

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 April 2024

APPLICATION NO:
P/2023/0892

LOCATION:
52 CHESTER ROAD GRESFORD
WREXHAM
LL12 8NE

DATE RECEIVED:
04/12/2023

COMMUNITY:
Gresford

DESCRIPTION:
NEWID DEFNYDD ADEILAD O
DDOSBARTH A1 (SIOP CIGYDD) I
DDOSBARTH A3 (FOOD TAKEAWAY
AND DELIVERY) / CHANGE OF USE
OF BUILDING FROM CLASS A1
(BUTCHERS SHOP) TO CLASS A3
(FOOD TAKEAWAY AND DELIVERY)

CASE OFFICER:
SB

WARD:
Gresford East and
West

AGENT NAME:
MR CARL HUGHES

APPLICANT(S) NAME:
MR AHMEDALI IBRAHIM

THE SITE

The application site is a vacant retail premises situated on Chester Road within the Local Centre of Gresford. It is one of eight premises in an established parade of commercial premises, containing a mix and range of services. Residential properties lie directly opposite and directly behind. A parking forecourt lies directly in front of the site, which serves the retail premises within the immediate area.



PROPOSAL

The proposal involves the change of use from A1 to A3 hot food take away. Apart from the installation of the extraction flue proposed for the side elevation, no other external alterations are proposed to the building. Hours of opening are proposed to be 3pm -11pm every day, including Bank Holidays.

HISTORY

None relevant

DEVELOPMENT PLAN

The property is located within a defined and the Gresford Local Centre. Policies SP2, R1, R5, T1, NE2 and NE6 apply.

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Local Planning Guidance Notes no. 9 – Hot Food Takeaways and no.16 – Parking are also relevant.

CONSULTATIONS

Community Council

Raises concerns on the following grounds:

- Saturation of the village location with fast food outlets having a negative impact on the amenities of residents.
- That sufficient arrangement be made with the applicant for management of rubbish from the business.
- That sufficient arrangement be made with the applicant for management of grease produced by the business.
- That signage is reasonable.

Local Member

Notified 11th January 2024. No response received.

Highways Officer

Raises no objection.

Public Protection Officer

Raises no objection. Recommends conditions relating to grease traps, noise and odour and advisory notes about food premises guidance and food hygiene.

NRW

Raises no objections. Advises that the specific nature of the application mean it is unlikely to increase the amount of phosphorus entering the catchment and therefore is not likely to have a significant effect on the River Dee and Bala Lake SAC.

Neighbours

2 objections received expressing the following concerns:

- Not happy to see another take away in Gresford. There are already 4;
- Increase in traffic and footfall in this area in the evenings would result in a higher risk of accidents;
- No information about opening times;
- Cooking odour;
- Potential use of a private drive by customers; and
- Increase in litter.

SPECIAL CONSIDERATIONS

Background: The application site is a retail premises last used as a butcher's. It has been vacant for approximately 8 months.

Principle of Development: The property is located within the settlement limit of Gresford and the Gresford Local Centre as defined in the Wrexham Local

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Development Plan. Policy R1 supports retail, leisure and commercial proposals in accordance with the retail hierarchy where they are appropriate in scale for the particular centre. Gresford is identified in the retail hierarchy as a Local Centre and the proposal therefore falls within the scope of this policy. The principle of development is acceptable.

Vitality and Viability of Gresford Local Centre: Paragraph 4.3.3 of Planning Policy Wales 12 aims to sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness. Consistent with this, policy R5 encourages retail, office, leisure and community facilities within Local Centres if they are of an appropriate scale and of a type that will complement and enhance the centre. Policy R5 does not preclude A3 uses from such areas, neither does it set specific parameters about the number of A3 uses that are regarded as being suitable or unsuitable.

A map of the Local Centre is shown in **Map 1** below, together with a list of current uses in **Table 1**. The properties marked with a star are used for purposes within Class A3.

