



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

South Derbyshire Local Plan Part 2



June 2016

South Derbyshire Changing for the better

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INTRODUCTION

Local Plan Part 2

The Local Plan is being prepared in two elements 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.

The Part 1 Local Plan, identifies strategic allocations and key policies. Part 2 is concerned with non-strategic allocations and more detailed Development Management policies.

Informal consultation on the Part 2 Plan took place between 15 December, 2015 and 12 February 2016. The timeframe for the remaining stages leading to adoption is set out below:

-  Draft Local Plan Part 2 Consultation – June 2016
-  Pre-Submission Local Plan Part 2 Consultation – October 2016
-  Submission – December 2016
-  Public Examination – To be confirmed following Submission
-  Adoption – May 2017.

Once adopted, Part 1 and Part 2 of the Plan should be read as a whole, as more than one policy may apply to any planning application. Furthermore, once adopted, Part 1 and Part 2 of the Plan will supersede saved policies within the 1998 Local Plan.

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.

The national and local policy background that provides the framework for the production of the Local Plan Parts 1 and 2 is explained in Local Plan Part 1, section 1.

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

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 draft Local Plan Part 2 is set out the "Consultation Statement" – <http://www.south-derbys.gov.uk/>

The Evidence Base

The Draft 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 draft 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 Draft Local Plan Part 2 consultation.

The draft Consultation Statement completes the documents for consultation. This document sets out what consultation we have undertaken and summarises the responses received.

SETTLEMENT DEVELOPMENT

Settlement boundaries define the built limits of a settlement and distinguish between the built form of a settlement and the countryside. Areas outside of settlement boundaries are considered to be countryside. There is a presumption in favour of development (subject to meeting other material considerations) within settlement boundaries, whereas in the countryside other policies apply.

South Derbyshire District Council intends to continue the use of settlement boundaries within its Local Plan Part 2, for Swadlincote (including Woodville), those settlements defined as Key Service Villages, Local Service Villages and Rural Villages where there is a compact group of dwellings within a settlement. For those settlements without a settlement boundary, Local Plan policies will be used to determine whether a site is appropriate for a particular development.

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.

Within settlement boundaries as defined on the proposals map, development will be permitted where it accords with the development plan.

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:

| | | |
|-------------------|--------------------|--------------|
| Ambaston | Barrow-on-Trent | Burnaston |
| Caldwell | Church Broughton | Coton Park |
| Egginton | Elvaston | Kings Newton |
| Lees | Long Lane | Lullington |
| Milton | Scropton | Smisby |
| Stanton by Bridge | Sutton on the Hill | Swarkestone |
| Thulston | Walton on Trent | |

Outside of settlement boundaries land will be considered as countryside.

Explanation

The Settlement Boundary Topic Paper reviewed and updated settlement boundaries from the 1998 Local Plan and established new settlement boundaries. Using a set of criteria the settlement boundaries were examined and updated or created to ensure that the boundaries are logical and reflect what's on the ground. Those settlements defined as Key Service Villages, Local Service Villages and Rural Areas* where there is a compact groups of dwellings within a settlement have a settlement boundary. Further information regarding the settlement boundary review can be found within the Settlement Boundary Topic Paper.

Although the inclusion of land within a settlement confine would normally imply a presumption in favour of development, there are other considerations which will be taken into account. Settlement boundary maps can be seen at Appendix B

Development will need to comply with other development management policies and relevant supplementary planning documents such as the Design SPD.

Land outside of settlement boundaries will be considered as countryside, where other policies apply. Other than in the circumstances as permitted by other policies, development will not be permitted within the countryside.

*As defined by Policy H1 of South Derbyshire's Local Plan Part 1

HOUSING

At this time the sites have not been completely finalised so a generic housing policy has been written but consideration will be given as to whether a separate policy per site would be more appropriate following the consultation responses received to this document.

As these sites are non-strategic and are therefore under the threshold of 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, as well as other requirements where appropriate.

Policy H23 Non Strategic Housing Allocations

- A Moor Lane, Aston (S/0271) - around 40 dwellings**
- B Jacksons Lane, Etwall (S/0284) - around 52 dwellings**
- C Derby Road, Hilton (S/0023) - around 40 dwellings**
- D Station Road, Melbourne (S/0109) - around 22 dwellings**
- E Station Road, Melbourne (S/0256) - around 24 dwellings**
- F Acresford Road, Overseal (S/0250) - around 70 dwellings**
- G Valley Road, Overseal (S/0022) - around 64 dwellings**
- H Milton Road, Repton (S/0101) - around 40 dwellings**
- I Mount Pleasant Road, Repton (S/088) - around 24 dwellings**
- J Off Kingfisher Way, Willington (S/0266) - around 50 dwellings**
- K Oak Close, Castle Gresley (S/0239) - around 55 dwellings**
- L Linton Road, Rosliston (S/0154) - around 20 dwellings**
- M Linton Road, Rosliston (S/0160) - around 14 dwellings**
- N Midland Road, Swadlincote (S/0133) - around 57 dwellings**
- O Cadley Hill, Swadlincote (S/0161) - around 99 dwellings**
- P Land north of Scropton Road, Scropton (S/0291) - around 10 dwellings**
- Q Montracon Site, Woodville (S/0292) - around 60 dwellings**
- R Stenson Fields (S/0206) - around 50 dwellings**

The key considerations to be made for each of the above sites are as follows:

- 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 townscape**
- iii) managing flood risk**
- iv) Impact on nearby heritage assets that are designated and non- designated**
- v) Biodiversity impacts**
- vi) The design and layout of the site**
- vii) Sustainability and location in relation to existing settlements**

Explanation

Whilst the Authority does not have detailed information on the likely design and layout of all the identified non-strategic allocations, the policies Included in the Part 1 Local Plan and proposed in the Part 2 Local Plan will ensure that allocations are designed to reduce the effects of development on local communities and the natural and built environment.

A further consideration that will be made but is not listed is consideration of affordable housing. The policy for determining the affordable housing has already been set in Part 1 of the plan in policy H21 and will be used to determine the contribution of each site.

Policy H24 Replacement Dwellings in the Countryside

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

- i) The form and bulk of the new dwelling does not substantially exceed that of the original 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 architectural or historic merit.**

Explanation

New housing development within the countryside is restricted in order to protect the intrinsic character and beauty of the countryside. However, one of the circumstances in which residential development within the countryside can be acceptable is the replacement of an existing dwelling, because essentially it is 'new for old' development with no further units being added.

In order to protect non-designated heritage assets the existing dwelling to be demolished shall not be of architectural or historic merit.

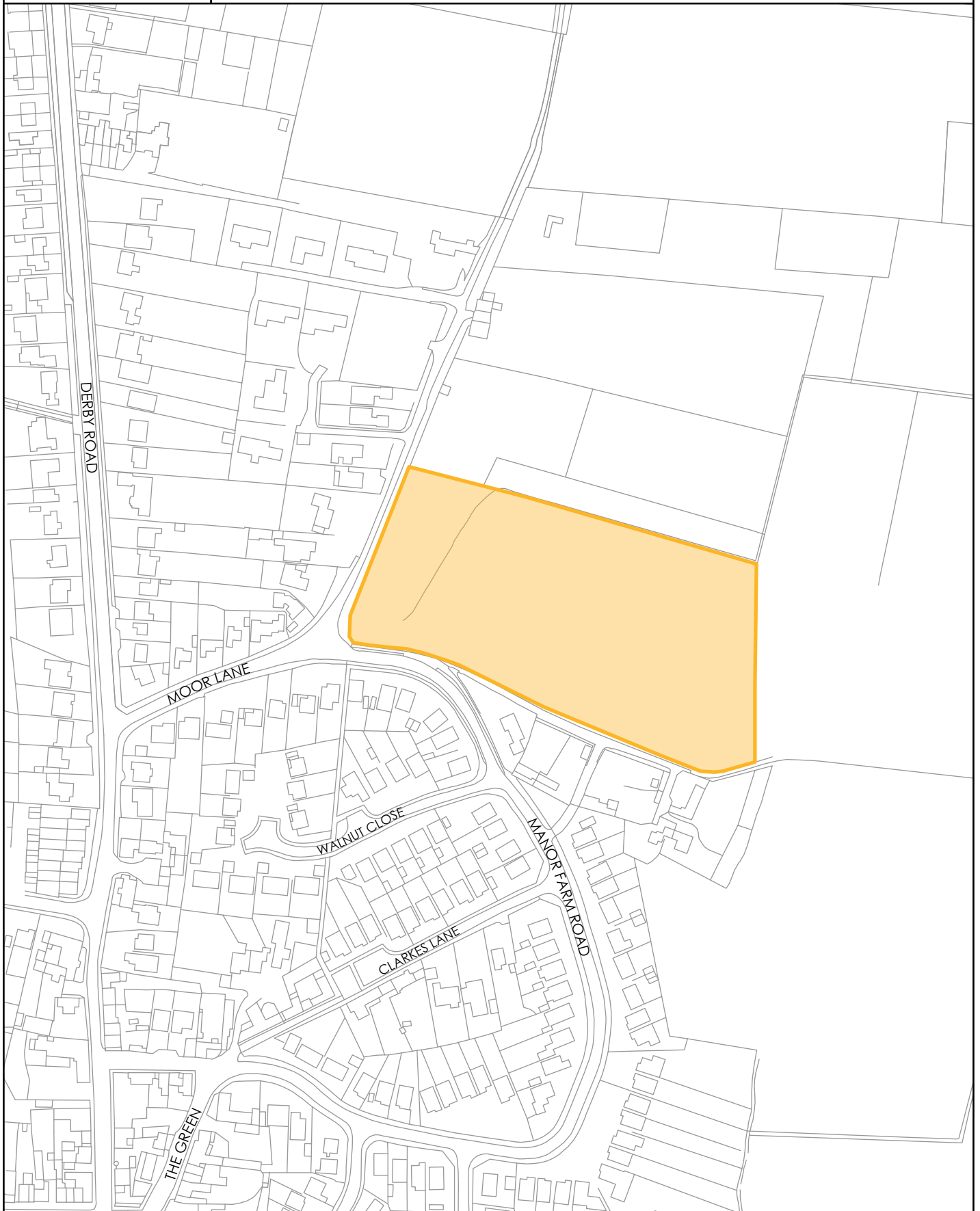
The replacement dwelling should not substantially increase in form and bulk to that of the original dwelling* or that which could be achieved under permitted development and the replacement should have substantially the same siting as the existing.

This policy will apply to buildings that are in existing lawful residential use and not to those buildings where residential use has been abandoned.

6 *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).



Policy 23A: Land at Moor Lane, Aston on Trent



Part 2 Housing Allocation

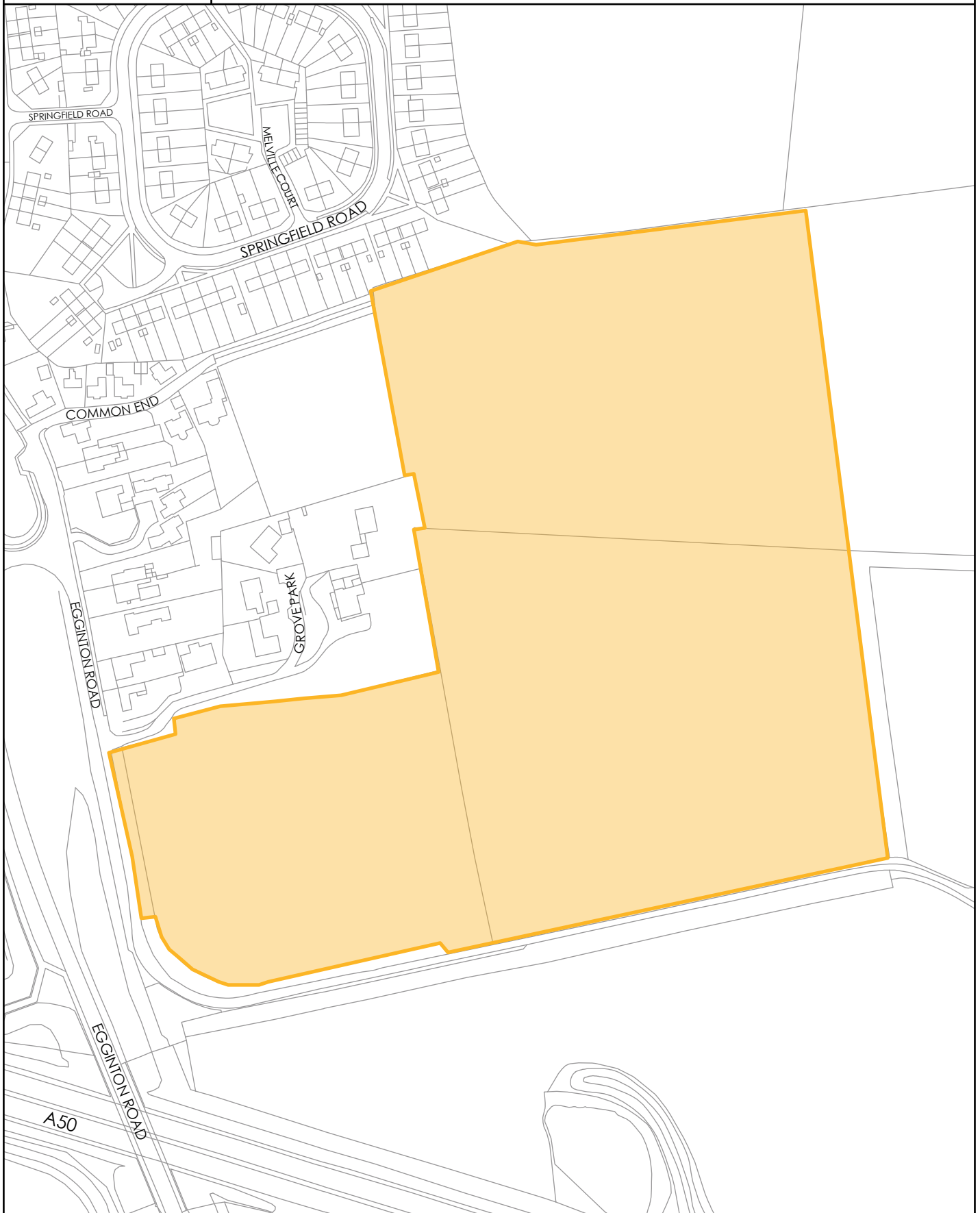
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Policy 23B: Land at Jacksons Lane, Etwall



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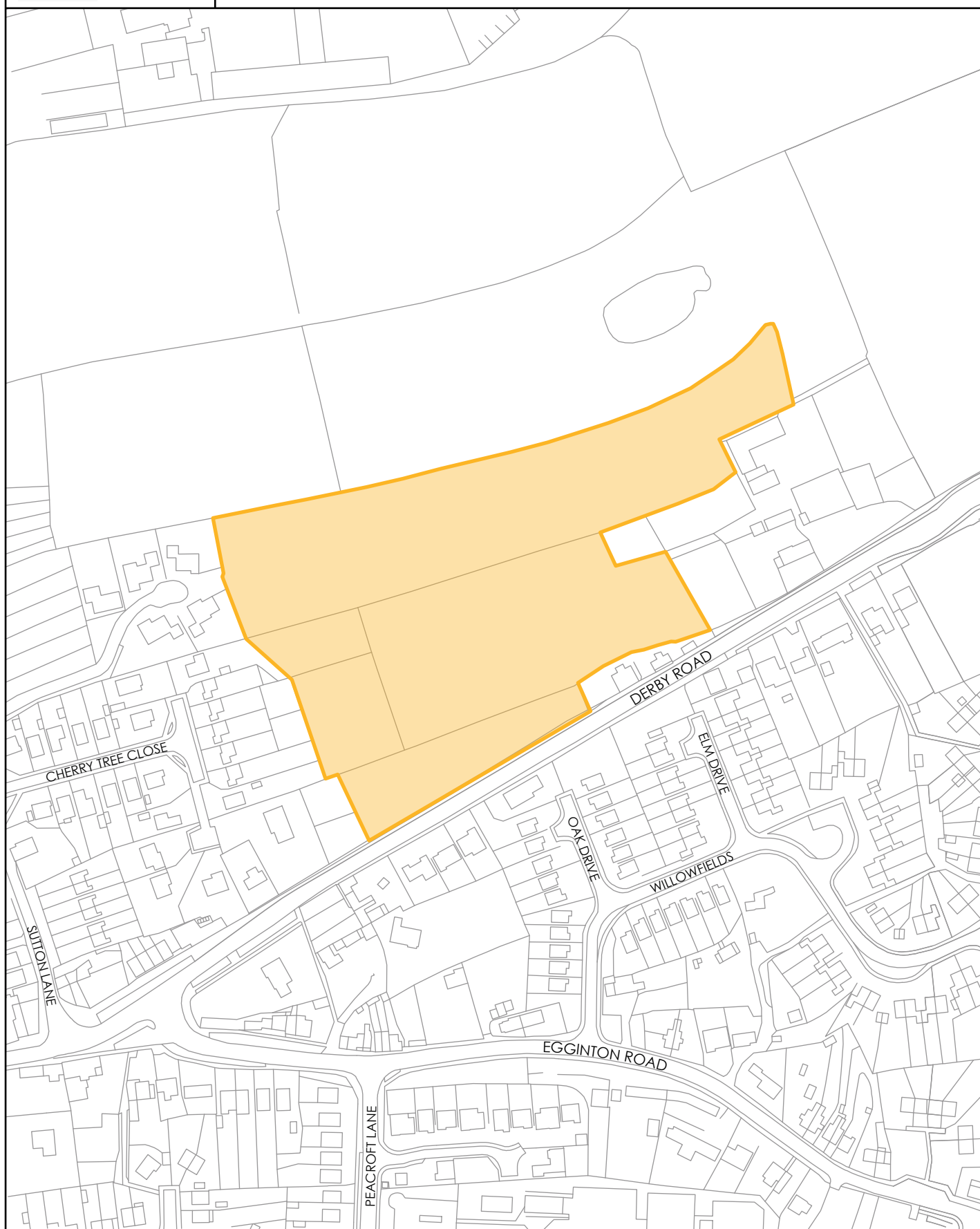
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Policy 23C: Land at Derby Road, Hilton



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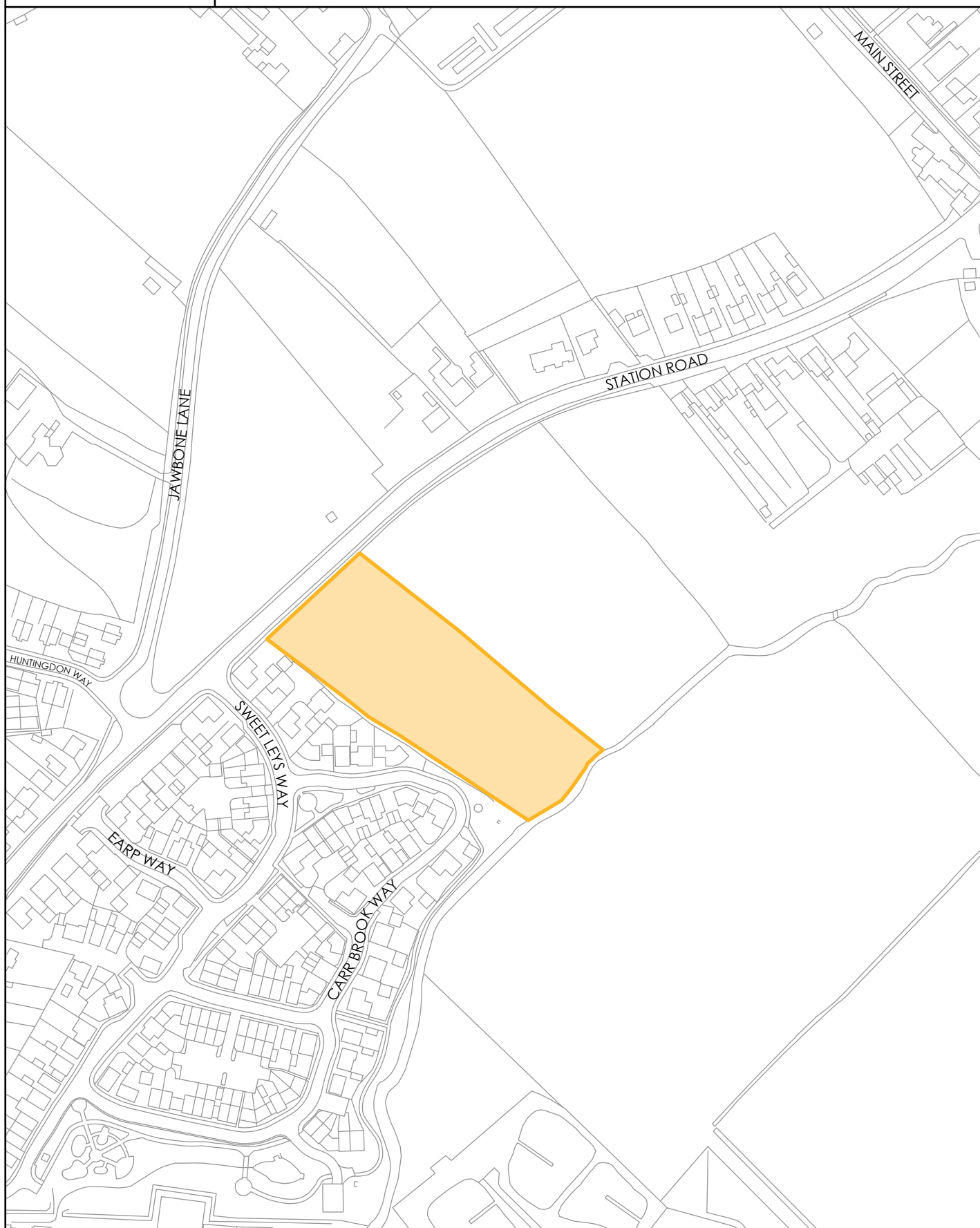
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Policy 23D: Land at Station Road, Melbourne



Part 2 Housing Allocation

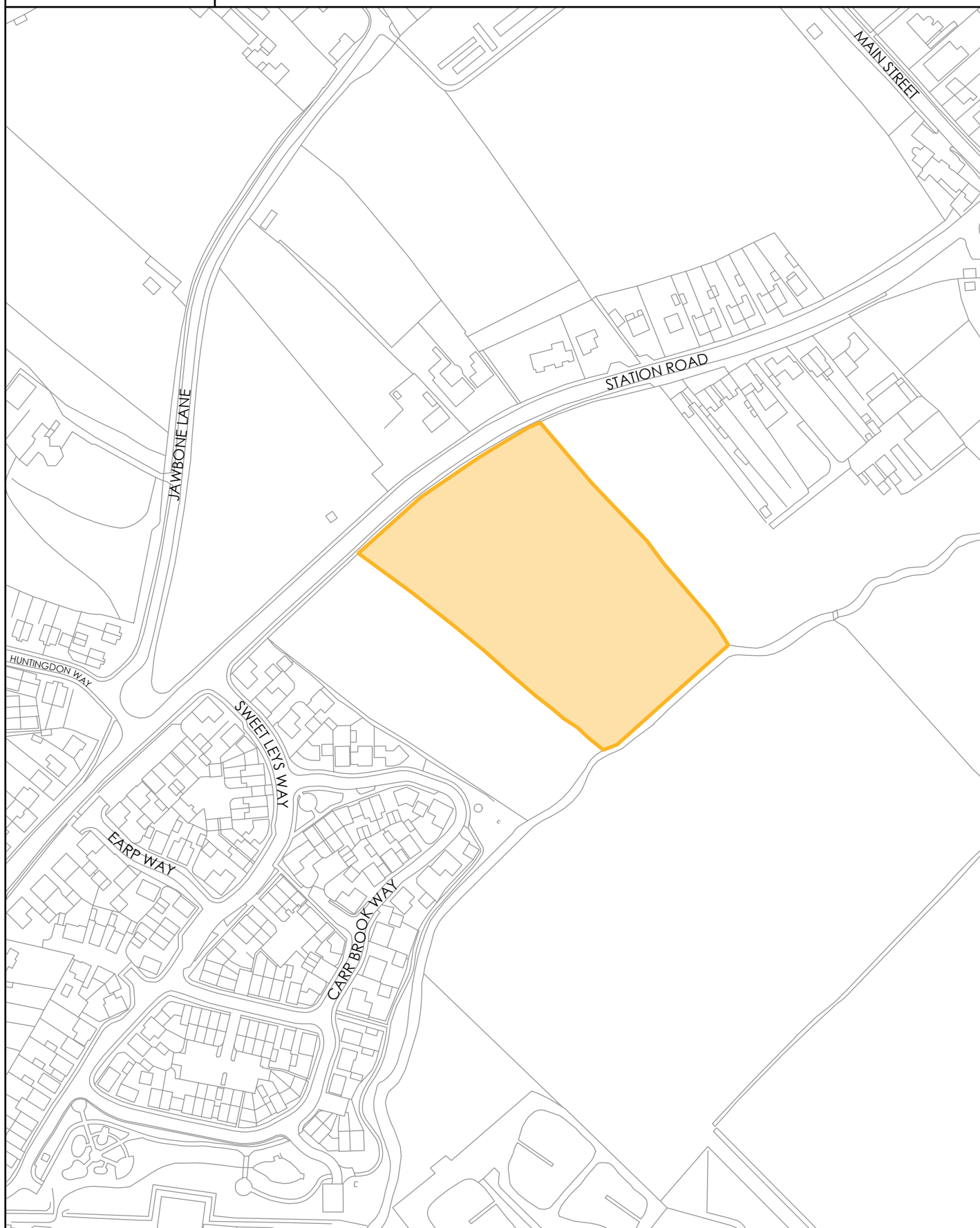
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Policy 23E: Land at Station Road, Melbourne



Part 2 Housing Allocation

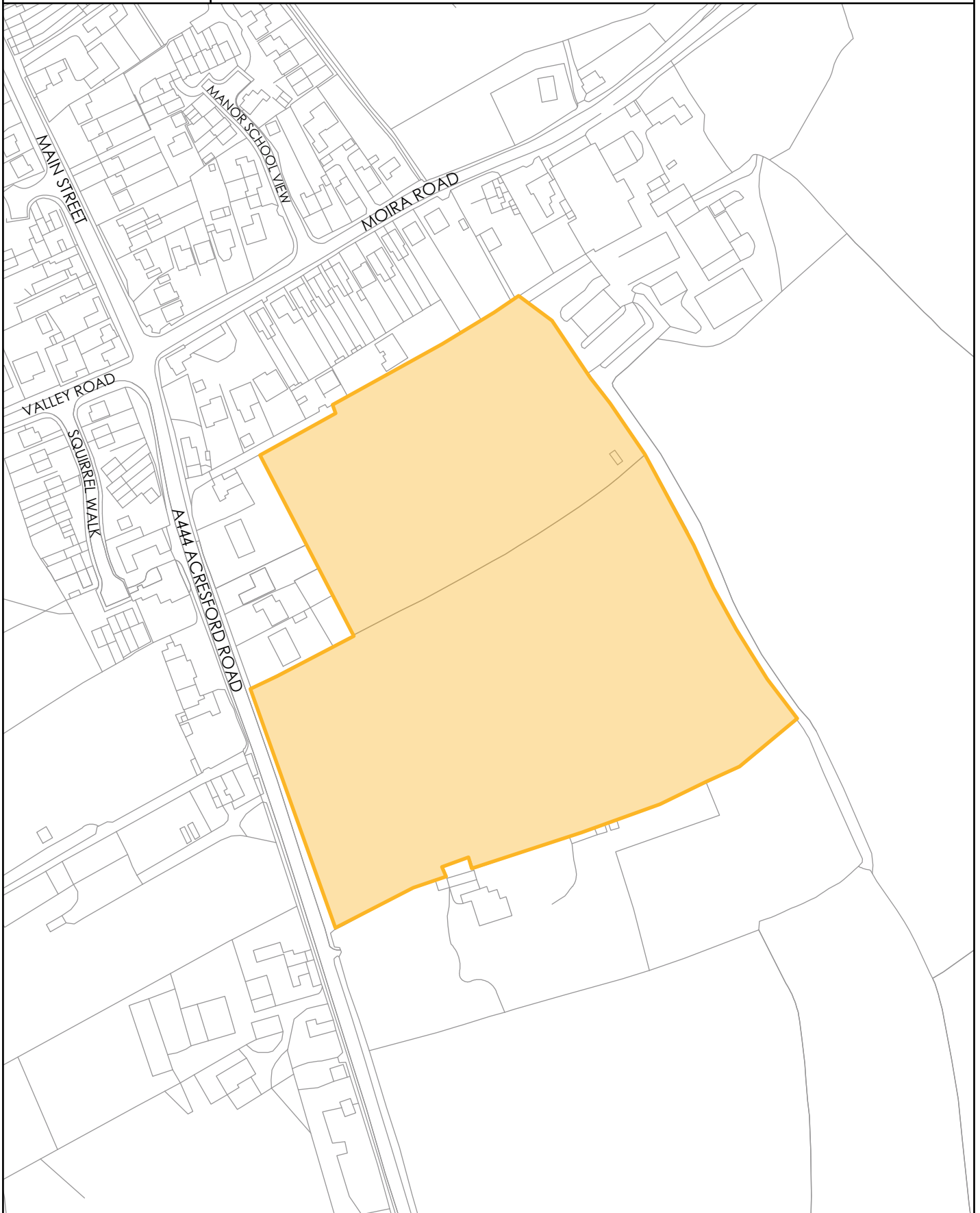
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Policy 23F: Land at Acresford Road, Overseal



Part 2 Housing Allocation

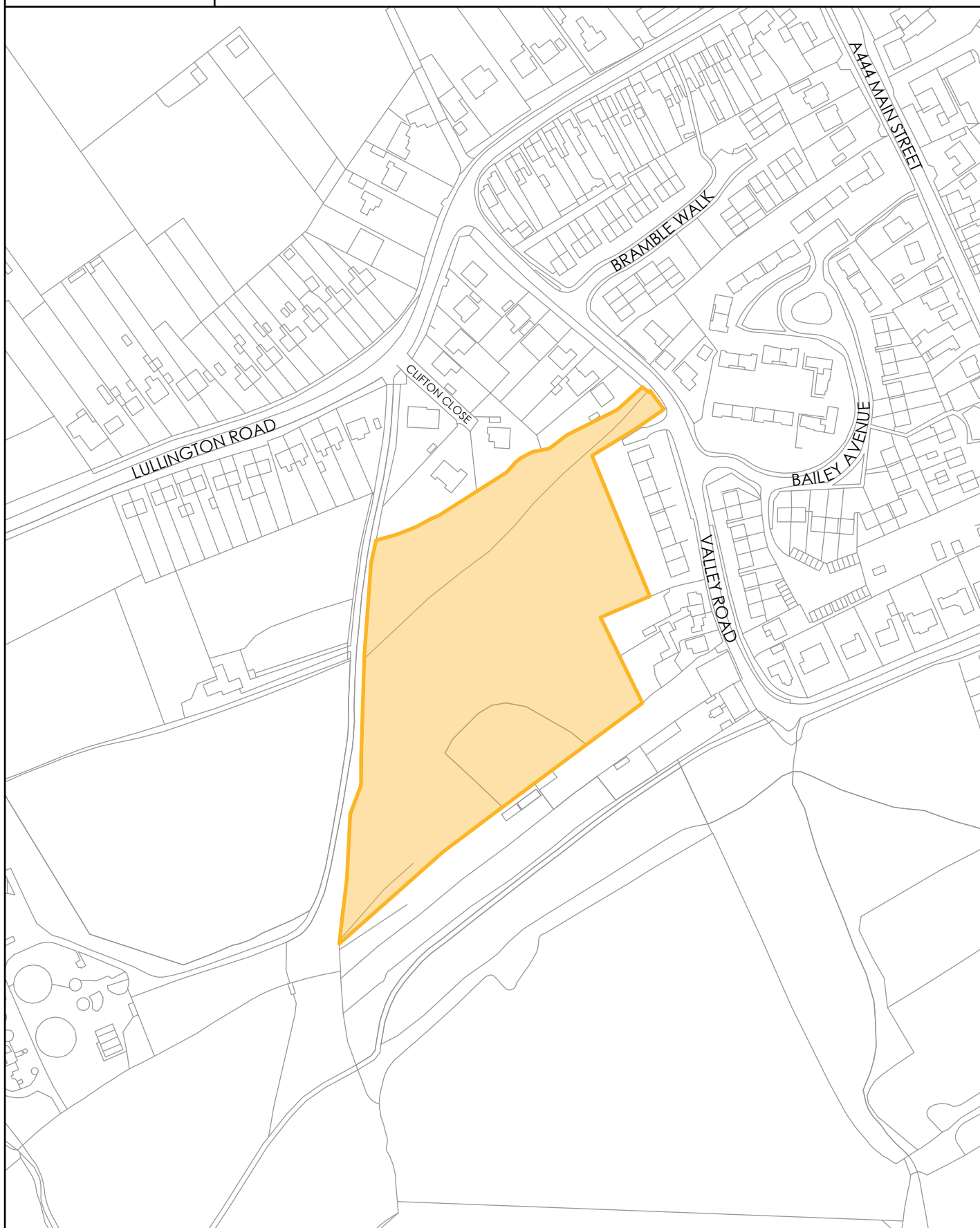
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Policy 23G: Land at Valley Road, Overseal



Part 2 Housing Allocation

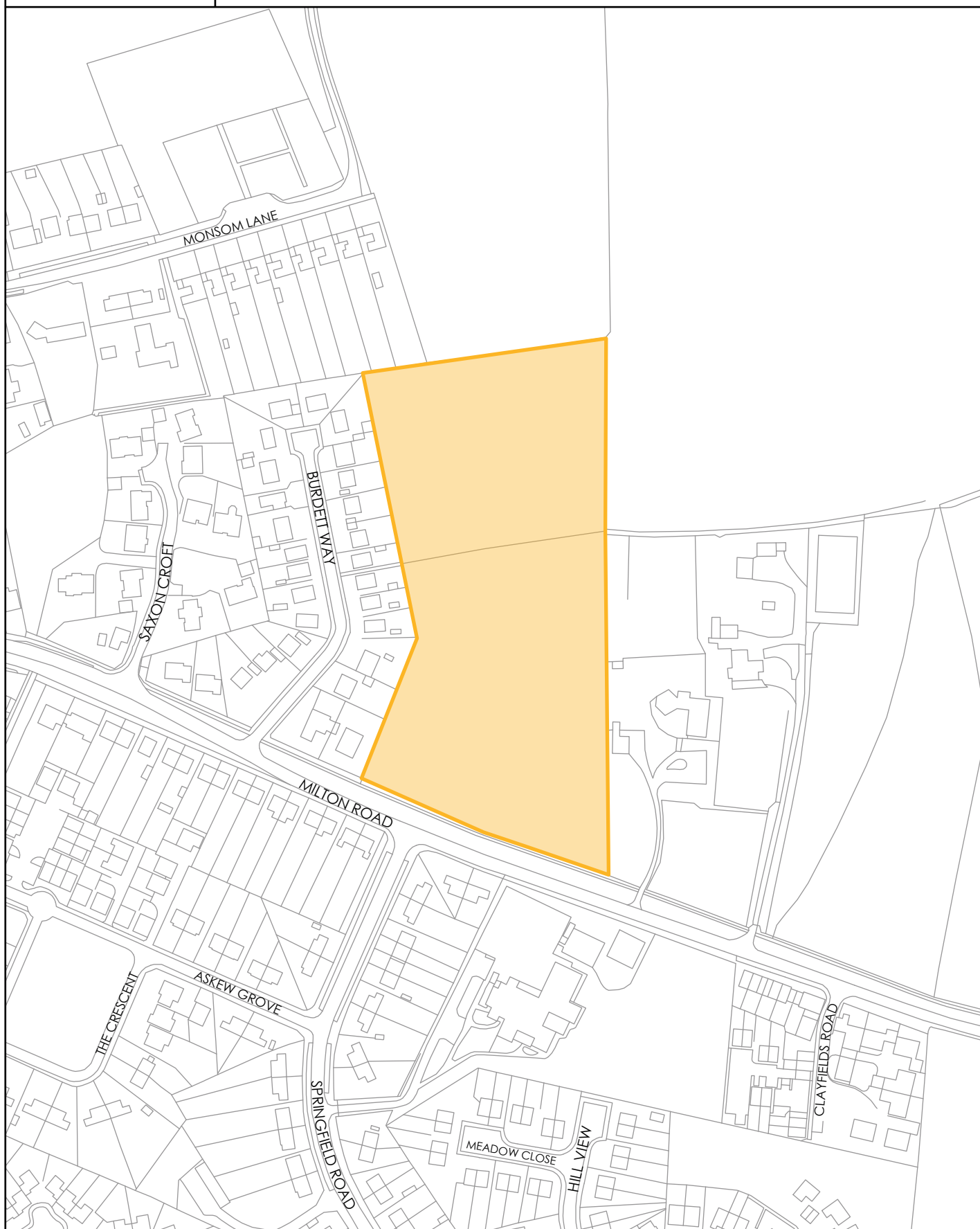
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Policy 23H: Land at Milton Road, Repton



Part 2 Housing Allocation

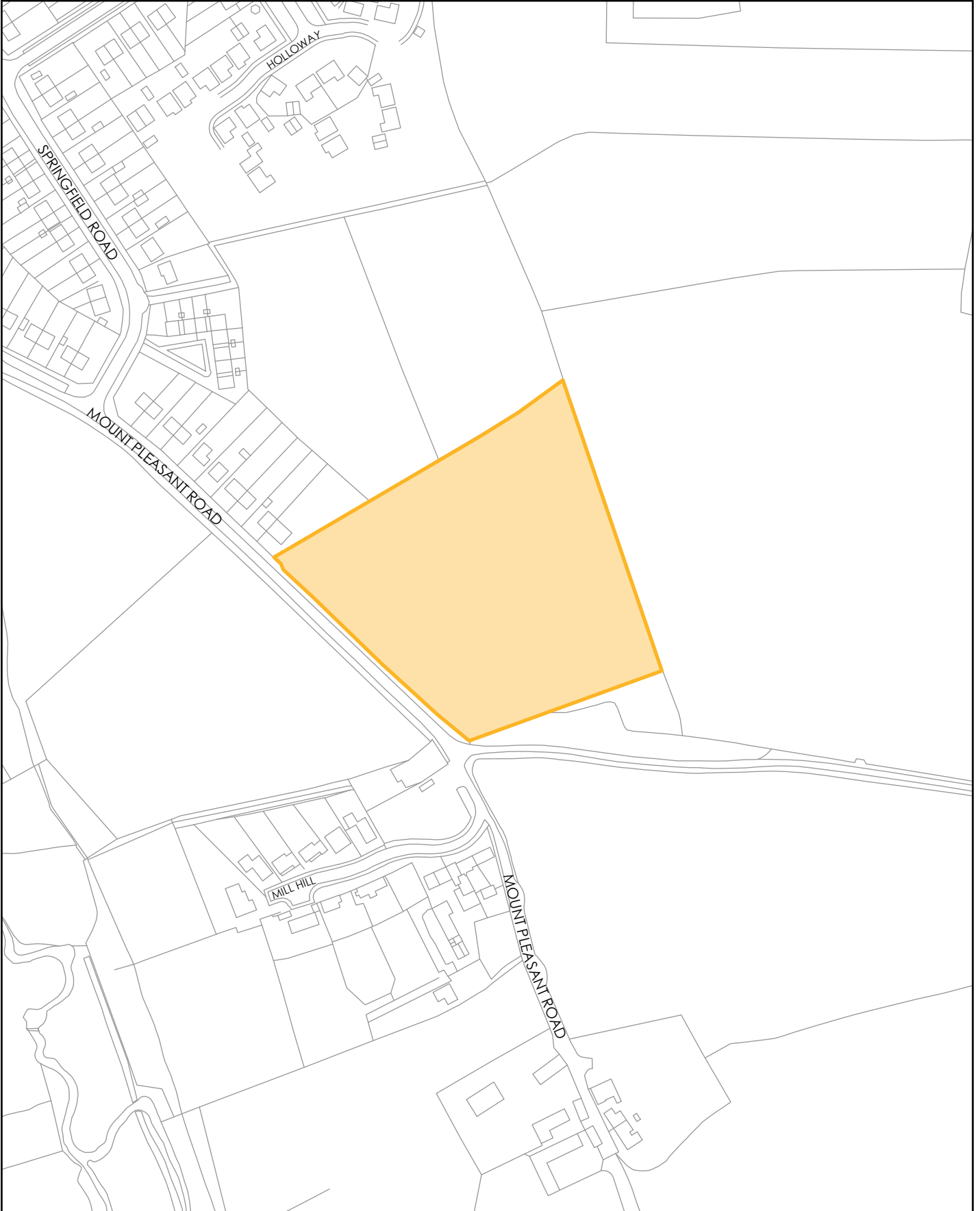
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Policy 23l: Land at Mount Pleasant Road, Repton



