

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 6 NOVEMBER 2023

APPLICATION NO:
P/2021 /0744

LOCATION:
A N RICHARDS HAULAGE YARD
B5605 NEWBRIDGE ROAD PENTRE
CHIRK WREXHAM
LL14 5AN

DATE RECEIVED:
22/07/2021

COMMUNITY:
Chirk

CASE OFFICER:
MP

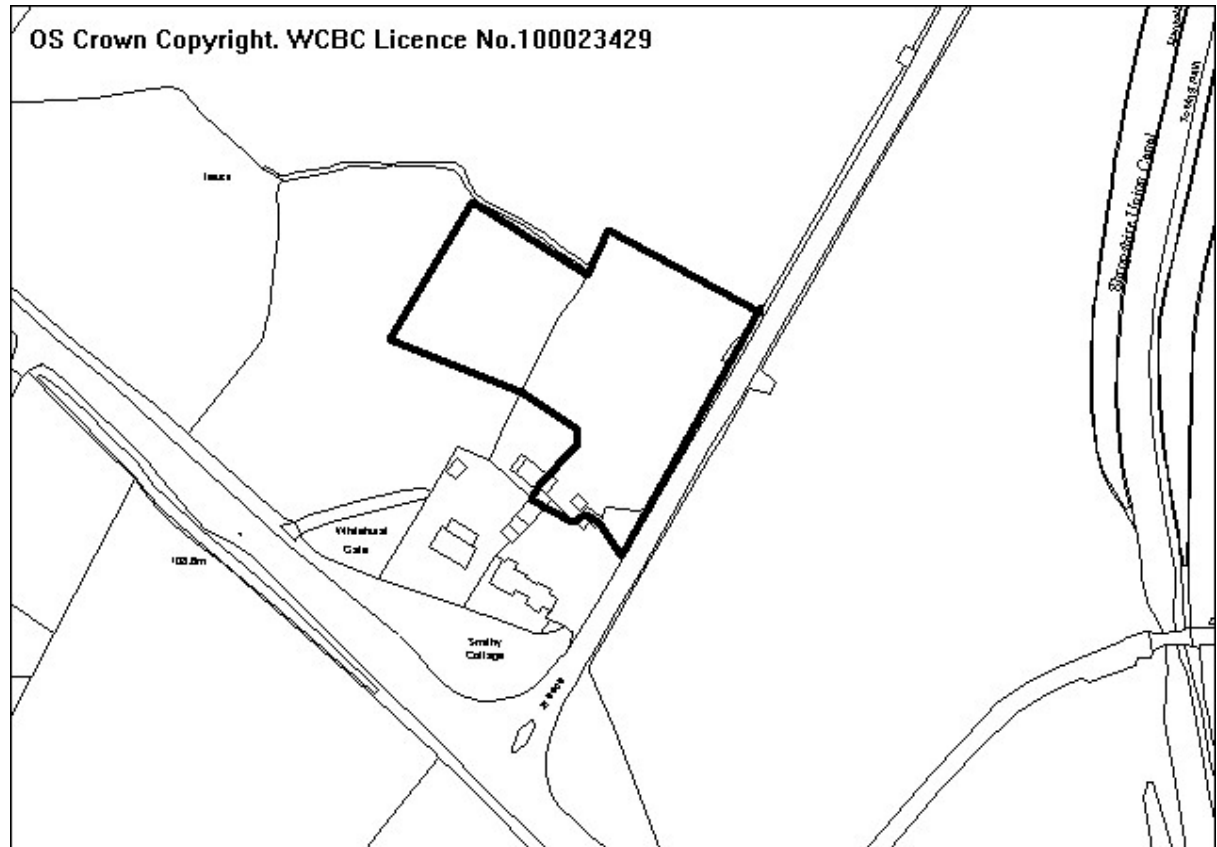
WARD:
Chirk North

DESCRIPTION:
CODI GWEITHDY HGV A
CHANOLFAN MOT / ERECTION OF
HGV WORKSHOP AND MOT
CENTRE

AGENT NAME:
MR PHILIP
HUMPHREYS

APPLICANT(S) NAME:
MR B RICHARDS

THE SITE



PROPOSAL

Full planning permission is sought for the erection of a box metal sheet building for use as a HGV workshop and MOT centre. The existing hard surfaced area would also be extended by approximately 30 metres to the north-west.

HISTORY

No recent relevant history.

DEVELOPMENT PLAN

Unitary Development Plan

Outside of a defined settlement limit, within a Green Barrier, Special Landscape Area and the Pontcysyllte World Heritage Buffer Zone . Policies PS1, PS2, PS3, GDP1, EC1, EC5, EC6, EC9, EC11, E5 and T8 apply.

