

July 2021

# Highway Assessment

Proposed Residential Development

Pentlands  
The Green  
Rossett  
LL12 0DS



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## **1. Introduction**

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Real Planning has been appointed to prepare a highway assessment to accompany a planning application for a proposed new dwelling and improved access at Pentlands, The Green, Rossett.

This report provides a highways development control assessment of the traffic safety aspects of the existing and improved access and forms supplementary information to assist in obtaining planning permission.

## **2. Existing Site Layout**

The site is located on the B5102 Holt Road; a classified highway subject to a 20-mph speed limit across the site access.

The existing site consists of a single detached dwelling with associated off road parking provision at the front of the property.

The existing site access is 3.2m wide and is gated 3.8m from the carriageway edge. The whole area is hard surfaced in a bituminous material.

To the north east of the access there is a low boundary wall with a high conifer hedge growing behind it on land belonging to the applicant.

To the south west of the access there is the low boundary wall with high trees/hedges growing behind it. The wall and hedge are approximately 1.4m behind the kerb edge. There is also a telegraph pole and street name plate positioned on the footway along the front boundary of the site.



When exiting the access there is limited visibility in both directions.  
The images below demonstrate the poor visibility of the extant access in both directions.



Visibility to the north east from 2.4m 'X' distance

Visibility in a north easterly direction from a 2.4m 'x' distance is limited to approximately 10m to the nearside edge of the adjoining carriageway.



Visibility to the south west from 2.4m 'X' distance

Visibility in a south westerly direction from a 2.4m 'x' distance is limited to approximately 7m to the nearside edge of the adjoining carriageway.

There is also limited access awareness for drivers approaching the site from either direction as shown in the images below



Visibility at the existing access is therefore well below current design standards.

There are a set of gates at the existing access located just 3.8m from the edge of the carriageway; driveway gates within 5m of the carriageway edge are not normally supported by highway development control officers as they potentially lead to vehicles stopping on the highway to close / open them.

Despite the apparent substandard nature of the access, examination of the crash map accident record at Appendix A indicates not a single recorded injury accident anywhere near the site on the B5102 within the last 22 years.

The road is therefore demonstrated to be inherently safe despite the shortfall in visibility at the existing access.

### **3. Development proposals**

It is proposed to construct a new dwelling within the site with adequate parking provision for two dwellings and a significantly improved access which would be shared.

Adequate car parking spaces will be provided within the curtilage of the site to serve both the existing and proposed dwellings; each space will have adequate turning and manoeuvrability in accordance with supplement planning guidance requirements in order that vehicles may enter and leave the site in a forward direction. The attached plan shown in Appendix D demonstrates the provision of 4 parking spaces for the existing dwelling, 2 spaces for the proposed dwelling and an adequate shared turning facility

An improved access will be created by relocating the existing access 3m to south west. The new access will be 5m wide. Further improvement will be achieved by removing all trees and hedges that currently obstruct visibility across the site boundary and by removing the existing vehicular gates. All improvements can be achieved using land under the applicant's control.

By relocating the existing access, increasing the width and removing the trees /hedges currently obstructing visibility it is possible to achieve significant and lasting improvement to visibility splays at the access.

To the north east visibility will more than double in length from 7m to approximately 19m to the nearside wheel track (as permitted in MfS 2) as demonstrated on the attached plan (Appendix C)

To the south west the removal of the trees/ hedges will allow for the envelope of visibility to increase such that the whole of the junction of B5102 Holt Road and the B5445 Chester Road will be visible on exit.

Although there is a telegraph pole within the visibility splay, it has no detrimental impact on the visibility at the access as the whole of the junction remains clearly visible and consequently any approaching vehicle can clearly be seen.

The removal of the trees will also enable much improved visibility for, and of pedestrians using the public Right of Way immediately adjacent to the site.

Full pedestrian visibility will be achieved at the new, improved access.

Removal of the hedges/trees will not only allow significantly increased visibility from the existing access but will also greatly improve access awareness for drivers approaching the site from either direction meaning that the access will be far more visible, as will any emerging vehicle from the site.

It is also proposed to remove the existing gates, with no new vehicular gates or enclosures proposed across the access. This will be an improvement on the existing situation; driveway gates on a classified road are generally not permitted for new dwellings due to the likelihood that a vehicle may have to stop on the highway while the gates are opened or closed.