Part 2 Housing Allocation

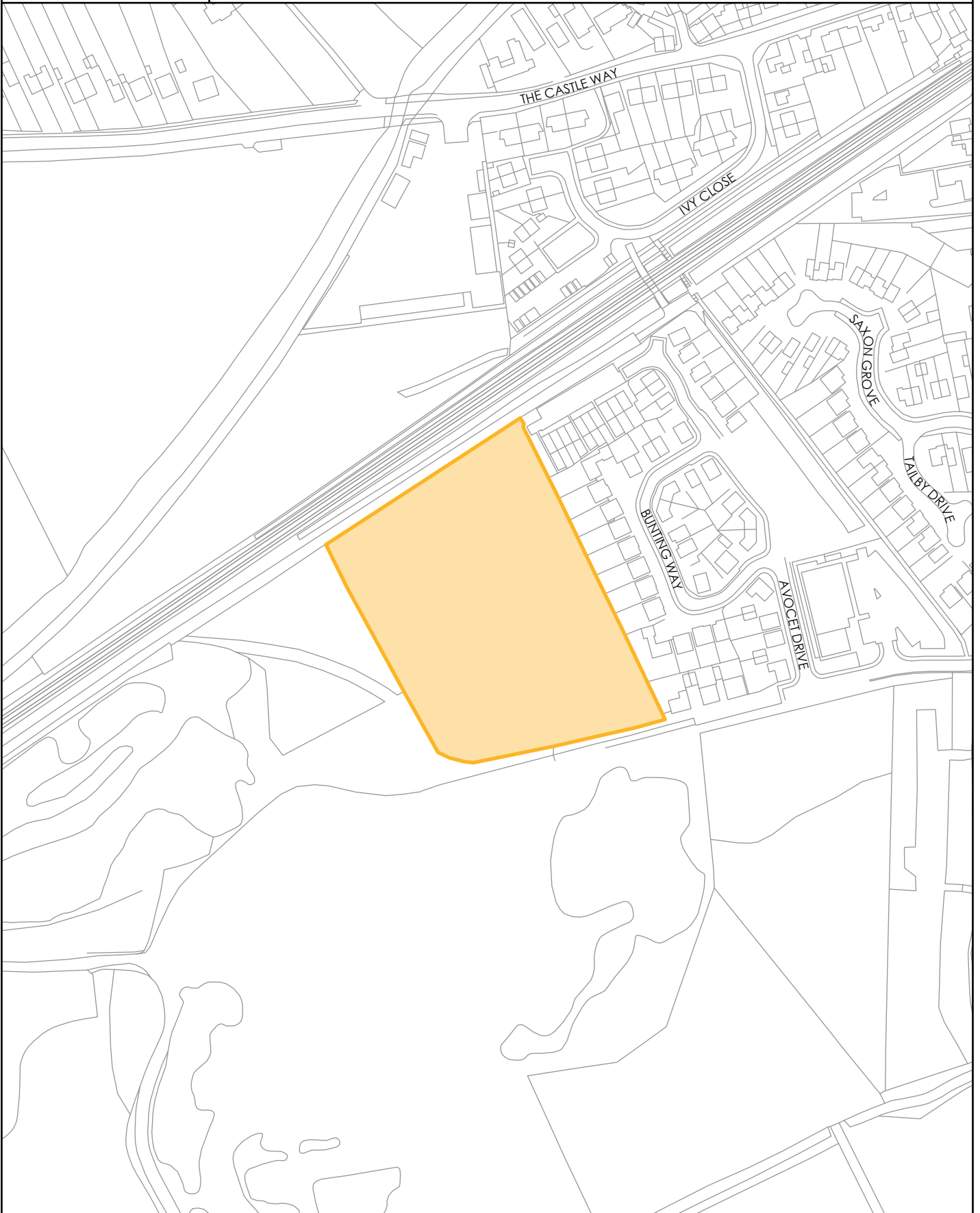
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Policy 23J: Land off Repton Road, Willington



Part 2 Housing Allocation

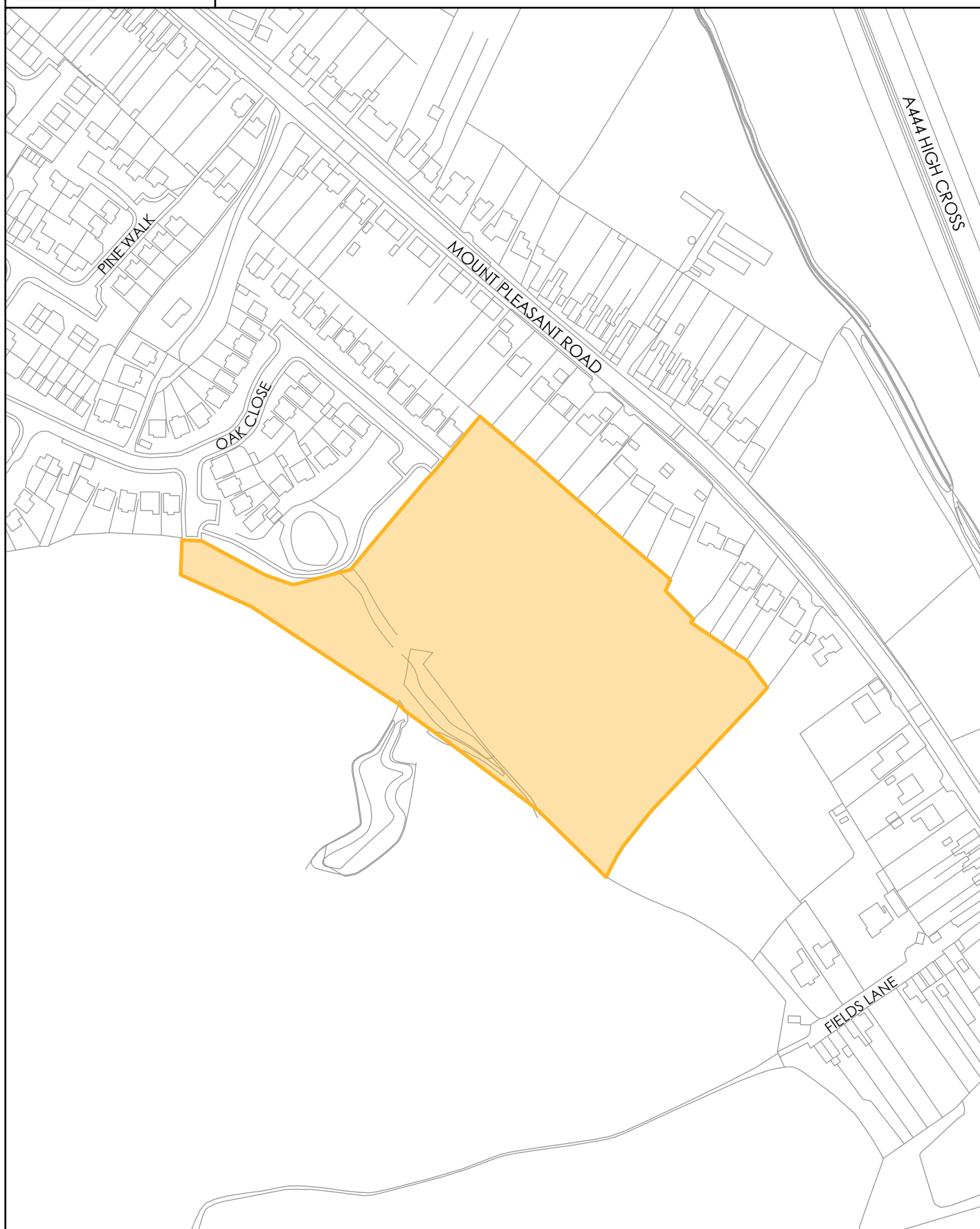
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Policy 23K: Land at Oak Close, Castle Gresley



Part 2 Housing Allocation

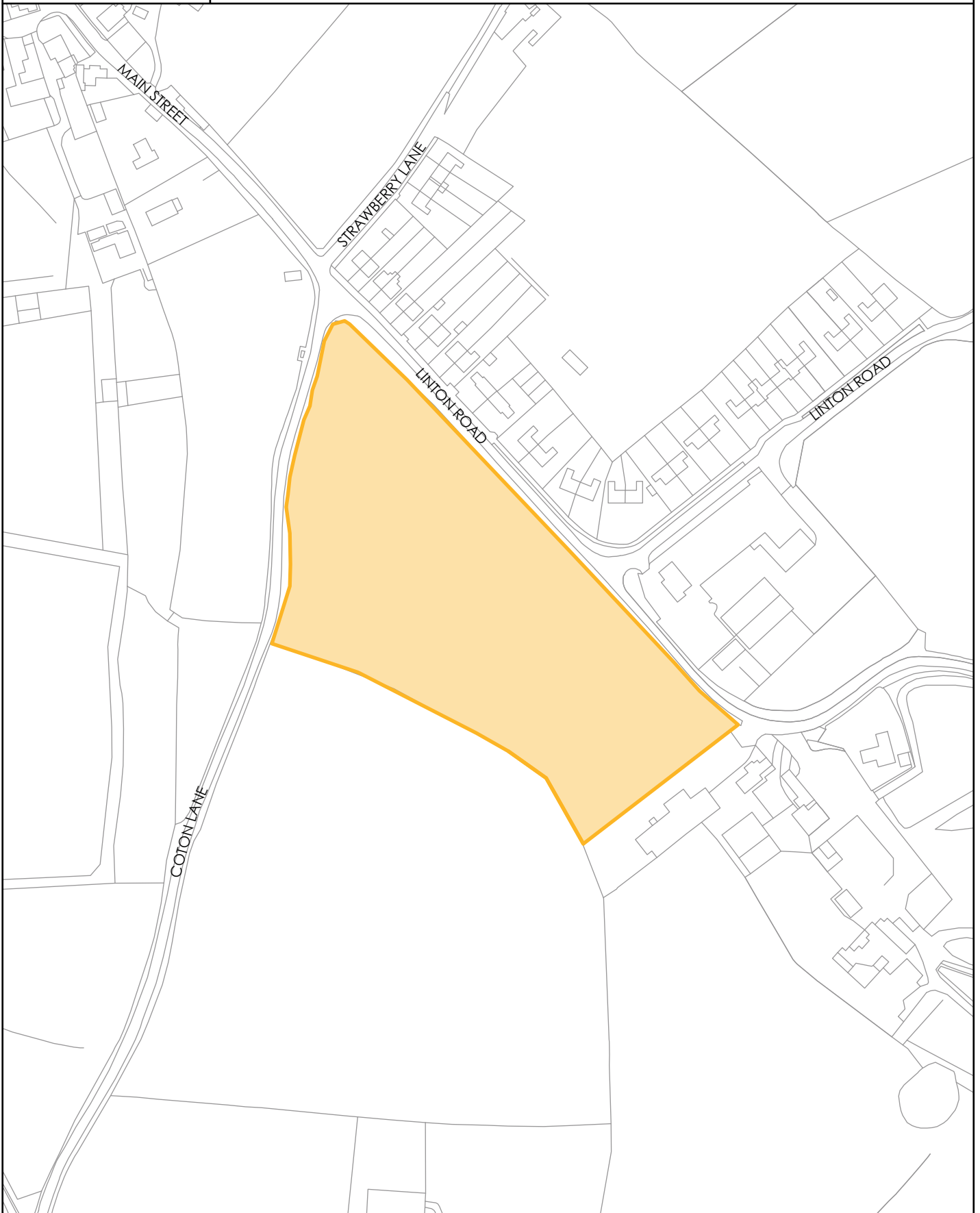
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Policy 23L: Land at Linton Road, Rosliston



Part 2 Housing Allocation

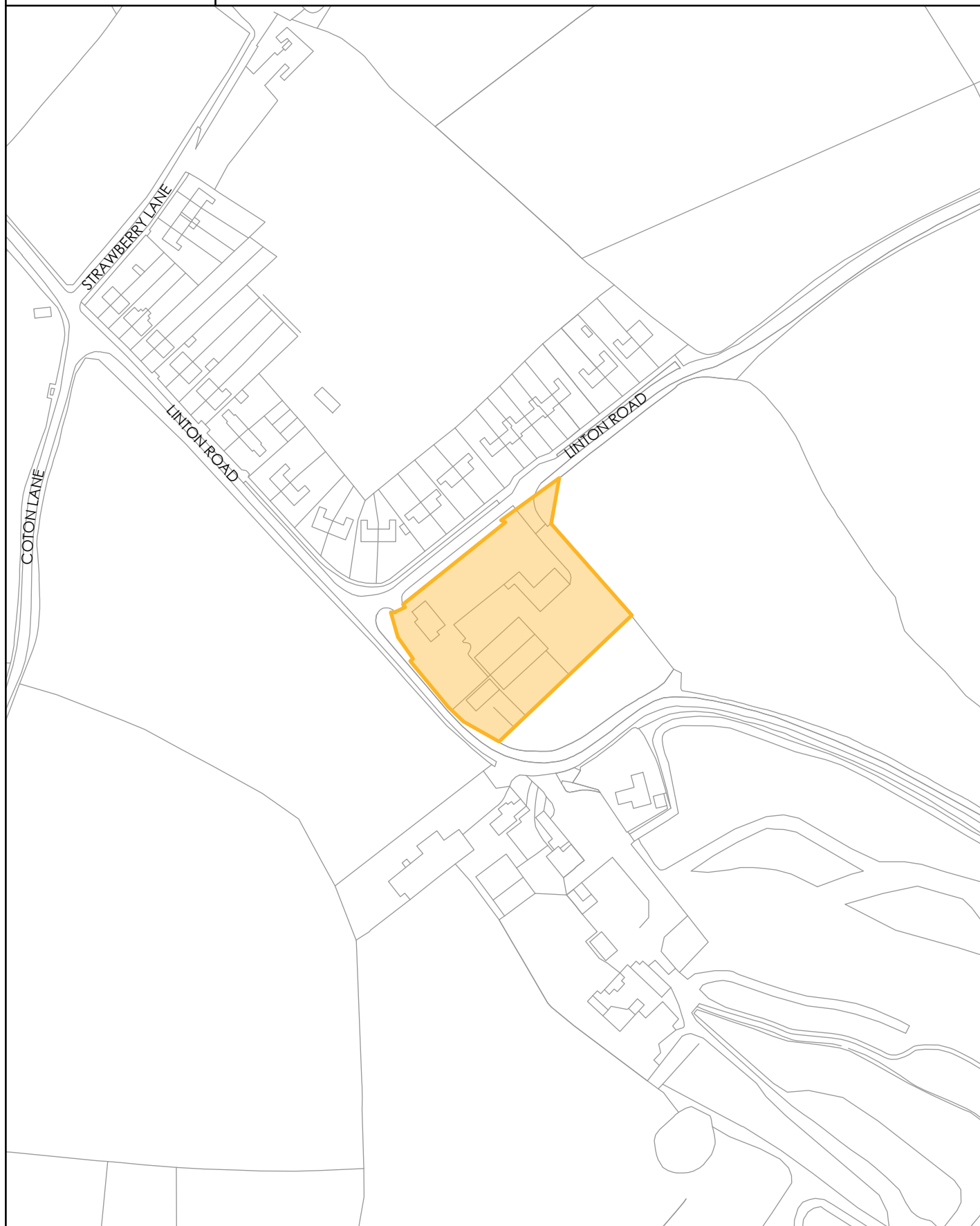
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Policy 23M: Land at Linton Road, Rosliston



