

The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

20 January 2014

Our Ref: DWT026/PINS/200114

Dear Sir / Madam,

RE: LAND ADJACENT TO RED LION PUBLIC HOUSE, MARFORD HILL, MARFORD, WREXHAM

Welsh Assembly Government Ref: H6955/A/13/2209711

I act on behalf of AF Blakemore & Son Limited which is the largest Spar franchise in the United Kingdom and which covers the Meridian and Welsh Guild area. My client has previously objected to the above application. Consequently, I now set out below detailed highway objections to the above appeal.

Reasons for Refusal

There were two highways-related reasons for refusal (Reasons 1 and 2 of the Decision Notice) and I provide below these reasons along with my comments relating to each of them.

Reason 1:

“The proposed development would result in operational difficulties for delivery vehicles servicing the site. In particular, the ability for delivery vehicles to manoeuvre safely into, within, and out of the site, which would compromise safety in the area. There is also a significant risk of vehicle conflict with other road users, most notably with the Woodlands Road junction opposite. The submitted delivery management plan also fails to demonstrate how the use of the car park would be managed to ensure deliveries can take place without conflicting with proposed car parking arrangements. To allow the proposed development

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would result in detrimental impact on highway safety contrary Policy GDP1d) of the adopted Unitary Development Plan”.

I have considered the rationale behind Reason 1 and concur that there would be difficulties for service vehicles. Evidently, service vehicles would be required to cross the double white lines. A double white line must not be crossed unless it is to turn into a side road or premises. Whilst it would not be illegal for a delivery vehicle to cross the double white lines, the double white lines have been laid for safety reasons and regular crossing of the white lines could well have safety implications.

Consideration has been given to the Woodlands Road junction opposite the appeal site access. An exiting delivery vehicle would be required to swing out towards the mouth of the Woodlands Road junction thereby creating a hazard for vehicles emerging from Woodlands Road.

The road at the site access is physically restricted to approximately 6.0m and therefore it has not been possible to propose a right turn lane at the site access. Vehicles turning right into the site would restrict the movement of eastbound traffic and possibly result in vehicle conflict.

Whether new developments and the subsequent transport effects would have a significant safety implication can be subjective and so it cannot be said that the deliveries would result in personal injury accidents. Given that safety is of particular concern to the Council, a Stage 1 Road Safety Audit should be undertaken at the site access, by the appellant, to identify whether the delivery arrangements are likely to result in conflict between road users.

I have reviewed the swept paths and they indicate that the outermost part of the path would almost make contact with the pub. The paths indicate that delivery drivers would have to be precision perfect every time they make a delivery, otherwise reversing manoeuvres would result within the public highway, which would be dangerous.

Reason 1 Conclusion

Marford Hill is a narrow road with double solid white lines running along its centre. Delivery vehicles turning in and out of the appeal site access could result in collisions. A right turn lane cannot be introduced at the site access due to physical constraints within the highway and therefore, vehicles stopping to turn right into the site, could add to the potential for vehicle conflict at the site access.

Reason 2:

“The proposed development fails to provide adequate parking to meet the needs of both the existing public house and the proposed retail use, resulting in a significant shortfall in parking standards as set out in Local Planning Guidance Note 16: Parking. This shortfall of parking will result in an overspill of parking on surrounding streets, and potential for customers to park illegally across the site frontage. To allow the development would be contrary to the Council’s adopted parking standards, and Policy T8 of the Wrexham Unitary Development Plan”

Reason 2 states that the site fails to provide adequate parking. To summarise the parking situation, there are 40 existing parking spaces for the pub and 28 are proposed to be shared between the pub and the food store.

It is recognised that modern parking standards (excluding those for disabled and sustainable modes) are to be considered as maximums. However, parking spaces have to be realistic and the appellant has attempted to demonstrate that a significant reduction in parking levels is acceptable through parking surveys, TRICS data, a cumulative parking exercise etc. The conclusion reached by the appellant is that the appeal site and public house would require no more than 16 parking spaces. In my opinion, the parking justification is convoluted and excessive and considers a snapshot of the existing parking at the public house only. I note that the surveys were undertaken during the month of October; it would be more robust to undertake the survey during a summer month where visitors to the pub are likely to be greater, especially as the pub has ample parking and a beer garden.

Notwithstanding this, based on the appellant's surveyed pub car park use (11 spaces at peak) it would only take six cars to arrive at the food store over three consecutive minutes (i.e. 18 cars) for the car park to be overcapacity, which is quite possible given the amount of pass-by trips that the appellant indicates could be generated.

It is indicated that the car park would be shared; I would question the practicality of this. For example, what would happen during times where the pub car park would experience great demand such as during a special event, party, bank holiday, national / international rugby/football matches etc? Would pub patrons be permitted to use convenience store spaces? If this were the case, cumulative parking demand would undoubtedly result in overspill onto the public highway resulting in a hazard.

Reason 2 Conclusion

Having considered Reason 2, there are clear reasons for questioning the proposed operation of the car park and, subject to confirming with the pub landlord/landlady, there are likely to be times where the existing car park is at capacity. Introducing a food store and halving the number of parking spaces could well lead to dangerous, indiscriminate parking.

