

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/H6955/A/19/3238474

DETAILS OF THE CASE

Appeal Reference APP/H6955/A/19/3238474

Appeal By GLYNDWR UNIVERSITY

Site Address
Land North of Gatewen Road
New Broughton
Wrexham
LL11 6YA
Grid Ref Easting: 331256
Grid Ref Northing: 351559

SENDER DETAILS

Name MRS TRINA WILLIAMS

Address
2 gwynfa cottages
gatewen rd
New Broughton
wrexham
Please select
LL11 6UY

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☒ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground

- ☐ Written Statement of Evidence
- ☒ Interested Party/Person Correspondence
- ☐ Other

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section: REPRESENTATION
Document Description: Your comments on the appeal.
File name: OBJECTIONS TO GATEWEN SITE.docx
File name: highways report Glyndwr Gatewen Site.docx

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

OBJECTIONS TO PLANNING APPLICATION 2018/0674

GATEWEN RD DEVELOPMENT

VALIDITY

The planning application is invalid and ought not to be considered by the planning committee at all. The planning application requires a certificate of ownership.

27. Ownership Certificates
Certificate of Ownership - Certificate A - Town and Country Planning (Development Management Procedure) (Wales) Order 2012

I certify/the applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least seven years left to run) of any part of the land or building to which the application relates.

Person role
☐ The applicant
☒ The agent

Title

First name

Surname

Declaration date

☒ Declaration made

The certificate is dated the 12th June 2018 some 56 days before the application was lodged on the 10th August 2018. Therefore the certificate is invalid, as it does not and cannot confirm ownership 21 days before the application date. This is a mandatory requirement and is clearly an omission.

WELSH GOVERNMENT CIRCULAR 002/12 GUIDANCE FOR LOCAL PLANNING AUTHORITIES ON THE USE OF THE STANDARD APPLICATION FORM ('1APP') AND VALIDATION OF APPLICATIONS states: -

Identifying omissions and inaccuracies

23. In order to help local planning authorities to assess applications effectively and expeditiously, it is important that applicants answer all the relevant questions on the Standard Application Form and provide all the accompanying information

requested. Local planning authorities should seek any information necessary at the earliest opportunity after receipt of the application and not make repeated requests to applicants.

24. Clear omissions should result in the application being determined as invalid (see

paragraph 27). However, where the information is a matter of subjective judgement, the quality of the information should have no bearing on the validity of the application for the purpose of Article 22 of the DMPWO. Similarly, the quality of additional assessments submitted as part of the application process should have no bearing on the validity of the planning application during the validation process, unless there are clear omissions or inaccuracies

CERTIFICATES OF OWNERSHIP

56. In order for the local planning authority to validate any application for planning permission or listed building and conservation area consent, **it must be accompanied by ownership certificates.** The requirement for ownership certificates comes from Article 11 of the DMPWO and Regulation 7 of the Planning (Listed Building and Conservation Areas) (Wales) Regulations 2012.

57. The prescribed certificates have been published by the Welsh Ministers and provided as part of the Standard Application Form, through the Planning Portal.

PLANNING DEPARTMENT VIEW

This issue has been reported to the planning department who has stated that they have considered “The relevant legislation” and are happy. They have refused to identify “The relevant legislation” or to provide any authority for their decision.

They have obtained a copy of the land registry deeds and are happy about ownership.

This does not rectify the defect for the following reasons: -

1. A valid signed certificate is to be provided by the applicant not a council employee.
2. The date for the certificate is set by law as “21 days before the application” and therefore a current certificate does not deal with that position.
3. A registered title merely confirms the registered owner not the actual owner at a particular date (much like a car registration document) ownership may have been transferred and not yet registered and therefore there is still no valid ownership certificate

In those circumstances we ask that the application be deemed invalid and not considered

.

OBJECTIONS TO THE TRANSPORT REPORT IN RESPECT OF THE GATEWEN SITE

1. The proposed access onto Gatewen road (para 4.3 of the report)

Proposal

Creation of 2m footpaths entering the site.

