

EREWASH



**EREWASH BOROUGH
LOCAL PLAN
SAVED POLICIES 2005
(AMENDED 2014)**

Adopted 6 March 2014

**Local Plan Policies originally adopted on 28 July 2005
Local Plan Policies Saved on 28 July 2008
Local Plan Saved Policies amended and adopted on 6 March 2014**

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1. INTRODUCTION

- 1.1 Erewash Borough Local Plan Replacement 2005 was prepared under the provisions of the Town and Country Planning Act 1990 and the Planning and Compensation Act 1991 which were in place at that time. The Plan was adopted at a meeting of full Council on 28 July 2005 and comprised a Written Statement and Proposals Map.
- 1.2 In 2004, the Government introduced a new planning system under the Planning and Compulsory Purchase Act 2004. This new legislation provided for the automatic saving of planning policies in adopted local, structure and unitary development plans for a period of three years from the commencement date of the Act, 28 September 2004, or the date of adoption of a Local Plan, whichever was later. As the Erewash Borough Local Plan was adopted on 28 July 2008, policies within it were automatically saved until 27 July 2008.
- 1.3 Under the new legislation the Borough Council was required to formally request an extension of the saved status of policies until such time as they were replaced by new policies. The Borough Council made this request in March 2008 and received a letter from the Secretary of State on 25 July 2008 confirming which policies were saved. An amended version of the Erewash Local Plan and Proposals Map was adopted on 28 July 2008, but only included those policies that were saved.
- 1.4 On 6 March 2014 at a meeting of full Council, the Erewash Core Strategy was formally adopted. Some of the policies within the 2008 amended version of the Local Plan have now been superseded by some of the policies within the Core Strategy and have been deleted from the document and the Policies Map (the new name for the Proposals Map), where relevant.

Using this Plan

- 1.5 Policies in this plan are typed in **BOLD AND CAPITAL LETTERS** and are separately numbered. As some policies have now been deleted, the numbering of policies is no longer sequential. These policies form part of the Borough Council's development plan and are to be used alongside the policies set out within the Erewash Core Strategy (adopted 2014) and on the Policies Map 2014 in determining planning applications.
- 1.6 Some of the policies in this plan refer to national legislation or guidance that has since been superseded by central government. The new legislation and guidance should be used in these instances.
- 1.7 Some of the policies also refer to the Proposals Map. This is now called the Policies Map due to changes in national policy.

Monitoring the Plan

- 1.8 Implementation of the policies in this plan will be monitored wherever possible, alongside the policies in the Erewash Core Strategy, in order to assess their effectiveness in achieving the aims and objectives of the plan and national policy.

2. HOUSING

Introduction

- 2.1 The housing needs of the Borough are now set out in the Erewash Core Strategy. This section therefore now contains only development management policies that have not been superseded by the Core Strategy.

Urban Consolidation

- 2.2 In recognition that the process of redevelopment and infill within existing urban areas will add to the housing stock within the Borough, urban consolidation is supported in accordance with the following policy:

POLICY H1 - URBAN CONSOLIDATION

WITHIN THE URBAN FRAMEWORK OF ILKESTON, LONG EATON AND SANDIACRE, HOUSING DEVELOPMENT WILL BE PERMITTED IF IT COMPRISES INFILLING, CONVERSION, SMALL-SCALE DEVELOPMENT, THE USE OF NEGLECTED, DERELICT OR UNDER-USED LAND OR THE REDEVELOPMENT OF LAND OR PREMISES SUBJECT TO MEETING THE REQUIREMENTS OF THE OTHER POLICIES, PARTICULARLY POLICIES H12, E2, DC1 AND DC9.

- 2.3 In order to preserve the homogeneity of two specific residential areas located on the fringe of the town centres, where pressure for commercial and industrial development is significant, and environmentally unwelcome, the following policy is made:

POLICY H2 - PROTECTED HOUSING AREAS

THE ALBERT ROAD AREA IN LONG EATON AND THE NORTHGATE STREET AREA IN ILKESTON, AS DEFINED ON THE PROPOSALS MAP, SHALL BE RETAINED AS HOUSING AREAS AND NO INDUSTRIAL AND COMMERCIAL ENCROACHMENTS SHALL BE PERMITTED.

Village Housing Development

- 2.4 The Green Belt covers the major open area of the Borough, preventing coalescence between Derby and Long Eaton, and Ilkeston and Sandiacre. As a Green Belt it provides a statutory basis for managing development. Accordingly, any applications for planning permission within village settlements located within the Green Belt will be judged against the policies of the Green Belt (see chapter 10). This applies to the settlements of Morley, Dale Abbey and Risley (old village).
- 2.5 Outside the Green Belt, in the villages of Breaston, Draycott, Borrowwash, Ockbrook, Breadsall, Little Eaton, Stanley, Stanley Common, West Hallam, part of Risley and Stanton-by-Dale, Policy H3, of the Erewash Borough Local Plan, will prevail.

POLICY H3 - VILLAGE HOUSING DEVELOPMENT

WITHIN THE BOUNDARIES OF THE VILLAGES OF BREASTON, DRAYCOTT, BORROWWASH, OCKBROOK, BREADSALL, LITTLE EATON, STANLEY, STANLEY COMMON, WEST HALLAM, PART OF RISLEY AND STANTON-BY-DALE, AS DEFINED ON

THE PROPOSALS MAP, INFILLING AND SMALL-SCALE HOUSING DEVELOPMENT MAY BE PERMITTED, SUBJECT TO THE COUNCIL BEING SATISFIED AS TO DETAILS OF DESIGN, ACCESS AND LOCATION.

Key Residential Areas

2.6 Certain parts of the Borough, as set out in the policy below, comprise houses with large gardens. Infill development and the subdivision of curtilages would result in a substantial loss of character and amenity. It is therefore important to protect these areas by restricting development.

POLICY H4 - KEY RESIDENTIAL AREAS

INFILL DEVELOPMENT AND DEVELOPMENT RESULTING IN THE SUBDIVISION OF CURTILAGES, IN THE FOLLOWING AREAS:

BREASTON	1. POPLAR ESTATE
LITTLE EATON	2. MORLEY LANE
	3. DUFFIELD ROAD
OCKBROOK	4. COLE LANE

WILL ONLY BE PERMITTED IF SUCH DEVELOPMENT DOES NOT RESULT IN A LOSS OF AMENITY, CAUSE HARM TO THE CHARACTER OF AN AREA OR RESULT IN A LOSS OF PRIVACY TO ADJACENT PROPERTIES.

Special Needs Housing

2.7 Local Authorities are required to support the development of a reasonable mix of house types to meet the requirements of the whole community. The Borough Council's housing needs evidence provides information on the level of need for specialised housing within the Borough. The Council will seek to ensure that the housing needs of people requiring special needs, such as the elderly and people with disabilities, are met and that these groups are not limited in their choice of housing. Special needs standards can be defined as those set out under building regulations and the National Care Standards. The Borough Council will encourage developers and other agencies to provide suitable dwellings which accommodate special needs, which will enable more people to live as independently as possible in the community.

POLICY H7 – SPECIAL NEEDS HOUSING

IN DEVELOPMENTS OF 25 DWELLINGS OR MORE OR ON SITES IN EXCESS OF 1 HECTARE AND WHERE THERE IS CLEAR EVIDENCE OF NEED, THE BOROUGH COUNCIL WILL NEGOTIATE WITH DEVELOPERS TO PROVIDE A PROPORTION OF DWELLINGS THAT ARE DESIGNED TO SPECIAL NEEDS STANDARDS, PARTICULARLY ON LEVEL SITES THAT ARE WELL SERVED BY SHOPS, COMMUNITY SERVICES AND PUBLIC TRANSPORT.

Housing Commitments

- 2.8 Where substantial housing development is proposed it may be necessary for the Council to seek to enter into Section 106 obligations with a developer in order to ensure that education facilities meet the new demands arising from new housing development, and other facilities may also be needed such as infrastructure requirements, open space, health care and local shops.
- 2.9 A degree of flexibility is required to ensure that the needs can be met over time in response to changing scenarios, such as school rationalisation or health care restructuring. Therefore, a Borough-wide proposal is considered most appropriate rather than a proposal applying to specific housing sites.

POLICY H9 - SECTION 106 PLANNING OBLIGATIONS - HOUSING SITES

FOR PROPOSED HOUSING DEVELOPMENTS COMPRISING 10 OR MORE DWELLINGS THE COUNCIL WILL SEEK TO ENTER INTO SECTION 106 OBLIGATIONS WITH DEVELOPERS TO ENSURE THAT EDUCATION AND COMMUNITY FACILITIES, INCLUDING INFRASTRUCTURE REQUIREMENTS, OPEN SPACE, HEALTH CARE AND LOCAL SHOPS, ARE PROVIDED TO THE EXTENT NECESSARY TO MEET DEMAND ARISING FROM OCCUPIERS OF THE NEW DWELLINGS.

- 2.10 local authorities should take full account of changes in housing needs by widening the range of housing opportunities, thereby encouraging the development of mixed and balanced communities. In town centres, it is important to retain or improve their vitality, especially at night, by encouraging land owners to convert unused first and second floors of shops into flats. Additionally, at edge of town centre locations it may be beneficial to allow the conversion of empty shops into residential use, thereby bringing under-utilised property back into use and helping contribute to the viability and vitality of a town centre through the residents of such property purchasing goods and services from town centre shops and ancillary services. However, too many conversions to residential use could lead to a fragmented shopping street scene, which would be undesirable. A balance has to be struck between allowing residential conversions and maintaining shopping frontages in the town centre street scene.

POLICY H10 - CONVERSION TO RESIDENTIAL USE

PLANNING PERMISSION WILL BE GRANTED TO CONVERT OR ADAPT THE UPPER FLOORS OF SHOPS OR COMMERCIAL PREMISES OR TO SUB-DIVIDE LARGE DWELLINGS TO PROVIDE ACCOMMODATION FOR SMALLER HOUSEHOLDS, SUBJECT TO THE FOLLOWING CRITERIA:

1. **COMPATIBILITY WITH NEARBY USES AND IMPACT ON THE RESIDENTIAL ENVIRONMENT IN THE SURROUNDING AREA;**
2. **THE PROVISION OF A SATISFACTORY MEANS OF ACCESS;**
3. **THE PROVISION OF APPROPRIATE SPACE AND AMENITY STANDARDS;**
4. **A DESIGN THAT RESPECTS THE CHARACTER OF THE BUILDING AND;**

5. WHERE APPROPRIATE, NO HARM TO THE SHOPPING STREET SCENE.

Quality and Design

2.11 In order to create and maintain a high quality of design in relation to housing development, it is necessary to ensure that all proposals are acceptable in relation to specified criteria. The criteria are designed to protect the privacy and amenity of occupiers of existing and proposed dwellings.

POLICY H12 - QUALITY AND DESIGN

IN CONSIDERING APPLICATIONS FOR HOUSING DEVELOPMENT, THE BOROUGH COUNCIL WILL REQUIRE THAT THE PROPOSALS:

- 1. ARE IN SCALE AND CHARACTER WITH THEIR SURROUNDINGS;**
- 2. HAVE REGARD TO DISTINCTIVE LANDSCAPE FEATURES AND PROVIDE SUPPLEMENTARY LANDSCAPING WHERE APPROPRIATE, PARTICULARLY WHERE THE DEVELOPMENT IS VISUALLY PROMINENT OR SITUATED ON THE ESTABLISHED URBAN FRINGE;**
- 3. PROVIDE ADEQUATE AMENITY SPACE FOR EACH DWELLING;**
- 4. AN ACCEPTABLE STANDARD OF PRIVACY WITHIN PRIVATE GARDEN AREAS IS ACHIEVED BY VISUALLY APPROPRIATE BOUNDARY TREATMENT;**
- 5. ARE LOCATED SO AS TO AVOID BEING UNDULY AFFECTED BY NOISE OR SMELLS FROM NEARBY USES THAT WOULD BE EXPECTED TO GENERATE SUCH EFFECTS.**

3. EMPLOYMENT

Introduction

- 3.1 The employment needs of the Borough are now set out in the Erewash Core Strategy. This section therefore now contains only development management policies that have not been superseded by the Core Strategy.

West Hallam Storage Depot

- 3.2 An extensive area of warehousing at West Hallam provides a valuable source of employment. Access to the depot can however lead to local problems of heavy goods vehicles using roads not designed for heavy goods traffic. A further consideration is that the depot is surrounded by open countryside comprising Green Belt. It is therefore appropriate that the depot, which is long established, continues mainly to be used for warehousing.
- 3.3 It is considered appropriate however to permit a relatively small proportion of the site (less than 20%) to be redeveloped for light industrial use in order to provide a broader range of local employment in this predominantly rural area.
- 3.4 Full consideration needs to be given to the ecology of the site in any redevelopment proposals. Existing landscape features should be retained and a high standard of design will be required in accordance with the location surrounded by the green belt. Any proposals for light industrial development or significant intensification of warehousing/storage will need to be accompanied by a Traffic Impact Assessment. Any new development will require a flood risk assessment.

POLICY E5 - WEST HALLAM STORAGE DEPOT

APPLICATIONS FOR NEW WAREHOUSES OR THE REPLACEMENT OF WAREHOUSING (B8) WILL BE PERMITTED AT THE WEST HALLAM DEPOT AND LIGHT INDUSTRIAL USE (B1) WILL ONLY BE PERMITTED ON THAT PART OF THE SITE ADJACENT TO THE EASTERN BOUNDARY, AS SHOWN ON THE PROPOSALS MAP. SUBJECT TO THE FOLLOWING CRITERIA BEING MET:

- 1. THE DEVELOPMENT IS OF AN ACCEPTABLE SCALE, MATERIAL AND DESIGN AND WILL NOT HARM THE RURAL ENVIRONMENT OR RESIDENTIAL AMENITY;**
- 2. THE TRAFFIC GENERATED BY THE PROPOSED DEVELOPMENT CAN BE ACCOMMODATED ON THE LOCAL ROAD NETWORK;**
- 3. THERE IS NO ADVERSE EFFECT ON THE ECOLOGY OR BIODIVERSITY OF THE SITE.**
- 4. THERE ARE NO ADVERSE EFFECTS IN TERMS OF DRAINAGE AND FLOODING, AS SHOWN BY A FLOOD RISK ASSESSMENT.**

Mixed Uses

- 3.5 The Government is encouraging local authorities to facilitate mixed use development in appropriate locations. The principal aim of such development is to provide jobs close to where people live in order to reduce journeys to work and to foster a more sustainable way of life less dependent on the car as a means of transport. Typically, mixed use developments will be close to town centres and developed on brownfield sites where a high density of residential development would be envisaged. It is paramount that any mixed use development does not create environmental problems for the future and therefore it follows that mixed use will normally be associated with class B1 (Business) development. It may be appropriate in certain situations to also consider mixed use in association with retail and leisure development, where residential use may occupy upper storeys of buildings.

