

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
29th JULY 2019

APPLICATION NO:
P/2018 /1086

LOCATION:
STORAGE LAND CLYWEDOG ROAD
NORTH WREXHAM INDUSTRIAL
ESTATE WREXHAM
LL13 9XN

DATE RECEIVED:
27/12/2018

COMMUNITY:
Abenbury

CASE OFFICER:
PF

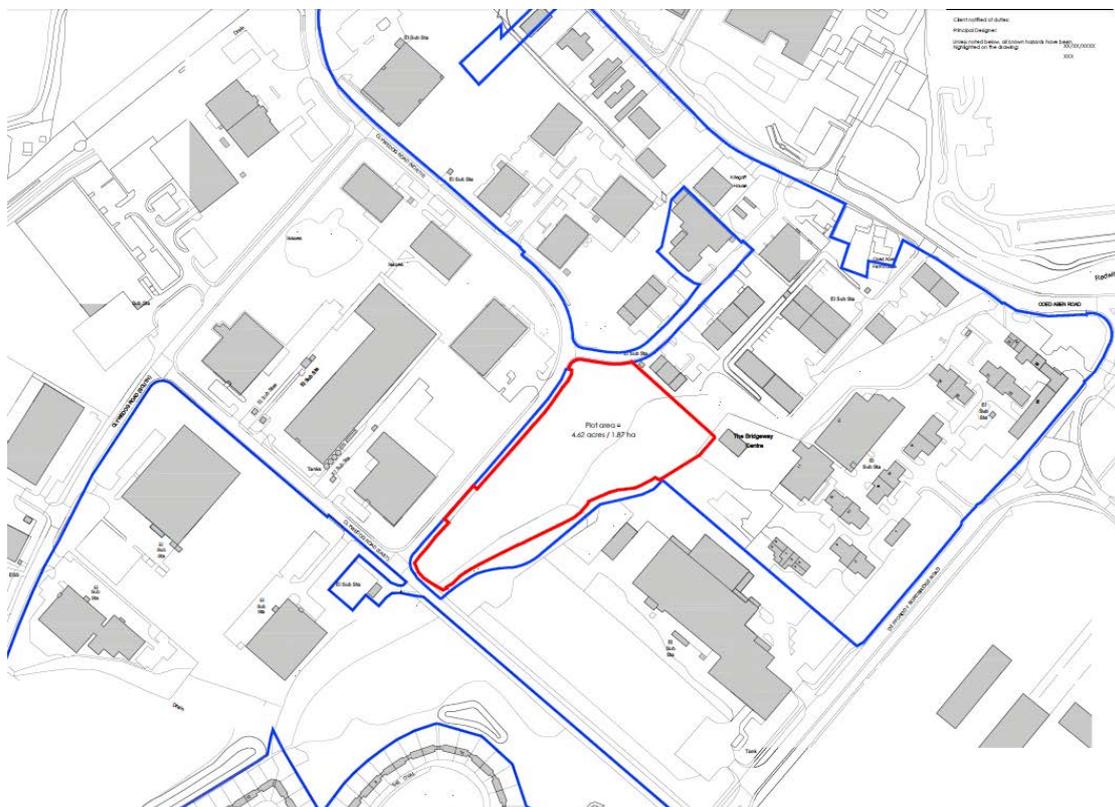
WARD:
Holt

DESCRIPTION:
ERECTION OF B1 LIGHT
INDUSTRIAL UNITS WITH
ASSOCIATED MEANS OF ACCESS,
SERVICING, PARKING AND
LANDSCAPING TREATMENT WITH
ECOLOGICAL MITIGATION ZONE
(SITE 4)

AGENT NAME:
J10 PLANNING LTD
MR JUSTIN PAUL

APPLICANT(S) NAME:
MS JANE HETHERINGTON
FIRST INVESTMENTS REAL ESTATE
MANAGEMENT LTD

THE SITE



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PROPOSAL

Planning permission is sought in full for the erection of B1 (light industrial) units along with associated access, turning and service areas and landscaping. The layout plan as submitted is shown below.



Proposed layout plan

HISTORY

None.

PLANNING POLICY

The site is located inside the Wrexham Industrial Estate settlement limit. Policies PS1, PS2, PS3, PS4, GDP1, EC4, E4 and T8 are relevant. Guidance is also contained in Local Planning Guidance Notes 16 – Parking Standards and 17 – Trees and Development.

CONSULTATIONS

Community Council:
Local Member:

No objection.
No concerns raised.

