



## Penderfyniad ar yr Apêl

Ymchwiliad a agorwyd ar 23/02/10  
Ymweliad â safle a wnaed ar 24/02/10

## Appeal Decision

Inquiry opened on 23/02/10  
Site visit made on 24/02/10

**gan/by R G Gardener BSc(TownPlan) MRTPI**

**Arolygydd a benodir gan  
Weinidogion Cymru**

**an Inspector appointed by the Welsh  
Ministers**

Dyddiad/Date 06/05/10

**Appeal Ref: APP/H6955/A/09/2113258**

**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 Ltd. (**Kingmoor**) against the decision of Wrexham County Borough Council (**Council**).
- The application Ref P/2008/0993, dated 08/09/08, was refused by notice dated 06/07/09.
- The application proposed is B2/B8 development and associated ecological mitigation area including means of access and siting.
- The inquiry sat for 2 days on 23/02/10 and 24/02/10.

**Summary of Decision:** The appeal is allowed in part, and planning permission granted subject to conditions, and dismissed in part.

### Procedural Matters

1. As the development description states, while made in outline form the application included details of the proposed means of access and siting of the development. Other matters of appearance, landscaping and scale were reserved for subsequent consideration. These are the statutory reserved matters with effect from 06/10/2008<sup>1</sup> and apply to all decisions made since that date, irrespective of when the application was made. In this case the application was made before the provisions came into effect but I am satisfied that there is sufficient provided with the application to meet the requirements of Article 3 of the 'Order to judge the proposals properly at this outline stage.
2. The appeal site has been referred to as Site 3 and is one of three contiguous parcels of the land held by Kingmoor and together known as Kingmoor Park, Wrexham. It is a roughly rectangular parcel of land of about 39ha. but is effectively split into two distinct portions by a belt of woodland which crosses it in

<sup>1</sup> The Town and Country Planning (General Development Procedure)(Amendment)(Wales) Order 2008

an east-west direction. This woodland belt is the subject of a Tree Preservation Order<sup>2</sup>. The scheme proposes two B2/B8 units, Units 3A and 3B, positioned to the north and south of the woodland belt respectively.

3. Unit 3A would have its own newly made access onto Bryn Lane, which bounds the west side of the land. The siting of this unit was revised while the application was being considered and the final siting arrangement is shown on Dwg Nos PL30, PL31 and PL32. It would provide some 37160m<sup>2</sup> of 'warehouse' floorspace together with 1394m<sup>2</sup> of associated office space. The layout shows 400 car parking spaces and 33 HGV spaces. Together with the internal layout of the building, this specification met the requirements of a particular operator. The interest of that operator has gone. Suggestions of other possible occupiers for the unit have since been made but, as established at the inquiry, it is now a speculative development. Also as explored, the term 'B2/B8' is intended to permit the unit to be used, initially at least, for either Class B2 or Class B8<sup>3</sup> purposes or a mixture of the two.
4. Unit 3B would occupy the southern section of the site, between the woodland belt and the premises of TDG Ltd (**TDG**), a warehouse and distribution facility which adjoins the site to the south. TDG operate from several linked nearby premises. That which adjoins the appeal site is also owned by Kingwood and is Site 2 of Kingmoor Park. Unit 3B would initially share the Site 2 access from Bryn Lane, amended and upgraded accordingly, before branching off. This unit would have 22 159 m<sup>2</sup> of 'warehouse' floorspace and 2144m<sup>2</sup> of offices. It is expected that this would be constructed in 2 equal phases eventually with 100 car parking spaces and 109 HGV spaces.
5. The use of Unit 3B has been strongly promoted both at the time of the application and in the appeal submissions as an expansion of the TDG operation. I shall explain the extent of that in due course but note here that the layout of this scheme is also in response to TDG's particular operating requirements. Nevertheless, the application was not made on behalf of TDG nor is that company committed to the scheme although it has written in support expressing the need for the development if it is to expand as it wishes. Nevertheless, Unit 3B must also be considered speculative and the same flexible approach to the B2 and/or B8 use is required as for Unit 3A.

#### Agreed Matters

6. The application was accompanied by a series of reports covering matters highly material to the possible development of the appeal site. A number of these either resulted in agreement or resolved earlier issues and were set out in a Statement of Common Ground. Consequently, the Council has no technical objection to the proposal and none are reflected in its stated reasons for refusing planning permission. However, others who live in the vicinity continue to object on a number of these issues. The matters agreed with the Council are:

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<sup>2</sup> TPO No. 60, 20 December 1991

<sup>3</sup> Of the Town and Country Planning (Use Classes) Order 1987

### *Habitat*

7. A Habitat Survey was undertaken from which measures have been identified to mitigate the likely impacts of the scheme. As a result 21ha. of habitat creation have been identified and included in the proposal. Neither the Countryside Commission for Wales nor the Council have remaining objections to the proposal on these grounds, subject to conditions.

### *Highways and traffic*

8. A Transport Assessment has set out the implications of the impact of vehicle trips likely to be generated by the development. The assessment, in part, anticipates the construction of the Wrexham Industrial Estate Access Road which has planning permission and the compulsory acquisition of the required land is underway. This road is expected to provide improved access to both the south and to the north of the industrial estate, where the appeal site is located. In addition to a draft Travel Plan submitted with the application, it is proposed that a final Travel Plan would be produced within 12 months of the occupation of the scheme, secured by planning condition.
9. The proposed access arrangements to both units from Bryn Lane are acceptable to the highway authority and to the Council. The access to Unit 3A would include a right turning lane within the existing carriageway. That for Unit 3B would require the existing road markings to be amended to form a priority junction and ghost island right turn facility, again within the current highway.
10. Initial concern over the level of car parking proposed for both units has been resolved and no objections remain from the Council. However, the solution so far for Unit 3B relies on its possible use by TDG which I explain below. Based on these factors the Council does not object on highway grounds.

