



Newark & Sherwood Local Development Framework

Allocations & Development Management

Development Management Policies Consultation Paper

March 2012

Document Passport

- Title:** Newark & Sherwood Local Development Framework:
Allocations & Development Management – Development Management
Policies Consultation Paper
- Status:** Consultation Document on a Development Plan Document
- Summary:** This document sets out the proposed Development Management Policy wording as part of consultation on the Allocations & Development Management DPD and asks for comment on scope, detail and suitability of policies.

Date of Approval for Consultation: Cabinet 1 March 2012

Consultation Summary:

The District Council is currently in the process of producing its Allocation & Development Management Development Plan Document (DPD), which will allocate new land for housing, employment and other development in the main settlements in the District. It will also contain a range of Development Management Policies for use in the consideration of Planning Applications.

The first stage in the production of the DPD was the Options Report, on which consultation was undertaken last year from 7th October until Monday 25th November. Following the Options Report consultation the comments received on the scope of the proposed Development Management Policies have been considered and more detailed policies produced for further consultation as part of the Allocations & Development Management process.

Consultation Period: 20th March 2012 until 1 May 2012 at 5:15pm

Copies are on deposit at Kelham Hall (open between 8:30am and 5:15pm Monday to Thursday and 8:30 to 4:45 on Friday) the District's Libraries, and on the Council's Website: www.newark-sherwooddc.gov.uk/adm

After the consultation

The District Council will consider the responses made to this consultation paper and taking these into account, prepare a pre-submission Allocations & Development Management DPD for consultation in June 2012. Following this a finalised document will be submitted to the Secretary of State in September 2012 and assessed by an Inspector in winter 2012.

Estimated Date of Final Adoption: March 2013

Colin Walker
Director – Growth
Newark & Sherwood District Council
Kelham Hall
Newark
Nottinghamshire NG23 5QX

1) Introduction

- 1.1 The District Council is currently in the process of producing its Allocation & Development Management Development Plan Document (DPD), which will form part of the Newark & Sherwood Local Development Framework. The DPD will allocate new land for housing, employment and other development in the main settlements in the District. The DPD will also contain a range of Development Management Policies for use in the consideration of Planning Applications.
- 1.2 During the consultation process for the Allocations & Development Management Options Report some 40 comments were made on the proposed scope of Development Management Polices. Taking these into account, the scope of polices has been defined and their wording and reasoned justification has been developed.
- 1.3 If you commented on the scope of Development Management Policies contained within the Allocations & Development Management Options Report which was consulted on during October and November last year we have produced a summary of the comments and will be publishing this work shortly. Please check our website www.newark-sherwooddc.gov.uk/adm for more details.
- 1.4 This report contains the proposed wording and reasoned justification of Development Management Polices that would be used in conjunction with polices of the Core Strategy and national planning policy to determine planning applications within the District and we would like your views on their ability to achieve this.
- 1.5 There are a number of different ways of commenting via our online consultation portal, via email to planning.policy@nsdc.info or by writing to Planning Policy, Newark & Sherwood District Council, Kelham Hall, Newark, Notts, NG23 5QX. If emailing or writing, comments forms are available on our website (as address in paragraph 1.3 above) at Kelham Hall or the District's Libraries. Comments should be submitted by 5:15pm on Tuesday 1st May 2012. We are also consulting on four new sites that have come forward through last year's consultation process during the same time period.
- 1.6 Once the consultation is over the District Council will consider the comments made, along with those at the Options Report consultation and prepare a draft Allocations & Development Management Development Plan Document for a period of public representation during June and July 2012 and then submit the Document to the Secretary of State in September 2012. It will then be examined by an independent Planning Inspector in December 2012.

DEVELOPMENT MANAGEMENT POLICIES

Policy Area: Agenda for Managing Growth.

Policy DM1: Development within settlements central to delivering the Spatial Strategy

Within the Urban Boundaries of the Sub-Regional Centre and Service Centres and the Village Envelopes of the Principal Villages, as defined on the proposals map, planning permission will be granted for housing, employment, community, retail, cultural, leisure and tourism development appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents.

2) Justification

- 2.1. Spatial policies 2 and 3 of the Core Strategy establish the settlement hierarchy for the district and the proportional distribution of growth within this. This policy facilitates its application to individual development proposals and will be used in conjunction with other relevant policies to assess individual proposals.

