

May 2021

Highway Assessment

Proposed Residential Development

Land adjacent to Bryn y Ffynnon
Old Road
Bwlchgwyn
LL11 5UF



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1. Introduction

Code Planning has been appointed to prepare a highway assessment to accompany a planning application for a proposed new dwelling and improved access at Bryn y Ffynnon, Old Road, Bwlchgwyn.

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 a planning permission.

2. Existing Site Layout

The site is located on the B5430 Old Road; a classified highway subject to a 40-mph speed limit across the site access location.

The existing site consists of two detached dwellings with associated off road parking provision at the front of each property.

The existing site access is 7.8m wide at the carriageway edge reducing to a width of 3.8m at a point 7m back from the edge of the carriageway. The whole area is hard surfaced in a bituminous material.

To the east of the access there is a boundary wall some 1.0m high with a 1.8m high hedge /planting growing behind it on land belonging to the neighbouring property.

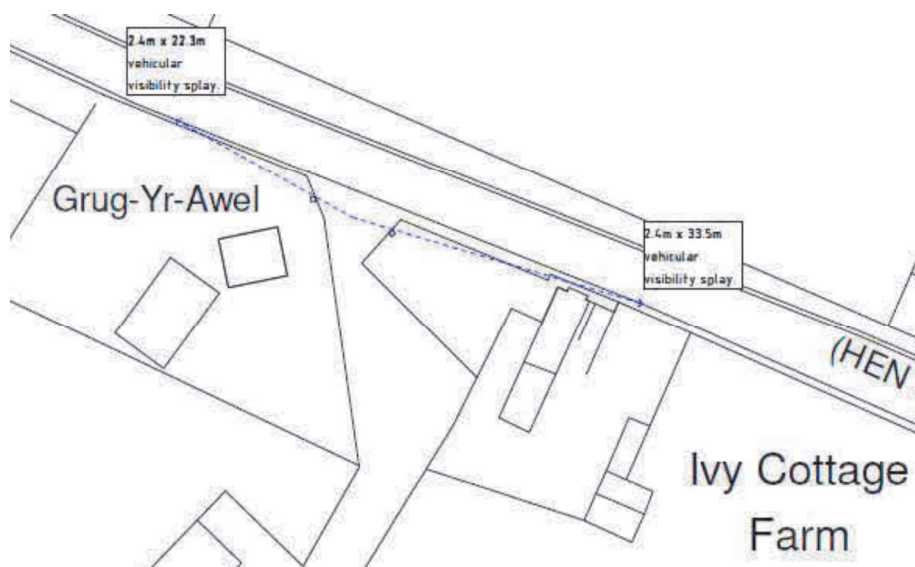


There is a further wall and boundary hedge some 30m away just east of the dwelling known as Ivy Cottage Farm.



Hedge / wall east of Ivy Cottage Farm

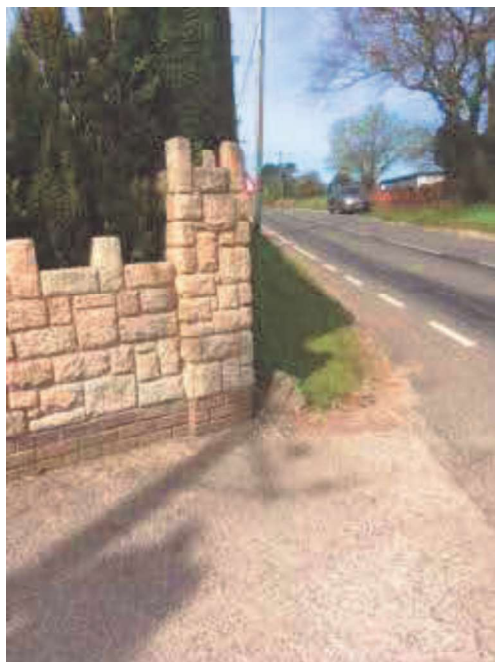
This hedge and wall restrict visibility in an easterly direction.



