

Proposed New Bakery and associated offices
Land at Ash Road South, Wrexham Industrial Estate

Planning Statement

On behalf of

Village Bakery (Wrexham) Ltd



December 2015

Prepared by Leith Planning Limited

CONTENTS

SECTION 1	INTRODUCTION
SECTION 2	PRE-APPLICATION CONSULTATION
SECTION 3	PLANNING POLICY WALES
SECTION 4	DEVELOPMENT PLAN – WREXHAM COUNTY BOROUGH COUNCIL
SECTION 5	EVOLVING POLICY FRAMEWORK
SECTION 6	OTHER POLICY DOCUMENTS
SECTION 7	SUPPORTING STATEMENTS
SECTION 8	PRINCIPLE OF DEVELOPMENT
SECTION 9	OTHER MATERIAL CONSIDERATIONS
SECTION 10	CONCLUSIONS

APPENDICES

APPENDIX 1	PRE-APPLICATION ADVICE FROM WREXHAM COUNTY BOROUGH COUNCIL
-------------------	---

Prepared and Proofread By:	Rebecca Booth MSc (Dist) BSc (Hons)	08-12-15
Checked By:	Samantha Nicholls BA (Hons) MTCP MRTPI	10-12-15
Approved for Issue By:	Samantha Nicholls BA (Hons) MTCP MRTPI	10-12-15

SECTION 1 INTRODUCTION

Instructions

- 1.1 Leith Planning Ltd is instructed by Design and Planning Associates Ltd on behalf of Village Bakery (Wrexham) Ltd to prepare and submit a planning application for a new bakery and office accommodation on land at Ash Road South, Wrexham Industrial Estate in accordance with the description of development detailed below. It should be noted that the proposed bakery will be in addition to the Applicants existing site at Coed Aben Road which is delineated in blue on the submitted Location Plan, and will be connected to the application via a proposed new internal roadway.

Description of Development

- 1.2 The Description of Development reads as follows:

“Application for a new bakery and office accommodation; to create 19,895 square metres of new floorspace with associated site access and car parking on land at Ash Road South, Wrexham Industrial Estate, Wrexham.”

Site Description

- 1.3 The application site extends to approximately 6 hectares in area and is located to the south of Ash Road South, Wrexham. The site is currently managed greenfield with woodland located to the West and South West of the site boundary, with some residual woodland and ponds located within the southern part of the application site. The site is proposed to be accessed off Ash Road South.
- 1.4 The site is surrounded by a number of industrial and food production units, including the existing Village Bakery unit which is located to the South West of the application site. The adjacent uses are located within traditional ‘industrial’ style buildings and built from either corrugated metal or brick construction. Whilst there is some variation in relation to the height and scale of development, the area is characterised by largescale industrial buildings on sizable plots with on-site car parking and landscaping to site boundaries.

Planning Statement

- 1.5 This planning statement evaluates the development in the context of current Government advice and the Wrexham Local Development Plan. The statement will deal with the substantive planning issues associated with this proposal and outline the justification behind the submission.

Supporting Reports

- 1.6 This Planning Statement, is accompanied by a number of supporting documents detailed at Section 7 of this Statement.

SECTION 2 PRE-APPLICATION CONSULTATION

Pre-Application Meeting

- 2.1 Formal pre-application meetings were held with Wrexham County Borough Council on 28th February 2015 and 2nd July 2015. The meetings were attended by the Applicants Architect, Gareth Edwards at DPA Design, and several representatives from the Local Planning Authority including Dave Sharp (Principal Building Control Surveyor) and Philip Forester (Planning Officer).
- 2.2 The meetings were held in order to have initial discussions regarding the principle of the proposed new bakery and office accommodation on land to the south of Ash Road South, Wrexham. In addition, discussions were held on the matters of access, design, particularly those relating to the impacts of the development on the wider local area and other relevant environmental matters.

Formal Pre-Application Advice

- 2.3 Following the aforementioned meeting, the Council have formally outlined in writing within an email dated 3rd March 2015 and included at Appendix 1 to this report, their thoughts on the principle of development and the matters which would need to be considered and addressed within any planning application. The key points of reference from email dated 3rd March 2015 are detailed below:

“Following on from our meeting on Friday regarding the above site from a planning perspective my only issue with the development is the impact upon existing habitat and how the final development proposal will meet the requirements of Local Planning Guidance Note 29. This is matter that Emma will comment on.

The proposed visual appearance of the structure is something that I would support.

