

**REPORT OF THE CHIEF OFFICER PLANNING AND
REGULATORY – 1 November 2021**

APPLICATION NO:
P/2021 /0725

LOCATION:
KRONOSPAN LTD HOLYHEAD
ROAD CHIRK WREXHAM
LL14 5NT

DATE RECEIVED:
14/07/2021

COMMUNITY:
Chirk

DESCRIPTION:
DEVELOPMENT OF A WAREHOUSE
AND ANCILLARY WORKS /
DATBLYGU WARWS A GWAITH
ATEGOL

CASE OFFICER:
MP

WARD:
Chirk South

AGENT NAME:
MR CHRISTOPHER
HEATHER

APPLICANT(S) NAME:
MR KEITH BAKER

As above.

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HISTORY

The site has an extensive history extending back to the early 1970's. The decisions made in respect of applications for planning permission for the wider Kronospan site over the past 10 years are set out below:

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| P/2012/0165 | DEVELOPMENT OF A BIOMASS PLANT, RECYCLED WOOD FIBRE (RCF) OFFLOADING AND SCREENING FACILITY AND ASSOCIATED INFRASTRUCTURE TO SUPPORT EXISTING PRODUCTION OPERATIONS. Granted 14.9.2012 |
| P/2013/0824 | DEVELOPMENT OF BIOMASS PLANT COMPRISING BIOMASS BOILER & FURNACE ASH, HANDLING FACILITY & FLUE, GAS TREATMENT FACILITY INCLUDING STACK & AIR POLLUTION CONTROL, REAGENT STORAGE SILOS, RECYCLED WOOD FIBRE OFFLOADING & SCREENING FACILITY, BIOMASS STORAGE AREA & ASSOCIATED INFRASTRUCTURE (SUBSTITUTION OF PLANNING PERMISSION CODE P/2012/0165). Granted 7.5.2014 |
| P/2014/0215 | 2.35 METRE DIAMETER BY 7 METRE HIGH EXTENSION TO EXISTING 15 METRE HIGH ABATEMENT STACK. Granted 2.6.2014 |
| P/2015/0728 | ERECTION OF BUILDING TO CONTAIN THREE GAS ENGINES AND THREE STEAM BOILERS, ERECTION OF ELECTRICAL SUBSTATION BUILDING, OIL TANK COMPOUND A DUCT FROM THE PRESS ABATEMENT SYSTEM TO CARRY PROCESS EMISSIONS TO THE SEKA (WESP) STACK AND ASSOCIATED INFRASTRUCTURE TO SUPPORT EXISTING PRODUCTION OPERATIONS. Granted 4.1.2016 |
| P/2016/0219 | CONSTRUCTION AND OPERATION OF A RECYCLED FIBRE (RCF) RECEPTION FACILITY, GRADING PLANT, STORAGE SILOS AND OTHER ASSOCIATED INFRASTRUCTURE. Granted 3.5.2016 |
| P/2016/0336 | EXTENSION TO HOUSE A NEW MELAMINE FACING (MF) PRESS, FOLLOWING THE DEMOLITION / RELOCATION OF THE EXISTING MF DEPARTMENT'S VENTILATION SYSTEM, HYDRAULIC OIL AND DIESEL STORAGE TANKS, A VEHICLE FILLING STATION, GARAGE SERVICE BUILDING AND OTHER ASSOCIATED INFRASTRUCTURE. Refused 5.9.2016. Allowed on appeal 4.5.2017 |

