

Unit 6, Ash Road North, Wrexham Industrial Estate LL13 9UF

Section 78 Planning Appeal Statement of Case

1.0 INTRODUCTION

- 1.1 This statement of case has been prepared in respect to the above mentioned appeal submitted on behalf of Simon Morait, the owner of the appeal site, in respect to the recent refusal of full planning permission (Application Ref: P/2020/0795) to change the use of the unit from B2 to fitness studio D2.
- 1.2 The site is one of four units all with dedicated and communal off-road parking provision. The site is bound by Ash Road North along its eastern extent and Abenbury Way to the west. It shares a northern boundary with further industrial development units.
- 1.3 Planning permission was refused by Wrexham County Borough Council (WCBC) for the following reason:
- ‘Due to inadequate provision of off-street parking the development will cause parking problems in the locality leading to congestion and/or highway safety problems. The development therefore conflicts with policies GDP1d and T8 of the Wrexham Unitary Development Plan’.*
- 1.4 In summary, the reason for refusal raises the following issues:
- Whether the proposed change of use of the building would result in a shortfall in parking leading to congestion or highway safety problems;
 - Compliance with adopted unitary development plan policy GDP1(d); and
 - Compliance with T8 of the Wrexham Unitary Development Plan.
- 1.5 This statement focuses on the WCBCs decision to refuse planning permission for the proposed development and sets out why the proposed development is in full accordance with local policy.

2.0 RELEVANT PLANNING POLICY

- Policy GDP1(d) and T8 of the Wrexham Unitary Development Plan.

2.1 The Policy listed within the reason for refusal and relevant to this appeal is:

2.2 GDP1 (d) – This policy states that all new development should ‘Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality’.

2.3 T8 Parking - Policy T8 states that development granted planning permission will be required to provide vehicle parking spaces either on site or nearby, in accordance with the Council's current parking standards. Special regard will be paid to the following factors, as appropriate: -

a) the availability of public transport nearby,

b) proximity to public car parking,

c) proximity to local services and facilities,

d) road safety hazards and amenity considerations arising from on-street parking in the vicinity of the site.

Where implementation difficulties arise in making parking provision on-site or nearby, the Council will require a developer to make financial contributions for measures to assist public transport, or walking and cycling as appropriate.

2.4 A copy of the relevant pages has been submitted with the appeal documents

Referenced as GDP WCBC UDP and T8 Parking.

3.0 The Site

The site is located with access on to Ash Road North, an unclassified highway subject to a 40-mph speed limit. The site is currently use as tyre depot with the benefit of a B2 planning class use. The site is the central unit of three. A fourth unit is situated opposite. Each unit has 7 dedicated parking spaces to the front of their buildings and there are a further 29 communal parking spaces contained within the site as a whole. The parking areas are clearly delineated on document referenced **‘Dedicated and Communal Parking Plan’** included as a separate document within the planning appeal submission.

Access to the site is via a standard junction on to Ash Road North. The access is approximately 12m wide at its narrowest point and allows for adequate manoeuvrability for all vehicles utilising the site. Despite the highway officer questioning the location of the advertising sign due to its impact on visibility, he has accepted that it is out of the control of the applicant.

The Crashmap accident records submitted with the appeal documents demonstrates that there have been no recorded injury accidents near the access in the past 10 years which would indicate that the access is inherently safe.

There is a dedicated footway route from the site leading to a bus stop directly opposite allowing access to the site by alternative modes of transport. The bus service runs every hour during the course of the day enabling easy access to the application site; a timetable of the 41A bus service has been submitted with the appeal documents (referenced as 41A Bus Service timetable)

4.0 Discussion

- 4.1 There are currently 7 spaces dedicated to Unit 6 plus another 29 communal spaces shared between the four units.
- 4.2 The highway officer has accepted in his response dated 28th April 2021 (submitted with the application as 'Highway Department Response') that the unit therefore has approximately 14 spaces available for use. See excerpt below:

'Assuming that the 29 communal spaces were divided equally amongst the 4 existing units, it could be assumed that each unit could have approximately 7 additional spaces available. On this basis, Unit 6 could be viewed as having up to 14 spaces available'.

