Kerry James Planning
chartered town planning consultancy

TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004

CHANGE OF USE OF BUILDING FROM B1 (INDUSTRIAL) TO D2 (PUBLIC GYM), MERITOR FITNESS CLUB, MERITOR HOUSE, RACKERY LANE, LLAY, WREXHAM, LL12 0PB

PLANNING AND GREEN INFRASTRUCTURE STATEMENT

ON BEHALF OF MR JAMES SMITH

SEPTEMBER 2025

Ref: KJP/22/002

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1.0 INTRODUCTION

1.1 Kerry James Planning has been commissioned by Mr James Smith to prepare a Planning and Green Infrastructure Statement for the change of use of the building from B1 (Industrial) to D2 (Public Gym) at Meritor Fitness, Meritor House, Rackery Lane, Llay, Wrexham, LL12 0PB.

1.2 This Planning and Green Infrastructure Statement will describe the proposed development and will assess the proposals against the relevant policies of the Development Plan and government guidance as expressed in Planning Policy Wales.

2.0 PLANNING HISTORY

2.1 The relevant planning history for the site comprises the following:

P/2020/0474 Erection of two industrial buildings. Granted 15/12/2020.

3.0 NATIONAL AND LOCAL PLANNING POLICY

The Development Plan

3.1 The development plan for the area comprises the Wrexham Unitary Development Plan and The National Development Framework for Wales.

The adopted Wrexham Unitary Development Plan

3.2 The Wrexham Unitary Development Plan which was adopted in February 2005 comprises the Statutory Development Plan for the area.

PS1: Location of development
PS3: Location of development
PS6: Employment
GDP1: General development principles
E1: Employment allocations
E4: Employment development on unannotated land within settlement limits
T8: Parking

3.3 Policy PS1 states that new development for housing, employment and community services will be directed to within defined settlement limits/employment areas.

3.4 Policy PS3 states 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.

3.5 Policy PS6 states that approximately 300 hectares of employment land will be made available for development between 1996 and 2011.

3.6 Policy GDP1 inter alia states that all new development should ensure that the scale, design and layout accords with the character of the area; ensure safe and convenient pedestrian and vehicular access to and from development sites; ensure the safety and amenity of the public and safeguard the environment and secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.

3.7 Policy E1 states that sufficient land will be allocated for employment development between 2001 and 2011.

3.8 Policy E4 states that employment development on unannotated land within settlement limits will be permitted subject to Policy GDP1.

3.9 Policy T8 states that 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.

Future Wales – The National Plan

3.10 Future Wales The National Plan 2040 was adopted on 24th February 2021. The document states that Future Wales is a plan promoting development that enhances our wellbeing and our quality of life. It is a framework to help us focus on achieving big ambitions when we develop and regenerate our cities, towns and villages. It is a national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. As the national development framework, Future Wales is the highest tier of development plan and is focused on solutions to issues and challenges at a national scale. Its strategic nature means it does not allocate development to all parts of Wales, nor does it include policies on all land uses. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans at local authority level.

3.11 The document goes onto state that cities and large towns will be magnets for jobs and investment, while people are drawn to live and work there for the economic and social opportunities they provide. Development plans will enable and support aspirations for large towns and cities to grow, founded on sustainability and urban design principles. Investment in active travel, public transport, flood risk management and green infrastructure will enable population growth and economic growth while reducing pollution and carbon consumption. Areas outside the urban centres will benefit directly from the strength of our large towns and cities, through improved connectivity and additional investment in new homes, jobs and services.

3.12 To create activity throughout the day and enable people to walk and cycle, rather than being reliant on travelling by car, places should have a rich mix of residential, commercial and community uses within close proximity to each other. Urban growth and regeneration should integrate different uses within neighbourhoods.

3.13 To enable urban areas to play their part in supporting ecosystem resilience, the use of innovative nature-based solutions should form part of strategies for urban growth and regeneration. Through Green Infrastructure Assessments, specific opportunities should be identified to ensure that green infrastructure is fully integrated.

3.14 The Welsh Government strongly supports the development of the foundational economy in the region. The foundational economy represents those parts of the economy which are integral to the well-being of places, communities and people and which deliver people's everyday needs. The Welsh Government will continue to support greater resilience for local and regional economies and support business growth and new employment opportunities. Strategic and Local Development Plans should identify the role of the foundational economy, consider how the land-use planning system can support it and develop appropriate policies. Areas of the foundational economy which the planning system can support include regeneration initiatives, health and social care, social housing, tourism and steps to encourage greater community benefits from new development.

Material Considerations

3.15 Other material considerations relevant to this application include Government Guidance, the emerging Wrexham Local Development Plan and Supplementary Planning Guidance Notes.