Map 1

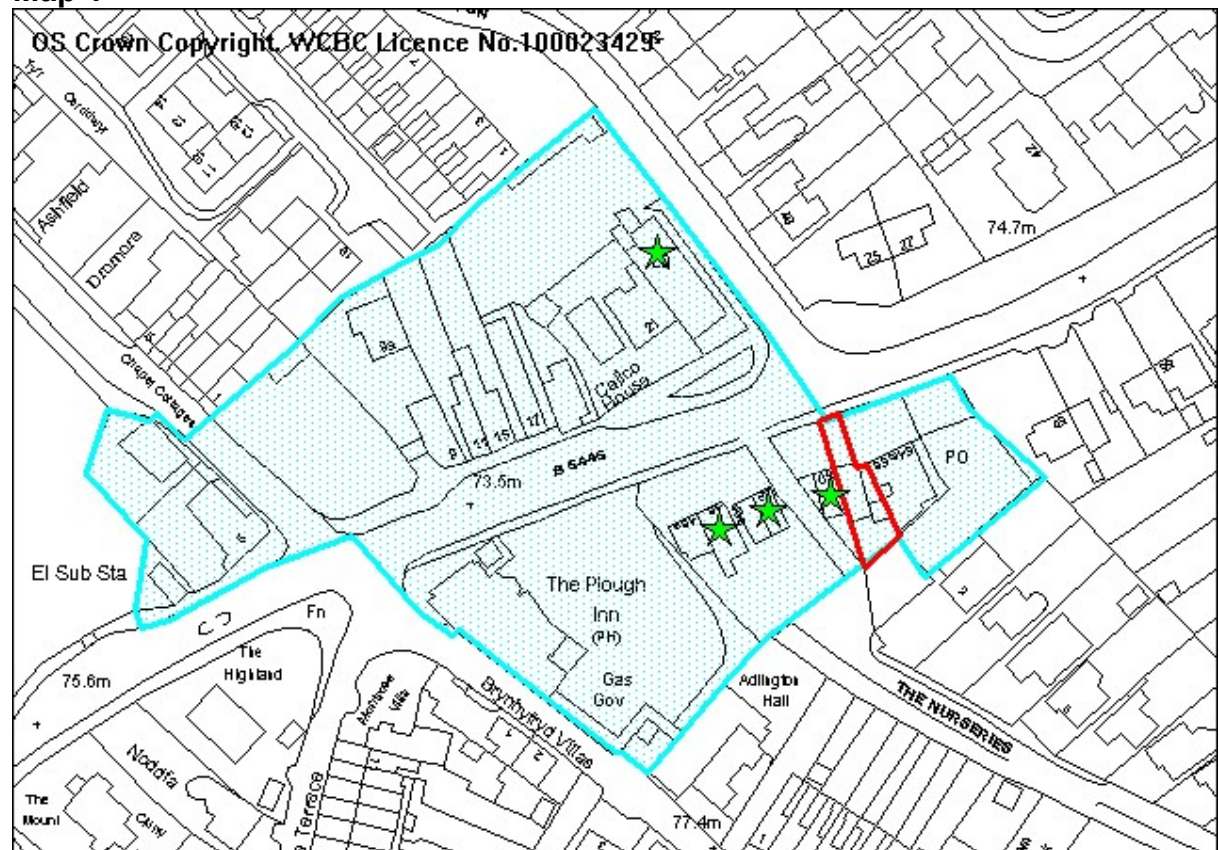


Table 1

Address	Use	Opening Times
58 Chester Road	Spa with PO and Subway outlet within (A1)	Monday – Sunday 7am – 11pm

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Address	Use	Opening Times
54-56 Chester Road	Delmar World Ltd (A1)	Monday – Friday 9am – 5.30pm Saturday 9am – 5pm Sunday Closed
52 Chester Road	Vacant Butcher's (A1)	NA
50 Chester Road	Gerrard's Bakery (A1)	Monday – Saturday 8am – 3.45pm Sunday - Closed
48 Chester Road	Fresh & Tasty (Sandwich/coffee shop) (A3)	Monday – Saturday 8am – 2.30pm Bank Holidays Closed
48a Chester Road	Instep Podiatry (D1)	Monday – Wednesday 9am – 2pm Thursday – 9am – 5.15pm Friday – Closed Saturday 9am – 5.15pm
46 Chester Road	Golden City Chinese Take-away (A3)	Monday – Tuesday Closed Wednesday – Sunday 5pm – 11pm
46a Chester Road	Stars Barber (A1)	Monday-Saturday 9am – 6pm Sunday 10am – 4pm
44 Chester Road	The Plough Inn Public House (A3)	Monday – Tuesday 2pm – 11pm Wednesday – Sunday 12pm – 11pm
5 Chester Road	Springfield Dental (D1)	Monday – Thursday 9am – 5.30pm Friday 9am – 4.30pm
The Old Bakehouse, High Street	Residential (C3)	NA
9 Chester Road	Halo Hair Studio (A1)	Monday – Wednesday 9am – 5.30pm Thursday 9am – 8pm Friday 9am – 5.30pm Saturday 8.30am – 4pm Sunday Closed
9a Chester Road	Luna beauty salon (A1)	Tuesday – Wednesday 10am – 7pm Thursday 10am – 6pm Friday 9am – 6pm Saturday 9am – 4pm Sunday – Monday Closed
11 Chester Road	Gresford News Agents (A1)	Monday – Saturday 6.30am – 6pm Sunday 6.30am – 4pm
15 Chester Road	Gresford Pharmacy (A1)	Monday – Wednesday & Friday 9am – 6pm Thursday 9am – 5.30pm Saturday 9am – 1pm Sunday Closed
17 Chester Road	Gresford Eye Care (A1)	Monday – Friday 8.30am – 6pm Saturday 9am – 12pm Sunday Closed
19 Chester Road	Cache Spa (A1)	Monday and Friday 9am – 6pm Tuesday – Thursday 9am – 8pm Saturday 8am – 4pm Sunday Closed

