



Roadside Services Needs and Sequential Site Assessments

On Behalf of:

Liberty Properties Developments Ltd

In Respect of:

Holt Road, Wrexham

Date:

June 2016

Reference:

RW/1766ma/R002m

Roadside Services Needs Assessment and Sequential Site Assessment

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1.0 Introduction

- 1.1 This Roadside Services Needs and Sequential Site Assessment report has been prepared by DPP on behalf of Liberty Properties Developments Ltd ('Liberty') in support of an outline planning application, with all matters reserved apart from access, for roadside services incorporating a petrol filling station with ancillary kiosk, family pub/restaurant, drive-thru restaurant and associated car parking.
- 1.2 The assessments set out in the report will consider the existing services provision within the area, considers alternative sites and also considers and addresses retail/town centre policies focusing on the need to satisfy a sequential test for town centre uses. Other matters, including an assessment of the proposals against other relevant policies of the adopted Development Plan, are considered in the submitted Planning Statement (R001m).

Site Location

- 1.3 The application site is currently a vacant undeveloped site. Whilst the site was historically used for agricultural purposes this use ceased following the construction of the Llan-y-pwll link road (A5156) in the late 1970s/early 1980s. The site was further altered through the creation of a new enlarged roundabout at the junction of the A5156 and Holt Road (A534) in 2012 which saw a new access being created into the site via a new arm off the roundabout which also serves the adjacent golf club.
- 1.4 The site is bounded to the north and east by Wrexham Golf Club, to the south by A5156 and A534 roundabout with agricultural land beyond and to the west by the A5156 with residential properties beyond. Access to the site is taken of an arm of the A5156/A534 roundabout which is shared with the adjacent Wrexham Golf Club.
- 1.5 The A5156 and A534 together provide access between the Wrexham Industrial Estate and A483 which in turn provides access to the wider strategic highway links of the A5 in the south and the A55 North Wales Coast Road in the north, on the outskirts of Chester. To the east of the site the A534 links with Nantwich, Crewe and eventually the M6 motorway.

Background

The site had the benefit of previous planning permission for a hotel/leisure complex although this has now lapsed. These proposals comprised a 54 bedroom accommodation block with a fitness

centre together with a pub/restaurant, children's playbarn and mangers flat. The application was considered at a similar time to the proposed upgrading of the A5156 and construction of the adjacent roundabout which is now open. The design of the roundabout took into account the potential of the site for commercial development and the need to also serve Wrexham Golf Club.

2.0 Development Proposal

- 2.1 The application proposal for the site will be used to create roadside services. Proposed uses will include a Petrol Filling Station, food/drink uses, toilet facilities, small scale retail use and a family pub restaurant. The facility will serve Wrexham Industrial Estate, residents within Wrexham and other road users travelling along with A534 and A5156 and related routes.



Indicative Masterplan

Rationale behind the Planning Proposal

- 2.2 At present traffic travelling north and north east from Wrexham Industrial Estate generally would make use of the A483/A55 North Wales Expressway to access the motorway network. Currently the roadside services providing comparable facilities to those proposed and located closest to Wrexham Industrial Estate on this route is Chester Services on the M56. This is a much larger facility but it is approximately 23 miles from Wrexham Industrial Estate. This provides petrol filling, toilet facilities, food and drink and small scale retail uses along with a hotel parking for heavy goods vehicles (HGVs)
- 2.3 Whilst there are roadside services located closer to Wrexham Industrial Estate than Chester Services; to the north of the A483/North Wales Expressway junction on Wrexham Road, the

facilities provided here are very limited with a small petrol filling station and 'Spar' shop with very limited car parking. This is located approximately half a mile from the A483/North Wales Expressway and is therefore located off this main route north and the facilities are not visible or signed from the junction. Whilst there are also other small scale facilities, for e.g., standalone Petrol Filling Stations close to this route, they are all located off the route and are therefore unlikely to be attractive, or suitable to serve traffic associated with Wrexham Industrial Estate travelling to or from the north/north east.

- 2.4 The impact of this lack of provision is that traffic does not have safe and easy access to suitable facilities plus locally generated expenditure that might otherwise be retained within the County Borough is lost to existing provision some distance away. Providing such a facility in this location would contribute towards creating facilities where they are needed and best located to meet the latent need, improve road safety by reducing the prospect of drivers having to drive long distances without being able to access suitable facilities, provide employment benefits for the local area, provide facilities to serve visitors to or working at Wrexham Industrial Estate, helping to improve the attractiveness of the Industrial Estate to existing and future occupiers. In addition to this, the proposed use will also help to serve the new Prison, HMP Berwyn, which is due to open in 2017.

