

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (WALES) ACT 2015**

**SUPPORTING RETAIL AND
DESIGN AND ACCESS STATEMENT**

**UNITS 3 & 4
BORDER RETAIL PARK
WREXHAM
LL13 8NG**

**PREPARED ON BEHALF
OF**

B&M Retail Ltd

December 2021

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Appendix [1] Copy of planning permission No. WRC P/2000/0118 dated 20th April 2001.

1.0 INTRODUCTION

- 1.1 MWA has accepted an instruction from B&M Retail Ltd to submit a planning application seeking permission to use Units 3 and 4¹ (as amalgamated) for the sale of food and drink goods for consumption off the premises from up to 350 sq.m. net by varying the terms of the existing planning permission. In addition, a separate planning application also seeks permission for the provision of an external garden centre linked to Units 3 and 4.
- 1.2 The premises benefit from a permission granted in April 2001 (App. No. WRC P/2000/0118; see **Appendix [1]**) which approved the erection of Class A1 non-food retail development and Class A3 drive-thru restaurant. Condition 18 imposed on this permission states
- “Notwithstanding, the provisions of the Town and Country Planning (Use Classes) Order, 1987 none of the units 1-4 hereby approved shall be used for food. The restaurant unit shall be strictly limited to A3 use.”**
- 1.3 The reason for the condition is in order to restrict the use of the units to non-food retail purposes.
- 1.4 B&M Retail Ltd is proposing to occupy the two units which will be amalgamated into a single unit. The restriction on the sale of food goods does not meet the company’s requirement to sell a limited range of food and drink goods from up to 350 sq.m. The company’s business model including the importance of delivering an external garden centre wherever practicable its new store openings, is outlined in Section 2.
- 1.5 The following plans are submitted in support of both applications:

Drawing details	Drawing No.	Scale
Site location plan Units 3 and 4	-	1: 1,250 @ A4
Site location plan: Proposed garden centre		1: 1,250 @ A4
Existing block plan	-	1: 500 @ A3
Proposed block plan	210721-01-01	1: 200 @ A3
Existing elevations	38024_05_ES	1: 200 @ A1
Proposed elevations	RB-BRP-03	1: 100 @ A1
Ground Floor Plan	RB-BRP-01	1: 300 @ A1
Fence details	BM-GFG-0-011	1: 50 @ A1

¹ The two units were previously occupied by Poundstretcher and Oak Furniture.

- 1.6 Section 3 sets out the relevant planning policies contained within the UDP and Planning Policy Wales.
- 1.7 Section 4 deals with need while section 5 addresses the sequential test. In section 6 we outline our approach to retail impact while section 7 sets out our overall conclusions.

2.0 THE PROPOSED DEVELOPMENT

1. B&M Retail Ltd

- 2.1 B&M Retail Ltd operated 656 stores in 2019/20, with annual revenues of £3.14bn, and provided employment to over 28,000 people. The company is a general variety retailer specialising in household goods including DIY, hardware, garden centre items and provides customers with a limited assortment within each of its product ranges in order that they can access the best-selling items at value retail prices. Products are normally sourced directly from manufacturers together with leading brand household names. B&M's direct sourcing and simple low-cost approach enables it to provide customers with great bargains on everyday household and grocery products. Its business model involving a range of limited assortment products enables each category to be refreshed continuously, at very attractive prices within an attractive shopping environment.
- 2.2 The company is seeking the provision of at least 950 stores in the UK and its business model enables it to deliver between 40-50 stores per annum, despite challenging market conditions. The company prides itself on maintain its core values: simplicity, trust, fairness, and pride in its service to customers. Customers typically shop in B&M Homestores for purchases, with 80% of customers visiting a store on a planned basis. The targeted grocery range compliments the general merchandise goods comprising homewares, DIY, and kitchen items. Customers also take the opportunity to make impulse buys. Only bestselling lines are maintained with new and seasonal products added to meet the changing demand of customers all year round.
- 2.3 In this context the ability of companies such as B&M Retail Ltd to sell a limited but important range of ancillary items, is critical in maintaining a viable and attractive store. There is in addition, a clear and urgent need to secure a sustainable, long-term future of the two existing units on the retail park which are vacant. and which currently make no contribution to generating local employment or contributing to the importance of Wrexham as the main sub-regional centre in this part of Wales.
- 2.4 Seasonal goods including the ability to stock of range of DIY and garden centre products are also an important component of the company's adaptive and highly flexible business model.