The new access will be created between low (0.5m maximum height) boundary walls. An ACO drain will be constructed between the site access and the footway to ensure that no water will discharge onto the highway from the private drive.

These improvements are all detailed on the attached plan at Appendix C.

#### **4. Compliance with Welsh Government Guidance TAN 18**

The existing access at Pentlands has visibility splays measuring 2.4 m x 7m to the north east and 2.4m x 10mm to the south west. Both splays are well below Welsh Government recommendations for a 20-mph speed limit.

By removing obstructions to visibility along the site boundary, moving the access 3m to the south west and also widening the access to 4.8m, it is possible to achieve splays of 2.4m x 19m to the north east and 2.4m x 25m to the south west providing visibility across the whole of the B5445 /B5102 junction.

To the north east visibility increases from 7m to 16m and to the south west from 10m to 25m. These are significant improvements to visibility which will provide significant improvements to highway safety.

Visibility for, and of pedestrians using the footway across the site boundary will be greatly enhanced.

Access awareness for all drivers approaching from either direction will be greatly enhanced.

The removal of the existing gates will reduce the likelihood of vehicles having to wait / stop on the highway to open/ shut gates.

Welsh Government guidance provided within Chapter 9 Annex B Paragraph B.11 of TAN 18 states that:

***Where planning applications are submitted within an existing development site and 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 proposed improvements to the access at Pentlands complies with the requirements of Chapter 9 Annex B Paragraph B.11 of TAN 18.

The merits of paragraph B.11 have been tested at Appeal. A copy of an appeal decision for a site on Bryn Estyn Road, Wrexham is included at Appendix B. The original planning application was refused by WCBC Planning Committee who agreed with the highway department's assessment that the proposed access was substandard.

However, at appeal the Planning Inspector made the following comments regarding the access:

*'More telling, however, is the fact that the existing access to no. 22 is significantly substandard, as the Council fully recognises. Visibility to the east is 25m but only 4m to the west, 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'***

Paragraph B.11 relating to visibility improvements has therefore been tested at appeal and is of material significance to this application.

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## 5. Conclusion

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- Pentlands has an existing access which suffers from substandard visibility which could potentially cause highway safety issues on the adjoining B5102 classified highway.
- The existing boundary hedge and trees restrict visibility from the existing access.
- The proposed new access layout will greatly improve safety on the highway through implementing significant improvements to visibility for vehicles leaving the site.
- The removal of the boundary hedge will result in the drivers of approaching vehicles on the B5102 having far greater awareness of the presence of an access into Pentlands.
- The access will be widened to allow for the simultaneous passage of vehicles which will reduce likelihood of cars having to wait /stop on the highway.
- The removal of the existing gates will reduce the likelihood of vehicles having to wait / stop on the highway to open/shut gates.
- Welsh Government advice in TAN 18 paragraph B.11 is flexible in its approach to visibility at existing accesses where access improvements can be made.
- A Welsh Government Planning Inspector has accepted the principles of Para B11 TAN 18 at an appeal within the Wrexham County Borough recognising that improvements to an existing substandard access would be a material gain that is sufficient to offset a shortfall in visibility.

Given the significant highway safety benefits achievable from the proposed access improvements being presented as part of the development proposals at Pentlands, there can be no justifiable objections to the proposal on highway grounds and the proposals are in accordance with local and national highways policy.

## **6. APPENDICES**

### **APPENDIX A**



# APPENDIX B



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

## Penderfyniad ar yr Apêl

## Appeal Decision

Ymweliad â safle a wnaed ar 13/06/13

Site visit made on 13/06/13

gan Robert Gardener BSc (TownPlan)  
MRTPI

by Robert Gardener BSc (TownPlan)  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 16/07/13

Date: 16/07/13

Appeal Ref: APP/H6955/A/13/2190540

Site address: 22 Bryn Estyn Road, Wrexham, Clwyd LL13 9NB

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr John Webb against the decision of Wrexham County Borough Council.
- The application Ref WRC P/2012/0576, dated 09/08/2012, was refused by notice dated 16/11/2012.
- The application is for "Proposed development on land to the rear of 22 Bryn Estyn Lane, with alterations to existing access".

### Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 1 No. detached dwelling with associated garage and alterations to existing access at 22 Bryn Estyn Road, Wrexham, Clwyd LL13 9NB in accordance with the terms of the application, Ref WRC P/2012/0576, dated 09/08/2012, and the plans submitted with it, subject to the conditions set out below.

