



Lyndens
Station Avenue
Chirk
Wrexham LL14 5LS

5th March 2018

The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Dear Sir or Madam

Town and Country Planning Act 1990
S38 Appeal – Proposed residential development (22 dwellings) on land north side of Station Avenue, Chirk, Wrexham – Ref H6955/A/18/3194493

We have been advised by Wrexham County Borough Council that the Coop (Agent: Mr Richard Lomas) has lodged the above appeal and write to confirm that we will be attending the Hearing and, with the Inspector's permission, would both like to speak.

We did object to the planning application and our objections are enclosed. In addition to the original objections we would like to submit the following comments for consideration;

a) The reason for refusal

The Council's reason for refusing planning permission refers to the loss of the protected trees growing along Station Avenue and the impact their loss will have on the appearance and character of the Conservation Area. The proposed development will have a much wider detrimental impact and we would ask that consideration is also given to the highways impacts, the impact on the amenity of adjoining residents, the emerging Local Development Plan and the conflict there will be between the occupiers of the new houses and the adjoining industries.

b) The five year housing supply

The appellants have suggested that the lack of a five year housing supply should overrule these normal planning considerations and whilst we accept that a housing shortage warrants a more relaxed approach to land allocations it cannot be used as an excuse to destroy the fundamental fabric of the community or to ignore basic material planning considerations.

The Council's housing strategy seeks to provide new housing in sustainable

settlements capable of accommodating them. It does not seek to meet all of the housing need in one settlement but to spread it about. Chirk has more than enough housing to meet local need and a number of pending planning applications at Colliery Road and Lloyds Lane, both brownfield sites. There is also a brownfield site, awaiting redevelopment, where the Chirk Green miners rows once stood.

c) The loss of the trees and the impact on the designated Conservation Area.

The lime trees on Station Avenue were planted around 200 years ago and, whilst some have been lost those that remain are an important feature in the village landscape and are so important that they have been included in the Woodland Trust's register of veteran trees. Veteran trees are a very scarce commodity in Chirk.

The fact that some of the trees have been lost makes the remaining trees even more valuable.

The trees are also an important element of the designated Conservation Area and are specifically recorded as very important in the Conservation Area Assessment and Management Plan:-

“ Also of particular importance and high amenity value are the trees along Trevor Avenue, Station Avenue.....a significant number of which are protected under Tree Preservation Orders. Here the well maintained trees add to the peaceful sense of place and quality of the area. **The lime trees along the north side of Station Avenue are of high significance** enhancing the linear street pattern and channelling views towards the Hand Hotel in the east and the railway bridge and approach to Chirk Castle in the west. Additionally these trees.....help buffer the negative visual impact of the industrial buildings at the Mondelez and Kronospan factory sites”

The basis of the appellant's case is that the loss of two trees will not appear as unnatural and that replacing them with others mitigates the impact. This argument is spurious for the following reason:-

- The trees are important because they are original trees and historically important as well as visually important. Replacing them with new ones somewhere else is pointless.
- Nothing about the appearance of the trees in the growing season suggests that there is any need to fell them.
- Creating a gap in the row **will** look unnatural especially when the gap has an estate road going through it.

- The gap created by the loss of the trees will completely alter the linear appearance of the group and fundamentally alter the appearance, character and purpose of the group as an element of the Conservation Area.
- Building a road through the trees will inevitably lead to the decline and loss of the trees growing near to it. Roads of the scale proposed are built with large heavy machines and require extensive engineering operations outside the direct route of the road, especially if the road is to be adopted by the local authority and street lighting, drains and utilities are installed. Within a short period of time the two tree gap will become a several tree gap and the sanctity of the group will be lost forever.
- All development or works within a Conservation Area are required to maintain or enhance the appearance and character of the Conservation Area. The scheme proposed by the Coop cannot do that as both the loss of the trees and the new houses themselves will appear incongruous in the landscape.

d) Highways Impacts

The highways department has raised no objections to the proposed access. In addition to local traffic Station Avenue is the main route to and from the Glyn Valley, Chirk Castle, Lady Margaret's Caravan Site, Chirk Station, Canal Wood Industrial Estate and Mondelez.

The access is proposed where there is already a proliferation of accesses at this very narrow point of the Avenue and anything other than two cars travelling in opposite direction leads to conflict.

