

Planning Appeal – Unit A, Maesgwyn Road, Wrexham.

Proposed Change of Use to Carpet Warehouse and Retail –
Appeal Statement on behalf of the Appellants.

the
Planning
C o n s u l t a n c y

1. Personal Background.

- 1.1. My name is Matthew Gilbert, I have an honours degree in Town Planning and I am a Member of the Royal Town Planning Institute.
- 1.2. Since gaining my degree in 1981, I have held various posts in both the private and public sectors.
- 1.3. I have worked for the City of Stoke on Trent as a planning officer with responsibility for both development control and conservation issues and, between 1988 and 1992, I was a partner in a firm of planning consultants advising clients on planning and development issues throughout England and Wales, but most particularly in the North-West.
- 1.4. I was subsequently employed by a National housebuilder, for whom I was the Group Planning Advisor, providing advice and assistance to the Group's housebuilding companies throughout Britain.
- 1.5. For the past twenty years I have been operating my own planning consultancy, providing planning advice to clients throughout the Country on a wide range of development proposals.
- 1.6. The evidence which I have prepared and provide within this written statement for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

2. Introduction.

- 2.1. This appeal relates to a retrospective proposal by Wrexham Carpets to regularise the use of Unit A Maesgwyn Road, Wrexham as a warehouse for the storage and distribution of carpets, together with limited retailing.
- 2.2. In addition, the proposal also seeks to secure the retention of two signs on the frontage of the premises. However, no objection has been raised by the LPA to this part of the appeal proposal. Attached as Appendix One is an exchange of correspondence with the LPA confirming that there is no issue with the signs and, therefore, unless the issue is raised by a third party, it is not proposed to refer further to them.
- 2.3. The Appellants business has been established in Wrexham for 25 years. The business is concerned with the provision of carpets, and other floor coverings primarily to the commercial market in the local area, fitting out offices, shops and rented housing , as well as being a contractor to Wrexham Council themselves in connection with the carpeting of their social housing stock. Whilst customers do visit the premises (as is the case with almost all storage and related businesses), the business does not compete with the mainstream retail carpet warehouses, nor do they attempt to do so, their business is very much aimed at a specialist sector which, as will be described, attracts only very small numbers of visitors. However, the business is successful and currently provides employment for nine people on a full-time basis.
- 2.4. The Appellants occupied premises on the Cambrian Price Industrial Estate in Wrexham for six years, but early in 2015 they were given notice to quit at very short notice and had to move quickly to find alternative premises. Having identified the appeal premises as a potential alternative, the need to move quickly meant that they had no time to regularise the planning position before moving because they needed to maintain a base for the continued operation of the business, however, they never anticipated that there would be a problem, there had never been any issue with their occupation of their previous unit, which only had two parking spaces, and assumed that this property would be similarly acceptable.
- 2.5. The need for planning permission was pointed out to the Appellants late in 2015 and, in fact, an application was prepared, however, due to administrative misunderstandings, this application sat in the office unsubmitted whilst the business owners waited expectantly for

the decision on the application. In May 2016, not having received an application, the LPA served an enforcement notice requiring the use to cease.

2.6. The serving of the enforcement notice led to the Appellants uncovering their mistake in not submitting the application, this was quickly rectified and the appeal application was submitted.

2.7. However, the application was refused for a single reason relating to highway impact:

In the absence of any bona fide off-road parking, the proposed development would likely exacerbate existing indiscriminate parking issues on Maesgwyn Road which serves the site. This would be detrimental to highway safety and to allow the development would be contrary to Policies GDP1 d and S6 of the Wrexham UDP and Local Planning Guidance Note No 16 'Parking Standards'.

The wording of the decision is of note because it talks about parking issues that would be “likely”. Whilst this could be a possible concern in relation to a proposed use (although hardly an unequivocal statement of demonstrable harm!), the proposal was a reasonably well-established use at the time and, one would have thought, any such problems would already have come to light rather than them being things that might arise in the future.

2.8. Furthermore, it is apparent that no neighbours objected to the proposal whereas, had it been the cause of particular concerns, one would have expected them to voice such concerns in response to the application.

2.9. Furthermore, attached at Appendix Two is a copy of the comments of the Council’s Highways Officer. Whilst the Highways Officer made a number of recommendations and was concerned about the parking at the back of the pavement (which was a long established arrangement), once again, no specific problems associated with the operation of the premises by the Appellants were identified, despite the use having been present on the site, at the time of the consultation response, for eleven months.

2.10. The Highways Officer recommended refusal. The report ended by commenting on a previous application and the grant of permission on appeal subject to a number of

conditions, however, it was observed that none of these conditions had been included within the application. The appeal decision will be referred to in detail later in this statement, but suffice to say at this stage that it is not up to the Applicant to suggest conditions, especially when they are not familiar with the planning system, rather, in accordance with the advice at paragraph 11 of Annex 3 of Circular 23/93 an authority is considered to have acted unreasonably if it has not considered whether the imposition of conditions could overcome their objection. Having regard to the Highway Officer's comments, it rather appears that conditions did potentially provide a way forward, especially in the light of the appeal decision, but for some reason this was not considered in this case.

3. Policy considerations.

3.1. It is considered relevant to briefly highlight a number of principles related to employment development.

3.2. Planning Policy Wales (PPW) adopts a positive approach to economic development, emphasising in para 7.1.2 the need to make provision for the needs of the entire economy. At para 7.1.3. a series of objectives are set out, two of these objectives are highlighted and commented upon as follows:

3.2.1. *Align jobs and services with housing, wherever possible, so as to reduce the need for travel, especially by car* – It is clear that putting employment and residential uses next to one another is not, by definition, unacceptable, indeed, it is specifically encouraged as part of an approach to avoiding the need for travel.

3.2.2. *Promote the re-use of previously developed , vacant and underused land* – The appeal proposal makes use of a building that was previously vacant.

3.3. Indeed, para 7.6.3 further emphasises that:

Employment and residential uses can be compatible....

whilst, of course, ensuring that amenity and economic development opportunities are not unduly compromised. The lack of objections from local residents in this case would certainly not suggest that they consider their amenity to be materially compromised by the appeal proposal.

3.4. On the basis of the above, it should hopefully be common ground that where a proposal for development does not give rise to material harm to amenity or, specifically in this case, highway safety, then the overriding thrust of National policy is to encourage the development and particularly where it is making use of an existing building as is the case here.

- 3.5. The LPA have, however, referred to two policies in their UDP and a Local Planning Guidance Note in support of their refusal of planning permission, copies of these are included in Appendix Three. These policies are commented on below, but when considering the appropriateness or otherwise of the appeal proposal, it is important to bear in mind that the appeal property is a long established commercial unit with existing use rights and, therefore, any deficiencies in the provision of parking need to be seen in the context of realistic alternative uses, this is a recurring theme that will be developed in this Statement.
- 3.6. Policy GPD1 is a general development policy applicable to all new development. Criteria 'd' requires that developments should have safe and convenient pedestrian and vehicular access. It is fully recognised that the access provisions for the appeal property are not how they would be if a new unit was being built today with similar floorspace, but that would be the case with any alternative use of the appeal premises and simply noting that it does not have full parking provision in accordance with current standards does not provide much assistance in assessing whether a particular proposal is acceptable or not. The explanation of the Policy states at para 4.1 that the policies should be applied in a "flexible but sensitive" fashion and that, surely, is what is necessary here.
- 3.7. Policy S6 relates to small scale shopping developments with a sales floor area of less than 300 square metres. The appeal premises are just over 300 sq metres in floor area, whilst the distinction between what might be regarded as sales floor area and storage is perhaps a little indistinct given the particular use, it is considered correct to place it in this category insofar as the use is regarded as for a primarily retail use (a point that is commented on further below). The explanation of the Policy states that such uses can often be easily assimilated into the residential area, with the Policy criteria requiring safe pedestrian access and that there should not be parking problems such as on-street parking that cannot be addressed. It is significant that the Policy clearly recognises, as is the case with many local shops, that on-street parking is often a characteristic of the use and that it is not necessarily unacceptable.
- 3.8. Local Planning Guidance Note 16 deals with parking standards and sets out standards for a variety of different land uses. It is important to emphasise that these are maximum standards and that flexibility is clearly part of the overall approach:

Where developments are close to local services and facilities and/or are in areas where people are able to walk or cycle or travel to them easily by public transport, it may be appropriate for less on-site parking to be provided than for developments in remoter areas. When determining the amount of parking required for each development consideration will also be given to how close a site is to public car parks....