- 4.3 The concerns raised by the highway officer related to his interpretation on WCBC guidance Local Planning Guidance Note 16 (copy attached as LPGN 16) which recommends a maximum provision of 27 spaces for a fitness studio.
- 4.4 Whilst this maybe the case for a normal fitness studio/gym, the application is proposing to provide specialist fitness personal training. This is all clearly discussed in the statement submitted by the applicant with the planning application and attached with the appeal documents (see Planning Application Statement)

The facility is to be laid out with 12 workout bays. The members will be required to book onto a class through an app (mobile application) and once a class is full no further

members will be able to join or have access to the facility. This will ensure that there are no more than 12 people attending the gym classes at any one time.

- 4.5 To further clarify; there will be 12 individual bays within the unit allowing a maximum of 12 people to attend at any one time. With two trainers required at any one time that equates to a maximum of 14 people on site at any one time. This could be controlled by planning condition if required.
- 4.6 Given the restrictions imposed by the number of bays at the gym the maximum number of car parking spaces required will be 14. As noted earlier (refer 4.2) The highway officer has accepted in his response that the unit has 14 spaces available for use. Whilst accepting that LPGN 16 recommends a maximum of 27 spaces for a traditional style gym it is simply not the case for the newer style personal fitness gyms. There should be scope for the highway and planning officer to take a common-sense approach to applications such as this. LPGN 16 is of course just what it says – its guidance; it's not the law but simply a guide to the maximum provision that may be necessary if the gym was open for all without any restrictions on the number of clients who could attend at any one time.
- 4.7 A planning application submitted at a site just 1km away at Unit 2 Abbey Close, Redwither Business Park dated P/2021/0241 involved a very similar proposal to the current application. The proposed change of use from B2 (General Industrial) to D2 (Sports Clinic / Gym Facility). The highway officer's response is attached as a separate document under P 2021 0241 Unit 2 Abbey Close Wrexham Industrial Estate for ease of reference.
- 4.8 The highway officer stated that the LPGN 16 recommendations for Unit 2 Abbey Close were for 15 spaces and stated he would normally refuse it; but then had the common sense to recognise that the facility proposed did not require the maximum parking required as there were only 4 people ever likely to be on site at any one time. He even accepted the proposal that staff would travel to work together, and that a maximum of 2 visitors would be on site at any one time. He also requested a condition requiring a personal permission be applied to any permission limiting the D2 use to the applicant, and meaning that the site would revert to B2 should the applicant leave the site.
- 4.9 It is gratifying to see such a common-sense approach being taken. There is no apparent reason therefore why such common sense was not applied to the appeal site application.

- 4.10 As we have already seen the site requires a maximum of 14 spaces; this has been accepted by the highway officer in his response;

*‘Although, the **proposed fitness studio could potentially operate a limited service which may well be catered for by the allocated spaces plus communal spaces,** parking provision still potentially falls significantly short of LPGN 16 maximum standards.*

- 4.11 Even though the highway officer accepts there are only 14 spaces required as a maximum, he still feels the need to revert to LPGN no 16. The common sense applied to the Abbey Close site (reference P 2021 0241) is for some reason not applied to this current application.

- 4.12 The highway officer raised concerns during a site visit about an existing parking problem within the overall car park whereby a number of vehicles were double parked around the adjoining units and the majority of the communal spaces were occupied.

It is acknowledged that Unit 8 double parks in front of his building but at no time does it adversely affect communal parking areas to the east of Unit 5 and south of Unit 7. Photographic evidence (submitted with the application under Car Park Survey 090821 to 160821) taken over the course of 8 days prove that at all times there are a minimum of 8 communal spaces available within the site; more than enough when added to the 7 dedicated spaces to cater for the proposed use as a fitness studio. The highway officer refers to the majority of communal spaces being occupied but gives no indication and provides no evidence of actual spaces that are available.

- 4.13 The highway officer states that it is unclear how the current parking arrangements could be addressed and controlled by a suitable planning condition. Given that there are adequate spaces provided at all times there is no reasonable reason to have concerns over parking provision.

- 4.14 The highway officer also raised concerns about ‘any future adjoining businesses may well operate during times that conflict with the core times of the proposed fitness studio’ There is no justification for such negativity when responding to the application. It is not for the highway officer to predict what may or may not happen sometime in the future. It could equally be said that Unit 8 may realise they have outgrown their site, move to a new premise and a less vehicle intensive business sets up. The highway officer should be concentrating on the existing situation not worrying about things that may never happen.