There is only a very narrow footpath along the north side of Station Avenue and the proposed access will provide additional risks to pedestrians and other vulnerable road users

e) Impact on neighbours

The development will have a significant and adverse affect on our family home and other local residents who will be seriously affected by traffic, noise, light intrusion and loss of amenity.

Living directly opposite the proposed entrance we will have to endure a considerable number of vehicles slowing down, accelerating and shining headlights into our windows.

The traffic engineers predict between 6 and 9 vehicle movements to be generated by one house every day. This could mean almost 200 additional vehicle movements affecting us every single day/night.

f) Conflict with Industry

It is my understanding that Welsh Government advice is that planning permission should not be granted for housing on sites where there is likely to be a conflict with industry to an extent that the amenity of the residents will be affected and the future of the industry might be jeopardised.

Such conflict will inevitably arise at this site because both Mondelez and Kronospan are well established industrial enterprises who's activities already impact on local residents. Both employers have acted responsibly and objected to the current proposals because of fears that residents would complain about them.

Wrexham Council's environmental health department has registered numerous complaints over the years and a major fire at Kronospan only last year is proof that the danger of conflict is very real.

g) Wrexham Local Development Plan

Wrexham County Borough Council is in the final stages of preparing its Local Development Plan and the Draft Plan is due to be considered by a Welsh Government Inspector later this year.

The appeal site was proposed for inclusion as a housing site but was rejected because there were obstacles to development (believed to be the trees on Station Avenue/Conservation Area) which could not be overcome. Nothing has changed!!

I should be obliged if these comments could be passed to the Appeal Inspector for consideration at the Appeal Hearing.

Would you kindly acknowledge receipt of this correspondence, and notify us of the Inspector's decision.

Thank you.

Yours faithfully



areth & Andrea Hughes 

Encs.

1. Comments on pre-application submission 4.12.2016
2. Original objection to planning application. 22.1.2017
3. Comments on amended plans. 2.4.2017
4. Comments sent to Conservation Officer. 2.4.17
5. Comments following amended plans. 26.6.2017
6. Comments sent to Councillors. 10.8.2017
7. Committee address 31.7.2017
8. Comments re: TPO application P/2017/0350. 22.5.2017.

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Comments re: pre-submission notification

Hughes1, Sally

From: [REDACTED]
Sent: 04 December 2016 14:49
To: [REDACTED]
Subject: Proposed planning application - land north of Station Avenue, Chirk

Dear Mr Lomas

We refer to your letter of the 4th November, 2016 and our subsequent telephone conversation with Mr Stafford. We did suggest a site meeting with you regarding the planning application you intend to submit for residential development off Station Avenue in Chirk but you declined.

We live directly opposite the site and object to the proposals for the following reasons:-

*

The development is inappropriate for Chirk in terms of its size and location and will inevitably lead to further planning applications for residential development that will be difficult to resist. Whilst we know that all planning applications are determined on their merits, your application if approved, will breach vital physical, technical and ecological boundaries that are important to the community and character of the town. Your scheme ignores the Conservation Area, the role of the trees, the value of the open space and the impact on the landscape.

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The development will have a significant adverse impact on my family and other local residents who will be seriously affected by traffic, noise, light intrusion and loss of amenity. Living directly opposite the proposed entrance we will have to endure large numbers of vehicles slowing down, accelerating and shining headlights into our windows. We understand that traffic engineers predict between 6 and 9 vehicle movements to be generated by one house every day. This could mean 216 additional vehicles affecting us every day / night.

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The traffic survey you undertook is potentially incorrect and misleading because it was carried out on a single day for an unreported length of time and at undisclosed hours. Anyone holding a radar gun on Station Avenue would be seen well in advance and drivers would slow down dramatically, thus making the findings unreliable. This would influence average traffic speed and the design of the access into your site. If bigger visibility splays are required more protected trees will have to be removed and the visual impact on the area and the Conservation Area will be greater.

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The traffic survey should be carried out by an Automated Traffic Counter (ATC) over a more realistic time period. This should include the busy summer months and also public holidays so that it accurately reflects the speed and amount of traffic passing the site.

A number of residents, including ourselves, have complained on a regular basis to local members and North Wales Police about the speed of traffic on Station Avenue. This will be well documented.

