

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY –
DATE 7 SEPTEMBER 2020

APPLICATION NO:
P/2020 /0200

LOCATION:
ASDA SUPERSTORE HOLT ROAD
BODHYFRYD WREXHAM
LL13 8HL

DATE RECEIVED:
23/06/2020

COMMUNITY:
Acton

DESCRIPTION:
SIOP COFFI / CAFFI GYRRY
DRWYODD / DRIVE THRU COFFEE
SHOP / CAFE

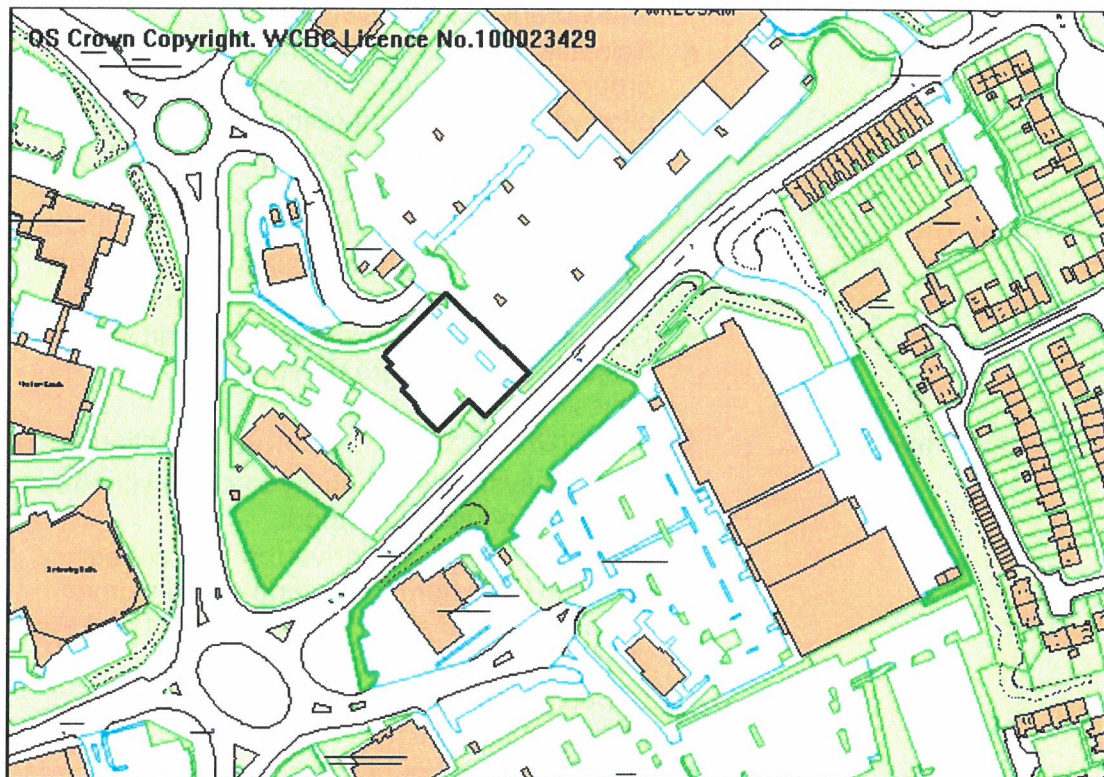
CASE OFFICER:
SEH

WARD:
Maesydre

APPLICANT(S) NAME:
MR ROB BUFFHAM
EURO GARAGES

AGENT NAME:
ASBRI PLANNING LTD
MR MATTHEW GRAY

THE SITE



PROPOSAL

As above

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RELEVANT HISTORY

None relevant

DEVELOPMENT PLAN

Within Town Centre. Policies PS1, PS2, PS3, PS4, GDP1, EC4, S6, T8 and T9 of the Wrexham UDP apply. Local Planning Guidance Note (LPGN) No.16 'Parking Standards' is also relevant.

CONSULTATIONS

Community Council:

Objects strongly:

- The proliferation of this type of facility (Lidl across the road) does not encourage shoppers to linger in the town centre and may have a detrimental impact upon the economic viability and vibrancy of the town centre;
- Scientific evidence shows an increase in ground level ozone pollution at drive through sites which will have a detrimental impact upon the nearby Alexandra School. The pupils will be subject to high level emissions for idling vehicles, which would be harmful to health;
- Noise, vibration, light and air pollution will be detrimental to nearby residential properties;
- Current research has shown that staff will be subjected to exposure to higher levels of emissions.

