

Hend-Wrex
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Community Well-being and Development
Wrexham County Borough Council
Lord Street
Wrexham
LL11 1LG

Dear Sir/ Madam

WREXHAM – ISLAND GREEN

We act on behalf of Henderson Retail Warehouse Fund Ltd ("*Henderson*"), owners of the above retail park and adjoining shopping premises on Regent Street. Following pre-application discussions with Dave Sharp and others (see below) we are instructed by Henderson to submit the two enclosed planning applications to you. Both are full applications and each seeks permission for alterations to part of the Main Island Green Car Park (Site 1). However, the scheme which we refer to as Application 2 also includes a drive thru restaurant and take away facility on the Southern Car Park (Site 2). The applications are as follows:-

- Application 1 (PP-04351939) Alterations to the Main Car Park and public realm to improve the quality and quantity of parking spaces within it; and
- Application 2 (PP-04351950) Alterations to the Main Car Park and public realm to improve the quality and quantity of spaces within it, along with redevelopment of the Southern Car Park to provide a new drive thru restaurant and take away along with related external seating, public realm and parking.

The applications comprise the following documentation:-

Application 1

- Forms/ Certificate;
- CTL-XXX-00-10-1001-00 Site Location Plan
- CTL-XXX-00-10-1002-00 Existing Site Layout Plan
- CTL-XXX-00-00-1003-1 Proposed Car Park Layout
- WIB-15092 -100-SE-74-003 Landscaping Plan
- MJA-P 105-4082-J Illumination Plan
- MJA-P 105-4082-K Illumination Plan
- Planning Statement (this letter)
- Waterman Arboricultural Survey Report;
- Mayer Brown Transport Statement;
- Application Fee.

Application 2

- Forms/ Certificate;
- CTL-XXX-00-10-1003-00 Existing Site Layout;
- CTL-XXX-00-10-1005-00 Site Location Plan
- CTL-XXX-00-01-1004-00 Proposed Site Layout
- CTL-XXX-20-00-2007-00 Proposed Ground Floor Plan
- CTL-XXX-20-00-2005-00 Proposed First Floor Plan
- CTL-XXX-20-00-2006-00 Proposed Roof Plan
- CTL-XXX-21-00-2003-00 Sections
- CTL-XXX-21-00-2008-00 Elevations
- WIB-15092 -100-SE-74-001 Landscaping Plan
- WIB-15092 -100-SE-74-003 Landscaping Plan
- MJA-P 105-4082-F Illumination Plan
- MJA-P 105-4082-I Illumination Plan
- MJA-P 105-4082-J Illumination Plan
- MJA-P 105-4082-K Illumination Plan
- Montagu Evans Planning Statement (this letter);
- Waterman Arboricultural Survey Report;
- Chapman Taylor Design & Access Statement;
- Waterman Environmental Noise Assessment;
- Waterman Flood Consequences Report;
- Waterman Preliminary Environmental Risk Assessment;
- Mayer Brown Transport Statement; and
- Application Fee.

Background

Island Green is a shopping development located to the south of Regent Street (a Principal Shopping Street) and north of Watery Road/ Pentre Felin, within Wrexham Town Centre. The scheme comprises shops facing onto Regent Street and further stores in a retail park style, facing onto the Main Island Green Car Park.

Island Green Car Park is a shared surface level car park accommodating 434 shopper's spaces; 363 spaces within the Main Car Park (Site 1) and 71 spaces on the Southern Car Park (Site 2) between Y Werddon and Pentre Felin. The car park is subject to charging, and parts of Site 1 have an inefficient layout. However, it is nonetheless well used.

South of Site 2, on the opposite side of Pentre Felin, is St Mary's School. This is a primary school with the principal access to the rear off Lea Road/ Tenters Lane.

Y Werddon is situated at a lower level than the Main and Southern Car Parks of Island Green. It is an attractive, but unlisted, former tannery building of some heritage value.

Furthermore, Y Werddon is now used for residential purposes. Whilst the Island Green Car Park can be used 24 hours per day, Application 2 includes an environmental noise assessment and lighting details to assess the effects of the proposed development on the amenity of occupiers of Y Werddon.

Between Y Werddon and the Southern Car Park is a stream known as the River Gwenfro (Afon Gwenfro). The stream is culverted to the west of Y Werddon beneath the Main Island Green Car Park. Despite the close proximity of the River Gwenfro to the application sites, the water level is significantly below the car parks. The effect of this is addressed in the Flood Consequences Report.