### *Flood Risk/Drainage*

11. The site is within flood risk Zone A and is unlikely to be affected by an extreme flood event.
12. Because of underlying clays at a shallow depth infiltration drainage techniques for surface water run-off are unsuitable. This water is to be directed to flow control chambers and a number of attenuation ponds. The water levels of the latter will be controlled to ensure suitable habitats are provided for protected species identified from the Habitat Survey. A hydraulic analysis has revealed the need to upgrade a length of the foul sewer network off-site. Subject to a range of planning conditions, neither the Environment Agency Wales nor Welsh Water objects to the proposal. That is also the position of the Council.

### *Public Amenity*

13. There are a number of dwellings located close to the periphery of the site, the closest being on Bryn Lane. An Air Quality, Noise and Vibration Assessment has been undertaken. Some impact from noise and vibration during the construction phase is expected but is felt to be capable of being adequately mitigated. Noise levels have been agreed to be applied when the units are in operation to ensure against any material increase in background noise levels experienced by local residents. Noise and vibration from traffic generated is

assessed not to be significant and its impact on air quality negligible. It is proposed to introduce appropriate mitigation measures to control the effect of dust generated during the construction phase.

14. Again, it is suggested that these matters can be ensured by planning condition. Accordingly objections are not raised by the Council on these matters.

#### Legal Obligation

15. A Unilateral Planning Obligation<sup>4</sup> was submitted to the inquiry by Kingmoor. The Council confirmed that its terms are acceptable. The document sets out obligations in respect of ecological mitigation, landscaping and the production of the final Travel Plan and their subsequent management. It also prescribes a financial contribution to fund enhancements to public transport in the locality and associated infrastructure to support the proposal.
16. This Obligation was prepared in relation to the whole site. In view of matters discussed during the inquiry a subsequent Unilateral Obligation has been finalised by Kingwood<sup>5</sup> to meet requirements arising from the same range of matters should only the southern sector of the site, Unit 3B, be granted planning permission. That has also been confirmed to be acceptable to the Council.
17. On 06/04/10, after the inquiry closed, the Community Infrastructure Levy Regulations 2010 came into effect. Regulation 122(2) requires that an Obligation may only constitute a reason for granting planning if it meets 3 tests, which are broadly similar to those which already apply. Having considered the comments offered by the parties, I am satisfied that the tests are met.

### **Planning Policy**

#### National Policy

18. Planning Policy Wales<sup>6</sup> (PPW) sets out the Assembly Government's land use planning policies. Its objectives for supporting the economy are generally reflected in the more detailed local policies referred to below. It is not specifically relied on by either Kingwood or the Council but I have noted that it highlights the need for employment strategies with the capacity for accommodate rapid change whilst maintaining and enhancing environmental quality<sup>7</sup>. It advises local planning authorities that they should ensure that sufficient land suitable for enterprise and employment development and well served by infrastructure is designated to meet both identified and unidentified need, in accordance with sustainability principles.

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<sup>4</sup> prepared pursuant to s106 of the 1990 Act

<sup>5</sup> Dated 15 April 2010

<sup>6</sup> March 2002

<sup>7</sup> Paragraph 7.1.3

19. The Wales Spatial Plan<sup>8</sup>, updated in 2008, is not part of the development plan but is to be had regard to when preparing Local Development Plans. It identifies 6 sub-regions for Wales; Wrexham is in 'North East Wales – Border and Coast' and is identified as a Key Settlement of National Importance to the Welsh and UK economy, part of a hub taking in Wrexham, Deeside and Chester. It is a Key Regeneration Area and a Key Business Sector Area. In order to build on the significant strengths of the area it promotes the provision of strategic employment sites for both indigenous and incoming businesses. Of particular relevance would be the quality of what is offered at key employment sites including major industrial estates in, for instance, Wrexham.

### The Development Plan

20. This is the Wrexham Unitary Development Plan 1996-2011, adopted in February 2005 (UDP). The strategic intentions of the UDP, insofar as they impact on the consideration of the proposal, can be summarised as being:

- i) To direct new employment development to within defined settlement limits or employment areas (Policy PS1);
- ii) To ensure that it does not materially detrimentally affect countryside or the quality of the natural environment (Policy PS2);
- iii) To use previously developed (brownfield) land for development in preference to greenfield land (Policy PS3);
- iv) To maintain the existing settlement pattern and character (Policy PS4, and
- v) To make available approximately 300ha. of employment land between 1996-2011 (Policy PS6) PS6

21. Employment land allocations are made under Policy E1. The UDP considers that sufficient land has been identified to meet the County Borough's needs to 2011. A large proportion of the identified land is on the Wrexham Industrial Estate (WIE). Policy E2 identifies sites for high quality development for manufacturing/office/research but, since these are to be limited to Class B1 uses, the policy is not relevant to this case.

22. The WIE evolved from wartime ordinance production and is now an extensive employment area located to the east of Wrexham and surrounded by countryside. That part between Wrexham and the WIE is a designated Green Barrier. This can be seen on UDP Map 2, Inset 3 'Wrexham Industrial Estate'. More directly, this Inset also shows the settlement limit of the WIE. Land beyond settlement limits is in the countryside for purposes of the UDP. With the exception of Policy E3, which I explain later, the UDP makes no provision amongst its specific policies for employment in the countryside other than small scale via the conversion of existing buildings, Policy E5.

23. The appeal site is generally at the north-eastern edge of the WIE. A small area at its southern end, alongside TDG, is within the settlement limit while the overwhelmingly larger, northern part is outside and therefore in the countryside.

