

**Town and Country Planning Act 1990
Section 78 Appeal**

**Appeal at Former Police Station, Chester Road, Gresford,
LL12 8NT.**

COUNCIL'S STATEMENT OF CASE

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

LPA Ref: P/2020/0703

1 INTRODUCTION

- 1.1 The Council request that the appeal be dismissed for the reasons set out on the planning decision notice.
- 1.2 It should be noted that the Proposed Site Plan submitted by the appellant at planning application stage had no plan number, no title or reference and no scale.

2 SITE

- 2.1 The application site lies within the settlement limit of Gresford, as identified on UDP Policy Map 3 INSET 4.
- 2.2 The site comprises the former Gresford Police Station. Access into the site is via the B5445, which runs to the north of the site. Residential properties border the eastern, southern and western boundaries.
- 2.3 The building lies in a fairly central location on the site, with the front and rear of the site laid to hardstanding. A detached garage is located at the rear of the site.

3 THE PROPOSAL

- 3.1 The proposal seeks planning permission to change the use of the former police station to a children's day nursery.
- 3.2 Alterations to the access are also proposed.

4 RELEVANT PLANNING POLICIES

- 4.1 The relevant plan in force in the area is the Wrexham Unitary Development Plan (1996 – 2011).
- 4.2 Relevant local planning policy is GDP1.
- 4.3 Relevant Local Planning Guidance Note is 16 – Parking Standards.
- 4.3 The Council's Questionnaire includes the above mentioned policy in full.

5 CASE FOR THE LOCAL PLANNING AUTHORITY

- 5.1 The application was refused based on the following grounds:-

The additional traffic generated by the proposed development along this section of Chester Road would be incompatible with through traffic safety interests and a potential source of danger to all road users, including pedestrians. To allow the development would fail to ensure safe and convenient vehicular and pedestrian access to and from the site as well as in the nearby locality, and is

therefore contrary to Policy GDP1(d) of the Wrexham Unitary Development Plan and Technical Advice Note (TAN) 18.

- 5.2 During the course of the planning application, the Highway Authority provided four formal consultation responses, on the basis of the information submitted by the applicant. The responses are appended to this Appeal Statement, with the first response attached as Appendix 1, the second attached as Appendix 2, the third attached as Appendix 3 and fourth attached as Appendix 4.
- 5.3 In their fourth and final response prior to the application being refused, the Highway Authority's concerns were primarily in connection with the traffic generation and parking demand generated by the proposed development. Whilst they commented on the site access, this did not form part of the reason for refusal, given it appeared that the required vehicular visibility splays were achievable (notwithstanding that the submitted Site Plan had no scale labelled on it).
- 5.4 The Highway Authority have since provided a further response in connection with the appeal and on the basis of the appellant's submitted Appeal Statement. This response is attached at Appendix 5.
- 5.5 They continue to maintain their concerns raised at planning application stage, regarding the proposed development. Whilst their response is outlined in full in Appendix 5, it is summarised below for completeness.
- 5.6 In terms of proposed traffic generated by the development, on the basis of the appellants Highway Assessment submitted with the planning application and attached at Appendix 6, a maximum of 39 vehicles entering and exiting the site, as well as 12 staff movements, would generate 168 daily vehicular movements to and from the site.
- 5.7 Based on the proposed floor area being 125m², Local Planning Guidance Note (LPG) 16 would normally require a maximum of 7 parking spaces. The proposed Site Plan indicates a total of 11 parking spaces, with 6 being reserved for staff, leaving 5 spaces available for parents/deliveries.
- 5.8 It should be noted that the 3 spaces proposed at the rear would be blocked in by vehicles parked in spaces P4 and P5. All parking spaces should normally be required to be independently accessible at all times.
- 5.9 The appellants currently run an existing children's nursery approximately 1.6km south west of the appeal site. Its location in relation to the appeal site is shown in the attached google maps image at Appendix 7.
- 5.10 A planning application was submitted at the appellant's existing nursery site under P/2020/0097. This application was to vary condition 13 imposed under planning permission P/2019/0189, to increase the number of registered children on site, from 96 to 146. The decision notice which outlines condition 13 for application P/2019/0189 is attached at Appendix 8 for reference.