There are trees within the Island Green Car Park, and (with other vegetation) along the boundaries of it. The quality and condition of these trees has been assessed by Watermans. None are of any particular arboricultural quality but Officers have advised that collectively these trees are considered to enhance the visual quality of the area and contribute towards the character of it.

Proposed Development

Application 1¹

Henderson wishes to reconfigure parts of the Main Island Green Car Park so that the spaces in the northern part of it (in particular) are better laid out in operational terms, and provide more spaces closer to the shops. This will provide qualitative and quantitative benefits in terms of car parking provision, improving the ability of visitors to the town centre being able to access the shops. The proposed changes will increase the car parking capacity of the Island Green Car Park (excluding the Southern Car Park) by 62 spaces from, 434 spaces to 496 spaces. Related alterations seek to alter the public realm to provide improved access from the south of the car park north to the shops, and to replace trees that are dead/ dying and or required to be removed to facilitate the proposed development.

Application 2

Application 2 comprises all of the works subject of Application 1, along with the drive thru restaurant. The drive thru restaurant will enhance the provision of catering outlets within the town centre by providing a new restaurant in the centre with a drive thru format. In essence this will function as a combined restaurant and take away outlet. Henderson has operator interest in this scheme, which we expect will generate c.45 new FTE jobs in this central location.

The building will be two storey and have a floor area of 545sqm GIA. The design of the building relates very well to its proposed use as a restaurant destination, and in respect of the drive thru facility. Customer doors are on the northern elevation to a small area for ordering food and eating it; there are stairs to provide access to a larger first floor dining area with views focused south towards Pentre Felin. Details are set out in the Design & Access Statement.

The layout of the scheme locates this building centrally within Site 2 to facilitate a drive thru lane around it, along with 25 parking spaces at the western end of the scheme. The layout has been designed to work on a clockwise circulation whether customers use the drive thru lane or the car park. The drive thru lane has a capacity of 10 vehicles prior to the order point which should be sufficient to ensure that vehicles do not normally queue back into the car park area and congest the scheme.

The scheme will reduce the number of spaces provided in this Southern Car Park by 46 spaces, from 71 spaces to 25 spaces. However, as the drive thru is to be provided along with the works to the other parts of the Island Green Car Park (with an increase of 62 spaces) overall this development will result in an increase of 16 parking spaces at Island Green; from 434 spaces to 450 spaces. Parking spaces at Site 2 will be managed so that the spaces are free for a limited time for restaurant customers.

The proposed development is to be situated within the setting of Y Werddon, separated by the River Gwenfro. However, the siting of the restaurant is away from the boundary with the former tannery building, and despite the relative ground levels of Y Werddon and the proposed restaurant, the height of the drive thru building will not exceed the height of Y Werddon.

The existing car parking along the boundary with Y Werddon is to be replaced with 8 new parking spaces and the drive thru lane, which is similar in terms of character and function. The existing boundary fence will be retained. Whilst much of the landscaping between the fence and existing parking spaces will need to be replaced, the trees will be retained and new landscaping introduced. A new fence will be erected within the drive thru site to mitigate noise and lighting generated on the site.

There are no restrictions on the use of the existing car park in terms of operating hours. It is envisaged that the new restaurant will open between 6am- midnight, to meet expected customer demand. Accordingly, Henderson instructed Watermans to prepare an acoustic report on the basis that the scheme is operated 24 hours a day as a worst case. This concludes that, with the new 1.8m acoustic fence close to the northern boundary, there should be no harm to the amenity to residents arising from the operation of the restaurant.

¹ In respect of application form question 13, the site is located within an area liable to flood but the portal would not accept this response.

The lighting scheme has also been designed so that light is directed within the site to provide a safe operation, limiting spillage beyond the site boundary to avoid an unacceptable amenity for residents in terms of lighting.

Whilst parts of the Island Green Car Park are located outside Flood Zone 1, the Southern Car Park is situated within the 1:1000 year risk area. The applications therefore enclose a Flood Consequences Assessment to consider the proposed development in terms of the following:-

1. Alterations to the car park and public realm which falls, in part, outside Flood Zone 1; and
2. The proposed drive thru restaurant which is located entirely within Flood Zone 1.

