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Our Ref

Your Ref

Date: 4th May 2022

Dear Councillor

,
Council

YOU ARE HEREBY SUMMONED to attend the Meeting of the **Council** to be held at **Council Chamber**, Civic Offices, Civic Way, Swadlincote, on **Thursday, 12 May 2022** at **18:00** to transact the business set out on the attached agenda.

Yours faithfully,



Chief Executive

To:-

Labour Group

Councillor Gee (Chair), Councillor Dunn (Vice-Chair) and
Councillors Bambrick, Heath, Mulgrew, Pearson, Pegg, Rhind, Richards, Shepherd,
Singh, Southerd, Stuart, Taylor and Tilley.

Conservative Group

Councillors Ackroyd, Atkin, Bridgen, Brown, Corbin, Ford, Haines, Hewlett, Lemmon,
Muller, Patten, Redfern, Smith and Watson.

Independent Group

Councillors Dawson, Fitzpatrick, MacPherson and Roberts.

Non-Grouped

Councillors Churchill and Wheelton.

AGENDA
Open to Public and Press

- | | | |
|-----------|---|------------------|
| 1 | Apologies | |
| 2 | To confirm the Open Minutes of the Meeting of the Council held on | |
| | 23rd February 2022 | 5 - 11 |
| | 14th April 2022 | 12 - 15 |
| 3 | To note any declarations of interest arising from any items on the Agenda | |
| 4 | To appoint the Leader of the Council for the ensuing year. | |
| 5 | To appoint the Deputy Leader of the Council for the ensuing year. | |
| 6 | To receive any announcements from the Chair, Leader and Head of Paid Service. | |
| 7 | To receive any questions by members of the public pursuant to Council Procedure Rule No.10. | |
| 8 | To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11. | |
| 9 | To consider any notices of motion in order of which they have been received. | |
| 10 | MELBOURNE NEIGHBOURHOOD DEVELOPMENT PLAN | 16 - 132 |
| 11 | CYCLE OF MEETINGS 2022-23 | 133 - 135 |
| 12 | MEMBERS' CODE OF CONDUCT | 136 - 139 |

13	POLITICAL PROPORTIONALITY	140 - 142
14	ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2022-23	143 - 152
15	To receive and consider the Open Minutes of the following Committees:	
	Planning Committee 20.07.21	153 - 156
	Planning Committee 17.08.21	157 - 161
	Planning Committee 14.09.21	162 - 165
	Planning Committee 09.11.21	166 - 170
	Planning Committee 12.10.21	171 - 174
16	To appoint Members to serve on Committees and Sub-Committees for the ensuing year (including Chairs and Vice-Chairs), in accordance with the allocation of seats to Groups and to appoint Members to Working Panels.	
17	To appoint the Substitute Panels.	
18	To appoint or submit nominations for representatives to serve on Outside Bodies.	
19	To appoint Member Champions.	
20	To appoint the Chairs of the following Area Forums: Etwall Area Forum; Linton Area Forum ;Melbourne Area Forum; Newhall Area Forum; Repton Area Forum; Swadlincote Area Forum	

Exclusion of the Public and Press:

- 21** The Chairman may therefore move:-
- That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.
- 22** To receive and consider the Exempt Minutes of the following Meetings:
- 14th April 2022
- 23** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 24** To receive and Consider the Exempt Minutes of the following Committees:
- Planning Committee 29.09.21

MINUTES of the COUNCIL MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Council Chamber, Swadlincote
on Wednesday, 23rd February 2022
at 6.00pm

PRESENT:

Labour Group

Councillor Gee (Chair) and Councillor Dunn (Vice-Chair) and
Councillors Bambrick, Heath, Mulgrew, Pearson, Rhind, Richards, Singh,
Southerd, Stuart, Taylor and Tilley.

Conservative Group

Councillors Ackroyd, Atkin, Bridgen, Brown, Corbin, Ford, Haines, Hewlett,
Lemmon, Muller, Patten and Redfern.

Independent Group

Councillors Angliss.

Non-Grouped

Councillor Wheelton

CL/105 **APOLOGIES**

Council was informed that apologies for absence had been received from
Councillors Pegg and Shepherd (Labour Group), Councillors Smith and Watson
(Conservative Group), Councillors Dawson, Fitzpatrick MacPherson and
Roberts (Independent Group) and Councillor Churchill (Non-Grouped)

CL/106 **TO CONFIRM THE OPEN MINUTES OF THE COUNCIL MEETINGS**

The Open Minutes of the Council Meetings held on the 20th January 2022
(CL/84-CL/104) were approved as a true record and signed by the Chair of the
Council.

CL/107 **DECLARATIONS OF INTEREST**

Council was informed that no declarations of interest had been received

CL/108 **ANNOUNCEMENTS FROM THE CHAIR**

The Chair of the Council addressed Members informing them of his visits to the
Rosliston Forestry Centre the Japanese School of Etwall and the Derbyshire
Swimming Championships.

CL/109 **ANNOUNCEMENTS FROM THE LEADER**

The Leader of the Council informed Council of his visit to the Rosliston Forestry Centre with the Chair of Council and highlighted the Energy Road Show in March.

CL/110 **ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE**

The Head of Paid Service informed the Council that following approval at Finance and Management Committee the in principal Freeport Full Business Case had been submitted.

CL/111 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council was informed that no questions had been received.

CL/112 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Council was informed that no questions had been received

CL/113 **TO CONSIDER ANY NOTICES OF MOTION**

Council was informed that no questions had been received

CL/114 **SOCIAL HOUSING DECARBONISATION GRANT**

The Head of Housing presented the report to Council that had been approved at both Housing and Community Services and Finance and Management Committees. Members were informed that the bid had been accepted and requested that Council approved the recommendations. The Head of Housing outlined the Memorandum of Understanding and summarised the proposed works to be undertaken

Councillor Taylor referenced the intention to reduce fuel poverty and requested that the installation of new equipment and changes heating systems do delivery savings for residents.

The Head of Housing ensured that these would be an advantage to residents.

RESOLVED:

1.1 Council approved acceptance of the Social Housing Decarbonisation Grant of £1,099,835

1.2 Council authorised the Chief Executive and Strategic Director (Corporate Resources) to sign the declarations.

CL/115 PROPOSED REVISED COUNCIL TAX REDUCTION SCHEME 2022 – 2023 & CONSULTATION FEEDBACK

The Strategic Director (Corporate Resources) presented the report to Council had been approved by Finance and Management Committee. It was noted that the banded scheme would be more efficient and would support families on low incomes and explained that the removal of the baseline meant that more households would not pay any Council Tax.

Councillor Pearson informed the Council that scheme had been considered at length by Finance and Management over a number months and was satisfied of the benefit to residents and to the Council.

RESOLVED:

1.1 Further to the recommendation of the Finance & Management Committee, Full Council supported the adoption of a revised Council Tax Reduction Scheme for working-age residents for 2022/2023 to include:

- **The introduction of a banded scheme.**
- **The removal of the baseline, so those on the lowest incomes would no longer need to pay 8.5% or 10% towards their Council Tax.**
- **The removal of second adult rebate.**
- **The introduction of a standard £5 non-dependent deduction.**
- **The treating of Universal Credit claims as a claim for council tax support.**
- **The introduction of a minimum award.**
- **Changes to bring the scheme into line with recent changes to other welfare benefits.**

1.2 Full Council approved the draft council tax regulations that would support the delivery of the proposed new scheme.

1.3 Full Council delegated authority to the Council's Section 151 Officer to approve the final council tax regulations.

1.4 Full Council approved the transfer of £20,000 Welfare Reform Funding to support any hardship cases that may arise as a result of the implementation of the proposed changes in 2022/2023.

1.5 Full Council noted the consultation activity carried out in relation to the proposed new scheme.

CL/116 CAPITAL STRATEGY 2021-22 TO 2026-27

The Strategic Director (Corporate Resources) presented the report to Council and highlighted how capital expenditure would be dealt with and how it crossed over with Treasury Management.

RESOLVED:

Council approved the proposed Capital Strategy 2021/22 to 2026/27 as detailed in Appendix 1 of the report.

CL/117 TREASURY MANAGEMENT STRATEGY AND PRUDENTIAL INDICATORS 2022-23

The Strategic Director (Corporate Resources) presented the report to Council and outlined the management of investments and borrowing limits used on a daily basis.

RESOLVED:

1.1 Council approved the Treasury Management Strategy for 2022/23 as per Appendix 1 of the report.

1.2 Council approved the Prudential Indicators and Limits for 2022/23 – 2026/27 as per Appendix 2 of the report.

1.3 Council approved the Investment Policy for 2022/23 including the associated counterparty (lending) list as per Appendix 3 of the report.

CL/118 ANNUAL REPORT OF THE SECTION 151 OFFICER

The Strategic Director (Corporate Resources) presented the annual report to Council which contained the overall view of the Council's future financial position within Housing and General Funding. It was noted that the Housing Revenue Account was in a good position with money set aside for debt repayments and that the risk with the Carline Service due to County Council's funding withdrawal would be covered by the rent increase in 2023/24. It was also noted that the General Fund was in a good position but it was noted that expenditure was expected to grow and that the overall income forecast midterm, which was the worst case scenario, turned out to be a realistic position due to the New Homes Bonus funding regime. The Strategic Director (Corporate Resources) informed Members that whilst trying to guard against the impact of the changes to the funding scheme there was no replacement expected and that whilst 2023/24 should not be a problem but as it continued reserves may run out. It was noted that savings would be made wherever possible but the reduction in services would not be considered.

RESOLVED:

1.1 Council considered and noted the Annual Report of the Section 151 Officer.

- 1.2 Members noted that the Council had due regard to the Annual Report when approving the Budget for 2022/23 and when considering future proposals for new spending and the utilisation of resources.**
- 1.3 Council approved that no new spending commitments be added to the Base Budget and Medium-Term Financial Plan approved by the Finance and Management Committee on 10 February 2022.**
- 1.4 Council approved that the Medium-Term Financial Plan continued to be reviewed and updated on a quarterly basis.**

CL/119 **BUDGET AND COUNCIL TAX SETTING 2022-23**

The Leader of the Council addressed Members regarding the recommendations that had been approved by Finance and Management Committee.

The Leader noted how the Council had distributed Business Grants, food parcels, delivered events to aid recovery following the impact of Covid-19 Pandemic and that even though it continued to impact the way staff worked, service delivery remained at the heart of the Council and thanked officers for their hard work.

The Leader stressed that whilst the Council had benefited from a healthy financial position there were uncertain economic times ahead with spending expected to increase substantially over the next 5 years and there was a necessity to plan for the future setting aside reserves to ensure there would be no cuts to Council services.

It was noted that the Council Tax increase of 2.95% (£4.95) for Band D for 2022/23 was agreed by Finance and Management Committee following the careful consideration of several options.

The Strategic Director (Corporate Resources) presented the report to Council

Councillor Bridgen supported the Leaders comments and thanked Chief Executive and the Section 151 Officer.

RESOLVED:

- 1.1 Members approved the Council's Budget for 2022/23, as detailed in Appendices 1 to 3 of the report.**
- 1.2 Members approved the Council's Medium-Term Financial Plan for the period 2022/23 to 2026/27, as detailed in Appendix 4 of the report approved.**
- 1.3 Members approved the Council Tax resolutions for 2022/23 as detailed in Appendix 5 of the report, including the accompanying Schedules A to C of the report.**

As required by the Council's Procedure Rules a recorded vote was taken:

The Members who voted in favour of the resolution above were:

Councillors Ackroyd, Angliss, Atkin, Bambrick, Bridgen, Brown, Corbin, Dunn, Ford, Gee, Haines, Heath, Hewlett, Lemmon, Mulgrew, Muller, Patten, Pearson, Redfern, Rhind, Richards, Singh, Southerd, Stuart, Taylor, Tilley and Wheelton.

CL/120 To note the Open Minutes of the South Derbyshire Community Meetings

The Council noted the Open Minutes of the South Derbyshire Committee Etwall - Area 1 held on the 14th December 2021.

CL/121 TO RECEIVE AND CONSIDER THE OPEN MINUTES OF THE FOLLOWING COMMITTEE MEETINGS:

Committee	Date	Minutes No's
Etwall Joint Management Committee	12.01.22	EL/07 to EL/13

RESOLVED:

That the above Committee Meetings Open Minutes were received and approved as a true record.

CL/122 TO REVIEW THE COMPOSITIONS OF COMMITTEES, SUB-COMMITTEES, AND WORKING PANELS

The Members reviewed the composition of Committees, Sub-Committees and Working Panels 2021-22

RESOLVED:

Council was informed no amendments were to be made.

CL/123 TO REVIEW THE COMPOSITIONS OF THE SUBSTITUTE PANELS

The Members reviewed the composition of Substitute Panels 2021-22

RESOLVED:

1

Council was informed no amendments were to be made.

CL/124 TO REVIEW REPRESENTATION ON OUTSIDE BODIES

Members reviewed the Outside Bodies representation list.

RESOLVED:

Council was informed no amendments were to be made.

CL/125 **TO REVIEW MEMBER CHAMPIONS**

Members reviewed the Representation of Member Champions.

RESOLVED:

Council was informed no amendments were to be made.

CL/126 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:

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

CL/127 **EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NUMBER 11**

Council was informed that no questions had been received.

The meeting terminated at 18:45hrs

COUNCILLOR M GEE

CHAIR OF THE DISTRICT COUNCIL

MINUTES of the COUNCIL MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Council Chamber, Swadlincote
on Thursday, 14th April 2022
at 6.00pm

PRESENT:

Labour Group

Councillor Gee (Chair) and Councillor Dunn (Vice-Chair) and
Councillors Bambrick, Heath, Mulgrew, Pegg, Rhind, Richards, Shepherd,
Singh, Southerd, Stuart, Taylor and Tilley.

Conservative Group

Councillors Ackroyd, Bridgen, Brown, Ford, Haines, Hewlett, Lemmon,
Muller, Patten, Redfern, Smith and Watson.

Independent Group

Councillors Dawson, Fitzpatrick and MacPherson.

Non-Grouped

Councillors Churchill and Wheelton

CL/128 **John Wilkin**

At the behest of the Chairman all stood for a minute's silence in memory of John Wilkin. Councillor Richards paid tribute to the former Councillor and friend whom he had known for 42 years. John's Trade Union and Political involvement was acknowledged as was his kind and placid nature. The Leader shared his personal experience of working with John as a Councillor noting that he would be sadly missed. The Leader gave sincere thanks for the assistance and guidance from John to both himself and the others within the Authority during his time as a Councillor.

Councillor Smith addressed Council and also paid tribute to John Wilkin noting his lovely approach and gentle manner and how the people of Derbyshire were very sad to hearing of the passing John and that he would be sorely missed.

The Chief Executive echoed the words of Councillor Richards and Councillor Smith and added that John would be truly missed and conveyed condolences on behalf of all members of staff.

CL/129 **APOLOGIES**

Council was informed that apologies for absence had been received from Councillor Pearson (Labour Group), Councillors Atkin and Corbin (Conservative Group). Councillor Angliss (Independent Group)

CL/130 **DECLARATIONS OF INTEREST**

Council was informed that no declarations of interest had been received

CL/131 **ANNOUNCEMENTS FROM THE CHAIR**

The Chair of the Council addressed Members and informed them of his recent visits that included attendance at the Japanese School's graduation and a charity production of HMS Pinafore.

CL/132 **ANNOUNCEMENTS FROM THE LEADER**

The Leader of the Council informed Members that the Homes for Ukraine Refugees was moving forward and that he attended a meeting with Chief Executive regarding the Agreement in Principle for the Freeport Business Case.

Councillor Bridgen announced that herself and Councillor Brown would be stepping down as Leader and Deputy Leader of the Conservative Group and that Councillor Smith would take up the role as Leader and Councillor Corbin as Deputy Leader. Councillor Bridgen paid tribute to the Leadership of both Councillor Richards and Councillor Southerd during the previous 12 months.

CL/133 **ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE**

The Head of Paid Service addressed Council regarding a number of events arranged in celebration of the Queen's Jubilee and informed Members that changes to Covid restrictions in the office would be changed and a managed return of staff into the office would commence in the coming week.

CL/134 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council was informed that no questions had been received.

CL/135 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Council was informed that no questions had been received

CL/136 **TO CONSIDER ANY NOTICES OF MOTION**

Council was informed that no questions had been received

CL/137 **CYCLE OF MEETINGS 2022-23**

The Head of Legal and Democratic Services apologies for date and members approval

RESOLVED:

Council approved the Cycle of Meetings for 2022/23.

CL/138 **PAY POLICY STATEMENT 2022-23**

The Strategic Director (Corporate Resources) presented the report to Council regarding the Annual Statement and highlighted the key points.

Members raised queries regarding the remuneration of apprenticeships and the gender pay gap.

The Strategic Director (Corporate Resources) informed the Committee that the apprenticeship payment was comparable to other local authorities and confirmed that gender pay was considered and published annually.

RESOLVED:

1.1 Council approved the Pay Policy Statement for the financial year 2022/2023 as per Appendix 1 of the report.

CL/139 **TO REVIEW THE COMPOSITIONS OF COMMITTEES, SUB-COMMITTEES, AND WORKING PANELS**

The Members reviewed the composition of Committees, Sub-Committees and Working Panels 2021-22

RESOLVED:

Council was informed no amendments were to be made.

CL/140 **TO REVIEW THE COMPOSITIONS OF THE SUBSTITUTE PANELS**

The Members reviewed the composition of Substitute Panels 2021-22

RESOLVED:

1

Council was informed no amendments were to be made.

CL/141 **TO REVIEW REPRESENTATION ON OUTSIDE BODIES**

Members reviewed the Outside Bodies representation list. Leader Good to see reports

RESOLVED:

Community Arts Project (“People Express”) Management Committee

Councillor V Heath to replace Councillor Mulgrew

CL/142 **TO REVIEW MEMBER CHAMPIONS**

Members reviewed the Representation of Member Champions.

RESOLVED:

Council was informed no amendments were to be made.

CL/143 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:

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

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

Council was informed that no questions had been received.

EAST MIDLANDS FREEPORT

The Committee approved the recommendations within the report.

The meeting terminated at 19:15 hrs

COUNCILLOR M GEE

CHAIR OF THE DISTRICT COUNCIL

REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM:10
DATE OF MEETING:	12 MAY 2022	CATEGORY: RECOMMENDED
REPORT FROM:	ALLISON THOMAS: STRATEGIC DIRECTOR - SERVICE DELIVERY	OPEN
MEMBERS' CONTACT POINT:	STEFFAN SAUNDERS Steffan.saunders@southderbyshire.gov.uk	DOC:
SUBJECT:	MELBOURNE NEIGHBOURHOOD DEVELOPMENT PLAN	REF:
WARD(S) AFFECTED:	MELBOURNE	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That Council considers the draft Melbourne Neighbourhood Development Plan (Appendix 1), together with the Examiner's Report and recommended modifications (Appendix 2).
- 1.2 That Council agrees to each of the recommended modifications identified by the independent Examiner to ensure that the draft Neighbourhood Development Plan meets all necessary legal requirements at this stage to allow it to proceed to referendum.
- 1.3 That Council agrees to the modified Melbourne Neighbourhood Development Plan (Appendix 3) proceeding to referendum.
- 1.4 That Council agrees that, should the Melbourne Neighbourhood Development Plan be passed at referendum, the Plan should be deemed to be 'made' with immediate effect.

2.0 Purpose of Report

- 2.1 To confirm that the community of Melbourne has prepared a draft Neighbourhood Development Plan (NDP/the Plan).
- 2.2 To enable Council to consider each of the recommended modifications following receipt of the independent Examiner's report and if satisfied, consider whether the Plan should proceed to referendum.

3.0 Executive Summary

- 3.1 The Melbourne NDP, together with supporting documents, was submitted by Melbourne Parish Council, in its capacity as the designated qualifying body, to

the Council in July 2021. In accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, the Council publicised the Plan and invited comments from organisations and individuals. This consultation ran for six weeks, closing on 19 November 2021.

- 3.2 An independent Examiner, Derek Stebbing B.A. (Hons), Dip. E.P., MRTPI, was appointed to examine the NDP and recommend whether any modifications were required to enable the Plan to proceed to referendum, having met all the legal requirements. The Examiner recommends that, subject to the modifications set out in his report, that the Plan proceeds to referendum.
- 3.3 The Council as the Local Planning Authority is now required to decide whether to accept the Examiner's report, to consider each of the recommended modifications to the NDP (summarised in the report's appendix from page 26) and determine whether the Plan should proceed to referendum.
- 3.4 As soon as possible after considering the Examiner's recommendations and deciding how the NDP should progress, the Council must publish its decisions in a Decision Statement as required by the Town & Country Planning Act 1990, schedule 4B paragraph 12.

4.0 Detail

- 4.1 NDPs were introduced by the Localism Act 2011. Once a NDP is 'made' it forms part of the statutory development plan, along with the adopted Local Plan.
- 4.2 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Communities can set out where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided. Neighbourhood planning provides a powerful set of tools for communities to get their preferred types of development, where these ambitions are aligned with strategic needs and priorities as set out in the adopted Local Plan.
- 4.3 Local communities can choose to set planning policies through a NDP to be used in determining planning applications. Neighbourhood planning is not a legal requirement but rather a right, which communities in England can choose to use.
- 4.4 Neighbourhood planning enables communities to play a much stronger role in shaping the areas in which they live and work and in supporting new development proposals. This is because unlike the parish, village or town plans that communities may have prepared, a NDP forms part of the development plan and sits alongside the Local Plan prepared by the local planning authority. Decisions on planning applications will be made using both the Local Plan and the NDP, together with any other material considerations.

- 4.5 The draft Melbourne NDP has been submitted by Melbourne Parish Council. Subject to the modifications recommended by the Examiner, it is considered that the Plan meets the basic conditions of the 1990 Act Schedule 4B in that:
- It has regard to national policy and advice issued by the Secretary of State
 - It contributes to the achievement of sustainable development
 - It is in general conformity with the strategic policies contained in the Local Plan
 - It does not breach and is otherwise compatible with EU obligations.
- 4.6 The independent Examiner cannot recommend that the draft report goes to referendum if it does not meet the basic conditions or comply with the definition of a NDP.
- 4.7 As per the Town and Country Planning Act 1990, Schedule 4B paragraph 14, the Council is responsible for making the arrangements for the referendum to take place.
- 4.8 Council is asked to consider the submitted draft NDP (Appendix 1) and the Examiner's Report (Appendix 2). Further to this, Council is asked to confirm the modifications recommended in the Examiner's report and agree to allow the modified NDP (Appendix 3) to proceed to referendum. It should be noted that other modifications have been made for consistency, including the summary list of policy topics and page references.
- 4.9 As soon as possible after considering the Examiner's recommendations and deciding whether to take forward the draft NDP, the Local Planning Authority must publish its decisions in a Decision Statement, as required by the Town and Country Planning Act 1990, schedule 4B paragraph 12.
- 4.10 Rules covering the polls for the referendum are contained in the Neighbourhood Planning (Referendum) Regulations 2012 (as amended by the Neighbourhood Planning (Referendum) (Amendment) Regulations 2013 and the Neighbourhood Planning (Prescribed Dates) Regulations 2012.
- 4.11 A NDP attains the same development plan status as the Local Plan once it has been approved at a referendum. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.0 Financial Implications

- 5.1 Costs of the referendum are initially met by the Council. Following the referendum, a fixed grant can be claimed from the Department for Levelling Up, Housing and Communities to defray the costs.

6.0 Corporate Implications

Employment Implications

6.1 None bar the staffing of the referendum.

Legal Implications

6.2 There are no other legal, personnel or other corporate implications apart from those covered in the report.

Corporate Plan Implications

6.3 The Neighbourhood Plan contains a number of policies consistent with the Corporate Plan. These include:

- to enhance biodiversity across the District (Our Environment)
- to improve public spaces to create an environment for people to enjoy. (Our Environment)
- Promote health and wellbeing across the District. (Our People)
- Enable the delivery of housing to meet Local Plan targets (our Future)

Risk Impact

6.4 None.

7.0 Community Impact

Consultation

7.1 None directly arising from this report.

Equality and Diversity Impact

7.2 Taking the report to referendum will allow the people of Melbourne to be directly involved in setting policy for local planning decisions.

Social Value Impact

7.3 The NDP has been prepared by Melbourne Parish Council involving volunteers from the local community. This community involvement is encouraged by the 2011 Localism Act.

Environmental Sustainability

7.4 The Plan, once made, will contribute to the sustainable development of the designated area.

8.0 Conclusions

- 8.1 That the Melbourne NDP, once amended in accordance with the modifications set out in the Examiner's report, meets the necessary legal requirements and as such, it is recommended that the Plan proceeds to referendum and if passed, immediately considered to be 'made'.

9.0 Background Papers

Appendix 1 - Submitted draft Melbourne Neighbourhood Development Plan, 2016 – 2028

Appendix 2 – Examiner's Report on Melbourne Neighbourhood Development Plan, 2016 – 2028

Appendix 3 – Proposed Modifications Version of Melbourne Neighbourhood Development Plan, 2016 - 2028

Draft Version 0.10 Dated: March 2021

NEIGHBOURHOOD DEVELOPMENT PLAN 2016 to 2028

“Melbourne and Kings Newton are special places, they will continue to grow and change. This Neighbourhood Plan guides that growth and change so that we keep what is special but improve our Parish for all who live and work here.”

Jane Carroll – Melbourne Parish Council

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1. INTRODUCTION TO THE NEIGHBOURHOOD PLAN

What is the Melbourne Parish Neighbourhood Plan?

1.1 This is a plan which promotes the development of our Parish and the preservation and development of our vibrant community in line with the strategic policies of the South Derbyshire District Council Local Plan.

1.2 The plan is designed to maintain and enhance the character of the Parish and enable improvements where they are needed, placing the community at its core.

1.3 The plan covers the area of the Civil Parish of Melbourne, which includes the settlements of Melbourne and Kings Newton, as shown on the Parish Map (Section 5, Page 8). It covers the period from 2016 until 2028, which is aligned with the time period set out in the South Derbyshire District Council Local Plan Part 1 and Part 2.

1.4 Melbourne Parish Council is the local council responsible for the area and has approved the plan. The Parish Council delegated the work of preparing the plan to a group consisting of Parish Council representatives and volunteers, collectively known as the Neighbourhood Development Plan Working Group.

1.5 Neighbourhood plans give parish communities a say in what sorts of development should and should not be permitted in their area. The Consultation Statement that accompanies this plan describes how we have consulted local people. Consultation has taken place in a variety of forms and over a considerable period of time. The plan has been compiled with the involvement of local residents, businesses and organisations.

1.6 Our Neighbourhood Plan will be an important addition to the Local Plan for South Derbyshire. Policies within the Neighbourhood Plan reflect local need.

1.7 Given the way planning law works, it is not possible to have statutory policies on many of the things that are important to us, such as car parking or financing an indoor sports centre. These are examples of things that have been highlighted by local people during the preparation of the Neighbourhood Plan but are not defined in planning law as “development”. However, where possible, we have identified them as ‘Community Aspirations’, making it clear that they will be aspirations the Parish Council will try to achieve, in partnership with other councils and bodies, over the lifetime of the plan.

1.8 The basic conditions which apply to neighbourhood plans are:

- It has regard to national policies and advice contained in guidance issued by the Secretary of State.
- the making of the neighbourhood plan contributes to the achievement of sustainable development.
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (South Derbyshire District Council).
- Be compatible with any EU obligations.
- prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

1.9 TERMINOLOGY. Throughout this plan, “Melbourne” means the parish of Melbourne and Kings Newton (that is, the entire plan area), except where it is defined as something else.

1.10 The plan has been developed in accordance with the guidance in the National Planning Policy Framework (NPPF), which promotes a positive approach to sustainable development and sustainable growth.

How will the Plan be used?

1.11 At a public meeting held in October 2014 it was agreed to commence a Neighbourhood Plan in order to try to avoid further speculative development in the Parish and enable the community to have a say in any future housing and other development.

1.12 Melbourne has been identified as a ‘Key Service Village’ and Kings Newton as a ‘Rural Village’ in the SDDC Local Plan Part 1 Policy H1.

1.13 One of the main purposes of the plan is to help South Derbyshire District Council to make decisions on planning applications. The plan is also intended to guide land owners and developers, to encourage the right sort of development in the right places and to make the area a better place to live, work and visit.

1.14 Developers and planners will be required by law to take account of the statutory policies of the Neighbourhood Plan. The plan will become part of the statutory development plan alongside the district council’s local plan.

1.15 All policies within the plan should be treated equally.

1.16 By law, some planning applications have to be accompanied by a 'design and access statement'. Where a design and access statement is provided, it should specifically address the policies of this plan, explaining how the proposed development accords with the policies.

2. SUMMARY LIST OF THE POLICIES OF THE NEIGHBOURHOOD PLAN

Policy DP1 – Development will be 'infill' only within the Settlement Boundaries of the villages.

Policy DP2 – Maintain the separation between Melbourne and Kings Newton.

Policy DP3 – Proposals for development of dwellings within the Settlement Boundaries will be supported if they have three bedrooms or fewer, which means that any 'infill' will be for new starter homes and for downsizing rather than for large 'executive homes'.

Policy OS1 – Development of the eight areas of Local Green Space will be resisted.

Policy OS2 – Protection from development for footpaths, public rights of way and greenways.

Policy OS3 – Proposals which protect and enhance biodiversity will be supported.

Policy OS4 – The preservation of Grades 1, 2 and 3a agricultural land will be supported.

Policy HC1 - Preserve the historical and cultural Heritage Assets and the existing Conservation areas.

3. SUMMARY LIST OF THE COMMUNITY ASPIRATIONS

CA1 – Support for proposals to improve parking provision.

CA2 – Support for proposals to reduce traffic congestion.

CA3 – Support for proposals to improve public transport provision.

CA4 – Support for proposals to modernise and improve drainage & sewerage in the Parish.

CA5 – Primary Education – All children in the Parish should have the opportunity to attend Melbourne Infant and Junior Schools.

