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Date: 04 December 2023



Planning Department
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

FAO: Sharon Holman

Submitted via Planning Portal (PP-12640927 & PP-12640932)

Dear Sir / Madam,

Town & Country Planning Act 1990 (as amended)

- 1. Modification of Condition 3 (Food Sales Restriction) of planning permission ref. WRRP/2006/1144 (dated 29th November 2006) (as amended by ref. P/2022/0251, dated 29th June 2022)**
- 2. Modification of Condition 12 (Non-Food Sales Restriction) of planning permission ref. WRR CB00421 (dated 9th September 1996) (as amended by ref. P/2022/0252, dated 29th June 2022)**

Plas Coch Retail Park, Wrexham, LL11 2BA
Application submitted on behalf of RI MDC UK138 Limited

We are instructed by our client, RI MDC UK138 Limited ('the Applicant'), to submit the enclosed planning applications under Section 73 (S73) of the Town and Country Planning Act 1990 (as amended). The first S73 seeks the modification of Condition 3 (Food Sales Restriction) of planning permission ref. WRRP/2006/1144 (dated 29th November 2006) (as amended by ref. P/2022/0251, dated 29th June 2022). The second seeks the modification of Condition 12 (Non-Food Sales Restriction) of planning permission ref. WRR CB00421 (dated 9th September 1996) (as amended by ref. P/2022/0252, dated 29th June 2022).

Both applications relate to the Plas Coch Retail Park, Wrexham, LL11 2BA ('the Application Site'), and form part of a range of asset management initiatives that look to stimulate new investment in the retail park and make it more commercially attractive to prospective occupiers. Together, they will facilitate the relocation of some of the unused food retail use from Unit H (soon to be occupied by M&S, to Unit D (which is currently vacant) (i.e., a 'use swap').

The applications are supported by the following documents in line with Wrexham County Borough Council's validation requirements.

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RICS





- The requisite application forms duly completed;
- Certificate A and Agricultural Holdings Certificates;
- Decision Notice ref. WRRP/2006/1144 (dated 29th November 2006);
- Decision Notice ref. CB00421 (dated 9th September 1996);
- Decision Notice ref. WRR P/2022/0251 (dated 29th June 2022);
- Decision Notice ref. WRR P/2022/0252 (dated 29th June 2022)
- Site Location Plan in respect modifying ref. WRRP/2006/1144 (Drawing ref. SK220304_01); and
- Site Location Plan in respect modifying ref. CB00421 (Drawing ref. SK220304_02).

Two online payments of £230 have been made to the Planning Portal (PP-12640927 & PP-12640932) along with the associated transaction fee of £28 to cover the requisite application fee.

1 Introduction & Background

The Section 73 ('S73') applications have been submitted following agreement with Officers at Wrexham County Borough Council that the proposed "use swap" is acceptable in principle. Crucially, this approach replicates that which was taken to under the planning permissions ref. P/2022/0251 & P/2022/0252, to which the applications relate.

As the Council will be aware, the freehold to the Plas Coch Retail Park has recently changed hands and is now owned by the Applicant. The Retail Park is comprised of 8no. units, some of which are occupied. The Units associated with this application are outlined in Table 1.

Table 1: Plas Coch Retail Park – Units B, D & H

Unit	Tenant
Unit D	Vacant
Unit H	M&S Food / Card Factory

As confirmed in previous discussions with the Council, it is accepted that although the Application Site comprises an out-of-centre destination, it is well-established within the urban area of Wrexham, with planning permission having been granted in 1996 (ref. WRR CB00421, dated 9th September 1996). It also lies adjacent to two food stores (Sainsbury's and Aldi), which form part of a wider concentration of retail floorspace in this part of the town.



Application 1 seeks to modify Condition 3 (Food Sales Restriction) imposed on the baseline planning permission ref. WRRP/2006/1144 (dated 29th November 2006) as amended by S73 permission ref. P/2022/0251, dated 29th June 2022. Now that the occupier of Unit H is known (M&S Food / Card Factory) the application seeks to limit the area of food and drink sales to 1,540 square metres (currently 2,032 square metres).

As a result, Application 2 seeks to modify Condition 12 (Non-Food Sales Restriction) of planning permission ref. WRR CB00421 (dated 9th September 1996) as amended by S73 permission ref. P/2022/0252, dated 29th June 2022. This application will facilitate transfer of the excess food use back to Unit D (492 square metres) to make the unit more attractive to the retail market, following agency advice.