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Notwithstanding the noise survey you have carried out we know from personal experience, having lived in Station Avenue for nearly 25 years, that local industry generates intrusive noise (and smells). Any new residents will have to

endure noise at different times and will inevitably complain, thus making their lives unpleasant and jeopardizing the future of the businesses.

We should be grateful if you would kindly acknowledge receipt of this email.

Yours sincerely

Gareth and Andrea Hughes

②

original objection sent in 22.1.2017 - on line comment

Dear Mrs Holman,

We live directly opposite this site at Lyndens, Station Avenue, and wish to object most strongly to this development on the following grounds:-

1.General

(i) The application site is outside the settlement boundary identified in the Unitary Development Plan and is a site which, following public consultation and examination by a Welsh Assembly Inspector, was not considered suitable for housing.

(ii) The lack of a five year supply of deliverable housing land is not sufficient reason for approving the development. Chirk has been heavily developed in recent years, with enough housing to meet local demand and there are very good site specific reasons for adhering to adopted planning policy.

(iii) The site is literally a green field and to allow it to be developed will be contrary to the principles of sustainability which underpin current planning policy. Chirk has an abundance of brown field sites which should be looked at first.

2.Amenity

(i) The number of houses proposed will change the character of the area dramatically and, being directly opposite our home will create considerable nuisance in terms of additional traffic, general activity, noise and light dazzle as vehicle headlights shine into our living room and bedroom at night.

(ii) The traffic survey report submitted with the application, having been compiled in December is well away from the busy tourist season, and significantly under estimates the number of vehicles that will be generated in Station Avenue, which is major tourist route in the town. Statistics for tourism in the area are readily available.

(iii) The proposed houses will be located alongside two major industrial sites (Mondelez and Kronospan) and will suffer with noise, smells and dust fallout twenty four hours a day seven days a week. This will lead to conflict and inevitable complaints. Planning Policy Wales advises that new housing should not be approved close to industrial premises.

3.Highways

(i) The highways report and the junction layout are unreliable and do not reflect the numbers of vehicles using Station Avenue during summer months when a considerable amount of tourist traffic is attracted to the area. It is a heavily used road with real potential for conflict and serious accidents.

(ii) The visibility splays have been measured into the carriageway, not the kerb edge. If the kerb edge is used more trees and hedge will be affected by the proposals and a more realistic impact will be evident.

4.Trees

(i) The arboricultural survey report admits that the proposed development requires the removal of two protected trees growing along the edge of the application site and that the access will be close to the Root Protection Area of other protected trees. It suggests that the removal of the trees is acceptable because the trees have problems and that the others should be safe if work is carried out carefully.

These conclusions should be backed up with evidence.

(ii) The self seeded sycamore tree situated within the Station Avenue conservation area adjacent to the lime tree (T15 on the Tree Preservation Order, Community of Chirk, No.59, 2003), has been allowed to grow and mature in to being an integral and important part of the

street scene ever since the historic lime was damaged by a storm.

If the sycamore is considered suitable for removal, then in order to retain the valuable part that the trees contribute to this major tourist route in the town, a new lime tree should be replanted in the original position so that the visual importance of the street scene is not lost.

Any problems or issues associated with the trees can be easily overcome, this should not be used as a reason for approving the application.

(iii) The development will result in the immediate and long term loss of very important protected trees and hedgerow which have visual importance and provide valuable habitat on the edge of the town centre. In reality the new access will probably impact on more than two trees and new planting will not compensate for this.

(iv) Once the access is created the trees alongside will have to be pruned regularly to keep the visibility splayed clear, inevitably resulting in a change to their natural appearance and ultimately in their decline and loss.

(v) If the development is approved the site will have to be serviced with gas, water, sewerage and electricity. Some of these services (if not all of them) will have to come from Station Avenue and through the line of protected trees. They will have to be provided with the help of mechanical diggers (not by hand) requiring deep excavations which will inevitably threaten the trees and hasten their loss.

(vi) The Council's arboricultural officer should be required to carry out an independent assessment and provide a written report on the health and likely impact on the hedge and trees. They are protected for the benefit of the community and should therefore be highly valued.

5. Conservation Area

(i) The application site is partly within and partly alongside the designated Conservation Area and all new development must preserve and enhance its special character. The development proposed will not preserve nor enhance the character but will have a negative and injurious impact on it. This cannot be allowed to happen.