In the above regard, it is of note that, in addition to the unrestricted parking available on Maesgwyn Road, the appeal site is within approximately 45 metres of Mold Road which is a main bus route into and out of the Town Centre, it is within approximately 300 metres of the railway station where there is also a public car park and is within approximately 350 metres of the identified main shopping area for Wrexham Town. All of these factors lead to the conclusion that the appeal site is well located for access by means other than the private car – which would indicate that there is justification for a flexible approach to parking.

3.9. In commenting on the way in which the parking standards will be applied, it is stated that:

In cases where the amount of parking provided is below the maximum the Council will need to be satisfied that this is appropriate for the likely level of demand, without undermining requirements for inclusive access....Changes of use will be judged on their own merits. Additional spaces may be required where the demand for new parking arising from a new use is likely to be greater than that from the existing use, particularly where this is likely to cause highway problems in the locality.

The above guidance makes very clear that levels of parking below the maximum standards can be appropriate and that, when considering a change of use of an existing building, a comparison with the requirements of the existing use is appropriate and, in addition, an assessment of whether the proposal is likely to cause a problem in the locality. The assessment of the appeal proposal does not appear to have included any detailed comparison with the established use, nor, apart from the observation that cars parked along the frontage of the property between the pavement and the building (an apparently long established arrangement) are a potential source of danger to road users/pedestrians, is there any assessment of whether there are actually significant highway problems – given that the use had been operating for approximately a year at the time of the Highway

Officer's consultation response, one might have expected specific and significant issues to be identified, either by the Highway Officer or by local residents, but they were not.

3.10. The Highway Officer's comments do, however, note that the maximum requirement for the Appellants use would be 18 spaces, although a reduced level of provision may be considered acceptable given the sustainable location. This standard relates to non-food retail premises in excess of 300 sq metres, it makes no distinction between the Appellants business and 'mainstream' carpet retailers, DIY shops etc, but, as already commented, this is not the reality of the business which the Appellants operate (as will be described in further detail).

3.11. The parking standards do not set out a specific standard for garages, which is the established use, rather, it falls in the B2 category in relation to which the standards would require seven parking spaces plus appropriate unloading areas – the appeal premises are deficient in both of these respects. The standards do refer to storage and distribution uses, which the appeal proposal can be argued to be closely related to, these require one space per 100 sq metres of gross floorspace which equates to 3.5 spaces for the appeal property which, coincidentally is very close to the 3 spaces that are available (albeit the at the LPA does not like their location).

3.12. Finally, Policy T8 of the UDP relates to parking and indicates that parking should be provided in accordance with the Council's parking standards. Whilst this Policy adds little to that within the Local Planning Guidance Note, it is noted that the LPA have not chosen to refuse planning permission for the appeal proposal in relation to their own adopted policy relating to parking.

3.13. Having reviewed relevant policy and guidance relating to parking, it is clear that consideration of the issue is not simply one of applying the relevant standard and determining the application/appeal accordingly. There is a need for flexibility, especially within urban areas where there is good access on foot and by public transport and, when one comes to consider proposals for the change of use of an existing building, there is need to compare the parking consequences of the proposal to the situation that would be replaced – in effect, the 'fallback position'.

4. Planning history.

- 4.1. Attached as Appendix Four is a copy of the LPA's decision notice and a subsequent appeal decision from 2015 relating to the use of the present appeal premises.
- 4.2. The LPA had refused permission for alterations to the property to provide a vehicular access from Maesgwyn Road, the first part of the reason for refusal related to noise and disturbance whilst the second part was similar to that for the current appeal proposal in that it was alleged that the proposal would exacerbate existing on-street parking.
- 4.3. The appeal decision acknowledged that the appeal property had established use rights as a vehicle repair garage, but that following the sub-division of the original, larger, property, the appeal premises no longer had an access from Mold Road and, consequently, a new access from Maesgwyn Road was necessary. At para 5 the Inspector specifically addressed the car parking issue, noting that there was "some pressure" on on-street car parking "with possible consequences for the convenience of existing local residents". However, he noted that the proposal enabled vehicles to enter the building and consequently concluded, at para 6, that it would not place undue pressure on on-street parking to the detriment of highway safety.
- 4.4. In reality the proposal actually reduced the available parking as the three spaces currently available along the frontage were to be prevented from being used by a low wall. Furthermore, whilst the new entrance provided access to the building (without which it would have been inaccessible for any practical form of commercial use), apart from the probability that cars would have been taken into the property for repair, there was no condition that required this to be the case and the likelihood is that staff vehicles, deliveries (which are frequent in relation to car repairs) sometimes, for example, involving lorries delivering vehicles for repair, customers visiting for quotations etc would all be likely to involve parking on the roadside. This is the relatively busy, vehicle based, fallback situation with which the appeal proposal should be compared.

5. The Appellants use of the premises.

- 5.1. Whilst the LPA have acknowledged some level of flexibility relative to the parking requirements of the Appellants use, they have, nevertheless, assessed the proposed use on the basis of it being a standard Class A1 retail use in excess of 300 square metres.
- 5.2. It is clear that within this broad Class there is considerable variation in the characteristics of the particular use. Whilst at the one extreme it might include large DIY shops and other out of town stores that attract large numbers of people on a regular basis, at the other extreme are carpet stores which members of the public are only likely to visit on a very infrequent basis when they need a new floorcovering – such visits are important, but there may be several years between visits. A comparison of customer numbers in a carpet store as compared to a DIY store at any one time would clearly illustrate the significant distinction between the two activities, albeit that they fall in the same use class and should, normally, be treated in a common fashion.
- 5.3. Therefore, on any basis, carpet retailers do not create the same parking issues as other large non-food retailers, but, as described previously, the Appellants use is not even a ‘normal’ carpet retailing activity. As has been mentioned, the Appellants business is directed at the commercial flooring market, providing carpets and other floor coverings for commercial premises, for landlords with large rented property portfolios and even for the Wrexham Council themselves, sales direct to the public account for less than 15% of their turnover. This does not mean that members of the public do not visit the site because from time to time tenants do come in to choose the floorcovering for their house and, occasionally, people do come in off the street, but this is a very different level of customer activity to that associated with what might be described as a ‘normal’ carpet shop. Whilst parts of the interior are laid out like a normal carpet shop, in order to make any visit a pleasant experience, fundamentally the principle purpose for the unit is as a carpet warehouse where the Appellants store their stock for delivery and fitting in clients premises.
- 5.4. Fortuitously in the circumstances, the Appellants keep records of persons visiting the appeal site. Attached as Appendix Five is a record of customers visiting the appeal premises

between July and mid-November 2016.

5.4.1. Over the 130 days that visitor numbers were recorded, there were a total of 259 visits which gives an average of two visitors per day (1.992). This is the total of all visits and includes commercial clients.

5.4.2. The figures make clear that on some days there are no visitors at all.

5.4.3. The highest number of visitors on any one day was 6 (which occurred twice), over an 8 hour day this is still equivalent to less than one visit per hour.

5.5. It should, hopefully, be accepted that this level of visits is considerably less than that which one would expect in association with a reasonably successful vehicle repair garage, as per the authorised use.

5.6. So far as trade visits to the property are concerned, the Appellants indicate that they receive a maximum of three deliveries per day which would normally be by means of a van or occasionally a light rigid vehicle. The Appellants have one transit size van of their own and the two self-employed flooring layers would normally visit twice a week in their own vans, most commonly on Mondays and Fridays at about 8.00 am.

5.7. All of the above describes a business that has a very low level of vehicle activity associated with it. In comparison with the established use as a car repair garage, it cannot reasonably be concluded other than that the appeal proposal generates less vehicle activity and, therefore, less demand for parking, than would a modestly active garage use with all the customer visits, delivery of parts and vehicles and staff parking.

