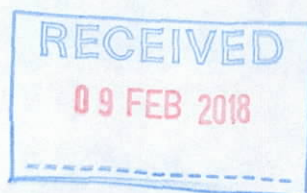


The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff.



B, West View
Chirk,
Wrexham

LL14 5TH

7th Feb. 2018

Town & Country Planning Act 1990.

Section 78 Appeal at: KRONOSPAN, HOLYHEAD ROAD, CHIRK.
PLANNING REF. P2017. 0700

Dear Sir,

We have lived at the above address for 40 years. It is situated on the eastern perimeter of the Kronospan site on the main B5070 road just yards away from the Kronospan Property.

During the past 40 years living here it has been one long struggle against noise, dust, pollution, fires and a huge daily flow in and out of heavy lorries. Also the many building applications by Kronospan which are totally unacceptable to the residents of Chirk.

I would like to refer you to one case in particular dated 1st Nov 2001. Ref SUE/CAN/PL0000341 - included. I would refer you to all points in this case where an Inspector appointed by the National Assembly for Wales dismissed the case.

As to the present appeal.

This warehouse is once again far too large given the scale and mass & especially height which would tower over the tree line. 16 years ago bunds were put in and planted with saplings - this could not hide a massive building like this. In any case it would certainly not be in keeping with the rural, residential and world heritage site surrounding this already far too big industrial site.

This application is contrary to National Planning Policy TAN 6 & TAN 12. & Policy GDP1 of Unitary Development Plan. This development should be compatible to its surroundings and give due regard to the adjoining properties of Chirk. This invasive & creeping development is endless.

my reservations are therefore

Far too big - present height of 11.5 metres more
in keeping

Time to consider residents against continued
expansion

Extra lobby flow which indeed there will be
Extra pollution from the lorries

Extra fire hazard - extra wood storage - really
unnecessary.

Could be turned into an extra production line.

If accepted this will set a huge precedent on
the height of future applications.

Buildings will be brought to the edge of the
Holyhead Road & be higher.

In summary all our reservations are listed
above

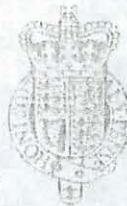
But can we also consider the sustainability of
the environment and the wellbeing of not only the
current generation but of future generations to come.
(Well Being of Future Generations (Wales) Act 2015
and the wellbeing goals.

Yours faithfully.

MRS SUSAN GREEN

MR JOHN GREEN





Adeilad y Goron, Parc Cathays,
Caerdydd, CF10 3NQ

Uniongyrchol 029-2082-3308
Ffacs 029-2082-5150

Crown Buildings, Cathays Park,
Cardiff, CF10 3NQ

Direct Line 029-2082-3308
Fax 029-2082-5150

<http://www.planning-inspectorate.gov.uk>

Mrs S Green
13 West View
Chirk
Wrexham
LL14 5HW

Your Ref / Eich Cyf

Our Ref / Ein Cyf APP/H6955/A/01/1069794

Date / Dyddiad 24 January 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990

APPEAL BY KRONOSPAN LTD

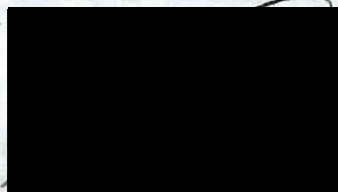
SITE AT KRONOSPAN LTD, OFF HOLYHEAD ROAD, CHIRK, WREXHAM, LL14 5NY

Amgaeaf benderfyniad yr Arolygydd ar yr apêl
uchod.

I enclose the Inspector's decision on the above
appeal

Yn gywir

Yours faithfully



Meic Crahart
Cofrestrfa - Registry

211B

Rydym yn Croesawu Gohebiaeth yn Gymraeg a Saesneg
We Welcome Communications in English and Welsh



Penderfyniad ar yr apêl

Ymchwiliad a gynhaliwyd ar 20-21/12/01

Appeal Decision

Inquiry held on 20-21/12/01

gan/by Derek Thew DipGS ARICS

Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru

an Inspector appointed by the National
Assembly for Wales

Dyddiad/Date

24 -01- 2002

Appeal Ref: APP/H6955/A/01/1069794

Site address: Kronospan Ltd. off Holyhead Road, Chirk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Kronospan Ltd. against the decision of Wrexham County Borough Council.
- The application (ref. CHI P/2000/1096), dated 29 November 2001, was refused by notice dated 12 March 2001.
- The development proposed is the erection of a warehouse extension opposite Ferro building.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. At the inquiry an application for an award of costs was made by Kronospan Ltd. against the Council. That application is the subject of a separate decision.

Main Issues

2. The main issues in this case are the effect of the development upon, first, the character and appearance of the area, and secondly the amenities of neighbouring residents.

