

#### Policy S7 – The Countryside

**The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.**

- 6.1. The development of sites without a road frontage and the conversion of existing large residential properties, into smaller apartments for example, are also acceptable, again subject to safeguards.

#### Policy H4 – Backland Development

**Development of a parcel of land that does not have a road frontage will be permitted, if all the following criteria are met:**

- a) **There is significant under-use of land and development would make more effective use of it;**
- b) **There would be no material overlooking or overshadowing of nearby properties;**
- c) **Development would not have an overbearing effect on neighbouring properties;**
- d) **Access would not cause disturbance to nearby properties.**

#### **Affordable Housing and Mixed and Balanced Communities**

- 6.2. There are, and will continue to be, many households or potential households in Uttlesford lacking their own housing or living in housing that is inadequate or unsuitable, who are unlikely to be able to meet their needs in the housing market without some assistance. This is the Government's definition of housing need. It is estimated that the scale of the requirements for affordable housing is nearly 300 homes a year for the period 2001 to 2006 taking into account the backlog of existing need, reducing to about 230 homes a year for the next five year period to 2011 once the backlog has been addressed. Much of the need is newly arising each year. The ten year requirement is accordingly 2,650. If the newly arising need in 2000-1 (the underlying rate of about 230 homes a year) is added to this, the total of 2,880 represents just under 60% of

the total housing provision in the plan for 2000-11. Future surveys will include a 'Key Worker' housing needs survey to identify who are the key workers in Uttlesford as well as their housing needs.

- 6.3. Over 40% of the homes proposed in total already had planning permission in April 2000. The supply of housing from these sites that would address the situation of those who are unlikely to be able to meet their needs in the housing market without some assistance is already determined. It is about 200 homes (11%). This means that the balance of the total requirement, 2,680, has to be compared with the balance of the housing provision without planning permission of about 3190. In practice the ratio will be even more unfavourable, because of planning permissions granted between 2000 and the date when the policies in this Plan are capable of being accorded sufficient weight to be implemented. The situation justifies affordable housing being sought on as many sites as is practicable, subject to national planning policy.
- 6.4. In Government policy advice, the term affordable housing includes low cost market housing, discounted market housing, as well as housing for social rent or shared ownership from social landlords. However, new build low cost market housing is unlikely to address housing need in Uttlesford. This is because new build housing is significantly more expensive than second hand properties, and those households who are on the margins of being able to meet their needs in the housing market will be purchasing second hand towards the bottom end of the price band.
- 6.5. For affordable housing to be relevant to those in housing need in Uttlesford it must meet the following tests:
  - It results in weekly outgoings on housing costs that 20% of Uttlesford households in need can afford, excluding housing benefits.
  - Such housing should be available, both initially and for subsequent occupancy, only to those with a demonstrable housing need.
- 6.6. This Plan sets a target of 40% of dwellings to be affordable housing, meeting the weekly outgoings on housing costs and availability tests above. This represents a compromise between the proportion justified by the scale of need and what the housing industry can reasonably be expected to provide. The percentage and type of affordable housing on any given site will be subject to negotiation at the time of a planning application, to allow issues of site size, sustainability and economics of provision to be considered. Within Great Dunmow, Saffron Walden and Stansted Mountfitchet, on sites of 0.5 hectares or of 15 dwellings or more 40% affordable housing will be negotiated. Where appropriate consideration will also be given to the provision of housing to meet special needs. The level of housing provision sought on a site should have regard to the Council's target for housing provision yet should not make the development unviable. Elsewhere in the District 40% affordable housing will be similarly sought on sites of 0.5 hectares or of 15 dwellings or more. There may however be smaller sites within the rural areas which could provide a useful contribution to the Council's supply of affordable housing. Appropriate sites should still be large enough to ensure a viable scheme and not lead to the

provision of only 1 or 2 affordable units on a site which would lead to a fragmented approach to affordable housing in the rural areas.

- 6.7. It will be important to achieve mixed and balanced communities in two respects: within a larger site, and the village as a whole in the case of smaller settlements. All developments on a site of 3 or more homes must include an element of small 2 and 3 bed homes, which must represent a significant proportion of the total, for those households who are able to meet their needs in the market and would like to live in a new home.

#### Policy H9- Affordable Housing

**The Council will seek to negotiate on a site to site basis an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfall sites, having regard to the up to date Housing Needs Survey, market and site considerations**

#### Policy H10 – Housing Mix

**All developments on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties.**

### **Access**

- 3.5 The key issues of the Council's Transport Strategy are set out in detail in Chapter 9. The objectives in this Plan are to locate high trip generating activity in areas well served by public transport; to increase the proportion of journeys made by rail and bus, on foot and by cycle; to reduce the number and length of motor vehicle trips by the location of development; and to minimise the adverse effects of traffic on residential and shopping areas by traffic management measures.
- 3.6 The Council will work with highway authorities to ensure that, whenever possible, transport investment and the resultant transport network will support the Plan's development strategy and policies.
- 3.7 The impact of development on the road network will be assessed and Traffic Impact Assessments may be required as part of applications for planning permissions. Improvements to the transport infrastructure will be sought where appropriate. The environmental impact of traffic arising from a development will similarly be assessed and Environmental Assessments may also be required. The cumulative impact of developments will also be taken into account.
- 3.8 Development proposals for any building that the public may use will be required to provide safe, easy and inclusive access for all people regardless of disability, age or gender. This should include access to, into and within the building and its facilities, as well as appropriate car parking and access to public transport provision.

- 3.9 The needs of walkers, cyclists and horse riders will be taken into account whenever development would affect routes used by riders or where the potential for the creation of new paths along strategic routes would be jeopardised. Suitable replacement paths will be required when routes used by walkers and riders will no longer be suitable for continued use as a result of other changes to the road network or new development.

#### Policy GEN1 – Access

**Development will only be permitted if it meets all of the following criteria:**

- a) **Access to the main road network must be capable of carrying the traffic generated by the development safely.**
- b) **The traffic generated by the development must be capable of being accommodated on the surrounding transport network.**
- c) **The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.**
- d) **It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.**
- e) **The development encourages movement by means other than driving a car.**

#### Design

- 3.10 Further Supplementary Planning Documents will be prepared on design issues. This will encourage development to be designed so that it meets the needs of those with physical and sensory impairment. The SPD will also encourage Lifetime Homes, promote compliance with the Association of Chief Police Officers “Secured by Design” Award criteria or any successor initiative and ensure appropriate open space provision and play equipment is provided. Development in accordance with the SPD will be expected to minimise waste generation and enable recycling and also to incorporate design measures to minimise water consumption and to encourage sustainable drainage systems, retention and re-use of grey water. Other aspects of sustainable development design including use of renewable energy, reduction of energy use and planting to enhance new development will also be covered. The Essex Design Guide for Residential and Mixed Use Areas has been adopted as supplementary planning guidance.

#### Policy GEN2 – Design

**Development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.**

- a) **It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;**
- b) **It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;**

- c) It provides an environment, which meets the reasonable needs of all potential users.
- d) It helps to reduce the potential for crime;
- e) It helps to minimise water and energy consumption;
- f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.
- g) It helps to reduce waste production and encourages recycling and reuse.
- h) It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.
- i) It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

### **Flood Protection**

- 3.11 With climate change, assessments of areas with a high potential risk of flooding need to take into account new information and be kept up to date. Areas at high potential risk of flooding from rivers are defined as those where the annual probability of flooding is greater than 1.0%. They will be identified in supplementary planning documents
- 3.12 All the urban extensions and settlement expansions proposed in this Plan are on land above flood plains. The arrangements for surface water run off disposal will need to take the implications for flood risk elsewhere fully into account.
- 3.13 Surface water disposal from new developments, is the responsibility of the developer, and must, where practicable, take place on site using appropriate and acceptable methods, including soakaways. New connections to the public sewerage system must not pose an unacceptable threat of surcharge, flooding or pollution. Surface water must not be allowed to drain to the foul sewer as this is the major contributor to sewer flooding.
- 3.14 The Environment Agency is in general opposed to the culverting of watercourses because of the adverse ecological and flood defence effects likely to arise

#### **Policy GEN3 – Flood Protection**

**Within the functional floodplain, buildings will not be permitted unless there is an exceptional need. Developments that exceptionally need to be located there will be permitted, subject to the outcome of flood risk assessment. Where existing sites are to be redeveloped, all opportunities to restore the natural flood flow areas should be sought.**

