

Your Ref: S62A/2023/0026
Our Ref: HT/SD/RMc/34319
Date: 12/01/2024



Essex County Council

Highways and Transportation
County Hall
Chelmsford
Essex
CM1 1QH

CC (by email): Cllr [REDACTED]
Essex Highways DM
Public Rights of Way team
Uttlesford District Council

To: Inquiries and Major Casework Team
The Planning Inspectorate
3rd Floor
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Consultation response

| | |
|-----------------|--|
| Application No. | S62A/2023/0026 |
| Applicant | Rosconn, Nigel John Burfield Holmes, Rosemary Holmes, Mark Burfield Holmes, Robert Murton Holmes, Sasha Renwick Homes & Tanya Renwick Cran |
| Site Location | Land West of Robin Hood Road, Elsenham |
| Proposal | Outline application for the erection of up to 40 dwellings with all matters reserved except for access |

This S62A planning application was accompanied by a Transport Statement prepared by Savoy Consulting, dated September 2023 and a Site Access Arrangements plan (drawing no. DWG-06) which have been reviewed by the highway authority. The assessment of the application and Transport Statement was undertaken with reference to the National Planning Policy Framework 2023, in particular, paragraphs 114 – 116, the following were considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

The highway authority notes that there is an existing outline planning permission granted for the site which proposed access from Rush Lane. The current proposal seeks access from Robin Hood Road and the access arrangement has been subject to a road safety audit.

We would welcome further technical discussions with the applicant in regards to Site Access Arrangements plan (drawing no. DWG-06) as we have concerns about the deliverability and suitability of the proposals as currently proposed. Failing that, we have drafted a Grampian-style conditions (see suggested condition 3 below) which would allow the highway authority to be certain of the deliverability of the highway works ahead of development commencing. As per paragraph 115 of the NPPF, we are not recommending refusal of the application as we are satisfied that there would not be an unacceptable impact on highway safety, and that the residual cumulative impacts on the road network would not be severe.

There is some ambiguity within the submitted documents in relation to public right of way (PROW) footpath 29 (Elsenham 13). The PROW cannot be retained along its current alignment as it passes through an attenuation basin, passes too close to proposed tree planting and would run across roads and entrances to drives (and therefore be likely to be obstructed). As such, if permission is granted, the PROW should be diverted. The Inspector for the previous outline planning permission did not consider it necessary to include the highway authority's proposed condition in relation to securing a diversion of footpath 29 (Elsenham 13) prior to commencing works, as these diversions are covered by other legislation (section 257 of the Town and Country Planning Act). Details of the proposed diversion route and any enhancements should be

provided at reserved matters stage, and the legal process to formally divert the route should be followed. The applicant is reminded that the PROW must be kept clear of obstructions at all times.

The s106 agreement for the existing outline permission secured a Bus Service Contribution payable to Essex County Council and an obligation to provide each occupier with a Residential Travel Information Pack with travel vouchers. We would expect these obligations to be resecured if permission is granted.

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. **Construction Management Plan:** no development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority, in consultation with the highway authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a. vehicle routing, access during construction and manoeuvring
 - b. the parking of vehicles of site operatives and visitors
 - c. loading and unloading of plant and materials
 - d. storage of plant and materials used in constructing the development
 - e. wheel and underbody cleaning facilities
 - f. treatment and protection of public rights of way during construction

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 in accordance with Policy DM1 of the Highway Authority's Development Management Policies February 2011.

2. **Vehicular access:** prior to occupation of the development, a vehicular access with 5.5m wide carriageway and 2no. 2m wide footways, as shown in principle on submitted drawing DWG-06 shall be provided. The access works shall include clear-to-ground visibility splays of 2.4m by 33m to the north and 2.4m by 24m to the south. Such vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

Reason: to provide a safe access for all users and ensure that vehicles can enter and leave the highway in a controlled manner 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. **Pedestrian access:** prior to commencement of the development, the Developer shall submit to the Local Planning Authority for approval, in consultation with the highway authority, details relating to the provision of a pedestrian footway, minimum width 2m from the site access on Robin Hood Road to the north-east corner of the site and the junction of Rush Lane and Robin Hood Road. Details to include any relocation or provision of signage, lighting, utilities, drainage, associated resurfacing or works to the existing carriageway to facilitate the overall highways scheme. Once approved, the development shall not be occupied until such time as all approved works have been completed.

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

4. **Bus Service Contribution:** prior to first occupation of the development, payment of £107,280 (index linked from April 2018) to contribute to the provision of an enhanced bus service to serve Elsenham, Stansted Mountfitchet and Stansted Airport and/or other areas within the locality, and/or sustainable transport infrastructure within the vicinity of the site

Reason: in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

5. **Public Rights of Way:** prior to first occupation of the development, the Developer shall submit to the Local Planning Authority for approval, in consultation with the highway authority, details relating to the provision of a pedestrian connection between the development and footpath 28 (Elsenham 13) at the west of the site. Once approved, the development shall not be occupied until such time as all approved works have been completed, and the connection shall be retained thereafter.

Reason: to ensure the continued safe passage of pedestrians on the public right of way and accessibility, and ensuring an appropriate walking network in accordance with Policies DM1, DM9 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. **Residential Travel Information Packs:** prior to occupation of the development, the Developer shall be responsible for the provision and implementation of a 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 public transport operator.

Reason: in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, 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.

Informatives:

- (i) In making this recommendation the Highway Authority has treated all drawings relating to the internal layout of the site as illustrative only.
- (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 or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (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 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 bridleway no 28 and 29 (Elsenham) 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.

- (vii) 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



.....
pp. Director of Highways and Transportation
Enquiries to Rachel McKeown
Email: [REDACTED]
Internet: www.essex.gov.uk