CA6 - Secondary Education – All children in the Parish should have the opportunity to attend the same secondary school which should provide the highest educational standards.

CA7 – Health Care – Melbourne Medical Centre will continue to provide the fullest range of services required by all ages in the community.

CA8 – Support for proposals to improve the Senior Citizens Centre and Community Care provision.

CA9 – Support for improvements to existing recreational facilities and playgrounds and for any new children's playgrounds.

CA10 – Support for proposals to provide new indoor sports facilities.

CA11 – Support for proposals to provide a new performance venue.

CA12 – Support for proposals to improve the mobile network, internet and broadband.

4. VISION FOR MELBOURNE AND KINGS NEWTON

4.1. This section sets out the Parish Council's vision for the Neighbourhood Plan, which has been finalised following progressive consultations with local people and which is supported by 93% of those taking part in the Development Plan Survey (see CEF 8)

4.2. Our vision for Melbourne and Kings Newton:

“A vibrant, sustainable and caring community. We want to keep the heritage, attractive landscape, and rural nature of our villages. We want any housing development to be small and to fit the needs of local people, and to be at a pace that our drains, sewers, roads, parking, schools and the medical centre can cope with. We want to keep and protect from development the open space between Melbourne and Kings Newton and to protect agricultural land. We want facilities to encourage sports, physical fitness, entertainment and clubs and societies, and to promote village life.”

4.3. Our vision will be achieved by:

- Promoting this plan together with the South Derbyshire District Local Plan to ensure that they are agreed and adopted.
- Supporting development within the Parish that meets the agreed criteria and standards, and is designed in accordance with guidelines, reflecting the town's distinctive character.
- Firmly opposing any applications which do not comply, or which conflict with, any of the policies.
- Preserving and protecting open spaces, encouraging enhancement of recreational and community facilities.
- Supporting the local economy to maintain a thriving town centre, building on strengths including our heritage and community.

5. MELBOURNE PARISH MAP



6. CHARACTER AND QUALITY OF THE PARISH

Introduction

6.1 Melbourne and Kings Newton have a strong visual character and it is important that any new development recognises and respects that character and contributes to the quality of this special place. The community only supports growth in line with the strategic policies of the South Derbyshire District Council Local Plans. People are aware that new developments, large or small, may erode the qualities that make the Parish special if they are not carefully managed in terms of their layout and design. It is important that residential developments should be both interesting and sensitive to their location. This is particularly true for the approved development of houses on the Station Road sites. They should not be the “anywhere-type” estate that does not respond to the strong character of Melbourne and Kings Newton and does not have a sense of place. Similar considerations apply to developments of all kinds, including community and educational facilities and any new places of employment.

Who says Melbourne & Kings Newton are special? What’s the evidence?

6.2 Local people, when consulted in the preparation of the Neighbourhood Plan, gave the following examples of why they consider Melbourne and Kings Newton to be special:

- local character and distinctiveness
- local landscape quality
- distinctive views and vistas
- access to the countryside
- heritage and conservation
- sense of community and caring

Many outsiders also think Melbourne and Kings Newton are special and becoming increasingly attractive to visitors.

What are Melbourne’s distinctive characteristics?

6.3 Melbourne is an historic, rural market town surrounded by a rural and attractive landscape. It has a powerful sense of place in terms of both built environment and rural setting and there is a strong defining link between the two. The views of the settlement within the surrounding landscape, from outside the town, and the views

outwards, from within the town, provide a constant and important visual connection between town and countryside. The location, landscaping and design of any new development is therefore crucial to maintaining this critical balance between landscape and settlement.

7. HOUSING AND DEVELOPMENT POLICY

7.1 Background

7.1.1 In recent years, the development that has taken place together with the number of recently- approved planning applications has resulted in public concern, expressed at consultation events, that unplanned and speculative growth could jeopardise the rural and heritage setting of the Parish, have adverse impacts on the overall infrastructure and would not be sustainable in the long term.

7.1.2 The 2011 census identified 2,145 households in the Parish, of which 33% were detached, 30% were semi-detached, and 28% terraced housing. The remainder are purpose-built or are other flats and temporary dwellings.

7.1.3 71% of houses are owner occupied, 11% are social rented property, and the remainder are in private or other rented property.

7.1.4 The 2011 Census data identified the population of the Parish as 4,845, living in 2145 households. (See Appendix 1 for more information)

7.2 Local Planning Context

7.2.1 The Local Plan for South Derbyshire has been developed in two parts:

- Local Plan Part 1 looked at larger-scale development across strategic sites and identified Melbourne as a “Key Service Village” and Kings Newton as a “Rural Village” (Policy H1) within the hierarchy of settlements, and identified neither as having suitable sites for a site meeting the criteria of a “strategic site” (100 dwellings or more).

- * Local Plan Part 2 looked at smaller scale (non-strategic) housing allocations across the smaller villages and outlined a need for up to 600 houses across the whole District which was set out as part of the Local Plan Part 1 Policy S4 Housing Strategy.

7.2.2 Notwithstanding the SDDC Local Plans, several planning applications have already been approved in Melbourne and in Kings Newton, resulting in the completion of 130 dwellings from 2011 to April 2015, with planning permission granted for a further 185 dwellings to be completed in the near future, (See Appendix 5) an increase of more than 14% in the number of households compared with the 2011 census data.

7.2.3 Whilst this NDP supports the overall objectives and scale of development envisaged within the Local Plan Parts 1 and 2 for South Derbyshire, it recognises that Melbourne and Kings Newton have already made their contribution to the housing need of up to 600 houses by 2028, as identified in the Local Plan Part 2 Policy H23.

7.3 Local Housing Issues

Full details of the issues raised at the consultations relating to housing appear in Appendix 2 and CEF 8.

7.3.1 'Affordable' Homes:

21 'affordable' dwellings were built between 2011 and April 2015 out of the total of 130 dwellings. Currently 47 additional affordable properties are planned from the further 185 dwellings granted planning permission up to the end of December 2016. Affordable housing is supported where it can come forward and this NDP supports SDDC Local Plan Part 1 Policy H21 on Affordable Housing.

7.3.2 Separation of Melbourne and Kings Newton:

There is a strong desire to maintain the physical separation of the two villages and their distinct character. The policies in Local Plan Part 2 (Policy SDT1) controlling building outside of the settlement boundary will afford a level of protection, but particular regard needs to be paid to maintaining the separation when considering future planning applications adjacent to the boundaries adjoining both villages.

7.3.3 Homes for the elderly or for the young:

Supporting information in Appendix 3 sets out the current provision within the parish for sheltered housing.

7.3.4 Protecting the countryside

The policies set out in the Local Plan Part 2 (Policy SDT1 and BNE5), which enable development only within the settlement boundaries, and with adequate protection for adjacent sites, should afford some protection, providing the boundaries are sustainable in the longer term. The policies outlining protection of the countryside should adequately restrict development for housing.

7.3.5 Infrastructure and community facilities

There is concern that infrastructure and community facilities are inadequate to cope with the recent housing growth and any further growth. The 'Infrastructure' section in this Plan details how these issues are proposed to be addressed.

7.4 HOUSING AND DEVELOPMENT POLICIES: This plan recommends that the following policies be adopted:

7.4.1 POLICY DP1 – DEVELOPMENT WILL BE 'INFILL' ONLY WITHIN THE SETTLEMENT BOUNDARIES OF THE VILLAGES.

Explanatory Text: This means that no new homes should be built in the fields outside the existing settlement boundaries of Melbourne and Kings Newton. Development within the village, particularly development on 'brownfield sites', i.e. sites which have previously been built on, and which may become available within the timescale of the plan, will be welcomed, particularly those which reflect the distinctive character of the villages. Planning permissions exist for 40 new homes within the settlement boundary and there is potential for development of sites of this nature where former industrial use is no longer practicable. An example is the development behind Derby Road, where the existing retail use is no longer required.

The policy limiting development outside of the settlement boundary (indicated on the map below) is consistent with the SDDC Local Plan Part 2 Policy SDT1 and BNE5 which regulates development within the countryside. The results from the Neighbourhood Development Plan Survey indicate that 88% support this policy (see CEF 8).

This Policy has been supported in Planning Appeal decisions, for example at Jawbone Lane, where the Inspector quoted the following Policies: "*Saved SDLP Housing Policy*

5 (HP5) restricts new housing development to within the village confines of Melbourne/Kings Newton” “Saved SDLP Environment (EV) Policy 1 only permits development outside settlements where it is essential to a rural based activity or unavoidable in the countryside” “The proposal would not be acceptable development in the countryside and would be contrary to Local Plan – Part 1 Policy H1 and SDLP Policies HP5 and EV1”

The full Planning Inspector’s report is included in Appendix 10.

7.4.2 POLICY DP2 – MAINTAIN THE SEPARATION BETWEEN MELBOURNE AND KINGS NEWTON: DEVELOPMENT WILL NOT BE PERMITTED WHICH WOULD ADVERSELY AFFECT OR DIMINISH THE PRESENT OPEN AND UNDEVELOPED CHARACTER OF THE AREA OF SEPARATION LYING BETWEEN MELBOURNE AND KINGS NEWTON, AS SHOWN AND IDENTIFIED ON THE MAP ATTACHED AT PARA 8.4.2. APPROPRIATE USES IN THE AREA OF SEPARATION ARE AGRICULTURE, FORESTRY, MINERALS EXTRACTION AND OUTDOOR SPORT AND RECREATION USES. ANY BUILT DEVELOPMENT PERMITTED WITHIN THE AREA OF SEPARATION WILL BE LIMITED TO MINOR STRUCTURES AND FACILITIES WHICH ARE STRICTLY ANCILLARY TO THE USE OF THE LAND FOR THESE PURPOSES.

Explanatory Text: One of the Core Planning Principles at national level in the National Planning Policy Framework (the NPPF) details that planning should: *“take account of the different roles and character of different areas”*. Paragraph 110 states that *“plans should allocate land [for development] with the least environmental or amenity value, where consistent with other policies in the framework”*. Whilst the NPPF does not specifically refer to ‘Areas of Separation’ from the guidance set out in the NPPF it can be seen that it recognizes the value of areas of local importance and so supports the idea of an Area of Separation in principle. The Area of Separation prevents the coalescence of settlements, provides green infrastructure and protects the identity of settlements. The Area of Separation has both environmental and amenity value.

In this particular case the Area of Separation has been defined to show where the potential risk of merging is at its greatest and exists to ensure that development does not harmfully reduce the separation in this sensitive area.

The area has clear physical boundaries and is socially and historically important in separating and defining the very different development of the two settlements: Kings Newton is predominantly characterized by its linear nature lined by listed and other historically-important buildings along Main Street whereas the nearest part of Melbourne is characterized largely by 20th century suburban growth out from its centre.

The area has been subject to pressure to develop it for residential purposes and it is considered important to provide clear policy guidance to ensure that further inappropriate development continues to be resisted: protecting the separate identities of Kings Newton and Melbourne and preventing their coalescence into one physical whole was supported by 79% of local residents in the survey work in preparation for this Neighbourhood Development Plan.

Protection of the area has also been recognized as important at appeal. In dismissing an appeal for the development of up to 60 dwellings on a significant part of the Area of Separation in 2016 the Government Inspector commented that:

“The designated heritage asset of Kings Newton Conservation Area (the Conservation Area) lies to the north-west of the appeal site in a slightly elevated position. It has a distinct historic character and appearance and includes attractive and largely historic buildings predominantly lining Main Street as well as the historic parkland associated with Kings Newton Hall extending to the north. Its character, and accordingly its significance, is also derived from the well-preserved relationship of principal and out buildings along Main Street extending back towards associated agricultural land beyond. Glimpses of buildings within the Conservation Area are afforded through gaps in the hedge along the north side of Jawbone Lane, with more expansive views from the field gate which leads into the site. These views of the roofs, gables, chimneys, and in some cases rear elevations, of buildings on, and set back from, Main Street, interspersed with mature trees, are revealed further when viewed from the north part of the appeal site. Many of these are features of separately-designated heritage assets: the Hardinge Arms, Four Gables, Kings Newton Hall, Chantry House, 54 and 56 Main Street, 58 Main Street, Church House and Kings Newton House and outbuildings, all of which are listed. The Framework recognizes that significance can also be derived from an asset’s setting, which includes the surroundings in which it is experienced, and that such significance can be harmed through development within that setting. The Conservation Area’s setting includes the countryside to the south, of which the appeal site is part. The Conservation Area also gains some of its significance from being to a large degree historically, physically and perceptually separate from Melbourne. The disposition of surrounding countryside in relation to existing built areas within the Conservation Area plays a role in this aspect of its significance. This extensive countryside setting makes a positive contribution to the asset’s significance primarily through providing an open countryside landscape which the Conservation Area is set within and can be experienced from.”

(Appendix 13 is the SDDC statement on the 3 conservation areas)

7.4.3 POLICY DP3 – PROPOSALS FOR DEVELOPMENT OF DWELLINGS WITHIN THE SETTLEMENT BOUNDARIES WILL BE SUPPORTED IF THEY HAVE THREE BEDROOMS OR FEWER, WHICH MEANS THAT ANY ‘INFILL’ WILL BE FOR NEW STARTER HOMES AND FOR DOWNSIZING RATHER THAN FOR LARGE ‘EXECUTIVE HOMES’

Explanatory Text: During the consultation phases both in January 2015 and in February 2016 (detailed in Appendix 2 of the Evidence documents) there was expressed a strong preference, where opportunities for development occur within the settlement boundaries, for a move away from the 4/5 bedroom “executive” homes towards dwellings of a smaller size. This would provide a balanced housing supply to meet the needs of different housing groups, as set out in the Sub-Regional Housing Market Assessment.

Consultations indicate that there is a shortage of modern smaller properties that are affordable to a wider range of purchaser. Two/three bedroom properties and flats are ideal for first time buyers as well as those wishing to downsize, potentially freeing up larger properties currently under-occupied.

Recognising the market demands and economic reality of development the policy is stated not as a constraint to prevent the building of larger homes, but to offer encouragement and support to any plans for development which would meet this community aspiration.

Any development must strengthen and improve on the defining landscape and settlement qualities identified in the SDDC Design Guide SPD (see Appendix 4).

Where new development is proposed within the settlement boundaries, preference in granting consent will be given to properties of both architectural and environmental merit and of size and proportions appropriate to local needs.

The results from the Neighbourhood Development Plan Survey indicate that 64% support this policy (see CEF 8).

8. OPEN SPACES POLICY

8.1 Definition

By “Open Spaces”, we mean Green Space, areas of Biodiversity, Public Rights of Way and Greenways.

These include greens, common land areas, rights of way, recreation areas and allotments. Two areas have been registered as village green spaces. No land is registered as common land as all of Melbourne Common was lost when the village was enclosed in 1791. There are 36 public footpaths in the parish which amount to more than 12 miles of walking. There is a large recreation ground on the edge of the village which offers a wide range of sports through the Sporting Partnership. Smaller open spaces include the Lothian Gardens, mainly for children, and several small play areas maintained by SDDC. There are two private allotment areas, one on the Hilly Field and the other off Blackwell Lane.

See Appendix 8 for Background and Context.

8.2 Identified Local Green Spaces

After consultation with numerous bodies including the Parish Council, Melbourne Civic Society, Melbourne Footpaths Group and the Melbourne Historical Research Group, this Plan identifies and allocates 4 areas of Local Green Space (As listed in Appendix 8, Table 1. Table 2 shows spaces identified by South Derbyshire District Council.

8.3. Open Spaces Issues

- To protect and enhance the character and quality of the environment of the area
- To protect the area from inappropriate development
- To safeguard important open areas within and around the parish
- To designate appropriate areas as Local Green Spaces
- To enhance existing public open spaces and seek to ensure more public open

spaces are provided within new housing developments

- To protect and enhance the network of public footpaths, bridleways, greenways and cycle paths
- To protect and enhance the biodiversity interests of the area.

8.4. OPEN SPACE POLICIES:

8.4.1 POLICY OS1 – DEVELOPMENT OF THE IDENTIFIED AREAS OF LOCAL GREEN SPACE WILL BE RESISTED

Explanatory Text: This means that development will be resisted on areas of Local Green Space unless in exceptional circumstances as defined in Policy BNE8, LGS1 and LGS2. Allocation of the following Local Green Spaces (see below) are in addition to those designated through the South Derbyshire Local Green Spaces Plan. These spaces, in close proximity to the people they serve, are demonstrably special and hold particular local significance.

In line with the NPPF, SDDC Local Plan Part 2 Policy BNE8, and Local Green Spaces Plan Policies LGS1 and LGS2, development of these sites will not be supported unless they are covered by the very special circumstances and exceptions outlined in the adopted local plan policies reproduced below:

Policy BNE8: Local Green Space

“Local Green Spaces will be protected from development except in very special circumstances or for the following limited types of development where they preserve the openness of the Local Green Space and do not harm the purpose for its designation:

- i) the construction of a new building providing essential facilities for outdoor sport, outdoor recreation, cemeteries, allotments or other uses of the open land;
- ii) the carrying out of an engineering or other operation.

Designations of Local Green Spaces will be made through a separate

Development Plan Document or Neighbourhood Development Plan. The Council will work to enhance the biodiversity, heritage, recreation and tranquillity value and where possible the public accessibility of Local Green Spaces through appropriate site management.”

Policy LGS1: Development on Local Green Spaces

Development, which is in accordance with Policy BNE8, will be supported on local green spaces where it will not unduly affect the openness and essential quality of the space, with particular consideration given to scale, design and location of the proposal.

Proposals should demonstrate consideration of how they will:

A Protect, restore and enhance biodiversity and/or access to biodiversity.

B Improve community cohesion through considerations such as increased social activity.

LGS2: Enhancement of Local Green Space

The Council will work positively with stakeholders to ensure the appropriate management of local green spaces. Opportunities will be sought to enhance local green spaces that could include:

Biodiversity

A Improvements to the long term management of spaces through changes to site management regimes and the development of site management plans

B Where appropriate support will be given to the registration of local green spaces as 'receptor sites' with the Environment Bank to allow financial contributions to be used to compensate for impacts on development sites elsewhere through habitat creation or management.

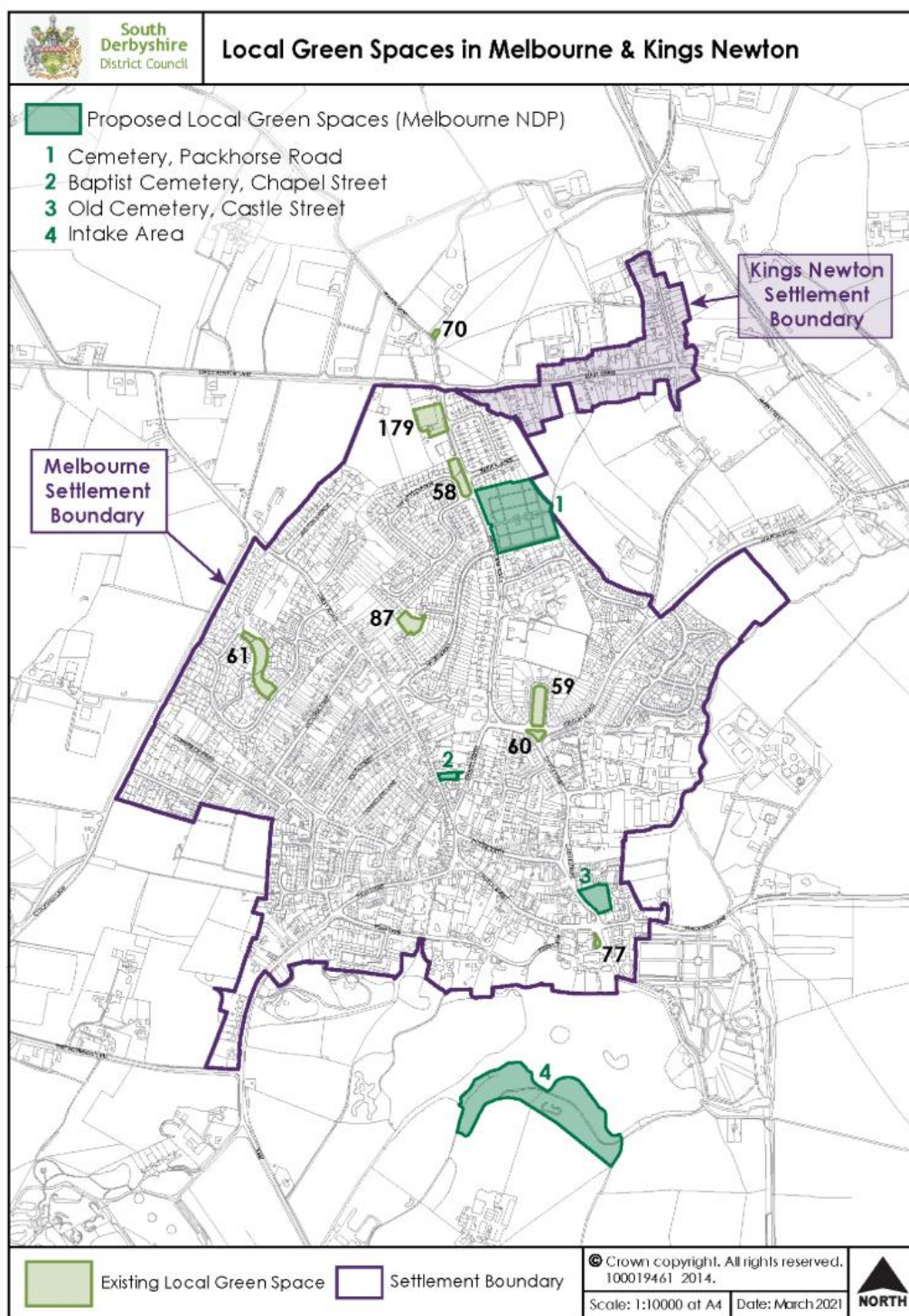
Accessibility

C The Council will work with landowners, site managers and local community groups to support proposals that improve public access and connectivity of the spaces to the communities they serve.

D Where sites are not publicly accessible, there will be no obligation for landowners to make sites so. Should a landowner be amenable to public or permissive access to their site, then the Council will work positively with the landowner and others to achieve this.

The results from the Neighbourhood Development Plan Survey indicate that 92% support this policy (see CEF 8).

8.4.2 Table and Map of Local Green Spaces to be included in the Neighbourhood Plan



Following consultation with landowners, the following areas are designated as Local Green Space in addition to those already designated through the Local Plan (see Appendix 8 for details of the letter sent to landowners).

1	Cemetery, Packhorse Road	The Cemetery Chapels are grade 2 listed. Protected by INF9.
2	Baptist Cemetery, Chapel St	Small area of tranquillity. Planting and wildlife. Designation suggested by chapel. Protected by INF9
3	Old Cemetery, Castle Street	Site of an old church, tranquil location. Protected by INF9.
4	Intake Area	Of great beauty and tranquillity close to western edge of town. Visitor attraction. Excellent views.

8.4.3 For reference, the Local Green Spaces designated through the South Derbyshire Local Green Spaces Plan are as follows:

Site Reference	Site Name
58	West of Packhorse Road
59	North of Station Road
60	Washpit, Station Road
61	Off Acacia Drive
70	Holy well, Wards Lane
77	Church Close
87	Grange Close Recreation Ground
179	Kings Newton Bowls Club

8.4.4 POLICY OS2 – PROTECTION FROM DEVELOPMENT FOR FOOTPATHS, PUBLIC RIGHTS OF WAY AND GREENWAYS

Melbourne has 36 Public Rights of Way (footpaths and bridleways) and greenways which should continue to be protected, maintained and enhanced in order to encourage the health and well-being of the population.

In any new developments, provision should be made to extend the routes for walkers and cyclists, including, where possible, routes linking into the countryside network as well as into the town and to accommodate people of all ages and abilities.

Greenways must not be urbanised by new house building along them (see SDDC Local Plan 1; Policy INF2 Section B).

All new routes dedicated by the developer will be added to the Definitive Map at the expense of the developer. The results from the Neighbourhood Development Plan Survey indicate that 98% support this policy (see CEF 8).

8.4.5 POLICY OS3 – DEVELOPMENTS THAT PROTECT AND ENHANCE BIODIVERSITY WILL BE SUPPORTED

This means that wildlife should be encouraged by keeping open spaces, hedgerows and trees. Tree planting on verges should be encouraged (see Appendix 17). The results from the Neighbourhood Development Plan Survey indicate that 93% support this policy (see CEF 8).

SDDC Local Plan Part 2 Policies BNE3 and BNE 7 seek to protect biodiversity, trees, woodlands and hedgerows.

8.4.6 POLICY OS4 – THE PRESERVATION OF GRADE 1, 2 AND 3a AGRICULTURAL LAND WILL BE SUPPORTED

This means that any development which would result in agricultural land being lost for ever will not be supported. This also supports Local Plan Part 1 Policy BNE4 which seeks to protect soils 1, 2 and 3a. The results from the Neighbourhood Development Plan Survey indicate that 87% support this policy (see CEF 8).

Soils/Land quality

Much of the local market garden land threatened with development is quality agricultural land. The land either side of Jawbone Lane, for instance, is classified by DEFRA as Grade 2 land which is defined as “very good agricultural land”. *Sources: Natural England: NCA Profile 70 Melbourne Parklands NE384 and DCC: Landscape Character of Derbyshire (2014), DCC website.*

Recognising that the Neighbourhood Plan is an opportunity to assess and anticipate future needs in this community, especially the most basic needs of food, water, shelter and health, and that our community is heavily dependent on vulnerable external supply chains, our policies are also intended to encourage the development of as much local sustainability, and particularly, resilience, as possible.

To this objective, we place a high priority in this plan on encouraging local food production, especially local agricultural businesses. Land taken out of agricultural use for housing or industry is effectively destroyed as a food resource, so we place a higher barrier to development on such land.

For Grade 1 agricultural land to be “developed”, the developer must demonstrate that calorific food yields from the new development will reach at least 80% of the potential food yield of the same land in agricultural use. To achieve such targets, we anticipate considerably more community and domestic food production in new developments than in existing properties: this has implications for the design of buildings and the layout of developments in which they sit.

Our existing Whistlewood Common project and the demonstration food forest at our local school are both replicable local exemplars and potential training providers, while the Saffron Lane development in Leicester (see Appendix 9) also offers pointers.

9. HERITAGE AND CONSERVATION POLICIES

Melbourne and Kings Newton are notable for a combination of Heritage Assets, Listed Buildings, Scheduled Monuments and Conservation Areas, and undulating mixed farming landscape based on prime agricultural land. The historic environment is protected through the planning system via conditions imposed on developers and property owners.

9.1 Key issues:

- Historic assets play an important role in maintaining the distinctiveness and historic character of Melbourne Parish.
- Archaeological remains, both seen and unseen, have potential to be affected by new development e.g. the castle site.
- Risk of adverse effects on historical and cultural heritage assets from inappropriate development and poor design.
- Buildings at risk. At present, there are no Grade I or II* buildings at risk. However, there are four buildings at risk which are either Grade II listed or in a Conservation Area, and these are on the buildings at risk register kept by the Derbyshire Historic Buildings Trust.
- The need to ensure sustainable use and re-use of heritage assets.
- Effects on the local landscape that inappropriate development could bring e.g. any developments which would lead to the coalescence of Melbourne and Kings Newton.
- The NPPF places considerable emphasis on non-designated heritage assets and information on these should be actively collected and shared via the Derbyshire Historic Environment Record so that full consideration of them is enabled at early stages in the development control process.
- Despite large areas of modern development on the north fringe of the town, the road network has so far retained its “legibility” and the historic roads still retain their function as main vehicular approaches to the centre. Any future new development should acknowledge the primacy of these routes.
- Good quality building materials are important to the preservation of local distinctiveness.
- The remnants of Melbourne’s horticultural heyday in the 19th century are still evidenced in old garden fruit trees, abandoned orchards, and the few remaining market garden families that are still in business. They provide a link with the 21st century movement towards sustainability and local produce, represented locally by Melbourne Area Transition. Efforts should be made to preserve and foster traditional horticultural skills and know-how, and to maintain local produce as part of the future landscape and economy.

- Inability to “absorb” much more new development without a severely detrimental effect on historic character.

9.2 HERITAGE & CONSERVATION POLICY:

POLICY HC1 – PRESERVATION OF THE HISTORICAL AND CULTURAL HERITAGE ASSETS AND THE EXISTING CONSERVATION AREAS WILL BE SUPPORTED.

This means that development will not be supported if it has a damaging impact on the historical setting of the Conservation Areas or the views to and from those areas. Developments should use building materials which blend in with the existing architecture of the villages. This policy supports existing legislation, the NPPF and SDDC Local Plan Part 2 Policy BNE10. The results from the Neighbourhood Development Plan Survey indicate that 93% support this policy (see CEF 8).

Historical development of the area. Melbourne is an attractive, appealing and historic settlement, with a vibrant and varied social mix and a strong community spirit. With a population of 4845 in 2011, the parish is large enough to have plenty of life of its own, yet small enough to preserve a village atmosphere.

Listed buildings. Melbourne and Kings Newton have about a fifth of the 711 listed buildings in the district (134 listed buildings detailed in Appendix 12). Of these 24 are of Grade 1 status and are mainly in the grounds of Melbourne Hall. The Parish Church and the Barn at Melbourne Hall have the same status. *Sources: Melbourne Parish Plan 2009 and Listed building list on SDDC website.*

Conservation Areas. Melbourne has three of South Derbyshire’s 22 conservation areas (see Appendix 13 for maps of the Conservation areas)

Scheduled Monuments. Melbourne Castle, described as a fortified manor with earlier medieval manorial remains, is a scheduled monument. *Source: Historic England website.*

Locally Listed Buildings. Melbourne Civic Society has approached SDDC about producing a Local Heritage List for the parish. *Source: English Heritage Guide to listing non-designated historic assets.*

Registered Historic Parks and Gardens. The gardens at Melbourne Hall are one of five sites in South Derbyshire in this category. See Appendix 14 for background

information on Heritage and Conservation and the separate Conservation Document by M Morris and P Heath.

