Report of the Chief Officer Economy and Planning

Application Reference
P/2025/0821

Applicant
Mr Jack Coeshott

Agent
Mr Stephen Bevan

Site Address
GENERAL STORES, 70-70A POYSER STREET, WREXHAM, LL13 7RT

Description of Development
NEWID DEFNYDD ADEILAD O DDOSBARTH A1 (MANWERTHU) I DDOSBARTH A3 (BWYD A DIOD) / CHANGE OF USE OF BUILDING FROM CLASS A1 (RETAIL) TO CLASS A3 (FOOD AND DRINK)

Ward
Offa/Offa

Community
Offa/Offa

Recommendation
Grant

Officer Report

Site Description

A corner property located on the junction of Poyser Street and Edward Street. It lies approximately 50m to the west of the junction of Poyser Street and Ruabon Road. The site lies within a predominantly residential area, which is adjoined by terraced housing, an apartment block and the nearby All Saints Church. Victoria school lies just under 150m away along Poyser Street to the west.



Report of the Chief Officer Economy and Planning

Proposal

Change of use from Class A1 (Retail) to Class A3 (Food and Drink). Hours of opening would be 4-10pm.

Reason for Committee Determination

Objection received from the Community Council

The applicant is a close family member of a member of staff in the Economy and Planning Department

Site History

P/2015/0492 - Continued use as cafe. Refused 7th December 2015. Impact upon residential amenity (noise and disturbance) and impact upon parking congestion.

P/2014/0113 - Change of use of retail premises to cafe. Granted 7th July 2014 (Temporary use until 7th July 2015)

P/2012/0774 - Change of use of retail premises to cafe in retrospect. Granted 7th January 2013 (Temporary use until 7th January 2014)

Development Plan

Wrexham Unitary Development Plan
PS1 - Location of Development (Settlement Limit)
PS2 -Location of Development (Material Detrimental Affect)
PS3 - Location of Development (Brownfield)
PS4 - Location of Development (Maintain Settlement Pattern)
PS11 - Biodiversity
GDP1 - General Development Principles
T8 - Parking

Local Planning Guidance Notes
LPG9 - Hot Food Take Aways
LPG16 - Parking Standards
LPG32 - Biodiversity and Development

Relevant National Policy

Future Wales
Planning Policy Wales Edition 12
Technical Advice Note 5- Nature Conservation and Planning
Technical Advice Note 18 - Transport

Consultation Responses

Community Council:
Objects strongly to the application. Raises concerns that the development would bring a recurrence of the previous problems, which would be significantly worse for a takeaway than for the earlier Café. The Community Council suggests that the application be refuse for the same two reasons as the previous application. A third reason for refusal would be that the proximity of the proposed takeaway to Victoria School would be contrary to WCBC Planning Policies and Guidance Notes.

Local Member:
Notified - no response

Natural Resources Wales:
Advises that it would be reasonable to screen out this proposal as not likely to have a significant effect on the River Dee and Bala Lake SAC in relation to nutrient inputs.

Contaminated Land:
No comments.

Dwr Cymru Welsh Water:
Advise that they have considered the impact of foul flows generated by the proposed development and concluded that flows can be accommodated within the public sewerage system. Advises adding condition about surface water and inclusion of advisory notes.

Highway Officer:
No objection. Suggests consideration be given to grating planning permission for a temporary period. Also recommends provision be made for cycle parking.

Public Protection Officer:
No objection but recommend that kitchen extraction details are required to be secured by condition. Also suggest addition of advisory notes relating to Food Hygiene and FOG advice to any decision.

Publicity Undertaken:
Notification Letters: Letters sent to 51 nearby properties, including the church.

Responses to Publicity:
55 responses received.

1 objection - although supports the idea of the business concerned about parking becoming more difficult making the location unsuitable for it.

54 submissions of support from 51 separate households on the following grounds:

Local Business & Quality

- Jack Yard BBQ is widely praised for excellent food quality and customer service.

- Regarded as the best takeaway in Wrexham and a strong example of local enterprise.

Economic & Community Benefits

- Expansion will create jobs for local people and sustain employment.
- Increased footfall will benefit surrounding businesses.
- Supports local suppliers by sourcing meat and produce locally.

