



7 December 2018

FAO Kelly Maskell
The Planning Inspectorate
Crown Buildings
Cathay's Park
Cardiff
CF10 3NQ

BY E-MAIL ONLY

Dear Sir / Madam

Conjoined Appeal : Broad Oak Farm, Cobbler's Lane, Rossett, Wrexham, LL12 0UA

APP/H6955/A/18/3214586 : Proposed change of use and conversion of barns to form 13 no. residential units and associated works including part demolition (**P/2017/0623**)

APP/H6955/A/18/3214588 : Proposed change of use / conversion / part-demolition of barns to form 5 no. residential units and associated works (**P/2018/0223**)

This representation is submitted on behalf of Mr and Mrs Rigby who are residents of Llyndir Cottage, Llyndir Lane, the closest neighbour to the appeal site. An objection to the July 2017 proposal for 13 units was made on 24 November 2017.

This followed two previous applications; notably the previously withdrawn proposals ref. P/2008/1334 (for 24 units covering the whole site) and ref. P/2010/0510 (for 21 units covering the whole site); both of which Mr & Mrs Rigby raised objections against.

In our objection to the July 2017 application we had raised concern that only around half the former farmstead site was being applied for and that this raised doubt and questions about what would happen about the remaining buildings on the north side of the site and the amenity of both future and existing residents.

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The appellants subsequently submitted the 5 unit scheme in March 2018 (unbeknown to my clients due to no site notice being erected and the fact they were never notified by the Authority) and both proposals were taken to planning committee on 2 July and 30 July 2018, where, following the Officer recommendations not to grant permission, refusals were issued on 30 July 2018.

The applicants have certainly been relentless in their pursuit of a permission, yet despite having first instigated submissions as far back as 2008 it has taken a tortuous ten years before reaching some sort of “end game”.

The conjoined appeal does not, therefore, come as any great surprise, and nor does the fact that my clients learnt only last month about a further application having been made in October 2018 (this time a site notice had been erected); which involves the whole site but for 10 new dwellings (ref. P/2018/0888).

My clients reserve their right on this latest application and whilst the quantum of new units has reduced from 18 to 10 it remains to be seen whether this latest proposal can pass the same policy tests.

The latest P/2018/0888 application illustrates what the real “back-stop” position is and on the face of it does appear to be acceptable in terms of being policy compliant and of a more appropriate scale. There do still seem to be some layout issues associated with it in terms of amenity and design quality, but it poses the question why pursue an appeal on a scheme that is clearly contrary to policy when (on the face of it) a reasonable and acceptable alternative has finally been submitted and on the table.

In the meantime, to protect their position, Mr & Mrs Rigby feel obliged to re-state their objections to the conjoined appeal as it appears there is no guarantee that the appellants are looking to withdraw their appeals and concentrate on trying to negotiate a more sensible solution outside of the appeal framework.

This letter sets out my client’s observations to the conjoined appeal statement and we will now comment on the Grounds of Appeal made by the appellants.

Suitability of the Buildings for Conversion

The appellants claim that the buildings are structurally sound and as such LPGN03 is not applicable.

The Background pre-amble to this guidance note clearly states that there are some buildings which are not suitable for conversion and these include those which are structurally unsound, of temporary construction, unsuitable in terms of size and form of construction and at risk of flooding.

We consider that Building D (2017 application) and Barns D, E, F and G (2018 application) all fall foul of being unable to meet this test and as such must not proceed any further.

Indeed, the entire site is at risk of flooding and can only hope to pass this test if floor levels are raised, which by default will result in physical changes to the buildings which will result in their conversion being compromised unless roof heights and fenestration detailing changes and this will lead to almost entire re-construction.

With respect the other buildings they must then proceed to meet and overcome the Part 1 and 2 criteria.

Part 1 of LPGN03 sets out the development principles that all proposals should follow; stating that “it is essential that converted buildings should keep their original character and not have the appearance of being fundamentally new structures”.

A list of features are provided and it is contended that the appellant has failed to follow this guidance with respect existing wall openings, roof structures, floor levels, internal layout, curtilage and landscaping.

Even if the decision maker were to be lenient and flexible in their interpretation of this policy the fact is that the appellant has not followed this guidance.

The fact is that due to flood-risk all finished floor levels will require increasing by at least 300mm (0.3 metre) and re-profiling; this will impact upon every unit and result in other unintended consequences to the buildings that cannot possibly be acceptable in meeting this policy.

Part 2 then proceeds to set out the approach to determining whether any buildings which can have met Part 1 can demonstrate that there is no longer an agricultural need and that alternative non-residential uses have proved inappropriate.

We are not aware that the appellant has ever presented any such evidence. No marketing of the site has ever been undertaken and 18 years of abandonment does not justify meeting this requirement. No case has been presented to suggest agricultural re-use cannot be achieved or is not viable.

The guidance is perfectly clear in setting out the need for advertising and marketing, so without this we contend that the appeal must fail on this ground alone.

Cumulative Impact of Development

The appellant claims that the net reduction in floorspace across the site is a benefit but goes onto admitting that new parking buildings are proposed.