### Procedural matters

#### *The site*

2. Despite the apparent contradiction between the site address and the description of development, the site is located on Bryn Estyn Road onto which No. 22, a detached house, has access. Originally a much larger plot, the rear portion has been fenced off and it is on that part that the dwelling is proposed to be sited. However, land still within the bounds of No. 22 is included in the application site over which access to Bryn Estyn Road would be provided.
3. The access will require the demolition of an existing garage wing attached to the house. No details have been included to show the effect of this on the existing house, although revised parking and turning areas are shown for that property, outside the appeal site.

#### *The proposed development*

4. The purpose of the proposed development given with the application is unclear. The Council's decision notice referred to "The erection of 1 No. detached dwelling with associated garage and alterations to existing access". This closely follows what is said elsewhere in the application and in the accompanying Design and Access Statement.

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This description has also been adopted by the appellant when making the appeal and I shall follow it for the remainder of this Decision.

#### *The application*

5. The application seeks outline planning permission with all matters reserved for future consideration. However, the proposal clearly intends the formation of a new shared access to serve both the proposed dwelling and the existing house, No. 22, together with the closure of the existing access entrance. In that way, it does not provide for alterations to the existing access but a completely new arrangement. This is shown in some detail on a 'Proposed Site Plan', has been the subject of scrutiny and its perceived shortcomings led to the Council's decision to refuse planning permission. Consequently, while access remains a reserved matter, the principle of the arrangement shown is integral to the outcome of the appeal.

#### **Main Issue**

6. The main issue in this case is the implications of the proposal for highway safety on Bryn Estyn Road.

#### **Reasons**

7. The site is within the settlement boundary and the proposal generally supported by Policy H2 (Residential Development (of Unannotated Land) within Settlements)<sup>1</sup>, subject to compliance also with the Policy GDP1 (Development Objectives). With regard to the main issue here, Objective (d) of Policy GDP1 is that safe and convenient pedestrian and vehicle access should be ensured.
8. The proposed shared access would be positioned towards the eastern end of the frontage on Bryn Estyn Road, a Class C road; the existing access to No. 22 is at the opposite, western end, adjacent to the boundary with No. 20. At both points, the highway is without road markings, footways or street lighting, reflecting its semi-rural location. Beyond No. 20 to the west, the road is more regular in width, with footways, and assumes a more suburban character. To the east of the proposed access, approaching from open countryside, the speed limit is 60 mph but reduces to 30 mph at or about the site boundary. However, because of the geometry of the road the highway authority estimates typical vehicle speeds to be around 30 mph. The appellant has contended that speeds are lower, in the order of 25mph, but in the absence of a speed survey, and noting that some local residents consider speeds are higher than permitted, precaution mitigates against such an unsupported contention.
9. The highway authority refers to the guidance set out in Manual for Streets from which it concludes that visibility splays of 2.4m x 56m in both directions would normally be required. However, my understanding is that, on the basis of 30mph, a stopping sight distance of 40m, or 43m adjusted for bonnet length, is normally adequate<sup>2</sup>. The proposal shows splays of 2.4m x 31.7m to the west and 2.4m x 30.6m to the east. This has not been disputed but is substantially less than that sought by the highway authority and, in any event, considerably less than that advised. The appellant also contends, however, that measurements should be made to the centre line of the road, not the nearside edge as advised in Manual for Streets and the basis of the foregoing

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<sup>1</sup> of the adopted Wrexham Unitary Development Plan 1996-2-11

<sup>2</sup> Table 7.1

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dimensions. This could achieved 60m in both directions and, it is claimed, is warranted since, although it is wide enough for opposing vehicles to pass, drivers treat the road as a single lane and travel away from the hedgerows and verges. I note that Manual for Streets recognises that driving a distance from the kerb line is normal. However, I have no cause to believe that such behaviour has not already been taken into account in the assessment of the safe stopping distances recommended. Here also, in the interests of highway safety, I do not consider it appropriate to make further allowances.

