

Written Statement of

Matthew Carpenter BA(Hons) DipTP MRTPI

On behalf of McDonald's Restaurants Ltd

In accordance with the

**Town and Country Planning (Referred Applications and Appeals Procedure)
(Wales) Regulations 2017, specifically Part 4 (Written Representations).**

**Appeal against the Wrexham County Borough Council refusal of
planning permission for the erection of a freestanding restaurant with
drive thru facility, car parking, landscaping, and associated works
including customer order displays**

LPA ref P/2019/0919

APPEAL BY McDonald's Restaurants Ltd

Land at Argos Car Park,

Plas Coch Retail Park

Wrexham

November V3

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1.0 Qualifications and Experience

- 1.1 My name is Matthew Carpenter. I hold a Bachelor of Arts Town Planning Degree from Oxford Polytechnic and a Post Graduate Diploma in Planning from Oxford Brookes University.
- 1.2 I have been a member of the Royal Town Planning Institute for over twenty-eight years.
- 1.3 I am the planning Director for Planware Ltd and have been since July 2004. Previously I was employed by Anthony Bowhill and Associates in Central London reaching a position of Senior Associate (1993 – 2004). I became a Chartered Town Planner in 1995.
- 1.4 During the course of my employment I have been involved in all aspects of planning. I advise clients throughout the United Kingdom in respect of matters relating to retail, commercial, industrial, and residential schemes. My clients vary from blue chip companies (including McDonald's Restaurants Ltd, Monsoon and Primark) through to landowners with individual sites.
- 1.5 Planware Ltd is planning consultant to McDonald's Restaurants Ltd for both new stores and the re-imaging and alterations to their existing properties. I have advised McDonald's restaurants on planning matters for 28 years and am familiar with a large number of different types of their restaurants throughout the UK. I have been involved with a substantial number of new McDonald's restaurants during the course of my planning career.
- 1.7 I am familiar with the subject site.
- 1.8 The written statement which I have prepared and provided is true and based on my own views, taking account of other professional views where appropriate. It has been prepared in accordance with my professional code of conduct. I confirm that the opinions expressed are my professional opinions.

2.0 Introduction

- 2.1 The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission. This document is the appellants' written statement and the principal text is the planning evidence and appendices. Also attached and referenced herein is the proof of evidence on the Transport Assessment produced by Catherine Chapman, Director of ADL, upon which I rely as specialist advice and put before the Inspector as evidence.
- 2.2 The development proposes the reuse of an underused area of car parking currently associated with the existing Plas Coch Retail Park. The site constitutes brownfield redevelopment. The proposal is to construct a two-storey bespoke McDonald's restaurant with drive-thru facility. Appendix A includes photographs of the existing site and surrounding area.
- 2.3 The application was submitted on behalf of McDonald's Restaurants Ltd, who are the appellants.
- 2.4 The proposal will conservatively generate at least 65 full and part-time jobs (at least 45 full time equivalent) supporting the local economy.
- 2.5 The officers report to committee recommended approval of the application, subject to conditions. A copy of the report is enclosed as Appendix B. Unfortunately, members at committee on the 7th June 2021 refused the application. A copy of the decision notice dispatched on 7th June 2021 is at Appendix C.
- 2.6 There are three reasons for refusal:
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. *The proposed development would result in the loss of 70 parking 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 the adopted Local Planning Guidance Note No. 16 - Parking Standards.*

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3. *The proposed development lies within 400m of the boundary of Plas Coch Primary School. To allow the development would be contrary to the adopted Local Planning Guidance Note No. 9 - Hot Food Takeaways.*

- 2.7 In section 3 of my statement, I provide a description of the site, the planning history and detail the proposal.
- 2.8 In section 4, I refer to and comment briefly on the reasons for refusal and set out comments on members considerations at the committee meeting.
- 2.9 Section 5 identifies relevant national and local planning policy.
- 2.10 In section 6, I consider the performance of the proposal against planning policy.
- 2.11 Section 7 concludes that there are no justifiable planning grounds for refusal and that members acted unreasonably. I therefore request the Inspector allow the appeal.
- 2.12 A summary has been included as section 8.
- 2.13 A Pre-Appeal enquiry on highways grounds has been produced as part of the appeal documents to assist with the case.

3.0 The Site, Planning History, and the Application

The Site

- 3.1 The site description and details of the surrounding area are set out in the committee report and I concur with this description.
- 3.2 In summary, the site is located within the existing Plas Coch car park, adjacent to Plas Coch Road (B5101), with the access roads to the retail park to the north and west. Access to the site is via the retail park.
- 3.3 The proposals provide the opportunity for McDonald's to meet a long-standing requirement for a restaurant to serve this catchment area, to meet customer demand and introduce additional choice in the market.
- 3.4 The site includes several TPO trees, which formed the basis of much of the original discussion and the final design was agreed with the Tree Officer. A number of residents objected, as did local members.
- 3.5 I also concur with the planning history set out in the officer's report, which includes the advertisement applications, which were refused on the same agenda.

Pre-Application Discussion

- 3.6 Pre-application advice was issued by the council on 11th April 2019 (copy attached as Appendix D). This advice confirmed that in relation to LPGN No. 9 *"Whilst there is a school (Plas Coch) nearby, this is at primary education level where children will be accompanied by an adult to and from school. The other nearby residential institution is Glyndwr University, and universities are not mentioned within the guidance. I confirm therefore that I have no concerns in this regard."*
- 3.7 The advice concluded that *"the proposed development would accord with the character of the site and would not be to the detriment of local residential amenity or the visual amenities of the area. Concerns have been raised in relation to highway safety and parking, and unless these matters can be resolved I would be unable to support a formal planning application as it would be contrary to Policies T8 and GDP1 of the UDP."* The documentation submitted with the application addressed the key points of this advice.

Submission and Documentation

- 3.8 The application subject to this appeal was submitted on the 20/11/2019 and supported by the plans, reports and documents as detailed in the committee report set out at Appendix B.

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- 3.9 Copies of the final drawings are included in Appendix E.

[Consultation and officer's recommendation/report to panel members](#)

- 3.10 A copy of the officer's committee report is provided at Appendix B.
- 3.11 Pages 30 and 46 of the officer's report sets out the consultation responses both from statutory consultees and from residents. We will further consider issues raised in our assessment of the application in the following sections.
- 3.12 The principle of development is considered on pages 47 with the officer confirming that the proposed development accords with national and local planning policy, and supplementary planning documents. The site is located within Wrexham Town and considered acceptable in principle.
- 3.13 The report identifies the key policies that need to be reviewed, in line with highway safety, residential amenity, and the character and appearance of the area.
- 3.14 It is important to note officer's comments in the committee report in relation to the following points, and we quote:

Design (page 47/49) - *Although the building will be prominently sited, I consider it to be of a simple design and of comparatively low level in its mass. As such the building would not appear overly dominant in presence in comparison to other buildings located in and around the retail park. I am therefore satisfied that it would not appear incongruous in this location.*

Amenity (page 50/51) - *Given the separation distances and the intervening buildings and highways, the development would have only a limited visual impact when viewed from these properties, and the scale will have no impact upon residential amenity in terms of any loss of light, privacy or visual overbearance.*

The public protection team has requested planning conditions to secure the submission of ventilation and method of cooking extraction details, for further approval, which will further safeguard the public from any adverse impact of noise or odour. A condition will also be attached to secure the submission of a lighting scheme for further approval.

