

## Justification

- 7.8 Mitigating and adapting to climate change will be a significant and on-going requirement of the planning system over our plan period. In addition to the contributions that can be made through the design and layout of development, securing new sources of renewable and low carbon energy production will make an important contribution to achieving this.
- 7.9 Core Policy 10 of the Core Strategy sets out targets for carbon reduction and promotes the development of renewable and low carbon energy and heat generation projects and this policy is required to set out the criteria by which individual planning applications will be assessed.
- 7.10 Proposals should be accompanied by an assessment of all relevant criteria, and an explanation of those that are not relevant.
- 7.11 Assessment of visual impact should be made by reference to the Landscape Character Assessment SPD.
- 7.12 Heritage Assets include designated and non-designated assets along with those that are identified through the development process. Proposals should take account of any impacts generated during the preparation and installation process and those arising thereafter.

## Policy DM5

### Design

In accordance with the requirements of Core Policy 9, all proposals for new development shall be assessed against the following criteria:

#### 1. Access

Provision should be made for safe and inclusive access to new development. Where practicable, this should make use of Green Infrastructure and as many alternative modes of transport as possible.

#### 2. Parking

Parking provision for vehicles and cycles should be based on the scale and specific location of the development. Development resulting in the loss of parking provision will require justification.

#### 3. Amenity

The layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

Proposals resulting in the loss of amenity space will require justification.

The presence of existing development which has the potential for a detrimental impact on new development should also be taken into account and mitigated for in proposals. New development that cannot be afforded an adequate standard of amenity or creates an unacceptable standard of amenity will be resisted.

#### 4. Local Distinctiveness and Character

The rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

In accordance with Core Policy 13, all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document.

Proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area.

Inappropriate backland and other uncharacteristic forms of development will be resisted.

Where local distinctiveness derives from the presence of heritage assets, proposals will also need to satisfy Policy DM9.

#### 5. Trees, Woodlands, Biodiversity & Green Infrastructure

In accordance with Core Policy 12, natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Wherever possible, this should be through integration and connectivity of the Green Infrastructure to deliver multi-functional benefits.

#### 6. Crime & Disorder

The potential for the creation or exacerbation of crime, disorder or antisocial behaviour should be taken into account in formulating development proposals. Appropriate mitigation through the layout and design of the proposal and/or off-site measures should be included as part of development proposals.

#### 7. Ecology

Where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment, including a habitat survey and a survey for species listed in the Nottinghamshire Biodiversity Action Plan. Significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where significant impacts cannot be avoided.

#### 8. Unstable Land

Development proposals within the current and historic coal mining areas of the district should take account of ground conditions, land stability and mine gas, and where necessary include mitigation measures to ensure they can be safely implemented.

#### 9. Flood Risk and Water Management

The Council will aim to steer new development away from areas at highest risk of flooding. Development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk Flood Zones.

Where development is necessary within areas at risk of flooding it will also need to satisfy the Exception Test by demonstrating it would be safe for the intended users without increasing flood risk elsewhere.

In accordance with the aims of Core Policy 9, development proposals should wherever possible include measures to pro-actively manage surface water including the use of appropriate surface treatments in highway design and Sustainable Drainage Systems.

#### 10. Advertisements

Proposals requiring advertisement consent will be assessed in relation to their impact on public safety, the appearance of the building on which they are sited or the visual amenity of the surrounding area.

### Justification

#### Access

7.13 For proposals that are supported in principle by Core, Spatial or other Development Management policies there is also a need to make site specific and detailed assessment. As many issues will be common to many different types of development proposals, and to avoid undue repetition within individual policies, it is intended that the relevant criteria of this policy are used in conjunction with other policies to provide for a full method of assessment. It is also intended that this policy be used as a basis for the assessment of proposals that do not comfortably fall to be assessed against any other policies.

7.14 The Council will seek to secure safe means of access to all new development by applying current highway design standards. On new build development in particular, inclusive access should be a consideration at design stage and wherever possible within schemes of conversion and adaptation. In the interests of reducing reliance on the private car, all new development should be accessible by foot and cycle as a minimum and larger scale development should also give consideration to creation of links to the public transport network.

#### Parking

7.15 The Council will seek to be flexible and pragmatic towards parking provision in connection with new development. In sustainable locations where development is not likely to exacerbate existing problems, the Council will not insist on on-site parking, particularly at the expense of good urban design. Where development is proposed in areas of known parking problems and it is likely to exacerbate these at the expense of highway safety, the Council will seek to secure sufficient off-street parking to provide for the needs of the development. Where proposals involve the loss of off-street parking they should be accompanied by an assessment and justification of the impact. Where the loss is not at the expense of highway safety elsewhere and does not undermine the commercial viability of the area it serves, it will not be resisted.

### Amenity

- 7.16** Given the range of sites and development proposals within them that this policy will be used to assess, it is not intended to adopt prescriptive standards of amenity but rather establish a framework to form the basis of assessment. During the plan period, a Supplementary Planning Document may be adopted in respect of residential development.
- 7.17** Most types of residential development will require some form of private amenity space and this should be proportionate and appropriate to the development it is intended to serve. For example, houses capable of family occupation should have private garden areas whereas for apartment developments it may be acceptable to have communal amenity areas. For schemes of conversion, particularly in town centres, where public amenity space is readily accessible, there may be no requirement for private amenity space. Where proposals involve the sub-division of existing dwellings within established residential areas to form multiple residential units, particular care should be taken to ensure that adequate private amenity space is provided for each unit. This should be designed so as to avoid adverse impacts on the amenities of neighbouring residents and the character of the surrounding area.
- 7.18** Where proposals involve multiple residential units they should be designed so as to avoid direct overlooking and overbearing impacts on each other. Where new residential development is proposed adjacent to existing dwellings, it should be designed so as to avoid either the existing or proposed development being subjected to the same impacts. In both these instances, the separation distances required to achieve an adequate standard of amenity will be determined by the individual site characteristics including levels and intervening boundary treatments.
- 7.19** Where development with the potential for adverse environmental impacts such as noise, odour and vibration are proposed close to more sensitive development or uses, they should be accompanied by an assessment of the impact and any proposals for any necessary mitigation. Conversely, where a more sensitive development is proposed near to an established use with the potential for adverse environmental impacts, the proposed development should be designed to minimise the impact on eventual occupiers to an acceptable level.

### Local Distinctiveness

- 7.20** The diversity of landscape and built form within the District displays much local distinctiveness which the Council is keen to see reflected in new development. Development proposals should take reference from the Landscape Character Assessment SPD, locally distinctive layouts, design, detailing and methods of construction as a means of integrating itself into the surrounding area.
- 7.21** Where sites contain buildings of architectural or historical merit, the Council will favour their conversion over re-development. When such buildings lie within settlements where new development would be in accordance with the Spatial Strategy, there will not normally be a requirement for the same structural justification and investigation of alternative uses as required for buildings in the countryside, but the detailed scheme of conversion will be subject to the same assessment, as set out in the Supplementary Planning Document.

### Trees, Woodlands, Biodiversity and Green Infrastructure

- 7.22** Features of natural importance such as trees and hedges significantly contribute to the landscape character of the District and can also be used to help integrate new development into it. Where a site contains or is adjacent to such features, proposals should take account of their presence and

wherever possible incorporate or enhance them as part of the scheme of development in order to improve the connectivity of the Green Infrastructure. Where it is proposed to remove features, justification will be required and re-planting should form part of development proposals.

### **Crime and Disorder**

- 7.23 The National Planning Policy Framework (NPPF) requires planning policies to promote safe and accessible environments where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion. For proposals that have the potential to create or exacerbate crime or anti-social behaviour, in particular those generating public assembly and relating to the night time economy, an assessment of the potential impacts will be required. Where this identifies the potential for any adverse impacts, these should be addressed as part of the proposal. This may include design measures forming part of the proposal such as boundary treatments or off site measures such as contributions towards CCTV.

### **Ecology**

- 7.24 Both National and European legislation require the potential impact on protected species and their habitats to be taken into account in the planning process. Where it is apparent that a site may contain or provide a habitat for protected species, this should form the starting point for the design process which should be informed by accurate and up to date survey information. Wherever possible, the development should be designed to enhance the Green Infrastructure by providing continuity of habitat, or as a last resort, should include on or off site mitigation measures. The Habitats Regulations Assessment has identified areas where the development of allocated sites may affect sites of European importance for nature conservation.

### **Unstable Land**

- 7.25 The district has a long history of coal mining which has resulted in areas of unstable land and the potential for mine gas ingress. The consequence of development on this land needs to be taken into account in the decision making process. Development proposals within areas of instability should be accompanied by proposals for remediation or mitigation upon which the District Council will consult with The Coal Authority.

### **Flood Risk and Water Management**

- 7.26 Allocated sites within the Core Strategy were assessed against the Strategic Flood Risk Assessment Level 1 (SFRA L1) and sites within the A&DM DPD have been assessed against both this and the SFRA L2. Development proposals on unallocated sites will also need to pass the Sequential Test and development proposals on both allocated and unallocated sites within areas at risk of flooding will need to pass the Exception Test.
- 7.27 For definitions, and the application of the tests, reference will be made to the Technical Guidance to the National Planning Policy Framework.
- 7.28 In the interests of minimising both new and existing developments vulnerability to flood risk arising from climate change, proposals for new developments should wherever possible utilise Sustainable Drainage Systems (SUDs) to manage surface water run-off. SUDs should be used wherever possible to mitigate against vulnerability to flooding.



## Advertisements

- 7.29** Only issues of public safety and visual amenity, taking account of cumulative impact, will be relevant in assessing proposals for advertisement consent. Public safety will normally relate to the impact on highway safety and visual amenity will be assessed by reference to criterion 4: Local Distinctiveness.

### Policy DM6

#### Householder Development

Planning permission will be granted for the alteration and extension of dwellings, erection and conversion of curtilage buildings, including the formation of annexes and means of enclosure providing that:

1. Provision for safe and inclusive access and parking provision can be achieved and there is no adverse impact on the highway network as a result of the proposal;
2. There is no adverse impact on the amenities of neighbouring users including loss of privacy, light and overbearing impact;
3. The layout of development within the site and separation distances from neighbouring development are sufficient to ensure that neither suffers from an unacceptable reduction in amenity by virtue of overlooking and loss of privacy or overbearing impacts.
4. The host dwelling retains a reasonable amount of amenity space relative to its size;
5. The proposal respects the design, materials and detailing of the host dwelling, and;
6. The proposal respects the character of the surrounding area including its local distinctiveness, the significance and setting of any heritage assets, landscape character and the open character of the surrounding countryside.

The methods by which these criteria will be assessed will be set out in a Supplementary Planning Document.

## Justification

- 7.30** Many proposals for householder development can be carried out with the benefit of permitted development rights, but for proposals that require express planning permission this policy sets out the criteria that will be used to assess applications.
- 7.31** The Council will seek to ensure that access and parking arrangements to dwellings are as a minimum maintained and wherever possible improved through householder development. Applicants should, in particular, take opportunities to improve inclusive access to existing dwellings as part of proposals.
- 7.32** Where dwellings lie in close proximity to one another, or other sensitive development, the impact on the amenity of occupiers will be an important consideration. Development should be designed to avoid overbearing impacts and loss of privacy. Particular attention should be paid to proposals close to shared boundaries which by virtue of bulk and positioning of windows could have an adverse impact.