We would contend that whilst demolition is necessary and to be welcomed this does not diminish the plain fact that the proposal represents an over-development of the site for the proposed residential use of the site. So, where the previous agricultural use required the quantum of space to function and operate one cannot simply translate this into suggesting that a reduced quantum (but for an entirely different use) is appropriate.

Moreover, the proposed design and layout of the schemes are not considered to protect future resident amenity or the setting of the open countryside.

Position of Betterment

The appellant claims that the proposed highway improvements represent considerable betterment to the existing condition.

However, the appellant has not provided any evidence to demonstrate that the improvements involve land under their control and can therefore be implemented with any surety.

The suggestion that they will improve the existing situation is not accepted. This is a rural lane and proposals to improve vehicular use and provide footways within fields are tokenistic.

The fact is that the proposed use will generate significant levels of new traffic (residents, visitors, delivery vehicles, refuse wagons, emergency vehicles, etc) into an area where the highway infrastructure is inadequate.

The betterment offered won't make a "silk purse out of a sow's ear". Additionally, the proposed pedestrian routes are not direct, no all-weather surface treatment is proposed and the connectivity to Rossett and its amenities/facilities will remain the same unsustainable distance away.

We remain unconvinced that the proposals are adequate let alone they offer the claimed position of betterment.

Appellant Policy Assessment

Policy H3

This policy evidently must be read in association with LPGN03.

The appellant has failed to meet the criteria in this policy; notably:

- (a) *Demonstrating there is no longer an agricultural need*
- (b) *The buildings are structurally sound and capable of conversion; and then without any extensive rebuilding.*
- d) *The proposed dwellings do not result in curtilages which would constitute an undesirable intrusion into the open countryside*

It is not lost upon Mr & Mrs Rigby that the earlier 2009 and 2010 applications sought to promote schemes involving significant levels of workspace; yet at Para 3.9 the appellant now dismisses this prospect. Whilst we would not welcome any scheme here for office space the appellant has not presented any evidence that alternative uses cannot be achieved and to suggest that the agricultural use hasn't been operating for 15 years (ought to be 18 years) this cannot be accepted as evidence to demonstrate that a different agricultural use (maybe with less or different buildings) could not operate or function from the site.

The appellants position is considered implausible and without foundation.

No new evidence is presented to suggest the structural case is any different to when the applications were first made and the appellant even confirms that new roofs and floors will be required, along with new openings.

The need to meet flood-risk requirements and increase all finished ground floors by at least 300mm (0.3m) will have a significant impact that cannot be underestimated; indeed, we would go so far as to suggest that many of the buildings would end up being entirely re-built to meet such a standard.

The external amenity space and curtilage of many of the units associated with the 2017 scheme are compromised by not having connective private amenity garden spaces (units 7 and 8); some have gardens which are hard-up against the main central access (Units 4, 5 and 6), whilst others show gardens with adjacent parking courts and access routes directly against them (units 2 and 3). This would suggest that the ultimate detail of boundary treatment would have to involve 2-metre high close boarded fencing to offer any level of privacy which itself would result in alien un-characteristic features in this open countryside location.

The 2018 scheme is no better and Units 2 and 3 face problems of limited garden space, space backing onto the access drive to units 4 and 5 and a detached parking court.

The design and layout of the entire site has not been given much thought and additionally, the openness of site and their gardens would essentially lead to a domestication of the open countryside once climbing frames, trampolines and garden sheds are installed by future residents.

Policy H5

Given that the proposals fail to meet Policy H3 then the proposals naturally involve new dwellings in the open countryside and as such this policy cannot be met as the proposals do not involve essential need dwellings.

The appellant then tries to justify why the buildings are structurally sound and capable of conversion in meeting the terms of LPGN03. We have already addressed this matter above and have nothing more to add.

Precedent Cases

All the other schemes quoted involve UDP Policy H3 compliant conversions and offer no no direct comparison to the appeal site.

Indeed, the appeal site is not considered in the slightest bit comparative given a range of factors; most notably the fact that it is not policy compliant with either H3 of LPGN03 and it involves a scale that far exceeds all the others put together and is in a remote part of the Borough in an unsustainable position.

Other Objector Observations considered relevant to the Appeal

Open Countryside/ Green Barrier/ Special Landscape Area

1. National guidance in 'Planning Policy Wales' (PPW9 Nov 2016) advocates that new development should promote sustainable patterns of development – this proposal fails to demonstrate any sustainable credentials.
2. In terms of the sites location in the Open Countryside, TAN 12 'Design' advises that there is the need to avoid impact on distinctive rural landscapes. Wrexham County Borough Council's UDP adopted Local Policies PS1 and PS2, directs new housing schemes towards defined settlements and employment areas, and highlight the importance of protecting countryside character and the quality of the natural environment.
3. The development is included within the designated '**Green Barrier**' (Local Plan Policy EC1) which principally serves to protect the open character of the area, and the designated '**Special Landscape Area**' (Local Policy EC5), which prioritises the conservation & enhancement of the landscape. The development will undoubtedly disrupt the purposes of including land within such designations, by representing a significant visual intrusion into the surrounding landscape by way of overdevelopment, and poor layout, design and lack of any landscaping detail.
4. PPW9 gives specific credence to the re-use of buildings in the Green Barrier, but subject to stringent criteria. We consider that the proposal, fails to meet these criteria through loss of openness and being out of keeping with the sites' rural context.
5. The site is clearly visible from the strategic A483 (the main arterial route between Wrexham and Chester) and local footpaths (Burton 1 and 3) none of which have been assessed from a landscape and visual impact point of view. As such, the proposed scheme will materially damage the rural countryside setting in a substantial way, largely due to its excessive overdevelopment, poor design and layout and the resultant domestic paraphernalia that goes with residential dwellings (trampolines, climbing frames, etc).

