

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – 4 NOVEMBER 2019**

**APPLICATION NO:**  
P/2019 /0528

**LOCATION:**  
B & Q WREXHAM BERSE ROAD  
WREXHAM  
LL11 2BL

**DATE RECEIVED:**  
15/07/2019

**COMMUNITY:**  
Offa

**DESCRIPTION:**  
RETENTION AND CONTINUED USE  
OF MOBILE CATERING UNIT ON B&  
Q CAR PARK OCCUPYING A  
MAXIMUM OF 3 NO. CAR PARKING  
SPACES FOR THE SALE OF HOT  
AND COLD FOOD AND BEVERAGES  
TO B & Q STAFF AND CUSTOMERS  
AND USE OF LPG GAS AND LPG  
GENERATOR (PREVIOUSLY  
GRANTED UNDER PLANNING  
PERMISSION P/2018/0114)

**CASE OFFICER:**  
PF

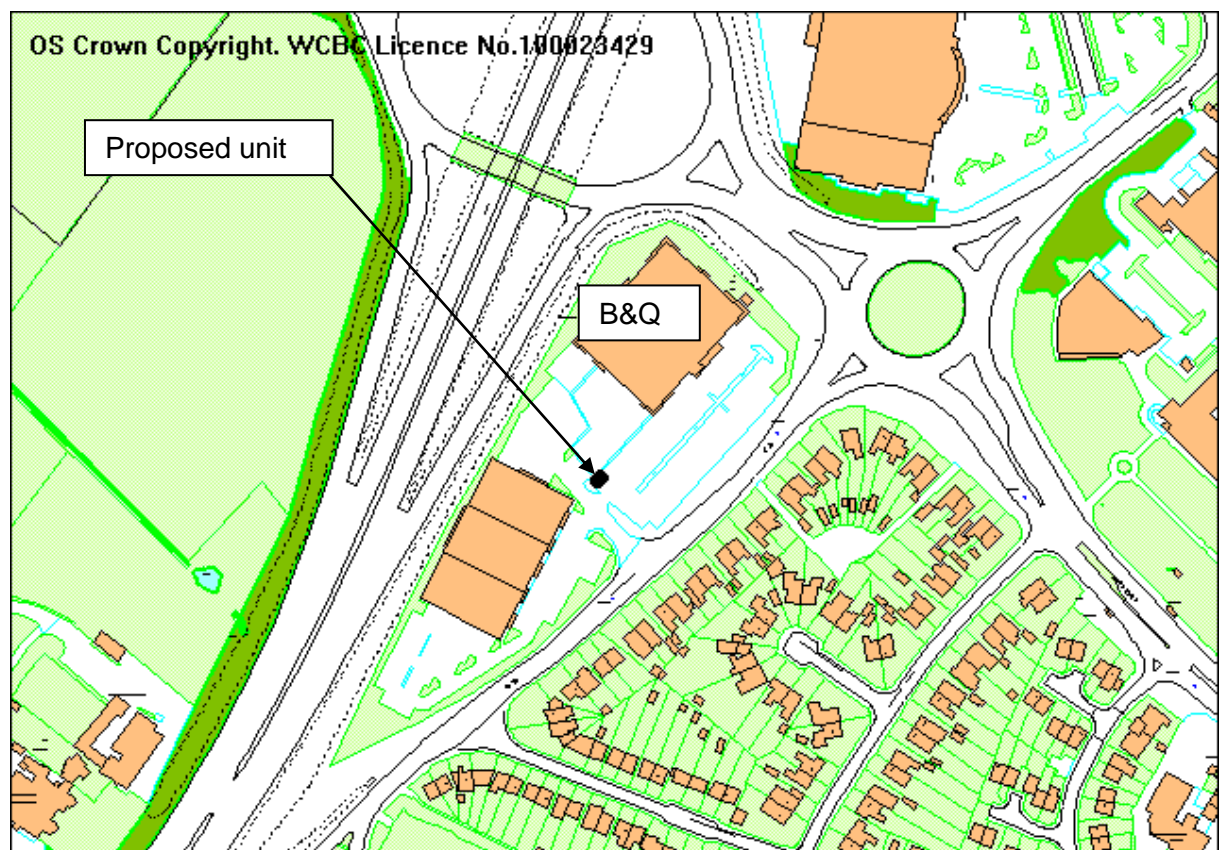
**WARD:**  
Brynyffynnon

**AGENT NAME:**  
CHARLIE'S KITCHEN  
MR ANDREW LEECH

**APPLICANT(S) NAME:**  
MR ANDREW LEECH  
CHARLIE'S KITCHEN

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**THE SITE**



## **PROPOSAL**

Planning permission is sought for the continued siting and operation of a mobile catering van on the car park of the existing B & Q retail store.

