

ADDENDUM FOR THE MEETING OF DEVELOPMENT AND REGULATION
COMMITTEE 26 MARCH 2021

Item 4.1 (DR/04/21) Land to the east of Buttleys Lane, Stortford Road, Great Dunmow, CM6 1SH

PAGE 31 – CONSULTATIONS

Since publication of the report, the CPA have received a representation from Uttlesford District Councillor Colin Day (Member for Great Dunmow South & Barnston and Cabinet Portfolio Holder for Communities, Youth, Public Safety and Police and Fire Service liaison). The CPA do not directly consult District Councillors on applications, although usually District Councillors do become aware through the consultation arranged with the District Council.

The contents of the letter received is summarised below:

Great Dunmow has seen major housing growth over the last 25 years but sadly the infrastructure has not been put into place to support that growth. The B1256 at the point where this planned school is to be located is an example of a road that has not been upgraded to take the vast increase in traffic which now uses the road. Facilities such as schools and doctor's surgeries/medical centres are totally inadequate and are bursting at the seams and more are long overdue to cater for the growth in population. This application is all about moving the only secondary school in Great Dunmow; yes, it will be larger but those of us who live locally know it will not be large enough to accommodate the forthcoming needs from the developments that are to be built close by on the B1256. Many residents within my Ward, my fellow district councillors who represent the Town and Great Dunmow Town Council believe that Buttleys Lane is not the correct location to build this much needed new secondary school, albeit it is not additional it is merely moving from one location to another, but I accept it will be larger as an all through primary, secondary and sixth form school.

I therefore am writing this letter asking you to take into consideration my formal objection to this project in the form presented, particularly with regards to the design of the access to and from the site. I hold the view that it is unsafe in terms of Road Safety.

The transport assessment commissioned by the Town Council clearly sets out that the design for the entrance to the new school along the B1256 is unsafe. It points out the various hazards and the risks involved which will be faced. To me as the District Councillor who has responsibility for public safety, I am deeply concerned in so much as it clearly explains it will result in road traffic accidents. It even sets out the nature type and frequency of these accidents. In reading and digesting the report I can see that it clearly sets out an alternative design shown on page 58 of your Officer Report which would eliminate these hazards and risks. I am very disturbed that the County Council dismisses those findings by saying, "The Highways Authority does not consider the access arrangements would give rise to an unacceptable impact on highway safety or severe residual impact on the road...."

We are essentially looking at a T-junction as the entrance and exit from the new school onto the B1256. The transport assessment commissioned by the Town Council has flagged up concerns. I would urge you and the Members of the ECC Development and Regulation Committee to look at the records kept by the Standing Committee for Road Traffic Statistics (SCRAS), who have been collating statistics on road traffic accidents in the UK for many years. According to their records on average there are about 157,000 people injured on our roads and about 28,000 deaths. Interestingly there are something in the region of 34,000 injuries and about 1,500 fatalities which take place at road junctions. You will see, in 2019, the last year in which data is available, there were almost 9,000 injury accidents and 355 people were killed at T-junctions including left in left out accesses of the type proposed in this scheme. It was interesting to note there were no fatalities and far fewer injury accidents at mini roundabouts of the type being suggested as an alternative within the transport assessment commissioned by Great Dunmow Town Council.

I really do fail to see why Essex County Council appear to be ignoring that T-junctions are inherently unsafe. If the County Council fails to understand this and this application as it currently stands is approved, there will clearly be notifiable accidents occurring at this access/exit to the new school. We will see people injured and these will include school children, some badly, there will be fatalities. Surely, we cannot allow this to happen. We have been given a stark warning. We all have a duty of care more so when it comes to the health and well-being of our young people. The issue of their safety must be paramount, and some obvious dangers of this proposal have been flagged. We are therefore on notice to do something about alleviating those dangers. Certainly, ECC as the applicant in this scheme has and it should be aware of its obligations under the Health & Safety at Work Regulations, whereby breeches of those Regulations are matters of criminal law. Can you imagine if a child were killed the consequences and the possibility that Essex County Council and possibly all who have been involved in ignoring the advice from the consultant commissioned by the Town Council could be culpable in a case brought by the Health & Safety Executive for Corporate responsibility.

I am left, along with many other residents in my Ward, with the feeling that Essex County Council are blatantly not listening to the safety arguments and are more concerned about the delays that a re-design would make. This is clear for all to see when it discusses re-designing the junction on page 57 of the Officers report, and I quote “.... such a re-design would give rise to a 12-month delay which would be unacceptable...” This really is a totally unacceptable statement when safety must be paramount. I wonder if the Officer who wrote that would do so if members of his family; his children or grandchildren were attending this proposed school? I would suggest not. The use of a mini roundabout would clearly minimise the dangers. I wonder also if increased costs are playing a part here; I would hope not because again there should be no compromising when matters of serious injury or the loss of life of a child is being considered.

Officer comment

The Highway Authority are a statutory consultee on this application and whilst it is possible for a recommendation to be made contrary to a Highway Authority

recommendation, the CPA would need to feel that they have sufficient evidence and reason to do so.

In this instance, as noted in the report, the Highway Authority, contrary to the view taken by the Town Council and their consultant, do not consider the access arrangements as proposed would give rise to an unacceptable impact on highway safety or severe residual impact on the road network. The report commissioned by the Town Council has been reviewed by the Highway Authority and a number of meetings/discussions have been held with the Town Council. Neither the CPA nor the Highway Authority are saying that this proposal would not give rise to impacts (congestion). It is simply that the Highway Authority do not consider that the proposals are inherently unsafe and would not give rise to a severe impact on the network in terms of capacity.

In respect of the roundabout option suggested by the Town Council, it is the applicant that has suggested such a design would likely give rise to a 12 month delay. As detailed in the report (page 58) this commentary was detailed 'solely for reference as to the position of the applicant and the Town Council. The County Planning Authority (CPA) has not sought to formally review or assess the practicalities of an alternative access noting any such assessment is purely speculative and the CPA has to consider the application before it in accordance with the development plan.'

Page 39 – REPRESENTATIONS

Replace 'Five' with 'Six' to read 'Six letters of representation have been received' and add the following to the Observation/Comment table:

Observation

Object to the design of the access to the site and the associated traffic circulation system including parking. The access arrangements are wholly unsafe and the design may be in breach of Construction (Design and Management) Regulations 2015.

Comment

See appraisal.

The Construction (Design and Management) Regulations 2015 describe the law that applies to the whole construction process on all construction projects, from concept to completion; and what each duty holder must or should do to comply with the law to ensure projects are carried out in a way that secures health and safety.

The process in which this application has been assessed by the Highway Authority is detailed within their consultation response – available to view on the Council's website. In respect of this, it should be noted that the proposals submitted as part of the planning application and are at the initial design stage, in terms of highway

approval, and have been reviewed by highways engineers to ensure they conform to the relevant standards - Design Manual for Roads and Bridges and Manual for Streets. They have been subject to a Road Safety Audit Stage One and a designers response has been issued by the developer. If the scheme is taken forward then a detailed design will be produced and this will be subject to the technical approval process, which includes three more stages of Road Safety Audit.

The Neighbourhood Plan gave all concerned 5-6 years early warning of all the hazards and risks likely to arise from developments along this stretch of Stortford Road. No new hazards or risks have manifested themselves. Notwithstanding the absence of an adopted Local Plan, ECC should have started thinking and planning for them a long time ago.

It is presumed that reference to ECC in this capacity is ECC as Highway Authority. In respect of this, the Highway Authority has confirmed that in assessing this application they have taken into account the approved applications adjacent to the school, one directly to the north of the school site which is a development for 790 dwellings, a community centre and land for a primary school that was approved for outline planning permission in 2013; and the other which is immediately to the east of the school site which is a development for 440 dwellings that had approval at planning committee in 2020 subject to signing of the S106.

The Highway report commissioned by the Town Council clearly concludes that the access design, as part of this application, is unsafe and articulates the hazards and risks it will generate.

See appraisal. The proposals submitted as part of the planning application are at the initial design stage in terms of highway approval, as such they have been reviewed by highways engineers to ensure they conform to the relevant standards. They have been subject to a Road Safety Audit Stage One.

An alternative access proposal has been put forward by the Town Council but this has been dismissed.

See appraisal. For clarification, it is confirmed that the option put forward by the Town Council was not dismissed by the County Planning Authority. It is simply not part of the application before the CPA for consideration/determination. The applicant has provided some

justification as to why they have decided not to pursue this option. However, as this option has never been submitted to the CPA for consideration it has not been formally assessed from a planning or highway perspective.

The Standing Committee for Road Traffic Statistics (SCRAS) has been collating statistics on road traffic accidents in the UK since 1977. According to SCRAS in a typical year there are about 157,000 people injured on our roads with about 28,000 deaths. About 34,000 injuries occur at road junctions of various types and there are about 1,500 deaths.

In 2019, the last year in which SCRAS data is currently available, there were nearly 9,000 notifiable injury accidents and 355 deaths at T-junctions including left in left out accesses of the type proposed here. SCRAS notes that there were probably many thousands more that were not notifiable or where no injuries or deaths resulted. There were no deaths and far fewer injury accidents at mini roundabouts of the type proposed by GDTC as an alternative access arrangement to this site.

If this design proceeds there will be notifiable accidents occurring at the HRS site access. People will be injured, some badly. People will be killed. Some may be pupils at the school.

Within the Construction (Design and Management) Regulations 2015 there are a set of health and safety laws made under HASWA in the criminal code and carry with them criminal sanctions for breach, including heavy fines and gaol sentences. There can be

Noted. The Highway Authority have suggested it is difficult to comment on this as the statistics have not been broken down into type of junction, road type, speed limit and other factors that could affect road traffic accidents.

The proposed access arrangements, crossings and capacity enhancements have been subject to Road Safety Audit Stage One and the designer responses to this reviewed. The Highway Authority has confirmed that this work did not identify any safety issues that were not satisfactorily met by minor changes in design, or a severe impact on the network in terms of capacity.

See previous comment in respect of the Construction (Design and Management) Regulations 2015.

no doubt that ECC is both the Client under Regulation 4 of CDM and the Designer of the school under Regulation 9, and as such it bears statutory responsibility for applying the hierarchy of risk control to the design of this project.

Questions raised about the suggested 12 month delay to re-design the existing roundabout (page 57 of the report)

This comment was detailed in support of the applicant's position that the roundabout option is not deliverable. To confirm, the CPA have not considered or assessed the planning merits or implications of the roundabout option as this does not form part of the application before them.

Questions raised about the sentence beginning 'It is accepted that potentially a different access solution may exist...' (page 61 of the report) and that an independent expert reviewer might think that ECC already knows, or ought to know that this statement is disingenuous with it considered clear that identifiable harms and impacts have been highlighted. Namely:

- SCRAS data demonstrates, the use of a left in left out T-junction as the main access to the school WILL give rise to accidents which will result in injuries and possibly deaths. These could be greatly reduced or eliminated by the use of a mini-roundabout of the type proposed by GDTC.
- Failure to act upon GDTCs proposal and the continuing use of a T-junction could place ECC in breach of the CDM Regulations 2015. If so, ECC will have provided clear written evidence of the reason why it may have broken the law - that it considered the avoidance of a 12 month delay more importantly than the welfare and even lives of the people building and using the school.

This sentence does not seek to suggest that impacts (congestion) will not result from the development. It is however stating that these impacts are not considered so severe to support a reason for refusal as per paragraph 109 of the NPPF.

See previous comment in respect of the Construction (Design and Management) Regulations 2015.

See previous comment concerning compliance to highway design standards and Road Safety Audits.

Page 40 – REPRESENTATIONS

In the comment section of the table, last sentence replace 'they' with 'there may be' to read '...may represent a departure when there may be several which were not necessarily picked up at validation'.

Page 43 – PRINCIPLE OF DEVELOPMENT AND NEED

Sixth paragraph, second sentence insert 'plan' to read 'The 10 year plan does factor...'

Page 46 – SITE LAYOUT AND DESIGN

Re-word first sentence to 'In terms of scale, the main school building is proposed to be part two, part three storey.'

Page 54 – AMENITY

First paragraph, last sentence replace 'to' with 'for' to read 'it is difficult for officers to advise....'

PAGE 57 – HIGHWAYS

Second paragraph, second sentence delete 'in relation'

PAGE 58 – HIGHWAYS

First paragraph, first sentence delete 'is not' to read 'Noting this option is not part...'

