



**Public Participation on a Development Plan
Document
Consultation on Proposals for a Draft Local Plan
8 June 2012 – 23 July 2012**

**Report of Representations,
Officer Comments and Recommendations
on**

**Strategic Policy SP1 – Development within Development
Limits**

**Q1 – Proposed changes to Development Limits
Strategic Policy SP7 – Phasing and Delivery of Housing
Development Management Policies on Housing (HO1-
HO10)**

LDF Working Group 2 November 2012

CHAPTER 9 – Development within Development Limits

Policy SP1 – Development within Development Limits

Summary of Representations

There were 946 representations logged against this policy. Most of these (895) were generally of support but request changes to the second criterion and an additional requirement in the list of criteria. The standard wording of these representations said:

“This policy is supported as drafted but suggest the following additional criteria Criterion 2 should include “compatible with the character and residential density of the settlement” Add Criterion 8: There is satisfactory vehicular and pedestrian access to the site including the adequate capacity of the existing highway system.”

Another **individual** while supporting the proposed change to Criterion 2, suggests that either Criterion 8 is amended or a Criterion 9 is introduced which reflects the importance of householders being able to easily access facilities (shops, railway etc) on foot or via public transport. It is in no-ones interest to encourage more car users onto the road, and any development that results in this must surely fail District Vision item 4 and Objectives 6 and 7

A number of **individuals** have suggested that SP1 needs to make it clear that the development as a whole and individual developments still need to meet Local Transport Plan and UDC General Policies.

We Are Residents, Save Saffron Walden Town Centre, Saffron Walden Friends of the Earth and **1 individual** disagree with this policy and do not understand what has given rise to it. They are concerned because it has not been included in previous consultations or previously proposed. It appears to pay no regard to sustainability principles. A development could easily satisfy all of the criteria listed but be unsustainable e.g. because it is polluting or would cause significant adverse air quality or traffic impacts or does not comply with renewable energy or climate change requirements. They agree with the constraints contained in the policy in general but are concerned they do not go nearly far enough and say it is not clear why these constraints but no others have been included. For example development should not be permitted if it would result in significant additional road traffic, if it would negatively affect air quality or if it would conflict with any of the other policies contained within the Local Plan.

English Heritage suggests that the potential need to provide for assessment and preservation of archaeological remains should be included in this policy.

Essex County Council considers that the draft plan should include a presumption in favour of sustainable development policy. The County Council is recommending that such a policy is included that meets the criteria set by the model planning inspectorate policy.

The Trustees of the Bridgefoot/Walden Road Gospel Trust support the presumption in favour of development within Development Limits subject to the criteria set out. However, the Trustees object to the omission of a high level of commitment to the "golden thread" of the presumption in favour of sustainable development as clearly expressed in paragraph 14 of the NPPF. It is considered that Strategic Policy 1 fails to reflect the advice of NPPF paragraph 15. The Council is urged to adopt the model policy put forward by DCLG in order to reflect the current government policy.

Saffron Walden Town Council and some **residents** have made comments about scale and location of development proposals in specific towns and villages in relation to the criteria in the policy not necessarily making comments about the policy itself in the following locations - Saffron Walden, Elsenham, Henham and Newport. Some Elsenham residents are concerned that there is no information available on the criteria which define a village as a key settlement.

Dunmow Town Council and **Great Dunmow Neighbourhood Plan Steering Group** say it is not clear why this is classed as a strategic policy and what the criteria add to the remainder of policies in the draft plan. As such it merely serves to add a further complication to the assessment of applications. It should be revised to be truly strategic or deleted.

Takeley Parish Council supports the retention of the previous Policy H4 - Backland Development. Whilst there maybe relatively few applications for backland development there is significant potential for such development. It is an issue which needs to be controlled. UDC's proposal does not provide protection. The Parish Council supports the proposed changes within Takeley & Lt. Canfield as the proposed sites (policy areas 3, 4, 5) are in need of redevelopment/development to complete/compliment the approved Priors Green development. It is imperative that there is mitigation for the additional pressure on the Flitch Way In general TPC is opposed to any further changes to the village development limits.

One **individual** has suggested that there should be no increase in development limits while there are existing brown field sites which can be rejuvenated.

Another **individual** suggests that the test of "amenity space not being unreasonably small" seems a very low threshold, especially in the context of very limited provision of amenity space within Uttlesford, especially Saffron Walden. The test should set a higher requirement; The suggested wording is "development results in adequate amenity space for existing residents".

4 individuals generally support the policy but are concerned about the potential for the loss of community facilities and village services as a result of change of use within the Development Limits. The policy should say that changes of use or redevelopment of such facilities will not be permitted unless there are exceptional circumstances. The policy should be amalgamated or cross referenced to Development Management Policy RET2 (p139) Another person has raised a similar issue in relation to Stansted Mountfitchet and the additional constraint of the Green Belt to the south resulting in cramming homes into the centre of the settlement that will undermine and even destroy land that is currently used for commercial, retail and other community purposes and on which the community will depend on future for a viable and sustainable community. The Green Belt between Bishop's Stortford and Stansted Mountfitchet was designed as a strategic barrier to protect the open countryside. Minor changes to the Green Belt boundary that will not undermine that principle but will enable growth to the south in the right places should not be resisted by the district council.

An **Agent** has raised the point that there may be circumstances where developments come forward which are not in accordance with existing allocations but are, given the very special circumstances, deemed to be acceptable. While this could be reflected in point 1 of Policy SP1, this is reflected in later policies, namely policy SP2 subject to the current wording/emphasis of policy SP2 remaining, no objections are raised to Policy SP1 therefore.

One **individual** has made the following comments which relate to the vision and objectives. There was no opportunity for people to make their comments on line on this part of the document. The person was concerned about the long nature of the plan. In relation to objective point 3 this seems to expect that this area can exist in some sort of time warp. Things like the internet, super-markets and large out of town shopping malls are here and are not going to go away. Market towns such as Saffron Walden really have two choices: evolve or die. Trying to stand still is not an option. Point 6 Transport. Private car transport within a rural district like this is a fact of life. Let's deal with the world as it is rather than trying to make it conform to some ideological dream. For sustainability we need to concentrate on policies that encourage local commerce and employment over and above longer distance commuting to London (and to a lesser extent Cambridge). To that end development in locations near the M11 and with railway stations should be avoided. This will only encourage commuting, push housing prices even further beyond the reach of local people, add to pollution and turn the areas more and more into dormitory towns. However, it is this lucrative, city executive market that the developers are most keen on - tell them they can't have it and watch how fast they lose interest.

National Planning Policy Framework

This policy reflects the Core Planning Principles set out in para. 17 that planning should “always seek to secure high quality design and a good standard of

amenity for all existing and future occupants of land and buildings” and “take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”.