5.8. The Highways consultation response refers to two long wheel base transit vehicles visiting the site each day, involving them in turning in the highway which is described as “not ideal”. It is not clear whether this is a reference to the contractors vehicles, if so, it is not every day, or it may be an average taking account of the deliveries and movements of the Appellants own van. However, either way, it is a low level of activity and, once again, it is difficult to conceive of an alternative commercial use of the premises, whether it be the established use or any possible alternative, that would generate significantly less

movements. It is not necessary to turn in front of the appeal premises as it is often easier to go towards the bottom of Maesgwyn Road and turn in the junction with Plas y Ffynon. However, even if drivers did not choose to do this and did turn outside the appeal site itself, the fact that a movement is 'less than ideal' is not reason for refusal in the context of an established business premises where all uses would be likely to generate at least the same number of movements and quite possibly more – it falls within the previous appeal inspector's description of a use not resulting in 'undue' pressure on parking to the detriment of highway safety.

5.9. In e-mail correspondence, attached as Appendix Six, the Planning Officer has referred to concerns in relation to additional pressure on on-street parking, whilst the concern is generally recognised, it would be the consequence of any use of the property and, therefore, does not really assist in the consideration of an alternative use for a property that has established use rights. In addition, reference has been made to indiscriminate parking on the footway, causing an obstruction to pedestrians and obstruction of the highway blocking the flow of traffic. Neither of the above is either desirable or legal and should not happen. No details of the frequency or severity of such events has been provided, but, having demonstrated that vehicle activity associated with the use is low, it is not a circumstance that is peculiar to the Appellants business and, insofar as it may happen from time to time, then it is also as likely to happen in relation to alternative uses and, indeed, in relation to deliveries and other visits to other commercial and residential properties on Maesgwyn Road.; it is not, in the circumstances, justification for the refusal of planning permission.

5.10. The lack of objections from members of the public further confirms that the appeal property has operated relatively acceptably and there is no reason why it should now be refused permission.

5.11. For all of the above reasons it is concluded that the Appellants use is one that should be granted planning permission. However, it is recognised that the LPA view the activity as a Class A1 use and, therefore, if permission were granted, then in theory the property could be used for a wide range of alternative retail uses that might well have significantly greater impact that could be of detriment to highway conditions on Maesgwyn Road.

5.12. The Appellants do not seek such a broad permission, their concern is to regularise the planning position relative to their own business which experience over the past 16 months has demonstrated to be acceptable. It is considered on behalf of the Appellants that the appropriate classification of the appeal premises would be as a Class B8 warehouse with ancillary retail, in which case the concern identified above would not arise, however, insofar as the use might be classified as an A1 use, then the Appellants would invite the imposition of an appropriate condition such as the following:

The use hereby permitted shall be carried on only by Wrexham Carpets. When the premises cease to be occupied by Wrexham Carpets, the use hereby permitted shall cease.

The Appellants would, of course, be prepared to discuss any alternative wording that the LPA might consider more appropriate which would enable them to continue operating their business in its current form from the appeal site.

6. Conclusions.

6.1. The case on behalf of the Appellants can be summarised in the following fashion:

6.1.1. The appeal premises is a long established commercial property with existing use rights as a car repair garage.

6.1.2. The Appellants proposal is to regularise the use of the appeal property as the base for their carpet and floorcovering business, the building is mainly used for the storage of their carpets etc, but there is also a small retail element.

6.1.3. It is clear that the level of vehicle activity, and the consequent requirements for car parking in relation to the use, is low.

6.1.4. The authorised use of the appeal premises for car repair is, in effect, the fallback position to which the appeal proposal should be compared. It is clear that the appeal proposal generates less vehicle activity than would be likely in relation to the authorised garage use, especially when regard is had to the sustainable location of the appeal site which will encourage visits by means other than the car (which the authorised use is less likely to do).

6.1.5. At the time of writing the Appellants use of the appeal premises has been established for over 16 months and yet there has been no significant evidence of problems with the use; no residents have objected.

6.1.6. It is clear, therefore, that the Appellants proposal is an appropriate use of the appeal site that should be granted planning permission.

6.1.7. Insofar as there is considered to be a need to restrict the use of the site to that undertaken by the Appellants, then this can be achieved by means of a condition.

Appendix One
Correspondence regarding signs.

MattGilbertatBT

From: Sharon Holman <Sharon.Holman@wrexham.gov.uk>
Sent: 22 November 2016 13:06
To: MattGilbertatBT
Subject: RE: Wrexham Carpets - planning appeal

Hi Matt,

Thank you for your email. I confirm that there would be no objection to the signs should the use be considered to be acceptable.

Kind regards
Sharon

From: MattGilbertatBT [REDACTED]
Sent: 22 November 2016 11:09
To: Sharon Holman
Subject: Wrexham Carpets - planning appeal

Hi Sharon

Just starting to put together my statement in relation to the above and wonder whether we can agree the position in relation to one aspect:

The appeal is, strictly speaking, in relation to both the change of use of the premises and the retention of two signs. Neither the reason for refusal or your report make reference to the signs. Can we, therefore, agree that the signs are uncontentious and that, if the use was considered acceptable, there would be no objection relating to the signs that would stand in the way of permission being granted?

If we are able to agree the above, then it would at least save the need for either of us to prepare evidence in relation to this particular issue.

I look forward to hearing back from you on this particular point.

Matt Gilbert
The Planning Consultancy
Tel: 01948 770620
M [REDACTED]

Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.

Ewch i weld - mi fedrwch chi dalu, rhoi gwybod, gwneud cais, dweud eich dweud, a dod o hyd i wybodaeth ar-lein yn www.wreccsam.gov.uk. Arbedwch bapur - meddyliwch cyn argraffu!

Mae'r neges e-bost hon ac unrhyw atodiadau wedi eu bwriadu ar gyfer yr unigolyn neu'r sefydliad y?i cyfeirir atynt yn unig. Am yr amodau llawn yngl?n ? chynnwys a defnyddio'r neges e-bost hon, ac unrhyw atodiadau, cyfeiriwch at www.wreccsam.gov.uk/top_navigation/disclaimersw.htm

We welcome correspondence in Welsh. We will respond to any correspondence in Welsh and this will not

Appendix Two

Highway comments.

MEMORANDUM



From: Service Manager Environment **To:** Head of Environment and Planning
Our Ref: EP/DC/PP/2016/0698 **Your Ref:** SEH/P/2016/0698
Date: 8th August 2016

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

Location: O. S Grid Ref: 328 507 Unit A, Maesgwyn Road, Wrexham.

Development: Change of use from garage to carpet warehouse and retail and display of 2 no. signs.

I refer to your consultation dated 25/07/2016 in respect of the above.

The proposed development site is located on Maesgwyn Road which is an unclassified, residential road subject to a 30mph speed limit. However, I would estimate typical vehicle speeds at being around 25mph given the geometry of the road.

Any proposed / existing access in this location would normally be required to provide visibility splays of 2.4 x 33m in both directions measured to the nearside edge of the adjoining highway in accordance with Manual for Streets.

I would also recommend the provision of pedestrian visibility from any proposed access providing splays measured from the centreline of the vehicular access 2.4 metres back from the back edge of the footway to points 3.3 metres either side measured along the back edge of the footway. Within these splays there shall be no obstruction in excess of 0.6 metres in height above the level of the adjoining highway.

The required visibility splays from the proposed access have not been indicated on the submitted plans.

I understand that the building previously formed part of the Dave Benett Bodyshop which previously accessed directly onto Mold Road. This previous unit has now been sub-divided with the front section forming part of the new ATS unit. I understand that the existing / proposed building already has a permitted B2 Class Use.

It is considered that the existing building would have already generated a given number of vehicle movements associated with its previous use except that the traffic associated with the proposed development will now access via Maesgwyn Road as opposed to directly onto Regent Street. I assume that appropriate parking and turning provision would have been available for the previous business at this time.

Vehicles generally currently appear to park behind the 1.6m wide footway along the site frontage which is considered to be a potential source of danger to road users / pedestrians. I recommend that parking in this location is prevented by an appropriate scheme of landscaping / boundary treatment. Such a scheme would need to ensure adequate lateral and pedestrian visibility is provided / maintained.

Unit A previously had no vehicular access off Maesgwyn Road. However, I understand that a new 3.5m wide access (with roller shutter) has recently been constructed this year. This access is not currently used as a vehicular access but is used to store carpets etc. along with the majority of the unit.

