



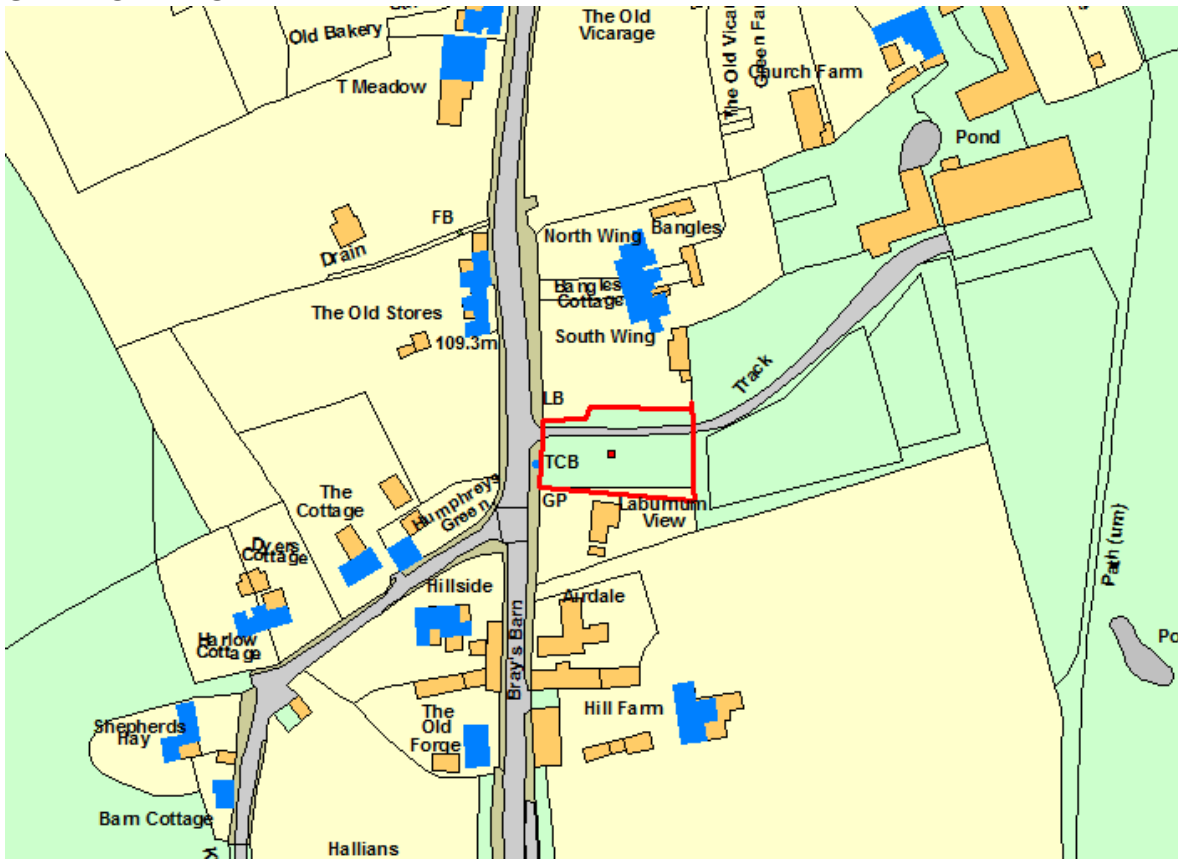
ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 11 December 2024

REFERENCE NUMBER: UTT/24/2509/FUL

LOCATION: North Of Laburnham View
High Street
Elmdon
Essex

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 18 November 2024

PROPOSAL: Erection of 2 no. new semi-detached dwellings.

APPLICANT: Mr D Turner

AGENT: Mrs A Visagie (Space+ Ltd)

EXPIRY DATE: 11 December 2024

EOT EXPIRY DATE: 20 January 2025

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits.
Within Conservation Area (Elmdon).
Setting of Listed Building (The Bangles – Grade II).
Setting of Listed Building (Telephone Kiosk – Grade II).
Road Classification (Essex Hill/High Street – Class III).

REASON THIS APPLICATION IS ON THE AGENDA: Call In (Cllr Gregory).

1. EXECUTIVE SUMMARY

- 1.1** This a full planning application for the erection of 2 no. new semi-detached dwellings. The application does not propose any affordable units.
- 1.2** The site is outside development limits within the settlement of Elmdon and located within a Conservation Area, as well as near a Grade II listed building and telephone kiosk. Despite the council's housing land supply surplus (including the necessary 20% buffer) measured against a 4-year requirement (given the publication of the Reg 19 emerging local plan), the council's housing delivery test (HDT) performance and its development plan not being up to date compels engagement with the presumption in favour of sustainable development (paragraph 11 of the NPPF).
- 1.3** Planning permission (UTT/20/2486/FUL) was granted by the planning committee in April 2021 for 2 no. semi-detached dwellings with these two schemes being very similar. However, that permission has been expired. Notwithstanding the lack of a fallback position and the changes in the LPA's development plan, a departure from the previous decision would require acknowledging the importance of consistency in decision-making

and giving reasons for the departure. The proposals would not cause harm to the significance of the heritage assets or the residential amenity of neighbours and would preserve the rural character and appearance of the area. Notwithstanding the accessibility to services and public transport on this location, the main differences between the current and the approved application would not justify a refusal. The proposals would also bring the public benefit of using suitable brownfield land for homes within the settlement and promote the development of under-utilised land.

