

Agenda Item No. 4.4

**DERBYSHIRE COUNTY COUNCIL**

**REGULATORY – PLANNING COMMITTEE**

**23 September 2019**

Report of the Executive Director – Economy, Transport and Environment

- 4 CONSTRUCTION OF AN ALL-PURPOSE SINGLE CARRIAGEWAY COMPLETE WITH VERGES, CYCLEWAYS AND FOOTWAYS (INCLUDING THREE NEW ROUNDABOUT JUNCTIONS), CONNECTING BETWEEN THE EXISTING ROUNDABOUT SPUR AT OCCUPATION LANE, WOODVILLE AND THE A514 DERBY ROAD, SWADLINCOTE**  
**APPLICANT: DERBYSHIRE COUNTY COUNCIL**  
**CODE NO: CD9/0519/20**

**9.1604.2**

**Introductory Summary** The proposed link road would be a single carriageway road with a parallel footway/cycleway, associated drainage and landscaping, including three new roundabout junctions. The site lies within the administrative area of South Derbyshire District Council (SDDC).

A similar scheme has already been granted planning permission subject to conditions by SDDC. The current application for planning permission has been made by the County Council for development it proposes to carry out.

The development would bring significant public benefit through the provision of a new road transport link, as part of the ‘Woodville to Swadlincote Regeneration Route’, in an area identified in the South Derbyshire Local Plan (SDLP) for economic, social and environmental regeneration.

The proposed mixed housing and employment uses, identified in the SDLP, require safe, adequate and efficient access, and in turn the economic and social benefits of the development of the wider “Woodville Regeneration Area” are of strategic significance.

The proposed link road would provide the opportunity to unlock the development of the Woodville Regeneration Area; an extensive site including 12 hectares (ha) of employment land and land for approximately 150 houses. Delivery of the link road is important to the delivery of both the SDDC’s Economic Plan and the SDLP, providing the opportunity for business expansion, retention of local jobs and delivery of new homes. The proposal would also alleviate some of the existing traffic congestion issues at the Clock

Roundabout and provide a new cycle and pedestrian route to the National Forest, Swadlincote Woodlands and Swadlincote Town Centre.

Disturbance to businesses and residents would, in the main, be during the construction period and could be mitigated through the imposition of conditions. It is considered that the application can be recommended for approval, subject to conditions, on the basis that the value of the benefit of the development is sufficient to outweigh any limited extent of the harm from impacts identified.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis**

### **Site and Surroundings**

The application site is located to the south-east of Swadlincote in South Derbyshire. The site covers an area of approximately 11ha, including land required for landscaping and drainage purposes. Current land use along the proposed route comprises predominantly scrub grassland (southern and central sections), a small pond, commercial and light industrial properties (adjacent to the northern section), and Common Land for the northern roundabout. The wider area includes Swadlincote Woodlands and Park to the north and residential properties developed as part of the Woodville Woodlands scheme to the south.

The site lies within The Woodville Regeneration Area, designated as such in the SDLP Part 1, (SDLP1). This area was once the industrial centre of Swadlincote and home to numerous ceramics factories and coal mines, but is now largely open scrub and grass land. Two quarries are recorded in the south of the site, although the remains are no longer visible. The route of the Woodville Branch Railway survives as a track running through the middle of the site, with some of the embankments still present.

The link road would run from north of Woodhouse Street to Occupation Lane to the south-east, through the Woodville Regeneration Area. The northernmost point of the proposed link road site comprises the existing Derby Road/Swadlincote Road, where terraced residential properties line the road to the north. The proposed roundabout would be situated on Common Land, which is currently a grassed area with some trees largely to peripheral areas. The proposed link road would then follow the route of the existing Kiln Lane through an area previously developed for industrial premises. Two commercial units, as part of Woodhouse Business Centre, would be demolished as part of this process. The southern part of the proposed link road site is vacant land/grassland.

The proposed link road would intersect two small drainage ditches, one flowing in a south-westerly direction along the southern boundary of the industrial estate and the other flowing west towards a small pond located to the west of the proposed road. The two drainage ditches drain a combined catchment area of approximately 0.5km<sup>2</sup>.

The site does not contain any national or local ecological designations, designated heritage assets or landscape designations, nor is it close to these designations. The River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) is located approximately 6.5km to the south of the proposed development. Drainage systems for the road are designed to ensure that there are no significant impacts on this designation. The site is part of a wider area recognised as 'National Forest'.

### **The Proposal**

The proposed link road would be a single carriageway road with a parallel footway/cycleway, associated drainage and landscaping, including three new roundabout junctions. The site lies within the administrative area of SDDC.

