

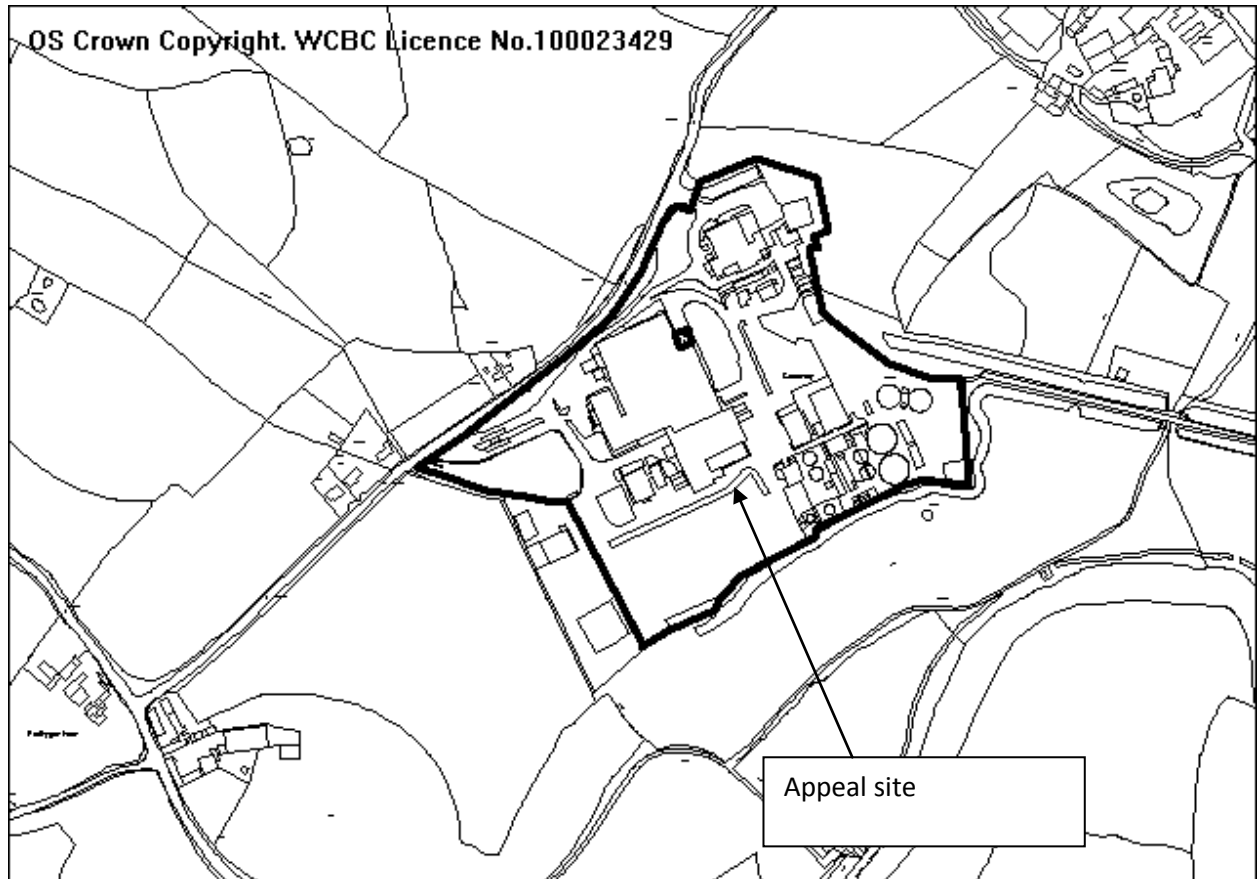
**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
MAELOR FOODS PICKHILL LANE CROSS LANES WREXHAM**

COUNCIL'S STATEMENT OF CASE

PLANNING REF: P/2017/1032, P/2017/1037 and P/2017/1038
PINS REF: 32161187, 3216188 and 3216190

1.0 THE SITE

- 1.1 The appeal site is located on the south-side of Pickhill Lane approximately 280m from the junction of the latter with the A525 Wrexham to Whitchurch road.



2.0 PROPOSAL

- 2.1 The appellant is seeking to remove condition 14 of planning permission P/2014/0781, condition 11 of planning permission P/2015/0838 and condition 11 of planning permission P/2017/0165 to enable up to 1,000,000 birds to be processed each week. The existing conditions impose a limit of 400,000 birds being processed each week.

