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- (iv) to preserve or maintain the best and most versatile agricultural land; and,
- (v) to conserve and enhance features of heritage and natural history interest.

ENVIRONMENT POLICY 1 : DEVELOPMENT IN THE COUNTRYSIDE

- 5.25 A. OUTSIDE SETTLEMENTS NEW DEVELOPMENT WILL NOT BE PERMITTED UNLESS:
- (i) IT IS ESSENTIAL TO A RURAL BASED ACTIVITY; OR
 - (ii) UNAVOIDABLE IN THE COUNTRYSIDE; AND
 - (iii) THE CHARACTER OF THE COUNTRYSIDE, THE LANDSCAPE QUALITY, WILDLIFE AND HISTORIC FEATURES ARE SAFEGUARDED AND PROTECTED.
- B. IF DEVELOPMENT IS PERMITTED IN THE COUNTRYSIDE IT SHOULD BE DESIGNED AND LOCATED SO AS TO CREATE AS LITTLE IMPACT AS PRACTICABLE ON THE COUNTRYSIDE.

5.26 This policy applies:

- (i) outside the urban area of Swadlincote and villages where Housing Policies 1-6 apply and,
- (ii) outside of sites where Employment Policies 2, 5 and 7 apply.

5.27 In the interests of preserving the countryside and protecting the best agricultural land, new development in the countryside requires careful control. Special circumstances such as the need for housing for a farm worker who must live on an agricultural holding, are necessary to justify isolated houses in the countryside. Some forms of development such as roads, reservoirs and power lines, have of necessity to be located in the countryside and in these cases, particular care is necessary to ensure that they are integrated as sympathetically as possible into the landscape and their impact reduced as much as possible.

Implementation

5.28 By the use of development control powers.

~~ENVIRONMENT POLICY 2 : FLOOD DEFENCE~~

5.29 ~~NEW DEVELOPMENT WILL NOT BE PERMITTED:~~

- ~~A. WITHIN THE 1 : 100 YEAR FLOODPLAIN OF A WATERCOURSE AS SHOWN ON THE PROPOSALS MAP, UNLESS THE DEVELOPER UNDERTAKES TO PROTECT THE DEVELOPMENT FROM FLOODING AND TO COMPENSATE FOR ANY LOSS OF FLOOD STORAGE AND FLOOD FLOW CAPACITY;~~
- ~~B. WHERE THE DISCHARGE OF ADDITIONAL SURFACE WATER WOULD EXACERBATE EXISTING FLOODING PROBLEMS OR CREATE NEW FLOODING PROBLEMS.~~

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Justification

- 5.56 Trees and woodlands, especially semi-natural woodland, make a valuable contribution to the environmental quality of an area. The character of many villages and settlements in South Derbyshire is enhanced by single, as well as, groups of trees. They are a vital element of the landscape and of great importance to nature conservation.
- 5.57 Planting of new trees and woodlands will be encouraged wherever possible throughout the District and particularly in the National Forest Area.
- 5.58 Threatened by development, disease and neglect, measures to ensure the continued management, protection and replacement of trees need to be pursued. Replacement trees should be of native species and of local origin, wherever possible.
- 5.59 Grant schemes aimed at encouraging the planting of trees are administered by the Forestry Authority and the National Forest Company.
- 5.60 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. Conditions will also be imposed on planning permissions to ensure that development does not damage existing arboricultural interests and to secure additional planting.

Implementation

- 5.61 Through the use of development control powers, by the making of Tree Preservation Orders and by encouraging the use of Forestry Authority incentives for management.

ENVIRONMENT POLICY 10 : THE NATIONAL FOREST

- 5.62 DEVELOPMENT WILL BE PERMITTED WITHIN THE AREA OF THE NATIONAL FOREST AS SHOWN ON THE PROPOSALS MAP PROVIDED IT DOES NOT CONFLICT WITH OTHER PROPOSALS OF THE LOCAL PLAN AND IS ACCOMPANIED BY APPROPRIATE TREE PLANTING.