The applications are advanced on this basis.

2 Site and Surrounding Area

The Application Site is located to the northwest of Wrexham town centre, adjacent to the A483 Wrexham Bypass and accessed from Junction 5, which provides easy access to Wrexham Town Centre as well as the wider catchment, Chester and North Wales. The Site is accessed via Plas Coch Road (B5101) which is accessed off A483.

Plas Coch Retail Park comprises 6 buildings with a shared car park and dedicated servicing arrangements. The Retail Park is occupied by a range of retail and leisure operators, as set out in Table 2 below:

Table 2: Plas Coch Retail Park - Units and Current Occupiers

Unit	Tenant
Unit A	Boots
Unit B	Pets At Home
Unit C	TK Maxx
Unit D	Vacant (former Sports Direct)
Unit E & F	Curry's PC World
Unit G	Vacant (former Frankie & Benny's)
Unit H / J	M&S Food / Card Factory
Kiosk Unit	Costa Coffee Drive Thru



3 Relevant Planning History

Wrexham County Borough Council ('WCBC') granted full planning permission for the development of the site in September 1996, which was subject to 17no. Conditions, including a limitation on servicing hours (condition 9). This was for the erection of a multiplex cinema, restaurant and non-food retail units extending to 65,000 sq. ft (6039 sq. m). This consent was implemented, and the cinema was occupied by Odeon and the restaurant by Frankie and Benny's (ref. WRR CB00421). The permission was implemented without any limitation on the sale of foods which was subsequently ratified in 2013 when a Lawful Development Certificate was approved confirming Units A to F can be used for any retail purposes in Class A1, including the sale of food (ref. P/2013/0702).

Unit H was the subject of an approved change of use application in 2006 from Class D2 to Class A1 with alterations to the premises and the installation of a mezzanine (ref. WRRP/2006/1144). This consent also included the provision of mezzanines in Units C and E. This permission was varied via S73 in June 2022 (ref. P/2022/0251) to allow the use of Unit H for food sales and as a food store. Relevant to Application 1 is Condition 3, which limited the amount of food and drink sales to 2,032 square metres. Significantly, the servicing hours of Unit H were not restricted.

A Certificate of Lawfulness was granted for the use of Unit B as a pet care and treatment centre in association with the retail unit operated by Pets at Home (ref. P/2010/0152).

A further Certificate of Lawfulness was granted in 2013, confirming that Units A to F can be used for any retail purposes in Class A1, including the sale of food (ref. P/2013/0702).

Finally, a second S73 was permitted by WCBC in June 2022 (ref. P/2022/0252). This application modified Conditions 9 (servicing hours) and 18 (land use control) imposed on the baseline permission ref. WRR CB00421 (as amended by non-material amendment ref. WRRP/2022/0101, dated 9th February 2022). The S73 application imposed a limitation on non-food sales from Units B and D and removal of Unit H from the servicing restriction imposed on the wider retail park.

Copies of all key decisions notices are enclosed for completeness.

There is no other history of relevance.

4 Proposed Development

Proposed Modification of Permission ref. WRRP/2006/1144

Application 1 proposes to modify Condition 3 (Food Sales Restriction) of planning permission ref. WRRP/2006/1144 (dated 29th November 2006) as subsequently amended by ref. P/2022/0251 dated 29th June 2022. Condition 3 reads:

"Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order, Unit H (as shown on drawing ref. SK220304_01) shall only be used for the retail sale of non-food goods within Class A1 except for an area of up to 2,032 square metres which can be used for the net retail sales of food and drink and / or as a food store."



Condition 3 is proposed to be amended as follows:

“Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order, Unit H (as shown on drawing ref. SK220304_01) shall only be used for the retail sale of non-food goods within Class A1 except for an area of up to 1,540 square metres which can be used for the net retail sales of food and drink and / or as a food store.”

This is the extent of the condition modification.

Proposed Modification of Permission ref. WRRP/2006/1144

Application 2 seeks to modify Condition 12 (Non-Food Sales Restriction) of planning permission ref. WRR CB00421 (dated 9th September 1996) as subsequently amended by ref. P/2022/0252, dated 29th June 2022. Conditions 12 reads:

“Units B and D as identified on approved drawing ref: SK220304_02 (Location Plan) shall only be used for the retail sale of non-food goods within Use Class A1, and shall not be used for any other purpose.”

