

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY –
DATE 7 SEPTEMBER 2020

APPLICATION NO:
P/2020 /0155

LOCATION:
ROYAL BRITISH LEGION WATTS
DYKE LLAY WREXHAM
LL12 0RL

DATE RECEIVED:
10/03/2020

COMMUNITY:
Llay

DESCRIPTION:
ERECTION OF CLASS A1 RETAIL
UNIT (CONVENIENCE STORE) WITH
ACCESS AND PARKING

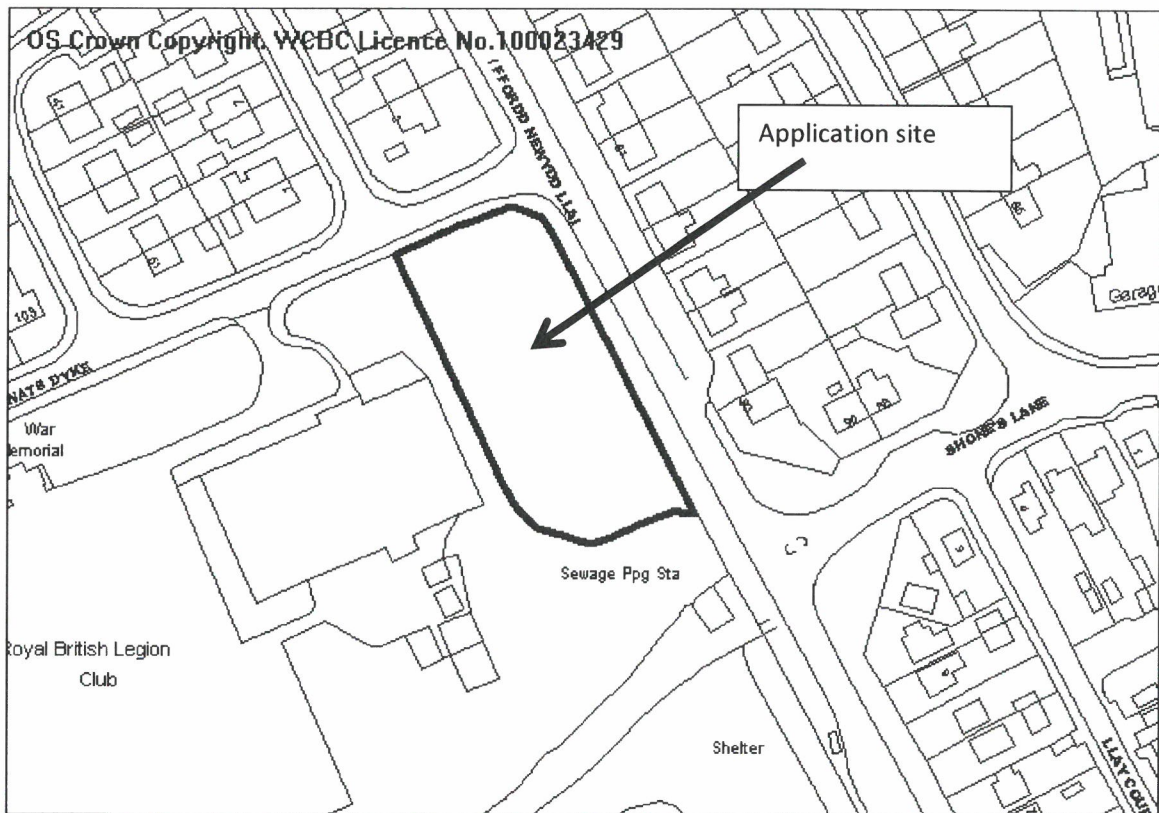
CASE OFFICER:
MP

WARD:
Llay

APPLICANT(S) NAME:
THISTLEWOOD PROPERTIES

AGENT NAME:
EDGEPLAN LTD
STEVEN EDGELLER

THE SITE



PROPOSAL

As above.

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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 2.7.2018

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

DEVELOPMENT PLAN

Within settlement limit. Policies GDP1, S6 and T8 apply.

CONSULTATIONS

Community Council: Councillor Apsley:	Consulted 10.3.20 Consider the following concerns imposed on planning permission P/2018/0933 to be applicable to this development: • Number 5, No part of the development shall be occupied until an at-grade pedestrian crossing has been implemented • Number 6, No part of the development until the approved drainage system • Number 8, development on any part of the site residential and retail, noise levels shall not exceed • Number 9, No development until a Construction Environmental Management Plan is approved; • Number 10, Arboricultural Method Statement • Number 14, no part of the development shall commence until further details until parking and turning facilities for the British Legion
Councillor Walsh:	Concerned regarding appropriate drainage due to historic flooding at the Llay New Road/Shones Lane junction. Any excess water from the site will flow downwards towards this junction.
Highways:	No objections subject to conditions.
Public Protection:	No comments
Senior Flood Officer:	Has made the following comments:

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- It has not been demonstrated that a compliant sustainable surface water management scheme can be delivered for the site. It is likely that this requirement will have implications for the proposed development, particularly in relation to the layout. In some instances it may not be possible to identify a scheme that can successfully comply with the national standards.
- Prior to the determination of the application, I would strongly advise the applicant give full consideration to the implications that compliance to the National SuDS standards may have for the development and revise proposals accordingly whilst also pursuing SAB approval.
- While it is possible to seek planning permission in isolation of seeking SAB approval, there is a significant risk in pursuing such an approach. The earlier it can be determined that the proposals are compliant with the new standards the less chance of delay, wasted effort and costs for all parties involved.
- If no additional information is submitted prior to determination I would request the application be refused as it has not been demonstrated that surface water can be sustainably managed over the lifetime of the development.

Contaminated Land:

No comments

Wales and West Utilities:

No objection however our apparatus may be at risk during construction works. We require the promotor of the works to contact us directly.

Welsh Water:

This proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Wrexham County Borough Council, as the relevant SuDS Approval Body (SAB). Drainage condition recommended.

NRW:

No objection.

Site Notice:

Expired 7.4.20

Neighbours

The owners/occupiers of 18 nearby properties notified 23.3.20

1 objection received for the following reasons:

- Traffic;
- Highway safety;

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- State of repair of the roads;
- Need for a pedestrian crossing.

SPECIAL CONSIDERATIONS

Policy: The site occupies part of the wider Royal British Legion site which benefits from outline planning permission for a mix of uses including the erection of a 4000 sq.ft/371 sq.m retail unit. Access was approved at outline planning permission site and although layout was reserved for subsequent approval the indicative plans showed the retail unit situated in the same part of the site as the current application.

Whilst this application seeks full planning permission rather than reserved matters approval, the principle of development and position of the site access have already been established. It would therefore be unreasonable to revisit these matters in considering these applications.

Notwithstanding the above, policy S6 permits small scale shopping developments 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.

I will deal with access, parking and amenity issues separately.

The gross floor area of the proposed building is 355 sq.m, however the submitted floor plans confirm that just over a third of internal area or 123 sq.m of the building will be 'back of house', in other words servicing, staff welfare and storage space. The sales area will therefore be less than 300 sq.m and in accordance with part c) of policy S6.

Pedestrian Accessibility: The site has frontages onto Llay New Road and Watts Dyke and will have pedestrian access onto both. The vehicular access, also off Llay New Road, will also have footpaths on either side. Llay New Road benefits from footpaths on both sides of the carriageway, which are connected to pedestrian footways on adjoining streets. The site lies also located in a largely residential area. The site is therefore safely accessed on foot.

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The outline planning permission granted for the development of the wider Royal British Legion site included a planning condition to require a pedestrian crossing point to be provided on Llay New Road to the south of the junction with Watts Dyke. I would consider this to be directly related to the provision of safe pedestrian access to the retail unit from the wider locality and as such, the same condition should be imposed upon this development.

Vehicular Access and Parking: The site access is in the same place as the access already approved under outline planning permission P/2018/0933. There has been no material changes in circumstances since that would warrant the position or design of the access to be reconsidered.

Plans have been submitted to demonstrate that the delivery and refuse vehicles are able to enter and leave the site as well as manoeuvre within it. Whilst this shows such vehicles encroaching over the centreline of the access road when entering and leaving the site, it is likely that deliveries and refuse collection will only take place once or twice a day. It is understood that a proportion of the waste produced at the site is collected by the vehicles that make deliveries, thus limiting the need for separate refuse collections. A condition requiring a Service and Delivery Management Plan will be attached to ensure the arrival and departure of the such vehicles are managed to minimise the risk of conflict with other vehicles within the site. Subject to such a condition I am satisfied that delivery and other service vehicles can safely enter and leave the site.

The LPGN16 maximum parking requirement for the development is 25 spaces. The proposed plan makes provision 15 spaces. The site is readily accessible on foot from a large part of Llay, therefore it is reasonable to conclude that a significant proportion of customers will travel to the site on foot.

Due to its size the proposed shop is likely to be a destination for top-up rather than main food shopping, with visits to the site being limited in duration, and in turn parking spaces only occupied for a short period of time and therefore frequently becoming available. I am therefore satisfied that the whilst the overall provision is 60% of the LPGN16 maximum, this is unlikely to give rise to significant parking problems elsewhere in the vicinity in this instance

Amenity: The nearest dwellings are in the region of 20 metres from the development and all are separated from the site by Llay New Road or Watts Dyke. The proposed building is single storey and therefore will not impact upon residential amenity by way of loss of light or by being overbearing. The development will also not increase overlooking of nearby properties over and above that which occurs at present as a result of pedestrians and vehicles passing along the adjoining footways and highways.