I am satisfied therefore that the proposed development would not have a negative impact upon the residential amenities of the area and is in accordance with UDP Policy GDP1 (a) and (f).

Highways Conclusions (page 51/57) - *The highway authority is now content that the proposed car parking provision is appropriate and in accordance with the Wrexham County Borough Parking Standards. Concerns over headlight glare have been satisfactorily addressed. The*

Service Delivery Management Plan has now been provided which has addressed all concerns regarding deliveries and waste removal.

A Stage 1 Road Safety Audit has identified where improvements are required to pedestrian crossings and the findings incorporated into the proposal. The highway improvements set out in the Designers Response to the RSA must be undertaken before the restaurant begins trading.

Accident analysis has been undertaken and has confirmed that there are no highway issues that would be directly exacerbated by the development.

All issues relating to the design of the site have been resolved. There remains some concern that the surrounding road network experiences congestion and that any additional traffic will exacerbate the issues. However, the degree to which the proposed restaurant adds to the congestion is negligible and at peak times it is likely that congestion will deter visitors to the restaurant at busy times. In addition, Welsh Government are expected to undertake improvements to the A483 Junction 5 and Berse Road Roundabout which will improve the future year operation of these junctions.

Concerns over the use of the site as a drive-thru facility on football match day could be addressed through a condition that would prevent vehicle access, but allow trading to continue for pedestrians, as at other McDonald sites in close proximity to football stadia. There is an example of this at the McDonalds close to Cardiff City Stadium where the vehicle access is blocked off and the drive through lane operates successfully as a "walk through" on match days. Anecdotal evidence has suggested that issues may arise occasionally on home Match days, so this suggestion is made as a point for consideration. I am not aware that there is a specific planning condition as it is something that is observed to happen in practice when the Cardiff City Football Stadium carpark has problems before/after any home matches. However, match day restrictions would not be necessary to make the development acceptable in highway safety terms, and though a condition would be welcomed, it is not necessary in highway safety terms to allow planning permission to be granted.

Gathering together the threads of all of the assessments made of the scheme in terms of the impact of the proposed development upon highway safety, I am satisfied that the application complies with UDP Policies GDP1 (d) and (e), T8 and T9.

LPGN No.9 – Hot Food Take-Aways: (page 57/59) - *The advice contained within this note is not planning policy, but is guidance used to amplify planning policy (GDP1), community strategies, and more broadly the Healthy Eating and Being More Active Strategy and other more recent National Strategies. It has been formally adopted by this Council and, whilst it*

doesn't carry as much weight as planning policy, it is a material consideration in the determination of this application.

Proximity of the proposal to nearby schools (page 57/58) *The site is within 400 metres of a primary school, known as Ysgol Plas Coch. Whilst pupils in primary education are not allowed out of school premises during the school day, research indicates that the most popular time for purchasing food from shops is after school. As primary school pupils will obviously not have a car, the potential harm from the temptation to overconsume fast food is limited to pupils walking to and from school, going inside the building to collect a take away along the way. Of course, parents may well use the drive thru to purchase food for their children before they drop them off at school or after collecting by car, but it is for the parents to make a judgement as to what their children consume, as is the case now when they drive past the retail park which we have already been told has a plethora of food outlets.*

Ysgol Plas Coch is one of few Welsh Medium Schools in Wrexham. This means that a large number of pupils who attend the school are unlikely to live within walking distance of the school and will arrive / leave by car. Of those that do live within walking distance, most will still be collected by parents both by car and also on foot. Again, it is for the parents to make the right choices on when and what to feed their children.

It is highly likely that the remaining small proportion of pupils who walk to and from school, unaccompanied by a responsible adult, will be limited to the older 10 or 11 year olds, and these in reality will be very few number. This small number of unaccompanied pupils already have access to a wide range of food outlet options within the retail park, which they would have to pass by to reach the application site. There are healthy options conveniently available to make good choices in these existing outlets, as there will be within the proposed restaurant. I do not therefore consider that the proposed development will result in the harm that the Guidance note seeks to safeguard against.

Opening Hours (page 58/59) *Given the distance from the properties, it is not considered necessary to restrict the hours of opening of the restaurant or drive thru facility, by planning condition. Licensing requirements apply for operational undertakings between 11.00 pm and 5.00 am. The operating hours appropriate for the site will therefore be determined by the licensing officer.*

Anti-Social Behaviour (page 59) - *The introduction of this facility into the area will increase natural surveillance, and the premises are usually also covered by security mitigation measures such as CCTV systems. The landowner (the applicant) has confirmed that he does have the necessary controls to close the retail car park and will do so if any such issues do arise.*

Litter (page 59) - *Litter bins should be placed in and around the forecourt / parking area to safeguard the appearance of the area and to deter pets and vermin, and this will be secured by planning condition.*

LPGN No.9 Summary (Page 59) *In summary, I do not consider the proposed development to conflict with the purposes of LPGN 9, nor does it conflict with any of the planning policies which the guidance seeks to amplify when the individual merits of the scheme are properly considered, and I find that the development is in accordance with the UDP Policy GDP1.*

Trees (page 59 - 60) - *The tree officer has been consulted as part of the application process and has confirmed that the amended proposal is acceptable.*

Listed Building and Archaeology (page 60) - *I can therefore confirm that there are no archaeological implications for the proposed development at this location. Further, the proposed development will not have a significant impact upon the setting of the nearby Grade II Listed Glyndwr University and the development accords with UDP Policy EC9.*

Drainage: (page 60/61) - *Both Welsh Water and NRW have been consulted as part of the applications. Neither consultee express any concerns in relation to the proposed development.*

Pollution: (page 61) – *I therefore have no reason to be concerned that the proposed use of the site will have a significant detrimental impact upon the environment, and the development of the site as proposed complies with the relevant UDP Policy GDP1 (f).*

Conclusion (page 65) - *I am satisfied that the proposal accords with the relevant UDP Policies PS1, PS2, PS3, PS4, GDP1, EC6, EC9, EC13, T8 and T9, and the advice set out in LPGNs 9, 16 and 17,*

Committee meeting

- 3.15 Members' discussion centred on traffic safety and parking confirming "local knowledge" was better than any professional officer and that they knew better than the highways specialists – despite repeated efforts of both the planning and highways specialists providing robust responses to all questions raised.
- 3.16 Discussions also related to LPGN 9 and the proximity of Plas Coch School to the development.
- 3.17 The Planning Officer and Highways specialists addressed all the comments from the debate and clarified how these had been addressed throughout the review of the application.

- 3.18 One member confirmed that he could not find any grounds to object, so would have to abstain.
- 3.19 An amendment was proposed to the recommendation for refusal to include the loss of parking, increase congestion and highways safety not in accordance with LPGN 9 – Hot Food Takeaways proximity to schools.
- 3.20 The chair concluded *“You will have heard from the Highways specialists and from the Planning Officer that the information that they have provided is based on sound surveys and so on and so obviously we need to bear in mind that if this is appealed, we could have ourselves in a bit of a problem in terms of justifying it, because whilst people are giving anecdotal evidence there has not really been any hard evidence coming forward and so I would just ask you to bear that in mind.”*
- 3.21 The amendment for refusal was voted first and the amendment was carried 9 votes for, 2 against and 3 abstentions. The permission was refused.