Draft Local Development Plan

Outside of a defined settlement limit. Policies SP2, SP14, SP15, EM4, NE1, NE6, BE1 and T8 apply.

CONSULTATIONS

Town Council

Raises concerns about the sharp turning circle required for exit/entrance onto the B5605 and poor visibility a drive would have on exit. Comments that the number of HGVs and vans travelling to/from the site has increased greater in recent years and would increase further with the proposed development. Comments that local residents have reported that vehicles pull out in front of them and that this could lead to a serious accident.

Local Member

Notified 28.7.2021 and 19.9.2023. No comments received.

Adjoining Local Member

Notified 28.7.2021 and 19.9.2023. No comments received.

Highway Officer

Raises no objection.

Advises the development is not expected to generate significant additional traffic.

Notes that HGVs would need to enter and exit from both the north and the south and that it may be necessary to alter the access to accommodate these movements. Suggests a vehicle tracking diagram is submitted.

Public Projection Officer

Raises no objection. Recommends a condition regarding noise and Advisory Notes regarding construction impacts.

Conservation Officer

Raises no objection based on the amended plans, subject to the proposed tree planting and recessive colour for the external appearance of the building. Notes that this view is similar to the view taken by Cadw and the AONB JAC

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and comments that the development will help consolidated and tidy up the existing site.

Ecology Officer

Raises no objection.

Contaminated Land Officer

Has no comments to make.

CADW

Raises no objection. Agrees with the findings of the submitted Archaeological Setting Assessment that subject to the painting of the building in juniper green and the planting of a mix of evergreen and perennial vegetation the impact of the proposed development on the setting of Offa's Dyke the World Heritage Site would be very slight and that there would be no effect on the outstanding universal value of the World Heritage Site.

CPAT

Raises no objections. Notes that that the updated Setting Assessment reports that there are no impacts over the setting of Offa's Dyke or the Pontcysyllte Aqueduct and Canal. Also notes that mitigation measures in the form of soft screening and complementary colour schemes will lessen the magnitude of the impact on the views of the monuments to a residual level.

AONB JAC

Raises no objection subject to a condition to require the implementation of landscaping measures and the proposed external finish of the building.

Welcomes the amended plans which reduce the size and re-position the building, significantly reducing the visual impact from both the adjoining highways and nearby AONB. Advises that the proposed landscaping would help assimilate the development into the area.

Canal and Rivers Trust

No comments to make.

Welsh Water

No comments to make, noting that the proposed development would not connect to the public sewer network.

NRW

Raises no objection. Advises that having regard to the specific nature of the development and that the proposed private sewage treatment system meets the screening criteria in their Planning Advice, NRW advise the development is unlikely to increase phosphorous entering the SAC catchment.

Press Notice

Expired 18.8.2021

Site Notice

Expired 21.8.2021

Neighbours

The owner/occupiers of 10 nearby properties notified 28.7.2021 and again on 19.9.2023

1 representation objecting to the development for the following reasons:

- Inappropriate development with the area of the World Heritage Site;
- Noise
- Parking of vehicles on the road and verge;
- Highway safety;
- Opening times;
- Lack of consultation with local residents;
- Number of HGVs parking on site; and
- Visual impact

1 representation in support for the application with the following comments/observations;

- Expansion of a well-respected local business;
- Suggests building should be finished in a green colour to minimise visual impact;
- Restrictions should be imposed on hours of use; and
- Trees should be planted to lessen the impact of the building.

SPECIAL CONSIDERATIONS

Principle of Development:

UDP

Policy E5 permits small scale employment development outside of settlements via the conversion of suitable buildings. Other than limited development to support farm diversification, there are no UDP policies which specifically permit the erection of new buildings for employment use outside of settlement limits.

The proposed development also constitutes inappropriate development in a Green Barrier, as defined by paragraph 3.75 of Planning Policy Wales 11.

Finally, policy EC5 of the UDP states that development other than farm/rural enterprises and essential utilities, will be strictly controlled. Policy EC5 does not make any provision for new employment development in Special Landscape Areas

Draft LDP

The site is not located in a Green Wedge or SLA.

Draft LDP policy EM5 permits new employment development in the countryside under the following circumstances:

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- Conversion of suitable buildings
- Development required by rural enterprises.
- Extensions to existing businesses located within settlements where no suitable alternatives are available.

