

DR/19/22

Report to: DEVELOPMENT & REGULATION (22 April 2022)
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<p>Proposal: APPLICATION TO ESSEX COUNTY COUNCIL AS HIGHWAY AUTHORITY - 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.</p>
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<p>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"</p>

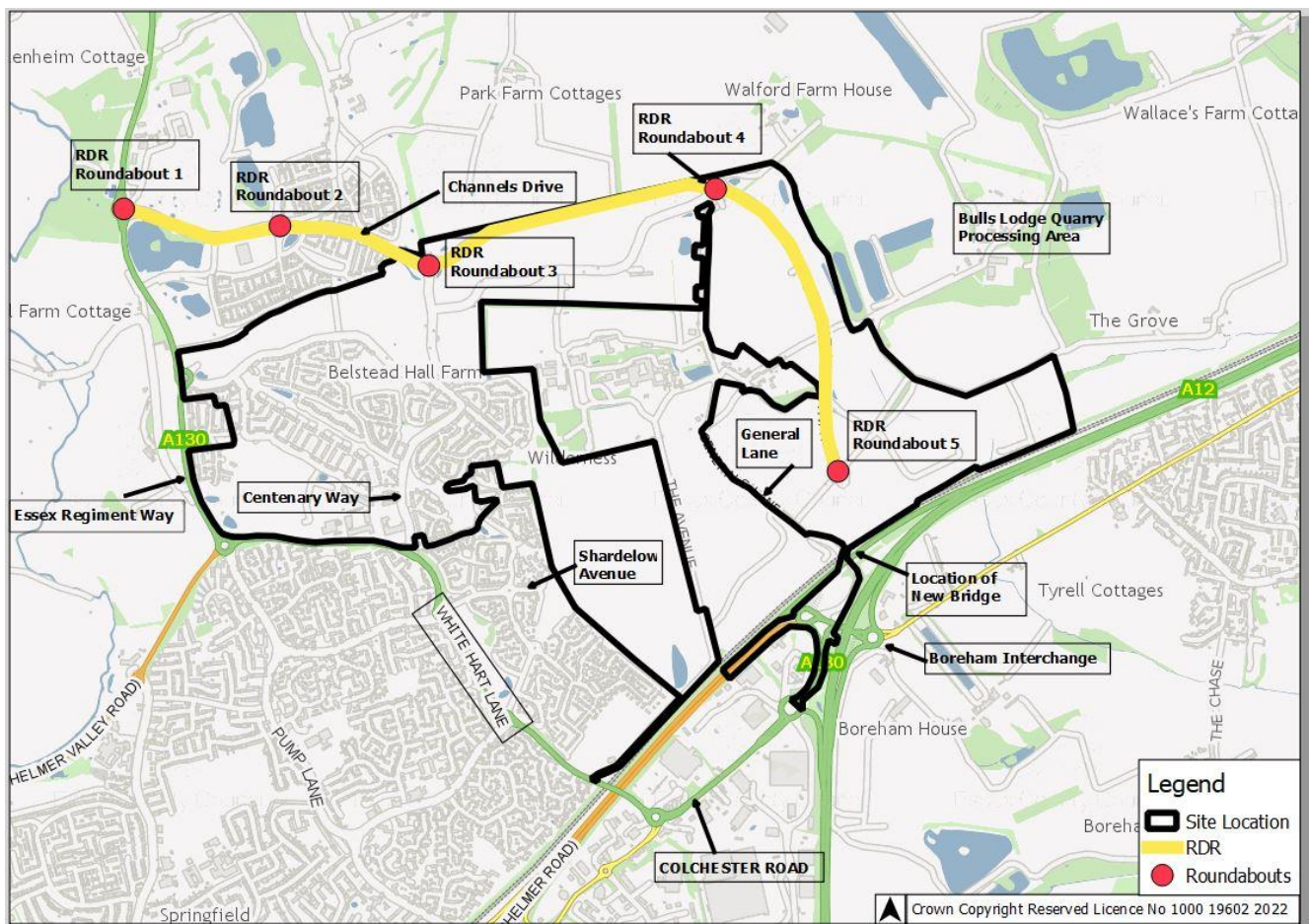
Ref: CC/CHL/107/21	Applicant: Countryside Zest (Beaulieu Park) LLP
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Location: Greater Beaulieu Park, White Hart Lane, Springfield, Chelmsford, Essex

Report author: Chief Planning Officer (County Planning and Major Development)
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The full application can be viewed at https://planning.essex.gov.uk



1. BACKGROUND

Chelmsford City Council (CCC) received an outline planning application in 2009 for Greater Beaulieu Park (CCC Ref 09/01314/EIA). The description of development as follows:

“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

Planning permission was granted by CCC in March 2014, subject to conditions and a legal agreement under S106 of Town & Country Planning Act. ECC as Highway Authority (and education authority) was one of the signatories to this legal agreement due to legal obligations in relation to highway matters. The S106 provided that the obligations contained in Part 1 of Schedule 1 were enforceable by the County Council and the obligation subject to the application is in that part of the S106.