Sustainability Appraisal June 2012

There will be positive impacts on the objectives to retain, enhance and conserve biodiversity, the water environment and the character of the landscape and maintain and enhance the district’s cultural heritage assets where the wording seeks to make sure that the development would be compatible with the character of the settlement and/or countryside setting and seeks to protect the setting of existing buildings. Criteria which prevent development which would cause noise and disturbance meet the SA objective to reduce and control pollution. There will be positive impacts on objectives to promote and encourage the use of sustainable methods of travel and promote accessibility. In relation to the objectives to provide housing to meet existing and future needs and promote efficient use of resources and ensure the necessary infrastructure and support sustainable development the policy follows the lead of the NPPF’s presumption in favour of sustainable development in protecting those locations where development of any kind would not be suitable in line with location specific criteria. There will be positive impacts on the objective to support sustainable employment provision and economic growth because the policy encompasses all development within development limits in line with the NPPF’s presumption in favour of sustainable development and, as such, includes the possibility to increase the amount of employment land, where the criteria of the policy can be met. There are no negative impacts.

Officer Comments

Comments generally supporting the policy are noted.

A number of objections focus on issues which people feel should be specifically mentioned in this policy i.e. density of surrounding development, access to the site, loss of community facilities, protection of archaeological remains etc. All these issues are covered by other policies and when the Council considers an application it will consider the plan as a whole and take all the relevant policies into account. It would not be practical to include cross references to all other relevant policies in each case. Para 8.1 – the introduction to the strategic policies does say;

The strategic policies set out the overall framework for development within the district. All development will be expected to comply with these and the relevant development management policies.

and no further changes are necessary. In relation to the issue of backland development raised by Takeley Parish Council it is considered that the policies proposed in the Local Plan will be enough to prevent adverse impacts from this type of development.

In relation to the comments made by Essex County Council and the Trustees of the Bridgefoot/Walden Road, Gospel Trust it is agreed that the model policy on Sustainable Development should be included in the plan. This policy will be the first strategic policy and provide the overarching requirements for sustainable development.

The identification of development limits within which development would normally be allowed subject to certain criteria is a fundamental element of the Council's planning policy – this is why this policy is considered to be a strategic policy.

In relation to the issue of Green Belt around Stansted Mountfitchet the Council has previously agreed not to undertake a review of the green belt boundary on the basis that adequate land for new housing can be identified outside the green belt.

The re-use of brownfield sites is encouraged but there are not enough brownfield sites available to meet the housing need within the district and additional land which is currently outside development limits will have to be allocated to meet the identified needs.

Agree that criterion 4 should be reworded.

No changes are proposed to the vision and objectives.

Officer Recommendations

Include new Strategic Policy together with supporting text:

Presumption in Favour of Sustainable Development

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is also a material consideration in planning decisions and sets out what sustainable development means in practice for the planning system. This includes building a strong responsive and competitive economy, supporting strong vibrant and healthy communities and protecting and enhancing the natural, built and historic environment, improving biodiversity, using natural resources prudently and minimising waste and pollution. These principles will be taken into account in considering applications for new development in accordance with the following policy.

Policy SP* – Presumption in Favour of Sustainable Development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

Amend Policy SP1 to read:

Development will be permitted on land within development limits if:

1. It is in accordance with any existing allocation;
2. It would be compatible with the character of the settlement and, depending on the location of the site, its countryside setting;
3. It protects the setting of existing buildings and the character of the area;
4. **It provides adequate amenity space for new residents and does not result in an unacceptable loss of amenity space for existing residents**
5. It does not result in any material overlooking or overshadowing of neighbouring properties;
6. It would not have any overbearing effect on neighbouring properties; and
7. It would result in unreasonable noise and/or disturbance to the occupiers or neighbouring properties by reason of vehicles or any other cause.

Question 1

Summary of Representations

52 representations have been logged in response to this question. Most of the comments, however, do not relate directly to this question but are suggestions for changes to the development limits elsewhere.

Comments in relation to the proposed change to the development limit at Pond Cottage, Hill Green, Clavering.

Clavering Parish Council supports the proposed change to the development limits.

One **individual** has complained about the lack of map in the document saying this has caused confusion about which site is meant. Another **individual** has objected but it is clear from their representation their concerns relate to another site being promoted for development in Clavering and not the site referred to in the question.

Comments in relation to the proposed change to the development limit at Meadow House Nursery, High Roding.

High Roding Parish Council and one **individual** object to the proposed change. The Parish Council do not want to see development expanded beyond the presently approved number of houses.

Chelmsford City Council has no objections but has stated that the Council would not wish to see the further extension of the settlement boundary to include the areas of countryside that surround the village.

The **Agent** acting on behalf of the owner of the site supports the amendment but has requested 3 further amendments to the suggested boundary to take account of features and buildings on the site.

One **individual** says that other sites should also be identified in High Roding – discussions about sustainability should recognise that in rural areas the car will remain the main form of transport but there are sustainability benefits to be gained from new development in villages which will support local services.

Other Comments

Some people have not commented on either suggestion but object to proposed allocations elsewhere in the district e.g. Stansted Road Elsenham, Saffron Walden.

Other proposed changes to the development limits.

A number of other development limit changes have been suggested as set out in the table below. Some of these could be considered to be strategic sites rather than development limit changes – additional sites have also been suggested in relation to other policies in the draft plan i.e. Policy SP6 and some of the Site Allocations Policies. All the suggestions for sites will be assessed and recommendations presented to a subsequent meeting of the LDF Group.

Address	Comment Ref
Builders Yard, Over Hall Lane, Ashdon	DLP4823
North East of Chelmsford Road, Barnston	DLP11611
Land at Broadgroves, Barnston	DLP11756
Land adj to Hazels, Wicken Road, Hill Green, Clavering	DLP223
Elsenham Nurseries, Stansted Road, Elsenham	DLP6472
Elsenham Goods Yard, Elsenham	DLP6182
Land r/o The Copse, Bannister Green	DLP6483
The Chimes. Watch House Green, Felsted	DLP8809
Land at Watch House Green, Felsted	DLP11049
Gransmore Green, Felsted	DLP11395
Fritch Green, Land North of Stebbing Brook	DLP9641
Land west of High Street and North West of Harvey Street, Hempstead	DLP12247
Grind Hall, Woodend Green, Henham	DLP6478
Land south of Hall Close and South East of the vicarage, Henham	DLP11625
Land r/o Marklyn, Carters Lane, Henham	DLP12365
Adj Conway House, Poplar Lodge, Newmarket Road, Great Chesterford	DLP4781
Whiteways Ickleton Road, Great Chesterford	DLP4800
East of St Edmunds Lane, Great Dunmow	DLP7418
Land at Bedlars Green, Great Hallingbury	DLP696
Anso Corner, Hempstead	DLP11782
Land at Tree Tops Little Canfield/Takeley	DLP12393
Land north of Stortford Road – Leaden Roding	DLP11336
Land adj the Elms, Glebe Lane, Little Easton	DLP8565
Land south east of Old Stag Cottage, Little Easton	DLP1721
Land east of Strethall Road and west of Cambridge Road, Littlebury	DLP11643
Land east of Carters Hill, Manuden	DLP11679
Carnation Nurseries, Newport	DLP1510
Andrewsfield New Settlement	DLP11881
Land west of Stansted Mountfitchet	DLP11704
Land on Stane Street, Takeley (TAK12)	DLP8450
Chadhurst, Dunmow Road, Takeley	DLP5777

South of Dunmow Road, Takeley	DLP9956
S and L United Storage, Takeley Street	DLP11132
Land east of Takeley Mobile Home Park	DLP12312
Land east of Watling Lane, West of Walden Road, Thaxted	DLP11559
7-19 Bedwell Road, Ugley Green	DLP7596
The Mushroom Farm, Radwinter Road, Wimbish	DLP9395

National Planning Policy Framework

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Sustainability Appraisal June 2012

Not applicable

Officer Comments

Plans showing the proposed changes to the Development Limits were posted on the Council's website but comments in relation to the need for plans in the consultation document are noted and will be taken into account for future consultations.

