



ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE

20th June 2023

7. 20/02064/OUT – Strategic Growth Site North Of Woodhouse Lane, Broomfield, Chelmsford, Essex

Amendment to Condition 26

Condition 26 has been amended to include a note about land ownership. The condition should read as follows:

Condition 26– additional bus stops B1008

There shall be no occupation of phase 1 until new additional bus stops north and southbound on the B1008 (either on land within the applicant’s control, or within Highway Land), at locations to be agreed with Essex County Council, have first been provided. The bus stops shall include raised kerbing, shelter, seating, Real Time Passenger Information screen, static information display and a bus stop flag.

Reason:

To ensure properties within phase 1 of the development are within 400m walking distance of a bus stop.

Item 9

22/01723/FUL - The Avenue, Springfield and Land Forming Part of Beaulieu Park Sports Ground Springfield Chelmsford

Condition 11 – SuD’s Scheme

The first part of the condition states ‘The scheme should include but not be limited to Limiting discharge rates to 1.88l/s for all storm events up to, and including, the 1 in 100 year rate plus 40% allowance for climate change’; this is to be amended to ‘limiting discharge rates to 2.5l/s’.

The amendment follows an error highlighted in the consultation response from the ECC SuD's Team in relation to the maximum permitted discharge rate based on the area of the proposed drainage system in the development area.

Item 9

22/01723/FUL - The Avenue, Springfield and Land Forming Part of Beaulieu Park Sports Ground Springfield Chelmsford

A letter of representation has been received from Holmes & Hills Solicitors on behalf of their client New Hall School.

Position with Countryside Zest (the applicant) and DWD (the planning agent)

The letter refers to communication between the school and the applicant's planning agent; the school has raised concern with a lack of engagement in relation to:

- Demolition of the pillars, gates and walls at the White Hart Lane entrance,
- Land ownership and the applicant's ability to deliver the proposed highway arrangements (the pillars, gates and walls being located on land within the school's ownership),
- Impact on the school's pre-existing private rights of way and the potential substantial interference with this right of way and
- Impact on the school's existing transport network by the proposed new highway arrangements.

Position with ECC Highways

Reference has been made to a meeting between the school, the Highway Authority and the local planning authority on 24th January 2023.

The key issues are summarised as:

1. Whether the pillars, gates and walls at the White Hart Lane entrance are located on land designated as public highway.
2. Whether there is a feasible alternative to pedestrian/cyclist priority at the new junction onto The Avenue.
3. What impact the bus link road application would have on the school's transport network.

Issue 1 – Land Ownership

- A note was prepared by Essex Highways dated 3rd May 2023; ECC agreed in the note that the pillars, gates and walls did not form part of the public highway.
- Countryside Zest have sought to contend that the pillars, gates and walls are located on land within its ownership. The importance of the issue relates to Countryside Zest's ability to deliver the bus link road.

- Countryside Zest have provided no further information in relation to the exercise and evidence required to establish legal ownership.
- The Essex Highways note advised that a trapezium shaped parcel of land in front of the school's gates registered to New Hall School against EX679614 is not considered to be part of the highway. The agent has relied upon the note to imply that the pillars, gates and walls are located on land in the applicant's control.
- Countryside Zest have not carried out a land surveying exercise to determine the position of the legal boundaries.
- Paragraphs 6.20 and 6.21 of the committee report are judged to be seriously misleading as the agreed approach to determining the land ownership issue has not been carried out.

Issue 2 – Feasible Alternatives to Pedestrian/Cycle Priority at the new Junction onto The Avenue

- The Highway Authority consultation response contains a stock response in relation pedestrian/cycle priority.
- The preference for priority crossings of cycle tracks at side roads has informed the proposal.
- Details of other design proposals that were considered, and seemingly discounted have not been shared with the school so that a better understanding can be gained of why, and how, the current design and arrangements have been arrived at.
- 'Left-turn' down The Avenue does not currently exist.
- The existing highway arrangements would be altered to create a new left turn junction and to re-align/re-route the existing access road. The reality is a new right turn off the existing access road onto the new bus link road to gain access to the railway station; the school have queried whether in such circumstances, it would still be the case that LTN1/20 would prescribe a preference for a priority crossing for pedestrians and cyclists.

