

Date: 21st June 2017

Dear Councillor,

Council

YOU ARE HEREBY SUMMONED to attend the Meeting of the **Council** to be held in the **Council Chamber**, on **Thursday, 29 June 2017** at **18:00** to transact the business set out on the attached agenda.

Yours faithfully,



Chief Executive

To:- **Conservative Group**

Councillor Stanton (Chairman), Councillor Mrs Hall (Vice-Chairman) and Councillors Atkin, Billings, Mrs Brown, Mrs Coe, Coe, Mrs Coyle, Ford, Grant, Harrison, Hewlett, MacPherson, Muller, Murray, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Swann, Tipping, Watson, Wheeler and Mrs Wyatt

Labour Group

Councillors Bambrick, Chahal, Dunn, Dr Pearson, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Taylor, Tilley and Wilkins

AGENDA

Open to Public and Press

- 1** Apologies.
- 2** PRESENTATION: SOUTH DERBYSHIRE PARTNERSHIP
- 3** To confirm the Open Minutes of the Annual Council Meeting held on the 18th May 2017 (CL/1-CL/24)
Annual Council 18th May 2017 Open Minutes **5 - 11**
- 4** To confirm the Minutes of Civic Council held on the 25th May 2017 (CC/1-CC/5)
Civic Council 25th May 2017 Open Minutes **12 - 13**
- 5** To receive any declarations of interest arising from any items on the Agenda.
- 6** To receive any announcements from the Chairman, Leader and Head of Paid Service.
- 7** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 8** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.

Council Procedure Rule No.11 Question **14 - 14**
- 9** To authorise the sealing of the documents.

SEALED DOCUMENTS **15 - 15**

10	LOCAL PLAN PART 2 MODIFICATIONS	16 - 60
11	To receive and consider the Open Minutes of the following Committees:-	
	Licensing and Appeals Sub-Committee 13th April 2017 Open Minutes	61 - 64
	Planning Committee 9th May 2017 Open Minutes	65 - 69
	Etwell Joint Management Committee Special 16th May 2017 Open Minutes	70 - 71
	Licensing and Appeals Sub-Committee 18th May 2017 Open Minutes	72 - 72
	Environmental and Development Services Committee 1st June 2017 Open Minutes	73 - 76
	Planning Committee 6th June 2017 Open Minutes	77 - 80
	Housing and Community Services Committee 14th June 2017 Open Minutes	81 - 84
	Finance and Management Committee 15th June 2017 Open Minutes	85 - 89
12	To review the compositions of Committees, Sub-Committees and Working Panels for the remainder of the municipal year.	
13	To review the compositions of Substitute Panels.	
14	To review representation on Outside Bodies.	

Exclusion of the Public and Press:

15 The Chairman may therefore move:-

That in accordance with Section 100 (A)(4) of the Local Government

Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

- 16** To confirm the Exempt Minutes of the Annual Council Meeting held on the 18th May 2017 (CL/25-CL/27)
Annual Council 18th May 2017 Exempt Minutes
- 17** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 18** To receive and consider the Exempt Minutes of the following Committees:-
Planning Committee 9th May 2017 Exempt Minutes
Environmental and Development Services Committee 1st June 2017 Exempt Minutes
Housing and Community Services Committee 14th June 2017 Exempt Minutes
Finance and Management Committee 15th June 2017 Exempt Minutes

MINUTES of the ANNUAL MEETING
of the SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way, Swadlincote
on 18th May 2017
at 6.00 p.m.

PRESENT:-

Conservative Group

Councillor Murray (Chairman), Councillors Atkin, Billings, Mrs Coe, Coe, Mrs Coyle, Ford, Grant, Mrs Hall, Harrison, Hewlett, Muller, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Swann, Tipping, Watson, Wheeler and Mrs Wyatt

Labour Group

Councillors Bambrick, Chahal, Dunn, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Taylor, Tilley and Wilkins

CL/1 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Mrs Brown, MacPherson and Stanton (Conservative Group) and Councillor Dr Pearson (Labour Group).

CL/2 **MINUTES**

The Open Minutes of the Meeting of the Council held on 6th April 2017 (Minutes Nos. CL/145 - CL/161) were taken as read, approved as a true record and signed by the Chairman.

CL/3 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

CL/4 **APPOINTMENT OF THE LEADER OF THE COUNCIL**

Pursuant to the provisions of the Local Government and Housing Act 1989, that Councillor Wheeler was Leader of the Conservative Group and Councillor Richards was Leader of the Labour Group.

RESOLVED:-

That Councillor Wheeler be appointed Leader of the Council for the ensuing year.

Abstentions: Dunn, Rhind, Richards, Stuart, Shepherd, Taylor, Tilley, and Wilkins.

CL/5 **APPOINTMENT OF THE DEPUTY LEADER OF THE COUNCIL**

Pursuant to the provisions of the Local Government and Housing Act 1989, that Councillor Ford was the Deputy Leader of the Conservative Group and Councillor Southerd was the Deputy Leader of the Labour Group.

RESOLVED:-

That Councillor Ford be appointed Deputy Leader of the Council for the ensuing year.

Abstentions: Dunn, Rhind, Shepherd, Southerd, Stuart, Taylor, Tilley, and Wilkins.

Against: Richards

CL/6 **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman of the Council outlined a summary of events attended since the last meeting, including Liberation Day and the latest Men United charity bike ride. The Chairman announced the total funds raised so far for the Men United charity amounted £11,000 and proposed this would be split between Burton Hospital and London Research.

The Chairman thanked Members and Officers for their support during his term in office.

CL/7 **ANNOUNCEMENTS FROM THE LEADER**

The Leader welcomed recently elected Councillor Tipping to the Council and made reference to the recent Festival of Transport, thanking those volunteers and officers who made the event a success for the community.

The Leader joined Members in thanking Councillor Murray for his year in office as Chairman.

CL/8 **ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE**

The Chief Executive echoed praise for the Chairman and thanked Members and Officers for their assistance with the Festival of Transport in delivering a safe and successful event.

The Chief Executive informed Council that two Officers who had been diagnosed terminally ill whilst in service to the Council, had sadly passed away.

Members extended condolences to the families and it was carried that Council would observe a minute's silence in memory of the two Officers and their families. Following the mark of respect, Councillor Richards noted the 'Dying to Work' voluntary charter and suggested that support of this charter be reviewed. The Chief Executive responded that this would be put to the Joint Negotiating Group and then Council at a future date.

CL/9 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council were informed no questions had been received.

CL/10 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Council were informed no questions had been received.

CL/11 **NOTICES OF MOTION**

Council were informed that no notices of motion had been received.

CL/12 **CORPORATE ACTION PLAN**

The Chief Executive presented the report thanking Members and Officers for their assistance in producing the inclusive Corporate Action plan.

Councillor Mrs Coyle thanked Members and Officers for attending workshops and focus groups in order to produce the Corporate Action Plan. The Councillor encouraged feedback on the plan to ensure continuing achievement of targets.

RESOLVED:-

The updated Corporate Action Plan for 2017/18, attached at Appendix A of the report, be approved.

CL/13 **FINANCIAL REGULATIONS, FINANCIAL PROCEDURE AND CONTRACT PROCEDURE RULES**

The Director of Finance and Corporate Services presented the report explaining that the marked copy of the document had been uploaded for ease of reference. The Director advised Council that changes had been made to reflect current practice, that 'virements' were made through Committee approval and that the Contract Procedure Rules for the tendering process had been amended to reflect the electronic process.

RESOLVED:-

That Council adopts the updated Financial Regulations, Financial and Contract Procedure rules under Section 4 of the Constitution.

CL/14 **CONFLICTS OF INTEREST POLICY**

The Chief Executive presented the report.

RESOLVED:-

Members approved the Conflicts of Interest Policy (Appendix A to the report), to be included within Part 5 of the Council's Constitution.

CL/15 **OPEN MINUTES**

Council received and considered the open minutes of its Committees.

RESOLVED:-

That the open minutes of the following Committees be approved as a true record:-

<u>Committee</u>	<u>Date</u>	<u>Minutes Nos.</u>
<i>Planning</i>	<i>11.04.17</i>	<i>PL/214-PL/225</i>
<i>Housing and Community Services</i>	<i>20.04.17</i>	<i>HCS/89–HCS/104</i>
<i>Environmental and Development Services</i>	<i>26.04.17</i>	<i>EDS/92-EDS/103</i>
<i>Finance & Management</i>	<i>27.04.17</i>	<i>FM/150-FM/159</i>

<u>Area Forums</u>	<u>Date</u>	<u>Minute Nos.</u>
<i>Melbourne</i>	<i>24.01.17</i>	<i>MA/19/MA/28</i>
<i>Etwall</i>	<i>30.01.17</i>	<i>EA/19-EA/27</i>
<i>Repton</i>	<i>31.01.17</i>	<i>RA/19-RA/27</i>
<i>Newhall</i>	<i>01.02.17</i>	<i>NA/19-NA/27</i>
<i>Linton</i>	<i>06.02.17</i>	<i>LA/19-LA/27</i>
<i>Swadlincote</i>	<i>15.02.17</i>	<i>SA/19-SA/27</i>

Councillor Taylor wished for it to be noted, in relation to Minute No. SA/24 the site named should have read Bretby Art Site, not White Hart site.

CL/16 **POLITICAL PROPORTIONALITY 2017/18**

It was reported that the Council's duty to determine the allocation of seats was prescribed by the Local Government and Housing Act 1989, as modified by the Local Government (Committees and Political Groups) Regulations 1990.

A report was submitted which confirmed the political composition of the Council. It also set out the requirements to review representation of the different political groups at, or as soon as practicable after, the Annual Meeting of the Council.

RESOLVED:-

- (1) That in accordance with Council Procedure Rule No. 1.1(e) the Council appoints the Committees and Sub-Committees as set out at Annexe "A" to these Minutes, together with the six Area Forums detailed in Article 9 of the Council's Constitution.***
- (2) That the Council approves and adopts the recommended allocation of seats to the Political Groups for the municipal year 2017/18.***
- (3) That the Council allocates seats between the Political Groups as set out at Annexe "A" to these Minutes and invites the two Groups to make nominations to fill these seats.***

CL/17 **APPOINTMENT OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS 2016/17**

The Leader thanked those retiring from positions as Chairman and welcomed new Chairmen.

Members reviewed the composition of Committees, Sub-Committees and Working Panels for 2017/18.

RESOLVED:-

- (1) That the nominations of Members to serve on Committees, Sub-Committees and Working Panels for the ensuing year, as set out at Annexe "B" to these Minutes be received and noted.***
- (2) That the appointments of Chairmen and Vice-Chairmen be approved as indicated.***

CL/18 **COMPOSTION OF SUBSTITUTE PANELS**

Members reviewed the composition of the Substitute Panels for 2017/18.

RESOLVED:-

That the nominations of Members to serve on Substitute Panels, as set out at Annexe "C" to these Minutes, be received and noted.

CL/19 **APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES 2017/18**

The Leader of the Council announced three amendments to the appointed representatives on Outside Bodies, namely that Councillor Ford would represent the Council on the East Midlands Airport Independent Consultative Committee, Councillor Watson would represent on Swarkestone Pit, Barrow-on-Trent Sand and Gravel Site Liaison Committee and that Councillor Mrs Coe would represent on Burton Hospitals NHS Foundation Trust Governors.

RESOLVED:-

That Council approves the amended schedule of persons nominated to serve on Outside Bodies for 2016/17, as set out at Annexe "D" to these Minutes.

CL/20 **APPOINTMENT OF MEMBER CHAMPIONS**

RESOLVED:-

That Council approves the schedule of Members Champions for 2017/18 as set out at Annexe "E" to these Minutes.

CL/21 **APPOINTMENT OF CHAIRMEN AT AREA FORUMS**

RESOLVED:-

That the following Chairmen be appointed to the Area Forums as indicated below:-

*Etwell Area Forum – Councillor Mrs Brown
Linton Area Forum – Councillor Murray
Melbourne Area Forum – Councillor Harrison
Newhall Area Forum – Councillor Dunn
Repton Area Forum – Councillor Smith
Swadlincote Area Forum – Councillor Mrs Coe*

CL/22 **ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2016/17**

The Chairman of the Committee presented the Annual Report to Council.

RESOLVED:-

That the Council receives the annual report of the Overview and Scrutiny Committee for 2016/17

CL/23 **CYCLE OF MEETINGS 2017/18**

RESOLVED:-

That the Council approves the Cycle of Committee meetings scheduled for 2017/18.

CL/24 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined under the paragraphs of Part 1 of Schedule 12A of the Act as indicated in the reports of Committees.

EXEMPT MINUTES OF THE COUNCIL

The Exempt Minutes of the Council, held on 6th April 2017, (Minute Nos. CL/162-CL/165) were taken as read, approved as a true record and signed by the Chairman.

EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NUMBER 11

Council were informed that no questions had been received.

EXEMPT MINUTES

Council received and considered the Exempt Minutes of its committees.

RESOLVED:-

That the Exempt Minutes of the following committees be approved as a true record:-

<u>Committee</u>	<u>Date</u>	<u>Minutes Nos.</u>
<i>Housing and Community Services</i>	<i>20.04.17</i>	<i>HCS/105–HCS/108</i>
<i>Environmental and Development Services</i>	<i>26.04.17</i>	<i>EDS/104-EDS/108</i>
<i>Finance & Management</i>	<i>27.04.17</i>	<i>FM/160-FM/168</i>

The Meeting terminated at 6.40pm

COUNCILLOR P MURRAY

CHAIRMAN OF THE DISTRICT COUNCIL

MINUTES of the CIVIC MEETING
of the SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Town Hall, The Delph, Swadlincote
on 25th May 2017
at 6.00 p.m.

PRESENT:-

Conservative Group

Councillor Murray (Chairman), Councillor Stanton (Vice-Chairman) and Councillors Atkin, Billings, Mrs Coe, Coe, Mrs Coyle, Grant, Mrs Hall, Harrison, Hewlett, Muller, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Swann, Tipping, Watson, Wheeler and Mrs Wyatt

Labour Group

Councillors Bambrick, Dunn, Dr Pearson, Rhind, Richards, Shepherd, Southerd, Taylor and Tilley

A minute's silence was observed by all present in memory of the victims of the Manchester terror attack.

CC/1. **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Mrs Brown, Ford and MacPherson (Conservative Group) and Councillors Chahal, Mrs Stuart and Wilkins (Labour Group).