Question 1 - Do you agree with the content of Policy DM1?

Policy DM2: Developer Contributions

All development proposals that meet the defined thresholds will be required to address the requirements of the Developer Contributions Supplementary Planning Document, or any superseding SPD. Planning applications should include provisions in accordance with the SPD or a robust justification in cases of where financial viability or other material planning considerations are used in support of non-provision.

3) Justification

- 3.1 The delivery of planned growth set out within the Core Strategy is dependent upon the availability of infrastructure to support it. Strategic infrastructure improvements will be provided through the Community Infrastructure Levy and where localised infrastructure improvements, such as open space, community facilities and healthcare contributions are required, the Council will expect them to be provided as part of development proposals through Section 106 agreements or unilateral undertakings. Affordable housing may form part of such contributions and this is dealt with by Core Policy 1.

Question 2 - Do you agree with the content of Policy DM2?

Policy Area: Sustainable Development and Climate Change

Policy DM3: Renewable and Low Carbon Energy Generation

In order to achieve the commitment to carbon reduction set out in Core Policy 10, planning permission will be granted for renewable and low carbon energy generation development, as both stand alone projects and part of other development, its associated infrastructure and the retro-fitting of existing development, where its benefits are not outweighed by:

1. Detrimental visual impact on the landscape character or urban form of the district or the purposes of including land within the Green Belt.
2. Detrimental impact on Heritage Assets or their settings;
3. Detrimental environmental impacts including noise pollution, shadow flicker and electro-magnetic interference;
4. Detrimental impact on highway safety through the installation process and ongoing operation and maintenance of the development;
5. Detrimental impact on ecology through the construction process and ongoing operation and maintenance of the development; or
6. Detrimental impact on aviation interests of local or national importance.

4) Justification

- 4.1 Mitigating and adapting to climate change will be a significant and on-going requirement of the planning system over our plan period.
- 4.2 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.
- 4.3 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.
- 4.4 Proposals will be expected to demonstrate an assessment has been made in relation to all the criteria, even if to demonstrate there is no impact.
- 4.5 Assessment of visual impact should be made by reference to the Landscape Character Assessment.

- 4.6 Heritage Assets including designated, non-designated and those that are identified through the development process are as defined in PPS 5 or any superseding policy or guidance. Proposals should take account of any physical impact in the preparation or during the installation process and the visual impact thereafter.

Question 3 - Do you agree with the content of Policy DM3?

Policy DM4: 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, where practicable, inclusive access to new development which utilises as many alternative modes of transport as possible. Development proposals should take account of their impact on the surrounding highway network and include appropriate mitigation so as not to cause an unacceptable impact.

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 assessment and justification.

3. Amenity

Private amenity space appropriate to the function of the proposed development should be provided.

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 and loss of 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 assessment and 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

The rich local distinctiveness of the District should be reflected in the scale, layout, design materials and detailing of proposals for new development.

Proposals involving the re-use of buildings of architectural or historical merit that contribute to local distinctiveness will be supported in principle where they are enabled by other policies. Detailed assessment of proposals will be made in accordance with a 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 existing 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 DM8.

5. Trees, Woodlands, Biodiversity & Green Infrastructure

In accordance with Core Policy 12, natural features of importance within or adjacent to development sites should be protected and enhanced through development proposals.

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

Development proposals should demonstrate an investigation into the presence of protected species and their habitats within sites. Appropriate mitigation through the design, layout and detailing of development, or off site measures should be included as part of proposals.

8. Unstable Land

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

9. Water Management

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 Sustainable Drainage Systems.

5) Justification

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.

- 5.5 Most types of residential development will require some form of private amenity space and this should be proportional and appropriate to the development it is intended to serve. For example, houses capable of family occupation should have private garden areas whereas for apartments 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.
- 5.6 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.
- 5.7 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. In the reverse situation, 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.
- 5.8 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. Whilst not wishing to promote an approach of pastiche, new development should take reference from locally distinctive layouts, design, detailing and methods of construction as a means of integrating itself.
- 5.9 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 alternatives 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.
- 5.10 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 them as part of the scheme of development. Where it is proposed to remove features, justification and re-planting should form part of development proposals.