(ii) The Chirk Conservation Area "Character Assessment and Management Plan" which was updated very recently (in 2014) identifies the special character of Station Avenue, the importance of the protected trees and the special contribution made by the open spaces like the application site.

(iii) The proposed development will make an unacceptable change to the character of the area, it will result in the loss of major open space and to the immediate and long term loss of very important trees...all contrary to the guidance in the Management Plan.

(iv) Please ask the Council's Conservation Officer to carry out an independent objective assessment of the impact of the development and explain how the proposals can be regarded as preserving and enhancing the Conservation Area.

We trust that you will give due consideration to all of our objections when you determine this application and we should be grateful if you would kindly acknowledge safe receipt of this correspondence.

Yours sincerely,

Gareth Hughes MRICS
Mrs Andrea Hughes

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Comments on amended plans - 2.4.2017.

Dear Mrs Holman,

Thank you for your letter dated the 22nd March, 2017 advising that an amended layout has been submitted for this scheme.

We have looked at the proposals again and wish to reaffirm all of our objections in the strongest possible terms.

In recent years Chirk has been over developed and has already received more new housing than is appropriate for the level of services available. The Council should be promoting a balanced housing strategy and direct new housing to areas where there is a real need, not creating large urban villages simply because it is more convenient to do so. Sustainability should be sought comprehensively in a planned and considered way.

There are also site specific objections to this application which cannot be addressed by suggesting an alternative layout. As the application is in outline the layout is only useful for identifying the point of access and the possible number of dwellings.

The fact that the Council does not have a five year supply of deliverable housing land should not be used as an excuse for approving a poor, unacceptable scheme:-

- The site is greenfield and Chirk has a number of brown field sites which should be developed first.
- The trees along Station Avenue are within the designated Conservation Area and are an important element which contributes to its character and quality. This will be lost if the development is allowed. The importance of these trees and the street scene is highlighted in the Council's Conservation Area Management Plan. To allow them to be removed or threatened makes the designation pointless and questions the integrity of the Council's planning function. Any development should enhance the quality of the Conservation Area, not erode it.
- The development requires the removal of a tree that is protected by a Tree Preservation Order. The proposed access will also result in the immediate loss of other trees and will involve substantial ground works for the proposed access road, plus deep excavations for services, compaction of stone and the laying of Tarmac within the root protection area of several others. This work and the need to maintain the visibility splays by continually cutting back will inevitably result in the loss of the trees and important habitat within a very short period of time.
- The application site is too close to well established and very active industrial enterprises. If new housing is built, there will inevitably be serious conflicts which will threaten the amenity of the residents and the security of the business. Avoiding these types of conflict is a basic principle and aim of town planning.
- The new development will affect the amenity and safety of adjoining residents by increases in traffic, additional risk, general activity and intrusion from vehicles and headlights.

It is our firm understanding that the Town Council, both our local members, local industry and several other residents are also opposed to the proposals.

We trust that you will give due consideration to all of our objections when you determine this application and we should be grateful if you would again, kindly acknowledge safe receipt of this correspondence.

Yours sincerely,

Gareth Hughes MRICS
Mrs Andrea Hughes

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Comments on planning application sent
directly to Conservation Officer - 2.4.2017.

Dear Sir/Madam,

We live directly opposite the development proposed by the Co-op on land north of Station Avenue, Chirk and have objected to the proposed scheme in the strongest possible terms.

Specific areas of our objections fall within your remit as an officer of the council and I would comment to you as follows.

- The trees along Station Avenue are within the designated Conservation Area and are an important element which contributes to its character and quality. This will be lost if the development is allowed. The importance of these trees and the street scene is highlighted in the Council's Conservation Area Management Plan. To allow them to be removed or threatened makes the designation pointless and questions the integrity of the Council's planning function. Any development should enhance the quality of the Conservation Area, not erode it.
- The development requires the removal of a tree that is protected by a Tree Preservation Order. The proposed access will also result in the immediate loss of other trees and will involve substantial ground works for the proposed road, plus deep excavations for services, compaction of stone and the laying of Tarmac within the root protection area of several others. This work and the need to maintain the visibility splays by continually cutting back, will inevitably result in the loss of the trees and important habitat within a very short period of time.

