

## **DEVELOPMENT CONTROL COMMITTEE – 19 August 2003**

In accordance with the provisions of Section 100D of the Local Government Act 1972, BACKGROUND PAPERS are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in Sections 100A and D of that Act, respectively).

### **REPORT OF THE PLANNING SERVICES MANAGER**

#### **1. Planning Applications**

#### **2. Appeals**

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When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the Planning Services Manager's report or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Planning Services Manager, arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other

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19/08/2003

**Item** 1.1**Reg. No.** 9 2001 0050 O**Applicant:**

Tapton Estates Ltd  
 Westbrook House  
 Sharrowvale Road  
 Sheffield  
 S11 8YZ

**Agent:**

Mrs Heather Pugh  
 David Lock Associates Ltd  
 50 North Thirteenth Street  
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**Proposal:** Outline application (all matters to be reserved) for development and remediation including the erection of approximately 400 dwellings, the provision of B1/B2 employment, open space and National Forest planting together with the provision of a link road on land at the Former Mount Pleasant Works And Woodville Pipeworks Off Moira Road Woodville Swadlincote

**Ward:** Woodville**Valid Date:** 24/01/2001**Site Description**

The application site runs to approximately 22.8 hectares on the Derbyshire side. The development site as a whole (48.77 ha) straddles the border with Leicestershire south of Woodville. The site comprises three former industrial works: John Knowles & Son Works, the Albion Works, and the Sanitary Pipe Works. The former site closed in 1969 and the latter two ceased manufacturing in 1996.

The site is bounded by Woodville to the north, Occupation Lane to the west and Butt Lane to the East. To the south the site is bounded by the line of a dismantled railway, open land currently in agricultural use, and an area of former opencast mining land which was recently approved as a landfill site ('New Albion').

The vast majority of the site has been previously developed although is now derelict. However, the site does still support some existing areas of tree cover. The site also contains a number of hedgerows (in mixed condition) and a Derbyshire Wildlife Site known as 'The Hollows' to the south of South Street. The land generally rises to the east with the A511 running along a ridgeline from Woodville to Ashby. The topography falls away to the south and west leaving the application site on a shelf within the broader landscape setting.

**Proposal**

Since the first submission of the application in 2000, the application has undergone a significant change. Originally the application consisted of housing and industry on both sides of the

boundary. However, following discussions with all authorities involved (concurrent applications having been submitted to all four authorities), an amended scheme and masterplan (available for inspection in the department) are now for consideration which comprises the following:

- Housing 11.78 ha (all within SDDC previously 14 ha split between the two districts)
- Industry 2.16 ha (within SDDC) 6.91 ha (NWLDC) (previously 6.56 split)
- Open Space 6.11 ha (SDDC) 12.16 (NWLDC) (previously 19.23 split)
- Structure Planting 2.19 ha (SDDC) 5.4 ha (NWLDC) (previously 4.63 split)
- Link road 0.49 ha (SDDC) 1.21 ha (NWLDC).

The original scheme submitted also showed a primary school site and a local centre. Since the reduction in the number of dwellings on site the applicant has considered that the commercial viability of the centre would be uncertain and would create unnecessary competition with the existing commercial centre of Woodville which remains within walking and cycling distance of the site. With regard to the proposed school site, following discussions with the existing local schools and the Education Authority, this element was dropped in favour of financial contribution towards the existing primary school in Woodville.

In addition a major element of the scheme is to establish a new link-road running east-west through the proposed development area with junctions with the existing highway network. It is proposed that the road commence in the north with a new signalised junction with the A511 (Ashby Road) at its current junction with Butt Lane. The road would then run due south along the current route of Butt Lane (with a short link to South Street with a section of South Street made up accordingly) then extending across the border further south connecting with a new access to the Donington Pipeworks to the south east. It then turns due west eventually reaching a new junction with Moira Road. Across what would probably be in the form of a new roundabout on Moira Road, the road would continue in a north westerly direction to a junction with Occupation Lane. Although it is at this point that the application site ends, the route is shown continuing (as a future phase but on land not currently in the control of the applicant) in a north/north westerly direction towards Swadlincote forming a new junction with Swadlincote Lane at Woodhouse Street. The link road would form the southern boundary of the site thus containing the development to the north as far as the main housing area on the western side where the road runs into a roundabout forming a central axis with Moira Road crossing north-south. Further into Leicestershire it is suggested that an upgraded junction be formed at the Albert Village crossroads. It is worthy noting that the vast majority of the link road lies within Leicestershire and it is upon this link road that the scheme relies.

The area designated in the master plan for residential development to the south of South Street ('The Hollows') is also shown as an area in need of remediation through the extraction of coal deposits. The land has been identified as a potential danger due to its former use as a mine and the presence of old shafts and voids close to the surface resulting in the sites overall instability. This is the subject of a separate application to the County Mineral Authorities.

Given that the application conflicts with the Adopted Local Plan, the application would have to be referred to the Government Office for the East Midlands.

## **Applicants' supporting information**

### **Background**

As Councillors will be aware, the future of the former Woodville and Mount Pleasant Pipeworks area has been the subject of discussions between the landowner Hepworth Properties Ltd (now Tapton Estates Ltd) and the four planning authorities concerned since 1996. The complexities introduced by the existence of the Derbyshire/Leicestershire border running through the middle of the site were recognised by the setting up of a cross-border working party in 1998.

Following discussions with all four planning authorities, representations were submitted to the relevant development plans promoting the principle of a mixed use, residential led regeneration scheme. South Derbyshire has since begun a Review of its Local Plan and has included policy H3 which provides specific policy backing for the proposed redevelopment at Woodville Woodlands.

Prior to submission of the outline planning applications to South Derbyshire and North West Leicestershire, and the submission of minerals applications to Derbyshire and Leicestershire, the applicant (with the agreement and involvement of the three parish councils and local Members) arranged two public exhibitions to inform local residents of the proposals and to invite comments on the emerging development scheme. Held on 2 and 5 September 2000, both exhibitions contained a display of material about the history of the Works and their potential redevelopment for the range of uses now included within the outline applications. Members of the consultant team were available to answer people's questions about the proposals, and vehicles were also made available to take those interested around the site.

Those attending the exhibitions were invited to answer a questionnaire on the proposals. Responses were then considered by the consultant team, and incorporated into the emerging master plan and development proposals where appropriate. Further details are provided in the Report of the Public Consultation Exercise, also submitted as supporting documentation to the outline applications.

Since submission of the original outline applications and Environmental Statement in January 2001, extensive discussions, negotiations and revisions have been made, resulting in a number of significant changes to the scheme, and leading to the amendment of the original applications and submission of Supplementary Information to the ES in September 2002.

The outline application has therefore been the subject of lengthy and thorough consideration by officers, the various statutory and non-statutory consultees, as well as the input of Members. The applicant is confident that, as originally contended, the redevelopment proposals for Woodville Woodlands remain a vitally important part of the ongoing regeneration of Woodville and Swadlincote, and furthermore remain fully in line with the thrust of national and local planning policy.