6. The applicant's PAC response to why no landscaping detail has been submitted in support of the application is dismissive and suggests that this can be dealt with at a Reserved Matters stage. Given the sites' Green Barrier and SLA designation and its open visual position within the landscape with views available from public vantage points we cannot believe that such policies have been adequately addressed in the Planning Statement and that the applicant has not provided an LVIA, let alone a detailed landscaping scheme addressing such matters.
7. We contend that the proposal fails to meet or comply with UDP Policies EC1 and EC5.

Drainage

1. Despite the site being largely located with Zone A (with parts within Zone B) no detailed modelling has been undertaken to explore the risk the brook poses along with historic flood events.
2. The advice provided in the FCA suggests finished floor levels are raised by at least 0.3 m above AOD; this will have significant design implications to existing buildings that are proposed to be converted.
3. Given the lack of any detailed modelling and flood event research we would suggest that the site may lie within a more highly vulnerable Zone than is suggested that a more pre-cautionary approach be adopted. Additionally, the mitigation measure proposed will pose serious feasibility and developability concerns; the least of these being the ability for the converted dwellings to provide a grade level access.
4. No infiltration/percolation tests have been undertaken to demonstrate that there is capacity to avoid surface water flooding and there is little additional permeable surface treatment being proposed on site.
5. A package treatment plant is proposed to handle foul discharge. However, on a site with so many dwellings this is not considered an appropriate method, particularly given the vulnerable surface water risk which could readily result in such a facility over-topping and causing public health risks.
6. We contend that the proposal fails to meet or comply with Policies EC12 and EC13; the new SUD's drainage advice being introduced (from 7 Jan 2019) where developments must seek to provide for SUD's has not been acknowledged.

Highways & Parking

1. The Transport Statement is yet another document that has been supplied following validation. A critique of the proposal from a highway point of view has been undertaken by DTPC and this is attached with this letter (noting that this referred to the 2017 scheme for 13 units alone) but remains valid.
2. Given the sites abandonment all former trip rates associated with the former use have also been lost and cannot be relied upon.
3. The scheme involves 18 new dwelling units yet footpath connectivity and passing bay proposals do not represent either significant betterment or enhanced sustainable access solutions. The trip levels provided in the TA are 10 years out of date and to suggest trip rates can be compared to a former piggery use that was abandoned 18 years ago, is not convincing to assess impacts.
4. The fact that some 52 parking spaces to serve 18 dwellings are shown demonstrates that the proposed development will generate significant levels of trips that the local highway network will struggle to support. Moreover, it also demonstrates the unsustainable nature of the site with it being entirely reliant upon private means of transport; yet its impact upon the locality and community infrastructure will be unavoidably harmful.
5. Manual for Streets has not been followed.
6. Local Policy GDP1 promotes safe & convenient access to developments, LPG Note 3 warns against restricted visibility and narrow single carriageway roads, and TAN 18 'Transport' highlights that the number of accesses permitted will depend on the type and nature of the road. This application does not comply with any of this policy guidance, and instead will undoubtedly create significant highways problems on the access routes to the site.
7. Furthermore, the proposals play down the access route to and from the site along Llyndir Lane. As informed by the highway objection, not only will this lane form one of the two principal accesses to the site but will indeed be the main access route to the local facilities in Rossett for future residents of the site and attempts to offer pedestrian connections via a more circuitous route do not appear appropriate.

8. The site is not located within a sustainable or accessible location and will be wholly reliant upon the car borne user; and considering TAN18's advice in relation to accessibility and parking, the site's remote location demands an acceptable provision of parking. The minimum level of provision might have been met but this excludes any quantum for the retained buildings and what use they are being proposed for.

Accessibility

1. The site, by virtue of its location, cannot be considered accessible. 'Planning Policy for Wales' and TAN 18 dictates throughout that major generators of travel should be located within urban areas or locations well served by non-car transport modes and that efforts should be made to reduce the need to travel by car.
2. Using LPG Note 22 as a guide, the site is not within 400m of a range of services when measured along the roads, it is some 772 metres from Chester Road along the unnamed Road and 892 metres when using the Llyndir Lane access.
3. There are no bus routes running to/from/past/close the site. The proposed footway behind the hedgerow is a footway that is located on land that is outside of the red line. Its inclusion however, raises questions over what the intentions are for the remaining land and also how a footway would work in practical terms within a field where potential livestock / crops may exist. Also, how would a footway that leads to nowhere make the site any more sustainable and for it to exist on a junction raises concerns over pedestrian/highway safety.
4. The site is not accessible to sustainable methods of transportation.

