

**TOWN AND COUNTRY PLANNING ACT SECTION 78 APPEAL AT
LAND AT CAR PARK, PLAS COCH RETAIL PARK, WREXHAM**

COUNCILS STATEMENT OF CASE

**PLANNING REF: P/2019/0919
PEDW REF: CAS-01515-G4Y1D3**

THE SITE

- 1.0 The Appeal site is located on land at Argos Car Park, Plas Coch Retail Park, Plas Coch Road, Wrexham, LL11 2BW. The site is located inside of a defined settlement limit, within an existing retail park. The land contains trees which are protected by a preservation order (TPO).

2.0 PROPOSAL

- 2.1 P/2019/0919 - Erection of Free Standing Restaurant with Drive Thru Facility, Car Parking, Landscaping and Associated Works including Customer Order Displays

- 2.2 Planning permission was refused on 07.06.2021 for the following reasons:

2.2.1 The existing highway network leading to and serving the Plas Coch Retail Park suffers from capacity issues during the weekday peak times and at the weekend when significant queuing/delays are experienced. The proposed development would exacerbate the existing problems and result in further traffic congestion to the detriment of the free flow of traffic on the highway. To allow the development would be contrary to Policy GDP1 (d) of the adopted Wrexham unitary Development plan.

2.2.2 The proposed development would result in the loss of 70 spaces which serve the existing retail uses. This reduction in parking would result in a significant shortfall of spaces available and would fail to provide sufficient off-street parking to meet the existing retail demand, contrary to Policy T8 of the adopted Wrexham Unitary Development Plan and Local Planning Guidance note 16 Parking Standards.

2.2.3 The proposed development lies within 400m of the boundary of Plas Coch Primary School. To allow the development would be contrary to adopted Local Planning Guidance note 9 Hot Food Takeaways.

3.0 PLANNING HISTORY

3.1

P/2018/0671	Construction of 410 x 1 and 2 bed apartments, Plas Coch Road, Wrexham.
	Granted on 7 May 2020
P/2018/0672	Erection of 197 Student Apartments, Crispin Lane, Wrexham.
	Granted on 1 July 2019

P/2018/0357	Extension to Plas Coch Public House (24 Bed Lodge), Plas Coch Retail Park, Wrexham
	Granted on 3 September 2018
P/2018/0384	Drive Thru Coffee Shop, Plas Coch Retail Park, Plas Coch, Wrexham.
	Granted on 01 October 2018
P/2019/0923	Proposed 450 new dwellings on Land off Mold Road (The Circus Field) Stansty, Wrexham.
	Decision Pending
P/2021/0094	Application for Approval of Reserved Matters Pursuant to Outline Planning Permission P/2018/0671 – For 90 Houses
	Granted on 30 April 2021
P/2019/0916	1 No. Free Standing Totem Sign
	Refused on 07 June 2021
P/2019/0917	9 No. Internally Illuminated Signs.
	Refused on 07 June 2021
P/2019/0918	4 No. Freestanding Signs, 1 Digital Booth Screen, 1 No. Banner Sign and 16 No. Dot Signs
	Refused on 07 June 2021

4.0 LOCAL AND NATIONAL PLANNING CONTEXT

4.1 Planning Policy Wales (PPW) Edition 11.

4.2 The site lies within the Wrexham Town Centre settlement limit, as defined in the current development plan for the area, which is the Wrexham Unitary Development Plan (UDP) 2005. Policies PS1, PS2, PS3, PS4, GDP1, EC4, EC6, EC9, EC13, T8 and T9 of the Wrexham UDP are relevant. Policies GDP1 (d) and T8 are directly applicable to the reasons for refusal of planning permission. Also relevant are Local Planning Guidance Note (LPGN) Nos. 9 'Hot Food Take-Aways', 16 'Parking Standards' and 17 'Trees and Development'. Copies of the relevant UDP policies and guidance notes are contained within the submitted questionnaire bundle.

5.0 COUNCIL'S STATEMENT OF CASE

5.1 Access

5.1.1 The main issues are traffic, congestion and the potential for gridlock, on the public highway. Plas Coch Retail Park has seen several incremental developments in recent years that increase traffic. These are an expanded supermarket, a new hotel (not yet commenced), a drive-thru coffee shop, and a new housing development on Glyndwr University campus (which was recently reduced from 410 units to 90, due in part to the concerns about road capacity). In addition, Ysgol Plas Coch Primary School has expanded in recent years to 315 pupils, and that also means increased traffic flows at certain times of the day.

