

MEMORANDUM



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

Our Ref: TH/DC/PD/2010/0011

Your Ref: P/2010/0011

Date: 15 February 2010

TOWN AND COUNTRY PLANNING ACT 1990.

TOWN AND COUNTRY (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995.

Location: O. S Grid Ref: 2870 4550 Land adjoining 1 Maelor View, Penycae

Development: Renewal of unexpired permission: Erection of 2 no. 3 bed semi detached dwellings and 1 no. 2 bed detached dwelling and single garages and alterations to existing vehicular and pedestrian access (variation of condition 1 of O/2004/1297 – time limit of permission expires 10/01/2010)

I refer to your consultation dated 8 January 2010 in respect of the above.

The Maelor View development was originally given planning permission in 2002 for the erection of 5 dwellings and a medical centre. The P/2004/1297 application granted permission to replace the medical centre with three dwellings.

The permission required development to be carried out in accordance with the approved plan. The plan indicated that the site would be served by an adoptable road.

Since the original planning permission the development land for the 5 dwellings was sold to another developer.

The road that has been constructed to serve the existing five dwellings is not to an adoptable standard. The developer constructed the road without street lighting provision and was under no obligation to provide details to prove that the carriageway and drainage was constructed to an appropriate standard. The road is constructed only to base course and still requires a surface wearing course.

Current Council policy states that there are no more than 5 dwellings to be served off a private drive and that being the case I presume there is little we can do to insist that the developer who undertook the first phase of construction makes the road up to an adoptable standard.

The addition of the proposed three dwellings will however mean that it would be contrary to council policy to permit a further three dwellings off a private drive.

I would not normally raise an objection to the renewal of an unexpired permission. In this instance however I consider that there are material circumstances which need consideration.

Given that the road serving the development is currently considered substandard I consider the application should be refused unless the developer is prepared to upgrade the road to an acceptable standard and then maintain the road under a Private Management Company.

If there is scope within the planning legislation to alter the planning conditions on an unexpired permission then I would recommend that any permission include the following:

CONDITIONS

NONSTD SUBMISSION OF FURTHER DETAILS

NONSTD There shall be no development permitted on site until a scheme of carriageway, lighting and drainage improvements has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

NONSTD PRIVATE MANAGEMENT COMPANY

NONSTD The private drive shall be maintained in perpetuity by a Private Management Company.

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".

E03N WORKS WITHIN THE HIGHWAY

The separate written consent of the Local Highway Authority must be obtained before any work is carried out within the confines of the highway.


For Operational Manager Traffic & Transportation