Highways will comment separately on any highway safety issues.

Any formal planning application that may be submitted will require the following:

- Relevant planning application forms;
- Location plan 1:1250;
- Ecology report and surveys;
- Arboricultural Assessment;
- Transport Assessment (mandatory if development exceeds 5000m2 gross floor area – however highways did indicate that a TA should be provided which is supported by para. 8.7.2 of Planning Policy Wales); and
- Planning fee (depending on eventual proposed floor area).”

- 2.4 On the 22nd May 2015 Peter Douthwaite, Senior Development Control Engineer, sent an email to the Applicant in relation to the proposed site access and commented as follows (a copy of the email can also be found at Appendix 1):

"I assume that the proposed access will need to accommodate the movements of 16.5m articulated vehicles, smaller HGVs and cars.

Ash Road South is a classified road subject to a 40mph speed limit. Planning permission would be required to construct any proposed access in this location.

- Any proposed access in this location would need to provide visibility splays of 2.4 x 120m in both directions measured to the nearside edge of the adjoining highway in accordance with TAN 18 (Technical Advice Note 18 –Guidance for Visibility Splays). Such splays appear achievable from the proposed access point.
- Any proposed access in this location would need to provide adequate forward visibility in both directions providing a stopping site distance of 120m. Adequate forward visibility needs to be checked at the proposed access point.
- Any proposed access would normally require a minimum carriageway width of 7.3m with 15m kerb radii. Such an access would normally require a maximum gradient of 1:24 for the first 10m then 1:12 thereafter
- Any proposed access of this nature would need to be surfaced with hard bound material for a minimum distance of 20m behind the highway boundary with no gates being erected within 20m of the highway boundary. Appropriate measures would be required to prevent any private surface water flowing onto the adjoining highway.
- Adequate parking and turning provision would need to be provided within the curtilage of the development site.
- In order to assess the suitability of such an access in this location, details of anticipated daily traffic generation through this access would need to be submitted for further assessment. Such information may indicate the requirement for improvements to Ash Road South itself such as the provision of a right turning facility."

2.5 **Comment:** It can be confirmed that the application has been prepared with the above comments in mind, and the application supported with the necessary requested reports and documentation in order to seek to address the issues raised on site access and environmental matters.

SECTION 3 PLANNING POLICY WALES

- 3.1 In reviewing the proposals laid out within this submission due regard has been paid to the following extracts of National Planning Policy, including Planning Policy Wales and several Technical Advice Notes.

Planning Policy Wales (Edition 7 – July 2014)

- 3.2 Regard has been had to Planning Policy Wales (Edition 7 July 2014), and particular attention is drawn to the content of the following chapters:

Chapter 3 – Making and Enforcing Planning Decisions

- 3.3 Paragraph 3.1.2 states that in line with the presumption in favour of sustainable development applications for planning permission, or for the renewal of planning permission, should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise. Material considerations could include current circumstances, policies in an emerging development plan, and planning policies of the Welsh Government and the UK Government. All applications should be considered in relation to up to date policies.
- 3.4 *The proposed development has been demonstrated within this section and section 4 of this report to be in full compliance with the adopted development plan.*
- 3.5 Paragraph 3.1.4 advises that material considerations must also be fairly and reasonably related to the development concerned. The Courts are the final arbiters of what may be regarded as material considerations in relation to any particular application, but they include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The effects of a development on, for example, health, public safety and crime can also be material considerations, as, in principle, can public concerns in relation to such effects.
- 3.6 *As detailed above, whilst the development subject of this application has been demonstrated to be in compliance with the adopted development plan, in addition there are other material considerations which weigh in favour of the grant of consent. These are addressed in more detail at section 9 of this submission, but include the provision of additional jobs in the local area associated with the growth and expansion of an existing operation and a well-designed building in an appropriate location. There are not considered to be any other material considerations which would outweigh the presumption in favour of the grant of consent, and we would therefore kindly request that the local authority seek to support this development.*

Chapter 4 – Planning for Sustainability

- 3.7 Planning Policy Wales defines sustainable development at figure 4.1 which reads as follows:

“A definition of sustainable development in Wales. In Wales, this means enhancing the economic, social and environmental well-being of people and

communities, achieving a better quality of life for our own generations in ways which:

- promote social justice and equality of opportunity; and
- enhance the natural and cultural environment and respect its limits – using only our fair share of the earth’s resources and sustaining our cultural legacy. Sustainable development is the process by which we reach the goal of sustainability.”