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P/2016/0442	MDF WASH WATER PRE-HEATER. Granted 23.1.2017
P/2016/0534	PROPOSED BUILDING EXTENSION TO STORE MEDIUM DENSITY FIBREBOARD (MDF) AND CHIPBOARD. Refused 5.9.2016
P/2017/0416	REPLACEMENT OF EXISTING WOOD CHIP PREPARATION FACILITY TO INCLUDE A BUILDING TO HOUSE NEW WOOD CHIP PREPARATION EQUIPMENT, DEVELOPMENT OF A NEW WOOD CHIP DRYER AND ASSOCIATED SIFTING, GRADING AND TRANSFER SYSTEM AND DEMOLITION OF EXISTING STRUCTURES TO FACILITATE THE DEVELOPMENT. Granted 31.7.2017
P/2017/0699	DEVELOPMENT OF A LOG DELIVERY AND TRANSFER SYSTEM AND BUILDING TO HOUSE A REPLACEMENT WOOD CHIPPING AND FLAKING SYSTEM AND DEMOLITION OF EXISTING DEBARKING AND CHIPPING FACILITIES. Granted 1.5.2018
P/2017/0700	DEVELOPMENT OF A RAW BOARD STORE. Refused 6.11.2017. Allowed on appeal 22.5.2018
P/2018/0551	PLANNING APPLICATION FOR THE DEVELOPMENT OF AN ORIENTATED STRAND BOARD PRODUCTION FACILITY. Not determined. Allowed on appeal 9.10.2019
P2019/0505	DEVELOPMENT OF A BUILDING CONTAINING 2 NO. GAS ENGINES EACH WITH A MAXIMUM ELECTRICITY GENERATING CAPACITY OF 9.73 MW, 2 NO. STEAM BOILERS, ROOF MOUNTED COOLERS, WALKWAY BETWEEN AN ADJACENT BUILDING AND THE PROPOSED BUILDING, EXHAUST GAS OFFTAKE PIPES AND STEAM PIPES FROM THE GAS ENGINE BUILDING AND CARBON CATALYST ABATEMENT SYSTEM. Granted 27.11.2020

Site history specifically for the land subject to the proposed development

P/2000/1096	WAREHOUSE EXTENSION OPPOSITE FERRO BUILDING. Refused 12.3.2001. Appeal dismissed 24.1.2002
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P/2005/1237	CHANGE OF USE OF LAND TO INDUSTRIAL AND EXTENSION OF LANDSCAPING MOUND. Granted 17.2.2006
P/2006/1480	APPLICATION TO REGULARISE THE POSITION AND PROFILE OF EXISTING MOUND. Granted 16.2.2007

DEVELOPMENT PLAN

Within settlement limit and Pontcysyllte World Heritage Site Buffer Zone.
There are two trees subject to TPO WCBC no.80 within the application site.
Policies GDP1, EC4, EC6, EC11, E4 and T8 apply.

CONSULTATIONS

Town Council:	The Council raises the following objections/concerns/comments about this application: <u>The substantial footprint</u> • The size and height of the building is not in keeping with the historical area and would have a detrimental visual impact on a substantial portion of Chirk. • Proximity to local residents. • Height of the pitched roof is too high. <u>The existing entrance is not sufficient</u> • An increase in the number of vehicles including HGV's using the existing entrance. • Impact on the weighbridge – additional vehicles will be entering/exiting site once new warehouse operational. • Weighbridge failure – impact on the site and the Chirk area. <u>Lack of any additional employment</u> • <u>Bunding</u> • Concerns surrounding the reduction in the bund as the trees were planted there to create the buffer zone. • The current bund was written into an existing operational planning permission which is still valid through a binding legal decision. (Under Appeal decision APP/H955/A/01/1069794).
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- The current bund assists with noise reduction; if the bund is reduced this would have a negative noise impact.
- Removal of mature and protected trees in a conservation area.
- The reduction of the bund will mean cutting down trees affecting the local biodiversity.
- The bund does not go all the way along the new proposal.

Noise

- The application makes specific reference to electric fork trucks which are subject to legally mandated reversing alarms and further noise may be created from fork contact on ramps, pallets etc – this noise would be within 18 meters of homes.
- Residents can hear the fork lift trucks now – this will only get worse.
- If conveyor belts or computerised cranes are used this would lead to substantial additional noise development in close proximity to household dwellings.
- The additional operational noise will be heard in Chirk as the development is so close the road.
- The application states walls are to be insulated but this does not address the noise when the doors are left open.
- The roof is not insulated.

Operations from the warehouse

- The plans do not state what type of operational work will be undertaken from the warehouse.
- What plant/machinery is going in?
- What type of machinery will be used on a daily basis – (linked to noise impact)
- Lack of clarity on the market change – to what extent does it require a warehouse of this scale.

Ancillary Works

- The plans do not state what ancillary works will be undertaken and therefore the Council can not consider the impact on local residents and the surrounding vicinity . Request for further information on the ancillary works.

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Environmental and Wellbeing

- The Wellbeing of Future Generations Act does not appear to have been taken into account, given the proximity of the development to existing housing.
- No Environmental Impact Assessment (EIA) has been requested by Wrexham Council (to date), despite other developments to the West of Holyhead Road which are known to house protected species and have been subject to environmental surveys as part of the planning process over the years.