The applicant believe that the scheme represents the optimum realisation of the vision originally set out in January 2001, and will constitute an important step in Woodville's future.

### **The Environmental Statement**

The application has been the subject of an extensive Environmental Statement (ES) which has been reviewed in the light of the amendments to the scheme last year. All documentation (too

extensive to thoroughly report here) is available for a more detailed inspection in the department. The assessment has been undertaken by seven specialist consultants to assess:

- a. Planning policy context,
- b. Landscape and visual impact
- c. Socio-economic effects
- d. Agricultural land quality, nature conservation and ecology
- e. Archaeology and cultural heritage
- f. Ground conditions and remediation
- g. Air quality and emissions and noise issues
- h. Traffic movement and access
- i. Water resources, drainage and hydrology, sewerage infrastructure and treatment and utilities.

The following is partly an extract of the Non-Technical Summary of the ES (original submission) and summarises its main findings:

#### *Planning Policy Context*

Government planning policies try to ensure that new housing and employment are located close to each other, reducing the need for people to travel long distances to work. They also aim to reduce the amount of greenfield land used for new development in favour of brownfield sites that would otherwise stay derelict. These objectives are at the heart of the local authorities' structure plans and local plans for the area. Hepworth Properties' proposal conforms to these objectives.

The South Derbyshire local plan allows for new development to take place within the urban area of Woodville, within which part of the site lies. The North West Leicestershire local plan recognises the need for the regeneration of the Woodville Pipeworks site under policy M2. Both county and district councils recognised the importance of planning for the comprehensive redevelopment of the site by setting up a Cross Border Working Party in 1998 to discuss the proposals and issues involved.

#### *Ground Conditions*

Strict regulations would apply for making this land safe and clean, in view of the previous industrial uses that included the extraction of clay and coal. A detailed assessment of all the existing ground conditions has been undertaken and all the potential contamination areas are now identified. A scheme for making good (remediating) the ground has been drawn up.

It is proposed to remove a small amount of coal from part of the site known as The Hollows, an area of open scrubland south of South Street. This will take six to nine months and make the site suitable for new housing, open space and landscaping.

#### *Hydrology and Drainage*

The western part of the development drains to minor tributaries of the Hooborough Brook, which runs into the River Mease. The Environment Agency has stipulated that surface water must be of an approved quality before it can be drained into the Hooborough Brook, thus avoiding any

adverse impact on the proposed River Mease Site of Special Scientific Interest (SSSI). The eastern part of the site would drain to Shell Brook via ditches and minor watercourses.

New infrastructure to take away surface water will be needed. Also, new or improved foul-drainage facilities would serve the development and be constructed without adversely affecting the existing network. Measures would be taken to ensure that there would be no effect on outgoing water quality at sewage treatment works.

All surface-water drainage designs would comply with Environment Agency and drainage authority regulations.

#### *Ecology, Nature Conservation and Agricultural Land*

The plans would not affect nationally protected species or areas of ancient woodland. There are two or three pairs of bird species on the land, which are of local interest. The site also has several roosting sites for bats that are considered of local importance only.

Although The Hollows would be lost under the proposals, the area is in the lowest category of Wildlife Site designations. It is in effect, a 'standby' site with no statutory protection as a Site of Importance for Nature Conservation. Furthermore, because of the need to make the site safe, this and other areas of derelict land are likely to be lost even if no development takes place.

The agricultural land between South Street and Butt Lane is classified as Grade 3a. No housing or employment is planned there. Two hectares of land would be permanently affected by the construction of a link road across the site. The developer has discussed access arrangements with the tenant farmer.

#### *Landscape and Visual Amenity*

It is accepted that much of the existing landscape within South Derbyshire is of poor quality, and in this respect it is considered to have some detrimental impact on the current amenity of the wider landscape. The impacts on the existing visual amenity of a number of key positions have been assessed within the Environmental Statement. The impact on those views range between "Moderate Adverse" and "Beneficial". Much of the site is currently unsightly because of the derelict works, buildings and land, as well as temporary industrial uses. However a number of landscape features such as hedgerows and mature trees have been identified as worthy of retention. Although these are not protected by law, one of the objectives is to keep and improve such landscape features to enhance the new development's attractive woodland setting.

There is also potential for new woodland planting in accordance with the National Forest planting schemes to the south and extending into the site to intersperse with development. Access to landscaped areas, many in public open space, would be improved.

#### *Archaeology*

There are no Scheduled Ancient Monuments, listed buildings or registered parks or gardens on the site. A dismantled railway embankment and some of the works and other features from the site's industrial past are of local archaeological interest. A record of such features would be made before the site is remediated.

#### *Traffic, Movement and Access*

The traffic generated by the proposed development would not in itself require the provision of a new link road from the A511/Butt Lane to Moira Road/Occupation Lane. However, it is recognised that, to provide an alternative route for traffic using the Clock Roundabout, a new

link road with an improved junction at Butt Lane would be a sensible solution. The new development would be accessed off this new road.

A new roundabout on Moira Road and an improved junction at Butt Lane will be required. The link road will be designed to provide a safe route for vehicles, pedestrians and cyclists, with regard given to its rural surroundings.

The needs of pedestrians and cyclists are of paramount importance. They will be able to cross the link road easily and gain access to the National Forest planting areas to the south. They will also have exclusive access to the new development via South Street and Chapel Street. All streets within the development will be designed for low speeds with pedestrian and cyclist priority. Pedestrian and cycle links from the site to Woodville would be improved and better bus services are proposed.

Butt Lane could be closed to through traffic at its junction with South Street, although this is still to be considered by residents and the local authorities. Safe routes to school will also be discussed when detailed designs for new development are put forward.

### *Socio-Economic Issues*

Although the application is in outline only, a range of house types and sizes is proposed, including affordable housing to meet local needs and homes designed specially for those who work from home.

The number of permanent jobs on the site could increase from the current 20 to about 600. There would also be temporary work during the remediation and construction phases.

Access to public open space within and through the site will be improved. Local play areas and networks of open space have been incorporated in the design.

### *Emissions, Noise and Light*

In general, the proposed development will improve the existing situation in relation to air quality, noise and light pollution. However, during the remediation and construction phases, there will be some temporary effects on air quality and noise levels. Measures to prevent any adverse effects have been proposed as part of the Environmental Statement.

The traffic changes will cause increased noise levels for properties fronting Butt Lane close to the junction with the A511. Measures to reduce this will be implemented following discussions with the residents concerned and the local authorities. Similarly, measures to alleviate increases in noise levels in the proposed employment area would be agreed once the precise type of employment use is identified.

### *Waste Management*

Leicestershire County Council granted planning permission in March 1999 for the extraction of minerals at the New Albion site, waste disposal operations, the reclamation of the Moira Pottery site and the retention of the Swainspark coal preparation plant.

The proposals include the collection and extraction of landfill gas. It is intended to use this gas to generate electricity, which could fulfil 55 per cent of the new development's demand. The

landfill facility is much needed and the site is being designed and constructed to the highest possible standards.

At its closest, the intended employment area would be 350m and the residential development 470m from the landfill site. This is well outside the 50m minimum boundary identified as the recommended safety distance between buildings and landfill operations, so there would be no adverse impact.

