

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – Date 26 July 2021

APPLICATION NO:
P/2021 /0384

LOCATION:
BRITISH LEGION SOCIAL CLUB
WATTS DYKE LLAY WREXHAM
LL12 0RL

DATE RECEIVED:
16/04/2021

COMMUNITY:
Llay

DESCRIPTION:
CYMERADWYO MATERION
CADARNHAU SY'N BERSONOL I
GANIATAU CYNLLUNIO
AMLINELLOL P / 2018/0933
(YMDDANGOSIAD, TIRLUNIO,
LLYTHYR A GRADDFA) - CODI 51
DWELL / APPROVAL OF RESERVED
MATTERS PERSUANT TO OUTLINE
PLANNING PERMISSION
P/2018/0933 (APPEARANCE,
LANDSCAPING, LAYOUT AND
SCALE) - ERECTION OF 51
DWELLINGS

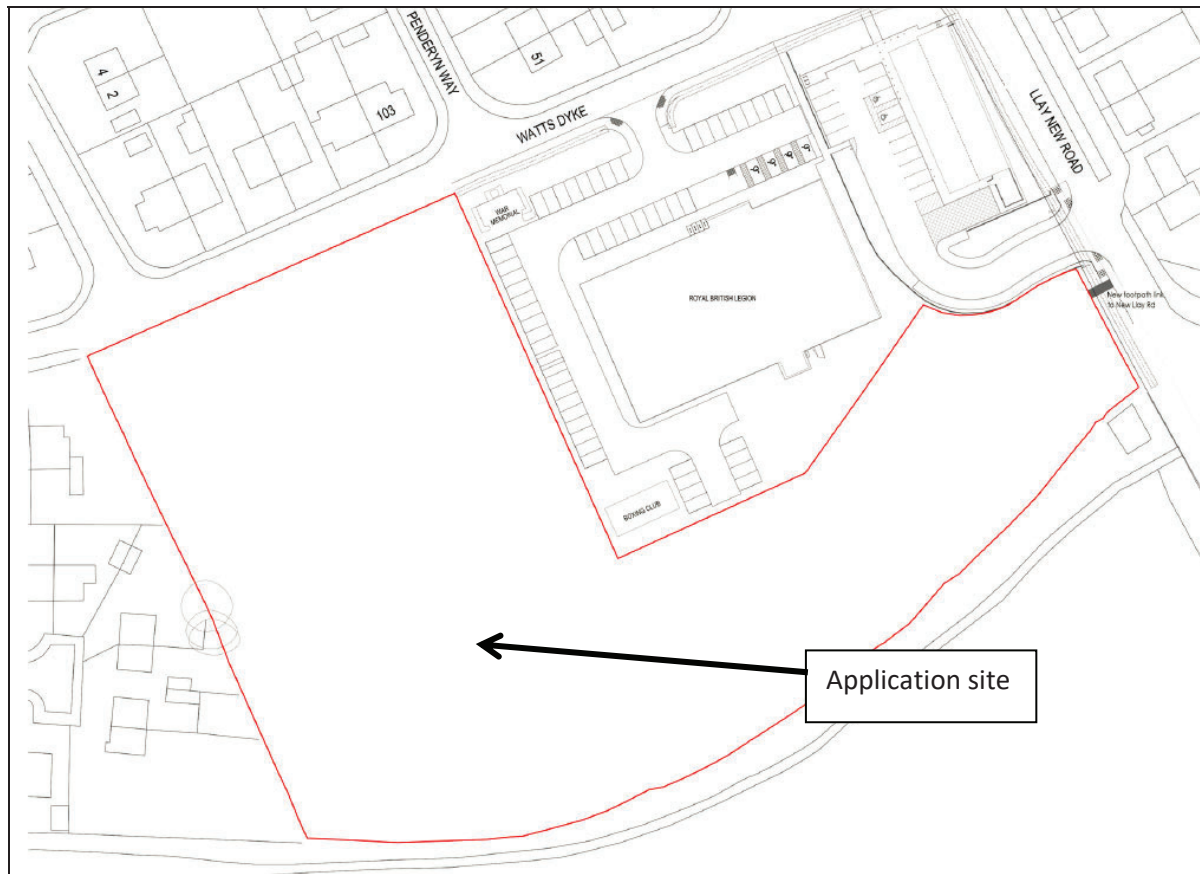
CASE OFFICER:
MP

WARD:
Llay

AGENT NAME:
DLP PLANNING LTD
MRS MEGHAN
ROSSITER

APPLICANT(S) NAME:
TERRI ANNE CROSS
WATKIN JONES HOMES

THE SITE



PROPOSAL

The application seeks approval for the matters reserved for subsequent approval by outline planning permissions P/2018/0933 namely appearance, landscaping, layout and scale.

HISTORY

P/2017/0314	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. Refused 02.07.2018
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. Granted 15.10.2019
P/2021/0385	ERECTION OF 8 DWELLINGS. Withdrawn

DEVELOPMENT PLAN

The site is located within the settlement limit of Llay as defined by the Wrexham Unitary Development Plan. Policies PS1, GDP1, GDP2, EC4, H2, H7, CLF5 and T8 are applicable.

CONSULTATIONS

Community Council:	Comments on the plans as submitted: • Llay Community Council wish to express serious concern regarding the traffic problems envisaged on Wats Dyke Road. • Secondly, they are also concerned about the situation relating to the removal of trees as they feel this is still unclear. • Thirdly, there is concern about the danger of increased traffic at all junctions adjacent to this development and believe there is an increased risk of flooding likely to occur.
Cllr Apsley:	Consulted on amended plans 5.7.2021
Cllr Walsh:	Notified 23.4.2021
Highways:	Notified 23.4.2021
	Consulted 23.4.2021. Consulted on amended plans 5.7.2021

Public Protection:	The findings of noise report are accepted and I recommend that the noise attenuation measures detailed in the report are required by condition.
SAB:	Notified 23.4.21
NRW:	We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met and you attach the following condition to the permission. Otherwise, we would object to this planning application. • Requirement (Protected Species): We advise that further information is required to assess the extent of adverse effects on the bats and any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. • Condition (Biosecurity): No development with the potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. Consulted on submission of bat report and biosecurity risk assessment 5.7.21