To the west of the access there is the last pillar of a stone boundary wall approximately 2m in height and a 3m high conifer boundary hedge along the length of the property known as Grug yr Awel. The wall and hedge are approximately 1.9m behind the white edge of carriageway markings with a 1.3m wide verge between it and the edge of carriageway.



When exiting the access there is limited visibility in both directions. The images below demonstrate just how poor visibility is in both directions from the existing access.



Visibility to the west from 2.4m x distance

Visibility in a westerly direction from a 2.4m 'x' distance is limited to approximately 22m to the nearside edge of the adjoining carriageway.



Visibility to the east from 2.4m

Visibility in an easterly direction from a 2.4m 'x' distance is limited to approximately 33m to the nearside edge of the adjoining carriageway.

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

Despite the 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 within the last 5 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 with adequate parking provision and a significantly improved access.

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 order that vehicles may enter and leave the site in a forward direction.

An improved access will be created by widening the existing access apron using land under ownership of the neighbouring property. This has been agreed between the two parties and the planning application highlights the agreement between the two parties.

By amending the existing width of the access by approximately 4m to the east it allows the centre line of the access to be relocated in an easterly direction such that adequate visibility to the west changes from just 2.4m x 22m to 2.4 x 120m (in full accordance with MFS guidance)



To the east the boundary wall and hedge immediately east of Ivy Cottage Farm will be reduced in height to below 600mm and maintained at that height in perpetuity, to allow substantial visibility improvements in that direction - from 33m to 48m.

See attached plan at Appendix D

Removal of this obstruction will not only allow significantly increased visibility from the existing access but will also greatly improve access awareness for drivers approaching the site from the east meaning that the access will be far more visible as will any vehicle emerging from the access.

Agreement has been reached with the neighbouring dwelling to the north known as Ivy Cottage Farm to allow for access widening and visibility improvements to be undertaken on their land.

4. Welsh Government Guidance TAN 18

The existing access at Bryn y Ffynnon has visibility splays measuring 2.4 m x 33m to the east and 2.4m x 22m to the west. Both splays are well below Welsh government recommendations for a 40-mph speed limit.

By removing obstructions to visibility along the site boundary of the neighbouring property, and widening the existing access, it is possible to achieve splays of 2.4m x 48m to the east and 2.4m x 120m to the west.

To the east visibility increases from 33m to 48m and to the west from 22m to 120m. These are significant improvements to visibility which will provide significant improvements to highway safety.

Welsh Government Guidance TAN 18 Chapter 9 Annex B Paragraph B.11 states that:

B.11 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.

There can be no question that the proposed improvement to the access achieves precisely what TAN 18 Chapter 9 Annex B Paragraph B.11 says.

The merits of this paragraph have been tested at Welsh Government Appeal.

Appendix B is a copy of an appeal at a site on Bryn Estyn Road, Wrexham. The original planning application was refused by WCBC planning committee who agreed with the highway department's assessment that the proposed access was substandard.

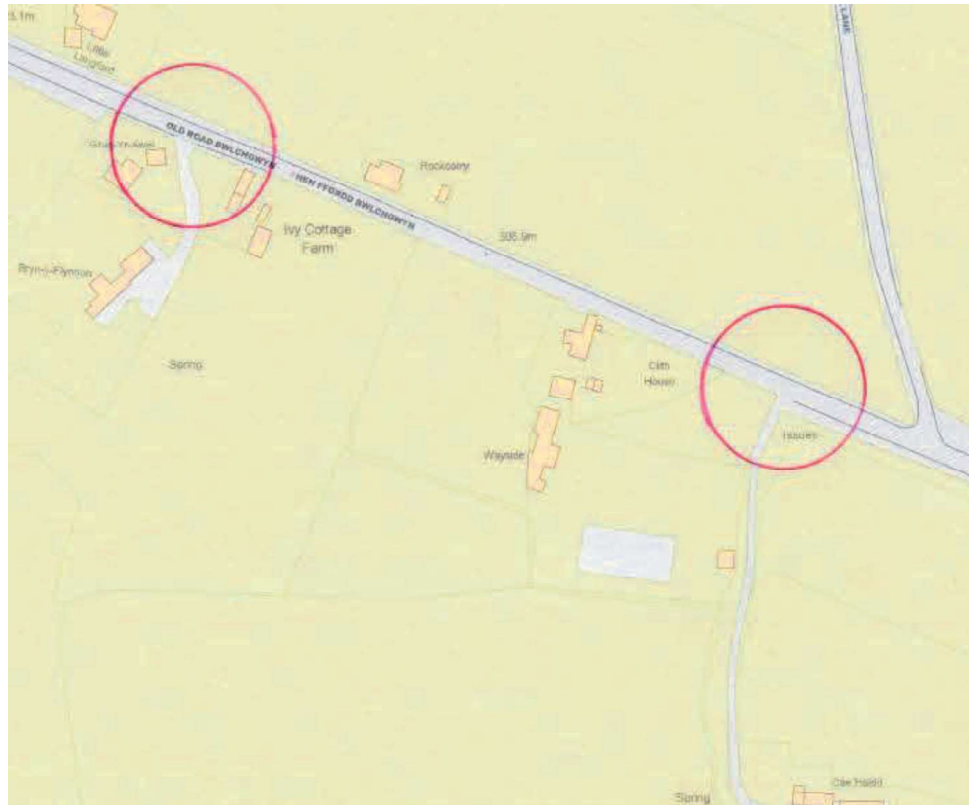
However, at appeal the planning inspector made the following comments:

*'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 B11 relating to visibility improvements has therefore been tested at appeal and is of material significance to this application.

5. Local Planning Application relevant to this application

It must also be noted that Paragraph B11 TAN 18 was used by Wrexham Council highways development control officers to justify support for a similar site just 225m from the proposed access at Bryn Y Ffynnon



Plan showing proximity of Cae Haidd access to the existing access at Bryn y Ffynnon

A planning application (P/2017/0591) for the conversion of a barn at Cae Haidd, Old Road, Bwlchgwyn was granted planning permission in 2017.

Access to the site was taken from the B5430 Old Road just 225m from the existing access to Bryn y Ffynnon.

The access suffered from serious visibility issues. This is identified in the WCBC highway response to the application an extract of which is shown below (attached in full at Appendix C)

The site has an existing access on to the classified highway B5430 subject to a 40mph speed limit.

The existing access is of substandard width and layout to cater for any additional vehicular usage; visibility at the access is well below Welsh Government guidelines Tan 18

The applicant has submitted a revised plan demonstrating significant improvements to visibility and to the width and layout of the access.

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.

As can be seen the highway development control officer used Paragraph B11 of TAN 18 to justify supporting the application. The situation is almost identical to the site at Bryn y Ffynnon where it is proposed that an existing access with substandard visibility is to be substantially improved by widening the access and making visibility improvements. The improvements offer significant safety benefit to all users of B5430 Old Road.

There is therefore not only precedent set by WCBC planning and highway officers within 225m of the site but also a Welsh Government inspectors' decision which provides precedent for the use of Para B11 of TAN 18 within Wrexham County Borough Council.

Both are material considerations when assessing the current application.

6. Conclusion

- Bryn y Ffynnon has an existing access which suffers from substandard visibility which could potentially cause highway safety issues on the adjoining B5430 highway.
- The proposed new access layout will greatly enhance safety on the highway by creating significant improvements to visibility.
- The removal of the boundary hedge east of Ivy Cottage Farm will result in the drivers of approaching vehicles on the B5430 having far greater awareness of the presence of an access into Bryn y Ffynnon.
- Welsh Government advice in TAN 18 paragraph B.11. is flexible in its approach to visibility at existing accesses.
- A Welsh Government planning inspector has accepted the principles of TAN 18 Para B11 at an appeal within the Wrexham County Borough.
- WCBC highways development control officers supported a planning application just 225m away from the existing site quoting Tan 18 Para B.11 as reason to support it despite full visibility standards not being met; thereby setting a clear precedent for the current application.

Given the significant highway safety benefits achievable from the improved access there can be no justifiable objections to the proposal on highway grounds.