The 2008 planning permission for the Mushroom Farm in High Roding allows for a development of 25 dwellings in this village which has relatively few facilities e.g. public house and village hall but no school. This level of growth was considered appropriate for the village but in response to previous representations the Council wanted to test views on further development by including the question in the draft plan. In view of the Parish Council response to the proposed change it is suggested that the amendment to the Development Limit is not taken forward.

Officer comments in response to the other requests for changes to the development limits will be considered at a later meeting of the LDF working group when the site allocations are discussed.

Officer Recommendations

That the proposed change to the Development Limits in the Draft Plan at Pond Cottage, Hill Green, Clavering is confirmed.

That the proposed change to the Development Limits in the Draft Plan at the Mushroom Farm, High Roding is deleted from the plan.

Policy SP7 – Phasing and Delivery of Housing

Summary of Representations

47 representations were registered in response to this policy.

The **Environment Agency** support and consider the inclusion of this policy "sound" in ensuring that the scale and timing of housing is co-ordinated with new infrastructure provision including sewerage infrastructure.

NHS North Essex supports the policy intention to phase housing allocations to ensure that the scale and timing of development is co-ordinated with new infrastructure. However, to ensure that the policy is found "sound" flexibility needs to be built in with regard to the infrastructure required to serve housing growth. It may be that provision of new infrastructure is not warranted by certain developments or by development in certain areas. In such circumstances, it may be more appropriate to enhance existing infrastructure to mitigate the impacts of development. To allow for these circumstances, it is requested that the policy is amended as follows: Phasing will also make sure that the scale and timing of housing is co-ordinated with new or enhanced infrastructure.

Saffron Walden Friends of the Earth, Save Walden Town Centre, We are Residents and 1 individual support the policy but request that the response made by the SW and District Friends of the Earth in relation to the 2010 consultation is reflected in the current policy. i.e. the policy should be strengthened so that housing cannot be built until the necessary infrastructure is in place and necessary infrastructure should be front loaded - we are concerned that the use of "co-ordinated" gives too much latitude and we are aware of issues in Uttlesford previously where the necessary infrastructure has not been properly provided when house sales have slowed. This includes not just sewage and waste water treatment works but also community facilities, green spaces, bus services etc.

Saffron Walden Town Council and an **individual** say that delivery of the housing strategy in the manner described in the plan does not conform to the NPPF in that it is a basic requirement that the developments should be "sustainable" for the reasons given elsewhere in this response SWTC does not believe this is the case and as such could not be approved by the Planning Inspectorate.

Great Dunmow Town Council and **Great Dunmow Neighbourhood Plan Steering Group** consider this policy to be completely inadequate. They say that just referring to the requirements in the NPPF cannot be interpreted as meeting them. There must be much stricter contingency between the provision of necessary infrastructure and the occupation of housing. Nowhere is this critical relationship specified in the plan and this must be remedied. Infrastructure needs

to be in place to meet the needs of new occupiers so that the increased demand does not fall on already inadequate facilities, to the detriment of existing residents. The prospect of active monitoring being effective is seriously undermined by the plain fact that the development of Woodlands Park has fallen consistently and lamentably behind what was expected. The means of intervening to ensure that supply meets demand must be specified.

An **individual** is concerned that a situation has been allowed to arise whereby the District Council has repeatedly failed (year-on-year) to meet its required target for the 5-year land supply. This has in turn caused a situation whereby developers when submitting planning applications are challenging the Council using the argument that the proposed development will help to reduce the deficit in the 5-year land supply. It has also proved to be the case that, should the Council refuse permission and the application is taken to appeal with the Planning Inspectorate, the inspector has been generally minded to grant the application on these grounds. In preparing its phasing and delivery strategy, the Council must ensure that there are the necessary strategies and policies to ensure that deficits in the 5-year land supply are not allowed to build up, as have occurred in the recent past.

The **Home Builders Federation, landowners, and housebuilders** object on the basis that the Council should not seek to constrain development that could reasonably go ahead. This will only stifle job opportunities and investment.

One **housebuilder** supports the phasing and delivery of housing policy but feel it is best applied to larger allocations which due to their long lead in times need to be carefully phased to make sure they are delivered.

One **developer** supports the Council's intention to instigate a review of the plan if delivery rates are lower than expected but for clarity the Council should refer to the phasing plan proposed. This does not remove the obligation for Council to make sure that adequate provision is made at the outset to meet housing need.

Some **developers** feel that SP7 does not comply with national guidance and the policy should be updated to reflect Para 47 of NPPF and include a buffer in housing supply both 5% and 20% figures are suggested as an appropriate buffer.

19 **individuals** have made similar comments that the Uttlesford Plan cites a minimum number of houses for the district. If part of the intent of the UDC Plan is to limit "uncontrolled development" it would seem prudent that the policy should indicate a maximum number of houses for example +10%.

In their objections to specific proposals some people are concerned that infrastructure will not be phased alongside development.

One **individual** supports the intention to monitor the situation but considers that the need for housing must also be monitored regularly and the forecast and modelling re-run with credible and current data. Monitoring of housing delivery must be against valid predictions of need and the delivery adjusted accordingly throughout the strategy period.

National Planning Policy Framework

Paragraph 47 covers housing delivery and says:

To boost significantly the supply of housing, local planning authorities should:

- Use their evidence base to make sure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planning supply and to ensure choice and competition in the market for land;
- Identify a supply of specific, developable sites or broad locations for growth for years 6-10 and where possible for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

Sustainability Appraisal June 2012

No negative impacts are identified. In the longer term there will be positive impacts on the objectives to provide housing and efficient use of resources through a flexible and realistic approach to housing provision in the district associated with new strategic growth locations.

Potential indirect impacts are identified on objectives to promote sustainable travel, promote accessibility and improve health and promote social inclusion as

a result of possible changes to housing and supporting/required infrastructure arrangements relevant to public transport provision or footway/cycleway links.

Officer Comments

In relation to the Environment Agency comments it would not be appropriate to specifically mention sewage infrastructure in the policy. If this was included all the other requirements would need to be listed and this is covered by other policies.

Infrastructure requirements could include enhancement of existing facilities so the policy could be amended to take into account the comments from NHSNE

It is unrealistic to expect all infrastructure requirements to be met before new housing is built, particularly where more than one development may be contributing to the delivery.