Government Guidance

3.16 Planning Policy Wales (PPW) (February 2024) sets out the land use planning policies for the Welsh Assembly Government and is supplemented by a series of Technical Advice Notes. Paragraph 1.2 states that the primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well functioning planning system is fundamental for sustainable development and achieving sustainable places.

3.17 Paragraph 1.4 states that PPW and the National Development Framework (published as Future Wales – the National Plan 2040) set out how the planning system at a national, regional and local level can assist in delivering these requirements through Strategic Development Plans (SDPs) and Local Development Plans (LDPs). Paragraph 1.5 states that the Development Management Manual focuses on the procedural aspects of development management and provides guidance for all participants in the development management process to encourage greater fairness, transparency and consistency across Wales. Paragraph 1.30 states that development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications. It is led by the planning authority, working collaboratively with those proposing developments and other stakeholders including the local community. It must be undertaken in the spirit of partnership and inclusiveness (using the five ways of working) and supports the delivery of key priorities and outcomes (contributing to improving the social, economic, environmental and cultural well-being).

3.18 Section 2 is concerned with people and places. Paragraph 2.2 states that Sustainable Places are the goal of the land use planning system in Wales; they are the output of the planning system rather than the process of achieving them. All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being.

3.19 Paragraph 2.3 states that the planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

3.20 Paragraph 2.5 states that the planning system is the key mechanism for delivering sustainable places. It provides a critical mechanism where opportunities for long term benefit and integrated decision making meet, allowing preventative and proactive solutions to be found.

3.21 Paragraph 2.13 states that the plan-led system underpins the delivery of sustainable places. To ensure all development plans and decisions taken by the planning system work together to deliver sustainable places. The Key Principles represent a guiding vision for all development plans, including the NDF. These principles support the culture change needed to embrace placemaking and ensure that planning facilitates the right development in the right place and include: growing our economy in a sustainable manner; making best use of resources; facilitating accessible and healthy

environments; creating & sustaining communities and maximising environmental protection and limiting environmental impact.

3.22 Paragraph 2.26 states that planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle. Paragraph 2.27 states that Key factors in the assessment process include social considerations, economic considerations and environmental considerations.

3.23 Section 3 is concerned with Strategic and Spatial Choices. Paragraph 3.3 states that good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area. Paragraph 3.4 states that design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

3.24 Paragraph 3.5 states that good design is inclusive design. Development proposals should place people at the heart of the design process, acknowledge diversity and difference, offer choice where a single design solution cannot accommodate all users, provide for flexibility in use and provide buildings and environments that are convenient and enjoyable to use for everyone. Paragraph 3.6 states that development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children.

3.25 Paragraph 3.7 states that good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution.

3.26 Paragraph 3.55 states that previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.

3.27 Section 4 is concerned with active and social places. The document states that active and social places are those which promote our social, economic, environmental and cultural well-being by providing well connected cohesive communities. 4.1.1 states that the planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution.

3.28 Paragraph 4.1.10 states that the planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car; are designed in a way which integrates them with existing land uses and neighbourhoods; and make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.

3.29 Section 5 is concerned with productive and enterprising places. It states that a prosperous Wales can be achieved through increased economic activity across all sectors and at all scales. This is realised through the availability of employment land, lifelong learning and training opportunities, reliable communication networks and investment in renewable and low carbon energy sources. Resource efficient choices are promoted which have financial benefits both now and over the lifetime of development. Paragraph 5.4.1 states that for planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses. Paragraph 5.4.2 states that economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. Paragraph 5.4.4 states that wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration.

3.30 Section 6 is concerned with distinctive and natural places. Paragraph 6.0.2 states that the special and unique characteristics and intrinsic qualities of the natural and built environment must be protected in their own right, for historic, scenic, aesthetic and nature conservation reasons. These features give places their unique identity and distinctiveness and provide for cultural experiences and healthy lifestyles.

3.31 Paragraph 6.2.1 states that green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. Component elements of green infrastructure can function at different scales and some components, such as trees and woodland, are often universally present and function at all levels. At the landscape scale green infrastructure can comprise entire ecosystems such as wetlands, waterways, peatlands and mountain ranges or be connected networks of mosaic habitats, including grasslands. At a local scale, it might comprise parks, fields, ponds, natural green spaces, public rights of way, allotments, cemeteries and gardens or may be designed or managed features such as sustainable drainage systems. At smaller scales, individual urban interventions such as street trees, hedgerows, roadside verges, and green roofs/walls can all contribute to green infrastructure networks.