3.0 HISTORY

- 3.1 The site history is set out below

Reference	Description	Decision
Application site		
P/2011/0750	DEMOLITION OF EXISTING FACTORY BUILDINGS AND CONSTRUCTION OF NEW CHEESE CUTTING AND PACKING PLANT INCLUDING OFFICES TOGETHER WITH NEW CHILL STORAGE WAREHOUSE	Granted 4.12.12

P/2014/0781	CHANGE OF USE TO POULTRY PROCESSING FACILITY.	Granted 2.3.2015
P/2015/0838	EXTENSION, ALTERATION AND UPGRADING OF EXISTING FACILITIES AND BUILDINGS	Granted 1.2.2016
P/2017/0165	EXTENSIONS AND UPGRADING OF FACILITIES AND BUILDINGS	Granted 25.4.2017
P/2017/0204	APPLICATION FOR APPROVAL OF DETAILS RESERVED BY CONDITIONS IMPOSED UNDER PLANNING PERMISSION CODE NOS: P2014/0781: CONDITION 2 CONDITION 3 CONDITION 4 CONDITION 6 P/2015/0838: CONDITION 3 CONDITION 4 CONDITION 6	Approved 18.4.2017
P/2017/0626	APPLICATION FOR APPROVAL OF DETAILS RESERVED BY CONDITION IMPOSED UNDER P/2014/0781: CONDITION 5 CONDITION 7 P/2015/0838: CONDITION 5 CONDITION 7	Approved 24.8.2017
P/2017/0899	APPLICATION FOR APPROVAL OF DETAILS RESERVED BY CONDITIONS IMPOSED UNDER PLANNING PERMISSION P/2017/0165: CONDITION 5 CONDITION 6	Approved 20.11.2017
P/2017/0811	APPLICATION FOR A NON-MATERIAL AMENDMENT TO PLANNING PERMISSION P/2015/0838 TO AMEND DETAILS OF SITING AND DESIGN	Approved 12.10.2017
P/2017/1032	APPLICATION FOR REMOVAL OF CONDITION NO 14 OF PLANNING PERMISSION P/2014/0781, TO ALLOW THE PROCESSING IN THE REGION OF 1,000,000 BIRDS PER WEEK	Refused 1.10.18. Appeal Pending
P/2017/1037	APPLICATION FOR REMOVAL OF CONDITION NO. 11 OF PLANNING PERMISSION P/2017/0165 TO ALLOW THE PROCESSING IN THE REGION OF 1,000,000 BIRDS PER WEEK.	Refused 1.10.18. Appeal Pending
P/2017/1038	APPLICATION FOR REMOVAL OF CONDITION NO. 11 OF PLANNING PERMISSION P/2015/0838 TO ALLOW THE PROCESSING IN THE REGION OF	Refused 1.10.18. Appeal Pending

	1,000,000 BIRDS PER WEEK.	
P/2018/0955	APPLICATION FOR REMOVAL OF CONDITION NO. 14 OF PLANNING PERMISSION P/2014/0781 TO ALLOW THE PROCESSING IN THE REGION OF 1,000,000 BIRDS PER WEEK	Refused 4.2.2018
P/2018/0956	APPLICATION FOR REMOVAL OF CONDITION NO. 11 OF PLANNING PERMISSION P/2015/0838 TO ALLOW THE PROCESSING IN THE REGION OF 1,000,000 BIRDS PER WEEK	Refused 4.2.2018
P/2018/0957	APPLICATION FOR REMOVAL OF CONDITION NO. 11 OF PLANNING PERMISSION P/2017/0165 TO ALLOW THE PROCESSING IN THE REGION OF 1,000,000 BIRDS PER WEEK	Refused 4.2.2018
Adjoining Site		
P/2018/0591	CHANGE OF USE FROM TRANSPORT LOGISTICS DEPOT (SUI GENERIS) TO USE ANCILLARY TO ESTABLISHED NEIGHBOURING POULTRY PROCESSING FACILITY	Granted 1.10.2018

4.0 PLANNING POLICY

4.1 The Unitary Development Plan Policy directly relevant to this appeal is GDP1.

5.0 COUNCIL'S CASE

Background

- 5.1 Planning permission was granted for the change of use of the site to a poultry processing plant in March 2015 (P/2014/0781). During the determination of the application lengthy discussions took place between Council officers, the appellants and their agents about concerns the impact the use would have upon the standard of amenity of nearby properties, particularly those on the opposite side of the road to the site on Pickhill Lane.
- 5.2 The impact of the use in terms of noise and odour was dealt with via planning conditions imposing the requirements for the implementation of management plans in respect of those issues. Furthermore the Council was aware that the site would be subject to a Pollution Prevention and Control Permit (PPC) which would impose requirements on the site operator to put in place measures to prevent or minimise both noise and odour.
- 5.3 In addition to noise and odour from the operation of the site, there were also concerns about the impact the development would have upon nearby occupiers in terms of passing HGV movements. The number of HGV movements anticipated to serve the planned level of production (400,000 birds per week) was 29 per day. This compared to 22 HGV movements for the historic use of the site as a creamery and 26 HGV movements for First Milk's proposals to redevelop the site (reference P/2011/0750) which were granted planning permission in December 2012. The increase in HGV

movement was offset by an expected reduction in the number of vehicular movements associated with staff. To protect the amenity of nearby occupiers a production limit of 400,000 birds per weeks was negotiated with and agreed by the appellants as a means of limiting traffic generation.