2. The proposed development

- 2.5 The occupation of Units 3 and 4 by B&M will provide the following gross and net floor area:

Table 2.1: Proposed gross and net floor areas

Gross floor area	2,852
Net floor area	1,985
Warehouse	347
Amenity/staff	99
Garden centre	421

2.6 The proposed development involves two elements.

- Permission is sought to sell food and drink goods for consumption off the premises from up to 350 sq.m. net of existing retail space.
- Permission is sought to erect a 4.8-metre-high fence with security netting to the rear of the store to create an external garden centre extending to 421 sq.m.

2.7 In terms of the existing condition (No. 18) imposed on planning permission No. P/2000/0118, a new condition is proposed as follows:

“Notwithstanding, the provisions of the Town and Country Planning (Use Classes) Order, 1987 none of the units hereby approved shall be used for food retailing.

Notwithstanding the limitation above, within the unit identified on the site location plan, a maximum of up to 350 sq.m. of space is permitted to be used for the sale of food and drink goods for consumption off the premises.”

2.8 This part of the proposal will not alter the primary nature of the retail use as a non-food store:

- It does not involve the sub-division of the permitted space.
- No increase in the amount of retail space is proposed.
- It relates to 350 sq.m. of existing retail space.
- There will be no separate entrance or exit for customers wishing to buy food items.
- All items will be purchased at the main store entrance/exit.

2.9 In relation to the proposed **external garden centre** and design and access considerations we comment as follows.

(i) Use

- 2.10 The use of the existing site falls within the Border Retail Park which comprises an established shopping area within Class A1. The garden centre would extend to 421 sq.m.

(ii) Amount and scale

- 2.11 The garden centre will occupy part of the hardstanding area to the rear of the amalgamated unit. The garden centre will be contained within a 4.8-metre-high fence (see drawing Nos. 479869-07 B & BM-GFG-0-011), set within the existing hardstanding area. This will be comprised of:
- 2.5 metres of Heras Zenith galvanised mesh panels.
 - 2.3 metres of galvanised welded mesh with mesh attached above galvanised panels.
 - 0.5 metres of short-barbed tape on the upper portion.
- 2.12 LED lighting will be affixed to the fencing to illuminate the garden centre for the safety of customers during non-daylight hours of opening and also to provide security when the store is closed.
- 2.13 A new pedestrian access will be provided from the B&M store into the garden centre.

(iii) Layout and landscaping

- 2.14 Given the nature of the existing building and its layout, no additional landscaping is currently proposed.

(iv) Appearance

- 2.15 The fence will be constructed of steel with a galvanised finish, including the security mesh. The structure will be supported by steel posts set within the existing hardstanding.

(iv) Access and car parking

- 2.16 Access will be achieved from the rear service yard. There will be no change in the number of shared customer car parking spaces associated with the retail park. Work undertaken on behalf of the Applicant elsewhere indicates that the trips made by customers to an external garden centre do not act as a destination in their own right. Rather they are viewed as an ancillary part of the mainstream retail offer within a B&M Homestore. Typically, the

company's garden centres account for around 1/30th of all sales at a B&M store confirming its truly ancillary function

- 2.17 HGV's will continue to deliver via the existing loading bay into the warehouse. The service yard while reduced in size remains adequate to enable HGVs to enter and leave the site in a forward gear.

3. Benefits

(a) Colleague numbers and benefits associated with working for B&M Retail Ltd

- 2.18 In terms of the number of colleagues employed, the company estimates the following will be required:
- Colleagues (Permanent) – 55
 - Full Time (30 hours plus) – 14
 - Part Time (less than 30 Hours) – 41
- 2.19 These figures would be inflated at seasonal times such as Christmas, Halloween/Bonfire night and during summer months. This would equate to a further 10 FTE.
- 2.20 In terms of benefits available to colleagues these principally comprise:
- 28 days paid holidays per annum (pro rata for part time and inclusive of Bank Holidays)
 - Long service awards
 - Free Colleague uniform (where applicable)
 - 10% Colleague discount (includes family members living in the same household)
 - Pension scheme
 - Share Incentive Plan (SIP)
 - Training and development programmes
 - Childcare Voucher Scheme
 - Free parking for Support Centre, Distribution Centre, and most stores
 - Free eye tests for Colleagues that use PCs as part of their role on a daily basis
- 2.21 In terms of remuneration, general associates are paid £7.83 per hour. However, management and supervisory roles would be recruited on a salary basis, and these range from £18,000-£35,000 per annum. A store of the size proposed will have approximately 20