Previous appeal decision APP/H955/A/01/1069794

- sets a legal precedent for the consideration of further planning applications in the vicinity.
- makes specific reference to the felling of trees to accommodate further development – such landscaping falls well short of the development plan, and would have significant detrimental visual impact on the area.
- the inspector voiced concerns to the closeness of development to dwellings on Holyhead Road, the proposed development is within 18 meters of existing housing.
- the Inspector voiced concerns that the development close to Holyhead road would be harmful to the character and appearance of the area, he also considered that the proposed development off Holyhead Road would harm the outlook that residents living opposite the proposed site might otherwise reasonably expect to enjoy – he considered this to be a significant disadvantage to the proposed development, and therefore this would also be applicable to this proposed development.

Cllr T Evans:

Has expressed the following concerns:

- The size of the development is over 2 Premier League football fields in length, which would have a detrimental visual impact on a substantial portion of Chirk
- Under Appeal decision APP/H955/A/01/1069794: Tree planting was undertaken to install a buffer zone between Housing and Factory development on Holyhead Road

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- It is my understanding that, Appeal decision APP/H955/A/01/1069794 is a binding legal decision, and must be challenged in the High Court
- Appeal decision APP/H955/A/01/1069794 is a legally binding document and as such sets a legal precedent for the consideration of further planning applications in the vicinity
- Appeal decision APP/H955/A/01/1069794 makes specific reference to the felling of trees to accommodate further development – such landscaping falls well short of the development plan, and would have significant detrimental visual impact on the area
- Kronospan have made specific reference to electric fork trucks – whilst I concede they may be more environmentally friendly than their diesel counterparts they are still subject to legally mandated reversing alarms, and further noise may be created from fork contact on ramps, pallets etc – this noise would be within 18 meters of homes
- If conveyor belts or computerised cranes are used this would lead to substantial noise development in close proximity to household dwellings.
- Has the Wellbeing of Future Generations Act been taken into account, given the proximity of the development to existing housing?
- In Appeal decision APP/H955/A/01/1069794 the inspector voiced concerns to the closeness of development to dwellings on Holyhead Road – the proposed development is within 18 meters of existing housing
- Appeal decision APP/H955/A/01/1069794, the Inspector voiced concerns that the development close to Holyhead road would be harmful to the character and appearance of the area, he also considered that the proposed development off Holyhead Road would harm the outlook that residents living opposite the proposed site might otherwise reasonably expect to enjoy – he considered this to be a significant disadvantage to the proposed development, and indeed it's my assertion that this would also be applicable to the proposed development

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	It is incredulous that no environmental impact plan is to be undertaken, considering other developments to the West of Holyhead Road are known to house protected species, and have been subject to environmental surveys as part of the planning process over the years. This is also the case considering points 6 and 7 with the generation of noise.
Cllr F Hemmings: Highways:	Notified 27.7.2021 Comment as follows:- Highways Impact - The development does not involve any increase in employee numbers or parking provision, so no change in employee trips is expected. - The provision of on-site storage is not expected to increase the number of operational HGV movements. There may be some reduction in vehicle movements, as the need to transport products temporarily off site for storage will be reduced. Access - No change to the site access is proposed. - Construction Traffic - The site is routinely served by HGVs and a suitable route is available for construction vehicles from the A483 via the A5 and B5070. Construction vehicles are therefore not expected to make a significant impact on the surrounding highway. There is ample space on site for parking and turning of these vehicles. Conclusion - There is no highways reason why planning permission should not be granted.
Public Protection:	The findings of report titled "Noise Impact Assessment:, Development of a Warehouse Facility At Kronospan Manufacturing Facility, Off Holyhead Road, Chirk, Wrexham, for Axis, Acting on behalf of Kronospan Ltd" Report No.: R21.0502/DRK, Dated: 7th May 2021 by Noise & Vibration Consultants Ltd are accepted. I recommend that the mitigation measures in section 6 of the report be conditioned. Noise condition and advisory notes also
recommended. Contaminated Land:	No comments.

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Conservation Officer: The Kronospan Ltd site on Holyhead Road in Chirk is located in very close proximity to several protect landscapes and designated sites

These are all sensitive, designated landscapes and sites, which are supported with specific planning guidance to ensure that the impact upon them and their wider settings are considered as part of the planning process.