POLICY E6 - MIXED USE

APPLICATIONS FOR MIXED USE DEVELOPMENT WILL BE PERMITTED SUBJECT TO THE COUNCIL BEING SATISFIED THAT THE MIXED USES ARE COMPATIBLE IN TERMS OF NOISE, HOURS OF WORKING, ACCESS AND EGRESS, PARKING, EMISSION OF FUMES, SMELL OR DUST, VIBRATION AND ANY OTHER ENVIRONMENTAL PARAMETER. A HIGH QUALITY OF DESIGN IS SOUGHT, WITH FULL REGARD BEING GIVEN TO LANDSCAPING, MATERIALS OF CONSTRUCTION, SCALE OF BUILDINGS AND SPACE BETWEEN BUILDINGS. IN PARTICULAR, THE INTERFACE BETWEEN USES NEEDS CAREFUL ATTENTION TO DETAIL.

Rural Employment

- 3.6 Although traditionally, most of the employment opportunities within the Borough are located within the main urban areas, rural areas can accommodate many forms of development if its location and design are handled sensitively. However, in sensitive areas new development needs to be strictly controlled. These include:

- Open countryside away from settlements
- Green Belt land
- Areas of the best and most versatile agricultural land

- 3.7 The Borough Council will seek to encourage rural enterprise, strengthen rural communities and achieve good quality development that respects the character of the countryside. However, most rural employment sites would be situated in the Green Belt and therefore be the subject of special scrutiny when considered against the Green Belt policies contained in this document, at Chapter 10.

POLICY E7 - RURAL EMPLOYMENT

OUTSIDE THE SETTLEMENTS AS DEFINED ON THE PROPOSALS MAP OR AN ESTABLISHED EMPLOYMENT AREA, PROPOSALS FOR THE DEVELOPMENT OF INDUSTRIAL OR BUSINESS PREMISES (B1, B2 & B8) THROUGH EITHER THE DEVELOPMENT OF A NEW SITE, BY REDEVELOPMENT OR CONVERSION OR BY THE EXTENSION OF EXISTING PREMISES, WILL BE PERMITTED SUBJECT TO THE FOLLOWING CRITERIA BEING SATISFIED:

1. THE DESIGN, SCALE AND SITING OF THE NEW DEVELOPMENT RESPECTS THE CHARACTER OR APPEARANCE OF THE LOCALITY, ITS SETTING AND THE SURROUNDING COUNTRYSIDE;
2. THERE IS NO HARM TO THE AMENITIES OF NEARBY RESIDENTS OR OTHER LAND USERS;
3. IT WILL NOT GENERATE TRAFFIC OF A TYPE OR AMOUNT INAPPROPRIATE TO RURAL ROADS OR REQUIRE IMPROVEMENTS WHICH WOULD HARM THE CHARACTER OF RURAL ROADS IN THE AREA;

IF THE SITE IS LOCATED WITHIN THE GREEN BELT, AS DEFINED ON THE PROPOSALS MAP, THE PROPOSAL WILL BE ASSESSED AGAINST POLICY GB1, IN ADDITION TO THE ABOVE CRITERIA.

3.8 The diversification of farms will be considered against the following policy:

POLICY E8 – FARM DIVERSIFICATION

PLANNING PERMISSION WILL BE GRANTED FOR PROPOSALS TO DIVERSIFY THE OPERATION OF AN EXISTING AGRICULTURAL USE PROVIDED THAT:

1. IT MAKES FULL AND EFFECTIVE USE OF EXISTING ON-HOLDING BUILDINGS IN PREFERENCE TO THE CONSTRUCTION OF NEW BUILDINGS, AND;
2. IT DOES NOT HAVE AN ADVERSE IMPACT UPON THE CHARACTER AND APPEARANCE OF THE IMMEDIATE OR WIDER LANDSCAPE;
3. IT DOES NOT HAVE AN ADVERSE IMPACT UPON THE AMENITY OF NEARBY RESIDENTS OR OTHER RURAL BUSINESSES THAT MAY BE ADVERSELY AFFECTED BY NEW TYPES OF ON-FARM DEVELOPMENT.
4. IT DOES NOT ADVERSELY AFFECT THE OPENNESS OF THE GREEN BELT.

PLANNING PERMISSION WILL ONLY BE GRANTED FOR PROPOSALS INVOLVING THE USE OF EXISTING BUILDINGS IF THEIR FORM, BULK AND GENERAL DESIGN MAKES A POSITIVE CONTRIBUTION TO THE CHARACTER AND APPEARANCE OF ITS SURROUNDINGS AND THE PROPOSAL DOES NOT RESULT IN A DETRIMENTAL IMPACT ON THE CHARACTER AND APPEARANCE OF THE BUILDINGS.

4. TRANSPORTATION

Introduction

- 4.1 The strategic transport policies for the Borough are now set out in the Erewash Core Strategy. This section therefore now contains only development management policies that have not been superseded by the Core Strategy.
- 4.2 Responsibility for transport lies with a number of organisations and transportation issues must therefore be addressed in a co-ordinated manner. The Highways Agency is responsible for trunk roads (M1, A52 and A38) and Derbyshire County Council, as the local highway authority, is responsible for all other roads in the borough. Bus and rail services are provided by the private sector. The Borough's role is largely restricted to ensuring that proposed transport infrastructure improvements are not prevented by land use decisions made during the plan period. The Borough Council also facilitates transport improvements through activities such as car parking, provision of bus shelters, cycle parking and other joint initiatives with the Highway Authority.

Parking

- 4.3 The Borough Council, as the responsible body for off-street public car parking, aims to effectively manage car parking spaces in the town centres, through monitoring of charging systems.
- 4.4 Maximum parking standards for various forms of land use and development are set out in the Borough Council's Parking Supplementary Planning Document. It advises that in locations either readily accessible to public car parking provision, or which are well-served by public transport, car parking provision in conjunction with development should be significantly below the maximum standard. A level of parking in excess of the maximum standard will only be acceptable in exceptional circumstances, and where it is demonstrated that it is needed in the interests of public amenity, safety or to otherwise clearly benefit the town centre as a whole.
- 4.5 In the interests of protecting the environment, car parking will not be provided where it could lead to traffic congestion and associated environmental pollution. Further, consideration has to be given to encouraging alternative forms of transport, other than by car, as a means to reducing the demand for car parking. Therefore, all new car parks will be required to include an element of cycle parking and parking for motorcycles.

POLICY T2 - PARKING

TO MAINTAIN THE VITALITY AND VIABILITY OF THE TOWN CENTRES, OFF-STREET CAR PARKING WILL BE MANAGED TO ENSURE EFFICIENT USE OF CAR PARKING SPACES THROUGH THE OPERATION OF CHARGING SYSTEMS. IN CONSIDERING DEVELOPMENT PROPOSALS, THE BOROUGH COUNCIL WILL HAVE REGARD TO THE MAXIMUM PARKING STANDARDS SET OUT IN THE PARKING SUPPLEMENTARY PLANNING DOCUMENT. WHERE DEVELOPMENT IS PROPOSED IN LOCATIONS WHICH ARE READILY ACCESSIBLE TO EXISTING CAR PARKING OR ARE WELL SERVED BY PUBLIC TRANSPORT, LEVELS OF CAR PARKING PROVISION MAY BE REQUIRED TO BE SIGNIFICANTLY BELOW THE MAXIMUM LEVEL. A LEVEL OF PARKING IN EXCESS OF THE MAXIMUM STANDARD WILL ONLY BE ACCEPTABLE IN EXCEPTIONAL CIRCUMSTANCES, AND WHERE IT IS DEMONSTRATED THAT IT IS NEEDED IN THE

INTERESTS OF PUBLIC AMENITY, SAFETY OR TO OTHERWISE CLEARLY BENEFIT THE TOWN CENTRE AS A WHOLE. PARKING SPACES TO MEET THE NEEDS OF PEOPLE WITH DISABILITIES WILL BE CONVENIENTLY LOCATED.

Railways

4.6 Within the Borough, there is only one passenger rail station, at Long Eaton, but there are several former stations which may provide opportunities for reopening passenger services. In particular, the reopening of a station to serve Ilkeston would be beneficial to the town and Borrowash station could be reopened as a commuter route to Derby and as a link into the wider railway network. However, the former stations at Trowell and Sandiacre are situated outside the administrative boundary of the Borough Council. Although the increased use of railways is supported, in the interests of the rail user and the environment, only a general policy is set out here. However, at Long Eaton, in the interest of keeping options open, a disused railway line off Meadow Lane is afforded protection as it may be needed in connection with any reopening of a central Long Eaton station (see Proposals Map).

POLICY T4 - RAILWAYS

THE BOROUGH COUNCIL SUPPORTS THE IMPROVEMENT OF THE RAILWAY NETWORK, PARTICULARLY THE REOPENING OF RAILWAY STATIONS. APPLICATIONS FOR REOPENING FORMER RAILWAY STATIONS WILL BE APPROVED, SUBJECT TO SATISFACTORY ACCESS, LANDSCAPING AND OTHER ENVIRONMENTAL CONSIDERATIONS. A DISUSED RAILWAY LINE OFF MEADOW LANE, LONG EATON WILL BE PROTECTED FROM DEVELOPMENT WHICH MAY PREJUDICE ITS RE-USE AS A RAILWAY ROUTE.

Disused railways and canals

4.7 Disused railway lines and canals may present opportunities for improving the transportation network, and may be reopened if there is sufficient demand and available resources. It is therefore important to prevent development on disused routes if such development would prejudice a route being reopened in its entirety. Consideration will be given to the following criteria:

1. The need to maintain a continuous route;
2. The likelihood of the route being reopened;
3. The possibility of an alternative route being provided;
4. The need for the proposed development;
5. The impact on wildlife;
6. The impact on residential or recreational amenities;
7. The impact on the historic environment.

POLICY T5 - DISUSED TRANSPORT ROUTES

IN CONSIDERING APPLICATIONS FOR DEVELOPMENT ON A DISUSED TRANSPORT ROUTE, CONSIDERATION WILL BE GIVEN TO THE FOLLOWING CRITERIA:

1. **THE NEED TO PROTECT AND MAINTAIN A CONTINUOUS ROUTE FOR WALKING, CYCLING OR HORSE RIDING;**

2. THE LIKELIHOOD OF THE ROUTE BEING REOPENED;
3. THE POSSIBILITY OF AN ALTERNATIVE ROUTE BEING PROVIDED;
4. THE NEED FOR THE PROPOSED DEVELOPMENT;
5. THE IMPACT ON WILDLIFE;
6. THE IMPACT ON RESIDENTIAL OR RECREATIONAL AMENITIES;
7. THE NEED TO PROTECT THE CONTINUITY OR RESTORATION OF DISUSED RAILWAY LINES OR CANALS FROM PREJUDICIAL DEVELOPMENT;
8. THE IMPACT ON THE HISTORIC ENVIRONMENT.

Cycling

4.8 Cycling is an efficient form of transport over a short distance and is environmentally sustainable. Therefore, it is particularly suitable in urban areas as a means of reducing congestion on the roads and pollution to the air. However, it can also be a dangerous method of transport if the cyclist has to compete with road vehicles for space. Segregated cycling lanes and cycling priority areas are required to encourage greater use of cycles in towns. The identification and implementation of such schemes on highways is the responsibility of the Highways Authority. Accordingly it is beyond the scope of this Local Plan to propose specific improvements for cyclists, through the designation of cycling lanes on highways. However, over the plan period, the Borough Council will seek improvements for the cyclist wherever opportunities arise and resources are available. This will include cyclepaths/lanes arising from development control decisions and the provision of cycle parking and changing facilities at new developments.

POLICY T6 - CYCLING

IN CONSIDERING APPLICATIONS FOR DEVELOPMENT, FACILITIES FOR CYCLISTS WILL BE SOUGHT BY NEGOTIATING SECTION 106 PLANNING OBLIGATIONS WITH DEVELOPERS, PROVIDED THAT THE OBLIGATIONS ARE DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT AND ARE NECESSARY TO MAKE IT ACCEPTABLE IN LAND-USE PLANNING TERMS.

Pedestrians and Disabled People

4.9 In line with the Government's commitment to reducing social exclusion, there is a need to ensure that all development proposals take into proper account the varying needs of the local community regardless of any physical impairment and to ensure that developments are physically accessible. It is the policy of the Borough Council to improve facilities for pedestrians and disabled people, both in towns and the countryside, through the development process, recreational trails, ongoing maintenance of the rights of way network and other opportunities as they arise.

POLICY T7 - PEDESTRIANS AND DISABLED PEOPLE

FACILITIES FOR PEDESTRIANS AND DISABLED PEOPLE WILL BE IMPROVED WHEREVER OPPORTUNITIES ARISE. IN PARTICULAR, NEW DEVELOPMENT TO WHICH THE PUBLIC IN GENERAL EXPECTS TO HAVE ACCESS, ESPECIALLY SHOPS, SPORTS, RECREATION AND COMMUNITY FACILITIES, WILL ONLY BE PERMITTED IF IT IS DESIGNED TO MEET THE NEEDS OF PEOPLE WITH IMPAIRED MOBILITY, BY THE PROVISION OF ACCESSIBLE PARKING SPACES, CONVENIENT MOVEMENT ALONG PATHWAYS AND AN UNHINDERED APPROACH TO BUILDINGS. WHERE APPROPRIATE, CONDITIONS WILL BE IMPOSED ON PLANNING PERMISSIONS TO ACHIEVE THESE OBJECTIVES.

