



South  
Derbyshire  
District Council  
Community and  
Planning Services

# South Derbyshire Local Plan Part 2



**December 2015**

South Derbyshire Changing for the better

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## About this consultation

This consultation is the first step in preparing the Local Plan Part 2 and covers the following areas:

- Proposed Local Plan Part 2 Policies
- Non-Strategic Housing Site Options
- Proposed Settlement Boundaries
- Proposed Local Green Spaces

**Questions inviting your comments on the Local Plan Part 2 can be seen throughout the consultation document in red.**

## Consultation period

The consultation runs from 15<sup>th</sup> December 2015 to 12<sup>th</sup> February 2016.

Drop-in events will take place across the District as listed below. The events are open to all – you don't have to attend your nearest one. The events offer an opportunity to discuss the Local Plan Part 2 consultation document.

Venue	Date	Time
Old Post Centre, High Street, Newhall, Swadlincote	8 <sup>th</sup> January 2016	2.30pm - 7.30pm
Goseley Community Centre, Hartshill Road, Woodville	11 <sup>th</sup> January 2016	2.30pm - 7.30pm
All Saints Heritage Centre, Shardlow Road, Aston on Trent	12 <sup>th</sup> January 2016	2.30pm - 7.30pm
Rosliston and Cauldwell Village Hall, Main Street, Rosliston	15 <sup>th</sup> January 2016	2.30pm - 7.30pm
Repton Village Hall, Askew Grove, Repton,	18 <sup>th</sup> January 2016	2.30pm - 7.30pm
Church Rooms of St George and St Mary's Church, Church Street, Church Gresley	19 <sup>th</sup> January 2016	3.15pm - 7.30pm
Frank Wickham Hall, Portland Street, Etwall	21 <sup>st</sup> January 2016	2.30pm - 7.30pm
Hilton Village Hall, Peacroft Lane, Hilton	25 <sup>th</sup> January 2016	1.30pm - 5.45pm
Melbourne Assembly Rooms, High Street, Melbourne	27 <sup>th</sup> January 2016	2.30pm - 7.30pm

The Local Plan Part 2 consultation document is available to view at:

- [www.south-derbys.gov.uk/localplanpart2](http://www.south-derbys.gov.uk/localplanpart2)
- South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH
- All South Derbyshire libraries and the following libraries outside of the District: Burton on Trent, Blagreaves, Mickleover, Sinfin

Comments made in response to this consultation need to be made in writing and questionnaires to complete are available in the above locations and at consultation events.

Questionnaires can be completed by hand or electronically and sent to:

Planning Policy  
South Derbyshire District Council  
Civic Offices  
Civic Way  
Swadlincote  
DE11 0AH

E-mail: [planning.policy@south-derbys.gov.uk](mailto:planning.policy@south-derbys.gov.uk)

If you have any questions please contact the planning policy team on 01283 228735.

**Please submit your comments by 5pm on 12th February 2016**

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## 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 contains policies for dealing with planning applications for a range of different types of development.

The Part 1 Plan was submitted to the Secretary of State in August 2014. Examination of the Plan took place in late 2014 and December 2015 and is still being considered by the Inspector. Part 1 deals with strategic allocations and key policies, while Part 2 is concerned with non-strategic allocations and more detailed Development Management policies.

This is the first consultation in regards to the Local Plan Part 2. Part 2 is required to go through several statutory stages of consultation before adoption. The information below shows an up to date timeframe for the adoption of the Local Plan Part 2. The Local Development Scheme will subsequently be updated to reflect this timeframe.

-  **Local Plan Part 2** – December 2015 – February 2016
-  **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** – Mid 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 proposed Development Management Policies for the Local Plan Part 2, which once adopted (along with the Local Plan Part 1) will be used to guide the Development Management team 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.

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# 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 sustainable development (subject to meeting other material considerations) within settlement boundaries, whereas in the countryside a more restrictive policy applies.

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

**New development including housing will be restricted to that which can be accommodated within the settlement boundaries as defined on the proposals map, unless it is specifically supported by another policy in the plan.**

### 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	Foston
Kings Newton	Lees	Long Lane
Lullington	Milton	Scropton
Smisby	Stanton by Bridge	Sutton on the Hill
Swarkestone	Thulston	Walton on Trent

## Explanation

Settlement boundaries define the built limits of a settlement and distinguish between the built form of a settlement and the countryside.