Local Member:

Concerns/Observations (not formal objections):

- Sewage system's capability to cope with the additional waste generated;
- Over development of drive-through coffee shops in Wrexham town centre (Lidl's drive thorough coffee shop across the road and Plas Coch Retail Park);
- Capability of road/junction to cope with additional traffic;
- Opening hours: 24 hour opening and a potential adverse impact upon local residents: traffic noise, anti social behaviour etc.
- Condition applied to ensure correct usage (coffee shop day/evening hours, not 24 hr restaurant).

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Highways:	No objections. The development is unlikely to have a detrimental impact upon the highway network (see Special Considerations below)
Public Protection:	Recommend advisory notes in relation to construction noise, dust control and the burning of waste.
Welsh Water:	No objections. Recommend drainage conditions.
Flood Officer:	No objections. Recommend drainage conditions.
NRW:	No comments.
Site Notice:	Not displayed due to COVID-19 regulations. Publicity Regulations for publicising applications require local planning authorities to either display a notice or carry out neighbour notification.
Neighbours:	Notified 30/06/2020

SPECIAL CONSIDERATIONS / ISSUES

Background: This is a full application for the erection of an A3 Coffee Shop with 'Drive Thru' within the existing Asda Supermarket car park. The application site is within Wrexham Town Centre where the proposed use is acceptable in principle, subject to compliance with UDP Policy GDP1. The proposed coffee shop is intended to enhance the existing facilities within the retail site and serve existing users within the locality. The main issues to consider relate to the impact of the development upon highway safety, residential amenity and upon the character and appearance of the area.

Design: The proposed single storey building has a flat roof with parapet and, taking into consideration its setting within a large car park and set against the backdrop of much larger retail units, is of an appropriate scale for the area. The building will not be readily visible outside of the car park and the proposed planting scheme would soften the impact of the development in the interests of the visual amenities within the car park. Any advertisements will be the subject of an application for advertisement consent should planning permission be granted. The proposed development would not have a negative impact upon the visual amenities of the area and is in accordance with UDP policies GDP1 and PS2.

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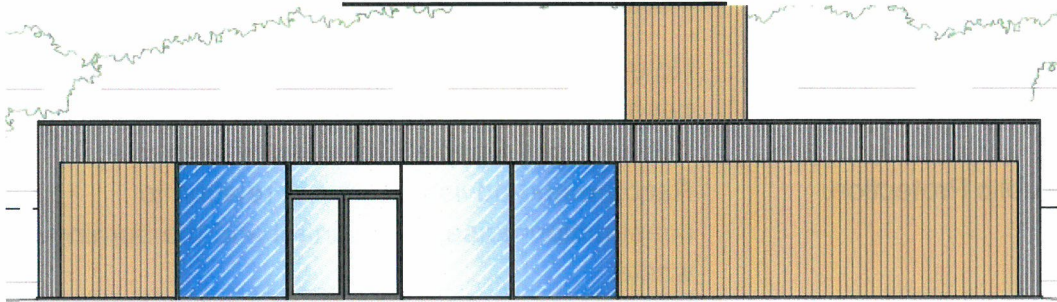


