



**Planning Committee  
21<sup>st</sup> January 2025**

<b>Application No</b>	:	21/00881/FUL Full Application
<b>Location</b>	:	Broomfield Hospital Hospital Approach Broomfield Chelmsford CM1 7ET
<b>Proposal</b>	:	<b>Formation of highway connection north of Woodhouse Lane, closure of sections of Woodhouse Lane, provision of turning heads north of Woodhouse Lane and connection to existing highway drainage.</b>
<b>Applicant</b>	:	Mr Eburne Bloor Homes Limited
<b>Agent</b>	:	Robert White
<b>Date Valid</b>	:	28th April 2021

**Appendices:**

Appendix 1	Drawing No(s) to be listed on any decision notice
Appendix 2	Summary of consultations (since June 2023)
Appendix 3	June 2023 Committee Report, Green Sheet and Minutes
Appendix 4	August 2022 Committee Report, Green Sheet and Minutes
Appendix 5	Site Location Plan

**1. Executive summary**

- 1.1. At the meeting of the Planning Committee in June 2023 it was resolved that planning application 21/00881/FUL in respect of Puddings Wood (to the north of Broomfield Hospital) and Woodhouse Lane, Broomfield, Chelmsford be approved, subject to: the completion of the Section 106 agreement referred to in the report to the meeting and the conditions set out in the report to the meeting.
- 1.2. Since the resolution of the Planning Committee to approve the application, the S106 agreement has been drafted and the finer details of clauses negotiated by the City Council, Essex County Council and Bloor Homes.

- 1.3. Since the June 2023 Committee resolution minor amendments to the suggested conditions for related application 20/02064/OUT and heads of terms for the Section 106 agreement have become necessary.
- 1.4. These amendments include:
  - 1.4.1. Flexibility on the First Homes S106 provisions
  - 1.4.2. Removal of conditions 28 & 29 – Residential Travel Packs and Smarter Choices Campaign
  - 1.4.3. Removal of Biodiversity Net Gain S106 provisions
  - 1.4.4. Essex Coast RAMS tariff
- 1.5. The amendments are minor and policy compliant, they are, however, referred to the Planning Committee to make a decision as they do not accord with the specific details, heads of terms and conditions listed in the previous report (see 20/02064/OUT Appendix 3) which went before the Planning Committee in June 2023 and where the Committee resolved to approve planning permission.
- 1.6. There are no suggested amendments to the report or the conditions for this application, however as it is intrinsically linked with 20/02064/OUT, the application is again referred to the Planning Committee for completeness.
- 1.7. Since the June 2023 meeting of the Planning Committee, consultation responses have been received from Natural England and the Forestry Commission. As detailed in the June 2023 report (Appendix 3), the woodland would no longer be affected by the proposal as the link road has been removed and replaced by a financial contribution. The further consultation responses received do not alter previous conclusions.
- 1.8. It continues to be Officers' view that the proposal is acceptable, subject to conditions and the completion of the S106 agreement.

## **2. Background**

- 2.1. In August 2022 the Committee considered an outline application for residential development for up to 512 dwellings, including affordable housing and custom build homes (Use Class C3), a Local Centre (Use Classes E, F.1 and F.2), formal and informal open space, and associated infrastructure on land to the north of Woodhouse Lane, Broomfield, which had been allocated as a strategic growth site in the Local Plan. All matters except for primary access were reserved. A Green Sheet of additions and alterations was distributed before the meeting. A copy of the Committee report and Green Sheet is appended at Appendix 4.
- 2.2. At the meeting, it was clear from the members' discussion of the application that the Committee was of the view that the development should not proceed without the link road or, as an alternative, the provision of a Park and Ride service. Officers said that if the Committee were minded to approve the application, subject to the completion of the S106 agreement and compliance with conditions, as well as the construction of the link road being secured, discussion would continue between the Council, the applicant and the NHS Trust with a view to reaching agreement on its provision and maintenance. If the delivery of

the link road could not be secured, the application would be brought back to the Committee to consider the Park and Ride option.

2.3. Members accepted the assurance of officers that the application would be brought back to the Committee if discussions over the link road were not successful. It was resolved that planning application 20/02064/OUT in respect of the strategic growth site to the north of Woodhouse Lane, Broomfield, Chelmsford be approved, subject to:

- the completion of the Section 106 agreement referred to in the report to the meeting,
- the conditions set out in the report to the meeting; and
- securing delivery of the link road.

2.4. Since the meeting of the Planning Committee, Officers worked hard with both Bloor Homes and the Hospital Trust in an effort to secure the provision of the hospital link road.

2.5. In March 2023 the NHS Trust confirmed that agreement on the future maintenance arrangements, costs and liability for the proposed link road could not be reached. This was despite the applicant’s offer to pay a maintenance sum to The NHS Trust.

2.6. In light of this, the parties agreed an ‘Alternative Transport Strategy’ in lieu of the hospital link road in the form of funding of £1,350,000 to be provided by the Applicant to fund, primarily, a Park and Ride shuttle bus service. This was accepted by officers and the Local Highway Authority and the Planning Committee subsequently resolved that the application be approved subject to: the completion of the Section 106 agreement referred to in the report to the meeting (including an obligation to secure the ‘Alternative Transport Strategy’ and the conditions set out in the report to the meeting (see Appendix 3).

### **3. Amendments since previous Planning Committee resolution (June 2023)**

3.1. Since the resolution of the Planning Committee to approve the application, the S106 agreement has been drafted and the finer details of clauses negotiated by the City Council, Essex County Council and Bloor Homes.

3.2. Since the June 2023 Committee resolution minor amendments to the suggested conditions for related application 20/02064/OUT and heads of terms for the Section 106 agreement have become necessary.

3.3. These amendments include:

3.3.1. Flexibility on the First Homes S106 provisions

3.3.2. Removal of conditions 28 & 29 – Residential Travel Packs and Smarter Choices Campaign

3.3.3. Removal of Biodiversity Net Gain S106 provisions

3.3.4. Essex Coast RAMS tariff

3.4. The reasons for the amendments are set out in the table below:

Amendment	Reason	Proposal
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1. Flexibility on First Homes provisions	The recently published December 2024 version of the National Planning Policy Framework (NPPF) no longer requires 25% of affordable housing to be provided as First Homes (see NPPF footnotes 31 and 90).	The intention is to enable the First Homes to be delivered either as First Homes or Shared Ownership properties.
2. Removal of conditions 28 & 29 – Residential Travel Packs and Smarter Choices Campaign	The provision of residential travel packs and a smarter choices campaign are to be an obligation of the S106 agreement. To avoid duplication, the conditions are proposed to be removed.	The intention is to remove conditions 28 and 29 as they are a duplication of obligations in the S106 agreement. The requirements for the smarter choices campaign will also be updated.
3. Removal of Biodiversity Net Gain S106 provisions	Biodiversity Net Gain provisions were erroneously retained on the June 2023 report. Biodiversity net gain is not required as a S106 obligation following the removal of the proposed link road.	The development would continue to deliver the same quantum of biodiversity net gain as previously proposed, but as it will be delivered on-site it is not required as a S106 obligation.
4. Essex Coast RAMS tariff	Essex Coast RAMS contribution listed in S106 obligations to be increased.	Increase Essex Coast RAMS contribution to £156.76 per dwelling in line with current tariff.

#### 4. Summary of Consultations (Since June 2023)

- 4.1. Since the Planning Committee resolved to approve the application, subject to the completion of a S106 Agreement and compliance with conditions, in June 2023, the following responses have been received:
- 4.2. Essex County Council Highways – The details of the Smarter Choices campaign are acceptable to the Highway Authority and would, in conjunction with the other mitigation sought by the Highway Authority as outlined in our recommendation to Planning dated 18th May 2023, adequately mitigate the impact of the development.
- 4.3. Natural England - There is strong evidence to suggest that Pudding Wood is ancient woodland and we are currently carrying out investigations into whether the site should be added to the ancient woodland inventory.
- 4.4. Forestry Commission - No opinion supporting or objecting to an application.
- 4.5. Full details of responses received since the previous Planning Committee (June 2023) meeting are included at Appendix 2.
- 4.6. All consultation responses prior to the previous Planning Committee meeting (June 2023) are included in the previous committee reports which are attached at Appendix 3 and

Appendix 4. The proposal is therefore acceptable, subject to conditions and the completion of the S106 agreement.

## **5. Planning Considerations**

- 5.1. The amendments to the conditions and S106 agreement detailed above are considered in detail in the report for application 20/02064/OUT. The amendments do not relate to this specific application for the works to Woodhouse Lane. The application is only referred to the Planning Committee as it is intrinsically linked to application 20/02064/OUT and would be bound by the same S106 agreement.
- 5.2. The conclusions reached in the previous reports for this application (Appendix 3 and Appendix 4) have not changed.

## **6. Legal Obligations**

- 6.1. The application will be linked to the S.106 Agreement for the residential development of the adjacent site (see 20/02064/OUT also on this agenda). Details are included in the report for application 20/02064/OUT (Appendix 1).

## **7. Community Infrastructure Levy (CIL)**

- 7.1. The proposal is not CIL liable.

## **8. Planning Balance (Conclusion)**

- 8.1. The development would improve opportunities for walking and cycling in the area. It would also provide safer vehicular access to a number of existing residential properties and Farleigh Hospice.
- 8.2. The removal of the link road from the proposal means that trees and habitats within Puddings Wood would not be affected. Whilst there would be some harm to the setting of non-designated heritage assets, this is outweighed by the need for the closures on Woodhouse Lane and the public benefits of the proposal.
- 8.3. There are no other material considerations that need to be taken into account since the committee's previous consideration of the application in June 2023. The Broomfield Neighbourhood Plan carries limited weight at this stage in decision making.
- 8.4. Overall the proposed development accords with the Chelmsford Local Plan and would deliver a sustainable development as sought by the National Planning Policy Framework. The proposal is therefore acceptable, subject to conditions and the completion of the S106 agreement.

## **RECOMMENDATION**

**The Application be APPROVED subject to the completion of a S106 Agreement and compliance with the following conditions, the details/minor variations of which would be delegated to the Director of Sustainable Communities/Planning Development Services Manager in liaison with the Chair and Vice Chair of the Planning Committee):**

### **Condition 1**

The development hereby permitted shall begin no later than 5 years from the date of this decision.

Reason:

In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Condition 2**

The development hereby permitted shall be carried out in accordance with the approved plans and conditions listed on this decision notice.

Reason:

In order to achieve satisfactory development of the site

### **Condition 3**

Prior to the commencement of the development a Construction Management Plan shall be submitted to and agreed in writing with the local planning authority. The Plan shall provide for:

- i. construction vehicle access and routing,
- ii. any temporary traffic management/signage,
- iii. wheel and underside chassis cleaning facilities to prevent the deposition of mud or other debris onto the highway network/public areas,
- iv. contractor and visitor parking clear of the highway,
- v. highway safety considerations,
- vi. turning, loading and unloading of plant and materials and
- vii. hours of deliveries.

The Plan shall be adhered to throughout the construction period.

Reason:

In the interests of highway safety.

### **Condition 4**

Prior to the commencement of the development hereby permitted details of all surfacing works, including turning heads, bollards, and other means of enclosure, and all signage shall be submitted to and agreed in writing with the local planning authority. The work shall be carried out in accordance with the approved details.

Reason:

In the interests of the rural character of the lane and non-designated heritage assets in accordance with Policy DM14 of the Chelmsford Local Plan and to prevent through traffic from using the Farleigh Hospice site in lieu of Hospital Link.

**Condition 5**

(i) No demolition, development or preliminary ground works shall take place until such time that the programme of archaeological work has been carried out in accordance with the approved Written Scheme of Investigation.

(ii) The applicant shall within six months of the completion of the fieldwork submit to the local planning authority a post excavation assessment, unless otherwise agreed in advance with the Planning Authority.

Reason:

The proposed development is in an area of potential archaeological remains and in accordance with Policy DM15 of the Chelmsford Local Plan.

**Condition 6**

Prior to their installation details of any means of external lighting, including temporary lighting during the construction period, shall be submitted to and approved in writing by the local planning authority. The lighting shall then be installed in accordance with the approved details.

Reason:

In the interests biodiversity and species using the area in accordance with Policy DM16 of the Chelmsford Local Plan.

**Notes to Applicant**

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The developer to pay the costs of all necessary traffic regulation orders and legal processes associated with the highway works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

**Plans to be listed on any Decision Notice:**

Transport & Drainage Technical Note/March 2023

184281-020/B

184281-022/B

184281-030/D

184281-032/C

184281-034/A

Heritage Assessment/March 2023

Covering Letter/March 2023

Archaeology JAC27354/March 2023

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## Appendix 2 – Consultation Responses since June 2023 (previous Planning Committee)

### Essex County Council Highways

Comments
<p>8/1/2025</p> <p>Bloor have contacted the Highway Authority to seek ECC's agreement to amend a Highways element of their planning consent which was approved at Planning Committee subject to S106.</p> <p>Part of the Highway mitigation package (outlined in the Committee Report dated 20th June 2023) was the provision of a "Smarter Choices Campaign" for the existing Broomfield Village. A Smarter Choices scheme is in essence a Travel Plan to encourage sustainable travel but does not cover the proposed development (a separate Travel Plan requirement will do that) and instead would be rolled out to the existing properties in Broomfield parish and on Blasford Hill, with a view to encourage existing residents to use sustainable travel modes which in turn would reduce reliance on the private car and free up capacity on the nearby highway network.</p> <p>The Smarter Choices Campaign has been secured via Condition 29 of the draft conditions and as an element of the S106, as outlined in the Committee Report dated 20th June 2023.</p> <p>During negotiations, it was agreed that the Smarter Choices campaign definitions would need to be set out in the S106 including a cost cap.</p> <p>As part of the S106 negotiations the following Smarter Choices campaign has been agreed with the Highway Authority:</p> <ul style="list-style-type: none"><li>• A timescale be applied to the provision of the Smarter Choices campaign of 7 years from first occupation,</li><li>• Provision of single journey bus tickets per household,</li><li>• Travel awareness leaflets and cycle incentive events,</li><li>• Monitoring,</li><li>• A cost cap of £500,000 for the Smarter Choices Campaign.</li></ul> <p>It is understood these changes will need to be approved by Planning Committee, please can you reiterate to the Planning Committee that the above changes are agreed with the Highway Authority and are necessary in order for the S106 to progress. The details of the Smarter Choices campaign, as set out above, are acceptable to the Highway Authority and would, in conjunction with the other mitigation sought by the Highway Authority as outlined in our recommendation to Planning dated 18th May 2023, adequately mitigate the impact of the development.</p>

### Forestry Commission

Comments
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31/7/2023

As a Non-Ministerial Government Department, the Forestry Commission provide no opinion supporting or objecting to an application. We provide advice on the potential impact that the proposed development could have on trees and woodland to ensure there is no net loss of woodland cover resulting from any planning application. It is noted that the documents for this application includes Biodiversity Net Gain metrics and proposals. We recommend that BNG is included in an approved plan, and the Council is satisfied that the Environmental Impact Assessment.