Whilst the draft LDP has not been formally adopted, paragraph 9.4.8 of the Development Management Manual (DMM) advises that the weight to be attached to an emerging LDP will depend on the stage it has reached, with certainty regarding the content of the plan being achieved when an Inspector delivers a binding report. The DMM goes on to advise that Local Planning Authorities need to carefully consider the underlying evidence to emerging LDP. The draft LDP has been subject to Examination in Public and found to be sound by the Inspectors. It should therefore be afforded very significant weight in the determination of this planning application.

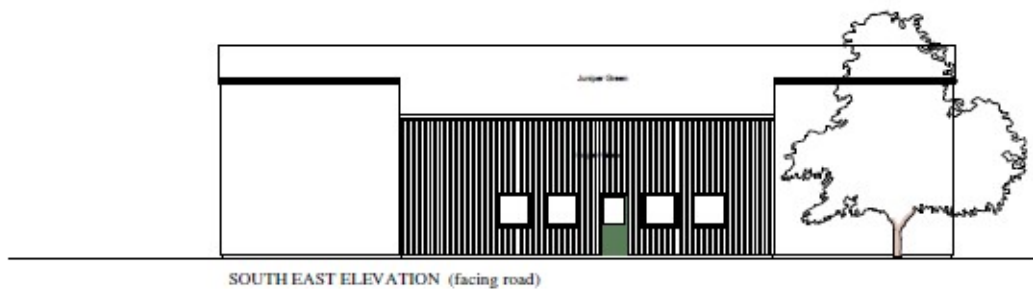
The UDP Green Barriers and SLAs were reviewed as part of the process of preparing the LDP. Bearing in mind UDP became time expired in 2011, combined with the fact that the Green Barrier and SLA designations relating to this site have not been brought forward by the draft LDP, conflict with UDP policies EC1 and EC5 is not considered fatal in this particular instance.

The lawful use of the site is as a haulage yard. UDP and draft LDP policies do not make any specific provision for permitting building on sites with an established employment use. Whether new buildings should be permitted therefore rests on the specific merits of the proposals.

The site is a large hard surfaced area that is regularly occupied by HGVs. In common with any transport based use, the number and the position of vehicles on site regularly changes.

The applicants initially proposed to erect the building adjacent to the highway boundary where it would be particularly prominent. Amended plans have since been submitted reducing the size of the building, relocating it approximately 30 metres from the highway boundary and changing the proposed external finish of the walls and roof to juniper green. The proposed site plan and elevation plans are included below:

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The proposed building would not be viewed as an isolated feature in the landscape, but as part of a loosely associated cluster of buildings that includes Smithy Cottage and Whitehurst Gate.

In contrast with parked HGVs, the proposed building would be a permanent feature. It would also be around 2 metres taller than a typical HGV. However the extant use of the site means it already has an appearance incongruous to its otherwise rural setting. HGVs could continue to park on the site unrestricted irrespective of whether the proposed development took place.

Despite the permanence of the proposed building and the modest encroachment of the extended hard surface into the field to the north west of the existing site, it is considered that the development would not materially alter the character and appearance of the immediate locality. The submitted plans also provide for planting around the external boundaries of the site, therefore offering a level of screening that is currently absent. The development would not be unduly prominent from near or distant viewpoints. Accordingly it would not be a harmful intrusion into the rural landscape. It would therefore accord with UDP policy GDP1 and draft LDP policy DM1.

Whilst the UDP and draft LDP do not make specific provision for the erection of new buildings for employment use in the countryside, having regard to the specific circumstances discussed above, there is no objection in principle to the development.

Heritage Impact: The application is accompanied by an Archaeological Setting Assessment. This considers the impact of the proposed development on the Pontcysyllte World Heritage site and Offa's Dyke, both Scheduled Monuments. The site lies within the buffer zone for the World Heritage Site and is approximately 165m from Offa's Dyke.

Having regard to the existing use as well as the proposed planting around the site boundaries, the Archaeological Setting Assessment concludes that the

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development would not harm the two Scheduled Monuments. Cadw raises no objection and CPAT confirm there would be no archaeological implications.

Smithy Cottage to the south is a Grade II listed building. Given the lawful use of the existing site, combined with the generous separation distanced involved and the additional landscaping, it is considered that the proposed development would preserve the setting of this heritage asset.

AONB: The site is not located within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB). However, the site is close to the boundary, which runs parallel to the south side of the A5. The AONB raise no objection to the proposed development on the basis of the revised location, reduced size of the building and the proposed planting. The AONB JAC have commented that the amended plans would significantly reduce the visual impact of the development from the nearby AONB.

Highway Safety: Welsh Government (Trunk Roads), as Highway Authority for the A5 have not issued a direction. The Highway Officer raises no objection.