5.1.2 Though the highway authority has not objected to the granting of planning permission on highway safety grounds, it does acknowledge in its assessment, that the B&Q roundabout is already approaching capacity at peak times and that it would be over capacity by 2036. This means that we face gridlock on one of the main entrances into Wrexham in approximately 14 years. This cannot be considered to be acceptable.

5.1.3 In its assessment of the scheme, the highway authority has confirmed that the existing road network leading to and serving the retail park, suffers from capacity issues during weekday peak times, and at the weekend when significant queuing / delays are experienced. Its assessment also confirms that the existing A483 / A541 junction, the Plas Coch roundabout(s) and the New Road / Stansty Road junction, suffer from capacity issues and would not benefit from any significant increase in vehicular movements.

5.1.4 The recently commenced construction of 90 Houses (P/2021/0094) on Plas Coch Road, and the proposed 450 homes on the circus field (P/2019/0923 – Decision Pending) were not considered in the 2021 models submitted in support of the planning application, because neither were expected to be built by this time. The 2036 modelling does though include the expected traffic flows for the 90 Houses on Plas Coch Road (producing fewer trips than 410 apartments originally approved – P/2018/0671) and the proposed 450 dwellings on Land off Mold Road (Circus Field). Whilst I accept that the extra homes off Mold Road do not yet have the benefit of planning permission, they could come forward before 2036, meaning the 2036 over-capacity problem could be with us much earlier.

5.1.5 There remain concerns that queueing cars for the drive-thru will back up into the proposed McDonald's car park, thereby hindering cars which need to reverse out of their parking spaces when leaving. Pedestrian and vehicle safety could therefore be compromised in order to fit a busy food destination into a small parcel of land.

5.1.6 The submitted Arcady results show that the Plas Coch Retail Park roundabout has a maximum ratio of flow capacity (RFC) of 0.86 in 2036, with a queue of 5 vehicles in the Saturday peak. This is when the base traffic, and the committed development and McDonald's traffic are included. Queues are not anticipated on the slip road off the Plas Coch Retail Roundabout towards the Drive-thru. In 2021, Plas Coch roundabout has a maximum RFC of 0.86 with 5 queuing vehicles, in the Saturday peak. However, In 2036 the Plas Coch roundabout is close to theoretical capacity without the McDonalds development (maximum RFC 0.90) with a queue of 8 vehicles. When the McDonalds trips are included the maximum RFC is 0.95, with queues up to 14 vehicles. It is stated that these would not block back to the Berse Road roundabout (meaning the signalised roundabout by B&Q - Berse Rd/Mold Rd/B5101).

5.1.7 Further, the 14 vehicle queue is on the B5101 approaching the roundabout from the Berse Road (B&Q) Roundabout. The approach to the roundabout from the retail park/Plas Coch pub has a maximum queue of 2 vehicles, as does the approach to the Plas Coch Retail roundabout from the Plas Coch roundabout. It is clear therefore that this roundabout is shown to be already close to capacity in the peak periods. In 2036 the roundabout reaches capacity and is likely to experience problems. It is difficult to accept that the addition of the McDonalds traffic has a negligible impact on the Degree of Saturation and that it would have no impact on queue lengths on most arms. Too much weight is being placed on the assertion that, by 2036, it is likely that Welsh Government improvements to the A483 junction 5 and Berse Road roundabout will have taken place. This may not be the case.

5.1.8 The highway authority assessment does appear contradictory where it states that the degree to which the proposed restaurant adds to the congestion is negligible, but that at peak times it is likely that any congestion will deter visitors to the restaurant. On the one hand, this is saying that it won't make much difference but on the other hand, at peak times the congestion will be so bad that people will stay away. That suggests that we are already facing severe congestion and that this new development would be the tipping point.

5.1.9 It is accepted by the highway authority that *"The proposed development is likely to attract a significant number of pedestrian movements particularly given the proximity of the Glyndwr University."* There is only one formal pedestrian crossing proposed and this is a busy, fast moving road with more than one lane. The Appellant is of the opinion that the Welsh Government's changes to the A483 junction will improve these matters. However, these improvement works are currently in abeyance and so cannot be relied upon in the consideration of this Appeal.

5.1.10 It is also assumed that the changes proposed will make things better. More formal pedestrian crossings will likely form part of the Welsh Government's highway improvements, should they progress, to make it safer to cross the road. The downside of this (for this proposal) is that another pedestrian crossing on or near to the B&Q roundabout will slow down traffic, and that will increase tailbacks. It would be very difficult to make this road junction safer for pedestrians without slowing down traffic. That is critical because traffic is already at capacity at peak times and this could cause the problems forecast in 14 years' time to happen much sooner.