Travel Plans

4.10 IT is important to promote the use of travel plans, at all major development proposals for employment, retail, leisure or services. The objectives for travel plans are:

- reductions in car usage, particularly single occupancy journeys;
- increased use of walking, cycling and public transport;
- more environmentally friendly means of transportation;
- reduction in traffic speeds and improved safety.

4.11 The provision of travel plans will arise through the development management process and may take the form either of a planning condition or planning obligation. In either case, travel plans will be discussed with applicants or developers prior to a planning application being formerly considered.

POLICY T9 - TRAVEL PLANS

TRAVEL PLANS WILL BE REQUIRED FOR ALL MAJOR DEVELOPMENT PROPOSALS FOR EMPLOYMENT, RETAIL, LEISURE OR SERVICES, INCLUDING SCHOOLS AND HOSPITALS, OR WHEREVER A TRAVEL PLAN WOULD HELP TO ALLEVIATE A LOCAL TRAFFIC PROBLEM ASSOCIATED WITH A PLANNING APPLICATION. WHERE A TRAVEL PLAN IS NECESSARY TO MAKE A DEVELOPMENT PROPOSAL ACCEPTABLE, ITS PROVISION AND IMPLEMENTATION WILL BE SECURED BY MEANS OF A SECTION 106 PLANNING OBLIGATION OR A PLANNING CONDITION.

5. RETAILING

Introduction

5.1 The strategic retail policy for the Borough is now set out in Policy 6 of the Erewash Core Strategy. This section of the Local Plan therefore now contains only development management policies that have not been superseded by the Core Strategy. These remaining non-strategic Saved Policies complement Policy 6 and provide a framework for considering retail proposals beyond the boundaries of identified Town and Local Centres. The retention of policies relating to matters concerning shopfront design, security and advertisements amongst others help to ensure that high quality streetscapes continue to remain visible throughout the Borough's main shopping areas.

Local Shopping Facilities

5.2 Erewash is served by a variety of local shopping facilities, including local shopping parades and individual shops. All of these provide a useful service to local communities, particularly for people who do not have access to a car. Further development of these facilities will help to maintain a range of local shopping opportunities.

5.3 There may be pressure for change of use of existing local shops to other uses, particularly in rural areas. Where it can be demonstrated that such facilities provide an important service to the local community, any proposals for change of use will be resisted.

POLICY S6 - LOCAL SHOPPING FACILITIES

OUTSIDE THE DEFINED SHOPPING CENTRES AND WITHIN THE CONFINES OF SETTLEMENTS, PROPOSALS FOR INDIVIDUAL SHOPS OR SMALL GROUPS OF SHOPS (A1) PROVIDING FOR THE NEEDS OF THE LOCAL COMMUNITY, WILL BE PERMITTED IF ALL THE FOLLOWING CRITERIA ARE MET:

- 1. THE DEVELOPMENT IS ACCESSIBLE BY PUBLIC TRANSPORT OR HAS GOOD LINKS TO AN EXISTING RESIDENTIAL AREA;**
- 2. THE TRAFFIC GENERATED BY THE DEVELOPMENT CAN BE ACCOMMODATED ON THE LOCAL ROAD NETWORK;**
- 3. THE SCALE AND DESIGN OF THE DEVELOPMENT WILL FIT IN WITH ITS SURROUNDINGS AND WILL NOT HARM RESIDENTIAL AMENITY;**
- 4. ADEQUATE PARKING AND SERVICING IS AVAILABLE.**

POLICY S7 - PROTECTION OF LOCAL SHOPS

PLANNING PERMISSION WILL BE GRANTED FOR THE CHANGE OF USE OF EXISTING SHOPS OUTSIDE THE DEFINED SHOPPING CENTRES PROVIDING THAT THE EXISTING USE IS NO LONGER VIABLE OR THE PROPOSALS WOULD NOT LEAD TO A LOSS OF ESSENTIAL LOCAL SHOPPING FACILITIES.

5.4 Food and Drink Establishments, previously defined within the A3 use class, but now covered by A3-A5 of the Use Classes Order are growth sectors of the economy, particularly 'fast food outlets'. However, due to possible antisocial opening hours,

disturbance caused by customers, problems of litter and odours, this type of development needs to be sensitively located. Applications for fast food outlets in predominantly residential areas will only be approved if the amenity of the residents is not seriously harmed.

POLICY S8 - FOOD AND DRINK ESTABLISHMENTS

APPLICATIONS FOR FOOD AND DRINK ESTABLISHMENTS (CLASS A3 SHOPS) BEYOND THE SHOPPING CENTRES WILL ONLY BE PERMITTED SUBJECT TO SATISFACTORY SERVICING, CAR PARKING, DESIGN, AND NO ADVERSE IMPACT ON THE AMENITY OF RESIDENTS ARISING THROUGH DISTURBANCE, LITTER, ODOURS OR NOISE.

Shopfront Design

- 5.5 In conjunction with its partners, the Borough Council continues to carry out environmental improvements within both Long Eaton and Ilkeston shopping areas. To further complement this work, the Borough Council aims to improve the appearance of shopfronts and other commercial buildings, many of which show little regard to the original architectural style of the building, especially above ground floor level. In particular, the Borough Council wish to eliminate poorly proportioned/designed fascia boards, and avoid unnecessary illumination.
- 5.6 The policy detailed below aims to promote attractive shopfronts within shopping centre locations, a measure designed to enhance the appearance of the shopping environment and foster civic pride. To aid the implementation of the policy the Borough Council has produced a design guide, as a supplementary planning document. Proposals for new shopfronts or alterations to existing frontages must be accompanied by clear detailed drawings in support of the application.

POLICY S9 - SHOPFRONT DESIGN

PLANNING PERMISSION FOR NEW SHOPFRONTS OR ALTERATIONS TO EXISTING SHOPFRONTS (INCLUDING BUILDINGS WITH A COMMERCIAL USE) WILL ONLY BE PERMITTED IF ALL THE FOLLOWING CRITERIA ARE SATISFIED:

1. **THE DESIGN OF THE SHOP FRONT RESPECTS THE MATERIALS, PERIOD AND ARCHITECTURAL STYLE OF THE WHOLE BUILDING AND ITS SETTING, RETAINING TRADITIONAL FEATURES WHERE PRACTICABLE;**
2. **THE DESIGN, PROPORTIONS AND MATERIALS OF THE FASCIA ARE IN KEEPING WITH THE SHOP FRONT OR BUILDINGS OF WHICH IT FORMS A PART AND NO ORIGINAL FEATURES ARE OBSCURED;**

Advertisements

- 5.7 Advertisements play an important role in the visual environment of the Borough. The Town and Country Planning (Control of Advertisements) Regulations allow for many types of sign to be erected without express consent. Where consent is required, the needs of businesses to advertise must be recognised. However, care must be taken to ensure that the form and design of signs and advertisements do not detract from the quality of the street scene. It is especially important to protect the character of a

conservation area and to ensure that a listed building or its setting would not be adversely affected. It is also important that advertisements do not distract the attention of drivers, cyclists and pedestrians in a manner which may compromise safety.

POLICY S10 - ADVERTISEMENTS

ADVERTISEMENT CONSENT WILL ONLY BE GRANTED IF THE FOLLOWING CRITERIA ARE SATISFIED:

- 1. THE SIGN OR ADVERTISEMENT DOES NOT DETRACT FROM THE APPEARANCE OR CHARACTER OF THE BUILDING UPON WHICH IT IS DISPLAYED.**
- 2. THE SIGN OR ADVERTISEMENT IS ACCEPTABLE IN TERMS OF ITS IMPACT ON THE AMENITY OF THE LOCALITY.**
- 3. THE SIGN OR ADVERTISEMENT DOES NOT HAVE AN UNACCEPTABLE EFFECT ON THE SAFETY OF PEDESTRIANS, CYCLISTS OR VEHICLES.**

WITHIN THE TOWN CENTRE CONSERVATION AREA OF ILKESTON AND LONG EATON, APPLICATIONS SUBMITTED UNDER THE ADVERTISEMENT REGULATIONS FOR THE DISPLAY OF INTERNALLY ILLUMINATED BOX SIGNS AND SIGNS ILLUMINATED BY EXPOSED NEON TUBES WILL NOT BE ENCOURAGED. WHERE ILLUMINATION IS CONSIDERED ESSENTIAL, IT SHOULD BE EXTERNAL AND ACHIEVED BY SUITABLY DISCREET MEANS. APPLICATIONS FOR NON-ILLUMINATED SIGNS WILL ONLY BE GRANTED IF INDIVIDUALLY AND CUMULATIVELY THEY ARE COMPATIBLE IN TERMS OF SIZE, PROMINENCE, HEIGHT, COLOUR AND MATERIALS WITH THE CHARACTER AND APPEARANCE OF THE BUILDING ON WHICH THEY ARE DISPLAYED AND OF THE AREA GENERALLY.

Security Grills and Shutters

- 5.8 Throughout the Borough, but especially in the town centre conservation areas it is important to protect the quality of design of shops and discourage inappropriate development. Therefore, careful attention has to be given to shopfront security in order to prevent poorly designed shutters and grills being installed which could detract from the appearance and attractiveness of shop premises or shopping area.
- 5.9 Where a shop front is to be modernised or replaced, various security measures can be considered including raising stall riser heights, smaller panes, thicker glass, or internal shutters. All of these can be effective and do not usually require planning permission.
- 5.10 If an external grille or shutter is considered to be the only practicable option then their appearance must be carefully assessed. Shutters which are solid or with only small perforations create a forbidding look which detracts from the character and vitality of the shopping area. These shutters are also more likely to attract graffiti and give a solid screen, behind which intruders can operate unseen. In contrast shutters which are colour coated rather than bare metal and which allow a high degree of visibility into the shop can maintain an attractive appearance, encourage window shopping, and deter vandalism and theft. These considerations are even more important within the town centre shopping areas of Ilkeston and Long Eaton where shop front security needs to be particularly sensitively handled.

POLICY S11 - SHOPFRONT SECURITY

PROPOSALS FOR SHOP FRONT SECURITY MEASURES WILL ONLY BE PERMITTED IF ALL THE FOLLOWING CRITERIA ARE SATISFIED:

- 1. THE GRILL OR SHUTTER HOUSING, MEANS OF FIXING, AND GUIDE CHANNELS ARE INCORPORATED INTO THE OVERALL DESIGN OF THE SHOPFRONT OR BUILDING OF WHICH IT FORMS A PART AND NO ORIGINAL FEATURES ARE OBSCURED;**
- 2. THE COLOUR OF THE FINISH SHOULD COMPLIMENT THE SHOPFRONT;**
- 3. THE GRILL OR SHUTTER SHOULD HAVE A HIGH DEGREE OF THROUGH VISIBILITY.**

Factory Shops

5.11 In recent years, factories have introduced retailing their own products on their own premises direct to the public, usually at a discount, or to clear 'end of lines' or 'seconds'. Although this has proved to be popular with the public, factory premises were not designed for retail use and consequently some suffer inadequate access, parking etc., which can create congestion on residential streets. As factory shops tend to be located outside established shopping centres they may also threaten the vitality or viability of a town centre or local centre.

5.12 Conditions will therefore be used to prevent factory shops being used freely for general retail use. Although the factory shop may be ancillary to the use of the factory, there may be a need to restrict the range of goods sold to those produced on the premises or within the manufacturing group. It may be necessary to restrict the proportion of goods 'bought in'; otherwise there is potential for poorly related retail outlets to develop to the detriment of existing retail businesses.

POLICY S12 - FACTORY SHOPS

PLANNING PERMISSION WILL ONLY BE GRANTED FOR FACTORY SHOPS SUBJECT TO ALL THE FOLLOWING CRITERIA BEING SATISFIED;

- 1. THE RETAIL ELEMENT IS WITHIN THE CURTILAGE AND ANCILLARY TO THE HOST MANUFACTURING UNIT;**
- 2. AT LEAST 65% OF THE RETAIL FLOOR SPACE SHALL BE DEVOTED TO THE SALE OF GOODS PRODUCED BY THE HOST MANUFACTURING UNIT (OR ITS PARENT GROUP);**
- 3. THE SITE IS WELL SERVED BY PUBLIC TRANSPORT AND HAS ADEQUATE INDEPENDENT CAR PARKING FOR CUSTOMERS WHICH CAN BE ACCOMMODATED WITHOUT COMPROMISING THE OPERATIONAL REQUIREMENTS OF THE MANUFACTURING UNIT.**

6. ENVIRONMENT

Introduction

- 6.1 Protecting the environment is a basic aim of the Borough Council and is the keystone of town and country planning. This includes both the built environment, in the form of listed buildings, conservation areas, historical, architectural, industrial and archaeological heritage, and the natural environment, including woods, ponds and the countryside at large. Within the Borough there is also the potential for improving the environment through creating nature conservation areas, woodland planting, landscaping, the reclamation of derelict land and town centre enhancement schemes. A balance has to be struck between protecting wildlife habitats and reclaiming derelict land, as often the derelict corners of the environment are also the refuges for wildlife. Similarly, the preservation of an historic building may require that it be converted to an appropriate use, or the conservation of an archaeological feature may require that public access or farming be limited. This chapter aims to address these and other environmental issues and put forward proposals for protecting and enhancing the environment.