Justification

- 5.63 The defined area of the National Forest covers a total of 194 square miles and includes the towns of Burton upon Trent, Ashby-de-la-Zouch and Coalville. Roughly a quarter of the forest area lies within South Derbyshire, including Swadlincote and the Southern Parishes and the area south of a line from Bretby Lane to Melbourne. The District Council has resolved to support and assist planning and implementation of the Forest and to use the project, where appropriate, for the promotion of development and tourist activities.
- 5.64 The Forest will create a new and attractive landscape for work, recreation and wildlife; contribute to the reclamation of derelict land and provide an important alternative use for surplus agricultural land. Planting will be encouraged by grants provided by a number of agencies, such as the Forestry Authority and the National Forest Company. Whilst it is desirable that planting should predominantly consist of native species, it may also be necessary to plant non-native or coniferous species in the National Forest. In most cases it will be necessary to establish management agreements in association with new tree planting.
- 5.65 Together with a Business Plan a National Forest Strategy has been published which sets down guidelines for planting related to different forms of development within the Forest

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area. In considering development proposals the Council will have regard to Supplementary Planning Guidance to be prepared based upon planting guidelines set out in the National Forest Strategy. However proposed development will be dealt with strictly in accordance with the applicable policies of the Plan and not in the first instance on the basis of the extent of incidental planting offered.

- 5.66 Appropriate levels of planting will be sought in association with forest related development proposals which will normally be permitted provided they do not conflict with other proposals of the Local Plan. The Forest related developments referred to in the Strategy are:

- operational activities such as car parks and interpretation facilities;
- tourism, recreation, sport and leisure facilities;
- rural forest enterprises, including visitor attractions and forest businesses (timber processing, woodland products, craft industries, tree nurseries, etc.);
- farm diversification involving land, redundant buildings and in some cases new development.

- 5.67 Where open space requirements can be met by planted areas, such provision will normally be in lieu of the open space required by Recreation and Tourism Policy 4. However, childrens play space has special requirements which are unlikely to be met in a woodland setting and specific provision should be made.

Implementation

- 5.68 Through the use of development control powers, by the National Forest Company, the Forestry Authority and other agencies and by the private sector.

ENVIRONMENT POLICY 11 : SITES AND FEATURES OF NATURAL HISTORY INTEREST

- 5.69 A. DEVELOPMENT WILL NOT BE PERMITTED WHICH WOULD RESULT IN:-
- (i) ANY DISTURBANCE TO SITES OF SPECIAL SCIENTIFIC INTEREST, OR NATIONAL AND LOCAL NATURE RESERVES; OR,
 - (ii) SIGNIFICANT DISTURBANCE TO OTHER SITES AND FEATURES OF COUNTY AND DISTRICT IMPORTANCE FOR NATURE CONSERVATION OR CONTAINING PROTECTED SPECIES OF WILDLIFE.
- B. WHERE ESSENTIAL DEVELOPMENT WOULD AFFECT SITES AND FEATURES OF NATURAL HISTORY INTEREST, MEASURES WILL BE TAKEN TO MINIMISE ITS IMPACT. WHERE NECESSARY, THE COUNCIL WILL IMPOSE CONDITIONS ON PLANNING PERMISSIONS OR NEGOTIATE PLANNING OBLIGATIONS UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE APPROPRIATE HABITAT CONSERVATION AND ENHANCEMENT.
- C. WHERE PROPOSALS FOR DEVELOPMENT WOULD BE LIKELY TO DISTURB RECOGNISED FEATURES OF NATURAL HISTORY INTEREST, APPLICANTS WILL BE REQUIRED TO SUBMIT A STATEMENT OF THE ECOLOGICAL AND/OR GEOLOGICAL INTEREST OF THE SITE, THE IMPACT OF THE PROPOSED DEVELOPMENT ON SUCH FEATURES AND AN INDICATION OF THE MITIGATING MEASURES TO BE TAKEN.

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- C. WHERE PROPOSALS FOR DEVELOPMENT WOULD BE LIKELY TO DISTURB RECOGNISED FEATURES OF NATURAL HISTORY INTEREST, APPLICANTS WILL BE REQUIRED TO SUBMIT A STATEMENT OF THE ECOLOGICAL AND/OR GEOLOGICAL INTEREST OF THE SITE, THE IMPACT OF THE PROPOSED DEVELOPMENT ON SUCH FEATURES AND AN INDICATION OF THE MITIGATING MEASURES TO BE TAKEN.

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- D. THE COUNCIL WILL IMPOSE CONDITIONS ON PLANNING PERMISSIONS OR NEGOTIATE PLANNING OBLIGATIONS UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO CREATE HABITATS IN NEW DEVELOPMENT.

Justification

- 5.70 South Derbyshire is an area of varied geology and wildlife habitats where nature conservation interests make an important contribution to the quality of the environment. The District Council wishes therefore to sustain such interests against pressure for development which could damage or destroy them.
- 5.71 There are five Sites of Special Scientific Interest in South Derbyshire:
- (i) Calke Park, Ticknall
 - (ii) Hilton Gravel Pits
 - (iii) Carvers Rock, Foremark
 - (iv) Dimminsdale
 - (v) Ticknall Quarries
- 5.72 There are no National Nature Reserves in South Derbyshire; although there is a Local Nature Reserve at Elvaston Castle. The Derbyshire Wildlife Trust also manages a number of nature reserves throughout the district. The District Council will consider the establishment of local Nature Reserves in appropriate cases.
- 5.73 The Derbyshire Wildlife Sites Register is recognised by the Derbyshire Wildlife Trust and County and District Councils as the principal means of identifying sites of wildlife significance in the county. A complete list of sites included on the Register within South Derbyshire is included at Appendix C. It is considered that sites should be protected from significant disturbance. Provision must also be made for the protection of new sites which may be identified from time to time particularly where species protected under the Wildlife and Countryside Act 1981 are identified. The Register of Regionally Important Geological Sites gives similar protection to important sites.
- 5.74 The Local Plan proposals for the protection and enhancement of sites and features of natural history interest, develop the relevant environmental policies of the Derbyshire Structure Plan by the protection of the most important sites and features of natural history interest, and by ensuring that applications for development affecting such sites, are considered against both an evaluation of their characteristics and measures to minimise the impact on them. Provision is also made for continued conservation and enhancement where appropriate. The range and quality of sites and features of natural history interest will be enhanced by provision for the creation of new habitats and features within development sites where opportunities arise. In creating new habitats, species should be native and of local origin.
- 5.75 Sites which are neither recognised SSSI's, Nature Reserves or on the Wildlife Sites Register do on occasion provide habitats for species given protection under the Wildlife and Countryside Act 1981. In such circumstances, development will not normally be permitted unless adequate provision can be made for protection of habitats in accordance with the provisions of the 1981 Act.

Implementation

- 5.76 Through the use of development control powers, by the District Council negotiating planning obligations under Section 106 of the Town and Country Planning Act 1990 and

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through the National Parks and Countryside Act 1949 which enables local authorities to establish local Nature Reserves.

- 5.77 Where appropriate management agreements on sites affected under this policy will be sought under the provisions of Section 39 of the Wildlife and Countryside Act 1981.

ENVIRONMENT POLICY 12 : CONSERVATION AREAS

- 5.78 A. DEVELOPMENT WHICH WOULD HAVE AN ADVERSE EFFECT ON THE CHARACTER OR APPEARANCE OF A CONSERVATION AREA WILL NOT BE PERMITTED.
- B. DEVELOPMENT WILL NOT BE PERMITTED UNLESS:-
- (i) FULL DETAILS OF THE PROPOSAL ARE SUBMITTED;
 - (ii) IMPORTANT VIEWS, TREES, GARDENS, OPEN SPACES AND BOUNDARIES ARE PRESERVED;
 - (iii) THE SITING AND ALIGNMENT OF NEW BUILDINGS PRESERVE HISTORIC STREET PATTERNS AND THE PROFILE OF THE TOWNSCAPE;
 - (iv) THE MASS DESIGN AND HEIGHT OF NEW BUILDINGS ARE IN SCALE WITH AND RESPECT THE ARCHITECTURE OF ADJOINING TRADITIONAL BUILDINGS AND THE DENSITY AND MIX OF USES ARE IN CHARACTER WITH THE AREA AS A WHOLE;
 - (v) BUILDING MATERIALS ARE CHARACTERISTIC OF THE LOCALITY AND SYMPATHETIC TO THOSE BUILDINGS AND STRUCTURES WHICH CONTRIBUTE TO THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA.
- C. THE DEMOLITION, PARTIAL DEMOLITION, CONVERSION, EXTENSION OR ALTERATION OF AN UNLISTED BUILDING IN A CONSERVATION AREA WILL NOT BE PERMITTED WHERE THIS WILL HAVE AN ADVERSE EFFECT ON THE CHARACTER OR APPEARANCE OF THE AREA.
- D. WHERE DEMOLITION IS PERMITTED THIS WILL BE SUBJECT TO THE CONDITION OR AGREEMENT THAT SUCH DEMOLITION SHALL NOT TAKE PLACE PRIOR TO THE LETTING OF A CONTRACT FOR APPROVED REPLACEMENT DEVELOPMENT.
- E. PROPOSALS FOR SHOP FRONTS AND ADVERTISEMENTS WILL NOT BE PERMITTED UNLESS THEY PRESERVE EXISTING FEATURES WORTHY OF RETENTION AND RESPECT THE SCALE, RHYTHM, MATERIALS, COLOUR AND DESIGN OF THE BUILDING OR GROUP OF BUILDINGS OF WHICH THEY FORM A PART.