10. COMMUNITY ASPIRATIONS

This second section of the NDP describes and defines many issues that local people have indicated are very important to them during our extensive consultations. Because the remit of the NDP centres around planning issues it is not possible to formulate statutory policies on these matters. Therefore, they have been defined as a series of Community Aspirations. These aspirations have arisen as a direct consequence of information gathered during preparation of the NDP and will be considered by the Parish Council and incorporated into the Parish Plan appropriately.

It is noted that where appropriate development does take place, contributions to Section 106 funding will be sought to help finance these community aspirations.

10.1 INFRASTRUCTURE

Expansion in housing since 2011 led to concerns expressed by residents at public meetings in 2014, 2015, 2016 and in responses to the Residents Survey, (CEF 8, Consultation Evidence Files (CEF) 2 and 4) that the current infrastructure in the villages would be unable to support further significant housing development. There were already signs that the system was under strain. The infrastructure issues were combined under the headings of: Parking, Traffic, Public Transport, Sewerage and Drainage and are summarized below (see CEF 2 and 4, Appendix 6, Appendix 7 for details.)

10.2 PARKING & TRAFFIC Public Consultations (CEF 2 and 4), the Neighbourhood Development Plan Residents Survey (CEF 8) and the Business Survey (Appendix 6) highlighted parking and traffic problems as major concerns of local residents.

CA1 – SUPPORT FOR PROPOSALS TO IMPROVE PARKING PROVISION

Retailers believe that inadequate parking provision has an adverse effect on trade. Residents have expressed concerns about the consequences of parking in some areas. In residential areas, parked vehicles hinder access for emergency vehicles. A parking survey (Appendix 7) has been undertaken and demonstrates that at certain times of day parking is at a premium. Residents are parking in public car parks

overnight, restricting access for businesses and customers. The survey also showed support for improved space marking and signage.

The Parish Council in conjunction with other authorities, (SDDC, DCC Highways) will work to establish the extent of the parking problems and formulate a plan of action to resolve any issues. Improved signage, improved space markings in car parks and on street parking restrictions are some areas that deserve attention.

TRAFFIC

CA2 – SUPPORT FOR PROPOSALS TO REDUCE TRAFFIC CONGESTION

Traffic congestion has a significant impact on the people of Melbourne and King's Newton. The main route into the town from Derby crosses an ancient narrow causeway, Swarkestone Bridge. The bridge is becomingly increasingly congested. This poses difficulties for emergency vehicles, causes traffic delays and causes damage to this heritage asset. There has been some discussion of a possible alternative route, but this is unlikely to materialize in the foreseeable future. A variety of suggestions were put forward during consultations which aimed to reduce the congestion on roads within the town, particularly along Derby Road and outside the schools on Packhorse Road at key times of the day. Suggestions were also made which aimed to reduce the incidence of damage to pavements by heavy lorries driving through the village centre. Details are contained in CEF 2 and 4. The Parish Council is working with DCC Highways department to instigate a Traffic and Transport Survey with a view to examining these concerns.

10.3 PUBLIC TRANSPORT

CA3 – SUPPORT FOR PROPSALS TO IMPROVE PUBLIC TRANSPORT PROVISION

Both the Business Survey (Appendix 6) and the public consultations (CEF2 and 4) highlighted a need for improved public bus services. More frequent buses to Derby, and requests for bus services to Nottingham and Ashby were prominent. Although Arriva have now introduced more frequent bus services between Derby and Swadlincote, it is likely that late evening and Sunday services via Melbourne will be curtailed.

The Parish Council will meet with relevant bus companies to discuss the possibility of

bus services to Nottingham and Ashby. Since the writing of this plan a service from Ashby to East Midlands Airport, with onward connection to Nottingham has been introduced.

10.4 DRAINAGE & SEWERAGE

CA4 – SUPPORT FOR PROPOSALS TO MODERNISE AND IMPROVE DRAINAGE & SEWERAGE

New housing developments in Melbourne have exposed weaknesses in the drainage and sewerage systems. In 2014 flood water and sewage overflowed on to pavements and jitties. In one instance, raw sewage flowed into a residential property. Concerns were raised on behalf of the community with Severn Trent who have investigated and detailed problems with the existing sewers and drains. In late 2015, a working group was formed to assess, investigate and where possible rectify faults in the drainage and sewerage systems. This group includes representatives of Derbyshire County Council (the lead flood authority) Severn Trent Water, SDDC and Melbourne Parish Council. This group meets regularly and intend to hold a public forum following their meetings. Since local flood water and sewer overflows are widely spaced geographically, it seems likely that there may be multiple problems spread around the town rather than a single problem. Initial investigations have identified instances of blocked road gulleys, sewers partially or fully blocked, sewer junctions with conflicting flows, ingress by tree routes and unmapped sewers. These problems are progressively being given attention. Due weight needs to be given to considerations of flooding when planning decisions are made.

10.5 EDUCATION

During the formulation of the Neighbourhood Plan, meetings were held with key providers of health and education services (Appendix 11) including the Senior Partner of Melbourne Dental Practice (CEF 3 Interviews) and the Head and Chair of Governors at Chellaston Academy. Both Heads of Melbourne Infant and Junior School were approached but referred all queries to Derbyshire County Council.

CA5 – PRIMARY EDUCATION – ALL CHILDREN IN THE PARISH SHOULD HAVE THE OPPORTUNITY TO ATTEND MELBOURNE INFANTS AND JUNIOR

SCHOOL

Consultations identified that there was a strong desire from residents that all children in the Parish be able to attend Melbourne Infant and Junior Schools.

There was concern that children from outside the Parish were still being offered places as the schools approach capacity.

The Parish Council will continue to monitor the provision of primary education through its representation on the Board of Governors of these schools.

CA6 – SECONDARY EDUCATION – ALL CHILDREN IN THE PARISH SHOULD HAVE THE OPPORTUNITY TO ATTEND THE SAME SECONDARY SCHOOL WHICH SHOULD PROVIDE THE HIGHEST EDUCATIONAL STANDARDS

Consultations at the Public Meetings (CEF 2 and 4) identified that there was a strong desire from residents that all children in the Parish should have the choice of being able to attend the same secondary school. There was also concern at the lack of Adult Educational facilities. Education provision will continue to be monitored as part of further consultations with representative bodies and the community.

10.6 HEALTH CARE & SOCIAL PROVISION

CA7 – THE MELBOURNE HEALTH CENTRE WILL CONTINUE TO PROVIDE THE FULLEST RANGE OF SERVICES REQUIRED BY ALL AGES IN THE COMMUNITY

The Melbourne GP Surgery is part of a combined practice with Chellaston: the Melbourne and Chellaston Medical Practice. The current combined patient numbers are approximately 15000, with roughly 7000 in the Melbourne area. These numbers have grown substantially in recent years, mainly due to population growth from development. There is pressure both on GP numbers and surgery capacity. There is genuine concern that with further planned housing expansion, set against current GP recruitment issues and the physical limitations of the surgery space, that the residents of Melbourne will not be able to access GP appointments locally and increasingly will need to do this in Chellaston. (CEF 2 and 4) There is already dissatisfaction, evidenced from a recent independent GP patient survey, that patients find difficulty

accessing their preferred doctor and are not able to get timely appointments. (Source: <https://gp-patient.co.uk/practices/C81108/questions>) The provision of S106 or Community Infrastructure Levy monies might be able to address concerns around the local surgery accommodation, but this will not address the national difficulties in GP recruitment. Considerations and assessments of any new developments need to be more exacting in understanding the impact on primary health care provision. More NHS dental provision is needed in the villages even though the local practice has recently appointed a new dentist and enrolled a number of new NHS patients. Currently there exists a waiting list for new adult NHS patients, but not for children (CEF 3 Interviews)

The Parish Council supports developments and changes to the health centre to ensure it continues to provide the fullest range of services required by all age groups within the community.

10.7 COMMUNITY AND LEISURE

Consultations (CEF2, CEF4, CEF 8 Residents Survey) have highlighted the wish to see community and leisure facilities in the Parish improved. If there are proposals to provide further leisure facilities, for example indoor sport and fitness facilities, a performance venue, or playgrounds, either through a 'new build' or through further development of existing facilities, then it is envisaged that the Parish Council will work with other councils, interested bodies and local landowners to investigate the type and timing of improvements.

SDDC's latest "*Open Spaces Strategy 2015 onwards*", (Appendix 15) lists 8 different community venues in Melbourne where a variety of community and social activities occur. It points out that whilst these are all valued facilities, many are in a poor state of repair and not ideal for their purpose. It suggests that rationalisation should occur when money and new facilities become available.

Details of the report carried out in 2010 entitled "*Options Appraisal on the Provision of Leisure Facilities in Melbourne, South Derbyshire 2010*" (by Pleydell Smithyman on behalf of SDDC) are provided in Appendix 16.

CA8 – SUPPORT FOR PROPOSALS TO IMPROVE THE SENIOR CITIZENS CENTRE AND COMMUNITY CARE PROVISION

The Senior Citizens Centre on Church Street is a leased building and once the current limited lease expires the future of the building is uncertain. Given the projected increase in the number of elderly people in the Parish, consultations have identified that it is important to maintain provision of this facility (CEF3 Interviews and Surveys, Residents Survey CEF 8). The accommodation for the charitable organisation Community Care is situated on Derby Road. It is staffed by volunteers, and provides assistance to members of the community, mainly the elderly and the disabled, and is funded solely by donations. Although the office accommodation on Derby Road is satisfactory, it is expensive to rent (CEF 3 Interviews and Surveys). The Neighbourhood Development Plan Residents Survey (CEF 8) highlighted the continued provision of the Senior Citizens Centre facilities and Community Care Services as second in priority of a list of community facilities in need of maintenance and improvement. Development on the site of the Senior Citizens centre for any purpose other than community use will not be supported.

It is envisaged that if there are proposals to improve the Senior Citizens Centre and Community Care facilities the Parish Council will work with all interested bodies and local landowners to facilitate improvements.

PLAYGROUNDS AND PLAY AREAS

CA9 – SUPPORT WILL BE GIVEN FOR IMPROVEMENTS TO EXISTING RECREATIONAL FACILITIES AND PLAYGROUNDS AND FOR ANY NEW CHILDREN’S PLAYGROUNDS

The SDDC Open Spaces strategy (see Appendix 15) recommends the provision of 1 playground per thousand population. The Parish currently has the following six play areas: Lothian Gardens, Queensway, Sweet Leys, Quick Close, Staunton Harold Reservoir and one on the new estate in Kings Newton.

Scouts, Guides, Rainbows, Brownies and Explorers - The present building on Packhorse Road is at capacity in terms of space and facilities. No more groups for young people who want to join the movement can be accommodated and there are

no facilities for the disabled. The groups have applied for funding to improve the facilities (CEF 3 Surveys and Interviews).

The Parish Council will continue to maintain and make improvements to the Lothian Gardens playground, and will work with SDDC to improve other facilities for children's organisations when funds become available.

SPORTS FACILITIES. The provision of facilities for outdoor sport in the villages is now of a high standard. The Melbourne Sporting Partnership opened in September 2016 with new and improved facilities for football, cricket, rugby, tennis and netball at Melbourne Park on Cockshut Lane. There are facilities for crown green bowls at King's Newton Bowls Club and flat green bowls at the Senior Citizen's Centre.

There is limited provision for hockey. Although there are no specific cycling facilities, the villages are in close proximity to the Sustrans trail. The pastime of walking was shown in surveys to be one of the most common outdoor leisure pursuits, as the Parish is well supplied with thirty-six public paths amounting to twelve miles of walking trails. Walking is particularly enjoyed by older members of the community (CEF3 Surveys spot survey). However, the provision of facilities for indoor sport and fitness lag behind those for outdoor sport.

CA10 – SUPPORT FOR PROPOSALS TO PROVIDE NEW INDOOR SPORTS FACILITIES

There is no single location that caters for a wide range of indoor sports and fitness in the Parish. As a result, the provision of facilities is very limited. The Melbourne Assembly Rooms (MARs) provides facilities for badminton, table tennis, indoor bowling, some dance classes and some fitness activities. MARs and the Senior Citizens Centre provide locations for some class-based activities, fitness groups and dance. There is no longer any gym provision in the village (CEF3 Interviews). The provision of indoor facilities at the Melbourne Sporting Partnership was ruled out because of financial and space constraints. The SDDC Open Spaces strategy (Appendix 15) recognises the deficiency of facilities for swimming and indoor sport in the whole SDDC district. There are plans to address this shortfall.

PERFORMANCE VENUE

CA11 – SUPPORT FOR PROPOSALS TO PROVIDE A NEW INDOOR PERFORMANCE VENUE

Consultations identified concerns around the lack of a dedicated performance venue suitable for an audience of up to 200. This compromises the ability of groups such as Melbourne Operatic, The St Michael's Players and the Melbourne Festival to showcase their talents to a wider audience. (CEF 8 Residents Survey, CEF 3 survey of social clubs). Because the uses of the MARs facility are multipurpose, there are availability conflicts between the multiple uses.

If there are proposals to provide further leisure facilities, for example, indoor sports and fitness facilities, a performance venue or playgrounds, either through a "new build" or through further development of existing facilities, then it is envisaged that the Parish Council will work with other councils, other interested bodies and local landowners to facilitate improvements.

10.8. TELECOMMUNICATIONS

CA12- SUPPORT FOR PROPOSALS TO IMPROVE THE MOBILE NETWORK, INTERNET AND BROADBAND

The Business Survey and Public Consultations (Appendix 6, CEF2 and CEF4) identified shortcomings with both the quality and reliability of telecommunications in the Parish. A meeting with a representative from Digital Derbyshire informed the group of the current situation within the Parish (CEF3 Meetings)

It is recommended that liaison between the Parish Council, Digital Derbyshire, and mobile phone operators establishes a strategy to deliver improved Broadband (fibre) and mobile phone reliability to Melbourne and Kings Newton.

10.9. BUSINESS, RETAIL AND EMPLOYMENT

The main issues identified in the Business Survey (Appendix 6) are associated with infrastructure: parking, traffic, transport and telecommunications. There were also concerns around the level of recent housing development. These results have been incorporated into the relevant Community Aspirations and other sections of the NDP. As a result of the feedback received from the Business Survey regarding parking issues within the centre of Melbourne, a separate 'Car Park Survey' was carried out (Appendix 7).

This NDP supports the objectives of Policy RT1 in the Retail section of the SDDC Local Plan Part 2 where it applies to Key Service Village centres, in that:

Retail development will be permitted provided that: i) It is appropriate with the scale and function of the Centre; and ii) It would not lead to unsustainable trip generation or undermine the vitality and viability of a neighbouring centre; and iii) It does not adversely impact on neighbouring properties. Loss of retail units in centres will be permitted where: i) The current use can be demonstrated to be no longer viable; and ii) The unit has been sufficiently and actively marketed for a range of retail uses over a 6 month period; and iii) The impacts arising from the resulting use do not cause an adverse effect on amenity, parking needs or highway safety.

11. MONITORING ARRANGEMENTS

Monitoring arrangements for this plan will need to be agreed with SDDC so that any planning applications which are made once this plan is adopted will take due account of both the plans, content and aspirations.

12 CONSULTATION EVIDENCE FILES

Details of consultation evidence will be found in separate documents

All documents are available on the Melbourne Parish Council website under the section headed 'NDP'.

<https://www.melbourneparishcouncil.gov.uk/ndp-consultation-evidence-files.html>

CEF 1 NDP Articles Village Voice 2014 to date

CEF 2 NDP Public Meeting January 2015

CEF 3 NDP Consultations: Interviews, Surveys, Meetings, Letters

CEF 4 NDP Public Meeting February 2016

CEF 5 Minutes meetings with SDDC

CEF 6 Minutes meetings with Rural Action Derbyshire

CEF 7 Minutes of all NDP Meetings (link to PC website)

CEF 8 NDP Residents Questionnaire February 2017 and results

13. APPENDICES

The detailed information will be found in the separate Appendices document.

All documents are available on the Melbourne Parish Council website under the section headed 'NDP'.

<https://www.melbourneparishcouncil.gov.uk/ndp-appendices.html>

Appendix 1 – OCSI Extract 2001 Census

Appendix 2 – Housing Consultation data

Appendix 3 – Sheltered Housing

Appendix 4 – SDDC Planning Guidance Background

Appendix 5 – Housing Developments since 2011

Appendix 6 – Business Survey

Appendix 7 – Car Parking Survey

Appendix 8 – Local Green Spaces and Letter to Landowners

Appendix 9 – Sustainability & Resilience

Appendix 10 – Jawbone Lane 3139116 appeal Decision

Appendix 11 – Consultations with Health & Education

Appendix 12 – Melbourne and Kings Newton Listed Buildings

Appendix 13 – Melbourne, Kings Newton & Woodhouses Conservation areas

Appendix 14 – Heritage & Conservation background

Appendix 15 – SDDC 2015 Open Space Sport & Community Facilities Strategy

14. ACKNOWLEDGEMENTS

Melbourne Parish Council wishes to thank all those who took part in the preparation of the plan, which is a large proportion of the population of Melbourne and Kings Newton.

The groups who have provided information for the plan and supported its development: Melbourne Civic Society, Melbourne Historical Research Society, Melbourne Transition Group, Melbourne Footpaths Group, Melbourne Village Voice, Joe Dugdale at Rural Action Derbyshire, Ian Hey and Nicola Sworowski at SDDC.

In particular, it would like to thank all our Neighbourhood Plan Team members, who attended meetings, organised events, carried out surveys, distributed leaflets and in other ways got directly involved and helped create the plan: Jane Carroll, Wendy Earp and George Hudson from the Parish Council and volunteers Mair Aitkenhead, Anthony Freeman, Margaret Gildea, Paul Grimley, Frank Hughes, Rose Minifree, Matthew Roe, Helen Saunders, Michael Sephton, Mike Smith, Roger Spencer, Steve Spear, Barry Thomas, Graham Truscott and Ian Turner.



Intelligent Plans
and examinations

Report on Melbourne Neighbourhood Development Plan 2016-2028

An Examination undertaken for South Derbyshire District Council with the support of Melbourne Parish Council on the March 2021 Submission version of the Plan.

Independent Examiner: Derek Stebbing BA (Hons) DipEP MRTPI

Date of Report: 19 April 2022

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Main Findings - Executive Summary

From my examination of the Melbourne Neighbourhood Development Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – the Melbourne Parish Council (the Parish Council);
- the Plan has been prepared for an area properly designated – the Melbourne Neighbourhood Area, as identified on the map at page 8 of the Plan;
- the Plan specifies the period to which it is to take effect – from 2016 to 2028; and,
- the policies relate to the development and use of land for a designated neighbourhood plan area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Melbourne Neighbourhood Development Plan 2016-2028

- 1.1 The Parish of Melbourne in South Derbyshire is situated some 8 miles to the south of Derby, 6 miles north-east of Ashby de la Zouch and 5 miles to the west of East Midlands Airport. The principal settlement in the parish is the small, historic market town of Melbourne, which contains many Georgian buildings which reflect the growth of the town in the early nineteenth century particularly as a centre for knitted products and footwear manufacture. There is a good range of shops and services within Melbourne, with a central focus around a historic Market Place. Melbourne is the third largest settlement in South Derbyshire district, and the parish had a population of 4,843 at the 2011 Census. This represented a 2% increase in population since 2001. The parish also contains the smaller settlement of Kings Newton which is immediately north of Melbourne. Each settlement has a designated Conservation Area.
- 1.2 The parish was recorded in the Domesday Book of 1086 as the royal manor of Mileburne meaning "mill stream". A parish church was also recorded in the Domesday Book, but the existing church dates from 1120, with subsequent restorations in the seventeenth and nineteenth centuries. The parish has a rich architectural heritage, with 134 Listed Buildings, of

which 24 are Grade I listed and five are Grade II* listed. Melbourne Hall to the south-east of Melbourne dates from the early eighteenth century, and has important gardens laid out with the assistance of royal gardeners in 1704.

- 1.3 The landscape of the parish is largely within the Melbourne Parklands Character Area which is an undulating landscape with extensive areas of arable farming with woodland on the steeper valley slopes. The northern part of the parish is within the Trent Valley Washlands Character Area which is a largely agricultural landscape set within broad, open river valleys with more urban features, transport routes and areas of mineral workings. The northernmost part of the parish is within the functional floodplain of the River Trent and is at risk of frequent flooding. Other areas of high flood risk exist along the Ramsley, Carr and Blackwell Brooks elsewhere in the parish.
- 1.4 The parish has a good range of community facilities. An Infant School and a Junior School are located at Melbourne, but the nearest Secondary School is at Chellaston closer to Derby. There is also the Melbourne Assembly Rooms, which also accommodates the library, together with the Melbourne Senior Citizens Community Centre within Melbourne. Other community facilities, including a GP surgery, dentists, pharmacy, small leisure centre and shops, are situated in Melbourne.
- 1.5 The principal road serving the parish is the A514 which provides links to the A50, A6 and M1 motorway. The main road serving Melbourne is the B587. There are no railway services serving the parish, the closest railway stations being at Derby, Willington and Long Eaton. The parish is within the Derby Travel to Work Area and between 20-40% of people travel northwards to the Derby area for employment.
- 1.6 There are no designated Sites of Special Scientific Interest or Local Nature Reserves within the parish. However, there are nine non-statutory County Wildlife Sites and the disused railway line (the Melbourne Line) through Kings Newton is also a designated wildlife site as well as being part of a Sustrans long-distance cycling route. The south-western 'quarter' of the parish is within the National Forest.

The Independent Examiner

- 1.7 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by South Derbyshire District Council (the District Council), with the agreement of the Parish Council.
- 1.8 I am a chartered town planner, with over 45 years of experience in planning. I have worked in both the public and private sectors and have experience of examining both local plans and neighbourhood plans. I have also served on a Government working group considering measures to improve the local plan system and undertaken peer reviews on behalf of the Planning Advisory Service. I therefore have the appropriate

qualifications and experience to carry out this independent examination.

- 1.9 I am independent of the qualifying body and the local authority and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.10 As the independent examiner, I am required to produce this report and recommend either:

- (a) that the neighbourhood plan is submitted to a referendum without changes; or
- (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

- 1.11 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the plan meets the Basic Conditions.
- Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

- 1.12 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.13 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations (under retained EU law)¹; and
- meet prescribed conditions and comply with prescribed matters.

- 1.14 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations').²

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of South Derbyshire District Council (SDDC), not including documents relating to excluded minerals and waste development, consists of the two parts of the South Derbyshire Local Plan (SDLP), together with the Local Green Spaces Plan. Part 1 covers the period 2011 to 2028 and is the strategic element of the Plan, setting the vision, objectives and strategy for the spatial development of South Derbyshire. It also sets out the scale of housing and employment development required within the District over the plan period, allocates strategic sites and contains policies used in the determination of planning applications. Part 2 includes other (non-strategic) housing allocations and

¹ The existing body of environmental regulation is retained in UK law.

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

detailed development management policies. The Local Green Spaces Plan designates areas of land that are of particular value to the local community, for protection from most forms of development. Part 1 was formally adopted on 13 June 2016, Part 2 was adopted on 2 November 2017 and the Local Green Spaces Plan was adopted on 24 September 2020.

- 2.2 The Basic Conditions Statement (at pages 2-5) provides an assessment of how the policies proposed in the Plan have regard to national policy and are in general conformity with the relevant strategic policies in the adopted Local Plan. Having been adopted in 2016/17, the Local Plan provides a relatively up-to-date strategic planning context for the Neighbourhood Plan, and this has enabled the Neighbourhood Plan and its policies to be prepared.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 20 July 2021. All references in this report are to the 2021 NPPF and its accompanying PPG.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Melbourne Neighbourhood Development Plan 2016-2028 (Submission Version, March 2021) and its Appendices (which are listed below);
 - the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Determination (December 2018) and Addendum (April 2021);
 - the Basic Conditions Statement (August 2020);
 - the Consultation Statement (undated); and
 - all the representations that have been made in accordance with the Regulation 16 consultation.³

Appendices to the Plan

- 2.5 I have also considered the 17 Appendices to the submission Plan, as follows:
- Appendix 1 - Action with Communities in Rural England (ACRE) Rural Evidence Project - Rural community profile for Melbourne (October 2013).
 - Appendix 2 - Housing Issues raised during consultations in 2015 and 2016.

³ View at: <https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/neighbourhood-planning?chapter=3>

- Appendix 3 - Sheltered Housing Provision in the Plan Area.
- Appendix 4 - South Derbyshire District Council Planning Guidance to support Planning Policies.
- Appendix 5 – Data on housing developments 2011-2016.
- Appendix 6 - Business Survey results (September 2015).
- Appendix 7 - Car Parking Survey results (November 2015).
- Appendix 8 - Local Green Spaces Table, Background and Context and copy of letter to landowners.
- Appendix 9 - Sustainability and Resilience – Background Information.
- Appendix 10 - Appeal Decision (Ref: APP/F1040/W/15/3139116) - Land at Jawbone Lane, Melbourne
- Appendix 11 - Consultations with Health and Education Providers.
- Appendix 12 - Melbourne and Kings Newton Listed Buildings.
- Appendix 13 – Maps of Melbourne, Kings Newton & Woodhouses Conservation Areas.
- Appendix 14 - Heritage and Conservation - Background Information.
- Appendix 15 – South Derbyshire District Council - Open Space, Sport and Community Facilities Strategy (January 2016).
- Appendix 16 – South Derbyshire District Council - Options Appraisal on the Provision of Leisure Facilities in Melbourne (March 2010).
- Appendix 17 – Derbyshire Wildlife Trust – Biodiversity in Melbourne.

Supporting Documents

2.6 I have also considered the supporting consultation evidence documents (Refs. CEF1-8)⁴ which have informed the Plan's preparation.

Preliminary Questions

2.7 Following my appointment as the independent examiner and my initial review of the draft Plan, its supporting documents and representations made at the Regulation 16 stage, I wrote to the District Council and the Parish Council on 21 December 2021⁵ seeking further clarification and information on seven matters contained in the submission Plan, as follows:

- firstly, with regard to Policy DP1, I noted that Melbourne is identified as a Key Service Village within the settlement hierarchy in the adopted South Derbyshire Local Plan Part 1 (Policy H1). It therefore performs a wider role in the provision of services, such as education, employment, retail and health, than Rural Villages such as Kings Newton. I further noted that, as drafted, Policy DP1 seems to limit all development to "Infill" only within both Melbourne and Kings Newton. In my

⁴ View at: <https://www.melbourneparishcouncil.gov.uk/ndp-consultation-evidence-files.html>

⁵ View at: <https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/neighbourhood-planning?chapter=3>

assessment, this does not reflect the recognised role of Melbourne as a Key Service Village and, by the use of the word “development”, the policy covers all forms of development. I observed that the policy is intended to focus upon residential development but, as drafted, it does not support other types of development, for example proposals for retail, educational and community facilities, which may be acceptable on suitable sites within Melbourne. The policy is also potentially contrary to the national policy objective to promote sustainable development. The policy also cannot be reconciled with a number of the Community Aspirations listed in Section 10 of the Plan. I therefore considered that the policy needs to distinguish between the forms of development that will be supported in Melbourne and those that will be supported in Kings Newton. The policy also needs to provide a cross-reference to the defined settlement boundaries of the villages, which are shown on the map on page 20, although a separate map simply identifying the settlement boundaries would be preferable (which can then be linked to Policies DP1 and DP3). I therefore invited the Qualifying Body to provide me with a note setting out some appropriate replacement draft text for this policy, to reflect those points, which I may consider as a potential modification to the Plan.

- secondly, with regard to Policy DP2, I noted that I could not identify the proposed Area of Separation on the map at page 20 which is referenced within the policy and its supporting text. I therefore requested that the Qualifying Body provide me with a suitable map that defines the proposed Area of Separation which I can consider as a potential modification to the Plan;
- thirdly, with regard to Policy DP3, I noted that the terms “Executive Homes” and “Downsizing” are not appropriate for a planning policy. This policy is intended to encourage the development of smaller homes, and I invited the Qualifying Body to provide me with some appropriate replacement draft text for the policy which avoids the above terms, and which I may consider as a potential modification to the Plan;
- fourthly, with regard to Policy OS2, I considered that, as drafted, the policy is rather more of an objective than an effective planning policy. I therefore invited the Qualifying Body to provide me with some additional or replacement text for the policy which reflects the points that are made in the first two paragraphs of the supporting text to the policy;
- fifthly, with regard to Affordable Housing, I noted that the Government had published details of its new ‘First Homes’ policy initiative. The newly published ‘First Homes’ section of the Planning Practice Guidance (PPG) now requires that neighbourhood plans are expected to contain First Homes policies. The guidance states that First Homes are now the Government’s “preferred discounted market tenure and should account for at least 25 per cent of all affordable housing units delivered by developers through planning obligations”. Policies in neighbourhood plans, like local plans, are expected to reflect this requirement. Transitional arrangements applied to draft plans already being prepared. Neighbourhood plans submitted for examination before 28

June 2021, or those that have reached publication stage by the same date and are subsequently submitted for examination by 28 December 2021, are not required to contain First Homes policies. The Melbourne Neighbourhood Development Plan is covered by those transitional arrangements. However, the Plan, as drafted, lacked a specific policy addressing the need to support the provision of Affordable Housing within the Plan area (although it notes at paragraph 7.3.1 that *"Affordable housing is supported"* and that Policy H21 of the South Derbyshire Local Plan Part 1 is supported). I therefore invited both the District Council and the Qualifying Body to consider this matter, and if appropriate to provide draft text for a policy which addresses this point;

- sixthly, with regard to sustainable development, the draft Plan notes, at paragraph 1.8, that the making of a neighbourhood plan should contribute to the achievement of sustainable development. However, I considered that the Plan does not presently contain a sufficiently clear statement or policy which addresses this statutory requirement, as it applies to the Plan area. I therefore invited the Qualifying Body to consider providing some suitable text in order to address this point, either as a statement for inclusion in Section 4 (possibly as a new paragraph 4.4) or as a specific policy for inclusion in the Plan, which I may consider as a potential modification to the Plan; and,
- finally, with regard to the revised version of the NPPF published by the Government on 20 July 2021 alongside a final version of the National Model Design Code, I requested that the District Council and the Qualifying Body advise me whether any modifications in relation to the non-strategic matters covered by the Melbourne Neighbourhood Plan are necessary as a result of the publications (other than amended referencing) and, if so, what they are.

