June 2025

Highway Statement - Addendum

Proposed new access to provide off road parking for new dwelling

Land adjacent to 8 Poplar Road
Penycae
Wrexham
LL14 2PY



I refer to the email from the planning officer dated May 23rd 2025 requesting a turning area similar in size to the neighbouring site.

The highway department was quite clear in their first memorandum that they were supportive of the application and specifically referenced the precedent set by the existing access at no. 8 Poplar Road.

> In this location due to the bend in the road the LHA would prefer the provision of a driveway arrangement where there is turning space to ensure vehicles can exit in forward gear like the arrangements for number 9. However, it must be accepted that the arrangements for 8 provide a single dropped kerb for a side driveway which has no available turning space within the site, and arguably this dwelling is located closer to the bend in the road.

It is therefore surprising that having already viewed and commented on the site that they later they realised that the access was 'historic'. There is of course nothing odd about an access being historic; it is reasonable to assume that most accesses that do not have a turning area on a classified highway must have been in some way historic.

There are scores of similar planning applications to this one, for which WCBC have granted permission and which relied on precedent being set by existing accesses in the immediate vicinity of the site. Not once has the highway or planning department stated that an access was historic and couldn't be used as a precedent.

A study of houses with direct frontage on to Hill Street / Poplar Road/ Stryt Isaa i.e. from the junction of Chapel Street Penycae to no.1 Bryn Eitha reveals that of 38 dwellings with direct access, 26 have no turning area. i.e. Within 350m of the site in both directions 66% of houses have no turning area.

There is no logical reason for the highways department to say that no. 8 Poplar Road is somehow different to any of them.

It is also important to note that within the last 3 years there have been 4 planning applications made for access on to a classified highway within 350m of the application site; all of which relied upon precedent set by what we can only assume were 'historic' accesses.

P/2022/0964 – application date 07/11/2022 – new access on a classified highway at 3 Bryn Eitha Penycae - Granted

P/2023/1069 – application date 15/03/2023 – new access on a classified highway at 1 Bryn Eitha Penycae - Granted

P/2023/1070 – application date 15/03/2023 – new access on a classified highway at 2 Bryn Eitha Penycae - Granted

P/2023/1071 – application date 15/03/2023 – new access on a classified highway at 4 Bryn Eitha Penycae - Granted

The access statement for no. 2 Bryn Eitha is shown below - a similar statement was submitted with each application

Access statement for 2 Bryn Eitha Penycae

The site is located on a classified highway within a 20 mph speed limit. Welsh Government guidance recommends a splay of 2m x 25m in both directions for the presumed speed of traffic; it is possible to achieve these splays from the proposed access.

Due to the size of the plot, it is not feasible to provide an off road turning facility within the curtilage of the site. However, there are numerous accesses in the immediate vicinity which do not provide turning facility.

The proposed access is taken through an existing layby. It is not normally considered good practice to create a new driveway through a layby. However there are a number of other driveways in the area which take access through the layby.

Given that there are a number of accesses in the immediate vicinity that have similar shortcomings to the proposed access, it is considered that the highway authority could not reasonably object to the current planning application.

You will note paragraph 2 explicitly refers to other accesses in the vicinity of the site which do not provide a turning facility and hence set a precedent. The highway authority made no comment on these applications about the existing accesses being in any way historic; and were happy to support the applications; as indeed did the planning department.

P/2024/1118 was an application submitted in June 2024 for a new access on a classified highway at 15 Pant Hill located just 1km from the current site.

The highway statement submitted with the application (shown below) specifically refers to an existing access with no turning facility immediately adjacent to the site that clearly set a precedent.

15 Pant Hill, Rhos, Wrexham LL14 2DB Highway Statement

WCBC guidelines recommend that any new access off a classified highway provide a turning facility to allow vehicles to enter and leave the site in a forward gear. It is acknowledged that there is no space on site to provide an off-road turning facility.

However, it is noted that the immediate neighbouring property has a driveway with no turning facility provided.



Given the presence of an existing access with the same lack of turning facility in such close proximity to the site it would seem unreasonable to object to the proposal.

The existing access at this site looks like it could potentially be more ‘historic’ than the one at 8 Poplar Road yet the highway officer raised no objection to the application; no comment was made on the ‘historic’ nature of the existing access and the highway officer drafted a memo in support of the new application. The application was granted permission in September 2024 with no objections from planning or highways.

It is therefore surprising that the highway department, having supported five other applications within 1km of the site where existing accesses set a precedent, now find it necessary to object to this application on the basis that the existing access is somehow ‘historic’. Some clarity on what ‘historic’ actually means in highway terms would be welcomed.

