



PLANNING APPEAL STATEMENT of COMMON GROUND

17 April 2019
Ref. J10-BB-SoCG-RevC

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STATEMENT OF COMMON GROUND	
PINS Reference:	APP/ TBD
LPA Reference:	P/2018/0560
Site Address:	land adjacent to Lane Farm, Rossett Road / Holt Road, Rossett, Wrexham, LL12 0DS
Permission sought:	Outline with all matters reserved except for means of access
Description of Development :	Residential development of two parcels of land (for up to 61 no. dwellings : Northern Parcel and up to 71 no. dwellings : Southern Parcel); extension to community parking facility (in association with the Northern Parcel) with associated means of access and all other matters reserved, but indicative provision made for pedestrian crossing, pedestrian linkages, public open space, landscaping and affordable housing.
Appellants:	Bellis Bros Ltd & the Trustees of the Bellis Family Trust
Date of Submission:	5 July 2018
Date of Determination:	7 January 2019
LPA:	Wrexham County Borough Council
This statement addresses the following areas of common ground: 1) The Purpose 2) Background 3) Areas of Agreement : Matters Not in Dispute. 4) Areas of Disagreement : Matters in Dispute. 5) The Plans Submitted for Determination 6) Planning Conditions and S106 7) Planning Appeal Procedure 8) Appendix 1 : Highway-specific SoCG	
Signed on behalf of Appellants: <i>15 May 2019</i> Date <i>[Signature]</i> Name Position Appellant Agent	Signed on behalf of LPA: <i>14.05.19</i> Date <i>[Signature]</i> Name Position Development Control Manager
VERSION	Rev C : 17 April 2019

THE PURPOSE

- 1.1 This Statement of Common Ground (SoCG) has been undertaken to narrow the issues and focus the evidence in respect of the impending Planning Appeal against the refusal of Outline planning permission.
- 1.2 The reason is in order to reduce (or indeed avoid) Hearing / Inquiry time, save resources and avoid unnecessary time being spent at the appeal on areas where there is agreement.

BACKGROUND

1.3 Permission was refused contrary to Officer recommendation on 7 January 2019 and the following reasons were given on the decision notice

- a. The site lies outside of the settlement limit, within a Green Barrier and Special Landscape Area and contains Grade 2 and 3a agricultural land. The proposed development therefore conflicts with policies PS1, EC1, EC2, EC5 and H5 of the Wrexham Unitary Development Plan.
- b. Due to the lack of continuous pedestrian footway provision along Holt Road and the increase in vehicular and pedestrian traffic that will be generated by the development the proposals will be detrimental to pedestrian safety and therefore conflict with Policy GDP1(d).

1.4 The decision notice refers to a series of Wrexham UDP policies used in reaching the decision to refuse:

Policy Ref.	Policy Name
CLF5	Open space requirements from new residential developments
EC1	Green Barriers
EC11	Archaeology
EC12	Development and flood risk
EC13	Surface water run-off
EC2	Agricultural Land
EC4	Hedgerows, Trees and Woodland
EC5	Special Landscape Areas
EC6	Biodiversity conservation
GDP1	Development objectives
H5	Housing in the countryside
H7	Affordable housing within new developments
PS1	Settlement limits
T8	Parking

1.5 The policies actually used specifically in the reasons for refusal are highlighted in RED in the table above.

AREAS OF AGREEMENT : MATTERS NOT IN DISPUTE

- 1.6 The differences between the appellant and the Authority (upon determination) can be summarised as follows:
- i. Whether there are relevant material considerations that justify departure from the extant UDP policies referred to in the first reason for refusal; and
 - ii. Whether the development gives rise to a pedestrian safety concern in respect of Holt Road.
- 1.7 **Firstly**, we would like to agree with Officers the following:
- 1.8 The appellant does not believe that there is any dispute between the principal parties on the following issues:
1. Open space provision : the site can deliver adequate POS in accordance with existing UDP policy standards; through the use of a S106 legal agreement to confirm provision, maintenance and management
 2. Archaeology : there is no objection by the Council on archaeology grounds as there is no evidence of any archaeology assets
 3. Drainage strategy and flood risk : there is no objection by the Council on drainage or flood risk grounds
 4. Hedgerows, Trees and Woodland : there is no objection by the Council on such grounds and no loss of assets except for highway access purposes and any loss will be adequately mitigated for through replacement planting
 5. Biodiversity and ecology : there is no objection by the Council on such grounds
 6. Affordable housing : the site can deliver 25% affordable housing in compliance with existing UDP policy through a S106 legal agreement
 7. Parking : the site can deliver adequate resident and visitor parking in accordance with current standards being sought; indeed, enhanced community parking provision is being proposed and no objection has been raised about this issue by the Council
- 1.9 The decision notice lists all policies relevant to the development and therefore the Council's consideration. However only those policies in the reasons for refusal are directly applicable to the decision itself. Policies CLF5, EC11, EC12, EC13, EC4, EC6, H7 and T8 are cited on the decision notice as being relevant to the proposed development. However, they are not cited in the reasons for refusal and do not relate to matters that are in dispute.

