



**South
Derbyshire**
District Council
Community and
Planning Services

South Derbyshire ~~Pre-Submission~~ Local Plan PART 2



~~October 2016~~

South Derbyshire Changing for the better

THIS PAGE IS INTENTIONALLY BLANK

CONTENTS

LOCAL PLAN PART 2

SETTLEMENT DEVELOPMENT

SDT1	Settlement Boundaries and Development	3
------	---------------------------------------	---

HOUSING

H23	Non Strategic Housing Allocations	5
H24	Replacement Dwellings in the Countryside Rural Areas	21
H25	Rural Workers Dwellings	21
H26	Residential Gardens within the Countryside Rural Areas	24
H27	Residential Extensions and Other Householder Development	24
H28	Residential Conversions	25

BUILT AND NATURAL ENVIRONMENT

BNE5	Development in the Countryside Rural Areas	27
BNE6	Agricultural Development	29
BNE7	Trees, Woodland and Hedgerows	29
BNE8	Local Green Space	31
BNE9	Advertisements and Visual Pollution	32
BNE10	Heritage	33
BNE11	Shopfronts	35
BNE12	Former Power Station Land	36

RETAIL

RTL1	Retail Hierarchy	39
RTL2	Swadlincote Town Centre Potential Redevelopment Sites	46

INFRASTRUCTURE

INF11	Telecommunications	48
-------	--------------------	----

INF12	Provision of Education Facilities	49
INF13	Southern Derby Area and Infinity Garden Village	50

LIST OF FIGURES

Housing Sites

Map A:	Moor Lane, Aston
Map B:	Jacksons Lane, Etwall
Map C:	Derby Road, Hilton
Map D:	Station Road, Melbourne
Map E:	Acresford Road, Overseal
Map F:	Valley Road, Overseal
Map G:	Milton Road, Repton
Map H:	Mount Pleasant Road, Repton
Map I:	Off Kingfisher Way, Willington
Map J:	Oak Close, Castle Gresley
Map K:	Midland Road, Swadlincote
Map L:	Land north of Scropton Road, Scropton
Map M:	Montracon Site, Woodville
Map N:	Stenson Fields

Map 1:	Local Centres and villages	Policy RTL1: Retail Hierachy	Swadlincote
Map 2:	Local Centres and villages	Policy RTL1: Retail Hierachy	Derby Urban Area (West)
Map 3:	Local Centres and villages	Policy RTL1: Retail Hierachy	Derby Urban Area (East)
Map 4:	Policy RTL1 and RTL2: Swadlincote Town Centre Potential Redevelopment Locations		

Map 5: Policy INF12 and INF13: Southern Derby Area and Infinity Garden Village

APPENDICES

Appendix A	Settlement Boundary maps
------------	--------------------------

The background features abstract, overlapping organic shapes in various shades of green and purple. A large, light green shape dominates the upper right, while a darker green shape is on the left. Below these, a large purple shape spans the bottom, with several smaller green shapes interspersed. The overall effect is a modern, layered composition.

Introduction

South Derbyshire Local Plan • **PART 2**

THIS PAGE IS INTENTIONALLY BLANK

INTRODUCTION

Local Plan Part 2

- 1.1 The Local Plan ~~is being~~ **was** prepared in two parts and sets the spatial strategy for the District up to 2028. It identifies development sites and contains policies for dealing with planning applications for a range of different types of development.
- 1.2 The Part 1 Local Plan, adopted on 13 June 2016, identifies strategic allocations and key policies. Part 2 is concerned with non-strategic allocations and more detailed Development Management policies.
- 1.3 ~~Informal consultation on the Part 2 Plan took place between 15 December 2015 and 12 February 2016. Following consideration of the responses received, consultation took place on the Draft Local Plan Part 2 between 20 June and 15 August 2016. The timeframe for the remaining stages leading to adoption is set out below:~~

~~Pre-Submission Local Plan Part 2 Consultation—October 2016~~

~~Submission—December 2016~~

~~Public Examination—To be confirmed following submission to PINS~~

~~Adoption—May 2017.~~
- 1.4 ~~Once adopted,~~ Part 1 and Part 2 of the Plan should be read as a whole, as more than one policy may apply. Furthermore, ~~once adopted,~~ Part 1 and Part 2 of the Plan ~~will~~ supersede the saved policies from the 1998 Local Plan.
- 1.5 ~~The following pages set out the proposed non-strategic housing allocations and development management policies for the Local Plan Part 2, which, once adopted, will be used alongside policies in the Local Plan Part 1 in making decisions on planning applications.~~ Where the same policy chapter headings exist within both parts of the Plan, the policy numbers within Part 2 continue on from those within Part 1. For example, the last policy within the Built and Natural Environment chapter of Part 1 Plan is BNE4, so the next policy within the Built and Natural Environment chapter within Part 2 is BNE5.
- 1.6 The national and local policy background that provides the framework for the production of the Local Plan Parts 1 and 2 is explained in the Local Plan Part 1, section 1.

How has the Draft Local Plan Part 2 been drawn up?

- 1.7 Like the Local Plan Part 1, Part 2 has been prepared following extensive consultation and participation from a wide range of individuals, interest groups, public service providers, infrastructure providers, investors, land

owners and developers. Consultation has been undertaken in accordance with our published Statement of Community Involvement and, additionally, embedded the localism agenda being encouraged by the Government. A fuller explanation of how we have involved people in drawing up the Local Plan Part 2 can be viewed **within the Consultation Statement** at:

www.south-derbys.gov.uk/localplanpart2

The Evidence Base

- 1.8 The ~~Pre-Submission~~ Local Plan Part 2 is supported by a robust and wide ranging technical evidence base. This includes a 'Sustainability Appraisal' of the likely significant social, economic and environmental effects of all the reasonable options considered, including the preferred strategy and policies. A Habitats Regulation Assessment (HRA) Screening Statement has also been prepared, which concludes that the ~~Pre-Submission~~ Local Plan Part 2 will not result in any significant harm to the River Mease Special Area of Conservation (SAC), or any other Natura 2000 site. ~~This document forms part of the current Pre-Submission Local Plan Part 2 consultation.~~
- 1.9 ~~The Consultation Statement completes the documents for consultation. This document sets out the consultation undertaken and summarises the responses received including those from the Draft Plan consultation.~~

Supplementary Planning Documents

- 1.10 Documents will be written that provide additional guidance for policies in both the Part 1 and Part 2 in the form of ~~s~~**Supplementary p**~~Planning guidance Documents (SPDs)~~. Details of the SPDs are set out in the Local Development Schemes along with the timetable for consultation and implementation.

The background features abstract, overlapping organic shapes in various shades of green and purple. A large, light green shape dominates the upper right, while a darker green shape is on the left. Below these, there are purple shapes, including a large one at the bottom left and another on the bottom right. The shapes are outlined with thin white lines, creating a layered, modern aesthetic.

Settlement Development

South Derbyshire Local Plan • **PART 2**

THIS PAGE IS INTENTIONALLY BLANK

SETTLEMENT DEVELOPMENT

- 2.1 Settlement boundaries define the built limits of a settlement and distinguish between the main built form of a settlement and the countryside. Areas outside of settlement boundaries ~~are considered to be countryside~~ **and allocated sites comprise the Rural Areas of the district as defined in Policy H1. In principle, development will be supported** ~~There is a presumption in favour of development (subject to other material considerations)~~ within settlement boundaries. ~~whereas in the countryside~~ **Outside of settlement boundaries in the Rural Areas** other policies **will** apply, **in particular Policy BNE5 which defines the more limited range of development that will be acceptable within the Rural Areas.**

Policy SDT1 Settlement Boundaries and Development

Settlement boundaries define the built limits of a settlement ~~and distinguish between the built form of a settlement and the countryside. Outside of settlement boundaries land will be considered as countryside.~~

Within settlement boundaries as defined on the policies map ~~and in Appendix A,~~ development will be permitted where it accords with the development plan.

~~Outside of settlement boundaries and allocated sites, within the Rural Areas as defined in Policy H1, development will be limited to that considered acceptable inter alia by Policy BNE5.~~

Settlement boundaries will be applied in the following settlements:

Urban Area:

Swadlincote including Woodville

Key Service Villages:

Aston on Trent	Etwall
Hatton	Hilton
Linton	Melbourne
Overseal	Repton
Shardlow	Willington

Local Service Villages:

Coton in the Elms	Findern
Hartshorne	Mount Pleasant (Castle Gresley)
Netherseal	Newton Solney
Rosliston	Ticknall
Weston on Trent	

Rural Villages:

Barrow upon Trent	Burnaston	Caldwell
Church Broughton	Coton Park	Egginton
Kings Newton	Lees	Long Lane

Lullington
Smisby
Swarkestone

Milton
Stanton by Bridge
Walton on Trent

Scropton
Sutton on the Hill

Explanation

- 2.2 The Settlement Boundary Topic Paper reviewed and updated the existing settlement boundaries from the 1998 Local Plan and establishes a new settlement boundary. Using a set of criteria, the settlement boundaries were examined and updated or created to ensure that the boundaries are logical and reflect what is on the ground. Those settlements defined as Key Service Villages, Local Service Villages and Rural **Villages Areas** (as defined by Policy H1) where ~~there is~~ a compact group of dwellings **exists will within a settlement**, have a settlement boundary.
- 2.3 Inclusion of land within a settlement boundary would normally imply ~~a presumption in favour of~~ development **would be acceptable in principle**, though other technical considerations will still be assessed. Development will need to comply with other development management policies and relevant supplementary planning documents.
- 2.4 Land outside of settlement boundaries **and allocated sites** will be considered as **part of the Rural Areas countryside**, where other policies apply. Other than in the circumstances permitted by **policy BNE5 and other relevant** policies, development will not normally be permitted within the **Rural Areas countryside**.
- 2.5 The defined settlement boundaries can be seen at Appendix A and further detail regarding the revision process is within the Settlement Boundary Topic Paper.

The background features a series of overlapping, organic shapes in various shades of green and purple. A large, light green shape occupies the upper right, while a darker green shape is on the left. A purple shape is at the bottom, and a white shape is on the far left. The shapes are defined by thin white outlines.

Housing

South Derbyshire Local Plan • **PART 2**

THIS PAGE IS INTENTIONALLY BLANK

HOUSING

- 3.1 Policy S4 in Part 1 of the Plan requires 600 dwellings to be allocated as non-strategic sites as part of the overall housing target of **at least** 12,618 dwellings.
- 3.2 As these non - strategic sites will be less than 100 dwellings it is not anticipated that any of the sites will be required to provide significant infrastructure to enable development to proceed. However, contributions will be sought towards healthcare, education, open space, affordable housing and any other requirements where appropriate.

Policy H23 Non-Strategic Housing Allocations

The following sites are allocated for housing development as shown on the Policies Map and in the site specific maps under Policies 23A-N:

- A Moor Lane, Aston (S/0271) - ~~up to~~ **around** 42 dwellings
- B Jacksons Lane, Etwall (S/0284) - ~~up to~~ **around** 50 dwellings
- C Derby Road, Hilton (S/0299) - ~~up to~~ **around** 40 dwellings
- D Station Road, Melbourne (S/0109 & S/0256) - ~~up to~~ **around** 46 dwellings
- E Acresford Road, Overseal (S/0250) - ~~up to~~ **around** 70 dwellings
- F Valley Road, Overseal (S/0022) - ~~up to~~ **around** 64 dwellings
- G Milton Road, Repton (S/0101) - ~~up to~~ **around** 25 dwellings
- H Mount Pleasant Road, Repton (S/0088) - ~~up to~~ **around** 24 dwellings
- I Off Kingfisher Way, Willington (S/0266) - ~~up to~~ **around** 50 dwellings
- J Oak Close, Castle Gresley (S/0239) - ~~up to~~ **around** 55 dwellings
- K Midland Road, Swadlincote (S/0133) - ~~up to~~ **around** 57 dwellings
- L Land north of Scropton Road, Scropton (S/0291) - ~~up to~~ **around** 10 dwellings
- M Montracon Site, Woodville (S/0292) - ~~up to~~ **around** 95 dwellings
- N Stenson Fields (S/0206) - ~~up to~~ **around** 70 dwellings

