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Supporting Planning Statement
Reserved Matters Application, Land at Bryn Lane
Wrexham Industrial Estate

GARDENBREEZE LIMITED
July 2016

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CONTENTS

1	INTRODUCTION	1
2	SUPPORTING PLANS AND DOCUMENTS	2
3	PLANNING HISTORY	3
4	THE PROPOSED DEVELOPMENT	4
5	SITE CONTEXT	5
6	RELEVANT NATIONAL PLANNING POLICIES	6
7	RELEVANT CONDITIONS ATTACHED TO THE APPEAL DECISION	11
8	EVALUATION	12
9	COMPLIANCE WITH CONDITIONS ATTACHED TO THE APPEAL DECISION	19
10	CONCLUSIONS	22

APPENDICES

APPENDIX 1: SITE LOCATION PLAN

APPENDIX 2: APPEAL DECISION LETTER (APP/H6955/A/12/2188910)

1 INTRODUCTION

- 1.1 This Supporting Planning Statement (SPS) is submitted on behalf of Gardenbreeze Limited (“the applicant”) in support of a reserved matters planning application for the erection of a B8 storage and distribution warehouse and associated ecological mitigation area including means of access and layout on land at Bryn Lane, Wrexham Industrial Estate, Wrexham, LL13 9UT (“the site”). A site location plan is enclosed at **Appendix 1**.
- 1.2 The application is pursuant to an existing outline planning permission on the site which was allowed at appeal (ref: APP/H6955/A/12/2188910). A copy of the appeal decision letter notice is enclosed at **Appendix 2**.
- 1.3 The reserved matters application seeks approval for all the detailed matters not previously considered: namely the scale, appearance and landscaping of the development.
- 1.4 The purpose of this SPS is to detail the application proposals, assess their compliance with the outline planning permission and the relevant policies contained within the Development Plan and any other material considerations.

2 SUPPORTING PLANS AND DOCUMENTS

- 2.1 The application is accompanied by a comprehensive suite of supporting documents and plans. The scope and extent of supporting information has been prior agreed with Wrexham County Borough Council (WCBC).
- 2.2 The following table lists the supporting plans and documents which have been submitted as part of this reserved matters application:

Plans	Ref	Date
Location Plan	DR-A-0501 Rev P1	26/07/16
Existing Site Plan	DR-A-0502 Rev P1	26/07/16
Proposed Site Plan	DR-A-0503 Rev P1	26/07/16
Existing and Proposed Site Sections	DR-A-0504 Rev P1	26/07/16
Proposed Ground Floor Plan	DR-A-0507 Rev P1	01/07/16
Proposed First Floor Plan	DR-A-0508 Rev P1	01/07/16
Proposed Roof Plan	DR-A-0509 Rev P1	01/07/16
Proposed Elevations	DR-A-0510 Rev P2	01/07/16
Proposed Building Sections	DR-A-0511 Rev P1	07/07/16
Proposed Building Site Plan	DR-A-0512 Rev P1	26/07/16
Design and Access Statement	DAS-A-0001	07/16
Landscape Proposals	4090-01	07/16
Ecological and Landscape Management Plan	5875.001	07/16

3 PLANNING HISTORY

- 3.1 An outline application was submitted on 10/09/2008 (application reference: P/2008/0993) for B2/B8 development and associated ecological mitigation area including means of access and siting. The application was refused on 06.07.2009. The decision was appealed, with the “split decision” (dated 06.05.2010) giving outline planning permission for development within the southern portion of the site whilst permission was refused for development in the northern section.
- 3.2 Following the “split decision”, a further outline application was submitted on 29/11/2011 (application ref: P/2011/0891) for the northern section, applying for B8 storage and distribution warehouse development and associated ecological mitigation area including means of access off Bryn Lane and layout. The application was refused on 22.06.2012, and subsequently appealed. The appeal, ref: APP/H6955/A/12/2188910, was allowed on 06.08.2013. The Inspector allowed the appeal in respect of the application site primarily due to the economic benefits that would arise. The outline planning permission remains extant.
- 3.3 A Section 106 Agreement was made in June, 2013 between Gardenbreeze Limited and Wrexham County Borough Council.
- 3.4 An application with reference P/2013/0270 was submitted to vary the time limit for submission of reserved matters and implementation of development (conditions 2 and 3) of planning permission P/2008/0993. The decision is listed as pending - committee resolution (01.07.2013) to grant subject to prior completion of planning obligation. That site is now subject to a Development Consent Order (DCO) application for the erection of a gas fired power station.
- 3.5 An application with reference P/2016/0327 was submitted on 06/04/2016 to vary the time limit for submission of reserved matters and implementation of development (conditions 2 and 3) of the planning permission allowed through planning appeal ref no. APP/H6955/A/12/2188910 (WCBC application ref: P/2011/0891). The application was refused on 06.06.2016.

4 THE PROPOSED DEVELOPMENT

- 4.1 The application seeks approval for reserved matters pursuant to outline planning approval (which is extant) allowed at appeal (APP/H6955/A/12/2188910).
- 4.2 As the application relates to the submission and approval of reserved matters the issues relevant for consideration are the specific details of the scale of the building, its appearance and the associated landscape requirements.
- 4.3 Ecological matters were considered in detail by the Inspector and in allowing the appeal the Inspector imposed a number of conditions relating to the mitigation and ecological management of the site. Ecology is therefore a material consideration and details/plans, which comply with the relevant conditions, are submitted for approval as part of the application.

5 SITE CONTEXT

- 5.1 The application site covers an area of 19.49ha and is located off Bryn Lane and Ridley Wood Lane, Wrexham Industrial Estate and is accessible from Bryn Lane, which joins Oak Road to the South and Hungmore Lane to the North. The A534 Wrexham Road is accessed via Hungmore Lane. The site is currently vacant and used intermittently for pastoral grazing.
- 5.2 The site is located adjacent to the Wrexham Industrial Estate which contains a number of large industrial developments providing significant employment contributions to Wrexham. To the immediate South, East and North of the site are open grassland fields used for agriculture. Further to the South is the existing Norbert Dentressangle complex (former TDG facility). To the East are several detached residential dwellings of Isycoed. To the immediate West of the site, on the opposite side of Bryn Lane are a number of residential properties, the Kellogg's plant and a major recycling facility.
- 5.3 Outline consent (application reference: P/2013/0671) was granted on 20/04/2014 for a Category C Men's Prison (76,370 Sqm Gross External Area) at Wrexham Industrial estate. An application for Reserved Matters (application ref: P/2014 /0560) was granted on 30/11/2014. The prison will be known as HM Prison Berwyn and is due to open in 2017.
- 5.4 The immediate context of the application site (to the west and south west) is therefore one of major industrial and manufacturing development.

6 RELEVANT PLANNING POLICIES

- 6.1 This section provides a summary of planning policy at all levels which is of relevance to the Councils consideration of the application. Only the extents of national and local planning policies relevant to the consideration of this reserved matters have been identified.

National Planning Policy Context and Guidance

The Wales Spatial Plan – People, Places, Futures (2008 Update)

- 6.2 The Wales Spatial Plan People, Places, Futures sets a strategic framework to guide future development and policy interventions. It integrates the spatial aspects of national strategies for social inclusion and economic development, health, transport and environment, translating the Welsh Government's sustainable development duty into practice.
- 6.3 The Wales Spatial Plan has not been updated since the Inspector allowed the appeal. Wrexham remains a Key Settlement of National Importance, a Key Regeneration Area and a Key Business Sector Area in the Wales Spatial Plan. The Wrexham Industrial Estate is the County Borough's key strategic employment area and is also an employment area of importance to the wider north east Wales sub-region. The ability to deliver high quality employment sites is key to maintaining the important role the Industrial Estate plays in the local and wider economy.