**Within areas of flood risk, within the development limit, development will normally be permitted where the conclusions of a flood risk assessment demonstrate an adequate standard of flood protection and there is no increased risk of flooding elsewhere.**

**Within areas of the floodplain beyond the settlement boundary, commercial industrial and new residential development will generally not**

**be permitted. Other developments that exceptionally need to be located there will be permitted subject the outcome of a flood risk assessment.**

**Outside flood risk areas development must not increase the risk of flooding through surface water run-off. A flood risk assessment will be required to demonstrate this. Sustainable Drainage Systems should also be considered as an appropriate flood mitigation measure in the first instance.**

**For all areas where development will be exposed to or may lead to an increase in the risk of flooding applications will be accompanied by a full Flood Risk Assessment (FRA) which sets out the level of risk associated with the proposed development. The FRA will show that the proposed development can be provided with the appropriate minimum standard of protection throughout its lifetime and will demonstrate the effectiveness of flood mitigation measures proposed.**

### **Good Neighbourliness**

Policy GEN4 - Good neighbourliness

**Development and uses, whether they involve the installation of plant or machinery or not, will not be permitted where:**

- a) noise or vibrations generated, or**
  - b) smell, dust, light, fumes, electro magnetic radiation, exposure to other pollutants;**
- would cause material disturbance or nuisance to occupiers of surrounding properties**

### **Light Pollution**

3.15 There is a potential conflict between keeping lighting to a minimum as part of protecting the character of the countryside, maintaining the visibility of the night sky, and security and safety objectives. Lighting can also extend the opportunity for outdoor sport activities in the winter months when there is limited daylight. This conflict can be resolved to some extent by careful specification and the use of the best available technology where the cost is proportionate to the benefit, but there may be circumstances where, for example, the importance of facilities to sport development is judged to outweigh the effect on the countryside.

Policy GEN5 – Light pollution

**Development that includes a lighting scheme will not be permitted unless:**

- a) The level of lighting and its period of use is the minimum necessary to achieve its purpose, and**
- b) Glare and light spillage from the site is minimised.**

### **Infrastructure Provision to Support Development**

3.16 This will be relatively straightforward where a development such as new housing directly creates a need for new facilities to serve its residents. It is important that in these cases the facilities are provided as soon as they are required. However, in the urban areas where new development is concentrated, even small scale development will cumulatively impact on service provision. It is intended that the scale of development shown in this Plan will form the basis for assessments of impacts on infrastructure and the identification of costed proposals that may be necessary. The Council will then seek to reach agreement with a developer over an appropriate contribution that fairly reflects the level of demand its scheme would generate. Contributions may be applied to specific proposed projects or held in reserve for a reasonable period and used to address impacts arising after the development has been occupied. Supplementary Planning Documents setting out the basis for assessments of impacts and contributions will be adopted.

**Policy GEN6 –Infrastructure Provision to Support Development**

**Development will not be permitted unless it makes provision at the appropriate time for community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development. In localities where the cumulative impact of developments necessitates such provision, developers may be required to contribute to the costs of such provision by the relevant statutory authority.**

**Nature Conservation**

3.17 Nature conservation interest is not confined to the National Nature Reserves, Sites of Special Scientific Interest, county wildlife sites and special verges, which are specifically covered in the Environment section of this Plan.

**Policy GEN7 – Nature Conservation**

**Development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. Where the site includes protected species or habitats suitable for protected species, a nature conservation survey will be required. Measures to mitigate and/or compensate for the potential impacts of development, secured by planning obligation or condition, will be required. The enhancement of biodiversity through the creation of appropriate new habitats will be sought.**

**Vehicle Parking Standards**

3.18 A realistic approach is needed. This will try and discourage unlimited car parking provision on new developments and thereby car usage, to help tackle the growing problem of traffic emissions and road congestion, encourage efficiency in the use of fossil fuels, and making it easier to walk or cycle for local short distance trips, but only in appropriate locations. It must avoid the risk of parking being displaced to elsewhere within a neighbourhood. Uttlesford's

communities lack high quality public transport. In common with many other rural communities, using the car is the only practical way of getting to work, accessing services and making leisure trips. Car ownership levels are relatively high and existing car parking provision is well used. It is important that car parking for new development is adequate. Where there is a lack of off street parking in older residential areas this results in a high level of on street parking. In some localities this results in obstruction of roads and footpaths, causing particular problems for those with limited mobility. The level of parking on new developments should neither exacerbate existing parking problems in communities nor create problems where they do not presently exist.

