Report of the Chief Officer Economy and Planning

Application Reference
P/2025/0202

Applicant
MR T HARPER

Agent
MR T BRIDLE

Site Address
UNIT 7 AND 9, QUEENSWAY INDUSTRIAL ESTATE, WREXHAM, LL13 8YR

Description of Development
CODI ADEILAD HOPRAN ASGLODION TANWYDD A GOSOD BOELER BIOMAS A FFLIW / ERECTION OF A FUEL CHIP HOPPER BUILDING AND INSTALLATION OF BIOMASS BOILER AND FLUE

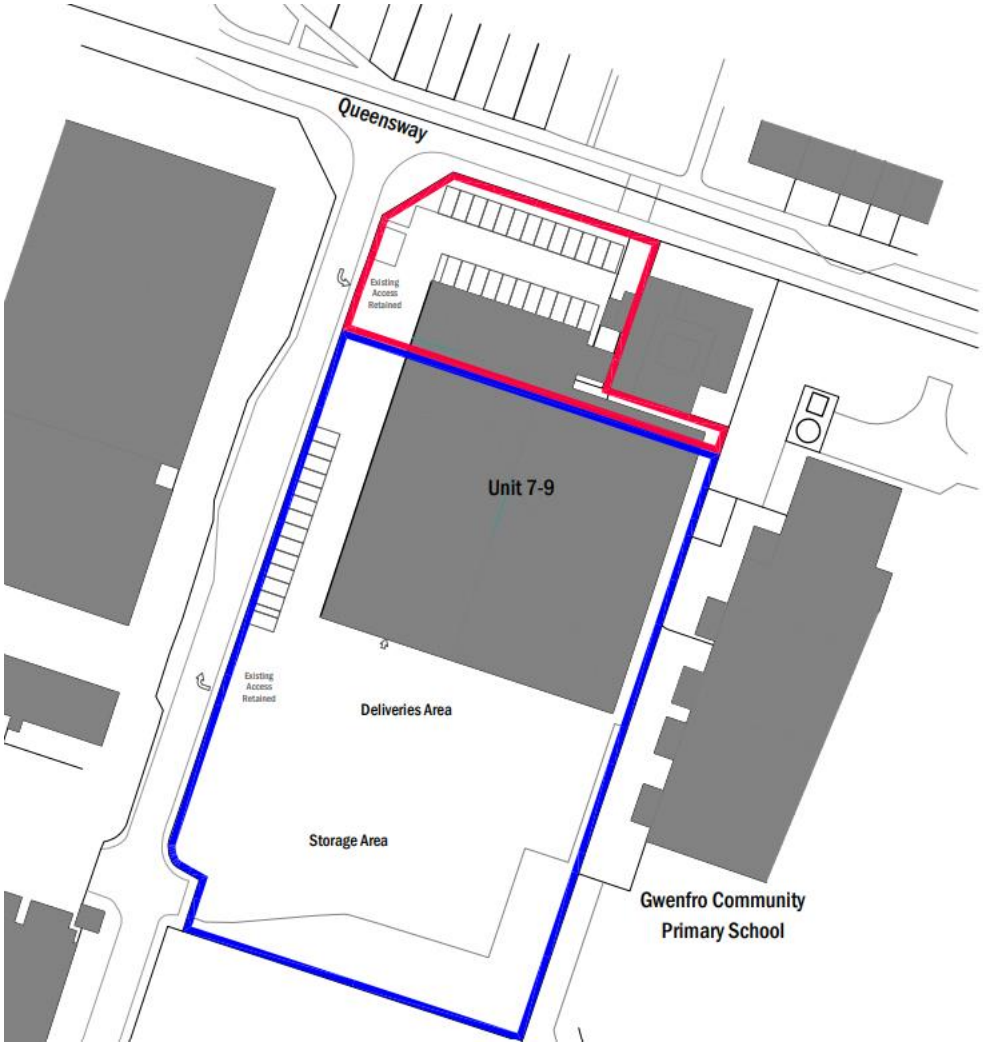
Ward
Whitegate/Whitegate

Community
Caia Park/Parc Caia

Recommendation
The Interim Chief Officer Economy & Planning be given delegated authority to GRANT planning permission subject to Welsh Ministers confirming that they do not intend to call in the application for their own determination.

Officer Report

Site Description
The application site is located on the south side of Queensway and within the Queensway Industrial Estate. Gwenfro Community Primary School lies immediately to the east of the site, a self storage area lies to the south and an unnamed road serving the industrial estate adjoins the western boundary of the site.



Proposal
The seeks planning permission for the erection of a fuel chip hopper building (a storage building) and the installation of a biomass boiler and flue.

The fuel hopper building would be sited adjacent to the existing building on the site. It would be approximately 5m long x 5m wide and approximately 4m high. The facing materials would be grey steel cladding.