4.0 The Decision

The Reasons for Refusal

4.1 The application was presented to committee on the 7th June 2021 (committee report at Appendix B). The decision notice is dated 7th June 2021 (Appendix C) and was refused for the following reasons:

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. *The proposed development would result in the loss of 70 parking 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 the adopted Local Planning Guidance Note No. 16 - Parking Standards.*
3. *The proposed development lies within 400m of the boundary of Plas Coch Primary School. To allow the development would be contrary to the adopted Local Planning Guidance Note No. 9 - Hot Food Takeaways.*

5.0 Planning Policy

- 5.1 I set out below the key planning policies against which I consider the appeal should be assessed.

Planning Policy Wales

- 5.2 Planning Policy Wales (PPW) was published in February 2021, which sets out the land use policies of the Welsh Government and is supplemented by various Technical Advice Notes (TANs) relevant to the specific elements relating to the development. The primary objective is to the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.
- 5.3 Within the description of Sustainable Development, it is highlighted that *“a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs”*.
- 5.4 The Key Planning Principles are highlighted in Figure 4, which provides the five dimensions to “achieving the right development in the right place”:
- **Growing our economy in a sustainable manner** - to provide long term economic well-being, making the best use of the existing infrastructure and planning for new supporting infrastructure and services.
 - **Making best use of resources** – making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments.
 - **Facilitating accessible and healthy environments** – High quality places are barrier-free and inclusive to all members of society. They ensure everyone can live, work, travel and play in a way that supports good physical and mental health.
 - **Creating & sustaining communities** - Our communities need the right mix of good quality/well designed homes, jobs, services, infrastructure and facilities so that people feel content with their everyday lives.
 - **Maximising environmental protection and limiting environmental impact** - Natural, historic and cultural assets must be protected, promoted, conserved and enhanced.
- 5.5 The PPW further explores the key considerations for sustainable development and breaks down how these should be assessed, with a number of questions for Social; Economic; Cultural and Environmental Considerations in paragraph 2.28.

5.6 Chapter 3 explores design within the Strategic and Spatial Choices. This highlights the objectives of Good Design in Figure 8 and further analysed under the following headings:

- *Access and Inclusivity*
- *Environmental Sustainability*
- *Character*
- *Community Safety*
- *Movement*
- *Appraising Content*
- *Considering Design Issues*
- *Design and Access Statements*
- *Promoting Healthier Places*
- *The Welsh Language and Placemaking*
- *Climate Change, Decarbonisation, and the Sustainable Management of Natural Resources*
- *Placemaking in Rural Areas.*

5.7 Chapter 4 of PPW concentrates on Active and Social Places and a cohesive approach to development

5.8 Chapter 6 addresses distinctive and natural places, which highlights the importance of Green Infrastructure, Heritage assets, Flood Risk, Noise, Air Pollution, Lighting and Land Contamination.

[Wrexham Unitary Development Plan \(UDP\) 1996-2011](#)

5.9 The Statutory plan for the area is Wrexham UDP which was adopted on 14th February 2005.

5.10 The proposals map accompanying the plan does not allocate the subject site or the larger retail park with any site-specific proposals or restrictions. The committee report and the decision notice guide us to relevant policies, and these are detailed below. I have reviewed the plan and there are no further policies that need consideration.

5.11 The following policies support the proposal. The policies are:

Strategic Policies – The Broad Location of Development

Policy PS1 *New development for housing, employment, and community services will be directed to within defined settlement limits/employment areas.*

Policy PS2 *Development must not materially detrimentally affect countryside, landscape/townscape character, open space, or the quality of the natural environment.*

Policy PS3 *Development should use previously developed brownfield land comprising vacant, derelict or underused land in preference to the use of greenfield land, wherever possible, particularly so where greenfield land is of ecological, landscape or amenity value, or comprises agricultural land of grades 1, 2 or 3a quality.*

Policy PS4 *Development should maintain the existing settlement pattern and character and be integrated with the existing transport network to help reduce the overall need to travel and encourage the use of alternatives to the car.*

5.12 The subject site is located within the settlement boundary of Wrexham, will not detrimentally affect the countryside and relates to underused land, which will maintain the existing settlement pattern and character and be integrated with the existing transport network. The proposal accords with policies PS1, PS2, PS3 and PS4.

Development Objectives

Policy GDP1 *All new development should:-*

- a) *Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.*
- b) *Take account of personal and community safety and security in the design and layout of development and public / private spaces.*
- c) *Make the best use of design techniques, siting and orientation in order to conserve energy and water resources.*
- d) *Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.*
- e) *Ensure that built development is located where it has convenient access to public transport facilities, and is well related to pedestrian and cycle routes wherever possible.*
- f) *Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.*
- g) *Secure public services (e.g. gas, water, electricity) to development at minimum public cost.*

- h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest.*
- i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site.*
- j) Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity.*
- k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.*

5.13 Criteria a), b) and c) relate to Design. In considering the design principles for this development, the design team had taken into account the site specific design background of the local environs; the proposed use of the building as a restaurant; the amount of development proposed in relation to the surroundings; how the layout proposed fits within the natural and urban grain; how the scale of the proposal sits within the site and relates to the urban form in the surroundings; and the overall appearance of the scheme including the soft landscaping proposed. During the application, the design was further developed in line with comments from various consultees and the officer has confirmed within the committee report that the final proposal was acceptable in terms of scale and mass, in relation to the backdrop of much larger units within the retail park. The landscape design was further developed in line with comments from the Tree Officer and the SuDS Approving Body (SAB) and a detailed scheme evolved.

5.14 Criteria d) and e) relate to Highways Matters and are reviewed in detail within the next section.

5.15 Criteria f) relates to amenity. The closest residential properties are located approximately 150m from the subject site. Due to the degree of separation, no further mitigation was required in relation to noise odour or vibration and the Public Protection Team recommended conditions, which were included with the officer's recommendation. (Appendix B)

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.

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.

5.16 Criteria g) is not relevant to the development.

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- 5.17 The landscaping scheme and supplementary landscape drawings have included the existing beech hedge to boundary to be retained and enhanced in line with criteria h). (Appendix E – Drawing references 17229-VL-McD_L01 D - Landscape Plan_A1 [Planning], 17229-VL-McD_D01 B- SuDs Tree Planting Detail_A2, 17229-VL-McD_L02 - Rain Garden Planters Plan_A2 [Planning])
- 5.18 Additional information was provided during the application, in line with levels, drainage and landscape drawings which were also required for the SAB process. Furthermore, a PH1 Desk Study & Ph 2 Geo-environmental Site Investigation was submitted with the application to demonstrate that the development falls within the parameters of criteria i).
- 5.19 All signage and road markings have been included bilingually in both Welsh and English, in line with criteria j). This has also been included as a condition within the officer's recommendation.

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

- 5.20 Criteria k) has been reviewed in further detail in the next section of the report due to the links to LPGN 9.
- 5.21 The proposal accords with all the relevant criteria of Policy GDP1, which is reinforced throughout the committee report.

Hedgerows Trees and Woodland

Policy EC4 Development proposals should provide for the conservation and management of hedgerows, trees, orchards, woodland, wildlife and other natural landscape and water features, and include new planting in order to enhance the character of the landscape and townscape. Development which results in the loss or significant damage to valuable trees, important hedgerows or ancient woodland sites will not be permitted.

Policy EC6 Development either within or close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development outweighs the need to safeguard the intrinsic nature conservation value of the site. Where such development is permitted, damage should be kept to a minimum, and compensatory measures should be provided. Measures to improve the biodiversity value of sites and enhance their natural conservation interest and landscape quality including the establishment of local nature reserves, will be supported.

