

Planning Statement for the Change of Use of a Betting Shop (A2) to Hot Food Takeaway (A3)

**Unit 6, Gwersyllt Shopping Centre, Dodds Lane, Wrexham,
Clwyd, LL11 4NT**

On behalf of Hertford Heath Ltd

Date: 24 August 2022 | Pegasus Ref: P22-1716

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1. INTRODUCTION

- 1.1. This Planning Statement has been prepared by Pegasus Group on behalf of Hertford Heath Ltd in support of the change of use of a Betting Shop (Use Class A2) to a Hot Food Takeaway (Use Class A3) and associated external works at Unit 6 Gwersyllt Shopping Centre, Dodds Lane, Wrexham, Clwyd, LL11 4NT.
- 1.2. This statement sets out the justification for the change of use, firstly by reviewing the site and its surroundings in terms of the relevant planning context as well as summarising the relevant planning history and policy.
- 1.3. It will then deal with the implications of the proposed change of use in terms of its impact on amenity and other considerations. The Statement will also demonstrate how the proposal is acceptable with both national and local planning policies.
- 1.4. This Statement should be read in conjunction with the full planning application, including the full set of plans prepared by Delta Bravo Limited.



2. SITE DESCRIPTION

- 2.1. The site comprises a single storey Betting Shop (Use Class A2) occupied by Corbett Sports. The site is located within the Gwersyllt District Shopping Centre and commercial offices area.
- 2.2. The District Centre consists of a number of commercial units including Spar (which also contains a Post Office), Iceland, Home Bargains and MOT testing centre.
- 2.3. The Spar/Post Office (Class A1) is located to the north of the site and a Dental Practice (Class D1) to the south of the site. There are 2 other Hot Food Takeaways located within the District Centre. One is in the same parade as the site (Gwersyllt Fish Bar); and the other is located on Hope Street (Wing Hing).
- 2.4. The nearest residential properties are located to the rear of the site on Fairwood Drive, approximately 36 metres away from the rear of the unit. These are separated from the unit by a railway line.
- 2.5. There are 193 car parking spaces, including 6 mobility impaired spaces within the retail park which are not subject to any parking restrictions. On site observations indicate that Iceland and Home Bargains units are served via the service areas located at either end of the retail park, whilst the other units are serviced within the car park.
- 2.6. The unit is not statutory Listed, neither is it located within a Conservation Area.
- 2.7. The application site is located within an area with the least probability of flooding.



3. THE PROPOSAL

- 3.1. This Statement supports a Planning Application for the change of use of the unit from a Betting Shop (Class A2) to a Hot Food Takeaway (Class A3), installation of extraction equipment and external alterations.
- 3.2. To the front of the unit, proposed external alterations include the installation of a new aluminium shopfront finished in RAL Traffic Grey, the removal of existing brick stallrisers and replacement with solid aluminium panels, and a ventilation grille for a new gas meter. The existing roller shutter is to be checked and resprayed in RAL 7043 Traffic Grey if in good working order or replaced.
- 3.3. To the rear of the unit, proposed external alterations include the removal of an existing AC compressor and aerials/satellite dish from the rear wall. The existing vents will be removed and infilled. The existing timber door will be removed and replaced with a new steel fire exit door. New air conditioning and cold room compressors will be mounted on the floor and wall on AV mounts. The extract duct will exit through the roof and finish 1 metre above the roof line. A new fresh air intake grille, extract fan for the WC and water heater flue are also proposed.
- 3.4. Signage would be subject to a separate application for advertisement consent.



4. PLANNING HISTORY

The Site

- 4.1. Planning permission P/2010/0073 was granted March 2010 for the change of use to a bookmakers (A2 Use).

Other Relevant Sites

- 4.2. Planning permission P/2015/0142 was granted in May 2015 for the change of use from Class A1 retail shop to A3 hot food takeaway and installation of ventilation duct at 7 Prince Charles Road, Wrexham.
- 4.3. Planning application P/2012/0598 was refused in October 2012 for the change of use to a Hot Food takeaway at 58 Pen Y Bryn, Wrexham.
- 4.4. Planning Application P/2018/0439 was refused in August 2018 for the change of use from retail unit to Hot Food outlet at Gwersyllt Newsagent, Hope Street, Wrexham. The application as later allowed at appeal in December 2018 ref. APP/H6955/A/18/3210179.
- 4.5. Copies of the decision notices, officer's reports and appeal decision cited above are included within the appendices of this report.

5. PLANNING POLICY

- 5.1. This section sets out the planning guidance and policies most relevant to the application proposal.

National Planning Policy

Future Wales: The National Plan 2040

- 5.2. Future Wales is the national development framework for Wales and has development plan status. The Plans was published on 24th February 2021 and must be considered in the determination of planning applications.
- 5.3. **Policy 1** sets out the growth strategy for Wales and states that the Welsh Government supports sustainable growth in all parts of Wales. In three National Growth Areas there will be growth in employment and housing opportunities and investment in infrastructure. The National Growth Areas are:
- Cardiff, Newport and the Valleys;
 - Swansea Bay and Llanelli; and
 - Wrexham and Deeside.
- 5.4. **Policy 2** states that the growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed use centres and public transport, and integrated with green infrastructure.
- 5.5. **Policy 2** also states that urban growth and regeneration should be based on the following strategic placemaking principles:
- Creating a rich mix of uses;
 - Providing a variety of housing types and tenures;
 - Building places at a walkable scale, with homes, local facilities and public transport within walking distance of each other;
 - Increasing population density, with development built at urban densities that can support public transport and local facilities;
 - Establishing a permeable network of streets, with a hierarchy that informs the nature of development;
 - Promoting a plot based approach to development, which provides opportunities for the development of small plots, including for custom and self builders; and
 - Integrating green infrastructure, informed by the planning authority's Green Infrastructure Assessment.

- 5.6. **Policy 9** confirms that the Welsh Government will work with key partners to ensure enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure.
- 5.7. **Policy 28** states that the Swansea Bay and Llanelli will be the main focus for growth and investment in the South West region.

Planning Policy Wales (11th Edition)

- 5.8. Planning Policy Wales sets out the land use planning policies of the Welsh Government. A revised Planning Policy Wales (the PPW – 11th Edition) was published by the Welsh Government in February 2021 however, a strong presumption remains in favour of sustainable development.
- 5.9. The key planning principles are set out at Figure 4 of the PPW document and these are:
- Growing our economy in a sustainable manner;
 - Making best use of resources;
 - Facilitating accessible and healthy environments;
 - Creating and sustaining communities; and
 - Maximising environmental potential and minimising environmental impact.
- 5.10. **Paragraph 4.3.18** advises that the Welsh Government operates a ‘town centres first’ policy in relation to the location of new retail and commercial centre development. In implementing this policy, planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications for retail and other complementary uses. By adopting a sequential approach first preference should be to locate new development within a retail and commercial centre defined in the development plan hierarchy of centres.
- 5.11. **Paragraph 4.3.21** advises that the sequential approach applies to retail and all other uses complementary to retail and commercial centres. Other complimentary uses include, for example, financial and professional services (A2), food and drink (A3), offices (B1), hotels (C1), educational and other non-residential establishments (D1), leisure (D2) and certain other uses such as launderettes and theatres. Planning authorities should be flexible in their approach where it is necessary. The nature of as proposed use is likely to determine what type of centre (i.e. higher or lower order centre) is most appropriate as a starting point for the sequential approach process.
- 5.12. **Paragraph 4.3.30** states that although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy.
- 5.13. **Paragraph 4.3.32** advises that policies should encourage a diversity of uses in centres. Planning Authorities should identify which retail and commercial centres in their development plans have primary and secondary shopping areas, and show these on the proposals maps.

- 5.14. **Paragraph 4.3.33** goes on to say that vibrant and viable centres are distinguished by a diversity of activity and uses which should contribute towards a centre's well-being and success, whilst also reducing the need to travel. Development plans should include policies describing the types of use that are likely to be acceptable in primary and secondary areas.
- 5.15. **Paragraph 4.3.34** states that leisure and entertainment, and food and drink uses can benefit retail and commercial centres, and with adequate attention to safeguarding amenities can contribute to a successful evening economy. In addition to general diversity of uses, mixed use developments, which combine retailing with entertainment, restaurants and, where appropriate, residential in comprehensive and planned way should also be encouraged where appropriate to promote lively centres during both the day and evening.
- 5.16. **Paragraph 4.3.35** advises that achieving diversity of uses and activities may require a flexible approach to planning. Where the right balance of use and activity is not being achieved, planning authorities should consider making changes to the acceptable uses in primary and secondary areas, or the retail and commercial centre boundaries themselves.