5.2 Parking

5.2.1 Approximately one third of parking spaces currently used by customers visiting Argos, The Range and Iceland will be lost, and the proposed development of the site will mean more people parking on what's left of the car park. The loss of parking spaces for this popular retail destination is a regressive step.

5.2.2 Whilst the site presently enjoys 235 parking spaces, if 70 spaces were to be lost to accommodate the drive-thru restaurant, then the efficient use of the Range car park will be hampered as a number of the users of the retail outlets will be encouraged to linger longer than they would currently, by way of frequenting the restaurant. Therefore this will add to the number of vehicles forced to drive around the car park in search of a parking space at busy trading times, at the same time when more pedestrian movements through the car park will occur as they head towards the restaurant on foot.

5.2.3 The proposed provision of 165 parking spaces for the retail outlets represents a 30% reduction in spaces, and the proposed drive through restaurant will significantly change the dynamic of the retail park at peak trading times, which will be to the detriment of the customers of the existing retail outlets.

5.2.4 This proposed development will have 29 parking spaces for McDonalds while its Chirk based equivalent has 110. The highway authority originally requested a parking survey at the McDonald's drive-thru in Chirk to assess / compare parking demand with the proposed development site. In theory, this appeal proposal has a larger catchment area and would be as popular as the Chirk drive thru. The carrying out of this assessment was resisted by the appellant and, taking into account their submitted supporting information, the highway authority later accepted that the McDonalds's Drive Thru at Chirk is not comparable to the proposal, and the request for the submission of a survey was withdrawn.

5.3 Local Planning Guidance Note (LPGN) 9 and Plas Coch Primary School

5.3.1 There is opposition to this development on matters of light pollution, littering and anti-social behaviour. McDonalds-branded litter is already a huge problem. Cleaning up within 150m of a restaurant (as it is stated that McDonald's staff do now) ignores the time it takes to eat a McDonald's meal before the cups, bags and cartons are discarded. People discard their cartons when they finish eating and that can be 200m, 250m or more away. Litter can often be found around the existing McDonalds restaurant in Wrexham town, which suggests that the 150m clean-up, if this is being properly implemented, is not successful in addressing the litter problem.

5.3.2 This proposal is for a 24-hour service and there are understandable concerns that an all-night facility would lead to increased anti-social behaviour. Claims by the developer that the car park would be gated off in such an event are unconvincing.

5.3.4 The appeal is within 400m of Ysgol Plas Coch, which is a 315 pupil primary school. WCBC has long established planning guidance (LPGN 9), against allowing fast-food outlets within 400m of a school. Allowing this appeal would be contrary to this adopted Guidance. The problem of obesity and concerns about fast-food intake amongst children is well established and warrants the dismissal of this planning appeal.

6.0 **CONCLUSION**

6.1 The existing highway network leading to and serving the Plas Coch Retail Park suffers from capacity issues during the weekday peak times and at the weekend when significant queuing/delays are experienced. The proposed development would exacerbate the existing problems and result in further traffic congestion to the detriment of the free flow of traffic on the highway. Further, the proposed development would result in the loss of 70 spaces which serve the existing retail uses. This reduction in parking would result in a significant shortfall of spaces available and would fail to provide sufficient off-street parking to meet the existing retail demand.

6.2 The proposed development lies within 400m of the boundary of Plas Coch Primary School. To allow the development would be contrary to adopted Local Planning Guidance note 9 Hot Food Takeaways.

6.3 For the reasons set out above, the Council is of the opinion that the proposed development cannot be justified for this location and the Inspector is therefore respectfully requested to dismiss the Appeal. Should the Appeal be allowed, imposition of the following planning conditions is suggested:

6.3.1 The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

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

6.3.2 The development shall only be carried out in strict accordance with the details shown on the approved drawings nos.

7391_AEW_8104_1002 Rev C, 7391_AEW_8104_1004 Rev C, 7391_AEW_8104_1006, 7391_AEW_8104_1005 Rev B, C7391_AEW_8104_1007 Rev B, 7391_AEW_8104_1010, 7391_AEW_8104_1018, Goal Post Height Restrictor, McDigit COD DT Canopy Option 01 Sign Type 8, 17229-VL-McD_L01 Rev D, 17299-VL-McD_L02 and 17229-VL-McD_D01 Rev B, and as contained within the application documentation.