CC/2. **ELECTION OF THE CHAIRMAN OF THE COUNCIL**

It was proposed and seconded that Councillor Stanton be elected as Chairman of the Council for the 2017/18 local government year.

RESOLVED:-

That Councillor Stanton be elected Chairman of the Council for the ensuing year.

(Councillor Stanton then made the Declaration of Acceptance of Office of Chairman and presided, thanking the Members for the honour conferred upon him).

CC/3. **ELECTION OF THE VICE-CHAIRMAN OF THE COUNCIL**

It was proposed and seconded that Councillor Mrs Hall be elected as Vice-Chairman of the Council for the 2017/18 local government year.

RESOLVED:-

That Councillor Mrs Hall be elected Vice-Chairman of the Council for the ensuing year.

(Councillor Mrs Hall then made the Declaration of Acceptance of Office of Vice-Chairman and thanked Members for the honour conferred upon him).

CC/4. **CHAIRMAN'S COMMUNICATIONS AND OTHER ANNOUNCEMENTS**

The Chief Executive presented an award to the Flight Lieutenant Alan Thompson for his long service with the Air Cadet Corp.

Flight Lieutenant Alan Thompson thanked the Council and welcomed Flight Lieutenant Ruth Morgan as the new Squadron Commander.

CC/5. **LONG SERVICE AWARDS**

The Chairman presented a long service award to Peter Bancroft, who had completed 20 years' service as at 31st March 2017. It was noted that an award had also been made to Lorraine Neave for 20 years' service, who was unable to attend the meeting.

The Meeting terminated at 6.35pm.

COUNCILLOR M STANTON

CHAIRMAN

In accordance with Council Procedure Rule No. 11, Councillor Richards will ask the following question:

"Given the recent Grenfell Tower tragedy, can the Chief Executive assure this Council, that we have not approved or contracted any installation of external cladding similar to that used at Grenfell Towers (Aluminium composite material) on any buildings that do not comply with health & safety, fire and Building Regulations."

REPORT TO:	COUNCIL	AGENDA ITEM: 9
DATE OF MEETING:	29th JUNE 2017	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	DEMOCRATIC SERVICES 01283 595848 / 595722	DOC:U:\JAYNE\Commtee\COMM REP\Sealed Docs report 29 Jun 17.docx
SUBJECT:	SEALED DOCUMENTS	REF: J. BEECH
WARD(S) AFFECTED:	VARIOUS	TERMS OF REFERENCE: N/A

1.0 Purpose of Report/Detail/Recommendation

1.1 To authorise the Sealed Documents listed below, which have no specific authority:-

<u>Date</u>	<u>No. of Seal</u>	<u>Nature of Document</u>
07.04.17	11703	Transfer – 23 Kilburn Way, Newhall
21.04.17	11711	Transfer – 5 Windsor Close, Newhall
01.06.17	11740	Transfer – 27 Nelson Street, Swadlincote
14.06.17	11747	Transfer – 16 Dundee Road, Midway

2.0 Financial Implications

2.1 None.

3.0 Corporate Implications

3.1 None.

4.0 Community Implications

4.1 None.

5.0 Background Papers

5.1 Seal Register

REPORT TO:	COUNCIL	AGENDA ITEM: 10
DATE OF MEETING:	29th JUNE 2017	CATEGORY: RECOMMENDED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES	OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	STUART BATCHELOR stuart.batchelor@south-derbys.gov.uk	DOC:
SUBJECT:	LOCAL PLAN PART 2 MODIFICATIONS	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

- 1.0 To approve the main and minor modifications (Appendix A, B and C)
- 1.1 To approve consultation upon the main and minor modifications to allow continued progression on the Local Plan Part 2.

2.0 Purpose of Report

- 2.1 The report is submitted to update Members on the Local Plan process and to recommend that the modifications to the submitted version of the Plan are consulted upon. The modifications have resulted through comments received in the Regulation 19 consultation process and discussion held at the hearing sessions.

3.0 Detail

- 3.1 The Local Plan Part 2 was submitted to the Secretary of State on 24th January 2017 following agreement by Members at the Environmental and Development Services Committee on 5th January 2017 and at Full Council on 19th January 2017.
- 3.2 Following submission, Inspector Mike Hayden BSc (Hons) DipTP MRTPI was appointed to conduct an examination into the soundness of the Plan.
- 3.3 The Inspector undertook initial checks and asked the Council to clarify some issues in a set of questions sent on the 13th February. Following the Council's response to these questions, the Inspector set out his matters, issues and questions and a draft timetable for the hearing sessions. The hearing sessions were held across three days on the 25 – 27th April.
- 3.4 As agreed by Members on 19th January, Officers of the Council were delegated powers to consider modifications required to the submitted Local Plan Part 2 during the examination process.
- 3.5 It has been necessary for Officers to consider changes to the Plan to ensure that the Plan is sound. These changes have come from the Regulation 19 consultation and

the Inspectors matters, issues and questions and also through discussion at the hearing sessions with the Inspector.

- 3.6 The modifications are classed as either main or minor. Main modifications are required to ensure that the Plan is considered sound and it is necessary to consult upon these for a period of six weeks. The minor modifications do not require consultation but it is proposed to publish them alongside the main modifications.
- 3.6 The main modifications can be seen at Appendix A, the minor modifications at Appendix B and the policy map modifications at Appendix C. There are 53 proposed main modifications which relate to both policy and surrounding text. Alongside the consultation will be an update of the Sustainability Appraisal that includes considerations of the modifications.
- 3.7 The policies that have suggested main modifications suggested are:
- SDT1
 - H23
 - H24
 - H25
 - H26
 - H27
 - H28
 - BNE5
 - BNE7
 - BNE8
 - BNE9
 - BNE10
 - BNE11
 - BNE12
 - RTL1
 - RTL2
 - INF12
 - INF13
- 3.8 Whilst all of the above have proposed changes, some are to clarify a position whilst others have proposed change to ensure consistency with the Local Plan Part 1 or additional criteria that the Inspector through discussion felt was necessary.
- 3.9 This report does not run through every modification in detail but instead considers those with the most significant change. All the proposed modifications are appended to this report.
- 3.10 Policy SDT1 (Settlement Boundaries and Development) is modified through MM2 to clarify the status of land outside of settlement boundaries and allocated sites and that development outside those boundaries 'will be limited to that considered acceptable inter alia by Policy BNE5'.
- 3.11 Policy H23 (Non-Strategic Housing Allocations) is proposed to be modified so that all of the housing site dwelling numbers are considered as 'around' rather than 'up to'. There is also an additional criteria included for H23 C to consider impact upon the Hilton Gravel Pits Site of Special Scientific Interest which was requested by Natural England.
- 3.12 A proposed modification (MM36) to policy BNE5 (Development in the Countryside) has already been considered by members on the 19th January following comments received by the Council on the Pre-Submission version of the Plan. The policy was discussed in detail at

the hearings and further changes were considered. It was felt necessary to make clear those policies that would allow for development in the countryside alongside policy BNE5 in the first criterion of the policy. The criterion referring to 'appropriate for its location in the countryside' was altered to be covered by two criterion ii) and iii). Modification MM37 was necessary to update the explanation text to BNE5 given the changes proposed to the policy.

- 3.13 Policy BNE8 (Local Green Spaces) was discussed as to its merit when a separate Development Plan Document is being written to cover the allocation of the sites. The Inspector agreed that the policy would allow for Neighbourhood Plans to bring forward Local Green Spaces in the period between now and the Local Green Spaces document being adopted which would ordinarily include the policy. The proposed modification (MM41) make clear the circumstances that exist to allow limited development on a space once designated but also the intended aim for enhancing a designated space.
- 3.14 As Members will be aware the discussion around a new secondary school or schools within the District has been ongoing since before the adoption of the Local Plan Part 1. Policy INF12 proposed two sites for allocation for secondary education provision; Lowes Farm and Thulston Fields. Whilst the entirety of the known SHLAA sites was proposed, it was only intended that a 10 hectare area would be taken forward for a school or schools.
- 3.15 The Inspector considered that due to the Green Belt nature of the Thulston Fields site that it was not appropriate to include the site as a possible location for a secondary school. The Inspectors position is set out in his note to the Council dated 8th May (Appendix D) where he suggests that the matter could be considered by the District Council 'via a planning application process, in the light of all of the necessary evidence.'
- 3.16 The Inspector was happy though with Lowes Farm being left as the site allocated within INF12 for secondary education provision (MM51).
- 3.17 Policy INF13 was a new policy put forward to consider the area referred to as Southern Derby Area/Infinity Garden Village as a proposed main modification at the time of submission of the Local Plan Part 2. This modification was agreed by both Environmental and Development Services Committee on 5th January and Full Council on 19th January for submission. Through discussion at the hearings, the Inspector was keen to clarify the purpose of the policy and to ensure that the policy supports the delivery of the Garden Village through the already allocated sites (through Local Plan Part 1) in a detailed development framework document (MM53) and to include a map showing the location (referred to as 'Map X' in the original modification).
- 3.18 If this report is approved then consultation on the modifications will start in the week commencing 3rd July for a period of six weeks. A tracked changed version of the submitted Plan will be published as part of the consultation that includes all the modifications. Following the consultation which is open for all to comment upon including the new policy INF13, the Inspector will consider the responses and write a report into the soundness of the Local Plan. Once received by the Council and if it proposes the Plan is sound then a Council report will be prepared proposing adoption of the Plan, most likely subject to the main modifications being made.

4.0 Financial Implications

- 4.1 There are no financial implications arising from this report.

5.0 Corporate Implications

5.1 Delivery of both parts of the Local Plan is an action of the Corporate Plan's Place theme. The Part 1 has now been adopted but it is essential that the second part is adopted to allow for the 1998 Local Plan to be fully superseded.

6.0 Community Implications

6.1 A fully adopted Local Plan will ensure that development across the District is achieved in as sustainable manner as possible and in a way that provides the infrastructure of community facilities for both the new residents but also existing residents.

7.0 Background Papers

7.1 Submission Local Plan Part 2

7.2 Local Plan Part 2 Sustainability Appraisal

Appendix

A Main Modifications

B Minor Modifications

C Policy Map Modifications

D Inspectors Letter dated 8th May

Main Modifications

South Derbyshire District Council Submission Local Plan Part 2

This document details the Council's proposed main modifications to the South Derbyshire Submission Local Plan Part 2. These modifications seek to improve the clarity and presentation.

The modifications are proposed in light of the hearings that have taken place and also the representations received during the Pre-Submission Local Plan Part 2 consultation, together with information arising since the document's submission.

The proposed modifications are listed in the order they appear in the Submission version of the Plan. For each amendment, information on the proposed change and the reason for the change is given. Where new text is proposed it is shown in bold, where text is proposed for removal it has been struck through, and any comments are in italics.

- **Insertion of text**
- ~~Removal of text~~
- *For information*

Main Modifications

Modification Ref.	Document Page No.	Policy/ Paragraph	Modified text (deleted text shown as struck through , additional text shown as bold and SDDC comments shown in <i>italics</i>)	Reasons for modification
Settlement Development				
MM1	3	2.1	<p>Settlement boundaries define the built limits of a settlement and distinguish between the main built form of a settlement and the countryside. Areas outside of settlement boundaries and allocated sites are considered to be countryside comprise the Rural Areas of the district as defined in Policy H1. In principle, development will be supported There is a presumption in favour of development (subject to other material considerations) within settlement boundaries. whereas in the countryside Outside of settlement boundaries in the Rural Areas other policies will apply, in particular Policy BNE5 which defines the more limited range of development that will be acceptable within the Rural Areas.</p>	To ensure consistency with the spatial strategy in the SDLPP1 (Policy H1) and effectiveness in achieving sustainable development in areas outside settlement boundaries and allocated sites.

MM2		SDT1	<p>Policy SDT1 Settlement Boundaries and Development</p> <p>Settlement boundaries define the built limits of a settlement. and distinguish between the built form of a settlement and the countryside. Outside of settlement boundaries land will be considered as countryside</p> <p>Within settlement boundaries as defined on the policies map and in Appendix A, development will be permitted where it accords with the development plan.</p> <p>Outside of settlement boundaries and allocated sites, within the Rural Areas as defined in Policy H1, development will be limited to that considered acceptable inter alia by Policy BNE5.</p> <p>Settlement boundaries will be applied in the following settlements: Urban Area: Swadlincote including Woodville</p> <p>Key Service Villages: Aston on Trent Etwall Hatton Hilton Linton Melbourne Overseal Repton Shardlow Willington</p> <p>Local Service Villages: Coton in the Elms</p>	<p>To ensure consistency with the spatial strategy in the SDLPP1 and effectiveness in achieving sustainable development.</p>
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			<p>Findern Hartshorne Mount Pleasant (Castle Gresley) Netherseal Newton Solney Rosliston Ticknall Weston on Trent</p> <p>Rural Villages: Barrow upon Trent Burnaston Caldwell Church Broughton Coton Park Egginton Kings Newton Lees Long Lane Lullington Milton Scropton Smisby Stanton by Bridge Sutton on the Hill Swarkestone Walton on Trent</p>	
MM3		2.2	Those settlements defined as Key Service Villages, Local Service Villages and Rural Areas Villages (as defined by Policy H1) where there is a compact group of dwellings exists will have a settlement boundary.	To ensure consistency with Policy H1.
MM4		2.3	Inclusion of land within a settlement boundary would normally imply a presumption in favour of development would be acceptable in	To ensure consistency with national policy on sustainable development.

			principle , though other technical considerations will still be assessed.	
MM5		2.4	Land outside of settlement boundaries and allocated sites will be considered as part of the Rural Areas countryside , where other policies apply. Other than in the circumstances permitted by policy BNE5 and other relevant policies, development will not normally be permitted within the Rural Areas countryside .	To ensure consistency with national policy and the spatial strategy in the SDLPP1 and effectiveness in achieving sustainable development.
Housing				
MM6	5	H23	Policy H23 Non-Strategic Housing allocations The following sites are allocated for housing development as shown on the Policies Map and in the site specific maps under Policies 23A-N:	For clarity and to ensure consistency with national policy and the spatial strategy in SDLPP1.
MM7	5 - 19	H23 A	Up to Around 42 dwellings	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM8		H23 B	Up to Around 50 dwellings	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM9		H23 C	Up to Around 43 dwellings	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM10		H23 C	Consideration and mitigation, as necessary, of the impact of the housing development upon the notified interest features of the Hilton Gravel Pits Site of Special Scientific Interest	To comply with national policy as suggested by Natural England.
MM11		H23 D	Up to Around 46 dwellings on-site	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM12		H23 E	Up to Around 70 dwellings	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM13		H23 F	Up to Around 64 dwellings	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM14		H23 G	Up to Around 25 dwellings	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM15		H23 H	Up to Around 24 dwellings	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM16		H23 I	Up to Around 50 dwellings on-site	To ensure consistency with national policy and with the spatial strategy in SDLPP1.