Part 2 Housing Allocation

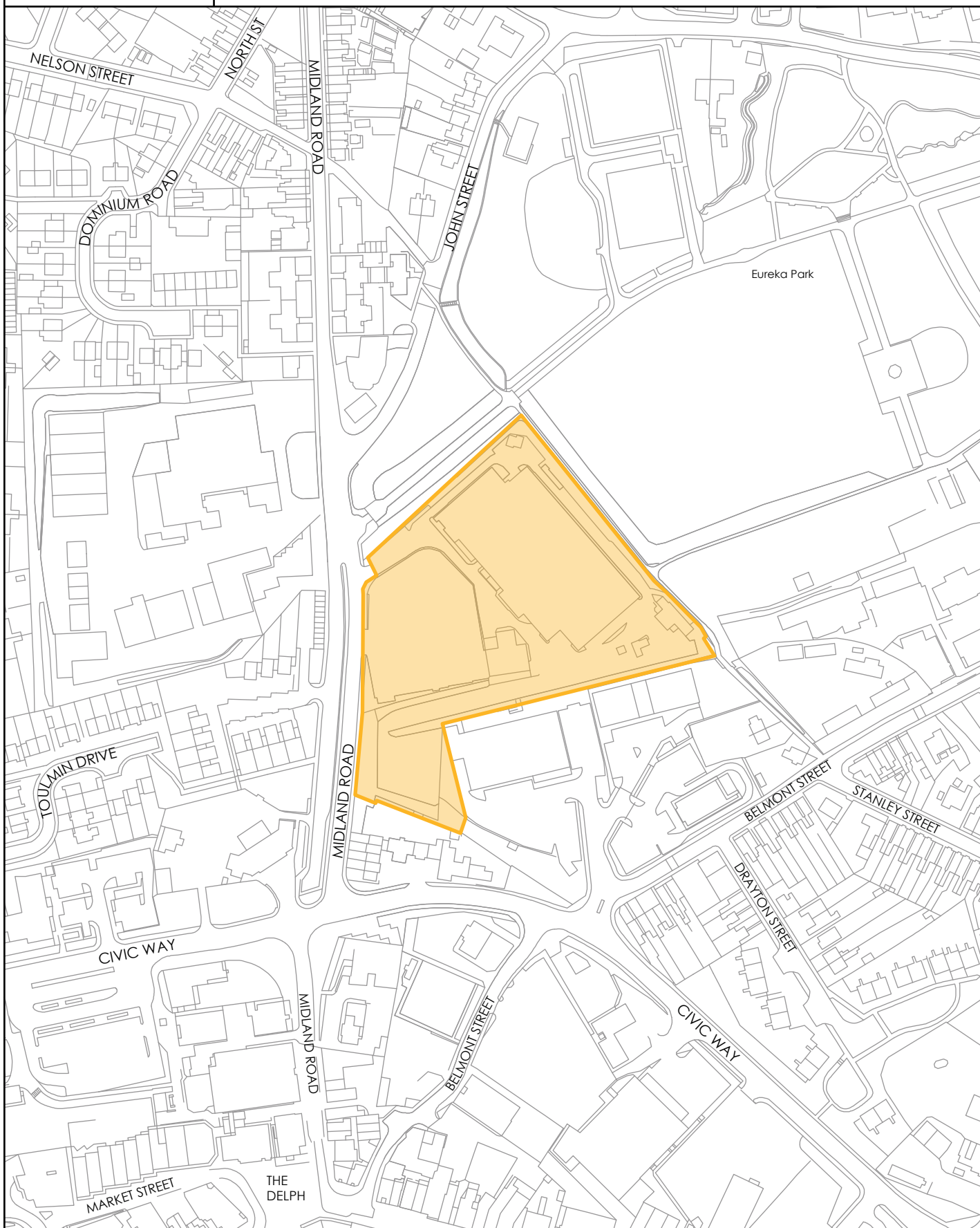
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Policy 23N: Land at Midland Road, Swadlincote



Part 2 Housing Allocation

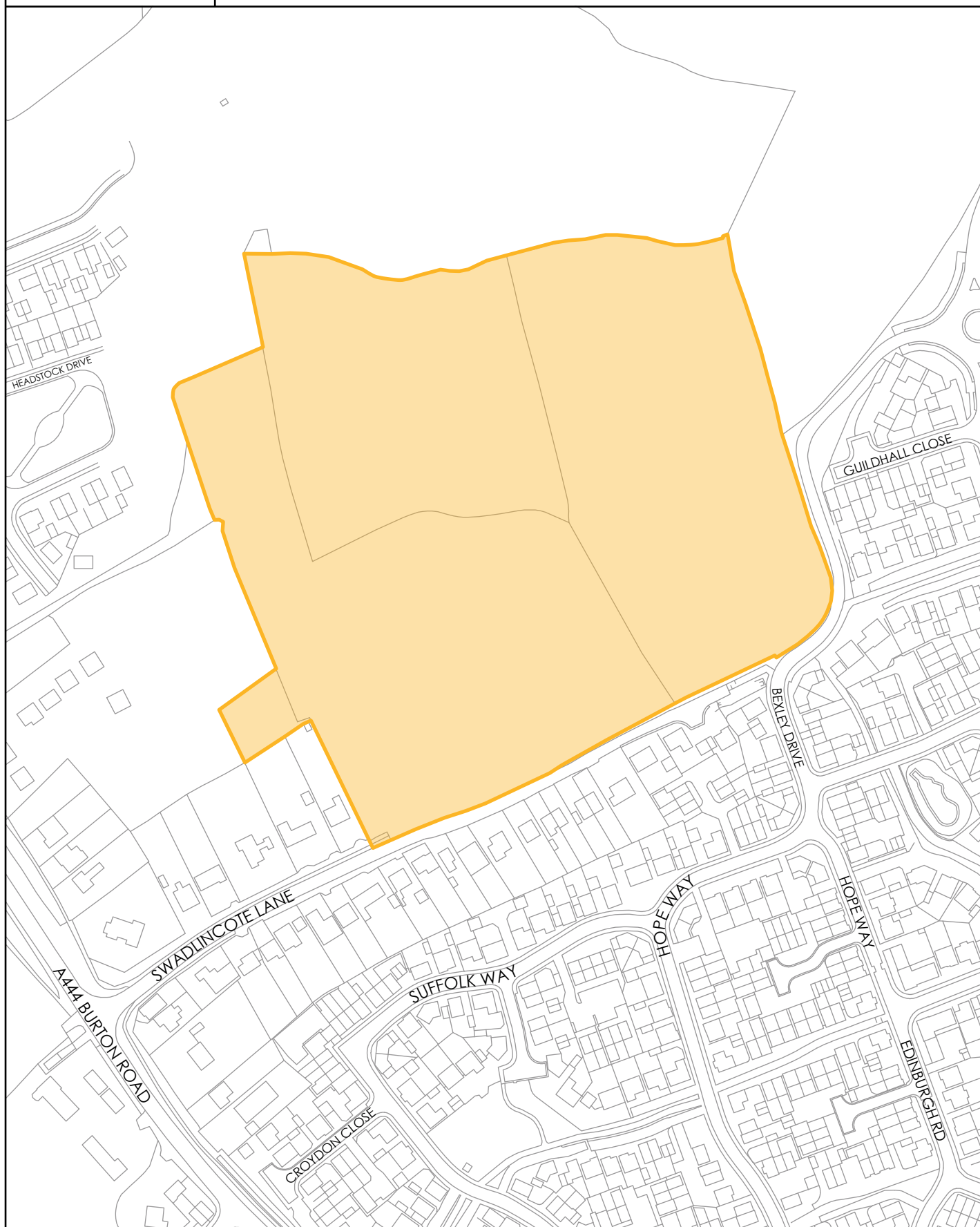
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Policy 23O: Land at Cadley Hill, Swadlincote



Part 2 Housing Allocation

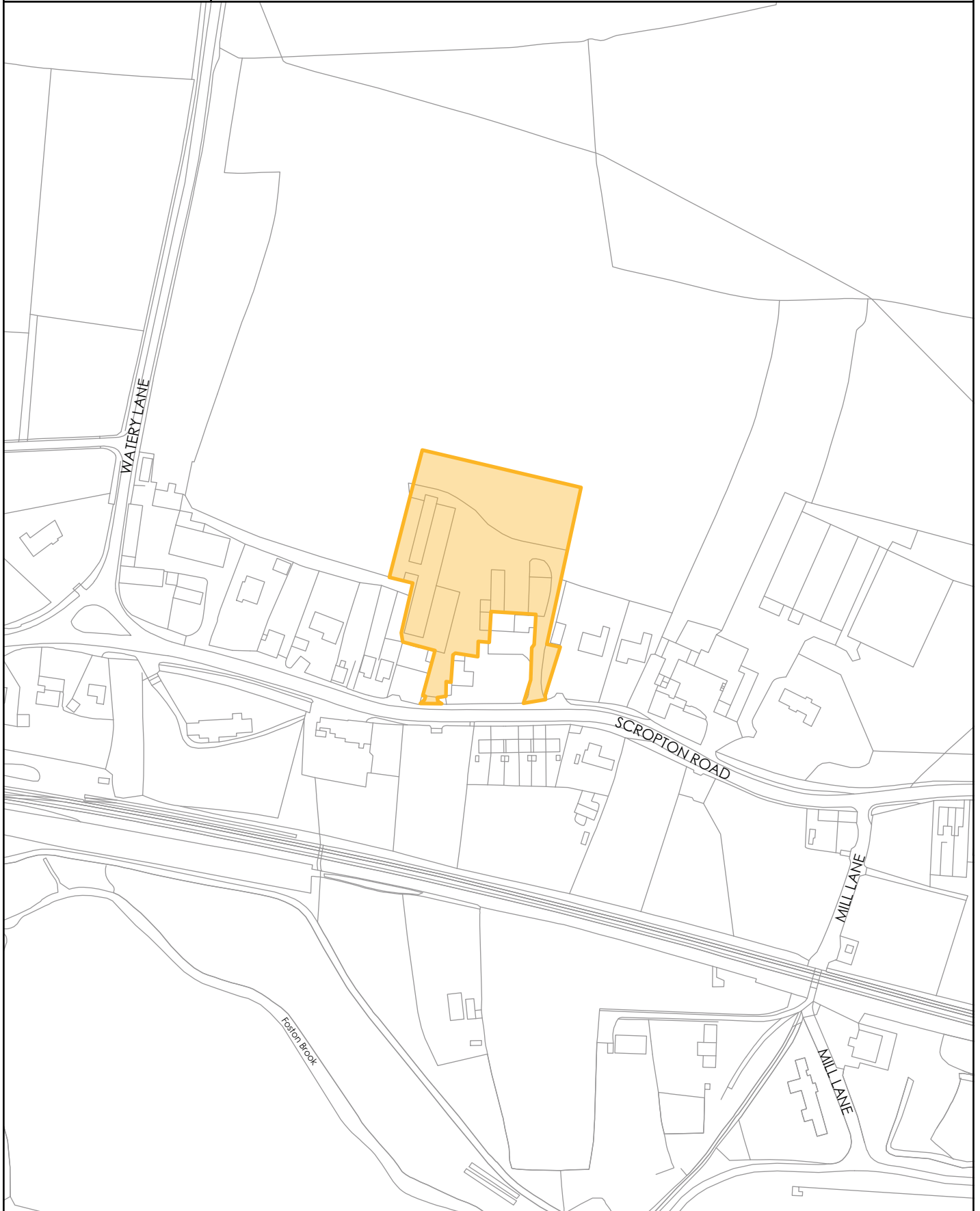
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Policy 23P: Land to north of Scropton Road, Scropton



Part 2 Housing Allocation

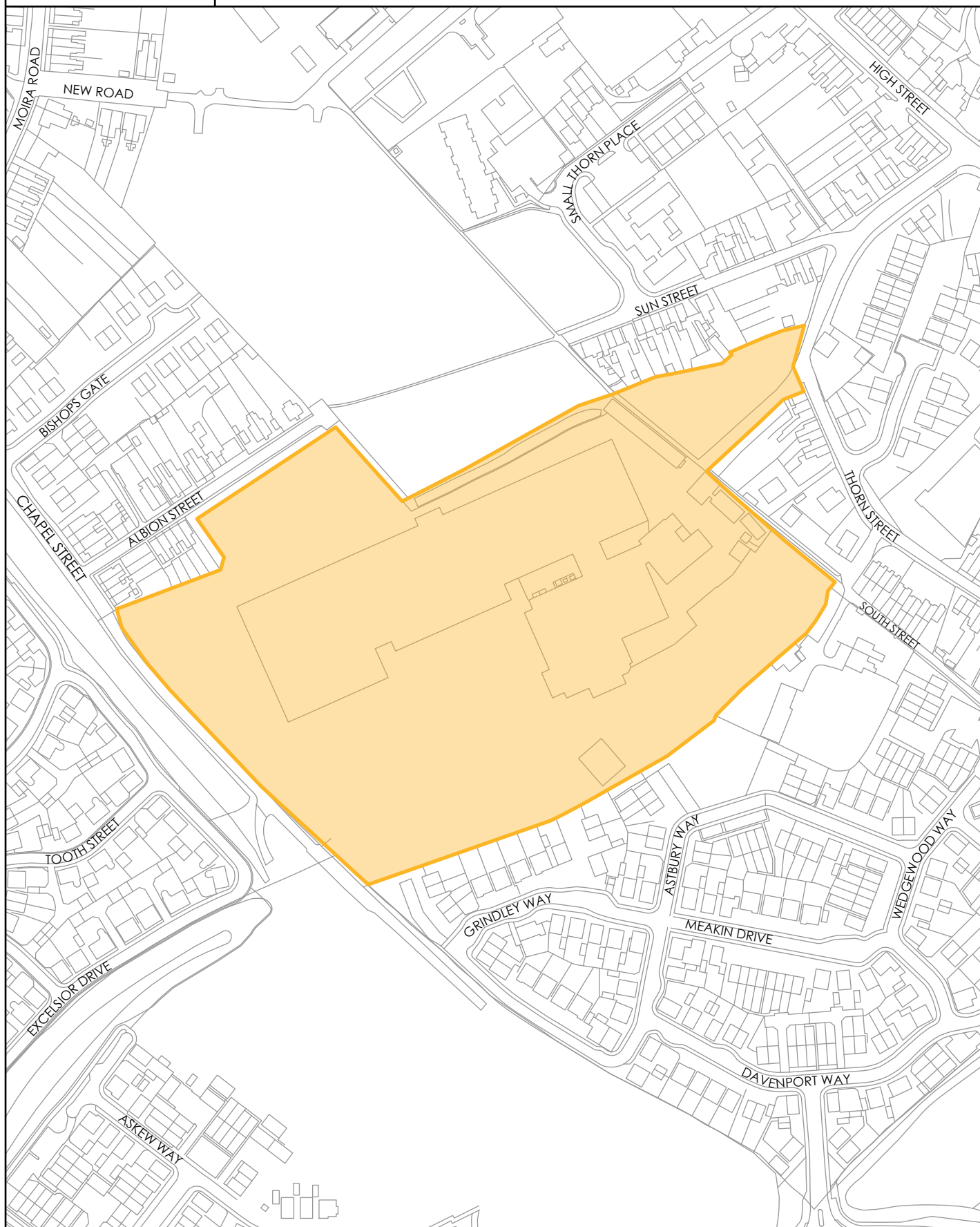
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Policy 23Q: Land at Montracon, Swadlincote



