

Green Sheet for Regulatory Committee – 7 September 2023

Additional information from Essex Highways for Item 5

Good afternoon

Thank you of advising me, but to date I have not heard anything. The objection is still being upheld from Essex County Council (ECC) and for ease I have attached the rejection letter sent to Chelmsford City Council (CCC) and the original email received consulting with Essex County Council, Highways Department.

In addition I have the following to add which I would like submitted for the meeting, it is providing a summary of events.

- CCC sent consultation out to the wrong email address, unsure how or why as we have been liaising for years
- ECC replied in less than 24 hours of CCC consulting with ECC
- Initially CCC told the business they could have tables and chairs
- ECC said that we would not support the request which was using knowledge and speaking to a Safety Engineer
- There is a TRO (traffic regulation order) on site directly outside the business, which is along the whole of Viaduct Road and outside those times it is acceptable for any member of public to park in those parking spaces
- There is a live carriageway next to those parking spaces which is well used, by Taxi's, those exiting Railway Station car park, deliveries, members of public dropping off and picking up from train and bus station, residents accessing their underground car park
- Owner of business contacted ECC as CCC provided them with individuals name and email address
- ECC replied to business and all who were copied in
- CCC have also sent business a letter
- CCC have come back to ECC to discuss removal of highway rights and that information has also been provided by ECC to CCC, the team within ECC are not supportive of a stocking up order being placed along this stretch of public highway
- ECC advised CCC that even if ownership changed, (from public highway to removing highway rights), the area would still be next to a live carriageway and the decision to reject the application would still have been sent, it is a safety issue
- CCC have also come back to ECC as owner has removed tables and chairs and is now putting out metal barriers and asked us to remove them, which I have sent to the enforcement team to look at as it is both illegal to section of the public highway without the correct consent/permission and a safety issue as those barriers could be pushed over into the live carriageway which could cause an incident
- ECC have contacted the records and stopping up/removing highway rights teams, and it is doubtful they would consider such an action

- ECC have contacted the Safety Team, who support the decision of refusing consent for tables and chairs outside this property next to a live carriageway
- I believe now CCC have received complaints from residents due to the noise issue from this establishment

Basically –

- The whole of Viaduct Road up to the premises of the business is classed as public highway
- There are timed parking restrictions on the carriageway adjacent to all the properties along Viaduct Road, and when these finish anyone is able to park there
- There is a well used live carriageway next to the parking area which the owner wants to use for tables and chairs (which is classed as the public highway)
- The carriageway is one way, it leads to the railway car park, it leads to the underground car park for all the apartments, all leads to the taxi rank, it leads to both the railway station and bus station where members of the public get picked up and dropped off, it provides a through route for deliveries
- All street furniture has to be 0.450 metres from a carriageway edge and the applicant wants to put planters next to the live carriageway and if hit, this could cause even more injuries than just a vehicle as the wood/material would splinter, in this case there is no edge of carriageway as it goes from kerb edge to the premises
- Planters would not protect any member of public from a vehicle
- No tables and chairs should be placed next to a live carriageway as being proposed

Essex County Council are the caretakers of the public highway and have to look at safety issues and protecting all the users of the public highway. Where possible we try to accommodate requests/applications, but unfortunately, in some cases these cannot always be supported and in these unfortunate incidences they will have good reasons and been investigated thoroughly, and in this case all the reasons have been listed out above.

I hope this assists in bringing this to a safe and satisfactory conclusion

Please confirm that you have received this and will be submitting it.

Regards

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Highways

