

APPEARANCES

FOR THE APPELLANTS:

Mr L Denton LIB	Mace & Jones
Mrs K Smith MIHE	Sanderson Associates (Consulting Engineers) Ltd.
Mr N Machin BA(Hons) DipArch RIBA	AEW Architects

FOR THE LOCAL PLANNING AUTHORITY:

Mrs J S Sutherberry BTp	Wrexham CBC
Mr C G Simpson CEng BTech	Wrexham CBC
Mr J M Plant BEng(Hons) CEng MICE	Wrexham CBC

DOCUMENTS SUBMITTED AT THE HEARING

Document	1	Council's Notification of Hearing
Document	2	Series of photographs taken by Council of vehicle emerging from site entrance
Document	3	'Congestion-Commuting: An Economic Barometer', submitted by the appellants

junction. Nonetheless, given that the level of peak hour vehicular traffic likely to be generated would not be discernible against normal daily fluctuations, on balance, I am satisfied that the proposal would not materially increase the risk of accidents in the vicinity of the junction.

15. Criterion d) of Wrexham Unitary Development Plan policy GDP1 requires that all new development should ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality. For the above reasons, I am of the opinion that this requirement would be met.
16. Possible conditions in the event of the appeal being allowed were discussed at the Hearing. I am of the view that those relating to external finishes, hard and soft landscaping, including waste collection facilities, are necessary to ensure an acceptable visual appearance to the development. A footway from the site entrance, cycle parking and a Travel Plan should be secured through appropriate conditions to encourage the use of modes of transport other than the private car and, insofar as the footway is concerned, in the interests of pedestrian safety.
17. Disabled parking should be secured by condition to ensure that the development is accessible to all. Operations which generate noise audible at or beyond site limits should be restricted to specified times by condition in order to protect the living conditions of neighbouring occupiers. A condition requiring details of access improvements to be approved and implemented would enable the parties to give further consideration to the desirability of providing separate left and right turn out lanes at that location.
18. For the reasons given above I conclude that the appeal should be allowed.

E Jones

Inspector

lengths are concerned, that for the left turn lane in the evening peak would increase to 14 vehicles (from 12) in 2009 and 36 vehicles (from 32) in 2014. Nonetheless, it must be remembered that PICADY is less reliable when junctions are operating at or above capacity.

9. Based on a different dataset from within the TRICS Database, the Council compute 2-way morning peak hour vehicular trips of 33 (as compared to the appellants 15) and 2-way evening peak hour vehicular trips of 28 (as compared to the appellants 13). The Council's dataset comprises sites with floor areas between 929 and 3251m². Whilst 3 out of the 6 sites are local authority offices which have a greater number of visits by members of the public than private sector offices, few if any of those visits are likely to take place during peak hours. Although the appeal site is in a relatively sustainable location offering the opportunity of travel to work by modes other than the private car, this is probably also true of the sites in the Council's dataset as these were selected to be in comparable locations.
10. Applying the same proportions for arrivals and departures as used by the appellants would result in around 24 of the 28 evening peak hour movements from the Council's TRICS data being departures with 17 of those being right turns. This is less than the seasonal difference between January 2009 (64 right turn departures) and May 2009 (38 right turn departures) base-flows.
11. Taking a different approach from the use of TRICS data, the appellants accepted that the building could accommodate around 60 workers (the Council suggested 80). Only 23 of these arriving across all modes of transport (15 as vehicle occupants) in the morning peak hour and only 20 departing by all modes of transport (13 as vehicle occupants) in the evening peak hour seems to me to be very low.
12. Evidence from the appellants indicates that at an office adjacent to a Total Fitness site elsewhere, a third of staff were Total Fitness members who regularly used the facilities before or after work, thereby reducing peak hour vehicular activity. In this case, I accept that some staff would probably make use of the Total Fitness facility, but the impact on peak hour vehicular movements cannot be predicted with any certainty.
13. The above paragraphs lead me to the view that overall the appellants have underestimated the level of peak hour vehicular traffic likely to be generated by the proposal. Nonetheless, I am satisfied that the level of peak hour vehicular traffic likely to be generated would be relatively low and not discernible against normal daily fluctuations. Given the way that the junction operates in practice, as described in paragraph 5 above, on balance, I consider that vehicular traffic likely to be generated by the proposal would not materially impact on the free flow of traffic in the vicinity of the junction.
14. Turning to highway safety, around 12 personal injury accidents were recorded in the immediate vicinity of the junction in the 5 year period to March 2009. One of these was serious with the remainder being slight, but the only common factor is that a limited number of them related to junction restarts. Whilst 12 is relatively few, it exceeds the 5 or 6 threshold used by the Council to determine whether further investigation is required and it is currently reviewing the situation at this