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Site notice:	Expired 05.02.2019
Press notice:	Expired 09.02.2019
Public Protection:	No objection. Conditions are recommended to ensure that any ground contamination is identified, remediated and validated and that controls are imposed to restrict noise levels from the development when measured from the nearby noise sensitive properties. Controls relating to the hours of working in the implementation of the planning permission are also recommended.
Highways:	<p>The application can not be supported in its current format. The following comments are made:</p> <ul style="list-style-type: none">• Access visibility is considered acceptable;• The access geometry is considered unsuitable for the use by 16.5m long HGVs. The swept path analysis shows that the vehicles would cut across the access lanes and would cause unnecessary conflict and increase the likelihood of collisions on the carriageway – this should be amended or consideration given to the restriction on the size of delivery vehicles ;• Unit 1 is likely to be served by large HGV vehicles that will turn at the site access which is considered unacceptable.• The applicant should consider relocating the access further north east where there is potentially more depth and any concern that this could not be achieved because of the reliance upon 3rd party land should be justified by way of a further speed survey to identify the 85th percentile speed of the highway;• The location of an on site pedestrian crossing will result in vehicles entering the site having to wait causing the possibility of a conflict on the main highway;• No 2m wide footway has been provided along the entire site frontage. This is considered unacceptable as such provision would not only benefit the

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users of the site but for the wider benefit of those visiting/working on the estate. Standard highway design requirements across the country require footways on both sides of the road on industrial estates;

- A number of parking spaces do not show adequate clearance of 6m when a HGV is parked making a collection/delivery; and
- A contribution should be made to provide adequate public transport provision to the site. This has not been demonstrated in submissions.

WCBC Flood Officer:

No objection. Any planning permission should include a condition requiring a detailed drainage design to be submitted.

Business & Investment Lead
Officer (Housing & Economy):

Provided the following observations relating to the proposal:

- The First Investment proposition represents a significant investment for the Wrexham Industrial Estate creating jobs and opportunities, however ultimately this investment will provide the conditions required for growth for many businesses located on, or looking to invest in the Industrial Estate;
- Land and units are currently in short supply, however demand remains strong for this location. This demand comes from a local, regional and national basis, however increasingly we are seeing demand from existing occupiers who are unable to realise their ambitious growth potential due to the constraints of their current units in terms of size and appearance;
- Wrexham Industrial Estate is well connected and is therefore a key location for businesses looking for units in the North East Wales / North West of England region. A lack of suitable units is hindering the growth of the estate, therefore this commitment being made by FI to re-invest in their current stock and create new stock is very positive; and

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- This investment shows the confidence in Wrexham Industrial Estate as a location for significant investment.

NRW:

Does not object to the proposal. The following comments are made:

- In relation to protected species the proposed habitat mitigation strategy is acceptable. Details concerning its implementation should be secured via planning condition / Section 106 Agreement. Material provisions of the agreement to include, but not limited to, financial arrangements, management plan and updates, wardening, monitoring and tenure.
- No comments are made in relation to water disposal from the site.
- Contamination investigations are noted however no further issues are raised by NRW.

Wales & West Utilities (gas):

The presence of gas transmission apparatus should be noted by the applicant.

Welsh Water:

No objection. A gravity sewer passes the site and no development should occur within three metres of the sewer. A detailed drainage scheme should be submitted prior to the commencement of development which includes methodologies for the sustainable drainage of surface waters.

HSE:

The site is not crossed by a HSE consultation zone.

Neighbouring occupiers:

11 neighbouring occupiers notified. No responses received.

SPECIAL CONSIDERATIONS

Policy: As the site is located within the defined settlement limit the proposal is considered acceptable in principle. Policy PS1 directs all new development to within existing settlement boundaries and policy EC4 makes provision for the development of unannotated land for business purposes within settlements. All developments must comply with the general development principles laid out in policy GDP1 as well as other topic based policies that may apply.

Need: Whilst the applicant is not required to demonstrate a need for such development in this location, the findings of the latest Employment Land Review (ELR) (Jan 2018) are considered relevant to the determination of this proposal when considering other material considerations later in the report.

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The ELR is part of the evidence base for the deposit LDP. Whilst the LDP is currently awaiting its examination in public and can be afforded little weight at the this stage, Welsh Government planning guidance does state that weight can be attributed to its evidence base.