Planning Policy Wales (Edition 8, January 2016)

- 6.4 Planning Policy Wales (PPW) sets out the Welsh Assembly Government's sustainable land use policy. This provides the context within which Unitary Development Plans are prepared and development control decisions on individual planning applications and appeals are taken. PPW is supplemented by a series of Technical Advice Notes (TANS); together with Welsh Office Circulars this comprises the range of national planning policy.
- 6.5 PPW is underpinned by the principles of sustainable development. This means that sustainability is placed at the heart of the decision making process. This is reflected in the pursuit of four key objectives:
- Social progress which recognises the needs of everyone;
 - Effective protection of the environment;
 - Prudent use of natural resources; and
 - The maintenance of high and stable levels of economic growth and employment.

- A number of broad objectives derive from these principles and aim to guide future development. PPW states that planning policies and proposals should:
- Promote resource efficient settlement patterns;

Technical Advice Notes (TANs)

- 6.6 There are a number of Technical Advice Notes which should be read in conjunction with Planning Policy for Wales, together with the published Ministerial Statements they make up national planning policy. Those which are relevant are discussed below.

TAN 5 – Nature Conservation and Planning

- 6.7 TAN 5 sets out further guidance in relation to nature conservation and planning. It summarises the position as set out in Planning Policy for Wales in relation to protected species. Reference is made to the habitat regulations and the implications of such for new development.

TAN 12 - Design

- 6.8 TAN 12 provides advice and information on a number of related areas including the definition of design for planning purposes, design considerations such as access, local planning authority design policy and advice, the process for preparing design and access statements and information on how to achieve sustainable buildings.

Local Planning Policy Context

Wrexham Unitary Development Plan (February 2005)

- 6.9 The Wrexham UDP covers the administrative area of Wrexham County Borough Council. It supersedes previous adopted development plans, namely the Wrexham Maelor Plan, the Glyndwr Local Plan and the Clwyd Structure Plan.
- 6.10 The application site is identified on the Wrexham UDP Proposals Map under Policy E3 'Large Single User Employment Site'. The contents of this policy are reviewed later in this section. The following is a summary of other policies contained within the adopted UDP which are considered to be relevant to the evaluation of the planning application.
- 6.11 Policy PS2 – States that development must not materially detrimentally effect countryside, landscape/townscape character, open space, or the quality of the natural environment.

6.12 Policy PS11 - The Council will encourage proposals which improve the biodiversity value of sites and the establishment of local nature reserves where the nature conservation and landscape interest of the land will be protected and enhanced.

6.13 The UDP sets out a number of Development Objectives, as outlined in policy GDP1 which states that all new development should:

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

6.14 Policy EC6 ‘Biodiversity Conservation’ states that development either within or close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development outweighs the need to safeguard the intrinsic nature conservation value of the site. Furthermore, it states that where such development is permitted, losses should be kept to a minimum, and compensatory measures should be provided. In addition, measures to improve biodiversity value of sites and to enhance their natural conservation interests and landscape quality.

6.15 Policy E3 – ‘Large Single User Employment Site’. This policy relates directly to the application site and states that:

‘Land is allocated at Owens Corning Fibreglass, Wrexham Industrial Estate for a major single user employment project that requires a site of over 30 hectares for an employment development that cannot be accommodated on allocated employment land with planning permission. Any development proposed will need to incorporate extensive high quality landscaping in order to mitigate the visual impact of the development on the appearance of the neighbouring countryside and local landscape.’

6.16 The justification of policy E3 notes that the employment allocation complies fully with the UDP’s strategic and environmental policies and that its advance identification should significantly reduce potential development lead in time, thereby making it attractive to a potential occupier. In addition it states that any additional proposal that cannot be developed on current allocated or committed employment land must comply with the plans strategic and general development principles as well as environmental policies. Proposals which are forthcoming for the land allocated under policy E3 should contain landscaping details which are sympathetic to the local landscape whilst opportunities should be sought to create new habitats for wildlife reflecting policies EC5 and EC6 of the UDP.

Supplementary Planning Guidance

6.17 There are a number of local planning guidance notes which have been taken into account in the development of the application proposals. These comprise:

- LPG Note 7 – Landscape and development (November 2003);
- LPG Note 17 – Trees and Development (April 2006);
- LPG Note 26 – Landscape and Industrial Development (November 2003);

- LPG Note 29 – Wrexham Industrial Estate – Employment Development and Nature Conservation (August 2009);
- LPG 32 – Biodiversity and Development (March 2011).

Emerging Policy: Wrexham Local Development Plan

- 6.18 Wrexham County Borough Council is preparing the Local Development Plan (LDP) which will replace the current adopted Unitary Development Plan. The Council is currently at the final stage of part A: Definitive Stage. The Local Plan is not however expected to be adopted until March 2018.

7 RELEVANT CONDITIONS ATTACHED TO THE APPEAL DECISION

- 7.1 Planning permission was granted subject to conditions. Those of particular relevance to this application for reserved matters are as follows:

Condition 01: *Reserved Matters*

'Details of the scale and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved'.

- 7.2 Condition 02: *Timescales*

'Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved'.

- 7.3 Condition 04: *Compliance with Approved Details*

'The development shall only be carried out in strict accordance with the details shown on the approved drawings numbered 500_C, 503, 506_A, 1250, 1251, 1252_C, 1253_C, 5000 AND Figure 12 contained within the Transport Statement Addendum dated February 2012'.

- 7.4 Condition 17: *Landscaping Implementation*

'The hard landscaping scheme approved as part of the reserved matters application shall be fully implemented in strict accordance with the approved drawings within three months of the first use of the development with the exception of soft landscaping which shall be carried out in the first available planting season (November to March) or seeding season (April to September) following the first use'.

- 7.5 Condition 19: *Landscape Management*

'No part of the development shall commence until a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas has been submitted to and approved in writing by the local planning authority. The landscaping shall be managed and maintained in strict accordance with the approved details'.

- 7.6 Condition 20: *Long Term Ecological Management*

'As part of the reserved matters application a long term Ecological Management Plan and Ecological Method Statement shall be submitted to and approved in writing by the local planning authority. This information shall demonstrate how existing features of ecological/wildlife interest will be protected, identify any areas of compensation and demonstrate management in the long term. The recommendations as approved shall be fully implemented in accordance with timescales to be agreed in writing before any part of the development commences on site'.

8 EVALUATION

- 8.1 The principle of erecting a B8 storage and distribution warehouse and associated ecological mitigation area including means of access and layout was established under the allowed appeal and is therefore not for consideration. As this application relates to the submission and approval of reserved matters the issues relevant for consideration are the specific details of the scale of the building, its appearance and the associated landscape requirements. Details relating to ecology matters are also assessed below.

Scale and appearance

- 8.2 UDP policy GDP1 seeks to ensure that built development in its scale, design and layout, and in its use of materials and landscaping accords with the character of the site and makes a positive contribution to the appearance of the locality.
- 8.3 Although the principle of siting a building in this location has already been established and is not for consideration it is important to understand the context of the surrounding area.
- 8.4 Directly to the west of the application site (across Bryn Lane) is a major facility operated by Kellogg's which is highly prominent given its scale and form. Immediately to the north of the Kellogg's facility are a small number of residential properties on the corner of Bryn Road near the junction with Ridleywood Road. To the east is open land. To the south of the Kellogg's plant is a Council operated household recycling centre whilst adjacent to this is a large scale recycling facility operated by Waste Recycling Group. HM Prison Berwyn, once completed, will have a Gross External Area of 76,370 Sqm.
- 8.5 The immediate context of the application site (to the west and south west) is therefore one of major industrial and manufacturing development.
- 8.6 In allowing the appeal at the site the Inspector acknowledged that *"the scale of the proposed warehouse would create a dominant structure"* but that the *"existing kellogg's industrial complex would create a substantial backdrop to the development, when viewed from the east"*. The proposed building will therefore be viewed in the context of existing tall and large scale industrial buildings.
- 8.7 Indicative elevations were submitted with the outline proposals and were considered by the Inspector. The elevations submitted with this reserved matters application are commensurate with those indicative plans and ensure that the building is acceptable in both scale and appearance.