Holding development back is not the aim of the policy and this would be contrary to the NPPF. The Council is currently in a position where it cannot demonstrate an adequate 5 year supply of housing land. This is partly due to under delivery in previous years. The policy explains the Council's intention to monitor housing delivery and sets out what steps it will take in order to address the situation if it arises after the new plan has been adopted.

Officer Recommendation

Re-word policy to say:

Policy SP7 – Phasing and Delivery of Housing

The aim is to achieve a level of housing delivery throughout the plan period in accordance with the housing strategy. The Council will monitor overall housing delivery closely and seek to bring forward allocations if required or instigate a review of the plan if delivery rates are significantly lower than predicted.

It is proposed that key strategic allocations will be phased to make sure that the scale and timing of housing delivery is co-ordinated with improvements to existing infrastructure or delivery of new infrastructure required as a result of the development. Phasing requirements will be set out in the relevant site allocations policy where applicable.

CHAPTER 34 – Housing

Policy HO1 – Residential Development in Settlements without Development Limits

Summary of Representations

6 people responded on this policy and there was overall support for the policy. Only the **Home Builders Federation** suggested an amendment. They consider that the setting, natural and historic environment and the character should ‘not be unduly affected’ as opposed to ‘protected’.

National Planning Policy Framework

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances (paragraph 55)

Sustainability Appraisal June 2012

The addition made to one of the criterion in this policy further supports the positive impacts associated with maintaining and enhancing the district’s cultural heritage, assets and their surroundings. Previous version of the policy ensured that residential development would only be permitted if the setting of existing buildings and the character of the area were protected. The policy now also makes specific reference to the historic environment being protected.

This policy will have positive impacts on reducing and controlling pollution as it contains criteria that consider the impacts of development on neighbouring properties in regards to noise and increased vehicle movements

This policy will have uncertain impacts on improving the population’s health and promoting social inclusion. This policy implies that development on amenity space would be permitted providing it doesn’t result in an unreasonable loss of amenity space for residents with no requirement to provide a replacement provision. This does not accord with policy INF1 which states: “Development will only be permitted if it would not involve the loss of open space for recreation, including allotments, playing pitches or sports facilities, except if replacement facilities will be provided that better meet local recreational needs; and which will be made available before development of the existing site begins”. Mitigation: It is recommended that criterion b of this policy is removed as the issue is adequately covered in policy INF1.

There will be positive impacts on providing housing to meet existing and future needs. Criteria exist to determine the permission of residential development in settlements without development limits which supports the delivery of additional dwellings but only those which are suitable and are not to detriment of existing properties.

There are no negative impacts

Officer Comments

It is considered that to decide the degree to which something is protected is open to more debate and uncertainty than whether it is protected or not.

Part (b) of the policy is concerned with private gardens rather than public open space. It is therefore considered important to retain the criterion but amend the wording accordingly.

Officer Recommendation

Amend policy.

Policy HO1 – Residential Development in Settlements without Development Limits.

Proposals for small scale residential development on sites in settlements without development limits will be permitted if the following criteria are met:

- a. the setting of existing buildings, the natural and historical environment, and the character of the area are protected;
- b. the resulting **garden** space ~~enjoyed by existing residents~~ is not unreasonably small;
- c. the development would not have an overbearing effect or cause disturbance to neighbouring properties;
- d. there would be no material overlooking or overshadowing of neighbouring properties; and
- e. the development would not result in unreasonable noise and disturbance to the occupiers of neighbouring properties from vehicles or any other cause.

Policy HO2 – Subdivision of Dwellings

Summary of Representations

7 people made representations on this policy. There is one objection to the policy with the remaining representations supporting or making comments.

An individual considers that there should be a presumption against sub division where this would result in a reduction of single family housing stock.

Great Dunmow Town Council and **Great Dunmow Neighbourhood Plan Steering Group** consider that the policy should be strengthened by the addition of criteria in relation to Space Standards, Energy Efficiency, and a definition of reasonable amenity space.

Takeley Parish Council considers the policy should include multi-occupancy.

The Environment Agency are concerned that subdivision to flats could mean a flat being created within a floodplain with no access to first floor level for refuge. An additional point is suggested to ensure that there is no ground floor sleeping accommodation in flood risk areas without floor levels being set appropriately above the relevant flood levels

National Planning Policy Framework

Although not specifically mentioned in the Framework, the policy is in accordance with requiring good design as a key aspect of sustainable development.

Sustainability Appraisal June 2012

The policy specifies that the subdivision of dwellings will be permitted if the character of the area would not be adversely affected therefore

There will be no impact on maintaining and enhancing the district's cultural heritage, assets and their surroundings from the policy. Although the subdivision of dwellings that are designated as listed buildings could occur this matter is sufficiently dealt with by policy HE2.

This policy will have small positive impacts on reducing and controlling pollution as it includes a criterion that subdivision would be permitted where it doesn't have a detrimental effect on the character of the area by reason of general noise and disturbance.

Social inclusion can be achieved partly through a mix of housing types for all. The subdivision of dwellings into smaller units responds directly to the required need identified in the SHMA. Related to health, the availability of amenity space for new residents is listed as a criterion also supports this SA objective.

The subdivision of dwellings into smaller units responds directly to the required need of housing type for the district identified in the SHMA.

Officer Comments

Space standards, energy efficiency and amenity space are covered by other policies or design guidance.

It is considered appropriate to amend the policy to meet the Environment Agency's concern.

It is considered that the same criteria would be applied to changes of use to multiple occupancy and the policy can be reworded accordingly.

Officer Recommendation

Subdivision of Dwellings or Change of Use to Multiple Occupancy

The character of an area may be adversely affected by subdivision of existing properties **or change of use to multiple occupancy** as a result of on-street parking, the use of garden space for car parking, an increase in overlooking of adjacent properties and general noise and disturbance. **If a dwelling is within a flood risk area, subdivision creating a ground floor flat could mean a flat being created with no access to a first floor level for refuge.** The potential adverse effects of the subdivision **or multiple occupancy** of residential properties will be controlled by the following policy.

Policy HO2 - Subdivision of Dwellings and dwellings in multiple occupancy

The subdivision of dwellings into two or more units **or the change of use of dwellings to houses of multiple occupancy** will be permitted provided that:

- a) sufficient car parking is provided in accordance with the standards;
- b) there would be no material overlooking of neighbouring properties;
- c) a reasonable amount of amenity space is available for the occupiers of newly-created units;
- d) **within dwellings in flood risk areas, no sleeping accommodation is provided on the ground floor unless floor levels are set appropriately above the relevant flood levels** and
- e) the development would not have a detrimental effect on the character of the area by reason of:-
 1. on-street parking; or
 2. the loss of garden space for use as car parking; or
 3. the likelihood of general noise and disturbance.

Policy HO3 – Replacement dwellings in the Countryside

Summary of Representations

5 people made representations on this policy. All supported the policy apart from one **individual** who considered that the requirement to follow the foot print of the existing dwelling should be deleted, as this will be a significant hindrance to self builders, who will often need to inhabit the existing property during construction to keep costs to an affordable level.

National Planning Policy Framework

The framework does not discuss replacement dwellings specifically. It stresses the need for good, sustainable design and applications for dwellings in the countryside should take account of their surroundings.