3.32 Paragraph 6.2.2 states that the Environment (Wales) Act 2016, provides a context for the delivery of multi-functional green infrastructure. Its protection and provision can make a significant contribution to the sustainable management of natural resources, and in particular to protecting, maintaining and enhancing biodiversity and the resilience of ecosystems in terms of the diversity within and connections between ecosystems and the extent and condition of these ecosystems, so that they are better able to resist, recover from and adapt to pressures. This means that the development of green infrastructure is an important way for local authorities to deliver their Section 6 duty.

3.33 Paragraph 6.2.5 states that the quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, informed by an appropriate level of assessment, green infrastructure can embed the benefits of

biodiversity and ecosystem services into new development and places, help to overcome the potential for conflicting objectives, and contribute to health and well-being outcomes.

3.34 A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.21) has been applied.

3.35 Paragraph 6.4.5 states that planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems, in particular the following aspects: • diversity between and within ecosystems; • the connections between and within ecosystems; • the scale of ecosystems; • the condition of ecosystems including their structure and functioning; and • the adaptability of ecosystems. A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long-term, measurable and demonstrable benefit, primarily on or immediately adjacent to the site. The step-wise approach outlined below is the means of demonstrating the steps which have been taken towards securing a net benefit for biodiversity. In doing so, planning authorities must also take account of and promote the resilience of ecosystems.

3.36 Paragraph 6.4.21 states that planning authorities must follow a step-wise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible.

TAN12

3.37 The latest version of Technical Advice Note 12 “Design” was published in March 2016. Paragraph 2.1 states that the design of our villages, towns, cities and the urban and rural landscape is important in articulating our nation and our culture. Paragraph 2.2 states that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales - from householder extensions to new mixed use communities.

TAN23

3.38 TAN23 is concerned with “Economic Development” and was published in February 2014. Paragraph 1.1.1 states that Planning Policy Wales (PPW) defines economic development broadly so that it can include any form of development that generates wealth, jobs and income. In producing development plans or determining planning applications local planning authorities need to bear in mind that traditional business use, classes B1-B8, only account for part of the activity in the economy. It is important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations. Paragraph 1.1.2 states thar in the full context of PPW, therefore: economic development is development

(new or change of use) where the resulting space will be occupied by economic activities. An economic activity, or economic land use, is an activity which directly generates wealth (output), jobs and income. Generating jobs includes providing or sustaining existing jobs as well as creating new jobs.

Development Management Manual

3.39 Paragraph 1.1.1 states that Development Management (DM) is a positive and proactive approach to shaping, considering, determining and delivering development proposals. It is led by the local planning authority (LPA), working collaboratively with those proposing developments and other stakeholders. It is undertaken in the spirit of partnership and inclusiveness and supports the delivery of key priorities and outcomes.

The Wrexham Local Development Plan

3.40 The Wrexham Local Development Plan provides the strategic and detailed policy framework for development for the period 2013 to 2028.. Relevant policies include:

SP2	Location of Development
SP8	Economic Growth, Employment and Enterprise
SP11	Transport and Accessibility
SP19	Green Infrastructure
EM1	Protection of Existing Employment Land
EM2	Provision of Supporting Facilities for Employees in Business
EM3	Alternative Use of Employment Land and Premises
DM1	Development Management Considerations
T1	Managing Transport Impacts
T2	Active Travel

3.41 Policy SP2 states that new development is directed to the defined settlement limits and employment areas as identified on the Proposals Map.

3.42 Policy SP8 states that to ensure the continued role of the County Borough as a key economic driver in North Wales and the wider region, the Plan will diversify the local economy and widen the economic base by: ensuring an overall provision of 96.73ha of employment land within the County Borough; allocating a strategic expansion site of 28ha at Wrexham Industrial Estate – the County Borough's Key Business Sector area, improving the quality of employment sites supply within Wrexham Industrial Estate and protecting a strategic ecological network for a number of local, national and internationally protected species and habitats; safeguarding 25 existing national, regional and locally important industrial sites essential to meeting the future economic growth of the County Borough, which ensures a range and choice of sites co-located with housing in both urban and rural settlements; providing a level of growth which allows opportunities to deliver approximately 4200 jobs in the County Borough over the Plan period across a wide range of employment sectors; maintaining and enhancing the County Borough's tourism, culture and leisure offer taking into account the unique character, local distinctiveness and heritage of the area and its context in the wider sub region.

3.43 Policy SP11 inter alia states that Wrexham's transport network will be developed in a safe, efficient and sustainable manner through the following measures: i. Restricting development that would have an unacceptable impact on the safe and efficient operation of the transport network; vi. Ensure adequate levels of car parking taking into consideration the location and accessibility of new developments to existing public transport facilities and walking and cycling network.

