

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/01/16

**gan Declan Beggan BSc (Hons) DipTP
DipMan MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 01/02/2016

Appeal Decision

Site visit made on 18/01/16

**by Declan Beggan BSc (Hons) DipTP
DipMan MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 01/02/2016

Appeal Ref: APP/H6955/A/15/3132662

Site address: 24 Ruabon Road, Wrexham, LL13 7PB

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 A Buyukdeniz against the decision of Wrexham County Borough Council.
- The application Ref WRO P/2015/0252, dated 2 April 2015, was refused by notice dated 18 May 2015.
- The development is described as 'Change of use from Class A1 (Shop) to Class A3 (Food and Drink) incorporating hot food takeaway, with no external works'.

Decision

1. I dismiss the appeal.

Procedural Matter

2. I have used the description of the development as it appears on the Council's decision notice which I consider more accurately describes the proposal.

Main Issues

3. I consider the main issues to be the effect of the proposed development on highway safety, and on the living conditions of neighbouring residents with regard to odours and noise.

Reasons

Highway Safety

4. The appeal property which is currently vacant is sited adjacent to an existing hot food takeaway within a group of shops and other commercial premises on the Ruabon road, which is a busy main route through Wrexham. The proposal relates only to the ground floor of the property, whilst residential accommodation would remain above the appeal site. In close proximity to the site along Ruabon road and the surrounding side streets there are a mix of residential properties; on street parking is the norm for the area. Directly outside the property on the Ruabon road is a parking bay that can accommodate four parking spaces.

5. The Council's first refusal reason refers to Policy T8 of the adopted Wrexham Unitary Development Plan 1996-2011 (UDP) which requires development to provide vehicle parking spaces either on site or nearby, in accordance with the Council's current parking standards. It further states that special regard will be paid to road safety hazards and amenity considerations arising from on-street parking in the vicinity of a site.
6. The Council's adopted Local Planning Guidance Note No.16 'Parking Standards' (LPGN16) sets out maximum standards for each type of development and states that when determining the amount of parking required for a development, consideration will be given to how close a site is to a public car park, and whether there are any existing problems in the locality. It also states additional spaces may be required where demand for parking arising from a new use is likely to be greater than that from the existing use. I have calculated the maximum number of car parking spaces the proposed development would be required to provide in accordance with LPGN16 is 3.3, based on the requirement for 1 car space per 4m² of public floor space, as opposed to the Council's estimate of 10.5 spaces which appears to have been based on a much larger area of public floor space. The site's historical use for retail purposes would be expected to generate a requirement for 2.8 spaces. In addition, LPGN16 states that hot food takeaways will need short stay parking on site or at a short distance from the premises. The proposed development is not providing any dedicated off road parking spaces.
7. Ruabon road is a busy 'A' road which links Wrexham town centre with the outer urban areas, the villages and the wider road network. At the time of my site visit there was a steady flow of traffic in both directions along Ruabon road, whilst the parking bay directly in front of the site was occupied by two cars. Much of Ruabon road in proximity of the site is subject to parking restrictions in the form of double yellow lines, whilst the parking bay directly outside the appeal premises is restricted to 30 minutes waiting during the hours from 8.00 am to 6.00 pm from monday to saturday. Additional parking bays are located slightly to the north of the appeal site either side of the Ruabon road, which combined, could possibly accommodate between 6-8 cars. On road parking in the general vicinity of the appeal site was high at the time of my site visit.
8. Notwithstanding the potential for the site to be accessed on foot or by means of public transport, or that that the proposed development's parking requirements as related to LPGN16 are broadly similar to the existing retail use, nonetheless, in my experience the nature of proposal is likely to result in a substantial level of car borne customers at times when competition for parking space is likely to be at its highest. The competition and demand for on street parking in the vicinity of the site due to local residents returning home for the day, and customers visiting the adjacent takeaway, the shop opposite and the additional hot food takeaway premises slightly further along the road, is only likely to increase during the evening hours with the proposed takeaway in use, especially with parking restrictions on the layby outside the site not being in operation.
9. Bearing in mind the existing limitations for on road parking and the lack of nearby off road parking facilities, and notwithstanding its previous use, I consider, the proposed development is likely to result in an increase in indiscriminate parking in the area, with the additional traffic movements generated likely to unacceptably impede or endanger passing vehicular traffic and the free flow of traffic, to the detriment of the

safety of other road users. The proposal is thereby contrary to both policy T8 of the UDP and LPGN16, which seek to protect highway safety.

10. The appellant argues the site's proximity to Ruthin road allows for unrestricted parking for customers vehicles, however, my site inspection revealed that whilst there were parking bays along Ruthin road, these were heavily used, and at the stretch of road in proximity to Ruabon road there were parking restrictions on both sides of the carriageway in the form of double yellow lines. I am conscious of the economic benefits the proposed development may offer, in addition to providing a service to the local community; however notwithstanding that the property has lay vacant for some time, these benefits would not outweigh the identified harm to highway safety.

Living Conditions

11. The Council's second reason for refusal refers to the inadequate information regarding the method and means of controlling odour from the site in relation to adjacent residential property, and particularly since the type of Class A3 use has not been confirmed. Consequently, it is argued, the proposed development would be contrary to policy GDP1 (f) of the UDP which seeks to ensure the amenity of the public and safeguard the environment from the adverse effects of pollution, including noise and odours. The Council's adopted Local Planning Guidance Note No. 9, 'Hot Food Take-Aways' refers to the control of odours and cooking smells. Third parties expressed concerns that the proposed development would be detrimental to their amenities, due to the potential for noise and odours arising from the development.
12. The proposed development is separated by a narrow passageway from residential properties to its immediate rear. The submitted details indicate the food preparation and kitchen area would be located to the rear of the premises; no indication has been given as to the exact nature of the food to be prepared. The appellant argues the Council's objections could be addressed by supplying additional information with regards to any proposed extraction system, which echoes the views of the Council's Public Protection Department. Notwithstanding these views, bearing in mind the proximity to adjacent residential properties, and the concerns raised by local residents in regards to existing odour and extractor fan noise problems from the adjacent hot food takeaway, I am not satisfied in the absence of specific details relating to odour and noise control, that these matters can be resolved by way of a planning condition. In addition, in the absence of such details, any potential visual impacts cannot be suitably assessed, and this adds to my concerns. As a consequence, I consider that without specific details relating to odour control and potential noise generated by associated plant, I do not have sufficient information to allow me to determine the impact the proposed development would have on adjacent residential amenities; as such, the proposal is contrary to policy GDP1 (f) of the UDP.

Other Matters

13. Concerns have been raised in regards to the potential for early morning and late evening noise from the premises, however, had I been minded to allow the appeal, I am satisfied an appropriately worded planning condition restricting the hours of use would have safeguarded residential amenity. Concerns were also raised in regards to the proposed development leading to an increase in litter in the area; however, I consider this matter could have been adequately addressed via an appropriately worded planning condition.

Conclusions

14. After taking account of all the evidence before me, and for reasons given above, I therefore conclude that the appeal should be dismissed.

Declan Beggan

INSPECTOR