Part 2 Housing Allocation

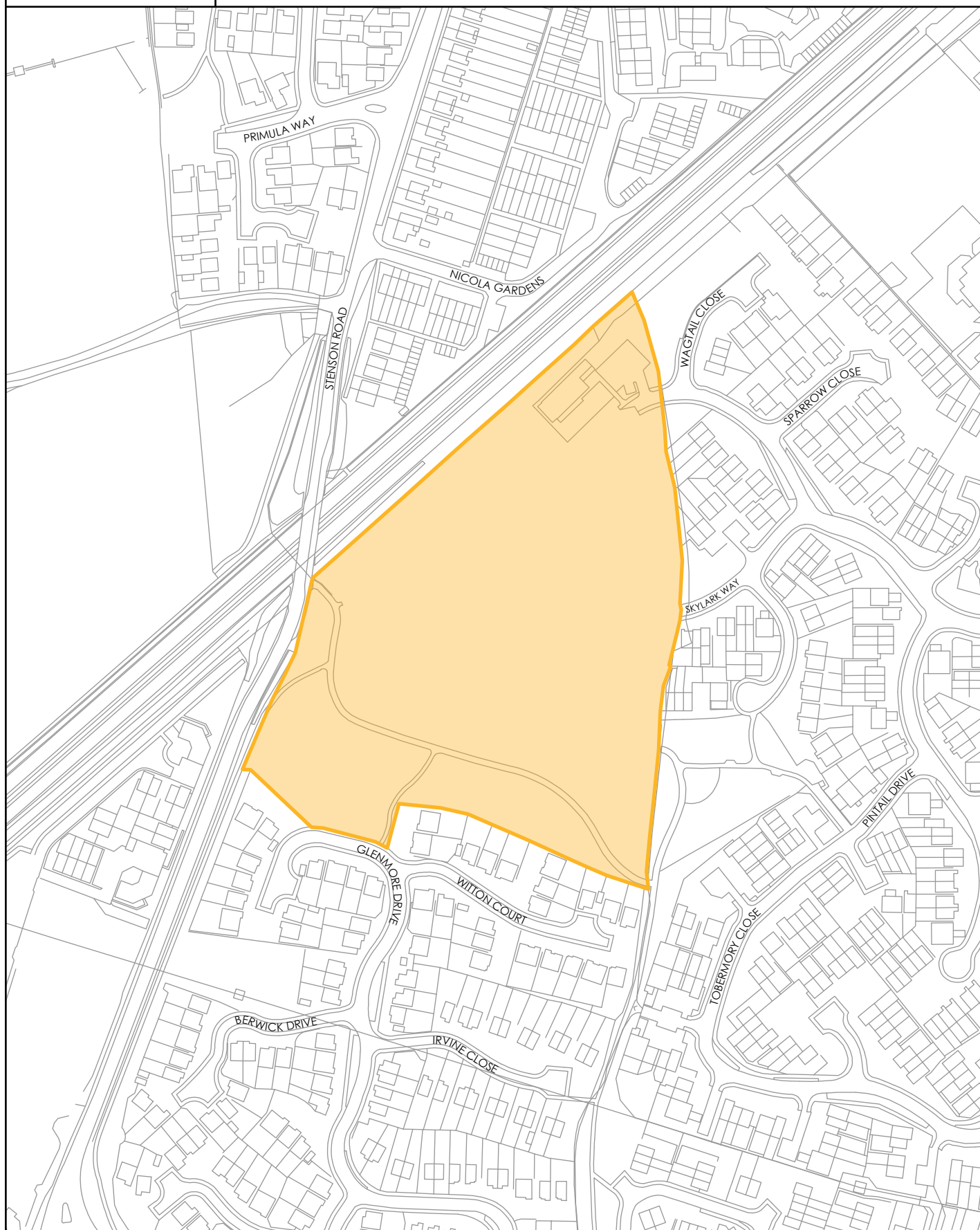
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Policy 23R: Land at DUA Central, Stenson Fields



Part 2 Housing Allocation

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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;
 - ii)** The rural-based activity has been established, is 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 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 workers' 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; 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, 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 agricultural needs of the holding; and**
- ii) There is no evidence of a continuing need for housing for persons employed or last employed in 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

There are circumstances when a new dwelling (permanent or temporary) within the 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 area of employment concerned, however there may be other rural enterprises that necessitate the need for a rural worker's dwelling.

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. As such, a detailed assessment will need to be submitted with an application demonstrating the requirements above. 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.

Where planning permission is granted for a permanent rural workers dwelling, a condition will be imposed restricting the occupancy of the dwelling to a worker employed in agriculture or 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 of the activity, which could affect the viability of maintaining the dwelling for its intended use.

In regards to temporary rural workers dwellings, where permission is granted, it will be subject to a condition stating the period for which the temporary permission is granted.

Policy H26 Residential Gardens within the Countryside

Change of use to residential garden will be permitted where it would not result in detrimental domestication of the Countryside.

Explanation

The change of use of land to residential garden can provide useful additional private amenity space. However, it can also result in the domestication of land in an unaltered 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 which will remove permitted development rights.

Policy H27 Residential Extensions and other Householder Development

Extensions and alterations to dwellings or the erection or alteration of out buildings, 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 amenities of adjoining properties or the general character of the area.**

Explanation

Development under this policy will need to take account of the relevant Supplementary Planning Document.

Additional space created by an extension to a dwelling and the erection or alteration to out buildings/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 designed without creating an overbearing effect and a loss of privacy. In addition, out buildings and structures should be of a size proportionate to the dwelling they serve and sympathetically related to the main dwelling.

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.

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 settlements boundaries the conversion of buildings to provide residential accommodation will be permitted provided:

- i) The buildings are of a permanent and substantial construction and suitable for conversion without extensive alteration, rebuilding and/or extension.**

B In isolated locations the conversion of buildings to provide residential accommodation will be permitted provided:

- i) It is the re-use of a suitable redundant or disused building or would secure the future use of a heritage asset.**

C Any conversion will lead to an enhancement of the buildings immediate setting.

Explanation

The buildings within South Derbyshire countryside are part of its character. The conversion of buildings can allow change to be assimilated without being detrimental to the existing character.

The utilisation of historic 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. National Policy supports the reuse of rural buildings for residential uses, however states that they should lead to an enhancement to the immediate setting.

Where a scheme of residential conversion is granted, the permitted development rights that normally apply to dwellings could be withdrawn as a condition of the approval.

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

Policy BNE5 Development in the Countryside

Outside of settlement boundaries (as defined in policy SDT1), land will be considered as countryside.

A Planning permission will be granted in the countryside where it is:

- i) appropriate for its location in the countryside; or**
- ii) 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.**

B If considered inappropriate by section A then planning permission will be granted in the countryside where it can be demonstrated that it:

- i) will not unduly impact on: landscape character, biodiversity, best and most versatile land, historic assets; and**
- ii) is well related to a settlement or settlements; and**
- iii) is not considered to be a valued landscape**

Explanation

In order to support the principle of sustainable development, preserve the countryside and protect the best agricultural land, development 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.

Proposals may be required to demonstrate that they are appropriate in the countryside. The criteria for proposals for the reuse, conversion and replacement of existing buildings and development of new buildings in the countryside are set out in Policy E7, Rural Development. Further examples of appropriate development in the countryside include forestry, agriculture, equestrianism and outdoor recreation. There may be other unforeseen needs that could constitute appropriate development. In all cases however, it is necessary to ensure that development within the countryside should be integrated into the landscape as sympathetically as possible with

minimal impact. The design, layout and materials of the development should reflect the character of the 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.

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 developments 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. However, through the presumption in favour of sustainable development in the NPPF and the policy in Part 1 of the plan sites will be considered favourable where the sustainability of the development can be demonstrated.

The consideration of valued landscape will be undertaken by using the factors set out in the GLVIA 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:

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

Explanation

Agricultural uses constitute part of the South Derbyshire landscape and the District Council appreciates the value and importance of the agricultural industry. In valuing and protecting the countryside and landscape character there is a responsibility to site necessary development 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. This should assist in protecting the countryside whilst allowing agricultural development.

Policy BNE7 Marina Development

A Planning Permission for a new marina will be granted subject to:

- i) the marina not leading to increased risk of flooding elsewhere ;**
- ii) local water quality not being adversely affected;**
- iii) adequate servicing being provided including water supply, electricity and disposal facilities for sewage and waste;**
- iv) the demand for the number and tenure of berths being justified; and**
- v) not impeding the use of the watercourse or water body in any way.**

B Further development at or redevelopment of existing marinas will be supported where the principle of tourism and/or leisure is continuing to be sought and the factors in Section A have been satisfied.

C Permanent berths will be allowed where it can be demonstrated that a need exists. Where such need is demonstrated the change to residential moorings will be supported provided at least 51% of the berths remain available solely for leisure/tourism use.

Explanation

There are three marinas currently in South Derbyshire; Merica Marina near Willington, Shardlow Marina, Shardlow and Stenson Bubble Marina, Stenson. Mercia Marina has capacity for 585 berths, the 'Boardwalk' building with a mix of uses, tea room, grocery store, log cabins for holiday let, a boat manufacturing workshop with dry dock and a chandlery. Shardlow Marina has capacity for around 300 berths, a boat yard with hoist, chandlery and boat service. Stenson Bubble Marina has capacity for 80 berths, a boat builder, coffee shop and a chandlery.

Development at these three Marinas will be supported by the Council where the principal of leisure and/or tourism is continued to be sought.

Any new marina development will be considered on its merits dependent on location and the wider impacts on the Trent and Mersey Canal, which is a conservation area along its length in South Derbyshire.

The emphasis on any new marina will be as a tourism and leisure facility although applications for permanent residential berths due to the increased cost in housing, and to reflect online touring restrictions has increased are also considered within this policy

Policy BNE8 Trees, Woodland and Hedgerows

The Council will seek to minimise the loss of trees, woodland or hedgerow of historic, ecological or commemorative value.

- A** **Proposals that affect trees, hedgerows and woodland should clearly 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 protection measures are secured to ensure adequate protection zones and buffers around trees, woodland and hedgerows.**
- B** **The felling of protected trees, groups of trees or woodland and removal of important hedgerows, will only be permitted in exceptional circumstances and in accordance with the relevant legislation, policy and good practice recommendations. Where protected trees are subject to felling, a replacement of an appropriate number, species, size and in an appropriate location will normally be required.**
- C** **Development proposals which will have a negative effect on trees, hedgerows or woodland must satisfactorily demonstrate a net biodiversity gain can be delivered through the delivery of 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 in urban areas, consideration should be given to planting tree species which are known to contribute towards improving urban air quality such as Field Maple, Ash, Common Alder, Norway Maple, Silver Birch, Larch and Scots Pine.**

Explanation

Trees, woodlands and hedgerows make a valuable contribution to the environmental quality to an area. The character of many settlements in South Derbyshire are 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.

Where development is proposed that could affect trees, hedgerows or woodland the Council will seek to ensure that decisions are underpinned by proportionate survey effort in order that the full effects of development can be understood. Conditions will be used, where appropriate to minimise the likely impacts associated with development and secure the delivery and management of new planting.

The planting of new trees and woodlands and planting or laying of new hedgerows will be encouraged wherever possible throughout the District. Measures to ensure the continued management, protection and replacement of trees or hedgerow will be to be pursued.

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 have been 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. Policy concerning Veteran trees and Ancient woodland is set out in Policy BNE3 (Biodiversity).

The Council does not have any areas which are currently failing to meet identified air quality standards. Nonetheless, air quality in urban areas can be improved through appropriate tree planting and some species are recognised as being more beneficial than others. As such the Council will, where appropriate, seek to work with developers, to ensure that tree species are selected in new developments that can improve air quality subject to wider amenity, landscape and townscape considerations.

Policy BNE9 Local Green Space

Local Green Spaces are designated on the proposals map and will be protected from development unless the development proposed would clearly enhance the area for the purpose it was designated.

Explanation

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. 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. It is expected that the Local Green Space will remain undeveloped over the plan period. Consultation with the local community would be expected should a development be proposed. Collaborative working with private landowners of Local Green Spaces for the improvement of such areas will be taken where the opportunity arises. Maps showing the Local Green Space can be seen at Appendix C.

Policy BNE10 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 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 their setting in terms of size, design, illumination, materials and colour; and**
- iv) That together with existing signs and street furniture in the area, there will not be clutter or excessive advertising.**

Explanation

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.

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 BNE11 Heritage

The District Council will grant permission where; the proposals protect, conserve or enhance the significance of the Districts designated and non-designated heritage assets and their settings, the development respects the distinctive local character and sensitively contributes to creating places with a high architectural and built quality using traditional materials and techniques where appropriate, the development respects and enhances existing landscapes and the individual character of settlements is maintained.

Applications will be expected to be accompanied by a proportionate heritage assessment which describes an assets significance, identifies the impacts of the proposed work and provides clear justification for the works.

A Listed Buildings

The District Council will grant consent for alteration, change of use or extension of a listed building or development within its setting only where this would not detract from the special architectural, historic interest, character and significance of the listed building or its setting. Proposals which would be harmful to the significance of the heritage asset will not be supported.

B Conservation Areas

Development in Conservation Areas will only be permitted if it preserves or enhances the character of the area. This includes (but is not limited to) the historic street patterns townscape, roofscape and natural features, retention of architectural detailing and traditional materials, important open spaces and key views and vistas. Harm to the significance or loss of heritage assets which makes a contribution to the character of the area will be resisted. Where permission is granted for demolition and redevelopment within a conservation area this will be subject to a condition or agreement that demolition shall not take place prior to the approval of detailed plans of the new building and letting of a contract for works to begin.

C Non designated heritage assets

Proposals affecting non-designated heritage assets (including where identified through the planning process) should not harm their significance and development involving loss will be resisted unless significant public benefit has been clearly and convincingly demonstrated.

D Scheduled Ancient Monuments and Archaeology

Any proposed development which impacts on archaeological remains will be required to be accompanied by an archaeological evaluation of the site and statement demonstrating how it is intended to overcome the archaeological constraints of the site. Development will be resisted which would result in disturbance to Scheduled Ancient Monuments or other known archaeological sites or harm their setting or significance. Where there is an exceptional need for development, measures will be undertaken to minimise impact and 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.