The purpose of the proposed Woodville Link Road is to unlock the development potential of the Woodville Regeneration Area and provide relief to existing junctions within Woodville. The route would provide essential infrastructure for access to the Woodville Regeneration Area, which is a site allocated for employment (12ha) and housing use (for approximately 150 houses) as identified in the SDLP1 (policies E1C and E6). The link road would also provide an alternative route to Swadlincote from the south, which is envisaged to reduce traffic pressure at the heavily congested Clock Roundabout.

A first section of the new road link has already been constructed in conjunction with the 'Woodville Woodlands' housing development, taking traffic from the A511 Ashby Road as far as Occupation Lane. The second section (the subject of this planning application) would complete the link from Occupation Lane to the A514 Swadlincote Road.

The length of road from the new roundabout at the northern end to Occupation Lane is approximately 850 metres (m), with the full scheme being approximately 1km long when including sections to be widened along Derby Road.

The proposal comprises:

- A new three arm roundabout located on the land between the A514 Derby Road and Woodhouse Street.
- Two roundabouts located within the Woodville Regeneration Area to give access to adjacent development land.

- A new service road fronting on to properties 8-38 Derby Road to provide access to these properties, which currently take access directly from the busy Derby Road. Properties 2, 4, and 6 will be accessed by a dropped kerb driveway along the Swadlincote leg of the roundabout.
- Redesigned access to the industrial units at the northern end of Woodhouse Street.
- Demolition of two commercial units at Woodhouse Business Centre.
- Improvements to Kiln Way and Derby Road, including road widening, enhanced cycleway and improvements to accesses for existing units.
- A 2m footway on the western side and a 3m shared footway/cycleway on the east. A sign will be provided on the Link Road to the section of Public Right of Way that has not been subsumed by the Link Road. The cycleway will extend up Derby Road to enhance the connection between the Link Road provision and onward cycle routes.
- Sustainable drainage systems to manage surface water run-off.
- Landscaping and street lighting.

The proposed width of the main section of the Woodville Link Road (across the vacant land) is 18.3m. This would comprise a 7.3m wide carriageway, a 2m wide footway to the west of the road and a 3m cycle/ footway to the east. Where there is space to do so, the footway/shared ways are proposed to be separated from the carriageway by grass verges of 1m wide, with additional grass verges of 2m being provided to the rear of the cycleway and footway respectively. Where the road passes through the existing built up area along Kiln Way, the verges would be reduced due to land constraints.

The provision of two roundabouts along the route would enable the site to be split in terms of residential and employment uses, and would limit traffic travelling around future development sites to the east and west of the Link Road.

### **Site Planning Application History**

#### **9/2017/122- South Derbyshire District Council (SDDC)**

Planning application (reference number 9/2017/1222) was granted by SDDC on 11 April 2018 for a similar link road scheme, as is the subject of this planning application. Work is progressing to discharge the planning conditions associated with that consent. The current application for full planning permission is made to Derbyshire County Council (DCC) as a road construction scheme which DCC would carry out as Highway Authority. It is understood that DCC might implement such permission following acquisition of land by compulsory purchase. The boundary of this application site is only very slightly different to the site under the permission approved by SDDC. It includes two access areas for existing business premises; the first extends the site south along Woodhouse Street and the second covers access to the Midland Lead premises, off Kiln Way.

## Consultations

### Local Member

Councillors Musson and Swann have been consulted.

### South Derbyshire District Council (Planning)

No objections. Comment as follows:

- 1. "The County Council should satisfy itself that all matters in respect of ecology/biodiversity, drainage (including impacts on the River Mease SAC), highway safety and capacity effects off-site, noise impacts on surrounding residents and businesses, ground stability and heritage interests can be satisfactorily addressed by way of design and/or appropriately worded conditions (including consideration of the triggers for submission of detail and implementation of works). Attention should be given to conditions 3, 4, 5, 7, 8(b), 11, 12, 13, 15 and 16 of SDDC planning permission ref. 9/2017/1222.*
- 2. The submitted layouts indicate surplus areas of tarmac on footways where these areas could be more appropriately put to soft landscaping with consideration given to planting of trees to offset those lost. Examples include the proposed footway immediately south-west of 38 Derby Road (the present carriageway to Derby Road), the entire 4m radius created in front of 36-38 Derby Road (save for retaining a pedestrian footway to link with the pedestrian crossing and refuge on the realigned Derby Road), the proposed footway immediately south of 2-6 Derby Road (the present carriageway to Derby Road), the footways either side of the realigned junction of Woodhouse Street and Derby Road, the retained/created footway to the north-west side of Woodhouse Street (given an alternative means for pedestrians would exist on the south-east side of this stopped up section), the retained/created footway to the south-western end of the turning head stopping up Woodhouse Street and the created footway immediately adjacent to the retained part of Woodhouse Business Centre. Many of these areas would otherwise provide for indiscriminate parking by adjoining residents and business users to the detriment of the visual amenities of the area and/or to highway safety, as well as increase urban heat island effects and surface water run-off rates. It is recommended that these areas be altered to soft landscaping, put to verge, with specimen tree planting where feasible (including subterranean measures to enable trees to reach maturity). Lines of timber bollards should also be introduced to prevent indiscriminate parking in these and other areas.*
- 3. The proposed link road includes a 1m wide verge to both sides between the carriageway and footway/cycleway south of the proposed culvert. The plans also indicate a further 2m wide verge to the rear of the footway/cycleway. During the course of the previous application, it was*