The development is likely generate a material increase in traffic. The Highway Officer has suggested a tracking diagram be provided to demonstrate that the largest vehicles likely to visit the site can use the site access safely. However, there are no restrictions on number or size of HGVs that can currently visit the site under the existing lawful use and the size and type of vehicles visiting the site is unlikely to change as a result of the proposed development. Furthermore there is ample space within the site for vehicles to turn prior to exiting onto the highway as well as for staff parking.

Having regard to the above, it is considered that the proposed development would not give rise to highway safety concerns. In such terms in accords with UDP policies GDP1 and T8 and draft LDP policies DM1 and T1.

Residential Amenity: The building would be approximately 60m from the Smithy Cottage and Whitehurst Gate and the extension to the hard surfaced area would be nearly 50 metres away. The proposed hours of use are 7am to 5pm Mondays-Saturdays.

The Council's Public Protection Officer raises no objection to the proposal subject to an appropriately worded condition to limit noise to existing background levels.

The existing use is unrestricted and could result in HGVs entering, leaving and manoeuvring within the site at any time of day or night. Both Smithy Cottage and Whitehurst Gate are situated between the proposed development and the A5 and the proposed hours of use are likely to coincide with times when the A5 will be busy. Having regard to this, the development is unlikely to generate levels of noise that would be harmful to the living conditions of the occupiers of the two nearby properties. On this basis, the proposal accords with UDP policy GDP1 and draft LDP policy DM1.

Phosphorous: The site has existing WC facilities served by an existing septic tank. The submitted plans confirm these would be removed. The staff welfare facility would be served by a new septic tank.

Having regard to the existing and proposed foul drainage arrangements, the development is unlikely to increase the amount of phosphorus entering the River Dee catchment and in turn is unlikely to have a significant effect on the River Dee and Bala Lake SAC. In such terms it accords with UDP policy EC6 and draft LDP policies NE1 and NE6.

Ecology and Net Biodiversity Benefit: The extension of the hard surfaced area would not result in a detrimental impact upon habitats or species.

The landscaping scheme proposes planting a mix of hawthorn, holly, mountain ash and hornbeam around the site boundaries. In addition to being beneficial to the appearance of the site this will also deliver a net benefit to biodiversity.

Subject to the implementation and maintenance of the landscaping being secured by a suitably worded condition, the development would comply with the Step-Wise Approach outlined in the recently updated Chapter 6 of PPW11.

CONCLUSION

The UDP Green Barrier and Special Landscape Area are not carried forward by the draft LDP, which has been found to be sound following an Examination in Public. This factor outweighs any conflict with policies EC1 and EC5 of the UDP.

In addition, it is acknowledged that the proposed development does not accord with any specific UDP policies and draft LDP policies regarding employment development in the countryside. However, the lawful use of the site as a haulage yard is a very significant material consideration. When considered alongside the submitted landscaping scheme it is considered that this factor means that the proposed development would not materially change the character of the site and its surroundings, including the setting of a Listed Building, Scheduled Monuments or World Heritage site. Nor would it cause any adverse highway safety or residential amenity issues and nor would it harm the River Dee and Bala Lake SAC. On this basis, there is no conflict with UDP policies GDP1, EC6, EC9, EC11 and T8 apply and draft LDP policies SP14, SP15, NE1, NE6, BE1 and T8.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

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2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered 1022/21/1B, 1022/21/3A, 1022/21/4C and 1022/21/6A
3. Tree planting shown on drawing no. 1022/21/4C shall be carried out in the first planting season (November to March) following the first use of the development hereby permitted. Thereafter any tree(s) that becomes severely damaged, seriously diseased, is/are in poor physiological condition or is removed shall be replaced within the next available planting season by tree(s) of the same species originally planted.
4. The external walls and roof of the building shall not be finished in any colour other than juniper green.
5. Prior to the first use of the development hereby permitted the existing septic tank shall be removed and the Biodisc Treatment Plant installed and made operational prior in accordance with the details shown on drawing no. 1022/21/6c.
6. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound.
7. No use of the development shall be made before 0700 hours or after 1700 hours Monday to Saturday. No part of the development shall be used on a Sunday or Bank Holiday

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan and to ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 11.
4. This is a non-standard reason
5. To protect the integrity of the River Dee and Bala Lake Special Area of Conservation in accordance with policy EC6 of the Wrexham Unitary Development Plan.
6. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in

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prosecution. For further information and advice regarding construction noise please contact the Council's Environmental Health & Housing Standards Team on 01978 292040

The Applicant is advised that under the dust from construction and / or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated, and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