Condition 12 is proposed to be amended as follows:

“Units B and D as identified on approved drawing ref: SK220304_02 (Location Plan) shall only be used for the retail sale of non-food goods within Use Class A1 except for an area of up to 492 square metres and shall not be used for any other purpose.”

This is the extent of the condition modification.

Determined together, the permissions in effect swap some of the permitted food use from one unit to another, in line with precedent set by previous planning permissions (i.e., refs. P/2022/0251 and P/2022/0252).

5 Relevant Planning Policy and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance, the Development Plan comprises the Wrexham Unitary Development Plan (‘UDP’) 1996-2011 (adopted February 2005).

Planning Policy Wales (‘PPW’) (February 2021) and the supporting Planning Guidance are also relevant material considerations in consideration of the proposals.

Consideration of these documents is provided below.



Development Plan

Wrexham Unitary Development Plan 1996-2011 (2005)

The Wrexham UDP (2005) does not allocate the Application Site for any specific use but does confirm that it lies within the settlement boundary of the town.

Policy S4 ('Large Scale Retail Development') refers to large scale retail development which is defined as more than 2,500 sq. m gross. The proposals are not considered to fall within the scope of this definition no additional retail floorspace is being proposed.

Material Considerations

Planning Policy Wales – Edition 11 (2021)

Section 4 of PPW (2021) deals with retail and commercial development. Paragraph 4.3.15 of the PPW (2021) advises that in establishing whether a need exists outside existing centres, this may be quantitative and/or qualitative in nature. Quantitative need addresses unmet demand for the provision concerned. Qualitative considerations include both positive and negative considerations, including the degree to which it supports the objectives of the retail strategy, the accessibility of the site, whether it contributes to a reduction in car journeys and if it adds to the attractiveness and vibrancy of a centre.

Paragraph 4.3.18 advises that the Welsh Government adopts a 'town centre first' policy approach. An assessment should be made as to whether a site or building within an existing centre is suitable and available, followed by edge of centre sites and then out of centre locations. In the case of these applications, the three units already exist and no additional floorspace is being proposed. Nor will it involve any change in the nature and character of the permitted ranges of goods which can be sold from the retail park.

In terms of retail impact, Paragraph 4.3.26 advises that all schemes involving retail development of or in excess of 2,500 sq. m gross should be supported by a retail impact assessment once need has been established. For smaller proposals, the local planning authority must decide whether an assessment is likely and may have a significant adverse impact (Paragraph 4.3.27). In respect of this proposal, no additional retail space is proposed. In this case there is now 'new' floorspace is being created, the two applications simply facilitating a re-distribution of permitted space between 3 of the units.

6 Planning Considerations

The justification for the proposals is twofold. First, it is being pursued to both reflect the current occupational status of Unit H and, secondly, to increase the commercial attractiveness of Unit D.

The first component is a use swap. Food sales are currently permitted within Unit H from up to 2,032 square metres. Now that M&S are trading from the unit, it has become apparent that the full 2,032 square metres of food sales allowance transferred via ref. P/2022/0251 is not required. M&S food can successfully trade from 1,540 square of metres of food sales floorspace. Accordingly, the excess (492 square metres) is proposed to be returned back to Unit D to facilitate its future occupation (i.e., a further "use swap"). For the avoidance of doubt, there will be no change to the scale, type, quantity



or quality of retailing already permitted on the retail park under the two operative permissions. The “use swap” therefore raises no matters of principle and can be approved without delay.

The second component facilitates the transfer of food sales allowance as described above. Specifically, Condition 12 of planning permission ref. P/2022/0252 will be modified to enable up to 492 square metres of food sales floorspace to be traded from Unit D. Again, the principle of food sales from up to 2,023 square metres at Plas Coch Retail Park is established. The proposal seeks only to modify the units from which food can be traded from, not the quantum. As such, no further matters of principle are raised and permission can be approved without delay.

7 Conclusions

We have been instructed by our client to submit the enclosed Section 73 applications. The applications are submitted on the back of positive pre-application discussions with Officers and form part of an ongoing suite of asset management initiatives that look to stimulate new investment in the retail park, focused, on this occasion, on increasing the commercial attractiveness of Unit D to prospective occupiers.

The proposals raise no matters of principle and do not given rise to any wider development management issues such that they can be approved without delay.

We trust the enclosed is sufficient for you to register this planning application, and we look forward to receiving confirmation in due course. If you require any additional information, please do not hesitate to contact me.

Yours faithfully,

Tim Rainbird
Senior Director

Encl.

cc RI MDC UK138 Limited