Technical Advice Note (TAN) 4 (November 2016)

- 5.17. *Planning Guidance (Wales) Technical Advice Note (Wales) 4, Retail and Commercial Development (TAN4)* was published in November 2016 and is a consideration for applications involving retail development.
- 5.18. **Paragraph 9.1** reiterates that vibrant and viable centres are distinguished by a diversity of uses and activities. Where primary and secondary areas have been designated in established retail and commercial centres they can help promote and maintain an effective distribution and balance of uses and activities.
- 5.19. **Paragraph 9.7** advises that change 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 development plan policies, on their contribution to diversification and on the cumulative effects on matters such as parking and local residential amenity.

Local Planning Policy

Wrexham Unitary Development Plan (2005)

- 5.20. The Wrexham Unitary Development Plan (UDP) 1996–2011 was adopted on 14 February 2005. The following policies are relevant.
- 5.21. **Policy PS2** states that development must not materially detrimentally affect countryside, landscape/townscape character, open space, or the quality of the natural environment.
- 5.22. **Policy PS3** states that development should use previously developed brownfield land comprising vacant, derelict or underused land in preference to the use of greenfield land, wherever possible.
- 5.23. **Policy GDP1** advises that new development should ensure the safety and amenity of the public and safeguard the environment from the adverse effects pollution, associated noise, odour or vibration arising from development.

- 5.24. **Policy S5** states that new shopping and leisure development will be allowed in the defined district centre of Gwersyllt provided that it is appropriate in scale in relation to the function of the centre and is of a type which will complement and enhance the existing centre. Changes of use which would adversely affect the vitality and viability of these centres will not be allowed.
- 5.25. **Policy T8** advises on parking and states that development granted planning permission will be required to provide vehicle parking spaces either on site or nearby, in accordance with the Council's current parking standards. Special regard will be paid to the following factors, as appropriate:
- a) The availability of public transport nearby,
 - b) Proximity to public car parking,
 - c) Proximity to local services and facilities,
 - d) Road safety hazards and amenity considerations arising from on-street parking in the vicinity of the site.
- 5.26. Wrexham County Borough Council are currently preparing the Local Development Plan (LDP) which will replace the currently adopted UDP. The LDP was submitted to the Welsh Government and PINS on 30th November 2018. A number of changes have emerged as a result of matters arising during the Hearing Sessions that have been conducted as part of the Examination in public. Public consultation on the Schedule of Matters Arising Changes (KPD26)(MACS) and supporting documents commenced Monday 23 May until Wednesday 6 July 2022. No further updates have been provided.

Local Plan Guidance Notes 9 – Hot Food Takeaway

- 5.27. The LPGN9 states that new hot food takeaways should not be located within 400 metres of the boundary of a school or tertiary college. The guidance states whilst pupils in primary education are not allowed out of school premises during the day, research indicates that the most popular time for purchasing food from shops is after school.
- 5.28. However, the guidance also states that HFTs may be acceptable in designated District Shopping Centres and other local mixed residential/commercial areas and isolated locations.

The impact of a proposal on the safety of pedestrians and road users will be considered with regards to:

- The existing use of the site
- Existing traffic conditions
- The accessibility of the site by public transport, by cycling or walking
- The availability of easily accessible parking provision in close proximity to the premises, including on street parking
- The availability of safe and legal loading areas in close proximity; and



- The implications for the amenity of surrounding area (particularly is predominantly residential).

Opening hours within designated District Centres where there is housing adjacent is likely to be 10am – 11:30pm Monday to Saturday and 10am – 11pm Sunday.

Local Plan Guidance Notes 16 – Parking Standards

- 5.29. The LPGN16 advises that for Hot Food Takeaways (Class A3) 1 car space per 4sqm of public floor space is required and 1 cycle space per 40sqm public floor space is required. In comparison for Betting Shops (Class A2) 1 car space is required per 20sqm of gross floor space and 1 cycle space is required per 200sqm gross floor space.

6. PLANNING ASSESSMENT

6.1. This section of the Statement sets out the justification for the proposed change of use and extraction/ventilation equipment when considered against the relevant planning policies and other material considerations.

6.2. The key issues arising from this proposal, are as follows:

- a) Principle of development;
- b) Proximity to Schools;
- c) Impact on residential amenity; and
- d) Highways and parking considerations.

6.3. Each of these issues is discussed in turn below:

a) Principle of Development

6.4. The site comprises a single storey Betting Shop (Use Class A2) occupied by Corbett Sports. It is understood that Corbett Sports will no longer occupy the unit in the near future.

6.5. The site lies within the Gwersyllt District Shopping Centre and commercial offices area which consists of a number of commercial units including a Spar (which contains a Post Office), Iceland, Home Bargains and MOT testing centre. The Spar/Post Office (Class A1) is located to the north of the site and a dental practice (Class D1) to the south of the site. There is one other Hot Food Takeaway located within the District Centre on Dodd Street; Gwersyllt Fish Bar and another within the District Centre on Hope Street.

6.6. There is no Local Plan Policy restricting Hot Food Takeaway Uses in District Centres or a need to retain a percentage of Retail or Financial and Professional uses. The principle of a change of use away from a Betting Shop (Class A2), and the provision of a Hot Food Takeaway (Class A3) in this location is therefore acceptable in principle.

6.7. The centre consists of a large retail unit at one end occupied by Iceland and another large retail unit at the other end occupied by Home Bargains. There is a mixture of single, double and triple fronted units within the centre, the application site has a single frontage.

6.8. The introduction of a Hot Food Takeaway (Class A3) in this location would be acceptable given such uses are directed towards designated centres and given there is not an overconcentration of other Hot Food Takeaway uses in the centre. Furthermore, the unit is only single fronted and therefore the new use would not dominate the frontage along the centre.

6.9. The introduction of the new use would support the vitality and viability of the District Centre through the use of a soon to be vacant unit which will otherwise result in a dead frontage and offer nothing to the streetscene or shopping experience.

6.10. Given the above, the proposals are in accordance with Policy S5 of the Local Plan.

b) Proximity to Schools

- 6.11. The Gwersyllt Community Primary School is located next to the District Centre. Local Plan Guidance Notes 9 (Hot Food Takeaway) states that new hot food takeaways should not be located within 400 metres of the boundary of a school or tertiary college. According to the LPGN, whilst pupils in primary education are not allowed out of school premises during the day, research indicates that the most popular time for purchasing food from shops is after school.
- 6.12. However, the same Guidance Note states Hot Food Takeaways may be acceptable in District Centres indicating that such locations are acceptable locations for takeaway uses given the National and local policy of directing takeaways towards designated centres. Furthermore, in such locations, a it is anticipated hot food takeaway uses and other food and drink uses would already exist (as is the case here).
- 6.13. A Hot Food Takeaway located on Hope Street was allowed at appeal in December 2012 which is within 400 metres of the Primary School. However, it should be noted that the fact the site was within 400m of a school was not a reason for refusal by the LPA which were 1. Residential amenity and 2. Highways impact (Car Parking). With regards to the proximity to the school, the Case Officer Report stated it was acceptable as the opening times start after the school closes (4pm). The Decision Notice, Case Officer Report and Appeal Decision is attached at Appendix 1.
- 6.14. There are another two applications which are worth noting as they were also for a change of use to a Hot Food Takeaway within District Centres that are also within 400m of a school.
- 6.15. 7 Prince Charles Road was allowed because of later opening hours (after the primary school closes). The Case Officer's Committee Report and Decision Notice is attached at Appendix 2. 58 Pen Y Bryn was recommended at for approval at Committee but was refused on highway grounds/lack of parking. The Committee Report stated that there were other hot food takeaways closet to the nearest schools (within 400m) and therefore this one should not be refused. The Case Officer's Committee Report and Decision Notice is attached at Appendix 3.
- 6.16. Furthermore, Primary School children are less likely to be leaving school by themselves and would be accompanied by an adult. They would therefore be less likely to purchase food from any premises when leaving school at the end of the day.
- 6.17. Given the above, there are already existing takeaways near to the school and the site is in a District Centre where such uses are expected to be located. Imposing such a ban would harm vitality and viability. Given the above comparisons and justification in relation to the proximity of schools, a Hot Food Takeaway in this location should be acceptable.

c) Impact on Residential Amenity

- 6.18. There are residential properties located to the rear of the site on Fairwood Drive, approx. 36 metres away from the rear of the unit.
- 6.19. A new extract duct is proposed which will exit through the flat roof and rise vertically finishing 1 metre above the building. Odours will be sufficiently treated and suitably

dispersed at high level. The fresh air intake grille will be located at ground floor level to the rear elevation.