Conservation Areas

- 6.2 It is the duty of Erewash Borough Council to determine which parts of its area are of special architectural and historic interest, the character and appearance of which is desirable to preserve or enhance, and to designate such areas as conservation areas. Consequently the Borough Council has designated 21 conservation areas as shown on the Policies Map.
- 6.3 Proposals affecting Conservation Areas will be considered against the following policy:

POLICY EV5 - CONSERVATION AREAS - DEVELOPMENT CONTROL

- 1. PROPOSALS FOR NEW DEVELOPMENT, INCLUDING CONVERSIONS, ALTERATIONS, EXTENSIONS AND CHANGES OF USE WILL ONLY BE PERMITTED WHERE THE BOROUGH COUNCIL IS SATISFIED THAT SUCH PROPOSALS WILL PRESERVE OR ENHANCE THE SPECIAL CHARACTER AND APPEARANCE OF THE CONSERVATION AREA. BUILDINGS, OPEN SPACES, TREES, AND OTHER FEATURES WHICH CONTRIBUTE TO THE SPECIAL CHARACTER AND APPEARANCE OF THE CONSERVATION AREA WILL BE CONSERVED AND PROTECTED FROM HARMFUL DEVELOPMENT.**
- 2. PROPOSALS TO ALTER OR EXTEND UNLISTED BUILDINGS OF ARCHITECTURAL, HISTORICAL, LANDSCAPE OR TOWNSCAPE VALUE WILL BE CONSIDERED AGAINST THE NEED TO ENSURE THE PRESERVATION OF THOSE ELEMENTS OF BUILDINGS WHICH CONTRIBUTE TOWARDS THE PARTICULAR CHARACTER OF THE CONSERVATION AREA. ALTERATIONS TO EXISTING SHOP FRONTS, INCLUDING THE ADDITION OF INTERNAL AND EXTERNAL ILLUMINATION WILL NOT BE PERMITTED WHERE THIS WILL HAVE A DETRIMENTAL EFFECT UPON THE CHARACTER OR APPEARANCE OF THE BUILDINGS OR THE CONSERVATION AREA. THE REPLACEMENT OF HISTORIC SHOP FRONTS WILL NOT BE PERMITTED.**
- 3. PROPOSALS TO DEMOLISH OR SUBSTANTIALLY DESTROY AN UNLISTED BUILDING IN A CONSERVATION AREA WILL NOT BE PERMITTED, UNLESS IT**

CAN BE DEMONSTRATED TO THE SATISFACTION OF THE LOCAL PLANNING AUTHORITY THAT THE BUILDING:

- a) **IS OF AN INAPPROPRIATE DESIGN IN THE CONTEXT OF ITS LOCATION OR**
- b) **IS BEYOND REPAIR AT REASONABLE COST OR**
- c) **IS INCAPABLE OF BENEFICIAL USAGE;**

AND THAT ITS REMOVAL IS SUBJECT TO THE SUBMISSION OF DETAILED PROPOSALS FOR REPLACEMENT DEVELOPMENT OF APPROPRIATE DESIGN, SCALE AND MATERIALS WHICH WOULD CLEARLY PRESERVE OR ENHANCE THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA. CONSENT FOR DEMOLITION WILL ONLY BE GRANTED SUBJECT TO THE REQUIREMENT THAT SUCH DEMOLITION DOES NOT TAKE PLACE PRIOR TO:

- a) **THE GRANTING OF DETAILED CONSENT FOR THE REPLACEMENT DEVELOPMENT AND**
- b) **THE LETTING OF A CONTRACT FOR THE APPROVED REPLACEMENT DEVELOPMENT.**

Listed Buildings

6.4 The basis for the listed building legislation is contained in the Planning (Listed Buildings and Conservation Areas) Act 1990. The main purpose behind this legislation is to ensure that those attractive and interesting buildings which form part of the heritage are protected. Within the Borough, there are 228 listed buildings and future surveys may add to this list. It is the policy of the Borough council to preserve listed buildings.

POLICY EV6 - LISTED BUILDINGS

BUILDINGS LISTED BY THE SECRETARY OF STATE FOR CULTURE, MEDIA AND SPORT AS BEING OF ARCHITECTURAL OR HISTORIC INTEREST WILL BE PROTECTED FROM INAPPROPRIATE ALTERATION AND UNSYMPATHETIC DEVELOPMENT WHICH COULD HARM THEIR CHARACTER OR SETTING. LISTED BUILDING CONSENT WILL NOT BE GRANTED FOR THE DEMOLITION OR INAPPROPRIATE ALTERATION OR THE REMOVAL OF IMPORTANT INTERNAL OR EXTERNAL FEATURES, OF LISTED BUILDINGS. PLANNING PERMISSION WILL ONLY BE PERMITTED FOR THE CHANGE OF USE OR CONVERSION OF A LISTED BUILDING WHERE FULL DETAILS OF DESIGN, MATERIALS, AND IMPACT ON ITS SETTING OF SUCH A USE HAS BEEN SUBMITTED, WHERE THE CHANGE OF USE IS VITAL TO ENSURE THE PRESERVATION OF THE LISTED BUILDING WITHOUT LOSS OF ITS CHARACTER, AND WHERE THE CHANGE OF USE WILL NOT BE DETRIMENTAL TO LOCAL AMENITIES.

Buildings of Local Interest

6.5 Across the Borough, there are many buildings that are not protected by statutory designations because they are currently determined as being of insufficient quality, but are nevertheless worthy of preservation. It may be the case that some buildings, not

currently listed, become listed and therefore it is important to protect buildings of local interest as they may be the heritage of the future.

POLICY EV7 - BUILDINGS OF LOCAL INTEREST

APPLICATIONS AFFECTING BUILDINGS OF LOCAL INTEREST OR ARCHITECTURAL INTEREST WILL BE CONSIDERED AGAINST THE FOLLOWING CRITERIA:

- 1. THE PROPOSAL SHOULD BE SYMPATHETIC TO THE DESIGN AND CHARACTER OF THE EXISTING BUILDING;**
- 2. MATERIALS;**
- 3. SCALE AND PROPORTION OF THE DEVELOPMENT;**
- 4. THE SETTING OF THE EXISTING BUILDING.**

Historic Parks and Gardens

6.6 The importance of historic parks and gardens has recently been recognised by English Heritage who have compiled a register of nationally important gardens. In Erewash, Locko Park is included on the register and there is a possibility that other parks and gardens may be included in the future.

POLICY EV8 - REGISTERED HISTORIC PARKS AND GARDENS

PROPOSALS FOR DEVELOPMENT THAT WOULD HARM THE CHARACTER OR SETTING OF REGISTERED HISTORIC PARKS AND GARDENS WILL ONLY BE PERMITTED IN EXCEPTIONAL CIRCUMSTANCES.

WHERE THERE IS AN OVERRIDING NEED FOR DEVELOPMENT WHICH WOULD AFFECT HISTORIC PARKS AND GARDENS, THE LOCAL PLANNING AUTHORITY WILL MINIMISE ITS IMPACT. WHERE NECESSARY, THE LOCAL PLANNING AUTHORITY MAY REQUIRE AN HISTORIC LANDSCAPE APPRAISAL REPORT WHERE DEVELOPMENT AFFECTING AN HISTORIC PARK OR GARDEN OR ITS SETTING IS PROPOSED. THE INTEGRITY OF A LISTED OR HISTORIC BUILDING AND ITS PARK OR GARDEN WILL BE PRESERVED AND ANY DEVELOPMENT THEREIN WILL BE PERMITTED ONLY IN EXCEPTIONAL CIRCUMSTANCES.

Scheduled Ancient Monuments and Sites of Archaeological Significance

6.7 There are seven scheduled ancient monuments in the Borough as follows:

Parish		County Monument Title	Grid Ref No
Dale Abbey	39	Dale Abbey	SK438 388
Dale Abbey	40	The Hermitage	SK439 385
Long Eaton	228	Roman fort 200 yds (182m) E of All Saint's Church, Sawley	SK475 313
Morley 78		Moated mound	SK392 410
Sandiacre	146	Lock up and pinfold	SK479 371
West Hallam	141	Moated site in Moat Wood	SK439 406

resources. Wildlife can be found in the countryside and in the towns, and valuable wildlife habitats are spread across the Borough. They fall into five categories:

- Sites of Special Scientific Interest (SSSI) - these are designated by English Nature and are afforded a degree of statutory protection;
- Local Nature Reserves (LNR) - these are designated by the Borough Council or the County Council;
- Sites recorded on the Wildlife Sites Register (WSR) published by Derbyshire County Council and Derbyshire Wildlife Trust;
- Sites recorded as Regionally Important Geological Sites (published by Derbyshire County Council and Derbyshire Wildlife Trust);
- Sites known as biological or geological interest not yet formally recorded.

6.10 The ten sites shown on the Policies Map include two SSSIs and nine LNRs in the Borough. One site, the Breadsall Railway Cutting, is both an SSSI and an LNR. Morley Moor is the other SSSI. There are 101 additional sites recorded on the Wildlife Sites Register and 8 sites recorded as Regionally Important Geological and Geomorphological Sites.

6.11 There is a need to ensure the continued protection of the Borough's natural environment and to secure opportunities wherever possible to enhance this natural environment. Particular emphasis will need to be given to land that is statutorily or locally protected.

6.12 Where development can be controlled through the planning process, there is a need to ensure that proposals will minimise any impact on nature conservation interests. It should also be noted that a variety of flora and fauna are protected under European and national wildlife legislation. The Borough Council may require a submission of a supporting statement in conjunction with planning applications, identifying the nature and extent of any impact and mitigating measures that need to be taken.

6.13 With regard to sites such as local nature reserves, sites of importance for nature conservation or a regionally important geological/geomorphological site, the Borough Council consider that a significant adverse effect is where any development harms the scientific or nature conservation interest of the designated site.

6.14 With regard to local nature reserves, sites of importance for nature conservation or a regionally important geological/geomorphological site, the Borough Council consider that a significant adverse effect is where any development harms the scientific or nature conservation interest of the designated site.

POLICY EV10 - SITES OF SPECIAL SCIENTIFIC INTEREST, REGIONALLY IMPORTANT GEOLOGICAL SITES AND GEOMORPHOLOGICAL SITES, LOCAL NATURE RESERVES AND SITES OF IMPORTANCE FOR NATURE CONSERVATION.

- 1. DEVELOPMENT IN OR LIKELY TO AFFECT SITES OF SPECIAL SCIENTIFIC INTEREST (SSSI) WILL BE SUBJECT TO SPECIAL SCRUTINY. WHERE SUCH DEVELOPMENT MAY HAVE AN ADVERSE EFFECT, DIRECTLY OR INDIRECTLY ON THE SPECIAL INTEREST OF THE SITE IT WILL NOT BE**

PERMITTED UNLESS THE REASONS FOR THE DEVELOPMENT CLEARLY OUTWEIGH THE NATURE CONSERVATION VALUE OF THE SITE ITSELF AND THE NATIONAL POLICY TO SAFEGUARD SUCH SITES.

- 2. DEVELOPMENT LIKELY TO HAVE A SIGNIFICANT ADVERSE EFFECT ON A LOCAL NATURE RESERVE, A SITE OF IMPORTANCE FOR NATURE CONSERVATION OR A REGIONALLY IMPORTANT GEOLOGICAL/ GEOMORPHOLOGICAL SITE, WILL NOT BE PERMITTED UNLESS IT CAN BE DEMONSTRATED THAT THERE ARE REASONS FOR THE PROPOSAL WHICH OUTWEIGH THE NEED TO SAFEGUARD THE NATURE CONSERVATION VALUE OF THE SITE.**

IN ALL CASES WHERE DEVELOPMENT IS PERMITTED WHICH WOULD DAMAGE THE NATURE CONSERVATION VALUE OF THE SITE OR FEATURE, SUCH DAMAGE WILL BE KEPT TO A MINIMUM. CONDITIONS AND/OR SECTION 106 PLANNING OBLIGATIONS WILL BE USED TO SECURE NECESSARY MITIGATION OR COMPENSATORY MEASURES.

6.15 The European 'Habitats Directive' requires member states to protect key habitats and threatened species of European significance. Before any development affecting a European Protected Species is carried out, irrespective of whether planning permission is required, a licence has to be issued by DEFRA. Not all wildlife sites are protected by designations, such as being recorded on the Wildlife Sites Register. This is because of the limitations of the survey for this register but also because a singularly important species (e.g. great crested newt) may inhabit a site of otherwise poor biological value. Therefore, to ensure that sites of protected species under the Wildlife and Countryside Act, 1981, as amended by the Countryside and Rights of Way Act 2000 are given a measure of protection against development, a separate policy is required. Also, specific threatened species have been identified and recorded in the Derbyshire Red Data Book and it is important to protect their habitats. Further, the Lowland Derbyshire Local Biodiversity Action Plan identifies key species and their habitats setting out programmes of action aimed at maintaining and improving biological diversity. Wherever possible, regard should be given to the Lowland Derbyshire Local Biodiversity Action Plan in considering the impact of development on wildlife.

