

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
FIVE CROSSES INN RUTHIN ROAD MINERA WREXHAM**

COUNCIL'S STATEMENT OF CASE

PLANNING REF: P/2016/0540

PINS REF: 3163233

1.0 THE SITE

- 1.1 The appeal site lies adjacent to the junction of the A525 Ruthin Road and Gwernygaseg Road, the B5430 Talwern Road and the B5426 Minera Hall Road. The Five Crosses Industrial Estate lies to the north of the site and the Five Crosses Inn to the south. The appeal site is currently in use as a car park serving the Five Crosses Inn.

2.0 PROPOSAL

- 2.1 The appellant is proposing the erection of a retail unit with a gross floor area of 325 sq.m together with associated parking provision, access arrangements and landscaping. The shop will have an ATM machine.

3.0 PLANNING HISTORY

- 3.1 P/2015/0011 Erection of retail store with ATM together with associated works. Withdrawn.
- 3.2 P/2015/0644 Erection of Class A1 (retail) convenience store with associated car parking, access arrangements, landscaping and ATM machine. Granted 29.4.2016

4.0 LOCAL PLANNING CONTEXT

- 4.1 The relevant development plan is the Wrexham Unitary Development Plan adopted 14 February 2005.
- 4.2 The policy directly relevant to this appeal is:
- T8 Parking
- 4.3 The following policies are also relevant to the proposed development:
- GDP1 Development Objectives
 - S6 Local Need Shopping.
- 4.4 Policy T8 is supplemented by Local Planning Guidance Note 16: Parking

5.0 THE COUNCIL'S CASE

Background

- 5.1 Planning permission was initially sought in 2015 (reference P/2015/0011) to erect a 372 sq.m shop on the site. The remaining car park would have had 15 spaces in total – 8 for use by visitors to the retail unit and 7 for use by visitors to the public house. The application was withdrawn because the Council had expressed concerns about the lack of parking, accessibility issues for pedestrians and potential impact upon nearby occupiers.

- 5.2 Planning permission was granted on 29 April 2016 for revised proposals, comprising of a 232 sq.m retail unit with a 23 space car park – 9 spaces for use by visitors to the retail unit and 14 for use by visitors to the public house. The permission was granted subject to a Planning Obligation securing funding towards the costs of implementing a Traffic Regulation Order. The TRO was considered necessary to deter on-street parking in the vicinity of the site along Ruthin Road as well as the Ruthin Road/Gwernygaseg Road and Minera Hall Road junctions. The planning permission is also subject to a condition to require works in the vicinity of the site to improve both pedestrian and vehicular access.

Parking provision for the appeal proposals

- 5.3 The appeal proposals include provision for a 20 space car park, a reduction of 3 parking spaces compared to the extant planning permission. The submitted plans suggest 9 spaces will be allocated for use by visitors to the retail unit and 11 for use by visitors to the public house. The Local Planning Guidance Note 16 maximum parking standards for the retail unit is 23 spaces and 20 spaces for the public house – 43 spaces in total.
- 5.4 Compared to the extant planning permission, the reduction in parking provision is at the expense of the public house rather than the retail unit. Despite this the site layout plan suggests that there would be no physical barriers erected within the car park so it could be used as a shared facility for both the retail unit and public house. It is accepted that the peak demand for each is unlikely to overlap significantly, thus free spaces in the 'Store' side of the car park could be used to cater for demand generated by visitors to public house and vice versa, if required. Nevertheless the overall parking provision for both buildings, taken together, is 47% of the LPG16 maximum. The parking provision for the extant permission is 64% of the LPG16 maximum.
- 5.5 Whilst LPG16 does not set minimum parking standards, the Highway Authority expressed significant concerns that the development will have inadequate provision of off-street parking and as a result the proposals may encourage on-street parking in the vicinity of the site, particularly on Ruthin Road. This would pose a risk to highway safety.
- 5.6 Whilst there are on-street parking areas on roads in the locality, the nearest spaces are on Gwernygaseg Road around 75 metres from the site entrance. The spaces identified by the appellants on Bryn Hyfryd, Nant Lais, Ruthin Road and Talwrn Road are all in excess of 100 metres away. Although this is likely to only be a few minutes' walk from the site, the proposal is for a convenience store. Visits to this type of store are typically short and it is suggested that customers are likely to want to be able to park as close as possible to the shop. The Council contends that few customers are likely to want to take the time

to walk the distances between the on-street parking areas and the retail unit. Whilst it is accepted that some may choose not to visit the retail at all if there are no parking spaces in the proposed car park, there is also potentially the risk that some may choose to park indiscriminately on the highway close to the site. The Council is therefore not convinced the applicants have demonstrated that the proposed parking provision will be adequate.

6.0 CONCLUSION

- 6.1 The appeal proposals make inadequate provision for off-street parking and as such do not accord with policy T8 of the Wrexham Unitary Development Plan. The Council therefore respectfully requests that the appeal be dismissed.

7.0 PLANNING OBLIGATION

- 7.1 The Council has received a copy of the appellant's Unilateral Undertaking. This will secure the same contributions as planning obligation in respect of the extant planning permission. In the event of the appeal being allowed, the Council is content that the form and content of the Unilateral Undertaking is satisfactory.

8.0 PLANNING CONDITIONS

- 8.1 The Council appends a list of suggested conditions in the event of the Inspector being mindful to allow the appeal.