supervisory roles for the different product departments and different functions (e.g., cash office).

- 2.22 All roles would be advertised and recruited locally. As a growing retailer opening a new store on average every week, B&M offers exceptional career progression and opportunities within the store and at Area Management level. Each year the company provides on average 600 colleagues who progress through apprenticeships, NVQs and at Step Up Academy programmes. All of these benefits will be made available to colleagues within the proposed B&M Homestore.

(b) Appropriate and sustainable long-term use of existing retail space

- 2.23 The proposal would continue to make the most efficient use of the site which benefits from a retail use, and which requires appropriate re-occupation by a large format retailer.

(c) Contribution to sustainable economic growth

- 2.24 The proposal would generate significant community benefits through creating a number of new jobs and generating earnings. A report by the UK Commission for Employment and Skills: Retail (2012) confirms the importance of the retail sector to the UK economy. The proposal will make a positive contribution to economic growth and prosperity and accords with the Council's agenda to promote development that results in economic growth. A minimum of 48 (FTE) jobs would be created by B&M Retail Ltd opening a new Homestore and garden centre.
- 2.25 Table 2.2 below demonstrates that the increase in employment positions at the site would lead to an increase the earnings in the local economy by approximately £1.42m per annum.

Table 2.2: Economic Growth as a consequence of the proposal

	No. of Jobs (FTE)	Average Weekly Pay	Weeks in a Year	Earnings (£m/annum)
Proposal	48	£569	52	£1,420,224

Note:

Average weekly pay from mean average weekly pay for the retail trade, except of motor vehicles and motorcycles as taken from the ONS Annual Survey of Hours and Earnings, 2018

Value to the Local Economy = No. of FTE Jobs x Average Weekly Pay x 52

- 2.26 A range of jobs will be provided from management and supervisor staff level to clerical, administrative and service positions. Retail jobs are socially inclusive by providing the range of jobs in both full and part-time positions. Reducing barriers of entry to employment positions

is a key part of the enabling social progress, which is encompassed within the economic and social roles that the planning system performs. The need for private sector investment has been significantly increased as a consequence of the impact of Covid-19.

2.27 The increase in earnings is a significant positive benefit. The increase in earnings will generate associated wider benefits for the local economy through increased spending power of residents, which in turn will help support other businesses in the locality.

2.28 There is an urgent need to create job opportunities now particularly given the scale of shop closures nationally, both within town centre and in out of centre locations. Private investment is needed to secure employment growth and the Scottish government is relying on private sector investment to stimulate the economy. The government wants the private sector to invest now. Accordingly, the requirement for economic investment is a national imperative. This continues to be the case even though the economy shows signs of improving.

(d) Reducing social exclusion

2.29 The general area has a customer base which comprises some less affluent households which are attracted to products that are offered at discount prices. However, B&M Retail Ltd also appeals to more affluent households. This proposal is at a scale and format which will complement provision within the area as part of established out of centre retail destination whilst increasing choice and social inclusion in a sustainable manner.

(e) Improving the choice of shopping

2.30 The company operates a range of stores in the wider sub-region which occupy out-of-centre, retail parks and many of which also benefit from dedicated garden centres. This includes an existing Homestore at Central Retail Park serving the southern part of Wrexham.

(f) Meeting government objectives

2.31 It is considered that the proposal complies with the following relevant principles in Welsh Planning Policy:

- Proactively driving and supporting sustainable economic development
- Seeking to secure high quality design and good standard of amenity for all existing and future occupants of land buildings
- Promoting the vitality of our main urban areas
- Supporting the transition to a low carbon future

- Contributing to reducing pollution
- Reusing land that has been previously developed
- Actively managing patterns of growth to make the fullest possible use of public transport, walking, and cycling and focus development in locations which are or can be made sustainable.