*requested that the verge between the carriageway and footway/cycleway be widened to no less than 2m at the expense of the verge to the rear of the footway. This would appear to still be achievable following further work to detail the drainage ponds and swales and establish levels, but the verge to the rear of the footway remains at 2m width. SDDC requests that amendments be made to accommodate this change so to support avenue tree planting within the desired verge.*

- 4. If not already carried out, a detailed Traffic Impact Assessment of the surrounding road network around Swadlincote should be undertaken.”*

### **South Derbyshire District Council (Environmental Health Officer)**

No objections. The Environmental Health Officer (EHO) has confirmed that it is satisfied that overall, the air quality and noise impacts of the development itself are likely to be net beneficial in that the development is likely to re-distribute traffic across the network. The EHO has confirmed that it has no objections in principle to the application. The following conditions are recommended:

#### **“Noise**

- 1. Prior to the commencement of development, a scheme of noise mitigation, based upon the measures identified in the noise report reference Project number: 60486419, should be submitted and agreed with the County Planning Authority.*
- 2. Before the commencement of the development, a construction phase noise mitigation scheme shall be submitted to and approved in writing by the local planning authority detailing measures that will be implemented to ensure that noise during the construction and demolition phase does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity. The commitments made within the noise mitigation scheme shall be implemented for the duration of the demolition and construction phase.*
- 3. During the period of construction, no ground, construction or fitting out works shall take place other than between 0730 hours and 1800 hours Monday to Friday and 0800 hours and 1300 hours on Saturdays. There shall be no works on Sundays or public holidays expect in an emergency.*

#### **Dust**

- 1. The development shall not be commenced until a scheme, specifying the provisions to be made to control dust and respirable particulate emanating from the development during the construction and demolition phases, has been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full before the proposed development is started.*

### **Contaminated Land**

*With regards contaminated land, we recommend the following conditions:*

- 1. A post completion verification report is required in regards to the submitted proposed scheme of remediation within 1 month of the completion of the scheme.*
- 2. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, a written scheme to identify and control that contamination shall be submitted to and approved in writing by the local planning authority prior to any further works taking place on the site. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA (or equivalent guidance which may subsequently update or replace it), and appropriate remediation/mitigation proposals. The approved scheme shall be implemented in accordance with the approved remediation/mitigation proposals.*
- 3. A materials management plan should be provided for any import of soils, to ensure that any materials meet the end of waste criteria/certification of usable soils or any removal of waste/materials is compliant with technical guidance WM3."*

### **Woodville Parish Council**

No comments received at time of writing.

### **Hartshorne Parish Council**

No comments were received at time of writing.

### **Highway Authority**

The Council, as Highway Authority, has no objections. The Highway Authority considers that the context of the comments made in respect to the earlier application to SDDC to be relevant to the current application. These are, in summary:

- Based on the supporting Transport Assessment, the overall effects upon the local highway network are considered to be beneficial, particularly in terms of congestion relief at the A511/A514/Moira Road 'Clock' Roundabout junction and approaches to it.
- Outcomes are predicted to be positive in terms of an overall improvement to the safety of the network post development.
- Further detailed drawings for technical and construction purposes will be needed. The following conditions are advised:
  - 1) The proposed works, the subject of the application, shall not be first taken into use until they have been laid out, constructed, drained and lit to adoptable standard generally in accordance with application drawings

WVL-AEC-XX-XX-DR-CE-00055 rev P1, -00056 rev P1, -00057 & -00058 rev P1, but specifically in accordance with detailed designs to be first submitted to and approved in writing by the County Planning Authority, in consultation with the County Highway Authority, to ensure safe and suitable access for all users in the interests of highway safety.