Sustainability Appraisal June 2012

There will be positive impacts on retaining, enhancing and conserving the biodiversity, the water environment and the character of the landscape where replacements will only be permitted should there be a visual improvement to the site and the surrounding area, and where the replacement is not harmful to the landscape.

This policy will have a small positive impact on maintaining and enhancing the district's cultural heritage, assets and their surroundings by stipulating that replacement dwellings will not be permitted where the existing property makes a positive contribution to the local character of the area.

This policy will not have a significant impact on providing housing to meet existing and future needs because replacement dwellings will not increase the housing stock in the district. Nevertheless, the replacement of dwellings will ensure that the existing stock is retained into the future and not lost to disrepair, affording small positive impacts on this objective.

There are no negative impacts

Officer Comments

Part c) of the policy does allow for replacement dwellings to be built on a different footprint

It is suggested to amend part d) to reflect the wording used in the NPPF

Officer Recommendation

Amend policy

Policy HO3 - Replacement dwellings in the Countryside

The replacement of existing dwellings will be permitted providing the following criteria are met:

- a) the existing property does not make a positive contribution to the local character of the area;
- b) the replacement will result in a visual improvement to the site and the surrounding area;
- c) the proposed dwelling follows the footprint of the existing dwelling unless the applicant can demonstrate why the dwelling would be best located elsewhere on the plot;
- d) the proposed dwelling is **not materially larger than** the one it is replacing;
and
- e) the replacement dwelling is not harmful to the landscape by reason of its size, scale, setting or design.

If the proposed new dwelling is not on the footprint of the original, the existing house will be required to be demolished within a month of the first occupation of

the new house. In order to make sure that the new dwelling remains of a proportionate size to that which it replaces, permitted development rights **may** be removed.

Policy HO4 – Residential Extensions

Summary of Representations

5 people made representations on this policy. 3 supported the policy. **Great Dunmow Town Council** and **Great Dunmow Neighbourhood Plan Steering Group** consider the policy criteria should be strengthened in relation to: The use of daylight standards there is need to have design guidelines by which such applications can be judged. The reference to listed buildings is misleading and should refer to listed building consent.

National Planning Policy Framework

The framework requires good design to be sought for all new development and any development within rural areas should minimise the effect on the surroundings.

Sustainability Appraisal June 2012

There will be positive impacts on retaining, enhancing and conserving the biodiversity, the water environment and the character of the landscape where they look to retain the character of the area as part of their criteria. The policy seeks to retain current townscape values. Impacts are limited where actual improvements are unlikely to occur as a result of home extensions.

There will be positive impacts on maintaining and enhancing the district's cultural heritage, assets and their surroundings, where they look to retain the character of the area as part of their criteria. Impacts are limited where actual improvements are unlikely to occur as a result of home extensions.

The adaptation of homes to meet the changing requirements of residents is a key component of social inclusion. As a result there will be positive impacts on this improving the population's health and promote social inclusion

The adaptation of homes to meet the changing requirements of residents will have positive impacts on this objective. Despite this the SHMA highlights, as used as the basis of the 'Housing Mix' policy, that there is a requirement for 3 bed and under dwellings in Uttlesford at a district wide need of 77.3% of dwellings to 2021. With this in mind a prevalence of home extensions could exacerbate this need with less smaller dwellings becoming available from existing stock, and this limits the positive impact on this objective.

Officer Comments

It is considered that the policy can be amended to refer to loss of daylight and the supporting text to refer to the Essex Design Guidance which gives design guidance on this matter.

Officer Recommendation

Amend supporting text and policy

Residential Extension

While extensions to the home reduce the stock of smaller, cheaper housing, an extension may be the only way many households can afford to secure the accommodation they need as their requirements change. **The Council will refer to design guidance which has been approved by the Council e.g. Essex Design Guide.** All applications for extensions will have to be accompanied by a home energy assessment form and the applicant will be notified of energy saving measures that the Council will require as part of the conditions of granting planning permission for the extension. Additional care is required when extending homes in the countryside. Extensions to Listed Buildings will also have to maintain any architectural and/or historic interest which warranted their being listed.

Policy HO4 – Residential Extensions

Residential extensions will be permitted if all the following criteria are met;

- a) their scale, design and external materials respect those of the existing building;
- b) there would be no material overlooking, overshadowing of, **or loss of daylight to**, nearby properties;
- c) development would not have an overbearing effect on neighbouring properties;
- d) the extension will not lead to the over development of the site or cramped appearance of the development; and
- e) the extension will not lead to a detrimental impact on the overall character of the street scene.

Policy HO5 – Affordable Housing

Summary of Representations

29 people made representation on this policy. 7 supported the policy with the remainder objecting or making comments.

The policy is supported by a number of **individuals**.

Home Group Housing Association support the policy but ask that the council should bear in mind that with 20% affordable on sites up to 14, this could mean only 2 affordable dwellings which, subject to location, may not be viable for a

registered provider to set up the development project and manage. Where only 2 units are involved, it may be better for 100% to be rented as the cost of sales & marketing for 1 or 2 properties is not viable.

Great Dunmow Town Council and Great Dunmow Neighbourhood Plan Steering Group support the principle of the policy but consider the policy should be amended to better fit local circumstances - the particular nature of housing need and the income levels, which may differ over the District. Greater clarity is needed as to the distinction between rented, shared ownership and low cost solutions. The narrative to the policy needs to be revised as the first affordability test is ambiguous, referring to "25% of Uttlesford households in need ". There should be greater transparency as to what will constitute "viability".

Takeley Parish Council considers that that the 40% target has not been achieved in the past and is unrealistic. By allowing negotiation the policy is too flexible and not robust enough. There should be an absolute (minimum) set which is non-negotiable; with additional criteria (size/scale of development) that increases that minimum figure. The Parish Council object to district wide requirement for 40% affordable housing provision for sites of 15+ dwellings taking into account market and other conditions. The proviso to negotiate the level of affordable housing provides no accountability and should be by exception only

The Home Builders Federation considers that the policy needs to reflect the NPPF; the Local Housing Delivery Group's Viability Testing Local Plan's supporting text concerning viability.

Two **landowners/developers** support the policy, whilst there are a number of **developers** who object to the policy. Some consider that the policy should be reassessed or state that the 40% is the Council's general target and therefore the upper starting point for negotiation. Others object to the inclusion of smaller sites within the threshold arguing it will hinder developments in villages and self build projects and lead to unviable projects for registered providers. One considers that the percentage should be no greater than 25% for sites of 0.5ha or 12 units with no contribution on sites below this.

Issues raised by **individuals** are that affordable housing requirements should be related to settlement; the policy should seek a higher percentage of 50%; financial contributions from small sites in onerous; the policy should not allow developers to provide less by arguing viability; the council should adopt a policy of encouraging a re-focussing on social housing provided directly by the council or, preferable, by the experienced professional housing associations;

National Planning Policy Framework

Paragraph 47 requires local planning authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area.

