



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 2 Tachwedd 2021

gan N Jones BA (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11/01/2022

Appeal Decision

Site visit made on 2 November 2021

by N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11/01/2022

Appeal Ref: APP/H6955/A/21/3280669

Site address: Gresford Police Station, 76 Chester Road, Wrexham, LL12 8PA

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 Ms Rachel Lloyd against the decision of Wrexham County Borough Council.
 - The development proposed is Change the Use of Police Station to a Day Nursery.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There is some discrepancy in the application documents in relation to the number of children to be cared for at the proposed facility, the number of staff proposed and its operational hours. The appellant's Highway Assessment report states that a maximum of 39 children aged up to 18 months would be cared for, and that 13 staff would thus legally be required, with 32 children to 11 staff being the applicable maximum if the proposal was operating at 80% of its capacity, operating from 07:30am to 18:00pm. I have assessed the appeal on this basis.

Main Issue

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

Reasons

4. The site is a detached former police station located off the B5445 (Chester Road) in a predominantly residential area. It is served by a single access to the east of the frontage with hard-standings to the front and rear providing parking and turning spaces. Chester Road and Annefield Park carried a steady stream of vehicular and pedestrian traffic in both directions during my site visit and there are designated cycle lanes on both sides of Chester Road, together with nearby bus stops.

5. Vehicular and pedestrian access to the site would be relocated centrally on the frontage with Chester Road. Having regard to national standards set out in Manual for Streets, and assuming that obstructions to visibility along the site frontage are removed, the highway authority accept that the required splays could be achieved, improving on the sub-standard access currently serving the site. In terms of visibility at the site entrance therefore, the proposal would provide a safe access to the development.
6. Local Planning Guidance Note 16 'Parking Standards' (LPGN 16) sets out maximum parking standards for each land use category and the parties agree that for the type of use proposed, 7 parking spaces in total would be required. The proposal would provide 11 spaces, with 6 spaces allocated for staff parking. The spaces at the rear however would be restricted in terms of turning space and access to and from them would be blocked by occupation of spaces to the front. Nevertheless, the appeal site is well located to take advantage of sustainable travel modes and the proportion of spaces available for staff may encourage greater flexibility in this regard in accordance with national planning policy aspirations to reduce reliance on private transport.
7. Notwithstanding compliance with the parking standards set out in LPGN 16, the Council is concerned that additional traffic generated by the proposal, over and above the existing use of the site, could mean that parking could occur on Chester Road or on or near the junction with Annefield Park opposite, risking highway safety. LPGN 16 states that changes of use will be judged on their own merits and that 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. The appellant suggest that the traffic generated by the proposed use of the site would be comparable to the previous use as a police station. Whilst I acknowledge that the Council provides no comparable evidence, the appellant's estimate is based only on a Google Streetview image showing 5 vehicles parked to the front of the building and an assertion that 5 staff may have been employed. No substantive evidence is provided to support the figures. Similarly, the Council's evidence of parking demand from the proposal is based on a single visit to observe the car park at the appellant's other nursery, rather than an objective analysis of trip generation, or which considers other site specific factors such as accessibility to public transport.
8. However, whilst the evidence concerning the former and proposed uses does not allow for a robust comparison of parking demand, it is reasonable to expect that vehicular movements associated with the nature of the proposal would follow a different pattern to the former police station. In particular, there is agreement between the parties that the greatest concentration of activity, and consequently the greatest demand for parking arising from the proposal, would occur at drop-off and collection times whereas the previous use of the site would be more likely to have experienced activity throughout the day. The appellant has referred to a transport assessment, and in particular to an accumulation method used to assess parking demand across peak times, at another site in Gresford. This however relates to a retail use with different parking patterns in another part of the village. The differing circumstances limits the weight I can attach to it. Even so, the appellant's calculations on visit duration for the appeal proposal are based on estimated rather than evidence based stays. I do not consider the stays would be as short as suggested, particularly given the age of the children. For example, there would be a need to remove children from, or place them in, a car seat, settle them in on arrival and collect their belongings and discuss any issues or feedback with staff on collection. I also acknowledge that the site may not always operate at full capacity. Nevertheless, there is no certainty that it will only operate at the 80% capacity suggested by the appellant, and even at this rate there would still be concentrated parking demand during peak times.

Given the nature of the use and the age of the children, parents and carers would be likely to wish to park as close as possible to the facility. On the available evidence and having regard to the large number of children that would be cared for and associated staffing requirements, I find that it has not been demonstrated that the proposal would make adequate provision for parking. The proposal would therefore result in a risk of conflicts and congestion within the site itself as well as overspill parking in the vicinity. Indiscriminate parking on the cycle lanes would risk danger to their users and parking on the carriageway on Chester Road as well as on or near the junction with Annefield Park would risk obstruction to the free flow of traffic on Chester Road and its environs.

9. I have taken into account the appellant's suggested methods of controlling and reducing the length of stays. Their use however would be difficult to regulate or enforce. I have also taken into account the appellant's suggestion that the transfer of staff from the nearby nursery facility would increase opportunities for sustainable travel in accordance with national planning policy, given the accessibility of the appeal site. I do not consider however that any benefit accruing would outweigh the harm I have identified in relation to the appeal proposal.
10. I conclude that the proposal would be harmful to highway safety contrary to Wrexham Unitary Development Plan (UDP) Policy GDP1 which requires all new development to ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.

Other Matters

11. Local representations have raised concerns regarding the likely noise and disturbance generated by the proposal with particular regard to any outside play area. The proposals do not include details of any such play area proposed and given the parking and turning areas provided, the opportunity of providing outside space would be limited. Any noise from children playing out of doors during daytime hours would not in any case be unexpected in a residential neighbourhood and would be unlikely to reach unacceptable levels. Concerns have also been expressed that the proposal would visually impinge on the area but given that no significant changes are proposed to the building, this is unlikely to occur. Signage was in use previously for the police station. The site is well contained by existing fencing restricting views into neighbouring gardens and the proposed use of the site would not be likely to increase any overlooking or loss of privacy over and above the previous use. Similarly, given the existing layout and opportunities for parking on the site, the proposal would not be likely to materially increase air pollution. Issues in relation to property values are of limited weight
12. The development is identified as potentially capable of increasing the levels of phosphates discharged into the catchment of the River Dee and Bala Lake Riverine Special Area of Conservation (SAC). However, in this instance, I have not sought the views of the parties or Natural Resources Wales to inform a screening as to whether there would be a likely significant effect on the qualifying features of any SAC as I have found the development unacceptable on other grounds. Even should the development be acceptable in regard to its effect on the SAC this would not outweigh my conclusions on the main issue.

Conclusion

13. For the reasons given, the appeal is dismissed.

14. 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