POLICY EV11 - PROTECTED SPECIES AND THREATENED SPECIES

DEVELOPMENT THAT WOULD CAUSE EITHER INDIRECT OR ADVERSE IMPACTS ON SPECIES THAT ARE PROTECTED BY LAW OR IDENTIFIED AS NATIONALLY RARE WILL ONLY BE PERMITTED WHERE:

- 1. A FULL AND DETAILED SURVEY HAS BEEN CARRIED OUT BY A QUALIFIED ECOLOGICAL CONSULTANT TO DETERMINE THE STATUS OF THE POPULATION, THE LIKELY IMPACT OF ALL PHASES OF THE DEVELOPMENT AND ANY MITIGATION THAT MAY BE NECESSARY.**
- 2. PROPOSALS ARE SUBMITTED AND SUPPORTED BY A SECTION 106 OBLIGATION THAT CLEARLY DEMONSTRATES HOW THE NECESSARY MITIGATION WILL BE ACHIEVED SO THAT FAVOURABLE CONSERVATION STATUS OF THE SPECIES CAN BE MAINTAINED ON THE SITE.**

3. **IT IS NOT A EUROPEAN PROTECTED SPECIES AS DEFINED IN THE 1994 CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS. MITIGATION MEASURES MAY BE PROPOSED IN ORDER TO AVOID OR REDUCE DISTURBANCE TO AN ACCEPTABLE LEVEL. HOWEVER, PERMISSION WILL BE GRANTED ONLY WHERE IMPACTS HAVE BEEN CLEARLY IDENTIFIED IN AN ECOLOGICAL AND/OR GEOLOGICAL STATEMENT, AND ACCEPTABLE MEASURES TO MINIMISE OR REMOVE THE IMPACT CAN BE IMPLEMENTED, MANAGED OR MONITORED IN ACCORDANCE WITH AN AGREED SCHEME. PRIORITY WILL BE GIVEN TO RETAINING OR REPLACING AS MANY OF THE IMPORTANT FEATURES ON THE SITE. THE BOROUGH COUNCIL WILL REQUIRE EVIDENCE TO DEMONSTRATE THAT THE RETENTION OR REPLACEMENT IS UNVIALE PRIOR TO CONSIDERING OFF SITE REPLACEMENTS, WHICH WILL BE ALLOWED ONLY AS A LAST RESORT. WHERE SUCH MEASURES CANNOT BE SECURED BY APPROPRIATE PLANNING CONDITIONS THEY WILL BE SECURED VIA LEGAL AGREEMENTS AND SECTION 106 OBLIGATIONS.**

Nature Conservation – Planning Obligations and Conditions

- 6.16 The Borough Council, in considering development proposals that will have an impact on features of major importance for wildlife, will seek to enter into Section 106 obligations with a developer or consider the use of planning conditions to offset the harm caused by the development. Features of major wildlife importance include linear or continuous structures such as rivers or traditional field boundaries and land used as stepping stone such as ponds or small woods and all are essential for the migration, dispersal and genetic exchange of wild species.

POLICY EV12 - NATURE CONSERVATION – PLANNING OBLIGATIONS AND CONDITIONS

IN CONSIDERING DEVELOPMENT PROPOSALS THE USE OF PLANNING CONDITIONS AND PLANNING OBLIGATIONS WILL BE CONSIDERED WHERE NECESSARY TO OFFSET HARM AND SECURE THE BENEFICIAL MANAGEMENT OF FEATURES OF MAJOR IMPORTANCE FOR WILDLIFE.

Creative Conservation

- 6.17 Opportunities for creating new wildlife habitats may arise through the development process. For example a large scale industrial development may require a balancing reservoir to cope with additional storm water. This could be designed to benefit wildlife. The restoration of derelict land may enable wildflower meadows to be created. New housing development may require a shelterbelt of trees and shrubs. Corners of open space, in parks and at education establishments, may have potential as areas for wildlife. It is important that these opportunities are seized, and new habitats are created, to replace those lost through development and modern farming practices. This will be good for wildlife but will also enhance the appearance and ecological richness of the Borough. The Lowland Derbyshire Local Biodiversity Action Plan is an important source of wildlife information for the numerous wildlife sites in the Borough; it is a source of guidance on the value of particular wildlife habitats and will be utilised by the Borough Council in determining an application affecting a wildlife site.

POLICY EV13 - CREATIVE CONSERVATION

CREATIVE CONSERVATION WILL BE CARRIED OUT WHEREVER OPPORTUNITIES ARISE. IN PARTICULAR, THE BOROUGH COUNCIL WILL IMPROVE THE WILDLIFE VALUE OF LAND IN ITS OWNERSHIP ESPECIALLY PUBLIC OPEN SPACE. IN ITS CONSIDERATION OF PLANNING APPLICATIONS THE BOROUGH COUNCIL WILL SEEK TO NEGOTIATE SECTION 106 PLANNING OBLIGATIONS TO CREATE NEW OR IMPROVED HABITATS WHERE THIS IS NECESSARY TO MAKE THE PROPOSALS ACCEPTABLE IN PLANNING TERMS AND WHERE IT CANNOT BE ACHIEVED BY IMPOSING CONDITIONS ON A PLANNING PERMISSION.

Protection of Trees and Hedgerows

- 6.18 In Derbyshire (excluding the National Park) 5% of the total area is woodland, while in the Borough woodland covers only 2.5% of the total area, mainly in the north and west, around Drum Hill, Little Eaton, Locko Park, Breadsall Priory, Broomfield College, Dale Abbey and Hopwell. It is therefore important to protect woodland because of its landscape, nature conservation and amenity value. Good management should be encouraged to ensure that woodlands do not become over mature and native species are planted. In particular, woodlands should not be destroyed by development.
- 6.19 Individual trees and hedgerows can also be worth protecting, for their nature conservation value, historical interest or general amenity. Ancient woodland is irreplaceable and of special value. In weighing the importance of a hedgerow that it is proposed to remove, regard will be paid to criteria in the Hedgerows Regulations 1997 as well as the general public amenity value of the feature.

POLICY EV14 - PROTECTION OF TREES AND HEDGEROWS

PLANNING PERMISSION WILL NOT BE GIVEN FOR DEVELOPMENT WHICH WOULD DESTROY HEDGEROWS, AREAS OF WOODLAND, ANCIENT WOODLAND, TREES PROTECTED BY A TREE PRESERVATION ORDER, OR TREES IN A CONSERVATION AREA UNLESS THEIR REMOVAL WOULD:

- 1. BE IN THE INTERESTS OF GOOD ARBORICULTURAL PRACTICE; OR UNLESS**
- 2. THE PROPOSED DEVELOPMENT OUTWEIGHS THE AMENITY AND CONSERVATION VALUE OF THE PROTECTED TREES, WOODLANDS OR HEDGEROWS.**

IF THE REMOVAL OF A HEDGEROW OR ONE OR MORE TREES IS PERMITTED AS PART OF A DEVELOPMENT, A CONDITION MAY REQUIRE THAT A REPLACEMENT HEDGEROW OR AN EQUIVALENT NUMBER OR MORE NEW TREES BE PLANTED EITHER ON OR NEAR THE SITE.

WHERE TREES ARE TO BE RETAINED, PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT, INCLUDING BUILDINGS, ROADS, PAVEMENTS AND UNDERGROUND SERVICES WHICH WILL ADVERSELY AFFECT THE HEALTH OF THE TREES.

- 6.20 A comprehensive Landscape Character Assessment across Derbyshire based upon 'The Character of England Map' produced jointly by the Countryside Agency and English Nature has been undertaken by Derbyshire County Council, in consultation with district councils. The Derbyshire Landscape Character Assessment is intended to provide details of the specific features, characteristics and qualities of distinctive areas of the County in order to inform decision makers, such as planning authorities, when considering development proposals which will impact upon the landscape character of an area. Erewash contains important areas of attractive countryside all of which are subject to a green belt designation. However, green belt designation alone may not prevent harmful development taking place, such as mineral extraction or activities which could lead to a loss of landscape value such as removing hedgerows, felling trees, filling in ponds or the building of agricultural buildings. Information about each landscape type will be produced as a Supplementary Planning Document at a later date.

POLICY EV16 - LANDSCAPE CHARACTER

DEVELOPMENT SHOULD RECOGNISE AND ACCORD WITH THE LANDSCAPE CHARACTER WITHIN WHICH IT IS LOCATED HAVING REGARD TO MATERIALS OF CONSTRUCTION, HEIGHT OF BUILDINGS, ROOF DESIGN, LANDSCAPING, MEANS OF ACCESS, DENSITY OF DEVELOPMENT, SUSTAINABLE PATTERNS OF DEVELOPMENT AND TRAFFIC GENERATION BEING APPROPRIATE FOR THE LOCATION OF THE DEVELOPMENT.

Aquifers

- 6.21 Within the Borough there are important underground “reservoirs” of water, known as aquifers, which provide sources of drinking water. It is essential to protect the quality of these water resources and it follows that harmful development in an aquifer protection zone should not be permitted. This would include any development which would lead to aquifer contamination, either biologically or chemically. There is a Supplementary Planning Document on aquifers.

POLICY EV18 - AQUIFER PROTECTION

PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH WOULD BE LIABLE TO CAUSE CONTAMINATION OF THE GROUNDWATER IN AQUIFERS UNLESS SATISFACTORY MEASURES CAN BE CARRIED OUT AS PART OF THE DEVELOPMENT TO PREVENT SUCH CONTAMINATION TAKING PLACE.

World Heritage Site

- 6.22 The River Derwent valley on the west side of the Borough, at Little Eaton, is considered to be of sufficient historical and cultural importance to be worthy of World Heritage Site status, accordingly in December 2001 the United Nations Educational, Scientific and Cultural Organisation (UNESCO) inscribed the Derwent Valley Mills as a World Heritage Site. The World Heritage Site, known as “the cradle of the Industrial Revolution”, runs for a distance of 24 kilometres from Matlock Bath to the centre of the City of Derby. The boundary of the site has been defined through field observations taking into account the historical topography such as buildings, features and landscapes demonstrating the development of the textile mill and the social and economic infrastructure. Accordingly the World Heritage site comprises important mill complexes, industrial housing and the social infrastructure constructed between the early 18th and the early 19th centuries. It is

important that the World Heritage Site and a buffer zone of protection around the site be protected from harmful development. The policy below aims to provide such protection.

POLICY EV19 - WORLD HERITAGE SITE AND BUFFER ZONE

WITHIN THE DEFINED WORLD HERITAGE SITE AND BUFFER ZONE, AS SHOWN ON THE PROPOSALS MAP, DEVELOPMENT WILL ONLY BE PERMITTED IF IT DOES NOT HAVE AN ADVERSE EFFECT ON THE WORLD HERITAGE SITE OR ITS SETTING, AND IT ACCORDS WITH OTHER POLICIES IN THE LOCAL PLAN. REGARD WILL BE GIVEN TO THE VISUAL IMPACT OF A PROPOSED DEVELOPMENT, TRAFFIC GENERATION, SCALE AND DESIGN, MATERIALS OF CONSTRUCTION, ANY LOSS OF HISTORICAL LANDSCAPE OR CULTURAL HERITAGE, AND ENVIRONMENTAL IMPACT.

Hazardous Substances, Hazardous Installations & Major Hazard Pipelines

6.23 Proposals for installations handling hazardous substances will be subject to controls aimed at preventing major accidents. A system of hazardous substances consent is already in operation under the Planning (Hazardous Substances) Act 1990 and Regulations under that Act (as amended by the Planning (Control of Major-Accident Hazards) Regulations 1999). Where both planning permission and hazardous substances consent are required, two separate applications are necessary and the respective statutory requirements must be followed. When preparing this policy in 2005 development plans were required to include a policy relating to the location of establishments where hazardous substances are used or stored, and the development of land within the vicinity of establishments where hazardous substances are present.

POLICY EV20 - HAZARDOUS SUBSTANCES, HAZARDOUS INSTALLATIONS & MAJOR HAZARD PIPELINES

A. THE COUNCIL WILL REFUSE PROPOSALS FOR DEVELOPMENT INVOLVING:

THE INTRODUCTION OF HAZARDOUS SUBSTANCES OR THE MODIFICATION OF EXISTING INSTALLATIONS HANDLING HAZARDOUS SUBSTANCES WHERE THEIR PRESENCE OR THE RESULTANT EXTENSION OF CONSULTATION ZONES MAY INHIBIT DEVELOPMENT IN THE VICINITY OF THE INSTALLATION.

B. DEVELOPMENT NEAR INSTALLATIONS HANDLING HAZARDOUS SUBSTANCES

PLANNING APPLICATIONS FOR DEVELOPMENTS NEAR NOTIFIED INSTALLATIONS HANDLING HAZARDOUS SUBSTANCES AND MAJOR HAZARD PIPELINES WILL ONLY BE PERMITTED WHERE THE COUNCIL IS SATISFIED THAT THERE WOULD NOT BE A SIGNIFICANT INCREASE IN THE POPULATION AT RISK OR THAT THERE IS NO REASONABLE ALTERNATIVE.

7. RECREATION AND LEISURE

Introduction

- 7.1 Over the last 20 years, increasing affluence and leisure time have created a steady rise in recreational activity and spending. At the same time there has been a heightened awareness of the benefits of participation in sport and recreation pursuits of various kinds. With longer holidays, flexible working hours, better education and rising aspirations, people are demanding, needing and expecting a good range of recreation and leisure facilities, both in towns and the countryside.

Recreational Trails

- 7.2 Walking is one of the most popular outdoor recreation activities, enjoyed by a broad section of the community and all age groups. Cycling is also a popular form of recreation and it is estimated that 30% of households own a bicycle. Horse-riding, although not as popular as walking or cycling, is a major activity in the urban fringe areas of the Borough, even though there are few bridleways for riders to enjoy.
- 7.3 Disused railways and canals may offer opportunities for creating new recreational trails for walking and possibly riding and cycling. However, it is important to protect wildlife habitats on these valuable wildlife corridors, which link wide areas of the Borough and form refuges for many plant and animal species. Therefore, it will not always be possible to reconcile the wildlife/recreation conflict and it follows that sections of disused railway and canal may not be appropriate for conversion to recreational use, particularly riding and cycling, if such a use would harm an important wildlife habitat.

POLICY R1 - RECREATIONAL TRAILS

RECREATIONAL TRAILS, FOR WALKING, RIDING OR CYCLING, WILL BE DEVELOPED ALONG DISUSED RAILWAY LINES AND CANALS, WHERE PRACTICABLE, SUBJECT TO THE COUNCIL BEING SATISFIED WITH REGARD TO DETAILS OF ACCESS, CAR PARKING, LANDSCAPING AND IMPACT ON WILDLIFE HABITATS. IN PARTICULAR, THE FOLLOWING ROUTES ARE PROPOSED, AS SHOWN ON THE PROPOSALS MAP, AND WILL BE PROTECTED FROM PREJUDICIAL DEVELOPMENT:

- 1. THE ILKESTON - DERBY RAILWAY**
- 2. THE DERBY AND SANDIACRE CANAL**
- 3. THE NUTBROOK CANAL**

Rights of Way

- 7.4 The rights of way network in the Borough is a major recreational resource and it is the policy of the Borough Council to maintain and enhance footpaths and bridleways for public enjoyment, in conjunction with the County Council as highway authority. It is important to ensure that development does not have an adverse impact upon the integrity of these routes. In view of the poor provision of bridleways, it is a priority to maintain and improve the bridleway network wherever opportunities arise. This is particularly important in the urban fringe areas of the Borough. Where opportunities arise, circular walks and rides will be promoted and maintained.