As professional officers of the Council you should be seeking to protect, preserve and maintain the trees and special character of the Conservation Area and street scene. Not giving your support for the cutting of a swathe through the centre of it, in order to facilitate the construction of an access road.

It is our firm understanding that the Town Council, both local members, local industry and several other residents are also opposed to the proposals.

Yours faithfully,

Gareth Hughes MRICS
Mrs Andrea Hughes

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Comments following amended plans 26.6.2017
- on line comment

Dear Ms Holman,

We have inspected the amendments but still wish to sustain the strongest possible objection for all the reasons we have stated previously and would offer these additional comments.

The only important change appears to be confirmation on plan that at least one further protected tree will be lost, for no good reason other than to facilitate the creation of an access into land that is outside the development boundary. With the trees in situ, visibility at the access point is sub standard and planning permission could be refused on this ground alone.

The trees have been protected because they are important in their own right and are an important element in the designated conservation area...the management plan clearly states this. There is absolutely no justification for allowing the trees to be harmed in any way. Furthermore, the trees appear to be home to a population of bats.....a species protected in European and British law.

In addition the application site is located alongside a major industrial complex. Welsh Government TAN advice states that residential development should be resisted on sites which are likely to result in conflict between business and residents. The amenity of residents will be adversely affected and businesses threatened or put in serious jeopardy from persistent complaints.

Development on this site will not be environmentally, socially or economically sustainable. It will result in the destruction of protected trees, habitat and possibly protected species, it does not guarantee any local economic benefits, it will adversely affect the amenity and safety of local residents and it will jeopardise the future of local industry. It offers no benefits which justify ignoring your adopted Development Plan.

We note that the comments of the conservation and arboricultural officer have never been made available to be viewed online, in the public access file, along with the responses of all other consultees. Is there any specific reason for this?

The applicant has neglected both the land and trees for decades, you are now being asked to reward them for these years of neglect, by granting a financially lucrative residential planning permission, that will be contrary to local and national planning policies/guidelines.

All of the photographs that we have seen of this site quite conveniently show the trees in the winter months when the leaves have been shed and the vegetation has died back. This we consider to be an unfair portrayal of the protected trees and the conservation area.

Similarly, and again very conveniently, throughout the entire process none of the submitted details, including photographs, have shown our property and the direct relationship of the proposed access, its detrimental impact, intrusion and serious loss of amenity.

This we consider to be very one sided, unfair and skewed in such a way that the applicant is deliberately attempting to ignore our wellbeing.

The applicant should submit further details showing this in order that the true situation can be assessed as opposed to the 'convenient' snapshot detail the applicant only wants to show.

All these matters are "material considerations" and there is absolutely no reason why they should be ignored. To approve this planning application when planning policy and several material considerations clearly indicate that it should be refused would be perverse. Please refuse it without any further delay or procrastination.

Yours sincerely,

Gareth Hughes MRICS
Mrs Andrea Hughes

⑥

Comments sent to Councillors following Committee meeting prior to site visit. 10.8.2017.

Dear Councillor,

We refer to the comments made by David Williams at your planning committee meeting on the 31st July regarding the proposed housing development on land north of Station Avenue, Chirk.

It is our firm belief that the case he has put forward to you in support of this application is not strong enough to justify ignoring the councils adopted policies.

All of our previous comments are still very much valid and should therefore be fully taken in to account.

The Council's guidance note on trees and development (17) says that an Arboriculture Method Statement must be submitted with the planning application but the report submitted by the Coop suggests that the Method Statement be conditioned. These Method Statements are very important and cover things such as access to the site, space for excavations, changes in ground levels and so on. It will be no good asking for the information after planning permission is granted.

Site works and/or replacement planting will have the potential to cause damage to the remaining trees leading to their premature loss.

Unless it is a danger or hazard, the loss of any protected tree for any other reason is not acceptable.

Policies

There are three very distinct policies in the Unitary Development Plan which the development must satisfy, and which are clearly not satisfied by these proposals:

1. Policy GDP1 (General Principles of Development)... states that ALL new development MUST make a positive contribution to the character and appearance of the locality, ensure safe and convenient access to and from the site, and ensure the safety and amenity of the public from the hazards of industry.

2. Policy EC4 (Hedgerows and Trees)... states that development which results in the loss or significant damage to valuable trees and hedgerows WILL NOT BE PERMITTED.