3.8 *The development subject of this application will secure significant investment into the local area with associated job creation and economic benefits. In addition, the development will offer training and skills and a well-designed and carefully considered building which is sustainable in both its construction and its impact upon the local environment. The provision of a new bakery and office development on land allocated for an employment use, is deemed to wholly comply and support the provisions of Figure 4.1 as laid out above.*

3.9 It is noted that paragraph 4.2.2 goes on to support the role of planning within the achievement of sustainable development and reads as follows:

“ The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when:

- preparing a development plan (see Chapter 2); and
- in taking decisions on individual planning applications (see Chapter 3).”

3.10 *As laid out above, the proposed new bakery and office wholly complies with the provisions of paragraph 4.2.2 and we would therefore kindly request that consent be granted for this application.*

3.11 Paragraph 4.4.3 states that planning policies, decisions and proposals should:

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take (and especially extensions to the area of impermeable surfaces) and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites.
- Locate developments so as to minimise the demand for travel, especially by private car.
- Support the need to tackle the causes of climate change by moving towards a low carbon economy. This includes facilitating development that reduces emissions of greenhouse gases in a sustainable manner, provides for renewable and low carbon energy sources at all scales and facilitates low and zero carbon developments.
- Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding. This includes managing and seeking to mitigate the consequences of climate change by building resilience into the natural and built environment.
- Play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings.
- Play an appropriate role in securing the provision of infrastructure to form the physical basis for sustainable communities (including water supplies, sewerage and associated waste water treatment facilities, waste management facilities,

energy supplies and distribution networks and telecommunications), while ensuring proper assessment of their sustainability impacts.

- Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems. In particular, planning should seek to ensure that development does not produce irreversible harmful effects on the natural environment and support measures that allow the natural heritage to adapt to the effects of climate change. The conservation and enhancement of statutorily designated areas and of the countryside and undeveloped coast; the conservation of biodiversity, habitats, and landscapes; the conservation of the best and most versatile agricultural land; and enhancement of the urban environment all need to be promoted.
- Help to ensure the conservation of the historic environment and cultural heritage, acknowledging and fostering local diversity.
- Maximise the use of renewable resources, including sustainable materials (recycled and renewable materials and those with a lower embodied energy). Where it is judged necessary to use non-renewable resources they should be used as efficiently as possible. The use of renewable resources and of sustainably produced materials from local sources should be encouraged and recycling and re-use levels arising from demolition and construction maximised and waste minimised.
- Encourage opportunities to reduce waste and all forms of pollution and promote good environmental management and best environmental practice. Waste arising from demolition and construction should be minimised, and opportunities to recycle and re-use this waste promoted.
 - Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods.
- Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.
- Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity. In general, developments likely to support the achievement of an integrated transport system should be encouraged.
- Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car.
- Promote quality, lasting, environmentally-sound and flexible employment opportunities.
- Support initiative and innovation and avoid placing unnecessary burdens on enterprises (especially small and medium sized firms) so as to enhance the economic success of both urban and rural areas, helping businesses to maximise their competitiveness.
- Respect and encourage diversity in the local economy.
- Promote a low carbon economy and social enterprises.
- Contribute to the protection and, where possible, the improvement of people's health and well-being as a core component of sustainable development and responding to climate change. Consideration of the possible impacts of developments – positive and/or negative – on people's health at an early stage will help to clarify the relevance of health and the extent to which it needs to be taken into account.

- 3.12 *The development subject of this application results in the provision of an employment generating development on a site allocated for such a use. As set out in the pre-application highways response, the site can be safely accessed and is understood to be located in an accessible location, with a bus stop in close proximity of the application site. The site is subject of environmental constraints including site ecology and trees which have been addressed within the relevant supporting reports included with the application. The building will be sustainably constructed, built to BREEAM Excellent standards and appropriate infrastructure will be incorporated within the scheme. In short, it is considered that the proposed new bakery and offices on land at Ash Road South fully embraces and adheres to the criteria laid out above within paragraph 4.4.3.*

Chapter 5 – Conserving and Improving Natural Heritage and the Coast

- 3.13 Paragraphs 5.1.2 and 5.1.3 set out the importance of natural heritage and state that:

“5.1.2 The Welsh Government’s objectives for the conservation and improvement of the natural heritage are to:

- promote the conservation of landscape and biodiversity, in particular the conservation of native wildlife and habitats;
- ensure that action in Wales contributes to meeting international responsibilities and obligations for the natural environment;
- ensure that statutorily designated sites are properly protected and managed;
- safeguard protected species, and to
- promote the functions and benefits of soils, and in particular their function as a carbon store.