Welsh Water:	No objection subject to compliance with the drainage conditions impose on the outline planning permission.
Neighbours:	The Royal British Legion and the owners/occupiers of 12 nearby properties notified on initial submissions on 29.4.21 and in respect of amended plans on 5.7.21

SPECIAL CONSIDERATIONS

Background: The applicants initially applied for reserved matters approval for 43 dwellings. A second application (P/2021/0385) was submitted seeking full planning permission for 8 dwellings. Taken together, both applications proposed 51 dwellings. The application for full planning permission was submitted because the 8 plots were initially intended to have their own vehicular accesses directly off Watts Dyke. Given that access was approved when outline permission was granted the additional vehicular accesses fell outside of the scope of the outline permission.

Amended plans have subsequently submitted with the additional access points off Watts Dyke deleted thus in turn meaning the reserved matters

application seeks approval for 51 dwellings. Application P/2021/0385 has therefore been withdrawn.

The discussion below considers the amended plans only.

Principle of development: The principle of development was established in October 2019 when outline planning permission was granted for a mixed use development that included residential development.

The outline permission did not specify the number of dwellings proposed and no condition was imposed on the outline permission setting maximum number of dwellings permitted. The indicative plans submitted with the outline applications showed the residential development as taking place in the area now subject to this reserved matters application and up to 51 dwellings being erected.

This is not an application for planning permission, but rather an application for approval of reserved matters. Whether the site should or should not be developed and the highway safety considerations in respect of the site access were considered at outline planning permission stage. The Council is limited to considering the merits of the matters for which reserved matters approval is sought, namely appearance, landscaping, layout and scale.

Members are reminded that the extant outline planning permission is subject to a planning obligation that provides for affordable housing as well as financial contributions to schools and to off-site open space provision in lieu of on-site provision.