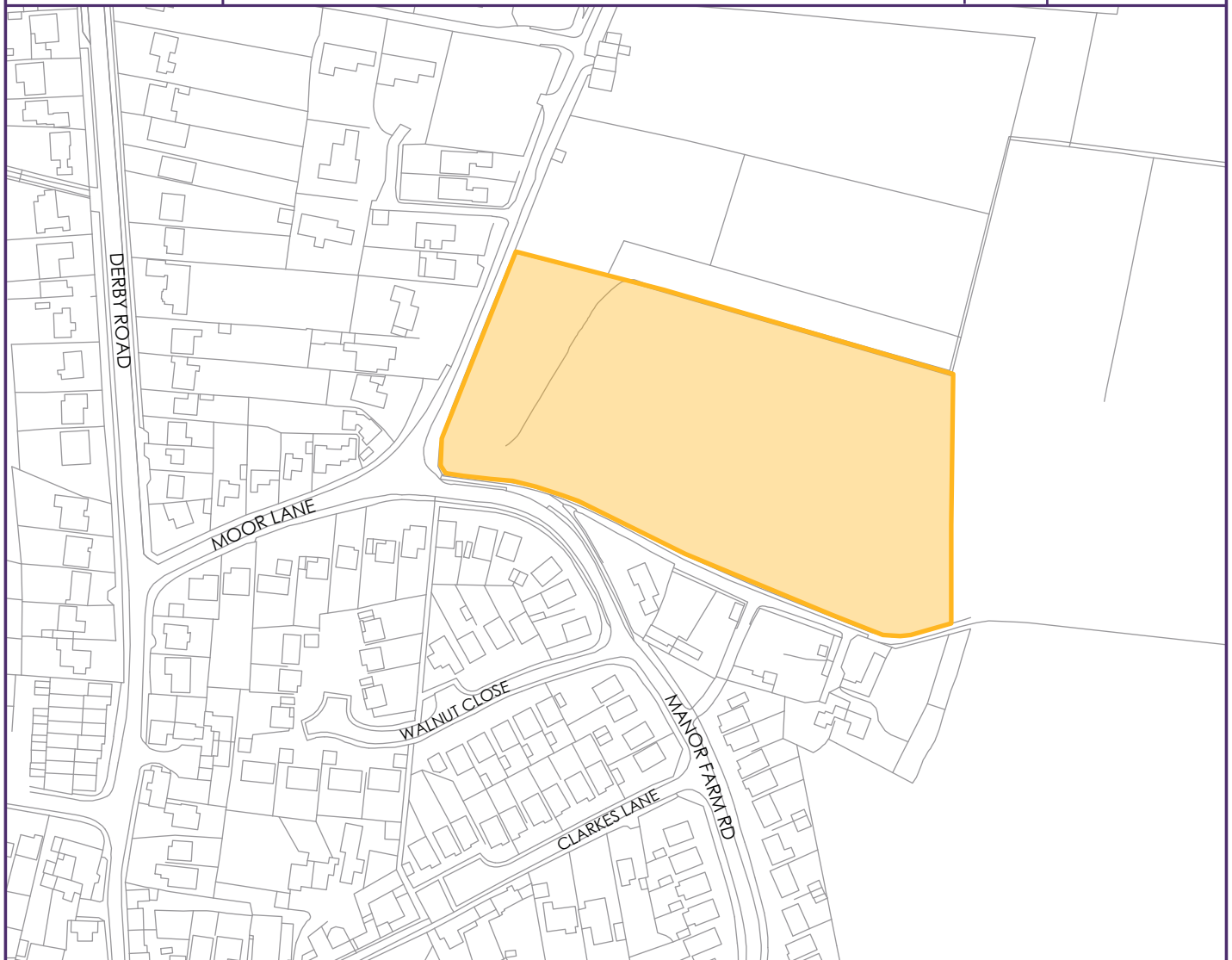
The key considerations for each of the sites are:

- i) Transport impacts – including vehicular access points, visibility, pedestrian and cycle links and impact on the existing road network.
- ii) Impact on the surrounding landscape and/or townscape
- iii) Management of flood risk and drainage
- iv) Impact on designated and non-designated heritage assets and settings
- v) Biodiversity impacts
- vi) The design and layout to take account of site characteristics

Site specific requirements are set out below each site map on the following pages.

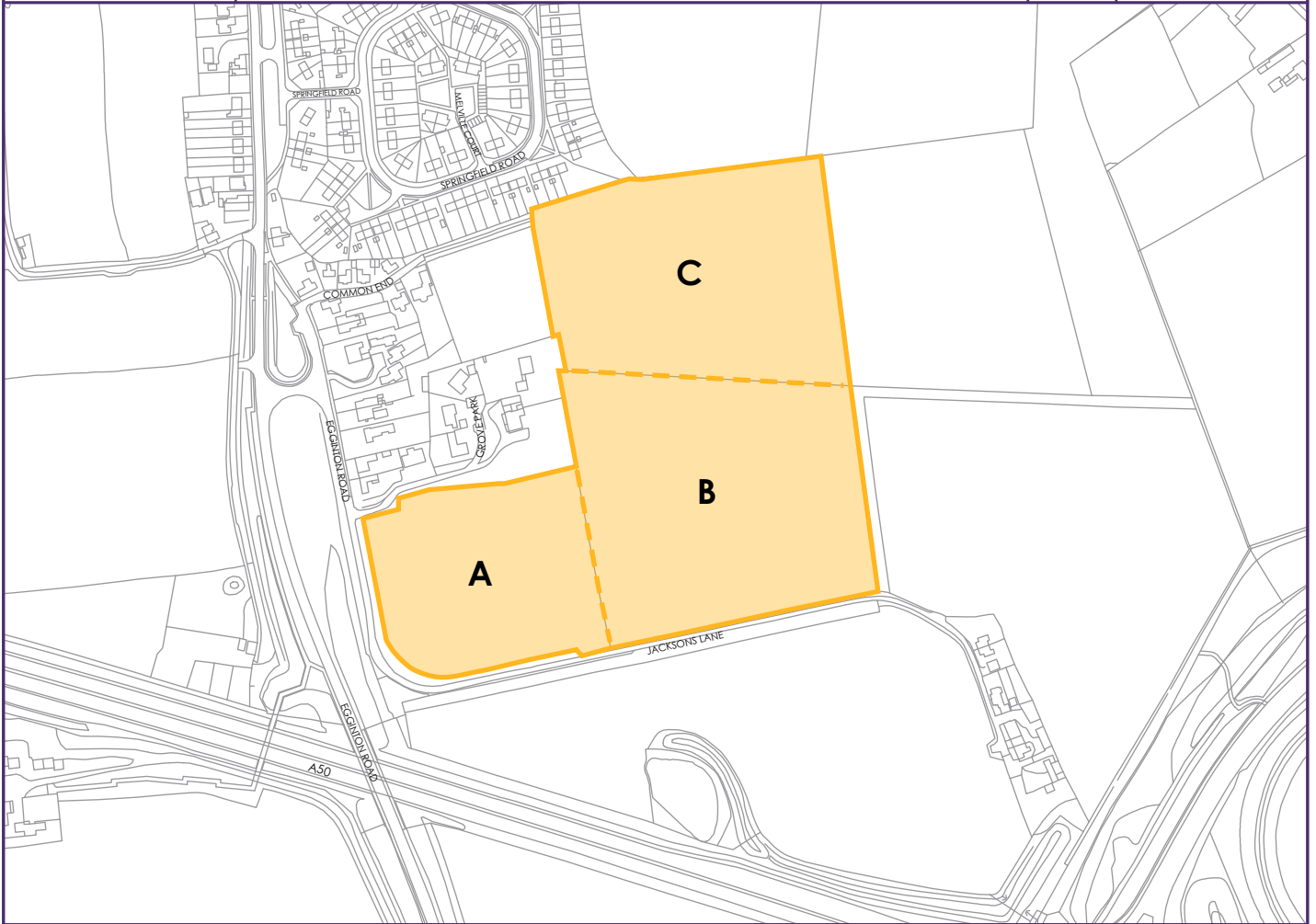
Explanation

- 3.3 This policy will ensure that allocations are designed to reduce the effects of development on local communities and the natural and built environment.



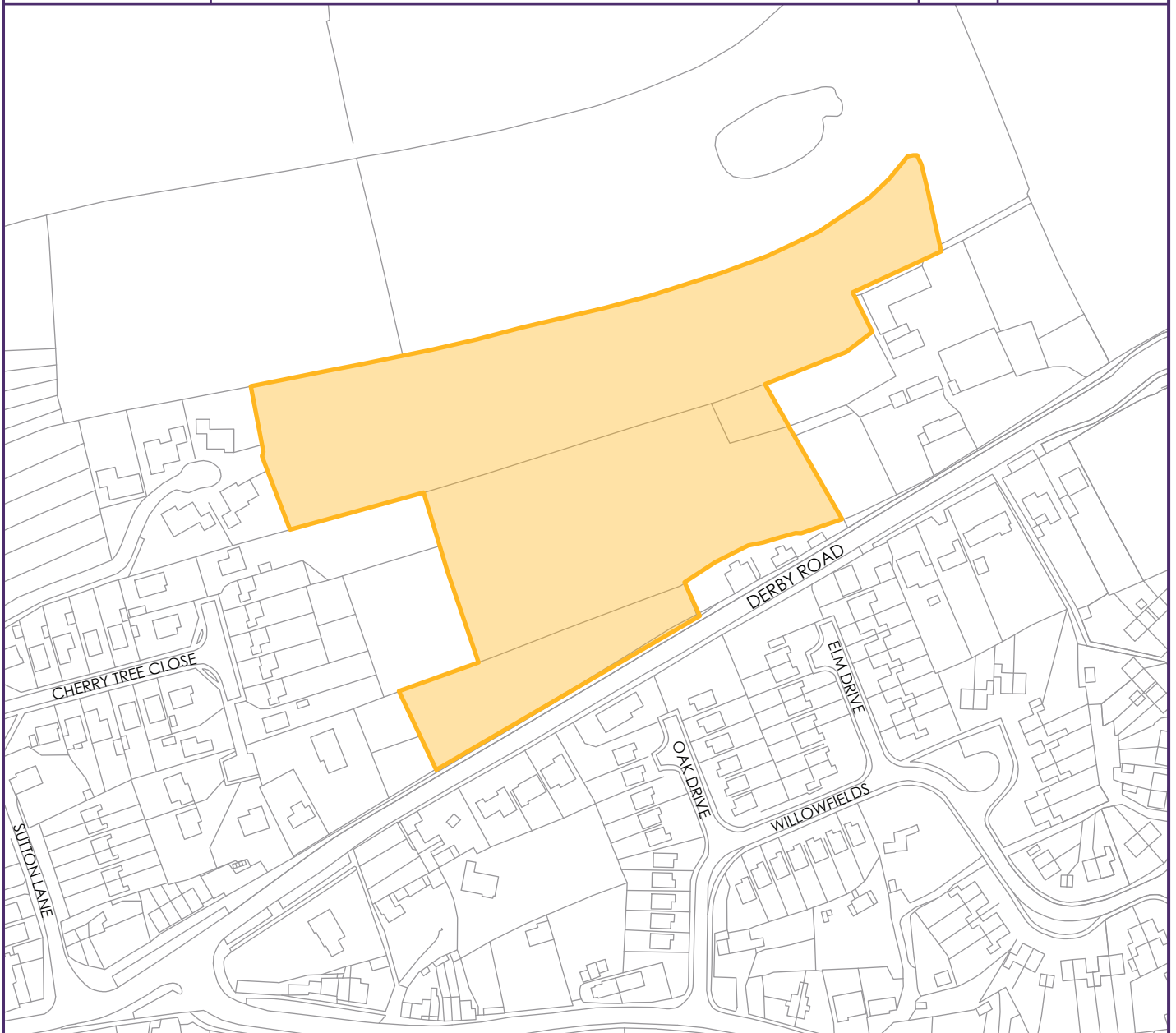
SITE SPECIFICS

- ~~Up to~~ **Around** 42 dwellings
- Access to be from Manor Farm Road
- Pedestrian access points to be made to south of site to join existing PROWs
- A Landscape buffer to the **north**, east and **south west** to be implemented and enhanced **edment made to the south**
- An appropriate easement to be provided that is free of obstruction along the existing watercourse for maintenance
- Public open space to be provided to the ~~eastern~~ **western** part of the site
- Use of 1.5 storey dwellings ~~along the eastern and southern edges of the site~~
in close proximity to the southern boundary
- ~~An off-site affordable housing contribution to be made~~



