



**Bob Dewey
PLANNING**

GROUND'S OF APPEAL

PROPOSED CHANGE OF USE Trinity Street, Wrexham.

PROPOSAL:

The proposal is. to change the use of the property from retail to a taxi booking office. change of use of ground floor from class a1 (retail) to sui generis (taxi booking office and waiting room)

PLANNING HISTORY:

Planning application P/2021/0971 was submitted on 17 September and refused on 11 November .

Highway Comments: The consultation which undoubtedly led to this decision (from the Council's Highway Officer said:

"Parking along King Street / Trinity is generally restricted by double yellow lines although there are a limited number of short stay parking bays located along King Street. There is an existing taxi rank fronting nos. 25 – 30 King Street. There is an existing loading bay along this section of Trinity Street. I understand that this facility primarily serves delivery vehicles servicing the nearby shops / businesses although I understand that taxis are permitted to park in this bay for a few minutes. The remainder of this section of Trinity Street is subject to a Traffic Regulation Order (double yellow lines) prohibiting any parking, loading or unloading at any time. I understand that the applicant already operates from an existing office located on King Street. I understand from our Transport Section that taxis already park indiscriminately along this section of King Street despite there being traffic regulation orders in place restricting such parking. Having consulted with our Transport, Traffic & Parking Services Sections, it is considered likely that given the lack of suitable off-street parking provision for the proposed taxi office, the proposed development is likely to result in taxis either parking in the delivery vehicle loading bay and /or parking indiscriminately along this section of Trinity Street. This has the potential to adversely affect the free flow and safety of traffic and pedestrians on the highway. It would therefore be difficult to support the proposed development for the reasons given above."

The application was refused and the reason given was:

1. The proposed development does not make adequate provision for the parking of vehicles clear of the public highway within a busy town centre location and an area subject to a traffic management scheme. The establishment of such a development in this location would be incompatible with through traffic interests and a potential source of danger to road users and pedestrians. Consequently, the impact upon free flow of traffic along the highway would potentially harm the safety of other drivers and pedestrians.

The development would therefore, fail to comply with policy GDP1 and T7 of the Wrexham UDP (2005).

PLANNING POLICY: adopted WREXHAM UDP

Policy GDP1 All new development should:-

In its decision, the Council refers to the General Development Policy (GDP1) and Policy T8.

It makes no reference to the Local Planning Guidance note: and to the Supplementary Guidance in Wrexham UDP

Policy PS1 New development for housing, employment, and community services will be directed to within defined settlement limits/employment areas.

Policy PS8 The transport network will be developed by providing an integrated range of travel options to and from principal residential, commercial, employment and education centres by making the best use of the existing road and rail network, including, where necessary, the provision of facilities for both passenger and freight interchange and by the encouragement of public transport, cycling and walking.

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
- 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

Policy T7 The following traffic management schemes will be implemented:-

1. Wrexham : Limited vehicular access in:

Chester Street (part), Duke Street, Lord Street (part), Regent Street (part), and Trinity Street

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

Wrexham (draft) LDP

Policy T3: Passenger Transport

To reduce dependency on the private car, developments which provide for and promote the use of passenger transport services will be supported where:

- i. Enhanced or new passenger transport services connecting communities to areas of opportunity including employment, education, health facilities, retail, leisure and social activities are proposed,
- ii. Appropriate new highway infrastructure improvements that afford priority to bus based passenger transport over the private car,
- iii. Infrastructure improvements to existing rail and bus interchanges including measures which; promote the opportunity for Park and Ride; improve taxi and community transport provision; and improves accessibility including meeting the needs of people with restricted mobility,
- iv. Appropriate pedestrian and cycling investment that improves connectivity to and from the

rail and bus stations,

Council's adopted LPG 8 (copy appended)

Wrexham Town Centre In Wrexham town centre slightly different considerations apply and it will rarely be possible to find a site with sufficient convenient car parking. However a reliance on on-street parking will disadvantage shoppers and other town centre visitors.

GROUND OFS OF APPEAL

It seems clear from the internal memo (copied below) from the Chief Officer, Environment & Technical Highways section of the Council that (at least in part) of the objection results from the (alleged) infractions of parking regulations at the present office in King Street.

Considering that at least part to the reason for the application is an attempt to remedy any problems there. it seems totally unreasonable to use that as justification for a refusal.

The refusal reasons given can be identified as:

- (a) does not make adequate provision for the parking of vehicles clear of the public highway within a busy town centre location and an area subject to a traffic management scheme**
- (b) The establishment of such a development in this location would be incompatible with through traffic interests and a potential source of danger to road users and pedestrians.**
- (c) Consequently, the impact upon free flow of traffic along the highway would potentially harm the safety of other drivers and pedestrians.**

The development would therefore, fail to comply with policy GDP1 and T7 of the Wrexham UDP (2005).

