

**REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 4 SEPTEMBER 2023**

**APPLICATION NO:**  
P/2023 /0298

**LOCATION:**  
36 ST GEORGES CRESCENT  
WREXHAM WREXHAM  
LL13 8DB

**DATE RECEIVED:**  
18/04/2023

**COMMUNITY:**  
Caia Park

**DESCRIPTION:**  
NEWID DEFNYDD ADEILAD O  
DDOSBARTH A1 (GWERTHWR  
PYSGOD) I DDOSBARTH A3 (CAFFI)  
/ CHANGE OF USE FROM CLASS A1  
(FISH MONGER) TO CLASS A3  
(CAFE)

**CASE OFFICER:**  
RC

**WARD:**  
Smithfield

**AGENT NAME:**  
MR AMIR SOLEIMANI

**APPLICANT(S) NAME:**  
MR AMIR SOLEIMANI

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**SITE**



**PROPOSAL**  
As above.

**PLANNING HISTORY**

None.

**NATIONAL POLICY**

PPW11, specifically Para. 3.19 'Promoting Healthier Places' is relevant.

**DEVELOPMENT PLAN**

Unitary Development Plan

With a defined settlement limit. Policies GDP1 and T8 apply.

Local Development Plan

Within a defined settlement limit and the City Centre. Policies SP3, DM1, R1 and R4.

**CONSULTATION**

Community Council

Consulted 2/6/2023. No comments received.

Local Member

Raises no objections

Highway Officer

Raises no objections.

The Highway Officer notes that there is no on-site parking provision and the potential for on-street parking is low but the site enjoys a sustainable location.

The Highway Officer advises that the bin storage should be large enough to meet the needs of the development and should be suitably located close to the highway.

Public Protection Officer

Raises no objections subject to conditions being imposed to secure odour control measures, grease traps and to limit noise levels.

Betsi Cadwaladr University Health Board (HB)

Raise the following concerns about the development:

- Proximity to a number of educational settings (less than 1 mile / 20 minute walk);
- Proximity to existing takeaways / restaurants / shops selling predominantly food and drinks high in fat, salt and sugar and the high concentration of such food outlets; and
- Health challenges within the local area related to obesity and weight issues.

Neighbours

The owners/occupiers of 5 nearby properties notified 7.6.2023.

No comments received.

## **SPECIAL CONSIDERATIONS**

**Principle of development:** The site is located close to but outside of the boundary of the Town Centre Shopping Area as defined by the UDP. However the site is located within an existing commercial frontage that includes a mix of A1, A3 and D1 uses. There are no policies in the UDP that deal specifically with Class A3 uses.

The site would be within the boundary of Wrexham City Centre as defined by the draft LDP. Policy R4 permits the food and drive uses outside of primary shopping streets. St Georges Crescent is not a designated primary shopping street.

Having regard to the above, the principle of development is acceptable.

**Health and Wellbeing:** There are no specific UDP or draft LDP policies regarding the density of Class A3 uses, such as restaurants, cafes and takeaways. Paragraph 3.19 of Planning Policy Wales 'Promoting Healthier Places' does set out the important role the planning system has in promoting the 'Healthier Wales' goal. However, this seeks to promote measures to reduce health inequalities by enabling opportunities for outdoor recreation and promoting active travel etc. rather than restricting numbers of food outlets.

Whilst the proposed development is for a café rather than hot food takeaway, it is necessary to consider if the sale of hot food for consumption off the premises would give rise to any material harm.

LPGN9 advises that new hot food takeaways should not be located within 400 metres of a school or tertiary college. The proposed development would be in excess of 400m from a school or from Colleg Cambria, thus according with this guidance. In addition, five other Class A3 premises are within 100m of the proposed development, all selling food for consumption off the premises. There are also other such premises within the wider City Centre.

Having regard to the above, although the proposal would result in an increase in the availability of hot food for consumption off the premises within the local area, it would not materially worsen the health and wellbeing of local residents or visitors to the City Centre.

**Highway Safety:** There would be no on-site parking, however there are traffic orders in place to prevent on-street parking in St George's Crescent. The site is a short walking distance from the St George's Crescent car park as well as number of other City Centre car parks. The site is also in a highly sustainable location, thus enabling customers to travel to/from the development on foot and by public transport.

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Having regard to the above, the development would not give rise to highway safety or parking issues in the vicinity. In such terms, there is no conflict UDP policies GDP1 and T8 or draft LDP policy DM1.

**Bins:** Whilst noting the Highway Officer's comments, the waste management requirements of the proposed development are unlikely to be materially different to the established lawful use.

**Odour:** A suitability worded condition could be imposed to require odour control and extraction equipment to be installed prior to the first use to the development to minimise the risk of nuisance to adjacent properties from cooking odours.

### **CONCLUSION**

The application site lies within an established mixed use commercial area where a wide range of food and drink options are already available. Accordingly there is no reason to conclude that the option of using the building for Class A3 use would materially worsen unhealthy eating behaviours. Additionally the proposal would not give rise to amenity or highway safety concerns.

**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. Prior to the first use of the development hereby permitted a system for the extraction and dispersal of cooking smells shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority. The approved extraction system shall be operation at all times when frying takes place.
3. Prior to first use of the development hereby permitted a suitable 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 a working condition.
4. 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.

### **REASON(S)**

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

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2. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
  3. To prevent pollution of the water environment in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
  4. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
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