### *Services and Utilities*

The utilities companies have a statutory duty to serve new and existing developments. Discussions have been held with them to determine the most appropriate way of supplying the new development. Existing services within the application site will become either redundant or be diverted. Old plant will be removed by approved methods during the proposed remediation works.

The appropriate experts and utility companies would be consulted to ensure that the development does not adversely affect existing services. Upgrading of these will be considered where appropriate.

### *Mitigation Measures*

An Environmental Action Plan within the Environmental Statement sets out ways in which the safeguarding of existing features worth retaining, as well as measures to prevent any adverse impact, would be implemented. The aim is to combine elements of sustainable development with approved planning policies and national guidelines.

Subsequent studies have also been submitted:

- (i) A Transportation Assessment Update Report - this includes a redesign of the main junction with the A511 in the light of the amendments to the scheme. The report concludes that with the highway improvements proposed, the development can be accommodated without detriment to the surrounding highway network in terms of vehicular flows and road safety. It considers that the development of the network of proposed cycle and pedestrian links would provide valuable benefits for new and existing residents and workers in this part of Woodville.
- (ii) Supporting information for an Appropriate Assessment has also been submitted. The latter is necessary given English Nature's concern regarding the potential impact on the River Mease which has recently been designated a candidate Special Area of Conservation, although it is located approximately 6 km to the south. The main concern is the potential impact on the River's flow and water characteristics from the development either directly or via tributaries. The report concludes that there would be no adverse impacts on the conservation objectives for the European Interest of the River Mease cSAC during construction, completion or occupation of the development. It is the task of the 'Competent Authority' (SDDC) to make the necessary Appropriate Assessment.
- (iii) A survey of Great Crested Newts on the site - undertaken in response to earlier comments made by English Nature, the survey has identified a maximum count of

five Great Crested Newts on the Derbyshire side in a pond not proposed to be built on. The newts are to be relocated under licence from DEFRA.

## Planning History

As previously described, the site has largely been in use for manufacture in the clay industry and has incrementally been wound down until its eventual closure in 1996 (main Moira Road site). Part of the site also forms part of the New Albion site in terms of its restoration area.

Given the extensive nature of the outline proposal and the time taken to determine the application, the applicant in October last year decided to submit a planning application in full (with a concurrent duplicate) for the development of the area east of Moira Road that formed the main production facility for Hepworths. In conjunction with two major house builders, the scheme shows a development of 143 dwellings of mixed size set within the existing landscape on the site. Members will recall approving the application on the basis that, although forming part of the main outline site, as a stand-alone site which in its own development complies with the current adopted policy of the Local Plan. The site was approved subject to a section 106 agreement which is now almost concluded.

There are no other known recent permissions on the site relevant to this application.

## Responses to Consultations

The following comments have been received during the various stages of the application (objections that have been met by amendments to the scheme are not reported):

Woodville Parish Council make the following comments:

- The road should be taken from Hepworth's existing works at the bottom of Butt Lane across the fields to join with the A511 at the roundabout with the Ashby By Pass which would relieve traffic on High Street and the Tollgate Roundabout. The junction with Butt Lane would cause congestion - more traffic uses the A511 since the opening of the By-pass - the traffic survey is out-of-date, the link road could generate a further 400-600 cars - traffic will not necessarily use the link road - the link road will not give relief to residents of Moira Road - the use of the A444 as an alternative is unlikely - heavy construction traffic would be a problem - Butt Lane should not be closed off but provided with an island negating the need for residents to travel further to High Street - the main junction with A511 would create problems especially given the additional access with Butt Farm - there should be a roundabout instead of lights - the entire length of South Street should be made up to adoption standards - there must be a serious commitment to completing the road through to Swadlincote.
- A large housing site is not required in the area and is incompatible to locate housing and business near to a tip.
- The 'Hollows' area should be left undisturbed as a wildlife and conservation area.
- The idea of enhanced school provision on the existing school sites is supported.
- Development on the ridgeline would be detrimental and should be set with trees instead.
- The feasibility of the scheme with regard to the provision of amenities is questionable.
- The comments of the residents of South Street and Butt Lane are supported.

- Schools and Doctors' surgeries are not sustainable to this development at the moment and this must be a priority if the development goes ahead.

Ward Councillor Taylor makes the following comments:

- The development would have a significant impact on Woodville and should be considered with sympathy for its impact recognising the additional requirements of new residents and new business facilities wherever possible adding sustainable improvement. The additional needs of the community should be funded by a S106 agreement.
- The planting scheme should ensure that when mature, views from outside should be of woodland - development should not be allowed on the ridgeline running west to east - woodland planting should also hide current unattractive neighbours of the site
- Sustainable transport should be inherent in the scheme through the Councils Walking and Cycling Strategies - attractive pedestrian and cycle routes should link the site to the existing central facilities.
- The application creates an opportunity for an alternative access to Montracon.
- Assurances from Derbyshire Health Authorities and Environmental Health are required ensuring that the proximity of the Albion Waste disposal site would not pose any future risk to residents of the proposed development.
- The future environmental impact of the proximity of the Montracon factory to the development site should be considered.
- Impact on residents should be considered with regard to coal extraction.
- Full independent assessment should be made of the impact on the flora and fauna of the site - the development must allow habitats to be maintained, created and enhanced - any permission should allow for phased removal only after completion of the replacement habitat.
- It is likely that the route from the A511 would generate significant increase in traffic than the application suggests - traffic and road safety issues should be rigorously tested by the relevant authority and speed restrictions implemented.
- The improvement of South Street is welcomed.
- Residents of Moira Road should be protected from HGVs by traffic calming and restrictions.
- It is essential that well surfaced footpaths be developed to existing residential areas and local services.

The Countryside Agency considers that a detailed county level landscape character assessment has been carried out which should be used to help guide the detailed design of the development.

Derbyshire County Highway Authority states that the development has the potential to create additional traffic congestion and queuing at locations on the highway network, in particular at the Tollgate roundabout and at the signalised junction at Butt Lane. The extent of the junction would be dependent on the redistribution of traffic on the network. It considers that whilst this is not a matter that would justify a refusal of permission, members should be aware that such queues and delays will be an inevitable consequence of a redevelopment of this nature. It should be appreciated that there are no meaningful improvements that can be made at the Tollgate roundabout and that the layout of the Butt Lane junction as proposed is the optimum that can be

achieved within controlled land. It is aware however, that there is anecdotal evidence of recent increases in traffic on High Street. However, the proposed signals are designed to cater for some traffic growth and the design is the best that can be achieved. As such this issue could not be

used to justify the withholding of permission. The letter goes on to suggest the inclusion of conditions and clauses in the S106 agreement to achieve the following:

- a. An agreed phasing of the construction of the link road (including the routing of construction traffic) early completion is advised as is the appropriate phasing of residential and industrial elements to ensure that the need for home to work travel by car is minimised.
- b. Early completion of signalised junction with appropriate commuted sums.
- c. The unadopted section of South Street to link the realigned Butt Lane with the existing part of Butt Lane should be made up by the developer - the DCC would not make this road up as Private Street Works and as such the developer would require the necessary permissions of the frontage landowners.
- d. Commuted sums would also be required for: any retaining structures required as a result of the new road; changes to existing Traffic Orders and new orders (as necessary although it warns that the success of orders cannot be guaranteed); and traffic management measures on Moira Road.
- e. Subsequent applications for reserved matters need to include details of measures to encourage travel by non-car modes and contributions as appropriate to ensure public transport links - enhancements to existing pedestrian and cycling routes and new infrastructure.
- f. A requirement for a Green Travel Plan in relation to employment uses.

Leicestershire County Highways comment as follows:

- Although there are some reservations about base traffic survey data, (given that these were taken prior to the opening of the Ashby-By-Pass and further testing would be prudent) it has no objection to the proposed junction which would operate within capacity.
- It recommends that the A511 junction be completed prior to the occupation of any buildings on the site.
- There are reservations about some of the detailed designs so far suggested for the link road. However, it acknowledges that these are illustrative and would be subject to detailed design work at a later stage - similar comments are made about the revised junction improvements in Albert Village.

The Derbyshire Wildlife Trust has taken part in detailed discussions with the applicant since the submission of the application. It comments as follows:

- It is very pleased to see that a smaller amount of land with nature conservation value will be effected by the proposals and that nature conservation has a higher status in the overall development proposal.
- It is satisfied that sufficient survey work has been carried out on the site to enable an assessment to be carried out. It supports the comments of English Nature with regard to the great crested newts. It is also pleased to see that the 'Hollows' area is to be translocated. An acceptable method statement has now been received and therefore it has no objection to the development subject to conditions.

DEFRA has no comment on the proposed scheme.

English Nature comments as follows:

- It agrees with the conclusions of the Appropriate Assessment Supporting Information and agrees that the risk of adverse effects on the cSAC can be brought down to a low level

subject to conditions including the on-going monitoring of water quality and flow on the site and in the River Mease.

- It recommends a condition be imposed requiring a scheme for the translocation of the newts and the 'Hollows' area.

The Environment Agency has no objection and comments as follows:

- It supports the recommendations made by English Nature and states that there should be no net loss of bio-diversity over the whole site. An appropriate S106 agreement will need to be in place to secure the translocation of the 'Hollows' site.
- It recommends conditions to: secure the discharge of foul drainage to Milton STW as part of a detailed scheme to be approved; control surface water run-off and incorporate sustainable drainage principles
- With regard to contamination it recommends that detailed schemes of investigation be undertaken etc.
- Other standard conditions are recommended with regard to the control of pollution and flood risk on the housing and employment areas.
- It recommends that the Council's Environmental Health Department be consulted with regard to considering any risk to human health posed by the proximity of landfill sites. It states that the New Albion Site has the potential to generate landfill gas which could potentially pose a threat to the housing development. As such it recommends that buildings are designed and constructed to prevent the entry of any migrating gas to be agreed under the building control process.

The Environmental Health Manager acknowledges that the development of a brownfield site fits in well with current policies for regeneration and sustainability and bringing back in to use such a derelict section of land with associated remediation is generally supported. However, he has some concerns and makes the following comments:

- Contamination* - whilst the principles within the report on contamination are satisfactory, further investigation would be required to address geotechnical matters, soil quality, the soil-gas regime and groundwater quality. He recommends conditions requiring the submission of a method statement, more detailed site investigation and further details of remedial works to be submitted prior to the commencement of the development.
- Air quality* - this is the issue which is of most concern. He states that a full assessment has not been made of the air quality in the area and completion of the initial screening and detailed work is unlikely to be completed until May 2004. As such it is impossible to provide unequivocal evidence regarding the impact on air quality in the area and as such it may be necessary to postpone the decision until necessary assessments have been completed. Further, he states that it is inevitable that air quality levels will deteriorate with the predicted increase in traffic volumes which may result in the declaration of an air quality management area. This inevitability cannot be ignored and the Authority has a responsibility to ensure that targets are met. An opportunity is available in this case to assess the situation with foresight and to adopt a lateral and proactive approach. [since that time a 'Sustainability Statement' has been submitted by the agents which attempts to deal with (inter alia) the issue of air quality and traffic generation.] The Environmental Health Manager in his concluding paragraph suggests that the sustainability statement only gives a general view and as such he can only provide a general comment. He still has concerns over air quality issues which will be difficult if not impossible to totally mitigate and he criticises the statement for its over-reliance on the mitigating effect of the

- c. new link road diverting traffic away from the A511. However, he concedes that he cannot provide substantive evidence of this as it is only based on his opinion which cannot form the basis of a reason for refusal.
- d. *Noise* - he recommends conditions for: the protection of dwellings in the area from demolition noise; the approval of a noise control scheme for each construction phase; limited working hours for demolition; noise conditions relating to the coal extraction (passed to the minerals authorities); measures to mitigate against the increase in traffic noise along Moira Road and Butt Lane which exceed a certain noise exposure category level (as defined by PPG 24); in the absence of being able to change the use of the area close to Montracon (which has been the source of noise and odour complaints in the past) a scheme for the protection of future residents on the 'Hollows' area. He further recommends B1 use of the proposed sites nearest to the residential areas and a restriction on working hours.
- e. *Dust* - he recommends notification of the HSE with regard to the necessary removal of any asbestos from the site (the report acknowledges that a licensed contractor would be used).

Eat Midlands Electricity does not envisage any unusual supply problems to the site.

The Farming and Rural Conservancy Agency does not regard the permanent loss of around 2 ha of agricultural land as significant to the national agricultural interest when set against the potential benefits that may accrue from the development in terms of meeting other government policy objectives.

The HSE states that the risks from the hazardous installation at Woodville Pipeworks are not compatible with the proposed development and would advise against the granting of permission unless or until the Hazardous Substances Consent for the installation has been revoked.

The National Forest Company in a letter to the applicants' agent welcome the applicants wish to integrate the development into the National Forest setting and to establish links with adjoining forest sites. However, it is concerned that the loss of any existing habitat should be compensated for and any losses would obviously diminish the overall net environmental gain that is proposed. It is also keen to see the planting guidelines for the scheme are met, as currently they appear to fall short.

Derbyshire Dales and South Derbyshire Primary Care Trust considers that the correct funding multiplier for Section 106 contributions (capital costs for the provision of local medical services) to be £444 per dwelling.

The Head teachers at Woodville Junior and Infant Schools have written in support of the concept of enhancing the existing provision rather than the allocation of a separate school site away from the centre. The Chief Education Officer has requested that funding be made available for 71 Primary aged pupils (generating £350,000) and 52 secondary and 11 sixth-form places (£90,000).

### **Responses to Publicity**

In response to the original submission 14 letters were received and the amended scheme attracted a further 44 letters, the comments in which are summarised as follows:

*Roads and traffic*

- a. The proposed project will not alleviate the traffic situation on the A511 by diverting through traffic but will add a considerable amount on new locally generated traffic to the present levels on local roads causing more congestion especially along the A511 which would be worse with another blockage caused by the new junction. Currently traffic queues frequently for long distances in both directions.
- b. Unlike the Ashby by-pass the proposed road is a by-pass to nowhere.
- c. The A511 is in need of a long-term solution such as a by-pass from Ashby to Burton. The proposal does nothing to achieve this.
- d. The proposed use of the derelict land may be the answer if the existing traffic problems were solved which they will not be.
- e. There will be further increases in accidents.
- f. The Ashby by-pass has transferred Ashby's problems to Woodville.
- g. The road to South Street would act as a rat-run for local traffic.
- h. South Street should be properly made up because although it has a weight restriction this is never enforced and the road is being used by other vehicles. The road would deteriorate further if used as proposed.
- i. The whole scheme is to provide a road to the new tip.
- j. A roundabout would be better at the new junction with the A511.
- k. The traffic study is inadequate.
- l. Pedestrians using Woodville High Street would be put into further danger with the increases in traffic.
- m. The forward visibility of the proposed traffic lights is insufficient and will cause late breaking.
- n. Whilst Leicestershire has tackled the problem of traffic in Ashby, Derbyshire has done nothing about tackling the problem in Woodville.
- o. The scheme should be altered to lessen the impact on the residents of The Shrubbery close to the main new junction.
- p. Current traffic along the A511 makes access for residents to enter the road extremely difficult - the scheme will make this even worse
- q. A further right turn harbourage would be necessary at Butt Farm.
- r. The increases in traffic numbers would be a further deterrent to pedestrians and cyclists.
- s. The new junction would create additional noise, nuisance, and invasion of privacy far in excess of levels that would be expected at this location.
- t. All improvements must be paid for by the developers.
- u. Traffic lights at the Butt Lane junction would help to slow down the traffic through Woodville bringing a fairer traffic flow for local people.

*Local amenities*

- a. Schools etc will be overloaded- the high Street is already grid locked during the school run. More schools are needed in the area.
- b. Doctors and dentists are also stretched with long waiting times for appointments and so on.
- c. It will drive shoppers off the high Street forcing them to go elsewhere stifling business in Woodville.
- d. The new sports facilities would be in competition with facilities in Swadlincote causing numbers there to drop

*General*

- a. The feeder road for access to the properties in Butt Lane entering in South Street would increase traffic, noise, pollution and the road surface.

- b. The existing sewerage capacity is inadequate
- c. The area is part of the National Forest
- d. Provision should be made for equestrian use for local riders in the area.
- e. Residents are very concerned about the air, noise and light pollution as the traffic increases and traffic pulls up an incline from a standing start at the new lights.
- f. It is unclear what form the noise barrier would take at the top of Butt Lane.
- g. A residential parking scheme or yellow lines should be considered for the top of Butt Lane to ensure the safety of young children.
- h. The John Knowles football ground should be safeguarded.
- i. This is a chance to have a decent bus service.
- j. The site contains three protected species, rare birds and rare plants and is a unique habitat.
- k. All extracted materials from the site should be exported from the site on a dedicated road to the nearest railway line.
- l. The increase in traffic would increase the volume of exhaust emissions contributing to general air pollution and the incidence of asthma in children who will be at greater risk.
- m. Headlights will shine into properties on South Street as a result of the new link road proposed.
- n. The report acknowledges that the road would have Major adverse impact on approximately 10 houses on Butt Lane and may consider double-glazing for these houses. It is unsure what efforts would be made to compensate residents for these adverse effects.
- o. This is not a viable site for housing and industrial development in the current climate.
- p. The Humps and Hollows wildlife site cannot be recreated elsewhere. Instead the site will be destroyed. The development will have a dire effect on the rural nature of the area.
- q. Public transport should run through the estate;
- r. Cycleways and footpaths should link the new development with other cycleways, industrial and shopping areas, other residential areas and the new industrial area. A cycle audit and review should be completed.
- s. Trees at the top of Butt Lane are protected and would suffer from the increase traffic.
- t. There must be sufficient screening and tree planting to reduce the noise and nuisance.
- u. The ability for a company to have such a huge impact on a community is not appropriate desirable and is dangerous.
- v. Some houses adjacent to the junction are lower than the road and will therefore suffer diminished daylight and sunlight and a change in character to the road.
- w. The new houses would be too close to the new tip.
- x. More houses are required in the area but not at the expense of the factory units that should be providing employment in Woodville which has high unemployment.
- y. A cross-boarder scheme will result in Woodville village losing its identity.
- z. Ground conditions on adjacent land are known to be unfavourable for development and is contaminated.

### **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: General Development Strategy Policies 1,2,3. Housing Policies 4 and 18, Economy Policies 2 and 17, Transport Policies 4, 9 and 10, Leisure & Tourism Policy 3, Environment Policies 3, 5 and 7.

Local Plan: Housing Policies 4 and 9, Employment Policy 7, Environment Policies 1, 10 and 11, Recreation and Tourism Policy 4.

Revised Deposit Draft Local Plan: Policies H3, EMP1, T12, ENV1.

### **Planning Considerations**

The main issues central to the determination of this application are:

- The application and the provisions of the existing development plan and emerging policy (including government guidance and advice)
- The issue of prematurity and the revised Local Plan
- Highway safety and the wider transport network
- Environmental impacts
- Recreation space
- Impact on community facilities and services

### **Planning Assessment**

#### *The development plan and emerging policy*

The General Development Strategy Policies in the Joint Structure plan seek a sustainable pattern of development, a scale of development that respects its surroundings and the re-use of previously developed land in existing urban areas. Similarly as its main objective, RGP 8 prioritises the need to make the coalfield areas attractive to job creating investment and bring derelict or underused land back into use and generally to improve the environment. The draft review of RPG 8 continues to pursue the sustainable development of the region.

The current Local Plan seeks to secure similar aims. However, the application site (with the exception of the site of the former Woodville pipeworks to the east of Moira Road) falls outside of the area identified on the proposals map for housing development in the Swadlincote urban area. Nevertheless, the application site is considered by the applicant to be on the fringe of the urban area and generally complying with the other criteria set out in Housing Policy 4. However, the site is not substantially surrounded by development and therefore does not strictly comply with the criteria of the policy (the area of the application site that falls within the urban boundary was granted permission earlier this year – see site history above).

Whilst currently going through its public enquiry, the Revised Local Plan sets out its strategy for development in the Swadlincote Sub-area and seeks to

- Improve the status of Swadlincote Town Centre as the main focus for retailing, service and leisure provision
- Provide better access to and within the town
- Maximise the use of suitable 'brownfield' land for housing and employment uses and reduce the need to travel
- Assist the regeneration of the Woodville area.