5.1.3 A key role of the planning system is to ensure that society’s land requirements are met in ways which do not impose unnecessary constraints on development whilst ensuring that all reasonable steps are taken to safeguard or enhance the environment. However, conservation and development can often be fully integrated. With careful planning and design, not only can the potential for conflict be minimised, but new opportunities for sustainable development can also be created. For example, new development on previously developed land provides opportunities to restore and enhance the natural heritage through land rehabilitation, landscape management and the creation of new or improved habitats.”

- 3.14 *The various supporting reports included with this application demonstrate that the matter of site ecology and the wider natural environment have been a central focus in the design and development of this application. The environmental issues have been robustly addressed and demonstrated to be acceptable with suitable mitigation being proposed to overcome any residual concerns. Furthermore, the Applicant has worked closely with the Council during the pre-application engagement process to review and resolve these matters. The development is therefore compliant with Chapter 5 of Planning Policy Wales for the reasons laid out within the Ecological Assessment and Arboricultural Reports.*

Chapter 7 - Economic Development

- 3.15 Paragraph 7.1.3 states that the planning system should support economic and employment growth alongside social and environmental considerations within the

context of sustainable development. To this end, the planning system, including planning policies, should aim to ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses. Local planning authorities should aim to facilitate the provision of sufficient land required by the market, except where there are good reasons to the contrary. In addition, wherever possible local planning authorities should seek to guide and control economic development to facilitate regeneration and promote social and environmental sustainability. In so doing, they should aim to:

- co-ordinate development with infrastructure provision;
- support national, regional, and local economic policies and strategies;
- align jobs and services with housing, wherever possible, so as to reduce the need for travel, especially by car;
- promote the re-use of previously developed, vacant and underused land; and
- deliver physical regeneration and employment opportunities to disadvantaged communities.

- 3.16 *The provision of a new bakery and associated office accommodation at Ash Road South, on a site allocated for employment uses is wholly compliant with the provisions of paragraph 7.1.3.*
- 3.17 *This is further supported within paragraph 7.1.4 which advises that 'in applying these and other considerations, local planning authorities should aim to steer economic development to the most appropriate locations, rather than prevent or discourage such development'.*
- 3.18 Paragraph 7.2.2 advises that local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there will be occasions when the economic benefits will outweigh social and environmental considerations.
- 3.19 *In this instance, the economic benefits are clearly of some weight in the decision making process given the job creation and local investment resultant from the proposal. However, the environmental matters and social issues have also been carefully considered and addressed within the scheme.*
- 3.20 Paragraph 7.6.1 notes that local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:
- the numbers and types of jobs expected to be created or retained on the site;
 - whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;
 - a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.
- 3.21 *Given that national guidance is requiring local authorities to adopt a positive approach to new employment generating development, and the need to support an existing local employer, it is anticipated that the positive feedback received at pre-application stage will filter through to determination. In terms of job creation it can be noted that the proposed development will safeguard 400 jobs and will create 150 new jobs. This*

additional income will further enhance the wider local economy through direct and indirect benefits.

Chapter 8 – Transport

- 3.22 Paragraph 8.7.1 When determining a planning application for development that has transport implications, local planning authorities should take into account:
- the impacts of the proposed development on travel demand;
 - the level and nature of public transport provision;
 - accessibility by a range of different transport modes;
 - the willingness of a developer to promote travel by public transport, walking or cycling, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development (payment for such measures will not, however, justify granting planning permission to a development for which it would not otherwise be granted);
 - the environmental impact of both transport infrastructure and the traffic generated (with a particular emphasis on minimising the causes of climate change associated with transport); and
 - the effects on the safety and convenience of other users of the transport network.
- 3.23 *The matters detailed above have been addressed in full within the supporting highway reports which demonstrate that the proposed access is both safe and suitable, and that the development will not result in a detrimental increase in traffic within the local area.*

Technical Advice Notes

- 3.24 In addition to the content of Planning Policy Wales, due regard has also been paid within the preparation of this planning application to a number of Technical Advice Notes (TANs) including the following:
- TAN 5 – Nature Conservation and Planning
 - TAN 12 – Design
 - TAN 18 – Transport
 - TAN 20 – Planning and the Welsh Language
 - TAN 22 – Sustainable Buildings
 - TAN23 – Economic Development
- 3.25 The key issues detailed within the above Advice Notes have been thoroughly addressed within the documentation supporting this application. However, having reviewed the documents referred to above, particular attention is drawn to the following:

TAN5 Nature Conservation and Planning (2009)

- 3.26 Paragraph 4.2.1 states that Planning Policy Wales recommends pre-application discussions (paragraph 5.5.1) and consultations (paragraph 5.5.4) between developers, local planning authorities and the statutory agencies. It is essential that all potentially important nature conservation issues (including effects on international, national and local sites, European and other protected species, organisms and habitats listed under section 42 of the Natural Environment and Rural Communities Act, UK BAP habitats and species, and coastal and inland waters and other wetlands) are identified and fully addressed at the earliest stages of preparing a planning application.

- 3.27 *As set out at section 2 of this report, the applicants have fully endorsed the pre-application process and have had extensive dialogue with the local planning authority on the scheme prior to submission of the application. This has allowed many of the key issues to be identified and addressed in the preparation stage, such that the submitted application is robust and confirms the acceptability of the scheme in relation to environmental matters. The applicant has also followed the guidance set out in paragraph 4.3.2 which states that 'to facilitate the efficient and timely processing of planning applications developers should ensure that applications are carefully prepared with all relevant information included and all material considerations addressed in the layout, design and related access, drainage and infrastructure. Landscaping proposals should be included together with any measures designed to avoid, mitigate or compensate for potential adverse effects on nature conservation. Any proposals for enhancement of nature conservation interests should also be included. These matters should not normally be left for later submission under conditions imposed on any permission given, because they will be material to the determination of whether planning permission should be granted.'*

TAN23 Economic Development (2014)

- 3.28 Paragraph 2.1.3 advises that it is a central objective of the planning system to steer development to appropriate locations. Therefore, where a proposed development would cause unacceptable environmental or social harm, demand should be steered to an alternative location, unless the harm is outweighed by the additional benefit of development at the original site in question. Such alternative locations will not necessarily be in the same local authority area. The TAN does not override any environmental legislative requirements that may apply to a particular site.
- 3.29 *Given that this is an employment generating development, proposed on a site allocated for an employment use this is deemed to be an appropriate location for the development and in accordance with paragraph 2.1.3. The environmental matters arising with the site can be overcome through careful site management and suitable mitigation and therefore there are not considered to be any matters of harm arising which would justify the consideration of alternative sites.*
- 3.30 **Comment:** It has been demonstrated above that the proposed provision of a new bakery with office accommodation on land to the south of Ash Road South, Wrexham is compliant with the requirements and principles of Planning Policy Wales and the relevant Technical Advice Notes. We would therefore kindly request that the application be approved without delay.

SECTION 4 DEVELOPMENT PLAN – WREXHAM COUNTY BOROUGH COUNCIL

- 4.1 Whilst it is noted that Wrexham County Borough Council are currently in the process of producing a Local Development Plan, it is understood that the Unitary Development Plan adopted February 2005 remains in force. Having reviewed the Proposals Map Inset 3 associated with the adopted document, it is understood from the Plan extract included below that the application site is identified as an allocated employment site.



- 4.2 Having reviewed the adopted Unitary Development Plan, attention is drawn to the following key determinative policies:

Part 1: Strategic Policies – The Broad Location of Development

- 4.3 **Policy PS1** states that new development for housing, employment, and community services will be directed to within defined settlement limits/employment areas.
- 4.4 *The land subject of this application is noted to be an allocated employment site within the adopted Unitary Development Plan. The provision of a bakery and offices is deemed to represent a suitable employment use and the scheme is therefore fully compliant with Part 1 Policy PS1. Furthermore, the site is situated within a location, which is predominantly oriented towards the food industry.*
- 4.5 **Policy PS2** details that development must not materially detrimentally affect countryside, landscape/townscape character, open space, or the quality of the natural environment.
- 4.6 *It should be noted that the application site is located within an industrial estate with a mix of commercial uses, build styles and heights. However, the development subject of this application has been carefully designed and positioned to ensure that there are no detrimental effects on neighbouring uses, the adjacent woodland setting or existing site ecology.*
- 4.7 **Policy PS3** advises that development should use previously developed brownfield land comprising vacant, derelict or underused land in preference to the use of greenfield land, wherever possible, particularly so where greenfield land is of ecological, landscape or amenity value, or comprises agricultural land of grades 1, 2 or 3a quality.

