

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 5 December 2022

APPLICATION NO:
P/2022 /0778

LOCATION:
CORBETT BOOKMAKERS UNIT 6
DODDS LANE GWERSYLLT
WREXHAM
LL11 4NT

DATE RECEIVED:
25/08/2022

COMMUNITY:
Gwersyllt

CASE OFFICER:
LP1

WARD:
Gwersyllt East and South

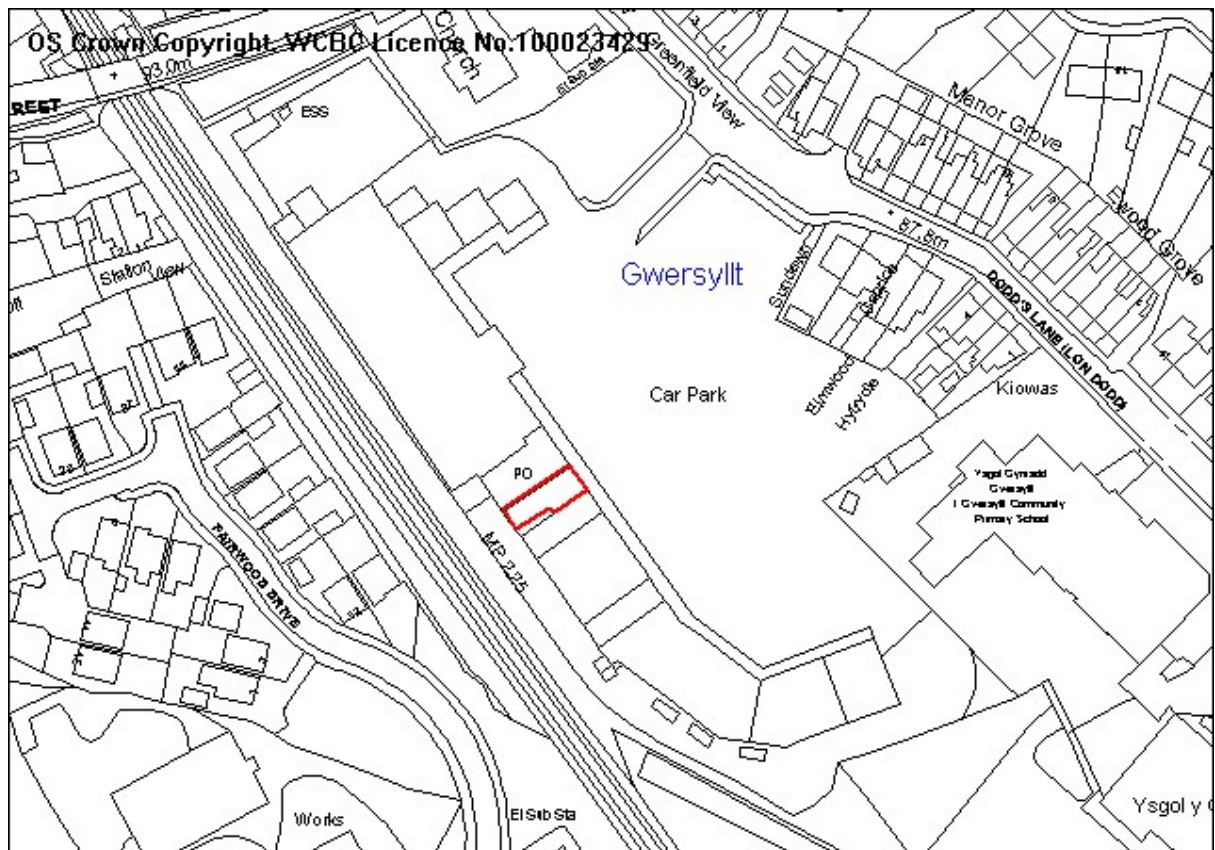
DESCRIPTION:
NEWID DEFNYDD O DDOSBARTH
A2 (GWASANAETHAU ARIANNOL A
PHROFFESIYNOL) I DDOSBARTH A3
(BWYD A DIOD) / CHANGE OF USE
OF BUILDING FROM CLASS A2
(FINANCIAL AND PROFESSIONAL
SERVICES) TO CLASS A3 (FOOD
AND DRINK)

AGENT NAME:
PEGASUS GROUP LTD
MISS STACEY
HARTREY

APPLICANT(S) NAME:
HERTFORD HEALTH LTD

THE SITE

A unit within the Gwersyllt District Shopping Centre



PROPOSAL

Change of use of building from Class A2 (Financial and professional services) to Class A3 (Food and drink)

HISTORY

P/2022/0946 CANIATAD HYSBYSEB AR GYFER 1 ARWYDD FFASGIA A ARWYDD DIGIDOL / ADVERTISEMENT CONSENT FOR 1 FASCIA SIGN AND DIGITAL DISPLAY. Pending

DEVELOPMENT PLAN

Within the settlement limit and district shopping centre. Policies GDP1, S5 and T8 apply. Local Planning Guidance Note 9 : Hot Food Takeaways is also relevant.

