

edgeplan

Barnett House
53 Fountain Street
Manchester
M2 2AN
t. 0161 228 2226
e. info@edgeplan.co.uk
w. www.edgeplan.co.uk

PLANNING STATEMENT

Mixed-use hybrid application
comprising residential development
(Outline), a 4,000sqft Retail Unit
(Outline), a Boxing Club (Outline), a
Car Park (Full), Details of access (all
other Matters Reserved) and
associated works

LLAY ROYAL BRITISH LEGION,
WATTS DYKE, LLAY, LL12 ORL

The Royal British Legion

October 2018



RTPI

mediation of space - making of place

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1 INTRODUCTION

- 1.1 This Planning Statement supports a planning application for the following development:

“Mixed-use hybrid application comprising residential development (Outline), a 4,000sqft Retail Unit (Outline), a Boxing Club (Outline), a Car Park (Full), Details of access (all other Matters Reserved) and associated works”

- 1.2 The application follows an identical application which was refused by Wrexham Council’s Planning Committee on 2nd July 2018, against the Officer’s recommendation, for two reasons:

“1 Local community facilities, specifically schools and health (sic) care have insufficient capacity to adequately cater for the additional demand arising for (sic) the development and as such it is contrary to policy GDP2 of the Wrexham Unitary Development Plan.

2 Due to the loss of land at the Royal British Legion available for parking and for remembrance services, the development will adversely affect a multi-activity community facility and is therefore contrary to policy CLF1.”

- 1.3 This Planning Statement explains the background to the new application, assesses it in terms of up-to-date planning policy, explains how the reasons for refusal have been overcome and why planning permission should now be granted.

- 1.4 The application comprises the following documents:

- Application Form and Certificates
- Existing Site and Location Plan
- Revised Indicative Plan Layout (May, 2018)
- Revised Parameters Plan (May, 2018)
- Planning Statement (October, 2018)
- Statement of Community Involvement (October, 2018)
- Revised Design and Access Statement (May, 2018)
- Transport Assessment (April, 2017)
- Pedestrian and Vehicular Accessibility Note (May, 2018)
- Arboricultural Assessment (March, 2017)
- Flood Consequences Assessment (April, 2018)
- Preliminary Ecological Appraisal (December, 2016)
- Noise Impact Assessment (January, 2017)
- Geo-environmental Assessment (December, 2016)

Background

- 1.5 The planning application is made by the freehold owners of the property who are The Royal British Legion (“RBL”), the national charity providing financial, social and emotional support to members and veterans of the British Armed Forces, their families and dependants.

- 1.6 The Llay Royal British Legion (“Llay RBL”) comprises the buildings and associated parking which occupy part of the site, currently operated by the Llay Royal British Legion Social Club Limited (“Llay RBL Social Club”) under a lease from RBL which has recently been renewed for a further period of 15 years beginning in September 2016.
- 1.7 Prior to this, Llay RBL Social Club had only around five years remaining on their previous lease. The renewal, by mutual agreement, allowed Llay RBL Social Club to gain access to grant funding which secured the refurbishment and improvement of the roof of the Llay RBL building, along with other energy-reduction improvements. It also secured Llay RBL Social Club’s tenure until at least 2031 with, at that point, no rental increase
- 1.8 The new lease specifically maintains the right of RBL to place a noticeboard outside the premises and to use Llay RBL for meetings and other functions of the Llay Royal British Legion Branch (“Llay RBL Branch”) and the Royal British Legion’s Women’s Section, and for their necessary storage of accounts and records, as well as the right for the Llay RBL Branch to display memorabilia in an appropriate display case or cabinet.
- 1.9 Furthermore, the lease maintains the right for RBL to use Llay RBL in connection with the annual Poppy Appeal, as well as for the annual celebration of Remembrance Tide and Remembrance Day including storage, planning and preparation.
- 1.10 In this way, the future roles and functions of the Royal British Legion, Llay RBL Social Club and the Llay RBL Branch, are all secured whilst enabling the development of surplus, unused land surrounding Llay RBL.

2 SITE DESCRIPTION

- 2.1 The site consists of the single storey Llay Royal British Legion building and associated outbuildings, car park and the Llay War Memorial. Beyond the car park is a grassed area bordered by trees and hedgerows.
- 2.2 The appeal site extends to around 2.0ha (5.0 acres) in total. The area leased to Llay RBL Social Club is circa 0.6ha and the surrounding land intended for development (falling outside the lease) is circa 1.4ha.
- 2.3 The site is currently accessed by an entrance from Watts Dyke.

Surrounding Area

- 2.4 The site is within the settlement boundary of the village of Llay which is within Wrexham County Borough. From the last census (2011) the total population of the village was 4,905.
- 2.5 The site is bounded by Watts Dyke to the north, Llay New Road to the east, Alyn Waters Country Park to the south and the residential properties of Treweryn Close to the west.
- 2.6 The site is set within a residential area extending to the edge of the settlement boundary. Which is defined by the rear boundaries of the properties off Watts Dyke, the rear boundary of the application site and the boundaries of the properties fronting onto Llay New Road. The surrounding area is characterised by semi-detached houses and bungalows.
- 2.7 The village of Llay lies close to several other villages including Gresford and Gwersyllt. The village also borders Alyn Waters Country Park.