Settlement boundaries from the 1998 Local Plan were reviewed using a set of criteria to ensure that they represent the current situation. Further information can be found within the Settlement Boundaries Topic Paper. The boundaries will also need at the appropriate time to take account of the Part 1 and 2 housing allocations that will be made.

Although the inclusion of land within a settlement confine would normally imply a presumption in favour of sustainable development, there are other considerations which will be taken into account. Development will be required to be in keeping with the scale and character of the settlement and will need to comply with other development management policies and relevant supplementary planning documents.

The methodology for reviewing and establishing new settlement boundaries and the proposed settlement boundaries can be seen in Appendix A.

**Q1. Is the use of settlement boundaries the correct mechanism to direct appropriate development? Are there any other options? (Please give reasons)**

**Q2. Do you think we have identified the correct settlements to have settlement boundaries? (Please give reasons)**

**Q3. Do you wish to suggest any changes to the proposed boundaries? (Please give reasons for suggested amendments)**

# HOUSING

Due to the nature of South Derbyshire containing only one town there was a need through Part 1 of the Plan to allocate strategic sized sites to five of the ten Key Service Villages. In order to ensure that delivery of the remaining 600 dwellings takes place across the District on a mix of non-strategic sites, it is essential to consider not only those smaller sites that fall within more urban areas but also sites that could be accommodated in the Key Service Villages that haven't seen any growth through the Plan, together with the lower tier villages – Local Service Villages and Rural Villages. The objectives for the Plan are clear that whilst protection of the environment is upmost, it is also essential that our communities are shaped with the ageing and young population in mind and that housing needs across communities are met.

The sites selected need to be proven to be suitable, deliverable and developable, with the starting point for this being sites in the SHLAA where landowners, agents and developers have put forward their site to the Council for consideration as a development site for housing.

The policy below considers the level of growth that has already occurred in the settlements and sets out a growth pattern for the 600 dwellings.

## Policy H22 Part 2 Housing Allocations

### Urban Areas

The majority of allocations in Part 1 are directed towards the Urban Areas but in order to ensure that a range of sites are allocated between 150 – 300 dwellings is proposed in the urban areas, through non-strategic allocations.

### Key Service Villages

Key Service Villages	Part 1 Allocations	Completions from 2011 until April 2015	Number of dwellings required
Aston	74 + Care Home	1	150 - 400
Etwall	199**	34	
Hatton	400	44	
Hilton	485**	45	
Linton	-	7	
Melbourne	-	130	
Overseal*	-	10	
Repton	148**	16	
Shardlow*	-	4	
Willington	-	90	

\*Overseal and Shardlow have constraints related to the River Mease Special Area of Conservation Catchment (Overseal) and a high level of flood risk (Shardlow) and therefore could have limited growth.

**\*\*Planning permission granted for more than allocation.**

**As the second tier down in the settlement hierarchy these settlements are deemed to have reasonable facilities and could therefore accommodate growth of between 150 – 400 dwellings.**

**Local Service Villages**

**Given the very limited services and facilities within these settlements and the fact that many of the villages have less than 400 dwellings, a smaller growth rate has been assumed of around 150 dwellings, which includes the possibility of growth within Rural Villages as well.**

Local Service Villages	Part 1 Allocations	Completions from 2011 until April 2015	Number of dwellings required
Coton in the Elms	N/A	11	<b>Around 150 dwellings (including Rural Villages)</b>
Findern		2	
Hartshorne		26	
Mount Pleasant (Castle Gresley)		0	
Netherseal		1	
Newton Solney		2	
Rosliston		2	
Ticknall		2	
Weston-on-Trent		14	

**Rural Villages**

**Given the very limited services and facilities that these settlements have a blanket percentage growth would not be appropriate however opportunities may exist in some of the settlements that will allow for some limited growth and could provide much needed new and/or affordable homes.**

**Summary**

Settlement Hierarchy category	Number of dwellings
Urban Areas	150 - 300
Key Service Villages	150 - 400
Local Service Villages and Rural Villages	Around 150
	<b>500 - 850</b>

Maps showing potential housing site options can be seen at Appendix B.

The housing option site pro-formas can be seen in Appendix C

**Q4. Do you have any comments regarding the proposed distribution of 600 dwellings across the District? (Policy H22)**

**Q5. Do you have any comments to make regarding the housing site options for Part 2 shown on the maps?**

**Q6. Do you have any comments or further information on the housing site pro-formas?**

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The following policies are in regards to countryside housing development.