The proposed development has been designed to ensure that the development is adequately drained, is not at risk of flooding itself and will not increase the risk of flooding elsewhere. This is assessed in the Flood Consequences Report.

As noted above, there are trees within and on the boundary of the site. Where possible, the existing trees are retained. Waterman has assessed the existing trees that are to be removed in both Site 1 and Site 2, and found that are relatively immature trees mostly comprising Grade 'C' Category trees being of low quality. New trees are proposed to replace the trees that need to be felled to facilitate the development.

Two meetings have taken place with Officers in relation to the application proposals. Both schemes were well received and the package of documents submitted for the enclosed applications reflects those agreed with Officers. Pre-application discussions have also been held with St Mary's School and local ward representatives.

Planning History

On 11 September 1995, full planning permission was granted to Trinity Investments for the erection of food and non-food retail units, along with the change of use and partial rebuilding of the former brewery building construction of a new station terminal and other works (WRO23417). This was modified on 7 July 1997 (WRO CB01085). Condition 9 of WRO CB01085 was subsequently removed on 8 May 2000 (WRO P/2000/0227).

Subsequently, planning permission was granted for A1/A3 units (WRO CB03044) at Units 13 and 14. On 15 August 2013 permission was granted for the change of use of Unit 6B from retail to mixed use (A1/A3) or retail use.

Therefore catering uses have been approved at Island Green near to the Southern Car Park (Units 13 & 14) and recently (2013). This shows the appropriateness of this type of use on the site in planning decisions.

We also met the Deputy Head teacher and Governors of St Mary School before the application was submitted. The school is secure and we understand that children are not permitted to leave the premises during school hours.

Planning Policy

Welsh Policy

Relevant planning policy guidance is contained in Planning Policy Wales along with the Wrexham Unitary Development Plan 2005. The proposals map shows that the whole of Island Green is located within Wrexham Town Centre Shopping Area. However, there is no development allocation or environmental designation for it.

Chapter 10 of Planning Policy Wales promotes established town centres such as Wrexham as the most appropriate location for retail, leisure and complimentary functions. It is the policy of the Welsh Assembly Government to enhance the vitality and viability of such centres². To achieve this, such uses should be located in accordance with the sequential approach to site selection based on a town centre first approach. Where such

² Paragraph 10.1.1

development is to be located out of centre a need for the development should be established, but this is not necessary for developments within a centre.³ Furthermore, it is not necessary to assess the impact of town centre uses⁴ where such uses are proposed within a town centre.

Other policies of PPW require a high quality of design, development in locations or of a design which is acceptable in terms of flood consequences and consideration to be taken of the transport implications of proposed development.

Local Policies

The Strategic Policies of the Wrexham UDP direct new development to existing settlements to maintain the existing settlement character (Policies SP1 & SP4), and specifically to previously developed brownfield land comprising vacant or underused land (Policy SP3). Shopping uses are directed to Wrexham Town Centre (Policy SP7). Development must not be materially detrimental to townscape character and be integrated with the existing transport network to reduce the need to travel and encourage the use of alternatives to the car (Policies SP2, SP4 & SP8). Encouragement is given to proposals which improve the biodiversity value of the site (SP11).

Section 4 concerns the General Development Principles of the Plan. Policy GDP1 is a criteria based policy for all new development, which should:-

- a. Be of a scale, design and layout, and in its use of materials and landscaping, to make a positive appearance to the locality;
- b. Take account safety and security considerations in the design and layout of development;
- c. Conserve energy and water;
- d. Ensure safe and convenient pedestrian and vehicular access between the site and adjoining areas;
- e. Address pollution issues, and any noise, odour or vibration arising from the development;
- f. Secure services such as gas and water to the scheme;
- g. Safeguard sites of nature conservation and wildlife importance, avoid the loss of habitats and provide new habitats;
- h. Ensure that development is not at risk of flooding;
- i. Safeguard Welsh culture; and
- j. Promote economic, social and environmental well-being.

Section 5 of the Plan concerns Environmental and Conservation matters. Policy EC4 states that development which results in the loss to valuable trees will not be permitted.

Development and flood risk is addressed in Policy WC12. It sets out three criteria for development in flood plains; development should not:-

- a. Be subject to an unacceptable risk of flooding;
- b. Result in an unacceptable risk of off-site flooding; and
- c. Affect flood management systems.