- 6.20. The site is located within a District Centre, which contains a mixture of uses including a large retail units, a Spar/Post Office, MOT testing centre and other Hot Food Takeaways.
- 6.21. The proposed takeaway would operate between 11am and 11pm Sunday to Saturday which is in similar to other Hot Food Takeaways in the area. Gwersyllt Fish Bar opens at 11am and closes at 8pm and Wing Hing opens at 4:30pm and closes at 10pm.
- 6.22. Clearly this is a mixed commercial area which provides a variety of services to nearby residents and there are other operators with plant equipment within the vicinity. In this context, the introduction of the proposed Hot Food Takeaway will have no significant impact on the amenity of nearby residents in terms of noise.
- 6.23. Furthermore, a Noise Impact Assessment prepared by Suono has been submitted in support of this application which concludes the use would be acceptable within Unit 6 of the Gwersyllt District Centre.
- 6.24. Overall, it is considered that the proposal will not cause any unacceptable impact on residential amenity and is therefore compliant with Local Plan Policy GDP1.

d) Highways and Parking Considerations

- 6.25. The site is part of an established District Centre within an existing urban area. The site benefits from excellent public transport and a number of nearby dwellings (many of which will be served by the unit) lie within walking/cycling distance of the site. The site is therefore in a sustainable location for a Hot Food Takeaway.
- 6.26. The Gwersyllt District Centre benefits from a generous parking area. There are 193 car parking spaces, including 6 mobility impaired spaces within the retail park which are not subject to any parking restrictions. On site observations indicate that Iceland and Home Bargains units are served via the service areas located at either end of the retail park, whilst the other units are serviced within the car park.
- 6.27. The site is within a designated District Centre and therefore a number of customers will walk to the site from the surrounding residential properties or access as part of a linked trip and use public transport facilities. Indeed, there is a bus located directly outside the site on Dodds Lane.
- 6.28. Local Planning Guidance Note 16: Parking Standards would seek a maximum requirement of 2 car parking spaces for the proposal given the public area is only approximately 8.4m². The existing Betting Shop requires 4 car parking spaces given the gross floor space is 84m². The demand for parking would be similar for the proposed use as existing given customers generally stay for a short period of time and therefore there would not be a significant impact of parking or highway safety.
- 6.29. Overall, there is suitable parking within the vicinity of the site and the change of use would not lead to dangerous increase in vehicular movements given the site location and existing use.

7. CONCLUSION

- 7.1. This statement has been prepared in support of a planning application for the change of use of part of the unit from a Betting Shop (Class A2) to a Hot Food Takeaway (Class A3), installation of extraction equipment and external alterations.
- 7.2. There is no Local Plan Policy restricting non-retail uses within District Centres.
- 7.3. Whilst the site is within 400m walking distance to Gwersyllt Community Primary School, there are other Hot Food Takeaways within this area. Furthermore, Primary School age children are less likely to purchase food from any premises when leaving school at the end of the day.
- 7.4. It has been demonstrated that the proposed development would be compliant with both local and national Planning Policy.
- 7.5. Furthermore, it has been demonstrated that the Hot Food Takeaway will not have an adverse impact on vitality and viability, residential amenity or the Local Highway Network.
- 7.6. The proposed change of use will make a positive use of a commercial unit within a District Centre and support the vitality and viability of the area by reintroducing an active use at the site generating a good level of footfall and providing job opportunities for local residents.
- 7.7. It is for the reasons set out in this Statement that planning permission should be granted for this application.



Appendix 1 – Officer’s Report, Decision Notice and Appeal Decision: Gwersyllt Newsagent, Hope Street

REPORT OF THE HEAD OF ENVIRONMENT AND PLANNING OFFICER – 30th July 2018

APPLICATION NO:
P/2018 /0439

LOCATION:
GWERSYLLT NEWSAGENTS HOPE
STREET WREXHAM
LL11 4HT

DATE RECEIVED:
30/05/2018

COMMUNITY:
Gwersyllt

DESCRIPTION:
CHANGE OF USE FROM RETAIL
UNIT TO HOT FOOD OUTLET

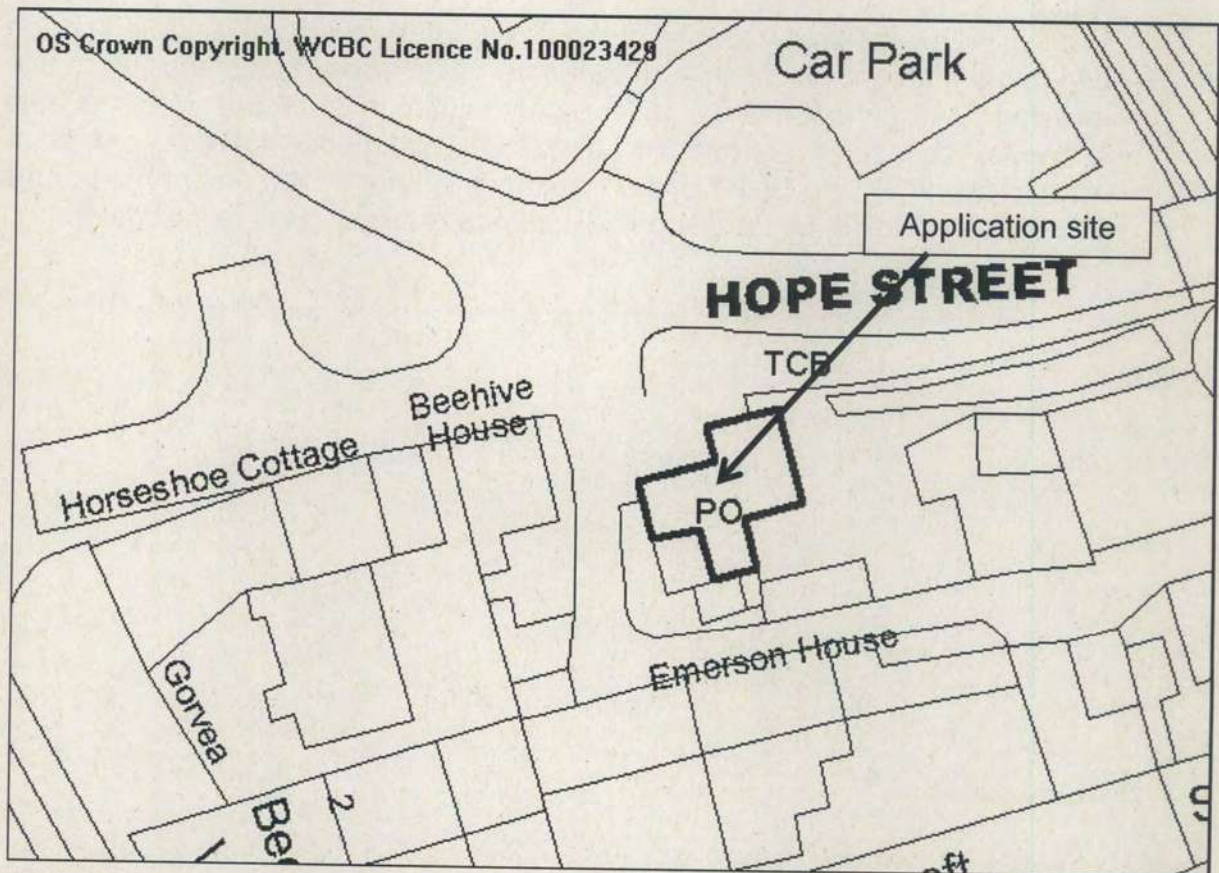
CASE OFFICER:
MP

WARD:
Gwersyllt East & South

APPLICANT(S) NAME:
MR & MRS MATHEWS

AGENT NAME:
BLUEPRINT LTD
MISS L PARRY

THE SITE



PROPOSAL

As above.

HISTORY

No recent history.

DEVELOPMENT PLAN

Within settlement limit and Gwersyllt District Shopping Centre. Policies GDP1, S5 and T8 apply.