- 5.4 In November 2015 the appellants applied for extensions to the existing buildings to create covered areas for delivery/lairage and waste removal in order to allow the operator to run an efficient business. The appellants did not propose to increase production capacity at that time. The production limit of 400,000 birds per week was imposed on the planning permission for the extension (P/2015/0838) by way of condition.
- 5.5 Permission was sought in February 2017 (P/2017/0165) for some further additions to the site. The appellant's agent confirmed that these were not to increase production but needed to improve the efficiency and working practice of the site to ensure all aspects of the facility are housed internally. He confirmed the site was to operate within the limits of the previously approved conditions. The production limit of 400,000 birds per week was also imposed on this planning permission by way of condition. A copy of the relevant correspondence is included in Appendix 1.

Traffic Generation

- 5.6 The proposals to increase production to 1,000,000 birds would increase the total number of operational vehicle movements (i.e. HGVs) to/from the site from 4 per hour to 12, with the average number of weekday movements increasing 2.5 times from 29 to 72. This represents a considerable increase in the number of vehicles passing along Pickhill Lane and using the Pickhill Lane A525 junction.
- 5.7 The Council has significant concerns about the impact the proposals will have upon highway safety, principally at the A525/Pickhill Lane junction. Vehicles exiting Pickhill Lane onto the A525 to travel in a southerly direction can only make the manoeuvre by encroaching onto the north-bound carriageway into the face on on-coming traffic. If the amount of HGV traffic servicing the site per day were to increase by 2.5 times there is a considerable increase in the risk of accidents occurring at the A525/Pickhill Lane junction – thus seriously jeopardising the safety of all users of the road.
- 5.8 The Council acknowledges that the appellants have purchased the adjacent site, a former transport depot, and have obtained planning permission to use it for purposes ancillary to the Maelor Foods site. The appellants have suggested that the previous owners of the adjacent site had a Vehicle Operator Licence for 46 vehicles and that there were up to 140-160 daily HGV movements. By changing the use of the adjoining site to one that is ancillary to the Maelor Foods site it is suggested that this will facilitate a net reduction in vehicle movements sufficient enough to off-set the number of additional HGV movements associated within the proposed increase in the number of birds processed at the site from 400,000 to 1,000,000 per week.
- 5.9 Despite the number of vehicles subject to the Vehicle Operator Licence for the adjoining site, no conclusive evidence by way of vehicle logs or traffic counts has been submitted to demonstrate that the number of vehicle movements

generated by that site was at the level suggested. Anecdotal evidence from local residents suggests that traffic from the adjacent site was never as high as suggested and that the HGVs visiting the site were also typically not as large as the ones now serving the Maelor Foods site.

- 5.10 The increase in traffic along Pickhill Lane will also result in a considerable increase in the level of noise and disturbance experienced by the occupiers of the properties on the opposite site of the lane, in particular Porthlyn, Parkleigh, Marlbrook. Those three properties lie to the north-west of the site access and are passed by all HGVs travelling to and from the site. Given that the site operates 24 hours a day, the occupiers of the properties will potentially experience this noise and disturbance throughout the night as well as during the day.
- 5.11 The appellants have put forward proposals to improve visibility at their site access as well as to carry out some limited improvements to the Pickhill Lane/A525 junction. However given the doubts about historic traffic generation, it is the Council's view that these will not reduce the impact of the proposals upon local residents nor will it address the inadequacies of the junction in respect of vehicles encroaching onto the opposite site of the carriageway on the A525.

6.0 CONCLUSION

- 6.1 The proposals would result in a significant increase in HGV movements to the detriment of highway safety and the amenity of the occupiers of nearby properties thus being in conflict with policy GDP1 (d) and (f) of the Wrexham Unitary Development Plan. The Council respectfully requests that the appeals be dismissed.

Appendix 1

Email correspondence between case officer and appellant's agent 03/04/2017

Appendix 2

List of conditions in the event of appeal **32161187** being allowed

Appendix 3

List of conditions in the event of appeal **32161188** being allowed

Appendix 4

List of conditions in the event of appeal **32161190** being allowed