Objection

Wrexham council owns the land adjoining the highway at the proposed entrance and therefore the applicant has no control over that land and therefore cannot create the proposed footpaths. The land has mature trees and nesting birds and if it were not owned by Wrexham council would probably be subject to a TPO.

Proposal

Creation of a 2.4m x 43m visibility at the entrance to the site extending to the south and north

Objection

As above. The land is not in the ownership of the applicant and has mature trees and nesting birds. If not in the ownership of the council it would normally be subject to a TPO.

2. Parking

Objection

At paragraph 4.8 it is stated that the proposed development is for 2 off street parking spaces per unit = 224 cars but the development could easily be 3 bedroom houses equating to 336 new cars. It is believed that the report is based on 224 cars. The extra 112 cars would seriously impact and change the traffic flow.

3. Speed survey

The speed survey of the junctions impacted by the proposed development was taken over 5 days in April 2018.

Objection

It is believed that this survey is unrepresentative. There was only one period of survey. Other times of the year, in particular the summer months, are significantly busier than April. The use of data merely from April seriously undermines the study, its calculations and its conclusions. TRICS guidelines suggest that data should be taken from different dates to provide reliable data.

4. Traffic impact report using TRICS software.

TRICS software

An overview: -

The TRICS own guidance states: -

“TRICS® is a very powerful and flexible system, and allows great variation in the calculation of both vehicular and multi-modal trip rates. It is possible, therefore, that two users of the system, applying different criteria and ranges to a task, may end up producing different results.”

The TRICS data in the report states: -

“Secondary filtering selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.

Parameter: Number of dwellings

Actual Range: 7 to 363 (units:)

Range Selected by User: 5 to 4334 (units)”

An explanation of the selected range of 5 to 4334 is requested together with an explanation of its effects on the results.

TRICS is a respected programme but it really is just an estimate. The data relied on by the report relates to “similar” type roads but does not relate to the actual site.

TRICS own guidance warns about careful selection of comparables and careful filtering: -

Extract from TRICS own guidelines

“Site Selection by Region and Data Fields 4.1.

The issue of data being included/excluded by region has often been raised by users. This has led to TRICS® undertaking research into trip rates and regional variation. This research was inconclusive in its results. In some areas where compatibility was expected, the reverse was true. The converse was also true. Therefore, the one conclusion that can be drawn from this research (which is unpublished and was used for internal TRICS® system development purposes only), is that regional selection is not as important a factor as location type and other important factors. 4.2. There are clearly some extreme exceptions to the above. For example, trip rates obtained from a major city centre cannot apply to trip rates generated from the Shetland Islands, for obvious reasons. But, taking into account all local factors, especially the location type, there is no obvious reason why some data from, say, Glasgow, cannot apply to some data from Greater Manchester. Similarly, some site scenarios in parts of London may be compatible with sites in other large cities. However, the importance of compatibility in terms of local population, vehicle ownership, location type, etc. cannot be stressed enough. It is in the areas of site and development data where true compatibility should be sought, rather than just through the exclusion of regions, which could unnecessarily remove many compatible sites from a user's selected set. 4.3. Care should also be taken to ensure that data fields used in site selection filtering are relevant to each individual case. For example, using levels of car ownership as a filtering criteria would seem to be more appropriate for a land use category such as a food superstore than it would be for a residential development. For the latter, average car ownership per household within a 5 mile radius would not be an effective filter, as it is the car ownership level of the households actually making the trips that we would be more interested in. Users should take care to ensure that each instance of filtering by database field can be justified in the context of the type of development being analysed. 4.4. A specific example where the correct filtering of a database field is essential is when dealing with food superstore sites with or without petrol filling stations included in the survey count. If a proposed development is to include a PFS, then this should be reflected by the exclusion of sites within the database that do not include a PFS in their survey counts. Similarly, if a proposed development is not to include a PFS, then filtering should take place to ensure that sites with a PFS included in their surveys are excluded. This approach is necessary as surveys at food superstores with a PFS included record trips to the PFS only, in addition to trips to the store only and trips that take in both the store and the PFS. It should be noted that individual TRICS® surveys at food superstores do not break down counts into trips to the PFS only, trips to the store only, or trips that include a visit to both the PFS and the store. The total number of trips observed is always recorded without any further breakdown. 4.5. The most important data fields in terms of site selection compatibility are the main category and sub-category location types. Sites in a town centre with good local public transport accessibility will naturally, as a rule, achieve a different type of modal split to a site in the countryside without any public transport. Mixing sites which are clearly incompatible in a set for trip rate calculation could lead to the

production of misleading trip rates. A general guide to compatibility by main location category is shown in the table below.”