I understand that 2 no. long wheel base transit like vehicles pick up carpets etc. each morning before leaving to visit customers. Such vehicles have to turn in the carriageway outside the premises which is not ideal.

In order to consider supporting the proposed development, a suitable access (minimum 4.8m wide) would need to be provided along with adequate parking and turning provision (for cars and long wheel base transit like vehicles) within the curtilage of site.

In terms of parking provision, LPGN 16 (Class A1 – Retail) would normally require 1 car space per 20m² gross floor space. Based on a gross floor area of 351m², a maximum of 18 parking spaces would normally be required at the site. However, fewer spaces may be considered acceptable given the sustainable location of the site.

Previous planning application ref: P/2014/0630 for the construction of a vehicular access off Maesgwyn Road at the site was refused at Planning Committee. However, a Planning Appeal following this decision was allowed on 19/02/2015 subject to a number of conditions as highlighted above. None of these conditions have been included with the current application.

I would therefore recommend that the application be **REFUSED** for the following reasons:-

1. **The proposed development does not make adequate provision for the parking of vehicles clear of the public highway.**
2. **The proposed development does not make adequate provision for the turning of vehicles within the curtilage of the development site.**
3. **The existing access is of insufficient width / design to serve the proposed development site.**

Supplementary Notes

The applicant's attention should be drawn to item nos. 1, 2, 3, 4 & 5 of the supplementary notes.


Service Manager Environment

Appendix Three
UDP Policies & LPGN 16

4. General Development Principles

Development Objectives

Policy GDP1 All new development should:-

- a) Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.
- b) Take account of personal and community safety and security in the design and layout of development and public / private spaces.
- c) Make the best use of design techniques, siting and orientation in order to conserve energy and water resources.
- d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.
- e) Ensure that built development is located where it has convenient access to public transport facilities, and is well related to pedestrian and cycle routes wherever possible.
- f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.
- g) Secure public services (e.g. gas, water, electricity) to development at minimum public cost.
- h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest.
- i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site.
- j) Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity.
- k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.

4.1 In addition to the specific land use or locational policies of the Plan, all development proposals must satisfy certain general requirements, the regulation of which is a key function of the planning system (e.g. drainage/liability to flood, stability, natural hazard, energy efficiency, materials and design, etc.). Many of these matters are the responsibility of statutory organisations that are automatically consulted on development proposals. Quality development can only be achieved through the application of flexible but sensitive standards relating to the visual and operational quality of new development and its impact on people and the surrounding environment. Good design often costs no more than bad. The Council, will, from time to time issue supplementary planning guidance with the aim of encouraging high standards of development and design. Development proposals will be determined in accordance with the Unitary Development Plan, unless material considerations indicate otherwise. The Council will also make reference to non-statutory Supplementary Planning Guidance in their consideration and determination of development proposals, as appropriate. The Council will make full use of obligations under section 106 of the Town and Country Planning Act and of planning conditions to ensure that all new development accords with detailed Plan policies and that



the aims of the Plan are fully implemented. The Council will also prepare Development Briefs for allocated sites where it is appropriate to do so. A development brief has been prepared, for example, for the major development site at Ruthin Road, Wrexham, where land is allocated for housing, employment, and education.

4.2 Wrexham County Borough contains a number of installations designated as notifiable to the Health and Safety Executive by virtue of the quantities of hazardous substances stored and used. Whilst they are subject to stringent controls under existing health and safety legislation, it is considered prudent to control the development of land in their vicinity. The siting of new installations will be subject to planning controls aimed at keeping them separated from houses and other land with which they might be incompatible from a safety viewpoint.

4.3 The unique character of parts of the County Borough is derived from its Welsh culture and landscape. The Welsh language is an important part of the daily lives of many local inhabitants and a key determinant of the social fabric of the communities of, for example, the Ceiriog Valley, Rhos/Johnstown, Penycae, Coedpoeth and Minera. The safeguarding and nurturing of this cultural and linguistic identity cannot occur in isolation from the development of the local economy and conservation of the landscape.

4.4 Crime prevention can be a material consideration when considering planning applications, and local authorities are under an obligation to consider the need to prevent crime in all decisions they take. There has to be a balanced approach to design which attempts to reconcile the visual and other qualities of a development with the need to prevent crime, the fear of crime, and disorder.

8.12 In general terms shopping within the County Borough is dominated by Wrexham Town Centre. However, ten other centres function as secondary district shopping centres, serving predominantly convenience shopping needs, although most also possess a reasonable level and range of comparison shopping facilities and limited service and professional uses (e.g. building societies, banks, hairdressers, video hire shops) in a continuous frontage or block. They provide a vital function and focus for the communities they serve and should not be undermined by the injurious location of retail development in other locations within the centre's catchment area or by changes of use from retail/commercial. In order to: enhance the level of shopping facilities in these centres; make the best use of available facilities such as car parking; to retain accessibility to all sectors of the community, and help to renew and enhance the physical fabric, it is intended that most new shopping and commercial uses in villages will be concentrated in defined district shopping centres.

Local Need Shopping

Policy S6 Small scale shopping developments will be allowed within settlement limits provided that:-

- a) the development is safely accessible for customers on foot;
- b) the development does not harm residential amenity and / or does not give rise to traffic problems e.g. on-street parking that cannot be addressed;
- c) the sales floor area of each development does not exceed 300 square metres.

8.13 Outside of the defined shopping centres, but within prescribed settlement limits it is acknowledged that there may be a role for local need shops that cater for the day to day needs of consumers in the immediate area and are conveniently accessible on foot. The 'corner shop' or small convenience goods store can often be easily assimilated into the predominantly residential neighbourhood that it serves. Retail sales from petrol filling stations can also provide a valuable local need service providing outside storage or displays are strictly controlled on amenity and traffic safety grounds and the general operation of the filling stations remains unaffected. Clearly, it would be undesirable for such retail sales to develop to such a scale that existing shopping centres were seriously threatened or where they could have an unacceptable effect on the area's environment, residential amenity, general amenity, or traffic arrangements. Locating new developments close to existing similar uses could avoid harmful environmental or residential amenity impacts. Local need establishments not exceeding a sales floor area of around 300 square metres are characteristic of the area and would not materially detrimentally affect the vitality and viability of district shopping centres.

Retail Sales in the Countryside

Policy S7 Retail outlets in the countryside, preferably achieved by the conversion and/or use of suitable buildings will be permitted providing:-

- a) they primarily sell goods or produce predominately made or grown on the premises; and
- b) proposals accord with Policy GDP1; and
- c) the sales floor area does not exceed 50 square metres.

10.9 Narrow sections of roads used by through traffic, local traffic and delivery vehicles cause congestion and hazards, particularly when combined with street parking, inadequate service arrangements and pavements which are either sub standard or non existent. Particularly affected are Wrexham town centre and Rhos and Coedpoeth district shopping centres. Within Wrexham town centre, pedestrianisation of shopping streets, together with the provision of rear servicing, has created safe and attractive shopping conditions and considerably improved the appearance of the area. The construction of the St. Giles Link road has enabled further traffic management schemes to be implemented. Opportunities for traffic management schemes in existing and future shopping and residential areas of the County Borough may also arise during the plan period. The introduction of traffic management measures can make a positive contribution towards environmental improvement, provide opportunities to maximise the use of existing roads, assist in the operation of bus services, and create safer, more accessible, and more attractive shopping centres and residential areas for pedestrians and cyclists. The B5245 (New Road/Rhosddu Road, Wrexham) suffers from congestion and hazards, and on-street

parking, that make it unsuitable for additional traffic flows. Proposed traffic management schemes will ensure that essential service access is safeguarded.

Parking

Policy T8 Development granted planning permission will be required to provide vehicle parking spaces either on site or nearby, in accordance with the Council's current parking standards. Special regard will be paid to the following factors, as appropriate:-

- a) the availability of public transport nearby,
- b) proximity to public car parking,
- c) proximity to local services and facilities,
- d) road safety hazards and amenity considerations arising from on-street parking in the vicinity of the site.

Where implementation difficulties arise in making parking provision on-site or nearby, the Council will require a developer to make financial contributions for measures to assist public transport, or walking and cycling as appropriate.





