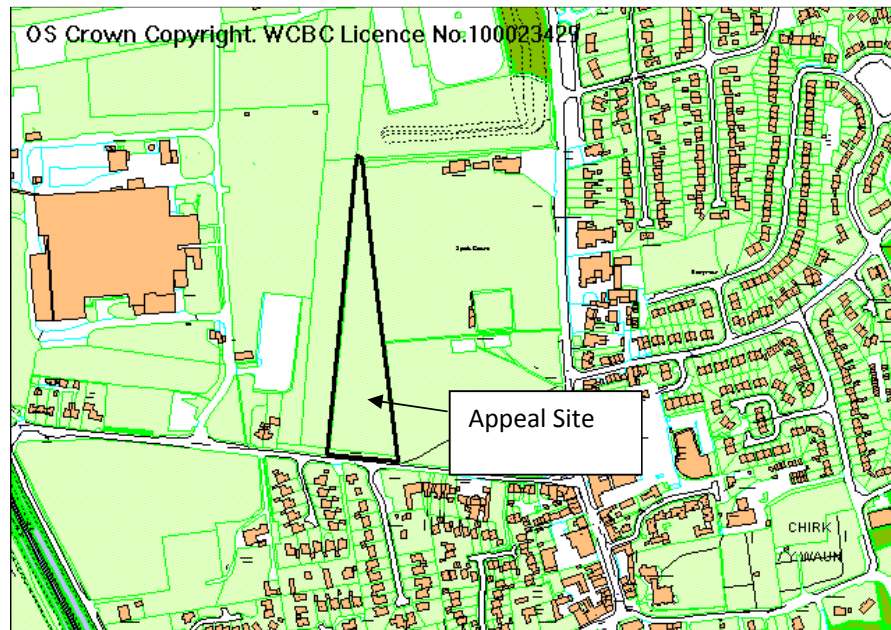


1.0 THE SITE

- 1.1 The Appeal site is located within the defined settlement limit of Chirk with the site frontage being within the Chirk Conservation Area. There are a number of significant trees along the site frontage which benefit from the protection of its Conservation Area status, some of which are also protected by Tree Preservation Order (TPO).



2.0 PROPOSAL

- 2.1 The proposal is for outline planning permission for the erection of up to 22 no. dwellings with all detailed matters except for access reserved for further approval.
- 2.2 Planning permission was refused on 11.8.2017 for the following reason:

2.2.1 The proposed development would result in the loss of two protected trees of significant amenity value within an existing tree lined avenue. The removal of these trees would not only create an unnatural break within this avenue, but would have a detrimental impact upon the character and appearance of the conservation area. To allow this development would therefore be contrary to Wrexham Unitary Development Plan policy EC7 which prioritises the need to preserve or enhance those elements including trees which contribute to the unique character of the area. Similarly the proposal would be contrary to Policy EC4 which seeks to prevent development which results in the loss or significant damage to valuable trees.

3.0 PLANNING HISTORY

- 3.1 P/2017/0350 - TPO Application for Works to the Lime Tree. Withdrawn on 14/07/2017.

4.0 LOCAL AND NATIONAL PLANNING CONTEXT

- 4.1 Wrexham Unitary Development Plan Policies PS1, PS2, PS3, PS4, GDP1, GDP2, H2, CLF5, EC4, EC6, EC7, EC12, EC13, T8 and T9 relevant to the proposed development. Of these Policies EC4 and EC7 are directly applicable. Copies of the relevant UDP policies are contained in the submitted questionnaire bundle and a summary of each applicable policy is detailed below:

4.1.1 Policy EC4 states that 'Development proposals should provide for the conservation and management of trees...Development which results in the loss of valuable trees will not be permitted'.

4.1.2 Policy EC7 states that 'Within conservation areas priority will be given to preserve and/or enhance those elements (trees) which contribute to the unique character of the area'.