Potential problems with TRICS

The programme depends on the selection of comparables being correct.

The report uses 16 sites as comparables.

Of the 16 sites only 1 of the sites is in Wales
(Shropshire) none are near the proposed development.

Of the 16 sites only 2 have in excess of 100 houses nearby.

Of the 16 sites 12 have 51 houses or less nearby

Of the 16 sites only 2 have surveys carried out during the summer months.

It is suggested that the site comparables and therefore the data and results of the TRICS report are unbalanced and simply unreliable.

Objections to the figures used as the basis of the report.

The TRICS report submitted based on the data used by the applicant gives the following figures at table 5-1: -

Table 5-1: Vehicle trip rates and generation

	AM Peak (08:00-09:00)			PM Peak (17:00-18:00)		
	Arr.	Dep.	Total	Arr.	Dep.	Total
Trip rate	0.167	0.435	0.602	0.402	0.219	0.621
Vehicle Trip generation	18	47	65	44	24	68

47 cars leaving the site between 8am and 9am

44 cars arriving at the site between 5pm and 6pm

It is suggested that the planning committee should use their own knowledge and simple common sense.

On the current proposals the number of cars is estimated at 224. If the development is of 3 bedroomed homes that increases to 336.

Is it reasonable to propose that only 47 of those 224/336 cars will leave during 8am to 9am and only 44 will return between 5pm and 6pm?

If the committee is of the view that the basis of the report is flawed i.e. that only 47 of 224/336 cars will leave to go to school/shopping/ work or elsewhere between 8am and 9am is wrong, then all the opinions, recommendations and projections are unreliable.

ERRORS IN THE TRICS REPORT AS IT IS SUBMITTED

1 Table 5-1

Table 5-1: Vehicle trip rates and generation

	AM Peak (08:00-09:00)			PM Peak (17:00-18:00)		
	Arr.	Dep.	Total	Arr.	Dep.	Total
Trip rate	0.167	0.435	0.602	0.402	0.219	0.621
Vehicle Trip generation	18	47	65	44	24	68

$0.167 \times 112 = 18.7$ ROUND TO 19

$0.435 \times 112 = 48.72$ ROUND TO 49

$0.602 \times 112 = 67.42$ ROUND TO 68

$0.402 \times 112 = 45.02$ ROUND TO 45

$0.219 \times 112 = 24.528$ ROUND TO 25

$0.621 \times 112 = 69.55$ ROUND TO 70

As can be seen based on 112 homes every figure in the above table is wrong and understated

Table 5.4

Table 5-4: Gatewen Road / Berse Road priority junction

Arm	AM Peak		PM Peak	
	Queue (PCU)	RFC	Queue (PCU)	RFC
2018 Baseline				
Gatewen Road (Left-Turn)	4	0.83	<1	0.21
Gatewen Road (Right-Turn)	<1	0.01	<1	0.02
Berse Road (E)	<1	0.21	1	0.52
2020 Baseline				
Gatewen Road (Left-Turn)	6	0.87	<1	0.22
Gatewen Road (Right-Turn)	<1	0.01	<1	0.02
Berse Road (E)	<1	0.22	1	0.54
2020 Baseline + Development				
Gatewen Road (Left-Turn)	10	0.94	1	0.25
Gatewen Road (Right-Turn)	<1	0.92	<1	0.02
Berse Road (E)	<1	0.25	2	0.60
2035 Baseline				
Gatewen Road (Left-Turn)	32	1.09	1	0.26
Gatewen Road (Right-Turn)	<1	1.10	0	0.02
Berse Road (E)	<1	0.27	1	0.64
2035 Baseline + Development				
Gatewen Road (Left-Turn)	50	1.18	<1	0.29
Gatewen Road (Right-Turn)	<1	1.18	0	0.02
Berse Road (E)	<1	0.31	2	0.70