3.44 Policy SP19 states that Wrexham's distinctive natural heritage provides a network of green and blue infrastructure. Protection, conservation and enhancement of natural heritage networks needs to be reconciled with the benefits of development. Development will be required to maintain the extent, quality and connectivity of multifunctional green infrastructure on or near a site, and, where appropriate to enhance it by: i. Creating new interconnected areas of green infrastructure between the proposed site and the existing network; ii. Filling gaps in the existing network to improve connectivity; iii. Protecting the features most valuable for both nature and people; and iv. In instances where loss of green infrastructure is unavoidable, provide mitigation and compensation for the lost assets on a site-specific basis.

3.45 Policy EM1 states that the County Borough's existing employment areas as shown on the Proposals Map will be protected for B Use Class employment generating uses (together with appropriate complementary uses and activities as referred to in Policy EM2 and waste management uses on sites/areas referred to in Policy MW6).

3.46 Policy EM2 states that provision for open space, public realm, leisure, food and drink, and child-care facilities will be appropriate in the employment areas shown on the proposals map, provided; i. The facility is of an appropriate size and scale and is subordinate in its nature to meet the needs of workers in the vicinity and does not result in an over concentration of such facilities in one area; ii. The proposal does not impact on the status and character of the employment area for B1, B2 or B8 uses; iii. The operations of other industrial and employment uses in the vicinity of the site would not be adversely affected; and iv. The proposal would not result in significant levels of visitor traffic into the area, or exacerbate existing traffic conditions.

3.47 Policy EM3 states that development of business, industrial and warehousing land and premises for other uses will only be permitted if: i. The land or premises are no longer well located for business, industrial and warehousing use; or ii. There is no realistic prospect of employment use on the site and/or the property is physically unsuitable for employment use, even after adaption/refurbishment or redevelopment; or iii. There is no need to retain the land or premises for business, industrial or warehousing use, having regard to the demand for such land and premises and the requirement to provide for a range and choice of sites available for such use; and iv. There will be no unacceptable impact on the operating conditions of existing businesses.

3.48 Policy DM1 states that development proposals, where relevant, must: i. Accord with or enhance the character, local distinctiveness and appearance of the site, existing building(s) and surrounding landscape/ townscape in terms of their siting, layout, scale, height, design, density, use of materials and landscaping; ii. Not have an unacceptable effect on the amenity of the occupiers of nearby properties/land; and provide a satisfactory standard of amenity for the occupiers/users of the development itself; iii. Safeguard the environment from the adverse effects of pollution of water, land, noise, light or air, or land instability, arising from development; iv. Take account of personal and community safety and security in their design and layout; v. Prioritise walking, cycling and public transport use ahead of travel by car; vi. Not give rise to highway safety, pedestrian safety or parking problems on site or in the locality; vii. Contribute to low carbon communities through energy efficiency, be designed to minimise the use of non-renewable energy, water and the production of waste both during construction and when in use; viii. Not increase the risk of flooding but make adequate provision for sustainably dealing with foul and surface water drainage and not result in an unacceptable impact upon the water environment; ix. On sites which have previously been developed, new development proposals should make use of existing suitable building materials wherever possible for appropriate uses in order to re-use recyclable materials and reduce the amount of imported materials; and x. Ensure that any risks arising from past coal mining, as indicated on the constraints map, can be adequately managed.

3.49 Policy T1 states that proposals for new development will be supported where they: i. Facilitate increased journeys by more sustainable modes of travel first by walking and cycling, then by public transport and finally by private motor vehicle; ii. Mitigate any significant adverse effects upon the transport network that arise from the proposed development including improvements to transport infrastructure where required; iii. Do not compromise the safe, effective and efficient use of the highway network and do not have an adverse impact on highway safety or create unacceptable levels of traffic generation; iv. Provide appropriate levels of parking and ensure access arrangements for the site to allow for safe manoeuvring; v. Make provision for people with restricted mobility including those with characteristics as defined by the Equality Act 2010. Developments that would generate significant amounts of movement should be accompanied by a Transport Assessment and Travel Plan.

3.50 Policy T2 states that to enable people to access employment, education, healthcare and other essential services, new development will be supported where: i. Walking and cycling infrastructure is an integral part of the overall design of the scheme and makes a positive contribution to the distinctiveness of communities and places; ii. Facilities that encourage and promote Active Travel including but not limited to appropriate signing, lighting, secure and convenient cycle parking and where appropriate shower and changing facilities are provided; iii. The development and enhancement of the Active Travel routes identified on the Integrated Network Map connecting communities to essential services including public transport, employment and education opportunities; iv. Provision of appropriate travel choice information including reference to the benefits of cycling and walking for all or part of journeys is made available; v. Measures that work to reduce the dominance and speed of vehicles affording increased priority to pedestrians and cycle movements.