The planning officer has suggested that the turning area to no 9 should in some way be replicated at this site.

It is questionable whether the ‘turning area’ at number 9 is actually large enough for turning and manoeuvring of vehicles within the curtilage of the site. Certainly, if two vehicles are parked up on site at the same time it would seem highly unlikely that the layout is large enough. It may be prudent to ask the highways department if that area is large enough for the parking and turning of two vehicles. It would certainly set an interesting precedent if it were deemed acceptable.

The parking area is clearly not used to turn as can be seen from the images below from google maps where vehicles access in a forward direction and have no choice but to reverse out. It could be that they choose this method of access because there is no room to manoeuvre on site?



Whether or not the parking area to no 9 is large enough to provide for parking and turning for two vehicles within the curtilage of the site is not really relevant as the fact remains that the highway department was fully supportive of this application on the basis of the existing access at no.8 setting a valid precedent.
The highway department have also supported 5 similar applications within 1 km of the site.

My client has also been made aware that Penycae Community Council have objected to this planning application. Comments were apparently made that vehicles drive above the 20mph speed limit around the tight bend south east of the site. I can only assume that there was no evidence submitted to ratify this claim.

However, it is worth noting that a similar scenario was tested at appeal on a site less than 3km from this site some 10 years ago

Appeal APP/H6955/A/16/3161155 P/2016/0225
West of Bryn Offa Fennant Road Ponciau
The appeal inspector noted (see para 34 below) that drivers appeared to be exceeding the speed limit but took the view that it would be inappropriate to assess the visibility required based on the illegal actions of drivers

33. The Highway Officers of the Council raised no objection to the proposal as it was considered that visibility splays of 2.4 metres by 25 metres in both directions in accordance with guidance could be achieved. Although residents contended that the visibility splays included land outside the control of the Appellant, the documents before me indicate that the land required is within the control of either the Appellant or the highway authority. Furthermore the visibility splays were measured during the accompanied site visit. From the evidence I am satisfied that the specified visibility splays can be achieved.

34. I have noted the representations from interested parties that the visibility splays should be increased to 70 metres in both directions in order to comply with guidance in respect of speeds of 30 mph. However, the site is within a 20 mph area where it is the responsibility of the driver to travel within the speed limit and at a speed suited to the conditions. It would be inappropriate to assess the visibility required based on the illegal actions of drivers.

The highway department have already agreed that the required visibility splays are achievable and made no objection on that basis. It would therefore be unreasonable to refuse this application on the grounds of inadequate visibility.

Conclusion

Initially, the access to the proposed property was approved by the highway department without the requirement for a turning circle, consistent with the neighbouring property no. 8. The highway authority originally stated, in as many words, that a precedent had been set. However, the highway authority has now objected on the grounds that the precedent made was historic and therefore does not meet current Wrexham Council guidelines.

I would like to present the following points in support of the proposed access

The house next door did not require a turning circle, and the agreed highways access for the new build was initially consistent

with this precedent. There have been no significant changes in the surrounding infrastructure that would necessitate a turning circle now.

The agreed highways access without a turning circle meets all safety and accessibility standards. There has been no reported injury accident caused by the neighbouring access, and the proposed access for the new build maintains the same standards.

The requirement for a turning circle significantly impacts the design and layout of the proposed new build house. It compromises the usability of the property and imposes unnecessary constraints.

The highway department fully supported the application in its original memorandum referring directly to precedent set by the neighbouring access. Having viewed and commented on the site. for reasons unknown, they then decided to raise concerns about use of the existing access as a precedent.

In the last 3 years alone, 5 planning applications within 1 km of this site were granted permission for a new access off a classified highway that did not comply with council requirements for a turning area on site. In each case the reason for not objecting was because there was existing access acting as a precedent in the vicinity of the site.

In planning terms an existing access to a neighbouring property is a relevant precedent, particularly if it's a similar type of access and the circumstances are comparable. A planning authority might consider it when determining a new application for access to a

neighbouring property, as it demonstrates that such access is feasible and potentially acceptable.
The initial highway memorandum fully supported this view.

There is some dispute whether the parking area at no. 9 is actually large enough to allow turning and parking for two vehicles. Regardless of this there is precedent at no. 8 and the turning area at no. 9 is superfluous to the argument

The highway department have already agreed that the required visibility splays are achievable and made no objection on that basis. It would therefore be unreasonable to refuse this application on the grounds of inadequate visibility.

There is no recorded injury accident record in the last 5 years despite the ‘historic’ access to no 8 being closer to the tight bend than the current proposal.

It is therefore considered that there is no justifiable reason to object to this application on highway grounds; a view very much shared by the highway department in their memorandum dated 03/04/2025.