The proposed flue would be attached to existing main building. The biomass boiler would be situated within the existing building.

Reason for Committee Determination
Objection received from the Community Council

Site History
P/2001/0482 - Erection of security boundary fence and construction of new vehicular access. Granted

P/2023/0745 - Change of use of building from Class B2 (Industrial Warehouse) to Class A1 (Retail Warehouse) and B8 (Storage and Distribution).

Development Plan

Wrexham Unitary Development Plan 1996 - 2011
PS1 - Broad Location of Development
PS2 - Broad Location of Development
PS8 - Transport
PS11 - Biodiversity
GDP1 - General Development Objectives
T8 - Parking

Local Planning Guidance Notes:
LPGN16 - Parking Standards
LPGN30 - Design
LPGN32 - Biodiversity and Development

Relevant National Policy

Planning Policy Wales (Edition 12, 2024)
Future Wales: The National Plan 2040
The Planning (Wales) Act 2015

Technical Advice Notes (TAN):
TAN 5 – Nature conservation and planning
TAN12 – Design
TAN 18 – Transport
TAN 23 – Economic development

Consultation Responses

Community Council:
Objects on the grounds that potential pollution could have an adverse effect on the area, in particular Gwenfro Valley and Gwenfro School which are in close proximity to the site.

Local Member:
Objects on the grounds of safety to the environment and air quality. Also expresses concern about the potential impact of the development on the children of the adjacent Gwenfro Primary School.

Natural Resources Wales:
Raises no objection

Dwr Cymru Welsh Water:
Raises no objection. Recommends planning conditions and Advisory Notes advised in relation to surface water drainage and asset protection.

Highway Officer:
Raises no objection. Comments that parking and turning provision within the site is adequate and that the number of deliveries to the site is considered to be insignificant.

Contaminated Land Officer:
No comments to make.

Public Protection Officer:
Comments that sufficient information has been submitted to demonstrate that because the boiler would be housed in an existing building, it is unlikely to affect nearby sensitive receptors. Following a site meeting held between officers and an agent on a similar site, comments that they are confident that any noise generated by the installation proposed will be entirely inaudible at the nearest noise sensitive locations.

Recommends Advisory Notes in relation to noise, air pollution and construction hours.

Ecology Officer:
Consulted. No response received.

Publicity Undertaken
Site Notice
Notification Letters

Responses to Publicity
1 representation received objecting to the application raising the following concerns:

- A significant and unacceptable risk to health and wellbeing of pupils of the adjacent school;
- Decline in air quality, increase in dust or odour, rise in noise pollution; and
- Safeguarding concerns due to the proximity of the unit to the school.

Principle of Development
The UDP has no specific policies dealing with this type of development. However, the site is within a defined settlement limit. Policy PS1 directs new development to sites within defined settlement limits.

Having regard to the above, the principle of development is acceptable.

Design
The proposed development would reflect the industrial character of the site and other surrounding buildings, which are of a similar design and faced with similar materials.

Having regard to the above, the proposed development would not have an adverse impact on the character and appearance of the site or the surrounding area. It therefore accords with Policy GDP1 of the UDP.

Impact on Neighbouring Amenity

Objectors have raised concerns about noise, air quality, and potential pollution.

Because it would be installed in an existing building, the boiler, by itself, would not require planning permission. The only external alteration to the existing building would be the installation of a flue. The flue would not materially alter the appearance of the building and would not exceed 15 metres above ground level. It would therefore be 'permitted development' under Class B, Part 8 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The proposed development requires planning permission because a new building is required to house the fuel chip hopper.

Notwithstanding the above, the site is within a Smoke Control Area. The applicant would therefore need to ensure the development accords with the requirements of the Clean Air Act 1993. The proposed biomass boiler is a Defra exempt appliance, which is a requirement when this type on equipment is to be installed in a Smoke Control Area. The proposed boiler would burn fuel in a cleaner manner that standard appliances.

Under Section 20 of the Clean Air Act 1993 it is an offence to emit smoke from a chimney of any building in a Smoke Control Area, subject to an allowable 'lighting up period'. As such, there are appropriate controls under other legalisation should there be continuous smoke emissions from the proposed boiler.

The Council's Public Protection Officer has advised that the proposed siting of the boiler inside the existing building means it is unlikely its operation would give rise to noise nuisance issues. There are also appropriate controls under the Environmental Protection Act 1990 for the Council should the operation of the boiler give rise to statutory noise nuisance.