There is a diminishing rate of readily available units on the WIE as supported by the findings of the ELR. Whilst the ELR identifies that across the County Borough as a whole there is a sufficient provision of land to meet need through the emerging LDP plan period, from a qualitative perspective there is a shortfall on the WIE. At the time the ELR was carried out, the WIE had a vacancy rate of 4% - with 7-10% being considered reasonable in terms of giving occupiers a choice of premises type, location, sizes and tenures to suit their needs. A below average vacancy rate on the WIE supports the applicant's position of a diminishing range and choice of accommodation for new and existing businesses. The ELR has noted that the council's own Business and Investment Officers report that a lack of range and choice is deterring businesses from locating to the WIE. Given the economic focus of the LDP, and the clear evidence of need for an extension to the WIE, ensuring a sufficient supply of land at the WIE is vital within the overall context of the plan because it is identified as a nationally important employment area, and is important in the context of the local economy. Recent infrastructure improvements to the road network, which included a £30 million investment, and the completion of HMP Berwyn demonstrates the continued success of the area.

On this basis, I am satisfied that the applicant has adequately demonstrated that there is a general need for the development of additional land on the WIE.

Amenity: The site is located within the confines of the estate and would be surrounded by existing buildings which have lawful B uses. However, there are a number of residential properties 130m to the south forming the northern boundary of the Pentre Maelor housing estate.

Public Protection have raised no objections to the proposed development on the grounds of amenity impact. A standard condition is recommended to control noise levels measured from the nearby noise sensitive properties. It should also be noted that the proposed development description consists solely of B1 (office/light industrial) uses. B1 developments are generally accepted as being of a low level impact i.e. offices, research and development, light manufacturing. These uses are categorised as generally being acceptable in or near residential areas. Subject to the controls suggested by Public Protection, I do not consider there to be any reason to the refuse the planning application on amenity grounds.

Highways: Highways raise concerns regarding the nature of the proposal. The application has been accompanied by a Traffic Assessment. No objections are raised in relation to the principle of the development, the likely traffic generation impact upon the local highway network or the level of parking provision. The main areas of concern are discussed below.

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Footway provision

The applicant has shown the provision of a footway around the kerb radii of the access with dropped tactile crossing points to link in with the continuous footway on the opposite side of Clywedog Road North. The access proposed is fixed as this is a full detailed planning application. Highways have requested the provision of a continuous 2m wide footway across the entire site frontage not only to serve this proposed development but for the wider benefit of those visiting and working on the industrial estate to support the approach for more sustainable means of accessibility.

The southern boundary of the site terminates at the junction of Clywedog Road North and Clywedog Road East. There are no other units immediately to the south of the site that could link in with a new footway. To the north of the site, there would be an opportunity to link to an existing footway at the junction of a private access. It is acknowledged that footways on both sides of the road would be an ideal situation. However, the LPA can only insist on the implementation of such infrastructure where it is necessary and it can be shown that the without it, the development would prove unacceptable.

In this instance, the developer is seeking to provide for pedestrian access to the site, with a suitable crossing the existing continuous footway on the opposite side of Clywedog Road North. The development is likely to generate a low level of pedestrian activity that could safely be accommodated by the proposed provision. I am of the opinion that to demand this additional infrastructure would be unnecessary, disproportionate and burdensome on the developer. Its omission would not make the development any less acceptable.

Access position and geometry

Concern has been raised regarding the shape of the access and that it does not meet normal standards because it is not able to provide sufficient depth, leading to the possible conflict of vehicles entering or leaving the site to the detriment of highway users. Highways suggest that the access could be relocated further north to allow for a more appropriate access geometry.

I acknowledge that the swept path analysis does show that HGVs would cross either lane of the junction when making the manoeuvre. However, I am satisfied that any potential conflict is likely to occur so seldom that it would not pose an unacceptable risk to road users. The worst case scenario would only occur if there were a constant stream of larger HGVs entering and leaving at the same time. Any such conflict is likely to be managed by professional HGV drivers anticipating these conflicts and making appropriate manoeuvres without putting other road users at risk. For example, because of the nature of the parking area in close proximity to the site frontage, any HGVs leaving the site are likely to anticipate incoming vehicles to the point where an evasive manoeuvre can be made on site to avoid a conflict on the adjoining highway.