3 PLANNING HISTORY

- 3.1 Planning application Ref. P/2017/0314 was submitted in March 2017 and registered as valid on 20 April 2017. The application was preceded by community consultation.
- 3.2 Responses received from consultations raised concerns over drainage from the Council's Flood Management Officer which resulted in the provision of a Revised Flood Risk Assessment, updated to include reference to infiltration testing. An appropriate condition was thus proposed to secure a scheme for the comprehensive integrated drainage of the site including an assessment for disposing of surface water by means of Sustainable urban Drainage Systems.
- 3.3 Welsh Water considered these drainage arrangements to be acceptable in principle and confirmed that no problems were envisaged with the Waste Water Treatment Works for the treatment of sewage discharges. Natural Resources Wales had been supportive of the Flood Management Officer's comments and had no further flood risk comments to make.
- 3.4 Natural Resources Wales also proposed a condition requiring an Environmental Management Plan for Construction to be submitted in order to minimise any impacts from the development on the terrestrial and aquatic environment. In respect of Protected Species, NRA confirmed that the submitted ecological submission was proportionate and therefore satisfactory.
- 3.5 Concerns over Highway impact were raised by the Council's Highways Officer and resulted in a revised junction arrangement and site layout, with further information submitted to justify the scheme. Appropriate conditions were thus proposed to secure details of layout, design, drainage and construction of the proposed new accesses, carriageways, footways, parking and turning areas.
- 3.6 The Council's Public Protection Service confirmed that they had no objections, subject to the imposition of conditions to protect residents from noise and disturbance during construction, and during the operation of the retail unit.
- 3.7 The Council's Parks, Countryside and Rights of Way Manager requested a contribution to improve a section of the path network on the Llay side of the Alyn Waters Country Park, and to upgrade the play area which is in need of improvement.
- 3.8 The Council's Head of Education Transformation & Workforce Development confirmed there was currently no capacity at Llay (infants & Juniors) or Darland (secondary) schools, but requested a contribution towards specific projects at these two schools to offset the impact of the additional demand that the development will place upon them.
- 3.9 The Acting Director of Strategy at Betsi Cadwaladr University Health Board confirmed that they would continue to work with the local Primary Care Practice to address the potential for expansion of their premises and the potential impact of growth from new housing development generally.
- 3.10 The application was recommended for approval at the Planning Committee meeting on 2nd July 2018, but was refused for the reasons stated in Section 1, above and contained on the decision notice issued on 4th July 2018.

4 PROPOSED DEVELOPMENT

4.1 The current application proposes a hybrid (part Outline/part Detailed) application for a mixed use scheme comprising residential development, a retail unit, a boxing club and a car park. In detail, this comprises:

- The retention of the Llay Royal British Legion with a consolidated external area including a service yard to the rear and 60 parking spaces, maintaining the existing access;
- A relocated Boxing Club;
- A 4,000sqft (372sqm) retail unit fronting Llay New Road with 26 parking spaces and service area to replace the former Co-op at Shones Lane which closed in December 2016 following a devastating fire;
- Re-sited War Memorial set within its own defined area;
- Around 51 dwellings comprising a mix of 2-bed, 3-bed and 4-bed houses, each with 2 parking spaces and a garden;
- Creation of two additional access points, one onto Watts Dyke serving the residential development and one onto Llay New Road serving the retail unit.

4.2 The submitted illustrative drawings and Design & Access Statement, alongside the other supporting documents show how the site could be developed in a manner which has regard to surrounding landscape and policy requirements.

Public Consultation

4.3 In advance of the first planning application in 2017, the applicants undertook compulsory and voluntary public consultation including a public event, open to residents and Members of the Council at the Royal British Legion Club in January 2017 as well as meeting the requirements of Article 2B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

4.4 A further pre-application consultation exercise has been undertaken in advance of the current application, during September 2018. Details of the public consultation strategy are contained in the accompanying Statement of Community Involvement.

Pre-application Discussions

4.5 Wrexham Borough Council were formally consulted prior to the submission of the first planning application in 2017. In a written response dated 10th February 2017, Philip Forster of Wrexham County Borough Council stated:

“The proposal as presented is of significant merit in that it proposes residential development in a sustainable location within a defined settlement limit on previously developed land. There are a number of issues which require further consideration – and, in my opinion, the ultimate reduction in dwelling numbers to facilitate a less dense development. A favourable solution for the site is not insurmountable and I would encourage further discussions to take place with the Council to engage on these matters.”

4.6 The key points from the pre-application response were as follows:

- The retention of the Llay Royal British Legion and its associated War Memorial was encouraged in this instance;
- The addition of a 4,000sqft (372sqm) retail unit would broadly accord with the requirements of policy S6;
- The inclusion of a retail unit in this location would allow for safe access for residents on foot and would not adversely impact on the amenity of neighbouring occupiers by way of disturbance;
- Open space provision can also make a positive contribution to the overall quality of life in developments, enhancing the overall visual appearance of the site by creating pockets of open planting areas and providing open aspects within developments;
- It was expected that any designs would be informed by the preparation of an Arboricultural Report to determine the importance of any such trees on the site and this should be submitted with any formal application for planning permission;
- No objection to the proposed access positions subject to the appropriate visibility splays in accordance with Welsh Government TAN18 – Transport and manual for Streets;
- There were a number of issues which required further consideration, which ultimately came down to a reduction in dwelling numbers to facilitate a less dense development;
- Consultation with the Council's Education and Assets section revealed that the catchment primary and secondary schools were at capacity and a financial contribution would be required to offset the impact of the development upon these education facilities.

5 PLANNING POLICY

5.1 In preparing this Statement, reference is made to the following national and local planning policies and guidance documents.

- Planning Policy Wales, Edition 9, November 2016
- Technical Advice Notes
- Wrexham Unitary Development Plan (adopted February 2005)
- Wrexham Local Development Plan (2013 - 2028) - Deposit Version, April 2018
- Local Planning Guidance Notes

National Planning Policy

Planning Policy Wales

5.2 Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. The latest version, Edition 9 was published in November 2016. It is supplemented by a series of Technical Advice Notes.

5.3 Section 1 of PPW sets out what the Planning system is for, and states:

“The planning system must provide for an adequate and continuous supply of land, available and suitable for development to meet society’s needs... The planning system should be efficient, effective and simple in operation. It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land or to regulate development for other than land use planning reasons.”

5.4 In relation to Plan Making, section 2.2 states:

“It is for the local planning authority to determine how its LDP should be tailored to the needs of the area based upon robust evidence and the key issues the plan is seeking to address... Key aspects that an LDP should encompass are that... it should indicate key spatial locations for development and the infrastructure required to achieve them.

