

MEMORANDUM

From: Chief Officer, Environment & Technical **To:** Chief Officer Planning & Regulatory
Our Ref: ET/DC/P/2019/0835 **Your Ref:** SW/P/2019/0835
Date: 24th November 2020

Town and Country Planning Act 1990

Section 78 Appeal @ Land at Tupa, Penley Hall Drive, Penley, Wrexham.

I refer to your consultation / email dated 16/11/2020 in respect of the above.

Our memo / response to Planning dated 14/11/2019 concluded that there was potential to support a development of this size / nature subject to the existing estate road and highway improvement works at the junction with the A539 being completed and adopted.

The reason for refusal given suggests that the site does not have a bone fide safe and satisfactory pedestrian and vehicular access.^u The Highway Authority has not indicated in its response to this application that access to / from the site is unsafe but has advised that Morris Homes should complete the existing works and progress adoption of the estate roads before allowing the additional development.

The issue in respect of this application is one of amenity. The estate roads, footways, lighting and foul / surface water drainage systems are not yet adopted. Both foul and surface water systems would require s.104 agreements with Welsh Water to enable adoption. The 3m wide shared footway / cycleway / emergency link has not been constructed through the wooded area at the south western corner of the site. The developer (Morris Homes) has made very little attempt to complete the outstanding works and enter into a s.38 agreement with the Council.

There are in excess of 100 dwellings served off this unadopted estate road. The Highway Authority would not normally support any further development until the estate road is completed / adopted.



Chief Officer, Environment & Technical