Local Planning Guidance Notes

3.51 Wrexham County Borough Council has produced a number of Local Planning Guidance Notes including LPGN 16.

4.0 APPRAISAL

The Development

4.1 This Planning and Green Infrastructure Statement considers an application for the change of use of the building from B1 (Industrial) to D2 (Public Gym) at Meritor Fitness, Meritor House, Rackery Lane, Llay, Wrexham, LL12 0PB.

Background

4.2 Planning permission was granted in December 2020 for the erection of two industrial buildings. The building was subsequently erected. The site was marketed for Class B1 employment use. The applicant erected an advertising board on site, as soon as they acquired the land and over a course of 6-12 months, they had dealings several interested parties. Unfortunately, all expressed similar opinions that the building was too small to meet their operational requirements. The unit was also featured in Prospect Estates Ltd. Having failed to secure a tenant in that time period, the applicant was approached by Mike Irwin, operator of a gym located in an adjacent building (The former Schappe Building) on the industrial estate, who because of the increase in membership of the gym wanted relocate to the newly erected building. Approximately 4 years ago the relocation took place. The gym owner has subsequently made a success of increasing his membership and providing a much valued facility within the Llay area. This application is retrospective.

Planning Policy

4.3 The planning officer in an email of the 9th June 2025 has advised that there is no justification to demonstrate compliance with Policy EM3 of the LPD. It is considered that circumstances have significantly changed since the request for this justification.

4.4 On 20 December 2024, the Court of Appeal handed down judgement on an appeal lodged against the judgement of Eyre J of 29 November 2023 that the Planning and Compulsory Purchase Act 2004 (the 2004 Act) imposed a statutory duty on Councils to adopt a Local Development Plan. The Court of Appeal overturned the judgement of 29 November 2023, ruling that the 2004 Act does not impose such a duty. 2.2 Following a challenge brought under section 113 of the 2004 Act, the High Court issued an Order received on 12 June 2025. The effect of the Order is that the vote by Full Council on 20th December 2023 to adopt the LDP is quashed, returning the LDP to the status of an unadopted plan. The LDP therefore no longer has the status of a development plan for the purposes of Section 38(6) of the 2004 Act.

4.5 The matter was discussed at Planning Committee held on 28th July 2025. It was confirmed that Section 38(6) of the 2004 Act requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The quashing of the Full Council vote therefore means the UDP becomes the starting point for determining planning applications once again.

4.6 The UDP was formally adopted in February 2005. However, the plan is now out of date being underpinned by an evidence base that is over 20 years old. This has been confirmed in recent years by applications and appeals allowed for developments that do not conform with UDP policies. In all cases, there have been material considerations, including evidence prepared to underpin the unadopted LDP, that have been considered to carry sufficient weight to justify a departure from certain UDP policies. Some UDP policies do not align with Planning Policy Wales 12 or Technical Advice Notes (TANs).

4.7 There are a number of differences between the UDP and the unadopted LDP. These will be identified and considered in Officer reports on a case by case basis. The most significant relate to differences between UDP and unadopted LDP settlement boundaries; employment provisions and specially the proposed extension to Wrexham Industrial Estate (Key Strategic Site 3) and Green Barrier/Green Wedge designations. Where these differences occur, planning applications that accord with the unadopted LDP may conflict with UDP policies. In some cases, the degree of conflict may represent a significant departure from the policies in the UDP. Because the UDP is now outdated, conflict with one or more UDP policies would not, in itself, be fatal to individual planning applications, unless the proposed development also conflicted with PPW12, guidance in relevant TANs, FW or policies within the unadopted LDP.

4.8 In this case, there are differences between the adopted UDP and unadopted LPD with respect to employment allocations. In the UDP, the site lies within the settlement limit for Llay but is not allocated for employment purposes. In the LDP, the site is allocated for employment purposes. As shown on the proposals map for the UDP (Inset Map 3), the site lies on unannotated land and as such Policy E4 of the UDP applies. Policy E4 states that employment development on unannotated land within settlement limits will be permitted subject to Policy GDP1.

4.9 It is accepted that the UDP is out of date and it is therefore important to assess the proposal against Future Wales and the advice contained within PPW. Future Wales is the highest tier of development plan in Wales. It states that cities and large towns will be magnets for jobs and investment, while people are drawn to live and work there for the economic and social opportunities they provide. To create activity

throughout the day and enable people to walk and cycle, rather than being reliant on travelling by car, places should have a rich mix of residential, commercial and community uses within close proximity to each other. Urban growth and regeneration should integrate different uses within neighbourhoods.