- 5.22 The appeal site is subject to two TPOs - WCBC 69/2002 and WCBC 264/0216. During the application, the site was redesigned in light of consultation comments from the Tree Officer,

who has confirmed overall acceptability for the scheme. The proposal accords with policies EC4 – Hedgerows, Trees and Woodland and EC6 – Biodiversity Conservation.

Listed Buildings of Special Architectural or Historic Interest

***Policy EC9** Alterations or additions to, and development or redevelopment within the curtilage of, buildings or structures listed as of special architectural or historic interest must respect the setting and character of the listed buildings or structures.*

- 5.23 During the application, Clwyd-Powys Archaeological Trust (CPAT) were consulted, due to the subject site's proximity to an area of Roman period activity. CPAT confirmed that this area was investigated in 1996 (Geophysics and evaluation trenching) and no significant archaeology was identified. They confirmed that there would be no archaeological implications for the proposed development in this location. The proposal accords with policy EC9.

Surface Water Run-Off

***Policy EC13** Development which would result in an unacceptable adverse impact on the water environment due to additional surface water run-off will not be permitted.*

- 5.24 Welsh Water and Natural Resource Wales were consulted during the application, who had no objection to the scheme, in line with the recommended conditions. Our client worked with the authority and in accordance with Flood and Water Management Act 2010 Schedule 3 (Wales), the Sustainable Drainage System was approved on 4th June 2021. (Appendix F) The proposal accords with policy EC13.

Parking and Walking, Cycling and Horse-Riding Routes

- ***Policy T8** 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.*

Where implementation difficulties arise in making parking provision on-site or nearby, the Council will require a developer to make financial contributions for measures to assist public transport, or walking and cycling as appropriate.

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- **Policy T9** *Development proposals will be required to provide walking and cycling routes, where feasible and appropriate, that link with existing or proposed walking and cycling routes, and integrate with the public transport system. Opportunities for horse riding along these routes will be secured where appropriate.*

5.25 Policy T8 and T9 relate to Highways Matters and are reviewed in detail within the next section.

Local Planning Guidance Notes (LPGN)

5.26 LPGN No. 9 - Hot Food Take-Aways was adopted in December 2011 and will be further reviewed in the next section.

5.27 LPGN No. 16 – Parking Standards was adopted in July 2018 will be further reviewed in the next section.

5.28 LPGN No. 17 – Trees and Development was adopted in September 2000 and most recently updated in December 2012. This guidance notes relates to Policy EC4, which has been considered above and shown that the development accords with this policy and subsequently this LPGN.

Conclusion

5.29 In the light of the policies detailed above, the proposal accords with the UDP and is supported by it. The contested policies are considered in the following section.

6.0 Assessment of the Proposal Against the Planning Policy

- 6.1 This section of my statement sets out my professional assessment of the relevant policy in context to the proposed development.
- 6.2 Section 5 of my statement sets out relevant planning policy in relation to the proposal and comments on those in support of the proposal and are uncontested. I consider the proposal below with reference to the policies that are referenced in the decision notice. My professional assessment of the proposal will start with a consideration in relation to national policy. This is followed by an assessment of the key policy and guidance notes referenced in the decision.

Assessment of Sustainability

- 6.3 I have set out in the preceding section of this document the key dimensions to sustainable development that are the overarching objectives running through Planning Policy Wales and as set out in adopted policy GDP 1(k). The proposed development accords with these principles.
- 6.4 In line with para 2.27 of PPW, *“Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.”* The four considerations referenced in PPW are reviewed below:

Social Considerations

- 6.5 McDonald's is committed to being a valued and responsible member of the communities in which it operates. Alongside strong staff training programmes and environmental initiatives, McDonald's also supports Ronald McDonald House Charities (RMHC) and encourages young people to lead more active lives.
- 6.6 McDonald's has a track record of enabling and encouraging young people to participate in sports, including a long tradition of supporting community football and Olympic sponsorship
- 6.7 The proposal will create and attract strong social links with the local community. The planning statement submitted with the application sets out details of McDonald's local sports sponsorship, open farms programme, 'love where you live' programme and support of Ronald McDonald House Charities. In addition, the restaurant provides a family destination for local residents. Other examples include support for employees, free Wi-Fi and full accessible access.

Training

- 6.8 McDonald's commitment to employee education incorporates both internal training programmes and externally recognised qualifications. The McDonald's training philosophy centres on career long learning – "from the crew room to the boardroom". McDonald's is recognised as a "heavy lifter" by the Work Foundation as it recruits on the qualities not the qualifications of applicants.
- 6.9 McDonald's also provides an internal management training programme, which upon successful completion, allows the candidate to progress to be a Business Manager or Operations Consultant. Nine in ten of the Business Managers started with McDonald's as crew members and a third of the executive team started their career in one of their restaurants, as did many of the franchisees
- 6.10 Crew members also receive ongoing training of which regular assessment forms a part. The ratings from these assessments are then discussed at each employee's performance review. McDonald's invests over £43 million annually in training and those employed at the proposed restaurant would be given the chance to undertake training and development, including the opportunity to gain nationally recognised qualifications in hospitality, literacy and numeracy.
- 6.11 Key to delivering this is the company website for employees – ourlounge.co.uk, which acts as a support facility allowing online shift scheduling, providing career advice and an online learning programme. Critically, McDonald's was given official awarding status by the Qualifications and Curriculum Authority in 2008, which affords the ability to develop and award its own nationally recognised qualifications. The first qualification that McDonald's offered is a Level 3 Diploma in Shift Management, which over 8,700 Shift Managers have completed to date. From May 2017 McDonald's began offering a new suite of qualifications providing flexible development routes throughout an employee's career, including:
- A level Two Apprenticeship which is aligned to the entry level Crew role.
 - A level Three Apprenticeship which is aligned to the Shift Management position.
 - A Level Six (BA Hons) Chartered Manager Degree Apprenticeship at Level Six which is aligned to their career path to become a Business Manager with Manchester Metropolitan University.
 - Stand-alone Maths and English qualifications delivered by specialist teachers for Apprenticeship applicants without the necessary Maths and English skills to go straight onto an Apprenticeship.
- 6.12 McDonald's has an ambitious apprenticeship scheme and at the close of National Apprenticeship week 2020, McDonald's celebrated reaching 300 Apprentice graduates. For 2020 alone, there were over 700 apprentices in learning, and one of the programs has received extensive recognition at the 2019 School Leaver Awards.
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- 6.13 Since 2018, McDonald's have offered a Chartered Business Management degree from Manchester Metropolitan University and Glasgow Caledonian University for managers and young people as part of their award-winning school-leaver apprenticeship programme. The course allows McDonald's employees to combine working in a restaurant with time spent at university learning theory and gaining a wider business perspective. The entire degree is paid for by McDonald's and students are rewarded with a competitive salary while they work in the restaurant too. There are currently have over 140 managers on their way to completing a degree apprenticeship, with a further 13 due to graduate this year.
- 6.14 Each qualification gained through the schemes offered by McDonald's adds to the employee's CVs and builds their skills, competencies and confidence. They are then able to transfer what they have learned, should they wish to take on other roles in sectors such as hospitality, retail and business management.
- 6.15 As part of the global goal to remove the barriers to work for young people, McDonald's have been working closely with Youth Employment UK and in November 2018 were awarded the YEUK Youth Friendly Employer Award. This is a quality kitemark that assesses organisations against the best practice framework. The award supports organisations to embed a youth-friendly employment culture to help create a motivated and diverse future workforce.
- 6.16 McDonald's have also continued to be recognized in 2019/20 by both the Times top 100 Graduate Employers and the Guardian UK300 Top Graduate Employers.
- 6.17 The UK 300 lists the top 300 graduate employers, as voted for by students. An independent survey of university students is conducted to capture their opinions and attitudes towards employers and job hunting - 74,746 students and graduates responded. McDonald's are listed 227th,
- 6.18 The Times Top 100 Graduate employer rankings are compiled from interviews with over 19,000 graduates who left university in 2018, who were asked: "Which employer do you think offers the best opportunities for graduates?" More than 70,000 copies of The Times Top 100 Graduate Employers directory are distributed free-of-charge to student job hunters at fifty key universities across the country. Listed 88th this year.
- 6.19 McDonald's have also been awarded at the School Leavers Awards 2019. These awards celebrate the top employers for school and college leavers who offer the best UK apprenticeships and school leaver programmes; as well as those who excel in areas such as job satisfaction, career progression, training and company culture. This year we won in the following categories:
- Top Employer for School Leavers
 - Top Employer - Small School Leaver Intake
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- Top Employer - Hospitality & Tourism
- Best Job Satisfaction
- Best On-the-Job Training