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<sup>8</sup> People, Places, Futures

Consequently, the bulk of the appeal site is not amongst the sites identified in Policy E1. The larger part, however, is identified as a 'Large Single User Employment Site' subject to Policy E3. This policy underwent much scrutiny at the inquiry and I set it out here in full:

*Land is allocated at Owens Corning Fibreglass, Wrexham industrial Estate for a major single user employment project that requires a site of over 30ha. for an employment development that cannot be accommodated on allocated employment land or 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.*

Owens Corning Fibreglass was the previous industrial operator on Kingwood Park Site 2, now TDG, together with other installations and land now within the southern part of the appeal site.

24. All development proposals are required to meet the general development objectives set out in Policy GDP1. Insofar as the proposal appears to meet all technical requirements to the Council's satisfaction, most of this policy's objectives would also be met. Objective (a), however, requires that built development accords with the character of the site and makes a positive contribution to the appearance of the nearby locality in terms of its scale, design and layout, as well as the use of materials and landscaping.

#### Supplementary Planning Guidance

25. A wide range of Local Planning Guidance Notes (LPGN)(Supplementary Planning Guidance) have been identified in the Statement of Common Ground as being relevant to the determination of the application. The council does not suggest, however, that the provisions of these documents have not or could not be met. Even so, I identify in particular LPGN 7 'Landscaping and Development' and LPGN 26 'Landscape and Industrial Developments' which have influenced the preparation of the scheme and the Council's assessment of its impact.

#### The Local Development Plan

26. The Council has recently resolved to place the Wrexham LDP on Deposit, although it does not intend to do so until early summer this year. The weight it can reasonably receive at the moment is consequently very limited. However, it does state the Council's most up to date policy intentions. Of particular note is that it proposes not to include that part of the appeal site subject to UDP Policy E3 as land to be allocated for employment between 2006-2021 either as single user site or at all. If approved in due course, the Deposit LDP includes other proposals which would have implications for the future supply of employment land generally and for the use of other parcels of land explored at the inquiry.

#### **Main issues**

27. These are

- (a) whether the proposal accords with UDP policies concerning the location of new employment development; and

- (b) whether the supply of employment land is insufficient in quantity and quality to meet known or anticipated needs for development of the type proposed; and
- (c) the effect of the proposal on the character and appearance of the countryside and local landscape, and
- (d) whether these or any other material considerations would justify a planning permission being granted, in whole or part, in any event.

## **Reasons**

### Compliance with the development plan

28. As I have indicated, part of the appeal site, a small area at its southern end, is within the WIE settlement boundary established in the UDP but the larger part is not. However, the small part is not significant in the context of the whole and unless I specify otherwise I refer to the whole appeal site in what follows. There was some discussion as to whether the site is to be treated as part of the WIE. Indeed there appears to be some confusion on the point since a number of documents indicate that it is. These include the Statement of Common Ground, which is clearly an error as the Council pointed out. The explanatory text to Policy E3 describes it as 'adjoining' the estate, and therefore outside its limits, which Kingwood agreed. The proposal does not therefore accord with Strategic Policy PS1 which is that new development, including that for employment, will be directed to within defined settlement limits or employment areas.
29. The site, however, is the specific subject of Policy E3 so that, should the proposal satisfy its terms, it would be permissible here. The Council refers to this as an 'exception' policy which I consider entirely apt. Not only is it a site exceptionally allocated for development outside the settlement limit, and therefore in the countryside, but it is clear that it is has been designated for a specific purpose. That is shown, for instance, by the fact that despite it being earmarked for employment development the site does not appear either in those listed as having planning permission<sup>9</sup> or allocated in the UDP<sup>10</sup> which together make up the 300ha. of employment land to be made available between 1996 and 2011<sup>11</sup>. Indeed, the explanatory text to the policy makes that same point<sup>12</sup>. Should it not be developed as intended the quantitative strategic employment land allocation would not be jeopardised.
30. I understand that the purpose of the exceptional allocation was to provide a site of adequate size to attract an automotive plant that was known to be looking for a site. The UDP recognises that such a project could not be accommodated on identified employment land. Policy E3 is not specific to such a proposal but is, nevertheless, expressly worded to safeguard it. It contains several constituent

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<sup>9</sup> UDP Appendix II

<sup>10</sup> Policy E1

<sup>11</sup> Policy PS6

<sup>12</sup> Paragraph 7.9

factors, all of which need to be satisfied by any development proposal attempting to benefit from the allocation. These I summarise as:

- (i) That the development should be for a major single employment project;
- (ii) That the employment development should require a site of over 30ha.;
- (iii) That the employment development cannot be accommodated on already committed employment land;
- (iv) That it should incorporate high quality landscaping to mitigate its visual impact on the countryside and landscape.

31. On (i), the proposal is in effect 2 separate and independent employment units, not a single project as stipulated, neither of which, with regard to (ii), requires a site in excess of 30ha. On these tests alone it is clear that the proposal does not fall within the terms of this exception policy. I consider criterion (iii) under issue (b) and comment on criterion (iv) below and in relation to issue (c). It seems to me that Policy E3 generates a further factor and that is the need for the user of the project to be known in order to assess whether criteria (i), (ii) and (iii), in particular, would be satisfied. At this point in time that information is either unknown or uncertain.

32. I accept from the evidence that the proposed development would have some characteristics similar to what would be likely from a single major employment project on the site. That it would provide employment and generally further the economic aspirations not only of Wrexham but for this sub-region is not in question. In addition, the constraints which the site presents, such as the need to safeguard the woodland belt and other natural features as well as protected species, would probably have resulted in a development in 2 parts much as that now proposed. For the same reasons, and to accord with the Council's Local Planning Guidance, it is most unlikely that a built development of 30ha. would occur in any event. The fact that the 2 units would occupy less than half of the 39ha. site would not have determined that the scheme would breach Policy E3 had it otherwise complied. In that regard, I have noted also the Council's position that a scheme in which the built portion of development could entirely occupy the southern section with all necessary ecological mitigation undertaken in the northern sector would accord with the policy. However, while I find this somewhat difficult to comprehend, it is not what is proposed.