(a) lack of parking

It is not clear how much parking the Council would wish to see. Self-evidently, it would be almost impossible to find a site in or near the town centre where enough parking spaces for every car could be provided. It is difficult to believe that there is a taxi office anywhere which provide enough off street spaces for all its vehicles. This site is provided with a restricted loading layby which was provided to allow vehicles serving the adjacent premises to stop without causing a problem to other road users. If it is not allowed for that purpose then it is pointless. Any vehicle parking or loading/unloading outside that layby would be in breach of traffic regulations and thus controls should be enforced if issues arise.

(b) traffic interests and danger

If the layby is not a safe place to pick up or drop passengers, then there must be something fundamentally wrong. One has to presume that a vehicle stopping in the layby for a few moments is not a danger to other road users. How such vehicle could be a danger to pedestrians remains totally unclear. Pedestrian flows along this part of Trinity Street should be limited and anyone accessing the bus station would be expected to cross adjacent to the Lord Street/Duke Street

junction. Indeed anything which discouraged pedestrians trying to cross the much wider road outside the appeal site should be welcomed.

(c) impact on traffic flows

The entrance to the bus station area by way of King Street (Regent Street) is specifically limited to "loading and taxis". Whilst from observations, this is not enforced, the dispensation to allow taxis should mean this is the ideal place for a taxi office.

Policy analysis

Policy T3 of the draft local plan focuses on the desirability of reducing use by private car and encouraging bus usage and improving taxi and provision.

LPG 8 (dealing with taxis/private car hire) says: In Wrexham town centre ... it will rarely be possible to find a site with sufficient convenient car parking. However a reliance on on-street parking will disadvantage shoppers and other town centre visitors. {it should be recognised that the appellant does not expect to have parking at the site. He only seeks the ability to load/unload which preciously accords with the regulations.

UDP GDP1 only says: Policy GDP1 All new development should:-

d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.

The refusal gives no explanation s to why this policy is breached.

Policy T7 is given as the relevant policy for an objection. It is not clear why a policy to make traffic management schemes should be a reason for objection. This policy was drafted prior to 1996 and one can only presume that such measures as were envisaged would haven nee implemented 25 year later. The Council anticipated that loading/unloading would be needed to serve the adjacent premises and such use would continue if this appeal is unsuccessful and the retail use is resumed.

Surprisingly LPG 8 which deals precisely with such applications is not mentioned in the decision. A request to view the officer's detailed analysis has not been forthcoming.

The LPG refers to "parking" and the point is fully understood. However, taxis habitually pick up passengers at a variety of locations in the town where they are required. They are not regarded as having "parked" there. Quite rightly, the guidance does not seek to identify places where passengers cannot be picked up or dropped off.

General Comments

The existing premises are woefully inadequate for employees and customers wishing to socially distance as required by Covid Regulations. The proposals makes for greatly improved safety of employees and passengers..

The present location is located on a very busy part of the street network and inevitably exacerbates

and danger for the public and highway users.

The cessation of use of the King Street office can only be a positive gain to the town and to passengers

CONCLUSION

In his advice to the planning officer, the Council's highway officer helpfully says:

There is an existing loading bay along this section of Trinity Street. I understand that this facility primarily serves delivery vehicles servicing the nearby shops /businesses although **I understand that taxis are permitted to park in this bay for a few minutes**. The remainder of this section of Trinity Street is subject to a Traffic Regulation Order (double yellow lines) prohibiting any parking, loading or unloading at any time.

The retail use as selling large white goods must have generated deliveries to and sales from the property, Such a use would inevitably generate short term vans/lorries loading/unloading and parking. That retail use has ceased and the proposed use would generate loading/unloading but only for much shorter durations.

The use will provide a much more users friendly facility and will greatly enhance the office environment for office employees and for anyone waiting for a taxi.

The Inspector is respectfully asked that he allows the appeal and grants permission.

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Comments made by: Chief Officer, Environment & Technical

Parking along King Street / Trinity is generally restricted by double yellow lines although there are a limited number of short stay parking bays located along King Street. There is an existing taxi rank fronting nos. 25 – 30 King Street. There is an existing loading bay along this section of Trinity Street. I understand that this facility primarily serves delivery vehicles servicing the nearby shops /businesses although I understand that taxis are permitted to park in this bay for a few minutes. The remainder of this section of Trinity Street is subject to a Traffic Regulation Order (double yellow lines) prohibiting any parking, loading or unloading at any time.

I understand that the applicant already operates from an existing office located on King Street. I understand from our Transport Section that taxis already park indiscriminately along this section of King Street despite there being traffic regulation orders in place restricting such parking.