CONSULTATIONS

Community Council:

Members resolved to object to the application on the following grounds:-

- the site is primarily residential and is not part of the designated district shopping centre;
- the site is adjacent to housing and local residents complain that vermin, from the nearby railway land, already infest the area; the deposit of food waste will substantially increase the incidence of rodents in the area affecting the residents' quality of life;
- although the site is over 400 metres from a school, many children will pass the site on their way to and from school;
- there are already around 5 hot food outlets in the area;
- although there is some provision of car parking and previous commercial use has been on this site, the parking is primarily for residents' use and a hot food outlet will substantially increase the volume of short-term car parking, particularly at peak times, and will be a significant disturbance to local residents;
- commercial bin collections may also be difficult to manage in the restricted parking area;
- a hot food outlet will create odours which will be detrimental to local residents;
- in the event that Planning Permission is granted, the Council submits that the site is outside the designated shopping district and should therefore be limited as per the guidance note: "other local mixed residential/commercial areas and isolated locations will be considered on their merits and are likely to be 10.00am-6.00pm"

Cllr David Griffiths:
Cllr Tina Mannering:

Happy to support recommendation for refusal.
Has the following observations:

- I think as most customers will use the facility in the evening they will park on the huge Lidl carpark or the railway carpark opposite;

REPORT OF THE HEAD OF ENVIRONMENT AND PLANNING OFFICER – 30th July 2018

- There is now a need for this provision of Chinese as the one we had in the village has gone vegetarian.
- I am also concerned that this property has been unsaleable for many years.
- I fear what will happen if the planning is rejected.
- I believe Lidl is open until 10pm ?
- Will we have an empty building looking old and run down. ?
- The application should be heard at committee.

Highways:

Recommends permission be refused for the following reasons:

- The proposed development does not make adequate provision for the parking of vehicles clear of the highway;
- The establishment of a development of this nature in this location would be incompatible with through traffic interests and a potential source of danger to road users.

Public Protection:

Recommend conditions to secure extraction and odour control measures and to limit the noise from such plant.

Site Notice:

Expired 28.6.2018

Neighbours:

The owners/occupiers of 9 nearby properties notified.

10 objections received expressing the following concerns:

- Vermin;
- Litter
- Odour
- Blocking access to neighbouring properties
- Parking
- Noise
- Litter
- Proposed opening times
- Anti-social behaviour
- Enough fast food outlets in the area

SPECIAL CONSIDERATIONS

Policy: The site is located within Gwersyllt District Shopping Centre. Policy S5 states changes of use will not be supported where they adversely impact upon the vitality and viability of district shopping centres. In addition to the application site, the district shopping centre includes the Lidl supermarket on the opposite side of the road as well as the shopping centre on Dodds Lane.

In the event of the application site becoming a hot food takeaway the district shopping centre would continue to offer a range of retail and commercial

facilities and as such I am satisfied the proposals will not harm its vitality and viability. It is nevertheless necessary to also consider the impact of the proposed change of use in respect of residential amenity and parking provision. I will discuss these matters in more detail below.

There is no planning policy requirement to identify whether there is a need or not for this type of facility. Furthermore in response to the comments submitted by Councillor Mannering the application does not given any indication as to the type of takeaway food likely to be sold. This is in any case a matter outside of the scope of planning control – planning controls being concerned with the use of the land rather than the type of hot food business that will operate from the site.

Amenity: The submitted application form suggests that the opening times are 8:30-17:30 Monday-Saturday and 10:00 to 16:00 Sundays and Bank holidays. However the applicants have advised the case officer that the opening times are in fact 5:00-17:30 Monday-Friday, 5:00-12:30 Saturdays, 5:00 to 11:30 Sundays and 5:00 to 10:00 on Bank Holidays. It is on the basis of the latter that I have considered the application.

The proposed opening times are 16:00 to 22:00 Tuesday to Sunday. It is not proposed to open the takeaway on Mondays.

It is accepted that the existing shop use has the potential to give rise to disturbance to neighbouring properties early in the morning; however I do not accept this as a valid reason to support the proposed change of use. The development will bring about a material change in the nature and timing of activity in the vicinity of the site and neighbouring properties, giving rise to far greater levels of activity in the evenings, principally as a result of people arriving by car to pick up food orders.

The opening hours of the existing shop are not restricted by planning condition so the premises could open later should the existing or a future occupier decide to do so. However the prospects of this occurring seem to be fairly low. The Design and Access Statement submitted with the application states that whilst it is currently on the market *"there has been no interest to purchase the property and keep the use of the building as retail"*. Comments made by Councillor Mannering would seem to corroborate this. In any case, the proposed use has the potential to be a more intensive one than a retail unit.

Given the minimal provision of off-street parking at the premises (covered in more detail below) it is likely that many of the visitors to the proposed takeaway will park in the dead end section of Hope Street immediately to the west of the site. This is likely to result in unacceptable levels of disturbance to neighbouring properties, in particular the occupiers of Beehive House and Horseshoe Cottage as a result of the noise of vehicles arriving, departing and doors being opened and closed.

It is also not inconceivable that some visitors to the takeaway may attempt to park across or in the private driveway that passes between the application site and Beehive Cottages and serves as means of access to a number of other neighbouring properties. This would prove disruptive, not only for the reasons outlined above but also inconvenient as a result of vehicular access to neighbouring properties being impeded.

I appreciate that the Lidl supermarket on the opposite side of Hope Street also opens until 10pm, however the site benefits from its own car park there is a far greater degree of separation between it and residential properties. The operation of the supermarket is therefore far less likely to impact upon residential amenity.

The applicant's agent has commented that in addition to Lidl, the site is also located close to Gwersyllt railway station and a short distance from a public house. Whilst I accept that these will result in there being a degree of activity in the general vicinity during the evenings, as with Lidl there is a far greater degree of separation between them and the residential properties adjacent to the application site. Vehicular movements to/from those sites will not travel directly past the residential properties adjacent to the application site and it is also unlikely that all pedestrians travelling from them will pass directly adjacent to those properties.

The applicant's property includes residential accommodation adjoining and above the commercial floor space. Were this occupied separately to the proposed takeaway then future residents would also be adversely affected by the matters discussed above. However the submitted plans confirm that an internal access is to remain, suggesting that residential accommodation could be occupied by an employee of the business and therefore someone less likely to be adversely affected by the operation of the takeaway. It would be possible to impose occupancy conditions on residential accommodation to ensure that was the case.

Concerns have been expressed regarding cooking odours. Plans have been received showing the provision of an extraction flue and subject to conditions being imposed to require its installation along with appropriate odour control measures I am confident that odour could be effectively controlled

Parking: The LPG16 maximum parking provision for the extant use is 4 spaces compared to 5 for the proposed use. There is only 1 off-street parking space immediately in front of the premises.

Whilst it is possible some customers may choose to walk to the site or use home delivery services if available, in my experience takeaways are heavily reliant on car borne trade. I have no reason to believe that the proposals will be any different.

In my opinion it is highly likely that many visitors to the site will park in the dead end section of Hope Street to the west of the site, as customers to the shop appear to do at present. The increased demand for parking arising from the development has the potential to increase incidences of two vehicles parking in the turning head provided in the dead end section of Hope Street. This would prevent other vehicles from being able to turn and increase the risk of vehicles attempting to reverse out onto traffic travelling along the through section of Hope Street. In addition there is also the potential for some customers to try to park along the through section of Hope Street, impeding the free flow of traffic. Were either to occur it would have a detrimental impact upon highway safety.

I recognise that the Lidl supermarket car park and the Gwersyllt Railway station car park are close to the site. The applicant's agent has also commented that the car park serving the Dodds Lane shopping centre lies within the immediate vicinity of the site. In my experience however, customers of takeaways will generally try to park as close to the premises as possible. The Dodds Lane shopping centre is a 200m walk from the site, therefore it is unlikely that customers of the proposed takeaway would choose to park there.

The Lidl and railway station car parks lie outside of the applicant's control and are provided specifically for customers to the supermarket and for rail users respectively. They are not public car parks and their owners/occupiers are able to implement enforcement measures to prevent their use by the visitors to other premises should they choose to. There is also no way of ensuring that visitors to the takeaway used one of the two car parks. They can therefore not be relied upon as alternative locations for customers of the proposed business to park at.

Litter: I would expect that many individuals will take food home and therefore dispose of food containers in their own bins, although there is a bin directly in front of the building for individuals who wish to dispose of food wrappings immediately upon leaving the takeaway.

Anti-social behaviour: The planning system is concerned with the impacts associated with the use of land and buildings rather than the behaviour of individuals who visit particular premises. In any case, I am not convinced that the proposals present a significant risk of increased anti-social behaviour in the vicinity.

Vermin: It is for the operator of the site to ensure that waste is dealt with in a manner so as to prevent vermin. Nevertheless there is sufficient space within the curtilage of the site to provide storage for bins therefore I have no reason to believe that waste cannot be adequately managed. The provision of a bin storage area could be required by condition.

Proximity to schools: In order to remove the incentive for children to over-consume fast food Local Planning Guidance Note 9 states that new takeaways should not be located within 400m of a school.

Whilst the site lies within 400m of two primary schools, Gwersyllt CP school and Ysgol Heulfan, it is likely that the majority of primary-age pupils travel to and from school in the company of an adult and do not leave the school grounds during the school day. Furthermore the proposed opening time for the takeaway of 16:00 will be after when most primary school-age will have completed their journey from school. Subject to a condition being imposed to limit opening times to those proposed, I do not believe the development undermines the objectives of LPG9 in this instance.