E Historic Parks and Gardens

Development within, or affecting the setting of, registered parks and gardens and other historic landscapes will be supported where development does not detract from the significance, character, layout, design, appearance, key views in and out of the Park or prejudice its future restoration.

Explanation

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 assets significance so that the potential impacts of the proposal on the assets 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. 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 the wider South Derbyshire is retained. The historic gardens, parks and churchyards make a positive contribution to the district and we will seek to ensure that these green spaces which add character and historic understanding to many communities are preserved and enhanced.

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 BNE12 Shopfronts

Shopfronts within heritage assets should be well proportioned and reflect the quality and architectural contribution of any existing historic shopfront, have regard to the proportions and relationship between the shopfront, the building and its context, use high quality and sympathetic traditional materials and detailing and include signage only in appropriate locations and in proportion to the shopfront. The District Council will resist external shutters and inappropriately illuminated signage.

Explanation

Shopfronts play an important role within settlements in adding to the district's distinctiveness and character and can contribute significantly to the attractive quality of the street scene. Heritage assets which include shopfronts make an important contribute 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 of local Interest and add to the character and sense of place and as such are Included within the policy.

Traditional architectural materials, details and proportions that are hidden, neglected or lost can be reinstated, revitalised and help enhance the character of the building, local area and add value to the shopping experience. We seek to promote good design, in keeping with the character of the heritage assets, to preserve and enhance the appearance of South Derbyshire. Therefore 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 lighting fittings should have a minimal impact on the appearance of the shopfront and provide a warm light.

Policy BNE13 Former Power Station, Drakelow

Development will be supported for Use Class B1, B2, B8 and energy purposes to assist in the regeneration of previously developed land at the Former Drakelow Power Station.

An agreed development framework document between the developer and the Council will be produced and submitted with any planning application made.

The existing Drakelow Nature Reserve will be retained to its current extent.

Explanation

Drakelow Power Station was commissioned in 1955 and at full capacity generated electricity from three coal-fired power stations supported by 10 cooling towers. After surpassing life expectancy 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.

The Former 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.

A National Grid sub-station is located south of the site at Walton Road and a Tree Preservation Order (Drakelow - 122 (W4)) covers the area along the southern boundary. Planning permission exists for a Combined Cycle Gas Turbine (CCGT) Power Station (ref. CW9/0615/48), Renewable Energy Centre (ref. CW9/0615/48) and Solar Park (ref. 9/2015/0256).

The Council will support renewable and other energy developments and ancillary buildings or infrastructure as set out in Policy SD3 of the Local Plan Part 1.

South Derbyshire's shopping hierarchy comprises two tiers:

- 1 Swadlincote Town Centre
- 2 Key Service Villages; Local Service Villages; established Local Centres (Castleton Park, Church Gresley, Newhall and Woodville); and proposed Local Centres (Boulton Moor, Drakelow Park, Highfields Farm, Wragley Way, Chellaston Fields and Local Service Villages)

The retail hierarchy in the District establishes Swadlincote as the primary town centre where new shopping development should be directed in order to maintain and improve the range of goods and services offered. For the purposes of the operation of the retail policies in this Plan, the town centre encompasses not only primary and secondary shopping frontages, and other shopping areas, but also adjacent civic, office, employment and leisure uses, and the focal points for public transport.

The District Council is committed, in partnership with the private sector in Swadlincote, to improving the environmental quality of the town, promoting the development of the economy and the range of facilities and attractions for shoppers and visitors. The second edition of the "Swadlincote Town Centre Vision and Strategy" was adopted in 2012. The Strategy reviews recent progress toward enhancing the vitality and viability of the town centre and identifies the areas upon which specific emphasis should be placed, i.e. promotion, economic restructuring and design, together with a number of possible development sites. The plan seeks to emphasise the town's special historic and architectural character and recognises that retail and leisure uses should be enhanced to offer visitors a more extensive range of goods and services. It aspires to create a series of interlinked attractions and spaces. In particular, it identifies a need to connect the Pipeworks better with the Delph and High Street.

Over the past ten years, the population of the Swadlincote urban area has grown significantly, which has also helped to raise levels of prosperity within the town. The Swadlincote Retail and Leisure Study, published in 2016, found the town centre to be in reasonable health. It noted that since the previous study of 2005 Swadlincote had increased market share both in the convenience and comparison goods sectors which it saw as being very positive. Going forwards, it identified scope to improve the convenience retail offer in qualitative terms and recommended continued environmental improvements to the High Street to assist in its further revitalisation. Recently secured Heritage Lottery funding for shop frontage improvements will assist greatly in this respect. Further means to increase High Street activity could include the encouragement of additional food and drink uses.

The Council has also worked in partnership with English Heritage to bring about improvements to the built fabric of the town centre, which is a Conservation Area. Traditional shop fronts have been restored and the Delph and West Street have benefitted from extensive repaving and the

introduction of new street furniture and signage. Sharpes Pottery Museum has also been expanded, through the introduction of a new gallery, play area and café.

There is scope for a range of further environmental improvements, from enhanced gateways and green spaces, to more active frontages and attractive pedestrian links. Any new development should have safe and direct pedestrian links to the heart of the town centre (primary retail frontage), ensuring that key destinations are connected and pedestrians can navigate and move easily between them. The quality of these links should be such that they encourage people to walk and explore the town centre on foot. A compact and connected town centre ensures that the town develops sustainably, avoiding a car dominated and fragmented settlement that would struggle to flourish.

Market days are a significant attraction and the relocation of stalls to The Delph and Swadlincote High Street has helped bring added life to the town centre. The monthly farmers market is a more recent introduction, bringing in specialist local produce vendors, providing a further draw to potential town centre users.

The aim is to continue the revival of Swadlincote town centre as a service centre and attractive destination for both community and visitors. There is scope for significant retail, leisure, office and residential development with substantial sites available within and adjacent to the town centre. A particular focus is the development of the evening and visitor economies, linked to The National Forest. To this end, the Council hopes to attract a mix of uses, to support economic activity throughout the day and evening, with a greater emphasis on comparison based shopping, rather than convenience shopping, which currently predominates. Another consideration is the lack of modern suitably sized units to meet the needs of some national retailers not currently represented in the town.

Away from Swadlincote town centre, the provision of small scale local shopping facilities helps ensure residents have convenient access to a reasonable range and choice of facilities while helping to reduce travel and car use and secure a more sustainable environment.

Key Service Villages provide a range of retailing provision and other services to a localised catchment population, including a convenience store and a sub Post Office. Whilst some Local Service Villages provide some of these facilities, others do not. Nevertheless, the policy would allow for the favourable consideration of any proposals for additional provision and will resist the loss of existing facilities.

Local centres provide convenient and sustainable access to everyday shopping and services to residents living in the immediate locality. The Local Plan must adopt a facilitating approach to enable a range of appropriate development proposals to come forward.

The Localism Act 2011 provides Parish Councils or groups with a connection with the local community the ability to nominate assets of community value, such as local pubs. If the nomination is accepted, local groups will be given time to bid for the asset when it is sold, although there is no automatic right to buy.

Policy RTL1 Swadlincote Town Centre

- A Other than in Local Centres, Key Service Villages and Local Service Villages (as defined by Policy H1 Settlement Hierarchy) proposals for retail, leisure, office and other main town centre uses, as defined in national policy, should be located in accordance with the following sequence:**
- i) Firstly, within the defined town centre of Swadlincote (see Map 1); or**
 - ii) Where there are no sites at (i), at sites on the edge of Swadlincote town centre; or**
 - iii) Where there are no sites at (i) and (ii), in out of centre locations that are well connected to Swadlincote town centre and highly accessible on foot, by cycle and by public transport.**
- B Planning applications for retail, leisure and office development exceeding 2500sqm in size on sites that are not within Swadlincote town centre should be accompanied by an assessment showing that there would be no adverse impact on the vitality and viability of Swadlincote Town Centre and other centres within the catchment area of the proposal, including those located in neighbouring local authorities, in accordance with national policy.**
- C Within the primary shopping frontages of Swadlincote town centre, changes of use at ground floor level from retail, financial and professional services, food and drink, pubs and bars and hot food takeaways to uses outside these categories will not normally be permitted.**
- D Within Swadlincote town centre, planning applications for change of use at first floor level and above to office or residential use will be permitted, provided that the amenity of prospective occupants would be protected**

Explanation

In applying the sequential test referred to in part A, applicants should assess opportunities that are of an appropriate scale to accommodate the development proposed. They will be expected to demonstrate flexibility in terms of the format and scale of their proposals when assessing such

opportunities.

There is a need to maintain a core of retail activity in the town centre, but other complementary uses, during the day and evening, can reinforce the town centre's attractiveness to local residents. Primary frontages, shown on Map 1, have therefore been identified, with the intention that these are retained as the main core of town centre activity (Use classes A1, A2, A3, A4 and A5 at ground floor level). In the remainder of the town centre a more flexible approach will be applied, recognising that outside the primary shopping area the town centre can accommodate a wider variety of uses, including all major town centre uses.

Policy RTL2 Swadlincote Town Centre Potential Redevelopment Locations

The Council will promote the redevelopment of the following sites, as identified on Map 1, for uses that would enhance the viability and vitality of Swadlincote town centre:

- 1 Civic Centre, Civic Way**
- 2 Land between Midland Road / Belmont Street**
- 3 The Delph Block**
- 4 Sharpes Estate**
- 5 Land between West Street / Market Street**

Where appropriate, redevelopment of the sites will be in accordance with a development brief prepared by the Council

Explanation

The Swadlincote Town Centre Vision and Strategy identifies a number of sites as offering potential for redevelopment among which those listed in this policy are considered to offer the best potential to come forward during the plan period.

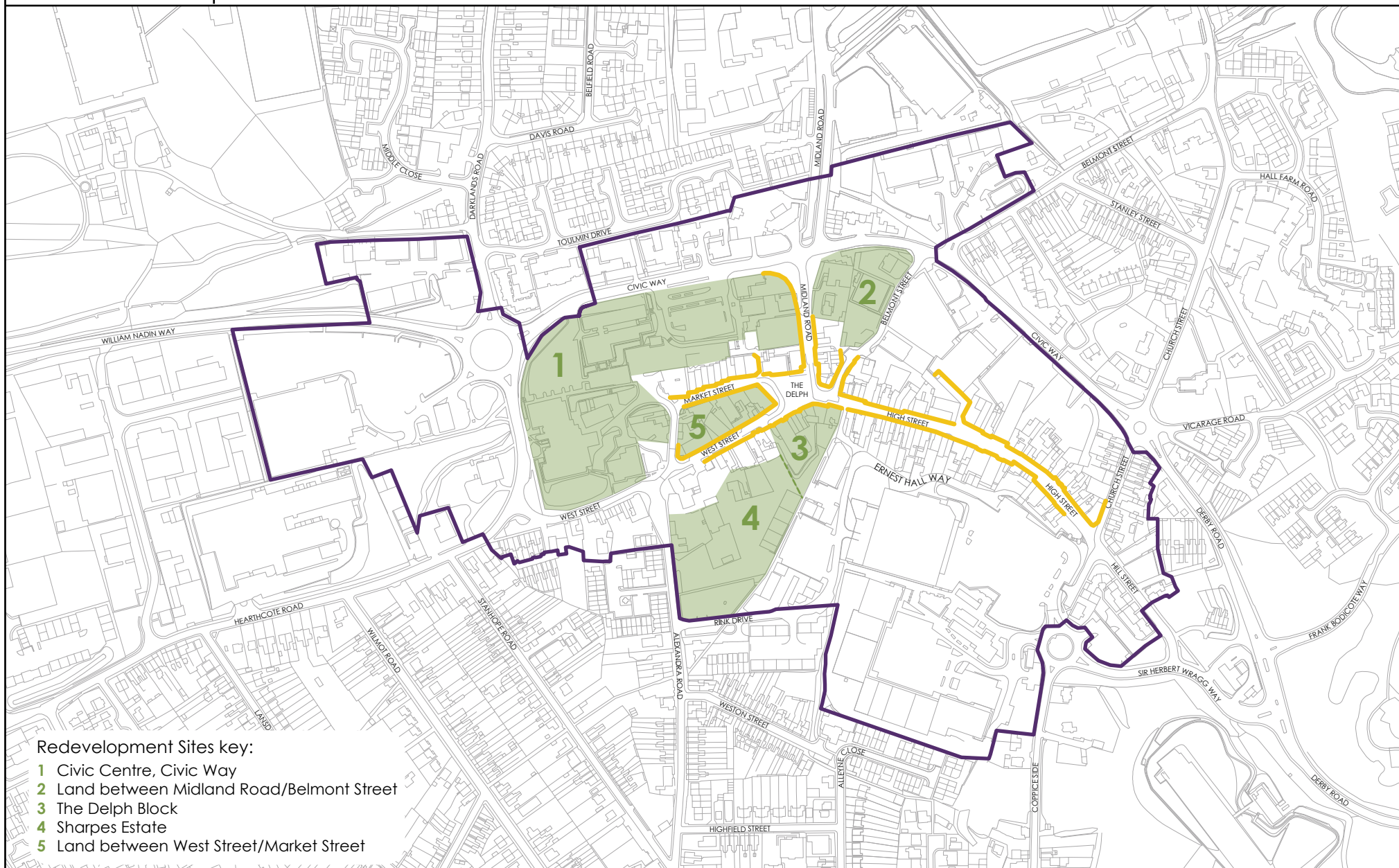
Site 1 comprises the land currently occupied by the Civic Offices, bus station, former market hall, the Green Bank Leisure Centre and library. It is the largest single site within the town centre, with scope for a mixed use development potentially incorporating residential, retail, leisure and increased parking provision.

Site 2, land between Midland Road and Belmont Street, is currently occupied by a mix of uses, including buildings, vacant land and a former bowling green. There is an opportunity for redevelopment and/or refurbishment with mixed uses, including offices.

Site 3, the Delph Block, comprising 1-15 West Street, includes a block of retail, food and drink and health and beauty premises. It has scope for



Map 1 - Swadlincote Town Centre and Potential Redevelopment Locations - Policy RTL1 & RTL2



 Town Centre boundary

 Primary frontages

 Redevelopment sites

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Scale: 1 : 5000 at A4



refurbishment or redevelopment with mixed uses, together with an opportunity to create an active frontage to Rink Passage. The site could also be integrated with the adjacent Sharpe's Estate.