3.0 RELEVANT PLANNING POLICY

1. Wrexham Unitary Development Plan 1996-2011 (February 2005)

- 3.1 Policy S4 refers to Large Scale retail development which is defined as more than 2,500 sq.m. gross. The proposal does not fall within the definition of this policy since it involves 350 sq.m. of existing retail space with a further 421 sq.m. within the external garden centre.

2. Planning Policy Wales (December 2018)

- 3.2 Section 4 of PPW deals with retail and commercial development. Paragraph 4.3.15 advises that in establishing whether a need exists outside existing centres, this may be quantitative and/or qualitative in nature. Quantitative need addresses unmet demand for the provision concerned. Qualitative considerations include both positive and negative considerations including the degree to which it supports the objectives of the retail strategy, the accessibility of the site, whether it contributes to a reduction in car journeys and if it adds to the attractiveness and vibrancy of a centre.
- 3.3 Paragraph 4.3.18 advises that the Welsh government adopts a 'town centre first' policy approach. An assessment should be made as to whether a site or building within an existing centre is suitable and available followed by edge of centre sites and then out of centre locations.
- 3.4 In terms of retail impact, paragraph 4.3.26 advises that all schemes involving retail development of or in excess of 2,500 sq.m. gross should be supported by a retail impact assessment once need has been established. For smaller proposals the local planning authority must decide whether an assessment is likely and may have a significant adverse impact (paragraph 4.3.27). Given the proximity of Sainsbury's and Aldi and a range of non-central food stores within the Wrexham area, we do not believe there is any evidence to indicate that a significant adverse impact would arise from the sale of food/drink goods from 350 sq.m.

4.0 NEED

1. Quantitative need

- 4.1 The Wrexham Retail Assessment (2014) prepared by PBA confirmed that the most popular destination for food and grocery shopping within the study area is the Asda at Wrexham with a 12.7% market share. The next most popular are the Sainsbury's and Tesco Extra stores in Wrexham with market shares of 10.7% and 10.1%. Morrisons and Aldi in Wrexham also achieve convenience goods turnovers in excess of £10m.
- 4.2 PBA confirmed that eleven of the 15 main food stores were trading above their respective company averages with Asda and Aldi substantially over-trading (£30.4m and £24m respectively). None of the larger food stores lie within the town centre.
- 4.3 PBA recommended that after considering committed developments, there was a need for between 7,000-8,000 sq.m. net of additional convenience goods floorspace to 2028.
- 4.4 The proposal by B&M Retail Ltd to sell a modest range of food and drink goods would accommodate only around 5% of the lower estimate of need.

2. Qualitative need

- 4.5 We have examined the qualitative need associated with the scheme having regard to guidance within paragraph 4.3.16 of PPW (2018).

(a) Supports retail objectives

- 4.6 B&M Retail Ltd will deliver approximately 48 FTE employment opportunities and maintain the retail offer in the Wrexham area. It will extend the choice and quality of shopping for all residents.

(b) Accessibility

- 4.8 The site is accessible by a range of means of transport.

(c) Contributes to a substantial reduction in car journeys

- 4.9 The proposal will complement the company's existing store at Units 5-6 Central Retail Park. While we cannot claim that it would result in a substantial reduction in car journeys, it will contribute to Wrexham's role as the main sub-regional centre in this part of Wales, extending choice and enhancing the attraction of the Border Retail Park

(d) Contributes to co-location of facilities

- 4.11 It would operate as a complementary addition to the range of retail outlets both within the town centre and outside. It would complement existing non-food stores on the retail park.

(e) Vibrancy of the existing centre

- 4.12 It is difficult to assess whether the presence of the B&M Homestore would stimulate additional, linked trips to and from the town centre. Therefore, we believe this consideration is of neutral weight in the overall balance.

(f) Addresses local deficiencies

- 4.13 We are not aware that there is any local deficiency in food and convenience goods shopping in the immediate vicinity. However, the Asda store is trading strongly.

(g) Alleviates a lack of convenience goods

- 4.14 Food and drink goods shopping is dominated locally by Asda and the scheme will complement such provision although the range of items are intended to simply provide shoppers with the opportunity for impulse, top-up shopping purchases.