AT PARA 5.21

The report states that even before development the RFC in 2035 is approaching 1 whereas it can clearly be seen that 2035 baseline before development is 1.09 and after development is 1.18

The report states incorrectly that the 2035 development increase is “9” whereas it actually double that of 18

Table 5.5

Table 5-5: Berse Road / Rhyd Broughton Lane Roundabout

Arm	AM Peak		PM Peak	
	Queue (PCU)	RFC	Queue (PCU)	RFC
2018 Baseline				
Berse Rd (N)	3	0.72	1	0.51
Rhyd Broughton Ln	<1	0.23	<1	0.39
Berse Rd (S)	7	0.87	<1	0.28
2020 Baseline				
Berse Rd (N)	3	0.76	1	0.52
Rhyd Broughton Ln	<1	0.23	<1	0.41
Berse Rd (S)	9	0.91	<1	0.29
2020 Baseline + Development				
Berse Rd (N)	3	0.76	1	0.53
Rhyd Broughton Ln	<1	0.23	<1	0.41
Berse Rd (S)	10	0.92	<1	0.30
2035 Baseline				
Berse Rd (N)	8	0.90	2	0.62
Rhyd Broughton Ln	<1	0.28	1	0.50
Berse Rd (S)	71	1.09	<1	0.35
2035 Baseline + Development				
Berse Rd (N)	8	0.90	2	0.62
Rhyd Broughton Ln	<1	0.28	1	0.50
Berse Rd (S)	79	1.10	<1	0.35

At para 5.28

The report states that the development increase at Berse rd. S is only 3 whereas table 5.5 clearly shows it is increased from 71 to 79 an increase of 8.

SUMMARY ON THE TRAFFIC REPORT OF THE APPLICANT

It is stated that the report is inaccurate, unreliable, data flawed and simply misleading for the following reasons:-

1. Proposals re the entrance are not achievable
2. Traffic data collection on 1 period outside summer is unrepresentative
3. None representative comparables used for TRICS calculations
4. Inaccurate figures provided in report
5. TRICS'S conclusions on number of cars is unbelievable

Even in its current state and even with its understating of results, the report itself states that the junctions are or will be near or at or over capacity at many times. The committee will be aware of the congestion at the B&Q roundabout and will be aware that if granted then the majority of traffic from the site will flow towards that roundabout.

Gatewen road is a tiny road which already has issues re traffic necessitating the traffic calming measures which are already in situ.

224/336 extra cars using this road is simply an accident waiting to happen. There will be untold congestion at all the junctions and will merely add substantially to the B&Q roundabout. The lives of the existing local residents will be detrimentally impacted by the development.

OUR OWN SURVEY

We have carried out our own survey of the nearest and we believe most relevant and accurate comparable junction namely the existing junction from the existing Gatewen Rd development onto Gatewen Rd. The junction is less than a mile away from the proposed site. We submit that this survey even though only carried out on 1 day is more accurate than the applicant's surveys.

DATE 11 9 2018	TIME START 750 END 850	LOCATION GATEWEN RD ESTATE onto GATEWEN RD
CARS/VANS = 1 PCU	LORRIES = 3PCU	COMPLETED TRINA HUGHES
	Peak 8am 9am PCU leaving	Peak 8am 9am PCU arriving
CARS	131	13
BIKES	0	0
LORRIES	1	1
VANS	8	2
OTHER	0	0
TOTAL PCU	142	18

Based on the existing site being 249 houses and the new site being 112 houses that means that the new site will generate 45% of the traffic generated by the existing site.

So using the most reliable figure of 142 pcu s leaving at peak hour then the actual number of pcu s leaving the new site would be 64.

That is a 26% increase from the figure quoted by the applicant.

This severely undermines the figures, which are the basis of the applicants report and therefore its conclusions.