MM17		H23 J	Up to Around 55 dwellings on-site	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM18		H23 K	Up to Around 57 dwellings on-site	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM19		H23 L	Up to Around 10 dwellings on-site	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM20		H23 M	Up to Around 95 dwellings on-site	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM21		H23 N	Up to Around 70 dwellings on-site	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM22		H24	<p>Policy H24 Replacement Dwellings in Rural Areas the Countryside</p> <p>The replacement of a dwelling within the Rural Areas countryside will be permitted provided that:</p> <p>i) The form and bulk of the new dwelling does not substantially exceed that of the original dwelling* or that which could be achieved as permitted development; and</p> <p>ii) is not more intrusive in the landscape than that which it replaces; and</p> <p>iii) the new dwelling has substantially the same siting as the existing; and</p> <p>iv) the existing dwelling to be demolished is not of historic merit.</p> <p>*The term original dwelling means the house as it was first built or as it stood on 1 July 1948 (if it was constructed before this date).</p>	To ensure consistency with the spatial strategy in SDLPP1.
MM23		3.4	<p>New housing development in the Rural Areas countryside is restricted to protect the intrinsic character and beauty of the countryside. However, one circumstance in which residential development within the Rural Areas countryside can be acceptable is the replacement of an existing dwelling. Essentially it is 'new for old' development where no further dwellings are being added, so there is no net gain.</p>	To ensure consistency with the spatial strategy in SDLPP1.
MM24	20 -21	H25	Policy H25 Rural Workers' Dwellings	For clarity and consistency with Policy BNE5 as

		<p>Permanent Rural Workers' Dwellings</p> <p>A Outside settlement boundaries planning permission will be granted for a new permanent rural worker's dwelling where it can be demonstrated that:</p> <p>A i) There is an established existing essential need for an additional worker's dwelling to support a rural based activity; and ii) The rural-based activity has been established, is economically sustainable and has the prospect of remaining so; and iii) The essential need cannot be fulfilled by an existing dwelling within the locality.</p> <p>B Where the permanent need is established demonstrated the dwelling should whenever possible be well related to existing farm buildings or other dwellings, being designed as to minimise visual intrusion on the landscape.</p> <p>C Where permission is granted under this policy a condition will be imposed which limits occupation of the dwelling to a person solely, mainly or last working in a local rural enterprise, or a widow, widower or resident dependants of such a person.</p> <p>D i) There is an essential need for a temporary dwelling for a worker to support a rural based activity; and ii) The essential need cannot be fulfilled by an existing dwelling within the locality; and iii) The enterprise in question has been planned on a sound financial basis and is capable of being carried on as such.</p> <p>E Where the temporary need is established demonstrated, the dwelling should whenever possible be well related to existing farm</p>	<p>modified under MM36. Change to ensure policy is effective in achieving sustainable development.</p>
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			<p>buildings or other dwellings.</p> <p>F The removal of occupancy conditions will be supported where:</p> <p>i) The dwelling is genuinely surplus to the current and foreseeable future rural based activity agricultural needs of the holding; and</p> <p>ii) There is no evidence of a continuing need for housing for persons employed or last employed in a rural based activity agriculture in the locality; and</p> <p>iii) The dwelling has been widely marketed on terms reflecting its occupancy condition, normally for at least 12 months or an appropriate period as agreed with the Local Planning Authority, and no interest in occupation has been indicated.</p>	
MM25		3.8	<p>There are circumstances when a new dwelling (permanent or temporary) within the Rural Areas countryside is required to enable farm or other workers employed in a rural-based activity, to live at or in the vicinity of their work. It is anticipated that agriculture or forestry would be the main area of employment concerned, however there may be other rural enterprises that necessitate the need for a rural worker's dwelling.</p>	To ensure consistency with the spatial strategy in SDLPP1.
MM26		H26	<p>Policy H26 Residential Gardens within Rural Areas the Countryside</p> <p>Change of use of land to residential garden will be permitted where it would not result in detrimental domestication of the countryside within the Rural Areas.</p>	For clarity and consistency with the spatial strategy in SDLPP1.
MM27	23	3.13	<p>The change of use of land to residential garden can provide useful additional private amenity space. However, it can also result in the detrimental domestication of land which could be detrimental to the character and appearance of the in a rural landscape. This could occur where boundary treatments are not in keeping with the rural surroundings or where domestic paraphernalia such as washing lines, pergolas or children's play equipment that would be unreasonable to control by condition would be unduly prominent in the landscape. It is therefore essential that such proposals are</p>	For clarity and to ensure Policy H26 is effective in guiding decision making.

			controlled in order to protect the character and openness of the countryside and the character and form of settlements. Extensions to residential curtilages should reflect the pattern of development and should not unduly intrude or encroach into the countryside. In addition, extensions to residential curtilages within the Green Belt can conflict with the aim and purposes of the designation, as set out within the NPPF. Furthermore, to help protect the amenity and character of the landscape, conditions may be imposed on any permission granted to remove permitted development rights.	
MM28		H27	<p>Policy H27 Residential Extensions and Other Householder Development</p> <p>Extensions and alterations to dwellings or the erection or alteration of outbuildings, annexes, structures and boundary treatments within residential gardens, will be permitted provided that the proposals:</p> <p>i) Are of a scale and character in keeping with the property; and</p> <p>ii) Are not unduly detrimental to the amenities living conditions of adjoining properties or the general character and appearance of the area.</p> <p>Where annexe accommodation is granted permission, a condition will be imposed which prevents the severing of the annexe to a separate dwelling without the requirement for further planning consent.</p>	For clarity and to ensure Policy H27 is effective in guiding decision making.
MM29		3.14	<p>Additional space created by an extension to a dwelling and the erection or alteration of outbuildings/structures, are recognised as acceptable means of meeting changes in household space requirements. Normally such development should be designed so as to fit in with the original dwelling and the street scene in general, minimise the landscape and visual impact on the countryside and is designed without causing unacceptable harm to the living conditions of the occupiers of nearby dwellings such as creating an overbearing effect or a loss of privacy. Further guidance can be found in the</p>	For clarity and to ensure Policy H27 is effective in guiding decision making.

			Design SPD. In addition, outbuildings and structures should be of a size proportionate to the dwelling they serve and sympathetically related to the main dwelling.	
MM30		3.15	Proposals for annexe accommodation will be treated as separate dwellings and determined using other policies, unless it can be demonstrated that there is a functional dependency on the main dwelling. Proposals for annexe accommodation should be of a scale proportionate to the original dwelling, no larger than functionally required and in particular in the countryside well related in location to the original dwelling. Where annexe accommodation is granted permission, a condition will be imposed which restricts the severing of the annexe to a separate dwelling without the requirement of further planning consent.	For clarity and to ensure Policy H27 is effective in guiding decision making.
MM31		H28	Policy H28 Residential Conversions A Outside settlement boundaries the conversion of a building to provide residential accommodation will be permitted provided the building: is i) is of a permanent and substantial construction and ii) is suitable for conversion without extensive alteration, rebuilding and/or extension; or iii) B In addition to the above, in isolated locations the conversion of a building to provide residential accommodation will be permitted provided it constitutes the re-use of a suitable redundant or disused building or would secure the future use of a heritage asset. C Any conversion will All conversions should result in the lead to an enhancement of the building's immediate setting.	To ensure consistency with national policy and that the policy is effective in guiding decision making.
MM32		3.17	The buildings within the South Derbyshire countryside are part of its the character of the Rural Areas . The conversion of buildings can allow change to be assimilated without being detrimental to the existing character. The utilisation of buildings in this way can also bring environmental benefits and provide a source of housing accommodation without releasing new land for development and can	To ensure consistency with the spatial strategy in SDLPP1.

			also protect heritage assets.	
MM33		3.18	National Policy supports the reuse of rural buildings for residential uses, however states that they should lead to an enhancement to the immediate setting. When assessing the proposal's impact on the immediate setting, the proposed change to the building itself, the change of use of land to garden, parking arrangements and the proposed erection of boundary treatments will be considered. Furthermore, proposals must not display the characteristics of an isolated new dwelling in the countryside.	To ensure consistency with national policy
MM34		3.19	Where a residential conversion is granted, permitted development rights that normally apply to dwellings could may be withdrawn as a condition of the approval. This could arise where further alterations or additions to a dwelling could be detrimental to the character and appearance of the building and/or its setting within the countryside, which would warrant an assessment through a planning application.	For clarity and to ensure Policy H28 is effective in guiding decision making.
Built and Natural Environment				
MM35		4.1	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 Rural Areas the countryside does not lead to unacceptable environmental effects on the countryside.	To ensure consistency with the spatial strategy in the SDLPP1.
MM36	25	BNE5	Policy BNE5 Development in Rural Areas the Countryside Outside of settlement boundaries (as defined in policy SDT1), land will be considered as countryside. within the Rural Areas of the district A planning permission will be granted in the countryside where the development is: i) allowed for by policies H1, H22, E7, INF10, H24, H25, H26, H27 or H28; or ii) appropriate for its location in the countryside otherwise essential to a rural based activity; or iii) unavoidable outside settlement boundaries; or	To ensure consistency with the spatial strategy in the SDLPP1 and the effectiveness of the Plan in achieving sustainable development within the Rural Areas

			<p>iv) considered to be infill that is in keeping with the character of the locality and represents the infilling of a small gap for not normally more than two dwellings, within small groups of housing; and</p> <p>B If considered inappropriate by section A then planning permission will be granted in the countryside where it can be demonstrated that the development:</p> <p>i) v) will not unduly impact on: landscape character and quality, biodiversity, best and most versatile agricultural land, and historic heritage assets; and</p> <p>ii) is well related to a settlement or settlements; and</p> <p>iii) is not a valued landscape.</p>	
MM37		4.2 – 4.5	<p>4.2 In order to support the principle of sustainable development, and preserve and protect the countryside including the best agricultural land, development in the countryside in the Rural Areas of the district requires control. This policy aims to balance preserving the character of the countryside with supporting development and the rural communities within it.</p> <p>4.3 Proposals will be required to demonstrate that they are appropriate in the countryside. Examples of appropriate development in the countryside Development considered to be acceptable in principle in the Rural Areas includes exception or cross subsidy sites for housing on the edge of settlements listed in Policy H1, sites for gypsies and travellers accommodation subject to Policy H22, rural employment and tourism development within the terms set out Policies E7 and INF10, replacement dwellings in the countryside (Policy H24), rural worker’s dwellings subject to the criteria in Policy H25, and residential gardens, extensions and conversions as defined in Policies H26, H27 and H28. In addition development will be supported that provides facilities essential to rural based activities, which includes forestry, agriculture, equestrianism and outdoor</p>	To ensure consistency with the spatial strategy in the SDLPP1 and the effectiveness of the Plan in achieving sustainable development within the Rural Areas.

			<p>recreation and development allowed by other policies within the plan such as E7 and INF10 in Part 1 and H24, H25, H27 and H28 in Part 2. There may be other unforeseen circumstances development that could constitute unavoidable appropriate development within the Rural Areas at points in time such as the council being unable to demonstrate a deliverable housing and employment land supply.</p> <p>4.4 Should the development be considered as inappropriate within the countryside, then a further test will be applied through section B of the policy that considers the development's impact on a number of factors. The relationship to a settlement or settlements is important, as the Council want to avoid isolated unsustainable developments in the countryside.</p> <p>4.4 In all cases however, it is necessary to ensure that development within the Rural Areas the countryside should be integrated into the landscape as sympathetically as possible with minimal impact. The design, layout (including density) and materials of the development should reflect the character of the area countryside. In determining proposals for infill development, consideration will be given to whether the proposed scheme would result in the loss of an important gap between groups of housing.</p> <p>4.5 Where appropriate The the consideration of valued landscape character and quality will be undertaken by using the factors set out in the GLVA 3rd Edition (or further editions) which form the basis of an LVIA:</p> <ul style="list-style-type: none"> • Landscape quality (condition) • Scenic quality • Rarity • Representativeness • Conservation interest • Recreation value 	
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			<ul style="list-style-type: none"> • Perceptual aspects • Cultural Associations 	
MM38		4.6	<p>Agricultural uses constitute a large part of the South Derbyshire landscape and the Council appreciates the value and importance of the agricultural industry. In valuing and protecting the countryside and its landscape character,-there is a responsibility to site necessary agricultural development in the Rural Areas in such a way as to minimise its effect on the surrounding landscape. Prudent siting, design, construction and choice of materials with appropriate landscape measures such as land formation and/or planting, if considered necessary will be expected to ensure the right balance is struck. Further guidance can be found in the Council's Design SPD. This will assist in protecting the countryside whilst allowing agricultural development.</p>	For clarity, consistency with the spatial strategy in the SDLPP1 and to ensure Policy BNE6 is effective in guiding decision making.
MM39		BNE7	<p>Policy BNE7 Trees, Woodland and Hedgerows</p> <p>A Where development is proposed that could affect trees, woodland and/or hedgerows which are important in terms of their amenity, ecological, landscape or historic high value, developers will be expected to demonstrate that:</p> <p>i) the layout and form of development have been informed by an appropriate arboricultural and/or hedgerow surveys; and ii) development would not suffer from undue shading either now or in the future; and iii) appropriate measures are secured to ensure adequate root protection and buffers around trees, woodland and hedgerows.</p> <p>B The felling of protected trees, groups of trees or woodland and/or removal of important hedgerows, will be considered in accordance with the relevant national guidance and regulations, taking account in particular of their amenity, ecological, landscape and historic value only be permitted in exceptional circumstances. Where</p>	For clarity and to ensure consistency with national policy and guidance on trees and hedgerows