Site 4, Sharpes Estate, comprises a public car park and a cluster of office and industrial buildings, both historic and modern, including vacant buildings and land. There is a development opportunity for mixed uses, including residential, with scope for restoration works, redevelopment and infill to complement the existing buildings. It could be integrated with the adjoining Delph Block.

Site 5, land between West Street and Market Street, comprises buildings fronting West Street, a number of which are vacant or underused and are important from a heritage perspective. At the frontage to the Delph is the modern Post Office building. There is potential to incorporate the West Street frontages in a development scheme, with new active frontages to Market Street involving mixed uses.

Policy RTL3 Local Centres and Villages

- A At existing local centres at Castleton Park, Church Gresley, Newhall and Woodville High Street and at proposed local centres at Drakelow, Highfields Farm, Boulton Moor, Wragley Way, Chellaston Fields and on land to the west of Mickleover shown on Maps 2, 3 and 4, proposals for retail development will be permitted provided that:**
- i) the development is consistent with the scale and function of the centre; and**
 - ii) would not have an unacceptable impact on the vitality and viability of other centres, including those within neighbouring local authority areas; and**
 - iii) would not be harmful to the amenity of neighbouring uses.**
- B At Key Service Villages and Local Service Villages (as defined by Policy H1 Settlement Hierarchy) proposals for retail development will be permitted provided that:**
- i) the development is consistent with the scale and function of the settlement; and**
 - ii) would not be harmful to the amenity of neighbouring uses.**
- C Changes of use at ground floor level from retail to other uses will not be permitted, except where:**
- i) it has been demonstrated to the satisfaction of the Council that the current use is no longer economically viable and**

cannot be made so; or

- ii) where an alternative facility offering comparable services, which meet local needs to at least the same extent, is already available, or will be made so as part of the proposal;**

Explanation

A cohesive policy is required to maintain and enhance the role and function of local centres and shops and services located in villages. However, development should not be of a scale that would undermine other centres, including those in neighbouring local authority areas. Existing facilities such as shops and public houses perform a vital role in maintaining the vitality and sustainability of rural communities.

To allow the Council to consider viability where an existing retail facility (Use Classes A1, A2, A3, A4 and A5) is the subject of a proposal for a change of use, it will require evidence that:

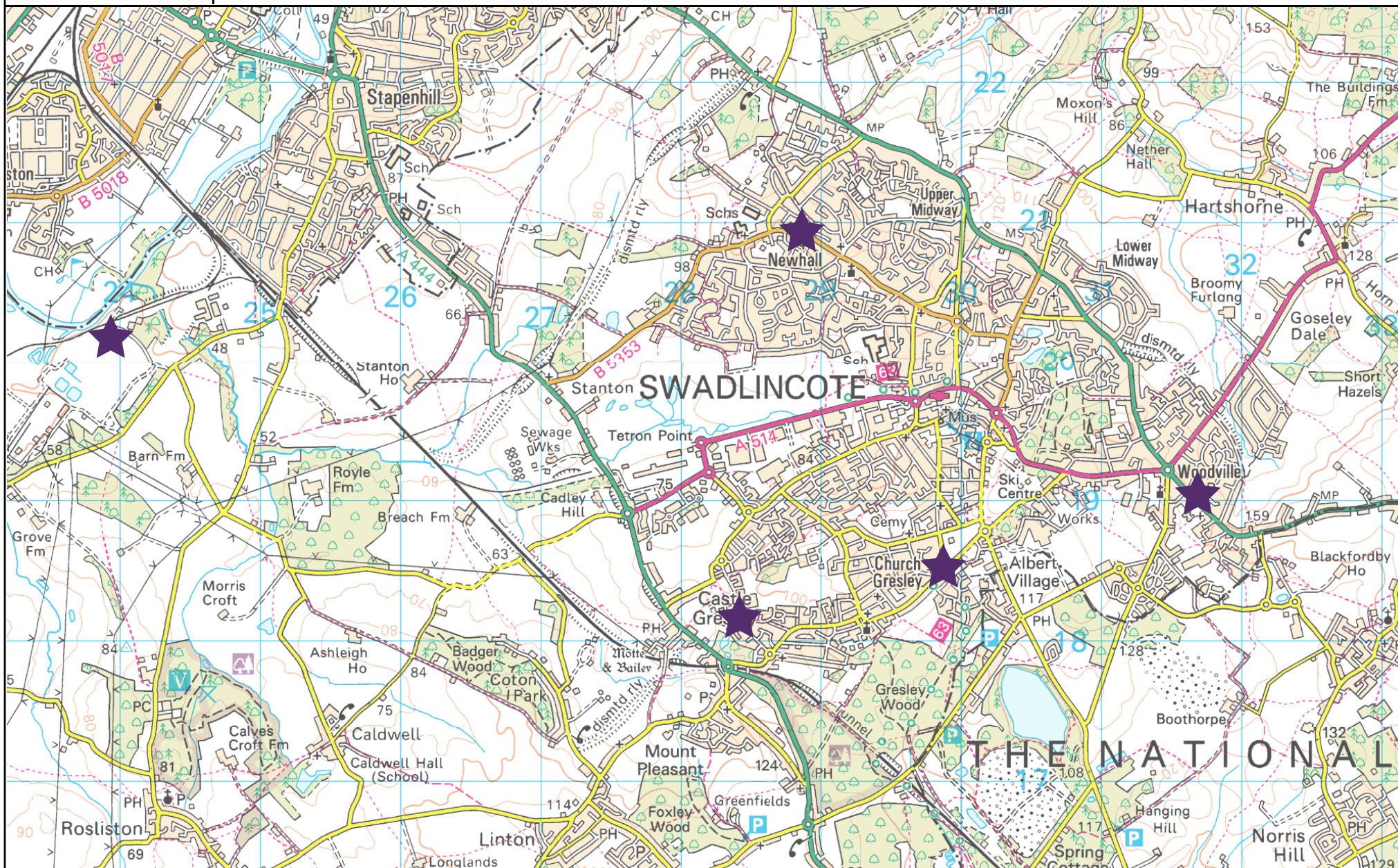
- i) the existing or recent business is not financially viable, in the form of trading accounts for the last three years in which the business was operating on a full-time basis; and
- ii) a range of measures were tried during this time to increase trade and diversify use, including marketing to other potential operators.

The facility must have been marketed for not less than 12 months at a price agreed with the Council following an independent professional valuation.

The Council will require evidence that there has been public consultation to ascertain the value of the facility to the local community. Where one exists, reference will be made to the Neighbourhood Development Plan for the area. If the facility is registered as an Asset of Community Value the Council may regard this as a material consideration. In considering alternative facilities, the Council will require evidence that there is at least one such facility offering comparable services within convenient walking distance.



Map 2 - Local Centres and Villages - Policy RTL3 Swadlincote



Local Centre

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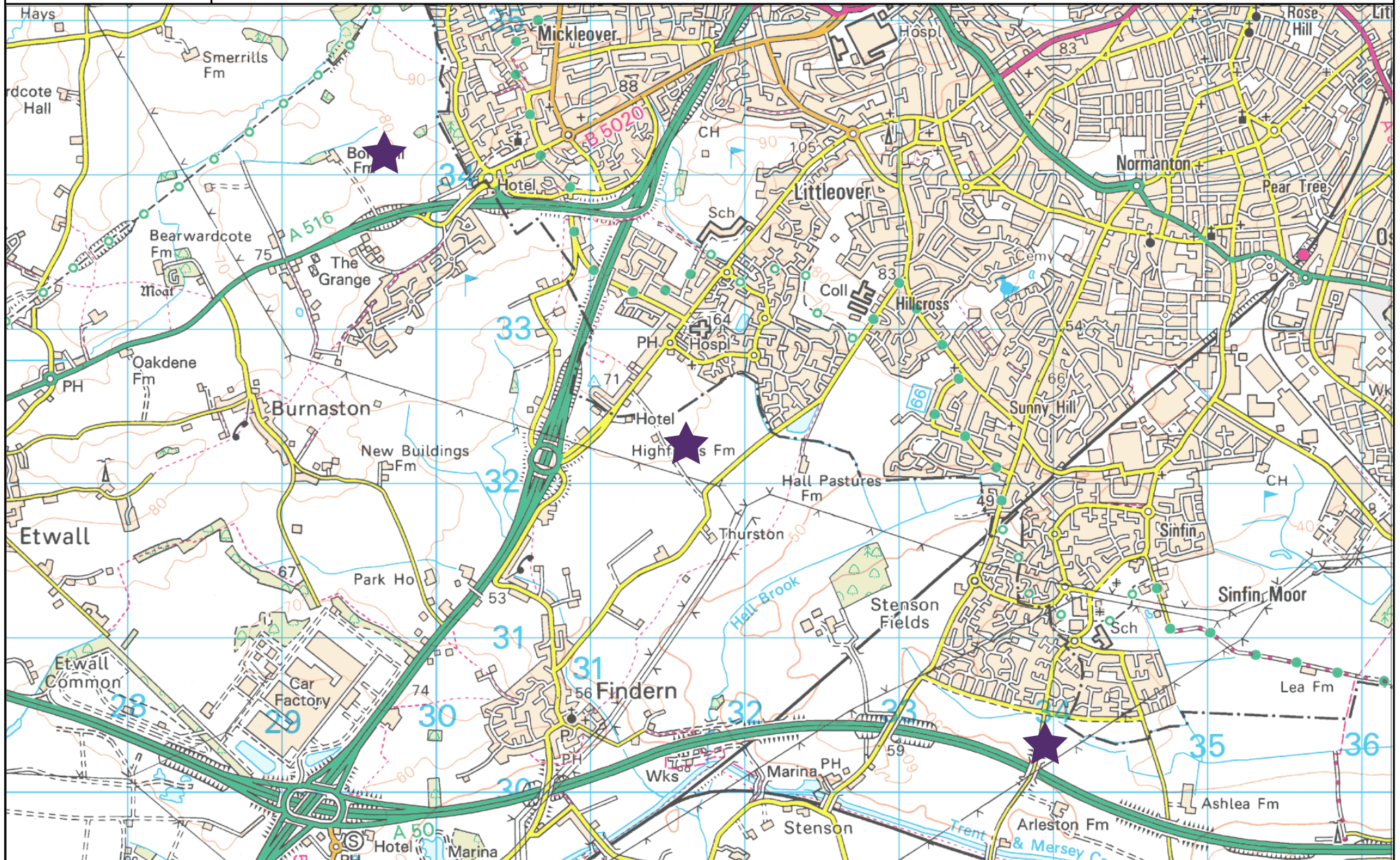
Scale: unspecified at A4



NORTH



Map 3 - Local Centres and Villages - Policy RTL3 Derby Urban Area (West)



Local Centre

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Scale: unspecified at A4





Map 4 - Local Centres and Villages - Policy RTL3 Derby Urban Area (East)



Local Centre

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Scale: unspecified at A4



INFRASTRUCTURE

Whilst recognising the importance of telecommunications it is important to strike a balance between delivering infrastructure and preserving the landscape and buildings of particular importance.

Policy INF11 Telecommunications

Proposals for telecommunications development will be permitted provided it has been demonstrated with the necessary evidence that:

- i) apparatus is located so as to complete or improve coverage; and**
- ii) where a new mast is proposed, there is no opportunity for sharing an existing mast, building or structure; and**
- iii) apparatus is located and designed so as to minimise visual intrusion on the landscape or townscape, through sympathetic siting, design, materials, colour and, where appropriate, camouflage; and**
- iv) it is not located in, nor will have an unacceptable impact on, any designated heritage asset, Site of Special Scientific Interest or local nature reserve unless it can be demonstrated that no technically acceptable alternative site is available and that the need for the development outweighs the degree of harm caused; and**
- v) where feasible, all cables and pipelines are placed underground, having regard to any archaeological or ecological constraints.**

Explanation

High quality and reliable telecommunications infrastructure is essential for economic growth and to deliver the services expected from telecommunications development including mobile and broadband. Poor broadband limits the types of business that could exist in a rural setting. Digital Derbyshire is working in partnership with BT to lay hundreds of miles of fibre optic cable and aims to bring faster broadband to parts of Derbyshire, particularly in rural areas. For details of the programme go to www.digitalderbyshire.org.uk

Telecommunications covers communication services involving radio, television and telephone networks provided by means of cable, microwave and satellite. In accordance with National Policy, local planning authorities should aim to keep the numbers of radio and telecommunication masts and the sites for such installations to a minimum consistent with the efficient operation of the network.

It is recognised that service providers will want to provide the best coverage possible in order to remain competitive in the market. Whilst recognising the importance of telecommunications it is important to strike a balance between delivering infrastructure and preserving the landscape and buildings of particular importance. Wherever there is an opportunity to minimise the negative effects of telecommunications infrastructure, these should be taken up.

Conditions may be sought to secure an acceptable appearance for the structures and the development site. Screening may be sought where appropriate and landscaping schemes required. Where services are placed underground or new landscaping is proposed, the site should be restored and/or landscaped with appropriate indigenous species.

Policy INF12 Provision of Education Facilities

Land for educational purposes will need to be safeguarded in a location/s by the Local Education Authority or other statutory provider. The site will:

- i) Be for at least an 800 pupil place secondary school; and**
- ii) Require a minimum of 10 hectares; and**
- iii) Be designed and laid out so as to minimise any undue impacts on surrounding land uses and the wider environment.**

Explanation

Due to the recent, planned and anticipated population growth in South Derbyshire, not just in this plan period but beyond 2028, it has become evident that a new secondary school will be required in the District, possibly within the plan period. There are currently four secondary schools within the District, three in Swadlincote and one in Etwall. Parts of the District have normal (catchment) areas covering them from Derby City, East Staffordshire and Erewash schools.

In order to progress a new secondary school, the starting point is the notification of a site or sites through the Local Plan process. Derbyshire County Council as the statutory Authority for education provision in South Derbyshire have to undertake the process of selecting the site/s and request that the District Council notify the site or sites. By notifying the site/s, they are essentially protected from development for education purposes for a period of time.

Considerable preparatory work, including an initial public consultation, has already been undertaken on this process. It is ongoing with the intention that, subject to the outcome of further public consultation and the decision taken by Derbyshire County Council Members later in the year on site/s selection, the policy above will refer to a location/s in the submission version of this Plan.