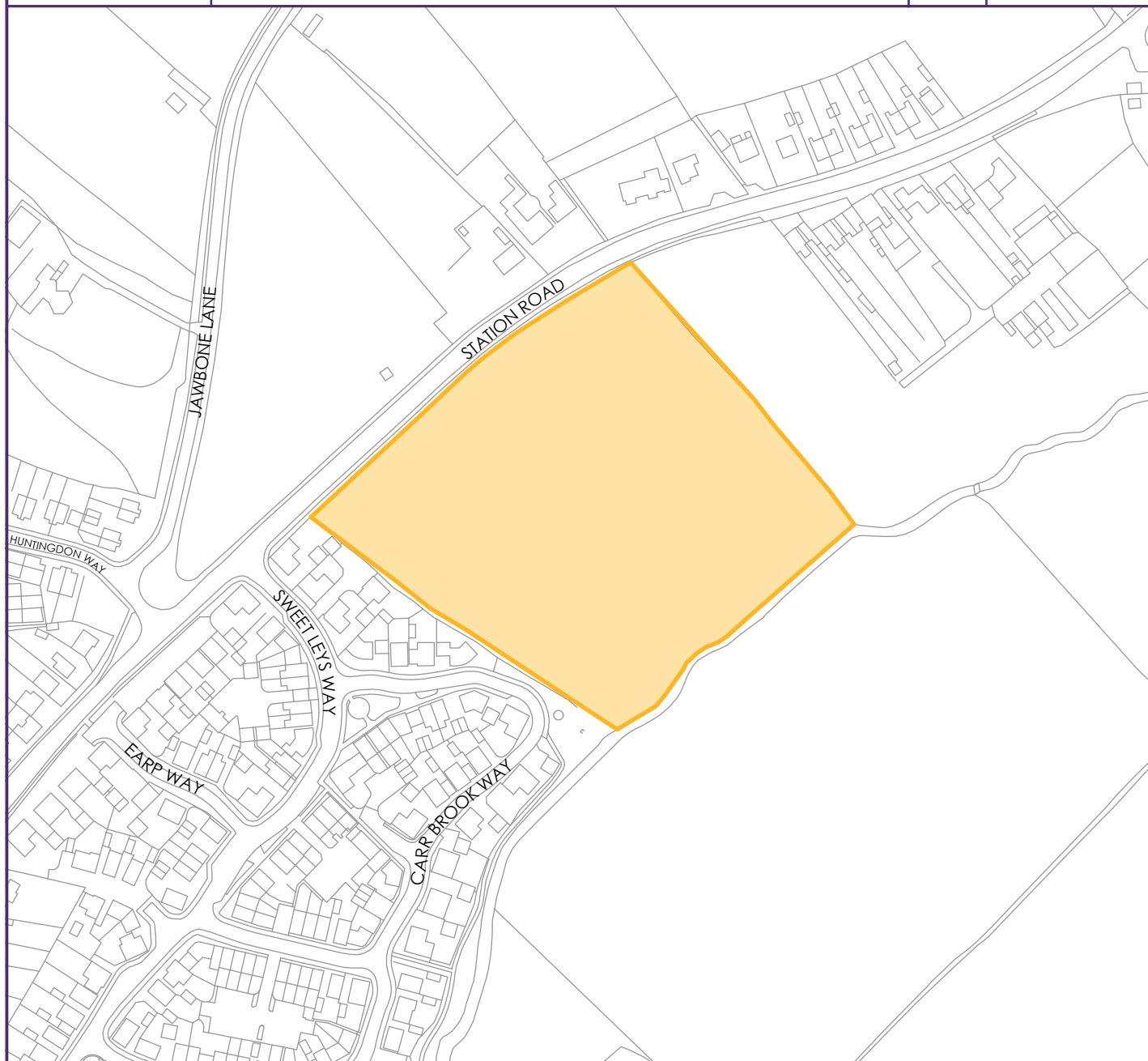
SITE SPECIFICS

- ~~Up to~~ **Around** 50 dwellings
- Footpaths to be included that offer access to the allotments, Part 1 allocation to north and onto Jacksons Lane. In areas A and B the consideration of separated
- footpaths/cycleways.
Consideration of future noise impact on the site
- ~~Site Character area~~ A – no more than 4 dwellings per hectare (gross)
- ~~Site Character area~~ B – no more than 6 dwellings per hectare (gross)
- ~~Site Character area~~ C – no more than 8 dwellings per hectare (gross)
- A Landscape buffer **implemented** along ~~the~~ eastern ~~and western~~ boundary of the site ~~implemented and enhanced~~
- No more than 3 dwellings on the frontage of site to ~~Egginton Road Jacksons Lane~~
- No buildings to be in the area directly south of Etwall Grove
- An off-site affordable housing contribution to be made



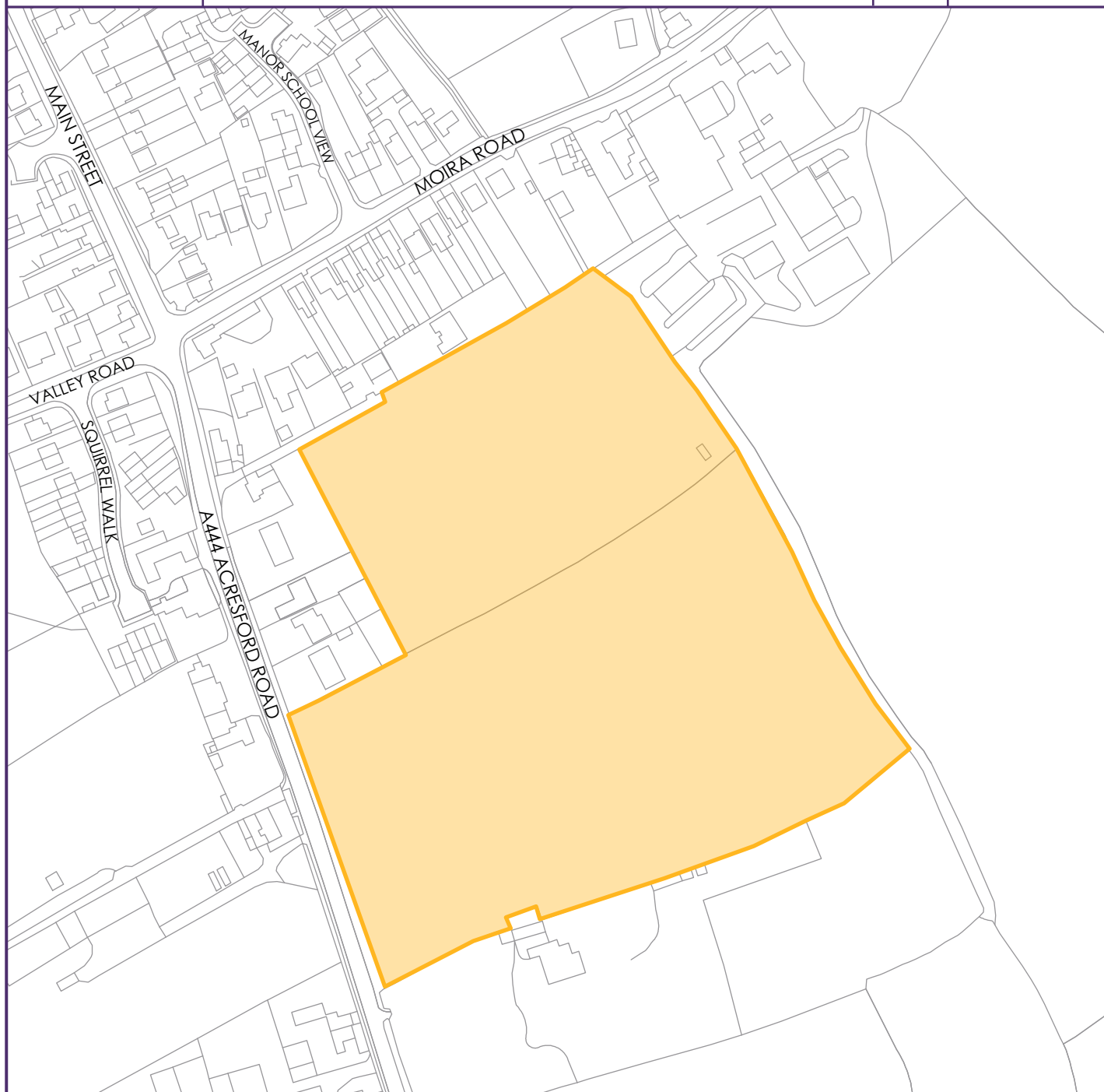
SITE SPECIFICS

- ~~Up to~~ **Around** 43 dwellings
- Access to be made to the existing PROW
- Consideration of a pedestrian crossing on Derby Road nearby the site entrance
- **Consideration and mitigation, as necessary, of the impact of the housing development upon the notified interest features of the Hilton Gravel Pits Site of Special Scientific Interest**
- A landscape buffer will be implemented and enhanced to the north and east of the site
- The housing mix of the site will include four bungalows
- An off-site affordable housing contribution to be made



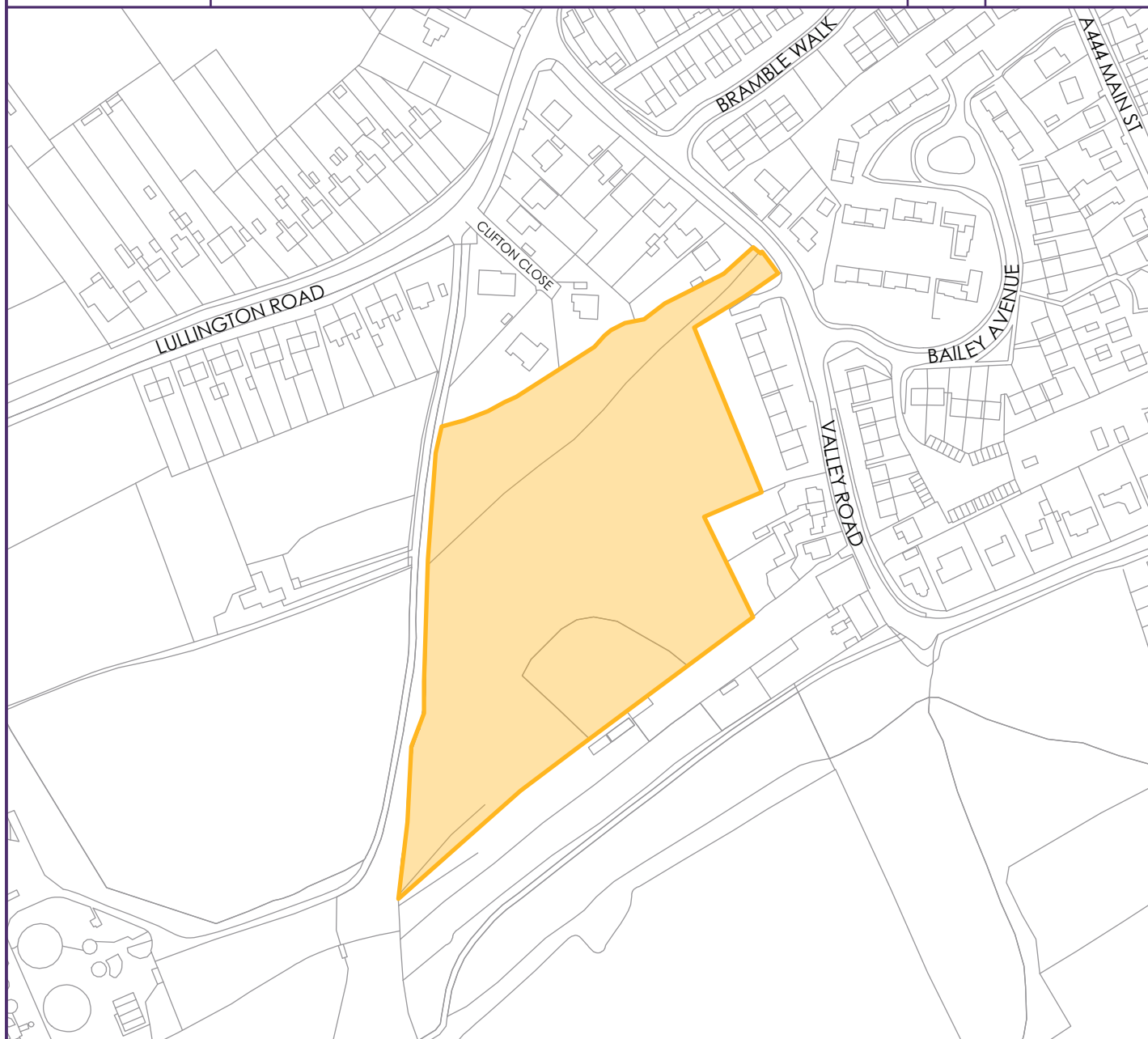
SITE SPECIFICS

- ~~Up to~~ **Around** 46 dwellings ~~on-site~~
- Pedestrian access to be made to the adjacent Sweet Leys Estate
- Enhance the existing hedgerow boundaries except for access requirements
- A landscape buffer will be implemented and enhanced to the northern and eastern boundaries of the site
- No development within the part of the site subject to flood risk from the Carr Brook