Design: The site layout plan and proposed street scene plans are included below:



The development comprises of 27 terraced dwellings, 14 semi-detached dwellings and 10 detached dwellings. The site layout provides for a strong built frontage to Watts Dyke as well as within the development itself. The use of a mix of house types, varying setbacks from the highway, a mix of frontage, side and communal parking as well as materials will provide for an appropriate and attractive form of development.

The site frontage will comprise (as shown on the street scene plan above) will comprise of 2 terraces of 3 dwellings, 1 pair of semi-detached dwellings and 2 detached dwellings. The terraces are set back 2 metres from Watts Dyke with the other plots set back 1 metre. Development elsewhere in Watts Dyke

comprises semi-detached dwellings set back between 6-10 metres from the highway. Whilst this means there will be a degree of contrast between the existing and proposed development the site, being largely undeveloped at present, already stands apart in terms of appearance. Furthermore in the context of the wider village, there is a variety of architectural form and character. As such I am satisfied the overall appearance of the side frontage is appropriate.

Public Open Space: Whilst the site layout provides some areas of soft landscaping, no public open space is provided. The outline planning permission does not include any conditions requiring the layout to include on-site open space. Indeed it was accepted at outline planning permission stage that due to the proximity of the site to Alyn Waters Country Park and a recreation ground accessed from Shones Lane or Sixth Avenue that a £1000 per dwelling commuted contribution should be secured towards improvements to Alyn Waters Country Park in lieu of onsite provision. This was secured by a Planning Obligation.

Amenity: Of the 10 dwellings facing onto Watts Dyke 7 will lie directly opposite nos. 93-103 Watts Dyke at distances of 18 and 19 metres. Once differences in proposed ground levels are taken into account, LPGN21 advises that separation distances should be 23-24 metres however I do not consider the shortfall to be a matter of concern in this instance.

The dwellings will face each other across an adopted highway which has footways on both sides. Windows in the front elevations of the existing dwellings are already afforded significantly less privacy and those overlooking rear gardens, being subject to overlooking from passing motorists and pedestrians. Considered in this context, the overlooking arising from the development will not adversely impact upon the standard of privacy afforded to the occupiers of the existing dwellings.

The position of dwellings on the remainder of the site accords with LPGN21 advice and as such I am satisfied the development will not adversely impact upon the standard of amenity afforded to existing neighbouring occupiers by way of loss of light, privacy or by being overbearing.

The spacing between dwellings within the site and the amount of garden provision is consistent with LPGN21 advice.

Highways: The location of the vehicular and pedestrian access points to the site were approved at outline planning permission stage and therefore fall entirely outside of the scope of this application.

Whilst noting the concerns expressed by the Community Council and acknowledging that the outline application did not give approval for a specific number of units, it was accompanied by a Transport Assessment undertaken on the basis of 51 dwellings being built. The table below shows the forecast peak time trip generation arising from 51 dwellings:

Time	Arrivals	Departures	Total
AM Peak	7	26	33
PM Peak	16	9	25

The above demonstrates that in both the morning and evening peaks, the proposed dwellings are likely to add an additional 1 vehicle movement approximately every 2 minutes.

The Watts Dyke has two junctions with Llay New Road, one approximately 100m to the east of the site and another located approximately 360m to the north of the site. Llay New Road at both locations is straight, with no impediments to visibility in either directions. Llay New Road at both locations is subject to a 30mph speed.

Highways did not object to the outline planning permission, therefore I have no reason to conclude that the creation of 51 dwellings will give rise to highway safety concerns in the locality.

The reserved matters application is accompanied by swept path details which confirms the site can safely accommodate a typical refuse wagon.

The development will comprise of:

- 5 x 2 bedroom dwellings
- 42 x 3 bedroom dwellings.
- 4 x 4 bedroom dwellings

The LPGN16 maximum parking provision is 2 spaces for 2 bedroom dwellings and 3 spaces for 3 and 4 bedroom dwellings. Each dwelling will be provided with 2 spaces each. Parking provision for the 2 bedroom dwellings therefore accords with LPGN16 but will be 1 less than the maximum for the 3 and 4 bedroom dwellings.