- 1.4 The planning balance would favour the development. Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposal would **not** significantly and demonstrably outweigh the benefits. The proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

2. **RECOMMENDATION**

That the Strategic Director of Planning be authorised to **GRANT** permission for the development subject to the conditions set out in section 17 of this report.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site comprises part of the curtilage of a 2-storey detached dwelling (Laburnham View), located outside development limits in Elmdon to the east side of High Street. The site is within the Elmdon Conservation Area, close to heritage assets, such as a Grade II listed building to the north (The Bangles) and a Grade II listed telephone box just outside the site. There is a gated access to the front with a track road leading to agricultural land, buildings and a paddock to the rear. The area contains linear development with dwellings on both sides, following a pattern of housing pockets scattered along the lane. The overall area contains a rural character with dwellings of varying architectural styles, sizes, ages and materials, including several listed buildings.

4. **PROPOSAL**

- 4.1 This a full planning application for the erection of 2 no. new semi-detached dwellings. The application does not propose any affordable units.
- 4.2 The application includes the following supporting documents:
- Application form
 - Biodiversity checklist
 - Biodiversity metric
 - Design and access statement
 - Ecological survey and assessment
 - Ecological survey and assessment September 2020
 - External materials schedule

- Pre-application advice
- Transport statement.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. **RELEVANT SITE HISTORY**

Reference	Proposal	Decision
UTT/20/2486/FUL	Proposed 2 no. semi-detached dwellings	Approved with conditions (16.04.2021).

7. **PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

7.2 A pre-application (UTT/20/1131/PA) discussion has been held with officers of Uttlesford District Council prior to the submission of the approved application (UTT/20/2486/FUL). The pre-app concluded that *“Overall, a more modest version of the indicative proposal could be supported in a future application if it follows the advice elaborated above by the Planning Officer and the Conservation Officer”*. However, although constructive, the scheme has evolved substantially since the pre-app discussions, and therefore there would be no point in analysing those early steps, plus the current application is very similar to the approved scheme. No statement of community involvement has been submitted prior to the submission of this application but interested parties were consulted as necessary and their comments considered as part of the planning assessment below.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highway Authority**

8.1.1 No objections subject to conditions (see full response in **Appendix 1**).

9. **PARISH COUNCIL COMMENTS**

9.1 The following comments were received:

- **Object:**
 - Previous objections.

- Modern semi-detached houses in the heart of the Conservation Area.
- Conservation officers did not visit the site.
- Greenfield site.
- Style, size, materials must be suitable in this environmentally sensitive area.
- Site too small for two houses / overdevelopment.
- House of smaller proportions, in a style more sympathetic to the surroundings, may be more acceptable.
- 1m from the adjacent house.
- Cramped site.
- Adjacent house owned by the applicant.
- Shared access and parking may lead to on-road parking.
- Unsustainable location – lack of bus service.
- Does not meet housing need in the village.
- Local Plan not finalised.
- Pertinent points in the Elmdon Conservation Area Appraisal and Management.
- Similar points in the Village Design Statement need to be taken into consideration.
- The character of the village should not be adversely affected and adjacent buildings not overlooked.
- Infill development okay.
- Low density in the village.
- Development of more than one dwelling should prioritise previously developed sites.
- New dwellings should not impact on countryside views.
- Correspondence between parish council and former chair of committee.
- Advantage members have to swing the course of events.
- Elmdon has varied mix of property types, sizes, styles and population mix.
- Parish rarely objects and supports new development in the village.
- Conservation Area has 37 listed buildings.
- Parking to the front.
- Lack of emergency access to land to the rear.
- No right to reply during committee for the parish.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to conditions.

10.2 Place Services Built Heritage (Conservation)

10.2.1 No objections subject to conditions.

10.3 Place Services (Ecology)

10.3.1 No objections subject to conditions and biodiversity net gain.

10.4 Place Services (Archaeology)

10.4.1 No objections subject to conditions.

11. REPRESENTATIONS

11.1 A site notice was displayed near the site and notification letters were sent to nearby properties. The application was also advertised in the local press.