- 5.11 As part of the planning application submitted under P/2020/0097, the Highway Authority's understanding was that the majority of children are dropped off between 8am and 9:15am, with the busiest time being 08:30am. At the end of the day, the majority of children are collected between 4pm and 6pm, with the busiest time being between 5pm and 5:30pm. The afternoon period was confirmed is not as busy as the morning as it is generally a longer period and more staggered.
- 5.12 The appellants Highway Assessment submitted as part of the planning application now subject of this appeal, also confirmed that children are dropped off between 8am and 9:30am, with the peak being between 8am and 9am. Children are then picked up between 4pm and 6pm with the peak being between 5pm and 6pm.
- 5.13 Having regard to these figures, the Highway Officer visited the appellants existing site on 24/02/2020 between 7:55am and 8:45am. Occupancy of the car park ranged between 21 no. vehicles at 7:55am to 43 vehicles at 8:09am. Between 8am and 8:27am, there was always at least 25 vehicles upwards parked in the car park of the nursery.
- 5.14 Therefore and on a pro-rata basis, when compared with the existing nursery, the proposed nursery on Chester Road could typically generate a parking demand for around 9 vehicles at around 7:55am and 17 vehicles at 8:09am. The Highway Authority consider that this is a more accurate assessment in terms of traffic generation and subsequent parking demand at the appeal site, as opposed to the parking accumulation figures quoted in the appellants Highway Report, submitted as part of the planning application.
- 5.15 Given that the Highway Authority's assessment has been undertaken having regard to the operation of the appellant's existing nursery approximately 1.6km away, it is highly likely to reflect what would occur at the appeal site in reality.
- 5.16 The proposed nursery is intended to accommodate children up to 18 months old. This age group is typically likely to result in parents spending an extended amount of time in dropping off and picking up children, with parents likely to prefer parking as near as possible to the premises when there is no available space within the curtilage of the site.
- 5.17 On the basis of the Highway Authority's assessment, whilst in theory the proposal meets the required parking provision as set out in LPG 16, in reality and based on actual observations, on-site parking provision would be inadequate to serve the proposed development.
- 5.18 Therefore any shortfall in parking provision at the site is likely to result in vehicles parking along Chester Road and/or nearby streets, the nearest being Annefield Park directly opposite the site and which is served by a junction direct onto Chester Road.
- 5.19 Vehicles parked on the street outside the nursery would impede users of the cycle lane.

- 5.20 Having regard to the above, the additional vehicular parking along Chester Road would be contrary to through traffic interests, resulting in a likely source of danger to road users and pedestrians. On the basis of the traffic generation associated with the proposal and the insufficient on-site parking provision resulting in vehicles parked along the highway, the development fails to ensure that safe and convenient vehicular and pedestrian access to and from the site, as well as in the nearby locality, can be achieved. The proposal therefore conflicts with UDP Policy GDP1(d).

6 RESPONSE TO THE APPELLANTS APPEAL STATEMENT

- 6.1 Paragraph 4.1 of the appellants Appeal Statement states that *'No concerns relating to traffic generation, highway safety nor unsafe access were raised by the highway development control officer'*. This is in regards to all four responses made by the Highway Authority at various stages of the application.
- 6.2 However, as can be seen in the first three responses of the Highway Authority's responses (Appendices 1 – 3), concerns are clearly raised in regards to the proposed access and associated visibility into and out of the site the site. It was only after the fourth round of information was submitted by the appellant that the Highway Authority's concerns surrounding the proposed access and the required vehicular visibility splays were addressed, as outlined in their response dated 15th June 2021 and attached at Appendix 4 (again notwithstanding that the submitted Site Plan accompanying the planning application did not have a defined scale).
- 6.3 In terms of the traffic generation, this was clearly raised in all four of the Highway Authority's responses, with continued requests made for details of the anticipated daily vehicle movements associated with the proposed use.
- 6.4 Only on the fourth round of information submitted by the appellant, was this information received, to which the Highway Officer commented on and continued to raise concerns with.
- 6.5 Paragraph 4.5 of the appellants Appeal Statement refers to a photograph from google maps, which shows five police vehicles parked at the site frontage. On this basis, the appellant states that *'it is reasonable to assume that each of those vehicles may have entered and exited the site on a regular basis (possibly every hour) during the course of a working day.'*
- 6.6 No evidence has been provided to demonstrate why it is reasonable to assume that each of these vehicles would enter and exit the site on a regular basis, or indeed every hour, during the course of a working day. Submission of one photograph taken from google maps, with no reference of a date, is not considered to be an accurate reflection of the actual number of vehicles present on this site when it was in use as a police station, on a daily basis.