The Greater Beaulieu Park development includes construction of part of the Radial Distributor Road (RDR), the RDR skirts the edge of the Greater Beaulieu Park.

The obligation seeking to be modified 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 residential units that may be occupied before, RDR Phase 3 i.e. the RDR link to the Boreham Interchange is complete. Currently the obligation requires no more than 1000 residential units to be occupied until the connection to the Boreham Interchange is complete, the application seeks to increase this to 1400 residential units.

2. WHY THE APPLICATION HAS BEEN MADE TO THE COUNTY COUNCIL

As explained above the legal obligation seeking to be changed is associated with the planning permission for Greater Beaulieu Park. ECC as Highway Authority was a consultee to the application and required certain obligations included in S106 legal agreement to make the development acceptable in highway safety and capacity terms.

Legal advice has confirmed that the obligations with respect to highway matters are enforceable by the Highway Authority (ECC) rather than CCC. Under the Town and Country Planning Act S106 (A) part 3 (see extract below) applications for modifications to obligations should be made to the enforcing authority for an obligation, subject to the relevant period having elapsed. The relevant period to vary a legal agreement is after 5 years from the date of the agreement. The agreement was completed in 2014, thus the period has elapsed and the agreement can now be varied with consent.

(3) A person against whom a planning obligation is enforceable may, at any time after the expiry of the relevant period, apply to the local planning authority by whom the obligation is enforceable (the appropriate authority) for the obligation—

(a) to have effect subject to such modifications as may be specified in the application; or

(b) to be discharged.

Initially an application was made to CCC in error, but this was withdrawn and subsequently the current application made to the County Council as Highway Authority. All persons who made representations on the application to CCC were notified that the application had been withdrawn and details of the new application to ECC provided to the representees by CCC.

Should the application to amend the obligation be approved, then the obligation would be modified and under this process i.e. S106A sub-section (3) and accordingly there would be no need for the deed of variation to require the signatures of all parties subject to the original agreement. No change is proposed to the other part of the occupation trigger i.e., in relation to the Commercial Units, so the revised obligation would be modified to (not to) 'Occupy more than 1,400 Residential Units and any Commercial Units until it has carried out and Completed the RDR Phase 3 Works'.

If a S106 obligation is modified by an approved s106A application, then the S106 has effect subject to modifications specified in the application and the obligation as so modified is enforceable as if it had been entered into on the date on which notice of the determination is given to the applicant.

3. SITE

Greater Beaulieu Park is located on the north-east edge of Chelmsford City, extending the existing Beaulieu development. The Greater Beaulieu Park planning permission relates to an irregular shaped parcel of land; 234.3ha in area to the north of White Hart Lane and Beaulieu Park and east of Essex Regiment Way.

The RDR is a new road that has been constructed in part as part of the Greater Beaulieu Park development. The RDR starts at the A131 roundabout on Essex Regiment Way (south of the service area which includes Costa, McDonalds and a BP garage) running eastwards for approximately 1 km, including 2 further roundabouts which provide access to residential areas, this section is known as Channels Drive. At a third roundabout (RDR Roundabout 3) the road continues eastward for a further 1km and is named Beaulieu Parkway, where a fourth roundabout is located, RDR Roundabout 4. RDR Roundabout 4 will in future provide access northwards on the Chelmsford North-East Bypass (Phase 1 of the CNEB). At RDR Roundabout 4 the main carriageway of the RDR turns south for a further 1km to another roundabout, RDR Roundabout 5. The eastern arm of Roundabout 5 provides access to Bulls Lodge Quarry and in the future the western arm to the proposed Beaulieu Railway Station.

The RDR is currently fully constructed all the way to the RDR Roundabout 5. The last section of the RDR road, (Phase 3) includes the construction of a new bridge across the main railway line and across the northbound slip road to the A12. This road will link the RDR to the Boreham Interchange and the A12.

While the link from RDR Roundabout 5 to the A12 remains incomplete traffic travelling from the A131 to the A12 uses Essex Regiment Way, White Hart Lane and Colchester Road. On completion of the RDR to the Boreham interchange, as well as providing access to existing residential areas in Greater Beaulieu Park, the RDR will provide a through route for traffic from Essex Regiment Way to Boreham Interchange and the A12, leaving Essex Regiment Way (A130) and White Hart Lane and Colchester Road to deal with more local/town traffic.

4. PROPOSAL

The application seeks a modification 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 residential units that may be occupied before works with respect to the Radial Distributor Road Phase 3 (RDR Phase 3) are completed from 1000 to 1400 residential units. The wording of the obligation applied to be modified is set out below as well as the definition of the relevant works to be completed.

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

"RDR Phase 3 Works" means phase 3 of the works to deliver the Radial Distributor Road to comprise the construction of a section of the Radial Distributor Road between the Hanson roundabout (marked 5 on Plan 14) and the Boreham Interchange via the RDR Bridge concurrent with works to the Boreham Interchange as shown for illustrative purposes only coloured blue on Plan 14 or as otherwise agreed with the County Council

Extract from Plan 14 referred to in the definition of RDR Phase 3 works, showing Phase 3 from RDR Roundabout 5 to the Boreham Interchange.



As the obligation stands at present, the developers of Greater Beaulieu Park would be required to prevent occupation of newly constructed residential units once 1000 of all the residential units on the site had been occupied. As at 9 March 2022, 909 residential units had been occupied.

Phase 3, is the construction of the final section of the RDR which would provide connection to the Boreham Interchange and includes the construction of a new bridge over the north bound slip road of the A12 and the mainline railway between London and Anglia.

Generals Lane was closed in November 2021 and the Generals Lane bridge removed in December 2021. Works on RDR Phase 3 are currently progressing, but not anticipated to be completed until 2023.

This revised timetable for RDR Phase 3 follows extensive negotiations by the applicant with Network Rail for the relevant rail shutdowns, which will be required over a number of weekends in 2022 to facilitate the bridge being moved into place over the railway. These dates have been agreed and secured, by the applicant

and the programme for the delivery of the new bridge is finalised.

The applicant has justified the increase in the number of residential units that can be occupied before the completion of the RDR Phase 3 on the basis that the Traffic Assessment that accompanied the original application forecast the number of likely trips to be generated by each residential unit and the likely overall growth of traffic in the local area. Comparison of traffic surveys undertaken between 2016 and 2019 have shown the trip generation for each residential unit is lower than predicted. Data from 2020 and 2021 was not collected as it would have been unrepresentative due to the pandemic. The applicant has also provided information to show how requirements of the Travel Plan for the development have been met i.e. provision of bus services and monitoring of pedestrian/cycle movements.

5. POLICIES

The following policies of the Chelmsford Local Plan 2020 provide the development plan framework for this application. The following policies are of relevance to this application:

CHELMSFORD LOCAL PLAN (CLP)

S9 Infrastructure Requirements

S10 Securing Infrastructure and Impact Mitigation

NPPF

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

NPPF, paragraph 11 states that plan making and decision - taking should apply a presumption in favour of sustainable development.

For decision-taking this means:

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications from the day of its publication and plans may also need to be revised to reflect policy changes made by the Framework. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

6. CONSULTATIONS

Summarised as follows:

CHELMSFORD CITY COUNCIL: No objection to the proposal subject to the following comments:

The City Council is committed to ensuring the timely delivery of housing but recognises that this clearly has to align with the capacity of existing infrastructure and careful programming of new infrastructure. The delay in delivering the Radial Distributor Road is clearly disappointing and unfortunate for all parties concerned; it is accepted that there will be an increased period of inconvenience for users of the road network associated with the closure of Generals Lane. The City Council recognises that there is no physical means of delivering the scheme any quicker than programmed due to the need for railway line possessions and integration with the existing road network. The City Council does accept the applicant's findings that the impact on the highway network arising from an additional 400 occupations would be slight and therefore does not warrant mitigation.

NATIONAL HIGHWAYS: No objection.

HIGHWAY AUTHORITY: No objection. There has been extensive discussion between the applicant (Countryside Zest), Chelmsford City Council and Essex County Council regarding the proposal, prior to and during the lifetime of this application.

When it was recognised that the planned timetable for RDR Phase 3 works was no longer achievable, largely due to the uncertainties of the Covid Pandemic, all parties worked closely to resolve the matter.

As part of the ongoing Travel Plan Monitoring obligation of the outline planning consent for Beaulieu, an annual monitoring report is submitted to ECC which compares the predicted trip rates and assumptions contained within the Transport Assessment, prepared in advance of the development and submitted as part of the outline application, with actual traffic flows on the ground. The monitoring was carried out by ANPR cameras and manual counts at the various access points to the Beaulieu development and looked at pedestrian and cycle trips and bus patronage. To date there have been 4 reports undertaken (2016, 2017, 2018) with

the latest one being undertaken in June 2019. Counts in June 2020 and June 2021 were postponed because of the Covid Pandemic and the Work from Home rule. This was agreed with ECC, as had the monitoring have been undertaken it would not have provided a true representation of what was happening, and the data could not have fairly been used in comparison.

The justification for this uplift (1000 dwellings to 1400 dwelling occupation) without the required mitigation (completion of RDR Phase 3) is that the trip generation rates from Beaulieu (Obtained from the counts for the annual Traffic Monitoring 2019) are lower than predicted in the original TA (on which the mitigation in the s106 is based), therefore the impact of an additional 400 dwellings without the completed RDR Phase 3 is expected to be small and any impact will only be short-term because the whole scheme is expected to be completed by Spring 2023.

It is acknowledged that there is a lot of local concern regarding the level of traffic using White Hart Lane and surrounding roads, however, in relation to this application the applicant has demonstrated, to the satisfaction of the Highway Authority, that the actual Beaulieu development trips are lower than predicted to a level that it would be acceptable to occupy 1400 dwellings without the opening of Phase 3 of the RDR (this would be roughly the equivalent impact of dwellings occupied using the predicted trip rates as per the TA). There is no justification for refusing this application due to the amount of traffic using White Hart Lane. There have been significant highway works taking place at Boreham Interchange since approximately February 2021 which will be complete in April 2022. It is hoped that once complete this will further relieve traffic disruption in the area.

It is important for the Essex economy that house building is not delayed or prevented and evidence presented shows that it would be acceptable providing that it is capped at 1400 and that Countryside Zest does not subsequently try to increase this limit.

SPRINGFIELD PARISH COUNCIL: No objection

BROOMFIELD PARISH COUNCIL: Object, on the grounds that there are insufficient strong reasons to deviate from the Section 106.

BOREHAM PARISH COUNCIL: Object to the application due to the increase in the number of houses from 1000 to 1400 before Phase 3 of the RDR is completed. The complexities with regards to the Boreham Interchange that public have had to deal with, the Radial Distributor Road along with the removal of the bridge of Generals Lane, when combined with increasing the time frame even further will just bring more misery to the public and these locations.

LITTLE WALTHAM PARISH COUNCIL: Objection. The purpose of the Section 106 agreement was to enable the Radial Distributor Road to be completed to provide traffic relief in the area. It is noted that the request is to change the trigger point for this action until such time as 1,400 houses have been constructed.

It is alleged in the application that traffic volume is far lower than anticipated at this point in time. However, the Parish Council is concerned that as the traffic count would have been undertaken during the Covid pandemic traffic volume will have

been far lower thus giving an artificial view and it is now fast returning to former volumes.

Officer Comment: Data relied upon to support the application does not include data from 2020 and 2021. No data was collected in 2020 and 2021 as it would have been unrepresentative due to the pandemic.

It is noted that reference is also made to the bus service impact inferring that it will have reduced car numbers, however the Parish Council understands that due to the unreliability of the service it has resulted in lower use and people preferring to use their vehicles especially as it is understood that there has been a recent reduction to the service.

The Parish Council therefore contends that the need for traffic relief remains as previously considered, especially as there have been complaints from residents regarding HGV lorry use in the area and that the Section 106 obligations should not be amended but should stand so that once the number of houses reaches 1,000 there will be an obligation to complete the build of the RDR.

LOCAL MEMBER – CHELMSFORD - BROOMFIELD AND WRITTLE: Any comments will be reported.

LOCAL MEMBER - CHELMSFORD – SPRINGFIELD: Any comments will be reported.

LOCAL MEMBER – CHELMER: No objection. I was initially very concerned to learn of the application to increase the number of houses from 1,000 to 1,400. However, it has subsequently been explained that, given where we are today, this will not involve any further delay to the completion of the radial distributor road. This is because work will continue off-site during 2022 enabling the road to open in the spring of 2023.

7. REPRESENTATIONS

Due to the numbers of properties within the application area and adjacent to the boundary of the application, direct neighbour notification was not undertaken. However, site notices were posted within and around the boundary of the application site and press advert was placed. In addition, CCC notified all those representees who had made responses on the application that had been made to CCC but subsequently withdrawn. 137 representations have been received from 121 representees, including one from the City Councillor for Springfield North.

City Councillor – Chelmsford – Springfield North:

I do not think this application should be allowed. Countryside Properties have had plenty of windows of opportunities to do the work since 2014. The demolition of the old bridge and the construction of the new one should have been at the top of their priority list. It is not right that they should be able to profit from poor organisation. Allowing this application will mean that there will be even more traffic on the roads in Springfield adding further delays and pollution. I have not seen any up to date traffic surveys to give an accurate indication of the current congestion on our roads. Predictions and extrapolations are not good enough. We are seeing delays on White Hart Lane and Centenary Way now that traffic from Bulls Lodge Quarry and

New Hall School cannot use the old bridge. I think any decision should be deferred until we have current data on traffic levels.

Comments of other representees are summarised below:

<u>Observation</u>	<u>Comment</u>
Countryside Zest should honour the initial agreement to prevent traffic from another 400 homes flooding the surrounding roads.	See appraisal
Since closure of Generals Lane, traffic through Beaulieu estate has increased significantly, with New Hall School traffic using internal roads such as Centenary Way, rather than the RDR	See appraisal
Due to congestion vehicles make dangerous manoeuvres to circumvent traffic jams.	See appraisal
Traffic congestion results in traffic jams and queues on roads joining Essex Regiment way and White Hart Lane, particularly at peak times and that is with not all the 1000 homes occupied	See appraisal
School runs on A130 and A1060 are already taking about 20 mins from Channels to King Edward Grammar school.	See appraisal
Traffic from a further 400 houses before the RDR is complete will impact further people daily commute.	See appraisal
Traffic around Beaulieu is terrible as it stands often it takes 20-30 mins just to get out of the New Beaulieu (in office and school hours) to White Hart Lane or Essex Regiment Way and traffic congestion usually goes all the way to A12. Additional traffic will only exacerbate this situation.	See appraisal
Since the building of Greater Beaulieu and Channels, there has been tremendous traffic delays in the area resulting in chaos and delays during most important times of the day. Further housing would only exacerbate	See appraisal

this situation, unless the road infrastructure is in place.

Additional housing should only be considered after the new train station is in place and operational.

The proposed amendment has no impact upon the delivery of the new train station.

Beaulieu is already very congested, particularly during the school run period.

See appraisal

Residents of Beaulieu bought properties on the condition that the infrastructure would be developed as the development grew. The developers should not simply put profits above the need and original commitment to the area and greater implications it has on people travelling in to and through this part of Chelmsford.

See appraisal

At times the traffic within Beaulieu estate is so bad you can't leave the estate. The new access route via Channels means the New Hall school traffic flows through the estate blocking the roads onto an already congested White Hart Lane. The obligation should be adhered to.

See appraisal

White Hart lane is already too busy with car and trucks , the additional 400 houses will only add to the congestion at the roundabouts in both directions.

See appraisal

There isn't a zebra crossing or any speed bumps in place on White Hart Lane, so trying to cross near the school feels quite perilous. This is only going to get worse in September when we have another year for the secondary and primary school added to the school.

This application cannot not require additional crossings, but the comments have been passed to the Highway Authority and Chelmsford City Council

An additional 400 houses before the RDR is complete will result in more noise and pollution along Armistice Ave/Regiment Gate.

See appraisal

Exiting at Armistice Ave can sometime take 5 minutes and a journey to the train station can take 20 minutes, which is unacceptable.

See appraisal

Residents have long been flagging concerns about linkages and traffic volumes in the area, we have a diabolical bus service which has had loads of times cut out of the timetable recently.

See appraisal

Channels Drive and the RDR are now used by 250-300 lorries from the Bulls Lodge quarry every day from 5am in the morning.

See appraisal

Until April 2023 there will be ever increasing traffic and construction vehicles in the immediate area (the latter using Channels Drive as primary access). The local roads are already suffering damage due to the kind of traffic using them (construction & quarry).

See appraisal

The original S106 obligation was for the RDR to be fully completed (including the new bridge to the Boreham Interchange) before 1,000 homes were occupied in Beaulieu so the modification could potentially have a significant adverse impact on the local area given that the relevant infrastructure won't be in place. This cannot be justified, especially on the basis of a traffic survey undertaken 2 years ago and the time afterwards being when everyone was in lockdown.

See appraisal

Such a significant increase in properties on the same footprint is completely against what we bought into at Beaulieu. Too many houses and flats getting are being crammed into Beaulieu.

This application does not seek to grant planning permission for the principle of housing. Planning permission Ref. 14/01314/EIA, granted by CCC gave outline consent for 3,500 dwellings.

A usual 11 min journey from Beaulieu into the town centre and train station currently takes over 40 mins on a good day.

See appraisal

New Hall School is already causing further traffic delays with parents living outside the estate taking to children to school and delaying parents taking children to local schools.

See appraisal

The speed of construction traffic charging down Regiment Gate is enough to seriously endanger children crossing the road on the way to school. Without adding yet more cars to the road and road pollution near two schools.

See appraisal

The traffic is absolutely shocking both down the A131 towards the roundabout, then down White Hart Lane (which is incredibly bad). Raising the number of houses Countryside can build without making the improvements the council laid down will be detrimental to the development (potential cut-throughs - and already people are driving too quickly) and to the detriment of ALL local traffic in Chelmsford who rely on these roads.
Allowing this amendment makes a mockery of the whole planning process. It is simply not in the interests of Chelmsford residents for the council to agree to Countryside's request.

See appraisal

A by-pass is absolutely needed before more homes are built. As it is the roads around Beaulieu are very busy. Countryside should follow through with their original obligation.

See appraisal

Traffic volumes at peak school times are already making it difficult for existing residents to access properties as Centenary Way is used by New Hall parents to access White Hart Lane. Twice daily the queue of traffic backs up from White Hart Lane, through Centenary Way back to New Hall School with vehicle emissions pouring out into the residential area.