Paragraph 50 states that where local authorities have identified that affordable housing is needed, they should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

Sustainability Appraisal June 2012

Affordable housing provision and social inclusion in the district are intrinsically linked. This policy allows for flexibility to account for market conditions and potential future updates of the affordable housing economic viability assessment. Similarly for the benefit of social inclusion the supporting text is aware of the need for an appropriate mix of tenures and property sizes which would need to be agreed and determined by local circumstances, as well as consideration to the provision of specialist housing.

This policy allows for flexibility to account for market conditions and potential future updates of the affordable housing economic viability assessment. Similarly for the benefit of housing needs the supporting text is aware of the need for an appropriate mix of tenures and property sizes which would need to be agreed and determined by local circumstances, as well as consideration to the provision of specialist housing.

Officer Comments

The views of the housing association are understood and it is considered appropriate to amend the supporting text and policy.

The Council has published an Affordable Housing Viability Assessment (2010). An update to the 2010 viability study was carried out in March 2012. It found that the 2010 study remains robust and the recommendations remain valid. It is considered that the policy can be applied flexibly and pragmatically so as not to stifle development.

Officer Recommendation

Amend supporting text and policy.

Affordable Housing

There are, and will continue to be, many 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. For affordable housing to be relevant to those in housing need in Uttlesford it must be available, both initially and for subsequent occupancy, only to those with a demonstrable housing need.

This plan sets a target of

- 40% of dwellings to be affordable on sites of 15 or more dwellings **or 0.5ha or more.**
- 20% of dwellings to be affordable on sites of 5-14 dwellings **or sites of between 0.13ha and 0.49ha. However, if through detailed negotiations with the Council, it is agreed that it has been successfully demonstrated that the provision of affordable housing renders it unviable for the scheme to be developed, an equivalent financial contribution will be required to help deliver off site affordable housing.**
- a financial contribution to be provided on sites of 1-4 dwellings to help deliver off-site affordable housing.

Requirements affordable housing provision can render some schemes unviable, especially when faced with a down turn in the housing market. The council encourages new housing developments and so the viability of schemes is a key consideration. The percentage and type of affordable housing on any given site may be subject to negotiation at the time of a planning application, to allow issues such as site size, sustainability and viability to be considered. An appropriate mix of tenures and property size would need to be agreed and will be determined by local circumstances. Affordable housing units will be distributed throughout the development and delivered in small groups, depending on the size of the development. It is the responsibility of the applicant to commission a viability study by specialists to be agreed with the Council to prove that the affordable dwellings requirement as set out in the policy will make their scheme unviable.

Where appropriate, consideration will also be given to the provision of specialist housing to meet needs in the District.

Policy HO5 – Affordable Housing

Developments on sites of 15 dwellings or more **or sites of 0.5ha or more** will be required to provide 40% of the total number of dwellings as affordable dwellings on site.

Developments on sites of 5 and 14 dwellings **or sites between 0.13ha and 0.49ha** will be required to provide 20% of the total number of dwellings as affordable dwellings on site **or an equivalent financial contribution as advised by the District Council**

Developments on sites of 1-4 dwellings will be required to provide a financial contribution to help deliver off-site affordable housing.

Where it can be evidenced to the satisfaction of the council that these requirements would render the development unviable the council will negotiate an appropriate provision.

Policy HO6 – Housing Mix

Summary of Representations

11 people made representations on this policy.

Home Group Housing Association and a number of **individuals** support the policy.

Great Dunmow Town Council and **Great Dunmow Neighbourhood Plan Steering Group** consider the policy should include criteria as to space standards in addition to the size of dwelling, and that great clarity is needed as to what the size requirement will be.

The **Home Builders Federation** and **developers** considers that the Council should not attempt to impose a standardised mix on every development. The demand for houses can change, and vary from site to site and from area to area. One of the developers considers that the policy should acknowledge the potential for landowners/developers to provide alternative evidence of need in order to ensure a flexible approach to changing needs at various settlements. The wording should be amended to read 'will be required to provide a mix of dwelling types and size to meet the needs of the local area supported by the latest evidence. This will include the most recent Strategic Housing Market Assessment or alternative independent evidence provided by a specialist consultant'.

National Planning Policy Framework

Paragraph 50 requires Local Authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

Sustainability Appraisal June 2012

The policy will have significant positive impacts on improving the population's health and promote social inclusion because it allows for flexibility should the SHMA be updated and it addresses the current identified need for housing which supports social inclusion.

The policy will have significant positive impacts on providing housing to meet existing and future needs because it reflects the current identified need and allows for flexibility should the SHMA be updated.

There are no negative impacts

Officer Comments

The policy has worked well in the current adopted local plan and has not hindered development. The policy is flexible in that it does not specify a particular mix. However it is considered appropriate to make reference to other evidence if more appropriate. Space standards etc are dealt with in the design policy and reference to Essex Design Guide.

Officer Recommendation

Amend Policy

Housing Mix

It is important that the council provide a choice and mix of housing across the District in order to create balanced and sustainable communities in two respects: within a larger site, and villages as a whole in the case of smaller settlements. Widening housing choice broadens the appeal of an area and helps in meeting the needs of existing residents. The council will expect **the mix of** new residential schemes to reflect the **most recent Strategic Housing Market Assessment** evidence of need **taking into account** local character considerations and viability.

Policy HO6 – Housing Mix

All proposals for new housing developments of 5 dwellings or more or 0.15 hectares and above will be required to provide a mix of dwelling types and size to meet the needs of the local area and the district as a whole as evidenced by the most recent Strategic Housing Market Assessment **and local character considerations and viability.**

Policy HO7 – Affordable Housing on “Exception Sites”

Summary of Representations

14 people made representations on this policy.

The policy is supported by **Home Group Housing Association** and a number of **individuals.**

Great Dunmow Town Council and **Great Dunmow Neighbourhood Plan Steering Group** consider that the policy should not apply to market towns. **Felsted Parish Council** generally support the policy but object to the inclusion of

market housing because it sets a dangerous precedent for building open market housing outside development limits and could be the start of a very slippery slope. **Takeley Parish Council** recommends additional criteria that the development will meet a particular local need that cannot be met in any other way and will be prioritised for people in the (1) community then (2) surrounding communities registered on the UDC Housing List. A strict limit of no less than 75% affordable or no more than 25% market housing.

Sustainable Uttlesford supports the policy but wish to ensure that the amenity of surrounding countryside is included as a key criterion.

A **developer** supports the policy as it provides more flexibility than the current adopted policy. A **landowner** supports the policy and the ability to include an element of market housing in order to bring forward sites for affordable housing. This is considered important given the lack of funding for affordable housing. It is considered however that the policy should be more flexible and recognise landowner incentives. It is therefore suggested that sub criterion is amended to, 'any market housing proposed is reasonably required to make the affordable housing scheme viable and deliverable, as well as to act as an incentive to the landowner'. This removes the proposed restriction but leaves applicants to justify their proposal to the LPA. Also, sub criterion c) should be amended to give flexibility and state that, the site adjoins or is well related to the settlement. The council may wish to consider the approach taken by some other authorities of, for example allowing one market house for every 3 affordable dwellings

A number of **individuals** object to the policy. One questions the need for so much affordable housing and considers that it should be built within development limits. Another individual objects to the inclusion of market housing. One considers that the council should adopt a policy of encouraging a re-focussing on social housing provided directly by the council or, preferable, by the experienced professional housing associations.