4.10 Future Wales also states that the Welsh Government strongly supports the development of the foundational economy in the region. The foundational economy represents those parts of the economy which are integral to the well-being of places, communities and people and which deliver people's everyday needs. The Welsh Government will continue to support greater resilience for local and regional economies and support business growth and new employment opportunities. Strategic and Local Development Plans should identify the role of the foundational economy, consider how the land-use planning system can support it and develop appropriate policies. Areas of the foundational economy which the planning system can support include regeneration initiatives, health and social care, social housing, tourism and steps to encourage greater community benefits from new development.

4.11 The foundational economy includes sectors that provide the goods and services we use every day. These sectors shape the services we use and the places we live, are a vital part of daily life and our communities. Welsh Government wishes to support the people and organisations working in these sectors to make sure their services are high quality and easy to access and give people a greater sense of control and belonging in their communities. The gym is considered to form part of the foundational economy.

4.12 Planning Policy Wales is also a material consideration. Edition 12 was published in February 2024. Section 2 is concerned with people and places. Paragraph 2.2 states that Sustainable Places are the goal of the land use planning system in Wales; they are the output of the planning system rather than the process of achieving them. All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being. Paragraph 2.26 states that planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.

4.13 Paragraph 2.27 states for social considerations include how does the proposal change a persons way of life, which can include: how people live, for example how they get around and access services; how people work, for example access to adequate employment; how people socialise, for example access to recreation activities. Economic considerations include the numbers and types of long term jobs expected to be created or retained; whether, and how far, the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities or upgrading the environment; the contribution the development would make to achieving wider strategies, for example the growth or regeneration of certain areas; the contribution this economic activity will have to wider policy goals; and how the proposal would support the achievement of a more prosperous, low carbon, innovative and resource efficient Wales.

4.14 Section 5 of PPW is concerned with productive and enterprising places. Paragraph 5.4.1 states that for planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses. Paragraph 5.4.2 states that economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism,

and public services. Paragraph 5.4.4 states that wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration.

4.15 Further guidance is set out in TAN 23. The document confirms that economic development can include any form of development that generates wealth, jobs and income. It is important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations. Paragraph 1.1.2 states thar in the full context of PPW, therefore: economic development is development (new or change of use) where the resulting space will be occupied by economic activities. An economic activity, or economic land use, is an activity which directly generates wealth (output), jobs and income. Generating jobs includes providing or sustaining existing jobs as well as creating new jobs.

4.16 In accordance with PPW and TAN 23, the gym is a very successful and well established business. The reason for locating from the adjacent building to the application site was to allow the business to expand. The gym provides vital full-time employment for 8 persons and part time for 4 persons, an equivalent of 10 full time jobs. In accordance with PPW, the gym generates sustainable and long-term prosperity, jobs and incomes.

4.17 Section 3 of PPW is concerned with Strategic and Spatial Choices. Paragraph 3.19 states that the built and natural environment is a key determinant of health and well-being. The planning system has an important role in shaping the social, economic, environmental and cultural factors which determine health and which promote or impact on well-being in line with the Healthier Wales goal. The way places work and operate can have an impact on the choices people make in their everyday lives, including their travel and recreational choices and how easy it may be to socialise with others.

4.18 Paragraph 3.3 states that good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area. Paragraph 3.7 states developments should seek to maximise energy efficiency and the efficient use of other resources including land.

4.19 Policy GDP1 of the UDP aligns with PPW. It states that all development should secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.

4.20 Paragraph 3.55 of PPW states that previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.

4.21 Policy PS3 of the adopted UDP also states 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.

4.22 Having regard to the above, it is considered that there is no conflict with the adopted plan with regards to the principle of development at the site. The proposal comprises sustainable economic development which accords with the guidance and goals expressed in PPW and Future Wales. These documents provide the most up to date national planning policy for Wales. The only conflict lies in the fact that the site is allocated for Class B1 use in the LDP. However this alone is not considered to weigh in favour of the LDP rather than the adopted UDP, FW and PPW. The proposal is considered to comply with other relevant policies of the LDP, in particular Policy EM2.

4.23 Policy EM2 states that the provision for open space, public realm, leisure, food and drink, and child-care facilities will be appropriate in the employment areas shown on the proposals map, provided: i. The facility is of an appropriate size and scale and is subordinate in its nature to meet the needs of workers in the vicinity and does not result in an over concentration of such facilities in one area; ii. The proposal does not impact on the status and character of the employment area for B1, B2 or B8 uses; iii. The operations of other industrial and employment uses in the vicinity of the site would not be adversely affected; and iv. The proposal would not result in significant levels of visitor traffic into the area, or exacerbate existing traffic conditions.