- 8.8 Careful consideration has been given to the proposed height and massing of the building. The unit occupies a footprint of 37,300 square metres and is 19 metres in overall height. The building will be finished in vertically laid metal profiled cladding. The colour finish will be green ensuring that the building assimilates well into the landscaped surroundings and with existing employment development in the immediate locality.
- 8.9 As the prevailing character of the immediate area consists of major industrial and manufacturing development the proposals will sit well within the existing character of the industrial estate and carefully selected materials and landscaping will limit the impact on views to the open land to the east and beyond. A strong landscaping scheme is proposed which is assessed in detail below.

Landscaping

- 8.10 UDP policy GDP1 seeks to ensure that built development in its scale, design and layout, and in its use of materials and **landscaping** accords with the character of the site and makes a positive contribution to the appearance of the locality.
- 8.11 UDP policy E3 relates to employment development and requires that proposals for large single user employment sites should incorporate high quality landscaping to mitigate visual impact on the countryside and landscape.
- 8.12 The Inspector for the allowed appeal, at para 33, opined that the impact of the proposed building, on the character and appearance of the area, could be successfully mitigated by the scale and nature of the landscaping proposals. Condition 17 of the Inspectors decision requires the submission of a hard and soft landscaping scheme be submitted with the reserved matters application and fully implemented in strict accordance with the approved drawings.
- 8.13 Condition 19 requires the submission of a Landscape Management Plan. The Management Plan must include long term design objectives, management responsibilities and maintenance schedules for all landscaped areas.
- 8.14 The sole decision for WCBC is the adequacy of the submitted details as the principle of landscaping the site to mitigate the buildings' impact on the character and appearance of the area was established by the Inspector in reaching his decision and allowing the appeal. Details are submitted which demonstrate compliance with the requirements of conditions 17 and 19.
- 8.15 The Design and Access Statement submitted with the proposals, demonstrates that, through careful design of the landscape the built development will integrate into its surrounds and will have no unacceptable impacts

8.16 A landscaping scheme and Landscape Management Plan have been submitted as part of this reserved matters application. The landscaping scheme demonstrates that the impact of the proposed building on the character and appearance of the area will be successfully mitigated by the scale and nature of the landscaping proposals; which are commensurate with the details approved by the Inspector at appeal.

8.17 The Landscaping Management Plan provides information on the creation and management of habitats at the site including a timescale for implementation. The landscape at the site will comprise various landscape elements as shown on the Landscape Proposals (Richard Eaves Landscape Architects Ref: 4090-01). Existing landscape elements to be retained are:

- *Woodland* – which will be retained and protected to provide wildlife corridors important for ecological connectivity;
- *Trees* - Maintenance of existing trees will include thinning and improvement through coppicing and pruning to be undertaken annually, where required;
- *Hedgerows* – hedgerows will be retained and protected during development works;
- *Grassland* – Open areas of grassland will be retained to the south and south west of the site and managed as required to maintain a tidy appearance; and
- *Streams* – Management of the stream within the southern woodland will focus on maximising its nature conservation potential;
- *Ditches* – Ditches will be maintained for both functionality and as a habitat in their own right; and
- *Ponds* – An existing pond will be retained to the northern boundary within the woodland planting.

Proposed landscape elements are:

- *Woodland planting* – extensive stands of native planting is proposed to the north and north eastern portions of the site. Additionally new native woodland will be planted to the south eastern and south western corners of the site to extend the woodland corridors.
- *Tree planting* – trees will be planted along the western and south western boundary to provide connectivity to the wider environment;

- *Hedgerow planting* – retained hedgerows will be enhanced by filling in gaps with native species of trees and shrub;
- *Amenity grassland* – during the first three years some areas of amenity grassland may require cultivating and re-seeding;
- *Species rich grassland*; - Grassland to the south and south west will be enhanced to manage biodiversity;
- *Wet grassland* - wet grassland is proposed around the GCN and surface water attenuation ponds;
- *Great Crested Newt (GCN) ponds* – a number of GCN ponds are proposed along the eastern portion of the site;
- *Surface water attenuation ponds* – surface water attenuation ponds are proposed to the north eastern and south eastern corners of the site;
- *Amphibian refugia* – rubble piles and log piles will be situated in woodland planting in close proximity to the proposed ponds; and
- *Pathway* – an existing pathway runs through the southern woodland and will be maintained for its intended use

8.18 The Inspector raised no objection to the loss of land categorised as Grade 3b and noting, at para 37 that the loss of Grade 3b land does not conflict with policy EC2 of the UDP.

8.19 The Design and Access Statement submitted with this application demonstrates that, through careful design of the landscape and ecological mitigation areas, the built development will integrate into its surrounds and will have no adverse impacts.

8.20 The proposals comply with UDP policies E3 and GDP1 as well as conditions 17 and 19 of appeal decision APP/H6955/A/12/2188910.

Ecology

8.21 Whilst not a reserved matter, ecology forms a material consideration and details/plans have been submitted in support of the proposals to demonstrate that wildlife and ecological interest will be protected. Areas of compensation and management in the long term have been included and are discussed below.

- 8.22 At para 35 of the appeal decision the Inspector notes that NRW confirmed that the information required to enable the development to be successfully implemented could be addressed by the imposition of conditions or obligations in respect of the safeguarding and long term protection of Great Crested Newts, The Inspector goes on to state that he was satisfied, based on the evidence before him, that the requirements of the legislation to protect the species can be met.
- 8.23 The principles of ecological mitigation were discussed and agreed with Matt Ellis (Regional Special Officer) of The Countryside Council for Wales. The submitted details are commensurate with Matt Ellis' comments and as required by condition 20 of the allowed appeal a long term Ecological Management Plan and Ecological Method Statement have been submitted as part of this reserved matters application.
- 8.24 The Management Plan provides information on the creation and management of habitats at the site including a timescale for implementation and demonstrates how existing features of ecological /wildlife interest will be protected, identifies areas of compensation and demonstrates management in the long term.
- 8.25 The objectives of this Management Plan are focused upon managing the ecological features of the site to ensure no net loss of biodiversity on-site and to encourage biodiversity to increase over time. To increase the overall biodiversity interest of the site a range of habitats will be maintained enhanced to ensure continuity of habitat availability and to encourage the movement of wildlife within the site and wider landscape.
- 8.26 Key habitat enhancement measures to be implemented as part of the proposed ecological mitigation features at the Bryn Lane site include:
- All areas of woodland will be retained and protected for their value as habitat for a range of wildlife species including nesting birds, foraging bats and potentially sheltering amphibians, including GCN;
 - Hedgerows will be both retained and gap planted with native species to enhance their biodiversity value as linear wildlife corridors;
 - Areas of retained continuous scrub, semi-improved neutral grassland and marsh grassland which will be managed as favourable terrestrial habitat for Great Crested Newts;
 - Retention and enhancement of two heavily vegetated ditches which are present within the site's boundary. One ditch flows in a north-western to south-eastern direction in the south-western corner of the site. The second ditch flows north into the south-eastern corner of the site.