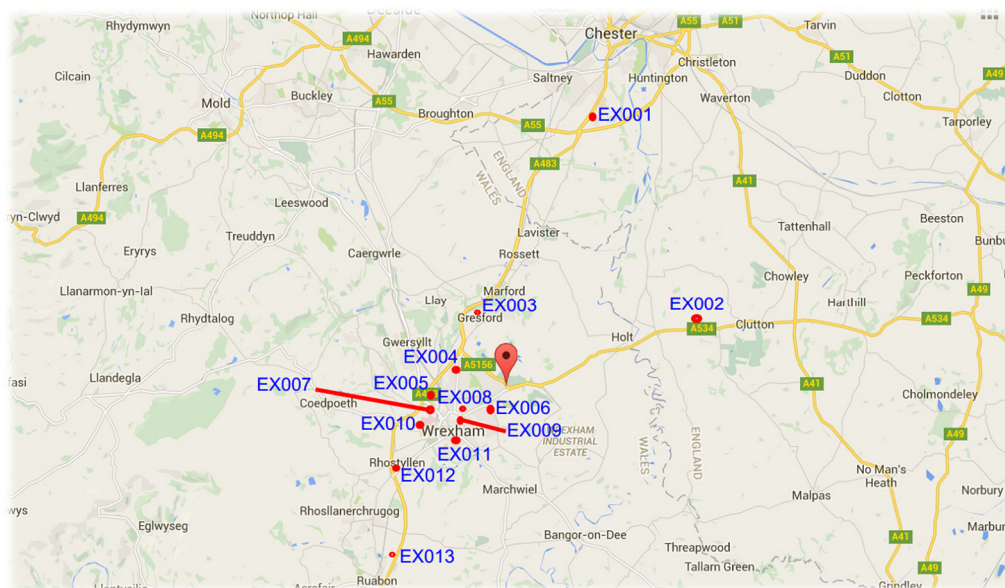
3.0 Existing Provision & Need for Proposed Development

- 3.1 This section of the report assesses existing roadside services provision within Wrexham and the surrounding area and will conclude, based on the findings of the assessment, that there is a lack of provision and there is a clear need for the proposals.

Summary of the Existing Provision within the area

- 3.2 The A5156 and A534 together provide access between the Wrexham Industrial Estate and A483 which in turn provides access to the wider strategic highway links of the A5 in the south and the A55 North Wales Coast Road in the north, on the outskirts of Chester. To the east of the site the A534 link with Nantwich, Crewe and eventually the M6 motorway.
- 3.3 Wrexham Town Centre, situated to the south west of the site, provides numerous local services and facilities including banks, shops and supermarkets. Local shop facilities are provided in the residential area to the west, off Dean Road and Borrass Park Road. The nearest PFS is considered to be Brooklands Wrexham (Nisa Local Proposed Road Side Services store) on Holt Road approximately 1.2km to the south west. The next nearest is the Smithy View Service Station, some 2.4km to the northwest. There are 4 PFS's associated with supermarket chains in the centre of Wrexham together with 2 others. Furthermore, there is a Texaco Service Station in Gresford and an Esso station at Rhostyllen (with an adjacent Starbucks coffee shop).

Location of Existing Service Stations/Petrol Filling Stations



- 3.4 The map above shows the location of the existing roadside services.
- 3.5 The subsequent paragraphs provide a summary of each service area. Pro-formas of the sites are appended to this Statement at **Appendix 1** and provide a more comprehensive overview of each roadside service area.

BP Service Station, Wrexham Road (Site Ref EX001)

- 3.6 This petrol station is located on Wrexham Road, Eccleston near Chester Business Park, 1 mile south of Chester City Centre along the A483/A55 dual carriageway intersection.
- 3.7 The PFS has 4 islands/8 pumps and a convenience kiosk operated by Spar which houses a Costa Coffee machine. This PFS mainly serves the south Chester area and servicing traffic from A55 (North Wales Expressway) travelling to and from North Wales and A483 routes to and from Chester.
- 3.8 Although the PFS hosts a number of facilities, this PFS is located over 10.8 miles away and would not serve the identified need/area the proposed development seeks to serve.

Texaco - Hughes Ron & Son (Site Ref EX002)

- 3.9 This is known as Barton Road Garage and is a Texaco branded PFS with a small convenience kiosk located along the A534 east of Barton. This PFS mainly serves passing traffic travelling along A534 between Holt/Farndon to the West and Barton to the east.
- 3.10 This PFS is 4.8 miles northeast of Wrexham Industrial Estate and fails to serve major route travelling to and from the Wrexham Industrial Estate in which the proposed development intends to serve.

Texaco Gresford, Chester Road (Site Ref EX003)

- 3.11 A small PFS with limited facilities located along B5445 Chester Road at Gresford. This site is located 4.3 miles northwest of Wrexham Industrial Estate and mainly serves the primary residential area. Furthermore the PFS is separated from the main A483 towards Chester where the facilities are not visible or signed from the junction.
- 3.12 This PFS is not situated on a main route to or from Wrexham Industrial Estate and would mean drivers would need to divert their route to visit this PFS.

Smithy View Service Station, Chester Road (EX004)

- 3.13 This petrol station is an independent family run PFS located along Chester Road (A5152), 3.8 miles northwest of Wrexham Industrial estate. The PFS also sells used cars and provides a hire car service.
- 3.14 The PFS only serves the immediate residential area and is not signposted from the A483 and would not be on a main route from the Wrexham industrial Estate unless drivers diverted their route.

Sainsbury's PFS, Coch Road (Site Ref EX005)

- 3.15 The Sainsbury's PFS is located on the A483, Wrexham Road. The PFS is part of a Sainsbury's foodstore located immediately to the west of Wrexham Town Centre.
- 3.16 The PFS is located 4.8 miles to the southwest of Wrexham Industrial Estate and serves a different catchment area than the proposed development and could only be reached by users of the routes served by the proposed development if they were to make a diversion.

Taurus Service Station (Nisa), Holt Road (EX006)

- 3.17 This Nisa PFS is located along the A534 Holt Road in a primarily residential area approximately 2.4 miles west of Wrexham Industrial Estate.
- 3.18 Again, there are limited facilities at the site and the PFS mainly serves the nearby primary residential area and traffic travelling from Wrexham centre to locations further east. This PFS is not located on a main route to and from the Wrexham Industrial Estate when travelling north and can only be accessed by passing traffic having to make a diversion.