- 2.8 In response to my letter of 21 December 2021, the District Council provided me with a response to the fifth and seventh matters listed above on 21 January 2022. The Parish Council provided me with responses to the preliminary questions on 8 March 2022.⁶ I have taken full account of the additional information contained in these responses as part of my assessment of the draft Plan, alongside the documents listed at paragraphs 2.4, 2.5 and 2.6 above.

Site Visit

- 2.9 I made an unaccompanied site visit to the Neighbourhood Plan Area on 13 January 2022 to familiarise myself with it and visit relevant sites and areas referenced in the Plan, evidential documents and representations.

⁶ View at: <https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/neighbourhood-planning?chapter=3>

Written Representations with or without Public Hearing

- 2.10 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections and comments regarding the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. I am satisfied that the material supplied is sufficiently comprehensive for me to be able to deal with the matters raised under the written representations procedure, and that there was not a requirement to convene a public hearing as part of this examination. In all cases, the information provided has enabled me to reach a conclusion on the matters concerned.

Modifications

- 2.11 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications in full in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by the Melbourne Parish Council. An application to the District Council for the Parish Council area to be designated a neighbourhood planning area was made on 14 November 2014 and was approved by the District Council on 29 January 2015, following public consultation between 4 December 2014 and 16 January 2015.
- 3.2 The designated Neighbourhood Area comprises the whole of the Parish of Melbourne. The designated area is shown on the map at Appendix 1 in the Basic Conditions Statement and on the map at page 8 in the submission Plan. The Melbourne Neighbourhood Plan is the only neighbourhood plan in the designated area.
- 3.3 Melbourne Parish Council is the Qualifying Body for the preparation of the Plan. The preparation of the Plan has been led by a Working Group, which was established in October 2014, under the chairmanship of the Parish Council and comprising a number of local residents and other volunteers.

Plan Period

- 3.4 The draft Plan specifies (on the front cover) the period to which it is to take effect, 2016 to 2028, and which is aligned to the plan period for the adopted SDLP Parts 1 and 2. The Plan period therefore encompasses the remaining part of the plan period for the adopted SDLP (up to 2028). I make a recommendation (see paragraph 4.41 below and proposed

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modification **PM10** with regard to the future review of the Plan to take account of any review undertaken by the District Council of the strategic policies of the Development Plan.

Neighbourhood Plan Preparation and Consultation

- 3.5 The Consultation Statement sets out a comprehensive record of the Plan's preparation and its associated engagement and consultation activity between 2014 and 2021. The decision to undertake the preparation of the Neighbourhood Plan was taken in November 2014, following an exploratory public meeting held in September 2014. Following the designation of the Neighbourhood Area in January 2015, the first formal public meeting was held, which was attended by some 150 people. Residents' views and comments on the issues to be covered by the Plan were recorded and formed the discussion topics for subsequent meetings and surveys. A series of meetings and surveys of local groups and organisations were held during 2015, and the second formal public meeting was held in February 2016, which was attended by over 100 people. Residents were updated on the preparation of a draft Plan, and comments were invited on the key issues that had been identified. Housing development was the major issue identified by residents.
- 3.6 The first draft of the Plan was prepared in April 2016, and over the subsequent six months it was revised and updated, following consultations with the District Council and others. In early-2017 a questionnaire survey was undertaken of all households in the parish seeking views on the draft policies and content of the emerging Plan. This attracted 573 responses, and the comments led to various amendments and modifications to the draft Plan. A pre-submission draft was then subject to further consultation with the District Council in late-2017, and again a series of modifications were suggested by the District Council. A revised draft was then submitted to the District Council in March 2018 for further comment, following which the preparation of the Regulation 14 draft Plan and supporting documents for public consultation was undertaken.
- 3.7 The Regulation 14 draft Plan was published for public consultation between 20 May and 2 July 2019. The consultation was accompanied by extensive local publicity across the parish using social media, public notices and the Parish Council and Neighbourhood Plan websites. Various statutory and non-statutory consultees were contacted separately, including the District Council, Derbyshire County Council and adjoining Parish Councils.
- 3.8 The consultation responses were then analysed and assessed, and the comments raised by the District Council, and to a lesser extent the County Council, necessitated some significant amendments to the draft Plan.
- 3.9 The Consultation Statement provides a full record of the consultation and engagement work that was undertaken during the preparation of the Plan, including the actions that were taken to amend or modify the draft Plan following consultation responses at key stages in the Plan's preparation.

- 3.10 Following submission of the Plan to the District Council under Regulation 15, the Regulation 16 consultation was subsequently held for a period of six weeks from 8 October to 19 November 2021. I have taken account of the 38 responses then received, as well as the published Consultation Statement. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the Plan, that has had regard to advice in the PPG on plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.
- 3.11 I note that two responses received at the Regulation 16 consultation stage are solely concerned with the Community Aspirations in Section 10 of the Plan, and I draw the Parish Council's attention to those representations at paragraph 4.40 below.

Development and Use of Land

- 3.12 I am satisfied that the draft Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.13 From my review of the documents before me, the draft Plan does not include policies or proposals that relate to any of the categories of excluded development.⁷

Human Rights

- 3.14 Neither the District Council nor any other party has raised any issues concerning a breach of, or incompatibility with Convention rights (within the meaning of the Human Rights Act 1998). From my assessment of the Plan, its accompanying supporting documents and the consultation responses made to the Plan at the Regulations 14 and 16 stages, I am satisfied that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. I consider that none of the objectives and policies in the Plan will have a negative impact on groups with protected characteristics. Many will have a positive impact.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The District Council first issued a Strategic Environmental Assessment (SEA) (and the Habitats Regulations Assessment (HRA) Screening Determination) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations') in December

⁷ The meaning of 'excluded development' is set out in s.61K of the 1990 Act.

2018, and this was subsequently updated with an Addendum in April 2021. This Screening Determination is submitted alongside the draft Plan and concludes (at paragraphs 3.8 and 5.1) that the emerging draft Plan is not likely to have a significant environmental effect, and accordingly an SEA is not required. The draft Screening Determination was the subject of consultation with the Environment Agency, Natural England and Historic England between 12 November and 3 December 2018. Notwithstanding the overall conclusion that an SEA is not required, I have given careful consideration to the responses from each of the statutory bodies and have taken account of their specific comments.

- 4.2 I have considered the SEA methodology set out in the Screening Determination (at Section 3) and process by which the Plan was duly screened to determine whether the Plan is likely to have significant environmental effects, bearing in mind also that the policies in the adopted SDLP, were subject to sustainability appraisal at the relevant stages, most recently in 2017. Overall, I am satisfied that a proportionate approach has been taken and that the Plan was screened to take full account of any potential effects upon interests of environmental, landscape, historic and heritage importance.
- 4.3 The Plan was also screened by the District Council in order to establish whether the Plan required Habitats Regulations Assessment (HRA) under the Habitats Regulations. South Derbyshire and its surrounding districts contain six sites of European importance, The River Mease Special Area of Conservation (SAC), the West Midlands Mosses SAC, the Cannock Chase SAC, the Bees Nests and Green Clay Pits SAC, the Gang Mine SAC and the Peak District Dales SAC. The River Mease SAC is located partly within South Derbyshire district and the potential impacts of the Plan upon this SAC were given careful consideration (as set out at Appendix 3 of the Screening Determination). The HRA Screening Assessment, which is contained at Section 4 of the Screening Determination, concluded (at paragraph 5.2) that the draft Plan did not require a stage 2 HRA (Appropriate Assessment) as no likely significant effects are likely to occur with regards to the integrity of the protected European sites within and around South Derbyshire district. I have noted that Natural England has concurred with that conclusion.
- 4.4 Therefore, I consider that on the basis of the information provided and my independent consideration of the SEA/HRA Screening Determination and the Plan itself, I am satisfied that the Plan is compatible with EU obligations under retained EU law.

Main Assessment

- 4.5 The NPPF states (at paragraph 29) that "*Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan*" and also that "*Neighbourhood plans should*

not promote less development than set out in the strategic policies for the area, or undermine those strategic policies". The NPPF (at paragraph 11) also sets out the presumption in favour of sustainable development. It goes on to state (at paragraph 13) that neighbourhood plans should support the delivery of strategic policies contained in local plans; and should shape and direct development that is outside of these strategic policies.

- 4.6 Having considered above whether the Plan complies with various legal and procedural requirements, it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.13 of this report), particularly the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic development plan policies.
- 4.7 I test the Plan against the Basic Conditions by considering specific issues of compliance of the Plan's eight policies, which address the following themes: Housing and Development; Open Spaces; and Heritage and Conservation. As part of that assessment, I consider whether the policies in the Plan are sufficiently clear and unambiguous, having regard to advice in the PPG. A policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.⁸ I recommend some modifications as a result.

Overview

- 4.8 The Plan is addressing a period up to 2028 and seeks to provide a clear planning framework to guide residents, businesses, the District Council and developers as to how the community wish to shape the development and growth of the parish during that period. Sections 7-9 of the Plan contain specific policies in respect of each of the themes listed above.
- 4.9 Section 1 of the Plan provides an introduction to the Plan following the designation of the parish as a Neighbourhood Area in January 2015. It provides a brief synopsis of the Neighbourhood Plan process, and how the Plan will be used. Section 2 comprises a summary list of the eight Policies in the Plan, which I address in detail at paragraphs 4.16-4.38 of this report. Section 3 comprises a summary list of the twelve Community Aspirations, which are readily and separately identifiable⁹, and more fully described at Section 10 of the Plan. I do not examine the Community Aspirations as they will not form part of the statutory Development Plan (see paragraph 4.39 of this report).
- 4.10 Section 4 of the Plan sets out the Parish Council's Vision which has been finalised following the progressive consultations undertaken during the

⁸ PPG Reference ID: 41-041-20140306.

⁹ PPG Reference ID: 41-004-20190509.

preparation of the Plan. The Vision states:

"A vibrant, sustainable and caring community. We want to keep the heritage, attractive landscape, and rural nature of our villages. We want any housing development to be small and to fit the needs of local people, and to be at a pace that our drains, sewers, roads, parking, schools and the medical centre can cope with. We want to keep and protect from development the open space between Melbourne and Kings Newton and to protect agricultural land. We want facilities to encourage sports, physical fitness, entertainment and clubs and societies, and to promote village life."

It notes that this Vision will be achieved by promoting the Plan together with the adopted SDLP to ensure that they are agreed and adopted, supporting development which meets the Plan's criteria and standards, opposing development which does not comply with the Plan's policies, preserving and protecting open spaces and supporting the local economy to maintain a thriving town centre. Although the Plan does not contain specific Objectives, I am of the view that the proposed actions to achieve the Plan's Vision do represent planning objectives, which have guided the preparation of the various policies in the Plan.

- 4.11 Section 5 comprises a map of Melbourne Parish which is the designated Neighbourhood Area.
- 4.12 Section 6 provides a brief description of the character and quality of the parish, highlighting the key characteristics that were identified by local residents during the preparation of the Plan. It notes that Melbourne is an historic, rural market town surrounded by a rural and attractive landscape. It notes that the location, landscaping and design of any new development is crucial to maintaining the balance between landscape and settlement.
- 4.13 The Basic Conditions Statement describes how the Plan and its policies, have regard to national policies contained in the NPPF. It also sets out how the Plans' policies are in general conformity with the strategic policies in the adopted SDLP, both Parts 1 and 2.
- 4.14 However, as noted at paragraph 2.7 above, with regard to sustainable development, I considered that the Plan (and also the Basic Conditions Statement) do not presently contain a sufficiently clear statement or policy which addresses the statutory requirement for the Plan to contribute to the achievement of sustainable development. I therefore invited the Qualifying Body to consider providing some suitable text in order to address this point, either as a statement for inclusion in Section 4 or as a specific policy for inclusion in the Plan, which I may consider as a potential modification to the Plan. I have taken account of the Parish Council's response on this matter, as contained in their letter dated 8 March 2022. Subject to some further amendment, I have accepted the Parish Council's proposed additional text, and I therefore recommend

modification **PM1** in order to address this matter. Subject to that modification, and to the further detailed modifications that I recommend to specific policies below, I consider that individually and collectively the Plan's policies will contribute to the achievement of sustainable patterns of development. There are also a number of other detailed matters which require amendment to ensure that the policies have the necessary regard to national policy and are in general conformity with the strategic policies of the District Council. Accordingly, I also recommend modifications elsewhere in this report in order to address those matters.

Specific Issues of Compliance

- 4.15 I turn now to consider each of the proposed policies in the draft Plan, which are contained in Sections 7-9 of the Plan, and I take into account, where appropriate, the representations that have been made concerning the policies.

Housing and Development

- 4.16 Section 7 addresses the theme of Housing and Development in the Plan area and contains three policies (Policies DP1-DP3). The introduction to this section notes that, during consultations on the draft Plan, concerns were raised that unplanned and speculative growth could jeopardise the rural and heritage setting of the parish, have adverse impacts on the overall infrastructure and would not be sustainable in the long term.
- 4.17 The Plan takes account of the relevant Policies in the adopted SDLP relating to strategic larger-scale development (Policy H1) and to smaller scale, non-strategic housing allocations (Policies S4 and H23) and considers, taking account of new dwellings completed between 2011 and 2015 and subsequent planning permissions for a further 185 dwellings, that the parish has already met its contribution towards meeting the District's planned housing growth up to 2028. This represents a potential increase of 14% in the number of households in the parish since the 2011 Census.
- 4.18 Policy DP1 seeks to respond to the concerns raised regarding further unplanned growth in the Plan area, by stating that "*development will be 'infill' only within the settlement boundaries of the villages*". Upon my initial assessment of the Plan, I considered that, as drafted, this policy fails to provide clear guidance for the consideration and assessment of development proposals and is also potentially not consistent with the national policy objective to promote sustainable development. I therefore invited the Qualifying Body to provide a note setting out some appropriate replacement text for this policy, which I may consider as a potential modification to the Plan. I have taken account of the Parish Council's response on this matter, as contained in their letter dated 8 March 2022. In my assessment, although the Parish Council's proposed amendments to the wording of the policy do represent an improvement to that contained in the submission draft Plan, I consider that the policy and its supporting

justification would still fail to provide appropriate guidance for the consideration of development proposals. Therefore, I recommend modification **PM2** to encompass the necessary revisions to this policy and its supporting justification. In that respect, I also take account of a representation made by the Environment Agency concerning flood risk.

- 4.19 I have also given careful consideration to the various representations that have been made concerning this policy (and in some cases related matters concerning other Policies). These have included representations submitted on behalf of The Melbourne Estate, the Trustees of the Margaret Hawksworth Bond Elm Trust and the Ralph Hawksworth Bond Elm Trust and Davidsons Developments Ltd, each of which is promoting a specific site beyond the defined settlement boundary of Melbourne for further residential development during the Plan period. I visited those locations during the course of my site visit. In my assessment, the evidence base that underpins Policy DP1, and notably the data for dwelling completions and planning permissions in the Plan area since 2011, does justify a policy of restraint upon further residential development on land beyond the defined settlement boundaries, at least during the remainder of the Plan period (i.e. up to 2028) for both this Plan and the adopted SDLP. To identify one or more sites for such development in the Plan would clearly serve to nullify the purpose and intent of this policy and indeed the defined settlement boundary itself. I do not see the necessity for any such allocations, and it is my view that the correct approach will be for the forthcoming review of the SDLP, and indeed also of this Plan in due course, to consider whether there will be a requirement for further housing site allocations in the Plan area in light of the future district-wide housing requirements beyond 2028. At the present time, there is no certainty on those matters, and there is no necessity in order to meet the Basic Conditions to recommend the identification of any additional housing site allocations within the Plan, including those put forward within the above-mentioned representations.
- 4.20 Policy DP2 states *"Maintain the separation between Melbourne and Kings Newton: Development will not be permitted which would adversely affect or diminish the present open and undeveloped character of the area of separation lying between Melbourne and Kings Newton, as shown and identified on the map attached at para. 8.4.2. Appropriate uses in the area of separation are agriculture, forestry, minerals extraction and outdoor sport and recreation uses. Any built development permitted within the area of separation will be limited to minor structures and facilities which are strictly ancillary to the use of the land for these purposes."* The supporting justification for the policy states that the area has been subject to pressure for residential development, and that it is considered important to provide clear policy guidance to protect the separate identities of Kings Newton and Melbourne and to prevent their coalescence.
- 4.21 Upon my initial assessment of the Plan, I considered that it was not possible to identify the proposed Area of Separation on the map

referenced at paragraph 8.4.2, or indeed elsewhere in the draft Plan. I therefore invited the Qualifying Body to provide a suitable map that defines the proposed Area of Separation which I may consider as a potential modification to the Plan. The Parish Council responded to me on 8 March 2022 by stating that all areas outside the settlement boundaries are covered by SDLP Policy SDT1 and that there will be no map to define the proposed Area of Separation, reflecting the desire found in the public consultation not to identify any area of separation, and that instead the SDLP policy will be the relevant policy in force.

- 4.22 I have taken account of the Parish Council's response but in my assessment the policy is rendered ineffective without any spatial definition of the proposed Area of Separation, leaving that definition open to wide-ranging interpretations. The principal issue underlying the justification for the policy is the desire to avoid any further coalescence between the two settlements of Melbourne and Kings Newton, each of which has a defined settlement boundary. Melbourne is by far the larger of the two settlements and I do recognise the risk that the character and identity of Kings Newton could be progressively eroded by further urban extensions to the north and north-east of Melbourne. Land to the north-east of Melbourne is clearly under pressure for further residential development, and there are representations before me promoting the residential development of sites on the north-eastern edge of Melbourne, beyond the defined settlement boundary.
- 4.23 I consider that the policy text as drafted should be deleted from the Plan in its current form and that the term 'Area of Separation' should be removed from the Plan. I do recognise, however, the strongly held view that the Plan should seek to prevent the coalescence of the settlements of Melbourne and Kings Newton, and I therefore recommend a series of amendments to the Plan, including replacement wording for the policy, that address the general issue of coalescence, without defining any specific areas of land that would be subject to the policy. Instead, the defined settlement boundaries for both Melbourne and Kings Newton, which are shown on the map at paragraph 8.4.2, will remain as the approved development limits for each settlement in this Plan and for the assessment of any future development proposals against Policies DP1 (see also **PM2**) and DP2. Accordingly, I recommend modification **PM3** to encompass the amendments to the policy and its supporting justification. In reaching my conclusion on this matter, I have taken account of the representations made concerning this policy, including those that sought to provide a spatial definition to the 'Area of Separation'.
- 4.24 Policy DP3 states that "*Proposals for development of dwellings within the settlement boundaries will be supported if they have three bedrooms or fewer, which means that any 'infill' will be for new starter homes and for downsizing rather than for large 'executive homes'.*" Upon my initial assessment of this policy, I considered that the terms "executive homes" and "downsizing" are not appropriate for a planning policy. This policy is intended to encourage the development of smaller homes, and I therefore

invited the Qualifying Body to provide me with some appropriate replacement draft text for the policy which avoids the above terms, and which I may consider as a potential modification to the Plan. I have taken account of the Parish Council's response on this matter, as set out in their letter dated 8 March 2022. Subject to some further amendment for clarity, I therefore recommend the revised text for this policy, as set out at modification **PM4**. This modification also includes the addition of a new paragraph to the supporting text regarding the First Homes policy initiative introduced by the Government during 2021, and which was the subject of a further preliminary question in my letter of 21 December 2021 to the Qualifying Body.

- 4.25 With recommended modifications PM2-PM4, I consider that the draft Plan's section on Development and Housing and its accompanying policies (Policies DP1-DP3) is in general conformity with the strategic policies of the adopted SDLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Open Spaces

- 4.26 Section 8 addresses the theme of Open Spaces in the Plan area and contains four policies (Policies OS1-OS4). The introduction to this section notes that open spaces include green spaces and greenways, public rights of way, recreation areas and allotments. The Plan seeks to protect and enhance all such areas, to designate additional Local Green Spaces and to promote the biodiversity interests of the area.
- 4.27 Policy OS1 states that "*development of the identified areas of Local Green Space will be resisted*". A total of eight Local Green Spaces within the Plan area are designated within the adopted SDDC Local Green Spaces Plan and, therefore, I do not consider those sites in any further detail within this report. They are shown on the map at page 20 in the Plan and referenced at paragraph 8.4.3.
- 4.28 The Plan proposes the designation of four additional Local Green Spaces within the Plan area. These are the Cemetery at Packhorse Road, Melbourne, the Baptist Church Cemetery at Chapel Street, Melbourne, the Old Cemetery at Castle Street, Melbourne and an area known as the Intake Area to the south of Melbourne. I visited each of these sites during the course of my site visit to familiarise myself with their specific characteristics. I also have taken account of the material contained at Appendix 8 to the Plan, including confirmation that the relevant landowners were notified in 2017 of the proposed designation of each of the sites as a Local Green Space. Paragraph 102 of the NPPF states that Local Green Space designations should only be used where the green space is in reasonably close proximity to the community it serves; is demonstrably special to a local community and holds a particular local significance; and, is local in character and not an extensive tract of land. In addition, paragraph 101 states that Local Green Space should be

capable of enduring beyond the end period of the plan. The PPG advises that whether to designate land is a matter for local discretion, but that the area will need to meet the criteria set out in the NPPF.¹⁰

- 4.29 I observed from my site visit that the three cemeteries at Packhorse Road, Chapel Street and Castle Street are, in each case, tranquil spaces, providing small but significant areas for wildlife to flourish, and in my assessment fulfilling the criteria for designation as a Local Green Space, notably because of their historical importance and their proximity to the Melbourne community. The Intake Area is a local 'beauty spot', accessible from Melbourne and its surroundings, and is a popular visitor attraction. A feature of its location are the views of the surrounding area. Again, I consider that its designation as a Local Green Space meets the national criteria for such designation, particularly as it is a site that is clearly demonstrably special to the local community.
- 4.30 However, with regard to the policy text, and specifically in relation to managing development within a Local Green Space, this should be consistent with those for Green Belts (NPPF paragraph 103), and development should not be approved except in very special circumstances. Therefore, I recommend that the policy text as drafted be modified to reflect that requirement. It is my conclusion that, having regard to NPPF paragraphs 101-102 and the guidance in the PPG, the four sites identified within the Plan should be designated as Local Green Spaces and that the policy (as proposed to be modified) meets the Basic Conditions. Recommended modification **PM5** addresses the necessary amendments to Policy OS1.
- 4.31 Policy OS2 seeks to protect footpaths, Public Rights of Way and greenways within the Plan area from development. Its supporting text states that, in any new developments, provision should be made to extend the routes for walkers and cyclists including, where possible, routes linking into the countryside network as well as into the town of Melbourne.
- 4.32 After my initial assessment of this policy, I requested, as part of the matters upon which I sought further information and clarification, that the Parish Council provide me with some additional or replacement text for the policy that better reflects the points made in its supporting text. I have taken account of the Parish Council's response on that matter and, with some further revisions, I therefore recommend amendments to the text of Policy OS2 in order to provide improved clarity for users of the Plan, and these are addressed by recommended modification **PM6**.
- 4.33 Policy OS3 states that developments that protect and enhance biodiversity will be supported. This is consistent with national and local policies, subject to necessary amendment to provide further clarity as set out at recommended modification **PM7**. Again, I take account of representations that have been made concerning this policy.

¹⁰ PPG Reference ID: 37-013-20140306.

- 4.34 Policy OS4 states that the preservation of Grade 1, 2 and 3a agricultural land will be supported. The protection of such 'Best and Most Versatile' agricultural land is consistent with national policy, and development of such land should be avoided where possible. Again, subject to some minor amendments to provide further clarity which are set out at recommended modification **PM8**, I consider that the policy is appropriate and justified.
- 4.35 With recommended modifications PM5-PM8, I consider that the Plan's section on Open Spaces and its accompanying policies (OS1-OS4) is in general conformity with the strategic policies of the adopted SDLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Heritage and Conservation

- 4.36 Section 9 of the Plan addresses the theme of Heritage and Conservation in the Plan area, noting that historic assets play an important role in defining the distinctiveness and character of the parish. The Plan area contains 134 Listed Buildings, of which 24 are of Grade I status, and three designated Conservation Areas. The gardens at Melbourne Hall are a Registered Park and Garden, whilst the Melbourne Castle site is a scheduled monument. From my site visit, I observed that the many heritage assets contribute very significantly to the pattern and shape of development in both Melbourne and Kings Newton and that it will be important to preserve that characteristic.
- 4.37 This section of the Plan contains one policy (Policy HC1) which states that preservation of the historical and cultural heritage assets and the existing Conservation Areas will be supported. In my assessment, the guidance within this policy should be strengthened to be consistent with both national and local policies and to provide clearer guidance for future users of the Plan, and particularly for those considering future development proposals. Accordingly, I recommend that the existing policy text be replaced with revised wording, and this is addressed by modification **PM9**.
- 4.38 With recommended modification PM9, I consider that the draft Plan's section on Heritage and Conservation and its accompanying policy (Policy HC1) is in general conformity with the strategic policies of the adopted SDLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Community Aspirations

- 4.39 Section 10 of the Plan sets out a range of issues and projects that were identified during the various consultative stages in the preparation of the Plan, and which are now included in the Plan as Community Aspirations. These do not constitute land-use planning policies and have not formed part of my examination of the Plan. The Plan states that such aspirations

will be considered by the Parish Council and included, if appropriate, in the Parish Plan.

- 4.40 A representation made by The Theatres Trust at the Regulation 16 consultation stage is solely concerned with Community Aspiration CA11, and I draw the Parish Council's attention to that representation for their consideration. I also draw the Parish Council's attention to a representation from a resident of Etwall concerning Community Aspirations CA7 and CA8.

Other Matters

- 4.41 There is the likelihood that there will be a need to formally review the Plan during the Plan period, particularly following a review of the adopted SDLP. Section 11 of the Plan states that monitoring arrangements for the Plan will need to be agreed with the District Council. However, I consider that this section needs to be extended to also state that the Plan will be subject to review at regular intervals up to 2028 to ensure that its policies remain complementary to the national and local policies, are responsive to climate and other environmental changes and are meeting the overall strategic vision for the future of Melbourne. I therefore recommend modification **PM10** to address the matter of future reviews of the Plan.
- 4.42 The Plan contains a number of references to the NPPF, for example on pages 13 and 17. For clarity in the future, it is advised that such references should be to the "NPPF (2021)". This can be undertaken as a minor, non-material change.¹¹ As an advisory comment, when the Plan is being redrafted to take account of the recommended modifications in this report, it should be re-checked for any typographical errors and any other consequential changes, etc.

Concluding Remarks

- 4.43 I conclude that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the Melbourne Neighbourhood Plan 2016-2028 meets the Basic Conditions for neighbourhood plans.

5. Conclusions

Summary

- 5.1 The Melbourne Neighbourhood Plan 2016-2028 has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the

¹¹ PPG Reference ID: 41-106-20190509.

responses made following consultation on the Plan, and the supporting documents submitted with the Plan together with the Parish and District Councils' responses to my questions.

- 5.2 I have made recommendations to modify certain policies and other matters to ensure that the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. I conclude that the Melbourne Neighbourhood Plan 2016-2028, as modified, has no policy or proposal which I consider to be significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond that boundary. I therefore recommend that the boundary for the purposes of any future referendum on the Plan, should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 1.4 It is clear that the Melbourne Neighbourhood Plan is the product of much hard work undertaken since 2014 by the Parish Council, its Neighbourhood Development Plan Working Group and the many individuals and stakeholders who have contributed to the preparation and development of the Plan. In my assessment, the Plan reflects the land use aspirations and objectives of the Melbourne community for the future planning of their parish up to 2028. The output is a Plan which should help guide the area's development over that period, making a positive contribution to informing decision-making on planning applications by South Derbyshire District Council.

Derek Stebbing

Examiner

Appendix: Modifications

Note: Minor consequential amendments may be made as necessary to the Plan as a result of PMs 1-10 below, such as to the Section 2 Summary List of the Policies of the Neighbourhood Plan.