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.
11. On the main issue in this case I have concluded that the proposal would not make the existing highway safety situation worse and may indeed improve matters. Accordingly, planning permission should not be withheld for this reason alone.
12. Other objections have been raised, notably because of the potential loss of trees and overlooking/loss of privacy for nearby residents, including on Thornleigh at the rear of the site. Several objectives of Policy GDP1 relate to such concerns. However, sufficient control is available through the reserved matters to ensure that such concerns could be satisfactorily avoided.
13. I shall therefore grant the outline planning permission sought.
14. As to conditions, the usual reserved matters conditions will, for the most part, provide the necessary level of control, including a number of those matters to which I have referred. The closure of the existing access, once the new access is in place, is essential and should be secured now. The new access should not be used to serve the new development until the visibility splays shown, unfettered by obstruction, and to an acceptable standard, is provided. Bearing in mind that access remains a reserved matter, these factors could be attended to at that stage<sup>3</sup>. Those conditions recommended by the Council concerning the Code for Sustainable Homes and tree protection are also required now.

*R G Gardener*

Inspector

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<sup>3</sup> See paragraphs 45 and 46, Circular 35/95 "The Use of Conditions in Planning Permissions"

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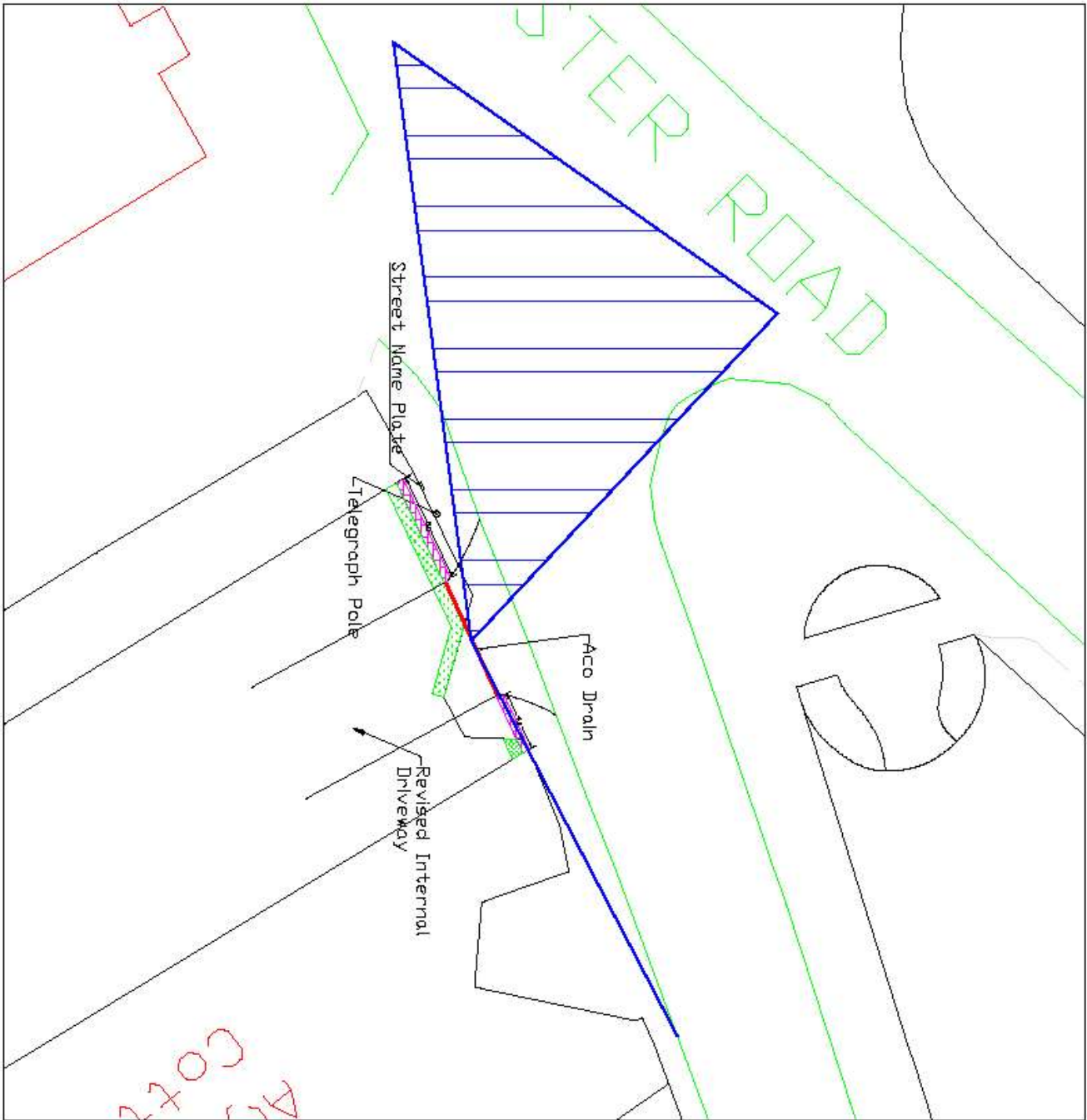
### Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 5) No development shall be commenced until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in strict compliance with the approved Arboricultural Method Statement. The Arboricultural Method Statement shall include the following:
  - i) A specification for tree protection fencing and ground protection measures in compliance with British Standard 5837:2005;
  - ii) A Tree Protection Plan showing the location of trees to be removed and retained with their crown spreads, Root protection Areas, Construction Exclusion Zones and location of protective fencing and ground protection measures accurately plotted;
  - iii) A full specification for any access, driveway, path, underground services or wall foundations within retained Root Protection Areas or Construction Exclusion Zones, including any related sections and method for avoiding damage to retained trees;
  - iv) Details of general arboricultural matters including proposed practices with regard to cement mixing, materials storage and fires;
  - v) Details of the frequency of supervisory visits and procedures from notifying the finds of such visits to the local planning authority;
  - vi) A method for protecting retained trees during demolition works;
  - vii) Details of all proposed tree works, including felling and pruning.
- 6) The dwelling shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and to achieve a minimum credit under category "Ene1-Dwelling emission Rate" in accordance with the requirements of the Code for Sustainable Homes: Technical Guide Version 3. The development shall be carried out entirely in accordance with the approved assessment and certification.