10.10 The Council's guidance on parking standards, which is updated from time to time, ensures that development does not adversely affect road safety or local amenity. Occasionally, however, full compliance with these standards may neither be practicable nor appropriate (e.g. where there may be insurmountable access, amenity, space or layout constraints) particularly where key urban regeneration or building conservation objectives are denied. Such circumstances are likely to apply in Wrexham town centre and the larger district shopping centres. If there is no space available on the site, suitable parking provision will need to be made elsewhere in the area. The Council operates a policy of allowing a developer to buy parking spaces for non-operational parking or to finance public transport improvements or measures for walking and cycling in lieu of on site provision. Such arrangements can be advantageous to both developer, in saving valuable space on site, and to the general public, which in the long term will benefit from increased public car parking provision, particularly targeted at short stay spaces to protect the vitality and viability of the Wrexham town centre, or improved public transport facilities and

services. Supplementary policies on car parking are set out in the Parking Strategy contained in the Council's Local Transport Plan 2001-2006 (see Appendix III). The Council recognises that the management of car parking may be used in the future as a means to encourage the use of public transport, footpaths and cycleways, where this is appropriate.

Walking, Cycling and Horse Riding Routes

Policy T9 Development proposals will be required to provide walking and cycling routes, where feasible and appropriate, that link with existing or proposed walking and cycling routes, and integrate with the public transport system. Opportunities for horse riding along these routes will be secured where appropriate.

10.11 Road improvements, traffic management measures, and pedestrian schemes will create safer and more pleasant areas for pedestrians, cyclists, and horse riders. The County Borough contains many



Parking Standards

This guidance note explains the parking standards the Council applies to new development. It amplifies Unitary Development Plan (UDP) policies and will be a material consideration in the determination of planning applications. This guidance note was revised by the Council in July 2011, subject to external consultation in September 2011 and was formally adopted for use by the Executive Board in November 2011.

Planning Policy Context

National Planning Policy in relation to transport is contained in Chapter 8 of Planning Policy Wales and Technical Advice Note (TAN) 18: Transport.

The Wrexham Unitary Development Plan (UDP) (1996 - 2011) adopted February 2005 sets out the local circumstances, based on national policy, on how parking/transport matters will be considered. The following UDP policies are relevant:

Strategic Policy PS8:	Transport;
Policy GDP1:	Development Objectives;
Policy GDP2:	Capacity of Infrastructure and Community Facilities;
Policy T8:	Parking;
Policy T9:	Walking, Cycling and Horse Riding Routes;
Policy T10:	Routes protected for walking and cycling routes.

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This leaflet is available in alternative formats

Transport Choices

The way in which people are likely to choose to travel to and from developments is key to determining how many parking spaces will be required to service it. This can be influenced by a number of factors including:

- *availability and cost of parking spaces on site or close by*
- *how regular and frequent public transport is*

- *how easy it is to access a site by safe walking and cycling routes*
- *relationship between different land uses, such as how close housing is to employment, shops and leisure uses.*

Where developments are close to local services and facilities and/or are in areas where people are able to walk or cycle to them or travel to them easily by public transport, it may be appropriate for less on site parking to be provided than for developments in remoter areas. When determining the amount of parking required for each development consideration will also be given to how close a site is to public car parks, whether those car parks can cater for additional demand, as well as whether there are any existing parking problems in the locality.

In areas where people can easily travel to sites by means other than by car, reducing the amount of space dedicated to car parking could allow land to be used more efficiently by enabling a higher density development or to provide landscaping to enhance the appearance of an area.



Parking Provision

The Standards shown in Fig A - D set out parking standards for different land uses as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). They set a maximum for new developments and changes of use and apply throughout the County Borough. For some uses operational parking (e.g. for delivery/freight haulage vehicles) in addition to non-operation parking (e.g. public/customer parking) is likely to be required. For uses not mentioned in Fig A - D the parking requirements will be determined on the basis of local circumstances and the potential demand for parking associated with that use.

The **car parking** standards set out below **are maximum** standards for each land use category. In accordance with national policy the Council has no minimum parking requirements. In cases where the amount of parking provided is below the maximum the Council will need to be satisfied that this is appropriate for the likely level of demand, without undermining requirements for inclusive access. The following points should be taken into account:

i) New development



Some on-site parking is likely to be required for most new developments. Developers should clearly demonstrate that the amount of parking provided will be sufficient to meet likely demand and show they have taken account of how close a site is to employment, local facilities such as shops and frequency of public transport.

ii) Extensions to existing buildings
Extensions to buildings should not normally result in the loss of existing parking space unless otherwise justified within the submitted proposal. Additional parking spaces should also be provided where, either as a result of the additional floor space and/or the resulting total floor space of a building, there is likely to be an increased demand for parking. Developers should therefore clearly demonstrate that the amount of parking provided will meet likely demand.

iii) Changes of use of existing buildings/sites

Changes of use will be judged on their own merits. Additional spaces may be required where the demand for parking arising from a new use is likely to be greater than that from the existing use, particularly where this is likely to cause highway problems in the locality.

Developer's Contributions

Development will not be permitted if there is insufficient parking on site and where as a result this will cause or increase highway problems. Any adverse cumulative impact of other developments in the locality will also be taken into account. However if these impacts can be overcome or reduced to acceptable levels by the delivery of new or improved transport infrastructure, including walking or cycling routes, public transport, new car parks, cycling parking or the implementation of traffic management and parking controls developers will be required to fund or in some instances contribute towards the cost of their delivery.

The amount developers will be required to contribute will be based on the costs of a project or projects designed to address existing or anticipated traffic/transport problems. Where several developments are proposed in areas with transport problems, payments from a number of developers may be pooled to fund transport improvements.

Wrexham Town Centre and District Shopping Centres

Within the town centre shopping area it will normally be the case that developments involving the change of use (but not to residential) of existing buildings will be adequately served by existing public car parks or will be easily accessible on foot, bicycle and by public transport. Additional on-site parking or contributions towards transport infrastructure will not normally therefore be required.



Major new developments and extensions to the floor area of existing buildings will be considered on their own merits. Operational parking spaces will normally be required for most new large developments as well as new off-street parking for staff/customers. The preference will be for the latter to be provided on-site but where this is impractical new off-site provision within easy walking distance of the site may be acceptable.

Reduced Reliance/Car Free Housing

Proposals for reduced reliance/car free housing, as supported by TAN 18 - Transport, will be considered on their own merits. It is likely that only small scale sites will be suitable for such developments where they are demonstrated to be within walking distance to frequent public transport and accessible to a range of employment, shopping and leisure facilities. Where reduced reliance/car free developments are proposed, the Council will need to be satisfied that they will not cause or exacerbate parking problems.

Cycling Provision

In order to promote sustainable transport choices, new developments should provide areas for the safe parking of cycles. Therefore in addition to vehicle parking standards, Figs A - D also set out minimum cycle parking standards. In determining whether cycle parking should be provided, the Council will consider the location of the development in relation to local services and to cycling routes. New developments located within Wrexham town and district shopping centers should generally always provide the minimum standards. Where this is not possible, developers may be required to contribute financially to the provision of secure communal cycle parking areas.



Figure A

Type of Development		Parking Standard	Cycle Parking Standard
A1 Shops	Small shops of up to 300 m ² gross floor space	1 car space per 15m ² gross floor space	1 cycle space per 150m ² gross floor space
	Food retail in excess of 300 m ² floor space.	1 car space per 14m ² gross floor space	1 cycle space per 140m ² gross floor space
	Non Food Retail in excess of 300 m ² floor space.	1 car space per 20m ² gross floor space	1 cycle space per 200m ² gross floor space
Retail developments should provide an adequate area for delivery vehicles to unload and to turn within the site, particularly those accessed from a classified road. Extensions to retail premises should not result in the loss of this space unless an adequate alternative can be provided within the site.			
A2 Financial & Professional Services		1 car space per 20m ² gross floor space	1 cycle space per 200m ² gross floor space
A3 Pubs, restaurants and cafes and hot food takeaways		1 car space per 4m ² public floor space	1 cycle space per 40m ² public floor space
For hot food takeaways and restaurants offering takeaway services, there will need to be short stay parking on site or a short distance of the premises. Rear services yards are unlikely to be suitable to meet the parking requirements for this type of business.			