8.27 Key habitat creation measures to be implemented as part of the proposed ecological mitigation features at the Bryn Lane site include:

- Retention of trees subject protected by TPO's;
- Standard tree planting along the western boundary linking the existing woodland to the south with the woodland planting in the north;
- Proposed hedgerow planting which will complement the retained hedgerows to form a barrier around the whole built complex and hardstanding. The proposed planting will act as compensation for the loss of some stretches of species-poor hedgerow;
- Use of a wet grassland mix around the GCN mitigation ponds and attenuation ponds to create botanical diversity;
- Creation of GCN mitigation ponds and attenuation ponds within the ecological enhancement area and planted with a range of native aquatic plant species as part of development proposals to maximise benefits for the protected species.
- The ponds will provide habitat for small mammals, birds, amphibians and insects and will help to maintain a diverse range of flora on site. Ponds will be planted with a wet grassland mix;
- The creation of hibernacula for GCN will include rubble piles and log piles. These mounds will be located in the areas of woodland planting near to the proposed and existing pond(s).

8.28 The Management Plan will be reviewed on an annual basis by the landowner and its managing organisation and other key partners to ensure that the plan is meeting the original management aims and objectives and responding to the developing needs of the site.

8.29 Following the end of the initial five year period of this management programme, the management plan will be re-assessed and updated. This can be facilitated by undertaking site surveys as detailed above. These will identify the need for additional operations and inform future management decisions in relation to continual improvement of the biodiversity value of the landscape as a whole.

8.30 It is proposed that the management activities as described will be undertaken for a period of 25 years following which a review will be undertaken in conjunction with the Local Authority and a revised Landscape and Ecological Framework submitted to the Council at that time. The management plan will be enforced as part of the S.106 agreement which is legally binding.

- 8.31 The Ecological Management Plan and Method Statement ensure that wildlife and ecological interest will be protected, identifies areas of compensation and management in the long term; compliant with condition 20 of the appeal decision.

9 COMPLIANCE WITH CONDITIONS ATTACHED TO THE APPEAL DECISION

9.1 The following table details the conditions attached to the outline planning approval, which are required to be satisfied on submission of this Reserved Matters Application and assesses the application's compliance with them:

No:	Condition:	RM Compliance
1	Details of the scale and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.	Details of the scale and appearance of the buildings and landscaping of the site have been submitted in the form of various plans/reports including a Design and Access Statement. This information is submitted to the LPA prior to any development beginning. The applicant intends to carry out the development as approved.
2	Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.	The Reserved Matters application has been submitted before the deadline of 06/08/16.
4	The development shall only be carried out in strict accordance with the details shown on the approved drawings numbered 500_C, 503, 506_A, 1250, 1251, 1252_C, 1253_C, 5000 AND Figure 12 contained within the Transport Statement Addendum dated February 2012.	The suite of plans and documents submitted with this application for reserved matters have been informed by and are fully in accordance with the plans/reports approved at appeal.

17	The hard landscaping scheme approved as part of the reserved matters application shall be fully implemented in strict accordance with the approved drawings within three months of the first use of the development with the exception of soft landscaping which shall be carried out in the first available planting season (November to March) or seeding season (April to September) following the first use.	An acceptable hard landscaping scheme has been submitted as part of this application for the approval of reserved matters.
19	No part of the development shall commence until a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas has been submitted to and approved in writing by the local planning authority. The landscaping shall be managed and maintained in strict accordance with the approved details.	A Landscape Management Plan, prepared by TEP, has been prepared and is submitted as part of this application for the approval of reserved matters.
20	As part of the reserved matters application a long term Ecological Management Plan and Ecological Method Statement shall be submitted to and approved in writing by the local planning authority. This information shall demonstrate how existing features of ecological/wildlife interest will be protected, identify any areas of compensation and demonstrate management in the long term. The	A long term Ecological Management Plan and Ecological Method Statement has been submitted with this application for the approval of reserved matters. The management plan will be enforced as part of the S.106 agreement which is legally binding.

	recommendations as approved shall be fully implemented in accordance with timescales to be agreed in writing before any part of the development commences on site.	
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Summary

- 9.2 In summary, the reserved matters application has been brought forward fully in line with both the parameters of the extant outline consent (allowed at appeal), as well as in accordance with all relevant Development Plan policies and other material considerations; specifically ecology. It is noted that a subsequent application will be submitted to the council in due course to discharge all necessary conditions prior to commencement of development.

10 CONCLUSIONS

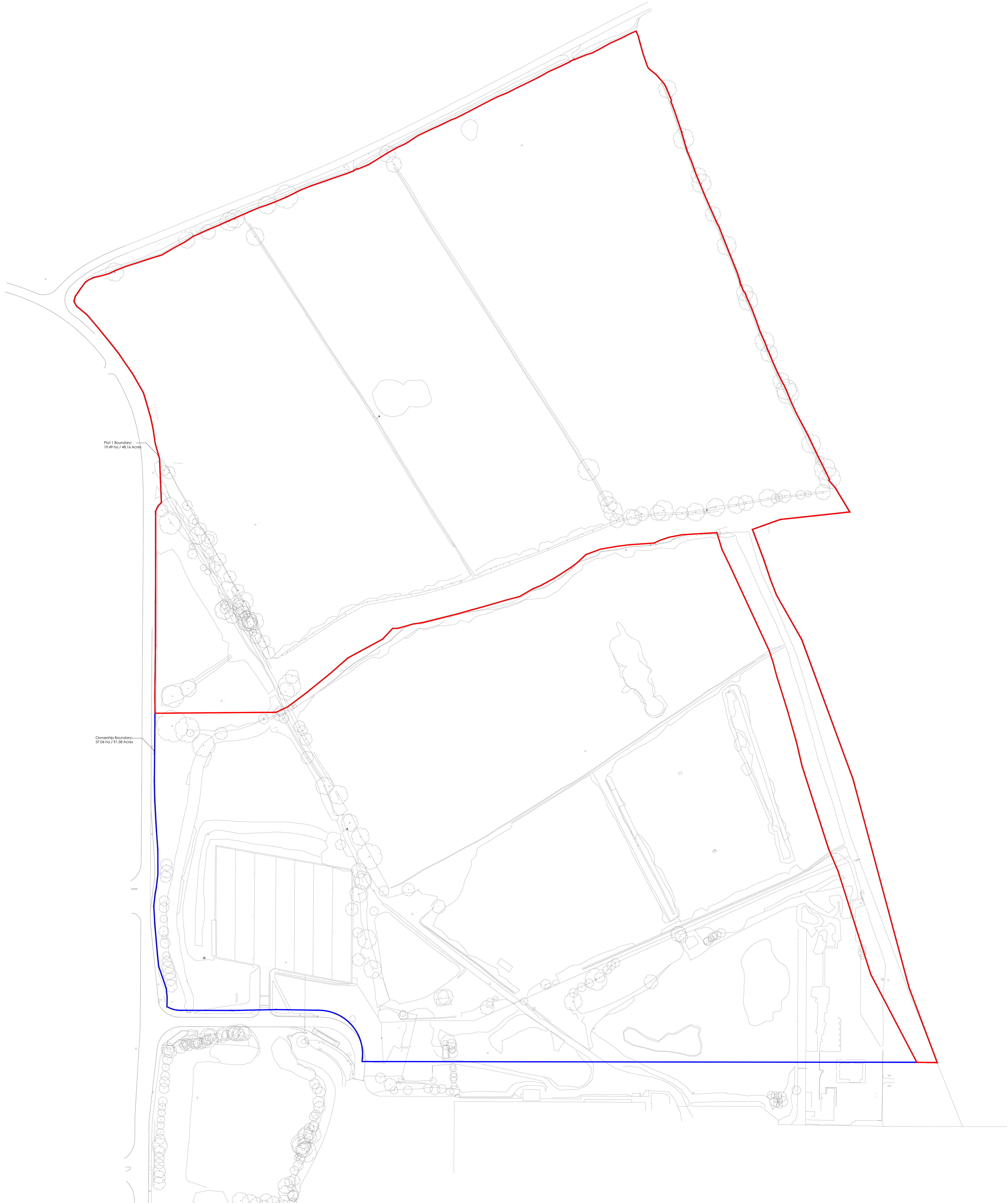
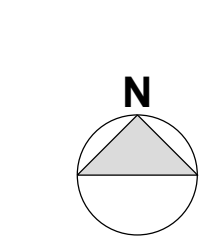
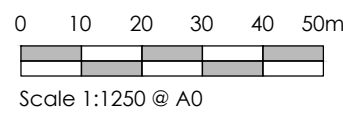
- 10.1 The reserved matters scheme seeks approval for the scale, appearance and landscaping of the site and has been carefully designed to a high standard, having regard to the parameters of the allowed appeal and the relevant policies of the Development Plan. The principle of developing the site for employment purposes has previously been established and is not a material consideration in the determination of this reserved matters application.
- 10.2 The proposals will sit well within the existing character of the industrial estate and carefully selected materials and landscaping will limit the impact on views to the surrounding areas. The height and scale of the proposed industrial building is wholly appropriate and will not result in any adverse impacts.
- 10.3 Ecology is a material consideration and the submitted details ensure that wildlife and ecological interest will be protected by identifying areas of compensation and management in the long term; compliant with condition 20 of the appeal decision.
- 10.4 The application is supported by a suite of technical drawings, which are commensurate with the extant outline consent, and information to enable the LPA's swift determination of the application and to allow the commencement of development at the earliest opportunity.
- 10.5 The application proposals comply with local and national planning policy and the conditions imposed by the Inspector for the allowed appeal and on this basis Gardenbreeze Limited respectfully requests that Wrexham County Borough Council approves this reserved matters application without delay.