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- 7) The construction of the dwelling hereby permitted shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority certifying that a Minimum Code for Sustainable Homes (Level 3) and a minimum credit under category "Ene1-Dwelling emission Rate" has been achieved in accordance with the requirements of the Code for Sustainable Homes: Technical Guide Version 3.
- 8) Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes "Final Certificate" shall be submitted to the Local Planning Authority certifying that a Minimum Code for Sustainable Homes (Level 3) and a minimum credit under category "Ene1-Dwelling emission Rate" has been achieved in accordance with the requirements of the Code for Sustainable Homes: Technical Guide Version 3.
- 9) The access details required to be submitted pursuant to condition 1 shall include the following:
  - i) visibility splays unrestricted by any form of obstruction above 1m. in height no less extensive than those shown on Proposed Site Plan W078/002;
  - ii) the permanent closure of the existing access to No. 22 Bryn Estyn Road;
  - iii) parking and turning facilities to both the proposed dwelling and 22 Bryn Estyn Road at least as indicated on Proposed Site Plan W078/002;
  - iv) the portion of the access track which is to serve both the proposed dwelling and No. 22 Bryn Estyn Road to be sufficiently wide to allow opposing vehicles to pass;
  - v) the position of any proposed gates, and
  - vi) the materials to be used for the construction and surface of the access.
- 10) The proposed dwelling shall not be occupied until the approved means of access pursuant to conditions 1 and 9 has been provided in all respects, which shall not thereafter be altered without the prior written approval of the local planning authority.