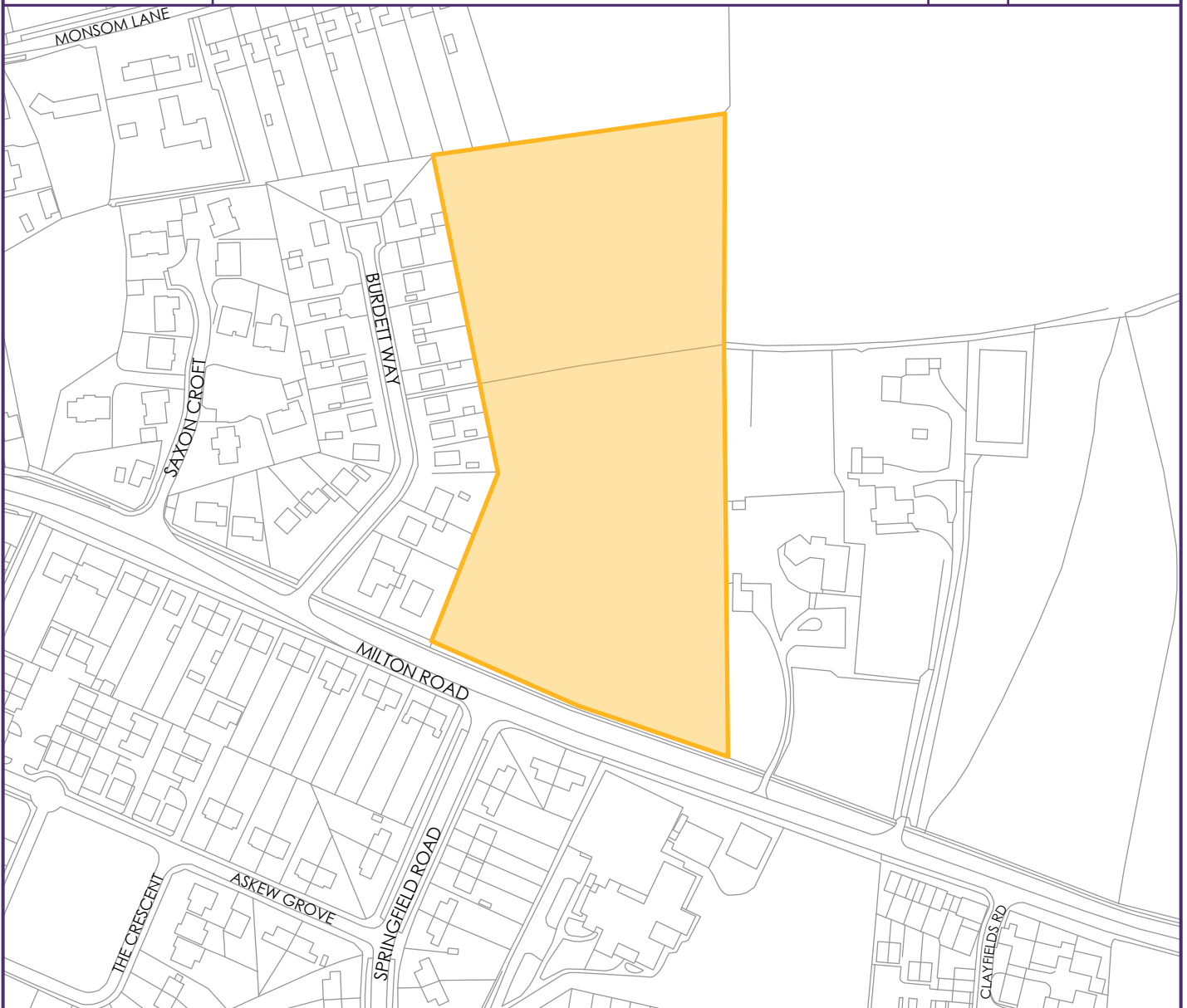
SITE SPECIFICS

- ~~Up to~~ **Around** 70 dwellings
- A landscape buffer will be implemented and enhanced to the east, west and north edges of the site whilst public open space and drainage shall be provided to the south of the access road
- Access to be made to the existing PROWs
- Contributions towards mitigating the impact on the River Mease SAC and SSSI



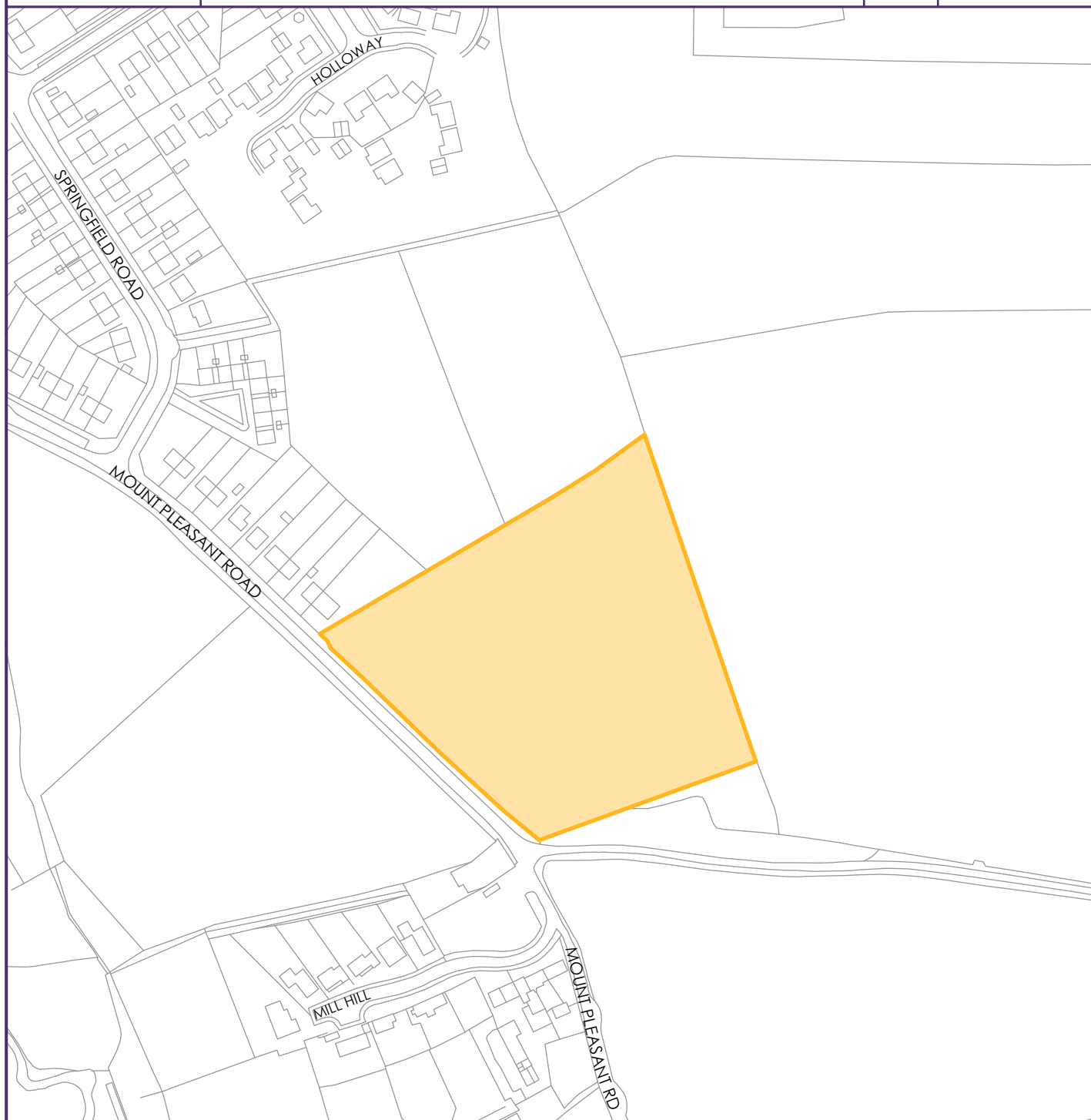
SITE SPECIFICS

- ~~Up to~~ **Around** 64 dwellings
- Alignment of the footpath to be retained through the site
- A landscaping buffer will be implemented and enhanced to the western part of the site
- Contributions towards mitigating the impact on the River Mease SAC and SSSI
- An appropriate contribution towards the management of a grassland habitat to be agreed with the Council to compensate for the loss of locally significant grassland on site



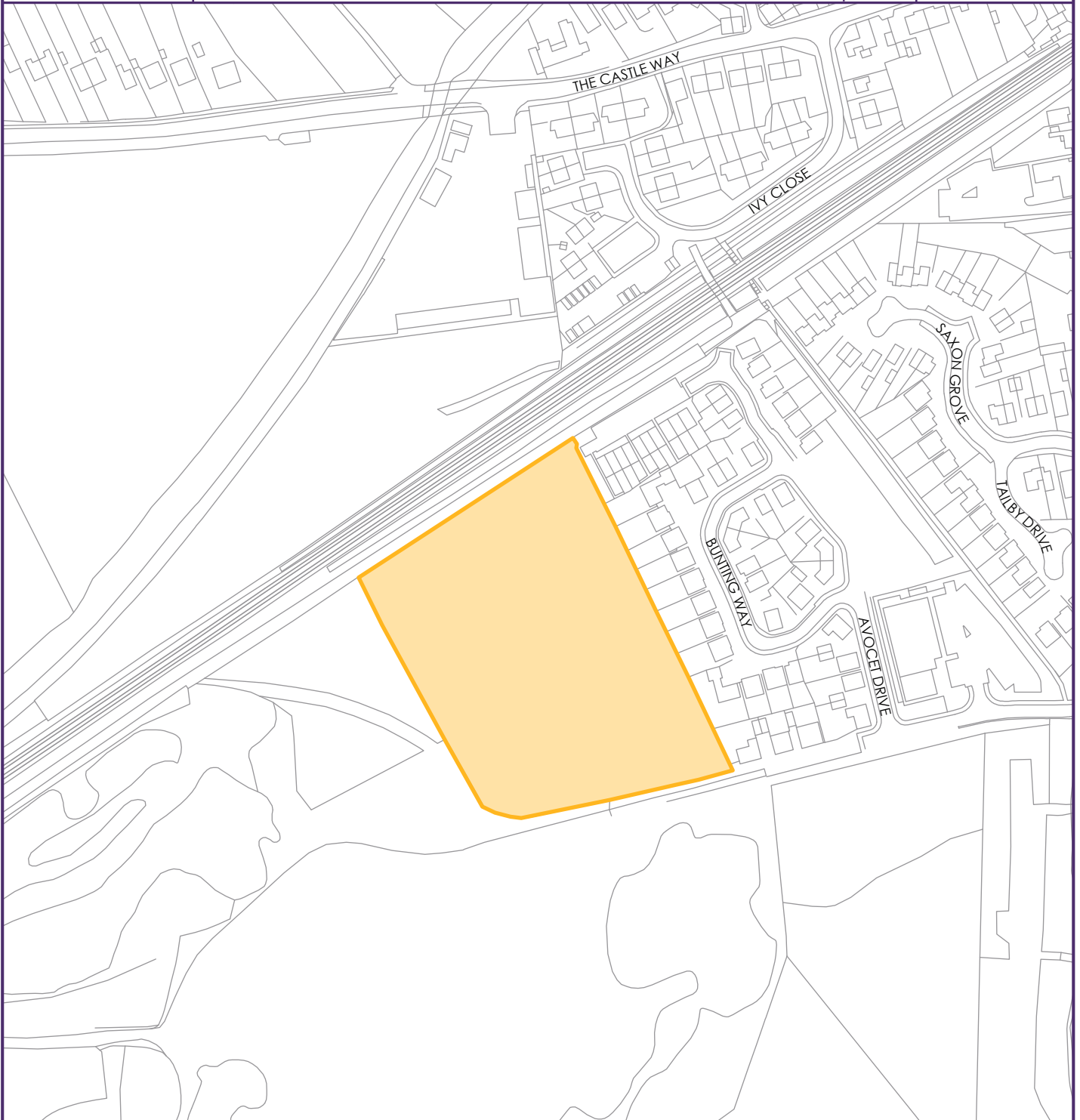
SITE SPECIFICS

- ~~Up to~~ **Around** 25 dwellings
- Access to be made to the existing PROW across the site and pedestrian access to Milton Road
- Minimise the loss of hedgerow to front of the site
- Enhancement of existing hedgerows and trees across the site
- No built development to the north of the existing PROW (running east-west) on the site
- Open space to be provided north of the PROW
- The housing mix of the site will include at least two bungalows