Contamination and Trees

1. No assessment of contamination has been made in relation to the former agricultural use of the site upon the proposed residential use of the site and moreover it is known that asbestos is contained within the roofs both landfill gas and filled land exist locally. The NRW letter picks up on this, yet no information has been supplied. The red line also includes trees of some significant maturity and merit, yet no Tree Report has been provided.

Summary

In conclusion we would respectfully request the Inspector dismiss the conjoined appeals and confirm the refusal of planning permission, not only endorsing the Authorities reasons for refusal set out in their original decision notices but to also reference the grounds that:

- *the proposal represents an overdevelopment of the site contrary to Policy GDP1*
- *that it represents development in a Flood Risk Zone where no adequate infrastructure capacity has been proven and that to adhere to adequate finished floor levels this would trigger significant alterations to the buildings resulting in direct conflict with Policy H3*
- *that the site is not located within a sustainable or accessible location contrary to Policy GDP1*
- *that there is uncertainty over whether the highway improvements proposed can be made given that there is no evidence that the appellant has under his control the land identified to make any improvements*

We would be obliged if we could be kept informed as to the progress of this appeal case and notified of any final decision (via e-mail : justin@j10planning.com); additionally we would be keen to appear at any Informal Hearing that takes place should this appeal reach that stage.

Yours sincerely



Justin Paul
BA BTP MRTPI

cc **Mr & Mrs Rigby**
 Mared Rees (case officer) Wrexham CBC

Encs **DTPC Highway report (November 2017)**



DTPC

Report No. J010
November 2017

**OBJECTION ON BEHALF MR AND MRS RIGBY OF
LLYNDIR COTTAGE TO APPLICATION 17/0623**

REPORT ON HIGHWAY MATTERS

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REPORT ON HIGHWAY MATTERS

CONTROLLED DOCUMENT

<i>DTPC No:</i>		J010	
<i>Status:</i>	Final	<i>Copy No:</i>	
	<i>Name</i>	<i>Signature</i>	<i>Date</i>
<i>Approved:</i>	Alan Davies	AD	13 November 2017

Revision Record		
<i>Rev.</i>	<i>Date</i>	<i>Summary of Changes</i>

**OBJECTION ON BEHALF MR AND MRS RIGBY OF
LLYNDIR COTTAGE TO APPLICATION 17/0623**

REPORT ON HIGHWAY MATTERS

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1. INTRODUCTION

DTPC has been appointed by Mr and Mrs Rigby of Llyndir Cottage, Rossett to provide Highways and Transportation support with regard to submitting objections to the proposed development at Broad Oak Farm, Rossett.

A previous change of use of a similar nature was submitted in 2010 and subsequently withdrawn in a similar manner to the 2008 application.

In both cases no official responses from highways was lodged to refer to.

This report has been prepared solely in connection with the proposed development as stated above. As such, no responsibility is accepted to any third party for all or any part of this report, or in connection with any other development.

2. NATIONAL AND LOCAL POLICY GUIDANCE

National Planning Policy

The Assembly Government "aims to extend choice in transport and communications and secure accessibility in a way which supports sustainable development by encouraging the establishment of an integrated transport system which is safe, efficient, clean and fair". This reflects the Assembly's wider thinking in its Plan for Wales 2001.

The Assembly Government's objectives for transport are:

- Reducing the need to travel, especially by private car, by locating development where there is good access by walking, cycling, and public transport
- locating development near other related uses to encourage multi - purpose trips and reduce the length of journeys;
- improving accessibility by walking, cycling and public transport;
- ensuring that transport is accessible to all, taking into account the needs of disabled and other less mobile people;
- promoting walking and cycling;
- supporting the provision of high quality public transport;
- supporting traffic management measures;
- supporting sustainable travel options in rural areas;

The Assembly directs that development plans should:

- ensure that new housing, jobs, shopping, leisure and services are highly accessible by walking, cycling, and public transport;
- locate major generators of travel demand within existing urban areas, or in other locations that can be well served by public transport, walking or cycling;
- encourage higher density and mixed - use development near public transport nodes, or near corridors well served by public transport;
- ensure that development sites which are highly accessible by non-car modes are used for travel intensive uses, reallocating their use if necessary;
- include specific measures to promote walking and cycling;
- set out policies to promote the use of public transport including new and improved interchange facilities and, where appropriate, park and ride schemes;

TAN 18 – Transport

Accessible housing development (key points in bold italics)

Settlement policies and residential allocations in development plans should:

- ***promote housing development at locations with good access by walking and cycling to primary and secondary schools and public transport stops, and by all modes to employment, further and higher education, services, shopping and leisure, or where such access will be provided as part of the scheme;***
- include policies and standards on density, and parking to achieve higher residential densities in places with good public transport accessibility and capacity;
- encourage residential layouts that incorporate traffic management proposals such as home zones, calming measures and 20 mph zones and where appropriate, layouts that allow public transport to pass through easily; and
- require layouts and densities, which maximise the opportunity for residents to walk and cycle to local facilities and public transport stops.

Local planning authorities should ensure that the design and density of new residential development facilitates viable and effective bus services.