- 5.11 The Crime and Disorder Act makes a material consideration of the potential for crime, fear of crime, disorder and anti-social behaviour in the planning process. 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 and 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.
- 5.12 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 provide continuity of habitat but if this is not possible then the proposal should include on or off site mitigation measures.
- 5.13 The district has a long history of coal mining which has resulted in areas of unstable land that PPG 14 – Development on Unstable Land, requires is reflected in planning policy and consequently 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
- 5.14 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 Urban drainage Systems to manage surface water run-off.

Question 4 - Do you agree with the content of Policy DM4?

Policy DM5: Householder Development
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<p>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:</p>

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| <ol style="list-style-type: none"> 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 land uses by virtue of overlooking and loss of privacy or overbearing impact; 3. The host dwelling retains a reasonable amount of amenity space relative to its size; |
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4. The proposal respects the design, materials and detailing of the host dwelling, and;
5. The proposal respects the character of the surrounding area including its local distinctiveness, the 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.

6) Justification

- 6.1 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.
- 6.2 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. Applicant's should, in particular, take opportunities to improve inclusive access to existing dwellings as part of proposals.
- 6.3 Where dwellings lies 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.
- 6.4 The design, materials and detailing of new development are important factors in its integration into its surrounding area. A degree of change is inevitable and proposals that are subservient in scale, use complementary construction materials and where appropriate, detailing, can be accommodated without detriment to either the host dwelling or the surrounding area. Where dwellings have evolved over time with additions of varying design and materials and in areas where there is no distinctive overall character, further extensions that form honest additions through the use of contrasting, but complementary designs and materials can also be acceptable. Where a site lies within or adjacent to an area of defined character, the preservation or enhancement of this should form the starting point of the design process.
- 6.5 In assessing proposals for householder development, the Council will have regard to the cumulative impact of any previous development.

Question 5 - Do you agree with the content of Policy DM5?

Policy DM6: Biodiversity and Green Infrastructure

In accordance with Core Policy 12, development proposals will be supported where their principal objective is to conserve or enhance biodiversity. Other proposals within or affecting sites or features of biodiversity value should be accompanied by an investigation of their impact. Development should be designed to maximise opportunities to incorporate features of biodiversity value or avoid, mitigate or compensate for any adverse impacts. Proposals that cannot as a minimum compensate for any adverse impact will be resisted.

7) Justification

7.1 Core Policy 12 sets out the strategic aims for biodiversity and green infrastructure and this policy is required to facilitate its application to individual development proposals.

Question 6 - Do you agree with the content of Policy DM6?

Policy Area: Natural & Built Environment

Policy DM7: Development in the Open Countryside

In accordance with the requirements of Spatial Policy 3, development away from the main built up areas of villages, in the open countryside, will be strictly controlled and limited to the following types of development;

1. Agricultural and forestry development requiring planning permission

Proposals will need to demonstrate the need for the development, its siting and scale in relation to the use it is intended to serve.

2. New rural workers dwellings, the extension of existing dwellings, and the removal of occupancy conditions attached to existing dwellings.

Proposals for new dwellings will be required to demonstrate a functional and financial need in relation to the operation being served. The scale of new dwellings and extensions to those existing should be of a scale commensurate with the needs and the ability of the operation they serve to fund them. Occupancy conditions will only be removed where it can be demonstrated that they no longer serve a useful purpose.

3. Replacement Dwellings

Planning permission will be granted where it can be demonstrated that the existing dwelling is in lawful residential use and is not of architectural merit. The replacement dwelling should be of a similar size and scale to that being replaced.

4. Conversion of existing buildings

In the interests of sustainability, consideration should be given to the conversion of existing buildings before proposing replacement development. Proposals should investigate and assess alternative uses for buildings in accordance with the aims of the Spatial Strategy and present a case for the most beneficial use. Planning permission will only be granted for conversion to residential use where it can be demonstrated that the architectural or historical merit of the buildings warrants their preservation, and they can be converted without significant re-building, alteration or extension. Detailed assessment of proposals will be made against a Supplementary Planning Document.

5. Replacement of Non Residential Buildings

Where they are related to established uses or proposed uses enabled by other criteria of this policy, planning permission will be granted for the replacement of non residential buildings. Proposals will need to demonstrate that the buildings to be replaced originated from a permanent design and construction, are not of architectural merit, have not been abandoned and are not suitable for conversion to other uses. The replacement building should be located within the curtilage of the site it is intended to serve.