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Address	Use	Opening Times
Calico House, Chester Road	Residential (C3)	NA
21 Chester Road	Residential (C3)	NA
23 Chester Road	His Hair (A1)	Tuesday, Thursday, Friday 9am – 4.30pm Wednesday 9am – 12pm Saturday 8.30am – 12pm Sunday – Monday Closed
23B Chester Road	Gresford Fish Bar, Pizza and Kebabs (A3)	Monday 4pm – 9pm Tuesday – Friday 11.30am – 1.30pm & 4pm – 9pm Saturday 11.30am – 1.30pm & 4pm – 8pm Sunday Closed

Local Planning Guidance Note (LPGN) 9 advises that new hot food takeaways should not be located within predominantly residential areas or within 400 metres of the boundary of a school or tertiary college. It further advises that hot food takeaways may be acceptable in the designated shopping centres. The premises does not lie within a predominantly residential area or within 400m of a school or college. The nearest school – All Saints Gresford is over 500m away. The proposed development therefore complies with LPGN9 guidance

Paragraph 9.7 of Technical Advice Note (TAN) 4 Retail and Commercial Development advises that:

‘Changes of use can create new concentrations of single uses, such as take away food outlets, where the cumulative effects can cause local problems. Such proposals should be assessed against the development plan policies, on their contribution to diversification of the retail and commercial centre and on the cumulative effects on matters such as parking and local residential amenity.’

The proposed development would not result in a concentration of single uses and there is no conflict with the relevant development plan policies. Accordingly, it complies with the advice contained within TAN 4.

The proposed use would attract footfall, complementing existing uses. Including commercial and residential uses, the proposed development would change the percentage of properties used for Class A3 from 19% to 24%. It would therefore make a modest difference to the range of uses within the Local Centre, which would retain a mixed but predominately retail in character.

Having regard to the above, the proposed development would not harm the vitality and viability of the Local Centre and therefore accords with policy R5.

Residential Amenity: Having regard to the proposed opening times and the opening times of other nearby businesses premises, the proposed development is unlikely to significantly increase activity in the Local Centre during the afternoon or evenings. It would therefore not result in any significant disturbance that would harm the living conditions of occupiers of nearby dwellings.

The road to the rear of the property is a private road. Any parking issues on this road would be private legal matter between any parties directly concerned. Moreover, some of the retail premises in the Local Centre close in the afternoon and evening thus parking demand would be reduced when the proposed development was open. It is therefore unlikely visitors to the proposed development would have difficulty finding space to park within the forecourt of the Local Centre.

An extraction flue is proposed which would minimise the risk of nuisance from cooking odours. A suitably worded condition could also require the implementation of a scheme of ventilation for the extraction and dispersal of cooking smells, including odour control measures.

A suitably worded condition could require that a bin be provided outside the premises to help minimise risk of littering. This accords with the advice set out in LPGN9.

Having regard to the above, the proposed development accords with policy DM1.

Highway Safety: The Highway Officer has raised no objections. Parking is available to the front of the premises on an established forecourt, which is also used by visitors to the Local Centre. The proposed site plan identifies two spaces directly in front, which would accordance with guidance in LPGN16. Whilst there is potential for cars to reverse out the forecourt onto Chester Road, this could occur irrespective of whether the proposed change of use is permitted.

Having regard to the above, the development would not give rise to highway safety concerns and as such accords with policy DM1.

Ecology and Biodiversity Paragraph 6.4.5 of Planning Policy Wales requires all new development to deliver a net benefit to biodiversity (NBB). The application is not accompanied by a scheme of NBB, however this could be secured by a suitably worded condition.

The development would not generate any additional foul water flows entering the River Dee and Bala Lake SAC than the previously approved development. NRW have therefore advised that it is unlikely to have a significant impact on the SAC. In such terms, there is no conflict with policy NE6 of the LDP.