Issue 3 – Impact of the Bus Link Road on the School's Transport Network

- No surveys have been undertaken of the current vehicular movements in relation to the school and no detailed analysis of the likely number of buses, pedestrians and cyclists that will be seeking to access the train station with no assessment of the likely impact on the flow of traffic using the school's transport network at peak times.
- No indicative train and bus timetables have been issued.
- Countryside Zest's transport consultant has not been asked to provide modelling of the likely traffic flows based on actual surveys of vehicle movements in relation to the school.

The statement that the school's existing access rights from White Hart Lane across the applicant's land to The Avenue would be unaffected by the bus link is not the result of a sound evidence base.

22/01723/FUL - The Avenue, Springfield and Land Forming Part of Beaulieu Park Sports Ground Springfield Chelmsford

Following receipt of the letter of representation from Holmes & Hills Solicitors on behalf of their client New Hall School, the applicant's planning agent and the Highway Authority have responded as set out below:

Agent Response

Issue 1 – Land Ownership

- The extent of the trapezium shaped parcel of land (EX678614) transferred from the Charity of the Regular Canonesses of the Order of the Holy Sepulchre of Our Lord to New Hall School in July 2021 aligns with the extent of the publicly adopted highway in this location.
- Countryside Zest's title, EX913508, abuts the adopted highway.
- The registered landowners were formally notified of the application.
- Land ownership is not a material consideration in the determination of a planning application.
- An agreement under Section 278 of the Highways Act 1980 can be used to licence a developer to carry out improvement works on a public highway, which are generally necessary where planning permission has been granted for a development.
- The proposals include for re-provision of the entrance wall, plaque and signage, ensuring there is a clearly recognisable entrance feature.
- Significant public benefits result from the provision of a bus, cycle and walking link from White Hart Lane to the new Beaulieu Park Railway Station.
- Security to the school is maintained as New Hall School have erected new gates to the main school entrance from the vehicle access at the top of the Avenue.

Issue 2 – Feasible Alternatives to Pedestrian/Cycle Priority at the new Junction onto The Avenue

- The rationale for the design approach is set out in the planning application.
- The crossing on The Avenue has been designed to prioritise pedestrians and cyclists over vehicles; this aligns with LTN1/20 and recent changes to the Highway Code with the hierarchy of road users.
- The proposal would not prejudice vehicular ability to access The Avenue / New Hall School.
- The proposals significantly enhance walking and cycling links including to New Hall School from White Hart Lane.

Issue 3 – Impact of the Bus Link Road on the School's Transport Network

- The application submission details the anticipated frequency of buses along the bus link road, including during peak times.

Other Matters

- The proposals were amended in response to issues raised by New Hall School to include the re-provision of a wing wall and plaque to maintain a notable entrance feature.

- The outline planning permission for Beaulieu established the principle of a two-way bus link road to connect White Hart Lane with Beaulieu Park Railway Station and contained an obligation in the legal agreement.
- The Charity of the Regular Canonesses of the Order of the Holy Sepulchre of Our Lord to New Hall School were party to the legal agreement.
- The provision of a new station at Beaulieu is a long standing aspiration and was adopted in the Council's Local Development Plan as a critical part of a major urban expansion of Chelmsford delivering sustainable public transport and for the wider economic development of the area.
- The formation of a bus, cycle and pedestrian link from White Hart Lane to Beaulieu Park Station is an important component in the delivery of access to the station and would further enhance walking and cycling links to New Hall School from White Hart Lane, beyond those already delivered by the Beaulieu development.

ECC Highway Authority Response

Issue 1 – Land Ownership

- The Highway Authority has visited the site to measure and consider the extent of the highway and has determined that the trapezium shaped piece of land under New Hall School's ownership falls within the highway boundary.
- The highway extends up to but does not include the wall and pillars; these have not been adopted by any adoption mechanism and form a physical barrier to any potential highway rights being established beyond them.
- The land required for the proposed works is either considered highway or within the applicant's control and s278 works can be progressed.

Issue 2 – Feasible Alternatives to Pedestrian/Cycle Priority at the new Junction onto The Avenue

- Significant consideration has been given to the design of the junction with The Avenue and the new bus link road to balance the highway requirements and that of heritage as the committee report sets out at paragraphs 6.8 and 6.25.

Issue 3 – Impact of the Bus Link Road on the School's Transport Network

- New Hall School would still retain their three access points and two egress points post completion of the bus link. The application does not seek to change this position.