6.20 With 90% of restaurants run as a local business by local franchisees, McDonald's takes pride in working with local communities in which they operate. McDonald's is a long-standing partner of the FAW, supporting the grassroots game in Wales for the past 18 years. Locally this has meant that McDonald's and their franchisees have supported local grassroots clubs with donations of kit and equipment. The McDonald's Football Programme has also provided free 'Fun Football' sessions at Colliers Park and The Rock Stadium (Cefn Druids FC), giving the opportunity for boys and girls aged 5 – 11 to have their first taste of football. McDonald's also supports Keep Wales Tidy and their many anti – litter campaigns and locally in Wrexham have organised a number of clean ups.

Economic considerations

6.21 The significant investment of the proposed development will support the wider Wrexham local economy. The latest figures available show that McDonald's contributed £6.0 million to the economy in Wrexham. Of this total, 60% is associated with the value of the sold in restaurants and the remaining 40% is the value of expenditure with suppliers and driven by the multiplier effect of employees in their company-owned and franchised restaurants, and employees supported by the supply chain, spending their wages in the local economy.

6.22 In 2017, McDonald's supported 287 jobs in Wrexham; 231 in their restaurants and 56 in the supply chain and in the wider economy.

6.23 McDonald's buy packaging from Welsh companies Seda UK and Transcend Packaging. Welsh farmers also benefit from £15 million worth of income from McDonald's every year for products including beef, milk, pork and animal feeds.

6.24 The appeal proposal brings the economic benefit of at least 65 full and part time jobs and excellent training programmes.

6.25 People are at the heart of the business and, as a responsible and proud employer, McDonald's are committed to investing in them. To ensure the needs of all staff are met, and so attract and retain the best talent, the range of employment options has been expanded, with the Guaranteed Minimum Hours Contracts (GMHC) rolled out to all UK restaurants.

- In the workplace, flexibility, opportunity, equality and development are promoted.

- Over 85% of McDonald's employees have said that they love the flexibility their job offers them.
- 90% of Business Managers started as Crew Members.

33% of the Executive team started their career in one of their restaurants

Cultural considerations

- 6.26 All signage and road markings within the development will be bilingual and within the restaurant are facilities for customers to order their meals in a number of different languages on the Self Order Kiosk and are proud that this has allowed members of the public to order in Welsh. The corresponding software allows this facility to be used by members of the public and enhancing the operation of the store.

Environmental Consideration

- 6.27 The restaurant will play a positive approach to its environmental role. The planning application details McDonald's approach to the environment both in terms of construction and ongoing operation of the store.
- 6.28 The development will reuse a brownfield site. It is accessible by a range of modes of transport with the provision of cycle storage for customers and staff.
- 6.29 In terms of construction, the environmental considerations include the selective use of materials and modern methods of construction to reduce waste; the inclusion of building energy management systems; 100% green energy supply generated off site; installation of waterless urinals which save 150 million litres of water per year nationally and inclusion of a sustainable drainage system (SUDS), which has been separately approved by SAB.
- 6.30 McDonald's have their own environmental standards for design and construction, details of which are set out in the planning statement submitted with the application. McDonald's assessed their existing restaurants with environmental and energy consultants ECOFYS to investigate improved performance of new restaurant buildings. This has resulted in McDonald's setting their green building guidelines.
- 6.31 In addition to the above, I have set out further details of other environmental measures McDonald's make in the Planning Statement submitted with the application. These include:
- Recycling of cooking oil to biodiesel;
 - Building management system to efficiently operate lighting and air conditioning;

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- Use of low energy LED lighting throughout;
 - Kitchen standby reminders;
 - SUDS drainage
 - A number of photovoltaic cells provided on site
 - Use of solar gain/shielding

6.32 Substantial emphasis is placed on recycling once the restaurant is opened. This includes 100% recycling of corrugated cardboard, with 72% of packaging being from recycled resources, and items such as drink carriers, bags, napkins, and toilet paper made from 100% post-consumer material. Further details are set out in the planning statement submitted with the application (Extracts included at Appendix G). In addition, the proposed restaurant will incorporate recycling of customer waste with the provision of separated waste bins for liquid, food and paper waste.

6.33 Waste cooking oil from the restaurants is collected by the delivery vehicle and later recycled as biofuel. This is then used in the delivery fleet, providing a carbon saving of around 8,209 tonnes per annum.

6.34 A further review was carried out on transactions at a neighbouring restaurant and submitted to the authority as a Committee Brief (Appendix H) to ascertain the current trade traveling from the Wrexham area, which included: *"It is important to highlight that currently 22% of our trade at our restaurant in Chirk comes from the city of Wrexham. This represents Wrexham residents traveling in excess of 48,000 miles per year which amounts to 9.5 tons of CO2 being released into the atmosphere."*

6.35 I have demonstrated above that the key factors included for the assessment process in paragraph 2.28 have been addressed and thus the proposal is considered sustainable development. The proposal allows for *"the promotion of the economic, social and environmental well-being of the area"* and thus accords with national policy and policy GDP 1(k),

6.36 I therefore conclude that the development accords with national and local policy.

6.37 In the light of these positive conclusions, I consider below the issues raised by members in their reason for refusal.

Reasons for refusal

Reason 1 - Traffic congestion

- 6.38 Catherine Chapman has provided evidence as attached as document 1 relating to highways matters. Given the specialist nature of the subject I am reliant upon her comments in relation to this appeal. A detailed response has been included in Chapter 9.0 of this document, which reviews the proposal, including the mitigation measures to be introduced. I understand that through the analysis and conclusions of her review that it has been demonstrated that there is *“no justifiable, technical or planning basis to support the refusal of this application.”* and therefore the proposal accords with policy.