POLICY R2 - RIGHTS OF WAY

THE RIGHTS OF WAY NETWORK WILL BE MAINTAINED AND IMPROVED WHEREVER OPPORTUNITIES ARISE. PRIORITY WILL BE GIVEN TO THE URBAN FRINGE.

PLANNING PERMISSION WILL BE GRANTED FOR DEVELOPMENT WHICH AFFECTS A PUBLIC RIGHT OF WAY ONLY WHERE THE PROPOSALS INCLUDE FOR EITHER THE RETENTION OF THE ROUTE ON ITS EXISTING ALIGNMENT, OR FOR THE PROVISION OF AN ALTERNATIVE ROUTE WHICH IS EQUALLY ATTRACTIVE, SAFE AND CONVENIENT.

Cyclepaths/Cycle Parking

7.5 The creation of cyclepaths provides safe, traffic-free routes for leisure use and as a means of transportation. Cyclepaths at Little Eaton, from Long Eaton to Ilkeston and between Derby and Long Eaton have received financial support from the Borough Council and similar schemes in the future are likely to be supported, particularly if a cyclepath forms part of a strategic route. Private developers should also consider cyclepaths and cycle parking as an integral part of their development.

POLICY R3 - CYCLEPATHS/CYCLE PARKING

CYCLEPATHS WILL BE DEVELOPED WHEREVER OPPORTUNITIES ARISE. PRIORITY WILL BE GIVEN TO SCHEMES WHICH FORM PART OF A STRATEGIC NETWORK OR BYPASS A DANGEROUS SECTION OF HIGHWAY. PRIVATE DEVELOPERS WILL BE REQUIRED TO INCLUDE CYCLEPATHS AND CYCLE PARKING IN THEIR DEVELOPMENT PROPOSALS, WHERE APPROPRIATE.

The Former Derby and Sandiacre Canal

7.6 The Borough Council is supportive in principle, of plans to reinstate the former canal, as proposed by the Derby and Sandiacre Canal Trust. It is proposed therefore that the canal route, as defined on the proposals map, be protected against development that would prejudice canal restoration.

POLICY R4 – THE FORMER DERBY AND SANDIACRE CANAL

PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT THAT WOULD PREJUDICE THE REINSTATEMENT OF THE FORMER DERBY AND SANDIACRE CANAL, AS SHOWN ON THE PROPOSALS MAP.

Sports Facilities, Allotments and Public Open Space

7.7 Sports facilities, allotments and public open space play important roles in meeting the recreational needs of local communities. The Borough Council would not wish to see these amenities lost unless there was a strong overriding reason for doing so. However, in this event, a suitable alternative provision would normally be sought within close proximity to the existing facility. In specific situations it may be possible to retain or enhance a public open space, sports facility or allotments by permitting a small part of a site to be developed for an appropriate use. The requirements of criteria 1 and 3 of Policy R5 should be met by reference to an up to date and robust assessment of the

community's current and future needs for open space, sports and recreation facilities, which should include consideration of all amenity and recreational functions that open space can perform.

POLICY R5 - PUBLIC OPEN SPACE, SPORTS FACILITIES AND ALLOTMENTS

APPLICATIONS FOR THE REDEVELOPMENT OR CHANGE OF USE OF PUBLIC OPEN SPACE, SPORTS FACILITIES OR ALLOTMENTS WILL ONLY BE PERMITTED WHERE:

- 1. IT IS DEMONSTRATED THAT THERE IS NO LONGER A CONTINUING NEED FOR THE SPACE OR FACILITIES ON RECREATION OR AMENITY GROUNDS;**
- 2. A SUITABLE ALTERNATIVE IS MADE AVAILABLE OF EQUIVALENT OR GREATER QUALITY AND QUANTITY AND AT LEAST AS WELL LOCATED IN TERMS OF MEETING LOCAL NEEDS; OR**
- 3. IT IS FOR A RECREATION OR AMENITY PURPOSE THAT CLEARLY OUTWEIGHS THE LOSS OF THE FACILITY OR SPACE CONCERNED.**

THE REQUIREMENTS OF CRITERIA 1 AND 3 SHOULD BE MET BY REFERENCE TO AN UP TO DATE AND ROBUST ASSESSMENT OF THE COMMUNITY'S CURRENT AND FUTURE NEEDS FOR OPEN SPACE, SPORTS AND RECREATION FACILITIES, WHICH SHOULD INCLUDE CONSIDERATION OF ALL AMENITY AND RECREATIONAL FUNCTIONS THAT OPEN SPACE CAN PERFORM.

Golf

- 7.8 Golf is growing in popularity and demand for the facilities at Pewit golf course (Ilkeston) is high. Accordingly, it is proposed to extend the course into a full size 18 hole course. This will help to meet the future demand for golf in the area and take pressure off areas in the green belt which have been subject to applications for golfing facilities.

POLICY R6 - PEWIT GOLF COURSE

PEWIT GOLF COURSE WILL BE EXTENDED INTO A FULL SIZE 18 HOLE COURSE.

- 7.9 The demand for golf, combined with declining agricultural incomes, has led to a surge of activity in the green belt, extending golf courses, providing new courses and driving ranges. The golf course requirement for the Borough, as specified by Sport England, has now been met. This is however a minimum target of provision and an "excess" provision may be acceptable, to help meet demand. Golf courses need to be in suitable locations as they can have a significant effect on the landscape. They should be located and designed to be in harmony with the surrounding countryside and to have minimal detrimental effect on wildlife, rights of way or nearby settlements. In particular, golf driving ranges, if floodlit, need to be carefully located to have a minimal impact on the landscape or nearby residential amenities. The finest quality agricultural land in the Borough should not be developed for golf.

POLICY R7 - GOLF COURSES AND DRIVING RANGES

APPLICATIONS FOR GOLF COURSES OR GOLF DRIVING RANGES WILL ONLY BE PERMITTED IN LOCATIONS WHERE:

- 1. THERE IS MINIMAL HARM TO THE LANDSCAPE;**
- 2. RIGHTS OF WAY ARE EITHER PROTECTED OR APPROPRIATELY DIVERTED;**
- 3. CAR PARKING AND CLUBHOUSE PROVISION DOES NOT LEAD TO AN URBANISING EFFECT ON THE COUNTRYSIDE;**
- 4. IMPACT ON RESIDENTIAL AREAS IS MINIMAL;**
- 5. THE DEVELOPMENT DOES NOT RESULT IN THE PERMANENT LOSS OR DAMAGE TO THE BEST AND MOST VERSATILE AGRICULTURAL LAND;**
- 6. ACCESS IS SATISFACTORY;**
- 7. THE DEVELOPMENT DOES NOT HARM AN IMPORTANT WILDLIFE SITE.**

IN PERMITTING GOLF DEVELOPMENT, A GOOD STANDARD OF COURSE AND BUILDING DESIGN WILL BE REQUIRED. CREATIVE CONSERVATION PRINCIPLES SHOULD BE FOLLOWED TO CREATE NEW WILDLIFE HABITATS AND RETAIN OR ENHANCE EXISTING WILDLIFE SITES.

Trent Meadows Gravel Pit

- 7.10 Sand and gravel working is taking place on the southeast side of Long Eaton, at Trent Meadows, and the worked out gravel pits are being restored to water recreation after-use, as stipulated in the planning consent for working the site. This is a long term scheme, spanning the next 10 years, depending on the demand for sand and gravel and the output of the quarry. The water areas created will be sufficiently large to accommodate a variety of recreation activities all of which are in short supply in the area.
- 7.11 Other water areas formed south of Pasture Lane are considered to be appropriate for quiet recreation activities, such as fishing, boating and nature conservation. Picnicking, walking and riding could take place around the margins, which should be landscaped to benefit wildlife.
- 7.12 For flood defence reasons it is strongly recommended that developers contact the Environment Agency prior to formulating any detailed plans.

POLICY R8 - WATER RECREATION

APPLICATIONS FOR WATER RECREATION DEVELOPMENT AT TRENT MEADOWS GRAVEL PITS, AS SHOWN ON THE PROPOSALS MAP, WILL BE GRANTED PROVIDED ALL THE FOLLOWING CRITERIA ARE SATISFIED:

- 1. ACCESS IS SATISFACTORY;**

2. **CAR PARKING PROVISION IS SATISFACTORY;**
3. **THE SCALE AND DESIGN OF ANY ASSOCIATED BUILDINGS OR FACILITIES IS IN KEEPING WITH THE SURROUNDING AREA AND DOES NOT LEAD TO AN URBANISING EFFECT ON THE COUNTRYSIDE;**
4. **THE DEVELOPMENT MEETS ALL THE REQUIREMENTS OF POLICY DC7 - DEVELOPMENT AND FLOOD RISK.**

Recreation and Tourism

7.13 Within the Borough there are areas of attractive countryside, particularly in the river valleys, and canalside locations, that may provide opportunity for recreation or tourist related development. However, whilst such activities can play an important role in the development and diversification of the economy, development needs to be reconciled with concern for the environment and other planning proposals such as green belt. Development in river floodplains will need to consider issues of flood risk in consultation with the Environment Agency. In applying criterion 1, particular account will be taken of Policy R11 as set out below, of the features that contribute to the distinctive character of an area. Guidance on this is provided in the Landscape Character Assessment produced by Derbyshire County Council. Where proposals relate to tourist accommodation policy R11 will be taken into consideration.

POLICY R10 - RECREATION / TOURISM

APPLICATIONS FOR RECREATIONAL OR TOURIST RELATED DEVELOPMENT WILL BE GRANTED IF THE FOLLOWING CRITERIA ARE MET:

1. **THERE WOULD BE NO HARM TO THE LANDSCAPE CHARACTER OF THE AREA;**
2. **IT WOULD NOT CAUSE THE LOSS OF THE BEST AND MOST VERSATILE AGRICULTURAL LAND;**
3. **THE MEANS OF ACCESS IS SATISFACTORY;**
4. **THE LOCAL ROAD NETWORK CAN SATISFACTORILY ACCOMMODATE THE ADDITIONAL TRAFFIC;**
5. **DEVELOPMENT, OTHER THAN SMALL SCALE FARM DIVERSIFICATION SCHEMES NOT INVOLVING SIGNIFICANT LOCAL INCREASES IN MOTOR VEHICLE MOVEMENTS, WILL BE READILY ACCESSIBLE BY PUBLIC TRANSPORT, BICYCLE, OR ON FOOT;**
6. **THERE IS NO CONFLICT WITH GREEN BELT POLICY OR OTHER RELEVANT POLICIES IN THIS PLAN.**

Recreational Caravan Sites, Camp Sites and Chalets

7.14 Caravan sites, holiday chalets or camp sites may be visually intrusive, especially in areas of open countryside with little natural cover. In considering applications of this nature the Borough Council will need to be satisfied that the impact on the countryside is minimised and the amenity of local residents is not harmed. For clarification, amenity

issues such as noise, pollution, disturbance, additional traffic and visual intrusion will be taken into account when considering Policy R11.

POLICY R11 - RECREATIONAL CARAVAN, CHALET AND CAMP SITES

APPLICATIONS FOR RECREATIONAL CARAVAN SITES, CAMP SITES AND CHALET SITES WILL BE APPROVED PROVIDED THAT THE FOLLOWING CRITERIA ARE SATISFIED:-

- 1. THE DEVELOPMENT WILL NOT HARM THE AMENITIES OF LOCAL COMMUNITIES;**
- 2. THE SITE IS WELL SCREENED OR CAPABLE OF BEING WELL SCREENED AND HAS A LAYOUT AND DESIGN SYMPATHETIC TO ITS LANDSCAPE SETTING;**
- 3. THE SITE IS ACCESSIBLE TO A ROAD NETWORK OF ADEQUATE STANDARD TO SAFELY ACCOMMODATE THE ANTICIPATED TRAFFIC GENERATED BY THE DEVELOPMENT WITHOUT DETRIMENT TO THE LOCAL ROAD NETWORK AND THE CHARACTER OF THE SURROUNDING AREA.**

8. EDUCATION FACILITIES

School Sites

- 8.1 There will be a need for new schools in certain areas to cater for increased populations and to replace or update existing buildings which are considered inadequate by today's standards. Although it is the responsibility of Derbyshire County Council (as the education authority) to provide new school facilities, the Borough Council is required to protect allocated school sites from other development. Despite the fact that school sites are shown on the proposals map, they may not necessarily be developed in the plan period. However, it remains essential to safeguard sites so that they can be developed when needed.

POLICY C1 - SCHOOL SITES

THE FOLLOWING SITES, AS SHOWN ON THE PROPOSALS MAP, WILL BE SAFEGUARDED FOR EDUCATIONAL USE:-

**BREADSALL
DRAYCOTT
ILKESTON**

STANLEY

**MOOR ROAD
CLEVELAND AVENUE
OFF CHARLOTTE STREET
BARLING DRIVE
OFF THE CRESCENT, STANLEY COMMON**

9. DEVELOPMENT CONTROL POLICIES

Introduction

- 9.1 Some policies in this section have been superseded by the Erewash Core Strategy and have therefore been removed. Those remaining will be used in determining relevant planning applications. They control particular types of development or particular aspects of development.

Scope for Control

- 9.2 In considering new development proposals, the Local Planning Authority will have regard to matters such as scale, design, siting, materials, density (in the case of housing), car parking, service arrangements, means of access and landscaping (where appropriate).
- 9.3 Density is an important consideration because it is necessary to ensure efficient use of land within the Borough whilst safeguarding the environment and amenity of the new development with the surrounding area.
- 9.4 In considering the layout of new development proposals, it is important to ensure that the standards outlined by Derbyshire County Council are maintained in the interests of highway safety.
- 9.5 The Local Planning Authority is concerned that there is no overloading of existing public utility systems and that development situated in areas of washland / flood risk will need to ensure that buildings are protected from flooding and that important washland is not lost to development. Access to water courses also needs to be protected to enable maintenance to take place.

Backland and Tandem Development

- 9.6 Backland development is development of land at the rear of existing development which may be carried out in certain circumstances. There must be a proper means of access either from a road to the side or rear, or by formation of an access through a gap between existing dwellings, and there must be enough space between and around the old and new dwellings to avoid harming the amenities and privacy of existing and proposed dwellings.
- 9.7 Tandem development, consisting of one house immediately behind another and sharing the same access, is generally unacceptable because of the difficulties of access to the house at the rear and the disturbance and loss of privacy suffered by the house at the front.
- 9.8 In some circumstances, this type of development can be detrimental to the amenities of other residents as a result of overlooking of the rear gardens and elevations of adjacent development. This type of development may also prejudice the future development of a wider backland development by closing off access to it. This policy, therefore, aims to protect the amenities of existing residents and ensure that land is not rendered incapable of development by restricting the formation of a suitable access to it in the future.

POLICY DC1 - BACKLAND OR TANDEM DEVELOPMENT

APPLICATIONS FOR BACKLAND OR TANDEM DEVELOPMENT WILL BE PERMITTED SUBJECT TO THE FOLLOWING CRITERIA BEING SATISFIED:

- 1. THE PROPOSED DEVELOPMENT IS WELL RELATED TO EXISTING DEVELOPMENT;**
- 2. THE DEVELOPMENT HAS A SATISFACTORY MEANS OF ACCESS;**
- 3. THERE IS NO DETRIMENTAL EFFECT ON THE RESIDENTIAL AMENITIES OF ADJOINING PROPERTIES;**
- 4. THE DEVELOPMENT WILL NOT PREJUDICE THE FUTURE COMPREHENSIVE DEVELOPMENT OF A WIDER AREA OF WHICH THE APPLICATION SITE IS A PART.**

Extensions to Dwellings

- 9.9 There are a number of reasons why a householder may wish to extend his/her dwelling but this usually arises out of a requirement to provide additional family accommodation.
- 9.10 Irrespective of the size of the extension, good design is crucial to achieving a successful development. A well designed extension, in keeping and in scale with the original house will not only look better, but it will add value to the property. Often it will be easier and cheaper to maintain than a poorly designed one. A poorly designed scheme however can spoil not just the house to which it is attached, but the surrounding area too.
- 9.11 Extensions to dwellings will be permitted provided that they relate well to existing and neighbouring dwellings and do not have an adverse impact on the street scene. Extensions should be constructed using appropriate building materials and in the case of side extensions should avoid a terracing effect on the street scene.
- 9.12 In the interest of preserving the character of the street and good design practice, two storey extensions (and where possible single storey extensions) are normally required to have a pitched roof. Flat roofed extensions will only be considered on single storey extensions to the rear of an existing dwelling, where it is not generally visible or where a flat roof is integral to the original design.
- 9.13 Extensions to dwellings in conservation areas, to listed buildings, or in green belt areas are dealt with elsewhere in the Plan.

POLICY DC2 - EXTENSIONS TO DWELLINGS

EXTENSIONS TO DWELLINGS WILL BE PERMITTED SUBJECT TO THE FOLLOWING CRITERIA BEING SATISFIED:

- 1. THE SCALE DESIGN AND EXTERNAL MATERIALS OF THE PROPOSED EXTENSION IS IN KEEPING WITH THE**

DWELLING TO BE EXTENDED, NEIGHBOURING PROPERTIES AND THE SURROUNDING AREA;

2. **THE PROPOSED EXTENSION WOULD NOT HARM THE AMENITIES OF NEARBY RESIDENTS;**
3. **SUFFICIENT SPACE TO PARK VEHICLES WOULD REMAIN WITHIN THE CURTILAGE OF THE DWELLING;**
4. **THE PROPOSED EXTENSION WOULD NOT RESULT IN A TERRACING EFFECT AS A RESULT OF GAPS BETWEEN DWELLINGS BEING LOST;**
5. **THE PROPOSED EXTENSION SHOULD HAVE A PITCHED ROOF. FLAT ROOFS WILL ONLY BE CONSIDERED ON SINGLE STOREY EXTENSIONS TO THE REAR OF AN EXISTING DWELLING WHERE THE VISUAL EFFECT IS MINIMISED OR WHERE A FLAT ROOF IS INTEGRAL TO THE ORIGINAL DESIGN.**

Non Conforming Uses

9.14 In order to protect the amenities of residents in primarily residential areas, non conforming uses that can result in problems such as noise, smell, dust, traffic etc. will be resisted.

POLICY DC4 - NON CONFORMING USES

IN PRIMARILY RESIDENTIAL AREAS, PROPOSALS FOR NON CONFORMING USES THAT HARM THE AMENITY AS A RESULT OF NOISE, DUST, FUMES, TRAFFIC GENERATION, HOURS OF BUSINESS OR OTHER DISTURBANCE WILL NOT BE PERMITTED.

Public Art

9.15 Public art can improve the attractiveness of an area and promote a community's sense of civic pride. The Borough Council wishes to introduce a "percentage for art scheme," whose aim is to ensure that at least 1% of the cost of all major developments (over £1m) is used to commission works of art. The Borough Council will seek to negotiate contributions for public works of art from developers of non-housing schemes via the development control process, using Section 106 obligations wherever it is considered appropriate from a locational point of view.

POLICY DC5 - PUBLIC ART

WHERE APPROPRIATE, THE BOROUGH COUNCIL WILL SEEK TO NEGOTIATE A CONTRIBUTION FROM DEVELOPERS OF MAJOR RETAIL, COMMERCIAL, INDUSTRIAL OR LEISURE SCHEMES TOWARDS THE PROVISION OF NEW WORKS OF ART.

Telecommunications

9.16 The need for telecommunications apparatus must be balanced against the need to protect the environment. In determining an application consideration will be given by the Borough Council to the constraints faced by mobile phone operators with regard to the

limitations of technology and the legal requirement to provide a service. To minimise the intrusion of telecommunication equipment new facilities should, where possible, be grafted onto existing masts. However, where new provision is unavoidable, facilities should be located in areas where the visual impact is minimised, and the amenity of neighbours is not compromised. Height, materials, colour, landscaping and screening will be matters for careful consideration.

- 9.17 Although there is increasing concern about potential health risks from such installations, it is not a function of the planning system to replicate the controls over operators that already apply under health and safety legislation. In weighing the visual impact of the installation, as defined in criteria 3 and 4, the sensitive qualities of designated areas and their protective policies will be taken into account when determining an application.

POLICY DC6 - TELECOMMUNICATIONS

PROPOSALS FOR TELECOMMUNICATION DEVELOPMENT WILL BE GRANTED PROVIDING THAT THE FOLLOWING CRITERIA ARE SATISFIED:

- 1. THERE ARE NO SUITABLE EXISTING FACILITIES THAT COULD BE SHARED OR EXPANDED;**
- 2. THE PROPOSAL IS PART OF A PLANNED NETWORK EXPANSION AND IS DESIGNED TO MINIMISE THE NEED FOR ADDITIONAL MASTS OR STRUCTURES IN THE AREA;**
- 3. DETAILS OF HEIGHT, MATERIALS, COLOUR, LANDSCAPING AND SCREENING ARE ACCEPTABLE IN TERMS OF THE VISUAL IMPACT OF THE SCHEME;**
- 4. THE LOCATION AND THE DESIGN ARE THE LEAST VISUALLY INTRUSIVE AVAILABLE AND TECHNICALLY ACCEPTABLE OPTIONS;**
- 5. AN UNDERTAKING IS GIVEN TO REMOVE REDUNDANT FIXTURES FROM THE APPLICATION OR OTHER SITES IN THE VICINITY USED BY THE SAME OPERATOR.**

Development and Flood Risk

- 9.18 The Government requires local authorities to give due regard to the risk of flooding when considering development proposals, as part of the development control process. Also, the risk of flooding needs to be addressed through local plan policies in order to give a statutory policy context for development control and to ensure that development proposals do not conflict with the principle of avoiding development in areas of high risk of flooding.

- 9.19 The Environment Agency has a leading role in matters relating to flood defence with responsibility for main rivers. In addition, the Borough Council is the operating authority with permissive powers to carry out works on ordinary watercourses. There are uncertainties in predicting flooding, an increase in which is expected to result from future climatic change. The Environment Agency provides advice on flooding and regularly reviews and updates the flood risk areas.

9.20 Further, there should be no loss of access to watercourses for maintenance purposes or loss of floodplain through development taking place. Again the advice of the Environment Agency should be sought prior to formulating detailed plans.

POLICY DC7 - DEVELOPMENT AND FLOOD RISK

PLANNING PERMISSION WILL ONLY BE GRANTED FOR DEVELOPMENT PROPOSALS WITHIN AREAS OF FLOOD RISK WHERE THE DEVELOPMENT WOULD HAVE NO ADVERSE EFFECT ON THE MANAGEMENT OF THAT RISK. WHERE IT IS JUDGED THAT A DEVELOPMENT PROPOSAL WOULD BE LIKELY TO INCREASE FLOOD RISK, SATISFACTORY COMPENSATORY MEASURES WILL NEED TO BE INCORPORATED.

WHEN CONSIDERING DEVELOPMENT PROPOSALS THE COUNCIL WILL HAVE REGARD TO THE NEED TO:

- 1. ENSURE THAT DEVELOPMENT IS ADEQUATELY PROTECTED FROM FLOODING;**
- 2. PROVIDE ACCESS TO A WATERCOURSE FOR MAINTENANCE PURPOSES;**
- 3. PREVENT DEVELOPMENT FROM EXACERBATING EXISTING OR POTENTIAL FLOOD RISK;**
- 4. ENSURE THAT THERE ARE NO REASONABLE ALTERNATIVE OPTIONS AVAILABLE FOR THE PROPOSED DEVELOPMENT IN A LOWER FLOOD RISK CATEGORY, CONSISTENT WITH OTHER SUSTAINABLE DEVELOPMENT OBJECTIVES.**

10. GREEN BELT

Introduction

10.1 The function of Green Belts has not changed since their inception in 1955, aiming to restrict urban sprawl and to protect the open character of the land. The National Planning Policy Framework identifies the reasons for including land in Green Belts, which are as follows:-

- To check the unrestricted sprawl of large urban areas
- To prevent neighbouring towns from merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the special character and setting of historic towns
- To assist in urban regeneration, by encouraging recycling of derelict and other urban land

10.2 Green Belt policies included in this plan need to accord with this national policy. There is a strong presumption against inappropriate development within the Green Belt, which will only be allowed if it is exceptional in nature.

10.3 The following policies apply to development within the boundaries of the Green Belt, as defined by the Policies Map.

POLICY GB1 - GREEN BELT

WITHIN THE GREEN BELT, AS DEFINED ON THE PROPOSALS MAP, THERE WILL BE A PRESUMPTION AGAINST INAPPROPRIATE DEVELOPMENT, EXCEPT IN VERY SPECIAL CIRCUMSTANCES WHERE INAPPROPRIATE DEVELOPMENT CAN BE JUSTIFIED, PLANNING PERMISSION WILL ONLY BE GRANTED FOR APPROPRIATE DEVELOPMENT AS FOLLOWS:

- 1. BUILDINGS ASSOCIATED WITH AGRICULTURE OR FORESTRY PROVIDING THE PROPOSALS SATISFY THE CRITERIA OF POLICY GB8;**
- 2. ESSENTIAL FACILITIES FOR OUTDOOR RECREATION, OUTDOOR SPORT AND OTHER LAND USES WHICH WOULD PRESERVE THE OPENNESS OF THE GREEN BELT AND WOULD NOT CONFLICT WITH THE REASONS FOR INCLUDING LAND WITHIN THE GREEN BELT;**
- 3. NEW DEVELOPMENT ON PREVIOUSLY DEVELOPED OR BROWNFIELD LAND WHICH REPRESENTS INFILLING OR CONSOLIDATION PROVIDED THE PROPOSALS SATISFY THE CRITERIA IN POLICY GB2;**
- 4. THE RE-USE OF EXISTING BUILDINGS PROVIDED THE PROPOSALS SATISFY THE CRITERIA OF POLICIES GB3, GB4 AND GB5;**
- 5. NEW DEVELOPMENT TO PROVIDE AFFORDABLE HOUSING ON 'RURAL EXCEPTIONS' SITES, PROVIDING THE PROPOSALS SATISFY THE CRITERIA IN POLICY GB7.**

Development Within Settlements

10.4 The settlements washed over by the Green Belt, as shown on the Policies Map, are functional places, which must adapt to meet the needs of their inhabitants. Limited infill development may therefore be acceptable provided that it does not unacceptably compromise the objectives of the Green Belt. Each application will be considered on its own merits and against the criteria detailed below. However, all development will need to be visually unobtrusive, utilising appropriate design, siting and building materials.

POLICY GB2 - DEVELOPMENT WITHIN SETTLEMENTS

WITHIN THE SETTLEMENTS WASHED OVER BY THE GREEN BELT, LIMITED INFILLING DEVELOPMENT WILL BE PERMITTED WHERE ALL THE FOLLOWING CRITERIA ARE SATISFIED:

1. **IT IS LOCATED WITHIN THE BUILT UP FRAMEWORK OF A SETTLEMENT;**
2. **THE PROPOSAL REPRESENTS EITHER CONSOLIDATION WITHIN THE EXISTING BUILT UP FRAMEWORK WITHOUT INTRUDING INTO THE OPEN COUNTRYSIDE OR THE INFILLING OF A SMALL GAP IN AN OTHERWISE SUBSTANTIALLY BUILT UP FRONTAGE;**
3. **THE DEVELOPMENT IS OF A SCALE AND DESIGN WHICH RESPECTS THE CHARACTER OF THE SETTLEMENT AND THE SURROUNDING COUNTRYSIDE;**
4. **THE PROPOSED DEVELOPMENT IS APPROPRIATE TO THE GREEN BELT SETTING AND DOES NOT HAVE AN ADVERSE IMPACT ON THE SETTLEMENT.**

Extensions, Alterations and Replacement Dwellings

10.5 Planning policy is aimed at balancing individual desire to alter or extend property against the sensitivity of the Green Belt location. House extensions must therefore relate sympathetically to the original building both in proportion and design. Similarly, extensions to property which require planning permission will need to be carefully designed in order to accord with green belt objectives

10.6 In the Green Belt, proposals for the demolition and replacement of dwellings need to be carefully handled in order that the special qualities of the Green Belt are not harmed. To avoid this, replacement dwellings will normally be restricted to a similar size to the dwelling being replaced. Conditions may also be imposed requiring the re-use of the existing materials.