This report has been prepared by HOW Planning LLP, with all reasonable skill, care and diligence. The scope of this report is subject to specific agreement and has been prepared solely for the benefit of our Client and should not be relied upon by any other party. Any third parties that use this information do so at their own risk. HOW Planning LLP accepts no responsibility for information contained within this report that has been independently produced or verified.

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APPENDIX 1: SITE LOCATION PLAN



Plot 1 boundary
16.47m x 86.14m

Ownership boundary
27.6m x 71.8m

- NOTES
- All dimensions and levels are to be checked on site.
 - Any discrepancies are to be reported to the architect before any work commences.
 - The drawing shall not be scaled to ascertain any dimensions. Work to figured dims only.
 - This drawing shall not be reproduced without express written permission from AEW.
 - The overlay drawings and ownership boundaries are produced using all reasonable endeavours. AEW cannot be responsible for the accuracy or scale discrepancy of base plans supplied to them.

DESIGN HAZARD IDENTIFICATION

- No significant Hazards have been identified in this drawing.

P1	26/07/16	TF	AL
Issued for approval			
REV	Date	Drawn by:-	Checked by:-
Status Purpose of Issue			
S2	For Approval		
Planning			
Drawing stage			
Client			
Gardenbreeze Ltd.			
Project			
Kingmoor Park Wrexham			
Drawing title			
Location Plan			
date 26/07/16 drawn TF			
scale: A0 1:1250 checked AL			

APPENDIX 2: APPEAL DECISION LETTER (APP/H6955/A/12/2188910)



Penderfyniad ar yr Apêl

Ymchwiliad a gynhaliwyd ar 26/06/13
Ymweliad â safle a wnaed ar 27/06/13

**gan Kay Sheffield BA(Hons) DipTP
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 06/08/13

Appeal Decision

Inquiry held on 26/06/13
Site visit made on 27/06/13

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers
Date: 06/08/13

Appeal Ref: APP/H6955/A/12/2188910

Site address: Land at Bryn Lane, Wrexham Industrial Estate, Wrexham, LL13 9UT

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Kingmoor Park Properties Limited and Norbert Dentressangle Logistics Limited against the decision of Wrexham County Borough Council.
- The application Ref P/2011/0891, dated 29 November 2011, was refused by notice dated 22 June 2012.
- The development proposed is a B8 storage and distribution warehouse and associated ecological mitigation area including means of access and layout.

Decision

1. The appeal is allowed and planning permission is granted for a B8 storage and distribution warehouse and associated ecological mitigation area including means of access and layout at land at Bryn Lane, Wrexham Industrial Estate, Wrexham, LL13 9UT in accordance with the terms of the application, Ref P/2011/0891, dated 29 November 2011, and the plans submitted with it, subject to the conditions set out in Annex A to the decision.

Main Issues

2. The main issues are firstly whether the proposal would accord with national and local policies and guidance concerning the location of new employment development and secondly, the effect of the development on the character and appearance of the open countryside and local landscape.

Reasons

3. The planning application was made in outline and whilst matters of appearance, landscaping and scale were reserved for subsequent approval matters of access and layout fall to be determined as part of the appeal.
4. The appeal site lies within the open countryside but adjoins the boundary of the Wrexham Industrial Estate, as defined in the Wrexham Unitary Development Plan 1996–2011 (UDP) which was adopted in 2005. The site is located on the eastern side of Bryn Lane to the south of the junction with Ridleywood Road. There is agricultural land to the north and east and to the west, on the opposite side of Bryn Lane, there is a row of residential properties and a large Kellogg's manufacturing plant. The site is in agricultural use, sub-divided into fields with mature hedgerows which also form the

northern and eastern boundaries. The majority of the western boundary with Bryn Lane is also bounded by a mature hedge, the remainder being marked by a post and wire fence. A belt of mature woodland which is the subject of a Tree Preservation Order¹ (TPO) creates the southern boundary.

5. The appellants are the landowners, Kingmoor Park Properties (KPP) and the proposed occupants of the site, Norbert Dentressangle Logistics Limited (NDL) who operate a haulage and distribution business from land to the south of but divorced from the appeal site. Until its take-over by NDL in 2011 the existing site was operated by TDG Logistics (TDG). NDL currently employs around 190 workers but due to a long term contract requires up to 100 additional staff and increased warehouse space which would be provided by the appeal proposal.
6. The development would consist of a warehouse building of approximately 37,300 sqm, parking and turning in the area immediately surrounding it and access into the site from Bryn Lane. Towards the south east corner of the site an internal access road would be provided to create a link with NDL's existing operations to the south. The built development would be located towards the southern boundary of the site and the remainder, which would account for approximately 50% of the total site area, would be landscaped to create conditions suitable for the local wildlife which includes Great Crested Newts.
7. The planning application was accompanied by a series of technical reports covering issues highly relevant to the development and which either resulted in agreement or resolved earlier issues. As a result the Council has no technical or environmental objection to the proposal with the exception of landscape issues as confirmed in the Statement of Common Ground.

Local Planning Policy

8. Although the site is in open countryside and outside the limits of the Wrexham Industrial Estate it is nevertheless allocated under Policy E3 of the UDP as part of a larger site for a major single user employment project that requires a site of over 30 hectares for an employment development that cannot be accommodated on allocated employment land or employment land with planning permission. The policy also requires that any development will need to incorporate high quality landscaping in order to mitigate the visual impact of the development on the appearance of the neighbouring countryside and local landscape.
9. The remainder of the area allocated under Policy E3 lies between the southern boundary of the appeal site and NDL's current operations. This land was granted planning permission on appeal² for a mixed Class B2 and B8 development and whilst that permission has recently lapsed, the Council confirmed to the Inquiry that an application to renew the permission³ was to be reported imminently to committee with an officer recommendation of approval. Although this land would be suitable for the siting of the proposed warehouse development, the land is not currently available as KPP has entered a legal agreement with a third party for its use as a power station.