Deliverability and financial viability are key considerations and costs such as infrastructure and affordable housing must be considered during preparation of the plan.”

5.5 Section 4 of PPW relates to sustainable development and states:

“The goal of sustainable development is to ‘enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.”

5.6 Paragraph 4.2 of PPW states the definition of sustainable development in Wales is:

“Sustainable development” means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals. Acting in accordance with the sustainable development principle means that a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.”

5.7 Paragraph 4.2.2 continues:

“The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated.”

5.8 With regard to design, paragraph 4.11 states:

“Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings. Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals.”

5.9 With regard to housing, Section 9 states:

The Welsh Government’s approach is to provide more housing of the right type and offer more choice. The Welsh Government will seek to ensure that new housing and residential environments are well designed, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life and that the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing.

Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.”

Technical Advice Notes

5.10 The Technical Advice Notes (TANs) supplement Planning Policy Wales and cover a range of topics including energy, sustainable rural communities, tourism and coastal planning.

5.11 TAN1 relates to Joint Housing Land Availability Studies and states:

“The requirement to maintain a 5-year supply of readily developable housing land in each local planning authority across Wales remains a key planning policy requirement of the Welsh Government. The planning system, through the LDP process, must provide the land that is needed to allow for new home building and local planning authorities are required to ensure that sufficient land is genuinely available to provide a 5-year supply of land for housing.”

5.12 TAN12 relates to design and states:

“The design of our villages, towns, cities and the urban and rural landscape is important in articulating our nation and our culture. Design is important to our quality of life, and the quality of Wales’ varied landscapes and townscapes – helping to sustain a positive image for Wales. The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers

environmental sustainability, economic development and social inclusion, at every scale throughout Wales – from householder extensions to new mixed use communities. To deliver this, all decision makers across Wales need to understand both the importance of good design and the ways in which it can be achieved.”

Local Planning Policy

Unitary Development Plan

5.13 The Wrexham Unitary Development Plan was adopted in February 2005.

5.14 The site is situated within the Plan’s settlement boundary for Llay, however it remains unallocated. There are no other site-specific designations which apply. The following policies are considered relevant to this proposal.

- Strategic Policies – PS1, PS2, PS3 & PS4
- General Development Principles – GDP1 & GDP2
- Trees and Hedgerows – EC4
- Surface Water and New Developments – EC13
- Residential Development of Unannotated land – H2
- Affordable Housing – H7
- Local Needs Shopping – S6
- Community and Leisure Facilities – CLF1
- Open Space Provision – CLF5
- Parking – T8

5.15 Policy PS1, Strategic Policies, states:

“New development for housing, employment, and community services will be directed to within defined settlement limits/employment areas.”

5.16 Policy PS2, Strategic Policies, states:

“Development must not materially detrimentally affect countryside, landscape/townscape character, open space, or the quality of the natural environment.”

5.17 Policy PS3 Strategic Policies, states:

“Development should use previously developed brownfield land comprising vacant, derelict or underused land in preference to the use of greenfield land, wherever possible, particularly so where greenfield land is of ecological, landscape or amenity value, or comprises agricultural land of grades 1, 2 or 3a quality.”

5.18 Policy PS4 Strategic Policies, states:

“Development should maintain the existing settlement pattern and character and be integrated with the existing transport network to help reduce the overall need to travel and encourage the use of alternatives to the car.”

5.19 Policy GDP1, Development Objectives, states:

“All new development should:-

- a) Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.*
- b) Take account of personal and community safety and security in the design and layout of development and public / private spaces.*
- c) Make the best use of design techniques, siting and orientation in order to conserve energy and water resources.*
- d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.*
- e) Ensure that built development is located where it has convenient access to public transport facilities, and is well related to pedestrian and cycle routes wherever possible.*
- f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.*
- g) Secure public services (e.g. gas, water, electricity) to development at minimum public cost.*
- h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest.*
- i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site.*
- j) Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity.*
- k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.”*

5.20 Policy GDP2, Capacity of Infrastructure and Community Facilities, states:

“Where the capacity of infrastructure, including community facilities, is likely to be deficient as a consequence of new development, a planning agreement/obligation will be negotiated whereby the developer provides the additional capacity either on or off-site, and/or provides funding for the Council to provide the additional capacity itself. Requirements will be fairly and reasonably related in scale and kind to the proposed development.”

5.21 Policy EC4, Hedgerows, Trees and Woodland, states:

“Development proposals should provide for the conservation and management of hedgerows, trees, orchards, woodland, wildlife and other natural landscape and water features, and include new planting in order to enhance the character of the landscape and

townscape. Development which results in the loss or significant damage to valuable trees, important hedgerows or ancient woodland sites will not be permitted."

5.22 Policy EC13, Surface Water Run-off, states:

"Development which would result in an unacceptable adverse impact on the water environment due to additional surface water run-off will not be permitted."

5.23 Policy H2, Residential Development (of Unannotated Land) within Settlements, states:

"Residential development on unannotated land within settlement limits will be permitted subject to compliance with Policy GDP1."

5.24 Policy H7, Affordable Housing, states:

"Where there is a proven lack of affordable housing to meet local needs, the Council will negotiate with developers to provide an element of affordable housing in new proposals of 25 or more homes."

5.25 Policy S6, Local Need Shopping, states:

"Small scale shopping developments will be allowed within settlement limits provided that:-

a) the development is safely accessible for customers on foot;

b) the development does not harm residential amenity and / or does not give rise to traffic problems e.g. on-street parking that cannot be addressed;

c) the sales floor area of each development does not exceed 300 square metres."

5.26 Policy CLF1 Community and Leisure Facilities, states:

"Development which adversely affects indoor or outdoor central multi-activity community and leisure facilities, particularly within settlement limits, will not be permitted."

