
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 24/01/17

gan Kay Sheffield BA(Hons) DipTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13.02.2017

Appeal Decision

Site visit made on 24/01/17

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 13.02.2017

Appeal Ref: APP/H6955/A/16/3161469

Site address: Wrexham Training, Ruabon Road, Felin Puleston, Wrexham, LL13 7RF

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 grant of planning permission subject to conditions.
 - The appeal is made by Lockstock Self Storage Limited against the decision of Wrexham County Borough Council.
 - The application Ref P/2016/0677, dated 14/07/2016, was approved on 03/10/2016 and planning permission was granted subject to conditions.
 - The development permitted is the demolition of central block/workshop and the siting of storage containers.
 - The condition in dispute is No 6 which states that: "No use of the development shall be made before 07:30 hours or after 19:00 hours Monday to Friday, before 07:30 hours or after 16:30 hours on Saturday, before 09:00 hours or after 16:00 hours on a Sunday or at any time on a Bank Holiday".
 - The reason given for the condition is: "To ensure that the use is not used at a time which would be likely to cause nuisance or disturbance to nearby residents".
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Decision

1. The appeal is allowed and the planning permission Ref P/2016/0677 for the demolition of central block/workshop and the siting of storage containers at Wrexham Training, Ruabon Road, Felin Puleston, Wrexham, LL13 7RF granted on 03/10/2016 by Wrexham County Borough Council, is varied by the deletion of condition 6.

Main Issue

2. The main issue is whether the condition is reasonable and necessary to safeguard the living conditions of nearby residents with regard to noise and disturbance.

Reasons

3. The appeal site lies on the southern edge of Wrexham town within a commercial area where there is a mix of uses. The site, together with two trade retail warehouses, is accessed via a side road off the A5152 Ruabon Road, a primary route into the town centre. The main railway line between Shrewsbury and Chester lies approximately 60 metres to the north west of the site and beyond the warehouses. The railway is on an embankment and a pedestrian footpath passes through the embankment providing a link between the access road serving the commercial uses and the residential estate to the north west.
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4. The Council granted planning permission for the siting of more than 100 storage containers for the purpose of self-storage. There would be no permanent member of staff on site to manage access to the containers and clients would be free to enter the site at any time via an electric entry gate. The Appellant seeks the removal of the condition in order to allow clients access to the storage containers on a 24 hour basis.
5. There is no evidence that the proposal would generate a significant increase in traffic over the previous use as a training centre. Nevertheless I understand the Council's concerns regarding the potential number of clients who could access the site outside normal business hours and the associated noise from vehicles and access to and movement of objects within the containers. However, the traffic survey submitted by the Appellant for three existing sites of a comparable size to the appeal proposal with 24 hour access and located close to residential properties shows that, on average, the number of vehicles entering the sites is relatively low with very few vehicles entering the sites during the late evening and night time. From the evidence before me I have no reason to conclude that the night time activity would differ significantly from the other sites drawn to my attention.
6. The nearest residential properties are approximately 90 metres from the site and are separated from it by buildings and the railway. It is suggested that passenger trains run from 06:00 hours to midnight and potentially freight traffic during the night time. Whilst I have no substantive evidence of the train times and frequency, some of the dwellings are built at the base of the embankment with the potential for disturbance from passing trains. Although noise from the appeal site could potentially add to that disturbance, I noted during my site visit that the noise from traffic and the loading of vehicles in association with the existing warehouses was barely audible when walking the footway through the embankment from the residential estate.
7. In view of the location of the appeal site, I do not anticipate that activity as a result of the development outside the times cited in the condition in dispute would cause an unacceptable level of noise and disturbance for the occupants of the residential properties on the other side of the railway embankment.
8. The effect of the traffic generated by the development on the occupiers of properties on the road through Rhostyllen and the outlying areas of Wrexham was also raised by the Council. However, the A5152 is a primary route into the town centre and I do not consider that traffic generated by the proposal would add significantly to the traffic already using this road or the noise levels already experienced by residents.
9. Although the Council considered the access from the A5152 to be dangerous, no substantive reason or evidence in respect of accidents has been submitted. I have noted that the highway officers raised no objection to the development and having observed the junction I agree that visibility is acceptable.
10. I therefore conclude that condition 6 is not reasonable or necessary to safeguard the living conditions of nearby residents with regard to noise and disturbance in accord with Policy GDP1 of the Wrexham Unitary Development Plan, 2005.
11. 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"). 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 in accordance with the sustainable development

principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

12. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal be allowed.

Kay Sheffield

INSPECTOR