The 2011 census data for the availability of cars/vans per household in the Llay ward are set out below. The data provided is for houses of all sizes and for houses with 8 rooms (which corresponds to the number of rooms proposed in the 3 and 4 bedroom dwellings proposed).

No. of cars or vans per household – Llay Ward, 2011 census (Houses)					
	Total	0	1	2	3 +
All properties	100%	18%	44%	27%	11%
Houses with 8+ rooms	100%	3%	23%	43%	31%

The above demonstrates that the vast majority of households have cars but also the majority of residents have access to either 1 or 2 vehicles.

Whilst the above demonstrates that a sizeable minority have access to 3 or more vehicles, the context of the site must also be considered. Llay benefits from a regular bus service to Wrexham. The site is also within walking distance of the Llay Industrial Estate, as well as a number of other local facilities including a school. Occupiers of the site would therefore not be wholly dependent upon private cars for all journeys and I have not been presented with any compelling evidence that the proposed on-site parking provision will give rise to highway safety issues either within the development or on any adjoin roads. The provision of 2 spaces per 3 and 4 bedroom dwelling would therefore not be a valid reason to withhold approval.

Condition 14 of outline planning permission P/2018/0933 requires the following:

No part of the development shall commence until further details of the proposed vehicular parking and turning facilities in respect of that part of the site described as 'Royal British Legion Club Zone (Full) excluding the area labelled Boxing Club Building' on drawing no. AL-00-002 have been submitted to and approved in writing by the Local Planning Authority. The facilities as are approved shall be fully laid out, surfaced and drained prior to first use of the development, and shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.

Highways commented on the outline permission as follows:

A parking study has been undertaken by the developer over the course of a week revealed a maximum parking usage of 43 spaces; the proposed provision of 50 spaces would therefore appear to cover general day to day use of the site.

The applicants have submitted a plan which shows the provision of a 50 spaces being provided within the land retained by the Royal British Legion. On the basis of the evidence previously submitted this will adequately cater for the day to day requirements of that site. Accordingly the details submitted in respect of condition 14 will be approved under delegated powers.

Trees and Hedges: The Arboricultural Impact Assessment submitted with the outline planning permission envisaged the loss of trees and hedgerow along the side frontage as well as a group of Leyland Cyprus trees to the south-east of the Royal British Legion Building. In addition to their removal, the details submitted with this application propose the removal of a Silver Birch tree and a Scotts Pine tree adjacent to the south western boundary of the site. Both are identified as Category B or moderate quality. The loss of the trees and hedges is regrettable, however whilst they do contribute to the visual amenity of the area their contribution, either individually or cumulatively, is such that it would not warrant refusal of the application.

With the exception of a 2m wide gap that will be opened to provide for a pedestrian access, the hedgerow along the north-east eastern boundary of the site with Llay New Road will be retained. The hedge along the boundary between the site and Alyn Waters Country Park will also be retained.

The proposals are accompanied by detailed landscaping proposals which includes the planting of boundary hedges as well as tree planting within the site. Not only will these contribute positively to the appearance of the development they will also off-set the loss of the trees and hedgerows to be removed. On balance, I am satisfied the proposals satisfy the requirements of policy EC4.

The applicants have submitted Arboricultural Method Statement (AMS) in order to satisfy the requirements of condition 10 of the outline planning permission. The AMS details how trees lying outside of the site but close to the south western boundary and the hedge between the site and Alyn Waters Country Park will be protected during construction works.

Ecology: In response to the comments made by NRW the applicants have submitted a bat survey and a biodiversity risk assessment. The former did not identify any evidence of bat roosts within the site. The latter identified the presence of variegated yellow archangel, an invasive species and provides a method statement for its removal.

NRW have been asked to comment on these submissions.

