

Planning Department
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Dear Sir/Madam

Application for non-material amendment (Application under Section 96A) to planning permission ref P/2018/0933 (Mixed use hybrid development comprising residential development (outline), a 4,000 sq ft retail unit (outline), a boxing club (outline), a car park (full), details of access (all other matters reserved) and associated works British Legion Social Club, Watts Dyke, Llay, Wrexham, LL12 0RL

This application has been prepared by DLP Planning on behalf of Watkin Jones Homes to make a non-material amendment to the hybrid planning permission reference no. P/2018/0933 (Mixed use hybrid development comprising residential development (outline), a 4,000 sq ft retail unit (outline), a boxing club (outline), a car park (full), details of access (all other matters reserved) and associated works at British Legion Social Club, Watts Dyke, Llay, Wrexham, LL12 0RL.

Site Description and context

The British Legion Social Club is located in Llay, to the west of Llay New Road (figure 1). The social club is a brick built, one-storey building that is accessed by Watts Dyke. Next to the building is a tarmacked car park that leads to a war memorial. To the rear of the building, there are single storey outbuildings.



Figure 1: Aerial view of site (Google Maps)

Proposed Development

The site has planning permission ref P/2018/0933 for a mixed use hybrid development comprising residential development (outline), a 4,000 sq ft retail unit (outline), a boxing club (outline), a car park (full), details of access (all other matters reserved) and associated works.

This application seeks to make a non-material amendment under Section 96A to planning permission ref P/2018/0933 to allow for the submission of reserved matters approval for the boxing club within the time until 15th October 2024 .

Planning History

Since 2017, the site of the British Legion Social Club at Watts Dyke, Llay, was subject to several planning applications in the past. The most relevant applications are set out below:

P/2021/0697

- Discharge of condition 6 (drainage), 9 (construction and environmental management plan) and 13 (affordable housing)
- Pending

P/2021/0384

- Submission of reserved matters pursuant to outline planning permission P/2018/0933 (appearance, landscaping, layout and scale) – erection of 51 dwellings
- Approved – 26th July 2021

P/2020/0155

- Full planning application for the erection of a retail unit (use class A1) with access and parking on the part of the site
- Approved – 7th September 2020

P/2018/0933

- A hybrid planning application for a mixed use development comprising a 4,000 sq.ft retail unit (outline), a boxing club (outline), a car park (full), details of access with all other matters reserved and associated works
- Approved – 15th October 2019

Under ref P/2018/0933 the principle of development for residential, retail, a boxing club, a car park and access was established in October 2019. This was followed up by a reserved matters application (ref P/2021/0384) for residential which was approved by Wrexham CBC in July 2021.

The retail element of the development proposal for the site was granted full planning permission under application reference P/2020/0155 in September 2020.

An application for the discharge of condition 6 (drainage), 9 (construction and environmental management plan) and 13 (affordable housing) is currently pending determination by the Council. Wrexham Council has stated that it is not in a position to discharge condition 6 on drainage until the issue of nutrient neutrality has been resolved. This has resulted in a delay to the commencement of development on the site until this matter is resolved.

Reserved matters have now been granted for all permitted uses, bar the boxing club which benefits only from outline permission. This application therefore seeks to protect the existing outline permission and the principle of development (ref P/2018/0933).

Under this non material amendment we seek to confirm that the reserved matter application for the boxing club can be submitted between now and the expiration of the permission generally in October 2024. This is considered minor in the context of the wider development which benefits from full planning permission and reserved matters approval.

Before the application was prepared, views from the Planning Officer, Matthew Phillips, were sought on 15th May 2022, with a reply provided on 17th May 2022 which is included at Appendix 1 of this letter. Herein it confirmed that Condition 3b) of the hybrid permission gave 5 years for the commencement of development meaning the permission would not expire until October 2024.

Non-material amendment of Hybrid Planning Permission Reference P/2018/0933

Section 96A of the Town and Country Planning Act 1990 gives power to a local planning authority to make a non-material change to a planning permission. They need to be satisfied that the amendment is not material. In deciding whether a change is material, a local planning authority must have regard to the effect of the change on the planning permission as originally granted.

Whilst it is noted that there is no statutory definition of a 'non-material' amendment, there are examples where modifications to planning permissions have been allowed under a S96a to vary the timing of providing details associated with that permission. An example of such at Waltham Forest is provided at Appendix 2 to demonstrate that the principle of such a variation in timing has been considered to be not material.

The effect of the change is not considered material as it will still involve reserved matters approval for the boxing club element of the hybrid planning permission being sought within the lifetime of the permission, which is confirmed as expiring on 15th October 2024. This amendment merely looks to confirm this approach is appropriate and will not change the date upon which reserved matters application for the boxing club need to be submitted.

It would not be appropriate to speculatively submit reserved matters approval for the design of the boxing club at this time. As mentioned above, implementation of the residential development on site has not taken place in line with programme as the drainage conditions cannot be discharged by Wrexham CBC at this time. It is considered appropriate and efficient to avoid abortive costs with other elements of the development.

It is therefore proposed to make a non-material amendment to confirm that reserved matters approval for the boxing club can be made within five years from the date of the original planning permission ref P/2018/0933, i.e. 15th October 2024.

Conclusion

In summary, the application seeks a non-material amendment to planning permission ref P/2018/0933 to allow for the submission of reserved matters approval for the boxing club within the time until 15th October 2024.

I trust that this is sufficient information for you to determine the application. Please do not hesitate to contact me should you require anything further at this stage.



Yours faithfully,

Philipp Tschavoll-Selenko Ing.-Maître MRTPI
Associate Planner

Appendix 1: Pre-Application Advice

Appendix 2: Waltham Forest S96a Application Decision Notice Reference 202785