Other Matters: I understand Councillor Mannering's concerns about the prospect of the site becoming vacant and I accept that were this to occur it would harm the vitality and viability of the district shopping centre. Whilst this is consideration that may lend some weight to supporting proposals for alternative uses of the building, it does not outweigh the harm I have identified above regarding the proposals currently presented.

CONCLUSION

The development is likely to prove prejudicial to the standard of amenity afforded to the occupiers of neighbouring properties as well as to highway safety. The proposals therefore conflict with policies GPD1 and T8 of the Wrexham Unitary Development Plan.

RECOMMENDATION: That permission be REFUSED

REASON(S)

1. The development is likely to result in increased levels of noise and disturbance in the evenings to the detriment of the standard of amenity afforded to the occupiers of neighbouring properties. As such the proposals do not accord with policy GDP1(f) of the Wrexham Unitary Development Plan.
 2. The development is likely to increase on-street parking to the detriment of highway safety and therefore does not accord with policies GDP1 (d) and T8 of the Wrexham Unitary Development Plan.
-

In pursuance of its powers under the Acts
an Orders referred to below, the County
Borough Council as Local Planning
Authority, hereby determines your
application in accordance with the
particulars and plans comprising the
application

Applicant	MR & MRS MATHEWS	Code No	GWE P/2018/0439
Agent	BLUEPRINT LTD MISS L PARRY OFFICE 3K4 REDWITHER TOWER WREXHAM INDUSTRIAL ESTATE WREXHAM LL13 9XT	Date Received	30/05/2018
		Decision Date	30/07/2018

Town and Country Planning Act, 1990

Location of application

GWERSYLLT NEWSAGENTS, HOPE STREET, WREXHAM, LL11 4HT

Description of application

CHANGE OF USE FROM RETAIL UNIT TO HOT FOOD OUTLET

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

GDP1	Development objectives
S5	District shopping centres
T8	Parking

Particulars of decision that permission be REFUSED

Reason(s)

1. The development is likely to result in increased levels of noise and disturbance in the evenings to the detriment of the standard of amenity afforded to the occupiers of neighbouring properties. As such the proposals do not accord with policy GDP1(f) of the Wrexham Unitary Development Plan.
2. The development is likely increase on-street parking to the detriment of highway safety and therefore does not accord with policies GDP1 (d) and T8 of the Wrexham Unitary Development Plan.



**Officer Appointed for this purpose
Head of Environment and Planning**

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 7/11/18

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17/12/2018

Appeal Decision

Site visit made on 7/11/18

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 17/12/2018

Appeal Ref: APP/H6955/A/18/3210179

Site address: Gwersyllt Newsagents, Hope Street, Gwersyllt, Wrexham LL11 4HT

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Mathews against the decision of Wrexham County Borough Council.
 - The application Ref GWE P/2018/0439, dated 30/05/2018, was refused by notice dated 30/07/2018.
 - The development proposed is change of use from existing retail unit to hot food outlet.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from existing retail unit to hot food outlet at Gwersyllt Newsagents, Hope Street, Gwersyllt, Wrexham LL11 4HT in accordance with the terms of the application, Ref GWE P/2018/0439, dated 30/05/2018, and the plans submitted with it, subject to the following conditions:
 - 1) The development shall begin not later than five years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans and documents: [M097/002 Revision A and M097/003 Revision A].
 - 3) No development shall commence until a scheme for an extraction system to control the emission of fumes and odour from the premises and the noise rating generated by the equipment relative to background noise levels at nearby noise sensitive premises have been submitted to, and approved in writing by the local planning authority. The extraction system shall be implemented as approved prior to the first use of the development and all equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.
 - 4) The use shall not be carried out outside the hours of 16:00 to 22:00 Tuesday to Saturday and Sunday. The use shall not be open to customers at any time on Mondays.
 - 5) The occupancy of the residential accommodation located on the ground and first floor of the building shall be limited to a person solely or mainly employed or last employed in the business occupying the premises edged red on drawing no.
-

M097/003 Revision A, or a widow, widower or civil partner of such a person, or any resident dependents.

Main Issues

2. These are; the effect of the proposal on the living conditions of nearby residents in relation to noise and disturbance and, the effect of the proposal on highway safety.

Reasons

Living conditions

3. The appeal site is an existing newsagents located on the south side of Hope Street and opposite Gwersyllt Railway Station and a food supermarket. The site is within the settlement boundary and Gwersyllt District Shopping Centre as defined by the Wrexham Unitary Development Plan (UDP). The proposal would be to change the use of the existing ground floor retail shop to a hot food take-away. The proposed opening times would be 16:00 to 22:00hrs Tuesday to Sunday and closed on Mondays.
4. The appeal property adjoins residential properties to the south and west. A vehicular access passes alongside the appeal building serving houses to the rear and to the east of the site situated next to the railway line. Beehive House faces the front of the appeal building and forecourt with a gable fronting a cul-de-sac road and turning area. Residential properties behind Beehive House are laid out in a parallel line and extend in depth to the south backing onto Emerson House and Beecroft. A narrow lane from the cul-de-sac road serves Beehive Villas between Beehive House and Horseshoe Cottage. Hope Street has been re-aligned resulting in a dead-end section of road, junction and turning area. The houses in the area adjacent to the appeal building are clustered in a tight knit configuration served by narrow single width driveways and accesses.
5. The proposed use would utilise the shop floor, office and store rooms retaining a link at ground floor to the remainder of the residential property. The dwelling associated with the shop would remain as part of the proposed use. The customer serving area would utilise the shop floor and food would be prepared in the side annex now the store. An extractor unit would be situated to the rear of the annex with a flue pipe extending above the eaves of the main building.
6. The rear ground floor rooms of the property including the outbuildings and first floor accommodation would remain in residential use. This part of the property would be unaltered next to the access lane and properties situated to the rear of the appeal premises. The existing shop opens in the early hours and closes around 17:30hrs on weekdays. Similar opening hours takes place on weekends closing around midday. The existing shop has no limit restriction on its opening and closing times. The proposal would change the existing opening and closing times to late afternoon to evening, closing at 22:00hrs.
7. At this time of evening the supermarket opposite would close. The appeal site is situated near a busy road junction, a railway line, station and car park and a supermarket and its car park. A public house is situated on the other side of the A541. Background noise levels in the evening are unlikely to be low in the context of the area. The proposed shopfront of the premises faces out onto Hope Street a busy road which provides an alternative route to north Wrexham and Llay. Given the proposed early closing hours of 22:00hrs the proposed development is unlikely to cause additional noise or disturbance over and above the background activity I have

described above. The closing time of the premises would coincide with the supermarket. Furthermore, the existing shop has no restriction on opening and closing and a different operator may choose to open much later than the existing shop owner.

8. The residential component of the building would be retained and this acts as a buffer between the properties to the rear and the proposal site. No objection has been raised from Public Protection to the development subject to the imposition of planning conditions controlling the extractor plant equipment in terms of odour and noise.
9. The proposed early closing time would not in my opinion result in greater levels of disturbance. Activity and traffic movements are likely to reduce after 22:00hrs when the supermarket and the proposed development would close. Before this time, cars that are parked in the turning area dead-end road which are associated with the proposed use are unlikely to have a significant impact given the background noise/disturbance activity in the general area. I consider that the residual impact of the proposal has not been shown to be distinguishable or harmful to living conditions over and above the background activity that takes place in the area up to 22:00hrs in the evening. All other elements of the development including concerns about litter/vermin and anti-social behaviour are matters controlled by other legislation.
10. In all, I consider that the proposal would not harm the living conditions of nearby residents in relation to noise and disturbance. The proposal would not conflict with UDP Policy GDP1 (f).

