

Gresford Police Station, 76 Chester Road, Wrexham, LL12 8PA

Section 78 Planning Appeal Statement of Case

1.0 INTRODUCTION

1.1 This statement of case has been prepared in respect to the above-mentioned appeal submitted on behalf of Rachel Lloyd, the owner of the appeal site, in respect to the recent refusal of full planning permission (Application Ref: P/2020/0703) to change the use of the former police station to a day nursery.

1.2 The site comprises a former police station, a two-storey building, with associated off road parking provision. The site is bound by Chester Road along its north western extent and shares part boundaries with residential development to the south, east and west.

1.3 Planning permission was refused by Wrexham County Borough Council (WCBC) for the following reason:

'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 the 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'.

1.4 In summary, the reason for refusal raises the following issues:

- Whether the traffic generated by the proposed change of use of the building would be incompatible with the traffic movement along Chester Road and result in a potential source of danger to all road users;
- Whether the proposed development would result in unsafe and inconvenient vehicular and pedestrian access to and from the site as well as the nearby locality;
- Compliance with adopted unitary development plan policy GDP1(d); and
- Compliance with TAN 18.

- 1.5 This statement focuses on the WCBCs decision to refuse planning permission for the proposed development and sets out why the proposed development is in full accordance with local policy and TAN 18.

2.0 RELEVANT PLANNING POLICY

- Policy GDP1(d) of the Wrexham Unitary Development Plan; and
- Technical Advice Note (TAN) 18

2.2 The Policy listed within the reason for refusal and relevant to this appeal is:

2.3 GDP1 (d) – This policy states that all new development should ‘Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality’.

2.4 A copy of the relevant page has been submitted with the appeal documents

2.5 Technical Advice Note (TAN) 18 is a document relating to all aspects of Transport in Wales. The advice within the document may be material to decisions on individual applications.

Of relevance when considering the reason for refusal would be section 9, Assessing Impacts and Managing implementation. In this respect para 9.18 is relevant which states that ‘The extra trips generated by the proposed development may bring forward the need for transport improvements in the vicinity of the scheme’.

3.0 The Site

The site is located on the south east side of the B5445 Chester Road; a classified highway subject to a 30-mph speed limit. The existing site was formerly a Police Station with car parking provided for three vehicles to the rear plus two parking spaces within the garage and delineated parking space for three vehicles to the front; although photographic evidence from google maps (see image Appendix B) clearly show that up to 5 cars can be accommodated in an informal arrangement across the front forecourt.

The site lies within a two-minute walk of a number of local shops and amenities. The area is generally residential and is on the bus route between Wrexham and Chester with buses every 20 minutes during the day.

4.0 DISCUSSION

Highway Responses to the planning application

- 4.1 WCBC Highway department made a total of four responses at various stages of the determination of the application. At no time was a recommendation made by the highway development control officer to refuse the application, instead requests for further information to address concerns surrounding parking associated with the proposed development were made. No concerns relating to traffic generation, highway safety nor unsafe access were raised by the highway development control officer.
- 4.2 The reason for refusal refers to the additional traffic generated by the development being incompatible with through traffic safety interests and a potential source of danger to all road users, including pedestrians.
- 4.3 Whilst traffic generation is referenced in each of the four highway responses (each of these is submitted with the appeal documents) It should be noted that the highway officer did not at any time recommend that the application should be refused on the grounds of traffic generation
- 4.4 In the final highway response dated 15 June 2021 (submitted with the appeal) the highway development control officer's comments regarding traffic generation were:
- It is considered likely that the proposed change of use to a nursery will result in a significant increase in vehicle movements at the site compared with its previous use.*
- The submitted Highway Statement indicates that a maximum of 39 vehicles will enter and leave the site between 8am and 09:30am and between 4pm and 6pm. This would result in 156 daily vehicle movements plus 12 movements from the proposed 6 staff cars (assuming they only enter and leave once per day). This equates to 168 daily vehicle movements at the site excluding any deliveries which I assume represents a significant increase in vehicle movements compared with that generated by the previous police station.*
- The highway officer states that there will be an increase in traffic generated by the proposed change of use from police station to day nursery but does not raise any objections on these grounds.
- 4.5 In consideration of vehicle movements, the site has as an existing use as a police station. Photographs available from Google maps indicate that at least five police vehicles have at times parked within the parking area to the front of the site; the photograph is shown attached at Appendix A. It is considered 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. That being the case then there would potentially be 10 movements per hour at the existing substandard access (when compared to the visibility standards set by Manual for Streets), equating to a potential of 120 movements (over the course of a 12-hour working day) which if added to the 5 police officers who would presumably have parked their own vehicles to the rear of the site while doing their shift, would equate to potentially 130 movements at the site.