			<p>protected trees and/or hedgerows are subject to felling or removal, a replacement of an appropriate number, species, size and in an appropriate location will normally be required.</p> <p>C Development proposals which will have a detrimental effect on important trees, and woodland of high value or important hedgerows must satisfactorily demonstrate how the impact on biodiversity has been minimised and, wherever possible, a net biodiversity gain delivered through appropriate mitigation, compensation or offsetting, including through new planting or improved management of retained trees and hedgerows. New planting will be expected to be adequately managed to reach full maturity.</p> <p>D Where new planting is proposed on development sites, principal consideration should be given to planting tree species which are in keeping with the urban or rural character of the area. However, where appropriate, wider environmental or amenity benefits including improvements to local air quality, erosion control, land drainage or shading should be considered.</p>	
MM40		4.8	<p>The character of many settlements in South Derbyshire is enhanced by hedgerows and single, as well as groups of trees. They are a vital element of the landscape and of great importance to nature conservation. The Authority is keen to protect the most important trees, woodland and hedgerows from loss or damage. Where development is proposed that could affect important trees, woodland, and /or hedgerows of high value, or significant numbers of trees or large areas of hedgerow, the Council will seek to ensure that decisions are underpinned by a proportionate survey in order that the full effects of development can be understood. In determining whether trees, woodland and hedgerows are of high value important, regard will be had to amenity, ecology, historic origins and their impact on the landscape.</p>	For clarity and to ensure consistency with national policy and guidance on trees and hedgerows

MM41		BNE8	<p>Policy BNE8 Local Green Space</p> <p>Local Green Spaces will be protected from development except in very special circumstances or for the following limited types of development where they preserve the openness of the Local Green Space and do not harm the purpose for its designation:</p> <p>i) the construction of a new building providing essential facilities for outdoor sport, outdoor recreation, cemeteries, allotments or other uses of the open land;</p> <p>ii) the re-use or replacement of an existing building, as long as any new building is in the same use and not materially larger than the one it replaces;</p> <p>iii) the carrying out of an engineering or other operation. unless the development proposed would clearly enhance the area for the purpose it was designated.</p> <p>Designations of Local Green Spaces will be made through a separate Development Plan Document or Neighbourhood Development Plan. The Council will work to enhance the biodiversity, heritage, recreation and tranquillity value and where possible the public accessibility of Local Green Spaces through appropriate site management.</p>	To ensure consistency with national policy in paragraphs 76 and 78 of the NPPF and that the policy is effective in guiding decision making.
MM42		4.15	<p>Local Green Spaces are only designated where the area is well related to the community it serves, is special to the community and is local in character. Guidance on the designation of Local Green Spaces can be seen in the Local Green Space Topic Paper. It is expected that the Local Green Space will remain undeveloped over the plan period, except where there are very special circumstances to justify a development which clearly outweighs the harm that may be caused</p>	To ensure consistency with national policy in paragraphs 76 and 78 of the NPPF and that Policy BNE8 is effective in guiding decision making.

			<p>or for certain limited forms of development related to the use of the green space and which would not harm the openness or character of the space. Consultation with the local community would be expected should a development be proposed on a Local Green Space. Collaborative working with private landowners of Local Green Spaces for the improvement of such areas will be taken where the opportunity arises.</p>	
MM43		BNE9	<p>Policy BNE9 Advertisements and Visual Pollution</p> <p>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:</p> <p>i) That there is no adverse impact on the character or appearance of the area and its setting of the area and its visual amenity; and</p> <p>ii) That pedestrian and vehicular movements are not inhibited nor highway users' attention distracted; visibility should not be obscured or confused, nor public safety adversely affected; and</p> <p>iii) That proposals are in keeping with respect their setting and surroundings in terms of size, design, illumination, materials and colour; and</p> <p>iv) That together with existing signs and street furniture in the area, there the proposals will not be result in visual clutter or excessive advertising.</p>	To ensure the clarity and effectiveness of Policy BNE9 in guiding decision making.
MM44	30-31	BNE10	<p>Applications for development that affects any heritage assets, as defined in Policy BNE2, will be determined in accordance with national policy for conserving and enhancing the historic environment need to ensure that development proposals contribute positively to the character of the built, historic and natural environment.</p>	To ensure Policy BNE10 is consistent with national policy and effective in the management of development affecting heritage assets.

			<p>The heritage assets and their settings include:</p> <ul style="list-style-type: none"> i) Conservation Areas ii) Scheduled Monuments iii) Listed Buildings iv) Registered historic parks and gardens v) Undesignated heritage assets <p>This will be achieved in In particular the following ways will apply:</p> <ul style="list-style-type: none"> • All applications being should be accompanied by a proportionate heritage assessment, prepared with the appropriate expertise, to a level of detail proportionate to the asset's significance. The assessment which should describes an the asset's significance, identifies the impacts of the proposed work development and provides clear justification for the works. Where appropriate, the Council may also require historical research and archaeological recording to be undertaken before works to a heritage asset commence. • Seeking to maintain local distinctiveness by sensitively contributing to the creation of places with high architectural and built quality using traditional materials and techniques where appropriate. • Requiring proposed Ddevelopments affecting a heritage asset or its setting, including alterations and extensions to existing buildings, will be required to demonstrate how the proposal has taken account of design, form, scale, mass, use of traditional materials and detailing, siting and views away from and towards setting of the heritage asset, in order to ensure that the proposed design is sympathetic and minimises harm to the asset. • The loss of buildings and features which make a positive contribution to the character or heritage of an area should be avoided through preservation or appropriate reuse, including enabling development. 	
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			<ul style="list-style-type: none"> Any proposed development which impacts on archaeological remains will be required to be accompanied by an archaeological evaluation of the site and a statement demonstrating how it is intended to overcome the archaeological constraints of the site. Development will be resisted which would result in disturbance to the loss of or substantial harm to Scheduled Ancient Monuments or other known archaeological sites of equivalent significance. Development affecting non-designated archaeological sites harm their setting or significance will be assessed having regard to the scale of any harm and the significance of the site. Where there is an exceptional need for development In all cases measures will be undertaken to minimise impact and, where possible, to preserve the site in situ. The District Council will require public display and interpretation where appropriate. Any investigation and recording of a site as part of any works will be published and archived. Preventing the loss of buildings and features which make a positive contribution to the character or heritage of an area through preservation or appropriate reuse and sensitive development, including enabling development, Development that will lead to substantial harm to or loss of significance of any other designated heritage asset will be refused, unless it can be demonstrated that the development harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where less than substantial harm would result this will be considered against the public benefits of the proposal. Effects of development on the significance of other non-designated heritage assets on the local list will be assessed having regard to the scale of any harm and the significance of the asset. 	
MM45		BNE11	<p>Policy BNE11 Shopfronts</p> <p>Shopfronts should:</p>	To ensure the clarity and effectiveness of Policy BNE11 in guiding decision making

			<p>i) be well proportioned and reflect the quality and architectural contribution of any existing historic shopfront; and</p> <p>ii) have regard to the proportions and relationship between the shopfront, the its host building and it's the surrounding context; and</p> <p>iii) use high quality and sympathetic traditional materials and detailing; and</p> <p>iv) include signage only in appropriate locations and in proportion to the shopfront; and</p> <p>v) consider security without the use of external shutters; and</p> <p>vi) not include inappropriately illuminated signage.</p> <p>The District Council will resist external shutters and inappropriately illuminated signage.</p>	
MM46		4.21 – 4.22	<p>4.21 Shopfronts, both modern and historic play an important role within settlements in adding to the District’s distinctiveness and character and can contribute significantly to the attractiveness and quality of the street scene across all settlements. Heritage assets which include original or traditional shopfronts make an important contribution and provide a sense of place to the many different communities in South Derbyshire. Shopfronts are also found in historic buildings which are not designated assets but are of local interest and add to the character and sense of place; such shopfronts are included within the policy. Traditional architectural materials, details and proportions that are hidden, neglected or lost can be reinstated and revitalised and can help enhance the character of the building and local area, and add value to the shopping experience. The Council seeks to promote good design, in keeping with the character of the heritage assets, to preserve and enhance the appearance of South Derbyshire.</p> <p>4.22 Traditional architectural materials, details and proportions that are hidden, neglected or lost can be reinstated and revitalised and can help enhance the character of the building and local area, and add value to the shopping experience. The Council seeks to promote good</p>	To ensure the clarity and effectiveness of Policy BNE11 in guiding decision making

			<p>design, in keeping with the character of the heritage assets, to preserve and enhance the appearance of South Derbyshire. Therefore necessary modifications necessary should be sympathetic to the original design of the building.</p> <p>Security measures should be internal to limit their visual impact.</p> <p>External shutters are not normally acceptable and internal shutters should be perforated to enable visibility into the shop. To enliven frontages and enable passive surveillance, shopfronts should provide visibility and not be blanked out. Lighting should be the minimum necessary and internal illumination of signage is not acceptable. Any light fittings should have a minimal impact on the appearance of the shopfront and provide a warm light. Further guidance can be found for Swadlincote in the Conservation Area Management Plan and for the rest of District in Historic South Derbyshire.</p>	
MM47		BNE12	<p>Policy BNE12 Former Power Station Land</p> <p>A An agreed development framework document between the developer(s) and the Council will be submitted with any major planning application made on the following sites:</p> <p>The Council will support development on the former Drakelow and Willington power station sites as shown on the Policies Map in accordance with that set out in Policies E1, H6 and SD6, to include the following:</p> <p>B Former Drakelow Power Station Development will be supported for Use Class B1, B2, B8 and for energy purposes to assist in the regeneration of the previously developed land. The existing Drakelow Nature Reserve will be retained to its current extent along with the creation of a buffer zone.</p> <p>€ Former Willington Power Station Proposals for energy related development and any other uses</p>	To ensure the clarity and effectiveness of Policy BNE12 in guiding decision making on the former power station sites.

			<p>considered appropriate to contribute to the regeneration of the previously developed land will be supported.</p> <p>Development framework documents will be agreed between the developer(s) and the Council and be submitted with any major planning application made on the sites to guide their future development.</p>	
Retail				
MM48	37-38	RTL1	<p>Policy RTL1 Retail Hierarchy</p> <p>A Applications for new main town centre uses outside of the following centres will be subject to the sequential test:</p> <ol style="list-style-type: none"> 1. Town Centre <ul style="list-style-type: none"> • Swadlincote • 2. Local Centres <p>Existing</p> <ul style="list-style-type: none"> • Castleton Park • Church Gresley • Newhall • High Street, Woodville <p>Proposed</p> <ul style="list-style-type: none"> • Boulton Moor • Chellaston Fields • Drakelow • West of Mickleover • Wragley Way • Highfields Farm 3. Other Centres in Key and Local Service Villages (as defined in the policy H1). 	For clarity and to ensure Policy RTL1 is consistent with national policy.

			<ul style="list-style-type: none"> • Aston on Trent • Etwall • Hatton • Hilton • Melbourne • Overseal • Repton • Shardlow • Willington • Linton • Coton in the Elms • Findern • Hartshorne • Mount Pleasant • Netherseal • Newton Solney • Rosliston • Ticknall • Weston on Trent <p>The existing and proposed Local Centres can be found are identified on the Policies Map and on Maps 1,2 and 3.</p> <p>B Swadlincote Town Centre Primary Frontage</p> <p>i) Within the primary frontage of Swadlincote town centre as shown on Map 4, other than those allowed under permitted development rights, changes of use at ground floor level from Use Classes A1, A2, A3 and A4 to other uses will not normally be permitted.</p> <p>ii) Planning applications for change of use at first floor level and above to office or residential use will be permitted, provided that a good</p>	
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		<p>standard of the amenity of for existing and prospective occupants would be maintained.</p> <p>Remainder of Town Centre iii) All main town centre uses as defined by national policy will be supported within the remainder of Swadlincote town centre outside of the primary frontages.</p> <p>C Local Centres Retail Development within Use Classes A1, A2, A3, A4 and A5 will be permitted provided that: i) It is appropriate with the scale and function of the centre; and ii) It is well related to existing retail units in the Local Centre</p> <p>D Other Centres in Key and Local Service Villages Retail Development within Use Class A1, A2, A3, A4 and A5 will be permitted provided that: i) It is appropriate with the scale and function of the Centre; and ii) It would not lead to unsustainable trip generation or undermine the vitality and viability of a neighbouring centre; and iii) It does not adversely impact on neighbouring properties</p> <p>E Outside of Centres All retail proposals over 1,000 square metres gross will be required to submit a detailed retail impact assessment to measure the impact of the proposal on the vitality and viability of nearby centres and on committed and planned investment in those centres.</p> <p>E F Loss of Retail Loss of retail units in centres will be permitted where: i) The current use can be demonstrated to be no longer viable; and ii) The unit has been sufficiently and actively marketed for a range of retail uses over a 6 month period; and</p>	
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			iii) The impacts arising from the resulting use do not cause an adverse effect on amenity, parking needs or highway safety.	
MM49		5.12	<p>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. The primary frontage, shown on Map 4, has therefore been identified, with the intention that these are retained as the main core of town centre activity (Use classes A1, A2, A3 and A4 at ground floor level). In the remainder of the town centre a more flexible approach will be applied, recognising that a much wider variety of uses can be accommodated including office, leisure and residential uses (B1(a), D1, D2 and C Use Classes). The Council also supports maintaining the vitality of existing Local Centres and those centres in key and local service villages to protect the retail offer in those locations. The Council will require a full retail impact assessment for any out-of-centre schemes above 1,000 square metres gross floorspace that is commensurate with the scale and nature of the proposal. Many of the 'discount' supermarkets have stores of around this scale and it considered that such stores would have the capability to compete directly with stores of a similar scale, or which offer a similar function, within defined centres.</p>	For clarity and to ensure Policy RTL1 is consistent with national policy.
MM50		RTL2	<p>Policy RTL2 Swadlincote Town Centre Potential Redevelopment Locations</p> <p>The Council will promote the redevelopment of the following sites, as identified on Map 4, for uses that would enhance the viability and vitality of Swadlincote town centre:</p> <ol style="list-style-type: none"> 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 	To ensure Policy RTL2 is consistent with national policy

			Where appropriate, development briefs will be prepared by the Council to guide the redevelopment of these sites. will be in accordance with a development brief prepared by the Council.	
Infrastructure				
MM51		INF12	<p>Policy INF12 Provision of Secondary Education Facilities</p> <p>Land at Thulston Fields and Southern Derby Area/Infinity Garden Village Lowes Farm (shown on Map 5) is allocated for secondary education provision. The site(s) will be identified through the provisions of Policy INF13. The school will provide for:</p> <p>i) A minimum 800 pupil place secondary school(s); and</p> <p>ii) Of a minimum of 10 hectares; and</p> <p>iii) Served directly from a principal road access; and</p> <p>iii) iv) Be designed and laid out so as to minimise any undue impacts on surrounding land uses and the wider environment; and</p> <p>iv) Include assessment and any necessary mitigation of transport impact on the surrounding road network and pedestrian and cycle links.</p>	To ensure the policy complies with national policy on inappropriate development in the Green Belt and is effective for the delivery of new secondary education facilities.
MM52		6.6 – 6.8	<p>6.6 Due to the recent and anticipated population growth in South Derbyshire, not just in this plan period but beyond 2028, it has become evident that at least one new secondary school will be required in the District. There are currently four secondary schools within the District, three in Swadlincote and one in Etwall. As well as these schools within the District, parts also have normal (catchment) areas covering them from Derby City, East Staffordshire and Erewash schools.</p> <p>6.7 In order to progress a new secondary school, the starting point is the notification of a sites through the Local Plan process. Derbyshire County Council as the statutory Authority for education provision in the District have undertaken this process and selected two sites and have notified the</p>	