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In considering all the risks identified above regarding conflict of traffic, I am also mindful that consideration must be given to the context of the development site. This is an established industrial estate which has developed piecemeal over the past 60 years. The development parcels are irregular in shape and have come forward on an ad-hoc basis. It is inevitable that proposals such as that before us will be constrained by their shape and will not be able to provide for 100% compliant highway layouts. The sites are also not generally designed for public use and will be used by employees of the occupiers governed by site safety regulations as well as professional delivery drivers who will have experience in dealing sites of this character. Those deviations from normal standards are not considered to be so detrimental in risk terms that it warrants a reduction in the quantum of development to facilitate a perfect scheme.

Public Transport

Concern was initially raised that the development would come forward without any provision being made towards public transport infrastructure – the concern being that the development would not be located in close proximity to existing bus stops.

This planning application has been submitted alongside three other proposals all being considered separately under their own planning applications but by the same applicant. Highways are seeking a financial contribution towards the provision of improved infrastructure near the site which could be implemented should the emerging LDP key strategic site (KSS) come forward on the industrial estate with a more strategic public transport financial contribution. The rationale being that the provision would make for a joined

approach towards providing the physical infrastructure on the estate. If the KSS does not come forward with 5 years the planning obligation could stipulate that the money is returned.

Concerns were raised by the applicant and the LPA that such a request on the basis of the scale of the development would be inappropriate and would not meet the tests laid out in Welsh Government Circular 13/97 relating to planning obligations. Planning obligations *'should only be sought where they are necessary to make the proposal acceptable'* and *'fairly and reasonably related to the scale and kind of the development and reasonable in all respects'*.

The concerns raised appear to relate only to the proximity of bus stop provision relative to the site. The applicant has summarised bus service provision on to the WIE in comparison to the level of development.

- Service 41a arrives on to the estate at from 0600 with the last service departing at 1820 with an hourly frequency Monday to Saturday

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- Service 1e offers an additional early morning and evening service Monday to Friday; and
- An hourly Sunday service funded by contributions from HMP Berwyn is due to start under code 41b.

The nearest bus stop provision at the site is at the entrance to Pentre Maelor housing estate, some 0.6km from the site and within an acceptable walking distance. Furthermore, within the applicant's TA, provision has been made for the appointment of a Travel Plan Coordinator which can be secured by planning condition. This would accord with the guiding principles of PPW to promote walking and cycling as an alternative means of travel to the site above public transport within the transport hierarchy.

The level of development proposed and the nature of existing public transport provision is acceptable and I would not wish to place a financial demand on the developer as I am not convinced that the development would be considered unacceptable without the contribution. To do so would fail the tests laid out by the Welsh Government and would be subject to challenge.

Ecology and trees: The WIE is a known stronghold for various species afforded protection through European and domestic legislation.

The proposal has been presented with a detailed habitat creation strategy for land within the control of the applicant across other parts of the estate with the aim of creating a habitat network for great crested newts. The strategy has been accepted in principle but would be subject to much more detailed implementation methodologies, maintenance regime and long term control of the land for the purposes of habitat maintenance to offset the impact of the developments. These methods can be agreed through planning conditions and the issuing of a licence by NRW. The control of land into the future and

the tenure will need to be controlled via a planning obligation and this is reflected in my recommendation. I am satisfied that with adequate controls the development can occur without detriment to protected species at a European and domestic level.

The council's ecology and tree officers have considered the nature of the site specific habitat issues in relation to the design as presented. There is some concern that a small section of the footprints of the units could be shifted slightly further away from the tree belt to the eastern boundary to remove a threat for their pruning or removal in the future. On balance, whilst I support the retention of existing tree growth for its ecological and sustainability benefits, I do not consider that this minor perceived threat upon future growth or pruning is adequate to demand a reduction in the scale of the development. I am satisfied that conditions can be imposed to protect the trees during construction and that they be retained in perpetuity.

There is an opportunity to increase tree coverage as a result of the proposed layout. I am satisfied that adequate controls can be imposed to protect

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existing tree coverage from the impacts of development. Detailed planting specification will be considered through a condition.

Drainage: The applicant has demonstrated an acceptable SuDS design strategy and Welsh Water have raised no issues in relation to the foul water disposal methodology. A detailed drainage design will be required by condition.

The planning balance: The development must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. I have given detailed consideration to the main issue – impact upon highway safety.

I am satisfied that the ELR forming the evidence base for the deposit LDP justifies the need to widen the development opportunities for the site and this should be afforded significant weight

Whilst acknowledging the deficiencies in the overall design presented as part of the proposal, I am satisfied that the risk to the highway users will be relatively low in the context of this commercial setting. The types of conflict between HGVs are known and can be mitigated by professional driving standards and experience of similar layouts elsewhere on the WIE. I would therefore not wish to recommend refusal on highway safety grounds.