4.24 The reasons and explanations to the policy state that the policy applies to those employment areas defined on the proposals map and intends to enable the provision of appropriate complementary and subordinate uses in those areas to help deliver the Plan's objectives. Employees in such areas may require good access to a range of facilities, including food and drink, leisure/recreation and child-care. The absence of such facilities in an employment area can increase travel demand and make the areas less attractive to employers and employees. In existing employment areas, change of use of existing premises will be considered for appropriate complementary facilities, including food and drink, leisure and child-care. Appropriate leisure facilities may include fitness centres/clubs and indoor sports facilities.

4.25 In this case, the gym provides a valuable leisure facility within the existing employment area of Llay. Policy EM2 specifically states that appropriate leisure facilities within employment areas includes fitness centres/clubs and indoor sports facilities. As previously mentioned, the gym relocated from the adjacent building to the current site in order to expand. Planning permission for the gym at the former Schappe Building was granted on 06/8/2013 (Ref P/2013/0424) and its use within an employment area was clearly acceptable in principle. In assessing the current proposals against the criteria of Policy EM2, the gym is considered to be of an appropriate size and scale, having regard the size of the industrial estate at Llay. The facility provides a valuable service to the workers on the industrial estate and there is not an over concentration of gyms in the area. The site is of a modest size and does not impact upon the status or character of the industrial estate. The gym does not have an adverse impact upon the operations of other industrial or employment on the industrial estate nor does it result in significant levels of vehicular traffic.

4.26 It is considered that the development is acceptable in principle. In the determination of the planning application, a number of other material considerations are relevant, these include residential amenity, highway safety and green infrastructure.

Residential amenity

4.27 Policy GDP1 of the adopted UDP requires that all new development ensure the safety and amenity of the public and safeguard the environment.

4.28 Policy DM1 of the LDP requires that development does not have an unacceptable effect on the amenity of the occupiers of nearby properties/land and provides a satisfactory standard of amenity for the occupiers/users of the development itself. It also requires that development safeguards the environment from the adverse effects

of pollution of water, land, noise, light or air, or land instability, arising from development.

4.29 The nearest residential properties are located 200 metres away on Rackery Lane to the north of the site. The application site is located within an established and long standing employment area.

4.30 Having regard to the scale and nature of the proposal, the location within the existing employment area, it is not considered that the development would have any detrimental impact upon the residential amenities of nearby residential occupiers. The development would accord with Policies GDP1 of the adopted UDP and DM1 of the LDP.

Highway safety

4.31 Policy GDP1 of the adopted UDP requires that all new development ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality. Policy T8 states that 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.

4.32 Policy DM1 of the LDP requires that development does not give rise to highway safety, pedestrian safety or parking problems on site or in the locality and prioritises walking, cycling and public transport use ahead of travel by car. Policy T1 states that proposals for new development will be supported where they mitigate any significant adverse effects upon the transport network that arise from the proposed development including improvements to transport infrastructure where required, do not compromise the safe, effective and efficient use of the highway network and do not have an adverse impact on highway safety or create unacceptable levels of traffic generation; provide appropriate levels of parking and ensure access arrangements for the site to allow for safe manoeuvring.

4.33 The Chief Officer for Environmental and Technical has commended on the application. He has confirmed that the access serving the business park is 7.3 metres wide and surfaced with hard bound materials and is considered adequate to serve the proposed development. With regards to parking, the proposal would come under LPGN 16 which requires a maximum of 1 car space per 15m2gfa. The gym would require a maximum of 47 spaces. The submitted layout plan indicates the provision of 57 parking spaces which is considered to be adequate.

4.34 LPGN 16 requires a minimum of 10% parking provision to be provided to mobility standards. The proposed site plan (Drawing Number MFC/PD/05, Title 02-Site location plan and Proposed Site plan) submitted with this Planning and Green Infrastructure Statement indicates that 6 accessible spaces are to be provided. The provision of these 6 accessible spaces has reduced the overall number of parking spaces to 53. This still exceeds the maximum number of 47 spaces required by LPGN 16 and is thus considered adequate.

4.35 LPGN 16 recommends a minimum of 1 cycle space per 150m2gfa. It states that all cycle parking areas should be located in well lit areas that are overlooked from the building they serve and/or from other buildings in the area. Any proposed cycle parking will require an appropriate shelter.

4.36 The proposed site plan (Drawing Number MFC/PD/05, Title 02-Site location plan and Proposed Site plan) submitted with this Planning and Green Infrastructure Statement indicates the provision of a covered cycle shelter located adjacent to the gym building. Details of the shelter accompany the application (as shown on Drawing

Number MC/PD/06, Title 01- Proposed Cycle). The development would accord with LPGN 16 with regards to both accessible parking spaces and cycle parking provision.

4.37 The Active Travel (Wales) Act 2013 requires that, as highway authorities, local authorities and the Welsh Ministers must take reasonable steps to enhance the provision made for walkers and cyclists, as far as it is practicable to do so. “Active travel” is a useful term to differentiate between walking and cycling as a means of transport and walking and cycling solely for leisure.