- 4.15 It is recognised that there is a majority of the 29 communal spaces used but there are still at least 8 available at all times. At weekends the photographic evidence shows up to 14 communal spaces available. Before 8am and after 5pm there are more than 13 spaces available. The 3 other units at the site start no earlier than 8am and finish no later than 5pm.
- 4.15 The core fitness times for the studio are 6am – 8am and 5.30pm to 8.30pm and coincides with least parking occupation at the site; parking provision will therefore be more than adequately catered for. During the working day the photographic evidence taken over the course of a week suggest more than 8 communal spaces are available at all times plus the 7 spaces dedicated to Unit 6
- 4.17 The applicant is willing to accept a condition stating that no more than 12 clients will be on site at any one time. He is also happy to accept a personal condition ensuring that the use of the unit a fitness studio under D2 use is for his benefit only and once that use has ceased it will return to B2 use.
- 4.18 The highway officer raised concerns over visibility at the existing access caused by an informative advertising sign and vegetation but acknowledged that the sign was in fact out of the control of the applicant. The vegetation is also outside the control of the applicant and is thought to be under the control of the estate land management company who succeeded Welsh Government who originally built the road infrastructure around Wrexham Industrial Estate. Regardless of this the highway officer states that he would normally be unable to support any proposed development that resulted in a significant increase in vehicle movements.

Given that there is an existing B2 use at the site as tyre depot it is entirely plausible that there could be significant movements to and from the site throughout the day. These movements would effectively be uncontrolled compared to the proposed fitness studio which will be limited strictly to no more than 12 outward movements per hour.

The planning officer has clearly taken the view that there is no reasonable reason to refuse the application on grounds of visibility as the decision purely relates to perceived parking issues.

5.0 CONCLUSION

- 5.1 The proposed fitness studio /gym will cater for just 12 clients at any one time. This is strictly limited by virtue of there being only 12 bays built within the building.
- 5.2 There will only ever be two members of staff on site at any one time.
- 5.3 There will therefore be a maximum of just 14 people on site at any one time and therefore a requirement to provide a maximum of 14 spaces within the site. It is considered likely that clients will travel together and others may cycle or take the bus which may reduce parking requirements. However, it has been demonstrated that in the unlikely event that all 14 clients / staff turn up in separate vehicles there is at all times ample parking provided within the site between dedicated and communal parking areas.
- 5.4 The highway officer stated that 'the proposed fitness studio could potentially operate a limited service which may well be catered for by the allocated spaces plus communal spaces' Despite accepting that there would be enough parking within the site for the proposed use, the highway officer reverted to using LPGN 16 as a basis for his negative comments.
- 5.5 The highway officer should have applied the common sense that he used at a nearby site at Unit 2 Abbey Close when he took on board the proposed use of the site and recognised that the recommendations of LPGN 16 were not applicable in that instance as there would only ever be two clients plus staff on site at any one time.
- 5.6 In that instance he also requested a condition requiring a personal permission be applied to any permission limiting the D2 use to the applicant, and meaning that the site would revert to B2 should the applicant leave the site.
- 5.7 It is suggested that the current application at Unit 6 Abbey Road North could be fully controlled by appropriate conditions limiting the number of people on site at any one time to 14 and making it a personal permission limiting the D2 personal to the applicant.
- 5.7 Each of the concerns raised by the planning officer have been addressed:
- It has been demonstrated that the proposed change of use of the building would not result in a shortfall in parking leading to congestion or highway safety problems.
- Policy GDP1 (d) states that all new development should 'Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality'. The site access is constructed to cater for Class B2 (general

industrial) use and is therefore more than adequate design and layout for the proposed use. Indeed, the size of vehicle likely to be used by the clients will be significantly smaller than that which the B2 use currently attracts i.e., HGVs delivering tyres / wheels etc on a daily basis

Policy T8 Parking states that development granted planning permission will be required to provide vehicle parking spaces either on site or nearby, in accordance with the Council's current parking standards. It has been demonstrated that this type of fitness facility will be strictly limited in size by virtue of its internal design and that there is more than adequate onsite parking provision provided for the proposed use.

In the unlikely scenario that a single vehicle parked on the highway it would be unlikely to cause any issues as the road is constructed at 7.3m width and there is more than enough carriageway width remaining to allow the continued safe and convenient passage of vehicles.

- 5.7 Based on the above it is considered that there is no reasonable reason to refuse the proposed development on the grounds of inadequate off-road parking.