Reason 2 – Parking Matters

- 6.39 Catherine Chapman has provided evidence as attached as document 1 relating to highways matters. Given the specialist nature of the subject I am reliant upon her comments in relation to this appeal. A detailed response has been included in Chapter 10.0 of this document, which reviews the policy and shows accordance with the Parking Standards, in line with parking surveys carried out on site. I understand that through the analysis and conclusions of her review that it has been demonstrated that *“the second reason for refusal is not justifiable, technically without foundation and has no planning merit to support the refusal of this application.”* and therefore the proposal accords with policy.
- 6.40 For both reasons 1 and 2 members have relied on their own “local knowledge” of highways. This ignores evidence from both professional highway’s experts involved in the application and makes a mockery of their input. Such an approach has previously been considered at an appeal on behalf of McDonald’s in Coventry earlier this year. Appeal APP/U4610/W/20/3265208 (attached as Appendix I) and the associated costs application confirm at paragraphs 5 to 9 that without substantial highways evidence to back up any contention “local knowledge” is not robust evidence and in short was found to be unreasonable behaviour.

Reason 3 – Proximity to Plas Coch Primary School

Introduction

- 6.41 In considering reason for refusal three, I will first evaluate whether the development lies within 400m of the boundary of Plas Coch Primary School and whether the development is contrary to the adopted Local Planning Guidance Note No.9.
- 6.42 Once I have undertaken the above, for completeness I have included additional sections reviewing the rest of the guidance, to demonstrate that the spirit of LPGN 9 has been fully

reviewed, should the Inspector disagree that the proposal doesn't comply with the guidance. Each subsection of the guidance has been reviewed and addressed under the corresponding headings.

Guidance LGPN 9

- 6.43 The council have referenced Local Planning Note No. 9 (LGPN9) – Hot Food Takeaways within the reason for refusal. As stated within the committee report *"The advice contained within this note is not planning policy, but is guidance used to amplify planning policy (GDP1), community strategies, and more broadly the Healthy Eating and Being More Active Strategy and other more recent National Strategies. It has been formally adopted by this Council and, whilst it doesn't carry as much weight as planning policy, it is a material consideration in the determination of this application."* (Appendix B)
- 6.44 I concur with officers. LGPN 9 is a material consideration in determining the application. The weight attached to the guidance is for the decision maker. Whilst adopted we have not been able to establish the level of public consultation or scrutiny the guidance document underwent. We are willing, and dutifully suggest, the guidance be given reasonable weight but would hope the council could provide the relevant details.
- 6.45 The proposal accords with the guidance highlighted within LGPN 9.

General Location

- 6.46 The key point that was referenced during the committee debate relates to the general location of a new hot food takeaway, in particularly the third point cited in the reason for refusal, which states *"New hot food takeaways should not be located in:*
- *Wrexham town centre (principal shopping streets) if they are detrimental to the character, vitality or viability of the area;*
 - *predominantly residential areas;*
 - *within 400 metres of the boundary of a school or tertiary college"*
- 6.47 Wrexham Glyndwr University is located on the other side of B5101, Plas Coch Road, but University or adult education is not included in the guidance and is not considered a tertiary college.
- 6.48 The nearest school to the site is Ysgol Plas Coch, which is a Welsh medium school, with children ranging between the age of 3 – 11 years. LGPN 9 specifically highlights *"New hot food takeaways should not be located in: within 400m of the boundary of a school"*.

- 6.49 The guidance is not explicit on where the measurement within the site should be taken, whilst clear that it is to the boundary of the school. If the guidance was applied to a town centre style restaurant it would be to the door. If a supermarket with 50m of parking to the front, then it would still be to the door. One still has to walk to the entrance. The same approach should apply in this instance and the measurement should be to the entrance.
- 6.50 Table A includes all the relevant measurements. I have included the “crow flies” distance for the sake of completeness. However, the issue here is walking distances for potential customers. In my view the relevant distance measurement is to the entrance to the restaurant, since this is the distance that needs to be walked. The entrance to the McDonald's building is shown as 462m and the restaurant therefore falls outside the guidance. The planning note LGPN 9 does not bite.

Table A Distances to School from the boundary of Ysgol Plas Coch

	McDonald's Boundary	McDonald's Building Entrance	McDonald's Pedestrian Entrance
Crow Flies	304m	330m	358m
Walking Distance	337m	462m	425m

- 6.51 For the above reasons, the proposal complies with planning guidance (LPGN 9) on distances to schools, which was stated within the reason for refusal. Notwithstanding these findings, I further examine the intention behind LPGN 9, in light of the comments of the planning officer and I concur with the officer who concludes that *“I do not consider the proposed development to conflict with the purposes of LPGN 9, nor does it conflict with any of the planning policies which the guidance seeks to amplify with the individual merits of the scheme are properly considered.”*
- 6.52 Should the Inspector consider the proposal falls outside the guidance because of the distance measurement, the following sections become redundant.
- 6.53 LPGN 9 identifies Hot food takeaways as an “establishments whose primary business is the sale of hot food for consumption off the premises.” The application relates to “Erection of Free-Standing Restaurant with Drive Thru Facility, Car Parking, Landscaping and Associated Works Including Customer Order Displays.”
- 6.54 The officer confirms in the committee report *“Proposed here is a Restaurant for the consumption of hot and cold food on the premises, with a drive thru facility for the consumption of hot and cold food off the premises. The standard menu for a McDonald restaurant provides a variety of food including healthy options to allow healthy eating choices to be made. Given that the restaurant element of the proposals is not relevant to the*

guidance, it is the impact of the drive thru facility and take out option only that will be considered against this guidance.” (Appendix B)

- 6.55 From the data extrapolated by ADL for the Transport Assessment, an analysis can be made to show that on Friday and Saturday an average of 60% of food purchased at the counter is dine in customers and this split does not dip below 50% during the whole period. (Appendix J). Thus, in terms of the counter sales, the majority of customers relate to the restaurant element and not included within the parameters of LPGN 9.
- 6.56 This data further shows that the takeaway meals purchased from the counter equates to an average of 27% of all takeaways from a store on Friday and Saturday, with the greater proportion of transactions for food consumed off the premises being purchased through the drive thru facility or delivery service. (Appendix J) This demonstrates that the significant proportion of takeaway transactions could not be completed without an adult.
- 6.57 LPGN 9 provides general guidance on *“Developments which results in the loss of or significant damage to residential amenity, quality of life, community health, traffic movement or highway and pedestrian safety will not be permitted.”* These points have been addressed throughout this statement.

Healthy eating

- 6.58 During the application, additional information was submitted to support the range of options available on the McDonald's menu and extracted below.
- 6.59 McDonald's strongly believe that a business of their size has a responsibility to use its scale for good. As a consumer driven business, they work extremely hard to understand the lives of their customers, particularly families, and the role that food and drink plays for them. As a result, McDonald's are uniquely placed to help customers make informed choices and think carefully about the nutritional information provided.
- 6.60 McDonald's customers are increasingly health conscious and careful about what they eat. Therefore, McDonald's goal is to help them understand what they are consuming and to assure them that the ingredients have been sourced responsibly. When it comes to their food, they believe their role is to make it easier for customers to balance health, taste and value. That is why McDonald's have built their strategy on three core principles: choice, information and improving the nutritional profile of existing products. That means:
- Providing people with a range of food that allows them to make a choice appropriate for any occasion, whether that is a treat or a healthy everyday option.
 - Providing Information to help customers understand what they are eating.

