

Minutes of the meeting of the Development and Regulation Committee, held in the Council Chamber, County Hall, on Friday, 22 April 2022 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr L Bowers-Flint
Cllr M Steptoe	Cllr I Grundy
Cllr J Fleming	Cllr R Moore
Cllr M Garnett	Cllr P Thorogood
Cllr D Harris	Cllr M Hardware
Cllr S Kane	

1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr B Aspinell and from Cllr J Jowers, for whom Cllr L Bowers-Flint substituted.

Councillor P Thorogood declared an interest in item 4.1 of the agenda (Minute 5) concerning Woodhouse Lane, Kelvedon as the site was in his division. Cllr Thorogood considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

2. Minutes

The minutes of the meeting held on 25 March 2022 were agreed as a correct record and signed by the Chairman.

3. Identification of Items Involved in Public Speaking

Individuals to speak in accordance with the procedure were identified for the following item:

5.1) Greater Beaulieu Park, White Hart Lane, Springfield, Chelmsford

To consider report DR/19/22 relating to the application under S106A (3) of the Town and Country Planning Act 1990 to modify the Legal Agreement dated 7 March 2014 associated with Chelmsford City Council Planning Permission Ref 09/01314/EIA. The modification relates to the obligation under sub-paragraph 1.1(g) of paragraph 1 of Part 1 of Schedule 1 of the Original S106 to change the number of properties that may be occupied before works with respect to the Radial Distributor Road Phase 3 are completed from 1000 to 1400 properties.

Ref 09/01314/EIA was for "Mixed use development comprising residential development of up to 3,600 dwellings, mixed uses (up to 62,300sqm gross external) comprising employment floorspace including new business park, retail, hotel, leisure, open space, education & community facilities, landscaping, new highways including a radial distributor road, public transport provisions & associated and ancillary development, including full

details in respect of roundabout access from Essex Regiment Way & a priority junction from White Hart Lane"

Location: Greater Beaulieu Park, White Hart Lane, Springfield, Chelmsford, Essex

Ref: CC/CHL/107/21

Public speakers:

- Chelmsford City Councillor: Cllr Chloe Tron – speaking against
- Local resident: Cllr Ian Fuller – speaking against
- On behalf of the applicant: Mr Barry Murphy – speaking for

4. **Greater Beaulieu Park, White Hart Lane, Springfield, Chelmsford**

The Committee considered report DR/19/22 by the Chief Planning Officer.

Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report.

The Committee noted the key issue:

- Whether allowing the number of residential units that may be occupied to rise from 1000 to 1400 residential units prior to completion of Phase 3 of the RDR (the connection to Boreham interchange) would give rise to more vehicle trips than those previously assessed at the time of the original planning application for Greater Beaulieu, which provided the justification for S106 legal obligation seeking to be amended.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Chloe Tron, speaking as a Chelmsford City Councillor. Cllr Tron made several points:

- When planning permission was granted in 2014, it was agreed that the new road should be completed before the 1000th occupation at the new Beaulieu development. To complete the new road, the Generals Lane Bridge was to be demolished and a new bridge to be constructed over the railway to carry the new section of the A131.
- The Generals Lane Bridge demolition did not take place during Christmas 2020 as planned and was completed during Christmas 2021 instead. As a result, the new road would not be completed until Spring 2023 at the earliest.
- As the Generals Lane Bridge had allowed access to New Hall School and Bulls Lodge Quarry, traffic and HGVs travelling to the A12 had to travel along Beaulieu Parkway, to Essex Regiment Way and then along White Hart Lane. This was impacting upon residents due to noise, pollution, and general traffic.
- Countryside Properties had noted that traffic levels had not yet reached the expected levels for 1000 dwellings, yet residents were already being impacted by the increased congestion.
- The requested extension would result in even greater traffic and pollution.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Ian Fuller, speaking as a local resident. Cllr Fuller made several points:

- Figures from 2019 were being used to gauge the level of traffic, however, these were no longer accurate in 2022 as the number of homes occupied had doubled and the number of pupils attending Beaulieu Park School had increased. Therefore, the situation at the development was quite different in 2022 to that of 2019.
- An up-to-date traffic assessment had not been carried out.
- The agent had reported that 1002 units were occupied as of September 2021, however, this was corrected to 909. To occupy more than 1000 units would be in breach of the Section 106 Agreement.
- The trip rates reported by the applicant were based on the number of homes occupied. Therefore, if the number of homes occupied was not correct then the trip rates could not be accurate either.
- Mitigation was required to prevent more pollution and slower journey times.
- Overall, residents felt let down by the delays.

In accordance with the protocol on public speaking the Committee was addressed by Mr Barry Murphy, speaking on behalf of the applicant. Mr Murphy made several points:

- Discussions on the radial distributor road began in December 2017 and in early 2020 the applicant was on track to demolish the existing bridge in December 2020.
- However, the Covid-19 pandemic and associated lockdowns had delayed progress of the existing bridge being demolished, due to challenges in gaining materials and ensuring workers would be on site.
- As a result, December 2021 was the earliest time a track possession could be achieved to carry out the demolition.
- Construction of the new bridge could not commence until the existing bridge had been demolished.
- Since then, significant progress in constructing the bridge had been made. As of April 2022, a large steel bridge deck had been constructed in preparation for its installation across the railway and the A12 slip road, which was due to take place in September and October 2022. This would be followed by the construction of the supporting abutments, carriageway embankments and other supporting infrastructure.
- The new bridge would be open for traffic in Spring 2023.

Following comments and concerns raised by public speakers, it was noted:

- Traffic monitoring data was not collected in 2020 and 2021 as it would have been unrepresentative due to the Covid-19 pandemic.

Following comments and concerns raised by members, it was noted:

- If the application was not approved, litigation could be taken by Essex County Council or Chelmsford City Council to enforce the obligation. This would likely be in the form of an injunctive remedy. This would not speed up the construction and installation of the new bridge.

- In September 2021, 909 dwellings were occupied and there was not more recent data available. The applicant reported that they anticipated that by March 2023, 1,385 properties would be constructed, however, these would not necessarily be occupied. It was not clear if the applicant was in breach of the Section 106 Agreement at the time of the meeting.
- If the application was approved, the applicant did not anticipate that they would be in breach of condition prior to the installation of the new bridge in Spring 2023.
- If the application was refused, it would not prevent the applicant from constructing houses, however, it would prevent them from being occupied.

There being no further points raised, the resolution, was proposed by Councillor L Bowers-Flint and seconded by Councillor M Steptoe. Following a vote of 10 in favour with 1 abstention, it was

Resolved

That planning permission be granted subject to the following conditions:

That,

1. pursuant to sub-section 106A (6) (c) of the Town and Country Planning Act, the obligation continues to serve a useful purpose but would serve that purpose equally well if it had effect subject to the modifications specified in the application and that it shall have effect subject to those modifications, namely the wording of legal obligation with the S106 associated with Planning Permission EIA/1014//09 as set out in sub-paragraph 1.1(g) of paragraph 1 of Part 1 of Schedule 1 shall be modified from:

1. HIGHWAY IMPROVEMENTS

1.1 The Developer shall not ...:

- g) Occupy more than 1,000 Residential Units and any Commercial Units until it has carried out and Completed the RDR Phase 3 Works

to read as follows

1. HIGHWAY IMPROVEMENTS

1.1 The Developer shall not ...:

- g) Occupy more than 1,400 Residential Units and any Commercial Units until it has carried out and Completed the RDR Phase 3 Works

2. No other changes are hereby approved and the S106 obligation as hereby modified shall be enforceable as if it had been entered into on the date on which notice of the determination was given to the applicant in accordance with Section 106A (8) of the Town and Country Planning Act 1990.

5. Woodhouse Lane, Kelvedon

The Committee considered report DR/18/22 by the Chief Planning Officer.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report.