Shell Wrexham, Mold Road (Site Ref EX007)

- 3.19 The PFS is operated by Shell and is located on the A541 Mold Road opposite Wrexham University and Racecourse. The PFS is open 24 hours 7 days a week and has good facilities such as a convenience kiosk and toilet facilities.
- 3.20 This PFS serves the immediate area to the northwest of Wrexham Town Centre and traffic travelling from A483 Wrexham Road to and from the Town centre and the surrounding area.

ASDA Wrexham, Holt Road (Site Ref EX008)

- 3.21 The ASDA PFS is located alongside the Asda foodstore along the A5152 just east of Wrexham Town Centre and is situated opposite the Border Retail Park and the Tesco Extra store, which also contains a PFS.
- 3.22 The PFS is located 3.5 miles west of Wrexham Industrial Estate and is operated as a drive-thru facility 24 hours daily but provides limited additional facilities such as toilets and convenience kiosk.
- 3.23 The PFS acts as a town centre facility being located edge of the town centre and serves traffic travelling to and from Wrexham town centre mainly from the east.
- 3.24 This PFS serves a different route than the proposed development and drivers travelling to and from the Wrexham Industrial Estate would need to make a diversion if travelling north towards the M56 or east towards the M6.

Tesco Wrexham, Crescent Road (Site Ref EX009)

- 3.25 The Tesco PFS is with the Tesco foodstore located along the A5152 south of the roundabout which borders the Border Retail Park.
- 3.26 As with the Asda PFS this acts as a town centre facility for shoppers and traffic traveling to and from Wrexham Town Centre form the east.
- 3.27 The PFS is situated 3.2 miles west of the Wrexham Industrial Estate, but fails to serve the Wrexham Industrial Estate for vehicles travelling north towards the M56 or east towards the M6.

Morrison's Wrexham, Ruthin Road (Site Ref EX010)

- 3.28 The Morrison's PFS is sited with the foodstore which is located along the A525 Ruthin Road.
- 3.29 The PFS is located west of Wrexham Town Centre and serves the immediate residential area, shoppers and passing traffic travelling to and from Wrexham Town centre and from New Broughton, Coedpoeth, Minera and Gwynfryn.

Muro Wrexham, Kindsmill Road (Site Ref EX011)

- 3.30 This is a small PFS which is operated 24 hours 7 days a week alongside a Costcutter Express kiosk selling limited convenience products.
- 3.31 The PFS is located along A525, Kingsmill Road some 3.9 miles west of the Wrexham Industrial Estate and is south of Wrexham Town Centre.
- 3.32 This PFS predominately serves the Hightown residential area of Wrexham, shoppers travelling to the Lidl and passer by traffic to and from Wrexham Town Centre travelling emanating from Marchwiell and Bangor-on-Dee to the east.
- 3.33 Although open 24 hours this is a small PFS with limited additional facilities.
- 3.34 This PFS would not serve the Wrexham Industrial Estate as it is not situated on a main route from the industrial estate, especially the majority of vehicles wanting to travel north to the M56 or east to the M6.

ESSO Rhostyllen, Wrexham Road (Site Ref EX012)

- 3.35 This PFS is operated by Esso and is located along the A5152 at Rhostyllenn close to the junction of the road with A483. The PFS is situated west of a Starbucks drive-thru and Travelodge which is located within an area mainly in use for car showrooms/dealerships.
- 3.36 This PFS serves the southwest area of Wrexham and Rhostyllenn and would act as a different catchment area to the proposed development at the application site.

Ruabon Service Station (Esso) (Site Ref EX013)

- 3.37 This PFS is located on the A483 at Ruabon, south of Wrexham and is over 10.3 miles southwest of Wrexham Industrial Estate.
- 3.38 The PFS is a 24 hour facility and contains a number of other facilities such as toilets and a small convenience kiosk.
- 3.39 This PFS serves the A483 northbound towards Wrexham. Accordingly, the PFS is not readily accessible for those travelling southbound to and from Wrexham Industrial Estate.

Critique of Roadside Services Provision

- 3.40 It can be concluded from the above assessment that the development proposal is uniquely positioned in terms of its location and, by reference to the facilities it will provide, its ability to serve drivers using a wide range of important routes.
- 3.41 Furthermore, the proposed development is specifically designed to provide high quality facilities intended for use by drivers and it outstrips, both in quality and range of facilities, other services in the area. It will be a considerable asset to the town and area and drivers using the routes the services will serve.
- 3.42 The above assessment has also demonstrated that there is an identified need for this kind of facility in this location and that the facility has the ability to effectively serve Wrexham Industrial Estate, residents within Wrexham and other road users travelling along the key routes identified.

4.0 Alternative Site Assessment

- 4.1 This section of the report assesses alternative sites which could potentially accommodate the proposed development. Pre-application discussions with officers at the Council resulted in the request for an assessment to consider alternative sites for the proposed development.

Area of Search

- 4.2 It is first necessary to determine an area of search.
- 4.3 This needs to be influenced by the purpose of the proposed development, which is roadside services, and the routes and area the facility will serve.
- 4.4 The proposed services are designed to serve users of the A5156/A534 and linking routes to the south and east and west. They will also serve the urban area north and north east of Wrexham Town Centre and Wrexham Industrial Estate.
- 4.5 As such, what alternative sites have been identified for further assessment are located along the routes defined above or in the urban area north and north east of Wrexham Town Centre or in or close to Wrexham Industrial Estate.