		<p>Council to allocate these this sites. The allocation of these sites will continue until the Local Plan is reviewed or education need is re-assessed.</p> <p>6.8 The allocated sites on Map 5 show the entire site (as proposed in the SHLAA) whereas only part of the site would be required for education provision as noted in the criteria of the policy. The exact location of the school within the Southern Derby Area/Infinity Garden Village is to be determined through the development framework that is required as part of Policy INF13. The required area is set out in the criteria of the policy and it is known that it will be on the eastern side of the village. Collaboration between the site promoter and the on the site and whether both sites are required will be determined by the Local Education Authority or other statutory provider will continue as the process moves continues towards the development of a new secondary school in a location that is deliverable from both a planning and educational stance.</p>	
MM53		<p>Policy INF 13 Southern Derby Area and Infinity Garden Village</p> <p>Development proposals and cross boundary collaboration will be supported in the Southern Derby Area as shown on Map 5 for a mix of uses as part of the Infinity Garden Village development.</p> <p>In order to implement this development comprehensively and support the required infrastructure delivery, a joint development framework document will be prepared to guide the development and cross boundary collaboration between the Council, Derby City Council, Derbyshire County Council and developers.</p> <p>The development framework document once approved will guide the delivery of the following development in support of the Infinity Garden Village proposal:</p>	Recent discussions with Derby City, Derbyshire County Council, Highways England and developers have made clear the benefit in producing a development framework document to deliver the proposals in the Southern Derby Area in an aligned manner.

			<p>Policy H15 Wragley Way (LP1)</p> <p>Policy E4 Infinity Park Extension (LP1)</p> <p>The South Derby Integrated Transport Link (LP1 Policy INF4)</p> <p>A new Local Shopping Centre (LP1 Policy H15 vii)</p> <p>Green and Blue Infrastructure (LP1 Policy H15 ix) across the Southern Derby Area with consideration to Derby City’s Green Wedge policy</p> <p>New secondary school (LP2 Policy INF12), the location of which is to be defined by the development framework document</p> <p>An A50 junction at Deepdale Lane to serve the Southern Derby Area proposals (LP1 Policy H15 iii)</p> <p>Until the development framework document is approved, any necessary infrastructure required to deliver the comprehensive approach will be supported.</p> <p>Explanation</p> <p>This policy is supported by the allocation of Wragley Way (H15) and Land at Sinfin Moor (E4) in the Local Plan Part 1 and the continued growth of Infinity Park in Derby City. In the interests of aligning and agreeing phasing for the upcoming development opportunities to support the Infinity Garden Village proposal it is important that consideration is given to the development in both administrative areas. This will be undertaken through an agreed framework document that can fully consider all the constraints and</p>	
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			<p>opportunities on the site and guide the delivery of the Southern Derby Area comprehensively and also consider opportunities for future housing and employment growth. The Development Framework document will be produced in collaboration with Derby City, Derbyshire County Council, relevant developers and landowners and Highways England. However due to the pressing need to plan for and deliver a new secondary school all parties will need to expedite the joint development framework.</p>	
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Minor Modifications

South Derbyshire District Council Submission Local Plan Part 2

This document details the Council's proposed minor modifications to the South Derbyshire Submission Local Plan Part 2. These modifications seek to improve mainly the presentation of the document.

The modifications are proposed in light of the hearings that have taken place and also the representations received during the Pre-Submission Local Plan Part 2 consultation.

The proposed minor modifications are listed in the order they appear in the Submission version of the Plan. For each amendment, information on the proposed change and the reason for the change is given. Where new text is proposed it is shown in bold, where text is proposed for removal it has been struck through, and any comments are in italics.

- **Insertion of text**
- ~~Removal of text~~
- *For information*

Updates to paragraph numbers are not included within the modifications table, however will be made to reflect the proposed changes within this modifications document and will run in chronological order.

Modification Ref.	Document Page No.	Policy/ Paragraph	Modified text (deleted text shown as struck through , additional text shown as bold and SDDC comments shown in <i>italics</i>)	Reasons for modification	Source of modification (including representation no. if applicable)
Introduction					
M1	1	1.1	The Local Plan is being was prepared in two parts and sets the spatial strategy for the District up to 2028. It identifies development sites and contains policies for dealing with planning applications for a range of different types of development.	To update the plan	SDDC
M2	1	1.3	Informal consultation on the Part 2 Plan took place between 15 December 2015 and 12 February 2016. Following consideration of the responses received, consultation took place on the Draft Local Plan Part 2 between 20 June and 15 August 2016. The timeframe for the remaining stages leading to adoption is set out below: Pre-Submission Local Plan Part 2 Consultation – October 2016 Submission – December 2016 Public Examination – To be confirmed following submission to PINS Adoption – May 2017.	To update the plan	SDDC
M3	1	1.4	Once adopted , Part 1 and Part 2 of the Plan should be read as a whole, as more than one policy may apply. Furthermore, once adopted , Part 1 and Part 2 of the Plan will supersede the saved policies from the 1998 Local Plan.	To update the plan	SDDC
M4	1	1.5	The following pages set out the proposed non-strategic housing allocations and development management policies for the Local Plan Part 2, which, once adopted, will be used alongside policies in the Local Plan Part 1 in making decisions on planning applications. Where the same policy chapter headings exist within both parts of the Plan, the policy	To update the plan	SDDC

			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.		
M5	1	1.7	Like the Local Plan Part 1, Part 2 has been prepared following extensive consultation and participation from a wide range of individuals, interest groups, public service providers, infrastructure providers, investors, land owners and developers. Consultation has been undertaken in accordance with our published Statement of Community Involvement and, additionally, embedded the localism agenda being encouraged by the Government. A fuller explanation of how we have involved people in drawing up the Local Plan Part 2 can be viewed within the Consultation Statement at: www.south-derbys.gov.uk/localplanpart2	To update the plan	SDDC
M6	1	1.8	The Pre-Submission Local Plan Part 2 is supported by a robust and wide ranging technical evidence base. This includes a 'Sustainability Appraisal' of the likely significant social, economic and environmental effects of all the reasonable options considered, including the preferred strategy and policies. A Habitats Regulation Assessment (HRA) Screening Statement has also been prepared, which concludes that the Pre-Submission Local Plan Part 2 will not result in any significant harm to the River Mease Special Area of Conservation (SAC), or any other Natura 2000 site. This document forms part of the current Pre-Submission Local Plan Part 2 consultation.	To update the plan	SDDC
M7	1	1.9	The Consultation Statement completes the documents for consultation. This document sets out the consultation undertaken and summarises the responses received including those from the Draft Plan consultation.	To update the plan	SDDC

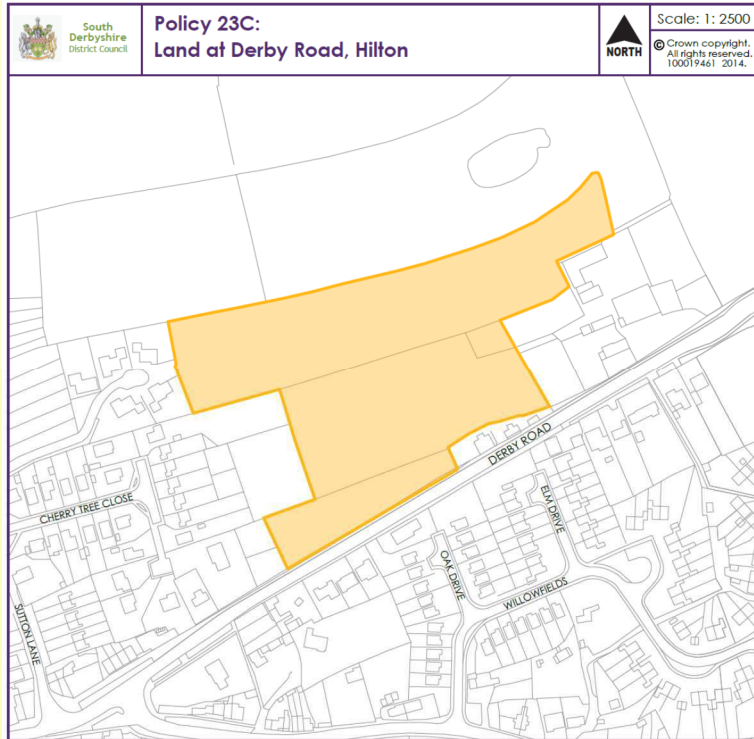
M8	1	1.10	Documents will be written that provide additional guidance for policies in both the Part 1 and Part 2 in the form of s Supplementary Planning Guidance Documents (SPDs) . Details of the SPDs are set out in the Local Development Schemes along with the timetable for consultation and implementation.	To update the plan	SDDC
Housing					
M9	5	3.1	<ul style="list-style-type: none"> Policy S4 in Part 1 of the Plan requires 600 dwellings to be allocated as non-strategic sites as part of the overall housing target of at least 12,618 dwellings. 	Change to ensure consistency with Policy S4	Framptons (60) and Framptons on behalf of McGrath Family (061)
M10	6	H23A	<ul style="list-style-type: none"> A Landscape buffer to the north, east and south west to be implemented and enhanced ment made to the south. 	Change for clarity	SDDC and Howard Sharp and Partners on behalf of Providence Land (027)
M11	6	H23A	<ul style="list-style-type: none"> Public open space to be provided to the eastern western part of the site. 	Change to correct reference to west rather than east of the site.	SDDC and Howard Sharp and Partners on behalf of Providence Land (027)
M12	6	H23A	<ul style="list-style-type: none"> Use of 1.5 storey dwellings along the eastern and southern edges of the site in close proximity to the southern boundary 	Change for clarity	SDDC and Howard Sharp and Partners on behalf of Providence Land (027)
M13	6	H23A	<ul style="list-style-type: none"> An off-site affordable housing contribution to be made. 	Change to provide up to date information.	SDDC
M14	7	H23B	<ul style="list-style-type: none"> Site Character area A – no more than 4 dwellings per hectare (gross) 	Change for clarity	SDDC
M15	7	H23B	<ul style="list-style-type: none"> Site Character area B – no more than 6 dwellings per hectare (gross) 	Change for clarity	SDDC
M16	7	H23B	<ul style="list-style-type: none"> Site Character area C – no more than 8 dwellings per hectare (gross) 	Change for clarity	SDDC
M17	7	H23B	<ul style="list-style-type: none"> A Landscape buffer implemented along the eastern 	Change to detail	SDDC

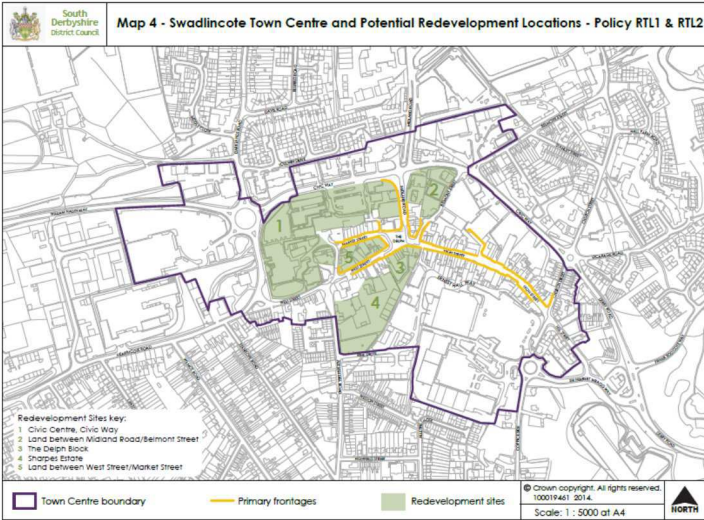
			and western boundary of the site implemented and enhanced		
M18	7	H23B	<ul style="list-style-type: none"> No more than 3 dwellings on the frontage of site to Egginton Road Jacksons Lane 	Change to correct reference of the road reference.	SDDC
M19	13	H23I	<p><i>Title</i> Policy 23I: Land at Mount Pleasant Road, Repton</p>	Correction to ensure consistency with Policy H23	SDDC
M20	12	H23G	<ul style="list-style-type: none"> The housing mix of the site will include at least two bungalows 	Grammatical error	SDDC
M21	15	H23J	<ul style="list-style-type: none"> Introduction of a landscaping buffer to all boundaries (where appropriate) of the site with an enhanced buffer required along the southern and eastern boundary A landscaping buffer to be implemented and enhanced on the south western area of the site. 	Change for clarity	SDDC
M22	15	H23J	<ul style="list-style-type: none"> Consideration of A detailed drainage issues strategy will be required 	Change for clarity	SDDC
M23	15	H23J	<ul style="list-style-type: none"> Consideration of topography and use of 1.5 storey dwellings in prominent parts of the site 	Change for clarity	SDDC
M24	18	H23M	<p><i>Title</i> Policy 23M: Land at Montracon, Woodville Swadlincote</p>	Change for clarity and to ensure consistency	SDDC
M25	25	4.1	National planning policy requires that an appropriate balance is struck between development supporting a prosperous rural economy and conserving and enhancing the built and natural environment. The policies in this section seek to provide the appropriate safeguards to ensure that development which must take place in the countryside does not lead to unacceptable environmental effects.	Change to ensure that paragraph is correct in introducing section 4.	SDDC

Policies Map modifications

South Derbyshire District Council Submission Local Plan Part 2

This document details the Council's proposed modifications to the policies map as set out in the South Derbyshire Submission Local Plan Part 2 version.

