

Your Ref: S62A/22/0005
Our Ref: 54998
Date: 13th May 2023



Essex County Council

CC: (by email) [REDACTED]

Paul Crick
Director for Highways
and Transportation

To: The Planning Inspectorate
3rd Floor, Temple Quay House
2 The Square, Temple Quay
Bristol, BS1 6PN

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. S62A/22/0005
Applicant Mr Andrew Smith
Site Location Canfield Moat, High Cross Lane West, Little Canfield, Dunmow, Essex, CM6 1TD
Proposal Erection of 15 new dwellings

The rural location of the site is such that access to key facilities, public transport, employment and leisure opportunities is limited and for the vast majority of journeys the only practical option would be the car. This should be taken into consideration by the Planning Inspectorate when assessing the overall sustainability and acceptability of the site.

Summary of Current Position

1. The highway authority submitted an initial response to the Inspectorate in December 2022, this outlined a number of concerns that we had with the application, these required additional information or changes to the proposal.
2. The request for revised and additional information fell under a number of broad headings
 - Alterations to existing access on High Cross Lane
 - Proposed Visibility splays
 - Swept path analysis
 - Turning areas
 - Red line plan
 - PROW network affected by the proposal
3. The applicant has submitted additional information, and these appear to address our concerns as follows:

Alterations to existing access

A drawing showing the proposed alterations to the access on High Cross Lane has been submitted, however, this cannot be assessed on its own without the additional information confirming its safety and functionality as mentioned in more detail below.

Proposed visibility splays

The applicant has submitted a drawing demonstrating visibility splays of 2.4m by 65m in both directions. It is assumed by the applicant, as noted in their covering statement, that for speeds of 40mph visibility splays of 65m are sufficient, this is not in accordance with the DMRB (Design Manual for Roads and Bridges) which is the guiding document used for current standards for roads with observed or signed speeds over 37mph.

No speed survey data has been provided to support the proposed visibility submitted.

Additionally, the Highway Boundary has not been marked on the submitted drawings making it impossible to assess if the proposed visibility splays cross over third-party land. It must be noted that where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway. Often, roadside ditches, which are apparent on the ground are not indicated on the Ordnance Survey Mapping. The same applies to historic ditches. Therefore, any ditches (including historical) and ponds should also be marked on the drawing.

Swept path analysis

No swept path analysis drawings have been submitted to support the alterations on the existing access on High Cross Lane West.

Turning areas

The applicant has provided an updated drawing with a turning area compliant with Essex Design Guide but has not supplied us with a swept path analysis drawing for that turning area.

Red Line plan

The applicant has submitted updated plans showing the connection to the Highway within their red line.

The routes and widths of the PROWs affected have not been confirmed

PROW network affected by the proposal

The applicant has updated their plans to include the PROW network affected by the proposal. However, no mitigation proposals have been submitted.

The current drawings show widening of the existing road to accommodate two-way traffic but no indication on how the PROW will be protected and all Highway users accommodated.

In the response letter from the applicant, they are indicating that the current widths of the footpaths will be honoured. Historically the width of the PROW is assumed to be the whole width of the track or road, this however, has not been confirmed and no plans of how the existing PROW will be accommodated have been provided.

With regards to PROW no16, it is still unclear if the access shown on the drawings will remain and if it is essential for this development considering the effect that this additional access will have on the PROW.

From a highway and transportation perspective therefore, the impact of the proposal is NOT acceptable to the Highway Authority for the following reason:

1. The applicant has not demonstrated that the proposal would be acceptable in terms of highway safety. The proposal indicated alterations to the existing access which will affect its geometry and potentially visibility splays, for which they have not provided sufficient details. The proposal is therefore contrary to policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and policy GEN 1 of Uttlesford Local Plan.

2. The applicant has not accommodated the existing Definitive Public Right of Way footpaths no 14 and no 16 (Little Canfield) affected by the development. The intensification of the site will increase traffic along the private road which is also a Public Right of Way (PROW no.14) as well as a proposed access on PROW no16, this will adversely impact on the pedestrians using the PROW. The proposal is therefore contrary to policy DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and policy GEN 1 of Uttlesford Local Plan.

The following information will need to be provided before the Highway Authority will be in a position to consider the acceptability of the proposals.

- i. A swept path analysis drawing showing vehicle tracking (to include but not limited to Uttlesford Refuse vehicles) for the existing access on High Cross Lane West as proposed.
- ii. A visibility splay drawing for the proposed altered access on High Cross Lane West. This should include the Highway Boundary and any additional information relating to the visibility splays such as speed surveys etc. The visibility splays should be in accordance with The Design Manual for Roads and Bridges (DMRB)
- iii. The internal layout turning area should be provided in accordance with the Essex Design Guide accompanied by a swept path analysis showing that a refuse vehicle can enter and leave the site in forward gear.
- iv. A Highway Status search to determine the routes and widths of the PROWs affected should be undertaken and details should be provided.
- v. A proposal with measures that mitigate the hazard to the PROW users of PROW no14 and no16 (Little Canfield) should be provided. The proposed access on Footpath no 16 (Little Canfield) does not appear to be necessary and will only intensify the vehicular use of the PROW, the applicant should consider removing this additional access.

Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

Informative:

- i. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is a breach of this legislation. The public's rights and ease of passage over public footpath no. 14 and no 16 (Little Canfield) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- ii. A footpath is a highway over which the public has a right of way on foot. In this regard the County Council are obliged to ensure that the surface of the right of way is safe and suitable for the public users but are not responsible for making good damage or wear and tear on paths that has been caused by those exercising their private rights. The County Council is also not responsible for providing access suitable for the private rights. For instance, if a public footpath or bridleway forms vehicular access to land or property, we have no duty to ensure it is suitable for vehicles, because a public footpath or bridleway carries no public vehicular rights.

In such instances, residents or landowners possessing private rights for vehicular access are entitled to make this access useable for their purposes, but all works must be approved in advance by the Highway Authority, and only suitable contractors may be used, because the right of way is a highway

- iii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway
- iv. Under Building Regulations B5, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7 metres wide between kerbs (this may be reduced to 3.1 metres for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. The access way should be capable of carrying a 12.5 tonne vehicle. A cul-de-sac which is more than 20 metres long must have a turning head of a least Size 3.
- v. There shall be no discharge of surface water onto the Highway.
- vi. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway

- vii. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval.

- viii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.



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pp. Director for Highways and Transportation
Enquiries to Eirini Spyratou