Development plans and related SPG should outline the information required in residential applications or design statements to demonstrate appropriate levels of access by walking, cycling and public transport for new residents and the wider community to local services. Developers should be able to demonstrate that:

- **the development will facilitate access by new residents to public transport stops, local shops and facilities by walking and cycling;**
- **new or existing walking and cycling routes provide direct and safe links to public transport stops, local shops and facilities;**
- any public transport routes through the development are suitably direct, are of a geometry to avoid obstructions and that any features that give buses priority (e.g. bus gates or bus only routes) are shown;
- where new public transport facilities or services are proposed, there are effective arrangements for maintaining facilities and funding services (e.g. will an initial or ongoing subsidy be required and how this will be secured);
- the walking, cycling, public transport and car routes through or adjacent to the site are integrated in accordance with expressed principles and in the context of their relationship with parking areas and public recreation spaces.

Parking

Maximum car parking standards should be used at regional and local level as a form of demand management. Turning minimum standards into maximum standards will not necessarily be appropriate. Therefore evidence based on the likely effects of different parking levels for each land use should be considered, including consideration of the relative locations of land uses and their consequent accessibility. Required parking for those with disabilities should be fully specified in any adopted parking strategy in terms of space dimensions and proportions of the total number of spaces.

In determining maximum car parking standards for new development, regard should be given to:

- public transport accessibility and opportunities or proposals for enhancement;
- targets and opportunities for walking and cycling;
- objectives for economic development including tourism;
- the availability in the general area of safe public on- and off- street parking provision; and
- potential for neighbouring or mixed use developments sharing parking spaces, for example at different times of the day or week.

Street design

New junctions must have adequate visibility

Walking

When preparing development plans, design guidance, master plans and in determining planning applications authorities should:

- ensure that new development encourages walking as a prime means for local journeys by giving careful consideration to location, access arrangements and design, including the siting of buildings close to the main footway, public transport stops and pedestrian desire lines;
- **ensure that pedestrian routes provide a safe and fully inclusive pedestrian environment, particularly for routes to primary schools;**
- **ensure the adoption of suitable measures, such as wide pavements, adequate lighting, pedestrian friendly desire lines and road crossings, and traffic calming;**
- **promote the reallocation of road space to pedestrians;**
- support the use of public rights of way for local journeys; and
- identify and protect existing and proposed routes suitable for the use of cyclists and walkers.

Cycling

Development plans, design guidance, and master plans should include encourage cycling through:

- identification of new cycle routes utilising existing highway (including public rights of way where appropriate), disused railway lines, space alongside rivers and canals, parks and open space;
- ensuring that new development encourages cycling by giving careful consideration to location, design, access arrangements, travel 'desire lines' through a development, and integration with existing and potential off-site links;
- securing provision of secure cycle parking and changing facilities in all major employment developments, including retail and leisure uses, town centres, transport interchanges, educational and health institutions;
- securing provision of cycle routes and priority measures in all major developments;
- adopting minimum cycle parking standards within their parking strategies - for commercial premises these standards should include cycle parking for both employees and visitors; and
- ensuring new residential developments provide storage for bicycles so they are easily available for everyday use while secure enough to be left unattended for long periods of time.

Public Transport

When preparing development plans or supplementary planning guidance, and in determining planning applications, planning authorities should where appropriate:

- indicate where buses will be given priority and the measures which will be taken to support this;
- consider the potential, and identify any proposals, for new routes, including the new opening and reuse of rail lines, or creation of additional stations on existing lines, light rail or guided bus routes;
- establish and apply design principles for transport infrastructure and associated links that will ensure all can access the facilities and feel safe;
- establish and apply design principles to ensure buildings are sited to provide convenient access to local public transport whether walking or cycling;
- consider the need for better or new public transport access to new development areas;

Wrexham LDP policies

The following policies are set out in the LDF and from the local transport objectives for the scheme.

Policy SP8: Improving Travel An integrated transport network will be facilitated within the County Borough and wider North East Wales and West Cheshire sub-region by: ■ maximising the use of the existing road and rail network; ■ reducing Wrexham Town Centre congestion; ■ supporting and enhancing public transport facilities including the removal/reduction of the capacity constraints of the single track between Wrexham and Chester and the electrification and increase in service frequency on the Wrexham to Bidston to Liverpool line;	■ supporting and enhancing walking and cycling routes/facilities, park and ride facilities in the locality of key interchanges (e.g. rail/bus stations and major junctions on the A483(T)), integrated with existing and emerging public transport services and encouraging the use of travel plans; ■ alleviating capacity constraints of the highways network, especially the A483 (T); ■ maintaining and improving accessibility to and between principal residential, commercial, employment, health and education centres for all sections of the community; and ■ promoting local road network management improvements.
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Policy SP9: Development Proposals and Transport

Development proposals must demonstrate how they will:

- help minimise the need to travel;
- encourage the use of transport other than the private car;
- avoid increasing traffic to unacceptable levels; and
- avoid causing or exacerbating highway safety problems.

Transport assessments and Green Travel Plans will be required for developments likely to result in significant trip generation.

Summary

The overriding theme of national policy is that developments must be accessible by sustainable means of transport and accessible to all members of the local community. Local policy echoes the sustainability sentiment of national policy and provides more detail in terms of increased trips and safety.