Modification Ref.	Document Page No.	Map	Modified text (deleted text shown as struck through , additional text shown as bold and SDDC comments shown in <i>italics</i>)	Reasons for modification	Source of modification (including representation no. if applicable)
Settlement Development					
PM1	8	H23 C Map	Boundary change to allocation for Land at Derby Road, Hilton 	To ensure the allocation is 'deliverable'.	SDDC - Discussed at the hearing sessions.
PM2	39 - 41	Map 1, 2 & 3	All centres in Key and Local Service Villages added to Maps 1, 2 and 3.	To ensure Policy RTL1 is effective in clearly defining the location of all key and local service	

				centres to which the sequential test applies.	
PM3	43	Map 4	<p>A more appropriately scaled map showed the primary frontage.</p> 	For clarity and to ensure Policy RTL1 is consistent with national policy.	SDDC
PM5	48	Map 5	<p>Map updated to include policy INF13 and also removal of the proposed allocation at Thulston Fields for the provision of education facilities.</p>	To ensure that Policy INF12 and INF13 are effective in defining the location of the Southern Derby Area and location for the provision of education facilities.	

PM6		Appendix A	Change to Swadlincote settlement boundary to include site allocated as part of Local Plan Part 1 – policy H2	To ensure consistency with other allocations included within settlement boundaries (Policy SDT1)	

South Derbyshire Local Plan Part 2 Examination

Inspector: Mr Mike Hayden BSc(Hons) Dip TP MRTPI

Programme Officer: Helen Wilson

Email: progrofficer@aol.com Tel: 01527 65741

Nicola Sworowski
Planning Policy Manager
South Derbyshire District Council

8 May 2017

By email via the Programme Officer

Dear Miss Sworowski,

Modifications to the South Derbyshire Local Plan Part 2

As indicated at the conclusion of the examination hearings on 27 April 2017, I am writing to confirm the need for further main modifications to make the South Derbyshire Local Plan Part 2 (SDLPP2) sound.

We discussed a number of main modifications required to Policies SDT1, H23-H28, BNE5, BNE7-12 and RTL1-2 and their explanatory text to ensure consistency with national policy and the SDLPP1 and effectiveness in day-to-day decisions on planning applications. I confirm I have received a first draft of the Council's suggested wording for these modifications, which I will respond to separately, including the scope of changes required to Policy BNE10 on Heritage.

In addition, in the light of the discussions at the hearing, I consider that main modifications are required to Policy INF12 in respect of the provision of secondary school facilities and that changes will be necessary to the proposed modification for Policy INF13 for the Southern Derby Area, in order to comply with the criteria for soundness, as explained below.

Policy INF12 – Provision of Secondary Education Facilities

Two sites are proposed to provide for future secondary school provision to support housing growth on the southern side of Derby. Whilst I acknowledge the case put forward to justify the need for both sites, the land at Thulston Fields lies within the Green Belt, where a new school would constitute 'inappropriate development' under paragraph 89 of the National Planning Policy Framework (the Framework). Paragraph 87 of the Framework makes clear that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. I note Council feels that 'very special circumstances' exist. However, this can only be tested by means of a planning application, when all of the evidence would be available to allow for the harm to the Green Belt to be weighed against other considerations, as required by paragraph 88 of the Framework. If land at Thulston Fields needs to be allocated for a secondary education facility, then the Green Belt boundary would need to be altered, which paragraph 83 of the Framework makes clear should only be done in 'exceptional circumstances'. Both the District and County Council appear to acknowledge this would need to take place as part of a wider review of Green Belt boundaries around Thulston Fields and Boulton Moor, which would be

better considered in a future review of the Local Plan. I agree with this view. In the meantime, the existence or otherwise of 'very special circumstances' to justify a secondary school at Thulston Fields as 'inappropriate development' in the Green Belt would be a consideration for the District Council via a planning application process, in the light of all of the necessary evidence. Accordingly, in order for the Plan to be consistent with national policy and therefore sound, Policy INF12 will need to be modified to remove the proposed allocation at Thulston Fields.

We also discussed the need to review and reduce the site area at Lowes Farm to around 10 hectares to meet the stated requirement in this location. It was also highlighted at the hearing that the site at Lowes Farm shown on Map 5 was not in the same location as the site for a secondary school identified on the masterplan attached to the expression interest for Infinity Garden Village.

Proposed Policy INF13 - Southern Derby area

The Council wishes to include a policy in the SDLPP2 to guide the development of Infinity Garden Village. Whilst not required for soundness, I recognise such a policy would provide greater certainty and help ensure the comprehensive delivery of the scheme and the strategic infrastructure necessary to support it. However, as drafted the proposed policy and explanatory text also prejudices the need for additional housing or employment land beyond that which is provided for in Part 1 of the Plan. If this is required to meet the growth needs of either South Derbyshire or Derby City, then this would need to be brought forward through an early review of Part 1 of the Plan, based on a review of the OAN and housing requirement for the HMA. I also do not consider this could be done via an Area Action Plan, as suggested in evidence and at the hearing, since an AAP would not be a district-wide development plan document required for the review of housing and employment needs. If included as drafted I consider the proposed new Policy INF13 would render the Plan unsound. Accordingly, the wording of the proposed policy should be amended to reflect this.

Policies Map

Some of the modifications will require changes to the Policies Map as proposed. As you will know the Policies Map is not a development plan document and therefore cannot be subject to main modifications. This will be for the Council to modify in accordance with the main modifications discussed above. To that end the change to the settlement boundary for Swadlincote to incorporate whole of the Policy H2 site should be treated as a minor or additional modification. However, there are a number of maps within the body of the Plan which form part of the expression of the relevant policies. Where these are to remain within the Plan and they are subject to modification e.g. the site boundary for land at Derby Road, Hilton (Policy 23C) and the site for secondary education at Lowes Farm, they should form part of the main modifications.

Next Steps

On this basis, I would invite the Council to provide a complete set of main modifications for my consideration, together with a timetable for public consultation. Prior to consultation the Council will need to undertake any further Sustainability Appraisal work necessary to support the main modifications in line with the Regulations.

I have also noted that the Council wishes to publish additional or minor modifications. As these are not a matter for the Examination, they should be placed in a separate schedule to the main modifications for consultation purposes.

I look forward to hearing from you.

Yours sincerely,

Mike Hayden

INSPECTOR

LICENSING AND APPEALS SUB-COMMITTEE

13th April 2017 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Mrs Patten (Chairman), Councillor Atkin (Conservative Group) and Councillor Southerd (Labour Group)

District Council Representatives

A Kaur (Legal and Democratic Services Manager), M Lomas (Licensing Officer), F Tucker (Trainee Licensing Officer) and R Pabla (Democratic Services Officer)

LAS/44 **APOLOGIES**

The Sub-Committee was informed that no apologies had been received

LAS/45 **DECLARATION OF INTEREST**

The Sub-Committee was informed that no declarations of interest had been received

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/46 **HEARING FOR AN APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - JUPITER HOTELS LIMITED, MERCURE BURTON ON TRENT, NEWTON PARK HOTEL, NEWTON SOLNEY, BURTON ON TRENT, DE15 0TD**

The Sub-Committee considered an application for the variation of a Premises Licence for Jupiter Hotels Limited, Mercure Burton-on-Trent, Newton Park Hotel, Newton Solney, Burton on Trent, DE15 0TD.

Andy Grimsey of Poppleston Allen Solicitors was in attendance, representing the Applicant, Jupiter Hotels Limited.

The Licensing Officer presented the report to the Committee. Mr Grimsey requested clarification from the Licensing Officer regarding the 2005 application regarding regulated entertainment until midnight as an embedded right for the William Morris Suite within the premises. The Licensing Officer confirmed the William Morris Suite had the provision of regulated entertainment until midnight.

The following individuals attended the Meeting and were invited by the Chairman to make representations to the Sub-Committee.

John Patch, the Park Manager of Newton Park Resident's Association Ltd referred to the representation previously submitted and advised the Sub-Committee that Newton Park comprised of 29 families, 3 of whom were in attendance. Mr Patch outlined a number of concerns relating to noise nuisance, disorder and potential crime. Mr Patch stated that whilst understanding that the hotel runs a business, he expressed that the hours were unnecessary. It was identified that these issues arose largely in the summer months when the windows to the William Morris Suite were open to ventilate the room. Mr Patch suggested potential solutions to address these issues, such as double-glazing and installation of air conditioning to eliminate the need to open windows and therefore containing the noise. Mr Patch advised that if suggestions were implemented and if there was period of one year free from complaint, he would reconsider the objections submitted.

Richard Steele referred to the representation previously submitted and advised the Committee that he lived the furthest away from the hotel, but suffered noise pollution albeit intermittent. Mr Steele advised that in summer, he would hear the music and was able to identify band and tune. Mr Steele stated that he had lived at his property for 30 years and had complained to the hotel on numerous occasions and went on to confirm his opposition to the application.

Claire Babraff referred to the representation previously submitted and stated that she lived nearest to the hotel where her garden backed on to the William Morris Suite. Ms Babraff informed that she had lived at her property for 18 months with her young family, and was shocked by the intrusive noise from the hotel to the point where the family were unable to use their garden in summer and would need to put her child to bed before the music would start. Whilst expressing concern, Ms Babraff stated that she understood the hotel was a business, but felt that a compromise needed to be met so that the noise should not extend past the boundary of the hotel.

Members sought clarification from residents on the level of noise and whether complaints had been reported to the Police or Environmental Health team as no comments had been received from these authorities in this regard. Mr Steele advised that residents had complained directly to the hotel.

The Chairman sought clarification from the Licensing Officer on who is notified once an application is submitted. The Officer responded that a blue notice was displayed outside the premises for 28 days, it was published in the local newspaper and Responsible Authorities and local Ward Members were notified.

Andy Grimsey and Ms Wilma Gallagher (Hotel Manager) attended the Meeting, in support of the application, also addressing the Sub-Committee.

Andy Grimsey addressed the concerns raised and advised the Sub-Committee that residents had the opportunity to approach the Licensing Authority, Environmental Health, the Police, the hotel directly as well as the local Ward Member and that the Hearing was not their only opportunity to speak out. Mr

Grimsey also stated that historically only two complaints had been lodged with the hotel, and the current Manager had received only one complaint, in December 2016.

Mr Grimsey referred to photographs that had been submitted prior to the Hearing, depicting the car park, the rear of the hotel and the William Morris Suite. Mr Grimsey noted that the lack of detail in the representations provided did not meet the level of evidence required.

Mr Grimsey advised the Sub-Committee that the hotel held 30-40 weddings per year and approximately 12 Christmas parties. He noted that it was in the hotel's interest to control these events so that guests staying at the hotel were not disturbed. Mr Grimsey referred to a letter sent by the Manager to the Resident's Association outlining measures that would potentially alleviate concerns. The installation of air conditioning had been considered by the applicant, however Mr Grimsey advised that there was a considerable cost implication.

Wilma Gallagher, the Manager, addressed the Sub-Committee explaining that it was their wish for the premises to be a community hotel and had shown their support for Parish Council events. Ms Gallagher advised that the William Morris Suite had industrial fans and ensured that the DJ was not situated in the conservatory part of the Suite. The Sub-Committee was advised that the Duty Manager walked the boundary to assess noise levels and on a Friday and Saturday there was another member of staff on duty alongside the Duty Manager.

The Sub-Committee sought further clarification from the Mr Grimsey and Ms Gallagher with regards to the measures they were willing to implement and the monitoring of the noise limiter. Information and reassurance was provided by the Manager in this regard.

The Chairman invited representatives to sum up their representations.

Mr Grimsey stated the representations received from the residents did not meet the level for proving nuisance. He highlighted that the application was requesting an additional half an hour on Friday and Saturday. The measures put forward in the letter from the Manager to the residents were noted and furthermore Mr Grimsey advised that Environmental Health could issue a noise Abatement notice where a nuisance existed.

Ms Gallagher advised the Sub-Committee that she wanted the hotel to be part of the community and wished to work in collaboration with the neighbours.

The Sub-Committee retired from the Council Chamber to deliberate at 11.00am.

The Meeting reconvened at 11:35am.

RESOLVED:-

That the application for the variation of a Premises Licence be granted, subject to conditions, as detailed in the Decision Notice, a copy of which is incorporated in the signed minute book at "SMB1".

The Meeting terminated at 11.45am.

COUNCILLOR MRS J PATTEN

CHAIRMAN

PLANNING COMMITTEE

9th May 2017

PRESENT:-

Conservative Group

Councillor Roberts (Chairman) and Councillors Atkin, Mrs Coe, Coe (substituting for Councillor Mrs Brown), Hall, Harrison, Murray (substituting for Councillor Ford), Stanton and Watson

Labour Group

Councillors Dr Pearson, Richards (substituting for Councillor Southerd), Shepherd and Tilley

PL/226 **APOLOGIES**

Apologies were received from Councillors Mrs Brown, Ford (Conservative Group) and Southerd (Labour Group).

PL/227 **MINUTES**

The Open Minutes of the Meetings held on 21st March 2017 (PL/195-PL/211) were taken as read, approved as a true record and signed by the Chairman.

PL/228 **DECLARATIONS OF INTEREST**

Councillor Harrison declared a personal interest in Item 1.5 on the Agenda by virtue of being Chairman of the Melbourne Sporting Partnership.

Councillor Murray declared a personal interest in Item 2.2 on the Agenda by virtue of being a Derbyshire County Councillor.

PL/229 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED TO COMMITTEE

PL/230 **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

The Director of Community and Planning Services submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update them as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/231 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE ERECTION OF 5 DWELLINGS (THREE TOWN HOUSES AND TWO APARTMENTS) WITH ASSOCIATED PARKING ON LAND TO THE REAR OF 61 HIGH STREET, NEWHALL, SWADLINCOTE**

It was reported that members of the Committee had visited the site earlier in the day.

Mr Bob Jarvis (objector) attended the Meeting and addressed Members on this application.

Councillor Richards addressed the Committee as Ward Member for Newhall and Stanton, confirming that whilst he supported the application, there were concerns regarding flooding.

Other Members commented on the drainage / flooding issues, the poor visibility at the top of Chapel Street and the proposed road closure. It was suggested that the wording of Condition 20, relating to the disposal of surface and foul water, be enhanced to better address the issues raised. The Planning Services Manager addressed the above matters.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services, subject to amendment to the wording of Condition 20 at the discretion of the Planning Services Manager.

PL/232 **THE ERECTION OF 13 DWELLINGS AND ANCILLARY WORKS AT FORMER CHURCH GRESLEY COUNTY INFANT AND NURSERY SCHOOL, YORK ROAD, CHURCH GRESLEY, SWADLINCOTE**

The Planning Services Manager informed Committee that although the report refers to eleven 3 bedroom dwellings, it should read as eleven 2 bedroom dwellings.