Justification

- 5.79 The power to designate conservation areas is given to Local Planning Authorities by Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Act also places a duty upon the Local Authority to consider the designation of further areas.

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- (vi) IS OF A SUITABLE SCALE AND CHARACTER; AND
- (vii) DOES NOT PREJUDICE THE CONTINUED VIABILITY OF ADJACENT INDUSTRIAL PREMISES OR COMMUNITY FACILITIES.

Justification

- 3.42 In addition to the development of the major sites, housing development which consolidates the existing Swadlincote urban area also provides a useful contribution to housing supply. The development of small sites encourages the development of vacant and under-used land, assists in the regeneration of the older housing areas and helps to reduce the demand for new land on the edge of Swadlincote. Sites will usually be surrounded by existing development and will not extend the urban form of Swadlincote, involve productive agricultural land or be of amenity value. Open spaces, clear breaks in development and landscape features contribute to the character and environmental quality of the Swadlincote urban area. These sites can often be visually or historically important and, if they are developed, the character of the urban area can be lost.
- 3.43 The long term development potential of land to the south and east of the Swadlincote urban area, including woodland and extensive areas of grassland between the A444 and Moira Road, would only be realised as part of a comprehensive scheme providing for substantial National Forest planting, and the maintenance of a clear separation between Church Gresley and that part of Albert Village which fronts Occupation Road.
- 3.44 The presence of ribbon development along the principal roads such as the A50, A444 and A514 which pass through the Swadlincote area, tends to extend urban development into the surrounding countryside. The consolidation of open gaps in this development pattern can often be detrimental to the local environment. Where such breaks do exist along these roads, infilling development will only be permitted if the gap is part of a substantially built-up frontage and generally can accommodate no more than two dwellings.
- 3.45 The Council will examine proposals carefully to ensure that they do not prevent existing industrial premises from operating effectively and economically because of the proximity of new dwellings which might be adversely affected by long standing noise emissions.

Implementation

- 3.46 By the use of development control powers.

HOUSING POLICY 5 : VILLAGE DEVELOPMENT

- 3.47 A. NEW HOUSING DEVELOPMENT IN THE FOLLOWING VILLAGES WILL BE RESTRICTED TO THAT WHICH CAN BE ACCOMMODATED WITHIN THE VILLAGE CONFINES AS DEFINED ON THE PROPOSALS MAP.

ASTON-ON-TRENT
BARROW-ON-TRENT
BURNASTON
CALDWELL
CHURCH BROUGHTON
COTON-IN-THE-ELMS
COTON PARK
EGGINTON
ETWALL

MELBOURNE/KINGS NEWTON
MILTON
NETHERSEAL
NEWTON SOLNEY
OVERSEAL
REPTON
ROSLISTON
SCROPTON
SHARDLOW

HOUSING

FINDERN
HARTSHORNE
HATTON
HILTON
LEES
LINTON
LONG LANE
LULLINGTON

SMISBY
STANTON BY BRIDGE
SUTTON ON THE HILL
SWARKESTONE
TICKNALL
WALTON-ON-TRENT
WESTON-ON-TRENT
WILLINGTON

- B. DEVELOPMENT WILL BE REQUIRED TO BE IN KEEPING WITH THE SCALE AND CHARACTER OF THE SETTLEMENT.