This strategy conforms to the overall principles of the Joint Structure Plan and the latest government guidance and therefore supersedes the currently adopted Local Plan. To reflect the aims and objectives of the Revised Local Plan, the plan contains two policies namely Policy H3: Woodville Woodlands and Policy T12: Swadlincote Regeneration Route. This allocation has

been necessary because not all of the Sub-area's housing requirements can be accommodated within the urban area. The policy justification for H3 states (inter alia):

*"The District Council has identified a major brownfield redevelopment opportunity straddling the boundary of the Swadlincote Urban Area to the south of Woodville. The site comprises derelict and reclaimed industrial land that can be comprehensively redeveloped, in conjunction with land within North West Leicestershire, to provide a sustainable extension to Woodville"*

Further Policy justification for the regeneration route set out in T12 states (inter alia):

*"A new link from A511 down into the town centre avoiding the congested Clock Roundabout [Tollgate] would ease access to Swadlincote Town Centre and relieve Woodville of traffic congestion and any environmental impacts... the section of the route between the A511 junction with Butt Lane and Occupation Lane represents Phase 1. The Council will make bids to the County Council... to fund any remaining sections..."*

These policies outline a clear commitment to the scheme that forms an integral part of the strategy of the plan.

#### *Prematurity*

Part of the reason for this application taking so long to come before the committee is due to the status of the Revised Local Plan and its progress towards adoption. It is not until relatively recently that there has been a clearer picture as to the type and nature of objections to policies of the plan. However, a stage has now been reached where it is safe to say that the only sites that can compete for an allocation in the Swadlincote Sub-area are those which can only be considered inferior (with regard to the sequential approach advocated by PPG 3) to the application site. As such, PPG1 makes it clear that applications should only be refused where the Local Planning Authority can demonstrate that determination of the application would prejudice the outcome of the plan. It is considered that such a case in this instance could not be substantiated given the lack of serious competition from other 'brownfield' sites in a similar location and given the objections to the policies in the plan largely amount to details of timing of development and other more specific detail.

#### *Highway safety and the wider transport network*

It can be concluded from the responses to publicity set out above that one of the main areas of concern to the local community is the impact the scheme would have on the existing road network and in particular traffic flows on the A511 (which according to many are already extremely high). Notwithstanding the volume and strength of these objections, as set out above, the main route from the A511 to Occupation Lane is proposed as envisaged by the Revised Local Plan. Several amendments have been put forward by the applicants' consultants in an attempt to meet some of the objections. Whilst some of these have been addressed it is inevitable that no scheme will suit all critics. Given the limited extent of land that the applicant controls, the County Highway Authority (DCC) is satisfied that an optimum design has been reached and in particular that the Butt Lane junction is designed with sufficient capacity to handle the increase in traffic. However, it must be stressed here that traffic volume is increasing exponentially and the evidence appears to suggest that this will continue regardless of whether the redevelopment of this site were to materialise or not.

As well as ensuring that new development incorporates adequate provision of infrastructure, access etc., both the Structure Plan and Local Plans encourage the provision of pedestrian and cycle routes reflected in more recent stratagem. The proposals fit in well with the philosophy set out in PPG 13 which seeks to ensure that new development is readily accessible by a range of means of transport. This reflects the reason for the site's selection in the Revised Local Plan as a site attached to the urban area in relatively close proximity to neighbourhood facilities in Woodville, and central facilities in Swadlincote. The masterplan shows a number of opportunities for integrating the development into the existing transport network, which can be developed at the detailed stage.

### *Environmental Impacts*

#### Ground contamination

Although fairly extensive studies have been carried out in certain areas of the site in the late 1990s, the Environmental Health Manager remains concerned that not enough investigation has been carried out in some areas and not recently enough. However, it has been made clear that from the evidence submitted, he would have no undue concerns with the supply of the additional data and therefore a condition preventing development starting until sufficient investigation and scheme of remediation are approved would be acceptable.

#### Air Quality

This appears to be the topic of greatest concern to the Environmental Health Manager. This is mainly because current levels are such that any further development that may result in further generation of traffic along the A511 and in particular Woodville High Street would be likely to worsen the situation. Notwithstanding this, as he concedes himself, there is insufficient evidence to enable a conclusion to be drawn that the proposed development would result in unacceptable air quality levels that would not have otherwise materialised. He also is of the opinion that although mitigation offered by the applicant may have relatively little impact, there seem to be no other measures available. He has also made a point of wishing to make it clear that air quality will deteriorate regardless and that members should be aware of this.

#### Noise

Again, the Environmental Health manager has some concerns regarding the scheme being mainly the impact of existing and proposed industry on the occupiers of proposed dwellings and the impact of the traffic increases on the occupiers of existing dwellings. Since that time amendments to the scheme moving the new road away from Butt Lane and introducing an acoustic barrier are likely to produce improvements. However, a more detailed scheme needs to be considered when more precise areas of impact have been identified. The Environmental Health Manager suggests that in order to retain control of this and other issues regarding noise and dust from demolition, a number of conditions be added as set out below.

#### Wildlife and Ecology

The development plan seeks to protect sites of natural history interest from significant disturbance. Local Plan policy states that where essential development would affect sites of natural history interest, measures will be taken to minimise its impact and, where necessary, conditions will be imposed legal agreements entered into to secure appropriate habitat conservation and enhancement. Since the application was originally submitted, much additional

work has gone into ecological investigation in liaison with English Nature and Derbyshire Wildlife Trust. The site of greatest interest is that known as the 'Hollows'. A satisfactory scheme for its relocation to a site on the Leicestershire side has been agreed with all parties along with the translocation of great crested newts. However, the Section 106 agreement needs to include these to ensure their proper implementation. The outline proposals for woodland creation shown on the masterplan are considered to be acceptable in principle and would complement the areas well. The vast majority of existing woodland, trees and hedgerows are shown retained. Initial concerns regarding impact on the River Mease catchment have also been allayed and the Local Planning Authority has completed an Appropriate Assessment concluding that, subject to the information provided by the applicants specialist consultant ecologists, there should be no undue impact on the candidate Special Area of Conservation from the development.

### Visual impact

Whilst the precise nature of the visual impact is difficult to gauge in an outline application, it is considered that the conclusions reached are reasonable and that, overall, the impact of the scheme is unlikely to cause material harm to the existing landscape as a whole.

### *Recreation Space*

The submitted masterplan shows a variety of recreational opportunities. However, there is some dispute with the National Forest Company as to the provision of national forest planting that is proposed, the company suggesting that there would be a shortfall with regard to its current standards. In terms of overall provision the masterplan shows sufficient space to comply with open space policy set out in the development plan and National Forest guidance for residential development and shows imaginative provision of new facilities which have been discussed with the local ward member and the Council's Grounds and Facilities Manager with a view to optimum allocation of resources (see S106 section below). With regard to the provision of national forest planting for industrial development, in general, the Council has taken the position that it will not normally require the entire provision (because it is so onerous as to be unachievable) and in this case the applicants have undertaken vast amounts of planting on land immediately adjoining the site to the south west at Pickerings Farm and future provision at New Albion. The masterplan shows positive links to these areas through the continuation of footpaths and therefore, on balance, the outline proposals are considered acceptable.

### *Impact on community facilities and services*

Many respondents in the community have expressed a desire to ensure that any development of the site is accompanied by the necessary upgrading of community facilities to cater for the commensurate rise in population. With regard to schools, initially it was assumed that this meant a new primary school site. However, following detailed consultation with the Education Authority and existing head teachers it was decided that the funds would be better spent on the improvement of existing facilities and to enable a central geographical focus to be maintained. Thus all of the necessary funding for this and higher levels of education provision are included in the agreement proposed below.

