MEMORANDUM

From:	Chief Officer, Environment & Technical	**To:**	Chief Officer Economy & Planning
		FAO::	Sarah Duckworth
Our Ref:	ET/DC/DB/P/2025/0393 Response 2	**Your Ref:**	P/2025/0393
Date:	28th Nov 2025		

TOWN AND COUNTRY PLANNING ACT 1990

PROPOSAL: NEWIDIADAU I'R IARD WASANAETH BRESENNOL I DDARPARU GARDD GWRW / ALTERATIONS TO EXISTING SERVICE YARD TO PROVIDE BEER GARDEN

LOCATION: 44-46 REGENT STREET, WREXHAM, LL11 1RR

I refer to your re-consultation / email dated 18/11/2025 in respect of the above, LHA previous consultation response dated 08/08/2025, and emailed feedback 5/08/2025.

The wording of the previous 8th Aug 2025 response is retained below in italics, for ease of reference

Having reviewed the submitted title plan and covering email, the LHA's updated comments are:

1. Prior to the LHA being able to support highways related matters for this application, the applicant needs to provide evidence that all neighbouring properties which back onto the service yard area have been informed about the proposal for the rear yard to become a beer garden. If so, please clarify what responses have been received from said properties.
2. Please provide documentary evidence (title plan, deeds, or easement documents) confirming the applicants legal right of access over the alleyway to the proposed beer garden area and confirm whether the right of way includes vehicular access or only pedestrian access.
3. Please provide documentary evidence of any private rights of way benefiting neighbouring properties over the alleyway and the rear yard area belonging to the applicant
4. Please explain how the proposed application will always ensure the continued unobstructed exercise of any third-party rights.
5. Given the applicant does not own the alleyway, please explain how the development will be lawfully implemented and operated without interfering with land outside the applicant's control.
6. Please confirm whether vehicles currently use the alleyway and rear yard to access neighbouring properties, or for any other reason.
7. Please address safety concerns regarding potential conflict between vehicles exercising legal access rights and patrons seated within the beer garden (if applicable).
8. Confirm if there are any details of proposed physical measures to ensure pedestrian safety if vehicles continue to require access. If not, please provide.
9. Clarify how emergency vehicle access will be maintained to the rear yard and neighbouring properties.

10. Please explain how unauthorised access (including by under 18's) will be prevented given that the applicant does not own the alleyway and cannot obstruct the relevant third parties from accessing the rear yard area and therefore cannot place a gate or controlled access on these areas.
11. Please confirm if there is a security or supervision plan for the proposed beer garden area.
12. Confirm if Scottish Power's rights of emergency access to the substation accessed via thr alleyway and the rear yard will be compromised. If not, please provide a response as to why.
13. The sketch showing the turning head ensuring service vehicles can turn within the site clashes with furniture and gates, which is not acceptable. Regardless of the title ownership, it is assumed that the neighbouring properties have accessed and turned within the development for a considerable number of years and would be able to demonstrate a legal right to continue use.
14. There is an access from King St that is shown within the red line but not coloured pink as the rest of the land within the title plan. Can the applicant confirm the status of this access? Does it include rights of way for others to access? Does anyone have access rights to park, or maintain, or store bins?
15. The LHA are concerned regarding the loss of emergency escape route from the doors in addition to neighbouring properties potentially using the rear yard as a fire escape. Please confirm if this has been considered within the application.
16. Are there any other services, including adopted Welsh Water sewers for which unhindered access should be maintained? The current Welsh Water plans cannot be relied upon to include all drains that should have been transferred in 2011. A full survey of foul, surface water and combined sewers would be required, and demonstration that these are not for communal or third-party use.

Summary:
The Local Highway Authority have considerable concerns that should this application be approved, then the loss of service space, access for emergency and maintenance and provision of a turning head will have a negative impact on unhindered free vehicular traffic on King St and Lord St. This is particularly sensitive given the need to maintain full access for buses.

Previous LHA Response for ease of reference:
The LHA's focus for this application relates primarily to the change in use of the rear yard, that provides service access maintenance access, fire escape routes & service vehicle parking into a beer garden. This includes the construction of permanent glazed perimeter screens, and gates in the service yard off Lord St on the North elevation of JDW's building.

To enable the LHA to finalise a consultation response, confirmation of the following queries is required:

- *The extent of the 3rd party access to the rear of the neighbouring buildings. There is currently room for maintenance vehicles to access in a forward gear, turn within and leave in forward gear. The LA are not comfortable with changing this access as drawn, resulting in the loss of turning, given the substandard pedestrian visibility between the alleyway and footpath.*
- *Has emergency fire access, substation access (often needing forklift/lifting equipment access), roof and building/plant maintenance and service access been assessed?*
- *Is it intended to use the gates within the proposed glazed fence for customer access into and out of the beer garden along the service alley? Is it within the gift of the applicant to use this access for public access? Lighting proposals, surfacing proposals, and consideration for the interface with neighbours using the alley for maintenance would be required*

Whilst these considerations in the rear yard may be outside the highways authority's direct control, the potential for reversing vehicles exiting the alley, or maintenance vehicles parking and obstructing the footpath would become a highway matter and therefore creates a valid cause for concern.

Subject to the above, should the application succeed, the LHA request an appropriately worded condition seeking provision of a Construction Traffic Management Plan for LHA approval prior to commencement of the works.

We look forward to the applicant's response.



On behalf of Chief Officer, Environment & Technical

Appendix

Highways Development Control Standard Advisory Note

In the interests of maintaining highway safety, and to avoid obstruction of the public highway (in contravention of the Highways Act), The Applicant is advised to coordinate with the highway authority at highwayroadworks@wrexham.gov.uk in advance of commencement of the development/works with respect to:

1. *Skip, scaffolding, hoarding or A frame/signage (Permit required for these items, if on the public highway);*
2. *Use of a parking space for a set down/delivery area.*
3. *Record a dilapidation survey of the adjacent carriageway prior to commencement (to avoid being asked to repair damage by the Applicant whilst carrying out their works).*
4. *If any lane closure or obstruction of the highway is required for a crane or similar.*
5. *Protection against dust and debris blowing onto the public highway*
6. *Construction traffic parking locally avoiding nuisance to others.*
7. *If the Applicant's scope of work includes new apparatus in the highway, such as new mains services then a Section 50 licence will be required. Insurances and demonstration of competency to carry out works in the public highway will be required.*
8. *Lowering of kerbs or minor pavement alterations require Section 184 agreement. Insurances and demonstration of competency to carry out works in the public highway will be required.*
9. *A section 278 agreement works agreement is required for more significant alterations to the existing highway*
10. *Any temporary works affecting traffic lights, [pedestrian/cycle road crossings, or bus stops require pre-planning and permits.*
11. *For applications with a private driveway (either existing or proposed) connecting onto the public highway, the following conditions of approval apply:*

    - *No surface water from the applicant's site should be allowed to drain onto the public highway,*
    - *The first 5m* minimum (for residential property) should be hard paved, avoiding gravel or loose chippings form spreading.*
    - *No gate should be built in a location where it would result in a car obstructing the highway whilst being unlocked, and it should not swing out and over a pavement or any other part of the highway.*

    **The hard paved length and set back if required is subject to the applicants proposed vehicular length*

The applicants should allow a minimum of 4 weeks' notice for any of the above standard requirements, and 6-8 weeks for lane closures & road closures (lead times may change without notice subject to workload and

complexity). Any works involving Trunk roads should be coordinated separately and directly with the North & Mid Wales trunk Road Agency. For larger sites with a significant impact upon the highway, a Construction Traffic Management Plan will be required.