33. The scheme would also satisfy criterion (iv). The views of the Council's Landscape Officer are that the landscape integration measures put forward are appropriate to the scale of the development and to its open countryside location. He also believes that, over time, the development would become integrated well within the wider landscape. The Council has not attempted to contradict those views. Even so, they can only reasonably be taken as being in the context of an otherwise justifiable proposal on the site rather than simply a view that successful mitigation would make the proposal acceptable in all other respects, including other policy considerations. Currently, that would require compliance with Policy E3. However, it seems to me that the effect of any other development which, if justified by other material considerations, could be similarly mitigated. The Council does not claim otherwise. This aspect of Policy GDP1 could also therefore be met.

34. Nevertheless, subject to what I say below in relation to the site of Unit 3B, the land is clearly in the open countryside, beyond defined settlement limits, and the proposed scheme would be a substantial and significant encroachment into the rural landscape here. It is also for the most part previously undeveloped, greenfield, land outside the existing settlement limit. The resulting substantial development of 39ha. of such land would undoubtedly impact harmfully on the existing character and appearance of the locality and distort the current settlement pattern. As such, I not only consider that the proposal falls significantly outside the terms of Policy E3 but it also conflicts with the underlying UDP strategy set out in Policies PS1, PS2 and PS4. It would also undermine the purpose of Policy PS3, which follows the Assembly Government's intentions<sup>13</sup> that previously developed, or brownfield, land should be developed in preference to greenfield land, where suitable brownfield land is available. Consequently, there is clear conflict with these root aspects of the UDP and persuasive other material considerations need to be in place if the UDP is not to prevail.

#### The availability and supply of employment land

35. Amongst those considerations is the supply of suitable employment land, an issue also raised by Policy E3(iii). In respect of its location the site has many of the attributes of the WIE generally, notwithstanding that its status and attraction have been declining in recent years<sup>14</sup>. The economic and employment activity which would result from the proposal would be similarly close to areas of social deprivation, particularly those concentrated on the eastern flank of Wrexham which could benefit most from the employment opportunities offered. Public transport connections to the estate are good from Wrexham and would be improved further as part of the scheme.
36. A major consideration, however, is the ability and availability of alternative employment sites to accommodate the proposal irrespective of Policy E3. The UDP identifies sufficient land to meet the strategic objective of making available 300ha. of employment land by 2011 contained in Policy PS6. That figure is based on the development of 20ha. each year of the plan period, which is less than experienced during the peak 1980's period but more than during the early 1990's. In the event, employment development has taken only about 6.9ha. each year so that there continues to be more than a sufficient quantity of land, currently assessed to be 200ha., to meet the Policy SP6 target.
37. That was confirmed in a study of employment sites commissioned by the Council in 2006. This was in order to inform it of the issues facing employment land provision and prospects and needs for the future. A report, the GVA Report<sup>15</sup>, was made in 2007 and assessed future demand on 3 scenarios based. Amongst its conclusions was that in quantum terms there is a clear oversupply of land to meet 2 of the scenarios followed. The attractiveness and constraints suffered by available sites was also analysed and, reflecting the oversupply identified, the

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<sup>13</sup> PPW, section 2.7

<sup>14</sup> Wrexham Industrial Estate Repositioning Strategy & Action Plan March 2005

<sup>15</sup> Wrexham Employment Sites Study, GVA Grimley August 2007

report advised that there is a justified need to de-allocate a proportion of them. Most of the available land is within the WIE as are most of those sites suggested for de-allocation. The GVA Report also found that, despite the apparent oversupply, there was an undersupply of quality employment land with a low level of constraint. Kingwood's case is that there is land neither of the quantity or quality to meet the requirements of the appeal scheme.

38. The Council in fact acknowledges both the oversupply of employment land and that its quality and location may not be appropriate to the needs and aspirations of modern industry<sup>16</sup>. It proposes to 'de-allocate' a number of sites through the emerging LDP. Amongst these the Council proposes not to include the appeal site, which it describes as large and conspicuous. That is contrary to the GVA Report recommendation which considers it to be a key larger plot which has potential to be sub-divided to make it more attractive to the market. The Council agrees that it is unlikely to be developed in accordance with Policy E3 but has concluded for purposes of the LDP that the amount of land required to be allocated can be met from existing committed, under-used and vacant sites without the need to use greenfield land. The removal of the appeal site from any form of employment development is despite the fact that it has been anticipated for employment development for some time, even prior to the UDP. It was included amongst the employment sites within the earlier adopted Wrexham Maelor Local Plan<sup>17</sup>.
39. The general position therefore is that there is a sufficient supply of employment land available now and into the future to meet the Council's anticipated quantitative needs but that it may lack the qualities required to be attractive to the development and employment sectors. In particular, Kingwood claim that there is no other employment site available on which development of the scale of either Unit 3A or 3B could be accommodated, even putting aside for the moment TDG's specific requirements.
40. At the inquiry the Council accepted that most of the sites it had identified were not in fact suitable for a number of reasons. However, 3 possibilities required scrutiny. Of those, the Flexsys and the Air Products sites were also shown to be both unsuitable and incapable of accommodating either of the proposed units. In the Flexsys case the site is partly in use and will remain so until 2013 and subsequent de-commissioning will delay its availability for some time to come. In addition, its topography would not be suitable for such large scale development. The Air Products site is in fact made up of 2 parcels of land separated by a road, neither of which is of adequate size. In addition, the larger portion does not have the regular shape required and will also be subject to delay because of de-commissioning. While both are currently employment based sites, they are proposed in the recently adopted Deposit LDP for comprehensive mixed use development including 465 houses and 200 houses on part of the Flexsys and Air Products land respectively. The outcome of the LDP cannot be presumed at this stage but these intentions add to my view that there is little possibility that these sites offer realistic alternative locations for the appeal proposal.