The design and access statement and landscape and visual assessment (including heritage assessment) documents which accompany this application assess the impact of these proposals on all of the relevant designated landscapes and assets. This has been considered both in terms of direct impact and potential impact on setting of these assets from several key viewpoints. The conclusion of these studies was that there will be very little impact on any of the designated landscapes or assets nearby due to screening which is offered by existing buildings and vegetation.

I have no objections to the proposals based on the supporting information provided. The site is an accepted industrial area and has been so before many of the surround landscape and site designations were in place. The area chosen for the new building is well screened. It is possible that some of the new roof line will be visible above the building immediately to the west as it is proposed to be a few meters higher, however this is unlikely to increase the overall impact that the site already has on designated sites and landscapes.

Ecology Officer: Welsh Government Planning Policy Wales and subsequent letter to LPAs requires development to provide a net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped.

Confirmed details submitted are acceptable.

Tree Officer: The trees identified within the submitted report (and recent addendum) for removal to facilitate the development are of both low amenity and ecological value and should not be considered a constraint to development.

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Two of the trees proposed for removal are subject to tree preservation order WCBC 80. The oak T2 (on the report schedule) is a new specimen recently planted as replacement for one of the original oaks which was strained and in a state of non-reversible decline due to continued site pressures and soil compaction. The second oak tree (T1 on the report schedule) was originally identified within the application tree report as a category 'B' specimen in accordance with BS5837:2012 'Trees in Relation to Demolition, Design and Construction'. Further assessment of the tree by myself – and again later by the arboricultural consultant – found this to be inaccurate due to the noted presence of decay at the stem base by the pathogen *Pseudoinonotus dryadeus* (oak heart rot). The overall structural and physiological condition of the tree combined with the noted heart rot was sufficient evidence to warrant the declassification of retention value from a 'B' down to a 'C' and to subsequently to then not consider the tree as a material constraint to development.

The removal of a percentage of the landscape bund will have little ecological and amenity impact with any potential concerns addressed through mitigation planting and a more concerted effort to bring the remaining established trees and vegetation upon the bund under appropriate management for enhancement and biodiversity.

Due to spatial constraints it would be advisable for the applicant to consider off-site mitigation planting for the loss of both the two trees subject to TPO WCBC 80 and for the young specimens removed from the landscape bund. I would recommend that such planting occurs on available land within the town itself with species selected, large in mature stature, to improve local amenity, provide a net gain in biodiversity and to improve environmental and ecological factors.

I would recommend that protective fencing is installed during development to protect the noted arboricultural features including established trees on the landscape bund from any accidental construction damage and to prevent any

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inappropriate storage of materials, tipping, or misuse of land etc. There will be a requirement to provide an amendment to the tree report to include a Tree Protection Plan (TPP) and details regarding arboricultural site monitoring.

	Should consent be granted I would request conditions be attached
NRW:	Have concerns with the application as submitted. However NRW are satisfied that these concerns can be overcome provided the Preliminary Ecological Appraisal is included in the approved plans and documents condition on the decision notice.
Welsh Water:	It is recommended that the developer engage in consultation with Wrexham Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. We note the applicant has made reference to no foul flows being discharged from proposed developed, if this situation changes then we request that we are re consulted.
Cadw:	No objection.
AONB JAC:	Consulted 5.8.21
Canal and River Trust:	This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.
National Trust:	Consulted 27.7.21
Network Rail:	Consulted 27.7.21
WG Trunk Roads:	Does not issue a direction.
Press Notice:	Expired 25.8.21
Site Notices:	Expired 1.9.2021
Neighbours:	The owners/occupiers of 45 nearby properties notified 16.8.21 4 representations received objecting and expressing the following concerns: • Road re-surfacing on the A5 required; • Street sweeping should be done regularly; • Lack of public consultation; • Noise; • Air pollution; • Visual amenity • Loss of value of property; • Traffic; • HGVs parking on the road;

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- Debris from HGVs on the road;
- HGVs speeding;
- Appeal decision APP/H6955/A/1069794 remains applicable;
- Light pollution;
- Unsuitable location for warehouse;
- Removal of trees;
- Removal of bund;
- Cumulative impact with other developments at the site;
- Better for wellbeing and reliance of the people of Chirk if the warehouse was located elsewhere;

SPECIAL CONSIDERATIONS

Policy: The site lies within the settlement limit of Chirk and is not allocated for any specific use. The site forms part of the large and established Kronospan complex.