### **Policy H23 Infill**

**Outside of settlement boundaries, new housing development will be permitted provided it represents the infilling of a small gap for normally not more than two dwellings within small groups of housing.**

### **Explanation**

The establishment of a village confine is not considered appropriate for the very small rural settlements. It is however recognised that in certain circumstances the development of individual plots may be appropriate. In such cases, development will be limited to infilling only comprising normally of not more than two dwellings within small groups of houses.

**Q7. Do you have any comments on the scope and content of this policy? (Policy H23)**

### **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 existing or that which could be achieved under permitted development;**
- ii) the new dwelling is on substantially the same site as the existing;**
- iii) there is no increase in the number of dwelling units.**

## Explanation

New housing development within the countryside (defined as outside of settlement boundaries) 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 a 'new for old' development with no further units being added. The replacement dwelling however should not substantially increase the form and bulk of the existing dwelling or that which could be achieved under permitted development and should be substantially on the same footprint as the existing dwelling. Furthermore, the Council will seek replacement dwellings which are sympathetic to the character of the area.

**Q8. Is the policy sufficient to safeguard the countryside from inappropriate dwellings? (Please give reasons)**

### Policy H25 Rural Workers Dwellings

#### Permanent Rural Workers Dwellings

- A** Outside settlement boundaries planning permission will be granted for a new permanent rural workers dwelling where it can be demonstrated that:
- i)** There is an established existing functional need for an additional dwelling for a worker;
  - ii)** The need relates to a full time worker, or worker primarily employed in the agriculture, forestry or where there is a requirement for a worker to be readily available at most times;
  - iii)** The rural based activity has been established for at least three years, has been profitable for at least one, is currently economically/financially viable and has prospect of remaining so; and
  - iv)** The functional need cannot be fulfilled by an existing dwelling on the unit or within the locality.
- B** Where the permanent need is established the dwelling should be well related to existing farm buildings or other dwellings and should be of a size commensurate with the functional requirement of the activity.

#### Temporary Rural Workers Dwellings

- C** Outside settlement boundaries planning permission will be granted for new temporary rural workers dwellings which normally for the first three years 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 a functional need for a temporary dwelling for a worker;**
- ii) The functional need cannot be fulfilled by an existing dwellings on the unit or within the locality**
- iii) The firm intends to and has the ability to develop the enterprise in question and has been planned on a sound financial basis**

**D Where the temporary need is established the dwelling should be well related to existing farm buildings or other dwellings and should be of a size commensurate with the functional requirement of the activity.**

## **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. In assessing such applications, the Council will need to be satisfied that there is a functional need for an employee to be readily available on site, which cannot be met within the locality and that the enterprise is sustainable. 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 commensurate size to the functional requirements of the activity and well related to existing farm buildings or other dwellings to help protect the character of the countryside.

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.

**Q9. Is the policy sufficient to safeguard the countryside from inappropriate dwellings? (Please give reasons)**

The following policies are in regards to development in curtilages, housing conversions and non permanent dwellings.

## **Policy H26 Residential Curtilages**

**The change of use of land to a residential curtilage will be permitted provided proposals:**

- i) Are not unduly detrimental to the character and openness of the countryside; and**
- ii) Are in keeping with the character and form of the settlement and not intrusive into the countryside; and**
- iii) Where relevant, does not conflict with the purposes of the Green Belt.**

### **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 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.

**Q10. Do you have any comments on the scope and content of this policy? (Policy H26)**

## **Policy H27 Development within Residential Curtilages**

**Extensions to dwellings and the erection or alteration to other built forms within residential curtilages, 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

Additional space created by an extension to a dwelling and the erection or alteration to ancillary 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, without creating an overbearing effect and a loss of privacy. In addition, ancillary buildings/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, unless it can be demonstrated that there is a long-term functional dependency on the main dwelling. Proposals for annexe accommodation should be of a scale proportionate to the original dwelling, with relative connectivity to the original dwelling house and no larger than functionally required. 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 curtilage 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.

### **Q11. Do you have any comments on the scope and content of this policy? (Policy H27)**

## **Policy H28 Residential Conversions**

- A Within villages and other rural settlements, the conversion of existing buildings to a residential use will be permitted provided that the proposal is in keeping with the original buildings and is not detrimental to the character of the settlement.**
- B Outside settlements the conversion of buildings to provide residential accommodation will be permitted provided:**
- i) The building is permanent and suitable for conversion without extensive alteration, rebuilding and/or extension; and**
  - ii) The converted building would make a positive contribution to, and is in keeping with the character of, its surroundings.**

## Explanation

The conversion of buildings can allow change to be assimilated in a settlement without being detrimental to the existing character. The utilisation of older buildings in this way can also bring environmental benefits and provide a source of housing accommodation without releasing new land for development. Conversions should be sympathetically designed and built in order to enhance the appearance of the area.