11.2 Support

11.2.1 No letters of support were received.

11.3 Object

11.3.1 The following comments were received:

- Inappropriate to build in the Conservation Area.
- Greenfield site.
- Does not compliment the rural and residential context.
- Overdevelopment of the site.
- No regard to the Elmdon Design Statement.
- Concerns over the access.
- Legal rights of residents.
- Permission would set a precedent for further development within the Conservation Area.
- Nothing changed to make the proposal acceptable.
- Proposal fails local and national policies/plans.
- Heritage harm.
- Harm to the countryside character and appearance of the area.
- Does not recognise the intrinsic character and beauty of the countryside.
- Not sympathetic to local character.
- Adverse impacts would outweigh benefits.
- Lack of services, facilities and public transport.
- No optimum viable use.
- Location less sustainable.
- Not brownfield land.
- Does not meet objectives of sustainable development.
- Opening in the countryside does not need to be filled.
- Harm to residential amenities.
- Loss of privacy and overlooking.
- Loss of light and overshadowing.
- Overbearing effects.
- Parking dominating the front of the dwellings.
- Harm to wildlife and biodiversity.

11.4 Comment

11.4.1 All material planning considerations raised by third parties have been thoroughly reviewed when considering this application. Land ownership issues and issues around the deliverability of a planning permission are civil matters beyond planning.

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application:
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

12.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

12.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

12.5 The Development Plan

12.5.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Uttlesford Design Code (adopted July 2024)
Felsted Neighbourhood Plan (made February 2020)

Great Dunmow Neighbourhood Plan (made December 2016)
 Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
 Thaxted Neighbourhood Plan (made February 2019)
 Stebbing Neighbourhood Plan (made July 2022)
 Saffron Walden Neighbourhood Plan (made October 2022)
 Ashdon Neighbourhood Plan (made December 2022)
 Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (December 2023).

13.2 Uttlesford District Local Plan (2005)

13.2.1	S7	The Countryside
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	ENV1	Design of Development within Conservation Area
	ENV2	Development affecting Listed Building
	ENV3	Open Space and Trees
	ENV4	Ancient Monuments and Sites of Archaeological Importance
	ENV10	Noise Sensitive Development
	ENV11	Noise Generators
	ENV12	Protection of Water Resources
	ENV13	Exposure to Poor Air Quality
	ENV14	Contaminated land
	H10	Housing Mix

13.3 Neighbourhood Plan

13.3.1 There is not 'made' Neighbourhood Plan for the area.

13.4 Supplementary Planning Document or Guidance

13.4.1 Uttlesford Local Residential Parking Standards (2013)
 Essex County Council Parking Standards (2009)
 Supplementary Planning Document – Accessible homes and playspace
 Essex Design Guide
 Uttlesford Interim Climate Change Policy (2021)
 Supplementary Planning Document – Uttlesford District-Wide Design Code (2024).

14. CONSIDERATIONS AND ASSESSMENT

14.1 The issues to consider in the determination of this application are:

- 14.2
- A Principle of development / Character and appearance (S7, GEN1,) GEN2, NPPF)
 - B Heritage impacts / Design, scale, layout, landscaping (GEN2,) ENV1, ENV2, ENV3, SPD Uttlesford District-Wide Design Code, SPD Accessible Homes and Playspace, Essex Design Guide, Interim Climate Change Planning Policy, NPPF)
 - C Residential amenity (GEN2, GEN4, GEN5, ENV10, ENV11, Essex) Design Guide, NPPF)
 - D Access and parking (GEN1, GEN8, parking standards, NPPF)
 - E Ecology (GEN7, ENV8, NPPF)
 - F Contamination (ENV14, ENV12, ENV13, NPPF)
 - G Archaeology (ENV4, NPPF)
 - H Flood risk and drainage (GEN3, NPPF)
 - I) Planning balance

14.3 **A) Principle of development / Character and appearance (S7, GEN1, GEN2, NPPF)**

14.3.1 Emerging local plan and housing land supply:

Paragraph 226 of the NPPF was engaged on 08 August 2024, following publication of the Council's Regulation 19 Local Plan. As of 20 August 2024, the Council can demonstrate **4.12 years** of housing land supply (which includes a 20% buffer), which is a surplus measured against a 4-year requirement (4YHLS). With the Housing Delivery Test (HDT) being at 58%, situation (b) of Footnote 8 of the NPPF applies, which means that the Council must continue engaging with the presumption in favour of sustainable development under paragraph 11(d) of the NPPF. The age of the Local Plan is also supportive of this. Finally, due to its stage of preparation and that the proposed strategy has not been tested at examination, the emerging local plan is afforded **limited** weight.

14.3.2 Background and lapsed permission:

Planning permission (UTT/20/2486/FUL) was granted in April 2021 for 2 no. semi-detached dwellings with the two schemes being very similar (see images and differences below). However, the above permission that was granted by the planning committee (following a deferral for members to visit the site) is no longer extant as it expired on 16 April 2024, following a failure to lawfully commence the development. Notwithstanding the lack of a fallback position and the changes in the LPA's development plan, the decision is recent and any departure from it would require appropriate justification.