#### Policy GEN8 – Vehicle Parking Standards

**Development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location, as set out in Supplementary Planning Guidance “Vehicle Parking Standards”, a summary extract of which is reproduced in Appendix 1 to this Plan.**

### Open Spaces and Trees

- 5.1. There are open spaces of high environmental quality in many of the towns and villages. Such spaces may include village greens, commons or narrow tongues of agricultural land or woodland or large mature gardens. Sometimes, the land may have been left in a state of untidiness but, nevertheless, the existence of the space may be important to the character of the locality. Retention of the space would also enable its full environmental potential to be realised through an enhancement project. Normally it has been possible to protect such areas by ensuring that they lie beyond defined development limits. The need to protect similar areas within settlements is equally important and the most significant of these have been shown on individual inset maps. Other smaller spaces of importance will also be protected where development would be inappropriate, but it is not practicable to identify all of these.
- 5.2. Where the principle of development is acceptable it should avoid taking away features that are prominent elements and enhance the local environment, such as for example, healthy mature trees. However, as a specific example, it may not be possible to accommodate a residential development on a tight space without removing a clump of sycamore saplings or similar. This may be considered acceptable. Sometimes public facilities may be proposed on open space. Again, if a successful design can be achieved, a limited loss of open space may be permitted.

#### Policy ENV3- Open Spaces and Trees

**The loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value.**



## **Ancient Monuments and Sites of Archaeological Importance**

- 5.3. Within Uttlesford District, approximately 3000 sites of archaeological interest are recorded on the Heritage Conservation Record (EHCR) maintained by Essex County Council. These sites are not shown on the proposals map and inquiries should be made to the County Archaeologist. Scheduled Ancient Monuments of which there are 73 in the District (December 2001) are shown on the proposals map. The EHCR records represent only a fraction of the total. Many important sites remain undiscovered and unrecorded. Archaeological sites are a finite and non-renewable resource. As a result it is important to ensure that they are not needlessly or thoughtlessly destroyed.
- 5.4. The desirability of preserving an ancient monument and its setting is a material consideration in determining planning applications whether the monument is scheduled or unscheduled. There is a presumption in favour of the preservation of nationally important sites and their settings. The need for development affecting archaeological remains of lesser importance will be weighed against the relative importance of the archaeology.

Policy ENV4 Ancient Monuments and Sites of Archaeological Importance.

**Where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there will be a presumption in favour of their physical preservation in situ. The preservation in situ of locally important archaeological remains will be sought unless the need for the development outweighs the importance of the archaeology. In situations where there are grounds for believing that sites, monuments or their settings would be affected developers will be required to arrange for an archaeological field assessment to be carried out before the planning application can be determined thus enabling an informed and reasonable planning decision to be made. In circumstances where preservation is not possible or feasible, then development will not be permitted until satisfactory provision has been made for a programme of archaeological investigation and recording prior to commencement of the development.**

Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation

**Development that may adversely affect these landscape elements**

<b>Hedgerows</b>	<b>Plantations</b>
<b>Linear tree belts</b>	<b>Ponds</b>
<b>Larger semi natural or ancient woodlands</b>	<b>reservoirs</b>
<b>Semi-natural grasslands</b>	<b>River corridors</b>
<b>Green lanes and special verges</b>	<b>Linear wetland features</b>
<b>Orchards</b>	<b>Networks or patterns of other locally important habitats.</b>

**will only be permitted if the following criteria apply:**

- a) **The need for the development outweighs the need to retain the elements for their importance to wild fauna and flora;**

**b) Mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality. Appropriate management of these elements will be encouraged through the use of conditions and planning obligations.**