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.

**Q12. Do you have any comments on the scope and content of this policy? (Policy H28)**

## Policy H29 Non-Permanent Dwellings

- A In all parts of the District the policies used to determine proposals for permanent dwellings will be applied in determining the siting of caravans and mobile homes, notwithstanding that temporary arrangements for while dwellings are being built or renovated, will be supported.**
- B Further moorings within marinas will only be permitted where they are provided for tourism and are in keeping with the scale and character of the marina.**
- C Linear and other moorings, including canal-side moorings, will only be permitted within settlements.**

## Explanation

Marinas, by virtue of their primary function for leisure and tourism, are not usually located in areas where permanent housing would be sustainable. Applications for moorings for tourism use will need to be accompanied by a sound business case for the scheme. In some circumstances the Council will seek independent advice to corroborate the evidence provided. Personal moorings in the countryside (defined as outside of settlement boundaries) will not be supported.

**Q13. Do you have any comments on the scope and content of this policy? (Policy H29)**

# BUILT AND NATURAL ENVIRONMENT

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 land will be considered as countryside.**

**A Planning permission will be granted where:**

- i) It is essential to a rural based activity or represents appropriate Rural Diversification as set out in Policy E7 ; or**
- ii) Appropriate for its location in the countryside; and**
- iii) The character of the countryside, the landscape quality, wildlife and historic features are safeguarded and protected.**

**B Where development is permitted in the countryside it should be designed and located so as to create as little impact as practicable on the countryside.**

## 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 essential to a rural based activity or appropriate in the countryside. 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.

**Q14. Is the policy sufficient to safeguard the countryside from inappropriate development? (Please give reasons)**

## Policy BNE6 Recreational Uses in the Countryside

**A Recreational uses in the countryside and associated development will be permitted where:**

- i) the development is essentially open and outdoor in character the development does not cause harm to, nor detract from, the rural character and landscape of the area, and**
- ii) existing buildings are used wherever possible; any new ancillary structures should be essential, subordinate and of appropriate scale and in keeping with its surroundings.**

**B Development related to recreational horse-keeping and riding will be permitted where:**

- i) the proposed development is of an appropriate scale for its setting, and**
- ii) the location and design of the development is in keeping with the surrounding area and is of timber construction.**

## Explanation

The countryside is a natural environment for recreation uses and there are many opportunities for recreation compatible with protecting the intrinsic beauty of the countryside. Recreational activities, such as fishing, golf courses, greenways, marinas and outdoor education facilities, can make a meaningful contribution to the health and well-being of communities and provided they are not to the detriment of the countryside then such uses will be considered positively. The construction of any building will need to be carefully considered.

**Q15. Does the policy provide sufficient scope for recreational uses while also safeguarding the countryside? (Please give reasons)**

## Policy BNE7 Agricultural Development

**Agricultural development that is subject to planning control will be permitted provided that:**

**The development is of an appropriate scale, is sited in proximity to existing buildings wherever practicable and it is clearly demonstrated that the proposed development is both required and suitable for the needs of the enterprise concerned.**

## Explanation

Agricultural uses understandably constitute parts of the South Derbyshire landscape and the District Council appreciates the value and importance of the agricultural industry. In valuing and protecting the countryside there is a responsibility to situate necessary development in such a way as to minimise its effect on the surrounding landscape; prudent siting, design, construction and choice of materials will be expected to ensure the right balance is struck. In assessing such applications, the Council will need to be satisfied that there is a functional need for the development.

**Q16. Does the policy provide sufficient scope for agricultural development while also safeguarding the countryside? (Please give reasons)**

### **Policy BNE8 Protection of Trees, Woodland and Hedgerows**

- A** Development will be permitted provided that proposals do not lead to the unacceptable loss of areas of woodland, individual trees, hedgerows of value, trees with historical or commemorative value, rare species, ancient trees or trees rated with a high urban tree air quality score (UTAQS).
- B** Conditions will be imposed on relevant planning permissions to secure the planting of trees, woodlands and hedgerows and to enable new planting to achieve full maturity. Conditions will also be imposed to secure the protection of existing trees, woodlands and hedgerows of value to their landscape during development.

## Explanation

Trees, woodlands and hedgerows make a valuable contribution to the environmental quality to an area. The character of many villages and 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.

Planting of new trees and woodlands will be encouraged wherever possible throughout the District.

Threatened by development, disease and neglect, measures to ensure the continued management, protection and replacement of trees need 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.

**Q17. Do you think this policy provides for the adequate protection of trees, woodland and hedgerows within the District? (Please give reasons)**

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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.

### **Policy BNE9 Local Green Space**

**Local Green Spaces are identified on the proposals map and will be protected from development that would be detrimental to their character. Only in exceptional circumstances would development be permitted.**

#### **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, unless when very special circumstances exist. Consultation with the local community would be expected should a development of exceptional circumstances be proposed.

Maps showing the Local Green Space can be seen at Appendix D.

**Q18. Do you agree that the authority needs to designate Local Green Space? (Please give reasons)**

**Q19. Of the Local Green Spaces proposed, are there any that you consider should not be designated? (Please give reasons)**

**Q20. Are there other sites that meet the requirements of Local Green Space as set out in the NPPF and therefore should be included? (Please give reasons)**

Advertisements, street furniture and smaller scale infrastructure such as telecommunications cabinets can significantly affect the overall appearance and feel of an area. This policy seeks to ensure that such development is appropriately controlled.

## **Policy BNE10      Advertisements and Visual Pollution**

**A      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.**
- ii)      That pedestrian and vehicular movements are not inhibited nor highway users' attention detracted; visibility should not be obscured or confused , nor public safety adversely affected.**
- iii)      That proposals are in keeping with their setting in terms of size, design, illumination, materials and colour.**
- iv)      That together with existing signs and street furniture in the area, there will not be clutter or excessive advertising**

**B      A SPD regarding Advertisement Consent will be produced to supplement this policy and inform decision making.**

### **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.

**Q21. Does the policy provide adequate protection whilst also offering sufficient flexibility to allow necessary development to which the policy refers? (Please give reasons)**

South Derbyshire has a wealth of heritage assets including over 700 listed buildings, 22 conservation areas, 22 scheduled ancient monuments, areas of archaeological potential, 5 Historic Parks and Gardens and sites on the historic environment record. Outside of this there remains a wealth of undesignated heritage assets both within townscapes and the landscape which add to the diverse character of South Derbyshire. It is important that the fabric of heritage assets is maintained to ensure the continued contribution to the economic prosperity of the District and their protection for future generations. Social, environmental, cultural and economic benefits are derived from this link to the past and it helps to reinforce a sense of place, quality of life, local identity and character.

Settlements in South Derbyshire have considerable individual character because of the variations in the physical form and the use of traditional materials. It is important to maintain the separate individual identity and character of different settlements and a clear transition between the urban areas and the countryside.

Evidence of early settlement can be seen at Swarkestone Lows with the surviving bronze age barrows. The majority of the villages are mentioned in Domesday and the pattern of development is based on these rural villages originally dependant on agriculture. This is still particularly prevalent in the northwest, central and southwest of the district. Large estates such as Bretby, Calke, Elvaston, Melbourne and Radbourne highlight the district's wealth and from the middle ages onwards the development of grand country houses within parkland.

To the north east the Georgian inland port of Shardlow shows the early impact of the canals on the district and the Trent and Mersey Canal conservation area is the largest heritage asset in the district. In the 19<sup>th</sup> and 20<sup>th</sup> Century the exploitation of the South Derbyshire coalfield had a significant impact on the character of the built environment of the wider Swadlincote area as it rapidly industrialised. Other centres such as Melbourne developed some industry and a number of railways and tramways were constructed across the district to improve transport links. All of these heritage assets help explain the story of the district and give it its diverse character that is appreciated today.

## **Policy BNE11      Heritage**

**A      The District Council will grant permission where; the proposals 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 designated and non-designated landscapes and the individual character of settlements is maintained.**



**B Listed Buildings**

The District Council will grant consent for alteration, change of use or extension of a listed building only where this would not detract from the special architectural, historic interest, character and significance of the listed building or its setting. It will resist development proposals involving the substantial harm or loss of the heritage asset.

**C Conservation Areas**

Development in Conservation Areas will only be permitted if it preserves or enhances the character of the area. The substantial harm or loss of heritage assets which make a positive 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.

**D Non designated heritage assets**

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

**E 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.

**F Historic Parks and Gardens**

Development will not be permitted which would adversely affect the character, appearance or setting of historic parks and gardens.

## 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.

**Q22. Does this policy provide for suitable levels of protection, preservation and enhancement of heritage assets within the District? (Please give reasons)**

## **Policy BNE12      Shopfronts**

**Shopfronts within heritage assets should respect the quality and architectural contribution of any existing historic shopfront, respect the relationship between the shopfront, the building and its context, use high quality and sympathetic traditional materials 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.

**Q23. Do you have any comments on the scope and content of this policy?  
(Policy BNE12)**

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# EDUCATION

Due to the recent population growth in South Derbyshire, not just in this plan period, it has become evident that a new secondary school will be required in the District, possibly within the plan period.

## Policy EDU1 Provision of Education Facilities

**Land for educational purposes will need to be safeguarded in a location decided by Derbyshire County Council. The site will be:**

- i) For at least an 800 pupil place secondary school**
- ii) Require a minimum of 10 hectares**

## Explanation

Currently the District contains four secondary schools, three in Swadlincote and one in Etwall. Parts of the District have normal (catchment) areas covering them from Derby City schools, John Taylor High School, Barton under Needwood, Staffordshire and also the Long Eaton School, Nottinghamshire. Derbyshire County Council has undertaken a consultation on possible locations for a new school from February to April 2015. The County Council are currently considering its options and undertaking further assessments with the intention of consulting again in early/mid 2016 to reach a preferred location or locations to be reserved as part of this plan.

**Q24. Do you have any comments regarding this policy? (Policy EDU1)**

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South Derbyshire's shopping hierarchy comprises two tiers:

- 1 Swadlincote Town Centre
- 2 Key Service Villages; Established Local Centres (Castleton Park, Church Gresley, Newhall and Woodville); 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 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.

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 2005 Swadlincote Retail and Leisure Study identified an under provision of shopping facilities in the town, with much local custom leaking to neighbouring centres, in particular Burton-on-Trent. To pull back some local expenditure, whilst creating employment opportunities, the Council has succeeded in attracting significant inward investment in the form of the Morrisons supermarket and The Pipeworks retail and leisure development, incorporating a multiplex cinema and dining venues.

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.

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 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.

## **Policy RTL1 Swadlincote Town Centre**

**A Other than in Local Centres, Key Service Villages and, Local Service Villages 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); 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 2500 sqm in size on sites that are not within, or on the edge of, Swadlincote town centre should be accompanied by an assessment showing that there would be no adverse impact on 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 and pubs and bars (Use Class A1, A2, A3, A4) to uses outside these categories will not normally be permitted, except where permitted development rights allow.
- D** Within the secondary 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, takeaways (Use Classes A1, A2, A3, A4 and A5), to uses falling outside these categories will not be permitted, except where permitted development rights allow.
- E** Within Swadlincote town centre, planning applications for change of use at first floor level and above to office (B1a) or residential use will be permitted, provided that the amenity of prospective occupants would be protected.
- F** The Council will promote the redevelopment of the following sites, as identified on the Map, (page 29) 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**

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 the Map 1, have therefore been identified, with the intention that these are retained as the main core of town centre activity.

It is recognised that the maintenance of a core of town centre activity, through the identification of primary frontages, will divert some development pressure to other areas within the town centre. These have been identified as the secondary retail frontages and are identified on the Map 1. Within these frontages, the Council will allow more flexibility in the range of uses.

Representation of larger bulky goods operators is limited. Competition from larger centres and out of town retailers outside the District, as well as lack of suitable premises in the town, all contribute to the limited provision of such goods.

The Swadlincote Town Centre Vision and Strategy identifies the land currently occupied by the Civic Offices, bus station, former market hall and car parking and library as potentially the largest single site within the town centre, particularly if coupled with the adjacent Leisure Centre site, with scope for a mixed use development and increased parking provision.

The Leisure Centre site is currently receiving significant investment, but may only be suitable for redevelopment in the medium term. It has potential to contribute to the adjacent Cultural Quarter, presently containing the Sharpe's Pottery Museum, or it could be combined with the adjacent Civic Centre site to create a single major investment site.