5.27 Policy CLF5 Open Space Requirements from new Residential Developments, states:

"New development of ten dwellings or more must provide informal public open space within the site at a minimum level of 0.4 hectare per 50 dwellings, be conveniently located for users, and usable for playing field(s) and/or equipped children's play area(s) and open amenity area(s). In exceptional circumstances, the application of these standards may be varied, in the case of small urban infill housing development, where the developer enters into a legal agreement for financial contributions towards the cost of public open space provision where:-

a) the site is unsuitable for public open space provision; or

b) the development would not place significant additional pressure on public open space facilities in the vicinity of the site."

5.28 Policy T8, Parking, states:

“Development granted planning permission will be required to provide vehicle parking spaces either on site or nearby, in accordance with the Council's current parking standards. Special regard will be paid to the following factors, as appropriate:-

- a) the availability of public transport nearby,*
- b) proximity to public car parking,*
- c) proximity to local services and facilities,*
- d) road safety hazards and amenity considerations arising from on-street parking in the vicinity of the site.*

Where implementation difficulties arise in making parking provision on-site or nearby, the Council will require a developer to make financial contributions for measures to assist public transport, or walking and cycling as appropriate.”

Deposit Version Local Development Plan 2013 to 2028

5.29 The Local Development Plan (LDP) is being prepared to replace the current adopted Unitary Development Plan. A ‘Deposit’ version was published for statutory public consultation during the period April - May 2018, although this was subsequently extended until Monday 16th July 2018 to take account of additional information placed on the Council’s consultation portal since the start of the process.

5.30 It is expected that the submission of the LDP will be made to the National Assembly for Examination later in 2018, with adoption anticipated in Spring/Summer 2019.

5.31 The Deposit Local Development Plan sets out the Council's proposed planning policy up to 2028, identifying what can be built and where. Strategic Objectives include SO5: to

“Facilitate mixed diverse communities by delivering housing, including affordable homes to meet the needs of the County Borough;”

5.32 And SO8: to

“Ensure all development is supported by the necessary provision of, or improvements to infrastructure, services and facilities in an effective and timely manner to make development sustainable and minimise its effect upon existing communities.”

5.33 Policy SP1 makes provision for 8,525 new homes in order to deliver a requirement of 7,750 over the plan period and Policy SP2 directs development to the most suitable locations, comprising a hierarchy of settlements within the borough to secure sustainable settlement patterns. The majority of new development will be directed to Wrexham Town which is the Primary Key Settlement.

5.34 Tier 2: Service Centres includes brownfield and greenfield site allocations in, amongst other settlements, Llay. Policy H1 allocates land to help deliver the identified housing requirement over the plan period, including at the British Legion, Llay, for an indicated 60 units. The allocated sites have been assessed as suitable to deliver future housing need in accordance with the settlement hierarchy and site selection methodology documents.

- 5.35 Policy SP6 confirms that Planning Obligations will be sought to mitigate any impacts directly related to development, assessed on a case by case basis in line with relevant planning legislation. The first example referenced is Education provision / facilities, but obligation may also be made for Public Open Space, Affordable Housing and Ecological Mitigation.

Supplementary Planning Guidance

- 5.36 The Council has approved a series of Local Planning Guidance Notes which amplify Development Plan policy. The relevant Local Planning Guidance Notes are as follows:

- 10 – Public Open Space in New Developments
- 16 – Parking Standards
- 21 – Space Around Dwellings
- 27 – Developer Contributions to Schools
- 28 – Affordable Housing
- 30 – Residential Design Guide

- 5.37 Local Planning Guidance Note No.10 relates to Public Open Space and states:

“Public open space makes an important contribution to people’s quality of life, providing opportunities for informal recreation and enhancing the visual appearance of an area.”

- 5.38 Local Planning Guidance Note No.16 relates to Parking Standards and states:

“The car parking standards set out below are maximum standards for each land use category. In accordance with national policy the Council has no minimum parking requirements. In cases where the amount of parking provided is below the maximum the Council will need to be satisfied that this is appropriate for the likely level of demand, without undermining requirements for inclusive access:

- *C3 Dwellings – 2 bedrooms – 2 car spaces per unit*
- *C3 Dwellings – 3 / 4 bedrooms – 3 car spaces per unit.”*

- 5.39 Local Planning Guidance Note No.21 relates to Space Around Dwellings and states:

“New houses should benefit from a satisfactory degree of privacy and daylight. The residents of existing houses should also not be unduly affected by the development. To achieve this minimum separation distances should be maintained between houses, and in particular, between windows lighting habitable rooms. Habitable rooms include living rooms, bedrooms, studies and kitchens. They do not include halls, stair landings passageways and utility rooms. All new houses should benefit from private garden space, for drying clothes, accommodating pets, children’s play quiet enjoyment etc. Where on-site car parking is being provided, parked vehicles should not project into, and interfere with the use of the road or pavement.

- 5.40 Local Planning Guidance Note No.27 relates to Developer Contributions to Schools and states:

“Local authorities find themselves under increasing financial pressure to meet the educational needs arising from residential development. Cumulatively, even relatively

small developments can have a significant financial impact on the provision of school places.

Any developer contribution will be based on the following considerations:

- *It will only apply to proposed developments of four or more residential units, whether by new build, conversion or changes of use.*
- *It will only apply to schools deemed to have a shortage of places taking into account other residential developments within the area and after addition of the extra pupils likely to be generated by the proposed development.*
- *The number and type of proposed residential units (large or small houses, bungalows or apartments).*
- *The likely ratio of pupils per housing unit applicable to the appropriate school or schools at both primary and secondary level.*
- *The location of the development and likely impact on existing schools.*

5.41 Local Planning Guidance Note No.28 relates to Affordable Housing and states:

“The planning system is one of the most important mechanisms to secure affordable housing to meet the needs of those unable to compete in the local housing market. The Council will normally expect affordable housing to be provided on site however off site provision or the payment of commuted sums in lieu of on or off site provision may be considered where

- *It has been demonstrated that on-site provision is unfeasible; or*
- *it will better meet the affordable housing needs of the area.”*

5.42 Local Planning Guidance Note No.30 relates to the Residential Design Guide and states:

“Well designed development and the desirable places that it creates to live, need not cost more, but could attract a higher level of market demand. A well thought out and justified design will save you time when you apply for planning permission. Good design is about working with all elements of the natural and built environment. To create sustainable development, design must go beyond the appearance of a scheme and include social, environmental and economic aspects of the development, its construction and its relationship to its surroundings. 'It is also about creating places we can be proud of'.”