Mr Anthony Rice (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Richards queried the position regarding Section 106 contributions and the 100% affordability status. The Planning Services Manager clarified the position, suggesting an additional condition be applied to consolidate the matter.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services, subject to an additional condition requiring affordable housing only.

PL/233 **APPROVAL OF RESERVED MATTERS FOR LAYOUT, SCALE, APPEARANCE AND LANDSCAPING ONLY OF PLANNING PERMISSION REF: 9/2015/0291 ON LAND AT SK3824 2697, ASHBY ROAD, MELBOURNE, DERBY**

The Principal Area Planning Officer outlined amendments to the conditions.

It was reported that members of the Committee had visited the site earlier in the day.

Mr Trevor Banbrook (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Harrison addressed the Committee as Ward Member for Melbourne, emphasising that whilst he was aware of the concerns expressed by those opposing the application, he felt that they had been addressed and he now supported the recommendation to grant planning permission.

Councillor Dr Pearson commented on the application site's high visibility on the approach to the village, his view that the development was out of character and queried the protection of the hedgerows post development. The Principal Area Planning Officer responded to the above issues.

Other Members commended the scheme, welcomed the improvement of an unattractive site, noted the stability of the nearby quarry rock face, whilst also making comment on the potential poor egress visibility near Plot 5.

RESOLVED:-

That approval of reserved matters be granted as recommended in the report of the Director of Community & Planning Services.

PL/234 **DEMOLITION OF REAR FLAT ROOFED EXTENSION AND THE ERECTION OF REAR EXTENSIONS AND ALTERATIONS AT 27 MAIN STREET, NEWTON SOLNEY, BURTON ON TRENT**

Miss Claire Atkin (objector) attended the Meeting and addressed Members on this application.

Councillor Stanton addressed the Committee as Ward Member for Repton, confirming that Newton Solney Parish Council had withdrawn its objection following the reduction in height of the roof.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services.

PL/235 **THE VARIATION OF CONDITION 4 OF PLANNING PERMISSION REF: 9/2013/0759 TO USE THE FLOOD LIGHTS THROUGH THE NIGHT**

BEYOND 9.30PM FOR ONE EVENT A YEAR AT MELBOURNE SPORTS PAVILION, COCKSHUT LANE, MELBOURNE, DERBY

The Planning Services Manager confirmed that no objections had been raised by Melbourne Parish Council.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services.

PL/236 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS AND LAYOUT TO BE RESERVED) FOR THE DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF 6 DWELLINGS AT LAND TO THE REAR OF 230 STATION ROAD, MELBOURNE, DERBY**

It was reported that members of the Committee had visited the site earlier in the day.

Mr Jon Pope (objector) and Mr Andrew Large (applicant's agent) attended the Meeting and addressed Members on this application.

The Principal Area Planning Officer read out a letter received from Councillor Hewlett, Ward Member for Melbourne, who had been unable to attend the Meeting.

Councillor Harrison addressed the Committee as the other Ward Member for Melbourne, outlining his concerns regarding the current state of the location, his appreciation of the need to act in accordance with the Local Plan Parts 1 & 2 guidance to avoid potentially setting any precedents, but that further action should be taken in order to achieve some progress.

Other Members expressed surprise at the site's condition, queried permitted development options, building conversion and commented on the fall in market garden sustainability. It was widely accepted that whilst the location needed attention, the application could not be supported as it fell outside accepted policy. The Planning Services Manager and Principal Area Planning Officer both addressed the various points raised.

RESOLVED:-

That planning permission be refused as recommended in the report of the Director of Community & Planning Services.

Abstention: Councillor Stanton.

Councillor Murray left the Meeting at 7.25pm.

PL/237 **DEMOLITION OF EXISTING CHILDRENS HOME AND ERECTION OF NEW-BUILD CHILDRENS HOME, LOCATED ON THE OLD FOOTPRINT ALONG WITH RETENTION OF EXISTING OUTBUILDING ON THE CORNER OF**

THE SITE AND RE-LANDSCAPING OF GARDENS (COUNTY REF: CD9/0317/107) AT LINDEN HOUSE, CHURCH STREET, SWADLINCOTE

Councillor Tilley addressed the Committee as Ward Member for Swadlincote, expressing his views on what he saw as an iconic building in a conservation area, one that should be preserved, renovated to meet the desired standards rather than be demolished.

RESOLVED:-

That Derbyshire County Planning Authority be advised that South Derbyshire District objects to the grant of planning permission as recommended in the report of the Director of Community & Planning Services.

PL/238 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

EXEMPT MINUTES

The Exempt Minutes of the Meeting held on the 21st March 2017 (PL/212-PL/213) were taken as read, approved as a true record and signed by the Chairman.

EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.

The Committee was informed that no questions had been received.

The meeting terminated at 7.30pm.

COUNCILLOR A ROBERTS

CHAIRMAN

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE: SPECIAL

16th May 2017

PRESENT:-

Representatives of South Derbyshire District Council

Conservative Group

Councillor Mrs A Plenderleith (Vice-Chairman) and Councillor A Billings

Labour Group

Councillor D Shepherd

Officers

S Batchelor – Director of Community and Planning Services

C Tyler - Democratic Services Officer

Representatives of Etwall John Port School

Governing Body

C Sainsbury

Officer

G Golding

Representatives of Active Nation

J Dobson

EL/66 **APOLOGIES**

The Committee was informed that no apologies for absence had been received.

EL/67 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

EL/68 **ETWALL LEISURE CENTRE COMMUNITY USE REVIEW**

The Director of Community and Planning Services presented the report to Committee.

Members enquired as to the current usage and availability of the sports hall and swimming facilities. The Head Teacher clarified that, where feasible, the school is as flexible as possible to cater for mutual school and community usage and that there was no change in the curriculum requirements for the ensuing school year.

The Director confirmed that Derbyshire County Council pay £8,000 per annum to secure the pool's availability for infant swimming sessions. The Centre Manager stated that there were no suitable gaps in this usage that could be utilised to

facilitate additional community use and that the County Council determine the timetable for the primary schools, reviewed annually in June-July. It was acknowledged that occasionally sessions are cancelled at short notice due to sickness or other commitments.

Options to increase the swimming provision were outlined by the Director, but due to the space limitations and higher than anticipated building costs, this could not be addressed in the near future. However, assurance was given that the financial position is subject to ongoing review, in particular when determining the use of Section 106 contributions from local developments.

The Vice-Chairman commented on the frustrations expressed relating to sports facility availability and acknowledged that whilst some early (7-8.50am) and later (5.30-6.30 or 6-10pm) sessions had been suggested, these were not ideal, but accepted the need to avoid school hours due to the curriculum requirements.

Councillor Billings enquired into the availability of the sports hall and the opportunity for any future re-modelling. The Director explained that although the future building options had been considered, there were currently only one set of changing rooms, preventing dual usage on practicality and safeguarding grounds, and that the hall was often in use after school for Sports Partnership competitions.

Councillor Shepherd surmised the position in that in accordance with the Joint Management Committee Constitution the school held the veto on the facility usage. The Head Teacher emphasised that whilst the school has an overriding need to cater for its children and satisfy the curriculum requirements, it already demonstrates flexibility in terms of community usage. The Vice-Chairman sought reassurance on behalf of the community that the school regularly review usage and to discuss community usage where opportunities occur. The Head Teacher undertook to do so as part of their review process.

RESOLVED:-

Members considered the request for increased community use during School allocated time. It was noted that whilst no opportunities were currently available to increase community usage, the matter would be subject to ongoing review.

The meeting terminated at 5:25pm.

COUNCILLOR MRS A PLENDERLEITH

VICE-CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

18th May 2017 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Mrs Patten (Chairman), Councillor Muller (Conservative Group) and Councillor Taylor (Labour Group)

District Council Representatives

A Kaur (Legal and Democratic Services Manager), M Lomas (Licensing Officer), F Tucker (Trainee Licensing Officer) and C Tyler (Democratic Services Officer)

LAS/47 **APOLOGIES**

The Sub-Committee was informed that no apologies had been received

LAS/48 **DECLARATION OF INTEREST**

The Sub-Committee was informed that no declarations of interest had been received

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/49 **DETERMINATION OF AN APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – Commando Outdoor Fitness Events Ltd: Filthy Girl Mud Run & Party 2017, Catton Park, Swadlincote, Derbyshire, DE12 8LN**

The Sub-Committee considered an application for a Premises Licence for Commando Outdoor Fitness Events Ltd: Filthy Girl Mud Run & Party 2017, Catton Park, Swadlincote, Derbyshire, DE12 8LN

RESOLVED:-

That the application for a Premises Licence be granted, as detailed in the Decision Notice, a copy of which is incorporated in the signed minute book at “SMB1”.

The Meeting terminated at 10.05am.

COUNCILLOR MRS J PATTEN

CHAIRMAN

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

1st June 2017

PRESENT:-

Conservative Group

Councillor Watson (Chairman), Councillor Muller (Vice-Chairman) and Councillors Coe, Mrs Hall, Harrison (substituting for Councillor Wheeler), Mrs Patten, Roberts and Tipping

Labour Group

Councillors Dunn, Taylor and Tilley

In attendance

Councillor Mrs Coe (Conservative Group)

EDS/1 **APOLOGIES**

Apologies for absence from the meeting were received from Councillors Mrs Brown and Wheeler (Conservative Group).

EDS/2 **MINUTES**

The Open Minutes of the Meeting held on 26th April 2017 were noted, approved as a true record and signed by the Chairman.

EDS/3 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

EDS/4 **QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from Members of the Public had been received.

EDS/5 **QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

EDS/6 **REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE**

There were no Overview and Scrutiny Reports to be submitted.

MATTERS DELEGATED TO COMMITTEEEDS/7 **KEY PERFORMANCE INDICATORS – LICENSING DEPARTMENT****RESOLVED:**

Members noted the performance of the Licensing Department in relation to the Key Performance Indicators.

EDS/8 **CORPORATE PLAN 2016-21: PERFORMANCE REPORT (1 JAN – 31 MARCH 2017)****RESOLVED:**

Members noted progress against the performance targets.

EDS/9 **SERVICE PLANS 2017/18**

The Director of Community and Planning Services, the Chief Executive, the Environmental Health Manager and Economic Development Manager each presented elements of the report to Committee.

Members raised queries and comments relating to the Section 106 contribution process, town events such as the Arriva cycle race starts / finishes, empty homes, derelict premises, recycling and food premises hygiene ratings, each responded to by the officers present.

RESOLVED:

Members approved the Service Plans for Community and Planning Services, Housing and Environmental Services and the Chief Executive's Directorate as the basis for service delivery over the period 1 April 2017 to 31 March 2018.

EDS/10 **SWADLINCOTE TOWN CENTRE GRANT SCHEME**

The Economic Development Manager presented the report to Committee.

Members noted the growing number of charity shops in the town and commented on other options for the site in question, the level of agreement amongst premises owners and timescales for the proposed works, whilst another questioned whether the work equated to effective use of council funds. These matters were addressed by the Chief Executive and Economic Development Manager.

RESOLVED:

1.1 Members approved the operation of a new Swadlincote Town Centre Grant Scheme.

1.2 Members approved the Design Brief for No.s 5-15 West Street, Swadlincote.

Abstentions: Councillors Dunn, Taylor and Tilley.

EDS/11 CORPORATE ANTI-SOCIAL BEHAVIOUR POLICY

The Communities Manager presented the report to Committee.

Members raised concerns regarding security at particular sites and work with housing associations on anti-social matters. With regard to the former it was agreed that the matter be referred to the Director of Housing as it constituted a housing matter. In relation to housing associations, assurances were given by the Communities Manager that liaison with housing associations and the police, where required, was ongoing. Issues regarding individual's unwillingness to report matters to either the police or the council were also discussed, although it was felt that further promotion and a new system would assist in this respect.

RESOLVED:

Members approved a new Corporate Anti-Social Behaviour Policy.

EDS/12 DESIGN SUPPLEMENTARY PLANNING DOCUMENT AND AIR QUALITY

The Planning Policy Officer and Environmental Health Manager presented the report to Committee.

Members queried the consultation process, timescales, tree planting guidelines, consultation publicity, the emphasis on property frontage rather than rear garden space and the often inadequate garage widths, all issues that were responded to by the presenting officers. Members also asked that they be kept informed of the consultation periods and locations.

RESOLVED:

1.1 Members approved the revisions to the South Derbyshire Design Supplementary Planning Document to include additional content in relation to air quality and to capture the recommendations from the Environmental and Development Services Committee Meeting held on 26th April 2017.

1.2 Members agreed that a separate Air Quality Supplementary Planning Document is not required.

EDS/13 ENFORCEMENT AND COMPLIANCE REPORT

The Environmental Health Manager presented the report to Committee.

Members raised issues in relation to waste disposal, householder's duty of care, enforcement outcomes, notice service, police support, additional waste collection services and recycling methods, all addressed by the Environmental Health Manager.

RESOLVED:

Members were satisfied that the Council is using its regulatory powers in a way proportionate to the demands for all regulatory services it provides. [Page 75 of 89](#)

EDS/14 **COMMITTEE WORK PROGRAMME**

RESOLVED:

Members considered and approved the updated work programme.

EDS/15 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

MINUTES

The Exempt Minutes of the Meeting held on the on 26th April 2017 were received.

EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

The Committee were informed that no exempt questions from Members of the Council had been received.

The meeting terminated at 7.30pm.

COUNCILLOR P WATSON

CHAIRMAN

PLANNING COMMITTEE

6th June 2017

PRESENT:-

Conservative Group

Councillor Roberts (Chairman), Councillor Mrs Brown (Vice Chairman) and Councillors Coe (substituting for Councillor Ford), Mrs Coe, Mrs Hall, Harrison, Mrs Patten (substituting for Councillor Muller), Stanton and Watson.

Labour Group

Councillors Rhind (substituting for Dr Pearson), Shepherd, Southerd and Tilley

In Attendance

Councillors Bambrick and Richards

PL/1 **APOLOGIES**

Apologies were received from Councillors Ford, Muller (Conservative Group) and Dr Pearson (Labour Group).

PL/2 **MINUTES**

The Open Minutes of the Meetings held on 11th April 2017 (PL/214-PL/225) were taken as read, approved as a true record and signed by the Chairman.