6. Rural Diversification

Proposals to diversify the economic activity of rural businesses will be supported where it can be shown that they can contribute to the local economy. Proposals should be complimentary and proportionate to the existing business in their nature and scale and be accommodated in existing buildings wherever possible.

7. Equestrian Uses

New commercial equestrian uses and the expansion of existing uses that contribute to the local economy will be supported where it can be demonstrated that the particular rural location is required. Proposals for new development should investigate the re-use of existing buildings and sites within and adjacent to settlements. In assessing such proposals, the Council will have regard to their cumulative impact.

Proposals for domestic equestrian uses and associated buildings will be assessed against the criteria of Policy DM5.

8. Employment uses

Small scale employment development will only be supported where it can demonstrate the need for a particular rural location and a contribution to providing

or sustaining rural employment to meet local needs in accordance with the aims of Core Policy 6. Proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment.

9. Community and Leisure Facilities

Community and recreational uses requiring land in the countryside will be supported on sites in close proximity to settlements. In accordance with Spatial Policy 8, proposals will be required to demonstrate they meet the needs of communities and in particular any deficiencies in current provision. Associated built development should be restrained to the minimum necessary to sustain the use.

10. Roadside Services

Proposals for roadside services in the countryside will not normally be supported unless a justified need for the particular location can be demonstrated. The scale of development should be restrained to the minimum necessary to serve the need and be designed to avoid an adverse impact on the surrounding landscape.

11. Visitor Based Tourism Development

In accordance with the aims of Core Policy 7, attractions and facilities that can demonstrate the need for a rural location in order to meet identified need, constitute appropriate rural diversification or can support local employment, community services and infrastructure will be supported. Proposals for new tourist attractions and the expansion of existing attractions that are based upon site specific heritage or natural environment characteristics will also be supported.

12. Tourist Accommodation

Tourist accommodation will be supported where it is necessary to meet identified tourism needs, it constitutes appropriate rural diversification, including the conversion of existing buildings, and can support local employment, community services and infrastructure. Accommodation that is related and proportionate to existing tourist attractions will also be supported.

All proposals will be required to address the Landscape Character of the district, in accordance with Core Policy 13 and satisfy the criteria of other relevant Development Plan Documents.

Proposals resulting in the loss of the most versatile areas of agricultural land, will also be required to demonstrate a sequential approach to site selection and demonstrate environmental or community benefits that outweigh the land loss.

8) Justification

- 8.1 Meeting the Core Strategies targets for growth will inevitably place continued pressure on the countryside and the landscapes, traditional forms of development and biodiversity which it contains. Appropriate development can preserve the countryside as a natural resource whilst contributing to the prosperity of the District but inappropriate development can conversely have an irrevocably harmful effect. It is therefore important to set out a positive framework to assess development proposals that are necessary in the countryside and contribute to and provide opportunities for sustainable growth.
- 8.2 Many proposals for agricultural development will be dealt with under the prior approval procedure but those that are not will consequently often be large or intensive and therefore have the potential for visual or environmental impact. Whilst it is accepted that a degree of impact is inevitable, in order to minimise this the scale of proposals should be limited to that necessary to sustain the operation it is intended to serve. Development should be sited and designed to wherever possible complement existing development or minimise its impact on the surrounding countryside.
- 8.3 The District contains a significant rural housing stock, some of which is restricted to occupation by rural workers through planning conditions. The reduction in market value of dwellings subjected to such conditions makes them more accessible to traditional lower paid rural workers.
- 8.4 Where dwellings are essential for the functioning of a new rural business or the expansion of an existing business, the availability of existing accommodation should firstly be explored. Where it can be shown that existing accommodation is not available or suitable it will be necessary for the applicant to demonstrate that a permanent dwelling is necessary for the proper functioning of the operation it is intended to serve and that the business is financially able to support its cost. The functional tests set out in Annex A of PPS7: Sustainable Development in Rural Areas, or any superseding guidance, will be used to make this assessment. Where a new dwelling is justified, its siting will be influenced by its functional role and the visual impact on the surrounding countryside should also be taken into account. The scale of the dwelling should be concurrent with the accommodation needs and the financial resources of only the business it is serving. Other than for the most minor of proposals, applications to extend dwellings subject to occupancy conditions will be subject to the same assessment.
- 8.5 For fledgling businesses that can demonstrate a functional need for a dwelling, but not long term financial viability, the Council will normally firstly grant a temporary three year consent to allow the viability to be tested.