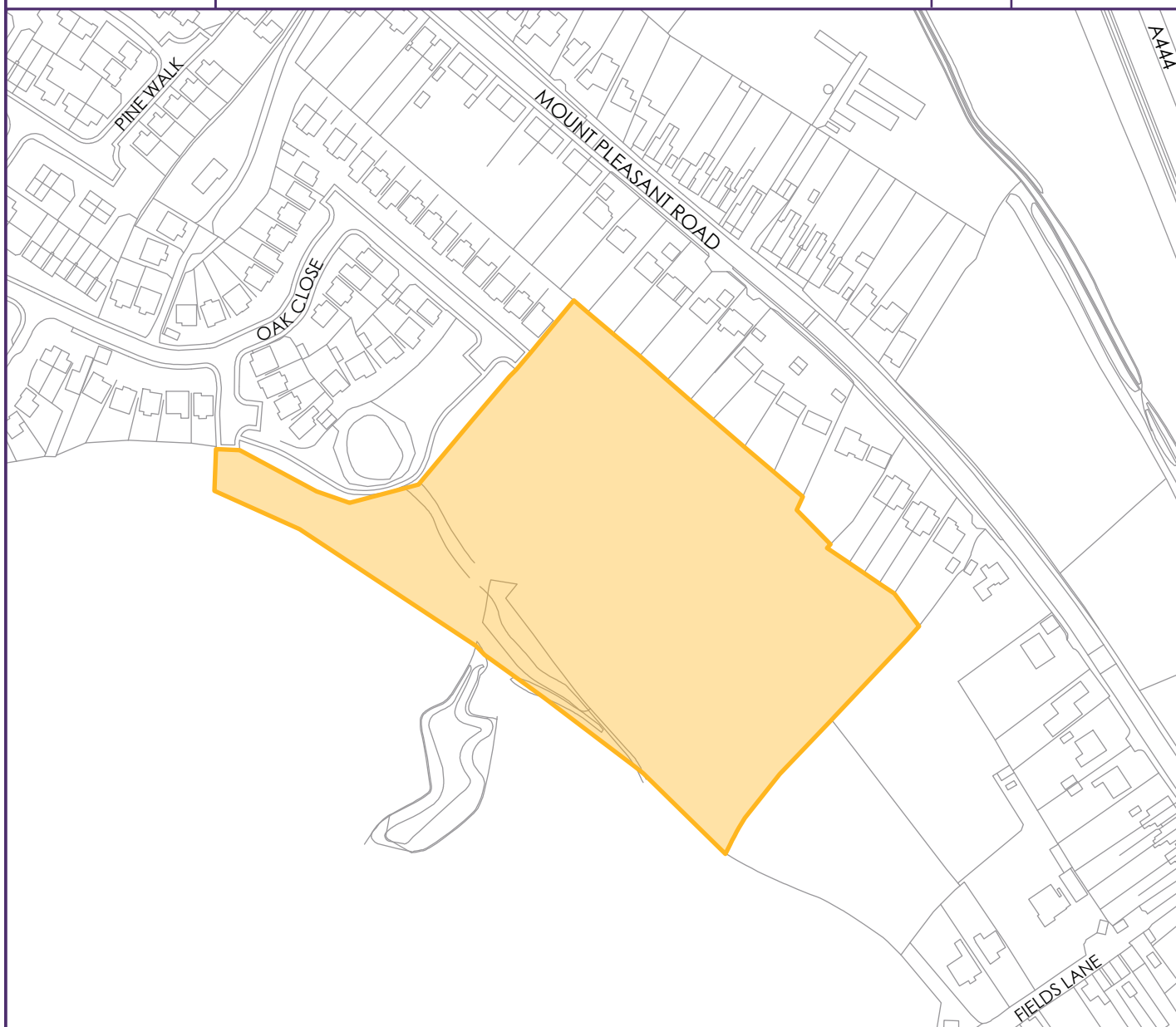
SITE SPECIFICS

- ~~Up to~~ **Around** 24 dwellings
- Retention or translocation of the hedgerow along Mount Pleasant Road
- Re-prioritisation of Mount Pleasant Road with the new estate road
- Connection to Part 1 (H9) allocation through pedestrian and vehicular access
- Stand off to protected woodland to the south-east



SITE SPECIFICS

- ~~Up to~~ **Around** 50 dwellings ~~on-site~~
- The provision of a dry access route to the north of the site onto Ivy Close should vehicular access be via Kingfisher Way
- Connection to be made to the PROW on the sites northern boundary
- A landscaping buffer to be introduced to the western boundary of the site



SITE SPECIFICS

- ~~Up to~~ **Around** 55 dwellings ~~on site~~
- ~~Introduction of a landscaping buffer to all boundaries (where appropriate) of the site with an enhanced buffer required along the southern and eastern boundary~~ **A landscaping buffer to be implemented and enhanced on the south western area of the site**
- No built development to the south-west of the existing tree belt
- ~~Consideration of~~ **A detailed drainage issues strategy will be required**
- An appropriate easement to be provided that is free of obstruction along the existing watercourse for maintenance
- **Consideration of topography and** use of 1.5 storey dwellings ~~in prominent parts of the site~~



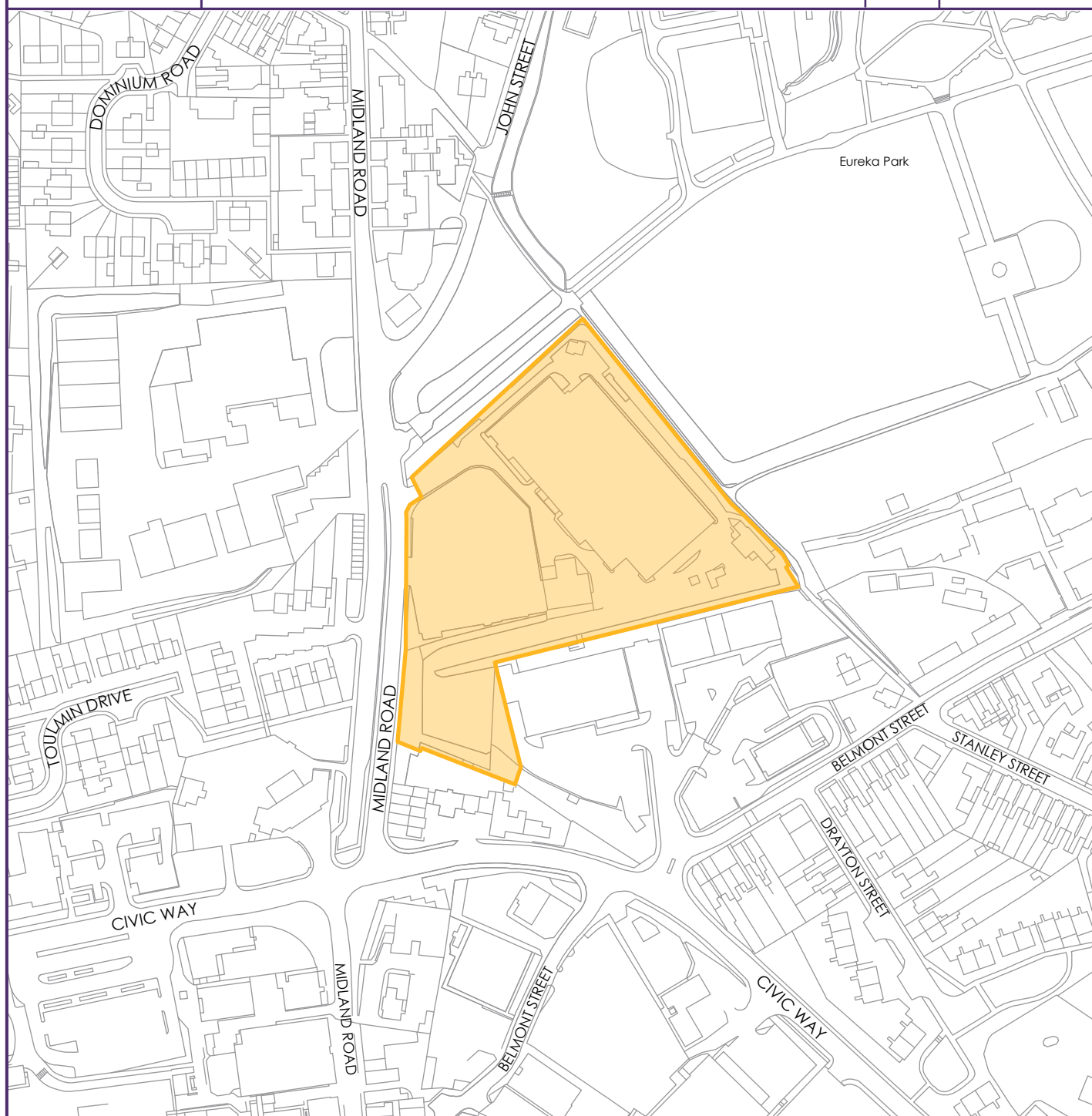
South
Derbyshire
District Council

Policy 23K: Land at Midland Road, Swadlincote



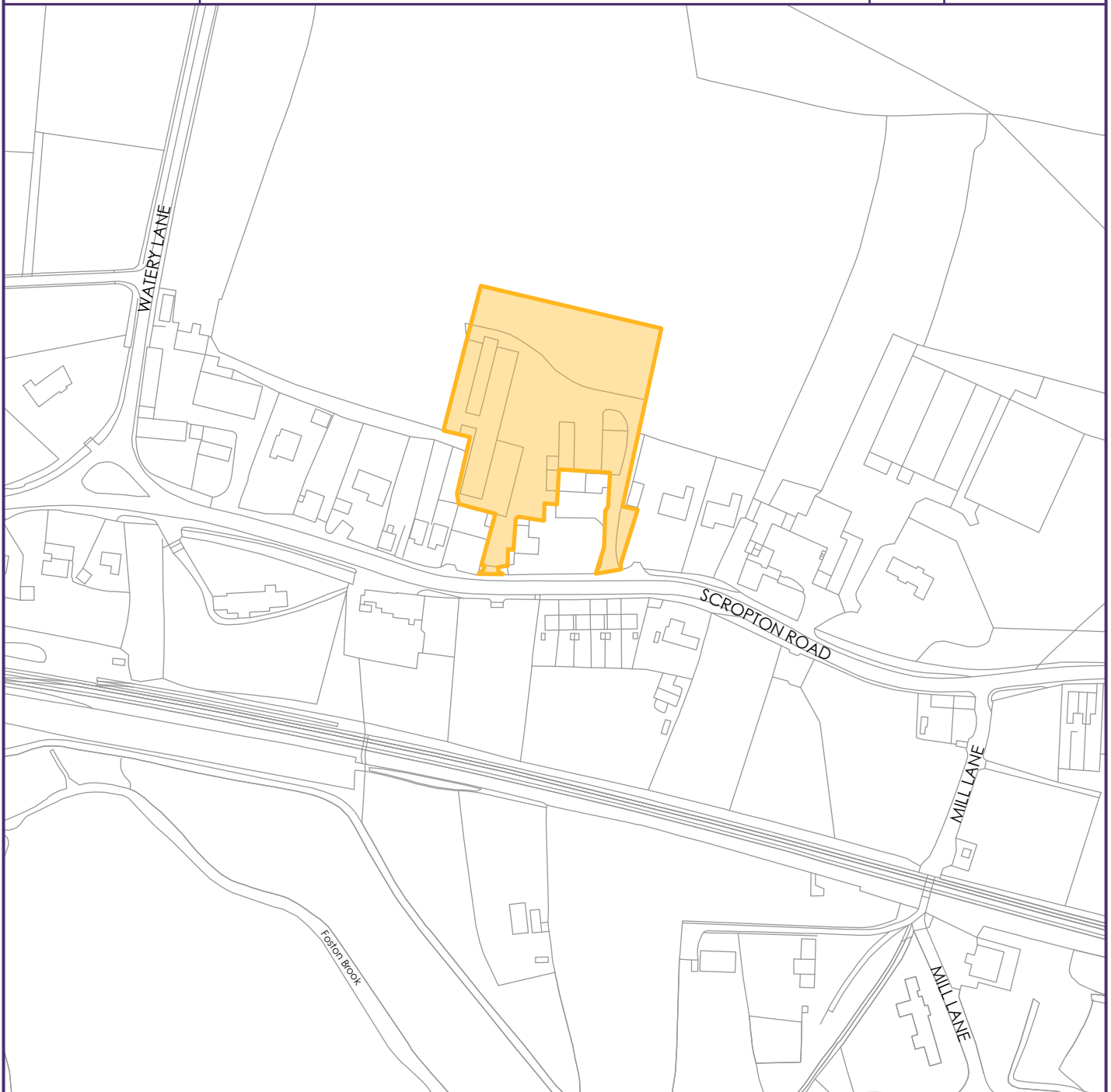
Scale: 1: 2500

© Crown copyright.
All rights reserved.
100019461 2014.