14.3.3 Case law¹ dictates that before decision-makers disagree with a previous judgement, they must have regard to the importance of consistency and to give reasons for the departure from the previous decision. Decision-making must be consistent unless material planning considerations indicate otherwise. In case of failure to be consistent or to adhere to the above legal test set out in *North Wiltshire*, the government guidance warns that “*not determining similar cases in a consistent manner*” is unreasonable behaviour that could lead to an award of costs against the council.

The appearance and scale of the proposed dwellings are exactly the same as approved in UTT/20/2486/FUL. The main differences are:

- Slightly smaller application site.
- Building stepped back by an additional 3.5 metres (bigger front gardens, smaller rear gardens but equally appropriate).
- Minor landscaping changes (e.g. a new native hedge between the rear gardens).

14.3.3 Location (isolation, infill, services):
Case law² defined ‘isolation’ as the spatial/physical separation from a housing settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is not isolated as it is within Elmdon. Paragraph 84 of the NPPF is not applicable.

14.3.4 Paragraph 6.14 of the Local Plan allows “*sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements*” if the development is in character with the surroundings and have limited impacts on the countryside. By reason of the development’s position and its distance with the neighbouring properties to the north, the site is **not** an infill opportunity.

14.3.5 Elmdon has very limited services and facilities. The bus service in the nearest bus stop³ refers to a school bus service twice a day on school days only. Great Chesterford rail station is a 1h35-minute walk or 7.2km

¹ *North Wiltshire District Council v Secretary of State for the Environment and Clover [1993] 65 P&CR 137.*

Dunster Properties Ltd v the First Secretary of State & Anor [2007] EWCA Civ 236.
R. (Davison) v Elmbridge Borough Council [2019] EWHC 1409 (Admin).

² *Braintree DC v SSCLG [2018] EWCA Civ. 610.*

³ King’s Lane stop (0’ walk, being just outside the site) – bus service 444.

from the site. The nearest school (Chrishall Holy Trinity and St Nicholas Primary School – 42-minute walk) is 3km away and the nearest supermarket (Waitrose Saffron Walden – 2h15-minute walk) is 10km from the site. The occupants of the proposed dwellings would **not** be able to safely access sustainable public transport, or any everyday services and facilities within easily accessible distances. Movements to and from the site would not be undertaken by means other than the private car. Opportunities to promote sustainable transport modes have not been taken up and alternative transport options are not promoted. The location is not sustainable; the development would fail to comply with paragraphs 108(c), 114(a) of the NPPF, and policy GEN1(e) of the Local Plan.

14.3.6 Character and appearance (countryside, landscape):

The local character contains a distinct rural feel and countryside setting with some views to the wider landscape. The development would introduce built form in the countryside with urbanising effects⁴.

14.3.6.1 However, notwithstanding the comments from interested parties, the site is a gap between the housing pockets of Elmdon⁵ that does not represent that a ‘window’ onto the open countryside given the green screening to the front and rear boundaries of the site and the local topography that includes an elevated verge with mature hedging across the road. Therefore, the site makes a limited contribution to the rural character and appearance of the area and any sense of openness is localised and limited.

14.3.6.2 The reduced size of the site (in relation to UTT/20/2486/FUL) and the new position of the building further back from the building line of Laburnham View (by another 3.5 metres) would assist in a sympathetic development to the local character. The limited sense of openness, the local topography and the limited scale of the proposed building would ensure the development would preserve the rural character and appearance of the area. The development would comply with policy S7 of the Local Plan, and paragraph 180(b) of the NPPF.

14.3.7 Previously developed land:

The site is previously developed land (as residential curtilage in the countryside), and the proposal would gain support from paragraphs 123 and 124(c)-(d) of the NPPF that require decisions to give **substantial** weight to the value of using suitable brownfield land within settlements for homes and promote the development of under-utilised land and buildings.

⁴ Domestic appearance of built form and domestic paraphernalia with which housing is associated, such as household equipment, vehicles, parking spaces and hardstandings, patios, fences, garden equipment, etc..

⁵ Elmdon has a linear development pattern on both sides of High Street with housing pockets of higher density scattered along the lane: (a) a pocket in the middle of the lane comprising 2 no. listed buildings, facing each other across the road; (b) another pocket to the north and (c) a pocket to the south including the host dwelling.

14.3.8 Local economy:

The proposal would provide a modest contribution towards the wider local economy during the conversion works and development phase via potential employment for local builders and suppliers of materials, and post-construction via reasonable use of local services in the village or in nearby villages, complying with paragraph 83 of the NPPF. A condition to ensure that the track road remains open for the agricultural use to the rear of the site would be necessary.

14.3.9 Conclusion:

Notwithstanding the introduction of the Uttlesford District-Wide Design Code (July 2024) in the development plan, the main differences between the current application and the expired permission (UTT/20/2486/FUL) would not materially affect the accessibility of the occupants to services and facilities or the impact of the development on the character and appearance of the area. Therefore, by virtue of the authority of *North Wiltshire*, there would be no reason to depart from the previous decision and the principle of the development would remain acceptable.