3. Policy EC7 (Conservation Areas)... states that within AND CLOSE to conservation areas, the priority will be to preserve and/or enhance buildings, streets, trees, open spaces, views and other elements which contribute to its unique character.

Members of the Planning Committee are reminded that the development will be in direct conflict with all these adopted policies. The lack of a five year house building plan is not a good enough reason for ignoring them.

⑦

My address to committee 31.7.2017.

ADDRESS TO COMMITTEE

My name is Andrea Hughes and I have lived in Station Avenue with my husband for 24 years.

Along with our neighbours, our local member, Chirk Town Council and adjacent local industries, we have lodged material and logical objections to the proposal, based on current planning policies and guidance.

As well as being one of, if not the busiest tourist routes in Chirk, Station Avenue also serves traffic to Canal Wood Industrial Estate and Mondelez. From experience it is used by a lot of fast traffic.

The position of the proposed access will be dangerous.

A random, one off traffic survey, carried out in December, cannot possibly illustrate the true nature of the traffic over a year especially in a road which experiences seasonal traffic flows.

All of the trees along the Station Avenue are included in a Conservation Area, and all of the lime trees on the site frontage are covered by TPOs and are historically very important to the area.

To facilitate the access the proposals will require several trees, along with two historic lime trees identified as T14 and T15, to be cut down.

The arboriculture report is unconvincing

The Conservation Area Management Plan, which was adopted by the council only very recently, states that the trees are a major feature of the conservation area and contribute to its special character.

The report before you incorrectly identifies the trees to be removed, and shows them in the winter months when their splendour and significance cannot be appreciated.

Why would you give the trees special protection and then let them be cut down?

Why create a Conservation Area and then allow it to be spoiled?

Government guidance requires development in Conservation Areas to maintain or improve their appearance and character, but this new development will do neither.

Only last week, your policy section has stated that the application site is not being promoted as a housing site in the emerging LDP because it is not considered to be suitable for development

So how can it be supported now?

The Conservation and Arboricultural officers both objected strongly when they were consulted on the draft LDP because they feared the impact on the trees and the Conservation Area.

Nothing has changed.

I'm sure that this Committee only want to approve housing that will enjoy a

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Comments to Arboricultural Officer on 22.5.2017.
separate TPO application - subsequently withdrawn on
14.7.2017.
P/2017/0350

Dear Mr Brewin,

We live directly opposite this site at Lyndens, Station Avenue, and wish to object most strongly to the Coops planning application to carry out unnecessary works to Lime tree T16 on the Tree Preservation Order, Community of Chirk, No.59,2003.

As you are already aware this application has been made, not for the benefit of the tree, but because of a previous planning application made on the 21st December last year for the development of land north of Station Avenue, together with the creation of a new access cutting through the conservation area and directly affecting the protected trees.

Our areas of concern with this recent application are;

- Any work carried out to the trees should be to improve and enhance the conservation area and safeguard the trees. The trees have been recognised as an important feature of the street scene and conservation area. This work will only erode the natural environment and cause damage to it.
- The removal of the epicormic growth to a height of 3.5m will result in the loss of valuable screening and the loss of valuable natural habitat.
- It will place the tree at risk of damage and cause unnecessary stress to it.
- The nesting season lasts until August and therefore no works can be undertaken for at least two months.

The Council should not even be entertaining proposals that will affect protected trees within a conservation area when the development proposals are contrary to the adopted Development Plan.

The trees are an acknowledged and important element in the conservation area and this work is not required for the benefit of the trees. Any exploratory works are very likely to result in their unnecessary and premature loss. The removal of epicormic growth will not improve any visibility splays as it should regrow and naturally become even thicker requiring constant pruning and cutting back.

The Council's arboriculture officer should survey the trees himself and reach a professional conclusion as to their health and the impact of any works.

Only very recently the Council's officers have formed the professional view that the trees are perfectly safe making a valuable and important contribution to the character of the conservation area.

The Council appears to be trying to ignore what are blatantly material considerations which indicate that planning permission should be refused. Failing to have regard to national and local planning policy can be construed as maladministration.

Please refuse planning permission without any further delays.

Yours sincerely,

Gareth Hughes MRICS
Mrs Andrea Hughes