¹ Tree Preservation Order No. 60, 20 December 1991

² Appeal Ref: APP/H6955/A/09/2113258 dated 6 May 2010

³ Application Ref: P/2013/0270

10. Although the Planning Inspectorate has registered the proposed power station as a project, the application for the necessary Development Consent Order under the Planning Act 2008 has yet to be submitted. However, from the level of work already undertaken as part of the pre-application process and the scale of the investment this represents, it is evident that there is firm commitment to the project although the outcome of the application cannot be pre-judged. Nevertheless the option agreement on the land extends to 2016 and for the purposes of the case before me it is not available as an alternative site for the appeal proposal. Whilst there is available employment land on other parts of the Wrexham Industrial Estate and on other sites in the Council's area, there was no dispute between the parties that none of these was suitable to meet the needs of NDL.
11. The scheme which was the subject of the previous appeal related to the whole of the land allocated under Policy E3 of the UDP. Whilst submitted in outline, two detached units were proposed, one either side of the TPO tree belt which significantly and effectively splits the allocated land into two distinct parts. Although the building proposed on the southern part of the site (now under option for the power station) was not specifically identified as being for NDL's predecessor, TDG, the scheme was drawn up on the basis that TDG was the likely occupant of that part of the site whereas there was no identified user for the building on the northern part (the current appeal site). In reaching his decision the Inspector had concluded that there was a need for the development on the southern part of the site for an identified user whereas the proposed building on the northern part was considered to be speculative development and for the reasons set out in his decision the Inspector granted permission for the southern part of the site only. At the time of the appeal NDL was in negotiations to take over TDG and the company was not in a position to expand its operations. Consequently in 2011 KPP entered into the option agreement in respect of the power station.
12. Part of the previous Inspector's reasoning revolved around his conclusion that the constraints on the site, such as the need to protect the belt of TPO trees, would probably have resulted in a development in two parts, much as proposed at that time. The Inspector's conclusion to issue a split decision therefore rendered any development on that land incapable of meeting the requirements of Policy E3 for a major single user employment development that requires a site of over 30 hectares, and would be perpetuated by the Council's proposed renewal of that permission.
13. Nevertheless the current appeal site only forms part of the land allocated under Policy E3 and therefore the development would not fulfil the requirement for the use of the allocation by a major single employment project requiring a site of over 30ha, although I acknowledge that that the proposed use could not be accommodated on already committed employment land. With regard to the final requirement of Policy E3, the development would result in the permanent loss of a greenfield site and loss of openness which could cause detriment to the character of the open countryside and the quality of the natural environment. Whether a high quality landscaping scheme implemented as part of the development would be sufficient to mitigate the visual impact of the development on the appearance of the neighbouring countryside and local landscape is addressed later in my decision. Notwithstanding this there is clear conflict with the principal objective of the policy and I therefore conclude that the development would not accord with Policy E3 of the UDP.
14. Another policy of the UDP considered by the Council to be relevant to the use of the appeal site for employment purposes is Policy PS1. This is a strategic policy which

requires new employment development to be directed to within defined settlement limits or employment areas. Since the appeal site lies outside of the boundary of the Wrexham Industrial Estate the development would not comply with Policy PS1.

15. It is noted that as part of its emerging Local Development Plan (LDP) the Council had proposed that the appeal site should not be allocated for any form of employment use but as open countryside. However, the LDP did not progress beyond the initial stages in its examination as fundamental concerns raised by the Examining Inspector resulted in the Council withdrawing the plan. Whilst a new LDP is being prepared it is in its very early stages with no published policies or plans and no weight can be attributed to it in the determination of the appeal. Moreover, consideration of a change in the allocation of the appeal site is a matter for the development plan process.
16. I therefore conclude that the development would be contrary to Policies E3 and PS1 of the UDP and material considerations which carry significant weight sufficient to override these policies need to be in place if the UDP is not to prevail.

National Planning Policy and Guidance

17. The UDP pre-dates Planning Policy Wales⁴ (PPW) which advises in Section 2.7 that where Development Plan policies are outdated or superseded decreasing weight should be attributed to them in favour of other material considerations such as national planning policy. The advice in PPW regarding economic development has been substantially revised in the latest edition which was published after the Council made its decision on the application and which, it is acknowledged in the Statement of Common Ground, is a valid material consideration in the determination of the appeal.
18. Paragraph 7.1.3 of PPW confirms that the planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development. It goes on to state that planning should aim to ensure that growth of output and employment is not constrained by a shortage of land for economic uses and that wherever possible economic development should be guided and controlled in order to facilitate regeneration and promote social and environmental sustainability.
19. PPW also requires that economic development is steered to the most appropriate location, rather than preventing or discouraging such development. Local planning authorities are required to ensure that the economic benefits associated with a proposal are fully understood and are given equal consideration along with social and environmental issues and PPW expressly acknowledges in paragraph 7.2.2 that there will be occasions when the economic benefits of development outweigh social and environmental considerations.
20. Finally PPW requires a positive and constructive approach to be adopted with regard to applications for economic development with account being taken of the likely economic benefits of development including job creation, the ability of proposals to redress economic disadvantage or support regeneration priorities, and the contribution towards wider spatial strategies including the growth or regeneration of certain areas.

⁴ Edition 5, November 2012

21. Draft Technical Advice Note 23: Economic Development (draft TAN 23) is currently out for consultation and whilst it is not guidance formally issued by the Government and consequently very little weight can be attributed to it in the determination of the appeal, it provides an indication of the way in which the Government seeks to address the requirements of PPW in respect of economic development. Draft TAN 23 reiterates the need expressed in PPW to guide economic development to the most appropriate locations, rather than prevent or discourage such development and in paragraph 2.5 sets out three tests in order to help balance the economic, social and environmental issues as required in paragraph 7.1.3 of PPW.
22. The first test is with regard to alternative sites and draft TAN 23 recognises in paragraph 2.5.2 that some existing firms may not be able to grow unless they are allowed to expand on their existing site, or close to it. As already alluded to, the parties were in agreement that none of the available employment land on other parts of the Wrexham Industrial Estate or in the Council's area was suitable for the proposed development. In addition the appellants indicated that the inability to expand onto the appeal site could result in the company moving in its entirety to another part of the country.
23. The second test relates to jobs which draft TAN 23 sees in paragraph 2.5.5 as providing a rough-and-ready measure of the contribution of a development to the wider economy. NDL currently employs around 190 people on its existing site and it is proposed that the development would create between 80 and 100 additional jobs which would be filled from the local area. The development would therefore represent a significant increase in the workforce and although there is no indication in the submitted evidence of the jobs which might be created in the wider economy through the expansion of the business, I consider there would be a positive effect.
24. The final test is whether the development has any special merit in terms of any special contribution towards policy objectives, and cited in paragraph 2.5.7 of draft TAN 23 is an industrial estate in a disadvantaged area which could help fight social exclusion, improving run-down places and creating job opportunities for people at high risk of unemployment.
25. Whilst not part of the statutory Development Plan Framework, the Wales Spatial Plan 'People, Places, Futures', 2008 Update (WSP) as a statement of national policy priorities highlights the importance of North East Wales and within this Wrexham as a Key Settlement of National Importance, a Key Regeneration Area and a Key Business Sector Area. It also identifies the need to encourage the growth of indigenous firms and support sustainable economic development.
26. Data from the Wales Index of Multiple Deprivation 2011, submitted by the appellants, indicates that of the neighbourhoods to the east of Wrexham town four are within the 10% most deprived wards in Wales and of these three are within the top 5%. These neighbourhoods, which lie within approximately 5km of the appeal site, also display high levels of Job Seekers Allowance claimants with approximately 200 people actively seeking work and who the appellants contend possess skills complementary to the types of jobs which the appeal proposal would generate. The evidence presented shows serious deprivation in terms of income and employment, Wrexham having lost 800 jobs in the last four years. There would therefore appear to be a need for new employment opportunities within the Wrexham area which the proposed development could help to address.