<sup>16</sup> Wrexham CBC Local Development Plan 2006-2021: Deposit Plan

<sup>17</sup> Policy J1, Ref 6 'Fibreglas'

41. The remaining site is that of the former Firestone factory, a Policy E1 allocated site located on the WIE. It is over 44ha. in extent, with a developable area of about 23ha., and therefore seemingly capable of accommodating either or both proposed units. It has been held for some time by International Business Wales (IBW), part of the Assembly Government and consequently subject to its national policy considerations. In 2008 it was being considered as a possible site for a Triton prison but, if that project did not proceed, IBW's intention was to masterplan the site with the intention of marketing it for a mix of Class A2, B1 and B8 uses, the latter being a limited amount and not for large users. In 2009, after it was decided not to locate the Triton project on the site, the decision was made to proceed with the detailed masterplan with the inclusion of a new business and learning campus. This resulted from one the key recommendations of a joint Repositioning Strategy for the WIE commissioned in part by the Council and published in 2005<sup>18</sup>.
42. Even that decision has been subject to further uncertainty. Following the demise the Triton prison project, the Assembly Government in January this year has retained the site possibly for a smaller prison. Such a project in Wrexham is supported by the Council which considers that the only suitable sites are the Firestone site or, in fact, the appeal site. Again, however, if this more recent prison option does not take place on the Firestone site, the intention is to revert to the Masterplan approach for the same range of uses previously outlined.
43. Consequently, IBW's stated position is that the Firestone site is not being marketed and is not available. That has been the stance for some time and must be accepted. The Council, however, believes that IBW would possibly respond favourably were a direct approach made for such large scale development as proposed by Kingwood since it would foster the employment and economic strategy set out, for instance, in the Wales Spatial Plan. However, in view of the repeated and consistent statements to the contrary I consider that that belief has little substance. Indeed it has been the practice of IBW to direct large single-user inquiries to Kingmoor Park.
44. My conclusion is that there is no other site available which is suitable for large scale development of the type proposed. It is also the view of the Council's own Chief Economic Development Officer who strongly supports the proposal although it seems to me that that support was partly because the scheme was known to be for two existing local firms of considerable importance for local employment and the local economy. That, as I have said, is no longer the case, certainly in respect of Unit 3A. It remains to explore whether there is such a need for the units proposed, either generally or specifically.
45. Kingmoor Park, including Site 3, has been comprehensively marketed since the site was acquired by Kingmoor. There have been 4 particular large scale users who have expressed serious interest in the site. Two were those closely associated with the application when made. First Milk, not revealed at application stage but known, was to be a mixed B2/B8 use in Unit 3A, but has now gone. TDG would be a B8 user for Unit 3B and despite lack of commitment is still on the scene. Another of the interest is no longer active while discussion

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<sup>18</sup> Wrexham Industrial Estate Repositioning Strategy & Action Plan March 2005

with the other, a commercial vehicle body builder and trailer manufacturer considering a possible relocation, is on-going. This manufacturer requires a facility of approximately 18 850 m<sup>2</sup>, about half of that proposed by Unit 3A and considerably less than included in Unit 3B, if that unit is not destined for TDG. Whether or not this smaller interest could be satisfied on other identified employment land was not explored.

46. Kingmoor considers this level of interest is extremely encouraging given other competing sites in the North West. However, the fact is that there is no firm interest in a unit the size of Unit 3A as proposed and only possible interest in a smaller development on that part of the site. The interest in Unit 3B from TDG does appear to be consistent and persistent.
47. I appreciate that there may be as yet undeclared interest which could be attracted to Wrexham, and possibly the appeal site, by the locational, low land costs and labour supply factors outlined by Kingmoor. Without planning certainty prospective users may be deterred from taking an interest since proposals could not be progressed rapidly. Indeed, I note that that a purpose of Policy E3 was to give advance identification of the availability of the site to significantly reduce potential development lead-in time thereby making it attractive to a potential occupier. The GVA Report also concludes that it is necessary for the Council to take a more supply led approach and to identify opportunities for creating new demand through the provision of employment land which is more attractive to the market. However, there is a considerable surplus of UDP employment land. Nor is it yet apparent that the employment land requirement in quantitative and qualitative terms cannot be met through the LDP process. I accept, as the Council does, that the quality of the current land offer may be lacking but there is little evidence to show that the demand relied on exists.
48. The case for the need for Unit 3B land is far more persuasive. Despite the lack of a firm commitment from TDG the strong possibility is that this part of the scheme is for a known user, as it has been throughout. As I have indicated, TDG is an existing tenant of Kingmoor's adjoining Site 2 but also owns its own premises to the south of that. The whole distribution warehouse complex extends to about 63 500m<sup>2</sup> but TDG wishes to expand further in order to broaden its services to its principal customer. I accept that, for operational and viability reasons, that that could only realistically be achieved on land adjoining its existing operation and Unit 3B is well located for that. Indeed, it is quite apparent that the proposal has been intentionally designed for TDG. It is referred to in the scheme drawings as the 'TDG Unit' and Kingwood's case made at both application and appeal stages has stressed that company's need and its specific requirements. Indeed, the intention to construct the unit in 2 phases is a direct reflection of that and an internal road is proposed to link Unit 3B with Site 2. Moreover, objections from the highway authority concerning the car parking proposed have only been overcome because of the intended operational relationship between the 2 sites and the shared use of the parking facilities.
49. Accordingly, I accept that there is a proven need which this part of the scheme would meet and which cannot be met in other ways. While TDG's involvement in the scheme cannot be assured, it is apparent that its expansion and further growth is far less likely without the adjoining portion of the appeal site being made available. The Council also considers that this part of the development is

acceptable whether or not it would be for TDG and whether or not any other possible occupier would be currently locally based.