- Reformulating their food products to reduce saturated fat, sugar and salt, while not compromising on flavour.
- 6.61 McDonald's are proud of the impact they have already had in helping customers better understand their choices. McDonald's have been providing customers with nutritional guidance for over 30 years and have included calorie information on their menus since 2011, at the time becoming the largest company in the sector to ensure customers have access to visible calorie information.
- 6.62 Calorie information is clearly displayed under each item on the digital screens within McDonald's restaurants and on their website and click and collect app and this information allows customers to select an order that fits with their own dietary plans and nutritional requirements. The information also allows customers to personalise the items in their order, such as replacing a hash brown with a fruit bag at breakfast or fries with a salad at lunch.
- 6.63 Reformulating existing items on the menu has been another area of investment. 54% of McDonald's menu is classified as non-HFSS (not high in fat, salt or sugar) and 89% of items on their core food and drink menu contain under 500 calories.
- 6.64 The Happy Meal has also evolved. Today, 72% of items on the Happy Meals menu are non-HFSS, and in 2014, McDonald's trialled "Free Fruit Fridays" resulting in 3.7 million portions of fruit being handed out. As a result of that trial, discounted fruit is now available with every Happy Meal and in the last 12 months over 4 million Happy Meals were sold with a Fruit Bag or Carrot Sticks.
- 6.65 Recent years have also seen the introduction of new menu items. Porridge, salads and grilled chicken wraps now sit alongside menu items McDonald's has traditionally been famous for, such as Chicken McNuggets, the Big Mac and the Fillet-O-Fish.
- 6.66 Products classified as high in fat, salt or sugar - according to the UK Nutrient Profiling Model - are never marketed to children across any media channel, at any time of day. Since 2007, adverts featuring a Happy Meal have included food and drink such as carrot sticks, fruit bags, milk or water, and we restrict out-of-home advertising to avoid being within 200 metres of a school – double the industry standard. But McDonald's also believe that advertising and marketing can play an important part in driving behaviour change. It can increase information and transparency, nudge customers towards certain food choices, and support further reformulation by driving sales.
- 6.67 A recent initiative has highlighted this potential. In December 2017, McDonald's launched their 'Meals Under' 400 calories and 600 calories offer, and in the past 12 months have seen a 102% rise in the number of side salads being purchased with a meal instead of fries. In total, there are over 400 'Meals Under' bundle options for customers to choose from.

- 6.68 McDonald's investment in digital self-order screens has also supported their customers in making informed choices. Since their introduction, and a review of how they present their menu, they have seen 1.3 million bottles of water purchased instead of a sugary drink and 1.4 million more Fruit Bags bought with a Happy Meal.
- 6.69 McDonald's have also changed their menu to reflect a growing desire from customers to see a greater number of vegetarian options. In 2019, they launched the Vegetarian Happy Meal Wrap and Spicy Veggie Wrap at 209 calories and 364 calories, respectively. Both items are not high in fat, sugar and salt and are Vegetarian Society Accredited. Their introduction means they are now better equipped to meet the requirements of this growing consumer trend.
- 6.70 In summary, McDonald's has very high standards and credentials and is a completely different type of restaurant to the small, independent takeaway facility of the kind that the Council's guidance appears to be aimed at.

Proximity to schools and tertiary colleges

- 6.71 As stated above, Ysgol Plas Coch is a Welsh medium school, with children ranging between the age of 3 – 11 years. The catchment area for the school is large and have been advised that most pupils will be travelling to and from school with an adult by car. Two surveys were carried out to ascertain the breakdown of school pedestrians on Friday 9th July 2021 and Friday 24th September 2021. (Appendix K)
- 6.72 Notwithstanding the fact that the proposal complies with the distance requirements set out in guidance, Table B demonstrates that there were no unaccompanied school children recorded passing the site on either date either on their way to or from school.
- 6.73 Table C and D surveyed the breakdown of pedestrians on the surrounding network in July and September. The data demonstrates that whilst there has been an overall increase in pedestrian activity in the area, the number of unaccompanied children has reduced from 4 in July to 0 in September in the morning and 5 in July to 4 in September in the afternoon. The unaccompanied school children's movements do not match AM and PM so there may be some children walk in the morning but are picked up in the afternoon or vice versa. In September 2021, the percentage of unaccompanied children relates to approximately 1% of the overall pedestrian traffic in the surrounding area.

Table B Pedestrian Movements Past Site

Plas Coch Road Road	Location Passing site	Am Peak 08:00-09:00 Hours			Pm Peak 15:30-16:30 Hours		
		Adults	Children	Unaccompanied Children	Adults	Children	Unaccompanied Children
09/07/2021		15	4	0	15	1	0
24/07/2021		16	6	0	25	3	0

Table C Pedestrian Movements To/From School – July 2021

Road	Location	Am Peak 08:00-09:00 Hours			Pm Peak 15:30-16:30 Hours		
		Adults	Children	Unaccompanied Children	Adults	Children	Unaccompanied Children
Plas Coch Road	South of Stansty Road	36	10	2	28	2	2
Plas Coch Road	East of Stansty Road	43	12	0	33	9	3
Stansty Road	North of Plas Coch Road	39	22	2	23	11	5
Colliery Road		14	6	0	13	2	0
Stansty Chain Road		8	4	2	8	0	0
Total		61	32	4	44	13	5

Table D Pedestrian Movements To/From School September 2021

Road	Location	Am Peak 08:00-09:00 Hours			Pm Peak 15:30-16:30 Hours		
		Adults	Children	Unaccompanied Children	Adults	Children	Unaccompanied Children
Plas Coch Road	South of Stansty Road	32	15	0	45	28	0
Plas Coch Road	East of Stansty Road	46	18	0	41	29	2
Stansty Road	North of Plas Coch Road	65	33	0	58	57	2
Colliery Road		10	4	0	33	17	1
Stansty Chain Road		7	1	0	7	3	0
Total		82	38	0	98	77	3

- 6.74 The Council's guidance note states "*Whilst pupils in primary education are not allowed out of school premises during the school day, research indicates from the most popular time for purchasing food from shops is after school.*" It is unclear which research is being referenced in this statement. However each case must be looked at on its own merits. Based on the age range of pupils and the pedestrian survey carried out, the numbers of pedestrian school children are relatively small and nearly all of them would be accompanied by an adult.
- 6.75 The proposal is sited within an existing retail park, which has various other options of food available. The addition of the proposed restaurant will only add choice, including healthy options and nutritional information designed to support healthy choices by McDonald's customers.
- 6.76 In summary, my view is that the location of the restaurant falls outside the council's guidance note so that it does not apply to the appeal. If it does apply, then the circumstances of the site and its surroundings mean that harm the guidance intends to avoid will be avoided. Finally, it is to be noted that the key issue is whether limb (k) of development plan policy

GDP1 is complied with. This limb of policy concerns sustainability generally, and as I have explained the sustainability credentials of the proposal are very sound. Policy GDP1 is complied with. Further matters relevant to the wellbeing of the area (and hence limb (k) of GDP1) are set out below.

Highways Safety and Parking

- 6.77 This has been addressed by Catherine Chapman in Document 1 – Proof of Evidence: Transport Assessment

Hours of Operation

- 6.78 Due to the distance from any residential properties, it was not considered necessary to restrict the hours of opening of the restaurant or drive thru facility. Furthermore, any operations between 11.00pm and 5.00am would be controlled by licensing which could amend, if required.

Control of Odours and Cooking Smells

- 6.79 An Odour Control specification was submitted with the application and the Public Protection Service Manager recommended conditions for inclusion in the decision. The conditions were included on the officer's recommendation and included in the committee report. (Appendix B)

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.

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.

Disposal of Waste Products

- 6.80 There is a large corral area sited at the northeast of the site, (Drawing 73961_AEW_8014_1004C), with a refuse compactor and a number of wheeled bins and

cages for recycling waste products (Drawing 73961_AEW_8014_1006). The corral is designed to integrate with the building to maximise operations (Drawing 73961_AEW_8014_1005B). Drawings included in Appendix E.