10.7 In all cases, planning permission for a replacement dwelling will include a condition requiring the demolition of the building which is to be replaced.

POLICY GB3 - REPLACEMENT DWELLINGS

PLANNING PERMISSION WILL BE GRANTED FOR THE REPLACEMENT OF AN EXISTING PERMANENT DWELLING IN THE GREEN BELT SUBJECT TO THE FOLLOWING CRITERIA BEING SATISFIED;

2. THE REPLACEMENT DWELLING IS NOT MATERIALLY LARGER THAN THE DWELLING IT WILL REPLACE;
3. THE REPLACEMENT IS OF A DESIGN, CHARACTER AND MATERIALS IN KEEPING WITH THE LOCAL AREA AND DOES NOT HARM THE CHARACTER OR OPENNESS OF THE GREEN BELT;

WHERE PLANNING PERMISSION IS GRANTED THIS WILL BE SUBJECT TO A CONDITION REQUIRING THE DEMOLITION OF THE EXISTING DWELLING TO BE REPLACED AND, WHERE DESIRABLE, THE RE-USE OF RECLAIMABLE MATERIALS. IN ALL CASES CONDITIONS WILL BE IMPOSED TO BRING WITHIN CONTROL ALL FUTURE EXTENSIONS/ALTERATIONS TO THE BUILDING WHICH WOULD OTHERWISE BE PERMITTED UNDER THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) ORDER BUT WHICH MIGHT BE HARMFUL TO THE CHARACTER OF THE GREEN BELT.

POLICY GB4 - EXTENSIONS AND ALTERATIONS TO DWELLINGS

EXTENSIONS AND ALTERATIONS TO DWELLINGS IN THE GREEN BELT WILL BE PERMITTED SUBJECT TO THE FOLLOWING CRITERIA BEING SATISFIED:

1. THE PROPOSED EXTENSION OR ALTERATION RELATES WELL TO THE EXISTING DWELLING;
2. THE PROPOSAL DOES NOT RESULT IN DISPROPORTIONATE ADDITIONS OVER AND ABOVE THE SIZE OF THE DWELLING AS ORIGINALLY BUILT;
3. THE PROPOSAL IS NOT HARMFUL TO THE CHARACTER OR APPEARANCE OF THE GREEN BELT.

Conversions and Changes of Use

10.8 The reuse of buildings does not compromise the objectives of the Green Belt and may aid the rural economy, resulting in environmental improvement where the alternative may be vandalism and dereliction.

10.9 In rural areas, within the confines of settlements, the re-use or adaptation of agricultural or other rural buildings for new uses is generally acceptable provided the form, bulk and general design are in keeping with their general surroundings. In Erewash Borough the rural areas are all within Green Belt land.

10.10 It is important to ensure that in permitting such conversions the development does not have an adverse impact on the character of the building itself or the area in which it is situated.

10.11 Proposals for conversion which respect local building styles and materials are more likely to be favourably considered. The building should be large enough for the proposed use and not require significant enlargement or alteration. It should be structurally sound and capable of being converted without the need for major rebuilding.

10.12 In rural areas outside the confines of settlements conversions and changes of use may be acceptable subject to the building being well related to a nearby settlement, centres

of employment and accessible by means other than the private car. In such locations the curtilage of the building will be carefully controlled to prevent encroachment into the Green Belt.

- 10.13 The re-use of existing buildings can help sustain a changing rural economy by assisting in employment diversification or even tourist facilities. These buildings may provide small workspaces for either IT related businesses, craft or rural businesses or for the type of use which may be unsuited to a conventional industrial estate or a location within a predominantly residential area. This type of re-use is genuine farm diversification contributing income for the farm enterprise. Although demand within the Borough is limited, conversion to holiday accommodation can make a significant contribution.
- 10.14 Conversely, residential conversions have a minimal impact on the rural economy and will be resisted unless the building and/or its location are not suitable for conversion to employment uses by reason of proximity of existing dwellings, inadequate road access or if it can be demonstrated that there is no market demand. The conversion of existing buildings into residential accommodation needs to be carefully considered as it is important not to compromise the integrity of the green belt through sporadic housing development in inappropriate locations. It follows that conversion to a dwelling outside the confines of a settlement may not be acceptable as it could harm the appearance of the green belt and be contrary to sustainable development principles, of providing housing in locations close to community facilities, places of employment and public transport routes.
- 10.15 Any new use will need to be sympathetic to the rural character of the Green Belt. The curtilage around newly converted buildings can itself have a harmful effect on the character of the countryside, and care needs to be taken to ensure that ancillary buildings, outside storage etc. is carefully controlled. A high standard of landscaping will be required in all cases.

POLICY GB5 - CONVERSIONS AND CHANGE OF USE WITHIN THE GREEN BELT

- 1. WITHIN THE GREEN BELT, PLANNING PERMISSION FOR THE CONVERSION OR CHANGE OF USE OF EXISTING RURAL BUILDINGS WILL BE PERMITTED PROVIDED ALL THE FOLLOWING CRITERIA CAN BE SATISFIED:-**
 - i) THE BUILDING IS OF A PERMANENT AND SUBSTANTIAL CONSTRUCTION;**
 - ii) THE BUILDING IS BASICALLY SOUND, CONFIRMED WHERE NECESSARY BY STRUCTURAL SURVEY AND IS CAPABLE OF CONVERSION WITHOUT THE NEED FOR SIGNIFICANT REBUILDING OR ALTERATION;**
 - iii) THE BUILDING IS SUFFICIENTLY LARGE TO ACCOMMODATE THE PROPOSED USE WITHOUT THE NEED FOR SIGNIFICANT ALTERATION OR EXTENSION TO THE BUILDING;**
 - iv) PARTICULARLY IN THE CASE OF TRADITIONAL FARM BUILDINGS, THE CONVERSION CAN BE CARRIED OUT WITHOUT ADVERSELY**

AFFECTING THE CHARACTER OF THE BUILDING OR ITS SURROUNDINGS;

- v) **THE DESIGN AND MATERIALS USED IN RECONSTRUCTION WORK ARE SYMPATHETIC TO THE ORIGINAL BUILDING;**
 - vi) **IF THE USE IS LIKELY TO GENERATE A SUBSTANTIAL LEVEL AND INCREASE IN TRAFFIC, THE SITE SHOULD BE ACCESSIBLE BY MEANS OF TRANSPORT OTHER THAN THE PRIVATE CAR;**
 - vii) **THE PROPOSED DEVELOPMENT DOES NOT HAVE A MATERIALLY GREATER IMPACT ON THE OPENNESS OR CHARACTER OF THE GREEN BELT THAN THE EXISTING USE**
- 2. CONVERSION TO RESIDENTIAL USE WILL ONLY BE PERMITTED WHERE THE BUILDING AND ITS LOCATION ARE NOT SUITED FOR EMPLOYMENT GENERATING PURPOSES, DUE TO EITHER THE PROXIMITY OF EXISTING RESIDENTIAL PROPERTY, POOR ACCESS, DIFFICULTY OF PROVIDING SERVICES, OR IT CAN BE DEMONSTRATED THAT THERE IS NO PROVEN MARKET DEMAND FOR SUCH A USE**
- 3. IN ALL CASES WHERE PLANNING PERMISSION IS GRANTED, CONDITIONS WILL BE IMPOSED TO BRING WITHIN CONTROL ALL FUTURE EXTENSIONS/ALTERATIONS TO THE BUILDING AND STRUCTURES WITHIN THE CURTILAGE OF THE BUILDING WHICH WOULD OTHERWISE BE PERMITTED UNDER THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) ORDER BUT WHICH MIGHT BE HARMFUL TO THE CHARACTER OF THE GREEN BELT.**

Extending Domestic Curtilages into the Green Belt

10.16 The use of agricultural land as garden land constitutes a change of use for which planning permission is required. In some cases this can have a particularly damaging effect on the character and appearance of the countryside and Green Belt. The following policy sets out the criteria for an acceptable proposal

10.17 In addition whenever planning permission is granted, conditions will be imposed requiring the submission and approval of a sensitive landscaping scheme. This will normally utilise only the native trees and shrubs indigenous to the locality. Conditions will also be imposed to bring within control all structures within the extended curtilage which would otherwise be permitted under the Town and Country Planning (General Development) Order but which might be harmful to the character of the Green Belt.

POLICY GB6 - EXTENDING DOMESTIC CURTILAGES INTO THE GREEN BELT

PLANNING PERMISSION TO EXTEND A DOMESTIC CURTILAGE INTO THE GREEN BELT WILL ONLY BE PERMITTED WHERE ALL OF THE FOLLOWING CRITERIA CAN BE SATISFIED:

- 1. THE PROPOSAL WOULD NOT HARM THE OPEN CHARACTER OF THE GREEN BELT;**

2. THE PROPOSAL REPRESENTS LOGICAL ROUNDING OFF OR CONSOLIDATION COMPARED WITH EXISTING NEIGHBOURING RESIDENTIAL CURTILAGES;
3. EXTENDED CURTILAGE IS NOT DISPROPORTIONATE COMPARED TO THE ORIGINAL CURTILAGE OF THE DWELLING;

IN ALL CASES WHERE PLANNING PERMISSION IS GRANTED CONDITIONS WILL BE IMPOSED TO;

- i) REQUIRE THE MAINTENANCE OF ANY EXISTING TREES AND HEDGEROWS AND ANY NEW PLANTING REQUIRED BY CONDITIONS ATTACHED TO THE PERMISSION AND;
- ii) PREVENT ANY BUILDINGS OR STRUCTURES BEING ERECTED WITHIN THE GARDEN EXTENSION WITHOUT WRITTEN AGREEMENT OF THE BOROUGH COUNCIL.

Low Cost Housing

10.18 National policy encourages local planning authorities to be responsive to local circumstance and plan housing development to reflect local needs including for affordable housing. One mechanism available to local planning authorities to meet local need is through rural exceptions sites that enable the release of small scale sites, which the development plan would not normally allow for housing. In doing so the authority would need to be satisfied that there are adequate arrangements that the housing in question meets local need both initially and subsequently. It is essential that any housing provided relates well both in scale and design to the existing settlement. Local, for the purposes of this policy, is taken to mean the housing demand within or adjacent to any settlement, whilst need will have to be proved by a developer via a housing needs survey. Ideally the need identified should be attributable to the settlement or adjacent settlements, to which the proposed development relates.

POLICY GB7 - LOW COST HOUSING IN THE GREEN BELT

LOW COST HOUSING WITHIN THE GREEN BELT MAY BE PERMITTED ON LAND THAT WOULD NOT OTHERWISE BE RELEASED FOR DEVELOPMENT, PROVIDED THAT;

1. IT MEETS A GENUINE DEMONSTRABLE LOCAL HOUSING NEED THAT COULD NOT OTHERWISE BE MET;
2. THE DWELLING REMAINS IN THE LOW COST SECTOR IN PERPETUITY;
3. THE PROPOSAL IS SMALL IN SIZE AND RELATES WELL TO THE EXISTING SETTLEMENTS IN TERMS OF DESIGN AND SCALE;
4. THE PROPOSAL IS NOT HARMFUL TO THE CHARACTER OR APPEARANCE OF THE GREEN BELT;
5. THAT THE DEVELOPMENT DOES NOT RESULT IN UNACCEPTABLE COALESCENCE OR THE NARROWING OF AN IMPORTANT OPEN BREAK.

APPLICANTS MUST PROVIDE EVIDENCE OF HOW THE DWELLINGS WILL REMAIN AFFORDABLE IN PERPETUITY AND PLANNING PERMISSION WILL ONLY BE GRANTED SUBJECT TO LEGAL AGREEMENTS TO ENSURE THAT THEY REMAIN AFFORDABLE IN PERPETUITY.

Agricultural Development

10.19 Many agricultural and forest practices and developments are permitted development and do not require planning permission. Generally, only the largest buildings (over 465 square metres) require formal planning permission. However, the prior notification system introduced in 1991 enables the Borough Council to influence the siting, design, materials and landscaping (though not the principle of the development). The Council will continue to use these controls in a manner which is sympathetic to the needs of the industry whilst seeking to safeguard the appearance of the green belt. The following policy will apply to those developments that require planning permission. In granting planning permission, the planning authority will seek to ensure that the development does not imitate that of a dwelling (i.e. built with brick walls and tile roof), in order to prevent future change of use to a dwelling house.

POLICY GB8 - AGRICULTURAL DEVELOPMENT.

PLANNING PERMISSION WILL NORMALLY BE GRANTED FOR NEW AGRICULTURAL BUILDINGS SUBJECT TO THE FOLLOWING CRITERIA BEING SATISFIED:

- 1. THE PROPOSED DEVELOPMENT DOES NOT ADVERSELY IMPACT ON THE VISUAL AMENITY OF THE GREEN BELT;**
- 2. THE BUILDING IS OF A FORM, DESIGN, MATERIALS AND CHARACTER APPROPRIATE TO ITS AGRICULTURAL FUNCTION AND GREEN BELT LOCATION;**
- 3. THE BUILDING IS REQUIRED TO SUPPORT THE AGRICULTURAL ACTIVITY ON THE HOLDING**

WHERE PERMISSION IS GRANTED CONDITIONS WILL BE IMPOSED TO REQUIRE LANDSCAPING WORKS TO BE CARRIED OUT, APPROPRIATE TO THE LANDSCAPE CHARACTER OF THE AREA.