Policy Summary

5.43 All tiers of Planning Policy encourage residential development, particularly in sustainable locations within a defined settlement limit on previously developed land.

5.44 Well designed sustainable schemes which provide new homes are supported at both national level in Planning Policy Wales and supporting Technical Advice Notes and at a local level within the Unitary Development Plan, Local Planning Guidance Notes, and the emerging Local Development Plan.

6 PRINCIPLE OF DEVELOPMENT

- 6.1 The site is located within the **Adopted UDP** Settlement Boundary for Llay where new residential development will normally be acceptable, although it is not allocated or identified for any purpose.
- 6.2 The retail unit is a small-scale local shopping development (4,000sqft / 370sqm) with a proposed floorspace of less than 300 sqm which will be accessible for customers on foot from the surrounding area replacing the Co-op store on Shones Lane which closed following a fire in December 2016. The store will not harm residential amenity and will not cause traffic problems.
- 6.3 The proposal would constitute sustainable development in accordance with Planning Policy Wales, the Adopted UDP, particularly Policies PS1 and H2 which permit and direct new housing development to sites on unannotated land within defined settlement limits; PS4 which encourages the use of vacant, derelict or underused land in preference to the use of greenfield sites; and S6 which allows small scale shopping development not exceeding 300sqm sales area.
- 6.4 The site is allocated in the **Deposit Local Development Plan** for an indicated 60 dwelling units.
- 6.5 Llay was placed within Tier 2 of the new Plan's Settlement Hierarchy, based on the range of services and employment opportunities provided and the potential to accommodate new development (as explained in Background Paper BP 02b "Settlement Hierarchy and Development Potential", Jan 2018). The Paper introduced a quantitative scoring system with points based on accessibility to services and facilities.
- 6.6 Tier 2 settlements with a range of 24-32 points are appropriate locations for higher levels of development in order to achieve a sustainable settlement pattern, as promoted by national planning policy. Llay received a score of 25, with Green or Amber indicators on all Settlement Functions.
- 6.7 The Royal British Legion site was initially identified in the Council's Urban Capacity Study, and assessed in accordance with a set of criteria (or filtering mechanism) used to classify and prioritise sites' acceptability for further consideration and potential allocation (as explained in Background Paper BP 04a "Site Assessment Methodology, Jan 2018).
- 6.8 The site passed a three-stage assessment taking account of constraints, internal and external consultation, and performance in delivering the LDP vision, objectives and preferred spatial strategy, followed by a Habitat Regulations Appraisal and a Strategic Environmental Assessment/Sustainability Appraisal. The site was selected for allocation on this basis.
- 6.9 The Local Development Plan was placed on Deposit for consultation during an extended period between April – July 2018, during which time the allocation of the Royal British Legion site received only one objection (Ref. LDP737), on the basis that infrastructure in Llay cannot cope with new developments, although no more specific details were given.
- 6.10 Accordingly, it is highly likely that the site will be allocated when the Plan is adopted. This consideration should be given very significant weight in determining the planning application.

Need for Additional Housing

- 6.11 The Deposit Local Development Plan makes provision for 8,525 new homes in order to deliver a requirement of 7,750 over the 15-year plan period (2013-2028), or 516 homes per annum. This includes a 10% provision for flexibility (providing a contingency to allow the plan to respond to economic challenges or unforeseen circumstances). A detailed assessment is contained in Background Document BP08 “Housing Supply and Delivery”, Jan 2018.
- 6.12 Of the total provision, some 3,004 homes have already been built or have planning permission (including pending permissions subject to s106 agreement). A ‘Windfall Estimate’ of 2,145 homes (39% of the total outstanding) is based on an allowance of 195 per annum on unidentified small and large sites. The anticipated number of dwellings on allocated sites including two Key Strategic Sites and 17 housing allocations amounts to 4,919, of which 3,519 are expected to be built in the plan period. This slightly exceeds the 3,376 required by Policy SP1, allowing for some further flexibility.
- 6.13 The deliverability of this supply depends on planning permissions being granted on windfall and allocated sites. Whilst the Council is confident that unidentified small and large sites will come forward, this remains to be established. The contribution from allocated sites cannot be guaranteed if applications on allocated sites are not approved. Refusal of permission on these sites will mean that the Borough’s housing requirements will not be met.

Five Year Supply of Land

- 6.14 The requirement to maintain a 5-year supply of readily developable housing land has been a key planning policy requirement of the Welsh Government. However, in July 2018, Lesley Griffiths, Cabinet Secretary for Energy, Planning & Rural Affairs announced that Para 6.2 of TAN1 would be dis-applied¹.
- 6.15 This removes the paragraph which refers to attaching “considerable” weight to the lack of a 5-year housing land supply as a material consideration in determining planning applications for housing. Nevertheless, the requirement to maintain a 5-year supply remains a key planning policy requirement of the Welsh Government.
- 6.16 The Council’s latest published Housing Land Monitoring Statement, April 2017, established a supply of 1,026 homes on large sites (>10 units) with planning permission or awaiting s106 agreements. A further supply of 366 units was included, based on small site (<10 units) completions over previous years. A total, therefore, of 1,392 homes.
- 6.17 Assuming the requirement in the emerging Local Development Plan is confirmed following the forthcoming Examination, the 5-year requirement would amount to $5 \times 516 = 2,580$. It is apparent that supply at April 2017 amounted to less than 2.7 years.
- 6.18 It is imperative that that planning permission is granted on the application site in order to meet the housing requirements identified in the emerging Plan and the requirement for a 5-year supply of housing land identified in Planning Policy Wales.

