

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 31/01/17
Ymweliad â safle a wnaed ar 31/01/17

**gan Kay Sheffield BA(Hons) DipTP
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 17.02.2017

Appeal Decision

Hearing held on 31/01/17
Site visit made on 31/01/17

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers
Date: 17.02.2017

Appeal Ref: APP/H6955/A/16/3160316

Site address: Unit A, Maesgwyn Road, Wrexham, LL11 2AP

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 Wrexham Carpets against the decision of Wrexham County Borough Council.
 - The application Ref P/2016/0698, dated 27/06/2016, was refused by notice dated 24/08/2016.
 - The development proposed is the change of use from garage to carpet warehouse and retail together with the display of two signs.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on highway safety.

Reasons

3. The change of use and display of signs to which the appeal relates has taken place. No objection has been raised by the Council to the signs and I find this part of the proposal to be acceptable.
 4. The appeal site lies on the eastern side of Maesgwyn Road a short distance from its junction with Mold Road. It is a no-through road of primarily residential dwellings which culminates in a pedestrian link into the grounds of Wrexham Maelor Hospital and a residential cul-de-sac. The town centre is within easy walking distance as are the postal sorting office, football ground, university and train station. As a result there is high demand for on-street parking on Maesgwyn Road from residents and those attending other uses within a short distance of the site. A Traffic Regulation Order (TRO) is in force on Maesgwyn Road from its junction with Mold Road to beyond the appeal site on its eastern side. In addition to parking the TRO prevents waiting and loading at any time.
 5. The appeal site forms part of a larger building which has been subdivided. The northern end of the building, which fronts onto Mold Road, is occupied by a tyre and vehicle maintenance company (ATS) and the part to the south of the appeal site has
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planning permission for change of use to a self-storage facility and three residential apartments¹. The appeal building has an established use as a car repair workshop and a previous appeal² allowed the creation of a vehicular access into the building and included space within it for the parking and turning of vehicles.

6. Internally a small area of the appeal building is partitioned off as a warehouse with access via a roller shutter door from the street. The remainder of the ground floor space is accessed via a pedestrian door and is laid out with display stands of carpet samples and rolls of flooring for sale. There is also a small area displaying window blinds. A mezzanine provides an office and staff room. Although the larger part of the floor area has a retail character, there was evidence that the cutting of rolls of flooring took place here rather than in the warehouse which was primarily used for the storage of sundry items and waste receptacles.
7. It was confirmed that the window blinds was a separate company and not owned or operated by the Appellant. Apart from the display, the blind business is run remotely from the site and anyone making enquiries is only given contact details. Although the sale of blinds is not included in the details before me, I am satisfied from the account given by the Appellant at the hearing that the level of traffic generated by the blinds would not add significantly to that generated by the carpet business.
8. The Appellant indicated that retail sales direct to the public accounted for less than 15% of the carpet business and it was clear from the record of visitors that the numbers attending the site were low and generated a limited amount of traffic. It was also clear from the discussion at the hearing that the routine daily traffic consisted primarily of one car for an employee based on site; one van used by carpet fitters for about an hour at the start of the day; and one delivery lorry for approximately 15 minutes. Other vehicles, such as sales representatives, were sporadic. On the basis of the information given during the hearing the Council accepted that the nine spaces it considered necessary to serve the development might be reduced and if calculated on the basis of a warehouse four spaces would be required.
9. Whilst not identified as part of the appeal site, the submitted plans show three parking spaces in the area of hardstanding between the front of the appeal building and the back of the footway. Although part of this area is signed for the use of ATS, the Appellant indicated at the hearing that it had control over the frontage. However, there is no substantive evidence to confirm this. Notwithstanding the availability of this area for parking, the number of spaces would not meet the Council's standards despite an allowance being made for the sustainable location of the site and the level of traffic generated by the proposal.
10. The parking spaces would be parallel to the building and as it is set approximately 2.1 metres from the back of the footway the width of the proposed parking spaces would be restricted. Whilst it is evident from the vehicles seen parked in the spaces signed for use by ATS that it would be possible with care to park cars within the available space, drivers would have to manoeuvre their vehicles along the footway in order to park. The proposed arrangement would also block the roller shutter door into the warehouse and restrict access via the pedestrian entrance door. I am not persuaded that the space available would be sufficient for delivery vans to park clear of the footway and from photograph evidence and my own observations during my pre-

