APPENDIX 3: APPEAL DECISION (APP/H6955/A/12/2188910)

The Planning Inspectorate
Yr Arolygiaeth Gynllunio

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 Order[1] (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 appeal[2] 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 permission[3] 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 Wales[4] (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 Wales[5] (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

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr T Lloyd	Of Counsel, instructed by the Borough Solicitor
He called	
Mr S Greenland BA MRTPI	Planning Officer

FOR THE APPELLANT:

Mr V Fraser	QC, instructed by HOW Planning LLP
He called	
Mr G Halman BSc FRICS MRTPI	Director, HOW Planning LLP

DOCUMENTS

1 Council's notification letter of the 17 June 2013 and circulation list regarding the arrangements for the Inquiry.

2 E-mail of 24 June 2013 from LC Johnson, local resident.

3 Letter of 24 June 2013 from Wrexham Power Limited.

4 Draft Technical Advice Note (TAN) 23 Economic Development issued on 10 June 2013.

5 Report in respect of Planning Application No. P/2013/0270 to vary the time limit for submission of reserved matters and implementation of the development of planning permission P/2008/0993 to be presented to the Council's committee on 1 July 2013.

6 Signed and dated Unilateral Planning Obligation

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 development

    The 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 A

    No 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.

APPENDIX 4: LPA DECISION NOTICE (P/2016/0327)

In pursuance of its powers under the Acts an Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
wrecsam

Applicant	GARDENBREEZE LIMITED	**Code Number**	ISY P/2016/0327
Agent	HOW PLANNING MISS LOUISA FIELDEN 40 PETER STREET MANCHESTER M2 5GP	**Date Received**	06/04/2016
		Decision Date	06/06/2016

Town and Country Planning Act, 1990
Section 73

Location of application

LAND SOUTH OF RIDLEYWOOD LANE AND EAST OF BRYN LANE, WREXHAM INDUSTIAL ESTATE, WREXHAM, LL13 9UT

Description of application

VARIATION TO CONDITION NOS. 2 AND 3 OF PLANNING APPEAL REF NO. APP/H6955/A/12/2188910 TO EXTEND THE TIME LIMITS FOR SUBMISSION OF RESERVED MATTERS APPLICATION AND FOR COMMENCEMENT OF DEVELOPMENT BY A FURTHER 3 AND 5 YEARS RESPECTIVELY

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

CLF6	Informal recreation - rights of way
E3	Large single user employment sites
EC2	Agricultural Land
EC6	Biodiversity Conservation
GDP1	Development objectives
PS1	Settlement limits
PS11	Biodiversity
PS2	Development and the environment
T8	Parking

Particulars of decision that permission be REFUSED

Reason(s)

1. The Council consider that as the previous reasons and justification for approving this development no longer exist, which was to facilitate the expansion needs of a specific end user (NDL), the proposal does not accord

Applicant	GARDENBREEZE LIMITED	**Code Number**	ISY P/2016/0327
Agent	HOW PLANNING MISS LOUISA FIELDEN 40 PETER STREET MANCHESTER M2 5GP	**Date Received**	06/04/2016
		Decision Date	06/06/2016

with Wrexham Unitary Development policy E3. The site lies outside the defined settlement limit of Wrexham industrial estate and any development on this site without sufficient justification, would detrimentally affect the countryside and landscape character contrary to Wrexham Unitary Development Plan policies PS1, PS2 and GDP1.

Officer Appointed for this purpose
Head of Community Wellbeing and Development

Refer to the Statement of Applicant's Rights and General Information enclosed or refer to the following link:-

http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm