

MEMORANDUM



From: Operational Manager Traffic & Transportation **To:** Chief Planning Officer

Our Ref: TH/DC/PD/2009/0755

Your Ref: P/2009/0755

Date: 07 October 2009

TOWN AND COUNTRY PLANNING ACT 1990.

TOWN AND COUNTRY (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995.

Location: O. S Grid Ref: 2890 4690 5 Maes Enion, Rhos

Development: Lowering of kerbs for vehicular access

I refer to your consultation dated 11 September 2009 in respect of the above.

The development site is located on a classified highway within a 20 mph speed zone for which Manual for Streets (MfS) recommends visibility splays measuring 2.0 x 25m in both directions.

Although the applicant has already constructed a hardstanding in the front garden of the dwelling there is currently no approved vehicular access in to the site. The hardstanding is however already being used by the occupants of no. 5 to park their vehicles off road.

Visibility at the entrance to the site is well below MfS recommendations. To the north visibility is restricted to just 2.0 x 5m by the boundary hedge of the neighbouring property. To the south it appears possible to achieve 2.0 x 18m to the nearside edge although this is subject to the boundary wall of the property being reduced in height to a maximum of 1m above the level of the carriageway.

It is considered essential that adequate pedestrian visibility is provided at the site access as there are a significant number of pedestrians, particularly school children passing by the application site due to its proximity with the local infant / junior school. Welsh Assembly Guidelines recommends that:

‘From a point on the centre line of the access 2.4 metres back from the edge of the footway, to points 3.3 metres to both sides of that point measured along the edge of the carriageway, all obstructions to visibility shall be reduced to and thereafter maintained at a height not exceeding 0.6 metre above the level of the adjacent carriageway’

The existing entrance to the site does not provide these splays and is considered to be well below standard in terms of pedestrian visibility.

It is current Council policy that any driveway with access on to a classified highway shall have an off road turning facility provided within the curtilage of the site.

The current driveway does not have adequate turning facility; although given the width of the front garden it is considered possible that a turning facility can be provided.

The existing location of the driveway and proposed vehicular access is considered seriously substandard and I would normally recommend the application be refused for the following reasons:

- There is inadequate visibility for and of pedestrians at the existing site access
- There is restricted visibility at the existing access to the site.
- The existing hardstanding does not provide adequate room within the curtilage of the site for the parking and turning of vehicles.

Since my initial response to this application I have discussed the issues with the Local Member who informed me that the access has actually been in operation for up to 10 years. We agreed that the current position of the access is unsatisfactory and tried to resolve the situation. As the neighbouring property (no. 4) is a Council owned housing it was suggested that if we could gain control of that hedge in perpetuity then visibility issues could be resolved. The housing officer and current tenant are not opposed to reducing the height of the hedge to 1m. However the housing officer said that this cannot be controlled by covenant in perpetuity as this would make it the only Council house in the area with any such covenant attached to it – something he is unwilling to do.

Recognising that the access has been used for up to 10 years and considering the balance of risk, it is considered that a relaxation of standards is acceptable in this case. To accept a relaxation will mean that satisfactory visibility of pedestrians, an improvement to visibility along the highway, adequate turning provision and the removal of on street parking, can all be achieved.

If the access were located as demonstrated on the attached plan it would be possible to achieve these benefits. Lateral visibility at the access would still be below MfS recommendations but if the planning committee is minded to support the application I would recommend any permission include the following conditions:

CONDITIONS

J28CA VISIBILITY SPLAY (FOOTWAY SAFETY)

031R From a point on the centre line of the access 2.4 metres back from the edge of the footway, to points 3.3 metres to both sides of that point measured along the edge of the carriageway, all obstructions to visibility shall be reduced to and thereafter maintained at a height not exceeding 0.6 metre above the level of the adjacent carriageway.

J28C VISIBILITY SPLAY OF 2.0M X 12M

038R The proposed access shall have a visibility splay of 2.0m x 12m in both directions measured along the nearside edge of the adjoining carriageway over land within the control of the applicant and/or the Highway Authority. Within the splays there shall be no obstruction in excess of 1 metre in height above the level of the adjoining carriageway. The splay shall be provided prior to commencement of

use/occupation of the development hereby approved and shall thereafter be retained clear of such obstruction.

J33C ACCESS HARD SURFACED

043R The access shall be hard surfaced for a distance of 5m behind the highway boundary before the development is brought into use.

E06C NO GATES WITHIN 5 METRES

026R Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no gate or other barrier shall be erected across the access within 5 metres of the boundary of the highway.

J44C VEHICLE PARKING AND TURNING AREAS

026R The vehicle parking and turning areas indicated on the approved plans shall be laid out, surfaced and drained prior to the first use of the building hereby granted and shall thereafter be retained for those purposes, free of all obstruction.

Note to applicant

E02N HIGHWAY SUPPLEMENTARY NOTES

Your attention is drawn to Highway Supplementary Notes Numbered 1, 3, 4 and 5 on the enclosed "Applicants' Rights and General Information".

E05N FOOTWAY CROSSING LICENCE

A licence will need to be obtained (as required by section 184 of the Highways Act 1980) from the highway Authority in order to lower the kerbline and cross the footpath at the new access position. The licence is a separate form and will need to be obtained from the Highways Department, Wrexham County Borough Council. telephone 01978 297158.


For Operational Manager Traffic & Transportation