The wood pellet fuel would be stored in a purpose-built pellet hopper building. Officers have visited another site (Ewloe Barn Industrial Estate) where a similar equipment is installed, including a purpose-built pellet hopper building. The Council's Public Protection Officer has advised that sound attributable to either the fuel feed systems or boilers. The Council's Public Protection Officer has also not raised any concerns with regards to the hopper building on the basis that any noise emission from this development would be highly minimal. It should also be noted that the equipment / system observed during the site visit was a much larger version of the installation proposed at the application site and as such the Public Protection Officer is confident that any noise generated by the proposed development would be entirely inaudible at the nearest noise sensitive locations.

Having regard to the above, there are adequate controls in place under other legislation to ensure that the proposed development does not have an unacceptable impact upon air quality in the locality and noise arising from the operation of the boiler. The applicant has demonstrated that the operation of any mechanism to move fuel from the storage building to the boiler would not give rise to noise nuisance concerns.

It therefore accords with UDP policy GDP1.

Highway Considerations

Fuel deliveries would be made once a month in a large skip wagon. There is adequate space within the site for the parking and turning of the vehicle. The Council's Highway Officer has advised that the increase in traffic associated with the deliveries would be insignificant.

Having regard to the above, the development would not give rise to highway safety concerns and therefore accords with policies GDP1 and T8.

Natural Environment

The application has been accompanied by a Green Infrastructure Statement which includes proposals for net benefit to biodiversity (NBB). The proposed NBB measures consist of a bird nest box to be located on the front elevation of the existing building and 1 bat box to be located on the eastern elevation of the existing building. The NBB measures are considered to be acceptable and commensurate to the scale of development. The implementation of the proposed measures could be secured by way of a suitably worded condition.

Subject to the implementation of the proposed NBB measures, the development accords with PPW12.

Drainage

The proposed development is situated within the catchment of the River Dee and Bala Lake Special Area of Conservation.

All new development, will only be permitted where this is no adverse effect on the integrity of the River Dee and Bala Lake Special Area of Conservation (SAC) in particular through the treatment of waste water.

Owing to the nature of the proposals, the erection of a hopper building and associated equipment and machinery, it is considered unlikely that the proposal will give way to any adverse impact upon the SAC.

The proposed development is therefore deemed to be in compliance with Policy EC14 of the UDP.

Other Considerations

The Welsh Ministers have received a request to call in the application for their own determination. In accordance with the provisions of Article 18(1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, the Welsh Government have directed the Council not to grant planning permission without prior authorisation of the Welsh Ministers. The Direction has been issued to enable further consideration to be given to whether or not the application should be referred to the Welsh Ministers for their determination.

The Direction only prevents the Council from granting planning permission. It does not prevent the Council from continuing to process the application and resolving to grant planning permission subject to the Welsh Ministers confirming they do not intend to call the application in, nor does it prevent the Council from refusing planning permission.

A Committee Report is a major consideration for Welsh Ministers in reaching their decision whether to call the application in or not.

Should the Council resolve to grant planning permission for the proposed development, the Council will be notified of the Welsh Ministers' decision on whether to call the application in as soon as possible.

Conclusion

The proposed development would not give rise to visual amenity, noise, pollution or highway safety concerns. It therefore accords with the relevant UDP policies.

Conditions

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

2. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s):

   - Site Location and Block Plan (2502 - SLP AR 2) (24-02-25).
   - Proposed Part Site Plan (2502-01-AR2) (24-02-25).
   - Proposed Elevations (2502-04-AR2) (24-02-25).
   - Planning Documents for Wood Chip Boiler (04/03/25).
   - Planning Documents for Pellet Boiler (04/03/25).
   - Green Infrastructure Statement (20/02/25).

3. Prior to the first use of the development hereby permitted the measures to deliver net benefit for biodiversity (NBB) set out in document "Green Infrastructure Statement (20/02/25)" shall been implemented in full. The measures shall thereafter be maintained for the lifetime of the development.

Reasons

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

3. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.

Notes

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;

- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;

- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. 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.

Notes

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

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 prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

Notes
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.

Notes
Environmental Protection – Comments - Advice to applicant:

1) Noise has the potential for classification as a statutory nuisance under the Environment Protection Act 1990. If noise is found to be causing a nuisance than an Abatement Notice may be served, and the applicant is advised to consider this when designing the boiler housing, chip storage and refuelling.

2) Smoke has the potential for classification as a statutory nuisance under the Environment Protection Act 1990. If smoke is found to be causing a nuisance then

an Abatement Notice may be served, and the applicant is advised to consider this when designing the installation.

3) The application site is within a smoke control area. Under the Clean Air Act 1990 restrictions are placed on the type of equipment and/or fuel that may be used in these areas. The applicant is advised to familiarise themselves with the requirements of this Act. For further information please contact healthandhousing@wrexham.gov.uk.

Notes

Some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water, the applicant is advised to contact the Operations Contact Centre at Dwr Cymru on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.