
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 24/11/2020

gan K Sheffield, BA (Hons) DipTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22nd December 2020

Appeal Decision

Site visit made on 24/11/2020

by K Sheffield, BA (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 22nd December 2020

Appeal Ref: APP/H6955/A/20/3250780

**Site address: Vacant site adjacent to Unit 34, Five Crosses Industrial Estate,
Minera, Wrexham, LL11 3RD**

**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 Armon Limited against the decision of Wrexham County Borough Council.
 - The application Ref: P/2019/0793 dated 20/10/2019, was refused by notice dated 13/02/2020.
 - The development proposed is the erection of chicken processing factory.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Unaware that the Council had determined the application, the Appellant submitted a revised site plan in an attempt to address the Council's concerns. The drawing has been submitted as part of the appeal, for information only. In order to ensure no prejudice is caused to the Council or other interested parties I have had no regard to the revised site plan in reaching a decision on the appeal.

Main Issues

3. The main issues are the effect of the traffic generated by the proposed development on neighbouring uses and the ability of the local road network to accommodate such traffic with particular regard to heavy goods vehicles (HGV).

Reasons

4. The appeal site is a vacant area of land within the Five Crosses Industrial Estate. The site lies between the main road into the estate from the A525 Ruthin Road and an internal estate road which provides access to existing units including those already occupied by the Appellant. In the submissions these roads are referred to as Upper Road and Lower Access Road respectively and I have adopted these terms. Upper Road is unadopted and in part private and part Council ownership whereas Lower Access Road is in private ownership. It is understood that although neither road is within the ownership of the Appellant it has rights of access over them.
 5. The purpose of the appeal proposal is to provide additional accommodation in order to expand the existing business. The proposed building would occupy most of the plot,
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with vehicular access from Lower Access Road to a parking area at the eastern end of the site which would be egressed onto Upper Road. A lay-by is also proposed within the site adjacent to Upper Road.

6. During my site visit I observed a regular flow of traffic entering and leaving the industrial estate and although I saw a high level of on-road parking which made it difficult for the larger vehicles to negotiate the estate roads, there were some plots with vacant parking spaces. Notwithstanding this, there is no dispute between the parties that indiscriminate parking is an issue on the estate and one which, from my observations on site, I consider creates obstacles to the movement of vehicles.
7. In respect of the appeal site, I observed cars parked along the frontage with Upper Road. Whereas vehicles associated with neighbouring businesses accessed off Lower Access Road tended to be parked within the individual sites, the area between the building currently occupied by the Appellant and the appeal site was occupied by four parked delivery vans, a fork lift truck moving goods and several containers.
8. The traffic which would be generated by the development falls into three main groups: the delivery of goods to the site by HGV five times per week; the transportation of the finished product from the building daily by two vans; and staff parking. The HGV would stop in the proposed lay-by on Upper Road to off load which would take about 30 minutes. The vans would enter the site from the Lower Access Road, be loaded within the site and egress onto Upper Road. The Council has stated that whilst adequate parking is proposed, it has concerns regarding access to and egress from the site together with the design of the proposed lay-by, and the effect the loss of existing on road parking would have on the wider industrial estate.
9. The design of the lay-by as submitted is not to an acceptable standard. Whilst the changes required are minor and could normally be addressed by condition, in this instance I do not consider it would be satisfactory to do so. It is not clear what effect the amendments would have on the site frontage with Upper Road and the egress from the building in particular.
10. Furthermore, the construction of a lay-by would result in the loss of several on-road parking spaces which would exacerbate the existing parking problem. It is not known if the drivers who currently park along this frontage are employed on the estate and park there for convenience rather than necessity or if they are visitors. There is also no proposed method by which the availability of the lay-by for the offloading of goods would be ensured. I note that the deliveries are normally made at the start of the working day, but there is no certainty that vehicles would not already be parked in the lay-by. Although the Appellant has suggested that the HGV could be offloaded directly from Upper Road, this has the potential to obstruct the road.
11. The route to the site for the delivery vans via Lower Access Road would be difficult to negotiate given the level of activity I observed in association with the Appellant's existing building. I understand that deliveries to the existing building by HGV are also made from Lower Access Road and if this is to continue it would add to the congestion of the area to the detriment of neighbouring uses. I have noted the suggestion that the scheme could be amended to allow the vans to enter and leave the appeal site from Upper Road. However, this would require the amendment of the scheme to allow the two-way flow of traffic into and out of the site and at the point of access onto Upper Road which would also be affected by changes to the design of the lay-by.
12. Although the Appellant has stated that due to increased mechanisation there would be a decrease in the number of employees and no increase in traffic, no substantive

evidence with regard to the current scale of the business and the traffic it generates has been submitted. There is also no definitive evidence to support the Appellant's contention that the current situation lies primarily with the inability of other uses to regulate the traffic they generate and on-site parking. Without such information I am unable to reach a reasoned conclusion as to whether the proposal would result in a material improvement to the current situation as claimed by the Appellant.

13. Whilst the anticipated number of HGV which would visit the site as a result of the development may only be five per week, I am not persuaded by the evidence that the proposed access and offloading arrangements could take place satisfactorily within the site and that the existing problems caused by indiscriminate parking on the industrial estate would not be exacerbated, contrary to Policy GDP1(d) of the Wrexham Unitary Development Plan, 2005 (UDP) which requires safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.
14. I am satisfied that information has been submitted in respect of the anticipated number of deliveries which would be made to the site by HGV. Whilst the length of the HGV trailer is shown on the submitted drawings to be approximately 8.5 metres, HGV can be significantly longer. There is no written evidence to confirm that the size of HGV which will visit the site apart from reference to them being large. Moreover, the HGV would have to be turned within the estate and given the difficulties I observed in an HGV negotiating parked vehicles I am not persuaded that the HGV associated with the proposed development could be satisfactorily accommodated within the existing road network of the Industrial Estate, contrary to Policy GDP1(d) of the UDP.
15. I recognise that the proposed development would safeguard existing jobs and make a positive contribution to the local economy. However, I do not find these to be sufficient to outweigh the concerns I have identified with regard to the traffic which would be generated by the proposal.
16. The concerns raised by interested parties include flooding of the units on Lower Access Road from highway run-off. However, in the absence of any evidence to the contrary I have no reason to conclude that the site could not be satisfactorily drained.
17. For these reasons, and having had regard to all other matters raised, the appeal is dismissed.
18. In reaching my decision I have considered the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle, through its contribution towards the Welsh Ministers' well-being objective to build better environments.

K. Sheffield

INSPECTOR