Also included is the requisite sum for necessary capital improvement to local health services based on a per capita levy as requested by the PCT and other sums requested for the provision and maintenance of other services and facilities (as set out in the responses to consultation section above) all of which have been discussed with the applicant. The provision of affordable housing is as set out in Policy H3 of the Revised Local Plan.

## *Conclusion*

The site is one of the most important initiative in the Revised Local Plan which has allocated the site for residential development (Policy H3), industrial development (Policy EMP1), and the road as part of the Swadlincote Regeneration Route (Policy T12). The site comprises derelict and reclaimed industrial land that can be comprehensively redeveloped, in conjunction with land within North West Leicestershire, to provide a sustainable extension to Woodville. It is true that there remain some concerns regarding issues such as predicted noise and air quality levels. Such levels are difficult to predict and it has not been possible to conclude with any confidence that intolerable levels would be experienced as a result of the development bearing in mind that traffic levels are predicted to increase anyway and that much of the site has an existing permission for industrial development. It would not be reasonable to expect that a project of this size would have little or no impact on the existing area. However, it is concluded that the desperate need to regenerate the site and provide for the new route to Swadlincote outweighs any shortcomings and work will continue to mitigate against these as far as possible.

## **Recommendation**

**A.** The Government Office for the East Midlands be informed that subject to the application not being called-in for determination by the First Secretary of State, the District Council is minded to grant permission subject to the imposition of conditions set out in Part C and based on the heads of terms set out in Part B as part of an agreement under Section 106 of the Town and Country Planning Act 1990.

**B.** The Section 106 Agreement should achieve, in principle:

- a. A schedule of works for the preparation of the identified receptor site for the translocation of the acid grassland and the great crested newts from the 'Humps and Hollows' area (in accordance with the outline method statement in paragraphs 1.1.46 – 1.1.51 of Appendix 1 in Volume 2 of the Supplementary Information of the EA) to be agreed with the Derbyshire Wildlife Trust, together with a commuted sum and scheme to deal with the monitoring of the receptor site for a period of 6 years to accord with the terms of the DEFRA licence. A scheme for the monitoring of water quality and flow – on the site – in connection with the River Mease tributaries and water treatment stations – in the River Mease itself, down stream of discharges affected by the proposals. The scheme to be linked to triggers for remedial action as necessary. A method statement drawn up and implemented for the treatment of Japanese Knotweed on the site.
- b. The payment of a commuted sum to contribute towards education provision of £315,500 made up of £250,000 for primary education and £65,500 for secondary and sixth form education.
- c. The payment of a commuted sum to contribute towards the provision of local health facilities of £114,108 or £440 per dwelling whichever is the greater.
- d. The payment of commuted sums to contribute towards the management and maintenance of the following recreation provision:
  - Informal open space, tree planting and footpaths/cycleways
  - Formal open space, football pitches, Local and Neighbourhood play areas (or commuted sums in lieu of such as agreed)

e. Highway measures/contributions as follows:

- The implementation of a traffic management scheme on Moira Road to be agreed and implemented by the end of the construction of phase 1 (already approved)
- The construction of the link road between the A511 and Occupation Lane to be completed by the occupation of the last dwelling on phase 2 (72 units) or 2 years from the commencement of the construction of the houses on phase 2 whichever is the earlier
- A commuted sum in respect of the subsequent maintenance of the signals at the junction of A511 with Butt Lane/new link road. A sum of £30,000 is considered appropriate
- A commuted sum for retaining structures necessary for the construction of the link road
- The submission of a Green Travel Plan for use by occupiers of the industrial land

f. The provision of 12.5% affordable housing (consisting of housing for rent)

g. No development shall be occupied prior to the revocation of the Hazardous Substances Consent on the site to the south of the Woodville Pipeworks on Moira Road.

C. Conditions:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.  
(b) The development hereby permitted shall be begun either before the expiration of ten years from the date of this permission or before the expiration of three years from the date of approval of the last of the reserved matters to be approved whichever is the later.
1. Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.
2. Approval of the details of the siting, design and external appearance of the building(s) the means of access thereto and the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.
3. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.
3. Reason: In the interests of flood protecting and pollution control.
4. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor, designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
4. Reason: In the interests of pollution control.

5. During the periods of construction and following completion of development, facilities for the storage of oils, fuels or chemicals, hereby approved, shall be sited on impervious bases and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents or gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and be protected from accidental damage. All filling points and tank overflow pipe outlets shall be designed to discharge downwards into the bund.
5. Reason: In the interests of pollution control.
6. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation, including provision for the removal of silt during the period of construction, has been submitted to and approved in writing by the Local Planning Authority. The scheme, provided for the site as a whole or identified phases of development, shall incorporate sustainable drainage principles and shall be implemented in accordance with the approved programme details.
6. To maintain water quality and prevent the increased risk of flooding.
7. No development shall take place until details of all earthworks to be undertaken on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding landform. The earthworks shall then be completed as agreed in accordance with a timetable that shall have first been submitted to and agreed in writing by the Local Planning Authority.
7. To ensure the details are appropriate in the interests of safeguarding the appearance of the area.
8. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
8. Reason: To safeguard the appearance of the existing building and the locality generally.
9. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.
9. Reason: In the interests of the appearance of the area.
10. Prior to the commencement of development on the site the following shall be submitted to and approved in writing by the Local Planning Authority:
  - A. A method statement shall be provided detailing the proposed investigation for ground and ground water contamination. The method statement shall refer to the following guidance:

1. Sampling Strategies for Contaminated Land, CLR4 1994, DoE.
2. Investigation of Potentially Contaminated Land Sites - Code of Practice, BSI 10175 2001.
3. Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination, R & D Technical Report P5 - 066/TR 2001, Environment Agency.

B. A detailed site investigation to establish the nature of ground conditions and the existence therein of any hazardous materials. Reference shall be made to Soil Guideline Values produced by the Department for Environment, Food and Rural Affairs(DEFRA).

C. A method statement shall be submitted detailing a scheme of works for remedial action, prior to its implementation.

The method statement shall include the following:

- Identification of the remediation objectives and outline information of the method chosen
- Remediation objectives for ground water and soil gas
- Working method for the implementation of the remediation
- Waste classification and methods for controlling and disposing of waste
- Proposed supervision and monitoring of remediation
- All validation sampling and testing to be implemented.

D. A scheme of works to validate that the remediation has been implemented shall be submitted.

E. Each stage shall be agreed with the Planning Authority prior to commencement of the work. Also given the size of the site and its likely phased development, the above requirements shall be applicable to each phase of the development.

10. Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.
11. Before each stage of the development commences (including demolition) a scheme shall be agreed with the local planning authority which specifies the provisions to be made for the control of noise emanating from the site.
11. Reason: In order to agree measures for each stage to keep noise levels to a minimum and could include both physical and/or administrative measures in the interests of the residential amenity of the area.
12. Notwithstanding the measures agreed within the above condition, the maximum noise level for the demolition work shall be as follows :-

Monday-Friday 0700-0800 and 1800-1900 55dB LAeq15min

Monday-Friday 0800-1800 60dB LAeq15min

Saturday 0700- 0800 55dB LAeq15min

0800- 1300 60dB LAeq15min

These noise limits shall apply to the site boundary adjacent to the residential properties along Chapel Street, Woodville.

12. Reason: To protect the amenities of adjoining properties and the locality generally.
13. Unless otherwise agreed in writing with the Local Planning Authority, before the development commences a scheme for the mitigation of Road Traffic noise shall be submitted to and approved in writing by the Local Planning Authority for the properties predicted to be within Noise Exposure Category (NEC) C for the year 2005, within PPG24 (Planning and noise ) along Moira Road and Butt Lane Woodville.
13. Reason: To protect the amenities of adjoining properties and the locality generally.
14. Construction work shall not begin until a scheme for protecting the proposed dwellings on the area known as the 'Hollows' from noise and odour from Montracon Ltd., has been submitted to and approved in writing by the Local Planning Authority. All works, which form part of the scheme, shall be completed before the residential properties are occupied.
14. Reason: To protect the amenities of adjoining properties and the locality generally.
15. Before the development hereby permitted commences a dust action plan for the control of dust emissions from the site shall be submitted and agreed by the local planning authority. The agreed scheme shall be implemented prior to the commencement of any work.
15. Reason: To protect the amenities of adjoining properties and the locality generally.
16. No development shall be commenced until a programme for the phasing of construction of the link road and proposed development has been submitted to and approved by the Local Planning Authority. The programme shall include details of construction traffic routing, site accommodation, storage of plant and materials, loading unloading parking and manoeuvring of lorries, and parking and manoeuvring of employees and visitors vehicles to be provided in conjunction with each phase of the development. The development shall be carried out in accordance with the approved programme unless otherwise agreed by the Local Planning Authority.
16. Reason: In the interests of highway safety and to ensure that the site is properly serviced.
17. Unless otherwise agreed in writing with the Local Planning Authority, no development shall be commenced until the detailed design of the signalisation of the junction of Butt Lane with High Street and the proposed realignment of Butt Lane has been submitted to and approved by the Local Planning Authority in conjunction with Derbyshire and Leicestershire County Councils, and the scheme has been implemented in accordance with the approved design.
17. Reason: In the interests of highway safety.
18. The design of, and specification for the Link Road, internal junctions, and junctions with the existing highway network shall be in accordance with the 'Design Manual for Roads and Bridges' unless otherwise agreed in writing with the Local Planning Authority.
18. Reason: In the interests of highway safety.
19. No development shall be commenced until a detailed design for the construction of a link to adoption standard between the existing and proposed sections of Butt Lane, together with any associated works to South Street, have been submitted to and approved by the Local Planning Authority in association with the Highway Authority. The approved

scheme shall be implemented in accordance with the phasing programme required in condition 16 above.

19. Reason: In the interests of highway safety.
20. The internal road layout within residential areas shall be designed in accordance with the County Councils 'Roads in Housing' policy document or such other design standards as may be agreed.
20. Reason: In the interests of highway safety.
21. No development shall be commenced until details of the disposal of highway surface water drainage via a positive gravity fed system to an approved outfall (i.e. public sewer, highway drain or watercourse sanctioned by the Water Company, Highway Authority or Environment Agency respectively) has been submitted to and approved by the Local Planning Authority in conjunction with the Highway Authority. The drainage arrangements shall be implemented in accordance with the approved details.
21. Reason: In the interests of highway safety.
22. The design details and calculations of any structures retaining or abutting existing or proposed highways shall be submitted to and approved by the Local Planning Authority in conjunction with the Highway Authority.
22. Reason: In the interests of highway safety.
23. Notwithstanding the submitted details, prior to the commencement of development on the site, a scheme for the permanent, separate surface water and foul drainage of the site in accordance with the principles set out in Section 7 of the 'Appropriate Assessment - Supporting Information' as prepared by AERC and Section 6 of the 'Supplementary Information Volume' of the EA shall be submitted to the Local Planning Authority. The scheme shall then be implemented in accordance with the approved scheme.
23. Reason: In order to safeguard the integrity of the River Mease cSAC.
24. Playing and incidental open spaces, excluding areas of incidental landscaping and highway verges, shall be provided to a standard as set out in the master plan and the Environmental Statement.
24. Reason: To ensure an adequate standard of provision, in the interests of amenity.
25. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
25. Reason: In the interests of the appearance of the area.
26. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
26. Reason: In the interests of the appearance of the area.

27. A landscape management plan which shall include long term design objectives, phasing of provision, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
27. Reason: In the interests of the appearance of the area.
28. Notwithstanding the submitted details, prior to the commencement of building operations on adjoining areas, the boundary with the areas of trees/ vegetation to be retained as set out in the masterplan and Environmental Statement shall be fenced with chestnut pale fencing to a minimum height of one metre staked at 3 metre centres. The fencing shall be retained in position until all building works on adjoining areas have been completed unless otherwise agreed in writing with the local planning authority.
28. Reason: To protect the trees/landscape areas from undue disturbance
29. There shall be no tipping or deposition of materials within the area fenced under condition 28 above without the prior written authorisation of the local planning authority.
29. Reason: To protect the trees/landscape areas from undue disturbance
30. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).
30. Reason: To protect the amenities of adjoining properties and the locality generally.
31. Any other reasonable conditions as may be relevant prior to the issue of any permission for the site.

#### Informatives:

Further to condition 16 above, conclusions regarding traffic distribution are based upon provision of the Link Road and the programme should therefore provide for its early completion within the overall development. Similarly, the phasing should provide for compatibility in the development of employment and residential phases in order to minimise the need for home - work travel by car

Further to condition 16 above, an Agreement under Highways Act 1980 Section 278 will be required in respect of works within highway limits, and under Highways Act 1980 Section 38 in respect of roadworks which will be eligible for adoption as highway maintainable at public expense.

The development will necessitate changes to the existing 'Access Only' Order at South Street as well as potentially requiring the implementation of Traffic Regulation Orders in other locations. It cannot be guaranteed that Orders will be successfully made but all associated costs must be met by the applicants.

Measures relating to walking and cycling shall include enhancements to existing routes, where appropriate as well as new infrastructure.

Full or reserved matters applications will need to include details of the provision of measures to encourage travel by non-car modes such as walking, cycling and public transport. In particular contributions will be required if necessary to ensure public transport penetration of the link road, residential and employment areas.

To note and act upon as necessary the comments of the Coal Authority (see attached letter).

Further to the above Informative, the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. This grant of planning permission does not give a warranty of ground support or stability, neither does it necessarily imply that the requirements of any other controlling authority would be satisfied.

The grant of planning permission does not entitle developers to obstruct public rights of way affected by the proposal. Development, in so far as it affects the right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990 for the diversion or extinguishment of the right of way has been made and confirmed. Nor should it be assumed that because planning permission has been granted an order will invariably be made or confirmed.