Figure 1. Front Elevation

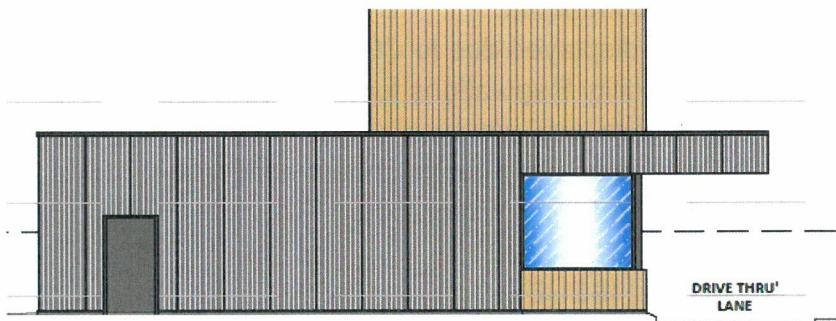
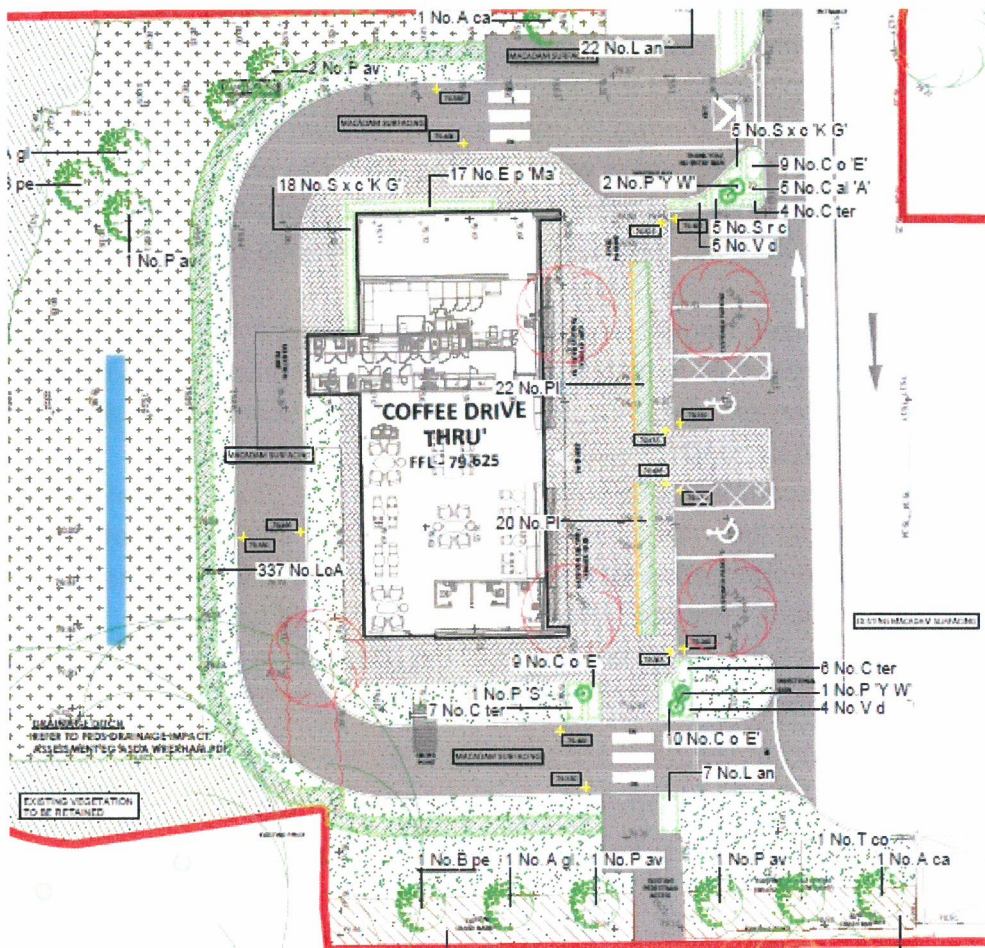


Figure 2. Side Elevation



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Figure 3. Site layout

Residential Amenity: The closest residential property is more than 130 metres away, beyond the Asda car park and the Border Retail Park. Given the separation distances and the intervening buildings, the proposed retail unit would have little impact in terms of noise nuisance etc. and the proposal is in accordance with UDP policy GDP1.

Highways: The proposed development site is accessed off the Asda / Bodhyfryd roundabout which is a classified road subject to a 20mph speed limit. The existing access currently serves the Supermarket and Petrol Filling Station.

Asda has confirmed that there are 511 parking spaces available within their car park. The proposed 'Drive Thru' will result in the loss of 55 of those spaces. This will leave the site with 456 spaces, 28 of which are required (in accordance with LPGN No.16) in connection with the proposed 'Drive thru'.

428 car parking spaces will therefore remain for the existing Asda Store. Whilst this is below that required by LPGN 16, a car parking survey was carried out in September 2011 and the results indicated an accumulation of just under 400 parked cars on a Saturday and just over 400 cars on a Friday.

The applicant has submitted a drone survey showing how the uptake of parking capacity has decreased since the 2011 surveys, based upon changing shopping habits. The maximum occupancy recorded as part of the survey was at 2pm on Saturday 26th January 2019, when 319 cars were parked. This is a maximum observed occupancy representing 62% of the overall car park capacity. Evidence suggests therefore that the 428 remaining parking spaces will be sufficient provision for supermarket. The highway authority has confirmed that, although it is difficult to accurately predict parking demand, the proposed development is considered unlikely to have any detrimental impact on the highway network. The development therefore complies with Policies GDP1 and T8 of the UDP.