- 8.6 In order to sustain the rural economy, it is important that there is sufficient housing to meet the needs of key workers and dwellings with occupancy conditions play an important part in ensuring this due to their lower market value. Even when the initial need for a dwelling has passed, it may still fulfil a need in relation to other operations in the surrounding area and this must be fully explored before the Council will consider removing occupancy conditions. Applications should be accompanied by evidence of marketing the dwelling at an appropriate price for a period appropriate to market conditions at the time. Rural workers dwellings are often situated in unsustainable locations where market housing would be contrary to planning policy and so their unrestricted occupation will only be allowed when the Council is satisfied that the restriction no longer serves a useful purpose.
- 8.7 Where permanent buildings serve a beneficial purpose in relation to a non-residential use, the Council recognise that their replacement can lead to operational and environmental improvements. If buildings do not have any architectural or historical merit, either individually or as part of a group and cannot reasonably be converted, the Council will support their replacement.
- 8.8 In order to minimise the visual impact on the countryside, replacement buildings should be of similar size and siting to their predecessor. Proposals for buildings of substantially greater size or difference in siting will only be supported where operational or environmental improvements outweigh any visual impact. This policy is not intended to formalise or give permanency to buildings of a clearly temporary nature.
- 8.9 When considering proposals for replacement dwellings, the Council will firstly need to be satisfied that the building is capable of being in lawful residential use and not of significant architectural merit. In order to both prevent inappropriate development and minimise the visual impact on the countryside, replacement dwellings should be of similar siting and scale to their predecessor. Proposals for significantly different siting will only be supported where they result in a significant visual improvement to landscape character. The Council recognise that the level of accommodation offered by some older dwellings does not reflect current living standards. Small increases in size to accommodate, for example an indoor bathroom will be acceptable. Where the exercise of permitted development rights on replacement dwellings could lead to visual harm, the Council will consider removing these by condition. The demolition of the existing dwelling concurrent with the substantial completion of its replacement will also be required by condition.
- 8.10 The countryside contains many buildings that are no longer needed or suitable for their original purpose and a significant number of these have already been converted to other uses. Such buildings are mostly in unsustainable locations and consequently the Council will carefully consider new uses to ensure that they are the most appropriate to reflect the aims of the Spatial Strategy. Other than where they are very close to settlements, the conversion to dwellings is likely to be a very

unsustainable use and consequently the Council will only support the principle of this where the architectural or historical merit of the building(s) outweighs their unsustainable location. It will need to be demonstrated through the submission of a structural survey that the building is capable of being converted without substantial alteration or re-building. If approval is granted, the amount of re-building permitted will normally be restricted by condition to that required by the structural survey. If the need for further re-building is identified during the construction process, this may trigger the requirement for a new planning application.

- 8.11 In developing schemes of conversion, applicants should consider and investigate alternative uses to arrive at those that best meet the aims of the Spatial Strategy and are compatible with the design of the building. As the most suitable use will depend on the nature of the buildings and their location within the District, case by case justification will be required.
- 8.12 Changes in the economy and agricultural practices have demanded rural businesses be more responsive in order to survive. Diversifying into complementary areas of business can help rural business remain viable, keep buildings in beneficial use and contribute to the overall rural economy. Development proposals that contribute to these aims will be supported. To minimise the visual impact on the countryside, existing buildings should be re-used wherever possible. New buildings should be sited and designed to reflect their location. In assessing applications, the Council will be firm in distinguishing between proposals for genuine diversification and those for independent businesses that may be more sustainably located elsewhere.
- 8.13 The Council recognises the contribution that both business and recreational equestrian uses make to the District's rural economy and wish to encourage its continuance through supporting appropriate development.
- 8.14 In the interests of sustainability, proposals for new recreational uses should be located as close as possible to the population they are intending to serve. The re-use of existing buildings and edge of settlement locations should firstly be explored and will be particularly supported. New build development in the countryside will only be supported where no more sustainable sites are available or there is a justification specific to the particular proposal.
- 8.15 New business proposals should investigate the availability of existing sites and new build development in the countryside will only be supported where no alternative sites are available or there is a justification specific to the particular proposal.
- 8.16 Expansion of viable business and recreational uses will be supported subject to site specific assessment. It should be recognised that the expansion of any given site is likely to be limited at some point by its impacts on the countryside.
- 8.17 Small rural businesses have traditionally supported each other and the rural economy through providing products and services and consequently employment

closely related to their location. In recognising the contribution that such businesses make to achieving sustainable development through delivering the aims of the Spatial Strategy, the Council will support the expansion of existing businesses and establishment of appropriate new business. Proposals to expand viable businesses will be supported where they can demonstrate an ongoing contribution to sustaining rural employment. This policy is not intended to allow the unlimited expansion of existing businesses. The visual or operational impacts may at some point outweigh the benefits of expansion.

- 8.18 Proposals for new businesses should be able to demonstrate both a need for a particular rural location and a contribution to sustaining rural employment. In the interests of minimising visual impact, new buildings should be restrained to the minimum necessary to sustain the business.
- 8.19 The large areas of land required for community and leisure facilities are rarely obtainable within village envelopes or urban boundaries and consequently the Council will support proposals to provide such facilities in response to identified need. Proposals should identify and quantify the need they intend to address and be designed to meet this with the minimum level of development necessary.
- 8.20 The relatively short distances between those settlements within the District containing services and existing roadside service means that there is limited need for new development. Where a need in a particular location can be justified, the Council will support proposals that are designed to minimise their impact on the countryside.
- 8.21 The District has a well established rural tourist economy, a large part of which is based around the natural resources and heritage of the north western area. The Council is keen to ensure that this economy is sustained and allowed to grow through appropriate expansion. Proposals will be required to justify a countryside location by reference to an identified need.

Question 7- Do you agree with the content of Policy DM7?

Policy DM8: Protecting and Enhancing the Historic Environment
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In accordance with the requirements of Core Policy 14, all development proposals concerning heritage assets will be expected to secure their continued protection or enhancement, contributing to the wider vitality, viability and regeneration of the areas in which they are located and reinforcing a strong sense of place.
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1. Listed Buildings

Proposals for the change of use of listed buildings and development affecting or within the curtilage of listed buildings requiring planning permission will be required to demonstrate that the proposal is compatible with the fabric and setting of the
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building. Impact on the special architectural or historical interest of the building will require justification in accordance with the aims of Core Policy 14.

2. Conservation Areas

Development proposals should take account of the distinctive character of individual conservation areas including open spaces and natural features and reflect this in their layout, design, use of materials and detailing. Impact on the character and appearance of Conservation Areas will require justification in accordance with the aims of Core Policy 14.

3. Historic Landscapes

Development proposals should respect the varied natural environment of the district through their siting and design. Appropriate development that accords with the Core Strategy, other Development Plan Documents and facilitates a sustainable future for Laxton will be supported.

4. Archaeology

Development proposals should take account of their effect on sites with the potential for archaeological interest. Where proposals are likely to affect known important sites or those that become known through the development process, an archaeological evaluation will usually be required prior to their determination.

Within Newark's Historic Core, as defined on the proposals map, archaeological evaluation will usually be required prior to the determination of planning applications.

5. All Heritage Assets

All development proposals affecting heritage assets, including new operational development and alterations to existing buildings, where they form or affect heritage assets should utilise appropriate siting, design, detailing, materials and methods of construction. Particular attention should be paid to reflecting locally distinctive styles of development and these should respect traditional methods and natural materials wherever possible. Where development proposals requiring planning permission involve demolition, the resulting impact on heritage assets will be assessed under this policy.

6. Shopfronts

Shopfronts of high architectural or historical value should be retained and preserved wherever possible. Proposals for new shopfronts should respect the character, scale, proportion and detailing of the host building. Detailed assessment of proposals will be made in accordance with a Shopfronts and Advertisements Design Guide Supplementary Planning Document.

9) Justification

- 9.1 The District contains many designated and non designated heritage assets that combine to form a rich and distinctive historic environment. Core Policy 14 sets out the strategic aims for protecting, preserving and enhancing these and this policy will be used to achieve those aims through the assessment of individual proposals.
- 9.2 Development proposals that require only listed building or conservation area consent will be determined in accordance with national legislation, but those that require planning permission will also be assessed against this policy.
- 9.3 In the case of listed buildings, the suitability of proposed alternative uses will be assessed by reference to the degree of alteration required to facilitate the use; the lesser the degree of alteration, the more acceptable the use is likely to be. Where it can be demonstrated that the only viable use requires alteration, this should be restrained to the minimum necessary and designed so as to preserve the fabric and setting of the building as completely as possible.
- 9.4 The 47 Conservation Areas within the district display a wide variety of distinctive characters which will continue to be defined through conservation area appraisals over the plan period. To ensure that this is maintained and enhanced, development proposals should take account of and reflect the relevant elements of character.
- 9.5 The District contains a number of historic landscapes including Registered Historic Parks and Gardens, the Historic Battlefield at Stoke Field, the Sherwood Forest Heritage Area and the Historic Landscape around Laxton. Development proposals that are within and outside these areas have the potential to impact on their character and consequently should be designed to respect the individual characteristics of the particular area and thereby minimise the impact upon it. The open field system in and around Laxton is unique within the country and requires special consideration. Planning permission will not be granted for development proposals that adversely affect this heritage asset by virtue of character or operation.
- 9.6 There are records of many archaeological remains throughout the District and it likely that many more remain unrecorded. These are most likely to be discovered through development and consequently need to be taken into account in the development process. In areas such as Newark's Historic Core where there is a high likelihood of remains, these should be investigated and taken into account as part of the design process. It is accepted that remains sometimes only come to light as part of the development process and where this happens the Council will determine the application in light of their presence.

- 9.7 Many of the Districts heritage assets are undesignated but warrant no less consideration as such. The Council will expect all proposals affecting heritage assets to be designed to a high standard, taking into account the relevant individual characteristics. Some assets are only revealed through the development process and where this is the case proposals may need to be amended to take account of their presence.
- 9.8 Shop fronts of high architectural or historical value exist across the District in a variety of settings sometimes individually and sometimes as part of group. Where they do not form part of a listed building or lie outside a conservation area they will often form an undesignated heritage asset. In recognition of the contribution that they make to form the character of the District, the Council is keen to see them retained and incorporated into new development wherever possible. New shop fronts can also make a positive contribution to the character of an area and where these are proposed they should be designed to complement the host building. The presence of poorly designed shopfronts in the vicinity will not be accepted as justification for a lesser standard of design. The introduction of well designed shopfronts can often act as a catalyst for the same within a street or area.

Question 8 - Do you agree with the content of Policy DM8?

Policy DM9: Pollution and Hazardous Materials

Development proposals involving hazardous materials or the potential for pollution should take account of and address their potential impacts in terms of health, the natural environment and general amenity on:

1. Neighbouring land uses;
2. The wider population;
3. Ground water and;
4. Ecology

Any impact should be balanced against the economic and wider social need for the development. Proposals should include necessary mitigation as part of the development or through off site measures where necessary. Harmful development which cannot be made acceptable will be resisted.

Development proposals near hazardous substance installations, as defined on the proposals map, or near development with the potential for significant pollution should take account of and address the potential risk arising from them. Any risk should be balanced against the economic and wider social need for the development. Development that would be put at an unacceptable risk from it's proximity to such installations will be resisted.

Where a site is known, or highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development. Where contamination comes to light as part of the development process, the proposal will be determined in light of this.

Development proposals within and with the potential to impact on the Source Protection Zone, as defined on the proposals map, should address the potential risk through mitigation as part of the development or through off site measures where necessary. Proposals that present an unacceptable risk to the Source Protection Zone will be resisted.

All proposals will be required to address the Landscape Character of the District, in accordance with Core Policy 13 and satisfy the criteria of other relevant Development Plan Documents.

10) Justification

10.1 National policy guidance requires Local Development Documents to include policies for dealing with the potential for contamination and the remediation of land so that it is suitable for the proposed development.

10.2 This policy is intended to provide a means of assessment for all types of development proposals requiring planning permission where pollution or hazardous substances are a consideration.

Question 9 - Do you agree with the content of Policy DM9?

Policy Area: Economic Growth

Policy DM10: Retail and Town Centre Uses

In accordance with the Retail Hierarchy set out on Core Policy 8, retail development and other town centre uses of a scale concurrent with the population growth of the District will be assessed as follows;

1. Newark

New and enhanced retail development and other town centre uses that consolidate the composition of the town centre will be supported within the Town Centre Boundary, as defined on the proposals map.

Proposals for non retail uses at street level within the Primary Shopping Frontages, as defined on the proposals maps, will not be supported unless they can demonstrate a positive contribution to the vitality and viability of the town centre.