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The intended opening hours are 6:30am to 11pm, however given the distances involved I consider it unlikely that there will be any significant noise disturbance particularly as it is likely that there will be a degree of noise associated with traffic on the adjoining highway when the store is open. I note Public Protection have made no comments.

Design: The retail unit will be single storey and of a design reflective of its intended use. Whilst the surrounding area is predominantly residential in character, small retail and other commercial premises which provide local services are entirely in keeping with the urban fabric of residential areas. In that regard, the layout and design of the development is acceptable.

Drainage: Whilst I note the comments made by the Senior Flood Officer, the surface water drainage arrangements for the site will need approval separately from the Council as Sustainable Drainage Systems Approval Body (SAB) before development commences on site. I recognise a surface water drainage scheme is integral to the layout of the site, however the responsibility lies with the applicants to ensure that they take account of non-planning regulatory requirements, including SAB. The SAB team have been in contact with the agent directly to make him aware of the requirements. There is no requirement for SAB approval to be obtained before planning permission is granted and as such refusal of a planning application on the grounds that insufficient information to meet other legislative requirements would not be appropriate. I recognise that drainage is also a relevant material planning condition, however this is a matter that can be addressed by condition.

Other Planning Conditions: I note the comments made by one of the local members in respect of the conditions imposed upon the outline planning permission P/2018/0933. Whilst I agree that there are conditions imposed upon the outline permission that are relevant to this development as well, there are some that are not. I will discuss these below, with reference to the outline permission conditions referred to by the local member:

Condition 05: Pedestrian Crossing, Llay New Road

Imposing a similar requirement of the proposed development is necessary, given that it is the retail unit that is likely to increase the amount of pedestrian traffic crossing Llay New Road.

Condition 06: Drainage

See previous section regarding drainage above. A drainage condition will be imposed.

Condition 08: Noise

There will be a requirement to ensure that plant and equipment used does not generate excessive noise, therefore it is necessary to impose a similarly worded condition on this permission.

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Condition 09: Construction Environment Management Plan

Given the limited size of the development it is unlikely that construction will give rise to significant impacts beyond the site boundary. I therefore do not consider imposing a similar condition necessary. A condition to manage servicing and delivery arrangements once the site is operation is however necessary, as discussed earlier in this report.

Condition 10: Arboricultural Method Statement

Whilst there are trees on or close to the boundary of the wider British Legion site, having reviewed the Arboricultural Impact Assessment submitted with application P/2018/0933, none of these lie within or close to the boundary of the development proposed by this application, nor is it likely that they would be damaged by construction works. It is therefore unnecessary to impose an Arboricultural Method Statement on this development.

Condition 14: Parking and turning provision for the British Legion

The outline permission applies to the whole British Legion site, including the existing British Legion building. The condition was necessary in that context to ensure that when the development of the rest of the site took place, adequate provision was retained for parking at British Legion building.

Imposing a similarly worded condition on this development would not meet the tests set out in Circular 016/2014 in so far as being necessary to make this development in planning terms or being relevant to the development being permitted. The proposed retail unit and its curtilage will occupy only small part of the British Legion site and does not result in any change or loss to the existing parking provision within the site.

CONCLUSION

The development accords with the relevant UDP policies

RECOMMENDATION That permission be GRANTED

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CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

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2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) 0118(P)100, 0118(P)103 Revision A and 0118(P)123 Revision C and as contained within the application documentation.
3. No part of the development shall commence until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in strict accordance with the details as approved. Those details shall include:
 - i. a timetable for its implementation, and
 - ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
4. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
5. Within three months of commencement of development, full details of a hard and soft landscaping scheme together with a timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.
6. The landscaping scheme submitted and approved in connection with condition no. 05 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
7. No part of the development shall be occupied until an at-grade pedestrian crossing at point south of the existing junction of Watts Dyke and Llay New Road has been installed in accordance with the detail that shall first have been submitted to and approved in writing by the Local Planning Authority.
8. No development shall be used until a Service and Delivery Management Plan ("the SDMP") to include (but not be limited to) the details of the timing and frequency of deliveries, the type of delivery vehicles to be used, delivery vehicle movements and the management of car parking to facilitate the manoeuvring of delivery vehicles, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in strict accordance with the SDMP as approved.
9. The rating level of any noise generated by air handling plant associated with the development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial areas.
10. The retail unit hereby permitted shall not be open to customers outside the following times:
06.00 hours to 23.00 hours on any day

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REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
 2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
 3. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
 4. 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.
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 7. To ensure a same means of pedestrian access to the site in accordance with policy GDP1 of the Wrexham Unitary Development Plan
 8. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 9. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 10. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
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