The following chapters of this report will show that the proposed development is not compliant with local and national policy in this respect.

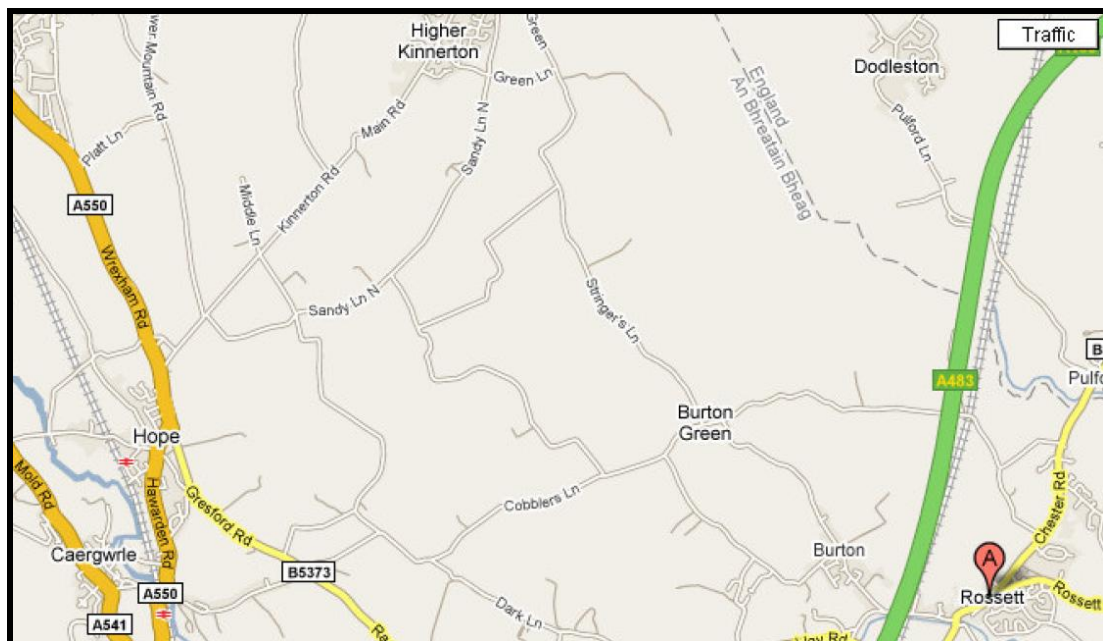
3. LOCAL SETTING

Introduction

The site lies between Chester and Wrexham and it is highly likely that vehicles coming from or to Wrexham will use Llyndir Lane and those from and to Chester will use the unnamed road.



Therefore any view as to the appropriate level of development must be based on the use of both access points.



As shown above both access points also provide access to Burton Green and the wider hinterland beyond the development via the level crossing to the north for a significant area of farming activity in various forms.



The unnamed route is constrained in terms of layout and ability to accommodate additional flows safely.

The following is based on the previous site visit and describes in more detail the two routes.

Llyndir Lane: Commences from its junction with Chester Road, this is the more constrained of the two access junctions onto Chester Road. It becomes subject to a national speed limit applies order i.e. 60 mph max speed approx 50 m from the junction. It becomes a narrow width i.e. only one vehicle at a time with limited passing bays.



The first section also allows access to the 48 bed and spa Llyndir Hall Hotel which generates additional traffic flows in the area but no details have been provided for this section.



Beyond the hotel the road narrows further and becomes overshadowed by trees on both sides. Forward visibility is further restricted and no line of sight is available between approaching vehicles.



At the end of the short length of narrow road it turns to the right to form the junction with the unnamed road. This occurs at the location of Llyndir Cottage whose boundary fence restricts forward visibility.



From the junction the road is slightly wider but still one vehicle in width towards the proposed development.



The frontage of the farm has a narrow footpath and one possible passing area before the road turns sharply left as it meets the level crossing.



The unnamed road: Starts with a junction onto Chester Road and this is the least constrained of the two junctions.



The speed limit again changes to national speed limit applies as the road narrows. There is a narrow footpath alongside the road defining the edge on the right/northerly side.



The route then turns left via a sharp bend having restricted forward visibility to run alongside the residential properties. At this point the road widens to allow passing but site observation shows that vehicles park here thus restricting passing opportunities.

The Business Park is then accessed and the footway terminates, it is assumed that the developer provided the footway.



From the park access towards the junction with Llyndir Lane the road has a ditch on either side and hedges creating a constrained feeling and thus reduces speed. A passing bay is located prior to the junction, advice is given that this also gets parked up on a regular basis.



As indicated the Lane and the unnamed road beyond the Business Park do not have footpaths and pedestrians have to step into the verge/hedges to escape vehicles as they pass.