27. I note that the Council's Economic Development Officer strongly supports the development as in addition to delivering additional employment it would consolidate the presence of what the officer states to be a significant employer in Wrexham. Reference has been made by the officer to the difficulty in attracting a large single user to the allocated site and to the importance of encouraging investment and job opportunities from indigenous companies and firms wishing to expand within the Council's area as the failure to provide opportunities for these companies to grow could result in their decision to explore alternative locations outside of the area. The officer was also of the view that the development would benefit Wrexham Industrial Estate in general as there has been a number of high profile closures of major companies and despite a number of new developments taking place there was a growing issue in respect of the decline of the Industrial Estate and the considerable number of vacant sites.
28. The development would therefore create additional jobs in an area where there is an identified need and where potential employees with the necessary skills are available. In addition the development would secure the presence of NDL on Wrexham Industrial Estate rather than see the company relocating outside the area with the loss of around 100 jobs. I therefore consider on the evidence before me that the likely economic benefits of the development including job creation, the ability to help redress economic disadvantage and support regeneration as required by PPW carry significant weight in favour of the appeal.
29. I understand that in supporting a proposal for a new prison facility in North Wales the Council has submitted details of two sites for consideration and a press release of 16 April 2013 identified the potential sites as including the appeal site. Whilst a final decision has not been reached on the location of the prison, the Council's support of the appeal site confirms its acceptance of its suitability for development, although I accept that a prison may have specific requirements with regard to its location which may not be relevant to economic development proposals such as the appeal case.

Effect on the character and appearance of the local landscape

30. The appeal site is agricultural land within the open countryside and forms part of the largely undeveloped rural landscape to the north and east. As such it accords with the underlying attributes of the Dee Terraces Landscape Character area, the integrity of which the Wrexham Landscape Character Area Guidance, 2007 (WLCAG) indicates is highly vulnerable to continuing development and recreational pressures and to economic changes which threaten traditional farming. In contrast the WLCAG states that Wrexham Industrial Estate dominates the landscape with some massive buildings which can be seen from far distant viewpoints dwarfing the human scale.
31. The scale of the proposed warehouse would create a dominant structure which would be clearly seen above the surrounding hedgerows. Although the existing Kellogg's industrial complex would create a substantial backdrop to the development when viewed from the east, the proposal would nevertheless extend the boundary of the built development. At present there are limited views of the existing development on the eastern side of Bryn Lane in the vicinity of the appeal site as it is effectively screened by the belt of TPO trees and mature roadside hedges. The appeal proposal would therefore not only be a dominant feature in the landscape but from the north could appear divorced from the main built development of the estate.
32. However, a large proportion of the site would not be built upon but would be used for mitigation in respect of protected species and landscaping. In addition the Council, as

confirmed in paragraph 5.12 of the Statement of Common Ground, has no objection in landscape terms to the proposed development subject to compliance with Policy E3 of the UDP. It goes on in paragraph 5.13 to state that the impacts of the development on the countryside and landscape can be adequately mitigated by the scale and nature of the landscaping proposed and confirms that the level of information submitted to date is broadly acceptable in principle.

33. Nevertheless the development would undoubtedly represent a large encroachment into the countryside and have a significant impact on the landscape. The Inspector in respect of the previous appeal reached a similar conclusion. I understand that the level of detail before him was similar to that before me and I have noted his acceptance that the impact of the development could be mitigated by the scale and nature of the landscaping proposed. Whilst I agree with the previous Inspector, I have concerns that the development could cause detriment to the character of the open countryside and the quality of the natural environment if the appearance of the building and the landscaping of the site did not successfully mitigate its visual impact on the appearance of the neighbouring countryside and local landscape. However, it is quite clear that the parties consider that this impact could be successfully mitigated and from the submitted evidence I have no reason to reach a different conclusion.
34. On this basis I conclude that the development would not be detrimental to the character and appearance of the area, in accord with Policy PS2 and GDP1 of the UDP.

Other material considerations

35. The appeal site is known to support a population of Great Crested Newts which form a component part of the metapopulation of this species located within and in the environs of Wrexham Industrial Estate. The Great Crested Newt is protected under the provisions of the Wildlife and Countryside Act, 1981 and the Conservation of Habitats and Species Regulations, 2010.
36. The proposed development would result in the loss of a known breeding pond and foraging habitat. However, Natural Resources Wales⁵ (NRW) has stated that sufficient outline information has been submitted to demonstrate that there would be no significant adverse impacts on the species. NRW also confirmed that the additional information required to enable the proposal in its current form to be successfully implemented could be addressed by the imposition of conditions or obligations in respect of the safeguarding and long term protection of the Great Crested Newts. The Council has offered no evidence to the contrary and on the evidence before me I am satisfied that the requirements of the legislation to protect the species can be met.
37. Concerns were raised by an interested party regarding the loss of good quality agricultural land. However, the Council confirmed that the site is Grade 3b which falls outside the restriction placed by Policy EC2 of the UDP on the development of Grades 1, 2 and 3a land. There is therefore no reason to justify dismissing the appeal on these grounds.
38. I have also had regard to the representations made by local residents and others with a local interest in response to the planning application. In addition to the matters already addressed they raise concerns regarding the additional traffic which would be generated, particularly along Ridleywood Road and the potential damage to the

⁵ formerly Countryside Council for Wales

Kellogg's food manufacturing business from adverse noise or pollution. However, in the absence of any definitive evidence that the development would harm highway safety or cause detriment through noise and pollution to neighbouring businesses, little weight can be attributed to these matters against the appeal.

Unilateral Undertaking

39. A signed Unilateral Undertaking was submitted by the appellants under Section 106 of the Town and Country Planning Act, 1990. The Undertaking sets out obligations in respect of ecological mitigation, landscaping, the production of a travel plan and their subsequent management. It also prescribes a financial contribution towards the enhancement of public transport and the provision of associated infrastructure to support the development.
40. The Council confirmed to the Inquiry that it found the terms of the Undertaking to be acceptable. I have considered the Undertaking and I am satisfied that it is necessary to make the development acceptable; is directly related to the development; and fairly and reasonably related in scale and kind to the development as required by the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, 2010.

Conditions

41. In the light of Circular 35/95 *The Use of Conditions in Planning Permissions* I have had regard to the list of suggested conditions submitted as part of the Statement of Common Ground and discussed at the Inquiry. In the interests of proper planning and for the avoidance of doubt I have confirmed the drawings on which I have reached my decision. Since the application has been made in outline several of the conditions relate to the need to obtain approval of the reserved matters and a number of the other conditions support them such as for landscaping; tree protection and management; and the building of the development in a sustainable manner. Some of the conditions relate to layout and access which are not reserved for subsequent approval, in order to ensure the scheme is implemented in accordance with the approved details.
42. Several of the conditions seek to ensure that the technical details agreed by the parties in respect of wildlife mitigation, drainage, dust, noise and vibration, contamination and other factors are controlled to safeguard local amenity. One of the conditions also restricts the occupation of the site and the building to a single occupier which is reasonable and necessary since an exception is being made owing to the particular circumstances of this case and reflects the intentions of UDP Policy E3.