CONCLUSION

The proposed development would not have a direct impact upon the vitality or viability of the centre or give rise to residential amenity or highway safety concerns. Furthermore, it would not have a significant impact on the River Dee and Bala Lake SAC and therefore accords with the relevant national and LDP policies.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. No facing or roofing materials shall be used other than those detailed on the application form and within the approved application documentation.
3. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered CR/PD/02, FT/PD/04 and as contained within the application documentation.
4. No part of the development shall commence until details of the means of ventilation for the extraction and dispersal of cooking smells, including details of its method of construction, odour control measures, its appearance and finish have been submitted to, and approved in writing by the Local Planning Authority. The system design shall have regard to the guidance set out in EMAQ Report - Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Update to the 2004 report prepared by NETCEN for DEFRA). The approved details shall be fully implemented prior to first use of the development and shall thereafter be permanently retained in an operational condition.
5. Prior to first use of the development a grease trap shall be provided in order to prevent entry into the public sewerage system of matter (cooking fats, oils and grease etc.) likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents. The grease trap shall thereafter be permanently retained in an operational condition.
6. The rating level of any noise generated by air handling plant associated with the development shall not exceed the pre-existing background level at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound.
7. The building shall not be used for the purpose hereby permitted until a plan to provide net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped has been implemented in accordance with a scheme that has first been submitted to, and approved in writing by, the Local Planning Authority. The measures shall thereafter be maintained for the lifetime of the development.
8. The building shall not be used for the purposes hereby permitted until a rubbish bin for the use by customers has been installed at the front of the

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premises in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The bin shall thereafter be retained for the lifetime of the development.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DM1 of the Wrexham Local Development Plan.
3. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
4. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
5. To prevent pollution of the water environment in accordance with Policy DM1 of the Wrexham Local Development Plan.
6. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
7. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.
8. In the interests of public and residential amenity in accordance with policy DM1 of the Wrexham Local Development Plan.

NOTE(S) TO APPLICANT

Guidance on best management practice for catering outlet for the dispersal of fats, oils, grease and food waste, as issued by Water UK is available by contacting the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 298989 for further advice and information.

You are advised that the premises should comply with the relevant Food Hygiene Legislation, and you are advised to contact Council's Food & Farming Team on foodandfarming@wrexham.gov.uk or 01978 298989 for further advice and information.

In the interests of maintaining highway safety, and to avoid obstruction of the public highway (in contravention of the Highways Act), The Applicant is advised to coordinate with the highway authority at highwayroadworks@wrexham.gov.uk in advance of commencement of the development/works with respect to:

1. Skip, scaffolding, hoarding or A frame/signage (Permit required for these items, if on the public highway);
2. Use of a parking space for a set down/delivery area;
3. Record a dilapidation survey of the adjacent carriageway prior to commencement (to avoid being ask to repair damage by the Applicant whilst carrying out their works);
4. If any lane closure or obstruction of the highway is required for a crane or

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similar;

5. Protection against dust and debris blowing onto the public highway

6. Construction traffic parking locally avoiding nuisance to others;

7. If the Applicant's scope of work includes new apparatus in the highway, such as new mains

services then a Section 50 licence will be required. Insurances and

demonstration of

competency to carry out works in the public highway will be required.

8. Lowering of kerbs or minor pavement alterations require Section 184

agreement. Insurances

and demonstration of competency to carry out works in the public highway will be required.

9. A section 278 agreement works agreement is required for more significant alterations to the

existing highway

10. Any temporary works affecting traffic lights, [pedestrian/cycle road

crossings, or bus stops

require pre-planning and permits;

11. For applications with a private driveway (either existing or proposed)

connecting onto the

public highway, the following conditions of approval apply:

„h No surface water from the applicants site should be allowed to drain onto the public

highway,

„h The first 5m* minimum (for residential property) should be hard paved, avoiding

gravel or loose chippings from spreading.

„h No gate should be built in a location where it would result in a car

obstructing the

highway whilst being unlocked, and it should not swing out and over a

pavement or

any other part of the highway.

*The hard paved length and set back if required is subject to the applicants proposed

vehicular length

The applicants should allow a minimum of 4 weeks' notice for any of the

above standard

requirements, and 6-8 weeks for lane closures & road closures (lead times

may change without

notice subject to workload and complexity). Any works involving Trunk roads

should be coordinated separately and directly with the North & Mid Wales

trunk Road Agency. For larger sites with a

significant impact upon the highway, a Construction Traffic Management Plan will be required.

The applicant's attention should be drawn to item nos. 1, 2, 3, 4 & 5 of the supplementary notes.