Unique Offering

- Provides something different from typical kebab, Indian, and Chinese takeaways.
- Adds diversity and healthier options to Wrexham's food scene.
- Lovely Food

Town Centre Regeneration

- Occupies empty premises and revitalizes the high street.
- Reduces dominance of barbers, vape shops, and charity shops.
- Encourages vibrant, food-focused city centre culture.

Environmental & Operational Responsibility

- Investment in odour control, noise management, and waste disposal systems.
- Compliance with DEFRA guidelines and Environmental Health standards.
- Minimal traffic and parking impact; deliveries managed responsibly.

Planning Policy Alignment

- Supports local and national objectives for town centre regeneration.
- Promotes sustainable use of existing buildings and economic resilience.

Community Sentiment

- Strong frustration that similar applications for chains or barbers are approved easily.
- Appeals for fairness and support for a "local lad" with proven success.

Background

Permission has previously been granted for an A3 use back in 2013 but on a temporary basis. The first planning permission (Ref: P/2012/0774) was for a 12-month temporary permission in order to allow time for the use to become established and for the impacts to be monitored. This was on the basis that the use was for a mixed use of 70% retail (Class A1) and 30% cafe (Class A3). A second application (Ref: P/2014/0113) to renew the temporary permission was granted a further temporary 12-month permission to allow for the impacts to again be monitored and considered, this time to also take account of residential amenity. However, a further, third application (P/2015/0492) for the continuation of the use was refused due to the impact upon residential amenity, parking and congestion. It is understood that the use of the building has remained vacant for a number of years and has not been used for cass A1 use for some time.

In light of the previously refused application and the likely parking implications, a request has been made to the agent to provide additional information to help support the application and to demonstrate how these issues could be addressed. The agency has indicated that that collections and walk-ins would be from nearby streets and laybys on the main road, but it is anticipated that most

customers would be served by home deliveries delivery customers, in a similar manner to the applicant's existing business in Rhos.

Principle of Development

The site lies within recognised settlement limits as set out in the Wrexham UDP, where the principle of development is generally considered acceptable under policy PS1.

Impact on Neighbouring Amenity

The building is attached to a residential property located on the end of a row of terraced housing within a predominantly residential area. The previously granted temporary permission was subject to a number of planning conditions, including hours of operation, the restaurant/cafe use being restricted to an ancillary use to the retail premises as set out in the layout plan (approximately 30%), no hot food or drinks to be sold for consumption off the premises, restrictions to opening times between 8am and 8pm Monday to Saturday and at no time on a Sunday or Bank Holiday and no additional seating areas within or outside the premises. It appears that these restrictions were not adhered to and as such resulted in a number of complaints from nearby residents relating to noise and disturbance.

It has been advised that opening times for the proposed use will be from 4pm-10pm and it is assumed this will be 7 days a week. The advice set out in LPGN9 suggests that opening times in local mixed residential/commercial areas should be considered on their merits. This could be considered reasonable, should the application be considered acceptable in all other respects.

In terms of potential cook odour issues, Public Protection raise no objection subject to the installation and retention of an appropriate means of ventilation for the extraction and dispersal of cooking smells. These measures could be secured by a suitably worded condition.

Having regard to the above, the proposed development accords with policy GDP1.

Highway Considerations

Local Planning Guidance Note (LPNG)9 confirms that hot food takeaways tend to attract a high proportion of car borne and short stay customers which, without essential accessible parking provision, can affect traffic flow and road safety. It further states that there is often an increased occurrence of obstructed parking and interruption to the steady flow of traffic along the roads adjacent to these premises and that customers may be tempted to park for short periods to visit takeaway premises, often jeopardising the safety of other road users and pedestrians or park in adjacent residential streets thereby inconveniencing residents.

There is no off-road parking available to the property and parking is limited to the roadside. It is noted that part of the roadside on both Edward and Poyser Streets has double yellow lines. Most local residents with cars use the roadside already as a means of parking. It is a fairly congested area given the competing parking needs for existing residents, the church and for the nearby school.

The application which was refused referred to the existing parking and congestion issues and concluded that the use was contributing to the indiscriminate parking situation. This, it was determined, was causing disruption and a possible increase in highway safety issues. As such one of the reasons for refusal related to the detriment caused to vehicular and pedestrian safety.