Approach to Assessment of Sites

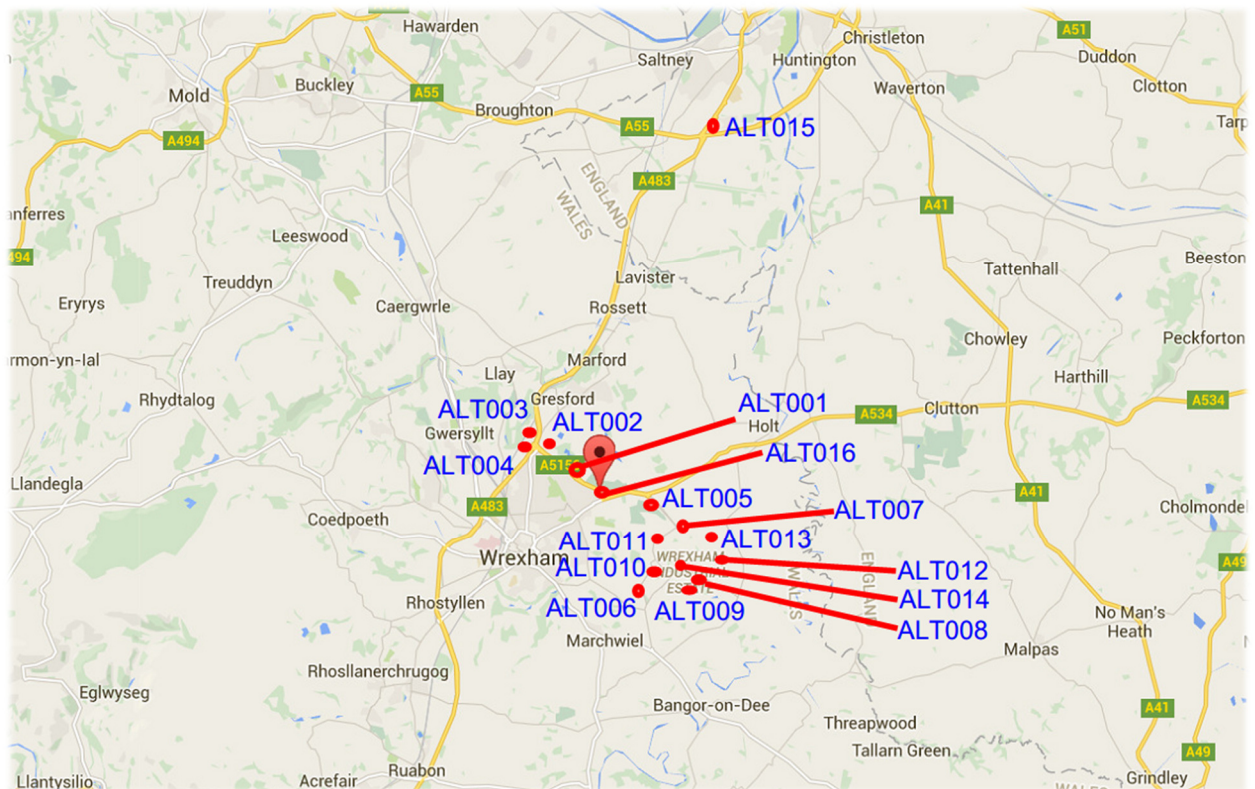
- 4.6 In order to ensure a standard approach to assessing the suitability of sites and that it stands scrutiny and can be regarded as robust, we devised and utilised a standard pro-forma which assessed the credentials of sites through scores attributed to a range of site related assets.
- 4.7 The topics, scoring criteria and related considerations are as follows:
- **Availability of the Site:** 3=vacant // 2=agricultural use // 1=existing building // 0=under construction.
 - **Surroundings:** 3=no sensitive areas // 2=some sensitive area // 1=lots of residential.
 - **Locality – market suitability (i.e., interest to users):** 3=main northerly route // 2=side/subsidiary route // 1=industrial estate.
 - **Locality – ability to serve purpose (i.e., local custom):** 3=main route // 2=side route // 1=industrial estate.
 - **Private access (e.g., car/HGV):** 3=resident/business traffic // 2=either res or business route // 1=limited.
 - **Public service access:** 3=multiple buses/bus stops // 2=bus stop within 500m walk // 1=bus stop within 1,000m walk // 0=no buses

- **Socio-economic impact: IMD description – proximity to most deprived areas from 3 (close) to 0 (distant)**
[3=0-1 mile // 2=1-2 miles // 1=2-3 miles // 0=3+ miles]

Sites Considered

- 4.8 In total 15 sites were identified as being worthy of assessment as alternative sites. Their location is identified on the plan that follows below and site assessment pro-formas, which provide a more comprehensive assessment of each site, are provided at **Appendix 2**.

Location of Alternative Sites



Site Assessments

- 4.9 We now provide a summary of the more detailed assessment of the suitability of each site as set out in respective pro-formas.

Borras Road, Holt, Wrexham – (ALT001)

- 4.10 This site is located directly north of the roundabout junction of A5156 with Borras Road. The site measures 0.73ha. It is located approximately 0.25 miles northwest of the application site and is some 2.3 miles north of the Wrexham industrial Estate.

- 4.11 The site is in use for agricultural purposes and is mostly flat although it dips across part of the middle section. The site borders a residential dwelling to the north east, north of the site is a stream and beyond a woodland area and to the south west is the A5156.
- 4.12 The site is allocated under UDP policy EC1: Green Barriers and UDP Policy MW9: protection of mineral resources.
- 4.13 At present there is no access serving the site and it is considered to be unavailable given current uses. It would also be considered unsuitable in terms of its size and relationship with neighbouring uses and by reference to its allocation although it is acknowledged that Green Barrier affects the application site.