LOCAL PLANNING GUIDANCE NOTE NO. 16

Figure B

Type of Development	Parking Standard	Cycle Parking Standard
B1 Business and light industry	1 car space per 30m ² gross floor space	1 cycle space per 300m ² gross floor space
B2 General Industry	1 car space per 50m ² gross floor space	1 cycle space per 500m ² gross floor space
B8 Storage and Distribution	1 car space per 100m ² gross floor space	1 cycle space per 1000m ² gross floor space
An area suitable for HGVs to load/unload and turn within the site will normally be required for B2 and B8 uses, particularly for sites accessed from a classified road. Any extensions to industrial or warehouse premises should not result in the loss of HGV loading/unloading/turning spaces unless an adequate alternative can be provided within the site.		

Figure C

Type of Development		Parking Standard	Cycle Parking Standard
C1 Hotels, boarding houses and guest houses.		1 car space per bedroom. For hotels that have function suites, please refer to the parking standard for A3 uses.	1 cycle space per 10 bed spaces. and 1 cycle space per 10 employees
C2 Residential Institutions Care/nursing homes, hospitals.		1 car space per 2 bed spaces	1 cycle space per 10 bed spaces. and 1 cycle space per 10 employees
C3 Dwellings	1 bedroom	1.5 car space per unit	Sufficient space to provide at least 2 secure cycle parking spaces per dwelling. In the case of flats, this should be provided via safe and secure communal cycle parking areas.
	2 bedrooms	2 car spaces per unit	
	3/4 bedrooms	3 car spaces per unit	
	5 or more bedrooms	4 car spaces per unit	
Notes:			
1 An area suitable for ambulance / service vehicles to load/unload and turn within the site will normally be required for C1 and C2 uses, particularly for sites accessed from a classified road. Any extensions should not result in the loss of this loading/unloading/turning spaces unless an adequate alternative can be provided within the site.			
2 Driveways should be wide enough to allow pedestrian access alongside parked cars (including wheelchair access)			
3 Garages will not be counted as contributing towards on-site parking provision.			
4 The parking provision for housing developments does not always need to be located within the curtilage of individual dwellings. Communal parking areas/courtyards may be an appropriate way to provide some/all of the parking spaces for dwellings, particularly smaller properties.			
Houses in Multiple Occupation		1 car space per two bed spaces	Provision for at least 2 secure covered cycle parking spaces per HMO via a safe and secure cycle parking area.
Sheltered Housing		1 car space per 4 units, 1 car space per resident staff and access for an ambulance.	1 cycle space per 10 bed spaces and 1 cycle space per 10 employees
Student Accommodation		1 car space per two bed spaces, and an area suitable for drop off/pick up either on site or close to the development.	1 cycle space per 5 bed spaces via a safe and secure cycle parking area.

PARKING STANDARDS

Figure D

Type of Development	Parking Standard	Cycle Parking Standard
D1 Non-residential institutions Includes: Health centres, surgeries, schools, colleges, libraries, art galleries, museums and public halls (including places of worship)	2 car spaces plus 1 car space per 25m ² gross floor space	1 cycle space per 250m ² gross floor space
D2 Assembly and Leisure Includes: Cinemas, concert halls, leisure centres and sports centres	1 car space per 15m ² gross floor space	1 cycle space per 150 m ² gross floor space

Additional Notes

i) Mixed use developments

The calculation of parking provision for mixed use developments will vary with the type of uses proposed. In cases where the mixed uses generally operate concurrently, levels applicable to all uses will be aggregated. Where the mixed uses generate demands at different times of the day the provision of space will be based on the development type which is the dominant use of that specific site.

ii) Mobility spaces

In order to meet the needs of people with mobility difficulties and those with young children, a minimum of 10% of all car spaces must be provided to 'mobility standard' (minimum width 3.6 metres). No less than

60% of these spaces shall be signed as being for the exclusive use of disabled persons. The Council will support the provision of additional mobility spaces where this is considered appropriate.

iii) The design of cycle parking facilities

Sheffield stands (n-shaped steel bars set into the ground) are best suited for short stay parking. These should be:

- 750 mm high, 700 mm long and set at least 250 mm into the ground;
- spaced a minimum of 800 mm apart;
- polyester powder coated, coloured to match existing street furniture or buildings, (or else painted in black); and



- be protected from the elements by a wall, shelter or canopy.

Hitching rings or hoops affixed to walls and buildings, can also be used where space is limited and where Sheffield stands cannot be accommodated. These should be positioned at 1.8m intervals and 750 mm above ground level.

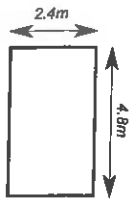
In areas where long stay bicycle parking facilities are required, developers should provide more secure parking facilities in the form of cycle cages or lockable bicycle shelters. Alternatively, secure compounds within buildings may be acceptable, providing that they are located at ground floor level and are accessible.

All cycle parking areas should be located in well lit areas that are overlooked from the building they serve and/or from other buildings in the area.

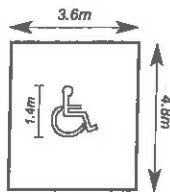
Planning applications for the development or redevelopment of public transport facilities must make provision for cyclists by providing safe and secure cycle parking facilities and cycleways. Secure cycle shelters and lockable cages will be preferable to Sheffield stands or wall hoops in such locations.



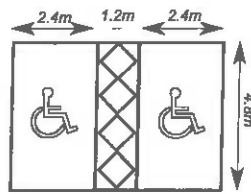
Minimum Size of Parking Spaces



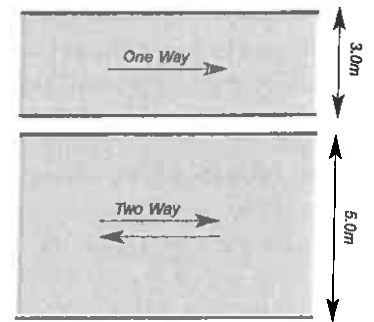
Minimum size



Minimum sizes for use by wheelchair bound person

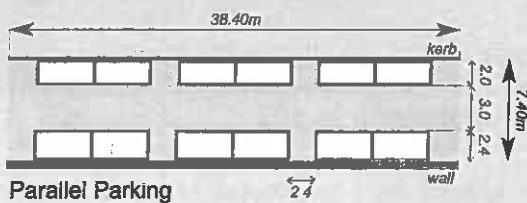


Circulation Aisle Width

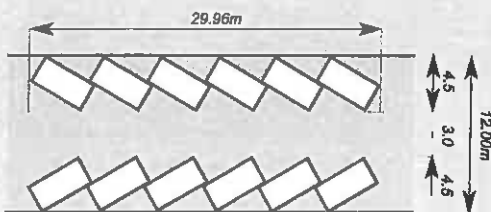


Layout of Parking Space

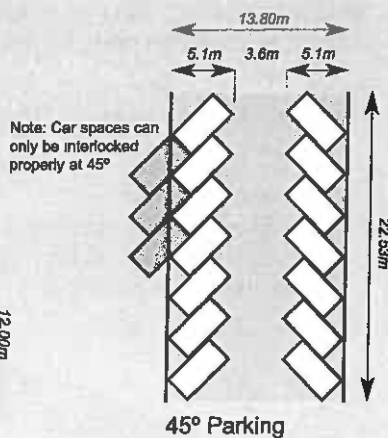
Alternative ways of arranging 12 spaces. Individual spaces are 4.8m x 2.4m. Angled parking system must be on a one-way circulation system with adequate turning space.



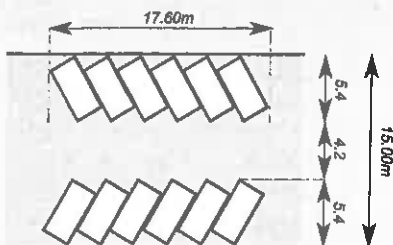
Parallel Parking



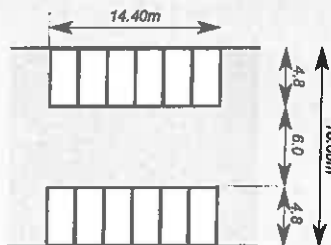
30° Parking



45° Parking



60° Parking



90° Parking



For further information contact:

**Community Wellbeing and
Development Department
Planning Service**
Lambpit Street,
Wrexham, LL11 1AR
Telephone: (01978) 292013
Fax: (01978) 292502
www.wrexham.gov.uk

November 2000,
Revised April 2005
Updated November 2011

Appendix Four
2015 refusal and appeal decision.