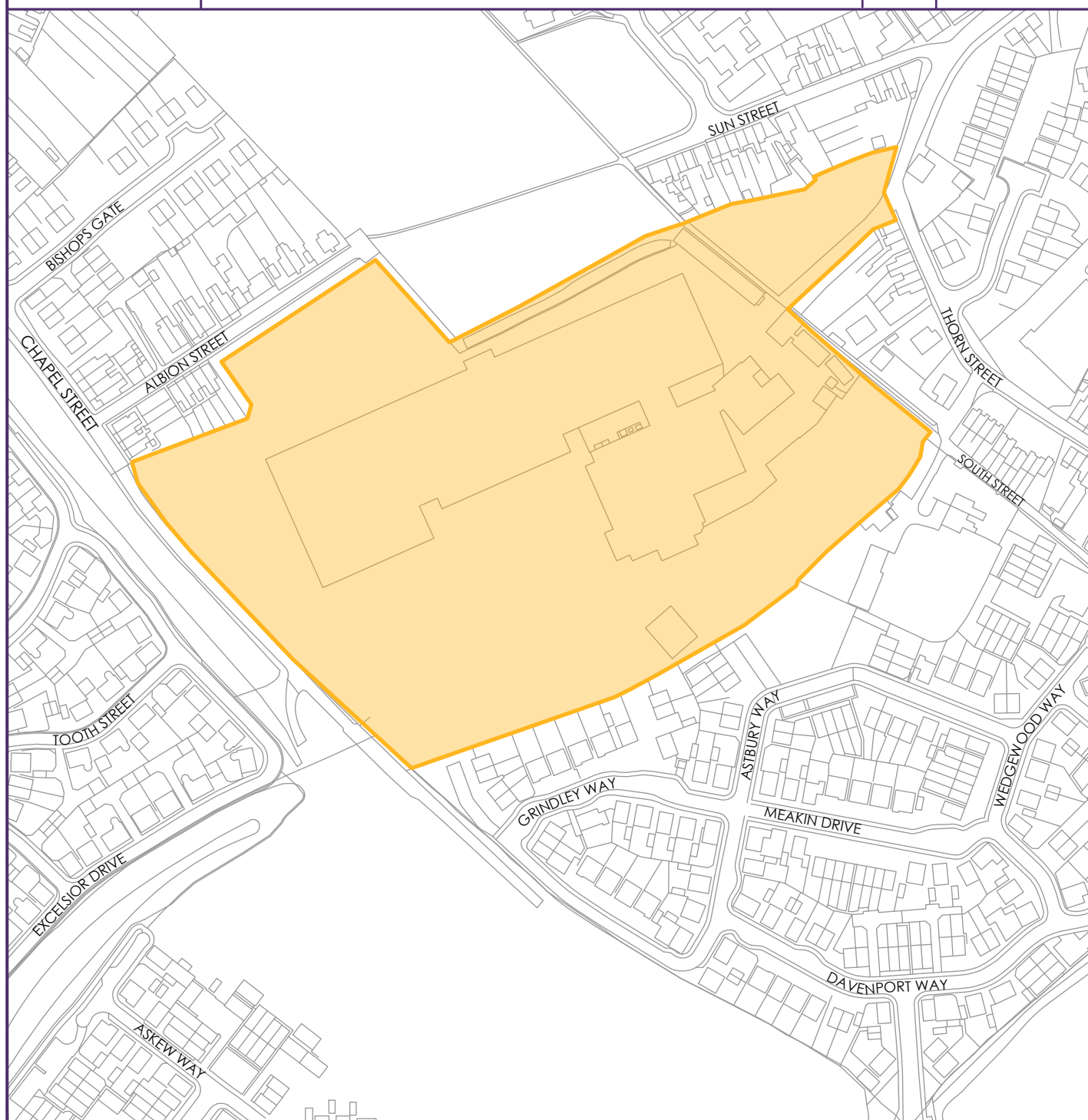
SITE SPECIFICS

- Up to **Around** 57 dwellings ~~on site~~
- The finished floor levels of the dwellings to be maintained at the current ground level
- The SUDS scheme to provide a betterment to existing drainage conditions
- Consideration of providing pedestrian connections at the boundary of the site with Eureka Park



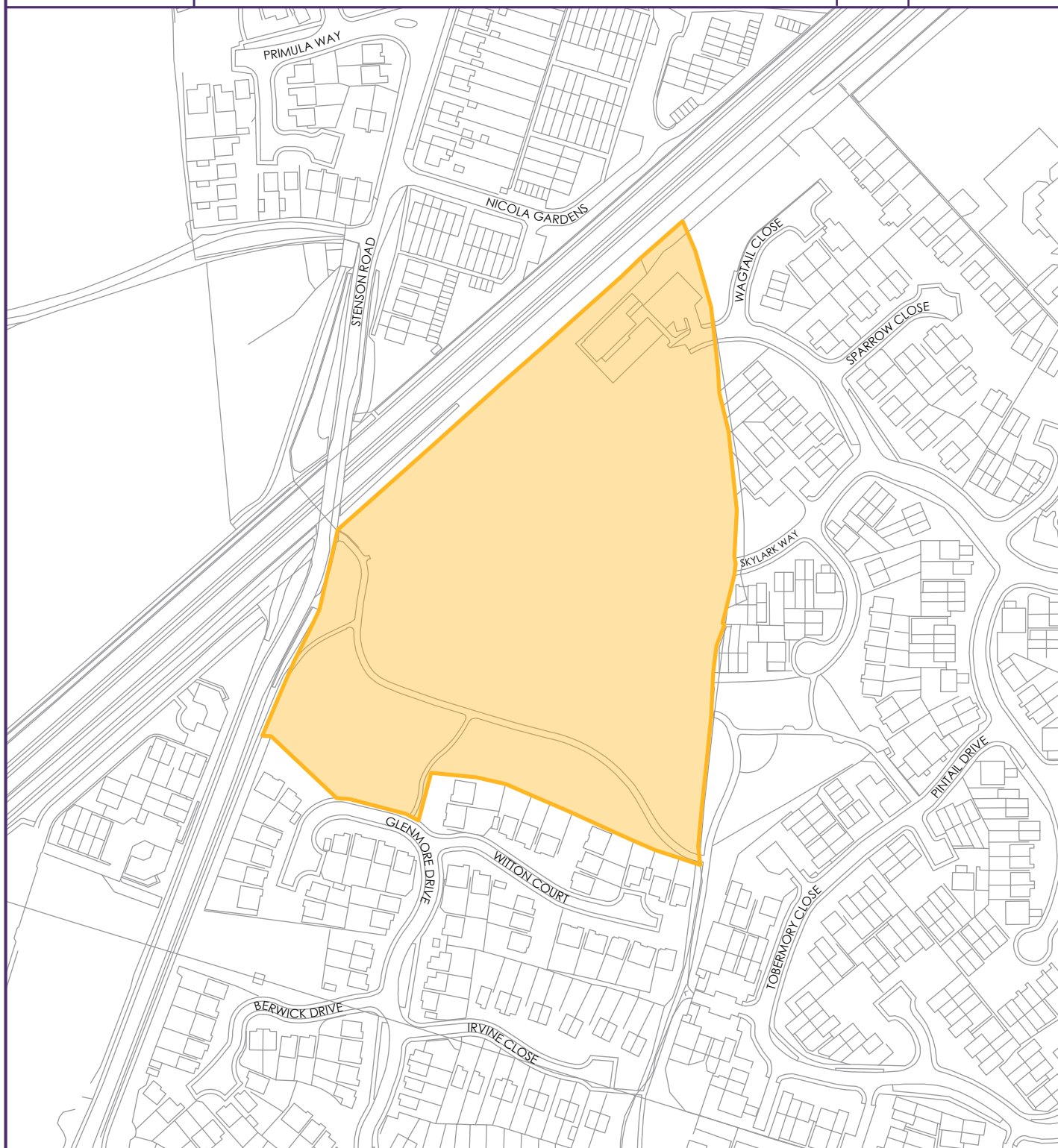
SITE SPECIFICS

- ~~Up to~~ **Around** 10 dwellings ~~on site~~
- A significant landscape buffer to be introduced to all boundaries adjacent to countryside
- No more than 1.5 storey on the outer boundary of the site adjacent to countryside
- An appropriate flood risk assessment to identify appropriate measure to protect the site from residual flood risk in the event of flood defence failure



SITE SPECIFICS

- ~~Up to~~ **Around** 95 dwellings ~~on site~~
- No main vehicular access onto Albion Street
- Improved vehicular access to be provided onto Thorn Street
- Connections to be made to existing pedestrian and cycling routes
- Consideration of providing further land for the local primary school



SITE SPECIFICS

- ~~Up to~~ **Around** 70 dwellings ~~on-site~~
- No vehicular access to be from Stenson Road
- Connections to be made to existing pedestrian and cycling routes
- Collaboration with Derby City as an adjacent site to the city boundary

Policy H24 Replacement Dwellings in ~~the Countryside~~ Rural Areas

The replacement of a dwelling within ~~the Rural Areas countryside~~ will be permitted provided that:

- i) The form and bulk of the new dwelling does not substantially exceed that of the original dwelling* or that which could be achieved as permitted development; and
- ii) is not more intrusive in the landscape than that which it replaces; and
- iii) the new dwelling has substantially the same siting as the existing; and
- iv) the existing dwelling to be demolished is not of historic merit.

*The term original dwelling means the house as it was first built or as it stood on 1 July 1948 (if it was constructed before this date).

Explanation

- 3.4 New housing development in the ~~Rural Areas countryside~~ is restricted to protect the Intrinsic character and beauty of the countryside. However, one circumstance in which residential development within the ~~Rural Areas countryside~~ can be acceptable is the replacement of an existing dwelling. Essentially it is 'new for old' development where no further dwellings are being added, so there is no net gain.
- 3.5 In order to protect non-designated heritage assets, the existing dwelling to be demolished shall not be of historic merit.
- 3.6 The replacement dwelling should not substantially increase in form and bulk to that of the original dwelling or that which could be achieved under permitted development and the replacement should have substantially the same siting as the existing.
- 3.7 This policy applies to buildings that are in existing lawful residential use and not to those buildings where residential use has been abandoned.

Policy H25 Rural Workers' Dwellings

Permanent Rural Workers' Dwellings

- A Outside settlement boundaries planning permission will be granted for a new permanent rural worker's dwelling where it can be demonstrated that:

- i) There is an established existing essential need for an additional worker's dwelling **to support a rural based activity; and**
 - ii) The rural-based activity has been established, is **economically** sustainable and has the prospect of remaining so; and
 - iii) The essential need cannot be fulfilled by an existing dwelling within the locality.
- B** Where the permanent need is **established-demonstrated** the dwelling should whenever possible be well related to existing farm buildings or other dwellings, being designed as to minimise visual intrusion on the **landscape**.
- C** Where permission is granted under this policy a condition will be imposed which limits occupation of the dwelling to a person solely, mainly or last working in a local rural enterprise, or a widow, widower or resident dependants of such a person.

Temporary Rural Workers' Dwellings

- D** Outside settlement boundaries planning permission will be granted for new temporary rural worker's dwellings which normally for the first three years of operation will be provided by a caravan, a wooden structure which can be easily dismantled or other temporary accommodation, where it can be demonstrated that:
- i) There is an essential need for a temporary dwelling for a worker **to support a rural based activity; and**
 - ii) The essential need cannot be fulfilled by an existing dwelling within the locality; and
 - iii) The enterprise in question has been planned on a sound financial basis and is capable of being carried on as such.
- E** Where the temporary need is **established-demonstrated**, the dwelling should whenever possible be well related to existing farm buildings or other dwellings.

Removal of Occupancy Conditions

- F** The removal of occupancy conditions will be supported where:
- i) The dwelling is genuinely surplus to the current and foreseeable future **rural based activity** ~~agricultural needs~~ of the holding; and

employed or last employed in a rural based activity agriculture in the locality; and

- iii) The dwelling has been widely marketed on terms reflecting its occupancy condition, normally for at least 12 months or an appropriate period as agreed with the Local Planning Authority, and no interest in occupation has been indicated.