Policy E4 permits employment development on unannotated land within settlements subject to complying with policy GDP1 and as such there is no policy objection in principle to the proposed development. Matters relevant to policy GDP1 as well as the other policies identified above, will be discussed later in the report.

The site lies within the Pontcysyllte World Heritage Site Buffer Zone. This is also a matter that will be considered below.

Site History: It is acknowledged that planning permission has previously been refused and an appeal dismissed (reference no. P/2000/1096) for the erection of a building measuring 185.5m long by 45m wide on the same part of the site as the development now proposed. In dismissing the appeal the Inspector concluded that:

....whilst landscaping might screen the development, it would not assist in the integration if the development into the locality, nor would it protect the rural character of the area. The landscaping required to achieve these aims requires the deep buffer area allocated in the Local Plan. I also consider the loss of the two mature oak trees would be detrimental to the visual amenities of the area.

It is probably that the existing ad the proposed mounding together would screen much of the warehouse extension from public view. In addition, over time, both the existing and the proposed tree and shrub planting could be expected to screen most parts of the building that protrude above the

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mounding. However, for the same reasons that I have found the development would be harmful to the character and appearance of the area, I consider that it would also harm the outlook that residents living opposite the site might otherwise reasonably expected to enjoy. I regard this harm as a further disadvantage of the scheme.

The outcome of the appeal is not legally binding in so far as it does not automatically mean that any subsequent proposals for development on this part of the Kronospan site should also be refused. In other words the Council (and indeed an appeal Inspector) is not bound to follow the previous planning decision. This application must be considered on its own merits. Whilst previous site history is also a relevant material considered, it is also necessary to give consideration to the context within which that decision was made and whether there have been any material changes in circumstances since the appeal was dismissed.

Detailed aspects of the proposal will be considered later in the report, however it is necessary to emphasise that the planning policy context that applied when the previous proposal was considered has changed significantly. Planning application P/2000/1096 was considered under the provisions of the Clwyd County Structure Plan First Alteration and the Glyndwr District Local Plan. Of particular note, the Glyndwr Local Plan included a policy that designated a substantial part of the application site and the land between it and Holyhead Road as a landscaped buffer. Both the Clwyd County Structure Plan First Alteration and the Glyndwr District Local Plan were superseded in 2005 by the Wrexham Unitary Development Plan. The latter does not include any specific requirements regarding landscaped buffers on any part of the Kronospan site.

In addition to the policy context, there have been a number of changes at the site that need to be taken into account.

The site is now far better screened than it was in 2000. Planning permission was granted in 2006 and 2007 (reference nos. P/2005/1237 and P/2006/1480) respectively to construct a bund adjacent to the southern end of the application site. There is also now substantial and mature tree coverage along the eastern boundary of the application site.

Aerial photographs showing the changes to the site are included below:

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Aerial photograph Circa 2000/2001

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Aerial photograph 2006

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Aerial photograph 2009

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Aerial Photograph Submitted with Application

Finally, when the previous application was being considered there was a dwelling called Westfield situated on the west side of Holyhead Road. The development subject to the 2002 appeal decision would have been situated immediately adjacent to rear boundary of the garden of the property, which was approximately 20 metres from the rear elevation of the dwelling. Westfield was demolished to make way for the extension to the bund that was granted planning permission in 2006.

Visual Impact: The application site lies within the settlement limit and within the built up area of Chirk, which includes the existing Kronospan site. The proposed warehouse will be 240m long x 60m wide, 8.6m high to the eaves and 11.7m high to the ridge of the roof.

The development will lie approximately 1km to the east of the boundary of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB). A small part of the eastern edge of the application site is occupied by an earth bund. The remainder is used as an external storage area.

The development will be introduced into and viewed in the context of and existing and established large scale industrial site. The development will not represent an intrusion into the rural landscape surrounding Chirk nor will it increase the prominence or impact of Kronospan upon the rural landscape

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surrounding Chirk or adversely impact upon views from or the setting of the AONB.

There is currently a landscaped bund that extends from the northern boundary of the Kronospan site and along the full eastern boundary of the application site. The bund is 5 metres high. The development will result in the removal of approximately 25 metres of the bund to enable the construction of the north-eastern corner of the building. A further 25m will be reduced in height by approximately half.