Having consulted with our Transport, Traffic & Parking Services Sections, it is considered likely that given the lack of suitable off-street parking provision for the proposed taxi office, the proposed development is likely to result in taxis either parking in the delivery vehicle loading bay and /or parking indiscriminately along this section of Trinity Street. This has the potential to adversely affect the free flow and safety of traffic and pedestrians on the highway.



Private Hire Vehicles

This is a series of local planning guidance notes amplifying local planning proposals in a clear and concise format, adopted by the Council with the objective of improving development standards throughout its area.

A problem of formulating a comprehensive policy for the location of these operations lies in their diversity. Firms may vary in size from one car to a large fleet. They may operate from a house, small office or garage. Radio cars may only need to return to base for repairs (and even those may be carried out at an independent garage) whereas other operators may prefer their vehicles to return to base for new instructions, cashing up, rest periods, etc. Two main types of offices may be identified; non-operational and operational offices.

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Available in
alternative formats

Non-Operational Offices

Non-operational offices are offices whose vehicles are directed by radio and do not operate from, or visit the office.

Only employing one or two persons, this minor office use would be acceptable in most areas, including ones which are predominantly residential, provided that the design of the radio mast and equipment is acceptable in visual and operating terms.

Operational Offices

Operational offices are offices from which vehicles operate and where a public waiting room and drivers' accommodation is normally provided. The location of these offices should be determined by reference to three factors; the highway network, the site and the character of the area.

Locational Criteria

The Site

An important criterion for the location of a base is the number of off-street parking places available in the ownership or control of the applicant. This must be sufficient to accommodate the total number of vehicles likely to be visiting that address at any one time. It may be appropriate to impose a condition on a planning permission restricting the number of vehicles visiting the address at any one time. Off-street parking sites should ideally be large enough to allow any manoeuvring to avoid situations where vehicles would reverse off the site onto adjacent roads, creating a potential hazard to other traffic and pedestrians. Where a private hire firm intends to carry out maintenance to its vehicles, this should be done off-street. In residential areas only routine maintenance should be permitted at the base.

The Highway Network

The road on which the office is located and, where appropriate, any link to the nearest classified road should be of standard (in terms of geometry and construction) adequate to cater for the number of vehicles trading from or visiting the site. In particular, reference would be made to the capacity and alignment of junctions near the base. This is to ensure the operations do not interfere with the free flow of traffic or create unsafe conditions for vehicular and pedestrian movements in the area.



Character of the Area

Private hire operations are compatible with many land uses. However, certain facets of their operation may make them incompatible with residential uses. These problems can occur even when the scale of the operation is very small.

The main problems associated with them are frequent vehicle movements, noise and unsocial hours of operation. Activity often continues after daylight hours when it can be most disturbing. It is, therefore, felt that an office which has more than one vehicle operating from it should not be located in a residential area. In areas of mixed use which include a residential element, the position will be more difficult to determine. In both residential and mixed use areas it is suggested that the permissions are initially granted for a short period e.g. one year, to enable the effects of the operations to be monitored.

District Shopping Centres

In district shopping centres, cars will not be allowed to operate from an office unless the full provision of off-street parking spaces can be made on or near the site to accommodate all vehicles likely to operate at any one time. This would prevent on-street parking which would cause congestion or nuisance to residents in nearby streets, or the use of public parking spaces, which would disadvantage other users.

Wrexham Town Centre

In Wrexham town centre slightly different considerations apply and it will rarely be possible to find a site with sufficient convenient car parking. However a reliance on on-street parking will disadvantage shoppers and other town centre visitors. Proposals will not be supported in principle shopping streets or streets subject to traffic management proposals. Proposals will only be supported where there is unlikely to be

an adverse effect upon vehicular movement (e.g. not on busy thoroughfares or near junctions) or upon car parking (e.g. site on single yellow lines may be favoured).

Settlement Limits

In accordance with established policies the establishment of private hire offices will not be accepted on land outside settlements as described in the Local Plan.

Checklist

- That the operation of a private hire car from a dwelling house requires planning permission.
- That where planning permission is granted in areas of mixed uses it will in the first instance be for a period of one year to allow the impact to be monitored.
- Conditions will be imposed to control booking arrangements, parking provision, hours of operation and number of vehicles.
- Planning permission is unlikely to be granted where:
 - a) The site is in a residential area and more than one vehicle is to visit the office;

b) The amount of off-street parking space associated with the site is insufficient to accommodate the total number of vehicles likely to be operating from it at any one time.

c) The local highway network is of a standard which cannot adequately cater for the additional traffic which would be generated.

- In district shopping centres sufficient off-street car parking in the control of the applicant will be required to cater for all vehicles likely to be operating at any one time.
- In Wrexham town centre, proposals will be judged on their impacts on traffic flow, safety and car parking. Proposals which are likely to disadvantage other users of the town centre through using limited public car parking will not be supported.



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