In pursuance of its powers under the Acts an Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



Applicant	DICKENS	Code No	WRO P/2014/0630
Agent	BLUEPRINT ARCHITECTURAL SERVICES LTD REDWITHER BUSINESS CENTRE ABBAY ROAD WREXHAM INDUSTRIAL ESTATE WREXHAM LL13 9XR	Date Received	26/08/2014
		Decision Date	14/11/2014

Town and Country Planning Act, 1990

Location of application

DICKENS WREXHAM LTD, VEHICLE REPAIR WORKSHOP, MAESGWYN ROAD, WREXHAM, LL11 2AD

Description of application

ALTERATIONS TO BUILDING TO ALLOW FOR THE CREATION OF A VEHICULAR ACCESS TO AN EXISTING CAR REPAIR WORKSHOP (USE CLASS B2).

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

GDP1	Development objectives
PS2	Development and the environment
T8	Parking

Particulars of decision that permission be REFUSED

Reason(s)

1. The formation of a new entrance into the building onto Maesgwyn Road is likely to cause unacceptable noise and disturbance to local residents, and it is likely to exacerbate existing issues on-street parking because parking for the unit is only available inside the building. To allow the development would be contrary to Policy GDP1 of the Wrexham Unitary Development Plan.

Applicant	DICKENS	Code Number	WRO P/2014/0630
Agent	BLUEPRINT ARCHITECTURAL SERVICES LTD REDWITHER BUSINESS CENTRE ABBAY ROAD WREXHAM INDUSTRIAL ESTATE WREXHAM LL13 9XR	Date Received	26/08/2014
		Decision Date	14/11/2014



Officer Appointed for this purpose
Head of Community Wellbeing and Development

**Refer to the Statement of Applicant's Rights and General Information enclosed
or refer to the following link:-**

[http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.
htm](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 02/02/15

Site visit made on 02/02/15

gan Richard Duggan BSc (Hons)
DipTP MRTPI

by Richard Duggan BSc (Hons) DipTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 19 February 2015

Date: 19 February 2015

Appeal Ref: APP/H6955/A/14/2229495

Site address: Dickens, Maesgwyn Road, Offa, 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 Dickens against the decision of Wrexham County Borough Council.
- The application Ref WRO P/2014/0630, dated 20 August 2014, was refused by notice dated 14 November 2014.
- The development proposed is alterations to building to allow for the creation of a vehicular access to an existing car repair workshop (Use Class B2).

Decision

1. The appeal is allowed and planning permission is granted for alterations to building to allow for the creation of a vehicular access to an existing car repair workshop (Use Class B2) at Dickens, Maesgwyn Road, Offa, Wrexham LL11 2AP in accordance with the terms of the application, Ref WRO P/2014/0630; dated 20 August 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than five years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans: DO58/001 Sheet 1 of 2; DO58/001 Sheet 2 of 2; DO58/003 Sheet 1 of 2; DO58/003 Sheet 2 of 2; DO58/004 Sheet 1 of 1.
 - 3) No development shall commence until details of the colour of the proposed shutter have been submitted to and approved in writing by the local planning authority.
 - 4) No development shall commence until details of the equipment to control the emission of fumes and odour from the premises has been submitted to and approved in writing by the local planning authority.
 - 5) No development shall commence until details of the vehicular and pedestrian access, to include visibility splays, has been submitted to and approved in writing by the local planning authority.

- 6) No development shall commence until details of a scheme for the disposal of surface water has been submitted to and approved in writing by the local planning authority.
- 7) The use of the premises shall not be carried out outside the hours of 08.30 to 17.30 Mondays to Saturdays and at no time on Sundays or Public Holidays.
- 8) No development or site clearance shall take place until a scheme of landscaping and boundary wall treatment has been submitted to and approved in writing by the local planning authority.
- 9) The level of noise emitted from the site shall not exceed 5 dB at any time, as measured at a location to be agreed with the local planning authority.

Main Issues

2. The effect of the development on the living conditions of nearby residents through noise and disturbance and on highway safety.

Procedural Matter

3. I have taken the description of the development above from the Council's decision as I consider it more properly describes the development. I note that the revised description was agreed by exchange of correspondence dated 14 October 2014.

Reasons

4. The appeal building is part of the former Dave Bennetts car repair centre which previously gained access from Mold Road. Following the subdivision of the building and the opening of the ATS, vehicular access is no longer possible from Mold Road which has led to the need to provide a new vehicular access from Maesgwyn Road. The local environment is already one characterised by activity generated by similar uses to that of the appeal site such as the ATS and the presence of other sources of noise such as the main road and the railway line. Provided that the vehicle repair activities on the appeal site are restricted by appropriate conditions, there should be no material detriment to the living conditions of residents of the neighbouring properties. Although, the new opening would intensify the established use of the building along Maesgwyn Road this would not be to such a degree that it would have a harmful impact on the living conditions of residents living on the street.
5. During my visit I noted that there was some pressure on the availability of on-street car parking, especially for residents, and consequently the development could place pressure on parking spaces in the area with possible consequences for the convenience of existing local residents. However, the proposed access would allow vehicles to enter the building thus reducing the potential for indiscriminate parking along Maesgwyn Road.
6. Having taken account of all other matters raised, I conclude that the proposed development would not have a harmful impact on the living conditions of nearby residents through noise and disturbance, and would not lead to undue pressure on the availability of on-street car parking in the area to the detriment of highway safety. To this end, the proposal would not conflict with Policy GDP1 of the Wrexham County Borough Unitary Development Plan 2005.
7. I agree with the Council that given the proximity of residential properties to the appeal building that some control over noise levels, fume extraction and the hours of operation are appropriate and I have included conditions to that effect. I also agree to

a condition relating to the colour of the roller shutters in the interests of visual amenity. In the interests of highway safety and to control car parking close to the entrance I agree to attach conditions relating to details of the access point, surface water treatment, landscaping and boundary wall treatment.

Conclusion

8. For the reasons given above I conclude that the appeal should be allowed.

Richard Duggan

INSPECTOR

Appendix Five

Customer records.

DATE	No. Cust.	Sales/Est	Phone Est	Sales Person
01/07/2016	1	1/0		Lizzy
02/07/2016	1	0/0		Ossie
03/07/2016	1	0/0		Ossie
04/07/2016	4	0/3		Ossie
05/07/2016	3	1/1/		Ossie
06/07/2016	2	1/1/		Ossie
07/07/2016	1	0/0		Ossie
08/07/2016				Lizzy
09/07/2016	4	2/2/		Ossie
10/07/2016	0	0/0		Nik
11/07/2016	3	2/1/	1	Nik
12/07/2016	0	0/0		Nik
13/07/2016	1	1/0		Ossie
14/07/2016	3	1/1/		Ossie
15/07/2016	1	0/0		Nik
16/07/2016	5	2/1/	1	Ossie
17/07/2016	1	1/0		Shirley
18/07/2016	2	1/1/		Ossie
19/07/2016	0	1/0		Ossie
20/07/2016	2	2/0		Ossie/Lizzy
21/07/2016	2	2/1/		Ossie/Lizzy
22/07/2016	1	1/0		Lizzy
23/07/2016	2	2/0		Ossie
24/07/2016	2	0/1		Ossie
25/07/2016	0	0/0	4	Ossie
26/07/2016	0	0/0	1	Ossie/John
27/07/2016	2	1/1/	1	Ossie
28/07/2016	0	1/0	1	Ossie
29/07/2016	4	3/0/	1	Nik
30/07/2016	2	0/1		Ossie
31/07/2016/	1	0/0		Nik
01/08/2016	2	0/1		Ossie
02/08/2016	5	4/0		Ossie
03/08/2016	2	4/0	1	Ossie
04/08/2016	1	1/0		Ossie
05/08/2016	3	2/1/		Nik
06/08/2016	6	1/2/		Ossie
07/08/2016	2	1/0		Ossie
08/08/2016	1	1/0		Ossie
09/08/2016	1	0/0		Ossie
10/08/2016	0	0/0		Ossie/Nik
11/08/2016	1	1/1/		Ossie
12/08/2016	3	0/1		NIK
13/08/2016	4	3/0/		NIK
14/08/2016	4	0/2/		Shirley
15/08/2016	1	0/0		Ossie/Nik
16/08/2016	5	5/0		Ossie/Lizzy
17/08/2016	2	1/0		Ossie/Nik

