

MEMORANDUM

From:	Chief Officer, Environment & Technical	To:	Chief Officer Planning & Regulatory
Our Ref:	ET/DC/P/2021/0549	Your Ref:	MRJ/P/2021/0549
Date:	30 th November 2023		

TOWN AND COUNTRY PLANNING ACT 1990

CHAS AMLINELLOL (CEDWIR POB MATER YN OL) AM 1 ANNEDD / OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR 1 DWELLING BRYN Y FFYNNON OLD ROAD BWLCHGWYN WREXHAM

Grid Ref: E 326395 N 352691

I have now had opportunity to review the proposed application, the highway assessment and the recently submitted addendum.

In light of this additional information and following a revisit to the site at peak time I note as follows:

Welsh Government guidance TAN 18 states that where development sites are served by an existing substandard access, there should be scope for a limited redevelopment that incorporated a substantial access improvement, even though the improved access would still be below standard. The improvement to visibility splay to east is fully compliant. The improvement to the west is from 33.5m to 48.5m (both set back 2.4m). This represents a 45% increase.

The addendum report refers to the Bryn Estyn Rd (P/2012/0576) appeal accepting the significant improvement as supported by TAN 18 Chapter 9 Annex B para B.11. (I attach the wording from the P/2012/0576 appeal decision below). It would be wrong to ignore this precedent.

A similar existing and improved access to accommodate an additional dwelling 230m east of Bryn y Ffynnon was approved at Cae Haidd (P/2017/0591). The highways response supported this proposal, justifying an improved but still substandard visibility using the TAN18 paragraph (B11) as a reason for approval. There have been no recorded issues with this application. It may be unreasonable not to show a consistent approach, particularly when there have been no recorded issues

Additional observations include witnessing vehicles travelling slower past the application site possibly due to the topography and close proximity of the neighbouring house to the road. Furthermore I note that vehicles breaking uphill stop quicker than on flat or descending land. The approach from the east I estimate to have over 4m of fall over 50m

Conclusion:

The proposal incorporates a significant proportional increase in the standard of an existing entrance, which in light of the relevant local examples accepting the TAN18 argument, we cannot ignore.

Therefore, we have no objection to the proposal, subject to a prestart condition being applied requesting the applicant:

1. Demonstrates surety of the ownership of the visibility splays (edged in red on submitted Blueprint entrance proposal NO31/ 007 Rev C)
2. Submits landscaping proposals of the same visibility splay to the Highways Authorities satisfaction that prevent parking of vehicles in the main area of the splays, and if including planting, will be shrubs or similar that will not grow higher than 1m.
3. Carries out the works safely and in accordance with the attached standard highways guidance notes and following standard supplementary conditions:

ZJ41 026R GENERAL LAYOUT Prior to first use of the development the site shall be laid out in strict accordance with layout plan no. @@@@ (supplemented with additional landscaping proposals to be agreed)

ACCESS AND VISIBILITY SPLAYS The development shall only be carried out in strict accordance with the details shown on the approved drawing numbered @@@@ and as contained within the application documentation. Splays measuring 2.4 x 120m to the nearside kerb edge to the west and 2.4 x 48m to the nearside kerb edge to the east shall be provided prior to first occupation of the new dwelling

NONSTD 043R ACCESS SURFACE (5 metres) Prior to first use of the vehicular accesses hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 5 metres behind the adjoining highway.

NONSTD 033R NO GATES There shall be no gates or other means of enclosure across the vehicular access point.

NONSTD 026R NO PRIVATE SURFACE WATER RUN OFF No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved accesses to intercept any such run off prior to first use of the development.

NONSTD 035R PARKING AND MANOEUVRING TO BE KEPT CLEAR The vehicular parking and turning areas as shown on approved drawing(s) No(s). @@@@ shall be fully laid out, surfaced, drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of vehicles at all times.



Chief Officer, Environment & Technical

Appendices:

A: Extract from the P/2012/0576 Appeal decision overruling Highways objection:

10. More telling, however, is the fact that the existing access to No. 22 is significantly sub-standard, as the Council fully recognises. Visibility to the east is 25m but only 4m to the east, where it is restricted by fencing to No. 20. The proposed access, albeit to serve two dwellings rather than one, would be a significant improvement over that currently in use. There is no evidence that the existing access has caused highway safety issues. Even so, I consider that the improved access would be a material gain, sufficient to offset the visibility deficiency identified. The highway authority has pointed out that visibility from the new access point would be further restricted by an existing telegraph pole but the scheme proposes that it will be re-positioned. That could and should be ensured by a condition. In the same way, other inadequacies over access width to serve the existing and proposed dwellings in the illustrative layout could be addressed, as could the position of gates.

B: Highways Standard Guidance Notes:

In the interests of maintaining highway safety, and to avoid obstruction of the public highway (in contravention of the Highways Act), The Applicant is advised to coordinate with the highway authority at highwayroadworks@wrexham.gov.uk in advance of commencement of the development/works with respect to:

1. Skip, scaffolding, hoarding or A frame/signage (Permit required for these items, if on the public highway);
2. Use of a parking space for a set down/delivery area;
3. Record a dilapidation survey of the adjacent carriageway prior to commencement (to avoid being asked to repair damage by the Applicant whilst carrying out their works);
4. If any lane closure or obstruction of the highway is required for a crane or similar;
5. Protection against dust and debris blowing onto the public highway
6. Construction traffic parking locally avoiding nuisance to others;
7. If the Applicant's scope of work includes new apparatus in the highway, such as new mains services then a Section 50 licence will be required. *Insurances and demonstration of competency to carry out works in the public highway will be required.*
8. Lowering of kerbs or minor pavement alterations require Section 184 agreement. *Insurances and demonstration of competency to carry out works in the public highway will be required.*
9. A section 278 agreement works agreement is required for more significant alterations to the existing highway
10. Any temporary works affecting traffic lights, [pedestrian/cycle road crossings, or bus stops require pre-planning and permits;
11. For applications with a private driveway (either existing or proposed) connecting onto the public highway, the following conditions of approval apply:
 - No surface water from the applicants site should be allowed to drain onto the public highway,
 - The first 5m* minimum (for residential property) should be hard paved, avoiding gravel or loose chippings from spreading.
 - No gate should be built in a location where it would result in a car obstructing the highway whilst being unlocked, and it should not swing out and over a pavement or any other part of the highway.

*The hard paved length and set back if required is subject to the applicants proposed vehicular length

The applicants should allow a minimum of 4 weeks' notice for any of the above standard requirements, and 6-8 weeks for lane closures & road closures (lead times may change without notice subject to workload and complexity). Any works involving Trunk roads should be coordinated separately and directly with the North & Mid Wales trunk Road Agency. For larger sites with a significant impact upon the highway, a Construction Traffic Management Plan will be required.