- 6.7 Even if there were five police vehicles present at the site on a daily basis, there is no evidence to suggest that each of the vehicles would enter and exit on a regular basis, or every hour, as indicated by the appellant.
- 6.8 Therefore the figures put forward by the appellant in terms of the existing traffic generation at the site (130 movements per day) are disputed and are not considered can be relied upon based on one google maps image.
- 6.9 Paragraph 4.6 of the appellants Appeal Statement states that *'The highway officer's report states that there will be 39 vehicles entering and leaving the site twice daily to drop children off. This is incorrect and overstates the number of children who will attend the nursery on a daily basis.'* Paragraph 4.7 of the Appeal Statement goes on to state that *'The highway assessment submitted with the application stated that the nursery would usually be no more than 80% capacity at any one time i.e no more than 32 children.'*
- 6.10 The Highway Assessment (attached at Appendix 6) submitted in support of the planning application stated in paragraph 2 on page 8 that *'A maximum of 39 vehicles will enter and leave the site to drop children off...'* The same paragraph also states that *'Similarly, a maximum of 39 vehicles will enter and exit the site when picking up children...'*
- 6.11 The Highway Authority have assessed the application based on the maximum number of vehicles stated in the submitted Highway Report. They were not therefore incorrect in their assessment of the application. The Highway Assessment (attached at Appendix 6) goes on to state in the fourth paragraph on page 9 that *'In reality, with an 80% occupation rate spread (32 children)...'* Whilst the appellants' intentions may be that only 32 children are present within the nursery at any one time, given they have stated that provision would be made to accommodate up to 39, this has to be the number in which the assessment is based upon. The Local Planning Authority has no way of controlling that the site operates at a capacity of 80%.
- 6.12 On this basis, the total vehicular movements put forward in the appellants' Appeal Statement, being 140 (having regard to the 128 parental drop off vehicles and 12 movements from staff), is not considered to be accurate or a true reflection of the actual vehicular movements associated with the scale of the proposal. Notwithstanding the Highway Authority's own rationale for calculating the actual vehicular movements associated with this proposal (discussed in Section 5 of this Appeal Statement and outlined within their formal response attached as Appendix 5), the proposed vehicular movements put forward in the appellants Appeal Statement are not considered to be comparable to the existing traffic generation at the site (which as outlined in paragraphs 6.5 – 6.8 of this Appeal Statement, are disputed in any event). The assertion made at paragraph 4.8 of the appellants Appeal Statement that the existing and proposed traffic generation would be *'potentially comparable'* is not therefore considered to be the case.
- 6.13 Paragraphs 4.9 – 4.13 of the appellants Appeal Statement discusses the proposed access arrangements at the site. The vehicular visibility splays

shown as part of the revised access on the Proposed Site Plan submitted at planning application stage appeared to be achievable, as commented in the Highway Authority's fourth response. It also appears to be acceptable on the basis of the revised Site Plan submitted to accompany the appeal (referenced 1:500 Proposed Site Plan). The actual proposed access into and out of the site, in this respect, was not disputed and did not form a reason for refusal.

- 6.14 It has already been mentioned earlier in this Statement why the Local Planning Authority do not consider that the figures put forward in the appellants Appeal Statement in terms of existing and proposed traffic generation are not considered to be accurate. Based on the Highway Authority's rationale for calculating the actual number of vehicles likely to visit the site at 7:55am and 8:09am, (9 and 17 vehicles respectively), there is inadequate on-site parking provision to accommodate this number of vehicles, when combined with staff numbers at the site.
- 6.15 This would likely result in vehicles parked along Chester Road or nearby streets, which would be considered a significant increase in comparison to the existing situation. Assuming that there would be 9 vehicle drop offs at 7:55am with 6 no. members of staff present on site, would require 15 parking spaces. Assuming that there would be 17 vehicle drop offs at 8:09am with 6 no. members of staff present on site, would require 23 parking spaces. Given the development proposes provision of 11 no. parking spaces, this could result in a surplus of 4 vehicles having to park on the road at around 7:55am, increasing to 12 vehicles parking on the road at 8:09am.
- 6.16 This could cause a significant disruption along Chester Road, with vehicles blocking pedestrian access along the footway, potentially resulting in pedestrians, including those with buggies or the disabled/those with mobility issues, to have to move out onto the road in order to continue along this section of Chester Road. The increase in vehicles parked along the road would also likely impede users of the existing cycle lane. Furthermore, an increase in vehicles parked along Chester Road have the potential to disrupt the free flow of vehicular traffic during typically busy rush hour periods, causing shunt type accidents.
- 6.17 The appeal site is located directly opposite the junction of Annefield Park and Chester Road. Vehicles parked at or in close proximity to the junction may impede or restrict visibility at the junction, when vehicles are pulling out onto Chester Road, further exacerbating the highway safety issues arising as a result of the traffic generated by the development.
- 6.18 Paragraph 4.18 of the appellants Appeal Statement discusses parking provision at the site, commenting that as per the standards set out in the Council's Local Planning Guidance Note (LPG) 16, that the proposed parking provision at the site would meet the guidance.
- 6.19 As set out in the Highway Authority's response attached at Appendix 5, whilst the proposal does meet the standards in terms of the required parking provision, in this instance and in reality, based on actual observations at the

appellants' existing nursery site, the proposed parking provision put forward as part of this appeal is considered to be inadequate, the reasons for which are set out in the Highway Authority's rationale for calculating the actual amount of parking spaces which would be required at the site.

