

RE: LAND AT HOME FARM AND THE ERECTION OF A FODSTORE, CAR PARK, ACCESS AND LANDSCAPING

ADVICE

1. The proposed scheme is for a new Aldi foodstore with a GEA of 1,921 m² and 117 car parking spaces are included within the scheme. The scheme will be landscaped. The site area comprises 11,278 m² (2.789 acres) and falls within the red line boundary of the approved, on appeal, planning application P/2014/0905 – mixed use development of up to 365 residential houses and 300 m² A1 retail use. The application for approval of the reserved matters to this outline planning permission (P/2017/1054) revised the red line boundary to exclude the development site and reduce the number of dwellings to 362.
2. My client's application was validated on 15th July 2019. The committee target date for determination is 7th October 2019. The LPA is Wrexham Borough Council. I have been asked to review all of the submitted documents and express a view upon the robustness of the submission and whether it addresses all key issues including residents' concerns. My client (Aldi) also wishes to know whether in the event of a refusal there is merit in an appeal. I say at the outset that I can see no proper planning basis whatsoever for a refusal. Any refusal should be appealed (I struggle to advise further in this regard as I cannot see - as noted - how the application can be refused on the basis of an objective review of the evidence within its proper context. A costs application must be part of any appeal).
3. As noted, the application site falls within the red line of an outline approval, granted on appeal, for up to 365 dwellings and a 300 m² retail unit. The reserved matters approval, however, excluded the application site and submitted details for 362 dwellings. The housing scheme is currently under construction.
4. To date my client's application has received a positive response from Officers as part of an extensive pre-application engagement. So far no statutory/internal consultees have raised any objection, although the response from the Local Highways Authority is, as yet, awaited. Local responses have been mixed, although the application itself has largely been supported with 84 letters of support having

been received and 12 letters of objection. The objections appear to focus on:

- Concerns in respect of the operation of the Gresford Road/Straight Mile Junction (locally known as the “Crown Crossroads”);
- Adverse visual impacts;
- Noise disturbance to residents of Gresford Road in particular.

The Principle of Development

5. The site sits outside the settlement limit of Llay as defined in the Wrexham UDP (1996-2011) (adopted 2005). PS1 of that document seeks to direct new development to within settlement boundaries. However, the above noted appeal decision expressed the view that the settlement boundary is dated. Moreover, in allowing the appeal the principle of development, including retail development, was established on the site. To that extent the Wrexham Local Development Plan (which is currently undergoing its Examination-in-Public) allocates the wider planning appeal site, including the Aldi site, for 365 dwellings. This draft allocation appears to have followed the appeal decision. It is inevitable that the Inspector will endorse the allocation and with it the re-drawing of the settlement boundary so as to exclude my client’s site from the settlement. Given the planning status of the wider site and my client’s land, significant weight must accordingly attach to the emerging Plan in this regard. It follows that there can be no objection in principle to the development of the Aldi site based upon superseded settlement boundary definitions. While the provision of 362 units on the wider site is 3 less than the 365 units noted in the Plan, the higher figure is indicative only and nothing turns on the difference.

The Principle of Retail Development on the Aldi Site

6. The combined effect of PPW and TAN4 is as follows:
- (1) The sequential location of either Development Plan allocations for retail development or planning applications should be considered in the following order:
- Firstly, within retail and commercial centres;
 - If no suitable sites are available in retail and commercial centres, then edge-of-centre locations should be considered, with preference given to brownfield sites that are well connected to the existing centre and accessible by a variety of means of transport;
 - Only when retail and commercial centres and edge-of-centre locations have been considered and found to be unsuitable can out-of-centre options outside a settlement be considered. Preference for brownfield out-of-centre sites should be given, which are or will be served by a choice of means of transport and are close to established retail and commercial centres.
- (2) Retail development of over 2,500 m² (GFA) must be supported by a retail impact assessment. A range of impacts must be considered including:
- Impact of the proposal on existing, committed and planned public and private investment in a centre or centre in the catchment area;
 - Impact of the proposal on centre vitality and viability, including local consumer choice and range and quality of the comparison and convenience retail offer;
 - Consideration of the cumulative effects of the development proposal in relation to any outstanding planning permissions.