#### The impact on the countryside and landscape

50. That in part is because the impact of development on the particular landscape characteristic of the southern section would be considerably less than to the north and brings me to issue (c). The Council's LPGN places only part of the southern section of the site within the WIE Character Area. While this area is strongly influenced by adjoining industrial development to the south and east, the rest of this section and the northern section is within the Dee Terraces Character Area which is predominantly rural, low lying and flat agricultural land with dense hedgerows. I share the Kingwood's assessment, however, that the southern and northern sections differ in character. Not only is the whole of that part of the site to the south of the woodland belt strongly influenced by the adjoining industrial estate but significant areas were previously developed as part of the earlier industrial activity and, from what I saw, is extensively degraded as a consequence.
51. In contrast, while the large Kellogg industrial complex to the west of Bryn Road imposes itself on the locality generally, the northern section is mainly farmland which both adjoins and is part of the largely undeveloped rural landscape to the north and east. As such it accords with the underlying attributes of the Dee Terraces Character Area. I agree also that it is more sensitive to change than the southern section and far more open to view from the surrounding area, particularly from Bryn Lane and Ridley Wood Lane which form its western and northern boundaries respectively.
52. Although there is acceptance that the impact of both Unit 3A and Unit 3B could be mitigated if required by the scale and nature of the landscape proposed, it remains the case that there would be a large encroachment into the countryside and a significant impact on the landscape. While the Unit 3A scheme indicates that many of the hedgerows and trees would be retained, they would be placed in a new and different, industrial, context not the open rural setting they currently have. The continuing conformity of this area with the Dee Terraces Character Area would be seriously infringed. Such a change would be less apparent, and less harmful, on the southern section where Unit 3B is proposed. The woodland belt would be an effective screen and visual barrier which already visually contains the southern section visually, ensures that it is considerably less open to view and reinforces its relationship with nearby elements of the WIE.

#### The balance of considerations

53. For the final issue, (d), and in summary, there is clear conflict between the proposal and the adopted development plan. It does not accord with the strategic intentions concerning the location of new employment development within settlement limits, to protect the countryside and to ensure that brownfield land is used in preference to greenfield land. Nor does it comply with the entirety of Policy E3 and is not therefore a permissible exception to the restraint on new development here. Although little weight should yet be given to the emerging Local Development Plan, the indications are that the underlying

strategy on the location of new employment development is unlikely to be radically altered.

54. Beyond the development plan there is support for the provision of employment land to be supply led but there continues to be an adequate, if not an over-supply, of such land to meet anticipated needs, despite its questionable quality. Even so, there are no alternative sites available which could provide the scale or nature of the development proposed on the appeal site. In addition, the proposal would offer economic and employment benefits in line with sub-regional and local strategies, should there be an identifiable demand for it. Such a demand has been shown to exist from TDG in respect of Unit 3B, despite the current lack of specific commitment to that relationship from either developer or operator. Were it not to be occupied by TDG, it could nevertheless assist in economic regeneration in both quantitative and qualitative terms without significant harm to the countryside or a breach of substance to the settlement pattern. A considerable part of this area is previously developed, brownfield, land and part of it is already within the WIE. The Council does not object to its development. I have concluded that there is a compelling case to grant planning permission in respect of the Unit 3B section of the scheme, which I shall do.
55. There is not a sufficiently compelling case, however, for Unit 3A. The interest shown in that part of the scheme does not establish an overwhelming need nor does it require the scale of development proposed. It is not possible therefore to gauge whether or not that development or, indeed, any other possible user of this greenfield site could not be accommodated elsewhere on allocated or committed employment land. Its impact on the countryside and landscape would be substantial and unjustified. I have concluded therefore that this part of the scheme should not be granted planning permission.

#### Other matters

56. I have also had regard to the representations made by residents and others with a local interest. They raise issues concerning, for instance, the likely effect of the scheme on the local scene, traffic, noise and other environmental consequences. Some of these I have already referred to and others have been addressed by the range of reports and assessments which accompanied the application and which I have identified previously. I am satisfied that, other than in the way I have described, the development could take place without significantly harmful implications for these other interests. It is also the case, of course, that I have in mind to grant permission for a lesser project than that proposed.

#### Conclusions

57. Having considered these and all other matters raised I consider that a split decision is justified. That possibility was raised at the inquiry and neither Kingwood nor the Council suggested any technical or other reason why it would not be appropriate. As I have pointed out, a further s106 Obligation has been put in place to accommodate this possibility. Indeed, it appears that the southern section of the site, with Unit 3B, is already the subject of a separate application for planning permission to the Council. A copy of one of the plans, Dwg No D1792.2.001B, was supplied which shows what was agreed to be an appropriate boundary for that section of the appeal site. I do not have a

corresponding plan to show that section on which Unit 3A is proposed but it is to be taken as the remainder of the land on which planning permission is not granted, shown on the plan I have already identified.