¹ <https://gov.wales/about/cabinet/cabinetstatements/2018/deliverythruplanningsystem>

Capacity of Infrastructure

- 6.19 The Council's first reason for refusal on the previous application related to the capacity of local community facilities, specifically schools and healthcare.
- 6.20 It is noted, however, that neither the Council's Head of Education nor the Director of Strategy at Betsi Cadwaladr University Health Board objected to the planning application.
- 6.21 Indeed, the Head of Education accepted there was scope for the proposed financial contribution and discussions are continuing on specific projects which may be funded by development of the RBL site.
- 6.22 Betsi Cadwaladr University Health Board confirmed in their response to the previous application that they have been working with the Council to address the issues raised by growth in local population, as with every other authority in their area. They are fully aware of the scale of growth proposed through the Local Development Plan development process and are in discussion with the Llay primary care practice concerning the potential for expansion of their premises.
- 6.23 The emerging Local Development Plan and its supporting documents have recognised the need to provide infrastructure for new development throughout the borough, as required by Planning Policy Wales. Background Document BP08 "Housing Supply and Delivery", Jan 2018 contains pro-forma relating to each of the allocated sites, including the RBL site at Llay. This states that:
- "The delivery, timing and phasing of the site is not dependent on the prior delivery of infrastructure. Infrastructure requirements can be resolved at planning application stage with conditions and planning obligations."*
- 6.24 BP08 was prepared following the submission of application P/2017/0314 and recognises that Primary and Secondary education S106 contributions may be required.
- 6.25 In responding to the Deposit version of the Local Development Plan, Betsi Cadwaladr University Health Board stated that they supported the Plan, *"which shares many of the objectives within our 10-year strategy: Living Healthier; Staying Well (LHSW)."* Education capacity constraints and capacity within Primary Care, particularly GP practices and the associated workforce requirements, were noted but they concluded there were *"no specific comments nor any concerns to note about the effectiveness and deliverability of the plan."*
- 6.26 They specifically expressed support for Policy SO8 relating to the need to ensure all development is supported by the necessary provision of, or improvements to infrastructure, services and facilities, commenting: *"Provision of, or improvements to healthcare services being an essential component of service infrastructure. The aim might be more ambitious for example to maximise the positive effect and eliminate any negative effects on existing communities."*
- 6.27 In relation to the proposed housing allocations, they made no objection and noted *"Planning applications for larger scale developments will require consideration by health board representatives regarding service infrastructure arrangements in order to deliver the strategic objective SO8."*

- 6.28 It is apparent that there are no outstanding deficiencies in the capacity of local infrastructure, including community facilities, which cannot be rectified including through a planning agreement/obligation by the developers to provide funding which will be fairly and reasonably related in scale and kind to the proposed development. The proposal accords with Policy GDP2 in this respect.
- 6.29 The Committee report for the previous application dated 2 July 2018 confirms that a planning obligation from the applicants to secure the provision of a financial contribution towards a shortfall in education infrastructure would offset the potential impacts of the proposal, provide for adequate affordable housing provision on the site and also make provision for adequate open space provision. It acknowledged that the Local Health Board has a duty to plan properly for population growth and amend local health provision accordingly.

Effect on the Multi-activity Community Facility

- 6.30 The Council's second reason for refusal on the previous application related to the effects of the loss of land available for parking and for remembrance services on the multi-activity community facility. However, it is not clear from the decision notice how this would be manifested, for example:
- Due to the reduction in operational area?
 - Due to the ability of the Royal British Legion to carry-out its functions through the activities of the Llay RBL Branch?
 - Due to the continued viability of the tenants – Llay RBL Social Club?
 - Or for any other reason?
- 6.31 It has been demonstrated in the Pedestrian and Vehicular Accessibility Note (May, 2018) that the reduction in car parking area at the club is unlikely to lead to any overspill parking issues. Indeed, the Committee report dated 2 July 2018 confirms that peak parking demand is well within that which is proposed as part of this scheme, which is proportionate to the parking provision for other RBL club sites such as Gresford and Johnstown.
- 6.32 It is noted also that Llay RBL Social Club instigated negotiations to agree a new lease agreement in 2016 on the reduced site footprint, specifying the provision of up to 34 parking spaces for the Club's use, and enabling the development of the adjoining land. In fact, the planning application makes detailed provision for 60 parking spaces for the Club's use.
- 6.33 On Remembrance Day, it is understood that Llay RBL simply acts as an assembly point for the annual parade which proceeds along Watts Dyke and Llay New Road. Special traffic measures are in place for the parade in any case. It is not considered that any loss of the surrounding land would affect remembrance services which are held elsewhere.
- 6.34 Furthermore, the lease requires that Llay RBL Social Club must continue to make provision for meetings and other functions of the Llay RBL Branch and the right for the Royal British Legion to use the premises in connection with the annual Poppy Appeal and Remembrance Day parade. These provisions were made in knowledge of the pending disposal of the surrounding land, and take it fully into account.

- 6.35 The renewal lease actually enhances the viability of the Social Club's finances by maintaining the same rent for a further period of years. At the same time such a long-lease provides the certainty of occupation for 15 further years that in part enabled the Llay RBL Social Club to secure external grant funding for capital improvements. The Royal British Legion has therefore shown by its actions its long-term commitment to retention of social club facilities as they recognise the additional benefits of retained charity use and remembrance such locations provide.
- 6.36 It is apparent therefore that, rather than '*adversely affecting*' Llay RBL as a multi-activity community facility, the new lease and the development of the surplus land will ensure its longevity as a community facility and the continued provision of support for Veterans and their families. The proposal accords with Policy CLF1 in this respect.