Land of A5156, Wrexham, LL12 8LQ (ALT002)

- 4.14 This site is located to the east of the A5156 and B5445 Chester Road interchange and measures approximately 2.66ha. The site is a mix of trees, hedges and parts of fields in agricultural use and borders further fields to the north, east and south of the site. The scale of the fields and topography create a feeling of openness and the site forms part of a larger wedge of land that separates the northern suburbs of Wrexham from Gresford.
- 4.15 As such the site is allocated in the Wrexham UDP under policy EC1: Green Barriers. It is our view that this site serves the purpose of its policy status by assisting in safeguarding this area from development.
- 4.16 Therefore, it is concluded, that the site is unavailable and considered unsuitable in terms of its planning policy status requirements.

Land at Blue Bell Lane – Gresford LL12 8JE (Site Ref: ALT003)

- 4.17 The site is a small parcel of unused woodland area measuring 0.33ha off Blue Bell Lane close to the Gresford Interchange. The site is allocated within the Wrexham UDP for employment uses and is adjacent a residential area and the Wrexham technology Park.
- 4.18 Apart from the size of site which is a key constraint, as is the fact it is currently covered by trees, this alternative site if developed for roadside services would clash with the council's preferred use for the site which is employment uses as per its designation within the Wrexham UDP.

Land at Blue Bell Lane, Pandy Wrexham LL12 8EE (Site Ref: ALT004)

- 4.19 This site extends to 0.48 ha and is located off Blue Bell Lane west of the A483/A5156 interchange east of Gwersllt. It is currently developed being in use as a cash washing facility.
- 4.20 This site is in use and has to be considered unavailable but in any case has to be considered unsuitable for the proposed development by reference to its size.

Land off A534, Holt, Wrexham (Site Ref: ALT005)

- 4.21 This site extends to approximately 2.15ha and is located south west of the recently constructed roundabout junction of the A534 with the Wrexham Industrial Estate link road. There are potentially also opportunities for other developments sites to be created to the south east and north of the roundabout.
- 4.22 The site/s is currently in use as agricultural land and borders further agricultural fields and other developments.
- 4.23 The site and related areas around the new roundabout are allocated under UDP policy EC1: Green Barriers. It is our view that this site by virtue of being unconnected to the urban area serves the purpose of the policy status by assisting in safeguarding this area of countryside from encroachment.
- 4.24 Considering the location of the site which is further east of the application site, while the site would serve users of the A534 it would not be able to serve the north eastern suburbs of Wrexham as well as the application site, and has to be regarded as an isolated site.
- 4.25 As such, this site has been discounted on grounds of availability, suitability in term of policy designations and how it would serve the urban area.

Clwedog Road, Wrexham (Site Ref: ALT006)

- 4.26 The site extends to 0.36ha and is currently an area of scrubland. It is located west of Wrexham Industrial Estate off Clwedog Road, 1.6 miles from the north entrance.
- 4.27 The site is considered unsuitable and it is not located in an in an ideal location for a road side services due to the site's location on a service road serving the Industrial Estate and would not appeal to traffic using the key A5156/A534 route.
- 4.28 In addition, this part of Wrexham Industrial Estate is known to have potential as offering a habitat

suitable for great crested newts.

- 4.29 For the reasons outline above, this site has been discounted on suitability grounds.

Bryn Lane, Holt, Wrexham, LL13 9RX (Site Ref: ALT007)

- 4.30 This site is located off Bryn Lane in Holt. The site forms part of a larger field which is currently in use for agriculture. It is open, exposed and unscreened, which reduces its potential for development.
- 4.31 The site is located opposite the JCB depot and next to the entrance to Wrexham Industrial Estate. However, this site is not available and is considered unsuitable as it would only serve vehicles traveling to and from the industrial estate and would fail to serve users of the A5156/A534 route and residential areas north east Wrexham Town Centre and the surrounding area.
- 4.32 To conclude, the site is not available and is considered unsuitable in terms of the site's profile, position and the limited number of routes /catchment it would serve.

Bridge Road North, Wrexham, LL13 9PN (Site Ref: ALT008)

- 4.33 The site is located off Bridge Road North and is 0.73ha in size in the heart of Wrexham Industrial Estate, approximately 1 mile from the main entrance in the north.
- 4.34 The site is allocated under UDP policies E1, E2 and E7 for employment uses.
- 4.35 The site has been discounted as it is considered unsuitable on the basis of its allocation but in any case is unsuitable in terms of its size and location.

Bridge Road North, Wrexham LL13 9QA (Site Ref: ALT009)

- 4.36 This site is an unused triangular piece of scrubland measuring approximately 0.65ha which is located off Bridge Road North, a service road forming part of Wrexham Industrial Estate. It is located approximately 1.2 miles from the north entrance of the estate.
- 4.37 This site is considered unsuitable for the proposed development for a variety of reasons. The site is too small, it is not located on a main route leading to and from the industrial Estate and would not be considered a viable option from an operator perspective.

Clwedog Road North, Wrexham, LL13 OPE (Site Ref: ALT010)

- 4.38 This is an unused piece of scrubland measuring approximately 1 ha located towards the western area of the Wrexham industrial Estate. The site is located on Bridge Road North within the Estate, approximately 1.2 miles from its north entrance.
- 4.39 This site is considered unsuitable in terms of size and would only serve those vehicles traveling to and from the industrial estate and would fail to serve other routes and residential areas north east Wrexham.
- 4.40 To conclude the site is not available and is considered unsuitable in terms of its size and location and the limited catchment area it would serve.