Despite the works referred to above, there will remain a substantial landscaped buffer comprising of existing trees to the east of the building. In addition, nearly 90% of the eastern elevation of the building will benefit from continued screening from the bund in combination with substantial soft landscaping. On the western side of the bund a retaining wall will need to be introduced on the western side to enable a 4m wide gap to be provided between it and the building. These works will not result in any reduction in the overall height of the bund nor will they require the removal of the existing tree planting on the eastern side of the bund. Some tree removal on the western side will take place however these works will not impact upon the visual amenity of the locality.

Despite the removal of a section of the bund and the works proposed on the western side of the remainder of the bund, there will remain a substantial landscaped buffer between the development and Holyhead Road. Indeed, even without any additional planting the submitted plans demonstrate that there would remain a far more substantial landscaped buffer than existed when the 2002 appeal was dismissed. This, together with landscaping to the north of the development will not entirely screen the development from view. Nevertheless, views from Holyhead Road immediately to the east of the development as well as from properties in West View on the opposite side of Holyhead Road will be substantially screened.

Limited views of the building will also be possible when approaching the site from the north through gaps in the existing landscaping. The limited views of the building that will be possible will not have a significant or detrimental impact upon the appearance of the immediate locality.

The submitted plans include proposals for additional planting is proposed to the east of the bund. A landscape management plan will be required by condition to ensure the long term benefits of the landscaped buffer are secured. The submission and implementation of an Arboricultural Method Statement will also be required by condition to ensure the trees to be retained within the existing landscaped buffer are protected whilst works take place.

The erection of the building will require the removal of 2 Oak trees, both covered by Tree Preservation Order TPO WCBC no.80, identified in the submitted Arboricultural Impact Assessment as T1 and T2. Both are classed

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as Catargoy C and both are in a poor condition to the extent that their removal does would not prevent valid grounds to refuse planning permission. Nevertheless, their loss does need to be compensated by the planting of new trees in a location where their long term retention can be secured. In addition to planting within the bund an area of land for planting off site has also been proposed (see below under 'Ecology'). This full details and implementation of the planting will also be secured by condition.

In addition to the warehouse, a tank to provide water for sprinkler systems is proposed adjacent to the northern boundary of the site and immediately adjacent to existing building that lies to due west of the proposed warehouse. This will be 11 metres in height. The position of the tank together with existing landscaping means it will be well screened from nearby viewpoints. In terms of longer distance viewpoints it will be seen in the context of the wider Kronospan site and the existing building and as such will have a detrimental impact upon the appearance of the site or the wider landscape surrounding the site and Chirk.

Historical Sites: The application site lies within the Pontcysyllte World Heritage Buffer Zone and lies just under 400m due east of the Llangollen Canal which forms part of the World Heritage Site.

The following scheduled Monuments lie within 3km of the site:

- Castell y Waun Castle Mound
- Pontcysyllte Aqueduct and Canal
- The Holyhead Road: the Chirk Embankment and earlier trackways

The Brynkynalt and Chirk Castle registered historic parks and gardens (Grade II* and Grade I respectively) also lie within 3km of the site. Finally, the site lies approximately 600m to the north of Chirk Conservation Area.

The Landscape and Visual Impact Assessment accompanying the application includes a heritage appraisal which concludes the impact upon historic sites would not be significant. The development will not adversely impact upon the historic sites identified above. It will be viewed in the context of the existing Kronospan site, indeed other than from elevated positions surrounding Chirk, the development will be partly or wholly entirely screened by existing development, both within the Kronospan site and in the wider settlement.

Cadw have confirmed they concur with the conclusions of the applicant's heritage assessment. The Council's Conservation Officer has confirmed no objections to the application.

The proposals will not change the context within which the historic sites are viewed or interpreted nor will it adversely impact upon their wider setting and as such there is no conflict with UDP policies EC7, EC9 or EC11.

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Residential Amenity: The nearest dwellings are approximately 45 metres to the east on the opposite side of Holyhead Road. Taking the distance into account as well as the overall height of the building and the substantial screening provided by the existing landscaped bund, the proposals will not prove harmful to residential amenity by way of loss of light or by being visually overbearing.

The application is accompanied by a Noise Impact Assessment. This demonstrates that the development will not adversely impact upon nearby occupiers by way of noise impact. In addition the development is not expected to increase vehicular movements (this is discussed further below) and as such the development will not result in an increase in noise from road traffic.