Highway safety

11. Local Planning Guidance Note 16: Parking Standards seeks a maximum requirement of 5 spaces for the proposal. The existing shop requires 4 spaces and one space is provided. Whilst the existing shop operates at different times to the proposed development the demand for parking would be similar. There would be no significant difference in between the existing and proposed uses when comparing the impact of cars parking on the turning area on the dead-end section of Hope Street. If there are problems then the Council would have taken action on this short stretch of road and imposed parking restrictions. The highway safety consequences when comparing the shop and the take-away uses would be similar, and there is no compelling evidence from traffic incident reports to show that the junction and the parking demand is causing a problem.
12. The parking demand from the proposed use would not markedly increase over the existing use otherwise there would have been a significantly different parking requirement brought about through the parking guidance note. The car parks opposite the site are operated by a commercial retailer and the rail transport network. Currently there are no obvious restrictions for people to park for a very short duration in these car parks whilst collecting food from the premises. Likewise, this situation would be similar in relation to the existing shop use. These car parks are conveniently placed for the appeal premises. Although there is no control over the future use of these car parks they are nonetheless currently available.
13. I note the suggestion that the operators of the car parks could introduce parking enforcement measures. However, I have no information on whether there is a realistic prospect of this occurring and the situation can only be assessed at the time of this appeal. In any event, the parking demand arising from the proposed use would be short in duration and any car parking restrictions imposed is unlikely to limit shoppers or rail passenger users and those visiting the appeal premises for this limited

period of stay. I therefore consider that the location of the adjacent car parks would provide an alternative for customers to park their vehicles whilst collecting their meals from the proposed take-away use. In my view, the use of these adjacent car parks by customers of the appeal premises would not endanger highway safety.

14. I acknowledge that the driveway alongside the shop has on occasions been blocked by the parking of vehicles whilst customers visit the shop. There is a possibility that this would occur with the proposed use. However, no parking restrictions have been imposed to restrict this from occurring. This situation of blocking the access driveway could occur in any event whether the proposal were to be implemented or not, and I do not consider that the situation would be made worse by the appeal development in relation to the issue of highway safety.
15. I therefore conclude that the proposal would not harm highway safety, and would not conflict with UDP Policies GDP1 (d) and T8.
16. I have considered the suggested conditions in the light of Circular WGC 016/2014 'The Use of Planning Conditions for Development Management'. No comment has been made by the appellants in relation these suggested conditions. The first two conditions define the scope of the permission. The third condition has been revised slightly by ensuring that noise information is provided against background noise in accordance with a scheme to be agreed by the local planning authority. Conditions 3 to 5 are imposed in the interests of the living conditions of nearby residents in relation to noise and disturbance.
17. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.
18. I conclude that the appeal should succeed.

Iwan Lloyd

INSPECTOR



Appendix 2 – Officer's Report & Decision Notice: 7 Prince Charles Road

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
5 May 2015

APPLICATION NO:
P/2015 /0142

LOCATION:
7 PRINCE CHARLES ROAD
WREXHAM
LL13 8YB

DATE RECEIVED:
26/02/2015

COMMUNITY:
Caia Park

DESCRIPTION:
CHANGE OF USE FROM CLASS A1
RETAIL SHOP TO CLASS A3 HOT
FOOD TAKEAWAY AND
INSTALLATION OF VENTILATION
DUCT

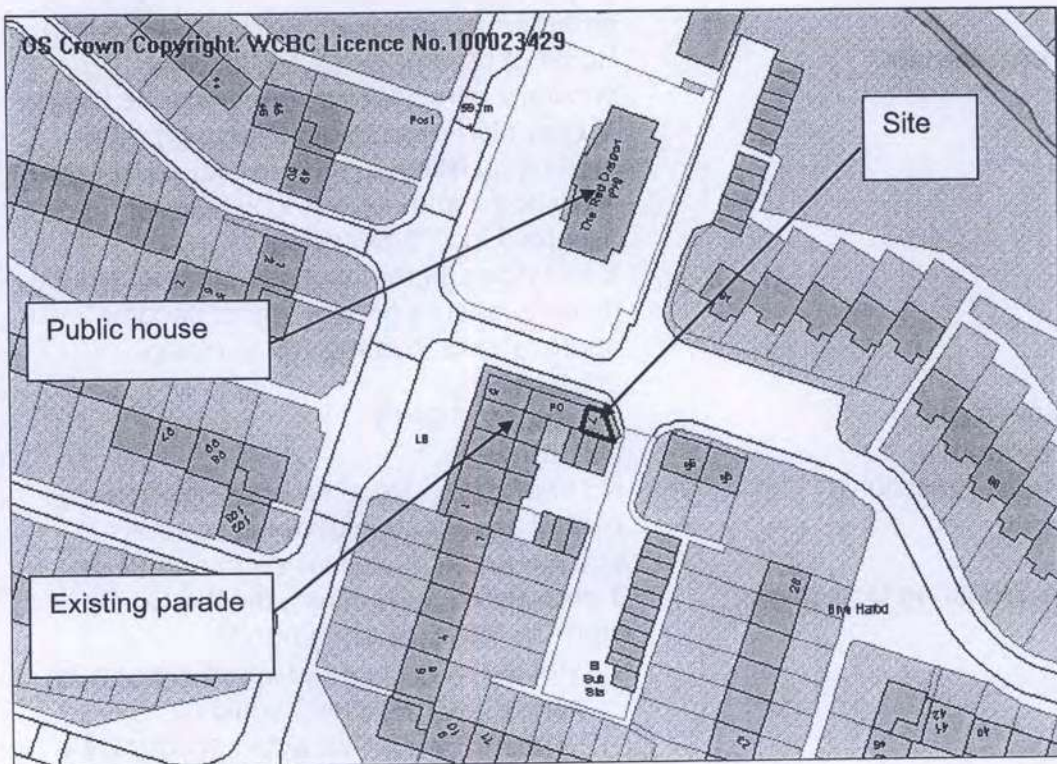
CASE OFFICER:
PF

WARD:
Queensway

AGENT NAME:
MR SAMER GADDOURA

APPLICANT(S) NAME:
MR SAMER GADDOURA

THE SITE



PROPOSAL

Planning permission is sought to change the use of existing A1 retail unit to an A3 hot food takeaway along with the installation of a ventilation duct to deal with associated cooking facilities. The applicant wishes to operate the business between 1600 and 2300 Sundays to Fridays and 1600 and 0000 on Saturdays.

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
5 May 2015

HISTORY

None.

DEVELOPMENT PLAN

The site is located within settlement. Policies PS2, GDP1 and T8 are relevant. Guidance contained within Local Planning Guidance Notes 9 – Hot Food Takeaways and 16 – Parking Standards are relevant.

CONSULTATIONS

Community Council:	No objections to the proposal providing the opening hours are adhered to given the proximity of residential property. Some concerns raised over the size of the shop (4m x 4m) and whether it could accommodate the proposed use however do not raise it as an objection as it will probably be assessed by Public Protection.
Local Member:	Hours of operation - given its close proximity to residential properties the hours of operation need to be in keeping with existing facilities in order to reduce issues of likely noise and nuisance outside of accepted local timescales. Ventilation Chute - assessment needs to be made to ensure odours do not become oppressive or invasive for adjoining properties.
Site Notice:	Expired 27.3.2015
Highways:	No objections.
Public Protection:	No objections. Recommend conditions to control specification of odour control equipment and noise levels from the use.
Neighbouring Occupiers:	1 objection received from the the Co-Op store on the following grounds; • Recent much needed improvements in anti-social behaviour would be undermined as this would encourage a return for offenders 'hanging around' the proposal in the rear areas of community businesses and would be out of visibility of the CCTV cameras which are integral in maintaining behaviour; and • It would lead to an increase in litter around the area which is already a

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
5 May 2015

problem due to the existing hot food outlet;

A 70 signatory petition has been received raising the following points:

- There is already a Chinese takeaway and a co-op store, both which provide several varieties of takeaway food and there are numerous facilities within walking/driving distance of Caia Park;
- Residents have concern about the opening hours, noise to nearby residents and problems with parking;
- The property is on the corner of two residential streets where there is just enough space for residents parking;
- The existing co-op delivery lorries struggle with parking; and
- Litter will be a problem as there are only two street cleaners;

SPECIAL CONSIDERATIONS

Amenity: Adopted LPG9 states that hot food takeaways may be acceptable in local mixed residential/commercial areas which I consider this to be. The building is located in a parade of commercial units consisting of a general convenience store (Co-Op), post office and a Chinese hot food takeaway. The property has an accepted lawful use as a retail premises. Whilst currently vacant, the application site would have been subject to a historic level of activity and could again without further control.

The proposal could result in additional noise disturbance from those wishing to use the facility in the late evening, for example passing trade from the public house across from the site or from visitors who walk or drive to the site (car engines, doors and voices etc). However, I do not consider that this is likely to result in a significant noise increase at the site than would currently be experienced, especially adjacent to the public house. In response to concerns raised as a result of the consultation process, the applicant has amended the proposed opening times so that the unit would close at 2300 every night. I consider that these are acceptable timings.

I have no evidence to suggest that the proposed use would result in increased levels of anti-social behaviour. Instances of litter could be attributed to the existing uses, however it is noted that there is little provision in the locality for litter disposal. A condition can be imposed requiring the siting of little bin outside the unit.