Justification

- 3.48 The First Derbyshire Structure Plan 1980 sought to restrict development in villages to sites within the built framework. The Swadlincote and Southern Parishes Local Plan and the Northern Parishes Village Development Policy Statement defined village frameworks for the larger villages in the district, which have subsequently been used as a means of implementing the Structure Plan policy.
- 3.49 The current Structure Plan includes a revised policy for the control of development in villages by introducing the possibility of development within the "wider physical confines" of the village. The Structure Plan Explanatory Memorandum states that there may be circumstances where small extensions beyond the existing built framework but within its wider physical confines, formed for example by a natural feature, such as a river, or a man-made feature such as a road - are acceptable. In such cases housing development is permitted provided that it is in keeping with the scale and character of the village.
- 3.50 A comprehensive review of the existing village frameworks has therefore been undertaken in the context of the Structure Plan policy. Each village has been examined to identify whether any physical features existed just beyond the edge of the village framework as described in the Structure Plan. Where such features existed and it was considered that development of the site could be considered to be a small extension and would be in-keeping with the scale and character of the village then the site has been incorporated within the new limit for development shown on the Proposals Map and called "the village confine". In many cases the extension of a village to the nearest physical feature would obviously result in a large scale extension to the village and be completely out of scale with the existing village.
- 3.51 The general criterion for establishing the extent of confines is the boundary of curtilages, particularly domestic gardens. In some instances, such curtilages are extensive and project well beyond the general line formed by adjoining properties. In such cases no obvious boundary to the confine exists. Where development would intrude into countryside beyond the settlement, the garden or other land within curtilages has been excluded by drawing a line which divides such properties so as to preserve the overall alignment of the confine as defined by reference to adjoining properties.
- 3.52 In addition a number of the smaller villages which previously did not have village frameworks have now had confines defined. This reflects the Structure Plan which states that the policy should apply to villages. Only the very small hamlets of dispersed form, ribbon development and small villages in the Green Belt, where more restrictive policies apply, remain covered by the infilling policy - Housing Policy 6.
- 3.53 The major housing allocations of the plan at Hilton, Church Gresley and Stenson Fields will meet the Structure Plan requirements for housing supply in the district to 2001. There

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is therefore no need to find large, additional areas of land in the villages to meet the Structure Plan requirement. Proposals for large scale development on the edge of villages would also have a significant impact upon the character of villages and upon the countryside. Many villages in the district have reached a point either where any further development would alter their scale and character, or beyond the fringes of which no readily definable physical features exist within the terms described in the Structure Plan Explanatory Memorandum.

- 3.54 Although the inclusion of land within a village confine will normally imply a presumption in favour of housing development, there are other considerations which will be taken into account. There is a need to protect important open gaps and landscape features generally as set out in Environment Policy 8, and in respect of conservation areas and the setting of listed buildings, their protection will be secured by Environment Policies 12 and 13. The normal development control considerations such as the need for adequate access will also apply.
- 3.55 Sewerage capacity at Smisby will be limited until an improvement scheme (proposed for 1999) has been carried out.

Implementation

- 3.56 By the use of development control powers.

HOUSING POLICY 6 : OTHER RURAL SETTLEMENTS

- 3.57 IN OTHER RURAL SETTLEMENTS, 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 HOUSES, AND IT IS IN KEEPING WITH THE SCALE AND CHARACTER OF THE SETTLEMENT.

Justification

- 3.58 The definition of a village confine is not considered appropriate for the very small rural settlements which are of a dispersed form, for ribbon development or for settlements which are "washed over" by the South and South-East Derbyshire Green Belts. It is 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. Sewerage capacity at Trusley will be limited until an improvement scheme (proposed for 1998) has been carried out.

Implementation

- 3.59 By the use of development control powers.

HOUSING POLICY 7 : RESIDENTIAL CONVERSION

- 3.60 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.