Explanation

- 3.8 There are circumstances when a new dwelling (permanent or temporary) within the Rural Areas countryside is required to enable farm or other workers employed in a rural-based activity, to live at or in the vicinity of their work. It is anticipated that agriculture or forestry would be the main area of employment concerned, however there may be other rural enterprises that necessitate the need for a rural worker's dwelling.
- 3.9 In assessing such applications, the Council will need to be satisfied that there is an essential functional need for an employee to be readily available on site, which cannot be met within the locality, and that the enterprise is environmentally and financially sustainable. This is to comply with the core principle in the NPPF of supporting sustainable economic development, together with its policy on isolated new homes in the countryside needing to result from special circumstances. A detailed assessment will need to be submitted with an application demonstrating the requirements above.
- 3.10 In some circumstances the Council will seek independent advice to corroborate the evidence provided. In addition, the proposal should be of a size commensurate with the functional requirements of the activity and well related to existing farm buildings or other dwellings to help protect the character of the countryside. Normally, a temporary period of residential occupancy of the site would be necessary to demonstrate viability.
- 3.11 Where planning permission is granted for a permanent rural worker's dwelling, a condition will be imposed restricting the occupancy of the dwelling to a worker employed in the enterprise concerned. Furthermore, a condition could be imposed which removes the right of extending the property without the requirement of planning permission. This will help ensure that extensions do not result in a property being larger than the functional requirement for the activity, which could affect the viability of maintaining the dwelling for its intended use.
- 3.12 In regards to temporary rural workers dwellings that are granted they will be subject to a condition stating the period for which the temporary permission is granted.

Policy H26 Residential Gardens within Rural Areas the Countryside

Change of use of land to residential garden will be permitted where it would not result in detrimental domestication of the countryside within the Rural Areas.

Explanation

- 3.13 The change of use of land to residential garden can provide useful additional private amenity space. However, it can also result in the ~~detrimental~~ domestication of land **which could be detrimental to the character and appearance of the in-a-rural landscape. This could occur where boundary treatments are not in keeping with the rural surroundings or where domestic paraphernalia such as washing lines, pergolas or children's play equipment that would be unreasonable to control by condition would be unduly prominent in the landscape.** It is therefore essential that such proposals are controlled in order to protect the character and openness of the countryside and the character and form of settlements. Extensions to residential curtilages should reflect the pattern of development and should not unduly intrude or encroach into the countryside. In addition, extensions to residential curtilages within the Green Belt can conflict with the aim and purposes of the designation, as set out within the NPPF. Furthermore, to help protect the amenity and character of the landscape, conditions may be imposed on any permission granted to remove permitted development rights.

Policy H27 Residential Extensions and other Householder Development

Extensions and alterations to dwellings or the erection or alteration of outbuildings, annexes, structures and boundary treatments within residential gardens, will be permitted provided that the proposals:

- i) Are of a scale and character in keeping with the property; and
- ii) Are not unduly detrimental to the **living conditions amenities** of adjoining properties or the general character **and appearance** of the area.

Where annexe accommodation is granted permission, a condition will be imposed which prevents the severing of the annexe to a separate dwelling without the requirement for further planning consent.

Explanation

- 3.14 Additional space created by an extension to a dwelling and the erection or

alteration of outbuildings/structures, are recognised as acceptable means of meeting changes in household space requirements. Normally such development should be designed so as to fit in with the original dwelling and the street scene in general, minimise the landscape and visual impact ~~on the countryside~~ and **is** designed without **causing unacceptable harm to the living conditions of the occupiers of nearby dwellings such as creating** an overbearing effect or a loss of privacy. **Further guidance can be found in the Design SPD.** In addition, outbuildings and structures should be of a size proportionate to the dwelling they serve and sympathetically related to the main dwelling.

- 3.15 Proposals for annexe accommodation will be treated as separate dwellings and determined using other policies, unless it can be demonstrated that there is a functional dependency on the main dwelling. Proposals for annexe accommodation should be of a scale proportionate to the original dwelling, no larger than functionally required and in particular in the countryside well related in location to the original dwelling. ~~Where annexe accommodation is granted permission, a condition will be imposed which restricts the severing of the annexe to a separate dwelling without the requirement of further planning consent.~~
- 3.16 The erection of boundary treatments can help privatise residential amenity space and define the residential gardens of dwellings. The Council will however seek to maintain open spaces and/or areas of designed landscaping within residential developments that positively contribute to the amenity, street scene or overall setting of such areas, where enclosing those spaces could unduly impact on the open character of the area.

Policy H28 Residential Conversions

- A** Outside settlement boundaries the conversion of a building to provide residential accommodation will be permitted provided the building: **is**
- (i) **is** of a permanent and substantial construction and
 - (ii) **is** suitable for conversion without extensive alteration, rebuilding and/or extension; **or**
 - (iii) ~~B-In addition to the above, in isolated locations the conversion of a building to provide residential accommodation will be permitted provided it~~ constitutes the re-use of a suitable redundant or disused building or would secure the future use of a heritage asset.
- ~~C- Any conversion will~~ All conversions should result in the ~~lead to an~~ enhancement of the building's immediate setting.

Explanation

- 3.17 The buildings within **the** South Derbyshire countryside are part of **the** ~~its~~

character **of the Rural Areas**. The conversion of buildings can allow change to be assimilated without being detrimental to the existing character. The utilisation of buildings in this way can also bring environmental benefits and provide a source of housing accommodation without releasing new land for development and can also protect heritage assets.

- 3.18 National Policy supports the reuse of rural buildings for residential uses, however states that they should lead to an enhancement to the immediate setting. When assessing the proposal's impact on the immediate setting, the proposed change to the building itself, the change of use of land to garden, parking arrangements and the proposed erection of boundary treatments will be considered. ~~Furthermore, proposals must not display the characteristics of an isolated new dwelling in the countryside.~~
- 3.19 Where a residential conversion is granted, permitted development rights that normally apply to dwellings ~~could~~ **may** be withdrawn as a condition of the approval. **This could arise where further alterations or additions to a dwelling could be detrimental to the character and appearance of the building and / or its setting within the countryside, which would warrant an assessment through a planning application.**



Built and Natural Environment

South Derbyshire Local Plan • PART 2

THIS PAGE IS INTENTIONALLY BLANK

BUILT AND NATURAL ENVIRONMENT

- 4.1 National planning policy requires that an appropriate balance is struck between ~~development supporting a prosperous rural economy~~ and conserving and enhancing the **built and** natural environment. The policies in this section seek to provide the appropriate safeguards to ensure that development which must take place in **Rural Areas** ~~the countryside~~ does not lead to unacceptable environmental effects **on the countryside**.

Policy BNE5 Development in **Rural Areas** ~~the Countryside~~

Outside of settlement boundaries (as defined in policy SDT1), ~~land will be considered as countryside, within the Rural Areas of the district~~

- A- p**Planning permission will be granted in the countryside where the development is:
- i) **allowed for by policies H1, H22, E7, INF10, H24, H25, H26, H27 or H28;**
 - ii) ~~appropriate for its location in the countryside otherwise essential to a rural based activity;~~ or
 - iii) **unavoidable outside settlement boundaries; or**
 - iv) **considered to be infill that is in keeping with the character of the locality and represents the infilling of a small gap for not normally more than two dwellings, within small groups of housing; and**
- B- ~~If considered inappropriate by section A then planning permission will be granted in the countryside where it can be demonstrated that the development:~~**
- ~~i)-(v) will not unduly impact on: landscape character and quality, biodiversity, best and most versatile agricultural land, and heritage historic assets;. and~~
 - ~~ii) —is well related to a settlement or settlements; and~~
 - ~~iii) —is not a valued landscape.~~

Explanation

- 4.2 In order to support ~~the principle of~~ sustainable development, **and** preserve and protect the countryside including the best agricultural land, development **in the Rural Areas of the district** ~~in the countryside~~ requires control. This policy aims to balance preserving the character of the countryside with supporting development and the rural communities within it.

4.3 ~~Proposals will be required to demonstrate that they are appropriate in the countryside. Examples of appropriate development in the countryside~~ **Development considered to be acceptable in principle in the Rural Areas includes exception or cross subsidy sites for housing on the edge of settlements listed in Policy H1, sites for gypsies and travellers accommodation subject to Policy H22, rural employment and tourism development within the terms set out in Policies E7 and INF10, replacement dwellings in the countryside (Policy H24), rural worker's dwellings subject to the criteria in Policy H25, and residential gardens, extensions and conversions as defined in Policies H26, H27 and H28. In addition development will be supported that provides facilities essential to rural based activities, which includes** forestry, agriculture, equestrianism and outdoor recreation ~~and development allowed by other policies within the plan such as E7 and INF10 in Part 1 and H24, H25, H27 and H28 in Part 2. There may be other unforeseen circumstances development that could constitute unavoidable appropriate development within the Rural Areas at points in time such as the Council being unable to demonstrate a deliverable housing and employment land supply.~~

~~Should the development be considered as inappropriate within the countryside, then a further test will be applied through section B of the policy that considers the development's impact on a number of factors. The relationship to a settlement or settlements is important, as the Council want to avoid isolated unsustainable developments in the countryside.~~

4.4 In all cases however, it is necessary to ensure that development within **the Rural Areas** ~~the countryside~~ should be integrated into the landscape as sympathetically as possible with minimal impact. The design, layout **(including density)** and materials of the development should reflect the character of the **area countryside**. In determining proposals for infill development, consideration will be given to whether the proposed scheme would result in the loss of an important gap between groups of housing.

4.5 **Where appropriate** ~~The~~ consideration of ~~valued~~ landscape **character and quality** will be undertaken **by** using the factors set out in the GLVA 3rd Edition (or further editions) which form the basis of an LVIA:

- Landscape quality (condition)
- Scenic quality
- Rarity
- Representativeness
- Conservation interests
- Recreation value
- Perceptual aspects
- Cultural Associations

Policy BNE6 Agricultural Development

Agricultural development will be permitted provided that:

- i) it is suitable for its intended purpose; and
- ii) it is of an appropriate scale and design; and
- iii) it is sited in proximity to existing agricultural buildings, wherever practicable; and
- iv) appropriate landscape mitigation is included where necessary.

Explanation

- 4.6 Agricultural uses constitute a large part of the South Derbyshire landscape and the Council appreciates the value and importance of the agricultural industry. In valuing and protecting the countryside and **its** landscape character, there is a responsibility to site necessary **agricultural** development **in the Rural Areas** in such a way as to minimise its effect on the surrounding landscape. Prudent siting, design, construction and choice of materials with appropriate landscape measures such as land formation and/or planting, if considered necessary, will be expected to ensure the right balance is struck. **Further guidance can be found in the Council's Design SPD.** This will assist in protecting the countryside whilst allowing agricultural development.

Policy BNE7 Trees, Woodland and Hedgerows

- A** Where development is proposed that could affect trees, woodland and/or hedgerows **which are important in terms of their amenity, ecological, landscape or historic value**, developers will be expected to demonstrate that:
- i) the layout and form of development have been informed by an appropriate arboricultural and/or hedgerow surveys; and
 - ii) development would not suffer from undue shading either now or in the future; and
 - iii) appropriate measures are secured to ensure adequate root protection and buffers around trees, woodland and hedgerows.
- B** The felling of protected trees, groups of trees or woodland and/or removal of important hedgerows, **will be considered in accordance with the relevant national guidance and regulations, taking account in particular of their amenity, ecological, landscape and historic value only be permitted in exceptional circumstances.** Where protected

trees and/or hedgerows are subject to felling or removal, a replacement of an appropriate number, species, size and in an appropriate location will normally be required.

- C** Development proposals which will have a detrimental effect on **important** trees **and** woodland **of high value** or **important** hedgerows must satisfactorily demonstrate how the impact on biodiversity has been minimised and, wherever possible, a net biodiversity gain delivered through appropriate mitigation, compensation or offsetting, including through new planting or improved management of retained trees and hedgerows. New planting will be expected to be adequately managed to reach full maturity.
- D** Where new planting is proposed on development sites, principal consideration should be given to planting tree species which are in keeping with the urban or rural character of the area. However, where appropriate, wider environmental or amenity benefits including improvements to local air quality, erosion control, land drainage or shading should be considered.

Explanation

- 4.7 Trees, woodlands and hedgerows make a valuable contribution to the environmental quality of an area; with any development proposal the Council will seek to minimise their loss.
- 4.8 The character of many settlements in South Derbyshire is enhanced by hedgerows and single, as well as groups of trees. They are a vital element of the landscape and of great importance to nature conservation. The Authority is keen to protect the most important trees, woodland and hedgerows from loss or damage. Where development is proposed that could affect **important** trees, woodland, and/or hedgerows **of high value**, or significant numbers of trees or large areas of hedgerow, the Council will seek to ensure that decisions are underpinned by a proportionate survey in order that the full effects of development can be understood. In determining whether trees, woodland and hedgerows are **important of high value**, regard will be had to amenity, ecology, historic origins and the impact on **the** landscape.
- 4.9 Conditions in accordance with the relevant British Standard(s) will be used, where appropriate, to minimise the likely impacts associated with development for trees within the site, and where relevant outside of the site (for example where the root protection area for an offsite tree would fall within the development site).
- 4.10 Tree Preservation Orders will be made by the District Council to protect individual trees, groups of trees and woodlands which are of particular value now or are likely to become so in the future. Areas of particular importance to local communities that meet the necessary criteria will be

allocated as Local Green Spaces, in order to protect them from future development. Where development on sites adjacent to local green spaces is proposed and this could impact on trees or hedgerows within these areas, an appropriate buffer will be sought.