National Planning Policy Framework

Paragraph 54 states that local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.

Sustainability Appraisal June 2012

The criterion for development being permitted where it is of a scale appropriate to the size and character of the settlement promotes a positive impact for retaining, enhancing and conserving the biodiversity, the water environment and the character of the landscape, particularly where the retention of existing townscapes are maintained

The criterion for development being permitted where it is of a scale appropriate to the size and character of the settlement promotes a positive impact for maintaining and enhancing the district's cultural heritage, assets and their surroundings

This policy is primarily focused on delivering affordable housing in direct correlation with identified need. This addresses issues of social inclusion in relation to delivering a wider range of housing units across the district's settlement hierarchy that might not be otherwise delivered if left to the market alone. These impacts are strengthened alongside certain levels of market housing identified as appropriate and beneficial through viability appraisals and as the minimum required to make schemes viable. The policy therefore has significant positive impacts on improving the population's health and promote social inclusion.

This policy is primarily focused on delivering affordable housing in direct correlation with identified need. These impacts are strengthened alongside certain levels of market housing identified as appropriate and beneficial through viability appraisals and as the minimum required to make schemes viable. The policy therefore has significant positive impacts on providing housing to meet existing and future needs.

There are no negative impacts

Officer Comments

The supporting text specifies that it applies to rural areas.

The policy is worded to reflect national policy by including the potential for limited market housing to make delivery of exception sites more viable.

The supporting text explains who such sites are provided for. It is not considered appropriate to make this prescriptive in the policy, so the policy can be flexible to local circumstances.

Issues of protection of the countryside etc are covered by other Development Management policies.

The council has no evidence to specify a particular ratio of affordable to market housing.

The Council considers it is important that housing is located adjoining the settlement to ensure close access to services and facilities.

The Council has found that only allowing schemes which include market housing where no additional subsidy is needed restricts the delivery of sites and it is therefore proposed to remove this criterion.

Officer Recommendation

Amend policy to remove criterion 3

Policy HO7- Affordable Housing on "Exception Sites"
Development of affordable housing will be permitted outside settlements on

a site where housing would not otherwise normally be permitted, if it meets all the following criteria:-

- a. the development will meet a demonstrable local need that cannot be met in any other way;
- b. the development is of a scale appropriate to the size, facilities and character of the settlement; and
- c. the site adjoins the settlement.

The inclusion of market housing in such schemes will be supported provided that:-

1. viability appraisals demonstrate that the need of the market housing component is essential for the successful delivery of the development;
2. the proportion of market housing is the minimum needed to make the scheme viable; and
- ~~3. no additional subsidy for the delivery of the scheme is required.~~

Policy HO8 – Agricultural/Rural Workers Dwellings

Summary of Representations

6 people made representations on the policy. Only one raised objections.

The **Environment Agency** considered that whilst the Policy could be considered acceptable in its current form, there are sometimes flood risk and vulnerability classification issues associated with ‘temporary accommodation’ (such as mobile homes) during the three year process of demonstrating the business is viable. We suggest an amendment is made to Point 5 of the Policy as follows: Other normal planning requirements, e.g. siting, access and flood risk are satisfied.

An **individual** considers the policy is unduly restrictive. It seems to be to be anathema to any proper sense of priorities to put the functional needs of an enterprise above the living standards of the occupiers. In addition, the requirement to have been living in temporary accommodation on site for a period of 3 years appears to disadvantage anyone with a family from embarking on a new rural enterprise, as such accommodation is clearly unfavourable to family life.

National Planning Policy Framework

Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Sustainability Appraisal June 2012

There will be positive impacts resulting from this policy where criteria refers to the impact on the countryside and where new dwellings are only explored in

instances where suitable existing alternatives are deemed not viable. This will ensure minimal impacts on the landscape from new dwellings

There will be positive impacts on promoting accessibility as a result of this policy which allows agricultural and rural workers' dwellings to be permitted pending proposals adhere with criteria. This ensures that accessibility to agricultural and rural roles is maximised.

There will be positive impacts on providing housing to meet existing and future needs as a result of this policy which allows agricultural and rural workers' dwellings to be permitted pending proposals adhere with criteria. This ensures that housing opportunities are maximised for certain important agricultural and rural roles.

Officer Comments

It is proposed to amend the policy so it better reflects the NPPF and make it less prescriptive and include the amendment requested by the Environment Agency.

Officer Recommendation

Agricultural/Rural Workers Dwellings

The erection of a new dwelling for someone engaged in agriculture **or rural activity** who has to be available on the holding at all times is one instance where new buildings may exceptionally be permitted in the countryside.

Applications for planning permission in such circumstances will need to demonstrate that the agricultural **or rural** enterprise or intention to engage in one is genuine and will be sustained for a reasonable period of time that is sufficient to warrant a dwelling in the countryside where it would not otherwise be permitted. **Applications should include clear evidence that the proposed enterprise has been planned on a sound financial basis.** It will also be necessary to establish that the enterprise needs one or more **full time** workers to be readily available at most times, for example to provide essential care to animals or processes at short notice and to deal quickly with emergencies that could cause serious loss of crops or produce.

Such dwellings may be exceptionally permitted in open countryside only because of the needs of the enterprise. Before permission is granted there has to be a clearly established existing need ~~which has been proven generally by temporary accommodation on the site for a period of three years.~~

In these cases dwellings will normally be modest in size, in line with the function of providing appropriate care, and be related to the needs of the holding in terms of its scale. The test is a stringent one. The application must demonstrate that new residential accommodation is essential for the enterprise, and not just

convenient. ~~Applications for dwellings for other Rural Workers will be dealt with in the same way.~~

Policy HO8 – Agricultural/Rural Workers' Dwellings

An agricultural/rural workers' dwellings will be permitted if it meets all of the following criteria:

- a) the dwelling is essential for the proper functioning of the enterprise to enable one or more **full time** workers to be readily available at most times;
- b) the enterprise is economically viable to the extent that it can sustain the size of the dwelling proposed;
- ~~c) the need for the dwelling relates to a full-time worker, or one who is primarily employed in agriculture or other rural activity and does not relate to a part-time requirement~~
- ~~d) the unit and the activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;~~
- e) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;
- f) the size **and location** of the proposed dwelling is commensurate with the established functional requirements of the enterprise, rather than those of the owner or occupier;
- ~~g) the proposed dwelling should be sited so as to meet the identified functional need and to be well related to existing buildings, or other dwellings; and~~
- h) the proposed dwelling should satisfy other planning requirements including, access arrangements, energy efficiency, **siting** and impact on the countryside, **and flood risk**.

In granting planning permission the Council will:

- i. make sure that the dwellings are kept available for meeting this need for as long as it exists; and
- ii. remove the permitted development rights.