Development which would have an unacceptable adverse impact on controlled water courses will not be permitted (Policy EC14).

Chapter 8, Shopping deals with town centre uses such as restaurant take away uses. Policies S4 and S3 respectively direct large scale shopping and other town centres uses (such as leisure functions) to Wrexham Town Centre. However, within the defined Shopping Area of the town centre (within which Island Green – including the Southern Car Parks fall) Principal Shopping Streets are defined. Policy S1 restricts “*non-retail uses*” (defined in paragraph 8.8 as including food and drink establishments) in such locations. However, Policy S2 allows mixed use commercial development elsewhere in the Shopping Area, where it enhances the vitality and environmental quality of the area. The supporting text⁵ acknowledges that mixed commercial uses (such

³ Paragraph 10.3.2

⁴ For the scale proposed in this application

⁵ Paragraph 8.9

as food and drink establishments) are part of a range of uses which contribute to the overall well-being of the centre, providing a lively environment and reducing the need to travel further afield to visit such facilities. It is further noted that such uses have recently contributed towards the regeneration and environmental quality of the centre. Accordingly, restrictions normally only apply where there is a concentration of such uses at ground floor level in a shopping street.

Section 7 of the plan relates to transport considerations. Policy T8 requires parking to be provided in accordance with the Council's standards, taking into account the local provision of public transport, public car parking, and the provision of services in the area and safety considerations arising from on street car parking.

Walking and cycling connections are required by Policy T9.

Development Control Note

The Council has produced a series of Local Planning Guidance Notes (LPGN's). These have been adopted following public consultation, but the status of them falls short of development plan policy. LPGN 9 concerns hot food take aways. The Notes defines hot food take aways as establishments whose primary business is the sale of hot food for consumption off the premises. This does not strictly apply to the application proposal which is for a mixed restaurant and take away use. Nevertheless we have had regard to LPGN9 in preparing the planning application.

It is noted that take aways provide a popular service and local employment, especially in shopping centres such as as Wrexham, but notes concern about potential negative effects of effect on the retail character of an area, residential amenity and community health. Accordingly, the note suggests that take aways should not be located in the Principal Shopping Frontages of Wrexham Town Centre, predominantly residential areas or within 400m of a school or tertiary college. Rather they may be acceptable elsewhere in Wrexham Town Centre, and in other centres and mixed use areas.

The main issue associated with the application proposal in the context of this Note is the proximity of the site to St Mary's School.

Planning Assessment

Principle of the Development

The site location accords with the UDP Strategic Policies for directing new development to accessible brownfield sites within the settlement boundary of towns such as Wrexham.

The proposed development comprises two parts; improvements to the main Island Green Car Park which is common to both applications and erection of a drive thru restaurant which is only included within Application 2.

Island Green Car Park is an existing centrally located town centre shopper's car park. It is a popular facility, but inefficiently laid out in places. It is proposed to re-organise the car park to improve the quantity and quality of spaces, so that visitors to the town centre can park closer to the Principal Shopping Frontages and the car park can operate more effectively.

In principle, Application 1 raises no land use issues. The operational improvements to it will be a public benefit, improving access to the town centre, and making better use of the land accords with general planning objectives.

We consider that, in principle, Application 1 should be acceptable, as should the car parking element of Application 2.

The proposed drive thru restaurant and take away facility is an eating and drinking establishment or a town centre use in policy terms. The location of the Southern Car Park within Wrexham's Shopping Area, but outside the Principal Shopping Frontages, accords with Policies PS7, and S2. In addition to this being a suitable location for an eating and drinking establishment in principle:-

- Such a use will, by definition, make a positive contribution towards the vitality of Wrexham Town Centre by introducing a drive thru facility within the centre;
- Enhance the environmental quality by replacing a tarmaced car park with a new well design building and related public realm;
- Relate well to the site with the drive thru element relating well to the location adjoining Pentre Felin.

The scheme will help to regenerate this part of the town centre, with a lively use.