Abenbury Way, Wrexham LL13 9UZ (Site Ref: ALT011)

- 4.41 This site is located at the western edge of the Wrexham Industrial Estate and measures 1.4 ha and is a currently disused scrubland located approximately 0.5 miles from the northern entrance.
- 4.42 The site is allocated within the Wrexham UDP for employment uses under policies E1, E2 and E7.
- 4.43 This site is considered unsuitable in terms of the Councils' policy requirements. Furthermore, a road side services in this location would only serve the Industrial Estate and no other key routes or residential areas north east of Wrexham Town Centre.

Bryn Lane, Wrexham, LL13 9UT (Site Ref: ALT012)

- 4.44 This site is located at the western edge of the Wrexham Industrial Estate and is currently disused scrubland. It extends to over 2.48ha in size and is approximately 0.5 miles from the northern entrance of the Industrial Estate.
- 4.45 This site is considered unsuitable as would only serve those vehicles traveling to and from the industrial estate and would fail to serve other routes or residential areas north east of Wrexham Town Centre.

Bryn Lane, Ridleywood, Wrexham, LL13 9XW (Site Ref: ALT013)

- 4.46 This site is located at the western edge of the Wrexham Industrial Estate and measures approximately 3.14ha in size and is located 0.5 miles from the estate's northern entrance.
- 4.47 Again, this site is considered unsuitable as would only serve those vehicles traveling to and from

the industrial estate and would fail to serve other routes or residential areas north east of Wrexham Town Centre.

75 Ash Road, Wrexham LL13 9UG (Site Ref: ALT014)

- 4.48 This site is located at the western edge of the Wrexham Industrial Estate and is a large parcel of unused land measuring 4.76ha located approximately 1 mile from the Estate's northern entrance.
- 4.49 Taking into account the surrounding uses, location on a service road and the fact that the site would only serve those vehicles traveling to and from the Industrial Estate, the site has been discounted.

Wrexham Road, Chester (Site Ref: ALT015)

- 4.50 The site is located north east of the A55 and A483 interchange and measures 1.7ha in size. The site is south of the Chester Business Park and the Holiday Inn Hotel is located to the north of the site. Beyond the holiday Inn is a BP Petrol Station.
- 4.51 The site would be considered unsuitable in terms of the Council's policy requirements for business park uses and the nearby existing competition from the BP service station. As such, the site has been discounted on this basis.

Summary

- 4.52 The above assessment establishes there are no alternative sites that would be more suitable than the proposed development site. It can be concluded from this that the development site is uniquely positioned in terms of its location and by reference to the facilities it will provide to serve drivers using the A5156/A534 and linked and related routes. Plus the fact that the site is close to Wrexham Industrial Estate and the north eastern suburbs of the main Wrexham conurbation means it can respectively serve this important development and residential area as well.

5.0 Sequential Test Assessment

- 5.1 Planning Policy Wales (PPW) confirms that a sequential test should be carried out in support of planning applications for main town centres uses, such as retail, that are not in an existing centre and not in accordance with an up-to-date Local Plan. The site is located outside the defined Town Centre of Wrexham and District Centres of Gresford, Borrass Park and Holt. As such the application site can be considered an out-of-centre site for the purposes of any sequential test assessment.
- 5.2 However, we are of the view that a sequential assessment cannot be justified in this instance.
- 5.3 This is because those uses that form part of the wider package of proposed developments that might otherwise be regarded as town centre uses are in fact designed and intended to serve the needs of roads users. In fact, a specific intention behind a roadside services proposal such as this one is that drivers should not have to deviate from their route, including to a designated centre, in search of facilities for them or their vehicle. To do so contributes to congestion and unwanted and unjustified trips.
- 5.4 As such and as set out elsewhere in this and other supporting reports, the key purpose of the proposed development is to serve users of the A5156/A534 route and related linked routes and visitors to/users of the Wrexham Industrial Estate. The site is also unique in that because it is very well related to the existing urban area of Wrexham it can also serve the local community living north east of the Town Centre. In time and by reference to likely future planning allocation initiatives it will also be able to serve new areas of development planned for areas to the south of the site.
- 5.5 For these reasons, while we do not consider a sequential assessment is justified, for completeness and to strengthen the planning case offered in support of the application nonetheless we have carried out a sequential assessment which we set out below.

Relevant Appeal Decisions and Case Law

- 5.6 There have been a number of legal precedents and appeal decisions which have considered the application of the sequential test and provided greater certainty regarding the requirements of the test. As such it is important to consider these before moving on to undertake the sequential test assessment. For ease of reference the cases referred to are as follows:

- Dundee Case – Supreme Court – Tesco Stores Ltd v Dundee City Council [2012 UKSC 13] (21/03/12)

- Scunthorpe decision – High Court – Zurich Assurance Ltd v North Lincolnshire [2012 EWHC 3708 (Admin)] (20/12/12)
- Barnsley Decision – planning appeal – Appeal Ref. APP/P4415/A/13/2197947 (5/11/13)
- Rusden Decision – recovered appeal decision – Appeal Ref: APP/G2815/V/12/2190175 (11/06/14)
- Moreton-in-Marsh Decision – High Court –Warners Retail (Moreton) Ltd v Cotswold DC [2014] EWHC 2504 (Admin) (22/07/14)

Suitability and Flexibility

- 5.7 The Dundee case¹ considered how the interpretation of policy was a matter of law and not a matter of judgement; professional or otherwise and of particular relevance to the sequential test; what the term suitable means in the application of the sequential test. Paragraphs 29 and 38 stated;

‘29. ...Provided the applicant has done so, however, the question remains, as Lord Glennie observed in Lidl UK GmbH v Scottish Ministers [2006] CSOH 165, para 14, whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site.’