See appraisal

Traffic is making bin collections difficult.

See appraisal

Additional housing should not be permitted as the roads cannot cope.

See appraisal

Buses are stuck in traffic on a daily basis.

See appraisal

This will create more traffic in an area that already has high traffic.	See appraisal
It is outrageous to think that even more houses could be built - the traffic is already at breaking point in and around Beaulieu with increasing amounts of road incident.	See appraisal
Traffic currently passing through Beaulieu via Centenary away has significantly increased the last few weeks after road network changes have taken place. This is causing long queues to simply get off of the estate via White Hart Lane making it really difficult for morning and early eve commutes. The speed vehicles cut through is also cause for concern particularly as this road is crossed in many places by school children. The bypass road works need to be completed asap before any further housing is completed which will only add to these problems.	See appraisal
How many more times are Essex Council going to let them fail to deliver on commitments.	See appraisal
The rate homes are being built casts doubt on their build quality not only the homes but all the amenities too. Residents have already voiced many complaints regarding blocked drain/sewage from concrete deposits for example. I think Countryside would better spend its time dealing with the thousands of snagging and inept building issues it currently has before embarking on building more homes.	This matter is not relevant to the current application to amend the S106, but the comments will be passed on to the applicant and CCC for consideration.
Traffic calming and zebra/pelican crossings also need to be installed at the development to ensure safety for pedestrians.	This matter cannot not be addressed as part of the current application to amend the S106, but the comments will be passed to the Highway Authority and CCC for consideration.
Considering Generals Lane is now closed, most of the traffic entering New Hall School is using the White Hart Lane entrance and the traffic flow is an	See appraisal

absolute crawl along the entirety of the road, from Essex Regiment Way to Sainsbury's. Since the new year it has also been particularly busy heading northbound towards Essex Regiment Way due to the necessity that the quarry traffic is now using White Hart Lane.

The very purpose of this restriction was to ensure the surrounding road infrastructure was in place before additional traffic was introduced to the community, the average home now has 2 cars which could potentially see an additional 800 cars residing on the estate, not to mention visitors traffic etc.

The traffic survey quoted to justify this application is now 2 years out of date and prior to the now mass occupation of the estate, and not sufficient to draw a conclusion that since the estate was built the traffic has not increased.

I would urge the planning authority to seek a refreshed traffic survey prior to making any decision on this application and as a resident who is dealing with the traffic on a daily basis, request the authority decline this application.

This is merely yet another example of the developer's promises which are only issued to obtain planning then disregarded. Rather like the doctor's surgery scheduled for the corner site at the junction of Shardelow Avenue which never materialised. The Council should resist this attempt to put off or avoid their obligations.

See appraisal

It currently requires careful planning to get anyway in Chelmsford during rush hour and further delays will not make the Beaulieu development a desirable place to live.

See appraisal

The closure of Generals Lane is causing major traffic issue in the immediate and surrounding areas, there is standstill traffic in rush hour and emergency

See appraisal

services always have problems getting by (White Hart Lane, Centenary Way, Regiment Gate, Essex Regiment way, all impacted).

Further housing without the necessary infrastructure will add to pollution through a residential area and increase risk for local pedestrians and children crossing the road to get to Sainsbury's and local schools.

See appraisal

Better transport infrastructure, doctors surgery, dentists and schooling is more important to those already living on Beaulieu Park before even considering more housing than already agreed. These issues should be addressed properly and works completed before more housing is even considered.

This is not a matter relevant to the determination of the request to amend the S106, but the comments will be passed on to CCC and the applicant.

Buses in Beaulieu are unreliable (even before Covid)

See appraisal

The increase of another 400 houses will lead to further congestion for residents, businesses, Beaulieu Park School, and New Hall School.

See appraisal

Further housing without necessary road infrastructure will result in noise pollution and air pollution caused by the increase in traffic.

See appraisal

An additional 400 homes before the Generals Lane Bridge and new road are completed which will take the traffic off White Hart Lane is of great concern. Albemarle Link, off Shardelow Ave is approx. 50 metres from White Hart Lane, and is directly affected by traffic on White Hart Lane in several ways.

See appraisal

Firstly, the increased volume of traffic, in particular heavy goods traffic, from the quarry and the new houses in Beaulieu, is already noticeable, through noise and pollution. The affect that this is having on the health of our children and other local families is already of great concern.

Secondly, it is already increasingly difficult for residents to turn out of Shardlow Avenue and Beaulieu Boulevard onto White Hart Lane in rush hour due to the volume of queuing traffic.

It is not accepted that traffic is below expected levels therefore this will not be a problem; the pandemic has caused a reduction in traffic over the last two years due to an increased home working and at times home schooling. With the end of pandemic restrictions in sight and a return to normal work routines there will be significant increased traffic issues for a significant period of time. This will surely not enhance the wellbeing of people who live in this area or use these routes, neither will it be good for the reputation of a new developing city.