Flooding: Whilst noting the comments made by the Community Council, condition 06 of the outline planning permission requires that a foul and surface water drainage scheme be submitted and approved before development commences. The applicants will also need to obtain approval separately from the Council as SuDs Approval Body (SAB) before construction begins. As such there are adequate controls in place to ensure surface water is properly managed and I therefore this would not be a valid reason to withhold approval.

CONCLUSION

The reserved matters proposed an appropriate form of development is undertaken on site in terms of layout, scale, and appearance and landscaping. Appropriate provision is also made for replacement tree and hedgerow planting.

The proposed site layout will not unacceptably impact upon the standard of amenity afforded to their occupiers and I am also satisfied the proposals are acceptable in respect of highway safety.

The details submitted in respect of conditions 10 and 14 can also be approved.

RECOMMENDATION A

That the Chief Officer Planning and Regulatory be given delegated authority to **approve** the reserved matters application upon receipt of a consultation response from NRW confirming that the bat report and biosecurity risk assessment are acceptable.

CONDITION(S)

1. The development shall be carried out in accordance with the following drawings:
 - i. 102 Revision A
 - ii. 201 Revision A
 - iii. WJ/RBL/MP/01 Revision C
 - iv. WJ/RBL/PSL/01 Revision P10
 - v. WJ/RBL/PSS/02
 - vi. WJ/HTS/HT/3B936/01 Revision P1
 - vii. WJ/HTS/HT/3B936/02 Revision P1
 - viii. WJ/HTS/HT/3B936G/03 Revision P1
 - ix. WJ/HTS/HT/3B936G/04 Revision P1
 - x. WJ/HTS/HT/3B983/01 Revision P1
 - xi. WJ/HTS/HT/4B1202/01 Revision P1
 - xii. WJ/HTS/HT/4B1328/D Revision P1
 - xiii. WJ/HTS/HT/2B735/02 Revision P1
 - xiv. WJ/HTS/HT/3B856/01 Revision P1
 - xv. WJ/HTS/HT/3B856/02 Revision P1
 - xvi. WJ/HTS/HT/3B895/01 Revision P1
 - xvii. WJ/HTS/HT/3B895/02 Revision P1
 - xviii. WJRBL/PBTP/01 Revision A
2. No facing or roofing materials shall be used other than materials matching those specified on drawing no. WJ/RBL/MP/01 Revision C and in External Finishes Schedule reference EFS 001 v1.
3. The hard and soft land landscaping shall be fully implemented in strict accordance with approved drawings nos. 102 Revision A, 201 Revision A and WJRBL/PBTP/01 Revision A to the following timescales:
 - i. Hard and soft landscaping for each plot shall be carried out in full prior to the occupation of that plan;
 - ii. Soft landscaping located outside of the curtilages of individual plots shall be undertaken not later than the first planting season (November to March) or seeding season (April to September) following the first occupation of the 51st plot.
4. The vehicular parking and turning areas as shown on approved drawing(s) No(s). WJ/RBL/PSL/01 Revision P10 shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.
5. The development shall be carried out in strict accordance with section 5.00 SOUND ATTENUATION SCHEME PROPOSALS of the Environmental Noise Solutions Noise Image Assessment reference NIA/9613/21/96/21/v3 Llay dated 9 July 2021.

6. The development shall be carried out in strict accordance with the Section 3.0 METHOD STATEMENT FOR INVASIVE SPECIES REMOVAL & RISK ASSESSMENT of the Cheshire Ecological Services Biosecurity Risk Assessment reference CES:750.052/06-21/KM dated June 2021.

7. The development shall be carried out in strict accordance with the Section 3.0 METHOD STATEMENT FOR INVASIVE SPECIES REMOVAL & RISK ASSESSMENT of the Cheshire Ecological Services Biosecurity Risk Assessment reference CES:750.052/06-21/KM dated June 2021.

REASON(S)

1. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.

2. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

4. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan

5. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

6. To control the spread of an invasive species in accordance with policy GDP1 of the Wrexham Unitary Development Plan

7. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