## **Noise**

- 5.5. Policies ENV10 and ENV11 aim to ensure that wherever practicable, noise sensitive developments are separated from major sources of noise such as road, rail and air transport and certain types of industrial development
- 5.6. Aircraft movements are a particular major source of noise in Uttlesford. Aircraft taking off from Stansted are required to follow “noise preferential routes” (NPRs) to a height of 3,000 feet (4,000 feet at night time), maintaining a minimum climb gradient of 4%, and remain within a 1.5 kilometre swathe either side of the centre line of the NPR. Two sets of NPRs have been designated by the Civil Aviation Authority. There are statutory requirements for landing aircraft. Aircraft using the Instrument Landing System should not descend below 2,000 feet prior to intercepting the glidepath, and then not fly below it. At night, aircraft should not descend below 3,000 feet until on their final approach and less than 10 nautical miles from touchdown.
- 5.7. Calculation of the noise index of exposure to aircraft noise takes into account the level of use of each NPR and glide path, the number of aircraft movements and aircraft type. Indices are calculated for each year, based on the actual number of movements, and for the future scenario of 25mppa using assumptions. Monitoring of air noise patterns will help to ensure that the policy continues to be applied to the most appropriate area. Noise sensitive developments include residential uses.
- 5.8. National guidance on Planning and Noise indicates the appropriate response to the level of noise by source. This includes road, rail and mixed sources as well as air noise.

**Policy ENV10 - Noise Sensitive Development and Disturbance from Aircraft Housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance. This will be assessed by using the appropriate noise contour for the type of development and will take into account mitigation by design and sound proofing features**

- 5.9. It is equally important that new development involving noisy activities should if possible be sited away from noise sensitive land uses. Development that generates noise is typically associated with economic activity. A B2 general industrial use, transport infrastructure, or a significant traffic generator are examples. It will be necessary to weigh the benefit of the jobs created, the value of the business supported, the reduction in congestion costs and any other benefits against the degree of annoyance caused by the noise in the case of these developments, taking into account any controls and mitigation measures that could reasonably be imposed by condition.

#### Policy ENV11 - Noise Generators

**Noise generating development will not be permitted if it would be liable to affect adversely the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated.**

#### Protection of Water Resources

- 5.10. The Environment Agency publishes information on the localities where contamination of ground water is a critical issue because of proximity to abstraction sites where water is drawn off for potable supply. There are four such sites under the upper reaches of the Cam, at Arkesden, Debden Road Saffron Walden, Springwell and Uttlesford Bridge Wendens Ambo; two in the Pant valley, at Hempstead and Gambers Hall Bardfield; and three in the Chelmer Valley, at Armitage Bridge and Bolford Street Thaxted and Great Dunmow. A major aquifer lies under most of the northern half of the district.
- 5.11. Development must minimise its impact on the environment by adopting environmental best practice and necessary pollution measures. Supplementary Planning Documents will be prepared on design issues including measures to protect water resources.

#### Policy ENV12 –Protection of Water Resources

**Development that would be liable to cause contamination of groundwater particularly in the protection zones shown on the proposals map, or contamination of surface water, will not be permitted unless effective safeguards are provided.**

#### Air Quality

- 5.12. The Council's air quality management strategy has identified that, based on traffic forecasts, poor air quality is anticipated alongside the M11 and the new A120. Since both run through the open countryside where there is strict control on new buildings it is unlikely there will be many proposed developments close to either road. The widths of the zones are based on Government standards for the traffic levels predicted. The extent of the zones is based on Local Air Quality Management Technical Guidance Note 3 in respect of Nitrogen Dioxide using the Design Manual for Roads and Bridges Screening Model.

#### Policy ENV13 – Exposure to Poor Air Quality

**Development that would involve users being exposed on an extended long-term basis to poor air quality outdoors near ground level will not be permitted. A zone 100 metres on either side of the central reservation of the M11 and a zone 35 metres either side of the centre of the new A120 have been identified on the proposals map as particular areas to which this policy applies.**

#### Contaminated Land

5.13. The principle of sustainable development means that, where practicable, brownfield sites, including those affected by contamination, should be recycled into new uses. Any proposal on contaminated land needs to take proper account of the contamination. Mitigation measures, appropriate to the nature and scale of the proposed development will need to be agreed.

#### Policy ENV14 – Contaminated Land

**Before development, where a site is known or strongly suspected to be contaminated, and this is causing or may cause significant harm, or pollution of controlled waters (including groundwater) a site investigation, risk assessment, proposals and timetable for remediation will be required.**