5.0 SATISFYING THE SEQUENTIAL TEST

1. Introduction

5.1 In summary, applying the sequential test means:

- First assessing whether there are any available sites that are suitable in sequentially preferable locations
- Acknowledging the market and locational requirements of the uses concerned
- Ensuring the assessment is proportionate and appropriate to the given proposal
- Being flexible to demonstrate whether more central site have been fully considered

5.2 In interpreting the need for flexibility the Supreme Court in *Tesco Stores Ltd v Dundee City Council* [2012], held that where it was held that in defining the term 'suitable' reference should be made to the design of the developer's proposal subject to the demonstration of flexibility and realism. It was held that the issue of suitability must be directed at the developer's proposals and not to some alternative scheme which might be suggested by the Local Planning Authority. In other words, any assessment must reflect the fact that a retail operator operates in the real world.

5.3 The principles underpinning the suitability of an alternative site was also discussed in the case of *R (on the application of Zurich Assurance Ltd T/A Threadneedle Property Investment v North Lincolnshire Council* [2012]². At paragraph 62 of the judgement³ the Court⁴ held:

"Working in the real world, the committee were entitled (and indeed, bound) to take into account the evidence that any arrangement in which Marks and Spencer used the TJ Hughes unit (the only available unit in Scunthorpe town centre) would not be commercially viable, and that, because of that lack of viability, Marks and Spencer would not locate to Scunthorpe town centre in the event that this Application for the site was refused."

5.4 These judgments established two principles when interpreting and applying planning policy.

1. Decision makers cannot interpret planning policy in any way they choose subject only to the limits of rationality. Interpretation of planning policy is a matter of law and policy statements

² EWHC 3708 (Admin). Although referenced to English guidance, it is of assistance in determining overall the suitability of potential alternatives.

³ 20th December 2012.

⁴ Justice Hingbottom.

should be interpreted objectively in accordance with the language used, read always in its proper context (Lord Reed, paragraph 18 in *Tesco Stores Ltd*).

2. In assessing whether a town centre site was 'suitable' this refers to the suitability of sites for the development specifically proposed (paragraph 25 of *Tesco Stores Ltd*).

5.5 Therefore, the principal issue is whether there are there any suitable sites in or adjacent to existing centres within the PCA, that are available and can meet the same market and locational requirements to provide floorspace for the scheme proposed. The sequential test relates entirely to the B&M Homestore, and it is not a question of whether a materially reduced or otherwise different scheme can in theory be pursued on other sites i.e., by disaggregating the proposed food goods. Provided that an element of flexibility is exercised on issues such as format and scale, any potential sequential sites should be considered only in terms of whether they could accommodate the complete application proposal. A relevant consideration is the catchment area of the proposed development compared with the catchment area of a centre which may include a potentially sequential preferable site.

2. Site assessment parameters

- 5.6 In order to apply maximum flexibility the sequential assessment has been completed in the context of a bulky goods retail unit with a minimum floor area of 2,500 sq.m. with an ability to provide an external garden centre. The latter is an integral part of the company's business model in respect of new stores and provides a complementary range of goods.
- 5.7 As stated above it is no part of government policy that the sequential test requires proposals to be disaggregated.
- 5.8 Consequently in Table 5.1 we outline the minimum thresholds for assessing the suitability or alternative premises/sites:

Table 5.1: Sequential site parameters

B&M Homestore	Minimum floor area sq.m. gross	Minimum site requirement
Store size	2,500	1.0ha