14.4 **B) Heritage impacts / Design, scale, layout, landscaping (GEN2, ENV1, ENV2, ENV3, SPD Uttlesford District-Wide Design Code, SPD Accessible Homes and Playspace, Essex Design Guide, Interim Climate Change Planning Policy, NPPF)**

14.4.1 Heritage impacts:

Place Services Built Heritage (Conservation) reported that the proposals would impact on the character or appearance of the Elmdon Conservation Area and the setting of the listed assets⁶ and did not raise any objections in UTT/20/2486/FUL. Place Services Conservation noted that the current application is similar to the approved one except for the position of the dwellings being further back from the road and some landscaping changes. The external materials schedule submitted with the application included UPVC windows, doors, gutters and downpipes, contrary to the painted timber windows and doors suggested in the application form. Although the materials in the external materials schedule would not be acceptable, conditions could secure appropriate materials in accordance with paragraphs 203(c), 205 and 212 of the NPPF. Place Services Conservation raised **no objections** subject to the above conditions.

14.4.2 The proposals, subject to suitable good quality traditional materials and finishes, would preserve or enhance the character or appearance of the Conservation Area and would preserve the setting of the listed buildings to the north and west of the site, without causing 'less than substantial harm' to their significance. The proposals would accord with paragraph 208 of the NPPF, sections 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and policies ENV1, ENV2 of the Local Plan. The heritage balancing exercise would not be

⁶ The Bangles (Grade II).
K6 Telephone Kiosk (Grade II).

necessary as no harm has been found to the assets. The application of paragraph 208 would not provide a clear reason for refusing the development, as per paragraph 11(d)(i) of the NPPF.

14.4.3 Interested parties have mentioned that it would be inappropriate to build in a Conservation Area, however, this designation is not a ban to development that can preserve or enhance the character or appearance of the asset. In addition, the Elmdon Design Statement (2019) shall be afforded limited weight as material consideration given that it sits outside the council's development plan.

14.4.4 Character and appearance:

The local character contains a rural feel as a small village with the site being located on the part of the village that does not have its own development envelope. The proposals would introduce a residential use in an area where dwellings are common, and therefore any urbanising effects⁷ would be limited. The proposals would retain access to the farmland behind the site. The use of appropriate traditional materials in keeping with the listed building, the Conservation Area and the local vernacular would be key in reducing the impact of the proposals on the character and appearance of the area. The use of UPVC windows, doors or vent pipes, for example, will not be supported. The proposed housing mix would also be acceptable as 3-bed properties are proposed. The development would comply with policies GEN2, ENV3 of the Local Plan, and paragraph 135 of the NPPF, being sympathetic to local character.

14.4.5 Turning to landscaping, a landscaping drawing has been submitted that is similar to the one approved in UTT/20/2486/FUL, however, it proposes minor landscaping changes (e.g. a new native hedge between the rear gardens). But no further details have been submitted. A landscaping condition would be necessary to preserve the character and appearance of the area, to safeguard residential amenities, and to confirm the planting details. The Landscape officer was consulted on the previous application and raised no objections subject to conditions (including the retention and protection of the existing trees and hedges on site).

14.4.6 Climate change:

Energy and water efficiency measures would be necessary, to ensure compliance with the adopted Climate Crisis Strategy 2021-30, the Interim Climate Change Planning Policy, section 14 of the NPPF, and policy GEN2(e) of the Local Plan. The matter will not be conditioned as it will be picked up at the Building Regs stage. However, for any potential green technologies to be placed externally on the proposed dwelling, the impact on the significance of the heritage assets would need to be assessed (and separate planning permission may be required).

⁷ Domestic appearance of built form and domestic paraphernalia with which housing is associated, such as household equipment, vehicles, parking spaces and hardstandings, patios, fences, garden equipment, etc..

14.5 C) Residential amenity (GEN2, GEN4, GEN5, ENV10, ENV11, Essex Design Guide, NPPF)

14.5.1 The proposed units would have bedroom/persons occupancies and gross internal areas (GIA) that exceed the minimum thresholds⁸:

- Plot 1: 3B5P (> threshold 93 sqm)
- Plot 2: 3B5P (> threshold 93 sqm)

14.5.2 In terms of noise, odours, dust, vibrations, light pollution and other disturbances, notwithstanding the concerns raised by neighbouring occupiers, Environmental Health raised **no objections** unconditionally to safeguard residential amenities. However, conditions for external lighting details and the construction method statement would be necessary given the residential location of the development.

14.5.3 After applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, the following conclusions are drawn for the impact of the proposed development to the residential amenity of the neighbouring occupiers in terms of potential material overshadowing, overlooking (actual or perceived) and overbearing effects.