The applicant already states

“It is noted that there is an existing issue with congestion, particularly during the AM peak on the Berse Road corridor approaching the town centre”

but then says

“Looking at the impact of the proposed development on top of the existing congestion it can be seen that it is **relatively minor.**”

Even using their figure then the use of the phrase “relatively minor” is incredible.

When we factor in the fact that the report is inaccurate by 26% then that further compounds the problem.

The new estate will add a further 64 cars to the already 142 cars emerging from the existing Gatewen Rd development. A total of 206 cars from just these 2 developments will cause serious problems at an already stressed junction.

Looking at the impact of the proposed development on top of the existing congestion it can be seen that it is NOT relatively minor.

That’s 3.5 cars every minute of the whole hour just from these 2 developments alone. I suggest that is not a “relatively minor” problem and one that cannot be alleviated.

2007 DEVELOPMENT

When the councils own Planning department considered the application for the existing Gatewen road development in 2007 it stated that the very maximum number of houses should be 300.

They accepted that there was a traffic issue on Gatewen Rd already in 2007 even before the 2007 Gatewen Rd development.

They stated that no improvement works are possible to Gatewen Rd, which would alleviate the traffic issue.

Attached is the report of the committee

Bikes etc

Whilst it is laudable to advocate bikes etc as a means of transport to work. In our survey no bikes were seen during the whole hour.

Schools and local amenities

The current infrastructure is insufficient to support the new development. There are not sufficient school places, doctors, local amenities.

The application should be considered in its own right and ought to be refused.

Trina Hughes
Gatewen Rd
New Broughton
Wrexham

Narvo Asset Management

Eich Cyf/Your Ref
Ein Cyf/Our ref
Dyddiad/Date
Gofynner am/Ask for
Rhif Cyswllt/Contact No
E-bost/E-mail

EP/PP/DC/Pre/2018/034-7
10 July 2018
Mr P Douthwaite
01978 729689
peter.douthwaite@wrexham.gov.uk

FAO: Andrew Smith

Dear Sir

**Proposed Residential Development (up to 112 dwellings).
Land north of Gatewen Road, Wrexham.**

Notice under Development Management Procedure Order (Wales) 2012
(Application for Outline Planning Permission with All Matters Reserved).

I refer to your email / enquiry dated 18/06/2018 in respect of the above.

Access (Reserved Matter)

The development site is bounded by Gatewen Road (Classified).

Access off Gatewen Road

Gatewen Road is subject to a 30mph speed limit; any proposed access in this location would be required to provide visibility splays of 2.4 x 43m in both directions measured to the nearside edge of the adjoining highway in accordance with Manual for Streets.

The recommended visibility splays need to be secured in perpetuity and should not be reliant on the trimming of hedgerow.

Footways should be provided along the full site frontage and should preferably link into the recently constructed site at Gatewen Village.

The proposed access is opposite an existing junction and could potentially increase the likelihood of vehicular conflict at the junction.

Any proposed traffic calming features or amendments to existing traffic calming features will require full public consultation.

Layout (Reserved Matter)

The estate roads and footway will need to be laid out in accordance with Manual for Streets and constructed to WCBC adoptable standards.

Parking and Turning Provision (Reserved Matter)

Parking provision will be required in accordance with Local Planning Guidance Note 16. Any Driveways shall be laid out in accordance with WCBC Standard Driveway Details.

Appropriate turning heads shall be provided within the proposed development in accordance with WCBC Standard Details.

Swept Path details of an 11.2m long refuse vehicle accessing / manoeuvring and exiting the site will be required.

Should the proposed development be supported, the applicant would be required to enter into a Section 38 / 278 agreement with the Council in order to construct any proposed access and estate roads / footways.

Scheme for Surface Water Drainage (Reserved Matter)

A scheme of surface water drainage will need to be submitted for approval. I would recommend that the applicant contacts our Flood Management Officer – Neil Taunt (Tel: 01978 729734) to discuss.

Proposed Lighting (Reserved Matter)

A scheme of street lighting will be required for the proposed development.