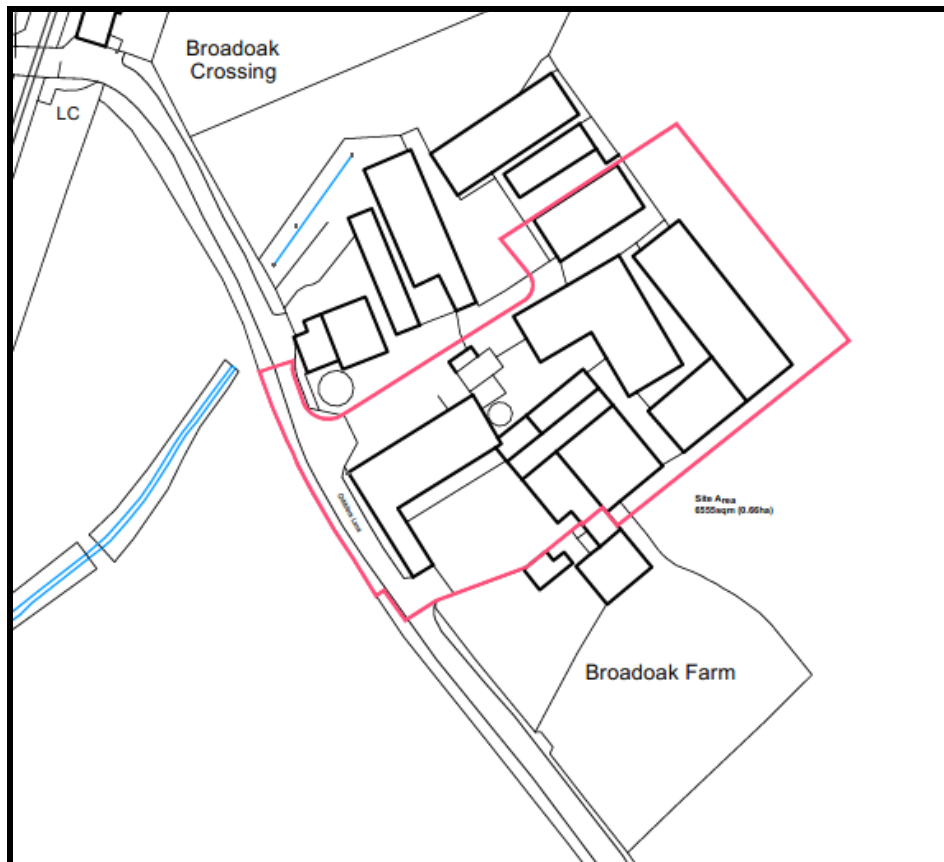
4. OVERARCHING OBJECTION STATEMENT

The latest application is supported by a TN and supplementary words by the Architect.

Reference in both documents refers to the information on the withdrawn application in 2010 for speeds and traffic flows, clearly this is incorrect, the details have never been agreed and the data is over 7 years old and unreliable.

Any assessment that uses data of this age cannot be seen as reliable and set out outcomes that can be used to support/approve the application.

The application only refers to part of the site with arbitrary lines to split it north and south.



There is no blue line to show the other ownerships, the new access will serve both areas so this interdependent. Clarity is needed, if the applicant believes there is a fallback then the two uses need to be assessed as a combined use.

C&A statement

This report refers to the outdated report in 2010.

Sets out an assumption flows will be reduced by closure of a pub however pubs do not have peak flows that reflect the residential peak flow period and thus the statement considered unreliable.

Again the simplistic trip rate assumptions set out in 2010 with no evidence base to support it is referred to. The use has been closed for over 10 years as such it is considered no fallback is in place the trips are all new.

The application is set out as smaller than the 2010 withdrawn application at 13 units however there is a substantial area of land that has no details attached to it i.e. no overall review of the full site and this is considered a key area where impacts are unknown.

The applicants state the land could be brought forward for agricultural uses as such these need to be assessed in combination.

A suggestion is made that a commuted sum could be provided to mitigate its impacts, Clearly these would need to be delivered at the sites costs if approved and no left to others to action.

The PROW as set out as the key routes for access as the local network has limited or no paths provided. The route suggested is not direct and largely unobserved.

No improvement to the walk routes is set out in terms of surface or lighting to ensure they can be used in all weathers. As such they cannot be relied on for accessibility purposes.

5. VECTOS ASSESSMENT

The note sets out the use of speed survey data to define the sight lines, para 2.5 states these were undertaken by Wrexham, not the case highways referred to the 2010 report which was withdrawn, not a council survey and 7 years out of date. The sight lines cannot be defined without up to date data.

Again para 3.1 sets out the background flows as though these have evidence to support them, none was provided originally as such they are not considered a fallback position.

Two plans have been submitted, one showing a new path alongside Cobblers Lane this is missing from the later plan, is the path to be provided??

View port 1 shows the hgv crossing onto the verge, not a true passing bay.

View port 2 shows a new lay by is this to be provided?

View point 3 and 4 again shows the vehicle crossing the edge of carriageway and using the verge.

The report says pedestrian can be accommodated by stepping onto the verge to get out of the way of vehicles, assumes they are dry and not water logged etc, no comment is made on the street lighting provision. The routes are not lit.

Existing Traffic Flows: The report sets out the average flows of vehicles adjacent to the development but no information is provided as to the flows from each of the junctions with Chester Road to gauge the level of use of each route. This is seen as a major lack of detail for a full understanding to be gained as to the impact of the development.

Whilst it is accepted that the flows are low no information as to the time of year has been provided to understand the possible seasonal effects. The road is a significant route into the farming area and harvest times etc would increase these flows and thus increase the potential incidence of vehicles meeting each other on the narrow sections.