4.38 Policy T2 of the LDP states that to enable people to access employment, education, healthcare and other essential services, new development will be supported where: i. Walking and cycling infrastructure is an integral part of the overall design of the scheme and makes a positive contribution to the distinctiveness of communities and places; ii. Facilities that encourage and promote Active Travel including but not limited to appropriate signing, lighting, secure and convenient cycle parking and where appropriate shower and changing facilities are provided; iii. The development and enhancement of the Active Travel routes identified on the Integrated Network Map connecting communities to essential services including public transport, employment and education opportunities; iv. Provision of appropriate travel choice information including reference to the benefits of cycling and walking for all or part of journeys is made available; v. Measures that work to reduce the dominance and speed of vehicles affording increased priority to pedestrians and cycle movements.

4.39 Meritor Fitness Club supports sustainable transport methods and encourages staff and visitors to use public transport, walk and cycle to the gym. In terms of cycling, as referred to above, a covered cycle stand would be provided. With regards to walking, the site is located off Rackery Road. The road has a footpath on the western side of the road leading from the main junction of the B5373 with B5102 right up to the entrance to the business park, which is lit with national standard street lights. The footpath links the employment area with the settlement of Llay. With regards to public transport, a regular bus route (X33) links Llay to Wrexham, from which further bus connections can be made. In addition, Gwersyllt train station is a short walk from the nearest bus stop on High Street, Gwersyllt, which is served by the X33 bus route. This station is served by the Wrexham to Biston local line. National rail links are provided by Wrexham main train station.

4.40 Having regard to the scale and nature of the proposal, the location within the existing business park, it is not considered that the development would have any detrimental impact upon highway safety. The development would accord with Policies GDP1 and T8 of the adopted UDP, Policies DM1, T1 and T2 of the LDP and the guidance expressed in PPW and the LPGN 16 by providing a safe and convenient access for all, adequate parking and manoeuvring space and promoting Active Travel.

Biodiversity and Green Infrastructure

4.41 Paragraph 6.2.1 of PPW states that green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. Component elements of green infrastructure can function at different scales and some components, such as trees and woodland, are often universally present and function at all levels. At smaller scales, individual urban interventions such as street trees, hedgerows, roadside verges, and green roofs/walls can all contribute to green infrastructure networks.

4.42 Paragraph 6.2.5 states that a green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green

infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.21) has been applied.

4.43 Paragraph 6.4.5 of PPW states that planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems, in particular the following aspects: • diversity between and within ecosystems; • the connections between and within ecosystems; • the scale of ecosystems; • the condition of ecosystems including their structure and functioning; and • the adaptability of ecosystems.

4.44 Paragraph 6.4.21 states that planning authorities must follow a step-wise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible.

4.45 Policy SP19 of the LDP states that Wrexham's distinctive natural heritage provides a network of green and blue infrastructure. Development will be required to maintain the extent, quality and connectivity of multifunctional green infrastructure on or near a site, and, where appropriate to enhance it by: i. Creating new interconnected areas of green infrastructure between the proposed site and the existing network; ii. Filling gaps in the existing network to improve connectivity; iii. Protecting the features most valuable for both nature and people; and iv. In instances where loss of green infrastructure is unavoidable, provide mitigation and compensation for the lost assets on a site-specific basis.

4.46 The application site is relatively modest in size and comprises the application building itself and areas of hardstanding immediately adjacent. At the eastern boundary of the site is a strip of grassland. Adjacent to the site on the eastern boundary is a band highway verge with woodland/hedgerows which serve to provide green infrastructure for the area. In order to provide biodiversity gain, it is proposed to install bird and bat boxes to the building in the positions as shown on the elevations (please refer to Drawing Number MFC/PD/03, Title 03 – As Existing Elevations). Specifications of the boxes are contained within Appendix KJP1 and KJP2. It is also proposed to plant native shrubs within the existing grassed area. Please refer to the amended site layout plan (Drawing Number MFC/PD/05, Title 02-Site location plan and Proposed Site plan).

4.47 It is not considered that the development would have any detrimental impact upon biodiversity. In accordance with Policy SP19 of the LDP and PPW, the development would provide biodiversity enhancement.

5.0 CONCLUSION

5.1 For the reasons given above it is considered that the proposed development, change of use of the building from B1 (Industrial) to D2 (Public Gym) is acceptable in principle as it accords with the adopted UDP and national planning policy set out in PPW and FW.

5.2 It is considered that the proposed development would not cause harm to highway safety, residential amenity or biodiversity.

5.3 It is therefore requested that planning permission be granted.