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B. OUTSIDE SETTLEMENTS THE CONVERSION OF BUILDINGS TO PROVIDE RESIDENTIAL ACCOMMODATION WILL BE PERMITTED PROVIDED:

- (i) THE BUILDING IS OF A FORM AND BULK AND GENERAL DESIGN IN KEEPING WITH ITS SURROUNDINGS; AND
- (ii) THE BUILDING IS SUITABLE FOR CONVERSION WITHOUT EXTENSIVE ALTERATION, REBUILDING AND/OR EXTENSION; AND
- (iii) THE CONVERSION IS IN KEEPING WITH THE CHARACTER OF ITS SURROUNDINGS.

Justification

- 3.61 The conversion of buildings to a residential use in villages and other rural settlements allows 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. PPG7 "The Countryside and the Rural Economy" advises that in the countryside the conversion of buildings to residential use should be strictly controlled to prevent intrusion and protect the character of the area. Buildings which have become so derelict as to require rebuilding will not qualify under this proposal.

Implementation

- 3.62 By the use of development control powers, having regard to the Council's supplementary guidance: 'Historic South Derbyshire'.

HOUSING POLICY 8 : HOUSING DEVELOPMENT IN THE COUNTRYSIDE

3.63 A. OUTSIDE SETTLEMENTS NEW HOUSING DEVELOPMENT WILL BE PERMITTED PROVIDED THAT:-

- (i) IT IS NECESSARY TO THE OPERATION OF AN ESTABLISHED, VIABLE, LONG TERM RURAL BASED ACTIVITY;
- (ii) IT CAN BE DEMONSTRATED THAT A COUNTRYSIDE LOCATION IS NECESSARY TO THE EFFICIENCY OF THE ACTIVITY;
- (iii) THE SITE IS WELL RELATED TO EXISTING FARM BUILDINGS OR OTHER DWELLINGS; AND,
- (iv) THE DWELLING IS OF A SIZE COMMENSURATE WITH THE FUNCTIONAL REQUIREMENT OF THE ACTIVITY.

B. PLANNING PERMISSION WILL BE GRANTED FOR THE REPLACEMENT OF EXISTING DWELLINGS OUTSIDE SETTLEMENTS PROVIDED THAT:

- (i) THE FORM AND BULK OF THE NEW DWELLING DOES NOT SUBSTANTIALLY EXCEED THAT OF THE ORIGINAL;
- (ii) THE DESIGN AND MATERIALS ARE IN KEEPING WITH THE CHARACTER OF THE SURROUNDINGS;

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- (iii) THE NEW DWELLING IS ON SUBSTANTIALLY THE SAME SITE AS THE OLD; AND,
- (iv) THERE IS NO INCREASE IN THE NUMBER OF DWELLING UNITS.

Justification

- 3.64 New house building away from established settlements where Housing Policies 1-6 apply must be strictly controlled in order to protect the character and appearance of the countryside. One of the few circumstances in which isolated residential development in the countryside may be acceptable is when accommodation is required to enable farm or other workers employed in rural based activities, such as forestry, to live at or in the immediate vicinity of their place of work. Whether this is essential will depend upon the needs of the farm or enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved. The District Council will require the applicant to submit a detailed assessment, undertaken by ADAS or another qualified professional in this field, indicating why it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times and demonstrating that the enterprise is sustainable. In some cases, the Council will seek independent advice to corroborate the evidence provided.
- 3.65 Where permission is granted, it will be subject to a condition restricting occupation of the dwelling, which should be of a size commensurate with the functional requirements of the activity, to a worker employed in agriculture or the enterprise concerned. Such conditions will not normally be removed unless satisfactory evidence is provided of attempts to sell the dwelling at a price reflecting its restricted use. Alternatively, the conditions may be varied to allow occupation that would meet other, genuine local housing needs.
- 3.66 The rebuilding of an existing dwelling which is demolished is normally acceptable if the replacement dwelling is in keeping with the character of its surroundings and does not substantially increase the form and bulk of the original. The Council will expect the dwelling to be substantially on the same footprint as the original. The policy will not apply to dwellings which have been abandoned.

Implementation

- 3.67 By development control powers.