Design

- 6.37 The application seeks outline permission for the residential and retail elements, and therefore full details of the design are to be considered at the reserved matters stage(s).
- 6.38 Nevertheless, the indicative and parameters plans demonstrate how the site could be laid out to produce a living environment of high quality in accordance with national and local policy.
- 6.39 The proposed car park for the RBL Social Club, which forms a detailed element of the application, has been designed to be in keeping with its surroundings and is considered to be appropriate in size and design for this use. The numbers of spaces allowed exceeds those contractually agreed with the Social Club tenant, and are more than that shown as required in the capacity survey.
- 6.40 The Committee report for the previous application dated 2 July 2018 confirms that the density of the development and the intended uses are entirely compatible with this site and its surroundings. The development proposes a modern layout broadly reflective of the previous gradual expansion of Llay and in effect would create a logical extension to the residential built form in this area. The number of residential units proposed did not give cause for concern and it was considered that an acceptable detailed reserved matters scheme will be achievable.
- 6.41 The proposed scheme has been designed to complement the locality and surrounding properties in terms of scale, density and massing. The layout of the development relates well to the locality in accordance with Policy GDP1.

Residential Amenity

- 6.42 The application seeks outline permission for the residential and retail elements and therefore full details of the layout of the scheme are to be considered at the reserved matters stage(s).
- 6.43 The indicative and parameters plans demonstrate how a satisfactory level of amenity can be achieved on the site to ensure that the needs of existing and future residents are satisfied, to ensure a better quality of life without compromising the quality of life of future generations in accordance with Planning Policy Wales.

- 6.44 A Noise Impact Assessment prepared by Environmental Noise Solutions includes a baseline noise survey in order to establish the ambient noise levels at the site. This was undertaken during the daytime and nighttime on a Thursday in November 2016 and established that the ambient noise climate is attributable to traffic on the surrounding road network.
- 6.45 An outline scheme of noise attenuation works has been developed to protect the proposed residential development from the ambient noise climate, and on this basis it does not pose a constraint to the site's development.
- 6.46 The assessment concludes that noise associated with fixed refrigeration/air conditioning plant within the commercial element of the development can be controlled through the judicious selection of equipment and/or standard noise mitigation techniques such as acoustic barriers.

Affordable Housing

- 6.47 In Wrexham, where there is a proven lack of affordable housing to meet local needs, developments of over 25 dwellings will be required to provide for affordable housing in accordance with Policy H7. The current requirement is 25%.
- 6.48 It is proposed to meet this contribution through a planning obligation. Details of on and off-site provision, its nature, and tenure will be subject to details to be agreed prior to the commencement of development.

Transportation

- 6.49 A Transport Statement prepared by Vectio Consulting was submitted with the previous application. Following discussion with the Council's Highway team, the illustrative site layout was altered, and the application was supplemented by an additional Pedestrian and Vehicular Accessibility Note prepared by WSP.
- 6.50 Together, the reports assess the impacts of the proposed development on the adjacent public highway network, connectivity with its surroundings, and its access arrangements.
- 6.51 In particular the Pedestrian and Vehicular Accessibility Note addressed concerns relating to:
- The potential for rat-running through the site;
 - The positioning of the proposed access in relation to other side roads on Llay New Rd;
 - Pedestrian provision across Llay New Road.
 - The proposed level of parking provision;
 - Residential trip rates; and
 - Treatment of the proposed new access on Watt Dyke.

It concluded that there are no highways issues that should prevent the grant of planning consent for the development.

- 6.52 The Committee report for the previous application dated 2 July 2018 confirms that the proposal has been subject to detailed scrutiny by highways and that all outstanding matters and areas of concern had been resolved to the satisfaction of the Highway Authority.

Ecology

- 6.53 A preliminary ecology appraisal has been undertaken by Brooks Ecological which concludes that the site is dominated by habitats of very low ecological value, which do not represent a constraint to development. Trees and hedgerows represent features of higher value, and these features should be retained wherever possible. Any loss should be suitably mitigated for through the planting of native species in available landscaping, or by enhancement of existing hedgerows.
- 6.54 The Committee report for the previous application dated 2 July 2018 confirms that there are no concerns raised with the conclusions of the submitted ecology report or the principle of the scheme.

Trees

- 6.55 An Arboricultural Impact Assessment, prepared by Godwins Arboricultural Limited recorded fourteen individual trees, five groups of trees and two hedgerows. In accordance with advice in British Standards, four individual trees were recorded in Retention Category 'B', and a mixture of eight individual trees, four groups of trees and the two hedgerows were recorded in Retention Category 'C'.
- 6.56 The trees were generally found to be in a good to fair condition, however, two individual trees and one group of trees (T1, T4 & G21) were classified in Retention Category 'U' (unsuitable for retention).
- 6.57 All of the trees proposed for removal are considered to be low quality ('C' category) specimens. It is expected that the proposed tree removal will be mitigated as part of a post-development planting scheme of well-structured new trees which will add to the quality of the area and integrate the proposed development into the surrounding landscape.
- 6.58 Accordingly, the proposed development will accord with Policy EC4 through the provision of new planting in order to enhance the character of the landscape and townscape.
- 6.59 The Committee report for the previous application dated 2 July 2018 confirms that controls can be imposed to secure the retention of those trees which have been identified as having amenity value, and suitable mitigation planting is achievable at reserved matter stage.

Open Space Provision

- 6.60 The application site lies directly adjacent to the Alyn Waters Country Park, which it is anticipated will be used by future residents of the proposed houses. There are other recreation and open space facilities in proximity to the site.
- 6.61 An opportunity exists to upgrade the path network on the Llay side of the Country Park and create a tarmacked route to connect up with the existing cycle way. The existing play area is also in need of improvement. Both projects would benefit the residents of the new development in lieu of onsite contributions to open space and play, in accordance with Policy CLF5.

- 6.62 The Committee report for the previous application dated 2 July 2018 confirms that there is adequate existing local open space provision and it would not be advantageous to provide more on site. A contribution towards improvements to Alyn Waters Country Park would be an acceptable solution to the Council.

