
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16/06/20

gan **C MacFarlane BSc(Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 06.07.2020

Appeal Decision

Site visit made on 16/06/20

by **C MacFarlane BSc(Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 06.07.2020

Appeal Ref: APP/H6955/A/19/3241117

Site address: 31 Holyrood Crescent, Rhosddu, Wrexham LL11 2EN

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 Birch Heath Development against the decision of Wrexham County Borough Council.
 - The application Ref WRR P/2019/0513, dated 11 June 2019, was refused by notice dated 22 August 2019.
 - The development proposed is change of use – A1 Shops to A3 Food and Drink.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal form indicates an intention to submit a costs application, however as no such application has been made, I do not consider this any further.

Main Issues

3. The main issues are the effect of the proposal on i) highway safety and ii) the living conditions of neighbouring occupiers, with regard to noise, odour, anti-social behaviour and litter.

Reasons

4. The appeal site is a vacant end unit in a single-storey terrace of four small commercial units and set within a wider area of residential properties. The modest appearance of the row of units and the dominant form of development being detached and semi-detached dwellings in an ordered layout give the area a decidedly residential character. There is a short access road to the front of the units, with a raised triangular area of hardstanding opposite creating three junctions between the access road, East Avenue and Holyrood Crescent. A bus stop is located on the side of this area adjoining East Avenue. The surrounding roads are not subject to any formal parking restrictions.
 5. Despite being beyond its end date, the Wrexham Unitary Development Plan (UDP) remains the adopted development plan for the area. The Council's approved Local
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Planning Guidance Notes 9 'Hot Food Take-Aways' (LPGN 9) and 16 'Parking Standards' (LPGN 16) predate Planning Policy Wales 10 (PPW), with LPGN 9 also predating Welsh Government's Technical Advice Note 4 'Retail and Commercial Development'. However, I do not find any conflict in respect of the main issues in this appeal.

Highway safety

6. The proposal would not make provision for any vehicle parking spaces. Although there is a service road along the rear of the row of units, no details of potential parking spaces in this location have been provided. In any event, due to its restricted width and the need to ensure through access to all four units, this road would provide very limited space for parking. Staff and customers would therefore be reliant on on-street parking provision.
7. As no detailed internal layout has been provided, it is not possible to accurately calculate the number of spaces that would be required in accordance with LPGN 16. The Council considers there to be a requirement for 14 spaces based on the gross floor area, which would be a significant increase from the requirement for approximately 3 spaces generated by the existing A1 use. LPGN 16 states the standards are a maximum and allows for fewer spaces to be provided in areas close to local services and facilities and/or where people can walk, cycle or use public transport. Given the small scale of the unit and the relative accessibility of the location, I consider that a lesser requirement may be justified. Although the use of web-based applications for food ordering and delivery may reduce the number of customers visiting the premises, and therefore the parking demand, no end-user has been identified for the unit and there is a lack of certainty that such technology would, or could, be utilised to a meaningful extent. However, even with some reduction, the scale of the requirement based on the standards in LPGN 16 would still represent an increase in parking demand when compared to the existing use of the unit.
8. Although there is space available for vehicles to park along the access road to the front of the property, this is limited and would also be used by staff and customers of the other units. At the time of my visit there were a number of vehicles parked partially on the footways of the surrounding roads, and one of the four units was open for customers. It is therefore reasonable to expect that the parking demand, and levels of on-street parking, would be considerably greater when all businesses are open, and the comments received from the Council and third parties reflect this. I also observed a regular flow of traffic along East Avenue, with vehicles travelling at faster speeds than those using the surrounding roads.
9. Due to the deficiency of provision and the increase in parking demand, the proposal would result in increased vehicle movements and indiscriminate parking in the area around the appeal site. Given the proximity to several junctions and bus stop, and taking account of vehicle speeds along East Avenue, this would significantly interfere with the free flow of traffic in the area and increase the risk of conflict between road users. The proposal would therefore fail to comply with UDP Policies GDP1 and T8, which seek to ensure development has safe and convenient access, and to prevent adverse effects on highway safety.

Living conditions

10. The proposal does not specify the intended type of A3 use and would therefore enable a range of different food and drink establishments to operate at the appeal property. With regard to noise and disturbance, although the existing A1 use may lawfully

operate 24 hours a day, given the increased vehicle movements arising from the proposal, the resulting levels of noise and disturbance associated with customers visiting the premises and any food deliveries would not be directly comparable. However, notwithstanding the locational restrictions on hot food take-aways set out in LPGN 9, such matters could be controlled through a planning condition restricting the hours of operation during the evening and night, when neighbouring occupiers would have a reasonable expectation of a quiet environment.

11. No details have been provided regarding waste disposal, or in relation to the control of odour and cooking smells. However, I consider that any potential harm could be adequately addressed by suitably worded conditions. No evidence has been provided to indicate that the proposal would lead to an increase in anti-social behaviour, or that there is an existing problem in the area, which is supported by the crime figures supplied by the appellant.
12. I therefore conclude that, subject to the imposition of conditions relating to operating hours, waste disposal and odour control, the proposal would not cause significant harm to the living conditions of neighbouring occupiers and would comply with UDP Policy GDP1 which, amongst other things, seeks to ensure the safety and amenity of the public.

Other Matters

13. The proposal would make use of a vacant building, which is supported by PPW. It would also contribute to the local economy and provide employment. However, such considerations should be weighed against the other impacts of the proposal and, in this case, would not outweigh the identified harm. The appellant contends that the proposal would be acceptable in terms of proximity to the nearest school, and this matter has not been substantively argued by the Council. In any event, a lack of harm in this respect would be a neutral factor which would weigh neither for nor against the proposal.
14. In reaching my decision, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Conclusion

15. Although I have found that the proposal would be acceptable with regard to its effect on the living conditions of neighbouring occupiers, this lack of harm does not outweigh the harm caused to highway safety.
16. For the reasons given above, the appeal is dismissed.

Claire MacFarlane

INSPECTOR