The peak periods do show a tidal flow pattern which would match a residential type development.

Generally the two way flows show a 50/50 split in direction

The survey also provided a recorded speed of 30 mph in both directions, it should be noted that the speed limit is 60 mph and the layout constrains the speeds. No higher speed figures are given.

Accessibility by Non Car Modes

Public Transport: The report provides no overview of the bus services and location of the stops. It notes the IHT guidance for walk and cycling but not for bus stop distances. The following table sets out some accepted distances to facilities.

Acceptable Walking Distances

Destination	Walking Distance (metres)			Guidance from:
	Desirable	Acceptable	Maximum	
Bus Stop	200		400	IHT Planning for Public Transport in Developments, 1999
Local Shop	400			DETR Places, Streets & Movement, 1998

Town Centre	200	400	800	IHT Providing for Journeys on Foot, 2000
Community	500	1000	2000	
School	500	1000	2000	
Sight Seeing	500	1000	2000	
Elsewhere	400	800	1200	
Town Centre from a supermarket car park	200	300		DOE PPG6, 1996

In reality the 800m on site measurement is considered to be from the midpoint of the site to the junctions with Chester Road. The stops are approximately 30 to 100m further away along the road thus are beyond the 800m from guidance.

Clearly the site is beyond the accepted 400m max distance for a sustainable location from a PT point of view, even taking a relaxed view of the rural aspects of the site the stops still lie outside the 800m quoted.

The report does note that the route does not have the benefit of a footpath. It should be remembered that the report only focuses on one route and there are two to be considered.

Cycle: It is acknowledged that Chester Road provides a cycle route to the wider area, and that there are no dedicated routes from the site to Chester Road. The report states that the low traffic flows enable the routes to be deemed suitable for cyclists. This is considered to be a circumspect view, the routes are narrow and a car/cycle would not be able to pass each other and the cyclist would have to use the soft edge (not good) or stop. If a HGV or larger vehicle was encountered the situation would worsen. It is therefore considered highly unlikely that the cycle mode would form the basis of a significant level so trips from the site.

Pedestrians: It is noted that the routes are narrow and have a poor level of service for pedestrians. Later in the report some additional footways are put forward but not for the Llyndir lane route which is proposed to remain as existing and thus the Wrexham in/out is at a clear disadvantage from a sustainability and safety point of view.

Development proposals

The proposals are set out as 13 residential units with potential for extra trips from the un assessed area.

The increase in road width is a supportable offer however confirmation is needed on land ownerships/ability to deliver the works.

5m widths are usually deemed acceptable within as residential area for service/cars to use but at low speeds i.e. in a homezone/20 mph area. The Lane is a through route and acknowledge as having 30 mph 85%ile speeds as such 5m is still considered narrow for free flowing operations. In addition the presence of a hedge on one side will create a narrowing in the summer months and narrow the road width that can be used.

Sight lines are based on MFS which if using the assumptions made are applied correctly, MFS does supersede DB32 guidance but not an approved TAN18 as such the ability to reduce the sight lines needs further consideration. It appears that the land ownership should be able to provide improved sight lines as necessary.

In doing so it must be remembered that the speed design needs to be increased, the road width will allow vehicles to drive faster as visibility has improved etc as such the speed limit would be more appropriate.

The cycle and pedestrian access is indicated as using the Lane and the unnamed road. The low flows are deemed as acceptable for cycle usage but the narrow lanes with little scope for cycles and cars etc to pass safely. Again the full use of Llyndir Lane is ignored.

Pedestrians movements are predicated on the new footpath connecting to the unnamed road facility, this only assist the Chester in/out movements, no facility or comment is made regarding the Wrexham bound trips etc and the lack of a safe footway for increased pedestrian trips.

Overall the site provides limited improvements for non car trips and as such is considered significantly lacking in this respect.

As discussed in the access strategy the planning application disregards any use of Llyndir Lane. It should be mentioned that majority of the village facilities would be accessed most directly via the Lane. Rossett has two convenience stores selling hot lunches etc, post office, bank, doctor, chemist and dentist to list a few of the amenities. It is felt more logical that potential residents would use the lane for access to the local amenities than the unnamed route discussed in the TS

The internal design does not design out ad hoc parking as such this may occur or alternatively parking on the access roads or Llyndir Lane frontage. No information is provided as to how this would be controlled.

6. SUMMARY

The information provided is seen as deficient in terms of the assessment of the full highway network.

- The traffic data does not include the two access points,
- No data is given for the farming seasons which are known to create significant trips for larger vehicles.
- The cycling assessments significantly understates the effects of the narrow roads and lack of safe passing
- The walking assessment over states the sustainability of the distances to public transport, one of the routes has not being assessed at all for walking trips.
- Speeds will increase due to the creation of a hard edge to the roads

Even if the additional data and assessments were undertaken the site is still far from ideal from a sustainability point of view, non car modes will be limited due to the constrained access routes and poor level of service for safety.

As such the development creates unacceptable impacts on the local network that the proposed changes are not considered to adequately mitigate.

The proposals are thus deemed to create demonstrable harm on the network and should be refused in the current form.