Floodrisk and Drainage

- 6.63 The Welsh Government Development Advice Map shows that the site is located within Flood Zone A – an area considered to be at little/no risk of fluvial and coastal flooding. Nevertheless, a Flood Consequence Assessment and Drainage Strategy prepared by Waterco was submitted with the previous application.
- 6.64 The report concluded that the site is at low risk of flooding from all sources. A potential for surface water ponding within topographical depressions was identified, however this risk could be mitigated through consideration of site levels and consideration of a sustainable drainage system.
- 6.65 Following comments from the Council’s Flood Management team, a revised report was prepared to include reference to infiltration testing which indicated that ground conditions are generally suitable for infiltration, accompanied by attenuation storage in order to restrict surface water discharge to the greenfield rate of 5 litres/second.
- 6.66 The Committee report for the previous application dated 2 July 2018 confirms that existing ground conditions are suitable for soakaway systems with a connection to the existing public sewer system as a last resort and that the site can be developed without increasing surface water runoff rates. Natural Resources Wales raised no concerns regarding the risk of flooding from any watercourses.

Ground Conditions

- 6.67 A Preliminary Geo-environmental Investigation, prepared by Lithos, made a number of recommendations. The site is underlain at depth by Salop Formation bedrock and the shallowest coal seam lies at least 400m below the surface. Whilst the site lies in a Coal Authority Low Risk area. Whilst the site lies in a Coal Authority Low Risk area, no significant risks have been identified and an intrusive mining investigation will not be required.
- 6.68 There are numerous former ponds and gravel pits located within 250m of the site and a programme of hazardous gas monitoring should be carried out in order to determine the level of protective measures required for new dwellings. It should be noted that the site is in an area where between 10% and 30% of homes are estimated to be above the radon action level; therefore full radon protection measures will be required.
- 6.69 The site’s environmental setting is considered to be of moderate sensitivity. With respect to human health, the proposed end use (residential) is also sensitive. A ground investigation may be required in order to assess the degree and extent of any ground contamination and enable the preparation of a remediation strategy (if required).

7 SUMMARY & CONCLUSIONS

- 7.1 The application comprises a mixed-use hybrid (outline/detailed) scheme with residential development, a retail unit, a boxing club, car park, details of access and associated works. It follows an identical application submitted in 2017 which was refused against the Officer's recommendation in July 2018.
- 7.2 There were only two reasons for refusal, which related to insufficient capacity of local community facilities (specifically schools and health services) and an adverse effect on a multi-activity community facility.
- 7.3 The current application provides additional information in relation to the reasons for refusal and seeks to overcome the concerns raised.
- 7.4 The application site comprises the Llay Royal British Legion Social Club and surrounding land which is currently accessed by an entrance onto Watts Dyke. It is located in a residential area on the edge of the Llay settlement boundary.
- 7.5 A lease agreement between the Royal British Legion and Llay Royal British Legion Social Club Limited allows for the Club's secure tenure with sufficient car parking until at least 2031. It guarantees the use of the premises for meetings and other functions of the Llay RBL Branch and the RBL Women's Section as well as its use in connection with the annual Poppy Appeal and the annual celebration of Remembrance Tide and Remembrance Day.
- 7.6 Planning policies are contained in Planning Policy Wales (9th Edition), Technical Advice Notes, the Wrexham Adopted UDP and the emerging Wrexham Local Development Plan. These seek to provide for an adequate and continuous supply of land to meet society's needs, including housing, which should be directed to sites within defined settlement limits/employment areas.
- 7.7 Strategic policies encourage residential development, particularly in sustainable locations within a defined settlement limit on previously developed land. Detailed policies deal with affordable housing, development principles, trees, surface water, shopping, community and leisure facilities, open space and parking among other matters.
- 7.8 The application site is allocated for residential development in the emerging Local development Plan and its development would constitute sustainable development in accordance with Planning Policy Wales, the Adopted UDP and the emerging LDP.
- 7.9 There is a defined need to provide land for additional housing in Wrexham County Borough, and the application site forms an integral part of meeting that need. Failure to grant planning permission on sites such as this will mean that the Borough's housing requirements will not be met and the Welsh Government's objectives will not be satisfied.
- 7.10 In particular, Wrexham County Borough has less than 2.7 years supply of land for new housing, against a requirement to maintain a 5-year supply which is a key planning policy requirement of the Welsh Government.
- 7.11 The Council's first reason for refusal in July 2018 related to the capacity of local community facilities, specifically schools and healthcare. However, neither the Council's Head of Education

nor the Director of Strategy at Betsi Cadwaladr University Health Board objected to the planning application.

- 7.12 It is apparent that there no outstanding deficiencies in the capacity of local infrastructure, including community facilities, which cannot be rectified including through a planning agreement/obligation. The proposal accords with Policy GDP2 in this respect, as was concluded in the Officer's report to committee in July 2018.
- 7.13 The Council's second reason for refusal on the previous application related to the effect on multi-activity community facility due to the loss of land for parking and for remembrance services. It is apparent, however, that rather than '*adversely affecting*' Llay RBL, the new lease and the development of the surplus land will ensure its longevity as a community facility, and the continued provision of support for Veterans and their families. The proposal accords with Policy CLF1 in this respect as was concluded in the Officer's report to committee in July 2018.
- 7.14 All other matters relating to design, residential amenity, affordable housing, transportation, ecology/trees, open space provision, floodrisk/drainage and ground conditions are entirely acceptable, or are capable of being adequately controlled by conditions/obligations.
- 7.15 For these reasons, it is considered that the proposal is acceptable in all aspects, and that the application should be determined in accordance with the development plan.
- 7.16 Even if there is found to be some element of conflict with the development plan, it is considered that the contribution of the site's development to meeting the Borough's housing requirements constitutes a significant material consideration which should be weighed in the site's favour.