~~If a new dwelling is essential to support a new farming activity or other rural activity, whether on a newly-created unit or an established one, for the first three years, it should normally be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:~~

- ~~(1) clear evidence of a firm intention and ability to develop the enterprise concerned;~~
- ~~(2) the dwelling is essential for the proper functioning of the enterprise to enable one or more workers to be readily available at most times;~~
- ~~(3) clear evidence that the proposed enterprise has been planned on a sound financial basis;~~
- ~~(4) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and~~

~~(5) other normal planning requirements, e.g. on siting and access are satisfied.~~

Policy HO9 – Removal of Agricultural Occupancy Conditions

Summary of Representations

3 people responded on this policy all of which were in support.

National Planning Policy Framework

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. (paragraph 28)

Sustainability Appraisal June 2012

This policy safeguards agricultural occupancy conditions as far as they are still relevant in each case. This maximises accessibility between jobs and homes in the sector and therefore positively impacts on promoting accessibility

This policy safeguards agricultural occupancy conditions as far as they are still relevant in each specific case. This supplies homes for those in the agricultural sector and therefore positively impacts on providing housing to meet existing and future needs

Officer Comments

The support of the policy is welcomed. The policy needs to be updated to refer to rural workers

Officer Recommendation

Amend text and policy

Removal of Agricultural **or Rural Workers' Dwelling** Occupancy Conditions

The need for agricultural **or rural workers'** dwellings may change from time to time with economic circumstances and some agricultural dwellings approved in the past have since become surplus to requirements. In order to maintain the credibility of this policy it is important that such conditions, once imposed, should remain in force unless it can be proved beyond doubt that the essential need no longer exists, both on the particular holding and in the locality. The onus will be on the applicant to demonstrate this in accordance with the guidance on marketing set out in Appendix 2.

Policy HO9 – Removal of Agricultural/**Rural Workers' Dwelling** Occupancy Conditions

An occupancy condition restricting the occupancy of a dwelling to a person employed or last employed in agriculture **or rural worker** will not be removed unless the council is satisfied that:-

- a) the long term need for the dwelling has ceased; and
- b) there is no evidence of a continuing need for housing for persons employed or last employed in agriculture **or other rural work** in the locality.

Policy HO10 – Sites for Gypsies, Travellers and Travelling Showpeople

Summary of Representations

17 people made representations on this policy.

The **Environment Agency** finds the policy sound from a flood risk and utility perspective. **Essex County Council** considers that the policy should reflect the supporting text in ensuring that sites in a sustainable location in relation to community facilities such as education and childcare. It is recommended at a maximum of 2 miles by a safe walking route to a suitable primary school and 3 miles to a secondary school.

Takeley Parish Council support the policy and wish to add the following criteria (g) No commercial activity shall take place on the site and (h) no storage of equipment other than that specified in (f). **Arkesden Parish Council** wishes to ensure that the policy is strong, fair and defensible. The Council wishes to see the criteria amended to include 'access to health, education and relevant employment'. The wording of criteria (e) should be tightened to include wording to the effect that sites should not be too large for the planned number of caravans so as not to encourage unauthorised caravans on site. **Wicken Bonhunt Parish Council** consider that the policy should ensure that sites have safe pedestrian and vehicular traffic access and be in an area that can sustain educational, health and utility facilities; and access to relevant employment and prevent unauthorised pitches being tolerated on such sites.

Two **landowners** support the policy and criteria. One of which considers that the policy must align with the 2012 government advice and any new policy should support the allocation, release and determination of planning applications, particularly of affordable traveller sites and rural exception sites. Particular attention is drawn to policies D and F of national policy.

Individuals reiterate the views of the parish councils and that criteria should include access to health, education and relevant employment and control the number of caravans relative to the size of the site. Another individual considers that sites must be large enough to accommodate horses and ponies.

Planning Policy for Traveller Sites

Paragraph 4 requires Local Plans to include fair, realistic and inclusive policies which, enable the provision of suitable accommodation which travellers can access education, welfare, health and employment infrastructure; and have due regard to protection of local amenity and local environment.

Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community. Paragraph 11 lists the criteria for such policies.

- a) promote peaceful and integrated co-existence between the site and the local community
- b) promote, in collaboration with commissioners of health services, access to appropriate health services
- c) ensure that children can attend school on a regular basis
- d) provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development
- f) avoid placing undue pressure on local infrastructure and services
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

Sustainability Appraisal June 2012

This policy stipulates that sites for gypsies and travellers and travelling showpeople should be located, designed and landscaped to minimise any impact on the natural, built and historic environment which ensures that current conditions are maintained as far as possible.

This policy positively impacts on maintaining and enhancing the district's cultural heritage, assets and their surroundings by stipulating that sites for gypsies and travellers and travelling showpeople should be located, designed and landscaped to minimise any impact on the natural, built and historic environment. This ensures that current conditions are maintained as far as possible

This policy positively contributes to reducing the risk of flooding. Criterion within this policy specifically seeks to avoid development for gypsies and travellers and travelling showpeople in areas at risk of flooding.

This policy positively contributes to promoting accessibility where a criterion requires safe pedestrian and vehicular access to the site.

The ancillary supporting conditions when permitting sites maximises quality of life for new residents without undue restrictions which positively impacts on improving the population's health and promote social inclusion.

There will be significant positive impacts on providing housing to meet existing and future needs where policy seeks to proactively consider gypsy and traveller

accommodation in the district where required, with ancillary supporting conditions to maximise quality of life for new residents without undue restrictions.

There will be positive impacts resulting from this policy as it specifically stipulates that sites should be capable of being provided with drainage, water supply and other necessary utility services. This promotes the aim of achieving sustainable development.

Officer Comments

The inclusion of an additional criterion about access to education and health facilities has been considered previously and concern was raised that this can often lead to problems because this can mean sites are located close to settled communities which can lead to tensions between the two communities. However, in light of the further representations made a new criterion is suggested.

Control over the size of site in relation to the number of caravans is covered by (e)

Officer Recommendation

Sites for Gypsies, Travellers and Travelling Show People

Sites for Gypsies, Travellers and Travelling Showpeople should be provided in sustainable locations, which are not at risk of flooding and have access to health, education, utility services and other community facilities. Sites should be connected to the sewer network where reasonably possible. Funding for the provision of sites and plots may be sought as part of the developer contributions from strategic housing sites. The Council is unlikely to grant consent for commercial uses in the countryside.

Policy HO10 - Sites for Gypsies, Travellers and Travelling Showpeople The Council will identify sites for Gypsies, Travellers and Travelling Show People in the Site Allocations DPD, or through the planning application process in accordance with the following criteria:-

- a) sites should be located, designed and landscaped to minimise any impact on the natural, built and historic environment;
- b) sites should have safe pedestrian access, and safe vehicular access to and from the public highway and allow for parking, turning and servicing of vehicles on site;
- c) **education, childcare and health facilities should be accessible;**
- d) sites should not be located within areas at risk of flooding;
- e) sites should be capable of being provided with drainage, water supply and other necessary utility services
- f) sites should be of an appropriate size to provide the planned number of caravans together with amenity blocks, play areas, access roads and structural landscaping; and

- g) in addition the plots for Travelling Showpeople should be large enough for the storage and maintenance of rides and equipment.