Odour: The unit is located in a mixed use area. There are residential properties above the parade of shops and within 25 metres across from the

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
5 May 2015

site. The applicant wishes to install air handling equipment to dispose of cooking odours. It is likely that a ventilation stack could be within 13 metres of the nearest habitable windows. Public Protection have raised no objection to the proposal but have recommended conditions to ensure that the specification of the air handling and odour control measures are approved prior to the first use of the unit. Suitable conditions can be imposed in this instance and therefore I consider detriment to nearby occupiers is unlikely.

School proximity: LPG 9 aims to promote healthy choices and to this end seeks to locate new proposals for hot food takeaways outside a 400 metre buffer zone of all schools. The nearest school premises to the application site is St. Anne's Catholic Primary School 330 metres to the north. Whilst the site is within a 400 metre radius of the school there are a number of matters which require consideration. The school is a primary school where children are likely to be accompanied to and from school by an adult. The unit would not open until 1600, at least 45 minutes after normal school home time. On this basis I consider the risk to children over consuming unhealthy food is negligible. It is worth noting that the existing Co-op, and the existing lawful use of the building could provide food choices which are considered to be unhealthy such as crisps, sweets and pop.

CONCLUSION

I consider that the use of this existing commercial unit for the sale of hot food for consumption off the premises is unlikely to result in detriment of the area or the amenity of surrounding occupiers. Subject to control over odour protection measures and opening timings I recommend accordingly.

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. Before the use of the development hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be installed prior to the commencement of the use hereby permitted. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
3. Before the use hereby permitted commences, a litter bin shall be provided in a convenient position outside the premises. The bin shall thereafter be retained in a tidy and useable condition.
4. No use of the development shall be made before 1600 hrs or after 2300 hours on any day.
5. The rating level of any noise generated by air handling plant associated with the development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at nearby

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT -
5 May 2015

noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial areas.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
 2. To protect the amenities of the occupiers of nearby properties.
 3. To protect the amenities of the occupiers of nearby properties.
 4. To ensure that the takeaway restaurant is not used at a time which would be likely to cause nuisance or disturbance to nearby residents.
 5. To protect the amenities of the occupiers of nearby properties.
-



In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

Applicant	MR SAMER GADDOURA	Code Number	WRC P/2015/0142
Agent	MR SAMER GADDOURA ST ANNES DRIVE MORDA OSWESTRY SHROPSHIRE SY10 9LU	Date Received	26/02/2015
		Decision Date	05/05/2015

Town and Country Planning Act, 1990

Location of application

7 PRINCE CHARLES ROAD, WREXHAM, LL13 8YB

Description of application

CHANGE OF USE FROM CLASS A1 RETAIL SHOP TO CLASS A3 HOT FOOD TAKEAWAY AND INSTALLATION OF VENTILATION DUCT

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

GDP1	Development objectives
PS2	Development and the environment
T8	Parking

Particulars of decision that permission be GRANTED Subject to the following:-

Condition(s)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. Before the use of the development hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be installed prior to the commencement of the use hereby permitted. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
3. Before the use hereby permitted commences, a litter bin shall be provided in a convenient position outside the premises. The bin shall thereafter be retained in a tidy and useable condition.

Applicant	MR SAMER GADDOURA	Code Number	WRC P/2015/0142
Agent	MR SAMER GADDOURA ST ANNES DRIVE MORDA OSWESTRY SHROPSHIRE SY10 9LU	Date Received	26/02/2015
		Decision Date	05/05/2015

4. No use of the development shall be made before 1600 hrs or after 2300 hours on any day.
5. The rating level of any noise generated by air handling plant associated with the development shall not exceed the pre-existing background level by more than 5dB(A) 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 of Rating Industrial Noise Affecting Mixed Residential and Industrial areas.

Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To protect the amenities of the occupiers of nearby properties.
3. To protect the amenities of the occupiers of nearby properties.
4. To ensure that the takeaway restaurant is not used at a time which would be likely to cause nuisance or disturbance to nearby residents.
5. To protect the amenities of the occupiers of nearby properties.



Officer Appointed for this purpose
Head of Community Wellbeing and Development

Refer to the Statement of Applicant's Rights and General Information enclosed or refer to the following link:-

http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm



Appendix 3 – Officer’s Report & Decision Notice: 58 Pen Y Bryn

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
1 October 2012

APPLICATION NO:
P/2012 /0598

LOCATION:
58 PEN Y BRYN WREXHAM
LL13 7HY

DATE RECEIVED:
23/08/2012

COMMUNITY:
Offa

DESCRIPTION:
CHANGE OF USE TO HOT FOOD
TAKEAWAY

CASE OFFICER:
MP

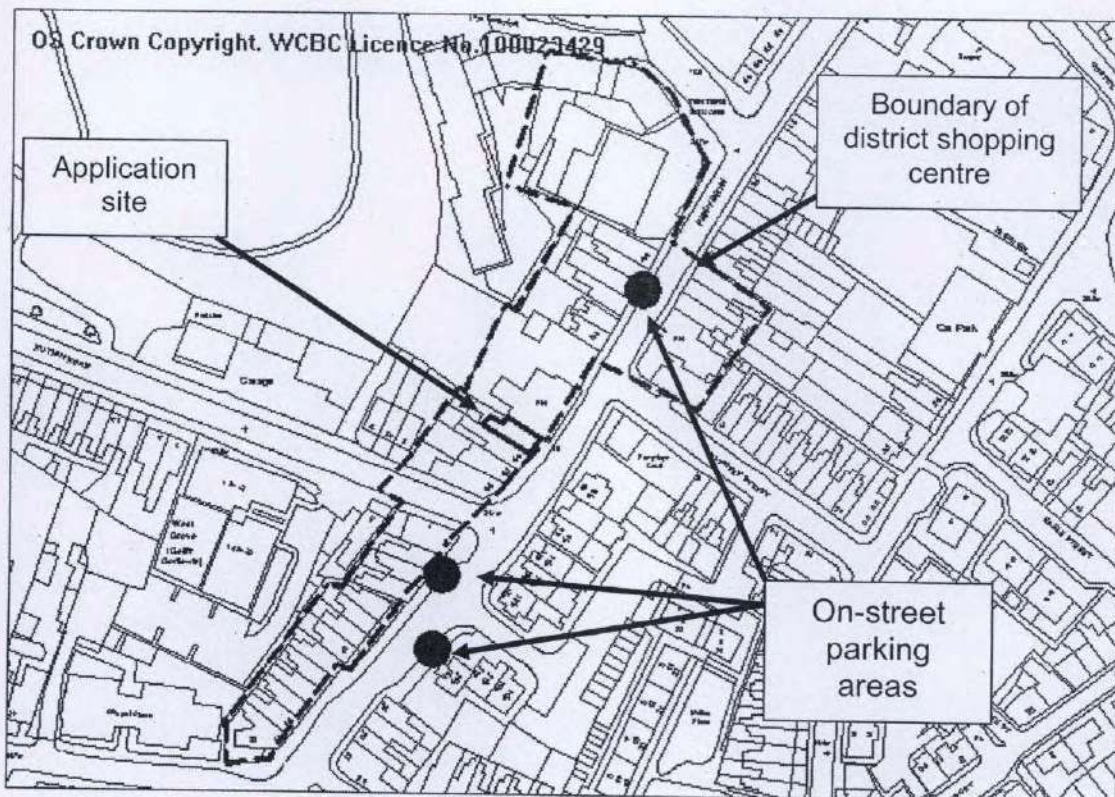
WARD:
Offa

APPLICANT(S) NAME:
MR IMRAN ASHIQ KRAZY ABOUT
PIZZA

AGENT NAME:
KRAZY ABOUT PIZZA
MR IMRAN ASHIQ

THE SITE

As above.



PROPOSAL

As above.

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
1 October 2012

HISTORY

P/2010/1083 Change of use of ground floor from office to shop (A1 use)
conversion of first floor to living accommodation. Withdrawn.

DEVELOPMENT PLAN

Within settlement limit and Penybryn District Shopping Centre. Policies
GDP1, S5 and T8 apply.

Local Planning Guidance Note 9 Hot Food Takeaways is also relevant.