Conclusions

43. I have concluded that the development would not accord with the relevant policies of the UDP in respect of the location of new employment development. However, this has to be weighed against my conclusion that the development would not be detrimental to the character and appearance of the area and the requirement of PPW, which post-dates the UDP, that the growth of output and employment should not be constrained by a shortage of land for economic uses and the recognition that there will be occasions when the economic benefits of development outweigh social and environmental considerations.
44. The location of the appeal site in close proximity to the existing base of NDL is an important factor with regards to its sustainability. The additional jobs which would be created by the expansion of the company would help in a deprived area as the jobs

could be filled from the local work force. Moreover with no suitable alternative site in the area there is the possibility that the business would relocate elsewhere with the loss of existing jobs.

45. The development would have a significant effect on the character of the open countryside. However, the evidence indicates that the development could be mitigated by a comprehensive landscaping scheme to ensure that the building would be successfully assimilated into its surroundings. Added to which, its effect on the local landscape would have been considered to be appropriate if the development had been acceptable as an exception under Policy E3 of the UDP.
46. I therefore conclude that the need for the development in order to allow the continued presence and expansion of NDL, the consequent economic benefits this would bring, and the other matters referred to above together carry significant weight sufficient to override the relevant policies of the UDP in respect of the location of new employment development. For this reason, and having had regard to all other matters raised, the appeal is therefore allowed.

Kay Sheffield

Inspector

Annex A

Schedule of Conditions

- 1) Details of the scale and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.
- 3) The development hereby permitted shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) The development shall only be carried out in strict accordance with the details shown on the approved drawings numbered 500_C, 503, 560_A, 1250, 1251, 1252_C, 1253_C, 5000 and Figure 12 contained within the Transport Statement Addendum dated February 2012.
- 5) The occupation of the site shall be restricted to a single occupier and neither the plot nor any building on that plot shall be subdivided for use by any other occupier.
- 6) The development shall be carried out in accordance with the drainage scheme reference C602/SBS/JTJ/U0365 by Shepherd Gilmour Infrastructure Ltd dated 13 October 2011. The approved scheme shall be implemented in accordance with a timescale to be agreed in writing by the local planning authority and maintained thereafter.
- 7) No development shall be commenced until a scheme of dust mitigation measures has been submitted to and approved in writing by the local planning authority. Such a scheme shall be as recommended in Section 4.6 of the report by Royal Haskoning titled 'Bryn Lane Wrexham: Air Quality, Noise and Vibration Assessment reference 9X0457' and shall be implemented as approved during the construction phase of the development.
- 8) No development shall be commenced until a scheme of noise and vibration mitigation measures has been submitted to and approved in writing by the local planning authority. Such a scheme shall be as recommended in Section 3.5.2 of the report by Royal Haskoning titled 'Bryn Lane Wrexham: Air Quality, Noise and Vibration Assessment reference 9X0457' and shall be implemented as approved during the construction phase of the development.
- 9) No development shall be commenced until a scheme has been submitted to and approved in writing by the local planning authority to ensure that the rating level of any noise generated by reason of this development shall not exceed the permissible boundary noise levels specified in Table 3.8 of the report by Royal Haskoning titled 'Bryn Lane Wrexham: Air Quality, Noise and Vibration Assessment reference 9X0457' at any time. Measurements and an assessment shall be made in accordance with BS 4142:1997 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas. The development shall only be carried out in accordance with the approved scheme.

- 10) Prior to the first use of the development hereby approved the vehicular accesses serving both the proposed development site and the existing access (serving Norbert Dentressangle) to Bryn Lane shall provide visibility splays of 2.4 metres x 120 metres in both directions 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 nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
- 11) Prior to the first use of the development hereby approved the vehicular access serving the proposed development along Bryn Lane shall provide adequate forward visibility by providing a stopping sight distance of 120 metres for vehicles approaching the proposed access from the north.
- 12) No part of the development shall be commenced until a scheme detailing the construction of the following has been submitted to and approved in writing by the local planning authority:
 - (a) Detailed layout, design, drainage and construction of the proposed new footway/carriageway along Bryn Lane; and
 - (b) Detailed layout, design, drainage and construction of the proposed new right hand turning lane serving the proposed developmentThe scheme as approved shall be fully implemented prior to the first use of the development.
- 13) A Final Travel Plan shall be submitted to and approved in writing by the local planning authority following the first anniversary of the first use of the development, in accordance with a timetable to be agreed in writing with the local planning authority.
- 14) No part of the development shall be commenced until a scheme to deal with potential contamination at the site has been submitted to and approved in writing by the local planning authority. This scheme shall include a phased investigation approach to identify the extent of any contamination and any measures required to remediate the site, including post-development monitoring.
- 15) No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. 14 have been satisfactorily carried out, has been submitted to and approved in writing by the local planning authority.
- 16) The development shall be carried out in strict accordance with the following arboricultural plans and reports submitted and approved as part of this application:
 - (a) Arboricultural Implications Assessment Report Ref: TEP.3080.003 version 3 dated March 2012; and
 - (b) Tree Implications and Protection Plan Ref no. D3080.002 ANo development or other operations shall take place except in strict accordance with the reports as approved.
- 17) The hard landscaping scheme approved as part of the reserved matters application shall be fully implemented in strict accordance with the approved drawings within three months of the first use of the development with the exception of soft landscaping which shall be carried out in the first available

- planting season (November to March) or seeding season (April to September) following the first use.
- 18) The landscaping scheme pursuant to condition 17 shall be permanently retained for the lifetime of the development. Any planting becoming severely damaged or seriously diseased, or which is in poor physiological condition and/or is removed without the written permission of the local planning authority shall be replaced within a timescale to be submitted to and approved in writing by the local planning authority.
 - 19) No part of the development shall commence until a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas has been submitted to and approved in writing by the local planning authority. The landscaping shall be managed and maintained in strict accordance with the approved details.
 - 20) As part of the reserved matters application a long term Ecological Management Plan and Ecological Method Statement shall be submitted to and approved in writing by the local planning authority. This information shall demonstrate how existing features of ecological/wildlife interest will be protected, identify any areas of compensation and demonstrate management in the long term. The recommendations as approved shall be fully implemented in accordance with timescales to be agreed in writing before any part of the development commences on site.
 - 21) The access road and footways shall be progressively constructed to base coat standards from Bryn Lane. Details of wildlife friendly kerb stones and gully pots to safeguard amphibians from harm through incidental capture as part of these works shall be submitted to and approved in writing by the local planning authority prior to their installation. Such works shall be completed prior to the first occupation of the building hereby approved.
 - 22) No part of the development shall commence until an updated Bat Roost and Bird Breeding Assessment, carried out by a qualified ecologist, has been submitted to and approved in writing by the local planning authority. The report shall include an Ecological Method Statement demonstrating/identifying any measures of protection/compensation/mitigation. The recommendations as approved shall be implemented in strict accordance with timescales to be agreed in writing before any part of the development commences on site.
 - 23) No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in strict accordance with the Method Statement as approved. The Method Statement shall include the following:
 - (a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
 - (b) A Tree Protection Plan showing the location of the trees to be removed and those to be retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and the location of protective fencing and ground protection measures accurately plotted;
 - (c) A full specification, including any related sections, for any access, driveway, path, underground services or wall foundations within Root Protection Areas or Construction Exclusion Zone of trees to be retained, and methods for avoiding or minimising damage to retained trees;

- (d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
 - (e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the local planning authority; and
 - (f) Details of all proposed tree works, including felling and pruning.
- 24) The development hereby permitted shall be constructed to achieve a minimum Building Research Establishment Environmental Assessment Method (BREEAM) overall 'Very Good' standard and achieve the mandatory credits for 'Excellent' under issue Ene1 - Reduction of CO2 Emissions (or subsequent equivalent quality assured scheme) in accordance with the requirements of BREEAM 2011. Prior to the commencement of development, a programme for the provision of 'Interim' and 'Final' Certification shall be provided for the written approval of the local planning authority. The development shall be carried out entirely in accordance with the approved assessment and certification.

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