- 4.11 The Council will also seek to secure the delivery and management of new planting, including through working with developers, to ensure that tree species are selected in new developments that reflect local and urban character and deliver other environmental benefits such as improvements to land drainage, air quality or shading.
- 4.12 The policy also requires new planting to be adequately managed in order to reach full maturity; management usually begins under the developer who would be expected to manage trees for five years following planting. After this period, responsibility for maintaining trees is typically transferred to another body, such as a management company, the Highways Authority, Local Authority or private land owner, and the policy seeks to ensure a continuing duty of care. In order to ensure the long term protection of trees secured through development, the District Council will review the need to protect trees (including street trees) which form an important part of the development proposal and make an important contribution to local amenity through tree preservation orders. The need to make such an order will be considered on a case by case basis.
- 4.13 The Council's policy concerning veteran trees and ancient woodland is set out in Policy BNE3 (Biodiversity).

Policy BNE8 Local Green Space

Local Green Spaces will be protected from development except in very special circumstances or for the following limited types of development where they preserve the openness of the Local Green Space and do not harm the purpose of its designation:

- i) the construction of a new building providing essential facilities for outdoor sport, outdoor recreation, cemeteries, allotments or other uses of the open land;**
- ii) the carrying out of an engineering or other operation. ~~unless the development proposed would clearly enhance the area for the purpose it was designated.~~**

Designations of Local Green Spaces will be made through a separate Development Plan Document or Neighbourhood Development Plan. The Council will work to enhance the biodiversity, heritage, recreation and tranquillity value and where possible the public accessibility of Local Green Spaces through appropriate site management.

Explanation

- 4.14 Local Green Spaces are provided with special protection due to their particular importance to the community and contribution to the local character of the area. Such areas are valued and cherished by the local community and should be preserved for future generations to enjoy. These sites can often be visually or historically important, particularly in conservation areas and if they are developed the character of the settlement is lost.
- 4.15 Local Green Spaces are only designated where the area is well related to the community it serves, is special to the community and is local in character. **Guidance on the designation of Local Green Spaces can be seen in the Local Green Space Topic Paper.** It is expected that the Local Green Space will remain undeveloped over the plan period, **except where there are very special circumstances to justify a development which clearly outweighs the harm that may be caused or for certain limited forms of development related to the use of the green space and which would not harm the openness or character of the space.** Consultation with the local community would be expected should a development be proposed **on a Local Green Space.** Collaborative working with private landowners of Local Green Spaces for the improvement of such areas will be taken where the opportunity arises.

Policy BNE9 Advertisements and Visual Pollution

Proposals for advertisement consent, street furniture, telecommunications cabinets and other items that could contribute to visual pollution within the public realm, will only be permitted where the following amenity and public safety matters have been addressed, including consideration of their cumulative impact:

- i) That there is no adverse impact on the character or **appearance of the area and its setting** ~~of the area and its visual amenity~~; and
- ii) That pedestrian and vehicular movements are not inhibited nor highway users' attention distracted; visibility should not be obscured or confused, nor public safety adversely affected; and
- iii) That proposals ~~are in keeping with respect~~ their setting **and surroundings** in terms of size, design, illumination, materials and colour; and
- iv) That together with existing signs and street furniture in the area, **the proposals there** will not **result in visual** ~~be~~ clutter or excessive advertising.

Explanation

- 4.16 Advertising and signage takes various forms. Some of it is necessary for the proper functioning of shopping and commercial areas and the wider economy and some is of primary benefit to the advertisers themselves. Advertising and signage when done well is in keeping with, or can even enhance its surroundings, whereas poorly designed or located signage looks incongruous and can jeopardise public safety. This policy seeks to strike the balance between the advantages of advertisements and the impact of them, thereby maximising their effectiveness with the least environmental and social cost. The year ahead.
- 4.17 It is not just advertisements that can create undue clutter in the built or natural environment and the principles set out in the policy above similarly apply to street furniture, telecommunications equipment or other such paraphernalia. Temporary permissions will be used where it is considered prudent to do so, particularly for advertisements that, whilst necessary for a time, do detract from the general street scene. Guidance to supplement this policy and inform decision making will be contained within a relevant SPD.

Policy BNE10 Heritage

Applications for development that affects any heritage assets, as defined in Policy BNE2, will be determined in accordance with national policy for conserving and enhancing the historic environment need to ensure that development proposals contribute positively to the character of the built, historic and natural environment.

The heritage assets and their settings include:

- i) Conservation Areas**
- ii) Scheduled Monuments**
- iii) Listed Buildings**
- iv) Registered historic parks and gardens**
- v) Undesignated heritage assets**

In particular This will be achieved in the following will apply ways:

- **All applications being should be accompanied by a proportionate heritage assessment, prepared with the appropriate expertise, to a level of detail proportionate to the asset's significance. The assessment should which describes the an-asset's significance, identifies the impacts of the proposed development work and provides clear justification for the works. Where appropriate, the Council may also require historical research and archaeological recording to be undertaken before works to a heritage asset commence.**

- ~~Seeking to maintain local distinctiveness by sensitively contributing to the creation of places with high architectural and built quality using traditional materials and techniques where appropriate.~~
- ~~Requiring proposed D~~developments affecting a heritage asset or its setting, including alterations and extensions to existing buildings, ~~will be required~~ to demonstrate how the proposal has taken account of design, form, scale, mass, ~~use of traditional materials and detailing,~~ siting and ~~views away from and towards setting of~~ the heritage asset, in order to ensure that the ~~proposed~~ design is sympathetic and minimises harm to the asset.
- ~~The loss of buildings and features which make a positive contribution to the character or heritage of an area should be avoided through preservation or appropriate reuse, including enabling development.~~
- Any proposed development which impacts on archaeological remains will be required to be accompanied by an archaeological evaluation of the site and ~~a~~ statement demonstrating how it is intended to overcome the archaeological constraints of the site. Development will be resisted which would result in ~~the loss or substantial harm to disturbance to~~ Scheduled Ancient Monuments or other ~~known~~ archaeological sites ~~of equivalent significance~~. Development affecting non-designated archaeological sites ~~or harm their setting or significance~~ will be assessed having regard to the scale of any harm and the significance of the site . ~~Where there is an exceptional need for development~~ In all cases measures will be undertaken to minimise impact and, ~~where possible, to preserve the site in situ~~. The District Council will require public display and interpretation where appropriate. ~~Any investigation and recording of a site as part of any works will be published and archived.~~
- ~~Preventing the loss of buildings and features which make a positive contribution to the character or heritage of an area through preservation or appropriate reuse and sensitive development, including enabling development,~~
- Development that will lead to substantial harm to or loss of significance of any designated heritage asset will be refused, unless it can be demonstrated that the ~~development substantial harm or loss is~~ necessary to achieve substantial public benefits that outweigh that harm or loss. ~~Where less than substantial harm would result this will be considered against the public benefits of the proposal.~~
- Effects of the development on the significance of other non-designated heritage assets on the local list will be assessed having regard to the scale of any harm and the significance of the asset.

Explanation

- 4.18 Particular attention and care is needed when planning works in relation to heritage assets. Relatively minor changes can have significant impacts on the significance, character, appearance, group value and setting of assets. Therefore development proposals will be required to submit supporting information appropriate to the asset's significance so that the potential impacts of the proposal on the asset's significance can be understood. Any application should reference the relevant HER record, Conservation Area Appraisal and other available relevant sources. The location, form, scale, massing, density, height, layout, roofscape, landscaping, use and external appearance of proposals will all be carefully considered to ensure that they preserve or enhance the heritage asset where required to do so. The features and form that contribute to the special interest of the asset should be conserved. Traditional local materials, detailing and techniques should be used where appropriate to ensure that the special character of the asset and wider South Derbyshire is retained.
- 4.19 The historic gardens, parks and churchyards make a positive contribution to the District and the Council will seek to ensure that these green spaces which add character and historic understanding to many communities are preserved and enhanced.
- 4.20 The Council will work constructively with owners, Historic England and other partners to remove assets from the buildings at risk register. New uses and innovative solutions will be explored to allow the long term preservation of the asset. The condition of a heritage asset deliberately damaged or neglected will not be taken into account in any decision.

Policy BNE11 Shopfronts

Shopfronts should:

- i) be well proportioned and reflect the quality and architectural contribution of any existing historic shopfront; and
- ii) have regard to the ~~proportions and~~ relationship between the shopfront, ~~the its host~~ building and ~~the surrounding its~~ context; and
- iii) use high quality and sympathetic ~~traditional~~ materials and detailing; and
- iv) include signage ~~only~~ in appropriate locations and in proportion to the shopfront; ~~and~~
- v) ~~consider security without the use of external shutters; and~~

vi) not include inappropriately illuminated signage.

~~The District Council will resist external shutters and inappropriately illuminated signage.~~

Explanation

- 4.21 Shopfronts, **both modern and historic** play an important role within settlements in adding to the District's distinctiveness and character and can contribute significantly to the attractiveness and quality of the street scene **across all settlements**. Heritage assets which include **original or traditional** shopfronts make an important contribution and provide a sense of place to the many different communities in South Derbyshire. ~~Shopfronts are also found in historic buildings which are not designated assets but are of local interest and add to the character and sense of place; such shopfronts are included within the policy.~~ **Traditional architectural materials, details and proportions that are hidden, neglected or lost can be reinstated and revitalised and can help enhance the character of the building and local area, and add value to the shopping experience. The Council seeks to promote good design, in keeping with the character of the heritage assets, to preserve and enhance the appearance of South Derbyshire.**
- 4.22 ~~Traditional architectural materials, details and proportions that are hidden, neglected or lost can be reinstated and revitalised and can help enhance the character of the building and local area, and add value to the shopping experience. The Council seeks to promote good design, in keeping with the character of the heritage assets, to preserve and enhance the appearance of South Derbyshire.~~ Therefore **necessary** modifications ~~necessary~~ should be sympathetic to the original design of the building. Security measures should be internal to limit their visual impact. External shutters are not normally acceptable and internal shutters should be perforated to enable visibility into the shop. To enliven frontages and enable passive surveillance, shopfronts should provide visibility and not be blanked out. Lighting should be the minimum necessary and internal illumination of signage is not acceptable. Any light fittings should have a minimal impact on the appearance of the shopfront and provide a warm light. **Further guidance can be found for Swadlincote in the Conservation Area Management Plan and for the rest of the District in Historic South Derbyshire.**

Policy BNE12 Former Power Station Land

The Council will support development on the former Drakelow and Willington power station sites as shown on the Policies Map in accordance with that set out in Policies E1, H6 and SD6, to include the following:
~~An agreed development framework document between the developer(s) and the Council will be submitted with any major planning application made on the following sites:~~

- B Former Drakelow Power Station**
Development ~~will be supported~~ for Use Class B1, B2, B8 and energy purposes to assist in the regeneration of the previously developed land. The existing Drakelow Nature Reserve will be retained to its current extent along with the creation of a buffer zone.
- C Former Willington Power Station**
Proposals for energy related development and any other uses considered appropriate to contribute to the regeneration of the previously developed land ~~will be supported~~.

Development framework documents will be agreed between the developer(s) and the Council and be submitted with any major planning application made on the sites to guide their future development.

Explanation

- 4.23 Redevelopment of both these sites is supported by the Council. Due to the size of the sites it is important that consideration is given to the developments through an agreed development framework document that can fully consider the constraints and opportunities on the sites.
- 4.24 Drakelow Power Station was commissioned in 1955 and at full capacity generated electricity from three coal-fired power stations supported by 10 cooling towers. The A station was closed in 1984, and the B station in 1993. The cooling towers were demolished in 1998. The C Station was decommissioned in 2003, and the final structures demolished in 2006.
- 4.25 The Former Drakelow Power Station site is bounded by the River Trent and Drakelow Nature Reserve to the north, Walton Road and the Drakelow Park development. The site extends to approximately 113 ha. Planning permission exists for a Combined Cycle Gas Turbine Power Station, Renewable Energy Centre and Solar Park.
- 4.26 The former Willington A station was close in 1995 and the B Power Station in 1999. The five cooling towers still stand on the site. The site extends to around 34 hectares in total.
- 4.27 In 2011, planning permission was granted to develop up to up to 2,000MW of Combined Cycle Gas Turbine plant and 400MW of Open Cycle Gas Turbine plant. It is not yet known what developable land will be left (if any) following the implementation and construction of the recent permission.