Conclusion: I am satisfied that the development would accord with policies PS1, PS2 and EC4 of the adopted UDP, and for the reasons identified above, the development is acceptable and there are matters which should be afforded significant weight in its favour. I therefore recommend accordingly.

RECOMMENDATION A

That the Council enters into an obligation under Section 106 of the Town and Country Planning Act requiring the following:

- To ensure that the habitat land identified is subject of the Habitat Management Strategy (document ref. KE1849.00 v3 dated 23 November 2018) and the associated Outline Habitat Management Plans; and
- To ensure that the tenure, access to and future management of the land forming part of the habitat mitigation and management plan is controlled.

RECOMMENDATION B

That if the Obligation pursuant to Section 106 of the Town and Country Planning Act, as detailed above, is not completed within six months of the date of this Committee resolution, the Chief Officer Planning & Regulatory is

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given delegated authority to REFUSE planning permission and formulate that reason for refusal on the following grounds:

- The proposed development would fail to make adequate provision for the impact it would have upon protected species which are known to be present on and in the vicinity of the development site.

RECOMMENDATION C

Subject to the completion of the Section 106 Obligation, planning permission be GRANTED subject to the following conditions:

CONDITION(S)

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 approved drawing(s) numbered B10137-AEW-SI-XX-DR-A-0501 Rev P4
B10137-AEW-SI-XX-DR-A-0503 Rev P7
B10137-AEW-01-00-DR-A-0506 Rev P2
B10137-AEW-01-RF-DR-A-0507 Rev P2
B10137-AEW-01-00-DR-A-0508 Rev P2
B10137-AEW-01-XX-DR-A-0509 P2
B10137-AEW-02-00-DR-A-0510 P2
B10137-AEW-02-RF-DR-A-0511 P2
B10137-AEW-02-XX-DR-A-0512 Rev P2
B10137-AEW-02-XX-DR-A-0513 P2
and as contained within the application documentation.
3. Development shall not commence until detailed habitat mitigation and management plan has been submitted to and approved in writing by the local planning authority. The scheme shall be prepared in accordance with the principles laid out in the Outline Habitat Management Plan document ref: KE1849.03 Version 3 dated 23 November 2018 authored by Richard Roe of Kingdom Ecology Ltd. The development shall be carried out in accordance with the details as may be approved.
4. No part of the development shall commence until a Badger Survey as carried out by a qualified ecologist has been submitted to and approved in writing by the Local Planning Authority. The resulting survey shall make provision for any mitigation measures that may be required in relation to the presence of badgers. The development shall be carried out in accordance with the details as may be approved.
5. The development shall be carried out in strict accordance with the following plans and report(s) submitted and approved as part of this application:
 - Tree Protection Plan ref no. 03; and
 - Arboricultural Method Statement ref no.17/AIA/WXM/203D dated November 2018.

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No development or other operations shall take place except in strict accordance with the reports as approved.

6. No facing or roofing materials shall be used other than materials matching those used on the existing building.

7. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 120m metres to the north east and 2.4 metres x 56 metres to the south west measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

8. Prior to first use of the development hereby approved the footways and dropped kerb provision as shown on drawing no. B10137-AEW-SI-XX-DR-A-0503 P7 shall be implemented in their entirety. These footways and crossing provisions shall be retained for the lifetime of the development.

9. The vehicular parking and turning areas and cycle parking and storage area as shown on approved drawing no. B10137-AEW-SI-XX-DR-A-0503 shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of vehicles at all times.

10. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

11. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 10 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

12. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the

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assessment shall be submitted in writing to the Local Planning Authority. Where a SuDS scheme is to be implemented, the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;
- ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,
- iii) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

13. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level by more than 5dB(A) 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 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial areas.

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. In order to ensure that the development can be implemented without causing harm to species which are afforded statutory protection through the planning system and to ensure compliance with policies PS2 and GDP1 of the Wrexham Unitary Development Plan.
4. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
5. To protect trees which are of significant amenity value to the area in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
6. 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.
7. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. In the interests of highway safety and in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
9. In the interests of highway safety and to ensure that the development makes provision for the encouragement of travel to the site by sustainable modes of transport in compliance with policies PS2 and GDP1 of the Wrexham Unitary Development Plan.

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10. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

11. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

12. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

13. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