‘38. ...The whole exercise [Sequential Assessment] is directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for it which is for something less than that sought by the developer... I do not think that this is in the least surprising, as developments of this kind are generated by the developer’s assessment of the market that he seeks to serve. If they do not meet the sequential approach criteria, bearing in mind the need for flexibility and realism to which Lord Reed refers in para 28... they will be rejected. But these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so.’

- 5.8 The clear message from the Dundee case is that the term ‘suitable’; which forms part of the requirements of the sequential test assessment as set out in NPPF para. 24 and PPG para 010 (reference ID: 2b-010-20140306), should be interpreted as being suitable for the development proposed taking into account the format, scale and suitability of the location to serve the market that the development intends to serve.

¹ Tesco Stores Ltd v Dundee City Council [2012 UKSC 13]

5.9 This matter was further considered through the Scunthorpe decision² with the judgement highlighting that in considering suitability and appropriate degree of flexibility; developers and planning authorities work in the real world (paragraph 61) citing paragraphs 29 and 38 of the Dundee decision. This decision, at paragraph 62, also confirmed that the disaggregation of a single retailer's food and non-food offer would not be reasonable or viable.

5.10 The Moreton-in-Marsh decision³ confirmed that whilst the Dundee decision considered the Policy Statement in Scotland; the case was not substantially different to the policy position in England and as such is relevant outside of Scotland with paragraph 34 stating that:

'The policy statement in Scotland that was under consideration in that case is substantially the same as that in Wales and England. To the extent that there is a difference, it is not, in my view, material. What is important is that Lord Reed (with whom Lord Brown, Lord Kerr and Lord Dyson agreed) construed the word "suitable", in the first criterion of Retailing Policy as meaning "suitable for the development proposed by the applicant", and not "suitable for meeting identified deficiencies in retail provision in the area" (para 24). Lord Hope (at para 38) added that "the whole exercise" in respect of the issue of suitability "is directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for it which is for something less than that sought by the developer".'

5.11 The position regarding the definition of suitability was summarised in a recent appeal decision regarding an out-of-centre retail application in Barnsley⁴. Paragraph 20 of the inspectors decision concluded that;

'The scope of the sequential test has been clarified by the Courts since PTC was published in 2009. In Tesco Stores Ltd v Dundee City Council [2012 UKSC 13] it was held that "suitable" meant suitable for the development proposed by the applicant rather than (as stated in PTC) suitable to accommodate the need or demand which the proposal is intended to meet. The Council claims that the recently published draft National Planning Practice Guidance (NPPG), which represents the most up-to-date exposition of policy and refers to "suitability" in terms of the need or demand which the proposal is intended to meet, is intended to reverse the Supreme Court's decision and ensure that the sequential test regains its previous utility. But even if practice guidance could contradict a Court judgement in the manner claimed, which is most unlikely, the NPPG is currently

² Zurich Assurance Ltd v North Lincolnshire [2012 EWHC 3708 (Admin)]

³ Warners Retail (Moreton) Ltd v Cotswold DC [2014] EWHC 2504 (Admin) (22/07/14)

⁴ Appeal Ref. APP/P4415/A/13/2197947

in draft “Beta” test mode and -as stated therein – is likely to have limited weight in decision taking. At present, therefore, the Tesco v Dundee interpretation of “suitable” must stand.’

Disaggregation and Availability

- 5.12 The position regarding disaggregation and whether there is a requirement to consider the disaggregation of town centre uses outside of defined centres was considered in detail in a recovered appeal by LXB RP (Rushden) Limited at Northampton Road, Rushden⁵. This appeal concluded that the NPPF and PPG (Planning Practice Guidance) no longer require a consideration of the potential to consider the disaggregation of proposed units/uses from a proposed development with the inspectors report stating that;

‘A related submission concerns the differences between national policy as now stated in the NPPF and as previously stated in PPS4. The last sentence of NPPF [24] states that: “Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.” This contrasts strikingly with what was said previously in PPS4 in policy EC15.1 at (d) (iv) and 15.2 which contained an explicit requirement for disaggregation. There is no longer any such requirement stated in the NPPF. It is no answer to this to refer to the words “such as” in the last sentence of NPPF. These words cannot be read so as to imply that a major, and extremely controversial, part of previously stated national policy lives on by implication in the NPPF. Had the Government intended to retain disaggregation as a requirement it would and should have explicitly stated this in the NPPF. If it had been intended to carry on with the requirement then all that would have been required is the addition of the word “disaggregation” at the end of NPPF.’

- 5.13 The Rushden decision also considered the matter of ‘availability’ and confirmed that when considering the sequential test assessment; only sites which are available now should be considered (paragraph 8.55) as NPPF paragraph 24 does not ask whether such sites are ‘likely to become available during the remainder of the plan period or over a period of some years’.

5.14 Summary

- 5.15 The identified case law and appeal decisions therefore provide certainty as to what is required in the consideration of the sequential test assessment for main town centre uses. In summary they confirm that whilst there is a requirement to demonstrate flexibility on issues of format and scale; any such flexibility must be well related and close to the development proposed and in a location

⁵ Appeal Ref: APP/G2815/V/12/2190175

that will ensure that the development is able to serve its intended market rather than being something which is significantly different to what is being sought by the developer.

- 5.16 In terms of the disaggregation of uses; the case law is clear that this should not be considered as part of the sequential test assessment. When considering a sites availability; based upon the Rushden interpretation any site must be available now to be considered as available through the sequential test.