## Natural England

Comments

28/7/2023

Natural England has received notification from a member of the public raising concerns about the impacts of the above-mentioned development on deciduous woodland currently recorded on the Priority Habitat Inventory (PHI). Furthermore, there is strong evidence to suggest that Pudding Wood is **ancient woodland** and we are currently carrying out investigations into whether the site should be added to the ancient woodland inventory. We will notify you of any further findings in due course.

As you may be aware, paragraph 180 (c) of the National Planning Policy Framework (NPPF) states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. ([National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61714/nppf_guidance.pdf)).

As you will be aware, Natural England and the Forestry Commission have created joint Standing Advice ([Ancient woodland, ancient trees and veteran trees: advice for making planning decisions.](#)) which assists local planning authorities in deciding if there is a 'reasonable likelihood' that a development will result in the loss or deterioration of ancient woodland or veteran trees. This Standing Advice is a material consideration in the determination of applications in the same way as bespoke advice provided by Natural England.

### **Protected Species:**

Natural England has produced [standing advice](#) to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice or seek advice from your County Ecologist in relation to this matter.

Natural England will only provide bespoke advice on ancient and veteran trees and protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. We suggest your authority seeks further advice on this potentially important woodland site from the FC, as lead authority on woodland matters, and also the Essex Wildlife Trust.

## Local Residents

Comments
No further comments received.

**Appendix 3 – June 2023 Committee Report , Green Sheet & Minutes**

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**Planning Committee**  
**20<sup>th</sup> June 2023**

<b>Application No</b>	:	21/00881/FUL Full Application
<b>Location</b>	:	Broomfield Hospital Hospital Approach Broomfield Chelmsford CM1 7ET
<b>Proposal</b>	:	<b>Formation of highway connection north of Woodhouse Lane, closure of sections of Woodhouse Lane, provision of turning heads north of Woodhouse Lane and connection to existing highway drainage.</b>
<b>Applicant</b>	:	Mr Eburne Bloor Homes Limited
<b>Agent</b>	:	Robert White
<b>Date Valid</b>	:	28th April 2021

**Appendices:**

Appendix 1	Summary of consultations (since August 2022)
Appendix 2	August 2022 Committee Report & Green Sheet
Appendix 3	August 2022 Committee Minutes
Appendix 4	Bloor Homes Ltd & NHS Trust Letters
Appendix 5	Drawings

**1. Executive summary**

1.1. At the meeting of the Planning Committee in August 2022 it was resolved that planning application 21/00881/FUL in respect of Puddings Wood (to the north of Broomfield Hospital) and Woodhouse Lane be approved, subject to:

- the completion of the Section 106 agreement referred to in the report to the meeting,
- the conditions set out in the report to the meeting; and
- securing delivery of the link road [into Broomfield Hospital].

- 1.2. Since the meeting of the Planning Committee, Officers have worked hard with both Bloor Homes and the Hospital Trust in an effort to secure the provision of the hospital link road. Sustained and prolonged efforts have been made by Officers and the applicant to secure the delivery of the link road through dialogue with the Mid and South Essex NHS Foundation Trust (The NHS Trust).
- 1.3. In March 2023 The NHS Trust confirmed their position in a letter to Officers (Appendix 4). This confirms that agreement on the future maintenance arrangements, costs and liability for the proposed link road could not be reached. This is despite the applicant's offer to pay a maintenance sum to The NHS Trust.
- 1.4. In light of this, the Applicant and The NHS Trust jointly concluded that an alternative means of mitigation would be required to address the potential traffic impact of the proposed Bloor Homes development as the link road could not be delivered and secured. The parties agreed an 'Alternative Transport Strategy' in lieu of the hospital link road.
- 1.5. The proposed 'Alternative Transport Strategy' is a shuttle bus service between the Chelmer Valley Park and Ride and Broomfield Hospital. Funding of £1,350,000 would be provided by the Applicant. The proposal is to secure this through the Section 106 legal agreement.
- 1.6. Officers and the Local Highway Authority have undertaken extensive investigation and analysis of the supporting documentation and the additional information submitted as part of the applications. This has concluded that the traffic impact that results from the residential development, and in lieu of the link road, could be suitably mitigated through a package of appropriate mitigation, sustainable transport measures and financial contributions towards additional mitigation, including the proposed contribution of £1,350,000.
- 1.7. The application has subsequently been amended to remove the previously proposed hospital link road and make consequential minor amendments to Woodhouse Lane. The closures to parts of Woodhouse Lane have not required amendment. The residential development application (20/02064/OUT) results in the need to change the existing road arrangement to create an alternative connection to Woodhouse Lane through the development, which will provide improved access for residents on Woodhouse Lane west of the site by way of the spine road through the development.
- 1.8. Overall it is Officers view that the proposal is acceptable, subject to conditions and the completion of the S106 agreement.

## **2. August 2022 Planning Committee**

- 2.1. In August 2022 the Committee considered the application for the proposed hospital link road and closures to sections of Woodhouse Lane, associated with application 20/02064/OUT for the residential development of the land to the north (Strategic Growth Site 8 of the Chelmsford Local Plan). A Green Sheet of additions and alterations was distributed before the meeting. A copy of the Committee report and Green Sheet is appended at Appendix 2.
- 2.2. At the meeting, it was clear from the members' discussion of the application that the Committee was of the view that the residential development of Strategic Growth Site 8 should not proceed without the link road or, as an alternative, the provision of a Park and Ride service. Officers said that if the Committee were minded to approve the applications, subject to the completion of the S106 agreement and compliance with conditions, as well as the construction of the link road being

secured, discussion would continue between the Council, the applicant and the NHS Trust with a view to reaching agreement on its provision and maintenance. If the delivery of the link road could not be secured, the applications would be brought back to the Committee to consider the Park and Ride option.

2.3. Members accepted the assurance of officers that the applications would be brought back to the Committee if discussions over the link road were not successful. It was resolved that planning application 21/00881/FUL in respect of the proposed link road and closures to Woodhouse Lane, Broomfield, Chelmsford be approved, subject to:

- the completion of the Section 106 agreement referred to in the report to the meeting,
- the conditions set out in the report to the meeting; and
- securing delivery of the link road.

2.4. A copy of the Minutes of the meeting is appended at Appendix 3.

### **3. Subsequent Discussions**

3.1. Since the meeting of the Planning Committee, Officers have worked hard with both Bloor Homes and the Hospital Trust in an effort to secure the provision of the link road. Sustained and prolonged efforts have been made by Officers and the Applicant to secure the delivery of the link road through positive and constructive dialogue with the Mid and South Essex NHS Foundation Trust (The NHS Trust).

3.2. Whilst a Memorandum of Understanding (MOU) was signed by The NHS Trust (January 2019) as part of the Local Plan adoption process, it became clear as part of discussions that as time went on, the NHS Trust were reluctant to support the proposed link road.

3.3. On 29th September 2022 officers were advised in an email from the Agent acting on behalf of the NHS Trust that The NHS Trust would prefer that the link road is not constructed (Appendix 4). They reluctantly accepted that the road through their estate could be provided, but only on the condition that The NHS Trust would not accept any cost or liability now or in the future for provision or maintenance of the link road.

3.4. In March 2023 the NHS Trust confirmed their position in a letter to Officers (Appendix 4). This confirms that agreement on the future maintenance arrangements, costs and liability for the proposed link road could not be reached. This is despite the Applicant's offer to pay a maintenance sum to The NHS Trust. In addition, The NHS Trust state that the link road and internal road network configuration which apparently would need related/consequent investment could not be accommodated within their capital programme.

3.5. In light of this, the Applicant and The NHS Trust jointly concluded that an alternative means of mitigation would be required to address the potential traffic impact of the proposed Bloor Homes development as the link road could not be delivered and secured. The parties agreed an 'Alternative Transport Strategy' based on a Park and Ride Shuttle Bus.

3.6. The positions of both the Applicant and The NHS Trust are set out in letters appended at Appendix 4.

#### 4. Proposal

- 4.1. The Applicant now proposes the 'Alternative Transport Strategy' in lieu of the link road and has amended the current planning application (and related application 20/02084/OUT) accordingly. The link road has been removed from the proposal and the description of proposed development amended.
- 4.2. The proposed 'Alternative Transport Strategy' is a shuttle bus service between the Chelmer Valley Park and Ride and Broomfield Hospital. Funding of £1,350,000 would be provided by the Applicant. The proposal is to secure this through the Section 106 legal agreement.

#### 5. Summary of Consultations (Since August 2022)

- 5.1. Following the submission of the revised proposal, the following consultation responses were received:
- 5.2. Broomfield Parish Council – Very disappointed that the new access road to the Hospital site is likely to be scrapped. Supports the re-introduction of the shuttle bus service from the Chelmer Valley Park & Ride to Broomfield Hospital, with targeted funding to promote the service. However, it is strongly opposed to spending the entire capital sum on this single initiative. The spine road must be built with the capacity for a link road onto the Hospital site to be added as originally planned, at a later date. However, should the Hospital Trust revert to its earlier desire for a second regular access, that would need to be funded through NHS capital funding streams and not by further development. The availability of up to £1.35M to mitigate traffic impacts on the B1008 is a great but unique opportunity. It must not be entirely spent on one single measure, but must be used carefully to support a wider strategy.
- 5.3. Essex County Council Highways - The residential development application (20/02064/OUT) results in the need to change the existing road arrangement to create an alternative connection to Woodhouse Lane through the development, which will provide improved access for residents on Woodhouse Lane west of the site by way of the spine road through the development. A vehicle prohibition order on Woodhouse Lane east of the new access road is required to remove the vehicle through route from the existing narrow lane and create a safe, sustainable travel corridor to/from the site.
- 5.4. Great Waltham Parish Council – No additional comments.
- 5.5. Little Waltham Parish Council –would not wish to see the bus travelling through the village centre which would cause more congestion but would wish it to be routed along Essex Regiment Way to the Sheepcotes Roundabout and then along the B1008.
- 5.6. Essex County Council Historic Environment - The submitted Written Scheme of Investigation, revised to encompass the updated proposals, accurately outlines the scope, methodology and archiving requirements of the archaeological work required. Condition requested.
- 5.7. Local Residents – One additional comment neither objecting to or supporting the application. Welcomes removal of proposed link road as no need to feel any trees or affect natural habitats. residents of Partridge Green Lane and Woodhouse Lane should be allowed to continue to access the



entire lengths and sections of both North Court Road and Woodhouse Lane, as they have always done so to date, but also have the choice of whether they wish to use the new spine road or Woodhouse Lane and North Court Road to access Main Road, Broomfield, and the hospital site, and whether their intentions are to travel north towards Braintree or south towards Chelmsford via Broomfield.

- 5.8. Full details of consultation responses received since the previous Planning Committee meeting are included at Appendix 1.
- 5.9. All consultation responses prior to the previous Planning Committee meeting are included in the original committee report which is attached at Appendix 2.

## **6. Planning Considerations**

### *Transport*

- 6.1. A link to Broomfield Hospital is a requirement of Local Plan Growth Site Policy 8 and Strategic Policy S9 of the Chelmsford Local Plan. The hospital link road formed part of the adopted masterplan for the application site and was allocated as a measure to mitigate an increase in vehicular traffic on Blasford Hill. At the time of the adoption of the Local Plan in May 2020 it was understood that the formation of the link road was an objective shared by the Hospital Trust.
- 6.2. As set out above, sustained and prolonged efforts have been made by Officers and the applicant to secure the delivery of the link road through dialogue with the Mid and South Essex NHS Foundation Trust (The NHS Trust). Both the Applicant and the NHS Trust have however now concluded that an agreement cannot be reached and that an alternative transport strategy should be secured. This is considered in more detail as part of application 20/02064/OUT.
- 6.3. Whilst the hospital link road is no longer proposed, changes and closures to parts of Woodhouse Lane are still required. These amendments and closures are required to provide improved access for residents of Woodhouse Lane, to remove a potential vehicle through route from the development on the existing narrow lane to Hospital Approach and Blasford Hill and to provide safe and sustainable walking and cycling routes.
- 6.4. The part of Woodhouse Lane to the west would largely remain as existing, with the exception of a new alignment and junction where Woodhouse Lane would be connected to the spine road through the residential development of the land to the north (see 20/02064/OUT). Properties to the west would gain access from the north via the new spine road through the Bloor development.
- 6.5. The part of Woodhouse Lane immediately to the east of the proposed spine road and new Woodhouse Lane junction road would remain open to provide access to the existing service access of Farleigh Hospice. Beyond the Farleigh Hospice service access the road would be closed and a turning head with bollards would be installed.
- 6.6. Whilst theoretically it would be possible for vehicles to cut through Farleigh Hospice from their service entrance on Woodhouse Lane out onto North Court Road, the proposed closures are unlikely to make this a realistic prospect. This opportunity also already exists. A condition could secure the provision of signage at the service entrance to discourage use.

- 6.7. Further to the east, to the north of the junction of Woodhouse Lane and North Court Road, there would be a further closure. North Court Road would still provide access to the properties located on this junction. The northern end of North Court Road would serve as a turning head. Bollards would similarly be installed at this closure location.
- 6.8. Properties in Woodhouse Lane to the east of North Court Road would continue to have vehicular access from the junction of Woodhouse Lane and Blasford Hill. Although this junction has limited visibility, the number of vehicles using this access would be greatly reduced to just those east of North Court Road. A turning head and bollards would be installed close to The Coach House.
- 6.9. The proposed works to Woodhouse Lane and associated road closures are acceptable and necessary. The Local Highway Authority have no objection to the proposal. The road closures would be secured through a Traffic Regulation Order (TRO).

#### *Preserved Trees, Ecology & Biodiversity*

- 6.10. The woodland commonly referred to as Puddings Wood is protected by Preservation Order reference TPO/2001/107. It is an important landscape feature. It has a non-statutory designation as a Local Wildlife Site.
- 6.11. The removal of the link road from the proposal means that trees within Puddings Wood would not need to be felled and biodiversity within Puddings Wood would not be lost. This is a benefit of the removal of the proposed link road and the now proposed alternative transport strategy.

#### *Heritage*

- 6.12. The eastern turning head on Woodhouse Lane would, as outlined in the original report (Appendix 2), cause some harm to the setting of Wood House (a non-designated heritage asset). In accordance with Policy DM14 of the Chelmsford Local Plan and the National Planning Policy Framework this harm can be acceptable providing the harm is justified following a balanced judgement of harm and the significance of the asset; and harm is minimised through retention of features of significance and/or good design and/or mitigation measures. The turning head is unavoidable in order to prevent 'rat running' through Woodhouse Lane and also in order to make Woodhouse Lane a safer walking and cycling route. The closures would also reduce the number of vehicles using the Woodhouse Lane and Blasford Hill junction which has limited visibility. It would also be possible to minimise the harm through materials and landscaping details which would be required by condition.
- 6.13. On balance, it is considered that the harm to the setting of Wood House, its outbuildings and lodge can be minimised and is justified.
- 6.14. The proposed development is in an area of potential archaeological remains. The site of the proposed link road is adjacent to a site which had prehistoric flint and Late Bronze Age pottery. There is the possibility that archaeological features and finds may extend into the proposed development area. An updated written scheme of investigation has been submitted. This is acceptable. A condition is required to ensure that the programme of archaeological work is carried out in accordance with the Written Scheme of Investigation prior to the commencement of works.

## **7. Legal Obligations**

7.1. The application will be linked to the S.106 Agreement for the residential development of the adjacent site (see 20/02064/OUT also on this agenda). The S.106 agreement will require (amongst other matters):

- Closure/downgrading/alterations to Woodhouse Lane.
- Developer to submit details of the connection of the spine road to Woodhouse Lane, the Woodhouse Lane junction and associated works to Woodhouse Lane for technical approval prior to any development above slab level taking place at the site.
- No occupation of phase 2 of the development until technical approval has been given for the connection of the spine road to Woodhouse Lane, the Woodhouse Lane junction and associated works to Woodhouse Lane.
- Construction and delivery of the connection of the spine road to Woodhouse Lane, the Woodhouse Lane junction, and associated works to Woodhouse Lane, in accordance with details in application and design to be agreed by the highway authority prior to 200th occupation.
- Restriction on occupations until the new access roundabout, the spine road, works to Woodhouse Lane, cycle facilities and bus stop infrastructure have been carried out and a certificate of completion issued under s.278.

## **8. Community Infrastructure Levy (CIL)**

8.1. The proposal is not CIL liable.

## **9. Planning Balance (Conclusion)**

9.1. Whilst a Memorandum of Understanding (MOU) was signed by The NHS Trust (January 2019) as part of the Local Plan adoption process, it became clear as part of discussions that as time went on, the NHS Trust were reluctant to support the proposed link road. The NHS Trust have subsequently confirmed their position that they would prefer that the hospital link road is not constructed and that, despite the applicants offer of a financial sum to cover future maintenance, the NHS Trust could not accept any costs or liability for the road such that it could not go ahead. The applicant has therefore proposed an alternative transport strategy in lieu of the hospital link road.

9.2. The development would improve opportunities for walking and cycling in the area. It would also provide safer vehicular access to a number of existing residential properties and Farleigh Hospice.

9.3. The removal of the link road from the proposal means that trees and habitats within Puddings Wood would not be affected. Whilst there would be some harm to the setting of non-designated heritage assets, this is outweighed by the need for the closures on Woodhouse Lane and the public benefits of the proposal.

9.4. There are no other material considerations such as a change in government or local policy that need to be taken into account since the committee's previous consideration of the application in August 2022. The Broomfield Neighbourhood Plan has not reached a stage where it can be considered a material planning consideration.

9.5. Overall the proposed development accords with the Chelmsford Local Plan and would deliver a sustainable development as sought by the National Planning Policy Framework. The proposal is therefore acceptable, subject to conditions and the completion of the S106 agreement.

### **RECOMMENDATION**

**The Application be APPROVED subject to the completion of a S106 Agreement and compliance with the following conditions:**

#### **Condition 1**

The development hereby permitted shall begin no later than 5 years from the date of this decision.

Reason:

In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Condition 2**

The development hereby permitted shall be carried out in accordance with the approved plans and conditions listed on this decision notice.

Reason:

In order to achieve satisfactory development of the site

#### **Condition 3**

Prior to the commencement of the development a Construction Management Plan shall be submitted to and agreed in writing with the local planning authority. The Plan shall provide for:

- i. construction vehicle access and routing,
- ii. any temporary traffic management/signage,
- iii. wheel and underside chassis cleaning facilities to prevent the deposition of mud or other debris onto the highway network/public areas,
- iv. contractor and visitor parking clear of the highway,
- v. highway safety considerations,
- vi. turning, loading and unloading of plant and materials and
- vii. hours of deliveries.

The Plan shall be adhered to throughout the construction period.

Reason:

In the interests of highway safety.

#### **Condition 4**

Prior to the commencement of the development hereby permitted details of all surfacing works, including turning heads, bollards, and other means of enclosure, and all signage shall be submitted to and agreed in writing with the local planning authority. The work shall be carried out in accordance with the approved details.

Reason:

In the interests of the rural character of the lane and non-designated heritage assets in accordance with Policy DM14 of the Chelmsford Local Plan and to prevent through traffic from using the Farleigh Hospice site in lieu of Hospital Link.

**Condition 5**

(i) No demolition, development or preliminary ground works shall take place until such time that the programme of archaeological work has been carried out in accordance with the approved Written Scheme of Investigation.

(ii) The applicant shall within six months of the completion of the fieldwork submit to the local planning authority a post excavation assessment, unless otherwise agreed in advance with the Planning Authority.

Reason:

The proposed development is in an area of potential archaeological remains and in accordance with Policy DM15 of the Chelmsford Local Plan.

**Condition 6**

Prior to their installation details of any means of external lighting, including temporary lighting during the construction period, shall be submitted to and approved in writing by the local planning authority. The lighting shall then be installed in accordance with the approved details.

Reason:

In the interests biodiversity and species using the area in accordance with Policy DM16 of the Chelmsford Local Plan.

**Notes to Applicant**

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The developer to pay the costs of all necessary traffic regulation orders and legal processes associated with the highway works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

## Essex County Council Highways

Comments
<p>18.05.2023</p> <p>A link to Broomfield Hospital via Strategic Growth Site 8 was identified as a requirement within the CCC Local Plan. Broomfield Hospital (MEHT) have not been able to find an agreeable way forward to enable the link road and the developer has now revised the 2 connected applications (20/02064/OUT and 21/00881/FUL) to omit the link road and provide alternative mitigation.</p> <p>The residential development application (20/02064/OUT) results in the need to change the existing road arrangement to create an alternative connection to Woodhouse Lane through the development, which will provide improved access for residents on Woodhouse Lane west of the site by way of the spine road through the development, this application (21/00881/FUL) deals with the amendment to Woodhouse Lane.</p> <p>A vehicle prohibition order on Woodhouse Lane east of the new access road is required to remove the vehicle through route from the existing narrow lane and create a safe, sustainable travel corridor to/from the site. The closure of Woodhouse Lane as a vehicular through route to Partridge Green will enable a direct walking/cycling link to be provided from the development to Hospital Approach via Woodhouse Lane and North Court Road, and on to the Chelmsford to Gt Waltham cycle route, away from the B1008. As the Traffic Regulation Order process for vehicle prohibition is separate to the planning process it is essential that the TRO is confirmed as soon as possible post planning approval to ensure there is certainty that it can be delivered without abortive works and to provide sufficient level of good quality walking/cycling links southwards of the site. If the TRO is not successful, an alternative sustainable solution would be required which would need to be identified and agreed with the Highway Authority.</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to:</p> <p>The developer to construct a new connection to Woodhouse Lane from the spine road. The detailed specification and design of the works to be agreed by the Highways Authority and delivered by the developer.</p> <p>The developer to provide measures to prevent through traffic from using the Farleigh Hospice site in lieu of Hospital Link.</p>

A Construction Management Plan to be prepared and adhered to throughout the construction period.

### **ECC Historic Environment Branch**

#### **Comments**

28.3.2023

These proposals have the potential to impact archaeological deposits related to remains uncovered in close proximity. The submitted Written Scheme of Investigation, revised to encompass the updated proposals, accurately outlines the scope, methodology and archiving requirements of the archaeological work required.

Recommend updated condition:

1. No development or preliminary groundworks can commence until the satisfactory completion of archaeological fieldwork, as detailed in the approved Written Scheme of Investigation.
2. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

### **Little Waltham Parish Council**

#### **Comments**

05.04.2023

Little Waltham Parish Council notes that other ways of mitigating the traffic leading into the Hospital is to be agreed and one suggestion is a bus from the Chelmer Valley Park and Ride to the Hospital - the Parish Council would not wish to see that bus travelling through the village centre which would cause more congestion but would wish it to be routed along Essex Regiment Way to the Sheepcotes Roundabout and then along the B1008.

### **Broomfield Parish Council**

#### **Comments**

14.04.2023

Supports the re-introduction of the shuttle bus service from the Chelmer Valley Park & Ride to Broomfield Hospital, with targeted funding to promote the service.

Strongly opposed to spending the entire capital sum on single initiative.

A comprehensive, carefully-considered strategy for mitigating the traffic impacts of the development should be agreed with the Broomfield and Little Waltham communities. The use of the available capital should then support this strategy, prioritizing aspects which will have the longest-lasting benefits on the B1008 corridor.

Since the time of the PFI expansion (around 2003 up to the Local Plan Examination in 2018), Hospital management has been keen to create a second, regular access road to the site and the Council has been supportive of this aspiration. For the local community, the sole positive aspect of Strategic Growth Site 8 North of Broomfield (SGS8) was the inclusion of a new link road from the east, in the expectation that it would alleviate traffic problems on the B1008, particularly the Hospital Approach/Main Road junction.

The variation now proposed of substituting a subsidized bus service for a significant piece of infrastructure is a significant departure from the Local Plan and the understanding upon which it was consulted upon and examined.

Very disappointed that the promised new access road to the Hospital site is likely to be scrapped. Mitigating infrastructure being dropped but the development going ahead anyway.

The Council insists that the SGS8 spine road is built with the capacity for a link road onto the Hospital site to be added as originally planned, at a later date. However, should the Hospital Trust revert to its earlier desire for a second regular access, that would need to be funded through NHS capital funding streams not by further development, with the usual negative impacts for the local community.

The availability of up to £1.35M to mitigate traffic impacts on the B1008 is a great but unique opportunity.

It must not be entirely spent on one single measure, but must be used carefully and judiciously to support a wider strategy, in consultation with the local communities that will be most affected by the development of SGS8.

## Great Waltham Parish Council

Comments

22.05.2023 - No additional comments

## Local Residents

Comments

One comment received since August 2022 Planning Committee. Summarised as follows:

Welcome the proposed amendments from the perspective that there would no longer be a need to fell any of the trees or for the potential destruction of any other natural habitats within the wooded area.



Residents of the western section of Woodhouse Lane and Partridge Green Lane would be forced to access their properties via the new spine road. This is not a viable option for those wishing to travel south.

Residents of Partridge Green Lane and Woodhouse Lane should be allowed to continue to access the entire lengths and sections of both North Court Road and Woodhouse Lane, but also have the choice of whether they wish to use the new spine road or Woodhouse Lane and North Court Road to access Main Road, Broomfield, and the hospital site.

All Large Goods Vehicles wishing to access Partridge Green Farm and Bedford Sports Playing Field, should be required to use the new spine to access the western section of Woodhouse Lane in order for them to access their intended destinations, as the eastern sections of Woodhouse Lane between Blasford Hill and the service yard entrance at the rear of Farleigh Hospice, and the entire length of North Court Road, are unsuitable sections of road for such large vehicles.

Pleased that the proposal to remove a number of trees and destroy a significant area of woodland habitat that make up Pudding Wood to make way for a new link road onto the hospital site has been dropped, and that people will be able to continue to enjoy the beauty of Pudding Wood and the wildlife which resides within it for foreseeable future generations to come.



**ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE**

**20<sup>th</sup> 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 24<sup>th</sup> 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 3<sup>rd</sup> 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.

## MINUTES

of the

## PLANNING COMMITTEE

held on 20 June 2023 at 7:00pm

Present:

Councillor J A Sosin (Chair)

Councillors J. Armstrong, S. Dobson, S. Hall, R. Hyland, J. Lardge, R. Lee, , E. Sampson, A. Thompson, C. Tron and P. Wilson

Also Present:

Councillors Bugbee, C. Davidson, Pooley and Scott

### 1. Chair's Announcements

For the benefit of the public, the Chair explained the arrangements for the meeting.

### 2. Apologies for Absence

Apologies for absence were received from Councillors Pappa and Thorpe-Apps.

### 3. Declarations of Interest

All Members were reminded that they must disclose any interests they knew they had in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they became aware of the interest. If the interest was a Disclosable Pecuniary Interest they were also obliged to notify the Monitoring Officer within 28 days of the meeting. Any declarations are recorded in the relevant minute below.

### 4. Minutes

The minutes of the meeting on 18 April 2023 were confirmed as a correct record and signed by the Chair.

### 5. Public Question Time

Public questions and statements were asked on Items 7,8,9 and 12 and are detailed under the relevant items. [The statements submitted in advance can be viewed via this link.](#)

## 6. Appointment of Vice Chair

RESOLVED that Cllr Sue Dobson be appointed as the Vice Chair of the Committee for 2023/24.

## 7. 20/02064/OUT – Strategic Growth Site North Of Woodhouse Lane, Broomfield, Chelmsford, Essex & Item 8 21/00881/FUL – Broomfield Hospital, Hospital Approach, Broomfield Chelmsford, Essex, CM1 7ET

Declarations of Interest – Cllr Sosin declared a Non registrable interest for Items 7 and 8 and left the meeting for them. Cllr Dobson took the Chair for Items 7 and 8.

The Committee considered Items 7 and 8 together, due to them being related. Item 7 was for an outline application for residential development for up to 512 dwellings including affordable housing and custom build homes (Use Class C3), Local Centre (Use Classes E, F,1 and F,2), formal and informal open space, and associated infrastructure with all matters reserved expect for primary access. Item 8, was for the Formation of highway connection north of Woodhouse Lane, closure of sections of Woodhouse Lane, provision of turning heads north of Woodhouse Lane and connection to existing highway drainage. [Members of the Committee were also directed to the green sheet of amendments for the meeting, which included an amendment to condition 26 to include a note about land ownership.](#)

The Committee was informed by the chair that all members could take part in the discussions and vote on the two items, not just those who were present in August 2022. It was noted that it had the status of a new application and members had the whole report before them.

The Committee was reminded of the resolution it agreed in August 2022 to approve 20/02064/OUT subject to the completion of the Section 106 agreement, the conditions set out in the report and securing delivery of the link road. Officers informed the Committee that work had been undertaken to secure the delivery of the link road but this had not been possible as an agreement on the future maintenance arrangements, costs and liability of the proposed link road could not be reached with the NHS Trust. Therefore an alternative transport strategy had been agreed by parties in lieu of the hospital link road. The Committee heard that this included a financial contribution of £1,350,000 primarily towards a shuttle bus service between the Chelmer Valley Park and Ride Site and Broomfield Hospital to be provided by the applicant. The Committee heard that officers had undertaken extensive investigation and analysis and concluded that the traffic impact that resulted from the proposal could be suitably mitigated through a package of appropriate mitigation. It was highlighted to the Committee by officers, that with the exception of traffic matters, all other matters considered previously remained unchanged. The Committee was informed that both applications were being recommended for approval.

The Committee heard a statement from the applicant, which highlighted the ongoing work that had been undertaken with partner organisations to secure an acceptable transport position for the scheme. The Committee heard that the alternative transport strategy was the result of extensive consultation and was supported by the NHS Trust and City and County Council, including significant contributions towards the cost of the park and ride service. The applicant also stated that the rest of the application remained as previously agreed.

A local resident addressed the Committee and informed them that residents still held major concerns about traffic on Main Road in Broomfield. They highlighted the Memorandum of Understanding that had agreed the provision of the link road which they felt was still a fundamental part of the application. They stated that the park and ride service would not be



sufficient to mitigate the impact of the development. A further local resident also highlighted concerns for hospital staff having to use the park and ride service. They informed the Committee that there did not appear to be mention of a 24/7 service and would staff be expected to rely on the service on a dark winter night, which they felt was a potential personal security issue.

A representative from Broomfield Parish Council also addressed the Committee. They raised concerns about how the £1.35m figure should be split between the park and ride service and other alternative transport arrangements. They highlighted ongoing issues with traffic levels within the Parish, especially near the hospital and asked the Committee to work with the Parish and its residents to show how development can work in their best interests. The Committee heard that there was no evidence that spending £1m on the park and ride scheme was the right thing to do and it could be argued that further funding would then be required. The Committee were asked to remove the specified £350,000 from the wording of the proposed obligation, so that there was no limit of what could be put towards local schemes that may come forward through the emerging Neighbourhood Plan.

Two local ward members and two other City Councillors also addressed the Committee and the following concerns were raised;

- The link road had been a fundamental element to improve traffic in the area which was already very congested.
- Would the park and ride service be viable?
- Other measures should be considered rather than just relying on the park and ride service.
- What levels of service would be provided by the park and ride, would it be sufficient and cover all shift patterns and would free parking be removed to encourage its use?
- How long would the financial contribution keep the service running for?
- Why was the link road now not required, despite the local plan inspectorate stating it was required?
- Roads in the area were already operating over capacity and the development without adequate mitigation would just increase this.

In response to the points raised by members of the public and local Councillors, officers stated that they were not indicating that the link road was no longer necessary. They were stating that it was no longer possible to be delivered, due to the land being owned by the NHS trust who could not reach an agreement, therefore other options had to be considered. It was noted that the Highways authority felt the alternative arrangement was suitable and would adequately mitigate the impact of the development. The £350,000 towards other measures had been calculated on the basis that £1,000,000 could fund a park and ride service for a five year period, leaving £350,000 for other schemes. It was noted that the service had been successful pre covid and there was demand for it to be restarted. It was also noted that the bus service would be run the same as any others in the area and that specific details of the service would be established with Essex County Council. Officers from the Highways authority also stated that the funding would not fund the service permanently, but it was hoped that over the 5 year period, there would be an adequate modal shift to make the service self sustainable. They also noted that the package of mitigations was adequate in their view and it would be down to officers to develop the service. They felt that a 24 hr service was unnecessary as the key aim of the service was to reduce traffic at peak times. Officers from the Highways authority also stated that they could not object to the evidence provided and they were comfortable with the mitigations being put forward.

Officers also informed the Committee that the local plan and masterplan were starting points for consideration. It was noted that the application before the Committee, was for housing and the question to be answered, was whether the proposed mitigations would adequately mitigate the harm from that development. It was noted that the link road would have been a preferred option, but the Committee had to decide if the new proposals would allow the housing development to go ahead without a negative impact on traffic in the local area.

Members of the Committee expressed disappointment and concerns that the link road had proved not to be possible. Members also queried whether the park and ride service would be adequate but noted that the Highways authority were happy with the mitigations being provided. Members also noted the importance of 500 new homes for the area and noted that any development would have some level of impact.

In response to questions from the Committee, members were informed that;

- There had been plans to reinstate the park and ride service previously and officers were keen for it to be running again, it was noted that this provided an opportunity to do so.
- The spine road would still be able to accommodate a link road in the future if it was to ever be put in place.
- The £1.35m figure being put forward, was the same as the proposed cost of the link road, therefore no party was being short changed.
- There would be a cost impact for the park and ride service to cover all hospital staff shifts 24/7.
- The detailed plans for the park and ride service and how often it would run, were not yet set in stone.

A member of the Committee proposed that the applications be approved with a change to the wording of the financial contribution of £1.35m. It was proposed that the wording at page 20 of the agenda pack in the first bullet point for highways and transportation be amended to read;

“ A financial contribution of £1,350,000 (index linked) to be paid by the developer towards the mitigation of the impact of development traffic on B1008, primarily on provision of Park and Ride Shuttle services to Broomfield Hospital from Chelmer Valley Park and Ride site and fare incentives to encourage staff, patients and visitors to use this service; and on alternative transport travel schemes in the vicinity of the Hospital as identified in the emerging Broomfield Neighbourhood Plan.”

The above proposal was seconded and then voted on by the Committee.

RESOLVED that the applications at Items 7 and 8 be approved.

**20/02064/OUT be approved** subject to the completion of a S106 agreement and compliance with the conditions detailed in the report and; with the following condition added , “*A financial contribution of £1,350,000 (index linked) to be paid by the developer towards the mitigation of the impact of development traffic on B1008, primarily on provision of Park and Ride Shuttle services to Broomfield Hospital from Chelmer Valley Park and Ride site and fare incentives to encourage staff, patients and visitors to use this service; and on alternative transport travel schemes in the vicinity of the Hospital as identified in the emerging Broomfield Neighbourhood Plan*”

**21/00881/FUL be approved** subject to the completion of a S106 agreement and compliance with the conditions detailed in the report.

(7.04pm to 9.08pm)

## 9. 22/01723/FUL – The Avenue Springfield And Land Forming Part Of Beaulieu Parks Sports Ground, Springfield, Chelmsford, Essex

Declarations of Interest – Cllr Wilson declared a Non registrable interest for Item 9 and left the meeting for that item.

The Committee considered an application for the construction of a two-way bus link and pedestrian and cycle paths to connect the Beaulieu Park Railway Station to White Hart Lane with utility, landscape and infrastructure works, together with associated and ancillary development. The Committee heard that the application had been referred as it included CCC owned land and an adverse third party representation had been received. [Members of the Committee were also directed to the green sheet of amendments for the meeting, which included a change to condition 11, a late letter of representation from New Hall School and a response from the planning agent and highways authority.](#)

The Committee were informed that the Beaulieu Park Railway Station formed the cornerstone of a series of sustainable transport measures for North-East Chelmsford and that following reserved matters approvals, work had commenced on the station at the end of 2022. It was noted that the application brought forward the requirement for a two-way bus link road from White Hart Lane to the new station as set out within the S106 agreement. The Committee heard that the bus link road together with the associated footway and shared footpath/cycle path had been the subject of extensive pre-application discussion and negotiation. It was noted that the scheme was acceptable to the heritage sensitivity of the site and met all required design standards. The Committee was informed that the scheme formed a key component of the overall sustainable transport strategy for Beaulieu Park Railway Station and was recommended for approval, subject to the completion of a S106 agreement.

Two public statements were made at this point of the meeting. One member of the public highlighted concerns with a discharge of conditions application - ref: 09/01314/DOC/314. They stated that the pond had not been constructed in accordance with the original approved plans and it was not holding the promised minimum 300mm of water. It was noted that several local residents held concerns and had submitted objections. The planning agent for the application also addressed the Committee. They stated that the delivery of the new station was a critical step for delivering sustainable public transport in Chelmsford. They informed the Committee that the principle of the bus link was well established through the adopted Local Plan and the Beaulieu Outline planning permission approved in 2014. They noted that the application would enable them to start work on a key piece of infrastructure and referred to the proactive engagement with officers and other stakeholders over the last two years. It was also noted that the proposal had been amended in response to comments and that it was in line with the City Council's policies.

In response to the concern raised about the discharge of conditions application above, officers stated that it was a technical matter and specialist landscape advice had been sought. It was noted that a RoSPA report had been undertaken for the attenuation basin which set out a recommendation for knee rail fencing to be provided around the edge of the basin; the

application sought to regularise the installation of the new fencing with a planting scheme alongside. The Committee heard that the Council was aware of the 11 letters and would be considering them along with the specialist advice.

In response to questions from the Committee, it was noted that some new bus routes would be created alongside the extension of some existing ones. The Committee also heard that specialist lighting bollards would be used on the upgraded path around the edge of the Beaulieu Park Recreation Ground, these were of a design in line with those already in place in Oaklands Park for heritage sensitivity and would provide adequate lighting.

RESOLVED that the application be approved, subject to an agreement, as indicated in the report, being entered into by 20<sup>th</sup> September 2023 pursuant to the Town and Country Planning Act 1990 and subject to the conditions detailed in the report.

(8.49pm to .9.21pm)

#### 10.23/00134/FUL - Land Adjacent 2 Pease Place, East Hanningfield, Chelmsford, Essex

The Committee considered an application for one affordable rent dwelling in the defined settlement of East Hanningfield, it was noted that the application had been referred to the Committee as it was sited on land owned and managed by the City Council. It was noted that objections to the application had been received covering a range of topics, but loss of green space, overdevelopment of the housing estate, increase in parking stress and impact to character were the main issues raised. It was noted that the application was recommended for approval subject to conditions.

Members of the Committee were informed that the property would be for affordable rent tenure and would include two parking spaces at the front of the dwelling. Members of the Committee agreed that housing of this type was urgently needed and that the loss of green space was justified against the housing need. It was also noted that other large recreational areas were available nearby. It was also confirmed by officers that condition 3, detailing the property being for affordable rent, would stay in place as the Council would build the property for that purpose.

RESOLVED that the application be approved subject to the conditions detailed in the report.

(9.22pm to .9.34pm)

#### 11. 23/00194/FUL – Play Area Payne Place, East Hanningfield, Chelmsford, Essex

The Committee considered an application for the redevelopment of existing amenity space and car parking, to provide three affordable dwellings, with associated works including a new through road and provision of additional car parking spaces. The Committee heard that along with Item 10, the application was by the City Council so had been referred to Committee. Objections had been received including the loss of open space, displacement of parking and access to existing properties and neighbour amenity. It was noted that the application, along with Item 10 also provided for the urgent need for affordable housing and this had to be justified against the loss of open space. Members were also informed that a financial contribution had been secured to improve and enhance other existing pieces of Open Space in East

Hanningfield, which weighed heavily in favour if the development in the planning balance. Therefore the application had been recommended for approval subject to conditions.

In response to questions from the Committee, officers stated that the view of parking and highways was that the application would not add extra stress to the local parking situation. Officers also stated that the parking surveys had been carried out by the County Council and if they had held concerns about the timings of the surveys, they would have raised this. It was also noted that there would be space to in theory add further parking spaces in the future if required. Officers also stated the importance of the requirement of new four bedroom affordable dwellings to assist with the high numbers in temporary accommodation.

Officers also agreed to add two conditions requested by the Committee. These included the provision of a footpath around the side of the development to provide garden access for the middle-terraced property and a duplication of condition 3 from Item 10 to ensure the development was for affordable housing.

RESOLVED that the application be approved subject to the conditions detailed in the report and two additional conditions ;

- The new dwelling in this development shall not be used for any purpose other than the provision of Affordable Housing within the definition as given within the National Planning Policy Framework.
- The addition of a footpath around the side of the development to provide garden access for the middle terraced property.

(9.35pm to .9.53pm)

## 12.22/01650/FUL – Land South of Colam Lane, Little Baddow, Chelmsford, Essex

The Committee considered an application for the erection of a rural workers dwelling for a temporary period of up to three years. It was noted that the proposed building was required to provide accommodation for a rural worker in association with the alpaca breeding business at the site. The Committee heard that an independent appraisal of the application documents and the on site rural business had been commissioned, to assess whether the dwelling was required in association with the business. The consultant had advised the Council that the business generated a requirement for one full time employee, necessary to be on site for security and animal welfare reasons. It was noted that no alternative accommodation on the site was available and it was not felt it would have a detrimental impact on the intrinsic character and beauty of the surrounding countryside. Therefore, the application was recommended for approval.

The Parish Council and a local ward member both raised concerns with the application including the below;

- A breach of planning regulations, proving that any retrospective application was possible.
- A highways contravention had taken place by accessing the road through hedgerow.
- A request for a stop order by the Parish Council had not been responded to.
- Large areas of hedgerow would have to be removed for visual splays, further damaging the tranquillity.
- No notices had been served on adjacent landowners.
- Why had the development not been stopped when it was first reported?

- Would similar applications be submitted in the future?
- Was overnight care for the alpacas actually required?

In response to the concerns raised, officers stated that it was not unreasonable for a three bed property to be used for this purpose. Officers highlighted the consultants report that had detailed the requirement for overnight care and the application would not have been recommended for approval if they had said otherwise. It was also noted that queries on access were subject to a different application and comments would be considered. Officers also stated that it was not common for retrospective applications like this to take place but that it did not influence their decision.

Members of the Committee agreed that the temporary period of three years, provided a reassurance and that it was important to support new businesses. In response to other points, officers noted that a caravan on the site would be replaced by this dwelling, and the internal layout of the application did not breach any rules. It was also noted that only the applicant could benefit from the planning permission and if the business were to be sold, then someone else would have to apply for permission.

RESOLVED that the application be approved subject to the conditions detailed in the report.

(9.54.pm to 10.32pm)

### 13. Planning Appeals

RESOLVED that the information submitted to the meeting on appeal decisions between 1 May and 7 June 2023 be noted.

The meeting closed at 10.32pm.

Chair

**Appendix 4 – August 2022 Committee Report, Green Sheet & Minutes**

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**Planning Committee**  
**9<sup>th</sup> August 2022**

<b>Application No</b>	:	21/00881/FUL Full Application
<b>Location</b>	:	Broomfield Hospital Hospital Approach Broomfield Chelmsford CM1 7ET
<b>Proposal</b>	:	<b>Formation of a new link road between Woodhouse Lane and Broomfield Hospital, including associated drainage, closure of sections of Woodhouse Lane, and ancillary infrastructure.</b>
<b>Applicant</b>	:	Mr Eburne Bloor Homes Limited
<b>Agent</b>	:	Robert White
<b>Date Valid</b>	:	28th April 2021

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### Appendices:

Appendix 1	Consultations
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## 1. Executive summary

- 1.1. The application proposes a new link road through Puddings Wood. The application site consists of the land known as Puddings Wood which is situated to the north of Broomfield Hospital and to the south of Woodhouse Lane. Puddings Wood is owned by the Mid and South Essex NHS Foundation Trust. The site also includes parts of Woodhouse Lane.
- 1.2. Strategic Growth Site Policy 8 of the Chelmsford Local Plan requires residential development of the land north of Broomfield to provide a new vehicular access road to serve the development and provide access to Broomfield Hospital and Farleigh Hospice. A new access road to Broomfield Hospital is an infrastructure requirement listed in Policy S9 of the Chelmsford Local Plan. This is to help reduce congestion, link new development and provide connections in the strategic road network. Special Policy Area, Policy SPA1 –Broomfield Hospital refers to the new access road into the Hospital and at paragraph 7.367 and states that The Mid-Essex hospital Trust and the developers of Site 8 to facilitate the proposed new access road to the Hospital.
- 1.3. The new link road would connect the new spine road through the Bloor residential development with the internal estate road of Broomfield Hospital to the south. The road would not be adopted and would be used for staff and deliveries associated with Broomfield Hospital with public transport to be investigated. The proposed link road is essential infrastructure required to make the Land North of Broomfield site allocation and planning application acceptable in traffic and sustainability terms.
- 1.4. The application also proposes closures to parts of Woodhouse Lane so that it could no longer be used for through traffic.
- 1.5. The principle of the link road has been established through the Chelmsford Local Plan and adopted masterplan for the allocated site. The route for the road is the most appropriate option with impact minimised as far as possible.
- 1.6. Puddings Wood is designated a local wildlife site for its lowland mixed deciduous woodland habitat and is of county importance. This is a priority habitat listed under s.41 of the Natural Environment and Rural Communities Act.
- 1.7. The woodland is protected by Tree Preservation Order reference TPO/2001/107. It is an important landscape feature.
- 1.8. The allocation of the adjacent site for residential development is based on the principle that a route to the hospital would be provided. The adopted masterplan shows this to be through the woodland. Whilst there would be adverse effects from the proposal under the environmental objective of sustainable development, these can be mitigated, compensated for and ultimately justified on the basis that the road is an infrastructure requirement providing public benefit.
- 1.9. The proposal is therefore recommended for approval subject to conditions and the completion of the Section 106 agreement. The Council intends to enter into a separate agreement with the Hospital Trust to secure retention of the access road. It is intended to finalise details of this agreement prior to application determination.

## **2. Description of site**

- 2.1. The application site consists of the land known as Puddings Wood which is situated to the north of Broomfield Hospital and to the south of Woodhouse Lane. Puddings Wood is owned by the Mid and South Essex NHS Foundation Trust. The site also includes parts of Woodhouse Lane.
- 2.2. Puddings Wood is designated a local wildlife site for its lowland mixed deciduous woodland habitat and is of county importance. This is a priority habitat listed under s.41 of the Natural Environment and Rural Communities Act.
- 2.3. The woodland is protected by Tree Preservation Order reference TPO/2001/107. It is an important landscape feature.
- 2.4. Woodhouse Lane is a narrow rural lane with a junction at its eastern end with Blasford Hill. This junction lacks adequate visibility. North Court Road joins Woodhouse Lane to the east of Puddings Wood. The junction with North Court Road has a sharp bend.
- 2.5. Farleigh Hospice is accessed from both North Court Road and Woodhouse Lane. A number of residential properties are also accessed from North Court Road and Woodhouse Lane, as well as KEGS playing fields.
- 2.6. The site lies within the wider setting of a number of designated and non-designated heritage assets.
- 2.7. The site lies to the south of land allocated within the Chelmsford Local Plan for residential development. The residential development is promoted by Bloor, the applicant for this proposal.

## **3. Details of the proposal**

- 3.1. The application proposes a new link road through Puddings Wood. This would connect the new spine road through the Bloor residential development with the internal estate road of Broomfield Hospital to the south. The road would not be adopted and would be used for staff and deliveries associated with Broomfield Hospital with public transport to be investigated.
- 3.2. The application also proposes closures to parts of Woodhouse Lane. The closures include a section of the lane to the east of Farleigh Hospice (to the west of the junction with North Court Road), a section further east, north of the junction with North Court Road, and a section to the west of Puddings Wood. Turning heads are proposed as well as bollards to the road closure.
- 3.3. During the life of the application the scheme has been amended following consultation with the land owner of Puddings Wood, the Mid and South Essex NHS Foundation Trust. The changes largely relate to the provision of barrier controls to prevent public access over the road, rather than the previously proposed camera system.

#### 4. Other relevant applications

20/00001/MAS - Approved 14th September 2020

Masterplan for around 450 new homes, neighbourhood centre, early years and childcare facility, local open space and associated access and highway infrastructure including a new access into Broomfield Hospital

20/02064/OUT - Pending Consideration

Outline application for residential development for up to 512 dwellings including affordable housing and custom build homes (Use Class C3), Local Centre (Use Classes E, F.1 and F.2), formal and informal open space, and associated infrastructure. All matters reserved except for primary access.

#### 5. Summary of consultations

- Little Waltham Parish Council – Objection due to destruction and felling of trees, concerns about congestion, and that the road should be open to the public.
- Great Waltham Parish Council – No comment but note concerns about the loss of woodland.
- Broomfield Parish Council – Support the principle of the application but raise concerns in relation to proposed restrictions of use, compensation for the impact on Puddings Wood, and parking on Woodhouse Lane.
  
- Essex County Council Highways – Acceptable subject to legal obligations and conditions.
- Essex County Council (SUDS) – No objection subject to conditions.
- Essex County Fire & Rescue Service - Access for Fire Service is considered satisfactory subject to fire brigade access and water supplies for firefighting purposes to the proposed development being fully compliant with Building Regulations
- Recycling & Waste Collection Services – No response.
- ECC Historic Environment Branch – The written scheme of investigation is acceptable. The archaeological work is still to be done.
- Ramblers Association – No response.
- Mid & South Essex NHS Foundation Trust – No objection.
- Public Health & Protection Services – No comments.
- Police - Designing Out Crime – Comments raised in relation to access for emergency vehicles, sustainable travel, access and maintenance and lighting.
  
- Local residents – Responses from 15 local residents; 1 in support, 1 comment and 13 objections.

Concerns raised include:

- Increased parking on Woodhouse Lane
- Effect on trees and wildlife
- Vehicles will get stuck in the lane and cause damage
- Impact on tranquillity and peace to Farleigh Hospice
- Overgrown roadside vegetation
- Road should be for public use
- Increased disturbance

## 6. Planning considerations

### *Main Issues*

6.1. The main issues are as follows:

- Background
- Transport
- Preserved Trees
- Ecology and Biodiversity
- Heritage
- Drainage
- Legal Obligations (Section 106 agreement)

### *Background*

- 6.2. The land to the north of Broomfield Hospital is allocated for residential development in the Chelmsford Local Plan (allocated for around 450 homes). Bloor Homes are promoting the site. An outline Planning Application for up to 512 homes is pending consideration and is recommended for approval, subject to conditions and a Section 106 agreement.
- 6.3. Strategic Growth Site Policy 8 requires residential development of the land north of Broomfield to provide a new vehicular access road to serve the development and provide access to Broomfield Hospital and Farleigh Hospice. A new access road to Broomfield Hospital is an infrastructure requirement listed in Policy S9 of the Chelmsford Local Plan. This is to help reduce congestion, link new development and provide connections in the strategic road network.
- 6.4. Whilst the Transport Assessment accompanying the outline application (20/02064/OUT) for Strategic Growth Site 8 seeks to demonstrate the link road is not required in traffic terms, modelling work undertaken for the recent Northeast Chelmsford Bypass demonstrated that the Main Road/Hospital Approach/Blasford Hill Roundabout was operating over capacity in peak hours in 2019, will be in 2024 (excluding Bloor development) and will be even more congested in 2036 (including Bloor development). The access to Broomfield Hospital and Farleigh Hospice is therefore required and must be provided by the developer in line with the Masterplan and Policy for Strategic Growth Site 8.
- 6.5. The residential development requires the provision of the Hospital Link Road and the associated closures on Woodhouse Lane to create a sustainable travel corridor. The closure of parts of Woodhouse Lane would enable a direct walking/cycling link to be provided from the development to Hospital Approach and on to the Chelmsford to Great Waltham cycle route, away from Blasford Hill.
- 6.6. Policy SPA1 (Broomfield Hospital Special Policy Area) of the Chelmsford Local Plan supports proposals which support the role, function and operation of Broomfield Hospital. This includes the provision of a loop road to allow bus, service and emergency vehicles easy access into the full body of the estate; optimising access by public transport; strengthening the network of pedestrian routes and spaces to aid safety, comfort and convenience. The supporting text to Policy SPA1 says that the Mid-Essex Hospital Trust should work in partnership with the developers of Strategic Growth Site 8 - North of Broomfield Hospital to facilitate the proposed new access road to the Hospital.

- 6.7. The road would be constructed on private land within the ownership of the Mid and South Essex NHS Foundation Trust. The road is not intended to be an adopted highway and would therefore not be open to public traffic. A barrier control system would be used to permit access for staff and deliveries from the link road into the Broomfield Hospital estate. The road would provide unrestricted access to the existing service access to the rear of Farleigh Hospice.

#### *Transport*

- 6.8. As set out above, the proposed link road is essential infrastructure required to make the Land North of Broomfield site allocation and planning application acceptable in traffic and sustainability terms.
- 6.9. The link road would connect the spine road within the Bloor residential development to the internal Broomfield Hospital estate road. The link road would have one lane in either direction with barrier access controls towards the Woodhouse Lane end of the link road (north).
- 6.10. The part of Woodhouse Lane to the west of the new link road would largely remain as existing, with the exception of a new alignment and junction where it would connect to the new road. This would be in the form of a 'T' junction. The existing alignment of Woodhouse Lane to the west of the new link road, which would be replaced by the new junction, would be closed. Properties to the west of the new link road would gain access from the north via the new spine road through the Bloor development.
- 6.11. The part of Woodhouse Lane immediately to the east of the new link road would remain open to provide access to the existing service access of Farleigh Hospice. Beyond the Farleigh Hospice service access the road would be closed and a turning head with bollards would be installed.
- 6.12. Further to the east, to the north of the junction of Woodhouse Lane and North Court Road, there would be a further closure. North Court Road would still provide access to the properties located on this junction. The northern end of North Court Road would serve as a turning head. Bollards would similarly be installed at this closure location.
- 6.13. Properties in Woodhouse Lane to the east of North Court Road would continue to have vehicular access from the junction of Woodhouse Lane and Blasford Hill. Although this junction has limited visibility, the number of vehicles using this access would be greatly reduced to just those east of North Court Road. A turning head and bollards would be installed close to The Coach House.
- 6.14. The proposed access road and associated road closures are acceptable and necessary. The Local Highway Authority have no objection to the proposal. The road closures would be secured through a Traffic Regulation Order (TRO).
- 6.15. The Council intends to enter into a separate agreement with the Hospital Trust to secure retention of the access road. It is intended to finalise details of this agreement prior to application determination.

#### *Preserved Trees*

- 6.16. The woodland commonly referred to as Puddings Wood is protected by Preservation Order reference TPO/2001/107. It is an important landscape feature. It has a non-statutory designation as Local Wildlife Site Ch166, recorded as containing a varied canopy and shrub layer structure with coppice and ground flora species. The selection criteria for the site states that it is

a fine example of lowland mixed deciduous woodland on non-ancient sites. There is however trampling pressure, invasion of alien species and problems with lapsed management of the coppice stools; at the time of selection the site condition was recorded as neglected.

- 6.17. The woodland has been recorded as far back as 1771 where it is marked on the Memorial Map for Broomfield Hall. It has been present for at least 250 years and therefore will likely have a well-developed structure, soil structure and species assemblage. It is important to note that the woodland is not defined as ancient woodland.
- 6.18. The National Planning Policy Framework states at paragraph 180(c) that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Exceptional reasons are stated in footnote 58 for example, infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat.
- 6.19. The provision for a new vehicular access road is set out in Strategic Growth Site Policy 8 of the adopted Chelmsford Local Plan; the delivery of a new road access into Broomfield Hospital is a strategic objective of the Local Plan. The supporting justification to the policy states that where a new link road affects the Puddings Wood, compensatory measures must be provided and include an additional net habitat. A Masterplan Framework has been adopted for the strategic site allocation.
- 6.20. The application is supported by an arboricultural impact assessment (AIA) dated May 2022. This has recorded 191 individual trees, 12 groups and one area in the woodland. The trees have been categorised A to U according to BS 5837:2012 Trees in relation to design, demolition and construction - recommendations, based on their quality and sub categorised 1 to 3 according to their arboricultural, landscape or cultural qualities.
- 6.21. The survey recorded most trees in the western part of the woodland to be A and B quality specimens. The eastern boundary adjacent to Farleigh Hospice mainly comprised of B category trees. The proposed development site predominately contains C category trees; BS 5837:2012 recognises these as trees of low quality and it is apparent this area of the woodland has a natural clearing.
- 6.22. To implement the proposed development 58 individual trees would require removal; 3 B category, 48 C category and 4 U category; the latter reflecting trees unsuitable for retention regardless of development proposals. The loss of the trees would have a moderate impact in terms of the visual amenity, the prominence of the woodland and its functioning as a landscape feature and habitat to the local area. The selected route has been through significant evaluation and consultation and has been found to be the most appropriate route through Puddings Wood with the least impact on trees.
- 6.23. The planning statement sets out compensation of 2.3ha of new woodland planting and 0.94ha of scrub and woodland edge planting is to occur on the strategic development site. The housing development site provides sufficient opportunities to plant replacement trees, and it is noted that the western boundary of the housing site would be a woodland buffer with significant tree planting.

- 6.24. On balance it is considered that the proposal for the link road infrastructure is essential for the development of the allocated site to the north and in order to make Woodhouse Lane a safe walking and cycling option. The principle of this has been established through the Chelmsford Local Plan and adopted masterplan for the allocated site. The route for the road is the most appropriate option with impact minimised as far as possible. It is considered that there is sufficient public benefit resulting from the proposal to justify the loss of the existing trees, subject to compensatory planting.
- 6.25. The tree site plan shows that there is a sufficient construction exclusion zone and no development is to occur within the root protection areas of retained trees. There will be some minor level changes and this has been addressed in the amended Arboricultural Impact Assessment with appropriate mitigation detailed.

#### *Ecology & Biodiversity*

- 6.26. Puddings Wood is designated a local wildlife site for its lowland mixed deciduous woodland and is of county importance. This is a priority habitat listed under s.41 of the Natural Environment and Rural Communities Act.
- 6.27. An ecological impact assessment has been carried out for the proposed development. Detailed surveys were carried out for bats, birds, badger and Great Crested Newt.
- 6.28. Surveys recorded various species of bats roosting, commuting and foraging on site. The assemblages of the various bat species have been assigned local importance only.
- 6.29. Three notable bird species were recorded as nesting in the woodland: cuckoo, song thrush and tawny owl.
- 6.30. Badgers are known to be present on the strategic development site to the north. A single sett was recorded. This sett is likely an outlier one due to its size and location.
- 6.31. Ponds closest to the proposed development recorded an absence of the Great Crested Newt.
- 6.32. The proposed development would result in direct habitat loss 0.21ha of woodland (trees, understorey vegetation, soil). The construction phase would generate dust, noise, vibration and light disturbance and potential contamination from machinery/materials. During the operation phase, traffic, noise, light and vibrations will occur together with run-off of pollutants and physical barriers.
- 6.33. These impacts will affect the identified habitats and species.
- 6.34. The badger sett would require updated pre-construction surveys to assess whether it is still active. If it is inactive it should be closed without the need for a licence however, if it is active it would require a licence from Natural England. Nonetheless, provision could be made for underpasses along the road to allow unimpeded movement across the remaining woodland habitat.

- 6.35. A single bat roost would be removed and five potential roosting trees, though not confirmed to contain roosts at this time. A licence would be required to fell the confirmed roost tree and an inspection should occur of the others prior to their removal. Any tree removal should occur outside of the bird nesting season.
- 6.36. Lighting is not proposed during construction. Lighting should be avoided to evade impacting the retained woodland and illuminating biodiversity features. As the road is not to be adopted an unlit road should not be a constraint to its operational use. A condition is recommended to require details of any necessary lighting so that it can be ensured it will not illuminate important biodiversity features.
- 6.37. The proposals show a loss of 0.21ha of woodland. Through the evolution of both planning applications, it has become apparent the housing development site is unable to deliver the required net gains to compensate for the biodiversity impact on Puddings Wood. The biodiversity net gain report submitted with the application shows an 11.46% loss in habitat units.
- 6.38. The reasoned justification of the Growth Site Policy 8 says that "...compensatory measures which replace and provide additional net habitat must be provided as part of the development". This required the developer to provide additional net habitat.
- 6.39. The compensation scheme to deliver the lowland deciduous woodland will require the assistance of a habitat bank; 1.797 biodiversity units are required to ensure there is a net gain. The applicant proposes to provide these units on a site to be identified locally. The developer is currently working on identifying a site. This site will need to be identified prior to the decision on the application being issued. The S106 agreement associated with the outline planning application for the housing development to the north would secure this.
- 6.40. In addition, other compensation measures are required such as compensatory planting and bat and bird box provision, both to compensate for lost habitats and to enhance new planting.
- 6.41. On balance, the impact of the proposed development which is unavoidable and justified by exceptional circumstance, could be suitably compensated for subject to conditions and S106 agreement obligations.

#### *Heritage*

- 6.42. The site lies within the wider setting of a number of designated heritage assets. Woodhouse Lane originates from the eighteenth century or earlier. It has the character of a narrow rural lane. The lane provides access to Wood House and its former lodge. Wood House has origins in the eighteenth century and was substantially remodelled in the nineteenth century. It has outbuildings adjacent to Woodhouse Lane, including a former coach house. On the north side of the lane is the former lodge cottage, dating from the late nineteenth century. The field to the north was part of a parkland setting to Wood House in the early twentieth century. This group of buildings have architectural and historic interest; they should be considered as non-designated heritage assets. The adjacent lane and the field to the north forms part of their setting and contributes to their significance.



- 6.43. The Puddings Wood access and the western turning head would have minimal impact on their setting, due to the distance between them, screening and the modern hospital context. The western turning head (close to Farleigh Hospice) would not adversely affect the setting of the non-designated heritage assets.
- 6.44. The eastern turning head would appear as an engineered feature within the lane and detract from the setting of the heritage assets at Wood House, its outbuildings and lodge. In accordance with Policy DM14 of the Chelmsford Local Plan and the National Planning Policy Framework this harm can be acceptable providing the harm is justified following a balanced judgement of harm and the significance of the asset; and harm is minimised through retention of features of significance and/or good design and/or mitigation measures.
- 6.45. As set out earlier in this report, the link road is essential infrastructure required by Strategic Policy S9 of the Local Plan. The turning head is unavoidable in order to prevent 'rat running' through Woodhouse Lane and also in order to make Woodhouse Lane a safer walking and cycling route. The closures would also reduce the number of vehicles using the Woodhouse Lane and Blasford Hill junction which has limited visibility. It would also be possible to minimise the harm through materials and landscaping details which would be required by condition.
- 6.46. On balance, it is considered that the harm to the setting of Wood House, its outbuildings and lodge can be minimised and is justified.
- 6.47. There are a group of listed buildings on Main Road. The land to the east forms part of a rural setting. Due to the distance from the heritage assets, the screening, the lack of historic associations and the minor nature of the proposals there would be no impact on their settings.
- 6.48. There is a former country house dating from c.1904 within the hospital grounds. The densely built-up nature of the hospital complex now means that the application site makes no contribution to its setting.
- 6.49. The proposed development is in an area of potential archaeological remains. The site of the proposed link road is adjacent to a site which had prehistoric flint and Late Bronze Age pottery. There is the possibility that archaeological features and finds may extend into the proposed development area. A written scheme of investigation has been submitted with the application. This is acceptable. A condition is required to ensure that the programme of archaeological work is carried out in accordance with the Written Scheme of Investigation prior to the commencement of works.

#### *Drainage*

- 6.50. The application is supported by a drainage strategy. This includes the diversion of a ditch, culverts, a surface water sewer and the creation of a surface water attenuation basin.
- 6.51. The drainage strategy has been reviewed by the Lead Local Flood Authority, Essex County Council, who have no objection to the proposed development, subject to conditions.

#### *Legal Obligations (S106)*

- 6.52. Paragraph 57 of the NPPF advises that obligations must only be sought where they are:

- (a) Necessary to make the development acceptable in planning terms
- (b) Directly related to the development, and
- (c) Fairly and reasonably related in scale and kind to the development

- 6.53. Further advice on the use of planning obligations is provided is given within national planning guidance: Planning Obligations – Use of planning obligations and process for changing applications.
- 6.54. The application will be linked to the S.106 Agreement for the residential development of the adjacent site (see 20/02064/OUT also on this agenda). The S.106 agreement will require:
- Developer to submit details of the link road for technical approval prior to any development above slab level taking place at the site.
  - No occupation of phase 2 of the development until technical approval has been given for the link road.
  - Construction and delivery of link road in accordance with details in application 21/00881/FUL and design to be agreed by the highway authority to connect site with hospital road network and associated works to Woodhouse Lane to be provided prior to 200th occupation.
  - Payment of a commuted maintenance sum for hospital link road.
  - Closure/downgrading/alterations to Woodhouse Lane.
- 6.55. The Council intends to enter into a separate agreement with the Hospital Trust to secure retention of the access road. It is intended to finalise details of this agreement prior to application determination.

## **7. Planning Balance - Conclusion**

- 7.1. The National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives to sustainable development; economic, social and environmental.

### *Economic*

- 7.2. The proposed development would have a modest economic impact through the creation of jobs during construction. In addition, the link road is necessary to provide a site allocated for housing growth to the north of the site which would have its own economic benefits.

### *Social*

- 7.3. The proposed link road is essential infrastructure needed to meet the Council's identified growth needs through the allocation of Strategic Growth Site 8.
- 7.4. The development would improve opportunities for walking and cycling in the area. It would also provide safer vehicular access to a number of existing residential properties and Farleigh Hospice.
- 7.5. These benefits carry weight in favour of the proposed development. The need for the link road, an infrastructure requirement specified in the adopted Local Plan, carries substantial weight in favour of the development.

### *Environmental*

- 7.6. The development would result in the loss of trees within a woodland and the loss of biodiversity and habitats, although these would be offset off site. It would also result in some harm to the setting of non-designated heritage assets. These impacts weigh against the proposed development.

### *Conclusion*

- 7.7. The adopted Local Plan specifically lists the hospital link road as an infrastructure requirement. The road is necessary in transport and sustainability terms in order to make the residential development of Strategic Growth Site 8 acceptable. The road would also provide safer access to a number of properties.
- 7.8. Whilst there would be disbenefits of the proposal under the environmental objective of sustainable development, these disbenefits can be mitigated, compensated for and ultimately justified on the basis that the road is an infrastructure requirement providing public benefit.
- 7.9. The proposal is therefore recommended for approval subject to conditions and the completion of a Unilateral Undertaking submitted by The Trust.

## **8. Community Infrastructure Levy (CIL)**

- 8.1. The proposal is not CIL liable.

## **RECOMMENDATION**

**The Application be APPROVED subject to the completion of a S106 Agreement and compliance with the following conditions:**

### **Condition 1**

The development hereby permitted shall begin no later than 5 years from the date of this decision.

Reason:

In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Condition 2**

The development hereby permitted shall be carried out in accordance with the approved plans and conditions listed on this decision notice.

Reason:

In order to achieve satisfactory development of the site

### **Condition 3**

Prior to the commencement of the development a Construction Management Plan shall be submitted to and agreed in writing with the local planning authority. The Plan shall provide for:

- i. construction vehicle access and routing,

- ii. any temporary traffic management/signage,
- iii. wheel and underside chassis cleaning facilities to prevent the deposition of mud or other debris onto the highway network/public areas,
- iv. contractor and visitor parking clear of the highway,
- v. highway safety considerations,
- vi. turning, loading and unloading of plant and materials and
- vii. hours of deliveries.

The Plan shall be adhered to throughout the construction period.

Reason:

In the interests of highway safety.

#### **Condition 4**

Prior to the commencement of the development a biodiversity and woodland mitigation and compensation plan shall be submitted to and agreed in writing with the local planning authority. The Plan shall include:

- Details of compensatory tree planting
- Details of on-site and off-site biodiversity enhancements
- A timetable for mitigation and compensation measures to be implemented
- A maintenance and management plan

The plan shall be implemented as agreed in accordance with the agreed timetable.

Reason:

To suitably compensate for the impact the development will have on the woodland and its biodiversity in accordance with Policies DM16 and DM17 of the Chelmsford Local Plan.

#### **Condition 5**

Prior to the commencement of the development hereby permitted, an arboricultural method statement shall be submitted to and approved in writing by the local planning authority. The arboricultural method statement shall include:

- (a) Details of trees and hedges to be retained, removed and planted,
- (b) Details of tree surgery work to retained trees,
- (c) Specification for tree protection including layout and type of tree protection for construction including change that may occur during development,
- (d) Location and installation of services, utilities and drainage,
- (e) Details of construction within the root protection area of retained trees,
- (f) A full specification for the construction of the new access and parking areas, including details of the bespoke cross-over and cellular confinement specification, and the extent of the areas. Details must include the relevant sections through them,
- (g) Details of site access, temporary parking, welfare facilities, loading and unloading, storage of equipment, materials, fuels and waste,
- (h) Revised tree protection plan,
- (i) Boundary treatments within the root protection areas,
- (j) Arboricultural supervision and inspection, including timings, reporting of inspections and supervision.

Reason:

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

**Condition 6**

Prior to the commencement of the development hereby permitted details of all surfacing works, including turning heads, barriers, bollards and other means of enclosure shall be submitted to and agreed in writing with the local planning authority. The work shall be carried out in accordance with the approved details.

Reason:

In the interests of the rural character of the lane and non-designated heritage assets in accordance with Policy DM14 of the Chelmsford Local Plan.

**Condition 7**

(ii) No demolition, development or preliminary ground works shall take place until such time that the programme of archaeological work has been carried out in accordance with the approved Written Scheme of Investigation.

Reason:

The proposed development is in an area of potential archaeological remains and in accordance with Policy DM15 of the Chelmsford Local Plan.

**Condition 8**

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective operation of SuDS features over the lifetime of the development.

**Condition 9**

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective operation of SuDS features over the lifetime of the development.

**Condition 10**

Prior to the first use of the road a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Reason:

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

**Condition 11**

Prior to their installation details of any means of external lighting, including temporary lighting during the construction period, shall be submitted to and approved in writing by the local planning authority. The lighting shall then be installed in accordance with the approved details.

Reason:

In the interests biodiversity and species using the area in accordance with Policy DM16 of the Chelmsford Local Plan.

**Notes to Applicant**

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The developer to pay the costs of all necessary traffic regulation orders and legal processes associated with the highway works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

- 2 The applicant is reminded that this application is subject to a Section 106 agreement and a separate agreement between Chelmsford City Council and the Mid and South Essex NHS Foundation Trust.

**Essex County Council (SUDS)**

Comments
<p>03.01.2021</p> <p>Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions requiring:</p> <ul style="list-style-type: none"> <li>• a detailed surface water drainage scheme;</li> <li>• a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater;</li> <li>• a maintenance plan detailing the maintenance arrangements; and</li> <li>• yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.</li> </ul>

**Essex County Fire & Rescue Service**

Comments
<p>18.06.2021</p> <p>Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and appears to be acceptable subject to satisfactory compliance with Building Regulations B5.</p> <p>More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.</p> <p>The architect or applicant is reminded that additional water supplies for fire fighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.</p>

**Recycling & Waste Collection Services**

Comments
No response received

**ECC Historic Environment Branch**

Comments

04.01.2022

The Written Scheme of Investigation attached to the application is acceptable. The archaeological work is still to be done.

### Ramblers Association

Comments

No response received

### Mid and South Essex NHS Foundation Trust

Comments

The Trust has decided not to raise an objection to the planning application and proposals for the Link Road. They have reconsidered alternative routes for the Link Road to avoid the environmental damage that will be caused to Pudding Wood through its construction and operation and sadly concedes that other options are not viable or acceptable to the other parties affected (Farleigh Hospice and Swan Housing).

The Trust, the Applicants, Essex County Council Highways Department and Chelmsford City Council officers met on 18th November 2021 to discuss the application proposals. The Trust is pleased to see that many of their suggestions made in that meeting have featured in the amendments to the planning application scheme.

However, there are some observations that the Trust would like to make:

The proposals now show a single-lane, barrier-controlled operation. This is acceptable.

Swept path analysis should be reviewed; gradients should be clarified; the road should be built to adoptable standards; signage is required.

### Little Waltham Parish Council

Comments	CCC Response
<p>28.05.2021 - Little Waltham Parish Council does not object to the principle of a link road they do object to the proposed location of the road.</p> <p>Adverse impact upon the woodland habitat.</p> <p>There are other routes that could be utilized.</p> <p>In the event that Bloor do not construct the road but make a section 106 payment there is a danger that the road will never be built. This would result in the construction of additional homes without</p>	<p>Impact on woodland addressed in the report. The route has been selected as the one with the least impact.</p> <p>Section 106 Heads of Terms agreed to secure the</p>



<p>the traffic relief sought and which has underpinned the proposals to develop land in this area.</p> <p>In order to deliver relief from the congestion resulting from such development the spine road and link road should be constructed within the first year of the development phase.</p> <p>The road should not be restricted in use but should be available for use by all in order to avoid substantial congestion in the area.</p> <p>07.01.2022 - Little Waltham Parish Council maintains its objection on the basis that the proposed route is directly through Pudding Wood which will mean the destruction and felling of a substantial number of trees.</p> <p>The Parish Council has concerns as to how barriers would effectively operate and whether it would lead to congestion in the area particularly by those who travel to the barriers only to find that they are not able to pass through.</p>	<p>construction of the road.</p> <p>Section 106 Heads of Terms have been agreed to prevent the residential site being occupied beyond 200 dwellings until the road has been constructed.</p> <p>The Hospital Trust, as the landowner, do not consent for the use of the road to be unrestricted as they have concerns about how this would impact movements on their internal estate roads.</p> <p>The route has been selected as the once which would cause the least impact to the woodland.</p> <p>The Local Highway Authority are content with the barrier scheme and turning opportunities are available for those who cannot pass through the barriers.</p>
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### Great Waltham Parish Council

Comments	CCC comments
<p>17.01.2022 - The Parish Council has no comment on the application but notes its concerns with the loss of any ancient woodland for the link road.</p>	<p>Impact on the woodland is addressed in the report. The route has been selected as the once which would cause the least impact to the woodland.</p>

### Essex County Council Highways

Comments
<p>26.05.2022</p> <p>A link to Broomfield Hospital via Strategic Growth Site 8 was identified as a requirement within the CCC Local Plan. Whilst the submitted Transport Assessment accompanying the outline application for Strategic Growth Site 8 (20/02064/OUT) seeks to demonstrate the link road is not required in traffic terms, modelling work undertaken for the recent North East Bypass Planning application (CC/CHL/85/21) demonstrates that the Main Road/Hospital Approach/Blasford Hill Roundabout was operating over capacity in peak hours in</p>

2019 Base and will be in 2024 (excluding Bloor development) and even more congested in 2036 (including Bloor development) and therefore an access to Broomfield Hospital and Farleigh Hospice is required and must be provided by the developer in line with the Masterplan and Policy for Strategic Growth Site 8.

The residential development requires the provision of the Hospital Link Road and the associated vehicle prohibition on Woodhouse Lane to create a sustainable travel corridor. The closure of Woodhouse Lane as a through route enables a direct walking/cycling link to be provided from the development to Hospital Approach and on to the Chelmsford to Gt Waltham cycle route, away from the B1008. As the Traffic Regulation Order process for vehicle prohibition is separate to the planning process it is essential that the TRO's are approved as soon as possible, to ensure that it can be delivered and that there will be sufficient provision of good quality walking/cycling links southwards beyond the site.

It is therefore essential that technical approval relating to this application (including securing TRO's relating to Woodhouse Lane) is achieved as soon as early as possible prior to commencement of development under 20/02064/OUT.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to:

Developer to construct the link road. Detailed works are to be agreed with the highway authority under s.278 of the Highways Act.

Prior to construction of the Link road a commuted sum for the maintenance of the link road to be paid to the local planning authority – to be passed on to the Hospital Trust.

A Construction Management Plan to be prepared and adhered to throughout the construction period.

**Broomfield Parish Council**

Comments	CCC Comments
<p>02.06.2021</p> <p>Both applications must be considered together, effectively as one application.</p> <p>The Council therefore supports the main principle of the application.</p> <p>The Council has the following concerns:</p> <p>Restrictions on the use of the New Link Road - The new link road offers the opportunity to remove all Hospital traffic that comes from Braintree and other areas to the north, taking it on site at the</p>	<p>Both applications are to be considered by the Planning Committee at the same meeting.</p>

<p>earliest opportunity rather than leaving it on the general highway network. Extending the use of the link road to all Hospital traffic, including patients and visitors, would help to ease wider congestion on the Main Road, Broomfield corridor.</p> <p>Compensatory Measures for Impact of Puddings Wood - the creation of a substantial tree belt connecting (as far as possible) Sparrowhawk Wood with the remainder of Puddings Wood would create a significant wildlife corridor.</p> <p>Proposed Closure Points on Woodhouse Lane - support the ECC/CCC vision for the closed sections of Woodhouse Lane to evolve into an attractive walking and cycling route. design and (if necessary) parking restrictions should be used to prevent unauthorised parking.</p> <p>26.01.2022 – previous comments still applicable</p> <p>The revisions to the application do not add any evidence to show that restricting the use of the link road will be as effective as a multi-use arrangement, where all Hospital-related traffic can benefit from the new link.</p> <p>The revised application stipulates the use of barriers, instead of an ANPR system as in the original application. This is a backward step to which the Council strongly objects. There will inevitably be queuing.</p> <p>Barriers should be farm-gate style, rather than concrete bollards.</p>	<p>The Hospital Trust, as the landowner, do not consent for the use of the road to be unrestricted as they have concerns about how this would impact movements on their internal estate roads.</p> <p>Tree planting is proposed on the housing development site (20/02064/OUT). This would include a buffer of around 50m on the western boundary to create a link to Sparrowhawk Wood.</p> <p>Support for the proposed closures is noted. Bollards are proposed to prevent vehicle access to closed sections.</p> <p>The Hospital Trust, as the landowner, do not consent for the use of the road to be unrestricted as they have concerns about how this would impact movements on</p>
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	<p>their internal estate roads.</p> <p>The Local Highway Authority are content with the barrier scheme and turning opportunities are available for those who cannot pass through the barriers.</p> <p>Noted. Condition 7 would require details of bollards or barriers to ensure that they are appropriate.</p>
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**Public Health & Protection Services**

Comments
<p>04.01.2022 - No PH&amp;PS comments with regard to this amended application.  01.06.2021 - No PH&amp;PS comments with regard to this application.</p>

**Police - Designing Out Crime**

Comments
<p>16.06.2021</p> <p>Observations relating to:</p> <p>Road layout- reduce risk to pedestrians; reduce car reliance; ensure safe access; access should be for blue light services.</p> <p>Access and management - responsibility for the enforcement of Road should remain with the Highways Authority. Police Officers (and other agencies) should not be overburdened to overcome inadequacies in safety management, access control or enforcement.</p> <p>CCTV - It is requested that the CCTV will be monitored 24/7, supported by management plans and procedures, alongside data sharing protocols clearly detailing the expectation of all parties.</p> <p>Lighting - lighting can reduce the potential for crime.</p>

Construction - recommend that the developers consider the foreseeability of crime during the construction phase and maximise on the opportunity to design those issues out.

Essex Police would recommend liaison with all Emergency Services to minimise potential disruption and impact on the broader community and emergency service provision. This will look to create a Joint Emergency Services Assessment.

### Local Residents

Comments	CCC Response
Responses from 15 local residents; 1 in support, 1 comment and 13 objections.	
<p><i>Support &amp; Comment – 2</i></p> <ul style="list-style-type: none"> <li>- Road is needed</li> <li>- It would make Woodhouse Lane safer</li> <li>- Deliver housing</li> <li>- Support closures</li> </ul>	Need for the road, implications for housing delivery and safety considerations are set out in the report.
<p><i>Objections – 13</i></p> <ul style="list-style-type: none"> <li>- Increased parking on Woodhouse Lane</li> <li>- Destruction to trees and wildlife</li> <li>- Vehicles will get stuck in the lane and cause damage to property and verges</li> <li>- Impact on tranquillity and peace to Farleigh Hospice</li> <li>- Road should be for public use</li> <li>- Increased disturbance</li> </ul>	<ul style="list-style-type: none"> <li>- Bollards are proposed to prevent parking.</li> <li>- Loss of habitat and trees are to be compensated for.</li> <li>- Closures to Woodhouse Lane will make access to properties easier; avoiding the tight North Court Road junction.</li> <li>- The road is set as far away from Farleigh Hospice as possible whilst minimising the impact on the woodland.</li> <li>- The road is not intended for adoption. Public use of the road could result in congestion around the</li> </ul>

	<p>internal estate roads of the Hospital.</p> <p>- Disturbance during construction is not a material planning consideration. The use of the road would be restricted which would minimise noise and disturbance. Public Health and Protection Services have not raised concerns about noise disturbance.</p>
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ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE  
9 AUGUST 2022

**Green Sheet**

**Items 6 and 7**

Since the publication of the reports, Members have received a letter from the Mid & South Essex NHS Foundation Trust setting out that they cannot accept any maintenance liability of the proposed Hospital Link Road.

The position of Bloor Homes is that the future maintenance of the Link Road can be addressed through the build licence and that the discussions on this would continue with the NHS Trust to ensure an acceptable position for both parties will be agreed.

There are now two options. Firstly, and preferably, that the Link Road is maintained. In the event that maintenance of the road cannot be agreed, and the road is not deliverable, there is a second option that would make the residential development acceptable in Highways terms. This second option is to secure a scheme of subsidised shuttle bus services between the Hospital and Chelmer Valley Park and Ride.

Report Amendments:

Item 6  
20/02064/OUT

The Legal Obligations set out in the main report are therefore amended to remove "Payment of a commuted maintenance sum for hospital link road" from the Highways and transportation section.

The following shall be added under the same Highways and transportation section:

- Maintenance arrangements to be set out in the Build Licence between Bloor Homes and the Trust.
- If the Link Road is not deliverable, a scheme to secure subsidised shuttle bus services between the Hospital and the Chelmer Valley Park and Ride.

Additional Informative:

19 The developer is encouraged to contact the South Essex Parking Partnership to investigate parking controls that could be used within the development.

Item 7  
21/00881/FUL

Paragraph 6.54 be amended to remove the fourth bullet point “Payment of a commuted maintenance sum for hospital link road”.

Add the following to the list of bullet points in paragraph 6.54:

- Maintenance arrangements to be set out in the Build Licence between Bloor Homes and the Trust.
- If the Link Road is not deliverable, a scheme to secure subsidised shuttle bus services between the Hospital and the Chelmer Valley Park and Ride.



**MINUTES**  
of the  
**PLANNING COMMITTEE**  
held on 9 August 2022 at 7:00pm

Present:

Councillor J A Sosin (Chair)

Councillors L Ashley, H Ayres, S Dobson, J Frasca, P Hughes, J Lardge, R Lee,  
G H J Pooley, R J Poulter, T E Roper and I Wright

Also present: Councillors W Daden and M Steel

### 1. Chair's Announcements

For the benefit of the public, the Chair explained the arrangements for the meeting.

### 2. Apologies for Absence

Apologies for absence were received from Councillors E Sampson and C Shaw, who had appointed Councillors J Frasca and H Ayres as their substitutes. Councillor R Hyland also submitted belated apologies.

### 3. Declarations of Interest

All Members were reminded that they must disclose any interests they knew they had in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they became aware of the interest. If the interest was a Disclosable Pecuniary Interest they were also obliged to notify the Monitoring Officer within 28 days of the meeting. Any declarations are recorded in the relevant minute below.

### 4. Minutes

The minutes of the meeting on 5 July 2022 were confirmed as a correct record.

### 5. Public Question Time

Several questions were asked and statements made on the applications at Item 6 and 7. Details are given under the relevant minute numbers below.

## 6. Strategic Growth Site North of Woodhouse Lane, Broomfield, Chelmsford – 20/02064/OUT

The Committee considered an outline application for residential development for up to 512 dwellings, including affordable housing and custom build homes (Use Class C3), a Local Centre (Use Classes E, F.1 and F.2), formal and informal open space, and associated infrastructure on land to the north of Woodhouse Lane, Broomfield, which had been allocated as a strategic growth site in the Local Plan. All matters except for primary access were reserved. A Green Sheet of additions and alterations had been distributed before the meeting.

A representative of the applicant attended the meeting to speak in support of the application. A statement and question had been submitted by a member of the public, who expressed concern about the effect of the development on already over-stretched health services in the area. A representative of Broomfield Parish Council attended to emphasise the view of the Parish Council that the development should not proceed without the provision of the link road, which should preferably be open to all hospital-related traffic, including the public. In the light of the NHS Trust's recent statement that it would not maintain the link road, the Parish Council was of the view that the application should be deferred until the arrangements for the construction and maintenance of the road were clear. A local ward councillor spoke to endorse the Parish Council's view and another, whilst also supporting the need for a link road and welcoming the proposed cycle and pedestrian routes, asked whether the dwellings to be constructed to the east of the reservoir would add to existing flooding problems. She also asked to how many of the new homes the Council would have nomination rights.

In response to those questions, officers informed the Committee that

- as part of the Section 106 agreement land would be secured for the development of a health care facility as well as a financial contribution towards it;
- the drainage strategy submitted with the application had been examined by the flood authority, which had found it to be acceptable and concluded that the development would not add to flooding in the area;
- thirty-five per cent of the up to 512 dwellings to be constructed would be affordable and if 180 were provided 113 would be for affordable rent with nomination rights to the Council and would include three and four bed properties, which were in high demand at present;
- the Highway Authority would prefer the provision of the link road as the best means of reducing traffic congestion on roads around the hospital and it was understood that the applicant would be working with the NHS over the question of its maintenance. However, if the road could not be provided the next favoured option was to provide a long-term, subsidised Park and Ride service to the hospital for staff, patients and visitors.

It was clear from the members' discussion of the application that the Committee was of the view that the development could not proceed without the link road or, as an alternative, the provision of a Park and Ride service. The Committee asked whether the application should be deferred until it was known whether or not the link road would definitely be built. Officers said that if the Committee were minded to approve the application, subject to the completion of the S106 agreement and compliance with conditions, as well as the construction of the link road being secured, discussion would continue between the Council, the applicant and

the NHS Trust with a view to reaching agreement on its provision and maintenance. If the delivery of the link road could not be secured, the application would be brought back to the Committee to consider the Park and Ride option. If that option was not acceptable to the Committee, the Committee would be entitled to reach a different conclusion about whether the development were acceptable.

In response to further questions from members, officers said that:

- the provision of both the link road and Park and Ride service, which some members felt would be the ideal solution to traffic congestion, may be possible in the future but was unlikely at this stage;
- the NHS Trust wanted the link road to be barrier-controlled and for the use of staff only. As it would be on land owned by the Trust, it could not be adopted by the Highway Authority and used by the public without the Trust's agreement;
- there would be a legally enforceable condition in the Section 106 agreement that the link road would be completed before occupation of the 200<sup>th</sup> dwelling;
- the closure of Woodhouse Road would still be required even if the link road was not provided as it was integral to the plan to reduce rat-running and secure walking and cycling facilities;
- strategic traffic modelling carried out as part of the production of the Local Plan had indicated at that time that the provision of a link road could reduce traffic on Hospital Approach by between 10-20% and that it would be needed if the development proceeded. The modelling had taken into consideration the use of the link road by hospital staff only. No further traffic modelling was planned but a detailed transport assessment had been submitted with the outline application. It was confirmed that a cycle route would be provided as part of the link road;
- the biodiversity net gain from the residential development of just over 10% did not include the proposed tree planting;
- the First Homes element of the affordable housing that would be provided as part of the Section 106 agreement would not be limited to one-bed properties but would be a mix of sizes determined by the developer and the national price cap in accordance with market demand;
- regarding the properties that would be suitable for use by those with disabilities, the Council would seek to achieve adapted properties that were accessible at the time of completion, rather than properties that could be adapted later. A range of property sizes was also being sought which reflected the needs of those on the housing register who were wheelchair users.

Members accepted the assurance of officers that the application would be brought back to the Committee if discussions over the link road were not successful.

RESOLVED that planning application 20/02064/OUT in respect of the strategic growth site to the north of Woodhouse Lane, Broomfield, Chelmsford be approved, subject to

- the completion of the Section 106 agreement referred to in the report to the meeting,
- the conditions set out on pages 23 to 38 and
- securing delivery of the link road.

### 7. Broomfield Hospital, Hospital Approach, Chelmsford – 21/00881//FUL

An application had been received for the formation of a new link road between Woodhouse Lane and Broomfield Hospital, including associated drainage, the closure of sections of Woodhouse Lane, and ancillary infrastructure. A Green Sheet of additions and alterations had been distributed before the meeting.

RESOLVED that planning application 21/00881/FUL in respect of Broomfield Hospital, Hospital Approach, Chelmsford be approved, subject to

- the completion of the Section 106 agreement referred to in the report to the meeting.
- the conditions set out on pages 12 to 15 and
- securing delivery of the link road.

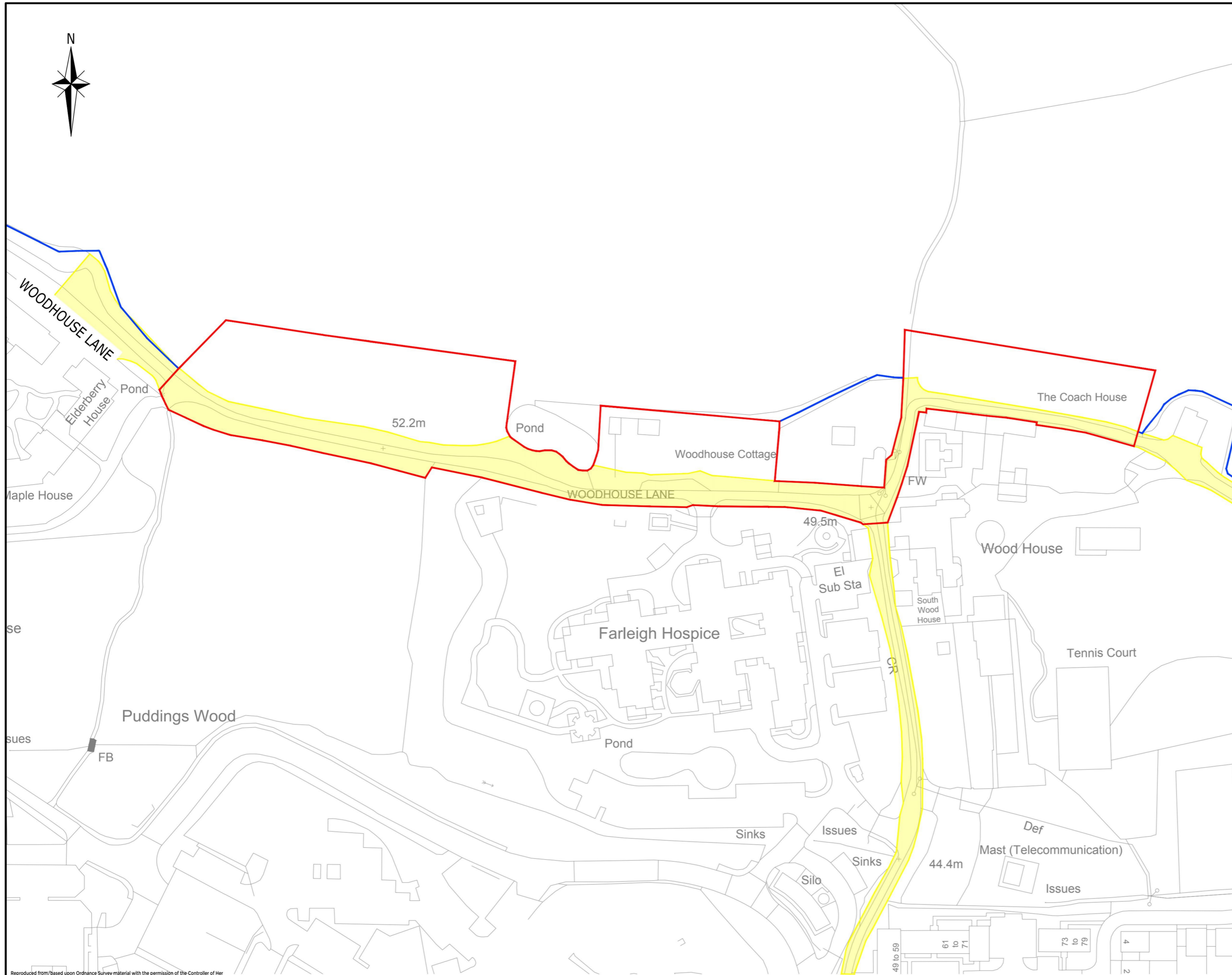
### 8. Planning Appeals

RESOLVED that the information on appeal decisions between 17 June and 27 July 2022 be noted.

The meeting closed at 8.55pm

Chair





**KEY:**

- PLANNING APPLICATION BOUNDARY
- LAND UNDER APPLICANTS CONTROL BOUNDARY
- HIGHWAY BOUNDARY TRANSCRIBED FROM ECC RECORDS

B	REDLINE AMENDED / HWB ADDED	BT	DV	IW	07.03.23
A	NOTES AMENDED	DV	DV	IW	14.04.21
Rev	Description	Drn	Chk	App	Date

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Client:  
**BLOOR HOMES EASTERN**

Project Title:  
**WOODHOUSE LANE APPLICATION**

Drawing Title:  
**SITE LOCATION PLAN**

A3 Scale	Date	Designed by
1:1250	25.03.2021	AA
Drawn by	Checked by	Approved by
AA	DV	IW
Drawing Number		Rev
<b>184281-022</b>		<b>B</b>

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