The Council will support a greater diversity of town centre uses that contribute to the overall vitality and viability of the town centre within the Secondary Shopping Frontages, as defined on the proposals map, providing that there is no overall dominant use other than retail (A1). Within the lower part of Stodman Street and along Castle Gate, the Council will not resist a dominance of restaurant and cafe (A3) uses.

2. District Centres of Edwinstowe, Rainworth, Ollerton and Southwell

New and enhanced retail development and other town centre uses that are consistent with the size and function of the centre and maintain and enhance its role will be supported within the District Centres, as defined on the proposals maps. Proposals for non retail uses within Primary Shopping Frontages, where defined on the proposals maps, will be resisted unless they can demonstrate a positive contribution to the vitality and viability of the District Centres.

3. Local Centres of Balderton, Bilsthorpe, Blidworth, Boughton, Clipstone, Collingham, Farnsfield, Lowdham, Sutton-on-Trent, Land South of Newark (as set out in Policy NAP 2A) Land at Fernwood (as set out in Policy NAP 2C) and Land East of Newark (as set out in Policy NAP 2B)

Within existing Local Centres, as defined on the proposals maps, new and enhanced convenience retail development that serves the community in which it is located and is consistent with its size and function will be supported.

Within the new Local Centres arising from implementation of Area Policies of the Core Strategy, convenience retail development of an appropriate scale to meet local need that consolidates and enhances the existing hierarchy of existing centres will be supported.

4. Out of Centre Locations

Retail proposals outside of town, district and local centre locations but within the main built up areas of settlements will require justification through a sequential test and robust assessment of the impact on nearby centres.

5. Rural Areas

New or enhanced retail development of a scale proportionate to its location that increases rural sustainability, supports local agriculture or farm diversification in accordance with the aims of Core Policy 11 will be supported.

All proposals will be required to satisfy the criteria of other relevant Development Plan Documents

11) Justification

- 11.1 Retail development is important to the District in both encouraging economic development and promoting sustainability. Within the Sub-Regional Centre and District Centres, appropriate retail opportunities can encourage inward investment and thereby maintain and enhance their vitality and viability. Proportionate scale retail development within Local Centres can reduce the need to travel for convenience goods and in Rural Areas, appropriate development such as farm shops can both help strengthen the rural economy and provide for local needs.
- 11.2 In Newark, the Town Centre Boundary defines the main area of economic activity and consequently justification is not required for appropriate uses. The retention of Primary Shopping Frontages within Newark and the Local centres are key to maintaining their vitality and viability and consequently the Council will require substantial justification of the benefits in order to support non retail uses.
- 11.3 The Council recognises that, particularly during times of economic downturn, Secondary Shopping Frontages are unlikely to command full retail occupancy and indeed the allowance of a greater diversity of uses can contribute to the vitality and viability of the town centre by promoting linked shopping trips. Providing that no single non-retail use becomes dominant to the detriment of the town centre, the Council will support such diversity. Only where it can be demonstrated that neither retail nor other town centre uses are commercially viable within Secondary Shopping Frontages, will the Council look favourably on proposals for residential use at ground floor level. Parts of Stodman Street and Castle Gate have become informally dominated by food and drink uses and in recognising the contribution that this makes to the vitality of the town centre, the Council will not seek to resist proposals for the continuance of this.
- 11.4 Retail development within Local Centres should provide for the day to day needs of residents and in doing so reduce the need to travel. As the planned growth within the Local Development Framework takes place, there will be a need for both the expansion of existing, and new shops within these settlements. For new shops in existing centres, and where they form part of the new local centres identified within the Core Strategy, the Council will have regard to the impact of both the nature and scale of the proposal on existing retail development and the hierarchy of which it forms part.
- 11.5 Inappropriate retail development in out of centre locations can cause significant harm to both the vitality and viability of individual centres and the retail hierarchy of the district. Consequently, the Council will require proposals to be accompanied by an assessment of the impact and will only support those where a neutral or positive impact can be identified.

11.6 Within the rural areas of the District, there will be shops in locations and of scales that, whilst not compliant with current planning policy, none the less provide for local need and contribute to local employment. Where it can be demonstrated that proposals for the expansion of such businesses are of benefit to the local community, they will be supported. Proposals for new retail development that can similarly demonstrate benefits will also be supported.

Question 10 - Do you agree with the content of Policy DM10?