The proposed development accords with all of the locational requirements of LPGN9 except for the proximity of the site to St Mary's School. The principal concern within LPGN9 of take away facilities close to schools is health related based upon the appeal of such outlets to children. In this case, St Marys is located on the edge of Wrexham Town Centre which has many existing catering outlets – that contribute to the vitality of the centre. An additional restaurant take away in the centre will enhance the range and choice of provision, but will not introduce a take away close to the school. Furthermore, the school is a secure primary school where children are not allowed to leave without parental supervision. During pre-application consultations, no indication was given to us of concern that the proposed development would be a problem to the school in this regard. We consider that the proposed development is acceptable in terms of LPGN9.

Design

Other than landscaping there are no “*design*” issues with the proposed re-organisation of the car park. Reorganisation of the spaces has no material effect in design terms per se. The trees to be felled include are required to facilitate the development and for arboricultural reasons. Replacement of the trees ensures that the scheme maintains an amenity and wildlife value.

The Design and Access Statement explains how the proposed restaurant development has been designed in layout terms to relate to the site, with the building being of a suitable size, height and design to improve the appearance of this part of Island Green. Our clients are working with an operator for the site, who will introduce energy and water conservation techniques. In our view, in accordance with criterion a and c of Policy GDP1, the proposed development will make a positive appearance of the locality, with a sustainable construction.

The improved legibility of the car park, for both motorists and pedestrians, should enhance the safety and security of it with convenient connections to adjoining areas, in accordance with criteria b and d of Policy GDP 1. The Southern Car Park has no existing safety features; provision of a well-managed active use throughout the day and the evening, with improved pedestrian connections to Pentre Felin and the Main Island Green Car Park, also meets the requirements of criteria b and d.

The proposed development is situated in the town centre where lively uses are encouraged. However, we also recognise the proximity of the Southern Car Park site to nearby residential properties and to St Mary's School. Accordingly, a noise report was commissioned to assess the effect of the proposed development on the amenity of the residential occupiers. The results of this show that effect of the proposed development on residential amenity in acoustic terms is insignificant. A 1.8m acoustic fence is proposed close to the northern boundary of the site to ensure that such amenity is protected. On this basis we consider that the proposed development accords with Policy GDP1 (e).

We would accept a planning condition requiring the submission and approval of details of plant and ventilation before occupation of the proposed unit. We consider that this element of the proposed development therefore also accords with Policy GDP1 e.

Trees and Bio-diversity

The quality of the existing trees is not very good, and the extent of landscaping around the Southern Car Park is limited. There will be an increase in the site cover of the Southern Car Park used for landscaping, replacement trees and the focus of this will be on native species. This will address the requirements of Policy EC4 and encourage wildlife and promote new habitats in accordance with Policy GDP1 (g).

Flood Risk

The Flood Consequences Report confirms that the proposed development should not be at risk of flooding, nor increase the flood risk elsewhere, in accordance with Policies GDP 1 (h) and WC12.

Transport

As the Transport Statement explains, the proposed drive thru is well related to public transport, has sufficient car parking provision and will not have any detrimental improvements to the local highway network

Other Matters

The former tannery building is attractive, but of limited heritage value. The proposed development will not affect the setting of it, and Officers agreed that no heritage statement is required to address this issue in the application.

There are no issues in relation to GDP1 (f) or (i).

Conclusions

The proposed development will improve access by visitors to the Principal Shopping Frontages of the Town Centre and provide a new restaurant on an unallocated site within the Shopping Area (but outside of the protected frontages) in accordance with national and local planning policy. We have assessed details of the proposed development in terms of criterion of Policy GDP1 and other general policies, and found no conflict with them.

Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. We consider that the proposed development accords with the Wrexham development plan and that there are no material considerations which would override this. Accordingly, planning permission should be granted for the proposed development.

Furthermore, the application schemes have many sustainable qualities. We consider that they have clear and significant economic roles, a social role and an environmental role:-

- Improving access of visitors to the shops and services of the town centre;
- Providing accommodation to meet the needs of a restaurant business;
- Improving choice and competition for A3 uses within Wrexham Town Centre; and
- Providing c.45 FTE jobs.
- Provision of a restaurant at an accessible central area; and
- A good quality design with related landscaping and pedestrian connections.
- Improvement of and redevelopment of previously developed and access urban land to meet needs;
- The expected conservation of water and energy within the development; and
- Provision of additional landscaped areas with native planting.

We therefore conclude that planning permission should be granted for the proposed development.

Should you require further information please call me on 0207 866 8608.

Yours sincerely

Jonathan Best
Partner
Montagu Evans LLP