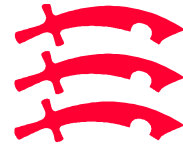


Your Ref: S62A/2023/0016

Our Ref: 48518
Date: 2nd June 2023



Essex County Council

CC: Cllr Susan Barker

Paul Crick
Director for Highways and Transportation

To: Uttlesford District Council
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Recommendation

Application No. S62A/2023/0016

Applicant Weston Homes

Site Location Land At Warish Hall Farm North Of Jacks Lane Smiths Green Lane Takeley

Proposal Erection of 40 no. dwellings, including open space landscaping and associated infrastructure

This S62A planning application involves one of the land parcels which formed part of planning application UTT/21/1987 for a wider area of land which was refused by Uttlesford District Council and subsequently dismissed by the Planning Inspectorate following an appeal.

A planning application comparable to this Section 62a planning application has also been submitted to Uttlesford District Council, planning reference UTT/22/3126/FUL. A highway response to this planning application dated 11 February 2023 raised concerns regarding the lack of pedestrian facilities on Smiths Green and reliance on public rights of way to access local services and facilities, which in their current formed were deemed unsuitable for everyday use by new residents. Additionally, the application failed to demonstrate that appropriate opportunities to promote public transport can be or have been taken up, given the type of development or location.

The S62A planning application is supported by a Transport Assessment that has been reviewed by the highway authority. It does not unfortunately deal directly with the issues previously raised by the highway authority but from subsequent discussions with the applicants consultants and having regard to the content of the Planning Statement and Draft S106 it is acknowledged that mitigation in the form of works to Jacks Lane and a contribution Sustainable Transport is required and is capable of being secured in conjunction with this planning application.

The Transport Assessment is somewhat contradictory as regards the layout of the estate road. This has been brought to the attention of the applicants' consultant who are aware that the layout submitted as shown on General Arrangement drawing

WH202.WST.P1.ZZ.DR.PL.10.01 does not confirm to the requirements of the Essex Design Guide and on that basis would remain private and not be adopted by the Highway Authority.

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;
 - I. access for construction
 - II. the parking of vehicles of site operatives and visitors,
 - III. loading and unloading of plant and materials,
 - IV. storage of plant and materials used in constructing the development,
 - V. wheel and underbody washing facilities.
 - VI. Routing strategy for construction vehicles
 - VII. Protection of any public rights of way within or adjacent to the site
 - VIII. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. **Access:** Prior to occupation of the development, the access as shown in principle on submitted drawing 2007045-SK37 Revision A shall be provided, with all details being agreed with the Local Planning Authority, and to include but not be limited to the following:
 - The provision of a suitable bellmouth access with appropriate radii to accommodate the swept path of vehicles regularly using the site access.
 - Clear to ground visibility splays with dimensions of 2.4 metres by 43 metres to both the north and south along Smiths Green. Such vehicular visibility splays shall retained free of any obstruction at all times thereafter.
 - Clear to ground visibility splays with dimensions of 2.4 metres by 43 metres to both the north and south along Smiths Green at its junction with the shared use cycleway. Such vehicular visibility splays shall retained free of any obstruction at all times thereafter.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 3. Sustainable Transport Contribution:** Prior to any occupation, payment of a financial contribution of £112,000 (indexed linked) shall be paid to fund improvements to enhance bus services between the development and local centres including Bishops Stortford , local amenities and/or Stansted Airport improving the frequency, quality and/or geographical cover of bus routes that serve the site and/or local bus infrastructure and/or the design and implementation of a cycle route between Takeley and Stansted Airport.

Reason: to improve the accessibility of the of the development by bus and cycle in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

- 4. Jacks Lane:** Prior to construction, the submission of details relating to the improvement of Jacks Lane (restricted byway 48/25) from Burgattes Road to the point where it joins the proposed footway/cycleway link forming part of the residential estate shown on drawing General Arrangement drawing WH202.WST.P1.ZZ.DR.PL.10.01 to make it suitable for regular all weather use by pedestrians, cyclists and people with mobility impairment shall be approved by the Local Planning Authority. Such scheme shall include but not be limited to full depth construction, surfacing, lighting, drainage, signage, ditch crossing and measures to prevent use by motor vehicles. The scheme shall be subject to appropriate ecological assessment and mitigation and maintenance plan. No construction of any dwelling shall take place until the approved scheme is delivered and approved maintenance plan is in place.

Reason to ensure safe and suitable access to key facilities for pedestrians and cyclists in accordance with policy DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 5. Permeability:** Prior to occupation the shared use foot/cyleway link shown on drawing General Arrangement drawing WH202.WST.P1.ZZ.DR.PL.10.01 shall be provided to a width of 3.5 metres between the above mentions Jacks Lane improvement scheme and Smiths Green.

Reason to ensure safe and suitable access to key facilities for pedestrians and cyclists in accordance with policy DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 6. Vehicular Parking:** Development shall not be occupied until such time as their associated vehicle parking areas indicated on the approved plans, have been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. **Cycle Parking:** Development shall not be occupied until such time as secure, covered, convenient cycle parking has been provided in accordance with the Essex Parking Standards, such parking shall be connected to the proposed cycleways by cycleway connections.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. **Travel Packs:** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable transport in accordance with Policy DM9 and DM10 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 and the National Planning Policy Framework.

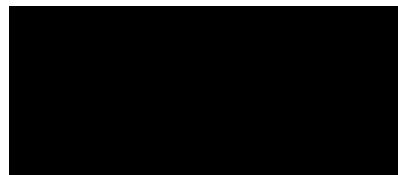
Informatives:

- (i) Any signal equipment, lighting, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a commuted sum to cover the cost of future maintenance. Such commuted sum to be provided prior to the issue of the works licence associated with the Section 278 Agreement for the relevant works.
- (ii) 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
- (iii) 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 and safety audit.
- (iv) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (v) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under

Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

- (vi) The layout of the residential estate road is not suitable for adoption by the Highway Authority.
- (vii) 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 considered to be a breach of this legislation. The public's rights and ease of passage over public right of way 40 (Takeley) 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.



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pp. Director for Highways and Transportation
Enquiries to Matthew Bradley