The Committee noted the key issues:

- Need and Amenity
- Traffic, Highways and PROW

Following comments and concerns raised by members, it was noted:

- The Woodhouse Lane roadway would not have passing places; however, two cars would be able to pass each other carefully as the road was wide enough.
- Condition 3 was proposed to provide warning signage both to make drivers aware of the presence of pedestrians over that length of Public Right of Way Footpath 8 affected by the proposal and pedestrians using the footpath.
- Condition 5 was proposed to prevent HGV access along Woodhouse Lane.
- The applicant was working to improve information provided to satellite navigation devices.
- There was a requirement as part of the IWMF Section 106 Agreement that all contractors should be advised of the correct route to the site. Funding was available to improve signage to show HGV drivers the correct route.
- There was no additional lighting proposed. There were conditions on the IWMF which controlled the lighting on the site. For a large event, temporary lighting could be used for safety.
- The roadway inside the site was tarmacked, and the surfacing of the private access track would be improved to ensure a smooth-running surface for cars and pedestrians.
- The application related to an area that was not being used by any other vehicles.
- Start time for use of the access would be 7am.
- Any coaches visiting the site should not use Hollow Road and the correct route would be advised to them. However, if they were to use it it would not be possible to require for them to be escorted.

There being no further points raised, the resolution, was proposed by Councillor M Steptoe and seconded by Councillor M Garnett. Following a vote of 10 in favour with 1 abstention, it was

Resolved

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 4 January 2022, together with the covering letter From RPS dated 4 January 2022, email from RPS dated 20 January 2022 and the following drawing entitled "Site Location Plan – Temporary Access" dated November 2021 Drawing no. 12037-0009-02 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with WLP policy 10, BCS policy CS5 and BLP policy RLP 36.

3. Prior to commencement of the development details shall be submitted to and approved in writing by the Waste Planning Authority to show the following:
 - a) Measures to ensure Public Right Of Way Footpath 8 (Kelvedon) shall remain clear and unobstructed at all times; and
 - b) Signage warning drivers of the presence of pedestrians over that length of Footpath 8 (Kelvedon) affected by the proposal.

The development shall be carried out in accordance with the approved details.

Reason: To protect highway efficiency of movement and safety and the Public Right of Way, in accordance with policy DM1 and DM11 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and WLP policy 10.

4. The access from Woodhouse Lane shall not be used outside the following hours:

0700 hours to 1900 hours Monday to Friday

0700 hours to 1300 hours Saturdays

and at no other times, including on Sundays, Bank or Public Holidays, unless previously notified and approved by the Waste Planning Authority.

Without prejudice to the foregoing the access from Woodhouse Lane shall only be used for the purposes specified in the application.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policy 10 and BLP policy RLP 36.

5. The access from Woodhouse Lane shall not be used by Heavy Goods Vehicles to access the IWMF development as permitted by ESS/34/15/BTE or any subsequent amending permissions.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policy 10, BLP policy RLP 36 and BCS policy CS5.

6. Use of the access from Woodhouse Lane for staff and visitors shall only be permitted until the 31 December 2026 or upon completion of the construction of the IWMF and the associated permanent access road from the A120, whichever is the sooner.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policy 10, BLP policy RLP 36 and BCS policy CS5.

6. Bliss Heights, 140 London Road, Abridge

The Committee considered report DR/20/22, by the Chief Planning Officer, concerning Bliss Heights, 140 London Road, Abridge.

Following comments and concerns raised by members, it was noted:

- The Environment Agency were leading ongoing investigations as to where the waste had originated.
- The Enforcement Notice had been served on the current landowner and relevant parties had been made aware. It would be a criminal offence if the Enforcement Notice was not complied with after it came into effect.

The Committee NOTED the report.

7. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/21/22; applications, enforcement and appeals statistics, as at the end of March 2022.

The Committee NOTED the report.

8. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 27 May 2022, to be held in the Council Chamber, County Hall, Chelmsford.

There being no further business, the meeting closed at 11:37am.