HOUSING POLICY 9 : AFFORDABLE HOUSING IN RELATION TO HOUSING POLICIES 1-5 AND COMMUNITY FACILITIES POLICY 3

- 3.68 DEVELOPMENT IN ACCORDANCE WITH HOUSING POLICIES 1-5 AND COMMUNITY FACILITIES POLICY 3, WILL BE SUBJECT TO NEGOTIATION BETWEEN THE LOCAL PLANNING AUTHORITY AND DEVELOPERS TO PROVIDE A PROPORTION OF AFFORDABLE HOUSING FOR RENT OR SALE. THE COUNCIL WILL IMPOSE CONDITIONS ON PLANNING PERMISSIONS OR WILL NEGOTIATE PLANNING OBLIGATIONS UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE THE BENEFITS OF AFFORDABILITY FOR SUBSEQUENT / SUCCESSIVE OCCUPIERS OF THE DWELLINGS PROVIDED.

Justification

- 3.69 The term 'affordable housing' encompasses both low-cost market and subsidised housing (irrespective of tenure, ownership or financial arrangements) that will be available to people who cannot afford to occupy houses generally available on the open market.

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~~3.83 In situations where a registered social landlord is not involved, the Council may impose conditions or negotiate planning obligations which provide occupancy criteria to ensure adequate supply of suitable occupants. Eligibility will initially be restricted to local residents, people employed locally or people with local connections as set out in Para 3.77.~~

~~3.84 Should the housing remain vacant, the criteria will be extended to include people from a wider area. The Council will be guided by the advice of Parish Councils and other organisations and agencies active in this field such as the Rural Housing Trust.~~

Implementation

~~3.85 Through the use of development control powers, by the District Council negotiating planning obligations under Section 106 of the Town and Country Planning Act 1990 and through the involvement of registered social landlords and other organisations, such as Parish Councils.~~

HOUSING POLICY 11 : LAYOUT AND DESIGN

3.86 PROPOSALS FOR NEW HOUSING DEVELOPMENTS WILL BE PERMITTED, SUBJECT TO THEM PROVIDING:

- (i) A REASONABLE ENVIRONMENT FOR THE PUBLIC AT LARGE;
- (ii) REASONABLE AMENITIES IN TERMS OF LIGHT, AIR AND PRIVACY FOR BOTH EXISTING AND NEW DWELLINGS;
- (iii) SAFE, FUNCTIONAL AND CONVENIENT LAYOUTS;
- (iv) PRIVATE AMENITY SPACE, AND SPACE FOR LANDSCAPING;
- (v) ADEQUATE PUBLIC OPEN SPACE;
- (vi) FOR THE DEVELOPMENT OF ANY SUITABLE ADJOINING LAND.

Justification

3.87 The design of residential areas is viewed with great importance, as housing developments are major land users and because people spend a great deal of time around their homes. Developers should aim for high quality design and landscaping in all new developments. A good scheme will produce buildings which are well designed for their purpose and for their surroundings. The District Council's design guidance has regard to a number of factors concerning residential development, including site development, space about buildings, roads and footpaths, car parking, landscaping and the provision of public open space.

Implementation

3.88 By the use of development control powers having regard to any relevant supplementary planning guidance which has been the subject of public participation. In particular, guidance will be prepared relating to car parking standards and residential design and layout. Development briefs may also be prepared to guide the development of some housing sites.

TRANSPORT

~~Implementation~~

- 6.35 ~~Through the use of development control powers and by the District Council negotiating planning obligations under Section 106 of the Town and Country Planning Act 1990.~~

~~TRANSPORT POLICY 5 : STREET AUTHORISATIONS~~

- 6.36 A. ~~LAND REQUIRED FOR THE CONSTRUCTION OR IMPROVEMENT OF THE FOLLOWING ROADS UNDER SECTION 232 OF THE HIGHWAYS ACT 1980 AND SHOWN ON THE PROPOSALS MAP. WILL BE PROTECTED FROM DEVELOPMENT.~~

~~ALMA ROAD, NEWHALL
SUNNYSIDE, NEWHALL
SOUTH STREET, WOODVILLE~~

- B. ~~THE FOLLOWING SCHEMES FORMERLY PROTECTED UNDER SECTION 232 OF THE HIGHWAYS ACT 1980 ARE DELETED:~~

~~JOHN STREET, SWADLINCOTE
MEADOW LANE, NEWHALL
ROSE VALLEY, NEWHALL
DALSTON ROAD, NEWHALL
THORN STREET, WOODVILLE
THE CITY, WOODVILLE
ALEXANDRA ROAD, OVERSEAL
GREEN LANE, OVERSEAL~~