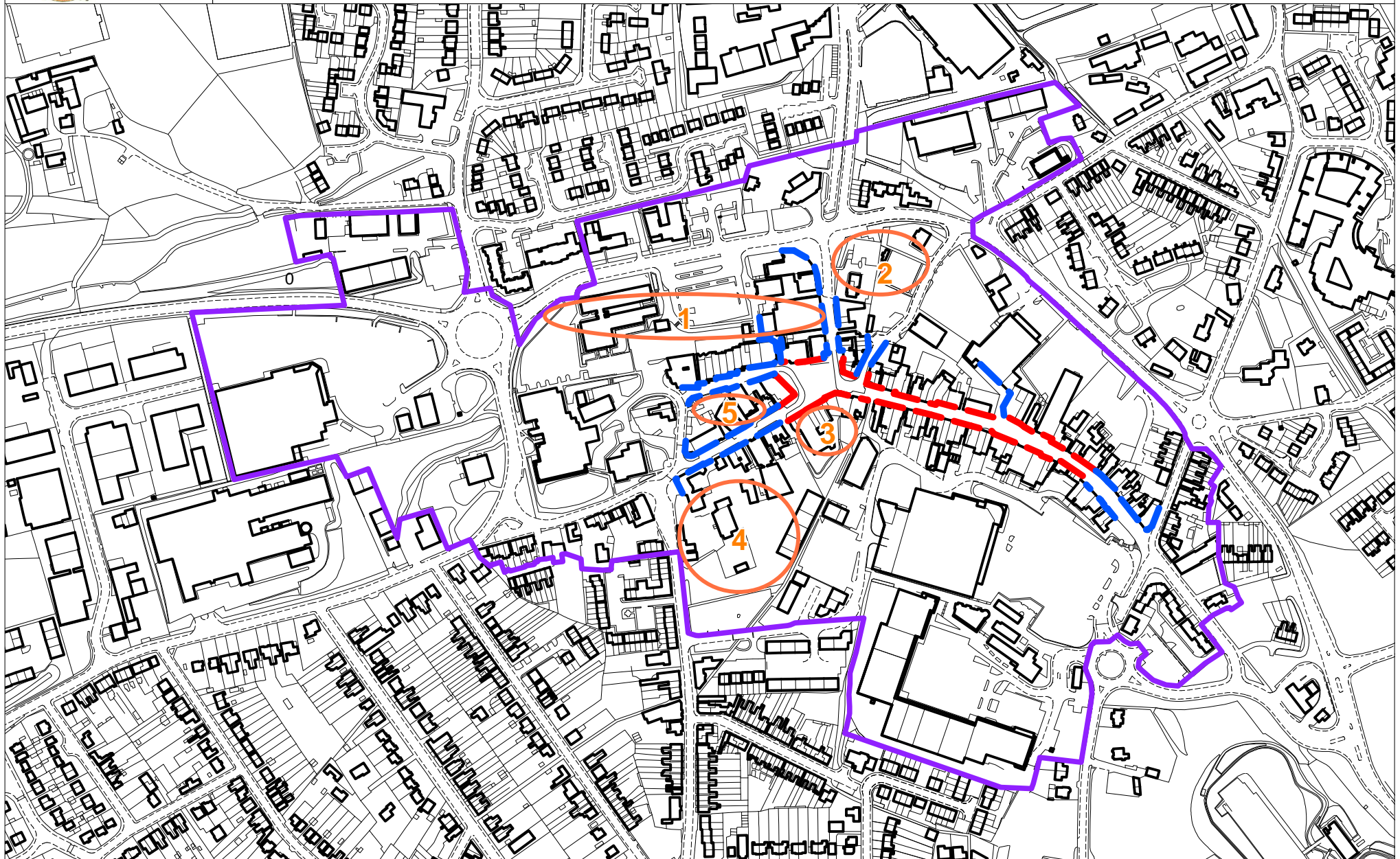
Land between Midland Road and Belmont Street is currently occupied by a mix of uses, including buildings, vacant land and a former bowling green. There is an opportunity for redevelopment and/or refurbishment with mixed uses, including offices.

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

This site 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,



# Map 1 - Swadlincote Town Centre



with scope for restoration works, redevelopment and infill to complement the existing buildings. It could be integrated with the adjoining Delph Block.

Buildings fronting West Street, a number of which are vacant or underused, 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.