14.5.4 Potential overlooking and loss of privacy:

Concerns raised by the ward member who called the application in and neighbours regarding privacy issues from the development have been carefully considered:

- A condition for the proposed dwelling to withdraw permitted development rights for outbuildings, extensions and new windows would be necessary to safeguard the residential amenity of existing and future occupiers and to preserve appropriate levels of amenity space.
- Both plots 1 and 2 include an upper floor windows facing north and south (respectively). Although these windows belong to non-habitable rooms, to avoid a perception of overlooking, a condition would be necessary to ensure these windows are obscure-glazed and non-opening at their parts below eye level. The angled and distanced position of the window facing south from the private garden of that neighbouring property and the above condition would ensure that the proposals would not lead to material (actual or perceived) overlooking or loss of privacy to the detriment of the residential amenity of the neighbouring or future occupiers.

14.5.5 Potential overshadowing and loss of light:

Due to the scale, design and position of the proposed development, no material overshadowing of, and loss of light to, any private gardens or habitable room windows would occur that would harm the residential amenity of the neighbouring occupiers.

⁸ See Technical Housing Standards – Nationally Described Space Standard.

- 14.5.6** Potential overbearing effects:
Given the gaps in relation to the neighbouring boundaries, no overbearing impacts ('tunnelling effect' or 'sense of enclosure') would occur.
- 14.5.7** The proposal would not materially harm residential amenities of existing and future occupants and would comply with policies GEN2, GEN4, GEN5, ENV10, ENV11, the SPD Uttlesford District-Wide Design Code, the Essex Design Guide, and the NPPF.
- 14.6** **D) Access and parking (GEN1, GEN8, parking standards, NPPF)**
- 14.6.1** From a highway and transportation perspective, the Highway Authority raised **no objections** subject to conditions in the interests of highway safety, as the development would accord with the Essex County Council Supplementary Guidance – Development Management Policies (Feb 2011), policy GEN1 of the Local Plan, and paragraphs 115 and 114(b) of the NPPF. The conditions refer to visibility splays, the dimensions of the access and drive, inward opening gates, the surface treatment of the access, parking and turning provision and cycle parking. The condition for the surface treatment of the access is not necessary, contrary to paragraph 56 of the NPPF.
- 14.6.2** Parking standards require 2 no. parking spaces for 3-bed properties (such as plots 1 and 2). There is ample space within the site to accommodate the required parking provision and provide appropriate turning areas to allow for cars to leave the site in a forward gear. Parking arrangements would meet the Uttlesford Residential Parking Standards (2013), the Essex County Council Parking Standards (2009), and policy GEN8 of the Local Plan.
- 14.7** **E) Ecology (GEN7, ENV8, NPPF)**
- 14.7.1** Place Services Ecology, following review of the revised information and documents, raised **no objections** subject to conditions to secure biodiversity mitigation and enhancement measures, including mandatory biodiversity net gain. The development would comply with paragraphs 43, 180(d) and 186 of the NPPF, and policies GEN7, ENV8 of the Local Plan. The conditions refer to action in accordance with the appraisal recommendations, a biodiversity enhancement strategy and a wildlife sensitive lighting scheme for biodiversity.
- 14.7.2** Biodiversity Net Gain duty:
Biodiversity Net Gain (BNG) is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. Paragraph 13 of Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 states that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that the development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and (b) the

LPA has approved the plan. The government guidance suggests that the 'statutory condition' must be separate to the list of planning conditions in the decision notice (as an informative) and must not be ignored by the developer.

14.7.3 Place Services Ecology are satisfied that the pre-development baseline biodiversity value of the site has been calculated appropriately and reported that the post-development habitat creation (which includes Ground level planters, introduced shrub, unvegetated garden, biodiverse green roof and vegetated garden) would be satisfactory. A Biodiversity Gain Plan, as well as the finalised Small Sites Metrics (The Statutory Biodiversity Metric) should be submitted prior to commencement as part of the biodiversity gain condition. A condition for a Habitat Management Monitor Plan (HMMP) will not be required on this occasion as the post-intervention values show that no significant on-site habitat enhancements are proposed. As a result, Place Services Ecology are satisfied that HMMP is not likely to be required by legal obligation or a condition of any consent for a period of up to 30 years.

14.7.4 Based on the available information, if permission were to be granted, it would require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements apply. To commence the development without approval of the biodiversity gain plan may result to a breach of planning and/or an unlawful commencement of the development.

14.8 F) Contamination (ENV14, ENV12, ENV13, NPPF)

14.8.1 Environmental Health raised **no objections** subject to a condition to protect human health and the environment. The proposal would accord with policies ENV14, ENV12, ENV13 of the Local Plan, and the NPPF. The condition refers to potential land contamination (watching brief).

