



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. The 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 L10 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

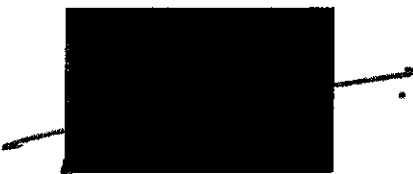
11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

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