18/08/2016	5 1/1/	Ossie
19/07/2016	1 0/1	Nik
20/08/2016	3 1/1/	Ossie
21/08/2016	3 2/1/	Nik
22/08/2016	2 3/0	Ossie
23/08/2016	2 3/0	Ossie
24/08/2016	2 0/1	Ossie
25/08/2016	2 1/1/	Ossie
26/08/2016	0 0/0	Nik
27/08/2016	1 1/0	Ossie
28/08/2016	1 0/0	Shirley
29/08/2016		Nik
30/08/2016		Nik
31/08/2016		Nik/Lizzy
01/09/2016		Nik
02/09/2016		Nik/Lizzy
03/09/2016	3 2/1/	Ossie
04/09/2016	1 1/0	Ossie
05/09/2016	4 1/3/	Ossie
06/09/2016	2 1/0	Ossie
07/09/2016	4 4/0	Ossie
08/09/2016	4 3/0	Ossie
09/09/2016	1 0/1	1 Nik
10/09/2016	1 0/0/	Nik
11/09/2016	0 0/0	Nik
12/09/2016	1 1/0	Ossie/Nik
13/09/2016	1 0/0	Ossie
14/09/2016	2 0/0	Ossie
15/09/2016	3 2/0	Nik
16/09/2016	2 2/0	Ossie
17/09/2016	1 0/0	Ossie
18/09/2016	1 1/0	Ossie
19/09/2016	1 0/1	Ossie
20/09/2016	2 2/1/	Ossie
21/09/2016	1 1/0	Ossie
22/09/2016	0 0/1	Nik
23/09/2016	0 0/0	Lizzy
24/09/2016	1 0/2	John
25/09/2016	2 1/0	John
26/09/2016		
27/09/2016		
28/09/2016		
29/09/2016		
30/09/2016	4 1/3/	Ossie
01/10/2016	5 1/2/	Ossie
02/10/2016	0 0/0	1 Nik
03/10/2016	0 1/0	Ossie
04/10/2016	3 2/0	Ossie/Nik

05/10/2016	3 2/1/	Ossie
06/10/2016	2 0/0	Ossie
07/10/2016	1 0/0	Ossie
08/10/2016	5 3/1/	Ossie
09/10/2016	0 0/0	Shirley
10/10/2016	2 0/1	Ossie
11/10/2016	1 1/0	Ossie
12/10/2016	3 3/0	Ossie
13/10/2016	0 0/0	Ossie
14/10/2016	2 1/1/	Nik
15/10/2016	0 0/0	Ossie
16/10/2016	1 0/0	Ossie
17/10/2016	2 0/2	Ossie
18/10/2016	2 0/1/	Ossie
19/10/2016	4 2/1/	Ossie
20/10/2016	2 2/0	Ossie
21/10/2016	1 0/0	Nik
22/10/2016	2 0/1	Ossie
23/10/2016	2 0/0	Nik
24/10/2016	4 1/3/	Ossie
25/10/2016	3 1/0/	2 Ossie
26/10/2016	0 0/0	Ossie
27/10/2016	3 1/0	Ossie
28/10/2016	3 0/0	Ossie
29/10/2016	4 2/1/	Ossie/Lizzy
30/10/2016	0 0/0	Shirley
31/10/2016	3 1/1/	Ossie
01/11/2016	5 4/0	Ossie
02/11/2016	2 2/0	Ossie
03/11/2016	1 1/0	Ossie
04/11/2016		Lizzy/Nik
05/11/2016	2 2/0	Ossie
06/11/2016	1 0/0	Nik
07/11/2016	0 0/0	Ossie
08/11/2016	3 2/0	Ossie
09/11/2016	2 0/1	3 Ossie
10/11/2016	4 3/0	Ossie
11/11/2016	2 2/0	Ossie/Shirley
12/11/2016	6 3/1/	Ossie
13/11/2016	3 1/0	Ossie
14/11/2016	3 2/1/	Ossie
15/11/2016	2 0/2	Ossie/Nik
16/11/2016	1 0/0	Ossie
17/11/2016	0 1/0	Ossie
18/11/2016	1 1/0	1 Nik

Appendix Six
Correspondence with Planning Officer.

From: Sharon Holman <Sharon.Holman@wrexham.gov.uk>
Sent: 06 October 2016 12:24
To: 'mcgilbert@btconnect.com' [REDACTED]
Subject: FW: Unit A, Maesgwyn Road, Wrexham.
Attachments: maesgwyn.pdf

Good afternoon Matt,

1. Please see delegated report attached.
2. The lack of on-site parking is unacceptable because it will put additional pressure on on-street parking facilities which are already in high demand. Where a customer or delivery driver cannot find a kerbside parking space opposite the site, I have witnessed both parking indiscriminately on the public highway i.e. on the footway fronting the development site resulting in pedestrians having to walk on the carriageway, and on the carriageway blocking the free flow of traffic.

Kind regards
Sharon

-----Original Message-----

From: Louise Phillips
Sent: 06 October 2016 11:41
To: Sharon Holman; Sharon Williams
Subject: FW: Unit A, Maesgwyn Road, Wrexham.

-----Original Message-----

From: MattGilbertatBT [REDACTED]
Sent: 06 October 2016 11:41
To: Louise Phillips
Subject: Unit A, Maesgwyn Road, Wrexham.

Louise

Just to let you know, I have now submitted the appeal relating to the above and attach a copy of the appeal form, I am not sure whether the form should actually be sent to somebody else, in which case could you please forward it appropriately?

Whilst writing, could I ask a couple of questions that would assist in putting together my statement:

1. Could I have a copy of the Officer's report, it does not appear to be on the Council's website.
2. Can you assist me as to whether the word "indiscriminate" within the reason for refusal has any particular significance that I should be aware of or whether it is simply 'unacceptable' parking that is the concern? If there is a specific problem, then it would help to be able to address it in my main statement.

Many thanks,

Matt Gilbert
The Planning Consultancy
Tel: 01948 770620

P/2016/0698
Sharon Holman

CONSULTATION RESPONSES	Objects	No Objection	Comments	Accepts/ Supports	No reply
Community Council			x		
Local member(s)					x
Highways	x				
Public Protection			x		
Natural Resources Wales					na
Welsh Water					na
Other					na
Neighbours					x

PLANNING POLICY/CONSTRAINTS

UDP NOTATION	YES	ACCEPTABLE	NOT ACCEPTABLE
Outside settlement			
Inside settlement	x		x
Conservation Area			
Listed Building/ setting			
Green Barrier			
Special Landscape Area			
Flood Risk			
Within Buffer Zone or affecting SAC*			
World Heritage Site			
AONB			
Other			

LPGN's No.	Title	ACCEPTABLE	NOT ACCEPTABLE
16	Parking Standards		x

KEY ISSUES	Acceptable	Observations below	Conditions Required	Not Acceptable	N/A
Residential Amenity Design* (see below)					x
Accessibility*					x
Highway safety		x		x	
Parking		x		x	
Conservation/LB					
Ecology					x
Landscaping					x
Other					x

OBSERVATIONS:

The proposed development does not make adequate provision for on-site parking and as such is contrary to UDP Policy GDP1 d) and Local Planning Guidance Note No. 16 parking Standards'. To allow the development would lead to indiscriminate parking on this predominantly residential street which would compound congestion problems locally and give rise to highway safety issues.

The development is also contrary to Policy S6 which only allows for small scale shopping where it would not give rise to traffic problems.

RECOMMENDATION SUMMARY

Recommend Refusal	Summary of Reasons	LM(s) Notified of Delegated refusal? (Include any response)	
x	Highway Safety	Cnsl Wynn agrees with delegated refusal (email date 19/8/16)	