- 6.20 The appellants Appeal Statement at paragraph 4.18 refers to the parking accumulation table submitted with the Highway Assessment as part of the planning application. Whilst this may have been accepted by the Inspector as part of the appeal referred to, the Highway Authority state in their response (attached at Appendix 5) that the rationale and calculation undertaken by themselves having regard to the vehicular movements at the appellants existing nursery, is a more accurate assessment compared with the parking accumulation figures referred to by the appellant.
- 6.21 The Highway Authority go on to state that as the nursery would cater for children up to 18 months old, this age group would typically result in parents spending an extended period of time in dropping off and picking up, with parents preferring to park as close to the premises as possible, when there is likely to be no available space within the curtilage of the site.
- 6.22 On this basis, the figures quoted in the parking accumulation table within the Highway Assessment, being 2, 5 and 7 minutes, are not considered long enough to support the appellants assertion that there would be sufficient on-site parking provision to accommodate for the number of vehicles accessing the site on the hourly basis quoted in the table.
- 6.23 The 5 no. parking spaces quoted in the appellants Highway Assessment in regard to the 7 minute stay, would be insufficient to accommodate for the number of vehicles arriving at the site between 7:55am and 8:09am, as referenced by the Highway Officer in his response attached at Appendix 5.
- 6.24 Paragraph 4.19 of the appellants Appeal Statement states that *'It should be noted that the planning officer did not consider that there was a shortfall in parking at the site; her refusal was strictly in respect of traffic generation.'*
- 6.25 As has been demonstrated in the body of this Appeal Statement, the traffic generation arising from the proposal is connected to the lack of parking provision that would be available on the site to accommodate for the vehicular movements associated with the proposal. As a result, the proposal fails to ensure safe and convenient vehicular and pedestrian access to and from the site, as well as in the surrounding locality, to the detriment of highway safety. The proposal conflicts with UDP Policy GDP1(d).

7 CONCLUSION

- 7.1 On the basis of the Local Planning Authority's Appeal Statement, as well as the justification outlined in the Highway Authority's responses attached at Appendix 5, it is requested that the appeal be dismissed for the reason outlined on the planning decision notice.

- 7.2 In the event that the appeal is allowed, a list of suggested conditions is attached at Appendix 9.

8 SUGGESTED CONDITIONS

- 8.1 Should the appeal be allowed, a list of suggested conditions is attached at Appendix 9.
- 8.2 Public Protection, as part of their consultation response, requested submission of a Noise Report to be attached as a condition to any grant of planning permission. This is on the basis of the number of children accommodated at the site per day, with an age range of between 0 – 18 months and that provision would be made for children to play outside to the rear of the building as well as the proximity of the site to surrounding residential properties. The condition is considered to be reasonable and is attached to the list of suggested conditions.
- 8.3 In terms of the conditions recommended by the Highway Authority, I consider that the conditions to secure vehicular and pedestrian visibility splays, as well as access width of 6.6 metres are necessary to ensure a safe access for vehicles and pedestrians into and out of the site.
- 8.4 I consider that a condition to secure the parking layout as shown on the submitted Site Plan is reasonable to ensure all proposed car parking spaces are clearly defined and permanently maintained.
- 8.5 I also consider that a condition to secure submission of a Car Parking Management Plan is reasonable, to ensure car parking spaces P1 – P5 are appropriately managed throughout the day.
- 8.6 I do not consider that a condition to restrict the use of gates at the access point is required given the nature of the proposal is not likely to warrant or require a set of gates at the access point, should the appeal be allowed.
- 8.7 I do not consider that a Construction Traffic Management Plan is required given the scale and nature of the proposal is not likely to result in such disruption to the existing highway during any pre-commencement works, to warrant submission of such a Plan.
- 8.8 I do not consider that a scheme for a pavement crossing is required, given a dropped crossing in association with the new access can be secured under separate highway legislation. I have included a condition to ensure the existing access is closed up prior to first use of the development.
- 8.9 I do not consider that a condition to secure the general layout plan is required, given this is secured as part of condition 2 and the parking layout plan is also secured as a separate condition.