- The impact of the proposal on allocated sites outside centres being developed in accordance with the Development Plan;
 - Impact of the proposal on in-centre trade and turnover in the centre and other centres in the wider area, taking account of current and future consumer expenditure capacity in the catchment area;
 - Assessment of the proportion of customers using the development travelling by different modes of transport;
 - Impact on travel patterns over the catchment area;
 - Any significant environmental impacts.
7. In the instant case, the above advice has been complied with fully by way of the submission of a Planning and Retail Statement (July 2019). The study area for the needs assessment was agreed in advance with LPA Officers. The methodology used follows well-established best practice and reveals that only about one-third of total catchment expenditure is spent in local shops within the study area - almost £50 million is spent outside. The explanation for this unusually high level of leakage lies with the fact of the absence of a main food shopping facility within the study area (it is notable that Lidl on Mold Road on the southern edge of the area is trading very strongly and accounts for 9.8% of expenditure arising within the catchment). Robust evidence notes that the impacts of a new store will be felt by other large stores located on the edge of settlements or beyond in Wrexham and the above noted Lidl in Gwersyllt. In-centre impacts are all low - even in Gwersyllt the impact is less than 6% and most of that will be felt by Lidl. The sequential testing reveals - unsurprisingly - that no suitable alternative sites exist (I say unsurprisingly because Llay and Gresford are local centres and therefore small while Gwersyllt is a District Centre but still of modest size such that it would be highly unlikely to have a suitable, available and deliverable site to accommodate a 1,921 m² GFA store). There can, in short, be no objection at all to the application on retail grounds.

Highways

8. There is a Transport assessment prepared by Messrs Cameron Rose. Its scope was agreed with the Highway Authority so that trip generation rates, base flows, assessment years and the gravity model are all agreed. The site is sustainably located and indeed will be even more so once the consented housing scheme is built out. In terms of traffic impacts, the key points to note are:
- The Crown Crossroads reveal by way of Crash Map only two slight accidents over five years as the junction is currently configured. That is well within what would be expected of this junction.
 - Trip attraction to the store will be circa 105 two-way trips in the am peak, 346 two-way trips in the pm peak and 347 two-way trips in the Saturday peak. These trip rates are derived from existing Aldi stores in North-Wales as advised by Officers and are therefore locally robust.
 - Not all of the above trips will be net new additional trips to the network - as is now well-established, much of the traffic attracted to a new foodstore is traffic that is passing by or is otherwise traffic that diverts or transfers to the new site. Much of the traffic in other words is already on the network. Applying reasonable assumptions in this regard, the Aldi store will generate an additional 63 two-way trips in the am, and 207 additional trips in the pm peak and 226 additional two-way trips in the Saturday peak.
 - The distribution of the trips is based on a gravity model and I would anticipate no dispute in this regard.
 - Crown Crossroads has been the key focus of interest. The housing consent is conditioned to require improvements to this junction which the Cameron Rose assessment assumes to have been completed (a condition on the Aldi consent could prevent occupation until those consented works have in fact been completed). A standard Linsing analysis reveals that the junction with the foodstore and all relevant committed development will work well within its design capacity (the very worse

queue length is 24 on Llay road in the am peak and that is only for a small part of the period.)

In summary, there is no highway reason to reject the proposal.

Noise

9. A Noise Impact Assessment analysis has been prepared by Spectrum. I have read it carefully. Its methodology follows industry best practice and applies BS 4142. I understand local concern has been aimed at:

- (a) Plant noise; and/or
- (b) Noise associated with deliveries.

Both those issues are addressed in extensive detail in the Spectrum report. In respect of (a), mechanical plant ratings will be significantly below background noise levels at day and night times, ie totally imperceptible. It is to be noted that the assessment adopts a worse case scenario approach by assuming that all plant will operate at the same time - in reality, that will hardly ever occur. In respect of (b), deliveries are sought between 6.00 am and 11.00 pm, although only one will in practice occur in the evening and that will not be a daily occurrence. Again, and even applying a tonal impulse penalty to the assessment, impacts, at the very worst, are only +1 dB above background levels. It is to be noted that this is normally regarded as indistinguishable by the human ear.

Once again, there is no credible noise related case for refusal.

10. I have considered the visual amenity issue. In its widest sense, it does not arise - the proposal is for a foodstore on a site that will read as part of the urban area once the housing is built out. All TPO'd trees (with the exception of three required to be removed for the access) will remain and there will be boundary planting along the Gresford Road frontage. As is clear from The Harris Partnership montages, views from the housing on Gresford Road to the store and car park will be heavily filtered. Moreover, seeing a foodstore in an urban area is entirely normal. Adverse visual impact simply does not arise.

I so advise.

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17th September 2019

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