1.10 **Secondly**, we would like to agree with Officers the following:

1.11 The appellant does not believe that there is any dispute between the principal parties on the following issues:

1. Green Barrier : the site is defined in the UDP as falling within such a policy designation, however, the emerging LDP proposes the site be removed from Green Barrier/Wedge
2. Agricultural land : the site does comprise BMV
3. Special Landscape Area : the site is defined in the UDP as falling within such a policy designation, however, the emerging LDP proposes the site be removed from this designation
4. Housing in the countryside and Settlement limits : under the current UDP this policy applies as the site is beyond the existing settlement limits, however the emerging LDP is proposing to amend the settlement limit for Rossett and include this site within it

1.12 It is a matter of fact that a Full Council meeting held on the 22 November 2018 resolved to submit the LDP for Examination. This was duly done on 29th November 2018.

1.14 **Thirdly**, we would like to agree with Officers the following:

1.15 The appellant does not believe that there is any dispute between the principal parties on the following issues:

1. Community infrastructure impacts and obligations: e.g. education, health, public open space and affordable housing
2. General illustrative design and layout and its relationship with the development capacity of the site

1.16 These issues will not be raised by or at the appeal.

AREAS OF (PRIOR) DISAGREEMENT : MATTERS IN DISPUTE

- 1.17 Upon determination, this left the following item that appeared to be in dispute :

Development Objectives : with specific reference having been made to Policy GDP1(d) which states that new development should *“Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality”*

- 1.18 This relates solely to the 2nd reason for refusal. Whether the proposed development would prove prejudicial to pedestrian safety.
- 1.19 Following an intense period of negotiation, new highway evidence and an improved off-site highway improvements plan there now no longer appears to be any dispute about whether the development is sustainable or not; nor does there appear to be any dispute about traffic safety, visibility or residential amenity. The main (original) concern raised by Highway Officers (and Members who sought to use this concern as the basis for the reason for refusal) is the belief that the development would exacerbate pedestrian safety for existing local residents and future occupiers of the site seeking to use Holt Road as their walking route to and from the development site; this has now been resolved.
- 1.19 The Highway-specific SoCG is provided (see **Appendix 1**).

THE PLANS SUBMITTED FOR DETERMINATION

1.20 It is agreed between the principal parties that the following plans are applicable to the Planning Appeal in the event the Inspector determines the appeal in favour of the appellant:

- Masterplan 100-27-SMP-01 Rev H (September 2018)
- Masterplan Access 100-37-SMPA-01 (December 2018)

PLANNING CONDITIONS & S106

1.21 The list of conditions attached to the Officers committee report dated 7 January 2019 are agreed.

1.22 The appellant will prepare a S106 Unilateral Undertaking pursuant to S106 of the Town & County Planning Act which shall cover the following items:

- Affordable Housing : 25% provision
- Public Open Space : management and maintenance
- Educational supplement : to address any shortfall in Secondary school provision

PLANNING APPEAL PROCEDURE

1.23 Subject to this SoCG being signed by both principal parties the appellant and Authority agree that the written representation appeal procedure be used and is appropriate.

APPENDIX 1

Highway-specific SoCG



PROPOSED RESIDENTIAL DEVELOPMENT, ROSSETT ROAD, ROSSETT

LPA REF: P/2018/0560

APPEAL REF: APP/XXXX/X/XX/XXXXXX

HIGHWAYS STATEMENT OF COMMON GROUND BELLIS BBROS LTD & WREXHAM COUNTY BOROUGH COUNCIL (WCBC) – 14 MAY 2019

1. This document sets out the areas of agreement relating to the highways issues of a planning appeal relating to a proposed residential development on land to the north and south of Rossett Road in Rossett.
2. This Statement of Common Ground sets out the matters relating to traffic impact that are agreed between the appellants and Wrexham County Borough Council (WCBC), including trip generation rates and trip distribution, as well as any matters that are not agreed.
3. The documents referenced for this Statement of Common Ground, are as follows:
 - Transport Assessment (TA) prepared by Croft Planning & Design dated 6th November 2018 (ref. o8o7TA.9).