- 4.6 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.
- 4.7 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. This is based on the known operation of the business at its main site on Old Wrexham Road. On an average day the number of parental drop off vehicles entering the site would therefore be 32 – or over the course of the day 128 (32 x 4) movements which added to the 12 movements from staff would equate to 140 movements in total.
- 4.8 Whilst the highway officer has raised concerns over a significant increase in traffic generation at the site it is suggested that the traffic generations between the existing use and the proposed use are potentially comparable.
- 4.9 The proposed development has sought to address concerns raised by the highway officer surrounding the use of the existing sub-standard access into the appeal site from Chester Road. Taking on board the highway comments, the site access proposals have been amended to provide a more centralised access featuring hugely improved visibility splays for existing vehicles. The visibility splays proposed will be concurrent with Welsh Government guidance contained within TAN 18 and Manual for Streets. These improvements are acknowledged by the highway development control officer in his response dated 15 June 2021.

The latest submitted layout plan indicates the closure of the existing access and formation of a new centrally located access. Assuming all obstructions to visibility are removed along the entire site frontage, it would appear possible to provide adequate visibility in both directions.

- 4.10 The only mention of any additional improvement was to recommend a 6.6m wide access to ensure pedestrian visibility is provided. The submitted plans demonstrate

a 6m wide access with all obstacles to visibility being removed from the site. The obstacle to visibility is existing planting / hedge/ trees along the site frontage which are all under the control of the applicant. The improved pedestrian visibility splays requested by the highway officer can therefore be easily provided and are demonstrated on a revised plan submitted separately with appeal documents as 'Revised plan with 6.6m wide access'

- 4.11 It is unfortunate that the planning officer refused the application before giving the applicant an opportunity to revise the plans in line with the highway officer's comments in respect of pedestrian visibility at the site access. The planning officer could alternatively have conditioned these splays.
- 4.12 The proposed site access on to B5445 Chester Road is therefore demonstrated to be in full compliance with Welsh Government guidelines set out in TAN 18 and Manual for Streets and are accepted by WCBC highway department. The proposed access would not therefore result in unsafe and inconvenient vehicular and pedestrian access from the site as well as the nearby locality. The proposed development offers improved vehicular and pedestrian visibility splays through alteration of the existing access and offers improved access from the site for the anticipated number of vehicle movements which as above (*confer* paras 4.7 and 4.8) is comparable to the potential number of vehicle movement generated by the existing use as a police station.
- 4.13 In addition, forward visibility for vehicles entering the site meets full requirements of TAN 18. The development is therefore in compliance with TAN 18.
- 4.14 In consideration of the compatibility of the traffic generated by the proposed development with Chester Road, Chester Road was formerly the A483 before it was de-trunked and became B5445. There is clearly significant traffic capacity built into the immediate highway; the width and horizontal design both comply with current design standards.
- 4.15 Traffic generation from the proposed development is demonstrated to be only marginally more than the existing use. Both the use of the site and traffic associated would be compatible with the existing traffic movement along Chester Road and the proposed development is therefore in compliance with Policy GDP1(d) ensuring safe and convenient pedestrian and vehicular access to and from the appeal site, both on site and in the nearby locality is provided.
- 4.16 Furthermore, it is important to note the provisions of Welsh Government guidance set out in Chapter 9 Annex B Paragraph B.11 of TAN 18 which states that:

Where planning applications are submitted within an existing development site and served by an existing substandard access, there should be scope for a limited redevelopment that incorporated a substantial access improvement, even though the improved access would still be below standard.

- 4.17 In this instance the improved access; proposed as part of the development, would in fact be to full Welsh Government standards not be below standard as referenced in Paragraph B11. The proposed improvements to the access are therefore in full compliance with the requirements of Chapter 9 Annex B Paragraph B.11 of TAN 18.
- 4.18 It has been established that there is a safe access to the site and the highway officer has accepted this.

He did however raise some concerns over parental parking issues. To clarify, there are 6 parking spaces for 11 staff – a figure which the highway officer was satisfied with. Despite the highway officer concerns over restricted space, there is more than enough room (12.5m) to the rear of the site for staff parking to turn into and out of the site (vehicles only require 10.8m to park and manoeuvre); furthermore, it has been used for years for just this purpose by the police.