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 7	<p><u>Section 4 – Vision for Melbourne and Kings Newton</u></p> <p>Add new paragraph 4.4 to read as follows:</p> <p>“The Plan is seeking to promote and achieve sustainable development within the Plan area. By sustainable, we mean that development should meet the needs of the present population without compromising the ability of future generations to meet their own needs (NPPF 2021). When new development is proposed for Melbourne and Kings Newton, it should meet an economic objective to support growth and innovation, a social objective to support our community aspirations and an environmental objective to protect and enhance our natural rural environment, minimising waste and pollution and adapting to climate change, including moving to a low carbon economy.”</p>
PM2	Page 12	<p><u>Policy DP1</u></p> <p>Delete existing policy text in full and replace with:</p> <p>“Proposals for new development within the defined settlement boundaries of Melbourne and Kings Newton will be supported, where such development is appropriate to the scale and character of the site and its surroundings, and where there will be no adverse environmental impacts arising from the development. The defined settlement boundaries are shown on the accompanying map at page --. (page number to be inserted in due course)</p>

		<p>Development proposals should, in all cases, seek to achieve a high quality of building design and landscaping and make a positive contribution to the street scene.</p> <p>Proposals for new development beyond the settlement boundaries of Melbourne and Kings Newton will only be supported where they comply in full with the relevant Policies of this Plan and the adopted South Derbyshire Local Plan.</p> <p>All proposals should ensure that they do not lead to any increased risk of flooding within the Plan area, in accordance with the Policies of the adopted South Derbyshire Local Plan and the advice of the Environment Agency.”</p> <p>Add two new paragraphs to Explanatory Text on Page 12, to precede existing text, and to read as follows:</p> <p>“This policy seeks to support appropriate well-designed, small-scale developments within the existing defined settlement boundaries of Melbourne and Kings Newton, in order to maintain the character of those settlements and to promote a sustainable pattern of development.</p> <p>Proposals for new development within the rural areas beyond the settlement boundaries of Melbourne and Kings Newton will not be supported unless such proposals comply with the relevant policies concerning development in the countryside, contained in the adopted South Derbyshire Local Plan and this Plan.”</p>
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		Insert map (as contained in the Parish Council's response dated 8 March 2022) ¹² showing limits to development of Melbourne and Kings Newton to follow the text of Policy DP1 and to precede the Explanatory Text.
PM3	Pages 13 and 14	<p><u>Policy DP2</u></p> <p>Delete existing policy text in full and replace with:</p> <p>"In addition to the general presumption against new development within the rural areas beyond the settlement boundaries of Melbourne and Kings Newton, as set out in Policy DP1, all development proposals within the rural areas will also be assessed in terms of their impact upon the existing character and setting of Melbourne and Kings Newton, including the designated heritage assets. Proposals which would lead to adverse impacts upon those settlement features will not be supported, including those proposals which would lead to the coalescence of the two settlements by virtue of their scale and mass, siting, visual impact and/or impacts upon the landscape features of the area."</p> <p><u>Explanatory Text</u></p> <p>First paragraph – delete 3rd and 4th sentences.</p> <p>Second paragraph – delete in full.</p> <p>Third paragraph – add the words "between the settlements of Melbourne and Kings Newton" after <i>"The area"</i> in the first line of text.</p> <p>Fourth paragraph – no amendments.</p> <p>Fifth paragraph – delete the words "on a significant part of the Area of Separation" in</p>

¹² View at <https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/neighbourhood-planning?chapter=3>

		the second and third lines of text and replace with "within the area" .
PM4	Page 15	<p><u>Policy DP3</u></p> <p>Delete existing policy text in full, and replace with:</p> <p>"Proposals for the development of new dwellings within the defined settlement boundaries of Melbourne and Kings Newton will be supported if they have four bedrooms or fewer, in order to encourage the development of smaller dwellings including starter homes and smaller affordable homes."</p> <p>Insert where appropriate additional supporting text for Policy DP3, to read as follows:</p> <p>"During the preparation of this Plan, the Government introduced a new 'First Homes' policy. The policy guidance states that First Homes are now the Government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations and be discounted by 30% against the market value. This policy will apply to appropriate developments in the Plan area that are granted planning permission."</p>
PM5	Page 22	<p><u>Policy OS1</u></p> <p>Delete policy text in full, and replace with:</p> <p>"The 12 sites listed on page 21 of the Plan and shown on the map on page 20 are all designated as Local Green Spaces in this Plan, of which eight sites are designated within the adopted South Derbyshire Local Green Spaces Plan.</p> <p>In accordance with Policy BNE8 in the adopted Local Plan Part 2, the Local Green Spaces will be protected from development except in very special circumstances or for the following limited types of development where they preserve the openness of the Local Green Space and</p>

		<p>do not harm the purpose for its designation:</p> <p>i) The construction of a new building providing essential facilities for outdoor sport, outdoor recreation, cemeteries, allotments or other uses of the open land;</p> <p>ii) The carrying out of an engineering or other operation.”</p>
PM6	Page 22	<p><u>Policy OS2</u></p> <p>Delete existing policy text in full, and replace with:</p> <p>“The existing network of footpaths, Public Rights of Way and greenways within the Plan area will be protected from development.</p> <p>Proposals for new developments should include provision for satisfactory routes for pedestrians and cyclists, by providing, where possible, links to routes into the countryside network, including to the National Forest Way, as well as into the settlements. All such links should be capable of being used safely by people of all ages as well as those with limited mobility.”</p>
PM7	Page 22	<p><u>Policy OS3</u></p> <p>Delete existing policy text in full, and replace with:</p> <p>“Proposals for new development in the Plan area which seek to protect and enhance biodiversity will be supported.</p> <p>The incorporation of features such as ‘bird bricks’, ‘bat boxes’ and ‘hedgehog highways’ in the design and layout of new buildings and development schemes will be encouraged and supported in order to enhance biodiversity.”</p>
PM8	Page 22	<p><u>Policy OS4</u></p> <p>Delete existing policy text in full, and replace with:</p>

		"Proposals for new development in the Plan area which would result in the permanent loss of Grades 1, 2 and 3a agricultural land will not be supported."
PM9	Page 25	<p><u>Policy HC1</u></p> <p>Delete existing policy text in full, and replace with:</p> <p>"The preservation and enhancement of the designated heritage assets in the Plan area will be promoted and supported in order to maintain their importance to the historic character and distinctiveness of the area. All proposals for development should take account of the designated heritage assets and non-designated heritage assets, which are referenced in the supporting text to this policy and at Appendices 13 and 14 to the Plan, and should ensure that there are no adverse impacts upon such assets."</p>
PM10	Page 34	<p><u>Section 11 – Monitoring Arrangements</u> (note there is a minor spelling mistake in the present title)</p> <p>Amend title of this section to read "Monitoring and Review".</p> <p>Add new second paragraph to this section to read:</p> <p>"The plan will be reviewed at regular intervals during the period up to 2028 to ensure that it continues to have due regard to national policy and is in general conformity the strategic policies of the District Council's Local Plan or any other strategic plan covering the parish."</p>

NEIGHBOURHOOD DEVELOPMENT PLAN 2016 to 2028
Proposed Modifications Version – May 2022

“Melbourne and Kings Newton are special places, they will continue to grow and change. This Neighbourhood Plan guides that growth and change so that we keep what is special but improve our Parish for all who live and work here.”

Jane Carroll – Melbourne Parish Council

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1. INTRODUCTION TO THE NEIGHBOURHOOD PLAN

What is the Melbourne Parish Neighbourhood Plan?

1.1 This is a plan which promotes the development of our Parish and the preservation and development of our vibrant community in line with the strategic policies of the South Derbyshire District Council Local Plan.

1.2 The plan is designed to maintain and enhance the character of the Parish and enable improvements where they are needed, placing the community at its core.

1.3 The plan covers the area of the Civil Parish of Melbourne, which includes the settlements of Melbourne and Kings Newton, as shown on the Parish Map (Section 5, Page 8). It covers the period from 2016 until 2028, which is aligned with the time period set out in the South Derbyshire District Council Local Plan Part 1 and Part 2.

1.4 Melbourne Parish Council is the local council responsible for the area and has approved the plan. The Parish Council delegated the work of preparing the plan to a group consisting of Parish Council representatives and volunteers, collectively known as the Neighbourhood Development Plan Working Group.

1.5 Neighbourhood plans give parish communities a say in what sorts of development should and should not be permitted in their area. The Consultation Statement that accompanies this plan describes how we have consulted local people. Consultation has taken place in a variety of forms and over a considerable period of time. The plan has been compiled with the involvement of local residents, businesses and organisations.

1.6 Our Neighbourhood Plan will be an important addition to the Local Plan for South Derbyshire. Policies within the Neighbourhood Plan reflect local need.

1.7 Given the way planning law works, it is not possible to have statutory policies on many of the things that are important to us, such as car parking or financing an indoor sports centre. These are examples of things that have been highlighted by local people during the preparation of the Neighbourhood Plan but are not defined in planning law as “development”. However, where possible, we have identified them as ‘Community Aspirations’, making it clear that they will be aspirations the Parish Council will try to achieve, in partnership with other councils and bodies, over the lifetime of the plan.

1.8 The basic conditions which apply to neighbourhood plans are:

- It has regard to national policies and advice contained in guidance issued by the Secretary of State.
- the making of the neighbourhood plan contributes to the achievement of sustainable development.
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (South Derbyshire District Council).
- Be compatible with any EU obligations.
- prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

1.9 TERMINOLOGY. Throughout this plan, “Melbourne” means the parish of Melbourne and Kings Newton (that is, the entire plan area), except where it is defined as something else.

1.10 The plan has been developed in accordance with the guidance in the National Planning Policy Framework (NPPF), which promotes a positive approach to sustainable development and sustainable growth.

How will the Plan be used?

1.11 At a public meeting held in October 2014 it was agreed to commence a Neighbourhood Plan in order to try to avoid further speculative development in the Parish and enable the community to have a say in any future housing and other development.

1.12 Melbourne has been identified as a ‘Key Service Village’ and Kings Newton as a ‘Rural Village’ in the SDDC Local Plan Part 1 Policy H1.

1.13 One of the main purposes of the plan is to help South Derbyshire District Council to make decisions on planning applications. The plan is also intended to guide land owners and developers, to encourage the right sort of development in the right places and to make the area a better place to live, work and visit.

1.14 Developers and planners will be required by law to take account of the statutory policies of the Neighbourhood Plan. The plan will become part of the statutory development plan alongside the district council’s local plan.

1.15 All policies within the plan should be treated equally.

1.16 By law, some planning applications have to be accompanied by a 'design and access statement'. Where a design and access statement is provided, it should specifically address the policies of this plan, explaining how the proposed development accords with the policies.

2. SUMMARY LIST OF THE POLICY TOPICS

Policy DP1 – Proposals for new development.

Policy DP2 – Character and setting of Melbourne and Kings Newton.

Policy DP3 – Proposals for development of new dwellings.

Policy OS1 – Local Green Spaces.

Policy OS2 – Footpaths, public rights of way and greenways.

Policy OS3 – Enhancing biodiversity.

Policy OS4 – Loss of agricultural land.

Policy HC1 - Heritage Assets.

3. SUMMARY LIST OF THE COMMUNITY ASPIRATIONS

CA1 – Support for proposals to improve parking provision.

CA2 – Support for proposals to reduce traffic congestion.

CA3 – Support for proposals to improve public transport provision.

CA4 – Support for proposals to modernise and improve drainage & sewerage in the Parish.

CA5 – Primary Education – All children in the Parish should have the opportunity to attend Melbourne Infant and Junior Schools.

CA6 - Secondary Education – All children in the Parish should have the opportunity to attend the same secondary school which should provide the highest educational standards.

CA7 – Health Care – Melbourne Medical Centre will continue to provide the fullest range of services required by all ages in the community.

CA8 – Support for proposals to improve the Senior Citizens Centre and Community Care provision.

CA9 – Support for improvements to existing recreational facilities and playgrounds and for any new children's playgrounds.

CA10 – Support for proposals to provide new indoor sports facilities.

CA11 – Support for proposals to provide a new performance venue.

CA12 – Support for proposals to improve the mobile network, internet and broadband.

4. VISION FOR MELBOURNE AND KINGS NEWTON

4.1. This section sets out the Parish Council's vision for the Neighbourhood Plan, which has been finalised following progressive consultations with local people and which is supported by 93% of those taking part in the Development Plan Survey (see CEF 8)

4.2. Our vision for Melbourne and Kings Newton:

“A vibrant, sustainable and caring community. We want to keep the heritage, attractive landscape, and rural nature of our villages. We want any housing development to be small and to fit the needs of local people, and to be at a pace that our drains, sewers, roads, parking, schools and the medical centre can cope with. We want to keep and protect from development the open space between Melbourne and Kings Newton and to protect agricultural land. We want facilities to encourage sports, physical fitness, entertainment and clubs and societies, and to promote village life.”

4.3. Our vision will be achieved by:

- Promoting this plan together with the South Derbyshire District Local Plan to ensure that they are agreed and adopted.
- Supporting development within the Parish that meets the agreed criteria and standards, and is designed in accordance with guidelines, reflecting the town's distinctive character.
- Firmly opposing any applications which do not comply, or which conflict with, any of the policies.
- Preserving and protecting open spaces, encouraging enhancement of recreational and community facilities.
- Supporting the local economy to maintain a thriving town centre, building on strengths including our heritage and community.

4.4. The Plan is seeking to promote and achieve sustainable development within the Plan area. By sustainable, we mean that development should meet the needs of the present population without compromising the ability of future generations to meet their own needs (NPPF 2021). When new development is proposed for Melbourne and Kings Newton, it should meet an economic objective to support growth and innovation, a social objective to support our community aspirations and an environmental objective to protect and enhance our natural rural environment, minimising waste and pollution and adapting to climate change, including moving to a low carbon economy.

5. MELBOURNE PARISH MAP



6. CHARACTER AND QUALITY OF THE PARISH

Introduction

6.1 Melbourne and Kings Newton have a strong visual character and it is important that any new development recognises and respects that character and contributes to the quality of this special place. The community only supports growth in line with the strategic policies of the South Derbyshire District Council Local Plans. People are aware that new developments, large or small, may erode the qualities that make the Parish special if they are not carefully managed in terms of their layout and design. It is important that residential developments should be both interesting and sensitive to their location. This is particularly true for the approved development of houses on the Station Road sites. They should not be the “anywhere-type” estate that does not respond to the strong character of Melbourne and Kings Newton and does not have a sense of place. Similar considerations apply to developments of all kinds, including community and educational facilities and any new places of employment.

Who says Melbourne & Kings Newton are special? What’s the evidence?

6.2 Local people, when consulted in the preparation of the Neighbourhood Plan, gave the following examples of why they consider Melbourne and Kings Newton to be special:

- local character and distinctiveness
- local landscape quality
- distinctive views and vistas
- access to the countryside
- heritage and conservation
- sense of community and caring

Many outsiders also think Melbourne and Kings Newton are special and becoming increasingly attractive to visitors.

What are Melbourne’s distinctive characteristics?

6.3 Melbourne is an historic, rural market town surrounded by a rural and attractive landscape. It has a powerful sense of place in terms of both built environment and rural setting and there is a strong defining link between the two. The views of the settlement within the surrounding landscape, from outside the town, and the views

outwards, from within the town, provide a constant and important visual connection between town and countryside. The location, landscaping and design of any new development is therefore crucial to maintaining this critical balance between landscape and settlement.

7. HOUSING AND DEVELOPMENT POLICY

7.1 Background

7.1.1 In recent years, the development that has taken place together with the number of recently- approved planning applications has resulted in public concern, expressed at consultation events, that unplanned and speculative growth could jeopardise the rural and heritage setting of the Parish, have adverse impacts on the overall infrastructure and would not be sustainable in the long term.

7.1.2 The 2011 census identified 2,145 households in the Parish, of which 33% were detached, 30% were semi-detached, and 28% terraced housing. The remainder are purpose-built or are other flats and temporary dwellings.

7.1.3 71% of houses are owner occupied, 11% are social rented property, and the remainder are in private or other rented property.

7.1.4 The 2011 Census data identified the population of the Parish as 4,845, living in 2145 households. (See Appendix 1 for more information)

7.2 Local Planning Context

7.2.1 The Local Plan for South Derbyshire has been developed in two parts:

- Local Plan Part 1 looked at larger-scale development across strategic sites and identified Melbourne as a “Key Service Village” and Kings Newton as a “Rural Village” (Policy H1) within the hierarchy of settlements, and identified neither as having suitable sites for a site meeting the criteria of a “strategic site” (100 dwellings or more).

- * Local Plan Part 2 looked at smaller scale (non-strategic) housing allocations across the smaller villages and outlined a need for up to 600 houses across the whole District which was set out as part of the Local Plan Part 1 Policy S4 Housing Strategy.

7.2.2 Notwithstanding the SDDC Local Plans, several planning applications have already been approved in Melbourne and in Kings Newton, resulting in the completion of 130 dwellings from 2011 to April 2015, with planning permission granted for a further 185 dwellings to be completed in the near future, (See Appendix 5) an increase of more than 14% in the number of households compared with the 2011 census data.

7.2.3 Whilst this NDP supports the overall objectives and scale of development envisaged within the Local Plan Parts 1 and 2 for South Derbyshire, it recognises that Melbourne and Kings Newton have already made their contribution to the housing need of up to 600 houses by 2028, as identified in the Local Plan Part 2 Policy H23.

7.3 Local Housing Issues

Full details of the issues raised at the consultations relating to housing appear in Appendix 2 and CEF 8.

7.3.1 'Affordable' Homes:

21 'affordable' dwellings were built between 2011 and April 2015 out of the total of 130 dwellings. Currently 47 additional affordable properties are planned from the further 185 dwellings granted planning permission up to the end of December 2016. Affordable housing is supported where it can come forward and this NDP supports SDDC Local Plan Part 1 Policy H21 on Affordable Housing.

7.3.2 Separation of Melbourne and Kings Newton:

There is a strong desire to maintain the physical separation of the two villages and their distinct character. The policies in Local Plan Part 2 (Policy SDT1) controlling building outside of the settlement boundary will afford a level of protection, but particular regard needs to be paid to maintaining the separation when considering future planning applications adjacent to the boundaries adjoining both villages.

7.3.3 Homes for the elderly or for the young:

Supporting information in Appendix 3 sets out the current provision within the parish for sheltered housing.

7.3.4 Protecting the countryside

The policies set out in the Local Plan Part 2 (Policy SDT1 and BNE5), which enable development only within the settlement boundaries, and with adequate protection for adjacent sites, should afford some protection, providing the boundaries are sustainable in the longer term. The policies outlining protection of the countryside should adequately restrict development for housing.

7.3.5 Infrastructure and community facilities

There is concern that infrastructure and community facilities are inadequate to cope with the recent housing growth and any further growth. The 'Infrastructure' section in this Plan details how these issues are proposed to be addressed.

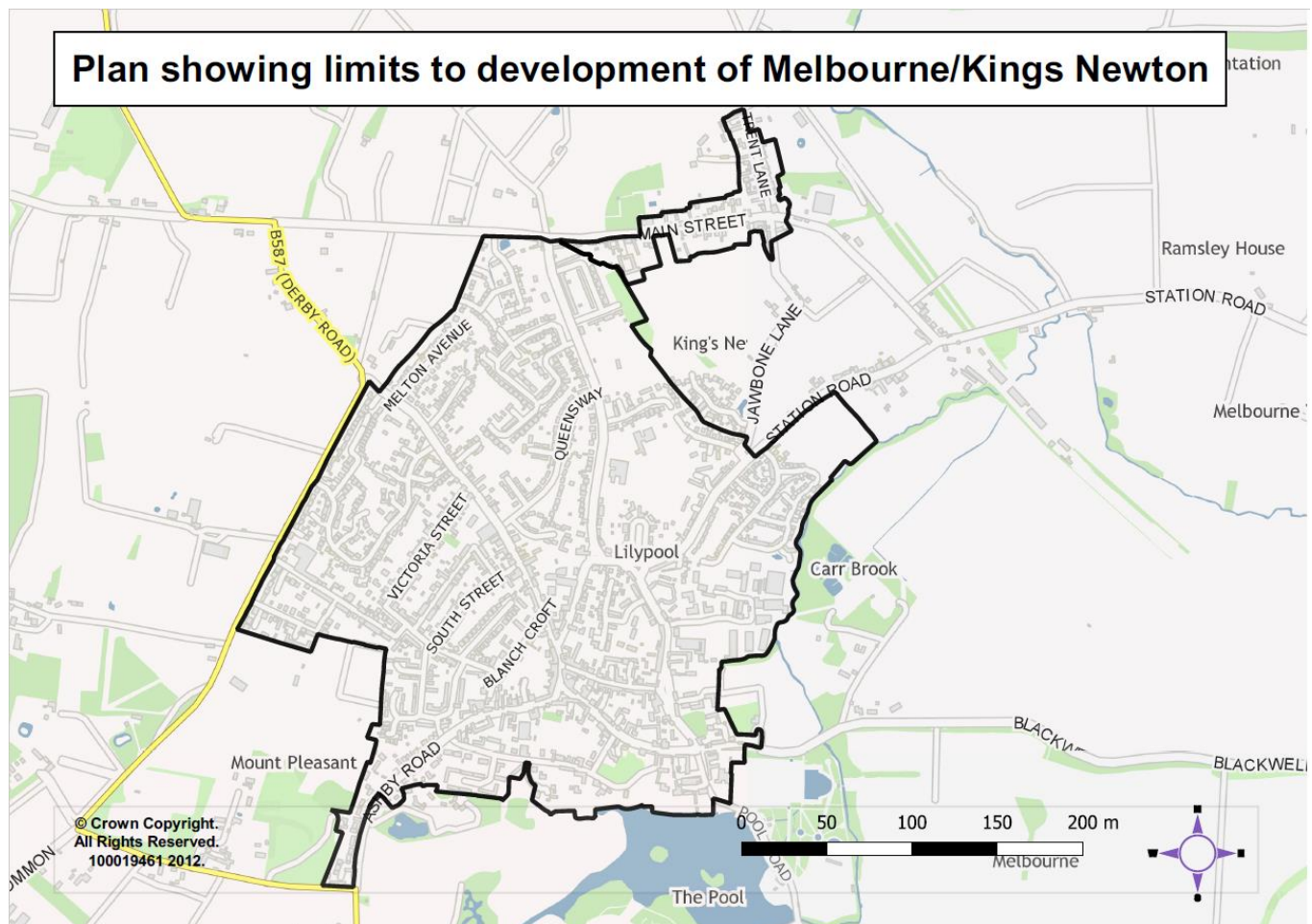
7.4 HOUSING AND DEVELOPMENT POLICIES: This plan recommends that the following policies be adopted:

7.4.1 POLICY DP1 – PROPOSALS FOR NEW DEVELOPMENT WITHIN THE DEFINED SETTLEMENT BOUNDARIES OF MELBOURNE AND KINGS NEWTON WILL BE SUPPORTED, WHERE SUCH DEVELOPMENT IS APPROPRIATE TO THE SCALE AND CHARACTER OF THE SITE AND ITS SURROUNDINGS, AND WHERE THERE WILL BE NO ADVERSE ENVIRONMENTAL IMPACTS ARISING FROM THE DEVELOPMENT. THE DEFINED SETTLEMENT BOUNDARIES ARE SHOWN ON THE ACCOMPANYING MAP AT PAGE 13.

DEVELOPMENT PROPOSALS SHOULD, IN ALL CASES, SEEK TO ACHIEVE A HIGH QUALITY OF BUILDING DESIGN AND LANDSCAPING AND MAKE A POSITIVE CONTRIBUTION TO THE STREET SCENE.

PROPOSALS FOR NEW DEVELOPMENT BEYOND THE SETTLEMENT BOUNDARIES OF MELBOURNE AND KINGS NEWTON WILL ONLY BE SUPPORTED WHERE THEY COMPLY IN FULL WITH THE RELEVANT POLICIES OF THIS PLAN AND THE ADOPTED SOUTH DERBYSHIRE LOCAL PLAN.

ALL PROPOSALS SHOULD ENSURE THAT THEY DO NOT LEAD TO ANY INCREASED RISK OF FLOODING WITHIN THE PLAN AREA, IN ACCORDANCE WITH THE POLICIES OF THE ADOPTED SOUTH DERBYSHIRE LOCAL PLAN AND THE ADVICE OF THE ENVIRONMENT AGENCY.



Explanatory Text:

This policy seeks to support appropriate well-designed, small-scale developments within the existing defined settlement boundaries of Melbourne and Kings Newton, in order to maintain the character of those settlements and to promote a sustainable pattern of development.

Proposals for new development within the rural areas beyond the settlement boundaries of Melbourne and Kings Newton will not be supported unless such proposals comply with the relevant policies concerning development in the countryside, contained in the adopted South Derbyshire Local Plan and this Plan.

This means that no new homes should be built in the fields outside the existing settlement boundaries of Melbourne and Kings Newton. Development within the village, particularly development on 'brownfield sites', i.e. sites which have previously been built on, and which may become available within the timescale of the plan, will be welcomed, particularly those which reflect the distinctive character of the villages. Planning permissions exist for 40 new homes within the settlement boundary and there is potential for development of sites of this nature where former industrial use is no longer practicable. An example is the development behind Derby Road, where the

existing retail use is no longer required.

The policy limiting development outside of the settlement boundary (indicated on the map below) is consistent with the SDDC Local Plan Part 2 Policy SDT1 and BNE5 which regulates development within the countryside. The results from the Neighbourhood Development Plan Survey indicate that 88% support this policy (see CEF 8).

This Policy has been supported in Planning Appeal decisions, for example at Jawbone Lane, where the Inspector quoted the following Policies: *“Saved SDLP Housing Policy5 (HP5) restricts new housing development to within the village confines of Melbourne/Kings Newton” “Saved SDLP Environment (EV) Policy 1 only permits development outside settlements where it is essential to a rural based activity or unavoidable in the countryside” “The proposal would not be acceptable development in the countryside and would be contrary to Local Plan – Part 1 Policy H1 and SDLP Policies HP5 and EV1”*

The full Planning Inspector’s report is included in Appendix 10.

7.4.2 POLICY DP2 – IN ADDITION TO THE GENERAL PRESUMPTION AGAINST NEW DEVELOPMENT WITHIN THE RURAL AREAS BEYOND THE SETTLEMENT BOUNDARIES OF MELBOURNE AND KINGS NEWTON, AS SET OUT IN POLICY DP1, ALL DEVELOPMENT PROPOSALS WITHIN THE RURAL AREAS WILL ALSO BE ASSESSED IN TERMS OF THEIR IMPACT UPON THE EXISTING CHARACTER AND SETTING OF MELBOURNE AND KINGS NEWTON, INCLUDING THE DESIGNATED HERITAGE ASSETS. PROPOSALS WHICH WOULD LEAD TO ADVERSE IMPACTS UPON THOSE SETTLEMENT FEATURES WILL NOT BE SUPPORTED, INCLUDING THOSE PROPOSALS WHICH WOULD LEAD TO THE COALESCENCE OF THE TWO SETTLEMENTS BY VIRTUE OF THEIR SCALE AND MASS, SITING, VISUAL IMPACT AND/OR IMPACTS UPON THE LANDSCAPE FEATURES OF THE AREA.

Explanatory Text: One of the Core Planning Principles at national level in the National Planning Policy Framework (the NPPF) details that planning should: *“take account of the different roles and character of different areas”*. Paragraph 110 states that *“plans should allocate land [for development] with the least environmental or amenity value, where consistent with other policies in the framework”*.

The area between the settlements of Melbourne and Kings Newton has clear physical boundaries and is socially and historically important in separating and defining the very different development of the two settlements: Kings Newton is predominantly characterized by its linear nature lined by listed and other historically-important buildings along Main Street whereas the nearest part of Melbourne is characterized largely by 20th century suburban growth out from its centre.

The area has been subject to pressure to develop it for residential purposes and it is considered important to provide clear policy guidance to ensure that further inappropriate development continues to be resisted: protecting the separate identities of Kings Newton and Melbourne and preventing their coalescence into one physical whole was supported by 79% of local residents in the survey work in preparation for this Neighbourhood Development Plan.

Protection of the area has also been recognized as important at appeal. In dismissing an appeal for the development of up to 60 dwellings within the area in 2016 the Government Inspector commented that:

“The designated heritage asset of Kings Newton Conservation Area (the Conservation Area) lies to the north-west of the appeal site in a slightly elevated position. It has a distinct historic character and appearance and includes attractive and largely historic buildings predominantly lining Main Street as well as the historic parkland associated with Kings Newton Hall extending to the north. Its character, and accordingly its significance, is also

derived from the well-preserved relationship of principal and out buildings along Main Street extending back towards associated agricultural land beyond. Glimpses of buildings within the Conservation Area are afforded through gaps in the hedge along the north side of Jawbone Lane, with more expansive views from the field gate which leads into the site. These views of the roofs, gables, chimneys, and in some cases rear elevations, of buildings on, and set back from, Main Street, interspersed with mature trees, are revealed further when viewed from the north part of the appeal site. Many of these are features of separately-designated heritage assets: the Hardinge Arms, Four Gables, Kings Newton Hall, Chantry House, 54 and 56 Main Street, 58 Main Street, Church House and Kings Newton House and outbuildings, all of which are listed. The Framework recognizes that significance can also be derived from an asset's setting, which includes the surroundings in which it is experienced, and that such significance can be harmed through development within that setting. The Conservation Area's setting includes the countryside to the south, of which the appeal site is part. The Conservation Area also gains some of its significance from being to a large degree historically, physically and perceptually separate from Melbourne. The disposition of surrounding countryside in relation to existing built areas within the Conservation Area plays a role in this aspect of its significance. This extensive countryside setting makes a positive contribution to the asset's significance primarily through providing an open countryside landscape which the Conservation Area is set within and can be experienced from."

(Appendix 13 is the SDDC statement on the 3 conservation areas)

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7.4.3. POLICY DP3 - PROPOSALS FOR THE DEVELOPMENT OF NEW DWELLINGS WITHIN THE DEFINED SETTLEMENT BOUNDARIES OF MELBOURNE AND KINGS NEWTON WILL BE SUPPORTED IF THEY HAVE FOUR BEDROOMS OR FEWER, IN ORDER TO ENCOURAGE THE DEVELOPMENT OF SMALLER DWELLINGS INCLUDING STARTER HOMES AND SMALLER AFFORDABLE HOMES.

Explanatory Text: During the consultation phases both in January 2015 and in February 2016 (detailed in Appendix 2 of the Evidence documents) there was expressed a strong preference, where opportunities for development occur within the settlement boundaries, for a move away from the 4/5 bedroom “executive” homes towards dwellings of a smaller size. This would provide a balanced housing supply to meet the needs of different housing groups, as set out in the Sub-Regional Housing Market Assessment.

Consultations indicate that there is a shortage of modern smaller properties that are affordable to a wider range of purchaser. Two/three-bedroom properties and flats are ideal for first time buyers as well as those wishing to downsize, potentially freeing up larger properties currently under-occupied.

Recognising the market demands and economic reality of development the policy is stated not as a constraint to prevent the building of larger homes, but to offer encouragement and support to any plans for development which would meet this community aspiration.

Any development must strengthen and improve on the defining landscape and settlement qualities identified in the SDDC Design Guide SPD (see Appendix 4).

Where new development is proposed within the settlement boundaries, preference in granting consent will be given to properties of both architectural and environmental merit and of size and proportions appropriate to local needs.

The results from the Neighbourhood Development Plan Survey indicate that 64% support this policy (see CEF 8).