**Q25. Do you agree with the proposed town centre boundary, as identified on the town centre map? (Please give reasons) (map can be seen on page 29)**

**Q26. Do you agree with the primary and secondary frontages, as identified on the town centre map? (Please give reasons) (map can be seen on page 29)**

**Q27. Should there be a locally set threshold for the floor space area at which a retail impact assessment is required with an application, or is the NPPF default threshold of 2500sqm appropriate? (Please give reasons)**

**Q28. Do you have any further comments on the scope and content of this policy? (Policy RTL1)**

## **Policy RTL2 Local Centres and Villages**

**At existing and proposed Local Centres and in villages:**

- A** Proposals for retail, financial and professional services, food and drink and pubs and bars (Use Class A1, A2, A3, A4) will be permitted provided that the development is consistent with the scale and function of the settlement or locality, would not have an unacceptable impact on the vitality or viability of other centres, including those within neighbouring local authority areas and would not be harmful to the amenity of neighbouring uses.
- B** Changes of use at ground floor level from retail and public houses (Use Class A1 and A4) to uses falling outside these categories will not be permitted, except where it can be demonstrated to the satisfaction of the Council that the current use is no longer viable, or where there are adequate alternative facilities in the Local Centre or village that can cater for the needs of the local population or where permitted development rights allow.
- C** Where viable, the Council will support the delivery of new Local Centres to support the creation of new or growing communities.

## Explanation

A cohesive policy is required to maintain and enhance the role and function they perform. 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. The Council will therefore restrict the loss of such facilities unless it can be shown that continuation of the present use is no longer economically viable.

The recently established purpose-built centre at Castleton Park comprises a convenience store, pharmacy, charity shop and food and drink outlets alongside a new medical centre.

The local centre in Church Gresley comprises a convenience store, a charity shop, a pharmacy, take away food outlets and other services spread out around the area surrounding the junction of Market Street and Common Road.

At Newhall, the local centre is spread along High Street and comprises a convenience store, Post Office, pharmacy, food and drink outlets, an off-licence and other services in an area that also includes the Old Post community centre, village hall and doctors surgery.

The local centre of Woodville is focussed on the area containing the convenience store, post office and pharmacy on High Street, with a number of food and drink outlets and other shops and services spread out to the east and west.

New residential development on the scale proposed at Boulton Moor, Drakelow, Highfields Farm and Wragley Way generates a requirement for local retail facilities and services.

The Local Centres can be seen on the maps in Appendix E.

The retention of shops and services in villages is important to the sustainability of the community in terms of providing for day-to-day needs, thereby providing for those who are less able to travel and reducing the need to travel to other centres for those with the means to do so. It is particularly important to retail shops where they represent the last remaining such facility within a village or locality.

The services do, however, need to be viable if they are to survive. If a service becomes unviable as a result of lack of patronage, it may not be possible to prevent a change of use. However, the applicant will need to demonstrate that the existing service is indeed unviable, that attempts to retain the premises in retail use have been unsuccessful and that alternative provision exists within walking distance.

It is considered that 2 km represents the maximum distance, along a route suitable for use by pedestrians, from a local facility that can normally be considered convenient to walk for everyday activities. This guideline and the range and choice of other facilities in the locality will be used in assessing the accessibility of acceptable alternatives.

**Q29. Does the policy identify the correct Local Centres and should they be listed in the policy? (Please give reasons)**

**Q30. Does the policy satisfactorily provide for the maintenance and enhancement of the viability and vitality of local centres and villages? (Please give reasons)**

**Q31. Do you have any further comments on the scope and content of this policy? (Policy RTL2)**

# 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 that:**

- i) they are located and designed so as to minimise visual intrusion on the landscape or townscape, through sympathetic siting, design, materials, colour and, where appropriate, camouflage.**
- ii) where a new mast is proposed, there is no opportunity for sharing an existing mast, building or structure.**
- iii) it is not located in, nor will have an unacceptable impact on, a Conservation Area, setting of a listed building, Site of Special Scientific Interest, County Heritage Site, Local Nature Reserve or any other sensitive landscape setting, 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.**

## **Explanation**

Reliable telecommunications infrastructure is essential for delivering the services expected from mobile communications. 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. Unavoidable negative impacts will only be permitted where the need for the development is clearly of greater importance than the harm caused and no alternatives are available.

**Q32. Does the policy provide enough protection whilst allowing enough scope to allow necessary telecommunications development? (Please give reasons)**

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## **Other Questions**

**Q33. Should Part 2 continue with Part 1's policy numbering or start again?**

**Q34. Do you wish to make any other comments? (Please state relevant policy number or paragraph number)**