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## **Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 8 Mawrth 2022

gan Nia Jones, BA (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion  
Cymru

Dyddiad: 13.04.22

## **Appeal Decision**

Site visit made on 8 March 2022

by Nia Jones, BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh  
Ministers

Date: 13.04.22

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**Appeal Ref: CAS-01511-S7Y7M1**

**Site address: 7 Trinity Street, Wrexham, LL11 1NH**

**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 Mr Eddie Roberts against the decision of Wrexham County Borough Council.
  - The development proposed is change of use of ground floor from retail to taxi booking office and waiting room.
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### **Decision**

1. The appeal is dismissed.

### **Main Issue**

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

### **Reasons**

3. The appeal premises is a vacant retail shop in a row of similar units located in the town centre and directly opposite Wrexham Bus Station. A designated loading bay is located on the nearside carriageway edge fronting the adjoining premises, just to the south of the appeal site.
4. The immediately surrounding road network operates under a traffic management regime, as implemented under Wrexham Unitary Development Plan (UDP) Policy T7, with the aim of amongst other things, assisting in the operation of bus services, and creating safer and more accessible and attractive shopping centres for pedestrians. The network operates as a one-way system where most vehicles are required to travel in an anti-clockwise direction past the site. Limited exceptions, including access for taxis and buses and loading activities, are in place on part of King Street and on Duke Street, but the network is otherwise controlled by double yellow lines under a Traffic Regulation Order prohibiting parking, loading and unloading at any time. Loading is permitted in the designated loading bay near the appeal site.

5. The appellant has drawn my attention to Local Planning Guidance Note No.8 (LPGN8) 'Private Hire Vehicles' which provides specific guidance on types of taxi offices and their acceptability in different locations. It states that the location of operational offices, such as the appeal proposal, where vehicles operate from the premises and where facilities such as customer waiting areas are provided, should be determined by reference to, amongst other factors, the highway network. In Wrexham Town Centre, recognising that on-site parking will rarely be possible, but acknowledging the disadvantages to shoppers and other town centre users where a reliance is placed on on-street parking, it states that such development will not be supported in principal shopping streets or streets subject to traffic management proposals.
6. The appellant however confirms that he does not expect to have parking availability at the appeal site, but rather, the ability to load and unload using the designated bay. Given the limitations on loading in the surrounding road network, demand for the use of the loading bay is likely to be high. I have had regard to the lawful use of the appeal premises as a retail outlet served by goods deliveries. However, I consider that the nature of loading and unloading associated with the delivery of goods, such as the white goods previously sold, or with other retail uses which could be made of the appeal premises, would be different to the picking up or setting down of passengers. Stock deliveries are likely to be more predictable and calculable, and occur less frequently, than the vehicular movements associated with a customer demand led taxi service. Whilst taxis routinely pick up passengers at a variety of locations, the appeal premises would be the operating office with a waiting room for customers. Although the setting down or picking up of passengers would be likely to entail shorter duration stops in the loading bay than goods deliveries, the nature of the appeal proposal would be likely to lead to a continuous use of the loading bay by taxis throughout the day, hindering its use by others. Given such short duration stops, I consider that other drivers are more likely to wait on the carriageway, thereby impeding the flow of traffic, until space became available. If the loading bay was already in use by others for longer duration goods deliveries, there is a risk that taxi drivers would park indiscriminately outside the designated bay to pick up waiting customers, impeding other traffic, including buses at a busy public transport hub. Indiscriminately parked vehicles along with a congested highway can also impede visibility for pedestrians crossing the road and make it difficult for users with disability aids or pushchairs to negotiate crossing points. There is also the prospect that available taxis would congregate outside the operating centre awaiting custom, preventing the use of the loading bay by others. Whilst traffic enforcement powers are available to the Police and Local Authority to deal with infringements, it would be difficult to ensure the area was continuously supervised and any enforcement action would in any case only take place after a breach of traffic regulations, and the resultant risk to highway safety, had already occurred.
7. I have considered the use of a planning condition to prohibit the picking up of customers outside the appeal premises. Circular 016/2014 on 'The Use of Planning Conditions for Development Management' (the Circular) gives advice on the imposition of conditions, as well as the six tests that must be applied, including that they are reasonable and enforceable. A condition might be unreasonable because it is unduly restrictive, for instance, where it would nullify the benefit of the permission, and unenforceable because, in practice, it would be difficult to prove a contravention. The appeal proposal is likely to depend on trade arising from those using local shops, services and nearby leisure and entertainment facilities, and the adjacent bus services, in addition to more regular customers. It would operate on a 24 hour basis and would include a waiting area available for customers during the day, with the intention that they would be picked up at the loading bay. A condition prohibiting the picking up of customers outside the appeal site

would be difficult to enforce and unduly restrictive given the nature of the proposed business and its intended operation.

8. The appellant acknowledges that the proposal is in part motivated by an attempt to remedy alleged parking infractions near his existing premises at King Street. It is suggested that relocating the business from a very busy part of the street network to the appeal site would benefit highway safety. However, I saw that Trinity Street is equally busy whilst the concerns around indiscriminate parking would not be entirely removed as the vacated premises would remain available for the same use by a different occupier.
9. I conclude that the proposal would be likely to lead to indiscriminate parking and congestion, and impede the flow of traffic, thereby creating an unacceptable risk to highway safety. Consequently, the proposal would undermine the benefits of the operational traffic management scheme, contrary to UDP Policy T7, and would be contrary to UDP Policy GDP1 which states that all new development must, amongst other matters, ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.

### **Other Matters**

10. My attention has been drawn to policies in the draft Wrexham Local Development Plan 2 (LDP2) in support of the proposal, including the removal of references to current traffic management policies for the area and to draft Policy T3 which encourages reducing the use of the private car. I have also had regard to the comparative advantages to the business of the appeal site, in terms of tenure and the ability to create an acceptable environment for both employees and customers, including allowing for social distancing. Whilst the Wrexham UDP 1996-2011, adopted in 2005, is time expired, it nevertheless remains the development plan for the area. Traffic management restrictions are currently in operation. LDP2 is at examination stage and I consequently give its policies limited weight. Even so, national planning policy as contained in Planning Policy Wales Edition 11 (PPW) encourages reduced reliance on the private car. Whilst I acknowledge its operational advantages to the business and the small contribution the proposal would make to an increased choice of travel options, these considerations do not outweigh the harm I have identified in relation to the main issue, including impeding public transport near Wrexham Bus Station.

### **Conclusions**

11. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.
12. In reaching my decision I have taken into account the requirements of sections 3 and 5 of the Well-being of Future Generations (Wales) Act 2015. I consider this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's wellbeing objectives as required by section 8 of the Act.

*Nia Jones*

Inspector