- 4.8 *Given that the land subject of this application has been allocated for an employment use, there is not deemed to be any conflict with the provisions of Policy PS3.*
- 4.9 **Policy PS4** Notes that development should maintain the existing settlement pattern and character and be integrated with the existing transport network to help reduce the overall need to travel and encourage the use of alternatives to the car.
- 4.10 *The proposed development will not impact upon the existing settlement pattern as it is merely infilling an existing gap on the industrial estate which has already been earmarked for an employment use. The site is understood to be well located for the existing transport network with some access available by public transport. Given the comments made by the Highways Officer at pre-application stage it is understood that the highway and access arrangements are considered to be appropriate for the development proposed.*
- 4.11 **Policy PS6** states that approximately 300 hectares of employment land will be made available for development between 1996 and 2011.
- 4.12 *It is noted that the site subject of this application is allocated for an employment use and as such the scheme will simply be assisting the Council in meeting their economic objectives by way of increased job opportunities within the local area.*

Part 2 – Specific Policies

Policy GDP1 Development Objectives: All new development should:

- a. Ensure that built development in its scale, design and layout and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.
- b. Take account of personal and community safety and security in the design and layout of development and public/private spaces.
- c. Make the best use of design techniques, siting and orientation in order to conserve energy and water resources
- d. Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality
- e. Ensure that built development is located where it has convenient access to public transport facilities and is well related to pedestrian and cycle routes wherever possible
- f. Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour and vibration arising from development.
- g. Secure public services to development at minimum public cost
- h. Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife.
- i. Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site
- j. Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity.

- k. Secure the development of sustainable communities, through the promotion of economic, social and environmental well-being of the area.
- 4.13 *As can be noted from the pre-application responses received from the local planning authority included at Appendix 1 of this submission, the proposed bakery and office development at Ash Road South is entirely appropriate in terms of scale, design and proposed height. The site can be suitably landscaped to ensure it fits in with the wider street scene and local area. The development can be safely and suitably accessed by the local transport network with some accessibility to public transport. There will be no detrimental impacts on adjacent land uses or increased risk of surface water flooding resultant from the development. Any impacts upon existing on site vegetation and ecology have been addressed in detail within the relevant supporting reports and suitable mitigation has been proposed to overcome any potential concerns. The scheme is therefore deemed to comply with the provisions of Policy GDP1.*

Policy EC4 – Hedgerows, Trees and Woodland: Development proposals should provide for the conservation and management of hedgerows, trees, orchards, woodland, wildlife and other natural landscape and water features, and include new planting in order to enhance the character of the landscape and townscape. Development which results in the loss or significant damage to valuable trees, important hedgerows or ancient woodland sites will not be permitted.

- 4.14 *Matters relating to trees and the adjacent woodland have been comprehensively addressed within the supporting arboricultural assessment submitted as part of the application. It can be noted that there is a limited number of trees proposed to be removed in order to facilitate the development, alongside some minor works to other existing trees in the interests of safety. None of these works are found to represent a justification for refusal of planning consent and can be suitably mitigated through an agreed landscaping scheme.*

Policy EC6 – Biodiversity Conservation: Development either within or close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development outweighs the need to safeguard the intrinsic nature conservation value of the site. Where such development is permitted, damage should be kept to a minimum, and compensatory measures should be provided. Measures to improve the biodiversity value of sites and enhance their natural conservation interest and landscape quality including the establishment of local nature reserves, will be supported.

- 4.15 *Matters relating to site ecology and biodiversity have been robustly addressed within the supporting ecology report and ecological mitigation plan.*

Policy E1 – Employment Allocations: Sufficient land will be allocated for employment development between 2001 and 2011 at Ash Road South (ii), Wrexham Industrial Estate.

- 4.16 *The above policy makes reference to the allocation of the land subject of this application for employment purposes. It is therefore considered that the use proposed is entirely suitable on this site and we would therefore kindly request that consent be granted.*

Policy T8 – Parking: Development granted planning permission will be required to provide vehicle parking spaces either on site or nearby, in accordance with the Council's current parking standards. Special regard will be paid to the following factors, as appropriate:-

- a) the availability of public transport nearby,
- b) proximity to public car parking,
- c) proximity to local services and facilities,

d) road safety hazards and amenity considerations arising from on-street parking in the vicinity of the site. Where implementation difficulties arise in making parking provision on-site or nearby, the Council will require a developer to make financial contributions for measures to assist public transport, or walking and cycling as appropriate.