Matters Agreed

4. 2015 Surveyed Flows

It is agreed that the 2015 surveyed flows contained in Figures 1 and 2 within the Transport Assessment are representative of the AM and PM peak periods of the local highway network.

This was originally raised as a matter of potential concern given the lapse in time since the original surveys were undertaken. To that end, the highway office requested that some evidence be put forward so that the level of traffic volumes in 2015 and 2018 could be compared.



An Automatic Traffic Counter (ATC) was therefore installed on the B5445 Chester Road for a duration of 1 week between 26th September 2018 and 2nd October 2018. The ATC collected both vehicle volumes and traffic speeds. The 2018 data shows there has been a reduction in traffic since the original surveys were undertaken on 2015. On that basis, it is considered that the original 2015 data is suitable and appropriate for use for the assessments. Indeed, this was confirmed by the highways officer during the meeting and so no additional surveys have been undertaken.

5. Trip Generation Rates

The trip generation rates are agreed as being suitable to establish the impact of the Appeal proposals. The trip generation rates were provided by WCBC and were derived from recently conducted traffic counts at a relatively new housing development which has similar characteristics to the application site. The agreed trip rates are contained in Table 7.5 of the TA.

6. Trip Distribution

The directional distribution of the traffic associated with the proposals has been assigned to the local highway network in line with the observed vehicle movements, which is considered to present a suitable approach. The highways officer also requested confirmation of the split of traffic at the site access which can be confirmed as being 10% to the east and 90% towards the village which can be considered to be robust.

The trip distribution utilised for the TA is therefore agreed.

7. Trip Distribution (Altered to take account of the potential TRO scheme)

During discussions, it was understood that WCBC were seeking to implement a series of traffic regulation orders within the village which included a change in direction of flow at the B5445 Chester Road/The Green junction, meaning vehicles would have only been permitted to travel southbound. This in turn would have meant that traffic previously using this link from Rossett Road to the B5445 northbound, would then have been required to utilise the junction of the B5445 Chester Road/B5102.



In light of the above, the submitted revised TA included an additional set of assessments based on the above changes in traffic and presented the subsequent capacity analysis as a 'sensitivity' test. The assessments demonstrated that the proposed development would not give rise to any junction capacity issues, even with the proposed TRO's in place. This was confirmed by the highways officer who stated in his response that:

"Junction assessments (Picady) based on the existing and proposed one-way system have been provided. The assessments indicate that the existing junctions will still operate with reserve capacity with or without the proposed changes for a future year of 2028 with the proposed development".

While it has since been confirmed that the works are no longer being progressed, it should be noted that the additional assessments undertaken demonstrated that the impact of the development will not be material and that development traffic could continue to be accommodated on the local road network, should those works be re-introduced in the future.

It is therefore agreed that the proposals will not have a material impact on the local highway network.

8. Traffic Flows

The use of the 2015 surveyed flows and the manual assignment of traffic growth using the National Traffic Model (NTM) factors adjusted by the TEMPRO regional and local growth factors for Wrexham provides an acceptable analysis of traffic conditions.

The base and future year scenario flows are therefore agreed.

9. Traffic Impact

It is agreed that the proposals will not have a detrimental impact on the operation of the highway network or give rise to road safety issues, subject to the proposed footway improvement works being implemented along the B5102 Holt Road in accordance with drawing ref no. 0807-04 REV B, which the highways officer has confirmed "... is considered to enhance pedestrian safety along Holt Road".



10. Access into the Sites

Vehicular access to the site will be taken from two locations on Rossett Road, with one serving the northern site and the other serving the site to the south.

The proposed junction layouts show that visibility splays of 2.4 metres by 70 metres can be achieved in both directions from each access, which are commensurate with traffic speeds of 30mph based on the guidance set out in DMRB. The highways officer has confirmed in the latest correspondence that:

"It would be possible to provide the required visibility splays based on speeds of 30mph for both proposed access points subject to modifications to the existing hedgerow". The proposed site access junctions are shown in Drawing ref no. 0807-F03 REV D.

It is therefore agreed that the proposed points of vehicular access are suitable in their design and form to serve the development.

All transport and highways matters are now agreed.

Signed.....*P. Wooliscroft*.....

Date.....*15/05/19*.....

By **Phil Wooliscroft** of Croft Transport Solutions on behalf of the Appellant (Bellis Bros Ltd)

Signed.....*Peter Douthwaite*.....

Date.....*14/05/19*.....

By **Peter Douthwaite** on behalf of the local highway authority (WCBC)