PAGE 61 – RECOMMENDED

Amend to:

'That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, subject to submission of a signed Memorandum of Understanding, within one month of this resolution, which seeks to confirm that prior to beneficial occupation of any of the buildings hereby permitted, the developer shall seek to secure a Traffic Regulation Order (TRO) to prevent right hand turns out of the school access; overtaking on the B1256 in the vicinity of the school; and a speed limit reduction to 30mph along the B1256 in the vicinity of the school; and on attainment of the TROs provide all necessary signing and road marking;

planning permission be granted subject to the following conditions:'

PAGE 62 – RECOMMENDED

Condition 3 replace 'No development shall take place until' with 'No development beyond damp proof membrane of the main school building hereby permitted shall take place until'

PAGE 63 – RECOMMENDED

Condition 5 replace 'No development shall take place until' with 'No development beyond damp proof membrane of the main school building hereby permitted shall take place until'

PAGE 67 – RECOMMENDED

Delete last sentence of condition 13

PAGE 68 – RECOMMENDED

Delete condition 14 and re-number proceeding conditions as appropriate

PAGES 68 – 70 - RECOMMENDED

Condition 15, 16, 17, 18, 19 and 20 replace 'No development beyond damp proof membrane shall take place until' with 'No development beyond damp proof membrane of the main school building hereby permitted shall take place until'

PAGE 69 – RECOMMENDED

Condition 17 replace 'drawing titled 'Proposed Toucan Crossing - Stortford Road West', drawing number 198131-006 (Rev B), dated 22/10/2020' with 'drawing titled 'Off-Site Works By Others', drawing number 198131-016 (Rev B), dated 18/01/2021'

PAGE 70 – RECOMMENDED

Condition 19 insert 'as shown in principle on drawing titled 'Stortford Road Access Arrangements', drawing number 198131-003 (Rev F), dated 21/12/2020' after 'Woodside Way Roundabout'

Condition 21 replace 'No development shall take place until' with 'No development beyond damp proof membrane of the main school building hereby permitted shall take place until'

PAGE 71 – RECOMMENDED

Condition 25, second bullet point replace '40%' with '20%'

PAGE 74 – RECOMMENDED

Condition 33 replace 'No development of the sports centre hereby approved shall commence until' with 'No development beyond damp proof membrane of the sports centre hereby approved shall take place until'

PAGE 76 – RECOMMENDED

Condition 37 replace 'No development beyond damp proof membrane take place until' with 'No development beyond damp proof membrane of the main school building hereby permitted shall take place until'

Item 4.2 (DR/05/21) Former Edith Borthwick School, Church Street, Bocking, Braintree CM7 5LA

Page 93 – BACKGROUND AND SITE

New 4th paragraph to read "A pedestrian footpath provides access from the shared car parking area to both the former Edith Borthwick School and Bocking Church Street Primary School".

A public footpath runs from Church Street, alongside the Bocking Church Street playground area, adjacent to the south eastern boundary of the site and south of the residential properties in St Nicholas Gardens and exits on Fennes Road.

Page 101 – POLICY CONSIDERATIONS

1st paragraph 2nd line "education!" should read "educational"

Point a) 2nd line "alternative" should read "alternative"

2nd paragraph 2nd line "provide" should read "provided"

Page 105 – IMPACT ON HISTORIC ENVIRONMENT

9th paragraph 2nd sentence "It is not considered that there would be a negative impact on the streetscene as a result of the removal." Should read "It is not considered that there would be a negative impact on the streetscene as a result of their removal."

Page 107 – IMPACT ON NATURAL ENVIRONMENT

5th paragraph 1st line "The County's Ecologist considers that is sufficient ecological information available..." should read "The County's Ecologist considers that there is sufficient ecological information available..."

Page 108 – IMPACT ON NATURAL ENVIRONMENT

6th paragraph 3rd line "recommended that 2 further trees are remove..." should read "recommended that 2 further trees are removed..."

Page 111 – IMPACT ON RESIDENTIAL AMENITY

New 5th paragraph "Braintree District Council has no comments to make on the submitted Construction Management Plan and Traffic Management Plan. An approval condition is required that the proposed development is carried out in

accordance to the measures listed in these 2 documents, in order to protect local amenities.”

Page 111 – CONCLUSION

1st paragraph 3rd line “The existing buildings are not of a sufficient standard or layout or standard to meet...” should read “The existing buildings are not of a sufficient standard or layout to meet...”

Page 113 – RECOMMENDED

Condition 2 – Add new paragraph:

“And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority except as varied by the following conditions:”

Condition 3 3rd line “...treatment shall be submitted and approved in writing by the County...” should read “...treatment shall be submitted to and approved in writing by the County...”