CONSULTATIONS

Community Council

Object for the following reasons:

- The community is already well served by hot food takeaway establishments and the proposed provision would undermine initiatives to promote a healthier environment at a time when the rising rate of diet related disease and environmental degradation are major concerns.
- The proposal is contrary to policies put in place by Wrexham County Borough Council to limit the number of hot food takeaways in close proximity to schools and calls upon the Council to pay regard to the health implications of child obesity in determining this application.
- The proposal could encourage anti-social behaviour.

Local Member

Notified 19.9.2022

Highways Officer

No recommendations

Welsh Water

Recommends a condition requiring installation of grease trap due to nature of the business

NRW

No objection to the proposal

Neighbours

The owners/occupiers of 31 nearby properties notified 21.9.22

2 representations received expressing the following concerns:

- Noise;
- Odour;

- Vermin; and
- Adverse impact upon existing businesses

SPECIAL CONSIDERATIONS

Principle of Development: The premises lies within the shopping parade on Dodds Lane in Gwersyllt which is a designated District Shopping Centre in the UDP.

The parade houses a number of retail units and two other Class A3 uses (a café and a takeaway) as well as an MOT testing centre. The proposed change of use would not change the predominantly retail character of the district shopping and therefore would not adversely impact upon its viability and viability, thus according with policy S5.

Proximity to schools: LPGN9 advises that new hot food takeaways should not be located within 400m of the boundary of a school in order to help reduce childhood obesity and prevent possibly unhealthy food choices being made.

The application site lies within 400 metres of Gwersyllt Primary School lies 62m, conflicting LPGN9 advice. However, it is considered that it would be difficult to justify the refusal of the application on this basis.

The proposed opening hours are 11am to 11pm. Primary school children are not normally permitted off site unaccompanied during the day time. Whilst the business would be open whilst children are on their way home from school, the majority of primary aged pupils do not travel to/from school unaccompanied so are unlikely to be able to make unsupervised purchases of fast food. Furthermore, the advertised opening times of Gwersyllt fish bar are 11am to 8pm during weekdays, therefore children travelling to/from school with their parents will have access to fast food irrespective of whether the proposed development takes place. The district shopping centre also has a Gerrards bakery and Spar where a wide range of snack foods and soft drinks could be purchased on journeys to/from school.

Amenity: Given the location of the premises, it would not give rise to noise or disturbance to the detriment of the amenity of nearby occupiers.

With regards to odour, the Applicants have confirmed that the intended occupier cooks the products by baking so no frying would take place. This would be unlikely to give rise to significant odour. However, mindful that the nature of the business could change in the future without planning permission being required, a condition is recommended to require the details of air extraction/odour control measures to be approved before any fried food is prepared on the premises. A condition to limit the noise from any such ventilation/extraction equipment is also required.

Subject to the conditions discussed, the proposals accord with policy GDP1(f).

Highways: The district shopping centre is served by a large car park. Customers of a takeaway tend to visit for short periods of time. Demand for takeaways also tends to be higher in the evenings when demand for parking associated with surrounding retail units will have ceased or will be lower. The development is therefore unlikely to give rise to parking issues in the vicinity, therefore accords with policy T8.

Drainage: Welsh Water have requested a condition relating to the installation of a grease trap. This is required if frying takes place on the premises which could result in grease blocking drainage. The proposed occupier does not cook by frying so the grease trap is not needed at present. However, as frying could take place in the future, a condition requiring a grease trap to be installed before any frying takes place is required.

Phosphorus: NRW raises no objection to the scheme. The proposed use would have similar numbers of staff as the previous use so there would be no subsequent increase in phosphorus production as a result of this change of use.

Other Considerations: Concerns relating to the effect of the business on other food outlets (i.e. impact of competition) is not a material planning consideration.

The submitted plan provides space within the curtilage of the site for refuse storage and as such, there is no reason to believe that the use will give rise to vermin issues. This is a matter that falls within the scope of good site management and is more appropriately controlled by other legislation.

CONCLUSION

The proposed change of use will not undermine the vitality and viability of the district shopping centre or give rise to highway safety or residential amenity issues. Whilst the site is within 400m of a primary school, it is one of a number of takeaways and shops within the district shopping centre and thus will not materially increase access to fast food in the area. The development accords with the relevant UDP 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. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered DB474-A503, DB474-A504, DB474-A5-BP and as contained within the application documentation.
3. No fried food shall be prepared on the premises until a system for the extraction and dispersal of cooking smells has been 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.

4. No fried food shall be prepared on the premises until grease traps are installed in accordance with details first submitted to and approved in writing by the Local Planning Authority order to prevent cooking fats, oil and grease etc entering the public sewerage system.

5. 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 Method 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.

2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.

3. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

4. To prevent pollution of the water environment in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

5. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