PL/3 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

PL/4 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED TO COMMITTEE

PL/5 **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

The Director of Community and Planning Services submitted reports for consideration and determination by the Committee and presented oral reports

to the Meeting to update them as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/6 **THE ERECTION OF 14 HOLIDAY LETS AND THE CREATION OF AN ALL WEATHER PITCH, ACCESS TRACK AND HARDSTANDING ALONG WITH ASSOCIATED LANDSCAPING AND RETENTION OF FISHING PEGS ON LAND AT SK2816 1014 COLLIERY LANE LINTON SWADLINCOTE**

The Principal Area Planning Officer presented the report to Committee informing that a response from the Derbyshire Wildlife Trust had been received which would be addressed by the inclusion of an additional condition and further amendment to a recommended condition..

Some Members sought clarification on the type and impact of lighting. The Planning Services Manager addressed these issues and it was agreed that an Informative would be added to provide clarification for the avoidance of doubt.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services, with the amendment to Conditions and additional Informative.

PL/7 **PART CHANGE OF USE FROM OFFICE TO TAXI BOOKING OFFICE AT PHOENIX AFTER SCHOOL AND HOLIDAY CLUB AT THE EBENEZER CHURCH HALL MAIN STREET NEWHALL SWADLINCOTE**

The Planning Services Manager presented the report informing that the applicant had clarified that this would not be used as a taxi rank, but as a private hire vehicle office.

Mrs Julie Cresswell (objector) attended the Meeting and addressed Members on this application.

The Planning Services Manager responded to the concerns raised in relation to the name of the building, explaining that the Local Land and Property Gazeteer (LLPG) address system recognises a property by its last known use as a means of identifying the location even if this is not its current use.

Councillors Bambrick and Richards were in attendance as local Ward Members and raised concerns about the potential use of the facility, hours of operation, types of vehicles and its potential impact on local residents. Other Members concurred with the issues raised and agreed that the matter be addressed by amending the conditions on the application to specify that use of the three parking spaces be restricted to staff working in the office and not for private hire drivers.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services, subject to an amendment to Condition 4.

Abstention: Councillor Roberts

PL/8

CERTIFICATE OF LAWFULNESS FOR USE OF THE DWELLING WITHOUT COMPLIANCE WITH THE AGRICULTURAL TENANCY CONDITION AT THE BUNGALOW ROSLISTON FARM FORESTRY CENTRE BURTON ROAD ROSLISTON SWADLINCOTE

The Planning Services Manager presented the report informing the Committee that the lease for the bungalow was due for renewal and a new operator for the site was being sought.

RESOLVED:-

That approval of a Certificate of Lawfulness be granted as recommended in the report of the Director of Community & Planning Services.

PL/9

OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 150 DWELLINGS, LAND FOR A COMMUNITY BUILDING, PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE DRAINAGE SYSTEM (SUDS) AND VEHICULAR ACCESS POINT FROM WESTON ROAD ON LAND AT SK4129 0030 WESTON ROAD ASTON ON TRENT DERBY

The Area Planning Officer presented the report to Committee summarising its key points.

Mr Albert Willow (objector) attended the Meeting and addressed Members on this application.

Councillor Watson addressed the Committee as Ward Member for Aston on Trent, reiterating that adoption of the Local Plan Part One and potential adoption of Part Two provides a blueprint for the Council in outlining development plans for the next twenty years. In this light, the Councillor endorsed the reasons set out in the report to refuse the application.

RESOLVED:-

That planning permission be refused as recommended in the report of the Director of Community & Planning Services.

PL/10

PLANNING AND OTHER APPEALS

The Committee noted the planning appeal decisions in relation to the following applications:

9/2016/0452	Derby Road, Swarkestone Aston
9/2016/0479	The Castle Way, Willington
9/2016/0818	Bretby Lane, Bretby Repton

9/2016/0860 Wragley Way, Stenson Fields Stenson
9/2016/0865 Wallfields Close, Findern
9/2016/1053 Brambling Crescent, Mickleover, Etwall
9/2016/1222 Fishpond Lane/Duck Street, Egginton, Etwall
9/2016/1245 Springwood Fisheries, B587, Melbourne

In relation to application reference 9/2016/0860 Wragley Way, Stenson Fields, Councillor Shepherd as Ward Member expressed disappointment with the Inspector's decision.

PL/11 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.

The Committee was informed that no questions had been received.

The meeting terminated at 6.45pm.

COUNCILLOR A ROBERTS

CHAIRMAN

HOUSING AND COMMUNITY SERVICES COMMITTEE

14th June 2017

PRESENT:-

Conservative Group

Councillor Hewlett (Chairman) and Councillors Billings, Mrs Coyle, Grant, Mrs Hall (substituting for Councillor Smith), MacPherson and Muller

Labour Group

Councillors Dunn, Rhind, Shepherd and Taylor

In attendance

Councillor Atkin (Conservative Group)

HCS/1 **APOLOGIES**

Apologies for absence were received from Councillors Coe, Smith, Mrs Wyatt (Conservative Group) and Councillor Richards (Labour Group).

HCS/2 **MINUTES**

The Open Minutes of the Meeting held on 20th April 2017 were noted and approved as a true record and signed by the Chairman.

HCS/3 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

HCS/4 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from members of the public had been received.

HCS/5 **QUESTIONS FROM MEMBERS OF COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

HCS/6 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

There were no Overview and Scrutiny Reports to be submitted.

MATTERS DELEGATED TO COMMITTEE

HCS/7 **CORPORATE PLAN 2016-21: PERFORMANCE REPORT (1 JAN – 31 MAR 2017)**

The Director of Community and Planning Services presented the report to Committee.

RESOLVED:-

Members noted progress against performance targets.

HCS/8 **SERVICE PLANS 2017/18**

The Director of Community and Planning Services and the Housing Performance and Policy Manager presented the report to Committee.

Councillor Dunn queried the collection rate figure and what constituted affordable housing. The Housing Operations Manager provided clarification in relation to the former matter and the Chairman provided a detailed definition in relation to the latter. The Performance and Policy Manager undertook to circulate affordable housing information to Members. Members also queried whether affordable housing status just applied to new homes and how the new flexible working arrangements were progressing, both issues addressed by the Performance and Policy Manager.

RESOLVED:-

Members approved the Service Plans for Community and Planning Services and Housing and Environmental Services as the basis for service delivery over the period 1 April 2017 to 31 March 2018.

HCS/9 **PHYSICAL ACTIVITY, SPORT AND RECREATION STRATEGY ADOPTION**

The Sport and Health Partnership Manager presented the report to Committee.

Councillor Atkin referenced the point made about physical inactivity being most prevalent amongst women and girls, but had noted an increase in women jogging and queried how this information was gathered. The Sport and Health Partnership Manager explained the various sources of information and the focus on encouraging female and family participation.

Councillor MacPherson queried the promotion of such activities and public areas / rights of way. The Director of Community and Planning Services confirmed current promotional activity and examples of other options being considered, along with potential funding.

Councillor Taylor commented on the distinct variances between certain area profiles and questioned the knowledge of why this occurred and how it was

being addressed. The Director referred to the campaign undertaken on the Goseley estate that had improved knowledge of the particular issues and would influence how funding was targeted.

Councillor Billings noted the emphasis on education and marketing, but queried how the leisure centre resources would meet the increased demand. The Director acknowledged that the opportunity for growing the leisure facilities was limited, hence the emphasis on use of the local environment. It was added that some local groups were also looking to enhance their facilities at a local level, with funding where available.

RESOLVED:-

Members approved the adoption of the South Derbyshire Physical Activity, Sport and Recreation Strategy.

HCS/10 **COMMITTEE WORK PROGRAMME**

RESOLVED:-

Members considered and approved the updated work programme.

HCS/11 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

MINUTES

The Exempt Minutes of the Meeting held on 20th April 2017 were received.

TO RECEIVE QUESTIONS FROM MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11

The Committee was informed that no questions had been received.

HOMELESS SERVICE REVIEW (Paragraph 3)

Members approved the recommendations in the report.

HOUSING SERVICES – A WAY FORWARD (Paragraph 4)

Members approved the recommendations in the report.

The Meeting terminated at 8.00pm.

COUNCILLOR J HEWLETT

CHAIRMAN

FINANCE AND MANAGEMENT COMMITTEE

15th June 2017

PRESENT:-

Conservative Group

Councillor Harrison (Chairman), Councillor Mrs Plenderleith (Vice-Chairman) and Councillors Atkin, Mrs Coe, Mrs Coyle, Hewlett, Watson and Wheeler

Labour Group

Councillors Rhind, Southerd, Taylor (substituting for Councillor Wilkins) and Tilley (substituting for Councillor Richards)

FM/1 **APOLOGIES**

Apologies were received from Councillor Smith (Conservative Group), Richards and Wilkins (Labour Group).

FM/2 **MINUTES**

The Open Minutes of the Meetings held on 27th April 2017 were taken as read, approved as a true record and signed by the Chairman.

FM/3 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

FM/4 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from members of the public had been received.

FM/5 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

FM/6 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

There were no reports of the Overview & Scrutiny Committee to consider.

FM/7 **CORPORATE PLAN 2016-21: PERFORMANCE REPORT (JAN 1 – MAR 31 2017)**

The Director of Finance and Corporate Services presented the report to Committee, highlighting the sickness absence and benefits processing figures, with the benefits performance showing improvement. With regards to sickness absence, the Director advised that in the forthcoming financial year, details of

absence will be recorded in order to separate long term and short term sickness.

RESOLVED:

That progress against performance targets were approved.

FM/8

CORPORATE EQUALITIES ANNUAL REPORT 2016/17 AND ACTION PLAN 2017/18

The Director of Finance and Corporate Services presented the report highlighting the projects and activities that have taken place at the Council where equalities have been demonstrated in daily service provision. The Director noted that the Action Plan included the ongoing aim to make South Derbyshire a dementia-friendly district and that due to recent legislation the annual pay audit would require reporting on gender pay.

The Chairman welcomed the report and sought clarification on where it would be published. The Director of Finance and Corporate Services advised that the report would be published on the Council's website, broadcast through a Press Release and social media, with hard copies made available at the Civic Offices.

RESOLVED:

1.1 Members approved, for publication, the Corporate Equalities Annual Report for 2016/17, as detailed in Appendix A of the report.

1.2 Members approved the Corporate Equalities and Safeguarding Action Plan for 2017/18, as detailed in Appendix B of the report.

FM/9

ANNUAL TRAINING REPORT 2016/17 AND PRIORITIES FOR 2017/18

The Director of Finance and Corporate Services presented the report to Committee, highlighting the improvement in attendance for mandatory training through reviewing how the training was being delivered. The Director updated Members on the Apprenticeship Levy, which currently amounted to 0.5% of the Council's payroll since 1st April 2017. It was explained that the government had set a target whereby 2.3% of the workforce would be required to complete an apprenticeship each year, approximately eight employees on average. In this light, the continued support of apprentices, trainees and work experience was noted.

Members sought clarification on the provision of accredited training establishments and the monitoring of attendance for mandatory training which was provided by the Director.

RESOLVED:

1.1 Members approved the priority areas for training and development during 2017/18, which are linked to the delivery of the key priorities of the Council's Corporate Plan.

1.2 Members noted the range of training activities and actions provided during 2016/17.

FM/10 **ANNUAL HEALTH AND SAFETY REPORT 2016/17 AND ACTION PLAN 2017/18**

The Director of Finance and Corporate Services delivered the report to Committee, highlighting that the reporting of incidents had been amended to categorise 'work-related' and 'non work-related' which enabled an effective approach to monitoring. It was noted that the Council had achieved the ROSPA Gold Award standard for the sixth consecutive year in 2016/17. The Chairman noted the Committee's appreciation of the work of those officers involved in gaining this recognition.

RESOLVED:

Members reviewed the key health and safety achievements and performance for the year ending March 2017 and endorsed the health and safety action plan that sets down the priority actions for 2017/18.

FM/11 **COMPLIMENTS, COMPLAINTS & FREEDOM OF INFORMATION REQUESTS 1 OCTOBER 2016 TO 31 MARCH 2017**

The Chairman queried the cost relating to FOI's. The Director of Finance and Corporate Services responded, stating that this would be difficult to assess as it depends on the complexity and action taken to address each FOI request.

RESOLVED:

Members considered and noted the compliments, complaints and FOI requests, as detailed in the report.

FM/12 **CONSULTATION ANNUAL REPORT 2016/17**

RESOLVED:

1.1 Members noted the key consultation achievements for 2016/17 as detailed in Appendix A to the report.

1.2 Members agreed the consultation action plan for 2017/18 as detailed in Appendix B to the report.

FM/13 **COMMUNICATIONS ANNUAL REPORT 2016-17**

The Director of Finance and Corporate Services presented the report to Committee, highlighting the 14% increase in communication via Twitter and updated Members that the new website is in its final stages, scheduled to go live this summer.

RESOLVED:-

1.1 Members noted the Annual Communications Dashboard 2016/17 in Appendix A to the report.

1.2 Members approved the Communications Annual Report 2016/17, as detailed in Appendix B.

FM/14 **SERVICE PLANS 2017/18****RESOLVED:-**

Members approved the Service Plans for Finance and Corporate Services (Appendix A) and the Chief Executive's Directorate (Appendix B) as basis for service delivery over the period 1 April 2017 to 31 March 2018.

FM/15 **ROSLISTON FORESTRY CENTRE – RESERVE FUNDS**

The Director of Finance and Corporate Services delivered the report outlining the current status of the management contract and the reasons for the requirement for capital investment in the interim period. The Chairman sought clarification on the financial strategy in respect of services provided by the Rosliston Forestry Centre (RFC). The Director explained that the Council subsidises the facility and that the Forestry Commission maintain the woodland and that by refreshing the site to meet the market needs would potentially be beneficial to the Centre and the Council. Councillor Hewlett, as a member of the RFC Management Executive, endorsed the recommendation in the report.

RESOLVED:-

Members approved the use of identified reserves for use as part of the management contract transfer and on site developments at Rosliston Forestry Centre.

FM/16 **COMMITTEE WORK PROGRAMME****RESOLVED:-**

Members considered and approved the updated work programme.

FM/17 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)****RESOLVED:-**

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

MINUTES

The Exempt Minutes of the Meetings held on 27th April 2017 were received.

TO RECEIVE QUESTIONS FROM MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11

The Committee was informed that no questions had been received.

HOMELESS SERVICE REVIEW (Paragraph 3)

Members approved the recommendations in the report.

HOUSING SERVICES – A WAY FORWARD (Paragraph 2)

Members approved the recommendation in the report.

The meeting terminated at 7.00pm.

COUNCILLOR J HARRISON

CHAIRMAN