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

6.3.3 No facing or roofing materials shall be used other than those detailed on the application form and within the approved application documentation.

Reason) To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

6.3.4 Prior to first use of the development the site shall be laid out in strict accordance with layout plans nos. 7391_AEW_8104_1002 Rev C and 7391_AEW_8104_1004 Rev C.

Reason) In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

6.3.5 No part of the development shall be occupied / first used until the following have been submitted to and approved in writing by the Local Planning Authority:

1) Modifications to the access road / splitter island serving the development site.

The scheme as may be approved shall be fully implemented prior to first use of the development.

Reason) In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

6.3.6 No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority and the Plan as is approved has been fully implemented.

Reason) In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

6.3.7 No part of the development shall commence until a Service and Delivery Management Plan (SDMP) to include (but not be limited to) the details of frequency of deliveries, type of delivery vehicles to be used, and management of car parking to facilitate delivery vehicles has been submitted to and approved in writing by the Local Planning Authority. The SDMP as agreed shall be implemented in strict accordance with the approved details.

Reason) In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

6.3.8 The vehicular parking and turning areas as shown on approved drawing 7391_AEW_8104_1004 Rev C, shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.

Reason) ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan

6.3.9. No part of the development shall be occupied / used until refuse bins have been provided on site in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The bins shall thereafter be permanently retained in a usable condition.

Reason) To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to protect amenities and deter pests/vermin in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

6.3.10 Prior to first use of the development hereby approved, an external lighting scheme shall be implemented on site in strict accordance with a scheme which shall be submitted to and approved in writing by, the local planning authority. No other lighting shall otherwise be installed on any external part of the site.

Reason) To ensure a satisfactory standard of appearance of the development in the interests of the visual and residential amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

6.3.11 All signage and road markings hereby approved shall be presented bilingually in both Welsh and English, and the Welsh shall precede the English.

Reason) To comply with TAN 20: The Welsh Language.

6.3.12 The development shall be carried out in strict accordance with the Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan prepared by Hayden's Arboricultural Consultants, Project No. 7215 Rev E, Dated 29/01/2021. No development or other operations shall take place except in strict accordance with the report as approved.

Reason) To protect trees which are of significant amenity value to the area in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.

6.3.13 No part of the development shall commence until full details for the arboricultural supervision of tree protection measures and any ground works within retained tree(s) Root Protection Areas, as specified by BS5837:2012 or as shown on a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The supervisory works shall be carried out in strict accordance with the details as approved.

Reason) To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.

6.3.14 The landscaping, planting and boundary treatment scheme approved as part of this application shall be fully implemented in strict accordance with approved drawing nos. 17229-VL-McD_L01 Rev D, 17299-VL-McD-L02 and 17229-VL-McD_D01 Rev B within three months of the first use of the development with the exception of soft landscaping which shall be carried out in the first planting season (November to March) or seeding season (April to September) following the first use.

Reason) To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

6.3.15 The planting scheme implemented in connection with condition no. 6.3.14 shall be permanently retained. Any planting which becomes severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced within the next available planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason) To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

6.3.16 The existing trees, shrubs and hedges shown on drawing nos. 17229-VL-McD_L01 Rev D to be permanently retained shall not be cut down, grubbed out, lopped or uprooted. Any trees, shrubs or hedges removed or being severely damaged or becoming diseased shall be replaced with trees, shrubs or hedging plants of the equivalent size and species.

Reason) To ensure the amenity afforded by the trees is continued into the future in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.

6.3.17 There shall be no below-ground service routes within a radial buffer-zone of 2.5 metres all round (5 metres in diameter) measured from the centre of the proposed tree planting.

Reason) To ensure the amenity afforded by the trees is continued into the future in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.

6.3.18 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.

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

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

6.3.20 Prior to first use of the development 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.

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

6.3.21 No part of the development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul water. The scheme as approved shall be implemented in accordance with approved details prior to first occupation of the development and no further foul water shall be allowed to connect directly or indirectly to the public sewerage system.

Reason) To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

6.3.22 Prior to first use of the development, the highway improvement as shown on approved plan refs: 7391_AEW_8104_1004C and Proposed Local Improvements 4171-08 Rev A, including the proposed pedestrian crossing, shall be fully implemented to highway adoptable standards.

Reason) In the interests of pedestrian safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

6.3.23 Any signage shall be bilingual, and the Welsh Language shall precede the English Language.

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