APPENDIX A

The screenshot displays the CRASHMAP PLAN interface. The main map shows a section of B5430 Old Road Minera, with a blue pin marking the location of Catz Country Club. The map includes labels for 'River Gwenfro', 'Cae Adar Ln', 'Old Rd Bwlchgwyn', 'The Spinney', 'Flodd Uchar', and 'Old Rd Minera'. A sidebar on the right contains the following filters:

- Location:** bwlchgwyn
- Years:** 5 of 22 years selected
- Severity:**

Fatal	☒
Serious	☒
Slight	☒
- Casualty Types:** All Casualty Types
- Vehicles Involved:** All Vehicle Types
- Search** button

On the left, an 'Incident Severity' legend shows icons for Slight (orange), Serious (red), and Fatal (black). Below it, a box states 'No results found'.

CRASHMAP PLAN - B5430 OLD ROAD MINERA

APPENDIX B



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/06/13

gan Robert Gardener BSc (TownPlan)
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 16/07/13

Appeal Decision

Site visit made on 13/06/13

by Robert Gardener BSc (TownPlan)
MRTPI

an Inspector appointed by the Welsh Ministers

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)¹, 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 adequate². 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

¹ of the adopted Wrexham Unitary Development Plan 1996-2-11

² 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 stage³. Those conditions recommended by the Council concerning the Code for Sustainable Homes and tree protection are also required now.

R G Gardener

Inspector

³ 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

CAE HAIDD

**WCBC HIGHWAYS DEVELOPMENT CONTROL OFFICER RESPONSE TO
PLANNING APPLICATION No. P/2017/0591 AT CAE HAIDD, BWLCHGWYN**



MEMORANDUM

From:	Service Manager Environment	To:	Head of Community Well-being and Development
Our Ref:	P/2017/0591	Your Ref:	P/2017/0591
Date:	16 August 2017		

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

Location: O. S Grid Ref: 2665 5250 Cae Haidd, Old Road, Bwlchgwyn
Development: Conversion of barn to holiday let including rebuilding of existing out rigger and new roof

I refer to your consultation dated 18 July 2017 in respect of the above.

The site has an existing access on to the classified highway B5430 subject to a 40mph speed limit.

The existing access is of substandard width and layout to cater for any additional vehicular usage; visibility at the access is well below Welsh Government guidelines Tan 18

The applicant has submitted a revised plan demonstrating significant improvements to visibility and to the width and layout of the access.

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.

I therefore recommend that any permission should include the following conditions:

CONDITIONS

- | | |
|----------------------|--|
| ZJO7
043R | ACCESS SURFACE (5 metres)
Prior to first use of the vehicular access 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. |
| ZJO9
033R | NO GATES
There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary. |

**ZJ10
039R
E05NA** **ACCESS APPROVED AS PART OF APPLICATION**

Prior to first use of the development, the proposed vehicular access shall be laid out in strict accordance with approved plan no. HO92/006. The visibility splays shall thereafter be permanently retained free of all obstruction in excess of 1 metre in height.