Planning Policy

3. The development plan is the Clwyd County Structure Plan First Alteration and the Glyndwr District Local Plan. The whole of the Kronospan site, including the dwelling 'Westfield', is allocated on the Local Plan proposals map as a main employment area. Policy I.1 of the Local Plan identifies a presumption in favour of employment development within an area so allocated. However, policy I.2 states that, within a main employment area, development which adjoins residential areas will only be permitted if, amongst other things, it does not have a serious adverse effect on residential amenity. In addition, Local Plan policy A.1 sets out a number of planning considerations to be taken into account in assessing any development proposal. Amongst other things, these considerations require that the development is compatible with its surroundings, that it incorporates adequate amenity standards and that there is "proper regard...to any detrimental effects on the amenity of adjoining properties". The Local Plan proposals map also identifies much of the land, upon which the warehouse extension would be erected, as a landscaped buffer area, as defined in policy I.10. This policy seeks to improve the standard of design and appearance of employment development in various ways.
4. The Wrexham Unitary Development Plan has some way to go before it can be adopted. As such its policies carry less weight than those of the development plan.

Reasons

5. Effect upon the character and appearance of the area: The Kronospan development occupies a substantial area of land within Chirk and it has a considerable visual impact upon the local environment. 3The Council has recognised the need to improve the appearance of this employment area and, with this aim in mind, most of the site's frontage onto Holyhead Road is allocated as landscaped buffer areas on the proposals map of the Local Plan. The Plan states that these landscaped buffer areas should be "*densely planted as part of the overall landscaping scheme for the site*" and, along much of the site frontage, extensive earth mounding and planting has taken place. However, a significant proportion of the proposed warehouse extension would be erected on part of the most northerly landscaped buffer area as indicated on the Local Plan proposals map. Consequently, in determining the first issue, I intend to consider the extent to which the proposed warehouse extension is compatible with the requirement for a landscaped buffer area on this part of the site.
6. The buffer areas are shown on the Local Plan proposals map as areas of stippling and, for the appellant, it was argued that those stippled areas were intended to be only conceptual indications of the locations requiring comprehensive landscaping rather than exact boundaries for each buffer area. Having regard to the scale at which the proposals map is drawn, I accept it would be inappropriate to seek to give precise dimensions to each stippled area. But, even so, I consider that the extent of each stippled area can be related at least in part to physical boundaries on the ground and, as such, I think it reasonable to seek to interpret each buffer area on the proposals map with some degree of accuracy.
7. The particular buffer area that would be affected by the development, is shown on the Local Plan proposals map to be about twice as deep as the other two buffer areas fronting onto Holyhead Road. In view of the number of dwellings immediately to the east of this part of the Kronospan site, I consider that the treatment of the buffer area in this locality is of particular importance. At present only a part of the allocated buffer area has been laid out as a densely planted, landscaped area. That part lies on the north-eastern side of the allocated area, and parallel to Holyhead Road. Within it an earth mound, about 140m long and about 4-5m high, has been formed and planted along its length with trees and shrubs. The mound affords some screening of the factory premises to the west and the screening provided is likely to improve as the trees and shrubs develop. Whether the proposed warehouse extension is built or not, there appears to be little scope for any additional buffer landscaping to the west of this mound. Towards the southern end of the allocated buffer area there is a dwelling, Westfield, which is adjoined by a paddock. The paddock is bounded by two large oak trees, plus numerous sizeable conifers and poplars. The oak trees are readily visible from the highway and the conifers and poplars provide an established screen of the industrial premises to the west. Under the allocation within the development plan this paddock should be part of the densely planted buffer area. But under the proposed scheme all the existing trees would be felled, much of the paddock area would be covered by the warehouse extension and only a comparatively narrow frontage area would be landscaped with an earth mound and new planting, similar to that which exists to the north. Such landscaping falls well short of the deep buffer area envisaged in the development plan. The written justification to Local Plan policy I.10 identifies the need to improve the design and appearance of employment development, "*not only to create more attractive places to work which can be more easily integrated into their locality, but also to protect the rural character of the area*". I consider that the proposed mounding, whilst similar to the boundary treatment used elsewhere along the site frontage, would appear as a somewhat artificial barrier between Holyhead Road and the industrial development beyond. As such, whilst the proposed landscaping might screen the development, it would not assist in the integration of

the development into the locality, nor would it protect the rural character of the area. Landscaping to better achieve these aims requires the deep buffer area allocated in the Local Plan. I also consider that the loss of the two mature oak trees would be detrimental to the visual amenities of the area. For these reasons I find that the proposed warehouse extension would result in an over-intensive form of development on this part of the Kronospan site that would be materially harmful to the character and appearance of the area. I regard that harm as a sufficient reason in itself for dismissing this appeal.

