of larger HGVs entering and leaving at the same time. Any such conflict is likely to be managed by professional HGV drivers anticipating these conflicts and making appropriate manoeuvres without putting other road users at risk.

In considering all the risks identified above regarding conflict of traffic, I am also mindful that consideration must be given to the context of the development site. This is an established industrial estate which has developed piecemeal over the past 60 years. The development parcels are irregular in shape and have come forward on an ad-hoc basis. It is inevitable that proposals such as that before us will be constrained by their shape and will not be able to provide for 100% compliant highway layouts. The sites are also not generally designed for public use and will be used by employees of the occupiers governed by site safety regulations as well as professional delivery drivers who will have experience in dealing sites of this character. Those deviations from normal standards are not considered to be so detrimental in risk terms that it warrants a reduction in the quantum of development to facilitate a perfect scheme.

Public Transport

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
29th JULY 2019

Concern was initially raised that the development would come forward without any provision being made towards public transport infrastructure – the concern being that the development would not be located in close proximity to existing bus stops.

This planning application has been submitted alongside three other proposals all being considered separately under their own planning applications but by the same applicant. Highways are seeking a financial contribution towards the provision of improved infrastructure near the site which could be implemented should the emerging LDP key strategic site (KSS) come forward on the industrial estate with a more strategic public transport financial contribution. The rationale being that the provision would make for a joined approach towards providing the physical infrastructure on the estate. If the KSS does not come forward with 5 years the planning obligation could stipulate that the money is returned.

Concerns were raised by the applicant and the LPA that such a request on the basis of the scale of the development would be inappropriate and would not meet the tests laid out in Welsh Government Circular 13/97 relating to planning obligations. Planning obligations *‘should only be sought where they are necessary to make the proposal acceptable’* and *‘fairly and reasonably related to the scale and kind of the development and reasonable in all respects’*.

The concerns raised appear to relate only to the proximity of bus stop provision relative to the site. The applicant has summarised bus service provision on to the WIE in comparison to the level of development.

- Service 41a arrives on to the estate at from 0600 with the last service departing at 1820 with an hourly frequency Monday to Saturday
- Service 1e offers an additional early morning and evening service Monday to Friday; and
- An hourly Sunday service funded by contributions from HMP Berwyn is due to start under code 41b.

The nearest bus stop provision at the site is at the entrance to Pentre Maelor housing estate, some 1.2km from the site and within an acceptable walking distance. Furthermore, within the applicant's TA, provision has been made for the appointment of a Travel Plan Coordinator which can be secured by planning condition. This would accord with the guiding principles of PPW to promote walking and cycling as an alternative means of travel to the site above public transport within the transport hierarchy.

The level of development proposed and the nature of existing public transport provision is acceptable and I would not wish to place a financial demand on the developer as I am not convinced that the development would be considered unacceptable without the contribution. To do so would fail the tests laid out by the Welsh Government and would be subject to challenge.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
29th JULY 2019

Ecology and trees: The WIE is a known stronghold for various species afforded protection through European and domestic legislation.

The proposal has been presented with a detailed habitat creation strategy for land within the control of the applicant across other parts of the estate with the aim of creating a habitat network for great crested newts. The strategy has been accepted in principle but would be subject to much more detailed implementation methodologies, maintenance regime and long term control of the land for the purposes of habitat maintenance to offset the impact of the developments. These methods can be agreed through planning conditions and the issuing of a licence by NRW. The control of land into the future and the tenure will need to be controlled via a planning obligation and this is reflected in my recommendation. I am satisfied that with adequate controls the development can occur without detriment to protected species.

The council's tree officer has considered the nature of the tree survey and is supportive of the proposal noting that there is little impact upon existing tree coverage. There is an opportunity to increase tree coverage as a result of the proposed layout. I am satisfied that adequate controls can be imposed to protect existing tree coverage from the impacts of development. Detailed planting specification will be considered through the landscaping element of any reserved matters application.

Drainage: The applicant seeks to make a connection to the existing foul sewer network with surface water being dealt with through a SuDS design on conjunction with an existing watercourse adjacent to the site. This is deemed acceptable by the council's flood officer subject to the provision of a detailed drainage scheme.