- 6.81 A condition was included within the officer's recommendation for the inclusion of a grease trap (Appendix B)

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

Litter

- 6.82 McDonald's is committed to tackling litter in as many different ways as possible. It is company policy to conduct a minimum of three daily litter patrols, whereby employees pick up not only McDonald's packaging, but also any other litter that may have been discarded in a 150m vicinity of a restaurant. This may be expanded to suit local needs.
- 6.83 Litter bins are provided outside all restaurants, and packaging carries anti-littering symbols to encourage customers to dispose of litter responsibly. Anti-littering signage is displayed within restaurants and car parks, and support is given to Keep Britain Tidy, Keep Wales Tidy, Keep Scotland Beautiful, Keep Northern Ireland Beautiful and Capital Clean-up.
- 6.84 McDonald's also supports Keep Wales Tidy and their many anti – litter campaigns and locally in Wrexham have organised a number of clean ups.
- 6.85 Since 2011, McDonald's have carried out over 3,000 events across the country involving over 80,000 volunteers. Individual restaurants also undertake their own anti-littering initiatives, such as litter picking sessions in local parks and open spaces with local community groups. It is estimated that McDonald's employees across the UK walk almost 3,000 miles a week completing litter patrols, a total of 150,000 miles a year.
- 6.86 A condition was included within the officer's recommendation for a scheme of litter bins to be submitted prior to the occupation of the development. (Appendix B)

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.

Safety, Crime and Anti-Social Behaviour

- 6.87 The restaurant shall maintain a strict protocol for ensuring noise and disturbance is kept to a minimum. All shift managers shall receive conflict resolution training sufficient to ensure they can deal effectively with noise or anti-social behaviour. Good management training and practices, in combination with appropriate physical security equipment, will reduce the risk of crime and disorder.
- 6.88 Tackling Anti-Social Behaviour is a key part of delivering the best possible customer experience. Tackling Anti-Social Behaviour is also key in delivering their duty of care obligations to their people, providing a great place to work where employees feel energised, safe and valued.
- 6.89 External complaints are taken extremely seriously and in extreme cases the restaurant manager will liaise with the Council and Police to discuss noise and behavioural mitigation measures if the current proposal is not effective. The restaurant management is keen to work in partnership with the local Police in order to prevent crime and disorder in the local area, this will include such tasks as providing witness statements to the Police in the event of disorderly behaviour, as well as providing CCTV footage for evidence.
- 6.90 McDonald's succeeds in protecting customer and staff safety to the highest degree and has developed the best training in the industry, including accredited staff training to empower employees to deal effectively with issues they might face when operating at night. McDonald's is committed to supporting their communities to be safe at night, for all restaurants to have a positive impact on the area and to be a safe and welcoming place for all.
- 6.91 McDonald's understand that where they have a late-night trade, they have a responsibility to the local community and continue to go above and beyond industry practice to protect staff and customers from adverse consequences. There can be or there is a false perception by the local authorities and police forces that restaurants are hotspots for anti-social behaviour, nuisance, disorder and crime, and McDonald's takes a number of steps to manage any issues as effectively and proactively as possible, through robust and thorough systems and practices, together with partnership working with all responsible authorities.
- 6.92 McDonald's also work hard with the local community to achieve a good working relationship with their neighbours, coupled with their open and proactive approach to the introduction of voluntary and innovative measures to mitigate any issues that arise during licensable, minimises the need for a regulatory burden to be placed on restaurants that open at night.
- 6.93 The management team are trained to monitor the car park, to ensure that customers who cause any undue disruption or noise are asked to leave the premises immediately, or if

necessary, the Police will be alerted. Further to this, the restaurant operates an extensive digital CCTV system with external cameras to monitor and deter anti-social behaviour.

- 6.94 The CCTV system can also be used to capture footage of customers' vehicle registration plates, in the event that they act in an anti-social manner or litter on the site. This footage can then be passed on to the Police or local council for further action. Incidents of anti-social behaviour are kept to an absolute minimum through strategies such as staff training in dealing with issues, liaison with community police officers and use of CCTV cameras where necessary.
- 6.95 In conclusion, I have demonstrated that the proposal complies with the 400m distance requirement from the school, when measured in accordance with the guidance. I have demonstrated McDonald's responsible approach to every subsection of the guidance. Not only does the proposal accord with the requirements of LPGN9 on the ground, it also complies with the spirit of the guidance. Finally, the key question concerns compliance with the environmental and wellbeing limb of policy GDP1, which is limb (k). For the reasons given, there is ample evidence to demonstrate compliance with this aspect of the development plan.

7.0 Conclusions

- 7.1 I have demonstrated that the proposed restaurant accords with the principles of sustainable development and respects and accords with and is supported by local plan policy.
- 7.2 For the reasons given by Mrs Chapman in document 1 the issue of highways set out in reason for refusal 1 and 2 highways matters have been suitably addressed.
- 7.3 In addition, I have considered other material considerations, including the councils document LGPN9. The walking distance from the school boundary to the entrance of the proposal is 462m. The proposal complies with planning guidance.
- 7.4 I have further demonstrated my client's approach to healthy eating as far as this is material. The proposals will support healthy eating and lifestyles by providing nutrient in all information and offering healthy choices to consumers. The retail park provides a varied of food options and this proposal will only add choice.
- 7.5 The pedestrian survey showed no unaccompanied children passing the site and the overall of unaccompanied children within the surrounding area was negligible.
- 7.6 Highways Safety and Parking has been included within Document 1 – Proof of Evidence: Transport Assessment
- 7.7 All other aspects, inclusive of hours of operation, controls of odours and cooking smells, disposal of waste products, litter and antisocial behaviour have been reviewed and the inclusion of conditions included within the officer's recommendation are acceptable.
- 7.8 In the light of the above, the proposal complies with the development plan and the appeal should be allowed.

8.0 Summary

- 8.1 My name is Matthew Carpenter. I hold a Bachelor of Arts Town Planning Degree from Oxford Polytechnic and a Post Graduate Diploma in Planning from Oxford Brookes University.
- 8.2 The site description and details of the surrounding area are set out by the council in their original committee report for the site (Appendix B).
- 8.3 The proposal will conservatively generate at least 65 full and part-time jobs (at least 45 full time equivalent).
- 8.4 The application subject to this appeal was recommended to be approved by both highways and planning officers but was refused by members at planning committee on the 7th June 2021. In summary the reason for refusal relate to highways and proximity of the proposal to a school.
- 8.5 The proposed development promotes sustainable development in accordance with Planning Policy Wales and accords with local and national policy on sustainable development.
- 8.6 The principle of development accords with local planning policy.
- 8.7 Highways issues have been considered by Catherine Chapman who concludes that *“there is no technically justifiable reason why the planning application should have been refused on transport grounds. It is requested that the Inspector does not dismiss this Appeal on traffic, transport, parking or highways grounds.”*
- 8.8 The reason for refusal in relation to the proximity of schools is unjustified. The walking distance from the boundary of the school is over the 400m specified in LPGN09 and all the other factors of the guidance has been reviewed to show that the purposes of the guidance do not bite to this proposal. Furthermore, the proposal falls within all policies reference within this guidance note.
- 8.9 In the light of the above, the proposal complies with the development plan and the appeal should be allowed.
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