### Conditions

58. A wide range of conditions have been put forward by the Council and discussed at the inquiry in relation to the tests set out in Circular 35/95. However, before I turn to those it will be necessary to define the area on which planning permission is to be granted and I shall do that by reference to Dwg No D1792.2.001B, as explained. A number of the conditions discussed do not apply to this part of the site, and will be omitted, and others will need to be adapted.
59. Since the application is for outline planning permission a significant proportion of the conditions relate to the need to obtain approval of the reserved matters. As well as these other conditions support them such as for landscaping, tree protection and management. Others relate to access, parking and the Travel Plan to be produced. On these, the details required will need to reflect the possibility that Unit 3B will not be occupied by TDG and therefore the shared use of facilities relied on to date would not apply.
60. I have remarked on drainage issues which affect the land and a set of conditions aim to resolve those. A number seek to ensure noise, dust and other factors are controlled to safeguard local amenity during construction and the operation of the unit, again matters which were assessed and found acceptable if controlled as proposed. I have also pointed out that the WIE generally evolved from a former ordinance manufactory. In reaction to this and to the previous industrial activity on the site a body of conditions has been put forward requiring investigation and response to possible contamination of the land. I agree that such conditions are necessary and appropriate to this development and I shall give effect to them. I have amended the draft conditions to make it consistently clear which need to be attended to before any development commences.
61. A further condition proposes that the development shall be occupied only by a single user. That is not objected to by Kingwood. It seems to me that it is a continuing reflection of the intentions of Policy E3 but since the development does not fall within the policy it can have little relevance. However, there is no shortage of industrial land to meet general employment development needs. The case put forward by Kingwood, and which has influenced my decision, is that sites of quality to accommodate large scale development are lacking. As I have said, the southern part of the site could help meet that shortfall, even if not taken by TDG. This condition therefore has planning purpose and is necessary.
62. Finally, the Council asked for a requirement that the development is built in a 'sustainable manner'. As discussed at the inquiry, the intention is sound and the Circular tests are met in a number of ways. Moreover, the Assembly Government has stressed the need to ensure sustainable construction in buildings in MIPPS 01/2009 'Planning for Sustainable Buildings'<sup>19</sup> and the more

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<sup>19</sup> May 2009

recent Policy Clarification Letter CL-05-09<sup>20</sup> of the same title, as well as in draft TAN 22<sup>21</sup>. It is clearly a highly relevant planning matter. However, what the Council has asked for is far from precise and it would not be apparent what would be required to comply with the condition. MIPPS 01/2009 sets out the expectation that non-residential development above a specified size should meet, for instance, the BREEAM<sup>22</sup> 'Very Good' standard. The proposal, even limited to Unit B, exceeds the specified size by a large margin. However, that expectation applies to proposals made in applications made on or after 01/09/10 and the proposal is not therefore subject to it. In my judgment it would not be reasonable to apply such precision retrospectively and without that or an equivalently expressed requirement the condition proposed is imprecise and unacceptable.

### Formal Decisions

63. I dismiss the appeal in respect of proposed B2/B8 development and associated ecological mitigation area including means of access and siting on the northern section of the site (Unit 3A).
64. I allow the appeal, and grant planning permission for B2/B8 development and associated ecological mitigation area including means of access and siting in respect of the southern section of the site (Unit 3B) on land at Bryn Lane, Wrexham Industrial Estate, Wrexham LL13 9UT in accordance with the terms of the application, Ref P/2008/0993, dated 09/09/08, and the plans submitted with it, subject to the conditions set out in the attached List of Conditions.

*R G Gardener*

Inspector

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<sup>20</sup> 16/11/09

<sup>21</sup> Planning For Sustainable Buildings

<sup>22</sup> The Building Research Establishment Environmental Assessment Method

## APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Trefor Lloyd                                      Of Counsel, instructed by the Borough Solicitor

He called

Mr J Kellett DipEnvPlan MRTPI      Senior Planning Officer, major development

FOR THE APPELLANT:

Mr Vincent Fraser                      QC, appointed by HOW Planning LLP

He called

Mr D Newman BSc(EstMgt) MRICS Partner, Matthews & Goodman LLP

Mr G Halman BSc FRICS MRTPI     Director, HOW Planning LLP

## DOCUMENTS

- 1 Letters of notification of (a) the appeal dated 19/11/09 and (b) the inquiry dated 19/11/09
- 2 Bundle of 15 representation received in response to Document 1(a)
- 3 Appendices 1-14 to Mr Kellett's Statement of Evidence together with Wrexham Local Development Plan 2006-2021
- 4 Appendices 1-4 to Mr Newman's Statement of Evidence
- 5 Appendices 1-12 to Mr Halman's Statement of Evidence, together with
- Planning Policy Wales March 2002
  - The Wales Spatial Plan (2008 Update)
  - Wrexham Industrial Estate Repositioning Statement and Action Plan (March 2007)
  - Wrexham Employment Sites Study (August 2007)
- 6 Unilateral Planning Obligation dated 23 February 2010 (Appellant)
- 7 Supplementary Proof of Evidence, Mr Halman, with Appendices 1-4
- 8 Wrexham Local Development Plan 2006-2021, Deposit Plan 15 January 2010 (Kingwood)
- 9 Letter dated 29/01/10 from Welsh Assembly Government (Department for Economy, Transport and Infrastructure) 'Wrexham Industrial Estate' (Kingwood)
- 10 Letter dated 22/02/10 from BNP Paribas Real Estate to Matthews & Goodman 'A Wrexham' (Kingwood)
- 11 Letter dated 16/02/10 from Skelton Group Investments to Wrexham County Borough Council 'A Wrexham' (Kingwood)
- 12 Report to the Planning Policy Panel, 21/05/07 – Wrexham Local Development Plan 2006-2021

(Kingwood)

- 12 Minutes of the meeting of the Planning Policy Panel, 21/05/07 (Kingwood)
- 13 Extract: Wrexham Maelor Local Plan, Policy J1 (Kingwood)
- 14 Dwg No D1792.2.001B to show separate boundary for Unit 3B (Kingwood)
- 15 List of Conditions and Reasons, Revision 3 (Council)

DOCUMENT RECEIVED AFTER THE CLOSE OF THE INQUIRY

- 16 Unilateral Planning Obligation dated 15 April 2010 (Appellant)