Public Protection have confirmed they accept the findings of the Noise Impact Assessment, subject to a condition being imposed to require the mitigation measures recommended in the report. These measures recommended are for cladding to be incorporated into the construction of the building that will provide noise insulation and that that mobile plant should be fitted with reversing alarms of a type to prevent noise impacts upon the nearby residential properties. Subject to a condition to require the development to be carried out in accordance with the recommendations of the Noise Impact Assessment, the development will not give rise to noise impacts that will adversely impact upon the occupiers of nearby residential properties.

Whilst noting that concerns have been expressed about pollution, given the intended use of the building as a warehouse and the fact that there will be no increase in vehicular movements to/from the site, there is no evidence before the Council to suggest that the proposals will give rise to additional pollution. To ensure that the building is not used in future for another purpose a condition will be imposed to specifically limit its use to storage and distribution.

With regard to light pollution, no specific details have been provided. However Kronospan adjoins Holyhead Road which has street lighting and is therefore in an area already illuminated at night. In addition, the landscaping between the proposed building and the nearest properties is and will remain substantial enough to prevent any external lighting attached to the building from adversely impacting upon residential amenity. Nevertheless to ensure that lighting is installed in a manner that does not adversely impact upon residential amenity and condition will be imposed to require full details of any external lighting that is to be installed on the building.

Highways: The warehouse is proposed to enable the business to consolidate the storage of its products on site. The Planning Statement accompanying the application states that some products produced on site are currently transported off-site for storage but then come back to the site for distribution or for delivery to customers. The erection of the warehouse will therefore not increase vehicle movements to/from the site. Indeed it has the potential to

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reduce the number of vehicular movements by eliminating the need to transport products to and from the site. In addition the development does not increase employee numbers and as such there will be no additional vehicular traffic associated with staff travelling to/from the site.

Welsh Government have not issued a direction in respect of the A5 trunk Road and Highways have advised that there are no highways reasons why planning permission should not be granted.

In light of the above it is concluded that the development will not give rise to highway capacity or safety concerns.

Ecology: The application is accompanied by a Preliminary Ecology Appraisal. On the basis of the information NRW have advised that the development is not likely to be detrimental to the maintenance of any population of the species concerned at a favourable conservation status in its natural range. In addition they have advised that the proposed development is not likely to harm or disturb any bats or Great Crested Newts, or their breeding sites and resting places at this site. This is subject to measures set out in the Preliminary Ecological Appraisal being implemented. These will be secured by condition.

Whilst the Preliminary Ecology Appraisal is sufficient to demonstrate that the development is unlikely to adversely impact upon statutorily protected species, and thus complies with UDP policy EC6, paragraph 6.4.5 of Planning Policy Wales 11 requires development to provide net benefit to biodiversity.

The applicants have submitted details proposing measures to deliver biodiversity net gain within the landscaped area to the east of the building as well as in a field within their ownership immediately to the north to the Kronospan site, which together will deliver net gain. A condition will require full details and the implementation of the habitat enhancement works together. A Planning Obligation is also required to ensure that the off-site parcel of land is retained in perpetuity and used only for the purposes of landscape and habitat enhancement.

Drainage: The applicants will need to obtain approval for a scheme of surface water drainage separately from the Council as SuDs Approval Body (SAB) before construction begins and therefore there are adequate controls in place to ensure surface water is properly managed.

Based on the information submitted the development will not generate any additional foul water flows from the site and is therefore unlikely to increase the amount of phosphorus entering the River Dee and Bala Lake catchment. Accordingly, and as advised by NRW, the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

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Other Matters: The Town Council's response notes that the development will not give rise to any additional employment. Whilst the economic benefit arising from a development is a material consideration, there is no specific Planning policy requirement for developments on this or indeed other sites located within the settlement limit to deliver additional jobs. That no additional jobs would be created as a result of the development would not be a valid reason to withhold permission where proposals accord with Planning policy.

Well-being and Future Generations (Wales) Act 2015: Both the Town Council and objectors have referred to the Act. The Act imposes a duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle.

Having considered the proposals in the context of the submitted plans, the information in the technical reports accompanying the application as well as the responses from statutory consultees, on balance there is sufficient information before the Council to conclude that subject to the Planning conditions set out below the development is in accordance with the requirements of the Act.

CONCLUSION

Whilst acknowledging that this is a large new warehouse building, the development will not have an adverse impact upon the landscape surrounding Chirk or the visual amenity of the immediate vicinity of the site. In addition the proposals will not give rise to adverse impacts upon residential amenity or highway safety or to ecological concerns. It therefore accords with the relevant UDP policies.