**ZJ22
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 and 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.

**ZJ39
026R** **VERGE CROSSING**

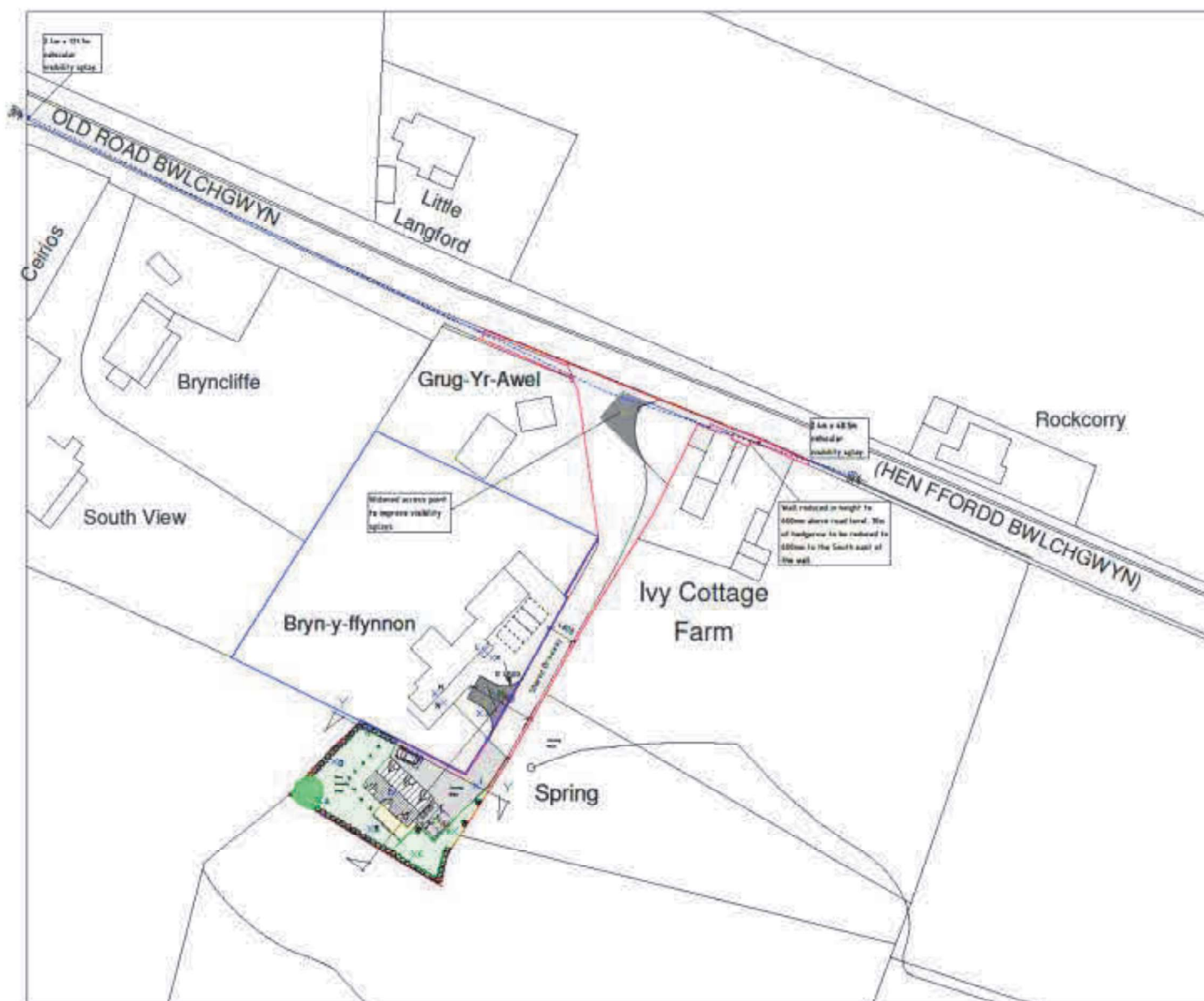
Prior to first use of development a verge crossing to the site shall be constructed in strict accordance with a scheme which has been submitted and approved in writing by the Local Planning Authority.

NOTES**NONSTD VERGE CROSSING LICENCE**

A licence should be obtained (as required by section 184 of the Highways Act 1980) from the Highway Authority in order to cross the verge at the revised access position. Further guidance can be obtained from the Highways Department of Wrexham County Borough Council on telephone 01978 729696.

Service Manager Environment

APPENDIX D



PGW	LFYRL
A	10.000
B	9.223
C	8.445
D	7.667
E (HPL)	6.889
F	6.111
G	5.333
H	4.556
I	3.778
J	2.999
K	2.222
L	1.444
M	0.667
N	0.000

Rev	Date	Detail	By
1	01/11	Highway amounts	0.10
2	11/10	Visibility splay amounts	0.10
3	03/10	Highway amounts	0.17
Nov	Date	Detail	By

Project:
Proposed new dwelling on land associated with Bryn Y Ffynnon, Old Road, Bwlchgwyn, Wrexham.

Title: Planning
Highways Plan

Scale: (A2)
1:500

Drawn By:
D.J. Edwards

Date:
April 2019

Drawing No:
N031/007

Sheet:
1 of 1

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