



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 2 Tachwedd 2021

gan N Jones BA (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11/01/2022

Appeal Decision

Site visit made on 2 November 2021

By N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11/01/2022

Appeal Ref: APP/H6955/A/21/3282603

Site address: Land at Unit 6, Ash Road North, Wrexham, LL13 9UF

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Mr Simon Morait against the decision of Wrexham County Borough Council.
 - The development proposed is Change of use from B2 to Fitness Studio D2.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development on the application form differs to that given in the Council's notice of decision. I have used the Council's description as it concisely describes the proposed development.

Main Issue

3. The main issue is the effect of the proposal on highway safety, having particular regard to the demand for parking.

Reasons

4. Unit 6 is the middle unit of a row of three industrial units, with a larger fourth unit opposite, sharing an access onto Ash Road North and forming part of the wider Wrexham Industrial Estate. Individual and communal parking is laid out to the front and sides of the units, surrounding a central turning area. The premises is currently operated as a tyre depot.
5. Policy T8 of the Wrexham Unitary Development Plan (UDP) requires proposals to provide vehicle parking spaces either on site or nearby, in accordance with the Council's current parking standards. It also requires special regard to be paid to a number of factors where appropriate, including the availability of public transport nearby, and road safety hazards and amenity considerations arising from on-street parking in the vicinity of the site. In

accordance with Local Planning Guidance Note 16 'Parking Standards' (LPGN 16), the proposed use would require a maximum of 27 spaces. It is common ground that the allocated and communal spaces serving the unit provide 14 spaces, which is significantly less than the maximum standard. Nonetheless, LPGN 16 states that for cases where the amount of parking provided is below the maximum, the Council will need to be satisfied that this is appropriate for the likely level of demand.

6. During my visit the car park was almost full and subject to extensive double parking and albeit a small number of spaces were vacant outside Unit 6, there were vehicles parked indiscriminately outside the few designated parking bays available. There are no parking restrictions in the immediate area and approach roads are used for parking and waiting by heavy goods vehicles, both on the carriageway itself or partially on the verge. These practices impede the safe and efficient operation of the highway network in the vicinity of the appeal site. Any overspill parking from the proposed use would therefore also be likely to exacerbate such congestion with consequent risk to highway safety.
7. Notwithstanding the availability of public transport services and the provision for cyclists, it is clear that the locality experiences significant parking pressures and that provision for parking is a material consideration. I acknowledge that LPGN 16 is intended as guidance and should be applied flexibly, however little evidence has been provided of the existing traffic flow generated by the current B2 use or the anticipated traffic flow for the type of gym sought, which could justify a lesser requirement for parking. Nonetheless, the proposal seeks to manage parking demand in a number of ways including core class times during periods when other units are likely to be closed and when, as the appellant's survey suggests, parking demand would be less. Other proposed measures include restricted sessions during the day, limiting the number of workstations and/or clients, allowing time between classes for clients to vacate parking spaces, and a pre-booking system to ensure that the parking demands of the proposed use would not exceed the available parking of 14 spaces. However, the appellant is clear that the gym would operate throughout the day with opening times from 0600 to 2030 hours on weekdays and 0800 to 1200 hours at weekends. As such, the booking system and limitations on class times and client numbers would be onerous for the Council to monitor. Conditions to this effect would also be difficult to enforce and would not therefore provide the necessary safeguards against parking congestion and associated highway safety risks. Similarly, a personal planning permission would not alter the likely parking demand or the ability of the Council to monitor the development and would also fail to achieve the desired objectives.
8. My attention was drawn to the availability of parking spaces at a neighbouring site on Abenbury Way. However, these are separated from the appeal site by a grassed bank and would necessitate a circuitous walk to access and would thus be inconvenient for customers who are therefore more likely to try to park closer to the appeal site. In addition, the spaces opposite, or any additional spaces the appellant may seek to rent locally, do not form part of the proposals before me, giving no certainty of their long term availability. Taking all of the above into consideration, I find that the proposal would not make adequate provision for parking which would exacerbate existing congestion and indiscriminate parking behaviour to the detriment of highway safety.
9. The Council has referred to inadequate visibility splays at the existing access, but there is little substantive evidence to indicate that this established entrance to a group of units has any safety issues associated with its use, or that the proposal would cause material harm in this regard. In the light of the limited evidence, as I have found that the proposal is unacceptable for other highway safety reasons, I do not seek to address this matter any further. My attention is also drawn to another application for a sports clinic and gym at Unit 2 Abbey Close. However, in that case, the proposal related to a smaller unit with no

more than 2 clients on the premises at any one time. The circumstances are therefore different and I have determined this appeal on its own merits.

10. I conclude that the proposal would be harmful to highway safety interests, contrary to UDP Policy T8 and UDP Policy GDP1 which amongst other things seeks to ensure safe and convenient pedestrian and vehicular access to and from development sites.

Other Matters

11. The development is identified as potentially capable of increasing the levels of phosphates discharged into the catchment of the River Dee and Bala Lake Riverine Special Area of Conservation (SAC). However, in this instance, I have not sought the views of the parties or Natural Resources Wales to inform a screening as to whether there would be a likely significant effect on the qualifying features of any SAC as I have found the development unacceptable on other grounds. Even should the development be acceptable in regard to its effect on the SAC this would not outweigh my conclusions on the main issue.

Conclusion

12. In reaching my decision I have taken into account the requirements of sections 3 and 5 of the Well-being of Future Generations (Wales) Act 2015. I consider this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's wellbeing objectives as required by section 8 of the Act.
13. For the reasons given, taking all matters raised into account, the appeal is dismissed.

Nia Jones

Inspector