See appraisal

The removal of the Generals Lane bridge has forced an enormous amount of traffic onto White Hart Lane and the surrounding roundabouts. The Sainsbury's roundabout is gridlocked at rush hour and the congestion along White Hart Lane makes journey times in the area double what they were before the removal of the bridge. Exiting the A12 from the north at the Boreham Interchange is currently extremely dangerous due to the reduction of lanes, which means traffic is queuing on the south bound A12 carriageway. There have been a number of accidents around White Hart Lane and Essex Regiment way as a result of the extra traffic from the new development. The extra traffic and lack of reasonable alternative to the Generals Lane bridge is making the lives of Chelmsford residents a misery.

See appraisal

Overpopulating the area further, before the road infrastructure is in place to handle this traffic would be negligent of the council and of countryside and they

See appraisal

would almost certainly be directly contributing towards serious accidents which lead to injury or loss of life.

Surely an increase of 40% on the agreed number of occupied houses (in 2014) prior to highways infrastructure completion does not constitute an 'amendment' that can be determined without substantial reporting and justification on traffic movement impact. The application does not demonstrate highways impact on local traffic or access to New Hall School.

I see no environmental consideration by means of impact assessments relating to either air pollution or noise due to the increased highways numbers proposed. To consider this application without the appropriate level of reports and context appraisal is a blatant misuse of planning powers favouring certain applicants.

See appraisal

Traffic on Channels Drive now is disrupting sleep with HGVs speeding through on the RDR 24hours a day 7 days a week.

See appraisal

At the moment by recently allowing all New Hall School traffic to drive through the current residential area via Centenary way, both exits onto White Hart Lane are completely blocked and traffic tailbacks past the Wilfred Waterman Drive entrance/exit.

See appraisal

Until April 2023 there will be ever increasing traffic and construction vehicles in the immediate area (the latter using Channels Drive as primary access) in addition to the 250-300 noisy lorries per day now travelling along Channels Drive to and from Bulls Lodge Quarry as a result of the bridge being shut.

See appraisal

The traffic going through Beaulieu Estate in the mornings is already absolutely ridiculous, the whole of Centenary Way is back to back traffic, trying to cross the road with a small

The suggestion of the need for additional pedestrian crossings with Greater Beaulieu, is not a matter that can be addressed by this application, but this matter will be drawn to the

child takes forever and is dangerous as there are no pelican or zebra crossings and while we wait we are breathing in harmful fumes from the 30 odd cars queuing. The car parks are full from parents dropping off kids the whole thing is a nightmare. These small roads in an estate were not meant or built to cope with traffic from New Hall School, Beaulieu High School, Beaulieu Primary school, two nursery schools, residential traffic, shop traffic and also quarry and building traffic. It is utterly ridiculous and is dangerous not only in terms of crossings but also the air pollution is phenomenal, you can literally taste the fumes. Allowing this application will just make things even worse.

attention of the Highway Authority and Chelmsford City Council

8. APPRAISAL

The issue for consideration is as to 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 i.e. 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 that was the justification for S106 legal obligation seeking to be amended.

The options open to ECC in relation to this kind of application are to determine:

- (a) that the planning obligation shall continue to have effect without modification;
- (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or
- (c) if 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, that it shall have effect subject to those modifications.

The principle of the Greater Beaulieu Park development was established through the outline planning permission granted in 2014 by CCC, which permitted in total 3,600 dwellings along with commercial development and supporting infrastructure including parts of the RDR.

Both Chelmsford City Council and the Highway Authority have raised no objection to the application, accepting the arguments put forward by the applicant, i.e. that 1400 residential units will not result in significantly more vehicle trips, than predicted with respect to 1000 residential units at the time of the original application.

Considerable objection has been raised by Local Parish Councils and

representees, to this increase in the number of occupied residential units prior to the RDR being completed to the Boreham Interchange, due to the existing current congestion around North Springfield and within the Greater Beaulieu development.

Concern has also been raised at the unreliable bus service that is provided through Beaulieu. It is acknowledged that the bus service has been unreliable at times; some of this can in the last couple of years be attributed to the pandemic, when bus services generally across Chelmsford have been impacted by staff shortages due to illness.

What should be noted is that preventing the occupation of further residential units once the 100 is reached, would not result in RDR Phase 3 being completed any more quickly than is currently planned. A finalised timetable for construction of RDR Phase 3 (in particular the installation of the new bridge) has been negotiated with Network Rail and this timetable cannot not be accelerated. A number of periods of railway line closures are required to complete the works and these have been planned in for 2022 and early 2023, in particular, works with respect to installation of the new bridge. Works are currently on going to deliver RDR Phase 3 as soon as practicable, the proposals are therefore not considered to be contrary to CLP Policy S9.