Review of Transport Statement

A review has been undertaken of the Transport Statement (TS), undertaken by the appellant's consultant in November 2012, in support of the planning application for development at the appeal site.

There are a number of omissions and inaccuracies throughout the TS; I summarise these below in no particular order.

The TS makes no reference to national or local transport policy context. Setting such a context is fundamental as it allows the developer to demonstrate that any development could be introduced

in accordance with the relevant transport policies. As the existing report stands, it is unable to conclude that development at the appeal site could be introduced in accordance with policy.

The traffic and parking surveys were not undertaken during a robust month. Given that the pub is part of the assessment, it would be prudent to undertake the surveys during a summer month.

The TS states that the Marford Hill road width is 7.5m. From online mapping, it measures closer to 6.0m in the vicinity of the site.

The TS states that Marford Hill has footways on both sides. However, it fails to mention that in the vicinity of the site, footway is present on the south side only.

The parking survey in the TS discounts non-pub trips if they arrive and depart the site within a 15-minute period. I do not understand the logic in this; cars should be counted during a car park survey regardless of duration of stay.

Traffic surveys were undertaken on a Friday. In transport planning terms Friday is not a neutral day; traffic surveys should be undertaken Monday to Thursday in order for the data to be considered neutral.

Evidently, there are a number of issues with the TS that undermine the validity of the report.

Policy

The Council is of the view that the development proposed at the appeal site would not accord with local transport policy. This has led me to investigate policy further by reviewing the relevant transport policies in full.

Policy T8 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.

Wrexham Unitary Development Plan, Adopted 14 February 2005

The above document has been reviewed and I have identified that the following UDP policy should have been considered by the appellant.

In particular it is considered that the proposals do not accord with factors b) and d) in that there are no public car parks in the vicinity of the site and, due to the narrow nature of Marford Hill and the propensity for the car park to be overcapacity, on street parking would be likely and result in road safety hazards.

Policy GDP1 All new development should:-

- a) Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.
- b) Take account of personal and community safety and security in the design and layout of development and public / private spaces.
- c) Make the best use of design techniques, siting and orientation in order to conserve energy and water resources.
- d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.
- e) Ensure that built development is located where it has convenient access to public transport facilities, and is well related to pedestrian and cycle routes wherever possible.
- f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.
- g) Secure public services (e.g. gas, water, electricity) to development at minimum public cost.
- h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest.
- i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site.
- j) Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity.
- k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.

It is considered that the development at the appeal site would not accord with point d) of Policy GDP1 in that vehicle access is not considered safe due to the nature of Marford Hill and the lack of right turn facility. Furthermore, access for delivery vehicles is considered unsafe due to the swept path required and there is potential for on-site conflict between the delivery vehicle and cars as well as pedestrians.

TAN 18: Transport, Planning Policy Wales, March 2007

TAN 18 describes how to integrate land use and transport planning. It also explains how transport impacts should be assessed and mitigated. Relevant to the proposed parking at the appeal site is paragraph 4.13.

Implementation of parking within new developments

4.13 Where appropriate, the local parking strategy should link parking levels on new development sites with either the existence or introduction of on-street control regimes. Maximum parking standards should not be applied so rigidly that they become minimum standards. Maximum standards should allow developers the discretion to reduce parking levels. However, a particular concern with reduced on-site parking is the potential for problems associated with 'over-spill' parking. Local planning authorities when developing the local strategy or applicants when undertaking a transport assessment should assess the extent of existing on-street parking pressures and the impact of new development. Where on street space is at a premium, local planning authorities could seek contributions from developers towards the implementation of on-street parking controls or refuse permission for developments where despite controlled parking, unacceptable road safety or congestion issues will probably remain.

TAN 18 explains:

"Maximum standards should allow developers the discretion to reduce parking levels. However, a particular concern with reduced on-site parking is the potential for problems associated with 'over-spill' parking".

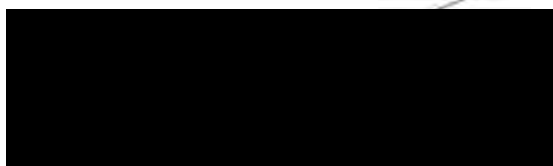
TAN 18 clearly identifies that developments should not reduce parking levels to the point where off-site parking becomes an issue. In my opinion, as explained previously, demand for the pub car park would be greater throughout the summer months and when any events are being held. A

significant reduction in car parking spaces is therefore likely to lead to off-site parking issues. It could therefore be concluded that the appealed development would not accord with TAN 18.

Overall Conclusion

The overall conclusion reached is that I concur with the reasons for refusal; deliveries would be problematic and hazardous to other road users and the proposed parking arrangements are unlikely to meet the demand of both the pub and proposed shop, especially at peak times.

Yours sincerely



DW Transportation Limited

Dean Watkins IEng MCIHT
Director

c.c. Mr L. Brown, A.F. Blakemore & Son
Mr M. Ttiley, A.F. Blakemore & Son