5.0 THE COUNCIL'S CASE

- 5.1 Chirk conservation area was first designated in 1975, and was reviewed and extended in October 1997 and in 2013/14. The document is concerned with the reason for the designation as a conservation area and defines the special architecture and historical interest which contribute to the unique character and appearance of the Chirk conservation area. Given this, the impact of the development on the nature and character of the conservation area is wholly unacceptable.
- 5.2 Of particular concern is the impact upon the trees along Station Avenue, which as mentioned above are protected by the conservation area status and by a TPO. The lime trees are nearly 200 years old and are registered as veteran trees on the Woodland Trust's Register (at: <http://www.ancient-tree-hunt.org.uk/>). The trees create a peaceful and serene atmosphere in the area. It has also been suggested by the Chirk's local history group that the lime trees were planted to commemorate the Battle of Waterloo and were planted in battle formation rows. There used to be 65 trees in this location, but this number has fallen to 35. The proposed development would reduce this number further and it is the Council's view that this would have an unacceptable detrimental impact upon this area.
- 5.3 The proposed development would result in the loss of two protected trees of significant amenity value within the existing tree lined avenue. The removal of these trees would not only create an unnatural break within this avenue, but would have a detrimental impact upon the character and appearance of the conservation area. Of the two trees to be removed to make way for the vehicular access to the site, one is

a multi-stemmed, mature sycamore (T5) subject to Conservation Area protection. The other is a mature lime tree subject to TPO WCBC 59 (T14) identified as T6. The removal of these trees conflicts with both UDP Policy EC4 which seeks to prevent development which results in the loss or significant damage to valuable trees, and EC7 which seeks to preserve those elements (trees) which contribute to the unique character of the area.

- 5.4 The importance of the lime trees along Station Avenue cannot be questioned and is confirmed by their TPO status within the designated Chirk Conservation Area. The adopted Conservation Area Character Assessment and Management Plan (Appendix 1) makes several references to the important contribution made by the trees to the special character and appearance of the area, having a strong presence within the street-scene, adding to the sense of place and enhancing the linear street pattern, by creating enclosure whilst channelling views along the avenue. The trees form a valuable feature of the town and conservation area as well as the approach to the World Heritage Site. This special character derives from their cumulative impact and continuity along the avenue which should be strengthened and maintained not diminished through incremental loss.
- 5.5 In addition to their historical significance, the trees on Station Avenue are an important feature in the locality. Not only do they make a significant visual contribution, particularly in summer time when in full bloom, the trees also create an important buffer and screen the industrial factory sites of Mondelez and Kronospan. To remove any of these trees would increase the visual impact of these sites to an unacceptable level to the further detriment of the conservation area.
- 5.6 It was proposed as part of the application submission that the two trees to be removed be replaced. Figures 1, 2, 3, 4, 5 and 6 below demonstrate the significant impact that the removal of the two trees will have upon the street scene. It is evident that this interruption in the tree line will only be partially compensated for in the short and medium terms. It is only in the longer term that the newly planted trees will reach the stature required to fully compensate for the unnecessary loss of the original veteran trees.



Figure 1. Trees to be removed (marked in red) - Easterly



Figure 2. Existing Street Scene (Easterly)



Figure 3. Proposed Street Scene (Easterly)



Figure 4. Trees to be removed (marked in red) - Westerly



Figure 5. Existing Street Scene (Westerly)



Figure 6. Proposed Street Scene (Westerly)

6.0 SUMMARY

- 6.1 The removal of the mature trees to create the vehicular access to the Appeal site would be materially detrimental to the character and appearance of the conservation area which cannot be compensated for in the sort to medium term, and would fail to preserve these valuable mature trees contrary to Policies EC4 and EC7 of the Wrexham Unitary Development Plan.

7.0 CONCLUSION

- 7.1 For the reasons given above, the Council is of the opinion that the development is unacceptable, and the Inspector is therefore respectfully requested to dismiss the appeal. Should the appeal be allowed, the following planning conditions are suggested:
- 7.1.1 Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
- a. the layout of the building(s)
 - b. the scale of the building(s)
 - c. the appearance of the building(s)
 - d. the landscaping of the site
- Reason - To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012
- 7.1.2 Plans and particulars of the reserved matters referred to in condition 1 (above) 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 approved.