14.9 G) Archaeology (ENV4, NPPF)

14.9.1 Place Services Archaeology reported that the site is within an area of potentially sensitive archaeological deposits, meaning there is potential for medieval and post medieval archaeological remains being impacted by the proposed development. Place Services Archaeology raised **no objections** subject to conditions to protect any potential archaeological remains. The proposal would accord with policy ENV4 of the Local Plan, and the NPPF. The conditions refer to an archaeological programme of trial trenching followed by open area excavation based on a written scheme of investigation.

14.10 H) Flood risk and drainage (GEN3, NPPF)

14.10.1 The site falls within Flood Zone 1; footnote 59 in paragraph 173 of the NPPF that requires a site-specific Flood Risk Assessment (FRA) does not apply as the development does not involve a site of 1 hectare or more; or

land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. As such, the Essex County Council (Local Flood Authority) and the Environment Agency have not been consulted for this application. The following images show the extent of flooding from rivers (fluvial flooding) and from surface water (pluvial flooding). The proposal would comply with paragraph 173 of the NPPF, and policy GEN3 of the Local Plan.



14.11 I) Planning balance

- 14.11.1** The public benefits of the scheme would include:
- Previously developed land, effective use of under-used land – **substantial** weight.
 - Provision of 2 no. units to the 4YHLS (new dwellings) – **limited** weight.
 - Ecological enhancements and net gains – **limited** weight.
 - Economic and social benefits – **limited** weight.
- 14.11.2** The site would make better use of previously developed land and under-used land within a settlement, and therefore the proposal would gain support from paragraphs 123 and 124(c)-(d) of the NPPF that would afford **substantial** weight to this public benefit arising from the development.
- 14.11.3** The net provision of 2 no. residential units would be a meaningful but rather **limited** public benefit arising from the development, as it would make little difference to the overall supply of housing in the district.
- 14.11.4** The proposal would provide a modest contribution towards the wider local economy during and post construction and conversion works. The proposal would also boost social vibrancy and interaction locally. However, the economic and social public benefits would be **limited** to their extent given the small number of units proposed.
- 14.11.5** The proposal would also offer ecological enhancements and net gains to biodiversity; these matters would only attract **limited** weight given the limited scale of the development.
- 14.11.6** The adverse impacts of the development would include:
- Unsustainable location / reliance on cars – **moderate** weight.

14.11.7 Despite the limited accessibility of services and sustainable transport from the site, planning permission was previously granted for a similar scheme, and there is no material change in circumstances that would justify a different stance on the location's suitability for new housing. Therefore, based on the circumstances of the application, this would reduce the weight of this adverse impact to **moderate** levels only.

14.11.8 Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposal would **not** significantly and demonstrably outweigh the benefits. The proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

16. CONCLUSION

16.1 The planning balance would favour the development. Consequently, when assessed against the policies in the NPPF taken as a whole, and

as there are no other material considerations indicating otherwise, the adverse impacts of the proposal would **not** significantly and demonstrably outweigh the benefits. The proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

16.2 It is therefore recommended that the application be approved subject to conditions.

17. CONDITIONS

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3 (a) Prior to commencement of the development hereby approved, a Written Scheme of Investigation (WSI), to secure a programme of archaeological investigation, shall be submitted to and approved in writing by the local planning authority.

(b) Prior to commencement of the development hereby approved, the programme of archaeological investigation identified in the Written Scheme of Investigation (WSI) shall be completed.

(c) Following completion of the archaeological investigation and within six (6) months from that completion, a post excavation assessment shall be submitted to the Local Planning Authority. The post excavation analysis shall be completed when a full site archive and report is deposited at the local museum and a publication report is submitted to the Local Planning Authority.

REASON: To preserve potential archaeological remains, in accordance with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2023).

4 Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the local planning authority.

The Biodiversity Enhancement Strategy shall include:

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of the enhancement measures by appropriate drawings;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

Thereafter, the ecological works shall be implemented in accordance with the approved details prior to occupation of the development hereby approved.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

- 5** Prior to any works above slab level, a schedule of the types and colours of the materials (including photographs) to be used in the external finishes shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in full accordance with the approved materials.

REASON: To preserve the character and appearance of the area, to preserve the significance of heritage assets, and to ensure the development is visually attractive, in accordance with policies S7, GEN2, ENV1, ENV2 of the adopted Uttlesford Local Plan (2005), the Essex Design Guide, the adopted Uttlesford District-Wide Design Code (2024), and the National Planning Policy Framework (2023).

- 6** Prior to any works above slab level, details of all hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in full accordance with the approved details prior to occupation of the development hereby approved.

The landscaping details to be submitted shall include:

- a) proposed finished levels (earthworks to be carried out);
- b) means of enclosure of the land (boundary treatments including photographs);
- c) hard surfacing and other hard landscape features and materials (including photographs);
- d) existing trees, hedges or other soft features to be retained;
- e) details of planting or features, including specifications of species, sizes, planting centres, number and percentage mix;

- f) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- g) management and maintenance details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To preserve the character and appearance of the area, to preserve the significance of heritage assets, and to safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, ENV1, ENV2, the Essex Design Guide, the adopted Uttlesford District-Wide Design Code (2024), and the National Planning Policy Framework (2023).

- 7** Prior to occupation of the development hereby approved, a fully wired and connected electric vehicle charging point shall be provided on site for each dwelling. Thereafter, the charging points shall be maintained as such at all times.

REASON: To encourage the use of electric vehicles for better air quality, in accordance with the National Planning Policy Framework (2023).

- 8** Prior to occupation of the development hereby approved, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres s by 43 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 9** Prior to occupation of the development hereby approved, the vehicular access shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the verge. Thereafter, the access shall be

retained as such at all times unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 10** Prior to occupation of the development hereby approved, the vehicle parking and turning areas indicated on the approved plans shall be provided. Thereafter, the vehicle parking and turning areas shall be retained as such at all times and shall not be used other than for the benefit of the occupants of the dwellings hereby approved.

REASON: To ensure that appropriate parking and turning is provided in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 11** Prior to occupation of the development hereby approved, cycle parking shall be provided in accordance with the Essex Planning Officers' Association parking standards. Thereafter, the cycle parking facilities shall be secure, convenient, covered and shall be retained as such at all times.

REASON: To ensure appropriate cycle/powered two wheeler parking is provided in the interest of highway safety and amenity, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 12** Prior to occupation of the development hereby approved, a lighting design scheme for biodiversity in accordance with General Note: 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority.

The scheme shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit

will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Thereafter, all external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and shall be maintained in accordance with the scheme at all times. Under no circumstances should any other external lighting be installed without prior consent in writing from the local planning authority.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, section 17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

- 13** All rainwater goods shall black painted metal and shall be retained as such at all times unless otherwise agreed in writing by the local planning authority.

REASON: To preserve the significance of heritage assets, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV1, ENV2, and the National Planning Policy Framework (2023).

- 14** If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant/developer shall notify immediately and in writing the Local Planning Authority. Any land contamination identified shall be remediated to the satisfaction of the local planning authority prior to occupation of the development hereby approved to ensure that the site is made suitable for its end use.

REASON: To ensure the development will not harm human health, the water environment and other receptors, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV14, and the National Planning Policy Framework (2023).

- 15** The track road shall be retained free from any (temporary or permanent) obstructions on it at all times, including vehicles, farm machinery or any other means of obstruction.

REASON: To ensure the view and access towards the farmland to the east is maintained, in accordance with the adopted Uttlesford Local Plan Policy S7, and the National Planning Policy Framework (2023).

- 16** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or

re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped, to preserve the character and appearance of the area and to safeguard appropriate levels of amenity spaces, in accordance with the adopted Uttlesford Local Plan Policy GEN2, and the National Planning Policy Framework (2023).

- 17** The development hereby permitted shall be provided in accordance with the guidance in Approved Document S 2021 and shall be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with the adopted Uttlesford Local Plan Policy GEN2, and the adopted Supplementary Planning Document 'Accessible Homes and Playspace'.

- 18** Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. Thereafter, the gates shall be retained as such at all times.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 19** All existing trees, shrubs and hedges on site shall be retained and protected at all times during the construction phase of the development hereby approved. If any tree, shrub or hedge is removed, uprooted or destroyed or dies, another one shall be planted at the same place and that tree, shrub or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

REASON: To preserve the countryside character and appearance of the area, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, and the National Planning Policy Framework (2023).

- 20** All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammal Surveys, October 2024). Thereafter, the enhancement measures and/or works shall be carried out in full accordance with the approved details and shall be maintained as such at all times.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, section 17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS

Your Ref: UTT/24/2509/FUL
Our Ref: 48394
Date: 14/11/2024
cc. cllr.paul.gadd@essex.gov.uk



Essex County Council

Director for Highways
and Transportation

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
SAFFRON WALDEN CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/24/2509/FUL

Applicant. Mr David Turner

Site Location. North Of Laburnham View High Street Elmdon Essex.

Proposal. Erection of 2 no. new semi-detached dwellings.

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

1. Prior to first occupation of the development, the road access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Policy DM1 of the Development Management policies.
2. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the verge.
Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interest of highway safety in accordance with Policy DM1 of the Development Management policies.
3. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent verge/carriageway in the interest of highway safety in accordance with policy DM1 of the Development Management policies.

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management policies.

5. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management policies.

6. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management policies.

The above conditions are required to ensure that the development accords with the National Planning Policy Framework 2023 (NPPF) and the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and Uttlesford Local Plan Policy GEN1.

Informative:

- i. 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 applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- ii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
- v. The (rural/remote) location of the site is such that access to key facilities, public transport, employment, and leisure opportunities is limited and for the vast majority of journeys the only practical option would be the car. This should be taken into consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site.
- vi. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

F. Masnie

pp. Director for Highways and Transportation
Enquiries to Chioma Cureton
chioma.cureton@essex.gov.uk