## **APPENDIX C**



Notes

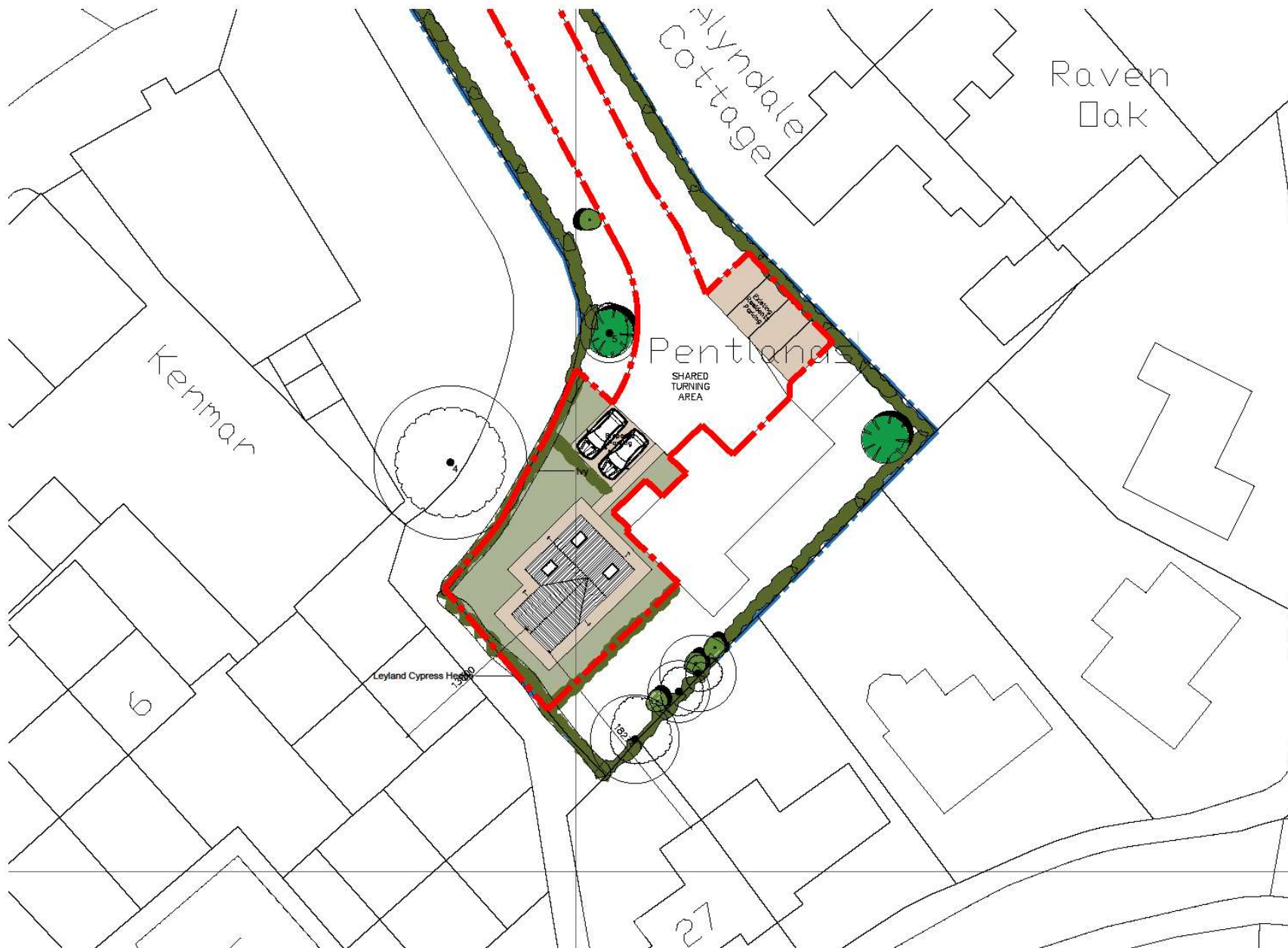
- Visibility splays 2.4 x 19m to the East
- Access width 5.0m
- New drop crossing
- Aco drain to be installed at the access
- Driveway to be hard surfaced 5m behind the highway boundary
- Nothing to grow within 3.0m of the highway boundary
- No gates within 5.0m of the highway boundary

Key

- All trees at site access to be removed
- New 0.5m high boundary wall
- Envelope of visibility showing clear view of the B5102/B5445 Junction

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|---------------------|------------|----------|--|
| Project             |            |          |  |
| Pentlands           |            |          |  |
| Rossett             |            |          |  |
| LL12 0DS            |            |          |  |
| Detail              |            |          |  |
| Proposed New Access |            |          |  |
| Drawn by            | 07/07/2021 | Drawn by |  |
| NTS                 | Rossett 1  | Drawn by |  |

## **APPENDIX D**



Proposed Site Layout (1:200)

|                                                                                                                                                                                                                                                                               |                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| <br><small>HDS Architectural Services, The Trinity,<br/>         45 Yule Street, Glasgow<br/>         G11 5AP<br/>         Tel: 01478 545350<br/>         www.hdsarchitect.co.uk</small> |                             |
| <b>Project:</b><br>Pentlands, The Green, Rossett, Wrexham, LL12 8DS                                                                                                                                                                                                           |                             |
| <b>Title:</b><br>Proposed Site Plan                                                                                                                                                                                                                                           | <b>Scale (A2):</b><br>1:200 |
| <b>Dwg No:</b><br>PHS/C02                                                                                                                                                                                                                                                     | <b>Date:</b><br>April 2021  |
| <b>Revision:</b><br>REV A - Tree survey information added to the drawing (20-05-21)<br>REV B - Parking to site amended (07-07-21)                                                                                                                                             |                             |

