

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT 2
BROOK STREET WREXHAM

COUNCILS STATEMENT OF CASE

PINS REF H6999/A/16/3152383

PLANNING REF: P/2016/0325

1 SITE

- 1.1** Located on the north-east side of Brook Street, Wrexham, off a classified road subject to a 30 mph speed limit. The development site is located in close proximity to the busy four arm signalised junction of Brook Street, Town Hill, St Giles Way and Bridge Street.

2 PROPOSAL

- 2.1** Conversion and alterations to form a taxi office and takeaway food outlet on the ground floor and a one bedroom flat on the first floor.

3 DEVELOPMENT PLAN

- 3.1** Within Wrexham Town Centre shopping area, Policy GDP1 (d) of the Wrexham Unitary Development Plan refers and Local Planning Guidance Note No 9 Restaurants, Public Houses and Hot Food Takeaways is also applicable.

4 HISTORY (MOST RECENT)

- 4.1** P/2003/0875 Installation of new shop front
Granted 08/12/2003
- CB01260 First floor extensions to provide staircase to first floor flat
Granted 07/07/1997

5 CONSULTATION

- 5.1** Community Council: Object to formation of a taxi office and takeaway food outlet due to the location on Brook Street, close to the traffic light junction. It is likely both taxi office and takeaway food outlet uses will generate an increase in illegal parking directly outside the premises which could disrupt the free flow of traffic approaching the traffic lights. No objection to first floor flat.
- 5.2** Local Member: Notified 8TH April 2016
- 5.3** Public Protection: No objections subject to planning conditions to control noise from air handling/extraction plant and details of odour control measures should permission be forthcoming.
- 5.4** Highways: Object to the proposal for a takeaway off a busy road close to the four arm signalised junction of Brook Street, Town Hill, St Giles Way and Bridge Street. Brook Street is subject to a Traffic Regulation Order imposing a no waiting/no loading at any time. Any spaces for parking on Brook Street are already heavily used.

Indiscriminate parking and interruption to the steady flow of traffic would increase highway danger.

No objection to the flat.

5.5 Site Notice expired: 5th May 2016

6 COUNCIL'S CASE

6.1 The proposed development is located on Brook Street, a busy classified road in close proximity to a busy classified road with high levels of traffic during the day and into the evening. Brook Street is subject to a Traffic Regulation Order imposing no waiting/no loading at any time. The site has no off street parking provision within the curtilage of the site. There are a limited number of 30 minute waiting bays further along Brook Street and along Town Hill but these spaces are already heavily used by existing shop owners, customers and members of the public.

6.2 There are a number of car parks including St Giles and Island Green. However, hot food takeaways tend to attract a high proportion of car borne and short stay customers, which, without adequate accessible parking can affect traffic flow and road safety. Often there is an increased occurrence of indiscriminate parking and interruption of traffic flow along the adjoining highway. Customers are typically tempted to park for short periods close to the premises for convenience, minimising the time between collecting and eating and due to inclement weather.

6.3 Whilst I understand that the proposed takeaway opening hours would be from 6.00 pm when the appellant refers to traffic being light during this time, parking demand from 6.00 p.m. into the evening and night would still be significant with staff requirements in the area, and other vehicles dropping off/picking up.

6.4 Due to the proximity of the proposed development to the signalised junction of Brook Street, Bridge Street, St Giles Way and Town Hill, it is considered that the lack of parking provision in respect of the proposed takeaway at the site would result in indiscriminate parking/waiting in this location which would be incompatible with through traffic interests and a potential source of danger to road users and pedestrians.

7 GENERAL

7.1 I understand that the taxi use of the building is long established and that alterations are internal with no external changes proposed. I would also wish to highlight a recent decision on a nearby property on 6 Brook Street which was refused on 25 May 2016 on grounds of impeding traffic flows and a danger to other road users.

8 CONCLUSION

8.1 The proposed scheme is not acceptable, located on a busy road and close to a busy four arm signalised junction. Due to the nature of takeaways and a requirement for short term parking which would likely to be in close proximity and within the vicinity of the premises, it is likely to interrupt the flow of traffic and increase highway and pedestrian safety.

8.2 I do not consider the proposal as acceptable and that the application should be **REFUSED** for the following reasons:-

- 1 the proposed development does not make adequate provision for the parking of vehicles clear of the public highway;
- 2 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.

9 For the reasons above, the Inspector is respectfully requested to dismiss the appeal.

10 RECOMMENDED CONDITIONS

Should the Inspector be minded to approve the application then I would make the following comments:

Given the nature of the proposal and the concerns raised, I do not consider the development could be made acceptable by virtue of planning conditions. Apart from the standard 5 year condition for commencement of development and conditions to control noise from air handling/extraction plant and details of odour control, no other conditions would overcome the Council's concerns or meet the relevant requirements of the appropriate circular.