There is also a double garage at the rear of the site which the applicant would use for parking. However, the garages have not been included in the parking numbers as the highway officer referred to WCBC local planning guidance note 16 which states that garages do not count toward parking provision. It is questionable whether this refers to business use such as a nursery or solely to new dwellings. Nevertheless, the parking accumulation calculations still indicate adequate onsite parking provision without including the two garages.

There are proposed to be 5 spaces for the parental drop off. Each space has sufficient turning for these to drop off and for their cars to exit in a forward gear.

The highway officer was concerned that this number was inadequate yet he repeatedly references in his responses that WCBC guidelines LPGN 16 requires only 7 parking spaces for this proposal; and it has to be noted that these are in fact maximum standards. The provision of 11 spaces represents more than 50% additional parking compared to WCBC guidelines.

It is disappointing that the highway officer chooses to refer to LPGN 16 when dismissing garages from the parking figures but then ignores LPGN16 advice when it comes to parking standards.

The parking accumulation table for the proposals shown with highway assessment, replicates the format of that used by transport consultants at a planning appeal (P/2012/0830) at the new Coop site on the Red Lion public house car park at the top of Marford Hill; the only difference being the anticipated duration of time using the car park; shopping proposals involving a longer duration of stay than the nursery proposals at The Old Police Station. Despite highway officer criticism of the parking accumulation calculations, the format was fully accepted by the Welsh Government Planning Inspector when allowing the appeal. (See Para 7.2.3 to 7.2.13 of Sandersons Transport Assessment P 2012 0830 submitted with the appeal for reference and Paragraph 18 of the attached Red Lion Planning Appeal Decision). The highway officer preferred instead to focus on a nursery nearly three times the size of the current proposals and in a far less sustainable location.

For information the cumulation figures are calculated by multiplying the number of vehicles anticipated to arrive at the site by the anticipated length of stay in minutes; then divided by the number of minutes in the hour. The method of calculation was fully accepted by the Appeal inspector.

Even when using the maximum number (39) of possible vehicles and an elongated 7 minutes duration stay there is an average demand for no more than 5 spaces at peak hour.

In reality, with an 80% occupation rate spread (32 children) and collection and drop off generally spread across 90-minute morning periods, parking demand for the business will be more than met by the provision of 5 dedicated visitor spaces.

A car parking management plan will be prepared for staff parking. The proposed plan will include an undertaking that no more than 6 staff vehicles will be allowed to park on site at any one time.

Spaces 4 and 5 will be managed under a parking management plan. Should staff to the rear of the building require to exit the site then the cars at 4 and 5 can move temporarily to another space to allow access. There will be plenty of space available in the car park to allow for this during the vast majority of the working day. It is standard planning practice to apply a condition requiring a site-specific Car Parking Management Plan to ensure that car parking is adequately managed.

The site is located on a bus route and is easily accessible by public transport (as per the requirements of para 4.7 of TAN 18).

- 4.19 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.

5.0 CONCLUSION

- 5.1 The sole issue in respect to this appeal site is the concerns over additional traffic generation.
- 5.2 The site access is being improved and will provide visibility in full compliance with Welsh Government guidelines for a 30mph speed limit. Forward visibility for and of turning vehicles fully complies with Welsh Government guidelines.
- 5.3 Pedestrian visibility will also be provided in full accordance with Welsh Government guidelines.
- 5.4 The site is located within a residential area in close proximity to a regular bus route and has significant potential for linked trips and access on foot. Vehicle movement and parking demand will be staggered during the morning and evening times.
- 5.5 The Council's highway development control officer has raised no objection on the grounds of traffic generation.
- 5.6 Whilst it is acknowledged that the proposed development would generate a nominal increase in vehicle movements at the site when compared to the existing use, the proposed use and associated traffic is not incompatible to Chester Road nor would the proposed use result in a danger to all road users. Instead, the creation of a new access in full accordance with the Welsh Government guidance and WCBC highway officers' requests would result in a safer and a convenient vehicular and pedestrian access to and from the appeal site.
- 5.7 Based on the above there is no reasonable reason to refuse the proposed development on the grounds of traffic generation.

APPENDIX A



Photographic image from google maps showing 5 police vehicles parked within front forecourt of the former Police Station