~~Justification~~

- 6.37 ~~The County Development Plan included a number of road improvement schemes called Street Authorisations for sub-standard and often unadopted streets to be improved or new roads to be provided to serve development.~~
- 6.38 ~~The Street Authorisations affecting Alma Road, Sunnyside, and South Street are retained as proposals of the Local Plan. The land required for their implementation does not affect any homes in the respective streets. Detailed maps of these schemes are included for illustrative purposes in Appendix D.~~
- 6.39 ~~The remaining Street Authorisations are formally deleted from the Development Plan as no longer requiring protection.~~

~~Implementation~~

- 6.40 ~~By the County Council as Highway Authority under Section 232 of the Highways Act 1980 and to which the private Street Works Code will apply.~~

~~TRANSPORT POLICY 6 : NEW DEVELOPMENT~~

- 6.41 A. ~~MAJOR NEW DEVELOPMENT SHOULD BE SITED CLOSE TO THE PRINCIPAL ROAD NETWORK, LINKED AND SERVED BY THE APPROPRIATE STANDARD OF HIGHWAY. PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH INTERFERES WITH THE FREE AND SAFE FLOW OF TRAFFIC.~~

TRANSPORT

- B. ALL PROPOSALS FOR DEVELOPMENT SHOULD INCORPORATE ADEQUATE PROVISION FOR ACCESS, (INCLUDING PUBLIC TRANSPORT WHERE APPROPRIATE) PARKING, MANOEUVRING AND OFF-STREET SERVICING.
- C. WHERE APPROPRIATE, THE COUNCIL WILL NEGOTIATE PLANNING OBLIGATIONS UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT, 1990 TO MEET THE COST OF ANY NECESSARY IMPROVEMENTS TO THE HIGHWAY NETWORK.

Justification

- 6.42 This proposal aims to ensure that new development proposals do not generate levels of traffic which cause increased congestion, delays or fears over road safety nor necessitate expenditure by the Highway Authority on subsequent road improvements. New housing, employment, shopping and recreational facilities should therefore have good access to the main road network.
- 6.43 The major development proposals are located near to, or adjacent to, existing bus routes. Whilst little public control may be directly exercised over bus service provision since the 1985 Transport Act, the District Council will seek a design and layout of development proposals which allows for the needs of bus users and the efficient operation of the bus system. The District Council will discuss with the County Council and bus operators the need for and method of financing additional services to serve these new developments.

Implementation

- 6.44 Through the use of development control powers, by the District Council negotiating planning obligations under Section 106 of the Town and Country Planning Act 1990, and by reference to supplementary guidance.

TRANSPORT POLICY 7 : PEDESTRIANS AND PEOPLE WITH DISABILITIES

- 6.45 PROPOSALS FOR NEW BUILDINGS, ALTERATIONS TO EXISTING BUILDINGS AND THE FORMATION OF CAR PARKS AND PEDESTRIAN AREAS WILL BE PERMITTED SUBJECT TO THE PROVISION OF SAFE, PLEASANT AND CONVENIENT CONDITIONS FOR PEDESTRIANS AND PEOPLE WITH DISABILITIES.

Justification

- 6.46 The District Council recognises the need to provide safe, pleasant and convenient conditions for pedestrians, people with disabilities and others whose mobility is impaired. In consultation with the Highway Authority, measures such as dropped kerbs, footpath widening and improvement, and pedestrian crossings will be implemented as opportunities arise and resources permit. Swadlincote Town Centre has already been pedestrianised and further measures will be undertaken to improve the environmental quality and safety of the shopping area, particularly in respect of parking and access for people with disabilities.
- 6.47 Provisions for people with disabilities are contained in the Building Regulations to ensure that minimum standards of access and reasonable standards of sanitary accommodation are made in buildings other than dwellings. These provisions also apply to audience and spectator seating in theatres, cinemas, concert halls and similar buildings. Provision for facilities within dwellings may be introduced within the Regulations during the life of the plan. This policy will ensure that the requirements of pedestrians and people with