- 4.17 *Matters relating to car parking are addressed within the supporting highway reports.*
- 4.18 ***Comment:*** *The proposed provision of a new bakery and office accommodation on land at Ash Road South, Wrexham has been demonstrated above to be in compliance with the relevant adopted Unitary Development Plan policies and is therefore deemed to be acceptable.*

SECTION 5 EVOLVING POLICY FRAMEWORK

5.1 Regard has been paid to the evolving planning policy framework, and it is understood as follows:

- **Wrexham County Borough Local Development Plan (2):** Following withdrawal of the Local Development Plan (1), it is noted that Wrexham County Borough Council undertook a Vision, Objectives and Strategic Growth & Spatial Options Stakeholder Consultation in March/April 2015. It was understood that a Preferred Options consultation was scheduled to take place in October/November 2015; however this has now slipped back to early 2016.
- **Community Infrastructure Levy:** It is noted from the Vision, Objectives and Strategic Growth & Spatial Options consultation report that the Council are progressing with a Community Infrastructure Levy and have instructed for a Joint Affordable Housing and Community Infrastructure Viability evidence base study.

5.2 *Given that the above documents are yet to reach even published preferred options, we do not consider there to be any weight to be attached to the emerging policy in the determination of this planning application.*

SECTION 6 OTHER POLICY DOCUMENTS

6.1 In the preparation of this detailed planning application due regard has been paid to the following Local Planning Guidance Notes:

- 06. Access to and Use of Buildings;
- 07. Landscaping and Development;
- 16. Parking Standards;
- 17. Trees and Development;
- 24. Designing Out Crime;
- 26. Landscape and Industrial Developments;
- 29. Employment Development and Nature Conservation;
- 31. The Welsh Language and Welsh Communities; and
- 32. Biodiversity and Development.

6.2 *The various consultants appointed to the project have had due regard to the provisions of the relevant Local Planning Guidance Notes listed above within the preparation of the application drawings and associated supporting reports. Each of the supporting documents has demonstrated the acceptability of the proposed development taking account of the requirements laid out within the above guidance.*

6.3 *In short, the development subject of this application is deemed to adhere to the provisions of the aforementioned Local Planning Guidance Notes and is acceptable. We would therefore kindly request that planning consent be granted at the earliest opportunity.*

SECTION 7 SUPPORTING STATEMENTS

- 7.1 As agreed in email correspondence from Philip Forester, Planning Officer at Wrexham County Borough Council included at Appendix 1, the reports submitted with the planning application include the following documents:
- Relevant planning application forms;
 - Location plan 1:1250;
 - Ecology report and surveys;
 - Arboricultural Assessment;
 - Transport Assessment; and
 - Planning fee (depending on eventual proposed floor area).
- 7.2 The application is also supported by appropriate elevation drawings, proposed floor plans, a topographical survey, drainage report, Design and Access Statement, Site Investigation report, BREEAM Assessment and this detailed Planning Statement.
- 7.3 ***Comment:** It should be noted that the above stated documents have been submitted to the Council electronically and they comprehensively assess the development and support the grant of consent.*

SECTION 8 PRINCIPLE OF DEVELOPMENT

- 8.1 **Section 70(2)** of the Town and Country Planning Act 1990 requires a local planning authority, in dealing with a planning application, to have regard to the provisions of the development plan, as far as material to the application, and to any other material considerations.
- 8.2 **Section 38(6):** of the Planning and Compulsory Purchase Act 2004 refers to determinations to be made under the Planning acts as follows:

“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.”

Location and Project

- 8.3 There is an elementary and fundamental problem which needs to be resolved at the outset in the making of decisions under s.38 (6). The first point is often determinative – location comes first followed by project because an examination of for example; Planning Policy Wales demonstrates that location governs what might or might not be granted permission in the area concerned.
- 8.4 In this regard, Policies PS1, PS6 and E1 are determinative, and support the provision of employment development in this highly accessible location.
- 8.5 The ‘project’ in this instance is in accordance with the policies contained within the adopted Unitary Development Plan as outlined at Section 4 of this submission

Statutory Development Plan

- 8.6 The statutory Development Plan is made up of Planning Policy Wales and the adopted Wrexham Unitary Development Plan. The principle of development falls to be considered against the policies which have been detailed and assessed at Sections 3 and 4.
- 8.7 **Planning Policy Wales:** The development has been demonstrated to be in compliance with the relevant provisions of Planning Policy Wales and the associated Technical Advice Notes for the reasons laid at Section 3 of this report.
- 8.8 **Wrexham Unitary Development Plan:** The determinative policies contained within the Wrexham Unitary Development Plan are Policies PS1, PS2, PS3, PS4, PS6, GDP1, EC4, EC6, E1 and T8 which deal with employment development, trees, ecology, design and sustainable development. The development has been demonstrated at Sections 4 and 6 to comply with the referable policies and Local Planning Guidance Notes.