The planning balance: The development must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. I have given detailed consideration to the two main issues – impact upon neighbouring residential amenity and highway safety.

I am satisfied that the ELR forming the evidence base for the deposit LDP justifies the need to widen the development opportunities for the site and this should be afforded significant weight. In conjunction with the provision of landscape buffer which, to an acceptable degree has been adhered to in this proposal, and a layout orientated away from those residential properties, I am satisfied that a speculative mix of B uses can be accommodated on the site without detriment to residential amenity.

Whilst acknowledging the deficiencies in the overall design presented as part of the indicative layout plan, I am satisfied that the risk to the highway users will be relatively low in the context of this commercial setting. The types of conflict between HGVs are known and can be mitigated by professional driving standards and experience of similar layouts elsewhere on the WIE. I would therefore not wish to recommend refusal on highway safety grounds.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
29th JULY 2019

Conclusion: I am satisfied that whilst the development would not accord with policy E8 of the adopted UDP, for the reason identified above, the development is acceptable and there are matters which should be afforded significant weight in its favour. I therefore recommend accordingly.

RECOMMENDATION A

That the Council enters into an obligation under Section 106 of the Town and Country Planning Act requiring the following:

- To ensure that the habitat land identified is subject of the Habitat Management Strategy (document ref. Document Ref: KE1849.04 dated 23 November 2018) and the associated Outline Habitat Management Plans; and
- To ensure that the tenure, access to and future management of the land forming part of the habitat mitigation and management plan is controlled.

RECOMMENDATION B

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 Planning & Regulatory is given delegated authority to REFUSE planning permission and formulate that reason for refusal on the following grounds:

- The proposed development would fail to make adequate provision for the impact it would have upon protected species which are known to be present on and in the vicinity of the development site.

RECOMMENDATION C

Subject to the completion of the Section 106 Obligation, planning permission be GRANTED subject to the following conditions:

CONDITION(S)

1. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
 - a. the layout of the building(s)
 - b. the appearance of the building(s)
 - c. the means of access to the site and building(s)
 - d. the landscaping of the site.
2. Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

29th JULY 2019

3. The development as permitted shall be commenced before the two years from the date of approval of the last of the reserved matters required to be approved.

4. The development shall be limited to B1, B2 and B8 uses as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended), or any statutory instrument revoking and re-enacting that Order with or without amendment. The quantum of development shall be restricted the floor areas as detailed on the approved plan numbered B10500-AEW-SI-XX-DR-A-0503 P7

5. Development shall not commence until detailed habitat mitigation and management plan has been submitted to and approved in writing by the local planning authority. The scheme shall be prepared in accordance with the principles laid out in the Outline Habitat Management Plan document ref: KE1849.04 Version 3 dated 23 November 2018 authored by Richard Roe of Kingdom Ecology Ltd. The development shall be carried out in accordance with the details as may be approved.

6. No part of the development 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 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.

8. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

29th JULY 2019

been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

9. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 8 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

10. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority.

Where a SuDS scheme is to be implemented, the submitted details shall:

i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;

ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,

iii) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

11. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level by more than 5dB(A) 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 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial areas.

12. There shall be no openings to include doors on any elevation facing the adjoining residential development at Pentre Maelor.

13. No part of the development shall commence until a noise survey has been submitted to and approved in writing by the local planning authority. The survey shall determine noise levels for both day and night together with a detailed scheme of noise attenuation and/or noise insulation measures to show that the operation of the whole development shall not exceed the pre-existing background level by more than 5dB(A) at any time measured from the nearest noise sensitive properties. The measures as are approved shall be fully implemented prior to the first use of the development.

REASON(S)

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

29th JULY 2019

2. To comply with Section 92 of the Town and Country Planning Act, 1990.
 3. To comply with Section 92 of the Town and Country Planning Act, 1990.
 4. In order to define the terms of the planning permission and ensure compliance with policies PS2 and GDP1 of the Wrexham Unitary Development Plan.
 5. In order to ensure that the development can be implemented without causing harm to species which are afforded statutory protection through the planning system and to ensure compliance with policies PS2 and GDP1 of the Wrexham Unitary Development Plan.
 6. 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.
 8. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 9. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 10. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
 11. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 12. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 13. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
-