

Your Ref: PP-04894685
Our Ref: 1502/CV/LF

04 April 2016

Planning Department
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Dear Sir/Madam,

LAND SOUTH OF RIDLEYWOOD LANE AND EAST OF BRYN LANE, WREXHAM INDUSTRIAL ESTATE: APPLICATION TO VARY CONDITIONS 2 & 3 – RENEWAL OF PLANNING PERMISSION P/2011/0891 (APPEAL REF APP/H6955/A/12/2188910)

Please find enclosed on behalf of our client, Gardenbreeze Limited (a subsidiary company of Kingmoor Park Properties Limited), a Section 73 variation of condition application to vary the time limits for submission of reserved matters and commencement of the development. The application effectively seeks to renew the above planning permission granted with conditions by way of Appeal Decision APP/H6955/A/12/2188910 dated 06 August 2013 (WCBC Application P/2011/0891). The application relates to a proposed B8 storage and distribution warehouse and associated ecological mitigation area including means of access and layout at land at Bryn Lane, Wrexham Industrial Estate, Wrexham, LL13 9UT.

Validation Requirements

As agreed with Susan Davies in the Planning Control team, one copy of the following documents are enclosed with this application and submitted to the Council in hard copy and electronic format:

- Application Forms and Certificates;
- Original Location Plan; and
- Approved Design & Access Statement.

Proposed Variation of Approved Conditions 2 & 3

Condition 2 attached to the Appeal Decision states that:

“Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved”

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Condition 3 attached to the Appeal Decision states that:

“The development hereby permitted shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later”

This application seeks approval through this variation of condition application to extend the time limit for submission of reserved matters and for the implementation of the development (as is permissible) by a further 3 and 5 years respectively pursuant to conditions 2 and 3 of the planning permission.

Analysis

As set out in Paragraph 5.21 of Welsh Government Circular 016/2014 ‘The Use of Planning Conditions for Development Management’ (2014), planning permission can be renewed before the time-limit for the commencement of development has expired, under section 73 of the Town and Country Planning Act 1990.

The justification for the development has been reinforced through the strengthening of national guidance with a focus on delivery of sustainable development and promoting economic growth. TAN 23 has been adopted, which reiterates the need expressed in Planning Policy Wales to guide economic development to the most appropriate locations rather than prevent or discourage such development. Paragraphs 2.1.5-2.1.14 of TAN 23 set out three tests to help balance the economic, social and environmental issues. The proposed development fulfils the three tests, as it cannot be accommodated on any other available land and will result in significant socioeconomic benefits. As required under the ‘special merit’ test, it would make a special contribution to policy objectives by locating industrial development in a disadvantaged area, which could help fight social exclusion, improve run-down places and create job opportunities for people at high risk of unemployment.

In addition to support from National Policy, the Council’s employment land evidence base (Employment Land Review) recommends that this site is formally allocated as employment land in the emerging Local Development Plan, concluding that the site as part of the developable area of Wrexham Industrial Estate and therefore the settlement limit should be extended to include the whole site.

In summary, the circumstances in justification of the development have not altered and further support is provided by national guidance. There are therefore no planning reasons or other material circumstances which would prohibit the County Borough in granting permission for this application.

Furthermore, there is an approximate 5 month period until the expiration of the permission and so an application to extend the time limits outlined in Conditions 2 and 3 of the approved permission would not be premature. This serves to demonstrate that the variation of condition application for Planning Permission P/2011/0891 is acceptable as approved by way of Appeal Decision APP/H6955/A/12/2188910.

In conclusion and in accordance with Paragraph 3.1.2 of Planning Policy Wales, the presumption in favour of sustainable development means that the renewal of the permission has no valid reason to be refused, and should therefore be approved without delay as it is policy compliant.

Should you require any further information or wish to discuss then please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink, appearing to read 'Conor Vallely', with a stylized, cursive script.

Conor Vallely

Associate

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