- 5.9 B&M's Homestore retail operation as proposed with an external garden centre, is principally a bulky and non-food goods retail operation which is dependent on enabling shoppers to immediately transfer goods to their cars after purchase. This is consistent with the existing planning permission and the ancillary garden centre would not alter this position.
- 5.10 In the light of the additional product ranges, the market and locational requirements of the proposal are for sites that typically have:
- (i) A demised at grade customer car park of an appropriate size directly adjacent to the retail unit to allow the safe and direct transfer of goods from store to customer vehicle, for the purchase of bulky goods.
 - (ii) The provision of most of the main sales area on a single, ground floor level to facilitate trolley shopping and the transfer of bulky goods purchases from store to customer modes of transport.
 - (iii) Their primary focus is on re-occupying or redeveloping existing retail space which has become or is becoming redundant to the former or existing occupiers.
 - (iv) The company requires the ability to sell both bulky and non-bulky non-food goods as well as ancillary food products from a minimum of 2,500 square metres with ancillary garden centre compound.
 - (v) A demised at grade customer car park of an appropriate size is required directly adjacent to the retail unit to allow the safe and direct transfer of goods from store to customer vehicle, for the purchase of bulky goods. The company requires the provision of an outside area to store trolleys.
 - (vi) The provision of most of the main sales area on a single, ground floor level is required to facilitate trolley shopping and the transfer of bulky goods purchases from store to customer modes of transport.

3. Centres examined

- 5.11 Wrexham Town Centre which lies to the south-west is the principal centre and given the existence of the company's existing store at Central Retail Park, this constrains the potential catchment to the south and west. On this basis we have concentrated our assessment on the town centre only.
- 5.12 Table 5.2 summarises our conclusions in respect of available town centre units.

Table 5.2: Summary of limitations associated with Wrexham town centre units

Town Centre Shops	Suitability considerations
1.	Individually the units within the Town Centre are clearly too small to meet the requirements of retailers selling the range of goods proposed to be sold from the B&M Homestore. Operating from two or more stores would reduce rather than increase the efficiency of a company, particularly since it operates a 2,520 sq.m.

	gross store at Central Retail Park close to the town centre. This has a bearing not only on the inherent attractiveness and sustainability of allowing the display of a larger number of items under a single roof, but it also reduces the costs and overheads which we address under viability.
2.	Splitting sales between two buildings more rather than less space would be required because of the inherent inefficiencies of trading from a range of units and the duplication and triplication of non-sales space which would arise. This will apply particularly to retailers selling bulky durable goods such as DIY, furniture, carpets, and domestic appliances. Separating a proportion of these goods to be sold in a second store or disaggregating other items would lead to a reduced retail offer.
3.	There is no scope to extend any of the outlets to achieve viable trading levels. Nor is there any scope to add an external garden centre.
4.	Trading from more than one unit would require separate leases with different landlords. The timing, terms and renewal of the leases are likely to be materially different and it is possible that some landlords would seek to extract considerably more favourable terms knowing that the company needed to trade from more than one unit.
5.	Delivery schedules and frequency would be increased reflecting the smaller size of the store. In addition, it might be necessary to seek to reduce the size of delivery vehicles given the difficulty in accessing some of the smaller units.

Town Centre Units	Viability considerations
1.	The markedly reduced trading areas would provide limited ability for companies to display their goods. they would not be suitable for the sale of its bulky items because of the limited space, generally cramped and unattractive internal layout, and inability to trade from more than the ground level. In turn this would have a materially adverse impact on its overall trading levels and profitability.
2.	Increased operational costs from operating at more than one site would be substantial. This would relate to a duplication of employment opportunities with each store requiring individual managers and assistant managers together with sales, office, IT, warehouse, and maintenance employees. IT and infrastructure costs would increase.
3.	Trading from more than one unit would require separate leases with different landlords. The timing, terms and renewal of the leases are likely to be materially different and it is possible that some landlords would seek to extract considerably more favourable terms knowing that the company needed to trade from more than one unit.

5.13 We therefore conclude that the sequential test is passed.

6.0 RETAIL IMPACT

- 6.1 Since the scheme involves 350 sq.m. of existing retail space with an external sales area of 421 sq.m., we do not believe having regard to paragraph 4.3.26 of PPW, that there is a requirement to submit an impact assessment.

7.0 OVERALL CONCLUSIONS

7.1 In summary therefore:

- The application relates to **consented** retail floorspace, which has planning permission for retail use.
- No change in the primary nature of the permitted retail use would occur. The store benefits from an open Class A1 non-food consent.
- The application complies with relevant national and local retail planning policies.
- The application is supported by evidence addressing the sequential test.
- The application site is previously developed.
- It involves private sector investment in Wrexham at no cost to public funds.
- Occupation of the units by B&M Retail Ltd will deliver 48 FTE employment opportunities.