In light of the previously decision and potential parking implications, a request was made to the agent to provide additional information to help support the application and to demonstrate how these issues can be addressed. The agent advises that most customers of the applicant's existing business use a home delivery service. Whilst this would assist in limiting the number of customers visiting by car, customers pick up orders is outside the scope of planning control.

Notwithstanding the above, the gross floor area of the building is approximately 70 sqm. The proposed public service area (excluding the service counter and area behind) would be approximately 20 sqm. LPG 16 requires 1 space per 15 sqm gross floor area for the existing class A1 use and 1 space per 4 sqm public space for the proposed class A3 use. This results in the following maximum parking requirements:

- Existing Class A1 use - 5 spaces
- Proposed Class A3 use - 5 spaces

On the basis of the guidance set out in LPG16 the parking requirements for the permitted use and the proposed use would be the same and as such it would be difficult to conclude that there would be an increased demand for parking. Refusal of the application could therefore not be sustained for highway safety reasons. It may well be the case that the use as an A1 retail shop would generate the same parking demands as the proposed A3 take away use. Moreover, an A1 use is likely to be open during the day, and the evening compared to the 4-10pm opening hours of the proposal, giving rise to parking demands for a longer period than the proposed use. The premises are also located within a predominantly residential area, and it is acknowledged that it is likely some customers would visit on foot. It is also of note that an appeal in respect of a refusal of planning permission for a Class A3 use at 31 Holyrood Crescent (Ref: P/2020/0898) was allowed, where the Inspector concluded that parking requirements for the A3 use would be less than the lawful A1 use.

The Highway Officer has not raised any objections. This is on the basis that the parking requirements as set out in LPG16 for the proposed use compared to that of the permitted retail use, as referred to above, would be the same and therefore not give rise to additional parking needs. In reaching their decision, the response provided by the Highway Officer refers to and considers the history of the site, a nearby HMO application and an appeal decision (P/2020/0898 as referred to above) for a similar change of use which was allowed where it was determined that there would be no increase in the need for parking spaces as per the defined floorspace and the requirements set out in LPG16. In comparing the proposed takeaway opening times between 4pm – 10pm to the shop/café which operated between 8am – 8pm, the Highway Officer considers it likely that customers visiting by car, will have the opportunity to park briefly along the

neighbouring streets and also within the existing on street parking bays along Ruabon Road.

In their consideration of a nearby HMO application which was granted at 27 Hamden Road (P/2024/1068) the response from the Highway Officer indicates that the current proposal would similarly benefit from the same on-street parking capacity and given the demonstrated availability of nearby parking and the accessible, sustainable location, it is not considered that the proposal would result in unacceptable highway or parking impacts should customers arrive by car.

In relation to the request for cycle parking spaces, it is considered that this would be unreasonable and not possible to provide, given the relatively little outdoor space that is available to the premises. Any such provision would have to be provided on the pavement, which is likely to cause more of an obstruction rather thana benefit and cause danger to pedestrian safety. In this instance therefore, it is not considered reasonable to request the provision of cycle parking spaces.

The suggestion by the Highway Officer to grant a temporary permission is acknowledged. However, as this would be a new premises for an existing business, it would be considered an unreasonable having regard to the matters discussed above couple to cost to the applicant to install all of their equipment for cooking and ventilation together with the necessary ventilation and NBB requirements before the first use.

There is no evidence before the Council to indicate that the traffic generated by the proposal would be significantly more than the permitted A1 use.

Having regard to the above, the proposed development accords with policy GDP1.

Natural Environment

PPW12 requires development to provide a net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped. Failing to provide such a benefit is a valid reason for refusal. Every application regardless of size must not only mitigate any negative impacts of the development but also have a positive benefit for biodiversity which will be in place for the lifetime of the development. Enhancements should be onsite, proportional to the size of development, tailored towards features valuable in the area or providing linking habitats in a Green Infrastructure Plan.

The submitted Green Infrastructure Statement (GIS) indicates that there is no green infrastructure within or near the site and given the nature of the proposal, there will therefore be no impact upon green infrastructure. It is proposed to install a 'woodcrete' type bird box under the eaves to the rear of the building to ensure provision of net biodiversity benefit (NBB)

The implementation of the proposed NBB measures could be secured by a planning condition.

Having regard to the above, the proposed development complies with paragraph 6.4.5 of PPW12, UDP policy PS11 and LPG32.