Reasons

3. The proposed office building with a gross floor area of approximately 944 m² would be located towards the northern end of the car park to the existing Total Fitness exercise and rehabilitation centre, with which it would share access from Stansty Road (B5101). That access is located some 24m from the junction of Stansty Road with New Road/Rhosddu Road (B5425). The junction of Prices Lane with the B5425 is located a short distance to the north, with the two junctions effectively forming a staggered cross roads arrangement. Stansty Road has separate right and left turn lanes at the junction and the B5425 incorporates right turning provision for traffic turning into Stansty Road as well as Prices Lane.
4. Using January 2009 traffic flows, the PICADY computer programme indicates that the Stansty Road arm of the junction is already operating beyond practical capacity, expressed as when the ratio of flow to capacity (RFC) reaches 0.85, at times. The programme gives a RFC of 0.903 and a maximum queue length of 6 vehicles for the right turn lane in the morning peak hour and a RFC of 0.976 and a maximum queue length of 12 vehicles for the left turn lane in the evening peak hour. By 2014, these are predicted to increase to 1.074 RFC/15 vehicles and 1.122 RFC/32 vehicles respectively.
5. However, as I saw at the accompanied site visit and in the video evidence submitted by the appellants, there are periods within peak hours when there is no traffic at all on the Stansty Road approach to the junction. Whilst there are also periods when queue lengths exceed those suggested by computer modelling, at times going as far back as, and possibly beyond, the railway under-bridge, the queues are generally constantly moving up to the junction. The Council note that they have experienced a 5% decrease in peak hour movements since 2007 and ascribe that to the current recession suggesting that figures will increase again when economic circumstances improve. However, a 5% difference is likely to be within normal daily fluctuations.
6. The Council noted that on the evening before the Hearing, a vehicle had taken from 17:05:40 to 17:07:08 to turn right out of the site onto Stansty Road and to 17:08:47 to turn right onto Rhosddu Road. However, that appears to be an extreme example and during the evening peak hour site visit vehicles emerging were able to do so in a much shorter time. Nonetheless, I accept that what I saw at the visit, as well as the appellants' video and the Council's photographic evidence, are only snapshots.
7. Based on information from the TRICS Database for 43 sites with floor areas in the range 408 to 32793m², the appellants calculate that the proposal would generate 13 vehicular arrivals and 2 vehicular departures during the morning peak hour. The comparable figures for the evening peak hour being 2 arrivals and 11 departures. This has been added to January 2009 base flows on the basis of 70% towards/from the B5425 and 30% towards/from the railway under-bridge, with the B5425 element further split as 70% New Road/Prices Lane and 30% Rhosddu Road.
8. Re-running PICADY with development traffic added in on the above basis, results in the critical RFCs increasing to 0.915 (from 0.903) and 0.995 (from 0.976) in 2009, and 1.086 (from 1.074) and 1.143 (from 1.122) in 2014. Insofar as queue

- September) seasons following the occupation of the building hereby permitted or the completion of the development, whichever is the sooner.
- 5) Any trees or shrubs comprised in the approved details of landscaping which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
 - 6) No development shall take place until design details of a 2m wide footway between the existing highway footway and the main entrance of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The approved footway shall be implemented/provided before the building hereby permitted is first occupied and shall thereafter be maintained in accordance with the approved specification.
 - 7) No development shall take place until details of at least 4 disabled parking bays have been submitted to and approved in writing by the local planning authority. The approved disabled parking bays shall be implemented/provided before the building hereby permitted is first occupied and shall thereafter be maintained for that purpose.
 - 8) Construction works, ancillary works and the use of plant or machinery audible at or beyond the site boundary shall only be carried out between the hours of 0730 and 1800 (Monday to Friday) and 0800 to 1400 (Saturday) and at no time on Sundays or Bank Holidays.
 - 9) No development shall take place until details of cycle parking facilities have been submitted to and approved in writing by the local planning authority. The approved cycle parking shall be implemented/provided before the building hereby permitted is first occupied and shall thereafter be retained.
 - 10) The hard landscaping details to be approved and provided pursuant to conditions 3 and 4 above shall include waste collection facilities.
 - 11) No development shall take place until details of improvements to the site access off Stansty Road have been submitted to and approved in writing by the local planning authority. The approved access improvements shall be implemented/provided before the building hereby permitted is first occupied.
 - 12) Within 12 months of the first occupation of the building hereby permitted a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Plan submitted for approval shall be in accordance with the principles set out in the submitted Travel Plan Framework dated September 2009. The approved Travel Plan shall thereafter be implemented.

Main issue

2. I consider the main issue in this case to be the effect of vehicular traffic likely to be generated by the proposal on highway safety and the free flow of traffic in the vicinity of the Stansty Road and New Road/Rhosddu Road junction.



Penderfyniad ar Apêl

Gwrandawriad a gynhaliwyd ar 17/11/09

Ymweliad safle a wnaed ar 17/11/09

Appeal Decision

Hearing held on 17/11/09

Site visit made on 17/11/09

gan/by Emyr Jones BSc(Hons) CEng MICE MCMI

**Arolygydd a benodwyd gan Weinidogion
Cymru**

**an Inspector appointed by the Welsh
Ministers**

Dyddiad/Date 08/12/09

Appeal Ref: APP/H6955/A/09/2109660

Site address: Total Fitness Ltd., Stansty Road, Wrexham LL11 2BU

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 Derwent Holdings Ltd. against the decision of Wrexham County Borough Council.
- The application Ref P/2008/1152, dated 1 September 2008, was refused by notice dated 16 February 2009.
- The development proposed is the shell build of a 2 storey office building including associated parking.

Decision

1. I allow the appeal, and grant planning permission for the shell build of a 2 storey office building including associated parking at Total Fitness Ltd., Stansty Road, Wrexham in accordance with the terms of the application, Ref P/2008/1152, dated 1 September 2008, and the plans submitted with it (Drawing Nos. M3321 P00 - P06), subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than five years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) Notwithstanding the landscaping details shown on the approved plans, no development shall take place until further details of all hard and soft landscaping have been submitted to and approved in writing by the local planning authority.
 - 4) All hard landscaping comprised in the approved details of landscaping shall be carried out prior to the occupation of the building hereby permitted or the completion of the development, whichever is the sooner. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting (November to March) and seeding (April to