

MEMORANDUM

From:	Service Manager Environment	To:	Head of Community Well-being and Development
Our Ref:	P/2020/0086	Your Ref:	P/2020/0086
Date:	27 February 2020		

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

Location: O. S Grid Ref: 3346 5622 Land at Home Farm, Gresford Road, Llay
Development: Variation of condition no. 2 imposed under planning permission P/2017/1054 to vary the wording of the condition to allow for the occupation of 60 dwellings in advance of the approved traffic improvement scheme being implemented in full.

I refer to your consultation dated 10 February 2020 in respect of the above.

The letter submitted by Lichfields in support of the application refers to a failure by the highway authority to progress a S278 agreement. The s278 agreement is required to facilitate the delivery of the works associated with the development.

However the letter fails to acknowledge some of the reasons that no progress was made on the Section 278 agreement.

Firstly the developer's highway consultants submitted a plan of 'improvements' to the Crown Crossroads junction. When these were assessed by the highway authority it was noted that the proposed improvements were actually dangerous and a risk to highway safety; this was ratified by a road safety audit that was undertaken by the developer under instruction from the highway authority.

Further time was taken to consider whether the signal control junction design proposed for the Crown Crossroads actually improved the junction as was required by planning condition. It was only following extensive discussion that the design was approved by the then Highways and Transportation Unit Manager David Hesketh.

Revised s278 plans were only forwarded for assessment by the highway authority in January 2020. Lichfields are perhaps unaware that these plans have now been assessed and some have been sent to our legal department to progress the s278 agreement.

So Lichfields claims that the highway authority failed to progress the agreement are incorrect. To seek to justify the reasons for submitting this application they then blame the

delay in delivery of their improvement works on the highway authority and suggest that it was outside their control.

What they fail to note however is that the delivery of highway improvements couldn't actually have been undertaken yet as there is still a road closure on Gresford Road; this closure prevents any work being undertaken on the Straight Mile or Crown Crossroads. The road closure has been in place some 8 months longer than originally planned and this is down solely to the developer who I can only assume failed to undertake adequate investigative work on the Gresford Road prior to commencement of the works.

To this day the road is still closed and I understand from our Streetworks department that the developer will not be able to undertake any S278 works on the Straight Mile / Crown Crossroads until July 2020 at the earliest.

So Lichfields statement blaming the highway authority for the delays is misleading and the justification behind the application is therefore fundamentally flawed. The fact remains that the developers would not have been allowed to undertake the s278 works whilst Gresford Road remains closed to through traffic.

Despite not having a valid planning permission I understand that the developers have been on site since January 2019 and as a result new dwellings are now ready for occupation.

It is unclear from the application where the access to the new dwellings is intended to be taken. I assume it is from the Straight Mile access. This access has not been fully formed in accordance with the conditions requiring a right hand turn lane. There are inadequate or incomplete footways from and through the site to link to local facilities.

The access is currently used by construction traffic and given the lack of pedestrian links it could be considered unsafe to allow a mixture of construction and residential traffic through a substandard access.

I would therefore raise concerns that allowing this permission could detrimentally impact on highway safety.



 Service Manager Environment