Construction and Traffic Management Plan (including provision for contractor parking)

I would recommend that the applicant provides a **Construction Traffic Management Plan** including the following information:-

- Anticipated duration of construction period.
- Anticipated no. of daily construction vehicle movements ie/ HGVs, cars, vans visiting the site.
- Details of maximum number of construction related vehicles likely to be on site at any one time.
- Details of maximum size / length of HGV likely to visit the site including swept path details of such vehicles entering / leaving the site.
- Detailed layout plan indicating number of contractor parking spaces including details of how larger HGVs will turn on site.
- Details of proposed warning signs (ie/ signage schedule) during construction phase on approaches to site and access itself (the applicant may wish to contact the WCBC Streetworks Section – Contact Darren Green on Tel: 01978 729643 for advice). Proposed signage details will need to be included in a revised CTMP.
- Statement that wheel washing facilities will be available on site and that a road sweeper will be made available to ensure adjoining highway is kept free from debris /

mud.

- Statement that no parking or stacking of vehicles (ie/ either staff vehicles, HGVs or Construction vehicles) shall occur on the public highway during the construction works or following completion of the works.

The above CTMP could be requested in the form of a planning condition.

Transport Assessment

The submitted Transport Assessment includes TRICs data indicating daily vehicle movements of 5.124 per dwelling. This value is considered to be on the low side for a development of this nature.

Based on these figures, Table 5.1 indicates anticipated daily vehicle movements for the proposed development (112 dwellings) of 65 two-way movements in the AM peak hour and 68 two-way movements in the PM peak hour. This would suggest just over one vehicle movement every minute in the peak hours.

Capacity assessments have been carried out on the following junctions either side of the proposed access:-

- Gatewen Rd (B5433) / Berse Road (B5101) priority junction
- Berse Road (N) B5101 / Rhyd Broughton Lane / Berse Road (W) roundabout

Future year growth of 7 years up to 2025 has been reviewed with development. However, we would normally require future year growth of 15 years for such a development. I would recommend the applicant provides a revised analysis on this basis.

Gatewen Rd (B5433) / Berse Road (B5101) priority junction

The 2020 baseline plus development analysis indicates that the junction will operate over capacity. The left and right turn out of Gatewen Road on to Berse Lane will be over capacity. In 2025 the capacity problems worsen.

Without mitigation then the proposals are considered to be unacceptable.

Berse Road (N) B5101 / Rhyd Broughton Lane / Berse Road (W) roundabout

The 2020 baseline plus development analysis indicates RFC values of 0.92 (AM peak) in respect of Berse Road South approach to the roundabout. This arm of the roundabout will therefore be operating above the accepted maximum RFC of 0.85.

The analysis shows a queue of less than 1 on the Rhyd Broughton Lane approach to the roundabout in the PM peak. From personal experience I know that this is totally incorrect. Traffic is generally queuing all the way up the hill back toward the hospital.

The values shown in the analysis do not reflect what is witnessed / experienced in terms of queuing on a daily basis at this roundabout. I would suggest that the site is revisited prior to submitting any application at this site.

In conclusion, I would not be able to support the proposed development given the existing / anticipated capacity issues in respect of the Berse Road / Gatewen priority junction. Any

existing additional vehicle movements from the proposed development will only exacerbate the existing congestion / queuing experienced in this location.

The assessment of the Berse Road / Rhyd Broughton Lane roundabout appears to be fundamentally flawed and on that basis I would not be able to support the proposed development

A study should

be undertaken to assess the cumulative impact of the proposed 512 new dwellings (400 Plas Coch plus 112 Gatewen) on the B&Q roundabout (Mold Road/Berse Road /Plas Coch Road) and junction 5 of the A483 (Mold Road / A483)

A capacity study should also be undertaken for the proposed T junction from the proposed development site on to Gatewen Road.

You are advised that the above comments are those of an officer of the council and do not commit the Council in any way with regard to the determination of any formal planning application that may be submitted. You are also advised that the above comments take account of policies and guidance adopted by the Council at the present time and which remain open to continuous review.

Yours faithfully,

Planning Control Manager