## CONDITIONS

- 1) Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
  - (a) the appearance of the building(s)
  - (b) the landscaping of the site
  - (c) the scale of the development
- 2) Plans and particulars of the reserved matters referred to in condition 1 shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are thereby approved.
- 3) The development hereby permitted shall be begun before the expiry of five years from the date of this permission or two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.
- 4) This planning permission shall apply only to that part of the site known as Plot 3B shown edged red on Dwg No D1792.2.001B dated 18/01/10.
- 5) The occupation of Plot 3B 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) No development shall be commenced until full details of the foul sewerage infrastructure works have been submitted to and approved in writing by the Local Planning Authority. Thereafter, these works shall be implemented and completed strictly in accordance with the approved details prior to the occupation of any of the buildings thereby approved.
- 7) Foul water and surface water discharges shall be drained separately from the site.
- 8) No surface water or land drainage run-off shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
- 9) No development shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority and no infiltration of surface water drainage into the ground will be permitted other than with the express written consent of the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system and occupation of the buildings hereby approved unless otherwise agreed in writing by the Local Planning Authority.
- 10) 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 4.6.3 of the Report by Royal Haskoning titled 'Bryn Lane, Wrexham: Air Quality, Noise and Vibration Assessment' reference 9T6615/R0002/

- 303228/King and shall be implemented as approved during the construction phase of the development.
- 11) 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 9T6615/R00002/303228/King and shall be implemented as approved during the construction phase of the development.
  - 12) 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 9T6615/R00002/303228/King, at any time. Measurements and assessment shall be made in accordance with BS4142:1997 Method of Industrial Noise Affecting Mixed Residential and Industrial Areas. The development shall only be carried out in accordance with the approved scheme.
  - 13) No development shall be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority to alter the existing access onto Bryn Lane to provide (a) visibility splays of 2.4m. x120m. in both directions measured to the nearside edge of the adjoining highway and (b) a right hand turning lane. The development shall only take place in accordance with the approved scheme and shall be implemented prior to any occupation of the development unless otherwise agreed in writing by the Local Planning Authority. Thereafter there shall be no obstruction in excess of 1.0m in height within the approved visibility splays.
  - 14) No development shall be commenced until a scheme, including construction details, has been submitted to and approved in writing by the Local Planning Authority to show a 2.0m wide footway to be constructed to an adoptable standard along the site frontage along Bryn Lane. This footway shall incorporate appropriate dropped crossing points and associated tactile paving across both access points. A 2.0m wide footway shall also be provided on the southern side of the existing access serving the TDG site extending down to a point opposite the existing footway on the opposite side of Bryn Lane. The approved scheme shall be completed prior to any occupation of the development unless otherwise agreed in writing by the Local Planning Authority.
  - 15) No development shall be commenced until a final Travel Plan has been submitted for the approval of the Local Planning Authority. The Final Travel Plan shall be approved in writing prior to the first occupation of the development hereby permitted and implemented to an agreed timescale. Within 12 months of commencement of the development and thereafter annually a monitoring and assessment report shall be submitted to and approved in writing by the Local Planning Authority.
  - 16) No development shall be commenced until a scheme to show vehicle parking and turning facilities within the approved site, or such land as is

otherwise agreed, has been submitted to an approved in writing by the Local Planning Authority. Such facilities shall be made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

- 17) No development shall be commenced until details of a scheme has been submitted to and approved in writing by the Local Planning Authority to demonstrate that vehicle parking and turning facilities can be provided to meet the needs of Plot 3B. Such facilities shall be made available for use prior to first occupation of the development hereby permitted and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.
- 18) No development shall be commenced until details of a scheme to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following components:
  - (a) preliminary risk assessment which has identified:
    - potential contaminants associated with those uses;
    - all previous uses;
    - a conceptual model of the site indicating sources, pathways and receptors; and
    - potentially unacceptable risks arising from contamination at the site.
  - (b) a site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - (c) the site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how and when they are to be undertaken.
  - (d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components shall require the approval in writing of the Local Planning Authority. The scheme shall be implemented as approved.

- 19) No part of the development shall be occupied until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan required by Condition 19(d) to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency

- action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
- 20) Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan required by Condition 20) shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.
  - 21) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
  - 22) Piling or other foundation designs using penetrative methods shall not be permitted other than as may be first approved in writing by the Local Planning Authority; such approval may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved piling or foundations design details.
  - 23) The landscaping details required by condition 1) shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. No trees shall be lopped, topped, felled or uprooted without the prior written permission of the Local Planning Authority, nor shall any trees be wilfully damaged.
  - 24) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
  - 25) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development or any phase of the development, whichever is sooner. The approved landscape management plan shall thereafter be carried out as approved.
  - 26) No development shall be commenced until an Ecological Method Statement and Management Plan, which shall take into account the ecological interest of the site, has been submitted to and approved in writing by the Local Planning Authority. The Ecological Method Statement and Management Plan shall demonstrate how existing features of ecological/wildlife interest will be protected, enhanced, monitored and managed in the long-term together

with proposed details for the delivery of appropriate conservation schemes and 'Reasonable Avoidance Measures' and the timescales to be followed. The approved Ecological Method Statement and Management Plan shall be implemented before development commences on site.

- 27) The access road and footways shall be progressively constructed to base coat standard 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. Such works should be completed prior to the first occupation of the building hereby approved.
- 28) No development shall be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include work procedures, access routes, storage areas and specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2005; a plan showing the location of retained trees with their crown spreads, Root Protection Areas and the location of protective fencing plotted. A full specification for any access, driveway, path, underground services or wall foundations within retained trees' Root Protection Areas', including any related sections, details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires; details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority and method statement for protecting retained trees during demolition works should also be included. The development shall be carried out in accordance with the approved method statement. Nothing shall be stored or placed in any area fenced in accordance with the approved method statement and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written permission of the Local Planning Authority.