The highway authority has recommended that the use of the site is limited to the specific coffee drive thru facility proposed and not as a general Class A3 use, and that a Service & Delivery Management Plan (SDMP) is submitted to ensure that delivery vehicles will service the site outside of peak hours of the facility and existing supermarket, detailing frequency of deliveries and how deliveries will be staggered. Both the opening hours restriction and submission of the SDMP will be secured by planning conditions.

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Trees: Whilst the project requires the removal of 3 no. existing young trees, the proposed landscaping scheme provides mitigation and further enhancement planting to provide increased canopy cover across the site, as is required by WCBC Tree & Woodland Strategy. An evergreen hedgerow is proposed to front the development and also around the perimeter of the access to the drive thru counter to the south, west and north, which will help reduce emissions from the vehicles using the facility. There are no arboricultural objections to the development, and the proposal complies with policy EC4.

Other Matters:

Noise, vibration, light and air pollution

Concerns have been raised in relation to the potential increase in the pollution of the environment from vehicle emissions. As already mentioned above, the proposed development is intended to serve the vehicles already in the area and is not expected to attract a large number of additional vehicles. As such, I have no reason to believe that the proposed use of the site will have a significant detrimental impact upon the environment in terms of noise, vibration, light pollution or air quality. The Council's public protection team has not expressed any concerns and the proposal complies with policy GDP1.

Proliferation of use

The presence of two other 'drive thru coffee shops' in the Town (one at the former Police Headquarters across the road and one 1.1 miles away at the Plas Coch Retail Park) does not represent a harmful proliferation or an over concentration of such facilities. There is no planning policy which limits the number or type of A1 / A3 uses within the Town Centre, and the proposal does not run contrary to the Development Plan in this regard.

Opening hours

The applicant has agreed that the facility will not operate on a 24 hour daily basis. The opening hours now proposed are from 0600 to 2300, and a condition will be attached to the planning permission to secure this operational restriction.

CONCLUSION

The proposed development is acceptable in terms of scale and design, and will not have a detrimental impact upon highway safety. The development would not adversely impact upon residential or visual amenities and the proposal is in accordance with all of the relevant UDP policies.

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RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered PLNG3-C, 4377 01 Rev D and PLNG5, and as contained within the application documentation.
3. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
4. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) No. PLNG3-C.
5. Within 3 months of commencement of development, a Service and Delivery Management Plan (SDMP) to include (but not limited to) the details of frequency of deliveries, type of delivery vehicles to be used, management of car parking to facilitate delivery vehicles shall be submitted to and approved in writing by the Local Planning Authority. The SDMP as agreed shall be implemented for the life of the development in accordance with the approved details.
6. The landscaping scheme approved as part of this application shall be fully implemented in strict accordance with approved drawing no. 4377 01 Rev D within three months of the first use of the development with the exception of soft landscaping which shall be carried out in the first planting season (November to March) or seeding season (April to September) following the first use.
7. The landscaping scheme as carried out in connection with condition no. 6 shall be permanently retained. Any planting becoming severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced with trees or shrubs of similar size and species to those originally required to be planted and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.
8. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority.

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Where a SuDS scheme is to be implemented, the submitted details shall:

i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;

ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,

iii) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

9. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 8. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.

10. No use of the development shall be made before 0600 hours or after 2300 hours on any day.

11. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking and re-enacting that Order with or without amendment), no part of the premises shall be used except for the precise purposes described in the application plans and documents, as a 'Drive Thru' Coffee Shop.

12. The site shall only be illuminated in strict accordance with the lighting scheme ref: D39128/AE/A, approved as part of this application.

REASON(S)

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

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

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

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

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

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

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

8. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

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9. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
10. To ensure that the Drive Thru Coffee Shop is not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
11. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
12. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

You are advised to introduce a barrier to prevent access into the area associated with the 'Drive Thru' when the premises are closed.

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Flintshire County Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication ""Sewers for Adoption""- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all

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times.

All works relating to this development which are audible beyond the site boundary should be carried out only between 7.30 and 18.00 hrs Monday to Friday, and 08.00 to 14.00 hrs on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant should adhere to the times given above wherever possible. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environment and Planning Department on 01978 315300 for further advice and information.

The Applicant is advised that under the Environmental Protection Act 1990, dust from construction and/or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.