- 8 In reaching this view I have had regard to the Landscape Master Plan approved by the Council in 1996, but I find no inconsistency between the contents of that Plan and my findings in this appeal. I have also taken into account the fact that, a short distance to the south of the location of the proposed warehouse extension, built development on the Kronospan site comes as close to the Holyhead Road as that now proposed. However, unlike the appeal proposal, I see no reason to conclude that this earlier development was inconsistent with the provisions of the development plan.
- 9 Effect upon the amenities of neighbouring residents: It is probable that the existing and 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 which protruded above the 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 expect to enjoy. I regard this harm as a further disadvantage of the scheme.
10. Other considerations : In reaching my findings on the main issues I have given careful consideration to the economic benefits that the warehouse extension as proposed would bring to Kronospan. I have also taken into account the operational and economic reason why this precise location was chosen for the development rather than elsewhere within the site. But neither of these factors outweigh my findings on the main planning issues.

Conclusions

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

12. In exercise of the powers transferred to me, I dismiss the appeal.

Information

13. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.


Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr G Little	Counsel, instructed by the Council's Chief Legal & Administration Officer
He called:	
Mr D Williams	Principal Planning Officer
Mrs R Benson	Landscape Officer

FOR THE APPELLANT:

Mr D Hardy	Counsel, instructed by Wilbraham & Co, Solicitors
He called:	
Mr A Hackney	Chief Executive, Kronospan Ltd.
Mr C Jacobs	Jacobs Planning & Ecology, Ruthin
Mr C Goodrum	Landscape Design Associates, Oxford

INTERESTED PERSONS:

Cllr I Roberts	3 Linden Ave, Lodgevale Park, Chirk
Cllr B Evans	57 Maes-y-Waun, Chirk
Mrs L. Heyward	12 West View, Holyhead Road, Chirk
Mrs S Green	13 West View, Holyhead Road, Chirk

DOCUMENTS

Document	1	Lists of persons present at the inquiry
Document	2	Letter of notification and list of persons notified.
Document	3	Letters of response to notification.
Document	4	Appendices to proof of A Hackney
Document	5	Appendices to proof of C Jacobs
Document	6	Appendices to proof of C Goodrum
Document	7	Appendices to proof of D Williams
Document	8	Appendices to proof of Mrs R Benson
Document	9	Planning permission ref. CHI CB01262
Document	10	Planning permission ref. CHI.CB02609

- Document 11 Letter from Chief planning Officer to Jacobs Planning & Ecology 29 Jan 1997
- Document 12 Statement of Common Ground
- Document 13 Outline of closing submissions for Wrexham CBC
- Document 14 Application for full award of costs by Kronospan Ltd.

PLANS

- Plan A Application plans
- Plan B C.B 799 Landscape Master Plan



Penderfyniad ar gostau

Ymchwiliad a gynhaliwyd ar 20-21/12/01

Costs Decision

Inquiry held on 20-21/12/01

gan/by Derek Thew DipGS MRICS

Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru

an Inspector appointed by the National
Assembly for Wales

Dyddiad/Date

24-01-2002

Costs application in relation to Appeal Ref: /H6955/A/01/1069794

Site address: Kronospan Ltd. off Holyhead Road, Chirk

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by Kronospan Ltd. for a full award of costs against Wrexham County Borough Council.
- The inquiry was in connection with an appeal against the refusal of the Council to grant planning permission for the erection of a warehouse extension opposite Ferro building.

Summary of Decision: The application fails and no award of costs is made.

The Submissions for Kronospan Ltd.

1. The submissions for Kronospan Ltd were submitted in writing (Document 14). The following paragraphs summarise those written submissions.
2. There had been an unreasonable refusal of planning permission by the Council. The Council had sought to prevent development which, in the light of the development plan and any other material considerations, could reasonably be permitted. A planning officer of the Council had recommended that both the appeal scheme and an earlier, larger scheme be permitted. Whilst local authorities are not bound to follow the professional advice of their officers they will be expected to show they had reasonable planning grounds for taking a decision contrary to that advice. This the Council had singularly failed to do. The reason for refusal makes no reference to policy I.10 of the Glyndwr District Local Plan and the first indication the appellant had that it would be advanced was on receipt of the planning officer's proof of evidence. The Council's evidence contained no analysis to show the scheme would result in an over-intensification of built development, nor did it contain any proper analysis of the effect on visual amenity. The concerns of a comparatively small number of local residents had been converted into inappropriate opposition to the development.
3. There had also been unreasonable behaviour by the Council in the appeal proceedings leading up to the inquiry. The Council had failed to provide an adequate statement of case, providing little more information than the reason for refusal and not articulating, with sufficient detail, the arguments advanced at the inquiry. The proof of evidence of the Council's landscape officer had been submitted late and not received by the appellant's agent until 10 December 2001. New issues had been raised at the stage of exchange of proofs and at the inquiry; specifically policy I.10, economic need and the suitability of alternative sites. In addition Council officers had refused to co-operate in either preparing a statement of common ground or discussing the proposed landscape treatment.