Summary

- 8.9 Given that the criterion set out in Policies PS1, PS2, PS3, PS4, PS6, GDP1, EC4, EC6, E1 and T8 of the Wrexham Unitary Development Plan, are met there is a legitimate

expectation, based on Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 that the proposed development will be permitted. The matter of other material considerations is dealt with in Section 9.

SECTION 9 OTHER MATERIAL CONSIDERATIONS

Other Material Considerations - generally

- 9.1 Section 70(2) of the 1990 Act deals with determination of applications: general considerations requires that the authority in dealing with the application shall have regard to the provisions of the development plan, so far as material to the application and to any other material considerations. Whether a consideration is material is a matter for the courts; the weight to be accorded to a material consideration is a matter for the decision-maker. There are a number of 'other material considerations' outlined below which would support the grant of consent.

Material considerations – Investment and Job Creation

- 9.2 Whilst the site is already allocated for an employment use and as such the principle of development has already been established; the investment into the local area and the associated job creation resultant from the grant of consent for this proposed new bakery and office development, is clearly a material consideration of some considerable weight in favour of the application in the decision making process.

Material Consideration – Design

- 9.3 In determining whether or not to grant planning permission the local planning authority clearly may use their own judgment as to whether the development in question is aesthetically ugly or visually intrusive. However, Government policy as set out in Planning Policy Wales and the Technical Advice Notes is a material consideration. For the avoidance of doubt it should be noted that the development has been designed to respect the surrounding scale of the local built form and character. Furthermore, it is noted that Officers were satisfied with the proposed development from a design point of view at pre-application stage.

Material Consideration – Sustainable Development

- 9.4 Sustainable development is the cornerstone of Government policy and is always a material consideration. It is noted that in this instance, the location of the development is sustainable and is well served by public transport. Furthermore, the development will be built to BREEAM Excellent standards and will provide economic, social and environmental improvements, whilst according with the development plan. In view of this, we would ask that the Council support this application.

Decision Making - overall advantage

- 9.5 In addition to those matters relating to decision making, such as the development plan and sustainable development, there is inevitably a balancing exercise to be carried out; few decisions are free of such an approach. The phrase "overall-advantage" reflects this balance; at the end of the day the decision-maker must attach what weight he considers appropriate to the material consideration in question. The so-called "overall-advantage" is nothing more than the weighing of often disparate planning considerations so that it can be said that the advantages outweigh the disadvantages, or the reverse.

9.6 **Comment:** Section 70(2) of the 1990 Act deals with determination of applications: general considerations requires that the authority in dealing with the application shall have regard to the provisions of the development plan, so far as material to the application and to any other material considerations. We have evaluated the following material considerations, namely:

- Investment and Job Creation;
- Design; and
- Sustainable Development

9.7 Whether a consideration is material is a matter for the courts; the weight to accorded to a material consideration is a matter for the decision-maker. Collectively the other material considerations are over-whelming in favour of the development. The so-called “overall-advantage” involves the weighing of often disparate planning considerations; in this instance the advantages outweigh the disadvantages.

SECTION 10 CONCLUSIONS

- 10.1 As detailed above, the proposed development has been considered in the context of Planning Policy Wales, the relevant Technical Advice Notes and the Wrexham Unitary Development Plan and it is noted that the proposed development would accord with the relevant provisions given that it is an employment use on a site allocated for such development.
- 10.2 As has been demonstrated throughout this report, there are a number of environmental issues associated with the development, however these have all been robustly addressed within the relevant supporting reports and can be suitably mitigated through landscaping, on site management and associated planning conditions. In addition, there are considered to be a number of other material considerations which weigh heavily in favour of the grant of consent.
- 10.3 In circumstances where the proposed development accords with the provisions of the adopted Development Plan, we would kindly ask that the Council support the proposals and grant planning permission for this development which would see expansion of an existing operation with associated job creation and investment into the local area.