RECOMMENDATION A

That the Council enters into an Obligation under Section 106 of the Town and Country Planning Act 1990 to secure the long term management and maintenance of an area of land to be used for off-site habitat mitigation and landscaping.

The Chief Officer Planning and Regulatory to be given delegated authority to determine the final form and content of the Obligation.

RECOMMENDATION B

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That if the Obligation pursuant to Section 106 of the Town and Country Planning Act 21990 is not completed within six months of the date of the Committee resolution, the Chief Officer Planning and Regulatory be given delegated authority to REFUSE the application for the following reason:

Insufficient provision has been made to provide for net biodiversity again and to adequately compensate for the loss of trees within the site. The development therefore conflicts with paragraph 6.4.5 of Planning Policy Wales 11 and Policy EC4 of the Wrexham Unitary Development Plan.

RECOMMENDATION C

That upon completion of the Planning Obligation, that permission be GRANTED subject to the conditions below.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered 2936-0101, Figure 1 Site Location Plan, 700_67, 7000_649, V 1619-T1 Revision 3, 7000_607 Sheet 1/4, 7000_607 Sheet 2/4, 7000_607 Sheet 3/4 and 7000_607 Sheet 4/47000_673 and as contained within the application documentation.
3. 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 is 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 retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
 - c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;

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- 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;
 - f) Method for protecting retained trees during demolition works;
 - g) Details of all proposed tree works, including felling and pruning.
4. No part of the development shall commence until full details for the arboricultural supervision of tree protection measures and any ground works within retained tree(s) Root Protection Areas, as specified by BS5837:2012 or as shown on a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The supervisory works shall be carried out in strict accordance with the details as approved.
5. No part of the development shall commence until a scheme for the planting of trees and shrubs been submitted to and approved in writing by the Local Planning Authority.
6. Development shall not commence until a scheme of noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the measures as approved have been implemented in full. The noise mitigation measures shall thereafter be permanently retained.
7. No part of the development shall commence until a scheme of mitigation that provides the following has been submitted to and approved in writing by the Local Planning Authority:
- i. full details of the measures specified in Table 5.1: Ecological Constraints and Opportunities of Avian Ecology Preliminary Ecological Appraisal V3 dated 06/05/2021; and
 - ii. full detail of habitat enhancement measures;
 - iii. a timescale for implementation of the scheme
- The scheme as approved shall therefore be implemented in accordance with the timescale contained therein.
8. No works to remove or excavate the bund situated to the east of the development shall take place until full details of all retaining walls/structures have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the details as approved.
9. Within three months of the commencement of development an Ecological and Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for the landscaped area to the east of the development up to the boundary with Holyhead Road and the land detailed in the Avian Ecology Biodiversity Note dated 14th October 2021 shall be submitted to and approved in writing by the Local Planning Authority. The ecological and landscape management shall thereafter be carried out in strict accordance with the details as are approved.
10. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with

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BS4142:2014 Method for rating and assessing industrial and commercial sound.

11. No external lighting shall be installed on any part of the building until a lighting scheme, to include details of the extent of the site and surrounding land that will be illuminated, has been submitted to and approved in writing by the Local Planning Authority. External lighting shall thereafter only be installed in strict accordance with the scheme as approved.

12. The building hereby granted planning permission shall not be used at any time for any purpose other than one falling with Class B8 of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking and re-enacting that Order with or without amendment).

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
4. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
5. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
6. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
8. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
9. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to secure long term ecological benefits in accordance with Policies GDP1, EC6 and PS2 of the Wrexham Unitary Development Plan.
10. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
11. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
12. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

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The Applicant is advised that under the Environmental Protection Act 1990, dust from construction and/or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Planning & Regulatory Department on 01978 292040 for further advice and information.

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

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Planning & Regulatory Department on 01978 292040 for further advice and information.

All works relating to this development which are audible beyond the site boundary should be carried out only between 7.30 and 18.00 hrs Monday to Friday, and 08.00 to 14.00 hrs on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

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

The applicant must adhere to the times given above wherever possible. If however there are urgent or unavoidable circumstances requiring works outside of the specified times, permission to proceed may be sought by contacting Environmental Health and Housing Standards at: healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same

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contact details for any other enquiries regarding construction / demolition site noise.