4. Each of the above matters amount to unreasonable behaviour which caused Kronospan Ltd. to incur or waste expense unnecessarily.

The Response by the Council

5. The Council had not acted unreasonably in refusing planning permission for the development. It had reasonable grounds, based upon planning policy, for refusing permission and relevant evidence to support that refusal. The Council's obligation on appeal was not to defend the opinion of its planning officers, but to produce sound evidence to support the reason for refusal. This it had done, with two witnesses providing professional evidence of substance. Technical matters, such as impact upon visual amenity, had been properly considered without necessarily resorting to detailed technical surveys. There is a reference to Local Plan policy I.10 in the Council's statement of case and the reference to that policy is consistent with the rest of the Council's case in this appeal. As for the opinions of local residents, the Council was entitled to have regard to them, especially in relation to visual amenity from neighbouring houses. The fact that only a small number of residents may have objected is irrelevant.
6. The Council had not acted unreasonably in its handling of the appeal proceedings leading up to the inquiry. The statement of case is adequate and nothing in it had put the appellants to extra costs that they would not otherwise have incurred. The Council accepted that evidence must be submitted in accordance with the prescribed rules, but there is nothing to suggest that the Council's lateness in submitting one of the proofs had any consequence for the costs that the appellant company incurred. Furthermore, the fact that the Council chose to call a landscape officer as a witness had no effect on the work undertaken by the appellant's landscape witness. With regard to evidence on economic need and alternative sites, the appellant company chose to lead evidence on these matters and so it was right that such evidence be tested at the inquiry. Any investigation of these matters had not lead to an inquiry that was not otherwise needed. There is no requirement in Wales for a statement of common ground to be produced. So the absence of such a statement in this appeal is not material.

Conclusions

7. I have considered this application for costs in the light of Circular 23/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
8. In view of my decision on the planning appeal, I am satisfied that the Council did not act unreasonably in deciding to refuse planning permission for the proposal. That permission was refused for one reason and paragraph 8 of Annex 3 to the Circular advises that reasons for refusal should be "*complete, precise, specific and relevant to the application*". This one reason for refusal relates directly to policy A1 of the Glyndwr Local Plan. However, in the appeal proceedings the Council then relied heavily upon Local Plan policy I.10. In so far as the reason for refusal made no mention of policy I.10, I consider that it was neither sufficiently complete nor precise. As such, I consider that the Council acted unreasonably in failing to make any specific reference to Local Plan policy I.10 in its reason for refusal. Nevertheless, the relevance of the policy was itemised in the Council's statement of case and the evidence for the appellant company fully addressed the implications of the policy. As such, I see no reason to suppose that the appellant company incurred or wasted any expense unnecessarily as a result of this failure on the part of the Council.

9. As for the behaviour by the Council in the appeal proceedings leading up to the inquiry, I consider that its submitted statement of case, albeit brief, is adequate to meet the requirements of Rule 6 of the Town & Country Planning (Inquiries Procedure) Rules 1992. No clear reason was given for the Council's failure to submit the proof of evidence of its landscape officer in accordance with the time-scale set out in Rule 13 of the 1992 Rules. I therefore consider such action amounts to unreasonable behaviour. However, there is no evidence to suggest that this behaviour caused the appellant company to incur or waste expense unnecessarily. It is claimed that the issues of economic need and the suitability of alternative sites were first raised by the Council at the stage of exchange of proofs, and that this required the appellant company to call its chief executive as a witness to deal with such matters. However, I find there to be no substantial reference to economic need in the proofs of either of the Council's witnesses. In addition, the proof of the Council's planning officer acknowledges that the availability of alternative sites would not have been a reason for refusing planning permission. In such circumstances I am not persuaded that any actions by the Council, reasonable or otherwise, necessitated the calling of the chief executive to give evidence at the inquiry. As for any refusal by Council officers to co-operate in either preparing a statement of common ground or discussing the proposed landscape treatment, there is no requirement upon them undertake such work. Accordingly any failure on their part to work with representatives of the appellant company does not amount to unreasonable behaviour.
10. For each of the above reasons, I consider that unreasonable behaviour resulting in unnecessary expense, as described in Circular 23/93, has not been demonstrated and I therefore conclude that an award of costs is not justified.

Formal Decision

11. In exercise of the powers transferred to me, I refuse the application for an award of costs.

Information

12. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.



Inspector