During the preparation of this Plan, the Government introduced a new ‘First Homes’ policy. The policy guidance states that First Homes are now the Government’s preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations and be discounted by 30% against the market value. This policy will apply to appropriate developments in the Plan area that are granted planning permission.

8. OPEN SPACES POLICY

8.1 Definition

By “Open Spaces”, we mean Green Space, areas of Biodiversity, Public Rights of Way and Greenways.

These include greens, common land areas, rights of way, recreation areas and allotments. Two areas have been registered as village green spaces. No land is registered as common land as all of Melbourne Common was lost when the village was enclosed in 1791. There are 36 public footpaths in the parish which amount to more than 12 miles of walking. There is a large recreation ground on the edge of the village which offers a wide range of sports through the Sporting Partnership. Smaller open spaces include the Lothian Gardens, mainly for children, and several small play areas maintained by SDDC. There are two private allotment areas, one on the Hilly Field and the other off Blackwell Lane.

See Appendix 8 for Background and Context.

8.2 Identified Local Green Spaces

After consultation with numerous bodies including the Parish Council, Melbourne Civic Society, Melbourne Footpaths Group and the Melbourne Historical Research Group, this Plan identifies and allocates 4 areas of Local Green Space (As listed in Appendix 8, Table 1. Table 2 shows spaces identified by South Derbyshire District Council.

8.3. Open Spaces Issues

- To protect and enhance the character and quality of the environment of the area
- To protect the area from inappropriate development
- To safeguard important open areas within and around the parish
- To designate appropriate areas as Local Green Spaces
- To enhance existing public open spaces and seek to ensure more public open

spaces are provided within new housing developments

- To protect and enhance the network of public footpaths, bridleways, greenways and cycle paths
- To protect and enhance the biodiversity interests of the area.

8.4. OPEN SPACE POLICIES:

8.4.1 POLICY OS1 – THE 12 SITES LISTED ON PAGE 25 OF THE PLAN AND SHOWN ON THE MAP ON PAGE 24 ARE ALL DESIGNATED AS LOCAL GREEN SPACES IN THIS PLAN, OF WHICH EIGHT SITES ARE DESIGNATED WITHIN THE ADOPTED SOUTH DERBYSHIRE LOCAL GREEN SPACES PLAN.

IN ACCORDANCE WITH POLICY BNE8 IN THE ADOPTED LOCAL PLAN PART 2, THE LOCAL GREEN SPACES WILL BE PROTECTED FROM DEVELOPMENT EXCEPT IN VERY SPECIAL CIRCUMSTANCES OR FOR THE FOLLOWING LIMITED TYPES OF DEVELOPMENT WHERE THEY PRESERVE THE OPENNESS OF THE LOCAL GREEN SPACE AND DO NOT HARM THE PURPOSE FOR ITS DESIGNATION:

I) THE CONSTRUCTION OF A NEW BUILDING PROVIDING ESSENTIAL FACILITIES FOR OUTDOOR SPORT, OUTDOOR RECREATION, CEMETERIES, ALLOTMENTS OR OTHER USES OF THE OPEN LAND;

II) THE CARRYING OUT OF AN ENGINEERING OR OTHER OPERATION

Explanatory Text: This means that development will be resisted on areas of Local Green Space unless in exceptional circumstances as defined in Policy BNE8, LGS1 and LGS2. Allocation of the following Local Green Spaces (see below) are in addition to those designated through the South Derbyshire Local Green Spaces Plan. These spaces, in close proximity to the people they serve, are demonstrably special and hold particular local significance.

In line with the NPPF, SDDC Local Plan Part 2 Policy BNE8, and Local Green Spaces Plan Policies LGS1 and LGS2, development of these sites will not be supported unless they are covered by the very special circumstances and exceptions outlined in the adopted local plan policies reproduced below:

Policy BNE8: Local Green Space

“Local Green Spaces will be protected from development except in very special circumstances or for the following limited types of development where they preserve the openness of the Local Green Space and do not harm the purpose for its designation:

- i) the construction of a new building providing essential facilities for outdoor sport, outdoor recreation, cemeteries, allotments or other uses of the open land;
- ii) the carrying out of an engineering or other operation.

Designations of Local Green Spaces will be made through a separate Development Plan Document or Neighbourhood Development Plan. The Council will work to enhance the biodiversity, heritage, recreation and tranquility value and where possible the public accessibility of Local Green Spaces through appropriate site management.”

Policy LGS1: Development on Local Green Spaces

Development, which is in accordance with Policy BNE8, will be supported on local green spaces where it will not unduly affect the openness and essential quality of the space, with particular consideration given to scale, design and location of the proposal.

Proposals should demonstrate consideration of how they will:

A Protect, restore and enhance biodiversity and/or access to biodiversity.

B Improve community cohesion through considerations such as increased social activity.

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LGS2: Enhancement of Local Green Space

The Council will work positively with stakeholders to ensure the appropriate management of local green spaces. Opportunities will be sought to enhance local green spaces that could include:

Biodiversity

A Improvements to the long term management of spaces through changes to site management regimes and the development of site management plans

B Where appropriate support will be given to the registration of local green spaces as 'receptor sites' with the Environment Bank to allow financial contributions to be used to compensate for impacts on development sites elsewhere through habitat creation or management.

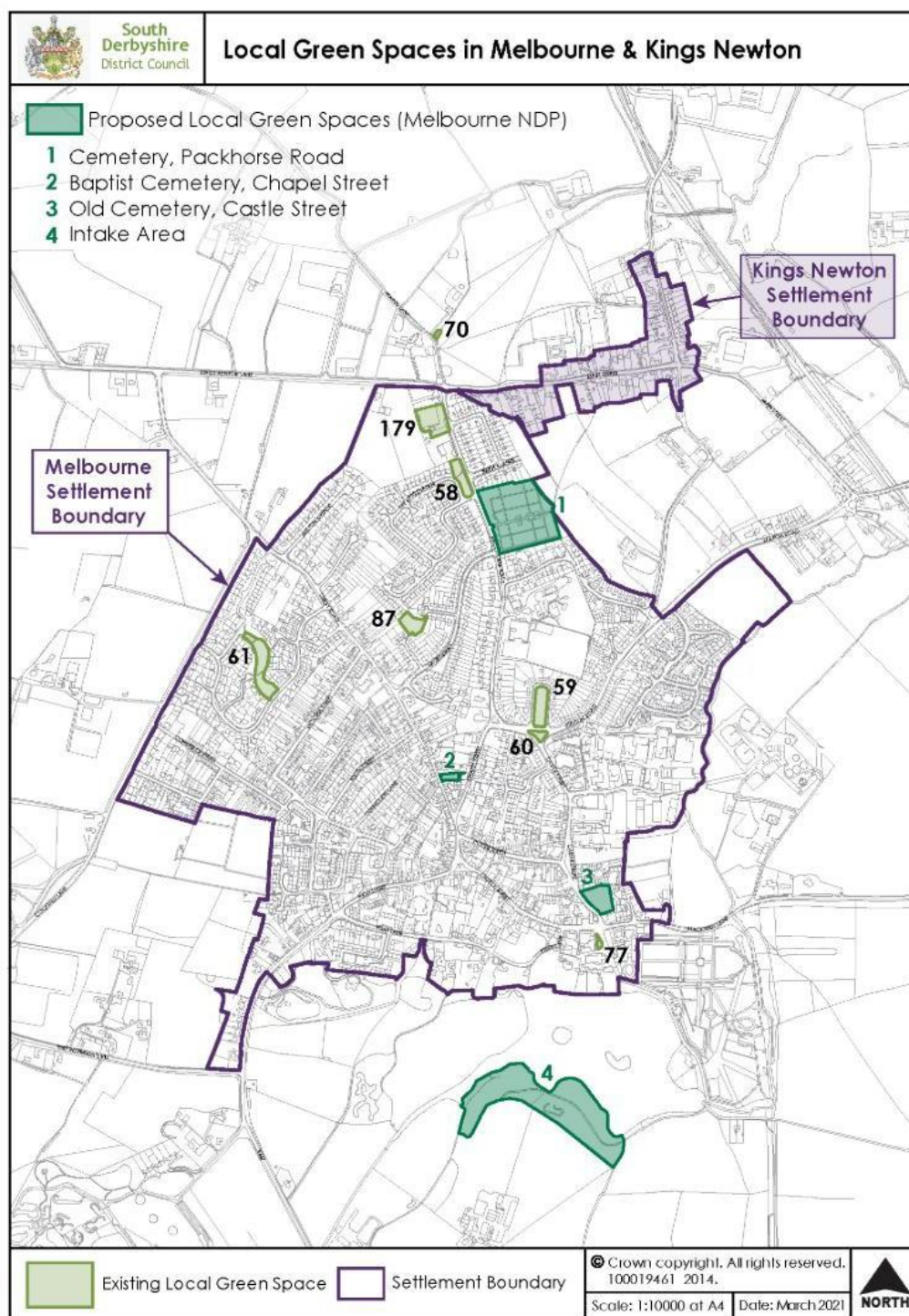
Accessibility

C The Council will work with landowners, site managers and local community groups to support proposals that improve public access and connectivity of the spaces to the communities they serve.

D Where sites are not publicly accessible, there will be no obligation for landowners to make sites so. Should a landowner be amenable to public or permissive access to their site, then the Council will work positively with the landowner and others to achieve this.

The results from the Neighbourhood Development Plan Survey indicate that 92% support this policy (see CEF 8).

8.4.2 Table and Map of Local Green Spaces to be included in the Neighbourhood Plan



Following consultation with landowners, the following areas are designated as Local Green Space in addition to those already designated through the Local Plan (see Appendix 8 for details of the letter sent to landowners).

1	Cemetery, Packhorse Road	The Cemetery Chapels are grade 2 listed. Protected by INF9.
2	Baptist Cemetery, Chapel St	Small area of tranquillity. Planting and wildlife. Designation suggested by chapel. Protected by INF9
3	Old Cemetery, Castle Street	Site of an old church, tranquil location. Protected by INF9.
4	Intake Area	Of great beauty and tranquillity close to western edge of town. Visitor attraction. Excellent views.

8.4.3 For reference, the Local Green Spaces designated through the South Derbyshire Local Green Spaces Plan are as follows:

Site Reference	Site Name
58	West of Packhorse Road
59	North of Station Road
60	Washpit, Station Road
61	Off Acacia Drive
70	Holy well, Wards Lane
77	Church Close
87	Grange Close Recreation Ground
179	Kings Newton Bowls Club

8.4.4 POLICY OS2 – THE EXISTING NETWORK OF FOOTPATHS, PUBLIC RIGHTS OF WAY AND GREENWAYS WITHIN THE PLAN AREA WILL BE PROTECTED FROM DEVELOPMENT.

PROPOSALS FOR NEW DEVELOPMENTS SHOULD INCLUDE PROVISION FOR SATISFACTORY ROUTES FOR PEDESTRIANS AND CYCLISTS, BY PROVIDING, WHERE POSSIBLE, LINKS TO ROUTES INTO THE COUNTRYSIDE NETWORK, INCLUDING TO THE NATIONAL FOREST WAY, AS WELL AS INTO THE SETTLEMENTS. ALL SUCH LINKS SHOULD BE CAPABLE OF BEING USED SAFELY BY PEOPLE OF ALL AGES AS WELL AS THOSE WITH LIMITED MOBILITY.

Melbourne has 36 Public Rights of Way (footpaths and bridleways) and greenways which should continue to be protected, maintained and enhanced in order to encourage the health and well-being of the population.

In any new developments, provision should be made to extend the routes for walkers and cyclists, including, where possible, routes linking into the countryside network as well as into the town and to accommodate people of all ages and abilities.

Greenways must not be urbanised by new house building along them (see SDDC Local Plan 1; Policy INF2 Section B).

All new routes dedicated by the developer will be added to the Definitive Map at the expense of the developer. The results from the Neighbourhood Development Plan Survey indicate that 98% support this policy (see CEF 8).

8.4.5 POLICY OS3 – PROPOSALS FOR NEW DEVELOPMENT IN THE PLAN AREA WHICH SEEK TO PROTECT AND ENHANCE BIODIVERSITY WILL BE SUPPORTED.

THE INCORPORATION OF FEATURES SUCH AS ‘BIRD BRICKS’, ‘BAT BOXES’ AND ‘HEDGEHOG HIGHWAYS’ IN THE DESIGN AND LAYOUT OF NEW BUILDINGS AND DEVELOPMENT SCHEMES WILL BE ENCOURAGED AND SUPPORTED IN ORDER TO ENHANCE BIODIVERSITY.

This means that wildlife should be encouraged by keeping open spaces, hedgerows and trees. Tree planting on verges should be encouraged (see Appendix 17). The

results from the Neighbourhood Development Plan Survey indicate that 93% support this policy (see CEF 8).

SDDC Local Plan Part 2 Policies BNE3 and BNE 7 seek to protect biodiversity, trees, woodlands and hedgerows.

8.4.6 POLICY OS4 – PROPOSALS FOR NEW DEVELOPMENT IN THE PLAN AREA WHICH WOULD RESULT IN THE PERMANENT LOSS OF GRADES 1, 2 AND 3A AGRICULTURAL LAND WILL NOT BE SUPPORTED.

This means that any development which would result in agricultural land being lost for ever will not be supported. This also supports Local Plan Part 1 Policy BNE4 which seeks to protect soils 1, 2 and 3a. The results from the Neighbourhood Development Plan Survey indicate that 87% support this policy (see CEF 8).

Soils/Land quality

Much of the local market garden land threatened with development is quality agricultural land. The land either side of Jawbone Lane, for instance, is classified by DEFRA as Grade 2 land which is defined as “very good agricultural land”. *Sources: Natural England: NCA Profile 70 Melbourne Parklands NE384 and DCC: Landscape Character of Derbyshire (2014), DCC website.*

Recognising that the Neighbourhood Plan is an opportunity to assess and anticipate future needs in this community, especially the most basic needs of food, water, shelter and health, and that our community is heavily dependent on vulnerable external supply chains, our policies are also intended to encourage the development of as much local sustainability, and particularly, resilience, as possible.

To this objective, we place a high priority in this plan on encouraging local food production, especially local agricultural businesses. Land taken out of agricultural use for housing or industry is effectively destroyed as a food resource, so we place a higher barrier to development on such land.

For Grade 1 agricultural land to be “developed”, the developer must demonstrate that calorific food yields from the new development will reach at least 80% of the potential food yield of the same land in agricultural use. To achieve such targets, we anticipate considerably more community and domestic food production in new developments than in existing properties: this has implications for the design of buildings and the layout of developments in which they sit.

Our existing Whistlewood Common project and the demonstration food forest at our local school are both replicable local exemplars and potential training providers, while the Saffron Lane development in Leicester (see Appendix 9) also offers pointers.

9. HERITAGE AND CONSERVATION POLICIES

Melbourne and Kings Newton are notable for a combination of Heritage Assets, Listed Buildings, Scheduled Monuments and Conservation Areas, and undulating mixed farming landscape based on prime agricultural land. The historic environment is protected through the planning system via conditions imposed on developers and property owners.

9.1 Key issues:

- Historic assets play an important role in maintaining the distinctiveness and historic character of Melbourne Parish.
- Archaeological remains, both seen and unseen, have potential to be affected by new development e.g. the castle site.
- Risk of adverse effects on historical and cultural heritage assets from inappropriate development and poor design.
- Buildings at risk. At present, there are no Grade I or II* buildings at risk. However, there are four buildings at risk which are either Grade II listed or in a Conservation Area, and these are on the buildings at risk register kept by the Derbyshire Historic Buildings Trust.
- The need to ensure sustainable use and re-use of heritage assets.
- Effects on the local landscape that inappropriate development could bring e.g. any developments which would lead to the coalescence of Melbourne and Kings Newton.
- The NPPF places considerable emphasis on non-designated heritage assets and information on these should be actively collected and shared via the Derbyshire Historic Environment Record so that full consideration of them is enabled at early stages in the development control process.
- Despite large areas of modern development on the north fringe of the town, the road network has so far retained its “legibility” and the historic roads still retain their function as main vehicular approaches to the centre. Any future new development should acknowledge the primacy of these routes.
- Good quality building materials are important to the preservation of local distinctiveness.
- The remnants of Melbourne’s horticultural heyday in the 19th century are still evidenced in old garden fruit trees, abandoned orchards, and the few remaining market garden families that are still in business. They provide a link with the 21st century movement towards sustainability and local produce, represented locally by Melbourne Area Transition. Efforts should be made to preserve and foster traditional horticultural skills and know-how, and to maintain local produce as part of the future landscape and economy.

- Inability to “absorb” much more new development without a severely detrimental effect on historic character.

9.2 HERITAGE & CONSERVATION POLICY:

POLICY HC1 – THE PRESERVATION AND ENHANCEMENT OF THE DESIGNATED HERITAGE ASSETS IN THE PLAN AREA WILL BE PROMOTED AND SUPPORTED IN ORDER TO MAINTAIN THEIR IMPORTANCE TO THE HISTORIC CHARACTER AND DISTINCTIVENESS OF THE AREA. ALL PROPOSALS FOR DEVELOPMENT SHOULD TAKE ACCOUNT OF THE DESIGNATED HERITAGE ASSETS AND NON-DESIGNATED HERITAGE ASSETS, WHICH ARE REFERENCED IN THE SUPPORTING TEXT TO THIS POLICY AND AT APPENDICES 13 AND 14 TO THE PLAN, AND SHOULD ENSURE THAT THERE ARE NO ADVERSE IMPACTS UPON SUCH ASSETS.

This means that development will not be supported if it has a damaging impact on the historical setting of the Conservation Areas or the views to and from those areas. Developments should use building materials which blend in with the existing architecture of the villages. This policy supports existing legislation, the NPPF and SDDC Local Plan Part 2 Policy BNE10. The results from the Neighbourhood Development Plan Survey indicate that 93% support this policy (see CEF 8).

Historical development of the area. Melbourne is an attractive, appealing and historic settlement, with a vibrant and varied social mix and a strong community spirit. With a population of 4845 in 2011, the parish is large enough to have plenty of life of its own, yet small enough to preserve a village atmosphere.

Listed buildings. Melbourne and Kings Newton have about a fifth of the 711 listed buildings in the district (134 listed buildings detailed in Appendix 12). Of these 24 are of Grade 1 status and are mainly in the grounds of Melbourne Hall. The Parish Church and the Barn at Melbourne Hall have the same status. *Sources: Melbourne Parish Plan 2009 and Listed building list on SDDC website.*

Conservation Areas. Melbourne has three of South Derbyshire’s 22 conservation areas (see Appendix 13 for maps of the Conservation areas)

Scheduled Monuments. Melbourne Castle, described as a fortified manor with earlier medieval manorial remains, is a scheduled monument. *Source: Historic England website.*

Locally Listed Buildings. Melbourne Civic Society has approached SDDC about producing a Local Heritage List for the parish. *Source: English Heritage Guide to listing non-designated historic assets.*

Registered Historic Parks and Gardens. The gardens at Melbourne Hall are one of five sites in South Derbyshire in this category. See Appendix 14 for background

information on Heritage and Conservation and the separate Conservation Document by M Morris and P Heath.

10. COMMUNITY ASPIRATIONS

This second section of the NDP describes and defines many issues that local people have indicated are very important to them during our extensive consultations. Because the remit of the NDP centres around planning issues it is not possible to formulate statutory policies on these matters. Therefore, they have been defined as a series of Community Aspirations. These aspirations have arisen as a direct consequence of information gathered during preparation of the NDP and will be considered by the Parish Council and incorporated into the Parish Plan appropriately.

It is noted that where appropriate development does take place, contributions to Section 106 funding will be sought to help finance these community aspirations.

10.1 INFRASTRUCTURE

Expansion in housing since 2011 led to concerns expressed by residents at public meetings in 2014, 2015, 2016 and in responses to the Residents Survey, (CEF 8, Consultation Evidence Files (CEF) 2 and 4) that the current infrastructure in the villages would be unable to support further significant housing development. There were already signs that the system was under strain. The infrastructure issues were combined under the headings of: Parking, Traffic, Public Transport, Sewerage and Drainage and are summarized below (see CEF 2 and 4, Appendix 6, Appendix 7 for details.)

10.2 PARKING & TRAFFIC Public Consultations (CEF 2 and 4), the Neighbourhood Development Plan Residents Survey (CEF 8) and the Business Survey (Appendix 6) highlighted parking and traffic problems as major concerns of local residents.

CA1 – SUPPORT FOR PROPOSALS TO IMPROVE PARKING PROVISION

Retailers believe that inadequate parking provision has an adverse effect on trade. Residents have expressed concerns about the consequences of parking in some areas. In residential areas, parked vehicles hinder access for emergency vehicles. A parking survey (Appendix 7) has been undertaken and demonstrates that at certain times of day parking is at a premium. Residents are parking in public car parks

overnight, restricting access for businesses and customers. The survey also showed support for improved space marking and signage.

The Parish Council in conjunction with other authorities, (SDDC, DCC Highways) will work to establish the extent of the parking problems and formulate a plan of action to resolve any issues. Improved signage, improved space markings in car parks and on street parking restrictions are some areas that deserve attention.

TRAFFIC

CA2 – SUPPORT FOR PROPOSALS TO REDUCE TRAFFIC CONGESTION

Traffic congestion has a significant impact on the people of Melbourne and King's Newton. The main route into the town from Derby crosses an ancient narrow causeway, Swarkestone Bridge. The bridge is becoming increasingly congested. This poses difficulties for emergency vehicles, causes traffic delays and causes damage to this heritage asset. There has been some discussion of a possible alternative route, but this is unlikely to materialize in the foreseeable future. A variety of suggestions were put forward during consultations which aimed to reduce the congestion on roads within the town, particularly along Derby Road and outside the schools on Packhorse Road at key times of the day. Suggestions were also made which aimed to reduce the incidence of damage to pavements by heavy lorries driving through the village centre. Details are contained in CEF 2 and 4. The Parish Council is working with DCC Highways department to instigate a Traffic and Transport Survey with a view to examining these concerns.

10.3 PUBLIC TRANSPORT

CA3 – SUPPORT FOR PROPSALS TO IMPROVE PUBLIC TRANSPORT PROVISION

Both the Business Survey (Appendix 6) and the public consultations (CEF2 and 4) highlighted a need for improved public bus services. More frequent buses to Derby, and requests for bus services to Nottingham and Ashby were prominent. Although Arriva have now introduced more frequent bus services between Derby and Swadlincote, it is likely that late evening and Sunday services via Melbourne will be curtailed.

The Parish Council will meet with relevant bus companies to discuss the possibility of

bus services to Nottingham and Ashby. Since the writing of this plan a service from Ashby to East Midlands Airport, with onward connection to Nottingham has been introduced.

10.4 DRAINAGE & SEWERAGE

CA4 – SUPPORT FOR PROPOSALS TO MODERNISE AND IMPROVE DRAINAGE & SEWERAGE

New housing developments in Melbourne have exposed weaknesses in the drainage and sewerage systems. In 2014 flood water and sewage overflowed on to pavements and jitties. In one instance, raw sewage flowed into a residential property. Concerns were raised on behalf of the community with Severn Trent who have investigated and detailed problems with the existing sewers and drains. In late 2015, a working group was formed to assess, investigate and where possible rectify faults in the drainage and sewerage systems. This group includes representatives of Derbyshire County Council (the lead flood authority) Severn Trent Water, SDDC and Melbourne Parish Council. This group meets regularly and intend to hold a public forum following their meetings. Since local flood water and sewer overflows are widely spaced geographically, it seems likely that there may be multiple problems spread around the town rather than a single problem. Initial investigations have identified instances of blocked road gulleys, sewers partially or fully blocked, sewer junctions with conflicting flows, ingress by tree routes and unmapped sewers. These problems are progressively being given attention. Due weight needs to be given to considerations of flooding when planning decisions are made.

10.5 EDUCATION

During the formulation of the Neighbourhood Plan, meetings were held with key providers of health and education services (Appendix 11) including the Senior Partner of Melbourne Dental Practice (CEF 3 Interviews) and the Head and Chair of Governors at Chellaston Academy. Both Heads of Melbourne Infant and Junior School were approached but referred all queries to Derbyshire County Council.

CA5 – PRIMARY EDUCATION – ALL CHILDREN IN THE PARISH SHOULD HAVE THE OPPORTUNITY TO ATTEND MELBOURNE INFANTS AND JUNIOR SCHOOL

Consultations identified that there was a strong desire from residents that all children in the Parish be able to attend Melbourne Infant and Junior Schools.

There was concern that children from outside the Parish were still being offered places as the schools approach capacity.

The Parish Council will continue to monitor the provision of primary education through its representation on the Board of Governors of these schools.

CA6 – SECONDARY EDUCATION – ALL CHILDREN IN THE PARISH SHOULD HAVE THE OPPORTUNITY TO ATTEND THE SAME SECONDARY SCHOOL WHICH SHOULD PROVIDE THE HIGHEST EDUCATIONAL STANDARDS

Consultations at the Public Meetings (CEF 2 and 4) identified that there was a strong desire from residents that all children in the Parish should have the choice of being able to attend the same secondary school. There was also concern at the lack of Adult Educational facilities. Education provision will continue to be monitored as part of further consultations with representative bodies and the community.

10.6 HEALTH CARE & SOCIAL PROVISION

CA7 – THE MELBOURNE HEALTH CENTRE WILL CONTINUE TO PROVIDE THE FULLEST RANGE OF SERVICES REQUIRED BY ALL AGES IN THE COMMUNITY

The Melbourne GP Surgery is part of a combined practice with Chellaston: the Melbourne and Chellaston Medical Practice. The current combined patient numbers are approximately 15000, with roughly 7000 in the Melbourne area. These numbers have grown substantially in recent years, mainly due to population growth from development. There is pressure both on GP numbers and surgery capacity. There is genuine concern that with further planned housing expansion, set against current GP recruitment issues and the physical limitations of the surgery space, that the residents of Melbourne will not be able to access GP appointments locally and increasingly will need to do this in Chellaston. (CEF 2 and 4) There is already dissatisfaction, evidenced from a recent independent GP patient survey, that patients find difficulty

accessing their preferred doctor and are not able to get timely appointments. (Source: <https://gp-patient.co.uk/practices/C81108/questions>) The provision of S106 or Community Infrastructure Levy monies might be able to address concerns around the local surgery accommodation, but this will not address the national difficulties in GP recruitment. Considerations and assessments of any new developments need to be more exacting in understanding the impact on primary health care provision. More NHS dental provision is needed in the villages even though the local practice has recently appointed a new dentist and enrolled a number of new NHS patients. Currently there exists a waiting list for new adult NHS patients, but not for children (CEF 3 Interviews)

The Parish Council supports developments and changes to the health centre to ensure it continues to provide the fullest range of services required by all age groups within the community.

10.7 COMMUNITY AND LEISURE

Consultations (CEF2, CEF4, CEF 8 Residents Survey) have highlighted the wish to see community and leisure facilities in the Parish improved. If there are proposals to provide further leisure facilities, for example indoor sport and fitness facilities, a performance venue, or playgrounds, either through a 'new build' or through further development of existing facilities, then it is envisaged that the Parish Council will work with other councils, interested bodies and local landowners to investigate the type and timing of improvements.

SDDC's latest "*Open Spaces Strategy 2015 onwards*", (Appendix 15) lists 8 different community venues in Melbourne where a variety of community and social activities occur. It points out that whilst these are all valued facilities, many are in a poor state of repair and not ideal for their purpose. It suggests that rationalisation should occur when money and new facilities become available.

Details of the report carried out in 2010 entitled "*Options Appraisal on the Provision of Leisure Facilities in Melbourne, South Derbyshire 2010*" (by Pleydell Smithyman on behalf of SDDC) are provided in Appendix 16.

CA8 – SUPPORT FOR PROPOSALS TO IMPROVE THE SENIOR CITIZENS CENTRE AND COMMUNITY CARE PROVISION

The Senior Citizens Centre on Church Street is a leased building and once the current limited lease expires the future of the building is uncertain. Given the projected increase in the number of elderly people in the Parish, consultations have identified that it is important to maintain provision of this facility (CEF3 Interviews and Surveys, Residents Survey CEF 8). The accommodation for the charitable organisation Community Care is situated on Derby Road. It is staffed by volunteers, and provides assistance to members of the community, mainly the elderly and the disabled, and is funded solely by donations. Although the office accommodation on Derby Road is satisfactory, it is expensive to rent (CEF 3 Interviews and Surveys). The Neighbourhood Development Plan Residents Survey (CEF 8) highlighted the continued provision of the Senior Citizens Centre facilities and Community Care Services as second in priority of a list of community facilities in need of maintenance and improvement. Development on the site of the Senior Citizens centre for any purpose other than community use will not be supported.

It is envisaged that if there are proposals to improve the Senior Citizens Centre and Community Care facilities the Parish Council will work with all interested bodies and local landowners to facilitate improvements.

PLAYGROUNDS AND PLAY AREAS

CA9 – SUPPORT WILL BE GIVEN FOR IMPROVEMENTS TO EXISTING RECREATIONAL FACILITIES AND PLAYGROUNDS AND FOR ANY NEW CHILDREN’S PLAYGROUNDS

The SDDC Open Spaces strategy (see Appendix 15) recommends the provision of 1 playground per thousand population. The Parish currently has the following six play areas: Lothian Gardens, Queensway, Sweet Leys, Quick Close, Staunton Harold Reservoir and one on the new estate in Kings Newton.

Scouts, Guides, Rainbows, Brownies and Explorers - The present building on Packhorse Road is at capacity in terms of space and facilities. No more groups for young people who want to join the movement can be accommodated and there are

no facilities for the disabled. The groups have applied for funding to improve the facilities (CEF 3 Surveys and Interviews).

The Parish Council will continue to maintain and make improvements to the Lothian Gardens playground, and will work with SDDC to improve other facilities for children's organisations when funds become available.