It is acknowledged that there is congestion at peak times, particularly along White Hart Lane, Essex Regiment Way and on access roads out of Beaulieu and Greater Beaulieu. This congestion has no doubt been exacerbated by works to the Boreham Interchange which are expected to be completed in the next weeks and hopefully thereafter will help to relieve some of the congestion in the area.

Policy 10 of the CLP seeks to secure infrastructure and mitigation with respect to new development. It is not considered that there is justification for additional mitigation for the limited 12 month period until RDR Phase 3 is completed, as the congestion cannot be attributed to the Greater Beaulieu Park Development and the RDR Phase 3 works cannot be delivered any quicker. It is therefore considered the proposals are not contrary to CLP policy S10.

It is acknowledged that the removal of Generals Lane bridge has necessitate all the traffic from Bulls Lodge Quarry to utilise the RDR, whether requiring to travel south to the A12 or north to the A131. However, it has to be borne in mind that the RDR is intended to relieve pressure on the south part of Essex Regiment Way, White Hart Lane and Colchester Road. When Phase 3 of the RDR is open to all types of traffic, including HGVs with no restriction, that traffic will utilise the route between Essex Regiment way and the Boreham Interchange.

With respect to Bulls Lodge Quarry traffic, once RDR Phase 3 is complete, vehicles from the quarry wishing to travel to the A12 will do so via the Boreham Interchange, however, those wishing to travel to the A131 and beyond, will as now, continue to utilise the RDR along with other HGV traffic. Bulls Lodge Quarry includes a coated roadstone facility which is permitted to export from 5am in the morning and for certain number of nights and weekends. These hours are justified to allow highways works to be undertaken at night to minimise congestion, the coated roadstone facility has been in place since 2003/4.

The removal of Generals Lane Bridge has also meant that more New Hall School traffic is using alternative routes and while the intention was that New Hall School traffic would utilise the RDR to join the road network. From representations received, it would seem that New Hall parents are choosing to utilise Centenary Way instead, which is causing congestion, within Beaulieu. Preventing such use is difficult as Centenary Way is a public highway.

While, as stated, it is acknowledged there is congestion at peak times on White Hart Lane, Essex Regiment Way, Colchester Road and within Beaulieu and Greater Beaulieu, not all this traffic can be attributed to the Greater Beaulieu Park development.

As explained the justification for the S106 obligation that RDR Phase 3 should be complete before any more than 1000 residential units are occupied, was based on the likely trip generation from 1000 residential units. The applicant has shown through traffic data that the number of trips generated is lower than anticipated at the time of the determination of the original planning application and that in fact the trip generation from 1400 residential units would only be slightly more than that previously predicted for 1000 residential units. Therefore, there is no highways justification that warrants refusal of the requested uplift to the occupation trigger.

It has been suggested that more up to date data of existing traffic flows should be obtained. As explained, the justification for the limit of 1000 residential units was not related to overall traffic flows but to the trip generation arising from the Greater Beaulieu Park development, therefore, while the data might confirm the existing congestion at peak times, the congestion cannot be all attributed to the Greater Beaulieu Park development. It is only traffic arising from the Greater Beaulieu Park development that is relevant to the determination of this application to modify the obligation as that is the only site to which the obligation relates.

It is acknowledged, by ECC and CCC that it is very disappointing that RDR Phase 3 has not been completed due to a combination of the pandemic slowing progress (including through lack of materials) and the lengthy negotiations the developer required to ensure necessary agreements between, the Highway Authority, National Highways and Network Rail. As explained, the works are progressing and are planned to be completed in April 2023, in approximately 12 months' time.

The NPPF has 3 overarching objectives, economic, social and environmental. The economic objective to help build a strong, responsive and competitive economy. The social objective, to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and finally the environmental objective to protect and enhance our natural, built and historic environment.

Preventing the occupation of residential units beyond 1000, until RDR Phase 3 is completed would not be in accordance with the NPPFs objective of supporting economic growth in the Chelmsford area, and would constrain within the Beaulieu area the delivery of new homes, contrary to the social objective of the NPPF.

On balance, while it is recognised that some congestion at peaks times will

continue on White Hart Lane, Essex Regiment Way and within the Greater Beaulieu Park and Beaulieu development, until RDR Phase 3 is completed, it has been demonstrated that the contribution to traffic from the Greater Beaulieu Park development would be no greater than predicted for 1000 residential units. In accordance with the current programme, which there is no scope to accelerate, RDR Phase 3 will be completed in approximately 12 months, at which time congestion should ease.

9. RECOMMENDED

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.

BACKGROUND PAPERS

Consultation replies
Representations

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application to amend a planning legal obligation. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

LOCAL MEMBER NOTIFICATION

CHELMSFORD - Broomfield and Writtle

CHELMSFORD - Springfield

CHELMSFORD - Chelmer