Sequential Test – Suitability and Flexibility

- 5.17 As highlighted earlier in this report; the proposed development is on a site of around 1.63 ha which will accommodate a petrol station and associated convenience kiosk, drive-thru and a restaurant and pub. As such the sequential assessment will be focused on identifying sites capable of accommodating such a development.
- 5.18 Before moving on to consider any sequential sites; it is important to set out parameters in terms of flexibility and suitability for the sequential assessment taking into account the requirements of the PPW, the guidance contained within TAN 4 and the various appeal decisions outlined in this section of the report. As such, for robustness and in order to demonstrate flexibility; the sequential site search considers sites and existing units that are capable of accommodating a development 15% larger and 15% smaller than is proposed through this application.
- 5.19 As already highlighted; there is no requirement to consider the disaggregation of uses through the sequential test assessment and therefore sites must be able to accommodate the proposed development uses on a single development site.
- 5.20 Any sites that are unable to accommodate a development within this range with associated car parking on a single site would be unsuitable and as such cannot be considered as a sequentially preferable site for the purposes of the sequential test assessment.

Area of Search

- 5.21 In determining the area of search for the sequential test assessment it is first important to consider the area which the proposed development will primarily serve and draw its custom from. The purpose of the proposed development is to serve users of the A5156/A534 and related and linked routes, visitors to/users of the Wrexham Industrial Estate and residents living north east of the Town Centre although this is by default in the sense that they benefit because of the site's unique location.
- 5.22 Therefore the sequential site search solely focuses on sites located within and adjacent to

Wrexham Town Centre, Borrass Park District Centre, Gresford District Shopping Centre and Holt District Centre.

Wrexham Town Centre

- 5.23 Wrexham Town Centre is already well served by petrol stations and food and drink uses but in any case any available development sites would have to be regarded as less suitable than the application site for the proposed development given the intended purposes behind it, which are set out earlier, i.e., sites in and around the Town Centre do not serve the A5156/A534 route, Wrexham Industrial Estate or the north eastern suburbs of the town with the exception of those located near to it.

It is therefore considered there are no suitable sites better positioned than the application site to serve the purpose of the proposed development.

Borrass Park District Shopping Centre

- 5.24 Borrass Park District Centre is a small linear parade of shops containing a cooperative local foodstore, newsagents, dry cleaners, cafes and takeaways. A doctors surgery and Primary school are located adjacent the centre.
- 5.25 The only available sites that is located edge of the centre are the school playing fields. However, these site are unavailable and unsuitable due to the size and position to cater for the proposed development. Therefore the site is discounted from the sequential test on this basis.

Gresford District Shopping Centre

- 5.26 Gresford is a small district shopping centre which contain Spar convenience shop, a pub, pharmacy, newsagents and travel agents and takeaways. There are no available in centre that could accommodate the proposal.
- 5.27 Edge of centre there is the recreational ground/playing fields to the West of the centre. However, this site would be considered too small and is unavailable to accommodate the proposed development.
- 5.28 Further south beyond the residential properties and the settlement boundary there is an area of land that could accommodate the development proposals. However this site is located within the Green Barrier area under UDP policy EC1. Furthermore, Gresford is located off the A roads and routes when traveling to and from Wrexham and to Wrexham Industrial Estate passing traffic

making a diversion.

Holt District Shopping Centre

- 5.29 Holt District Shopping centre contains a Londis local Store containing the post office, a public house, restaurant/café and a beauty salon.
- 5.30 There is no available sites within or edge of the centre that could accommodate the proposed development within the area.

Sequential Test Assessment – Summary

- 5.31 In summary, the assessment demonstrates that there remain no sequentially preferable sites that are suitable to accommodate the proposed development. The application site is available and is located in a location that is very well connected to the along the A5156/A534.

6.0 Conclusions

- 6.1 The proposed development is for creation of a roadside service station incorporating a Petrol Filling Station and a mix of ancillary uses potentially including food/drink uses, toilet facilities, small scale retail use and a family pub restaurant. This facility will mainly serve Wrexham Industrial Estate, residents within Wrexham and other road users travelling north/east along with A534 and A5156.
- 6.2 As identified in Section 3, there is a current need for a roadside service station to serve those travelling north and north east from Wrexham Industrial Estate using the A483/North Wales Expressway to access the motorway network. The closest such service station providing suitable uses to is the Chester Services on the M56; approximately 23 miles from Wrexham Industrial Estate. It is considered that the site at Holt Road represents the only appropriate and sustainable site capable of serving this identified need.
- 6.3 An alternative site assessment established there are no alternative sites that would be more suitable than the proposed development site. The assessment has demonstrated that the development site is uniquely positioned in terms of its location and, by reference to the facilities it will provide, its ability to serve drivers using a wide range of important routes.
- 6.4 A sequential test assessment has also been carried out to determine whether the proposed development could be located on a site in a more sequentially preferable location within or on the edge of Wrexham Town Centre or the defined district Centres. No existing units or sites could be identified that would be both suitable and available and therefore there are no sequentially preferable locations capable of accommodating the proposed development.
- 6.5 Furthermore, taking account of all the material planning considerations assessed in this report and the accompanying Planning Statement (R001m), it is considered that the proposal will be a sustainable development thus complying with the objectives of the Development Plan, Planning Policy Wales and Technical Advice Notes.
- 6.6 In conclusion, the development proposals are compliant with policy and directly promote some of the key national and local principles of sustainable development. As such this application should be approved without delay in line with the Local Development Plan and Planning Policy Wales.