SPORTS FACILITIES. The provision of facilities for outdoor sport in the villages is now of a high standard. The Melbourne Sporting Partnership opened in September 2016 with new and improved facilities for football, cricket, rugby, tennis and netball at Melbourne Park on Cockshut Lane. There are facilities for crown green bowls at King's Newton Bowls Club and flat green bowls at the Senior Citizen's Centre.

There is limited provision for hockey. Although there are no specific cycling facilities, the villages are in close proximity to the Sustrans trail. The pastime of walking was shown in surveys to be one of the most common outdoor leisure pursuits, as the Parish is well supplied with thirty-six public paths amounting to twelve miles of walking trails. Walking is particularly enjoyed by older members of the community (CEF3 Surveys spot survey). However, the provision of facilities for indoor sport and fitness lag behind those for outdoor sport.

CA10 – SUPPORT FOR PROPOSALS TO PROVIDE NEW INDOOR SPORTS FACILITIES

There is no single location that caters for a wide range of indoor sports and fitness in the Parish. As a result, the provision of facilities is very limited. The Melbourne Assembly Rooms (MARs) provides facilities for badminton, table tennis, indoor bowling, some dance classes and some fitness activities. MARs and the Senior Citizens Centre provide locations for some class-based activities, fitness groups and dance. There is no longer any gym provision in the village (CEF3 Interviews). The provision of indoor facilities at the Melbourne Sporting Partnership was ruled out because of financial and space constraints. The SDDC Open Spaces strategy (Appendix 15) recognises the deficiency of facilities for swimming and indoor sport in the whole SDDC district. There are plans to address this shortfall.

PERFORMANCE VENUE

CA11 – SUPPORT FOR PROPOSALS TO PROVIDE A NEW INDOOR PERFORMANCE VENUE

Consultations identified concerns around the lack of a dedicated performance venue suitable for an audience of up to 200. This compromises the ability of groups such as Melbourne Operatic, The St Michael's Players and the Melbourne Festival to showcase their talents to a wider audience. (CEF 8 Residents Survey, CEF 3 survey of social clubs). Because the uses of the MARs facility are multipurpose, there are availability conflicts between the multiple uses.

If there are proposals to provide further leisure facilities, for example, indoor sports and fitness facilities, a performance venue or playgrounds, either through a "new build" or through further development of existing facilities, then it is envisaged that the Parish Council will work with other councils, other interested bodies and local landowners to facilitate improvements.

10.8. TELECOMMUNICATIONS

CA12- SUPPORT FOR PROPOSALS TO IMPROVE THE MOBILE NETWORK, INTERNET AND BROADBAND

The Business Survey and Public Consultations (Appendix 6, CEF2 and CEF4) identified shortcomings with both the quality and reliability of telecommunications in the Parish. A meeting with a representative from Digital Derbyshire informed the group of the current situation within the Parish (CEF3 Meetings)

It is recommended that liaison between the Parish Council, Digital Derbyshire, and mobile phone operators establishes a strategy to deliver improved Broadband (fibre) and mobile phone reliability to Melbourne and Kings Newton.

10.9. BUSINESS, RETAIL AND EMPLOYMENT

The main issues identified in the Business Survey (Appendix 6) are associated with infrastructure: parking, traffic, transport and telecommunications. There were also concerns around the level of recent housing development. These results have been incorporated into the relevant Community Aspirations and other sections of the NDP. As a result of the feedback received from the Business Survey regarding parking issues within the centre of Melbourne, a separate 'Car Park Survey' was carried out (Appendix 7).

This NDP supports the objectives of Policy RT1 in the Retail section of the SDDC Local Plan Part 2 where it applies to Key Service Village centres, in that:

Retail development will be permitted provided that: i) It is appropriate with the scale and function of the Centre; and ii) It would not lead to unsustainable trip generation or undermine the vitality and viability of a neighbouring centre; and iii) It does not adversely impact on neighbouring properties. Loss of retail units in centres will be permitted where: i) The current use can be demonstrated to be no longer viable; and ii) The unit has been sufficiently and actively marketed for a range of retail uses over a 6 month period; and iii) The impacts arising from the resulting use do not cause an adverse effect on amenity, parking needs or highway safety.

11. MONITORING AND REVIEW

Monitoring arrangements for this plan will need to be agreed with SDDC so that any planning applications which are made once this plan is adopted will take due account of both the plans, content and aspirations.

The plan will be reviewed at regular intervals during the period up to 2028 to ensure that it continues to have due regard to national policy and is in general conformity the strategic policies of the District Council's Local Plan or any other strategic plan covering the parish.

12 CONSULTATION EVIDENCE FILES

Details of consultation evidence will be found in separate documents

All documents are available on the Melbourne Parish Council website under the section headed 'NDP'.

<https://www.melbourneparishcouncil.gov.uk/ndp-consultation-evidence-files.html>

CEF 1 NDP Articles Village Voice 2014 to date

CEF 2 NDP Public Meeting January 2015

CEF 3 NDP Consultations: Interviews, Surveys, Meetings, Letters

CEF 4 NDP Public Meeting February 2016

CEF 5 Minutes meetings with SDDC

CEF 6 Minutes meetings with Rural Action Derbyshire

CEF 7 Minutes of all NDP Meetings (link to PC website)

CEF 8 NDP Residents Questionnaire February 2017 and results

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13. APPENDICES

The detailed information will be found in the separate Appendices document.

All documents are available on the Melbourne Parish Council website under the section headed 'NDP'.

<https://www.melbourneparishcouncil.gov.uk/ndp-appendices.html>

Appendix 1 – OCSI Extract 2001 Census

Appendix 2 – Housing Consultation data

Appendix 3 – Sheltered Housing

Appendix 4 – SDDC Planning Guidance Background

Appendix 5 – Housing Developments since 2011

Appendix 6 – Business Survey

Appendix 7 – Car Parking Survey

Appendix 8 – Local Green Spaces and Letter to Landowners

Appendix 9 – Sustainability & Resilience

Appendix 10 – Jawbone Lane 3139116 appeal Decision

Appendix 11 – Consultations with Health & Education

Appendix 12 – Melbourne and Kings Newton Listed Buildings

Appendix 13 – Melbourne, Kings Newton & Woodhouses Conservation areas

Appendix 14 – Heritage & Conservation background

Appendix 15 – SDDC 2015 Open Space Sport & Community Facilities Strategy

14. ACKNOWLEDGEMENTS

Melbourne Parish Council wishes to thank all those who took part in the preparation of the plan, which is a large proportion of the population of Melbourne and Kings Newton.

The groups who have provided information for the plan and supported its development: Melbourne Civic Society, Melbourne Historical Research Society, Melbourne Transition Group, Melbourne Footpaths Group, Melbourne Village Voice, Joe Dugdale at Rural Action Derbyshire, Ian Hey and Policy team at SDDC.

In particular, it would like to thank all our Neighbourhood Plan Team members, who attended meetings, organised events, carried out surveys, distributed leaflets and in other ways got directly involved and helped create the plan: Jane Carroll, Wendy Earp and George Hudson from the Parish Council and volunteers Mair Aitkenhead, Anthony Freeman, Margaret Gildea, Paul Grimley, Frank Hughes, Rose Minifree, Matthew Roe, Helen Saunders, Michael Sephton, Mike Smith, Roger Spencer, Steve Spear, Barry Thomas, Graham Truscott and Ian Turner.

REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 11
DATE OF MEETING:	20 th MAY 2021	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	ARDIP KAUR (ext.5715) Ardip.Kaur@southderbyshire.gov.uk	DOC:
SUBJECT:	CYCLE OF MEETINGS 2022/23	REF:
WARD(S) AFFECTED:	ALL	

1.0 Recommendations

- 1.1 That, in accordance with Council Procedure Rule No. 1.1 (g) of the Council's Constitution, the cycle of Council and Committee meetings for 2022/23 (**Appendix A** to this report) be approved.

2.0 Purpose of Report/Detail

- 2.1 To consider the cycle of Council and Committee meetings for 2022/23 attached at **Appendix A**.

3.0 Financial Implications

- 3.1 None.

4.0 Corporate Implications

- 4.1 None.

5.0 Community Implications

- 5.1 None.

6.0 Background Papers

- 6.1 None.

COMMITTEE AND COUNCIL MEETINGS 2022-23

Committee	Day	Date
ANNUAL COUNCIL	Thursday	12.05.22
CIVIC COUNCIL	Thursday	19.05.22
Environmental & Development Services	Thursday	26.05.22
Planning	Tuesday	31.05.22
Housing & Community Services	*Wednesday	01.06.22
Finance & Management	Thursday	09.06.22
Overview & Scrutiny	Wednesday	15.06.22
COUNCIL	Thursday	23.06.22
Planning	Tuesday	28.06.22
Etwall JMC	Wednesday	06.07.22
Audit Sub-Committee (Special)	Wednesday	20.07.22
Finance and Management (Special)	Thursday	21.07.22
Planning	Tuesday	26.07.22
Environmental & Development Services	Thursday	11.08.22
Housing & Community Services	Thursday	18.08.22
Planning	Tuesday	23.08.22
Finance & Management	Thursday	25.08.22
Overview & Scrutiny	Wednesday	31.08.22
Audit Sub-Committee	Wednesday	07.09.22
COUNCIL	Thursday	15.09.22
Planning	Tuesday	20.09.22
Etwall JMC	Wednesday	21.09.22
Environmental & Development Services	Thursday	22.09.22
Housing & Community Services	Thursday	29.09.22
Finance & Management	Thursday	06.10.22
Overview & Scrutiny	Wednesday	12.10.22
Planning	Tuesday	18.10.22
Audit Sub-Committee (Special)	Wednesday	19.10.22
Finance & Management (Special)	Thursday	20.10.22
COUNCIL	Thursday	03.11.22
Environmental & Development Services	Thursday	10.11.22
Planning	Tuesday	15.11.22
Housing & Community Services	Thursday	17.11.22
Overview & Scrutiny	Wednesday	23.11.22
Finance & Management	Thursday	24.11.22
Audit Sub-Committee	Wednesday	07.12.22
Planning	Tuesday	13.12.22
Environmental & Development Services (Special - Budget)	Tuesday	03.01.23
Overview & Scrutiny	Wednesday	04.01.23
Housing & Community Services (Special – Budget)	Thursday	05.01.23
Planning	Tuesday	10.01.23
Etwall JMC	Wednesday	11.01.23
Finance & Management (Special – Budget)	Thursday	12.01.23

COMMITTEE AND COUNCIL MEETINGS 2022-23

COUNCIL	Thursday	19.01.23
Environmental & Development Services	Thursday	26.01.23
Housing & Community Services	Thursday	02.02.23
Planning	Tuesday	07.02.23
Overview & Scrutiny	Wednesday	08.02.23
Finance & Management	Thursday	09.02.23
COUNCIL	Wednesday	22.02.23
Environmental & Development Services	Thursday	02.03.23
Planning	Tuesday	07.03.23
Audit Sub-Committee	Wednesday	08.03.23
Housing & Community Services	Thursday	09.03.23
Finance & Management	Thursday	16.03.23
Overview & Scrutiny	Wednesday	29.03.23
Planning	Tuesday	04.04.23
Etwall JMC	Wednesday	05.04.23
COUNCIL	Thursday	13.04.23
Environmental & Development Services	Thursday	20.04.23
Housing & Community Services	Tuesday	25.04.23
Finance & Management	Thursday	27.04.23
Planning	Tuesday	02.05.23
ANNUAL COUNCIL	Thursday	11.05.23
CIVIC COUNCIL	Thursday	18.05.23

REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 12
DATE OF MEETING:	12 MAY 2022	CATEGORY: DELEGATED
REPORT FROM:	MONITORING OFFICER	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	ARDIP SANDHU Ardip.Sandhu@southderbyshire.gov.uk	DOC:
SUBJECT:	MEMBERS' CODE OF CONDUCT	REF:
WARD(S) AFFECTED:	ALL	

1.0 Recommendations

- 1.1 That Council notes the Local Government Association's (LGA) Model Councillor Code of Conduct ('the Code') and its associated documents.
- 1.2 Following review of the Model Code, and associated Guidance, on recommendation by the Monitoring Officer (MO), Council resolves to implement a revised Members' Code of Conduct at its Annual Council Meeting on 11th May 2023.
- 1.3 That all Elected Members consider the content of the Model Code and provide any comments to the Monitoring Officer no later than 30 September 2022.
- 1.4 Alongside the review of the Model Code, on recommendation of the Monitoring Officer, Council considers the role, re-appointment and/or recruitment of future Independent Persons.
- 1.5 That Council approves the appointment of Deputy Monitoring Officer (DMO).

2.0 Purpose of Report

- 2.1 To ensure all Members are aware of the new Model Code (and associated documentation) produced by the LGA, which will be recommended for adoption (with/without local amendments) at the Annual Council meeting of 11th May 2023.
- 2.2 To allow consideration of the role of Independent Persons and any future arrangements.
- 2.3 To consider proposals for the appointment of a Deputy Monitoring Officer.

3.0 Executive Summary

- 3.1 The Local Government Association has developed the Model Councillor Code of Conduct in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance.

- 3.2 The Model Code is a template for local authorities to adopt in whole and/or with local amendments. The associated Guidance is aimed to assist understanding and consistency of approach towards the Code. The LGA have advised they will undertake an annual review of the Code to ensure it continues to be fit for purpose, incorporating advance in technology, social media, and amendments to legislation. The LGA can offer support, training, and mediation to Councils on the application of the Code and the National Association of Local Councils (NALC) can offer advice and support to Town and Parish Councils.
- 3.3 The Monitoring Officer attends a quarterly meeting of Derbyshire Monitoring Officers. It is hoped the Derbyshire authorities will maintain consistency in local arrangements, upon implementation of the new Members Code of Conduct.
- 3.4 Section 27 of the Localism Act 2011 requires that the arrangements under which decisions on allegations that a Member has breached the Code of Conduct must include provision for the appointment of at least one Independent Person. The views of the Independent Person must be sought and taken into account before a decision is taken on an allegation that the Monitoring Officer has decided to investigate. The Council currently has two Independent Persons
- 3.5 It is a legal requirement that every local authority must designate one of their officers as a Monitoring Officer. The Council does not currently have Deputy Monitoring Officer and it is considered necessary to give consideration to the appointment of such.

4.0 Detail

Members Code of Conduct

- 4.1 The Localism Act 2011 requires all Councils to have a local Member Code of Conduct. The Council's previous Code was adopted on 28th June 2012, with an implementation date of 1st July 2012. The regime approved in 2012 has continued unchanged and it is now necessary to review and confirm it remains fit for purpose.
- 4.2 The Committee for Standards in Public Life (CSPL) in its January 2020 report into Local Government Ethical Standards included a best practice recommendation for local authorities to adopt a Code of Conduct and recommended it be based on a model to be produced by the LGA. This sat alongside other recommendations, including some to Government that required primary legislation.
- 4.3 The LGA produced a draft Code of Conduct in December 2020, followed by updates in January 2021 and May 2021. There remained some issues with the Model Code of Conduct, including its definitions and application, leading the LGA to commission Guidance to be drafted to assist the process. Hoey Ainscough Associates assisted with drafting the Guidance. The purpose of the Guidance is to help understanding and consistency of the approach towards the Code. The LGA will also undertake annual review of this Guidance.

Independent Persons

- 4.4 The role of Independent Person has no specified term, the role has importance in the process for dealing with allegations of misconduct by Members; and the various requirements for independence that those must ensure when being appointed. It is

considered challenging to recruit suitable volunteers to serve as Independent Persons. Due to the nature of the role, there are parameters set out in legislation regarding who and who may not be appointed. These include a Member, co-opted Member or officer of the authority, a relative or close friend of a person who is a Member of co-opted members or officer of the authority, and a person may not be appointed as an Independent Person if at any time during the 5 years ending with the appointment, the person was a Member, co-opted Member, or officer of the authority.

- 4.5 There is legal requirement for at least one Independent Person. The Localism Act 2011 requires appointment to be approved by the majority of Members of the Council. Furthermore, Independent Persons must be appointed through a process of public advertisement and application.

Deputy Monitoring Officer

- 4.8 Under section 5 of the Local Government and Housing Act 1989 (LGHA) it states.
*‘(1) It shall be the duty of every relevant authority—
(a) to designate one of their officers (to be known as “the monitoring officer”) as the officer responsible for performing the duties imposed by this section and, where relevant, section 5A below; and
(b) to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow those duties and, where relevant, the duties under section 5A below to be performed;
(7) The duties of a relevant authority’s monitoring officer under this section shall be performed by him personally or, where he is unable to act owing to absence or illness, personally by such member of his staff, as he has for the time being nominated as his deputy for the purposes of this section’.*
- 4.9 In accordance with the above, it is the Monitoring Officer’s request that Council agree to the appointment of a Deputy Monitoring Officer. It is the MO’s responsibility to ensure they personally appoint another member of staff to act in their place. In addition to acting in the Monitoring Officer’s absence, it will provide support to the MO role and allow an importance ‘check and balance’ with the Council’s governance matters. Most authorities appoint a Head of Legal Services as Monitoring Officer and another senior legal officer to assist.

5.0 Financial Implications

- 5.1 The remuneration of the role of Deputy Monitoring Officer will be determined by the duties and responsibilities of the post and evaluated and in line with the local Job Evaluation procedure. A report will follow to the Finance and Management Committee outlining any financial implications.

6.0 Corporate Implications

- 6.0 The revised Members Code of Conduct will make changes to the expected standards of conduct for Elected Members. The LGA’s Model Code of Conduct and Guidance provide a good foundation for commencing review of current processes and procedures.

7.0 Community Implications

- 7.1 The Council's Members Code of Conduct plays a vital role in promoting and maintaining the highest standards of conduct by Councillors of South Derbyshire District Council and all the Parishes in its area.

8.0 Legal Implications

- 8.1 Under the Localism Act 2011 all Council's must adopt a Code of Conduct. The Code should set out the conduct that is expected of Members and co-opted Members when acting in that capacity. The Code must be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. Councils must also ensure their Code includes appropriate provisions about declaring pecuniary and other interests.

9.0 Background Papers

Members Code of Conduct - [SOUTH DERBYSHIRE DISTRICT COUNCIL \(cmis.uk.com\)](http://cmis.uk.com)

Local Government Association Model Code of Conduct - [Local Government Association Model Councillor Code of Conduct 2020](#)

Code of Conduct Guidance - [Guidance on Member Model Code of Conduct Complaints Handling | Local Government Association](#)

Local Government and Housing Act 1989

Monitoring Officer Protocol

REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 13
DATE OF MEETING:	12 MAY 2022	CATEGORY: DELEGATED
REPORT FROM:	MONITORING OFFICER	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	ARDIP SANDHU Ardip.Sandhu@southderbyshire.gov.uk	DOC:
SUBJECT:	POLITICAL PROPORTIONALITY	REF:
WARD(S) AFFECTED:	ALL	

1.0 Recommendations

- 1.1 That Council approves and adopts the recommended allocation of seats to the Political Groups and Non-Grouped Members for the remainder of municipal year 2022/23.
- 1.3 That the Council allocates seats between the Political Groups and Non-Grouped Members as set out at Annexe 'A' and invites Group Leaders and Non-Grouped Members to make nominations to fill the seats.

2.0 Purpose of Report

- 2.1 To consider the Council's political proportionality for the municipal year 2022/23.

3.0 Detail

- 3.1 The Council's duty to determine the allocation of seats is prescribed by Section 15 of the Local Government and Housing Act 1989 ("the Act") (specifically subsections (3) to (5) as modified by The Local Government (Committees and Political Groups) Regulations 1990 ("the Regs")). A Political Group is defined as being constituted by at least two Members who have advised the proper officer of the local authority in writing that they wish to be treated as a Political Group.

- 3.2 The political composition of the Council is as follows:-

- | | |
|----------------------|----|
| • Labour Group | 15 |
| • Conservative Group | 16 |
| • Independent Group | 2 |
| • Non-Grouped | 2 |
| • Vacancy | 1 |

- 3.3 The Council is required to review the representation of the different political groups on Committees and Sub-Committees at, or as soon as practicable after, the Annual

Meeting of the Council; or where notice is received of a change in the composition of Political Groups.

3.4 The principles of determination are as follows:-

- (a) All the seats are not allocated to the same Group;
- (b) The majority of the seats go to the Group (if any) which has an overall majority on the Council;
- (c) Subject to the above two principles, that the number of seats on the total of all the ordinary Committees allocated to each Group bears the same proportion to the proportion on the Full Council.

3.5 The total number of Committee seats on the District Council for allocation is 98. After calculating the proportionality for the three Groups, the Non-Grouped Members, and the vacancy, this gives 44 seats to the Conservative Group, 41 seats to the Labour Group, 5 seats to the Independent Group and 5 seats to the Non-Grouped Members, as indicated on the schedule attached at Annexe 'A'.

4.0 Financial Implications

4.1 None.

5.0 Corporate Implications

5.1 The rules on political balance are covered by Sections 15 and 16 of the Local Government and Housing Act 1989 and by The Local Government (Committees and Political Groups) Regulations 1990.

6.0 Community Implications

6.1 None.

7.0 Background Papers

7.1 Local Government and Housing Act 1989
The Local Government (Committees and Political Groups) Regulations 1990

Annex 'A'

Political Proportionality 2022/23

Committee	Membership	Conservative Group	Labour Group	Independent Group	Vacant seat	Non - Grouped
Finance & Management	13	6 (5.8)	5 (5.4)	1 (0.7)	0 (0.4)	1 (0.7)
Environmental & Development Services	13	6 (5.8)	6 (5.4)	0 (0.7)	0 (0.4)	1 (0.7)
Housing & Community Services	13	6 (5.8)	5 (5.4)	1 (0.7)	1 (0.4)	0 (0.7)
Planning	13	6 (5.8)	6 (5.4)	0 (0.7)	0 (0.4)	1 (0.7)
Licensing & Appeals	15	6 (6.7)	6 (6.3)	1 (0.7)	1 (0.4)	1 (0.8)
Overview & Scrutiny	8	4 (3.6)	3 (3.3)	1 (0.4)	0 (0.2)	0 (0.4)
Standards	6	3 (2.7)	3 (2.5)	0 (0.3)	0 (0.2)	0 (0.3)
Joint Consultative	5	2 (2.2)	2 (2.1)	0 (0.3)	1 (0.1)	0 (0.3)
Etwall JMC	3	1 (1.3)	1 (1.3)	1 (0.2)	0 (0.1)	0 (0.3)
Audit Sub	5	2 (2.2)	2 (2.1)	0 (0.3)	0 (0.1)	1 (0.3)
Heritage Grants Sub	4	2 (1.8)	2 (1.7)	0 (0.2)	0 (0.1)	0 (0.2)
Seats available for allocation	98	44 (43.56) (44)	41 (40.83) (41)	5 (5.44) (5)	3 (2.72) (3)	5 (5.44) (5)
Total number of seats on Council	36 (100%)	16 (44.4%)	15 (41.7%)	2 (5.6%)	1 (2.8%)	2 (5.6%)

REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 14
DATE OF MEETING:	12 MAY 2022	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	DEMOCRATIC SERVICES 01283 59 5848/5722 democraticservices@southderbyshire.gov.uk	DOC:
SUBJECT:	ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2021-22	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: N/A

1.0 Recommendation

- 1.1 That Council receives the Annual Report of the Overview and Scrutiny Committee for 2021/22.

2.0 Purpose of Report

- 2.1 To submit the Annual Report of the Overview and Scrutiny Committee for 2021/22.

3.0 Detail

- 3.1 A copy of the Overview and Scrutiny Committee's Annual Report for 2021/22 is attached at Annexe A.

4.0 Financial / Corporate / Community Implications

- 4.1 None.

5.0 Background Papers

- 5.1 Annual Report 2021/22.

Overview and Scrutiny Committee Annual Report 2021/22



CONTENTS

Acknowledgement

1. Background

- 1.1 Purpose of the report
- 1.2 Composition of the Overview and Scrutiny Committee
- 1.3 Main Purposes of Overview and Scrutiny Committee
- 1.4 Functions of Overview and Scrutiny Committee
- 1.5 Meetings
- 1.6 Call-In of Policy Committee Decisions
- 1.7 Member Requests

2. Specific Areas of Activity and Achievements

- 2.1 The Annual Report
- 2.2 Setting the Committee Work Programme

3. Challenges for 2022/23

Acknowledgements

I am pleased to present this year's Overview and Scrutiny Annual Report, which contains information about the Committee's activity over the past year.

It has been a demanding year for the Council which continues to face challenges in delivering services to the residents of South Derbyshire. The Overview and Scrutiny Committee has been tasked with analysing and monitoring services in order to provide constructive feedback to increase efficiency as well as, where possible, reduce costs.

This Annual Report demonstrates the wide range of issues that have been considered within the scrutiny process and providing committee members the opportunity to select areas to review. It has also been noted that the Overview and Scrutiny Committee's interest in a number of work programme areas has inspired action aimed at improving key services elsewhere in the Council's democratic structure.

The Overview and Scrutiny Committee recognises and appreciates the valuable contributions that Elected Members, Officers and representatives of organisations have made towards its work, and acknowledges that without this support and co-operation, it could not fulfil its aim to improve services for the benefit of South Derbyshire residents.

Councillor Sean Bambrick
Chair of the Overview & Scrutiny Committee

1. Background

1.1 Purpose of the Report

This is the Annual Report to Council from Overview and Scrutiny, as required by Article 6 of the Council's Constitution.

Overview and Scrutiny plays an important part in local government decision-making and is a principal way of achieving open, democratic accountability for the provision of public services. The aim of Overview and Scrutiny is to improve public services and quality of life for local residents. Its main value is in holding the Council and other service providers to account, monitoring performance and in its capacity to inform and influence the actions of the Council and its partners. Overview and Scrutiny is a legal requirement, introduced by the Local Government Act 2000, extended in later legislation, and consolidated in the Localism Act of 2011. Overview and Scrutiny allows Councillors to examine, question and evaluate various functions of the Council and other providers of public services on behalf of the public in an open and effective way.

The report outlines how the Overview and Scrutiny Committee has discharged its functions during the municipal year 2020/21 and details the current position and outcomes of its activities.

1.2 Composition of Overview and Scrutiny Committee

From May 2021 until June 2021, the Committee consisted of eight Members: three Members of the Labour Group, three Members of the Conservative Group, one Member of the Independent Group and one vacancy in accordance with the political balance of the Council.

For the period of May 2021 to June 2021, the following Members were appointed to the Committee:

Labour Group

Councillor Bambrick (Chair), Councillor Stuart (Vice-Chair) and Councillor Gee

Conservative Group

Councillor Atkin, Councillor Hewlett and Councillor Smith

Independent Group

Councillor Roberts

For the period of June 2021 to September 2021, the following Members were appointed to the Committee:

Labour Group

Councillor Bambrick (Chair), Councillor Stuart (Vice-Chair) and Councillor Gee

Conservative Group

Councillor Atkin, Councillor Hewlett and Councillor Patten

Independent Group

Councillor Roberts

From September 2021 until January 2022 the Committee consisted of eight Members: three Members of the Labour Group, three Members of the Conservative Group, one Member of the Independent Group and one Non-Grouped Member, in accordance with the political balance of the Council.

For the period of September 2021 to January 2022, the following Members were appointed to the Committee:

Labour Group

Councillor Bambrick (Chair), Councillor Stuart Councillor (Vice-Chair) and Councillor Gee

Conservative Group

Councillor Atkin, Councillor Hewlett and Councillor Patten

Independent Group

Councillor Roberts

Non-Grouped

Councillor Wheelton

From January 2022 until May 2022, the Committee consisted of eight Members: four Members of the Labour Group, three Members of the Conservative Group and one Member of the Independent Group in accordance with the political balance of the Council.

For the period of January 2022 to May 2022, the following Members were appointed to the Committee:

Labour Group

Councillor Bambrick (Chair), Councillor Stuart Councillor (Vice-Chair), Councillor Gee and one vacancy

Conservative Group

Councillor Atkin, Councillor Hewlett and Councillor Patten

Independent Group

Councillor Roberts

1.3 Main Purposes of Overview and Scrutiny Committee

The main purposes of the Committee are as follows:

- (a) Write reports and/or make recommendations to Council, Policy Committees or Area Forums in connection with the formulation of policy and the discharge of any functions.
- (b) Consider any matter affecting the District or its residents.
- (c) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions.
- (d) Exercise the Call-In procedure in respect of decisions made, but not yet implemented, by any Policy Committee or Area Forum.
- (e) Oversee the appropriate processes and report findings to the relevant Policy Committee.

1.4 Functions of Overview and Scrutiny Committee

- (a) Holding the Council and its statutory partners to account in the public interest, enabling transparent and effective decision-making. This includes the power to 'call-in' a decision made by any policy committee that has not yet been implemented. (See 1.6)
- (b) Supporting effective policies and initiatives, which have a beneficial impact on the community through policy review and development.
- (c) Contributing to continuous improvement in services through monitoring quarterly departmental performance reports and the implementation of improvement plans.
- (d) Having a positive impact on the work and outcomes of external agencies and providers of public services.
- (e) Aiding Councillors in engaging with their communities and playing the role of community representatives and leaders.

1.5 Meetings

The Overview and Scrutiny Committee usually meets every six weeks, on Wednesday evenings at the Council's Civic Offices. In order to engage on a more direct level with residents, meetings can also be taken out into the community. Meetings are held in Open session unless there are Exempt items for consideration by the Committee. Additional task groups can be set-up to undertake work on the Committee's behalf, which usually happens when there is a need to review a topic in greater depth.

1.6 Call-In of Policy Committee Decisions

The Overview and Scrutiny Committee has the power to determine 'call-in' requests of any policy committee decision made but not implemented. During the year 2021/22 the Committee was not required to deal with any 'called in' decisions or requests from Policy Committees for specific investigations.

1.7 Member Requests

Any Member of the Council is able to request an item, relevant to the functions of the Committee, to be included in the Work Programme for review. During the 2021/22 municipal year the Chair and Members requested that an area of the budget be added to the Work Programme.

