

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

Dear Sir/Madam

Application to extend the date for submission of Reserved Matters (Application under Section 73 to vary condition 2 (Submission of plans and particulars of the reserved matters)) of 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 planning application has been prepared by DLP Planning on behalf of the Watkin Jones Homes to vary Condition 2 under Section 73 (Submission of plans and particulars of the reserved matters) of planning permission no. LLA 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 vary condition 2 under Section 73 of the above-mentioned planning permission to extend the date for submission of a Reserved Matters application to five years (three years plus another two years) from the date of planning permission ref P/2018/0933.

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 the residential element of development 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.

Condition 2 of the outline permission (ref. P/2018/0933) requires the submission of all reserved matters within three years of the date of the original permission (i.e. by 15th October 2022). Reserved matters have now been granted for all permitted uses, bar the boxing club which benefits only from outline permission. Due to this delay, this application therefore seeks to vary condition 2 in respect of the timing for the plans and particulars of the reserved matters referred to in condition 1 and requests that the submission date for a reserved matters application is extended to 15th October 2024 (i.e. two years later than the current date). There will be a delay to the delivery of the boxing club as well as this is linked to the delivery of the residential development.

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.

Variation of Condition 2 under Section 73

Section 73 of the Town and Country Planning Act 1990 gives power to a local planning authority to consider varying or altering conditions attached to a planning permission, thereby allowing development to proceed without complying with the original conditions. On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted and whether the proposals constitute a minor material amendment.

There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. That is precisely the case in this instance, there would be no amendment to the scale or nature of the proposals, merely the timing of approval of reserved matters would be aligned with the lifetime of the rest of the hybrid planning permission. There is already an outline planning permission for the boxing club and the grant of the S73 would not have any impact in respect of the nutrient neutrality issues which have stalled the approval of other applications as the boxing club would not include any overnight stay residential element which would otherwise be captured by such concerns on drainage management. There is no change in circumstance and the circumstances merely seek to rationalise the timing of satisfying the requirements for reserved matters approval under the site.

Condition 2 of outline planning permission ref P/2018/0933 states that

2. "Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved."

As mentioned above, Condition 2 (submission date for a Reserved Matters application of three years from the date of the outline permission) cannot be fulfilled for a new boxing club building as approved under ref P/2018/0933 due to a delay in commencement on site. 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 vary condition 2 to extend the date for submission of a Reserved Matters application of three years to five years from the date of planning permission ref P/2018/0933. The development would only be carried out in conformity with such details as approved. This would give time to draw up detailed plans for a new boxing club building before the submission date of a Reserved Matters application on the 15th October 2024.

Conclusion

In summary, the application seeks planning permission for a variation of condition 2 to extend the date for submission of a Reserved Matters application of three years to five years from the date of planning permission ref P/2018/0933. This would require reserved matters approval for the boxing club element of the hybrid planning permission to be submitted within the lifespan of the planning permission until 15th October 2024.

In light of the above, it is requested that planning permission be granted.

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.

Yours faithfully,

Philipp Tschavoll-Selenko Ing.-Maître MRTPI
Associate Planner

Appendix 1: Pre-Application Advice