Reason - To comply with Section 92 of the Town and Country Planning Act, 1990.

- 7.1.3 The development hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.

Reason - To comply with Section 92 of the Town and Country Planning Act, 1990.

- 7.1.4 This permission shall provide for a maximum of 22 No. dwellings.

Reason - To ensure that a high standard of design is achieved for the site.

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

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

Reason - To ensure satisfactory drainage of the site and to avoid flooding.

- 7.1.6 No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 5. The sustainable drainage scheme shall be managed and maintained thereafter in strict

accordance with the agreed management and maintenance plan.

Reason - To ensure satisfactory drainage of the site and to avoid flooding.

- 7.1.7 No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.

Reason - To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment.

- 7.1.8 As part of the reserved matters application, a scheme of noise insulation and/or attenuation measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the amenity of the future occupants of the proposed accommodation hereby approved.

- 7.1.9. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday unless the prior written approval of the Local Planning Authority has been obtained.

Reason - To protect the amenities of the occupiers of nearby properties.

- 7.1.10 No part of the development shall commence until an appropriate Dust Management Scheme has been submitted to and approved in writing by the Local Planning Authority. The dust mitigation measures as are approved shall be fully implemented for the entire duration of the construction phase.

Reason - To protect the amenities of the occupiers of nearby properties.

- 7.1.11 Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 40 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction above the level of the adjoining carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

Reason -To protect the amenities of the occupiers of nearby properties.

- 7.1.12 Prior to first use of the development hereby approved, the vehicular access shall be laid out in strict accordance with approved plan ref: SCP/15234/SK01 Rev B.
Reason - In the interests of highway safety.
- 7.1.13 No part of the development shall commence until a scheme detailing the construction of the following has been submitted to and approved in writing by the Local Planning Authority:
1) Detailed layout, lighting, design, drainage and construction of the internal estate road and footways
The scheme as is approved shall be fully implemented prior to first use of the development.
Reason - In the interests of highway safety.
- 7.1.14 No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.
Reason - In the interests of highway safety.
- 7.1.15 An external bat friendly lighting scheme shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application. The scheme shall be fully implemented in accordance with the approved details prior to first use / occupation of the development.
Reason - To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted.
- 7.1.16 With the exception of the hedgerow removal and Trees referenced T5 and T6 required to form the vehicular and pedestrian access, all other the existing trees, shrubs and hedges shown on drawing refs: P.585.15.05, 201 Rev B and 202 Rev B shall be permanently retained and shall not be cut down, grubbed out, lopped or uprooted. Any trees, shrubs or hedges removed or being severely damaged or becoming diseased shall be replaced with trees, shrubs or hedging plants of the equivalent size and species all within a timescale to be approved in writing by the Local Planning Authority.
Reason - To protect trees which are of significant amenity value to the area.
- 7.1.17 As part of the reserved matters application, a detailed Arboricultural Implication Assessment dealing comprehensively with all tree issues (including shading of the residential plots) shall be 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 Assessment as is approved. This Assessment shall include all trees with a stem diameter of 75 mm or above (including crown spreads and

stems) and the trees shall be colour coded and shown accurately on a topographical land survey.

Reason - To protect trees which are of significant amenity value to the area.

- 7.1.18 As part of the reserved matters application, a Landscaping Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be managed and maintained in strict accordance with these details as are approved.

Reason - To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

- 7.1.19. The landscaping plan to be submitted as part of the reserved matters application shall include replacement planting in respect of tree nos. T5 and T6, within the development frontage.

Reason - To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

- 7.1.20 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.

Reason- To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the trees.

- 7.1.21 No part of the development shall commence until details of underground and overhead services have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the details as approved.

Reason - To ensure that the works on the site properly take account of the future health of the trees.

- 7.1.22 Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made between manhole reference number SJ28379702 and SJ28379701 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.