2. Specific Areas of Activity

2.1 The Annual Report

In May 2022, the Chair and Vice-Chair considered the draft Annual Report for the 2021/22 municipal year, which looks at each of the priorities in turn and provides an overview of some of the outcomes achieved by the Committee and how it has discharged its function throughout the year.

2.2 Setting the Committee Work Programme

In August 2022 the Committee outlined suggestions and agreed possible issues to form the basis of its Work Programme during the remainder of the municipal year. Members considered a range of potential areas for the Committee to review and the specific focus of their attention.

The key areas identified were:

- (a) Regulation of Investigatory Powers Act (RIPA) 2000
- (b) Internal Audit Review - Review of Scrutiny
- (c) Housing Repairs and Maintenance Contractor
- (d) collaborative Working with Other Authorities
- (e) East Midlands Airport Night Time Policy
- (f) Drs Surgery Provision in South Derbyshire
- (g) Land Charges
- (h) Budget

A short summary of the Committee's work during the year is set out below.

(a) Regulation of Investigatory Powers Act 2000 (RIPA)

The Committee has a standing function to monitor the Council's use of Regulation of Investigatory Powers (RIPA) on a quarterly basis, following the Council's Inspection by the Office of Surveillance Commissioners. The Committee noted the Council's use of Regulation of Investigatory Powers Act 2000 Policy and Guidance during the municipal year 2021/22

(b) Internal Audit Review - Review of Scrutiny

In September 2021 the Strategic Director (Corporate Resources) presented a Report to the Committee. The Chair. noted that Scrutiny training had been offered to all Members of the Council. Members discussed the parameters for the Night Flight Plan at East Midlands Airport and agreed to invite a member of the Airport staff to address the Committee about the airport expansion, freight traffic, new aircraft and the impact to local residents.

(c) Housing Repairs and Maintenance Contractor

Representatives from Novus delivered a presented to the Committee regarding its working partnership with the Council.

(d) Collaborative Working with Other Authorities

In October 2022 the Strategic Director (Corporate Resources) delivered a report to the Committee regarding partnership arrangements with other authorities. Members were content that Heads of Service reviewed the delivery of services and checked the best way to deliver a particular service, be it through in-house, shared services or partnership working and that service delivery would be reviewed by the relevant policy committees and members of those committees had the opportunity to question the use of collaborative working.

(e) East Midlands Airport: Night Time Policy

Representatives from East Midland's Airport attended a Committee meeting and delivered a presentation that included, the economic activity of the airport, community engagement and consultation, the impact of Covid-19, the Noise Action Plan 2019-2023 and sound installation grants/schemes.

Members raised questions regarding flight volumes compared to pre-Covid 19, business plans in relation to the Freeport, consultation with communities, night flights and noise monitoring.

It was confirmed that flight volumes compared to pre pandemic were at 40% for passenger flights and freight had increased, that the Sustainable Development Plan projections would be reviewed in relation to the Freeport but it was too early to say how the volume of night flights would increase, that consultation is carried out via the Airport's website and regular community work and that mobile noise monitors were used to monitor noise in various locations.

(f) Land Charges

It was agreed that Land Charges would be addressed during the municipal year 2022/23.

(g) Budget

The Strategic Director (Corporate Resources) delivered a presentation to the Committee which included the Budget Report and General MTFP, Base Budget Changes for 2021-23, Housing Revenue Account, Reserves and the proposed rent increase for 2022/23.

Members sought clarification regarding agency costs in relation to Land Charges and changes to the level of reserves. The Strategic Director (Corporate Resources) informed the Committee that agency costs were related to the increased volume of work and that if the level of reserves changed the Council would be advised by the external auditor and it would be addressed at Full Council. The Chair of Overview and Scrutiny agreed to attend Finance and Management Committee to seek further clarification regarding the land charges.

3 Challenges for 2022-23

- To build on, and update, the achievements of Overview and Scrutiny.
- To ensure that Overview and Scrutiny continues to make a positive contribution to the development of policy and the continuous improvement of the Council's operations.
- To continue to ensure the Overview and Scrutiny work programme reflects concerns of service users, community and the public.
- To continue to ensure Overview and Scrutiny works with the community and key partners to respond to local concerns.
- To continue to ensure that the work of Overview and Scrutiny has a positive effect on decision-makers and provides evidence that it has made a real difference.
- To ensure Overview and Scrutiny takes a more active, appropriate role in respect of the work of the Policy Committees and their decisions.
- To balance the focus of the Overview and Scrutiny Committee both inward on existing and proposed Council services, and outward to other areas of the community and partner organisations.
- To build on the existing scoping procedure to make it more robust, to ensure the original scope is used as a point of reference for each work programme item and a tool to measure progress and the value being added by the committee as it completes its work.

Chair, Vice-Chair and Members of the Overview and Scrutiny Committee
May 2022

PLANNING COMMITTEE

20th July 2021

PRESENT:-

Labour Group

Councillor Shepherd (Vice-Chair) and
Councillors Gee, Pearson, Richards, and Southerd.

Conservative Group

Councillors Ackroyd, Bridgen, Lemmon, Muller and Watson.

Independent Group

Councillors Dawson.

In Attendance

Councillor Bambrick

PL/24 **APOLOGIES**

The Committee was informed that apologies for absence had been received from Councillor Tilley (Labour Group), Councillor Angliss (Independent Group), and Councillor Brown (Conservative Group) .

PL/25 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declaration of Interest had been received.

PL/26 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

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

MATTERS DELEGATED TO COMMITTEE

PL/27 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

The Strategic Director (Service Delivery) submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/28 **THE ERECTION OF 2 REAR SINGLE STOREY EXTENSIONS WITH FIRST FLOOR TERRACE TO PART, ERECTION OF FRONT PORCH AND**

CHANGES TO MATERIAL FINISHES TO FRONT ELEVATION AT 58 MAIN STREET, WALTON ON TRENT, SWADLINCOTE, DE12 8LZ

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

The Planning Delivery Team Leader appraised the Committee of the proposal and shared additional information that had been received from the applicant and explained that the changes were in part retrospective. The Committee was informed that no concerns were raised regarding the impact on the conservation area and that use of obscure glazing for the balcony would be covered in the conditions.

An Objector and the Applicant's Agent attended the meeting and addressed Members regarding this application.

RESOLVED:

That planning permission was approved as per recommendation in the report of the Strategic Director (Service Delivery) subject to an amendment to condition 3 to ensure the use of the highest level of obscure glazing.

PL/29

THE CONVERSION OF EXISTING DWELLING WITH RETAIL ELEMENT AND 2 STOREY STORAGE UNIT TO FORM 5 DWELLINGS IN A MEWS STYLE DEVELOPMENT INCLUDING THE RAISING OF THE ROOF OF THE STORAGE ELEMENT TO FORM FIRST FLOOR ACCOMMODATION AT 53 HIGH STREET, NEWHALL, SWADLINCOTE, DE11 0HU OF USE LANE, HEATHTOP, DERBY, DE65 5AY

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

The Planning Delivery Team Leader appraised the Committee of the proposal informing Members that no objections had been received from the Statutory Consultees.

Members felt that although it was a retrospective application and the built property was a vast improvement to the area but raised concerns regarding access via Chapel Lane and inadequate parking facilities

RESOLVED:

That planning permission was refused contrary to the recommendation in the report of the Strategic Director (Service Delivery) on grounds of highway safety and inadequate parking.

PL/30 **OUTLINE APPLICATION (MATTERS OF ACCESS, LAYOUT, SCALE, APPEARANCE AND LANDSCAPING RESERVED FOR LATER CONSIDERATION) FOR THE ERECTION OF UP TO 5 APARTMENTS AT LAND TO THE SOUTH SIDE OF HIGH STREET AND CORNER OF SUN STREET, WOODVILLE, DERBY, DE11 7DU**

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

The Planning Delivery Team Leader outlined the application noting that there would be no overbearing or loss of privacy for the neighbouring property. The Committee was informed that whilst there were no objections from statutory consultees objections had been received from local residents

An Objector attended the meeting and addressed Members regarding this application.

The Planning Delivery Team Leader read out a statement of objection submitted by Councillor Taylor as the Local Ward Member.

Members raised concerns regarding over development, access for emergency vehicles, height of the development, the requirement for further mine shaft exploration and the possible arsenic contamination as raised by the objector.

RESOLVED:

That planning permission was refused contrary to the recommendation in the report of the Strategic Director (Service Delivery) on the grounds of over intensive development of the site.

PL/31 **PROPOSED CHANGE OF USE OF PART OF THE SITE FROM AGRICULTURE TO CONSTRUCT (SELFBUILD) INFILL DWELLING, AND CREATION OF NEW ACCESS WITHIN EXISTING RESIDENTIAL CURTILAGE ON LAND BETWEEN THE CEDARS AND THE STABLES, SHARDLOW ROAD, ASTON ON TRENT, DERBY, DE72 2AN**

The Planning Delivery Team Leader appraised the Committee of the proposal and highlighted access, position, appearance and the retention of the mature tree. Members were informed that whilst no objections had been received from the Statutory Consultees the visual impact of the urbanisation was not supported by policy hence the proposal for refusal of application

RESOLVED:

That planning permission be deferred to allow Members to visit the site.

PL/32 **DEED OF VARIATION – LAND AT HIGHFIELDS FARM**

The Planning Delivery Team Leader presented the report to the Committee and outlined the details of the Deed of Variation

RESOLVED:

2.1 The Committee approved the request to amend the Section 106 Agreement (S106) and subsequent Deed of Variation (DoV) to include amendments to be made to the third schedule of the Section 106 Agreement– Bus Service and Improvement Measures. This was based upon recommendations that had been received from Derby City Council.

2.2 The Committee approved delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the DoV.

PL/33 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

RESOLVED:-

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

PL/34 **EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.**

The Committee was informed that no questions had been received.

The meeting terminated at 18:45 hours.

COUNCILLOR SHEPHERD

VICE-CHAIR

PLANNING COMMITTEE

17th August 2021

PRESENT:-

Labour Group

Councillor Tilley (Chair) Councillor Shepherd (Vice-Chair) and Councillors Gee, Pearson and Southerd.

Conservative Group

Councillors Bridgen, Brown, Lemmon, Muller and Watson.

Independent Group

Councillors Angliss and Dawson.

In Attendance

Councillor Smith.

PL/34 **APOLOGIES**

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

PL/35 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declarations of Interest had been received.

PL/36 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

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

MATTERS DELEGATED TO COMMITTEE

PL/37 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

The Strategic Director (Service Delivery) submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/38 **PROPOSED CHANGE OF USE OF PART OF THE SITE FROM AGRICULTURE TO CONSTRUCT (SELF-BUILD) INFILL DWELLING, AND CREATION OF NEW ACCESS WITHIN EXISTING RESIDENTIAL CURTILAGE ON LAND BETWEEN THE CEDARS AND THE STABLES, SHARDLOW ROAD, ASTON ON TRENT, DERBY, DE72 2AN**

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

The Head of Planning and Strategic Housing appraised the Committee of the proposal that sought consideration of policy compliance in a countryside location. Members were informed that whilst the design quality was not opposed the dwelling was situated behind a built up frontage and was considered an intrusion and contrary to a number of policies.

The Applicant attended the meeting and addressed the Committee regarding the application.

Members were impressed with the design and innovative features of the proposed dwelling and noted that no objections had been received and that the local community were in favour of the application.

RESOLVED:

That delegated authority was approved for the Head of Planning and the Chair of the Committee to discuss additional conditions to the application.

The Committee approved the application contrary to the recommendation proposed within the report.

PL/39 **THE INSTALLATION OF UP TO 10MWP OF SOLAR PHOTOVOLTAIC PANELS AND ASSOCIATED WORKS, INCLUDING SUBSTATIONS, INVERTERS, ACCESS TRACKS, SECURITY FENCING AND CAMERAS AT LAND AT SK1930 5342, HAWTHORN FARM, SCROPTON ROAD, SCROPTON, DE65 5PR**

Planning Delivery Team Leader appraised the Committee of the proposal advising Members that four letters of objection had been received and that the site was outside the village in a rural location, but not in a conservation area. Members were informed that proposal included 14,000+ solar panels at a 15% tilt facing due south with associated operating equipment and that there would be no loss to agricultural land or heritage assets.

An Objector and the Applicant's Agent attended the meeting and addressed the Committee regarding the application.

Members were extremely concerned about flood risk and the flood risk inspection that had been undertaken. Members also raised concern about noise for local residents and the lack of employment benefits associated with the application.

RESOLVED:

That planning permission be deferred to allow further specialist reports to be obtained in respect of Flood Risk and Noise Assessment.

PL/40 **DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND THE ERECTION OF 4NO. DWELLINGS AND ASSOCIATED NEW ACCESS AT SILSDEN, COTON ROAD, WALTON ON TRENT, SWADLINCOTE, DE12 8NL**

The Head of Planning and Strategic Housing appraised the Committee of the detailed proposal within a conservation area.

RESOLVED:

That planning permission be approved as per the recommendations in the report.

PL/41 **THE ERECTION OF A SINGLE STOREY REAR EXTENSION AND RAMPED ACCESS AT 8 EDWARD STREET, HARTSHORNE, SWADLINCOTE, DE11 7HG**

The Head of Planning and Strategic Housing appraised the Committee of the proposal.

RESOLVED:

That planning permission be approved as per the recommendations in the report.

PL/42 **THE FORMATION OF A HARD SURFACE TO FACILITATE A VEHICULAR ACCESS ON LAND NORTH OF 80 CHESTNUT AVENUE, MIDWAY, SWADLINCOTE, DE11 0EN**

The Head of Planning and Strategic Housing appraised the Committee of the proposal.

RESOLVED:

That planning permission be approved as per the recommendations in the report.

PL/43 **PLANNING AND OTHER APPEALS**

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

Reference	Place	Ward	Outcome	Decision Level
9/2019/0406	Bent Lane, Church Broughton	Hilton	Dismissed	Delegated

E/2018/00110 Acresford Seales Allowed Committee
and Road,
DMPA/2019/1408 Netherseal

PL/44 **DEED OF VARIATION – LAND AT VALLEY ROAD, OVERSEAL**

The Head of Planning and Strategic Housing appraised the Committee of the variations within the report and noted that the Health Authority had requested that Section 106 Funding be directed into health.

Members raised queries as to the geography related to the funding. The Planning Policy Officer confirmed that all funding would be allocated to South Derbyshire with a proposal that Heartwood Medical Practice would receive funding for the conversion of a clinical records room into a medical room.

RESOLVED:

That the Committee approved the recommendations in the report.

PL/45 **DEED OF VARIATION – LAND TO THE WEST OF MOIRA ROAD, WOODVILLE**

The Head of Planning and Strategic Housing appraised the Committee of the variations in the report.

RESOLVED:

That the Committee approved the recommendations in the report.

PL/46 **DEED OF VARIATION – LAND TO THE EAST OF ACRESFORD ROAD, OVERSEAL**

The Head of Planning and Strategic Housing appraised the Committee of the variations in the report.

RESOLVED:

That the Committee approved the recommendations in the report.

PL/47 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

RESOLVED:-

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

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

The Committee was informed that no questions had been received.

The meeting terminated at 19:30 hours.

COUNCILLOR TILLEY

CHAIR

PLANNING COMMITTEE

14th September 2021

PRESENT:-

Labour Group

Councillor Tilley (Chair) Councillor Shepherd (Vice-Chair) and Councillors Gee, Pearson and Southerd.

Conservative Group

Councillors Bridgen, Brown, Lemmon, Muller and Watson.

Independent Group

Councillors Angliss and Dawson.

In Attendance

Councillors Haines and Richards.

PL/48 **APOLOGIES**

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

PL/49 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declarations of Interest had been received.

PL/50 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

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

MATTERS DELEGATED TO COMMITTEE

PL/51 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

The Strategic Director (Service Delivery) submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/52 **OUTLINE PLANNING APPLICATION FOR UP TO 7 BUNGALOWS, TOGETHER WITH ASSOCIATED LANDSCAPING AND DRAINAGE INFRASTRUCTURE, WITH ALL MATTERS RESERVED FOR FUTURE APPROVAL EXCEPT FOR ACCESS ON LAND AT SK3126 0097, MILTON ROAD, REPTON, DERBY**

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

The Head of Planning and Strategic Housing appraised the Committee of the application and informed Members of the proposed additional condition to prevent the installation of Dormer windows. It was noted that the site was within the settlement area and the single storey dwellings would not impede the views of the church spire.

The Applicant's Agent attended the meeting and addressed the Committee in relation to the application.

As the Local Ward Member for Repton Councillor Haines addressed the Committee on behalf of the residents objecting to the application. Concerns were raised regarding possible future development to the right of the public footpath, surface water drainage and flooding.

The Head of Planning and Strategic Housing confirmed that the north side of the development would be kept as open land to protect the views of the church spire and town and that a number of conditions pertaining to drainage and surface water run off would be included at the next stage of the application process.

RESOLVED:

That planning permission be approved as per the recommendations in the report, subject to additional conditions relating to removal of permitted development rights for rooflights, dormer windows and raising of the roof height.

PL/53 **ALTERATIONS TO THE SHOP FRONTS AT GROUND AND FIRST FLOOR AND ALTERATIONS TO THE WINDOWS (RE-SUBMISSION OF APPLICATION 9/2017/1040) AT 5-15 WEST STREET, SWADLINCOTE, DE11 9DG**

The Head of Planning and Strategic Housing appraised the Committee of the proposal and sought approval of the recommendations within the report

Councillor Lemmon raised a query regarding the fire standards in relation to cladding and the Head of Planning and Strategic Housing confirmed that property officers would ensure that all necessary safety standards would be adhered to.

RESOLVED:

PL/54 ***That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).***
PROPOSED ENGINEERING OPERATION TO FORM AN EXTENSION TO THE EXISTING KEYSTONE STORAGE YARD AND CREATION OF CAR PARKING FOR EXISTING STAFF, INCLUDING BUNDING FENCING AND LANDSCAPING ON LAND OFF RYDER CLOSE, CASTLE GRESLEY, SWADLINCOTE, DE11 9EU

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

The Planning Delivery Team Leader appraised the Committee of the proposal and noted the additional conditions relating to information and mitigation proposals requested by the Wildlife Trust in relation to Great Crested Newts, the retention of a pond and the open mosaic habitat.

The Planning Delivery Team Leader outlined the change of use of land for carparking space, the levelling of the site, the 3 metre high bund and sound barriers work proposed. Members were informed that it was the view of environment officers that the acoustic wall would effectively reduce noise and that that natural planning and flooding would be covered by conditions.

Members raised queries in relation to operating hours, lighting and noise mitigations.

The Planning Delivery Team Leader informed the Committee that operating hours would be restricted and the Environmental Health Officer was content with the proposals to mitigate noise and that a condition for lighting would be agreed under delegated authority.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to the revised recommendation that delegated authority be granted to the Head of Planning and Strategic Housing to continue discussions with the applicants and Derbyshire Wildlife Trust in an attempt to resolve the outstanding issues relating to Great Crested Newts and Open Mosaic Habitat and subject to all matters being resolved and the prior signing of an agreement under section 106 of the Town and Country Planning Act 1990 to secure planning obligations relating to a commuted sum towards National Forest Planting and any commuted sums or mitigation measures required as a result of these discussions, grant planning permission subject to any conditions deemed necessary including those contained within the report (excluding condition 14, and with appropriate revisions to condition 2 (approved drawings), condition 11 (landscaping) and additional condition to require a pre-development walk over of the site to ensure that there are no badger setts present.

PL/55 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

RESOLVED:-

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

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

The Committee was informed that no questions had been received.

The meeting terminated at 18:55 hours.

COUNCILLOR N.TILLEY

CHAIR

PLANNING COMMITTEE (SPECIAL)

9th November 2021

PRESENT:-

Labour Group

Councillor Tilley (Chair), Councillor Shepherd (Vice-Chair) and Councillors Gee, Pearson and Southerd.

Conservative Group

Councillors Bridgen, Brown, Haines, Muller and Watson.

Independent Group

Councillors Angliss and Dawson.

Non-Grouped

Councillor Wheelton.

PL/75 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Lemmon (Conservative Group).

PL/76 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declarations of Interest had been received.

PL/77 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

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

MATTERS DELEGATED TO COMMITTEE

PL/78 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

The Strategic Director (Service Delivery) submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/79 **APPROVAL OF RESERVED MATTERS (ACCESS, LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) PURSUANT TO OUTLINE PERMISSION REF. DMPA/2020/0985 (THE VARIATION OF CONDITION NO. 9 (RELATING TO SKYLARK HABITAT COMPENSATION) OF PERMISSION REF. 9/2017/1191 (RELATING TO OUTLINE PERMISSION (ALL MATTERS RESERVED FOR FUTURE APPROVAL) FOR RESIDENTIAL DEVELOPMENT OF UP TO 50 DWELLINGS WITH OPEN SPACE, DRAINAGE AND ASSOCIATED WORKS) ON ETWALL COMMON, LAND AT SK 2730 1591, EAST OF EGGINTON ROAD AND NORTH OF JACKSONS LANE, ETWALL COMMON, DERBY**

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

The report was presented by the Planning Delivery Team Leader who summarised the application and the amendment to the Section 106 Agreement. It was noted that 28 objections had been received and the Local Highways Authority had raised concerns regarding the use of Swales but Severn Trent had no objections.

An Objector and the Applicant's Agent attended the Meeting and addressed Members on the application.

Members raised concerns regarding noise levels from the A50 and the impact of the proposed Freeport, drainage and flood risks, the proposed footpaths within the site with the risk of anti-social behaviour and the replacement of a grass verge with a footpath outside of the site.

The Planning Delivery Team Leader informed the Committee that drainage would be covered in the conditions and the applicant could only provide footpaths within the redline of the plan and that no concerns of anti-social behaviour had been raised and that the boundary of the site would be enclosed by fencing.

The Head of Planning and Strategic Housing confirmed that the Environmental Team had raise no concerns regarding environmental noise environmental and that drainage would not be considered at the reserved matters stage but would be submitted at a later stage and normally dealt with under delegated powers but this could be brought to Committee for consideration. The Committee was also informed that whilst the Police has raised some concerns the applicant are only in control of the connections within the site and the Local Highways Agency did not have any objections.

The Chair reiterated the issues Members raised regarding drainage and the need for additional information to be considered by the Committee along with a request for the applicant to consider the concerns of Members in regard to the footpaths and security.

RESOLVED:

That the application be deferred to allow the applicant to provide further information about drainage and consider the concerns raised by members relating to footpaths and security.

PL/80

CREATION OF ENGINEERING AND ENABLING WORKS INCLUDING RESTORATION, RE-PROFILING OF LAND AND REMEDIATION WITH DRAINAGE INFRASTRUCTURE, ACCESS AND ASSOCIATED WORKS ON LAND OFF SK2918 7015 CHURCH STREET, CHURCH GRESLEY, SWADLINCOTE

The Head of Planning and Strategic Housing presented the report to Members outlining the proposal and noting that the applicant would make good any damage made by the creation of a temporary access which would be covered in amended conditions. The supporting information regarding the Environment Management Plan was highlighted and it was noted that access points were in line with the Highway Agency and that noise, amenity, highways and surface water drainage would be covered under a number of conditions.

The Head of Planning and Strategic Housing confirmed that footpath concerns from raised by neighbours would be dealt with under reserved matters

The Applicant's Agent attended the Meeting and addressed Members regarding the application.

Councillor Southerd raised concerns regarding the footpaths, vehicles and generators operating throughout the night and the maintenance of buffer zones.

The Head of Planning and Strategic Housing informed the Committee that footpath issues were in the process of being addressed with the County Council and confirmed that as part of reserved matters buffer zones and generators would be covered in Condition 8 to prevent contamination and that landscaping would be dealt with the under reserved matters and condition would be added in relation to the housing of the generator.

Councillor Southerd requested that the applicant consider the formation of a liaison group with local residents.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to amendments to conditions 3 and 4 in relation to correction works to the temporary access, a new condition 5 regarding the compound and delegated authority granted to the Head of Planning and Social Housing to amend the wording to condition 8 to include generators.

PL/81 **CONVERSION AND EXTENSION OF A FORMER CONCRETE WATER STORAGE TANK AND BRICK PUMP HOUSE INTO A RESIDENTIAL DWELLING HOUSE WITH ACCESS, PARKING AND ASSOCIATED WORKS AT THE FORMER WATER WORKS, BOG LANE, MELBOURNE, DERBY, DE73 8HU**

The Head of Planning and Strategic Housing presented the report to the Committee highlighting the key points of the resubmitted application. Reference was made to additional correspondence from a local resident questioning highway safety and drainage arrangements. It was noted that the principles of development had been approved previously and the alterations were broadly comparable in scale with drainage covered by suds and surface water drainage to comply with building regulations.

The Applicant's Agent attended the Meeting and addressed Members on this application.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/82 **PLANNING AND OTHER APPEALS**

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

Reference	Place	Ward	Outcome	Decision Level
DMPA/2020/0910	7 Cavendish Close, Newhall	Midway	Dismissed	Committee

PL/83 **SECTION 106 VARIATION - BROOMY FARM HARTSHORNE**

The Planning Delivery Team Leader presented the report to Members and outlined the variation to the Section 106 Agreement that would include a new standard Mortgagee in Possession clause.

RESOLVED:

That the variation be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/84 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

RESOLVED:-

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

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

The Committee was informed that no questions had been received.

The meeting terminated at 19:25 hours.

COUNCILLOR N TILLEY

CHAIR

PLANNING COMMITTEE (SPECIAL)

12th October 2021

PRESENT:-

Labour Group

Councillor Shepherd (Vice-Chair) and
Councillors Gee, Pearson, Rhind (substituting for Councillor Tilley) and
Southerd.

Conservative Group

Councillors Bridgen, Hewlett (substituting for Councillor Brown), Muller,
Redfern (substituting for Councillor Lemmon) and Watson.

Independent Group

Councillor Dawson.

Non-Grouped

Councillor Wheelton.

PL/65 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor
Tilley (Labour Group), Councillors Brown and Lemmon (Conservative Group)
and Councillor Angliss (Independent Group).

PL/66 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declarations of Interest had been
received.

PL/67 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL
PROCEDURE RULE NO.11**

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

MATTERS DELEGATED TO COMMITTEE

PL/68 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

The Strategic Director (Service Delivery) submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

- PL/69 **APPROVAL OF RESERVED MATTERS (ACCESS, LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) PURSUANT TO OUTLINE PERMISSION REF. DMPA/2020/0985 (THE VARIATION OF CONDITION NO. 9 (RELATING TO SKYLARK HABITAT COMPENSATION) OF PERMISSION REF. 9/2017/1191 (RELATING TO OUTLINE PERMISSION (ALL MATTERS RESERVED FOR FUTURE APPROVAL) FOR RESIDENTIAL DEVELOPMENT OF UP TO 50 DWELLINGS WITH OPEN SPACE, DRAINAGE AND ASSOCIATED WORKS) ON ETWALL COMMON, LAND AT SK 2730 1591, EAST OF EGGINTON ROAD AND NORTH OF JACKSONS LANE, ETWALL COMMON, DERBY.**

Members requested that a site visit be undertaken to inspect the site prior to considering the application.

RESOLVED:

That consideration of the application by the Committee be deferred to allow Members to visit the site.

- PL/70 **THE VARIATION OF CONDITION NO. 11 OF PERMISSION REF. 9/2014/1137 'THE VARIATION OF CONDITION 11 OF PLANNING PERMISSION 9/2013/0733 TO FACILITATE THE USE OF 80 FURTHER EXISTING LEISURE MOORINGS FOR UNRESTRICTED RESIDENTIAL OCCUPATION (TOTTALLING 260 MOORING)' TO ALLOW FOR AN ADDITIONAL 100 UNRESTRICTED RESIDENTIAL MOORINGS TO TOTAL 360 UNRESTRICTED RESIDENTIAL MOORINGS AT MERCIA MARINA, FINDERN LANE, WILLINGTON, DERBY, DE65 6DW**

The Head of Planning and Strategic Housing presented the report to Members outlining the plan for a further 100 public unrestricted moorings which would be primarily used for residential purposes. There had been no objections during the consultation. It was noted that Section 106 Agreement contributions for NHS Healthcare and Educational provision was founded on the majority of residential units being occupied by single people or couples.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/71 **OUTLINE APPLICATION (MATTERS OF LAYOUT AND SCALE TO BE CONSIDERED NOW WITH MATTERS OF ACCESS, APPEARANCE AND LANDSCAPING RESERVED FOR LATER CONSIDERATION) FOR THE ERECTION OF 2NO. DWELLINGS ON LAND ADJACENT TO 6 CHURCH STREET, SWADLINCOTE, DE11 8LE**

The Planning Delivery Team Leader presented the report to the Committee highlighting the space between the properties and the neighbouring dwelling was below the minimum recommendation. It was noted that the site was within a retail area of Swadlincote and that the Conservation Officer had inspected the site and had no objection to the application.

Members agreed that the application would make an improvement to the area and enquired about the design details of the windows. The Planning Delivery Team Leader informed the Committee that the window design would be included in the Reserved Matters application for the site.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/72 **THE ERECTION OF A GROUND FLOOR EXTENSION AT CORBIN HOUSE, HILTON ROAD, EGGINTON, DERBY, DE65 6GU**

The Head of Planning and Strategic Housing presented the report to Members outlining the proposals for the site highlighting that there would be no impact to the setting or to the neighbouring properties as the extension would be situated below an existing first floor overhang.

Members supported the application and considered that the property was of a modern and architecturally interesting design, set back from the road and isolated from neighbours.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/73 **PLANNING AND OTHER APPEALS**

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

Reference	Place	Ward	Outcome	Decision Level
DMPA/2019/1430	Bretby	Repton	Dismissed	Delegated
DMPA/2020/0910	Newhall	Midway	Dismissed	Committee
DMPA/2020/1136	Woodville	Woodville	Dismissed	Delegated

PL/74 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

RESOLVED:-

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

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

The Committee was informed that no questions had been received.

The meeting terminated at 18:25 hours.

COUNCILLOR D SHEPHERD

VICE-CHAIR