Drainage

The proposed development has been considered in relation to nutrient impacts on the River Dee and Bala Lake Special Area of Conservation (SAC). Given that both the existing and the proposed uses would be likely to mostly serve customers who live within the County Borough, the proposed development would not result in an increase in phosphates being discharged into the River Dee catchment and as such a likely significant effect on the SAC can be ruled out. No further assessment under the Habitats Regulations is therefore required.

Having regard to the above, the proposed development would not conflict with policy EC6.

Other Considerations

LPGN9 advises that food outlets in close proximity to and surrounding schools can provide an added incentive and temptation to children to over-consume fast food. It further indicates that having additional outlets close to schools would negate efforts by the Council and its partners in supporting the Healthy Schools and Appetite for Life Programmes to ensure that young people have access to healthy options. Although pupils in primary education are not allowed out of school premises during the school day, research indicates that the most popular time for purchasing food from shops is after school. LPGN9 therefore advises that new hot food takeaways should not be located, amongst other locations, in predominantly residential areas or within 400 metres of the boundary of a school or tertiary college. The surrounding area whilst also containing other uses, is considered to be predominantly residential and is within 150 metres of Victoria Primary School. However, the proposed opening times are 4pm-10pm, this would be outside of school operating times so is unlikely to increase the incentive to access take-away food after school. These opening times can be secured by a suitably worded condition. Even so, in instances where children leave school during opening times of the take-away, perhaps after attending an afterschool activity or club, the majority of primary aged pupils do not travel to/from school unaccompanied so are unlikely to be able to make unsupervised purchases of fast food. A local convenience store (Premier open 6am-11pm on school days) lies directly opposite the school on Victoria Road, which is open when school finishes and therefore already provides an opportunity for the purchase of a range of food when travelling to and from school.

Whilst predominantly residential, it is not a quiet cul-de-sac, it is an inner-city residential area, with a range of mixed uses, such as shops, cafes, other food outlets and other services located nearby. The use would not therefore be out of character in terms of the surrounding context and will not undermine the residential nature of the area. There is no late-night opening (closing at 10pm) and any issues of odour will be controlled through appropriate ventilation provision as will be required by condition.

LPG9 advises on the opening times for A3 uses in such areas as 10am until 6pm. However, it should be noted that these times are guidance only and the acceptability of opening times should be assessed against the circumstances of the site. Whilst the proposed opening times are 4pm to 10pm, these avoids early morning and daytime activity, especially school finishing times, which also complies with the advice relating to proximity to schools as referred to above. It would be a small building/business operation, would not be open late at night and would align with typical evening patterns of activity in the area from typical evening residential activity and other uses within the immediate area. As such, the proposed development is unlikely to result in an unacceptable harm to residential amenity

The proposed use would therefore not conflict with the objectives of LPGN9 and complies with UDP policy GDP1.

Conclusion

Having regard to the matters discussed above, the proposed development would not give rise to highway safety or residential amenity concerns. It therefore accords with the relevant UDP policies.

Condition(s)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

2. No customers shall be admitted entry to the premises before 16:00 or after 22:00 on any day.

3. No part of the development shall commence until a scheme for the means of ventilation for the extraction and dispersal of cooking smells, including details of its method of construction, odour control measures, its appearance and finish has been submitted to, and approved in writing by the Local Planning Authority. The system design shall have regard to the guidance set out in EMAQ Report - Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Update to the 2004 report prepared by NETCEN for DEFRA). The approved scheme shall be fully implemented prior to first use of the development and shall thereafter be permanently retained in an effective condition.

4. The development hereby permitted shall not be occupied until the measures to deliver net benefit for biodiversity (NBB) as set out in the Green Infrastructure Statement received on 18th January 2026 have

been implemented in full. The measures shall thereafter be maintained for the lifetime of the development.

Reason(s)

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

2. To safeguard local amenity in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

3. In order to protect the amenities of nearby residents in accordance with UDP policy GDP1.

4. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.

Notes

You are advised that the premises should comply with the relevant Food Hygiene Legislation, and you are advised to contact Council's Food & Farming Team on foodandfarming@wrexham.gov.uk or 01978 298989 for further advice and information.

Guidance on best management practice for catering outlet for the dispersal of fats, oils, grease and food waste, as issued by Water UK is available by contacting the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 298989 for further advice and information.