CONSULTATIONS

- | | |
|--------------------|--|
| Community Council: | Agree to change of use providing there is no parking in front of the property due to the yellow line restrictions. All serving should be done from the rear. As this is a residential area business hours should be restricted to 10pm in line with other similar establishments nearby. |
| Local Member: | Notified 24.8.12 |
| Highways: | Have the following comments: <ul style="list-style-type: none">- although there is no parking for the existing shop the proposed development is likely to result in an increased parking demand compared to the existing use;- takeaways typically involve parking directly outside the premises, which in this case is close to the Pen Y Bryn/Ruthin Road junction. LPG9 considers properties on double yellow lines are unsuitable;- although there are a number of limited waiting parking spaces in the vicinity of the site, these are intensively used and may not be available or considered convenient to customers visiting the proposed takeaway;- recommend refusal due to lack of parking. |
| Public Protection: | Notified 24.8.12 |
| Site Notice: | Expired 21.9.2012 |
| Representations: | 1 representation received making the following comments: <ul style="list-style-type: none">- concerned about opening hours and litter. Would support the application provided these matters were taken into consideration. |
- 8 objections received expressing the following concerns;
- traffic/highway safety issues;

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
1 October 2012

- youths congregating outside and bad language;
- problems with delivery vehicles;
- parking problems;
- vermin;
- no need for another fast food outlet;
- litter;
- 3 schools close by.

SPECIAL CONSIDERATIONS

Policy: There are no specific policies dealing with new A3 uses however policy GDP1 requires all new development to ensure convenient pedestrian and vehicular access to the site and ensure the amenity of the public. Policy T8 requires parking spaces to be provided for development in accordance with the Council's adopted standards.

Local Planning Guidance Note 9 provides guidance on locations where hot food takeaways should not be located and where they may be acceptable. Of direct relevance to this application is the advice that:

LPG9 advises that hot food takeaways should not be located within 400 metres of the boundary of a school. However it also advises that hot food takeaways may be acceptable within non-principle shopping streets in the town centre and district shopping centers. No specific guidance is provided where the town centre or district shopping centres lie within 400 metres of schools.

Proximity to schools

The site is within 400m of 3 primary schools: St Giles Primary School, Poplar Road, St Mary's Catholic School, Lea Road and Victoria School, Poyser Street. However it is also within the Penybryn District Shopping Centre.

Several of the district shopping centres within the County Borough are within 400m of primary schools (including Borrass, Coedpoeth, Gresford, Rhos and Ruabon) and preventing any takeaways opening in them as a result could be overly restrictive.

Whilst LPG9 advises that having additional takeaway outlets near to schools would negate efforts to support the Health Eating and Appetite for Life Programmes, it is doubtful whether refusing permission for this development would have significant impact in terms of limiting children's access to takeaways. All of the schools referred to above are closer to one or more existing hot food takeaway than they are to the application site:

St Giles School

7 takeaways within 400m and 1 within 250 metres

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
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St Mary's School

9 takeaways within 400 metres of St Mary's School including 5 within 250 metres.

Victoria School

3 takeaways within 400m of Victoria School including two within 200m.

The application site is approximately 300m from all of the schools referred to above.

Vitality and viability of the district shopping centre

There are currently 2 other hot food takeaways within the Pen y Bryn district shopping centre. Even if this proposal were allowed, hot food takeaways would occupy less than 10% of the total frontage of the district shopping centre. The site is also around 50m from and on the opposite side of the road to one takeaway and around 75 metres from the other. The proposals will not result in an overconcentration of this type of use in within the district shopping centre and it will return a currently vacant unit to beneficial use thus contributing to its vitality and viability.

Amenity: Despite being in a district centre and being close to several other commercial premises, including public houses including two public houses, retail premises, a book makers and a launderette there are residential properties directly opposite and to the rear of the application premises. There is also a flat above this application site and another above the adjoining premises.

The potential impact of cooking odours on nearby/adjoining residential properties can be adequately controlled via the installation of extraction and odour control measures. This can be required by planning condition.

I appreciate that this type of use can generate noise and disturbance in the evenings as a result of customers arriving to pick up orders. However the site is on a main vehicular and pedestrian route to/from Wrexham town centre. The adjoining public house also opens until midnight every day of the week meaning there will already be a reasonable amount of activity in the immediate vicinity of the site during the evenings. I do not believe the proposals will significantly or harmfully increase the level of this activity to an extent that it will prove harmful to residential amenity.

The applicant has proposed opening hours of 4pm to 11:30pm Monday-Saturday and 12pm-11pm on Sundays. These hours accord with LPG9 advice for sites in district shopping centres where there is housing adjacent to or close to the site.

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I appreciate concerns about vermin and litter however both of these matters are outside of the scope of planning control. However, the risk of vermin will be kept to a minimum if provided the site is well run and refuse adequately disposed of. The building has a small curtilage so it should there is an area where sealed bins can be kept.

In addition to being outside of the scope of planning control litter is to a large extent outside of the control of the applicant given that the food prepared at the premises will be consumed elsewhere. Any containers the food is served/delivered in will therefore be disposed of off the premises.

Parking: I note the concerns expressed by Highways however I doubt that the development will significantly increase demand over and above that of the existing use.

LPG16 would allow a maximum of 6 spaces for the existing use. The parking requirements for A3 uses is calculated on the basis of the public floorspace. Proposed floor plans provided by the applicant indicate that there will be a very small public floor area (9 square metres) equating to a parking requirement of 2.25 spaces. Even if the serving area were to double in size, the parking requirement would still only be 5 spaces. I do not consider the plans comparable to the public floor area of many other takeaway businesses in the County Borough.

I appreciate that takeaways often rely on a high proportion car borne trade and whilst there are parking restrictions immediately in front of the premises there are 3 on-street parking bays within a short distance of the site providing 11 parking spaces in total. These spaces are well used at all times of the day however there are often 2-3 spaces free – even during the day time when many of the other nearby business premises are open. It would therefore appear that existing short stay parking provision in the immediate vicinity of the site should be able to adequately cater for the development. It is also worth noting that the existing chip shop on the opposite side of Pen Y Bryn opens at 9am and serves takeaway food from 11am until 9pm or (on some days) 10pm and I am unaware of there being any significant highway problems as a result.

The site is on a main pedestrian route in/out of town and close to several residential properties. The site is also only a short walking distance to the residential areas that lie to the south of Wrexham town centre. Whilst a lot of takeaway customers will prefer to drive to pick up take away orders by car I believe the site is well placed to ensure that a reasonable proportion of customers will also arrive on foot.

Conclusion: I am satisfied that the development accords with policy GDP1.

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
1 October 2012

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 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 approved details shall be fully implemented prior to first use of the development and shall thereafter be permanently retained in an effective condition.
3. The rating level of any noise generated by air handling plant associated with the development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at the nearest noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:1997 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial areas.
4. The use hereby permitted shall not be open to customers outside the hours of 16.00 to 23.30 Monday to Saturday and 12.00 to 23.00 on Sundays.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To protect the amenities of the occupiers of nearby properties.
3. To protect the amenities of the occupiers of nearby properties.
4. To protect the amenities of the occupiers of nearby properties.

NOTE(S) TO APPLICANT

You should ensure that any difference between the plans approved under the Town and Country Planning Acts and under the Building Regulations is resolved prior to commencement of development, by formal submission of amended plans.

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

Applicant	MR IMRAN ASHIQ KRAZY ABOUT PIZZA	Code No	WRO P/2012/0598
Agent	KRAZY ABOUT PIZZA MR IMRAN ASHIQ HIGH RIDGE OAK ALYN COURT CEFN Y BEDD WREXHAM LL12 9YT	Date Received	23/08/2012
		Decision Date	01/10/2012

Town and Country Planning Act, 1990

Location of application

58, PEN Y BRYN, WREXHAM, LL13 7HY

Description of application

CHANGE OF USE TO HOT FOOD TAKEAWAY

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

GDP1	Development objectives
S5	District shopping centres
T8	Parking

Particulars of decision that permission be REFUSED

Reason(s)

1. In the absence of essential accessible parking provision the proposed development would result in an increased occurrence of obstructed parking and interruption to the steady flow of traffic along this stretch of Ruabon Road, which is presently subject to a Traffic Regulation Order and within close proximity of the Ruthin Road junction, a situation which would also impede visibility from the Ruthin Road junction. In this regard to allow the development would have an adverse impact upon highway safety, contrary to Policy GDP1 of the adopted Wrexham Unitary Development Plan and Local Planning Guidance Note 9.

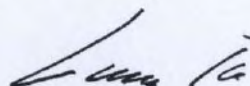
Applicant MR IMRAN ASHIQ KRAZY ABOUT
PIZZA

Code No WRO P/2012/0598

Agent KRAZY ABOUT PIZZA
MR IMRAN ASHIQ
HIGH RIDGE
OAK ALYN COURT
CEFN Y BEDD
WREXHAM
LL12 9YT

**Date
Received** 23/08/2012

**Decision
Date** 01/10/2012



**Officer Appointed for this purpose
Head of Community Wellbeing and Development**

**Refer to the Statement of Applicant's Rights and General Information enclosed
or refer to the following link:-**

**[http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.
htm](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)**

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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