## **HISTORY**

### Most relevant

P/2018/0114 Siting and use of mobile catering unit on B&Q car park occupying a maximum of 3 no car parking spaces for the sale of hot and cold food and beverages to B&Q staff and customers and use of LPG gas and LPG converted generator (in retrospect). Granted 03.04.2018.

## **PLANNING POLICY**

The site is located inside the Wrexham Town settlement limit. Policies PS2, GDP1 and T8 of the Wrexham unitary Development Plan are relevant. Guidance is contained in LPG16 – Parking Standards.

## **CONSULTATIONS**

Community Council:	No objection.
Local Member:	Notified 18.07.2019
Site notice:	Expired 13.08.2019
Highways:	No recommendations.
Public Protection:	No comments.
Ian Lucas MP:	Has been contacted by a number of constituents about the impacts of the development and the unauthorised operation. Request is made that these views are taken into account.
Neighbouring occupiers:	22 neighbouring occupiers notified.  2 responses received raising the following concerns: <ul style="list-style-type: none"><li>• The smell of bacon etc. is really bad at premises across the road from the site;</li><li>• When B&amp;Q applied for planning permission there was an agreement for no posters or catering unit on the car park;</li><li>• There are already ongoing issues with lights left on through the night and this has been going on for some time now;</li></ul>

1 response received in support:

- There is no problem with the site and we see it as a service to the public.

## **SPECIAL CONSIDERATIONS**

**Background:** Planning permission was granted by the Planning Committee, on a temporary basis, in 2018 for the siting and operation of a mobile catering unit for the sale of hot food and drinks. The approval allowed the unit to be sited at the southern end of the car park immediately adjacent to the entrance off the retail park communal access. The unit accommodates a maximum of three vehicle spaces. The purpose of the temporary planning permission was to monitor the development insofar as it may impact upon the amenity of the nearby residential occupiers by way of noise and odour.

**Amenity:** The unit is located in a retail park setting and operates between 0730 and 1530 Monday to Saturday and 0930 to 1530 on Sundays in accordance with the submitted details. The temporary 2018 planning permission imposed timing restrictions by condition on the same basis.

The main issue for consideration is whether there are any issues of detriment by way of odour and noise associated with the use. Public Protection have raised no comments regarding the proposed renewal. The scale of the operation is such that the likelihood of the odour from cooked food will be low, with any noticeable instances as a result of climatic conditions carrying the smell towards the neighbouring residential properties. The nearest sensitive properties are some 50 metres to the east of the unit across a busy road. I consider that whilst there may be very limited occurrences of odour from the unit, this would be no different to sporadic kitchen odours from nearby dwellings or indeed if there were a commercial A3 use establishment nearby in this edge of town retail location. I am therefore not convinced that such detriment will occur that would justify the refusal of planning permission.

The only possible noise generating element of the proposal evident beyond the site boundary would be the LPG powered generator. However, I am not aware of any specific complaints that have been made in this temporary permission period. The unit operates from 0730 to 1530 on most days and the site is separated by a busy route into the town centre. Public Protection has made no specific comments in relation to this element and as such I am inclined to conclude that the continued operation would not be detrimental.

**Highway safety:** Highways have made no recommendations. I am satisfied that the unit is likely to cater for B&Q customers and early trade visits to the nearby Screwfix trade counter, although other customers may visit. The site is on a generous car park and unlikely to result in parking congestion on or off site.

**Other matters:** Reference has been made in representations to ongoing alleged breaches of planning control relating to the B&Q store. These are

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matters independent of this planning application. Reference to the restrictions on catering units at the retail unit planning application stage do not preclude consideration of such proposals into the future.

**Conclusion:** For the reasons identified above I see no reasons why planning permission should not be granted on a permanent basis. I recommend accordingly.

**RECOMMENDATION:** That permission be GRANTED

**CONDITION(S)**

1. The works granted consent shall only be carried out in strict accordance with the details shown on the approved drawings and as contained within the application documentation forming part of planning permission P/2018/0114.
2. No use of the development shall be made before 0730 and after 1530 Monday to Saturday and before 0930 and after 1530 on Sundays and Bank Holidays.
3. The rating level of any noise generated by air handling plant associated with the development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial areas.

**REASON(S)**

1. To define the scope of the planning permission.
  2. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
  3. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
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