¹ Application references P/2016/0298 and P/2016/0299

² Appeal Ref: APP/H6955/A/14/2229495 dated 02/02/2015

hearing site visit it is evident that larger vehicles stopped outside the building obstruct the footway. Whilst such an obstruction may take place over a limited time period, it would prevent the free passage of pedestrians along this side of Maesgwyn Road. I share the Council's concerns regarding the effect the use of the proposed parking spaces and stopping of vehicles outside the site would have on pedestrian safety.

11. Given the concerns identified I find the proposed parking arrangements to be unsatisfactory and likely to increase the potential for indiscriminate parking on Maesgwyn Road to the detriment of highway safety, contrary to Policies GDP1(d) and S6 of the Wrexham Unitary Development Plan, 2005 and the Council's Local Planning Guidance Note No. 16: Parking Standards which seek safe and convenient pedestrian and vehicular access.
12. It was suggested at the hearing that a change to the TRO to allow vehicles to unload outside the site could overcome the lack of suitable parking. However, this is a separate matter and since such an Order is not in place no weight can be attached to it in the determination of the appeal.
13. Local residents raised concerns regarding the turning of vehicles at the junction of Maesgwyn Road with the cul-de-sac. Vehicles parked on both sides of the road restrict the opportunities for drivers to turn their vehicles other than at this junction. However, given the traffic generated by the appeal proposal in relation to the total volume using the road, I do not consider this aspect of the development adds significantly to the risk to highway safety.
14. It is acknowledged that the premises could revert to a car repair business with the potential to generate more traffic than the appeal proposal and have a greater effect on local residents with regards to noise and disturbance. However, the previous appeal provided parking and turning within the site and although the Inspector recognised the additional pressure the proposal could place on on-street parking in the area, he was satisfied that the ability of vehicles to enter the building would reduce the potential for indiscriminate parking along Maesgwyn Road. I am not persuaded that the parking arrangements before me would have a similar effect.
15. In addition the previous appeal required the erection of a boundary wall at the back of the footway and the Council has imposed a similar requirement in respect of the proposed self-storage facility and the residential permission. Unlike the proposal before me, this would prevent parking between the building and the back of the footway to the benefit of the safety of pedestrians.
16. It is accepted that use of the ATS spaces has a similar effect on highway safety as the appeal proposal. I understand that these spaces are provided through an informal arrangement and although the Council finds them to be unacceptable no action has been taken against them. Given the intention of the previous appeal decision and the Council's decisions on the adjoining site to prevent parking between the building and the back of the footway, I consider that the informal arrangement at ATS carries little weight in support of the appeal.
17. 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 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is consistent with the sustainable development principle as required by section 8 of the WBFG Act.

18. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

Kay Sheffield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr M Gilbert	The Planning Consultancy
Mr J Osborne	Wrexham Carpets
Mrs E Osborne	Wrexham Carpets

FOR THE LOCAL PLANNING AUTHORITY:

Miss S Holman	Development Control Planning Officer
Mr P Douthwaite	Highways Development Control Officer
Councillor P Wynn	Ward Member and Community Councillor

DOCUMENTS

- 1 Planning certificate and approved plans for the change of use from workshop to self-storage facility (Application ref: P/2016/0299).
- 2 Planning certificate and approved plans for the change of use of former offices to three apartments and parking area (Application ref: P/2016/0298).
- 3 Plan showing waiting restrictions on Maesgwyn Road.
- 4 Approved plans approved for the use of the appeal site as a garage (Appeal Ref: APP/H6955/A/14/2229495).