

MEMORANDUM



From: Network and Infrastructure Manager **To:** Chief Planning Officer

Our Ref: PD/2012/0472

Your Ref: P/2012/0472

Date: 12 April 2013

Town and Country Planning Act 1990

Section 78 Appeal at 15 Kent Road, Lodge, Wrexham

I am satisfied with the original response made to this application and wish to inform you that I have no further comments to add.

A copy of that response is attached for your information.

Peter Dorthwaite

PD Network and Infrastructure Manager

MEMORANDUM



From: Network and Infrastructure Manager

To: Chief Planning Officer

Our Ref: PD/2012/0472

Your Ref: P/2012/0472

Date: 06 August 2012

TOWN AND COUNTRY PLANNING ACT 1990.

TOWN AND COUNTRY (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995.

Location: O. S Grid Ref: 3300 3530 15 Kent Road, Lodge

Development: Removal of condition no. 6 of planning permission P/2005/0359 to allow occupation of dwelling without complying with the requirements to upgrade unadopted highway.

I refer to your consultation dated 3 July 2012 in respect of the above.

In attempting to justify the removal of condition no 6 the planning consultant states that there is now specific evidence to demonstrate that the occupation of no 15 neither gives rise to a material increase in traffic nor has it resulted in the deterioration of the road.

He suggests that the planning inspector had no evidence before him from which to judge whether there would be a material increase in traffic generation.

The inspector acknowledged in his summing up that the road served 18 dwellings. He would have known that traffic generation from a single additional dwelling is generally assumed to be between 7 and 11 movements per day. He was clearly aware that there would be a material increase in traffic and made his judgement on that basis.

The Consultant states that the first 40m of the road has now been surfaced with tarmac but doesn't explain that the reason it has been surfaced is due to the occupant of no 4 Cefn Road complying with his planning permission ref P/2002/0995 which required him to implement a scheme of highway improvements from Kent Road up to his site boundary. That scheme of improvement has clearly benefited Cefn Road and prevented any further deterioration along the first 40m of the road.

Beyond the improvement scheme undertaken by occupant of no. 4 there is evidence that some of the significant number of potholes along the road have been filled by tarmac. It is clearly a short term repair to address serious potholing issues along Cefn Road. It may well be that the additional traffic caused by the building and occupation of no 15 has contributed to the deterioration of the road just as the inspector had anticipated. If the applicant had complied with his planning conditions in the same manner as no. 4 Cefn Road then these short term fixes would be rendered unnecessary.

Conclusion

At the time of the Welsh Assembly appeal Cefn Road was an unsurfaced track which was badly rutted and potholed along its entire length between the appeal site and Kent Road.

Condition 6 of P/2005/0359 required a scheme of improvement to the aforementioned length of road to be implemented prior to occupation of the dwelling. Paragraph 2 of the Inspectors reasons and conclusions stated 'Without any such works, I agree that any material increase in vehicular traffic would be likely to result in further deterioration in the roads condition to the detriment of other road users and highway safety'

The inspector was aware that there would be a material increase in traffic generation along Cefn Road as a result of the proposal and was clear in his summing up that the condition was necessary.

Whilst Cefn Road has been improved since the appeal this is due solely to the fact that the highway improvement scheme conditioned in P/2002/0995 was strictly adhered to.

The highway department response to the original planning application stated that we would normally have recommended refusal due to the fact that the road is unadopted; it is Council policy that no more than 5 dwellings should be served off an existing private drive. The application would presumably have been refused had Condition 6 not been included within the permission.

I therefore recommend that the application to remove condition 6 is refused.

Peter Dorthwaite
pp. Network and Infrastructure Manager