- 2) No development, including preparatory works, shall commence until a temporary means of access for construction traffic has been created and space has been provided within the site for the storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles and parking and manoeuvring of employees and visitors vehicles, with the temporary access and space laid out in accordance with a scheme first submitted to and approved in writing by the local planning authority. Once implemented, the approved facilities shall be retained free from any impediment to their designated use throughout the construction period.

### **Lead Local Flood Authority**

The Council, as Lead Local Flood Authority (LLFA), has no objections and has commented that the surface water drainage strategy is to dispose of surface water via five different surface water networks. These are to discharge at 5 l/s to the public sewers and ordinary watercourses via differing mechanisms, incorporating a suitable quantity of treatment trains for each catchment.

The LLFA welcomes the applicant's current plans for above attenuation ground storage as this demonstrates the principles and aims of Sustainable Drainage. However, the LLFA would change its stance should the proposed above ground attenuation storage be replaced with below ground attenuation storage, as this would be a significant departure from the principles submitted at this planning stage.

### **Natural England**

Has confirmed it wishes to make no comments on the application. Natural England noted in its correspondence that the proposal is sited on an area of land that is registered common land. This is covered by the Commons Act 2006 and will have rights of access by the public. If planning permission is granted, the applicant will be required to apply to the Secretary of State for consent under Section 16 or Section 38 of the Commons Act 2006.

### **Derbyshire Wildlife Trust**

The Derbyshire Wildlife Trust (DWT) provided comments to SDDC on a similar scheme which was considered under the reference 9/2017/1222 and subsequently conditionally approved. The application was accompanied by the same ecological reports:

- Preliminary Ecological Appraisal prepared by AECOM dated November 2017.

- Ecological Addendum prepared by AECOM dated 2018.

On the basis of the submitted survey information, DWT advise that there is little likelihood of great crested newts being present at the site and affected by the scheme.

Comments, dated 23 March 2018, in response to the South Derbyshire application remain relevant.

DWT recommends that consideration is given to the creation of areas of wildflower meadow along the verges and embankments to provide a greater opportunity to achieve biodiversity gain in line with the objectives of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), Natural Environment and Policy BNE3 Biodiversity of the SDLP1.

DWT has also commented that the ecology-related conditions attached to planning permission 9/2017/122 remain relevant and should be re-issued to any permission granted by Derbyshire County Council.

*“No development, including preparatory works, shall commence until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:*

- (a) a risk assessment of potentially damaging construction activities;*
- (b) identification of biodiversity protection zones (e.g. buffers to trees and hedges or to protected wildlife habitat);*
- (c) practical measures (both physical measures and sensitive working practices, such as protective fencing, exclusion barriers and warning signs) to avoid or reduce impacts during construction (particularly in relation to works within canopy and root protection areas for hedgerows or protected trees);*
- (d) the location and timing of sensitive works to avoid harm to biodiversity features (in relation to breeding birds in particular);*
- (e) the times during construction when specialist ecologists need to be present on site to oversee works (as required);*
- (f) responsible persons and lines of communication; and*
- (g) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person (as necessary).*

*The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless the ECoW otherwise sets out alternative details which are subsequently agreed by the Local Planning Authority.*

*Reason: In order to safeguard protected species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain.”*

*“No development, including preparatory works, shall take place until an Ecological Design Strategy (EDS) addressing mitigation, compensation and enhancement to ensure the proposal does not result in a net loss of biodiversity in line with the Defra approved Biodiversity Accounting Metrics has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:*

- a) details of retained habitats together with their enhancement; and*
- b) details of newly created habitats including ponds, swales, wildflower grassland and woodland.*

*The EDS shall be implemented in accordance with the approved details and all features shall be maintained thereafter.*

*Reason: In order to safeguard and enhance habitat on or adjacent to the site in order to secure an overall biodiversity gain.”*

*“No development, including preparatory works, shall commence until a Common Toad Mitigation Strategy (CTMS) has been submitted to and approved in writing by the Local Planning Authority. The CTMS shall deal with both mitigation for the duration of construction works, and measures to protect migrating animals during the operational phase of the development. The approved CTMS shall be adhered to throughout the construction phase and permanent measures implemented strictly in accordance with the approved details.*

*Reason: In order to safeguard priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain.”*

### **The National Forest Company**

No objections. The National Forest Company (NFC) comments that the landscape masterplan is the same as that considered during the determination of the SDDC application. While that masterplan was an improvement to the scheme submitted at the start of the process, there are still some minor amendments and clarifications required.

Firstly, the grass verge is of insufficient width for tree planting. Ideally, a wider tree planted verge should be positioned between the carriageway and the footpath/cycleway. This helps to separate vehicular and non-vehicular traffic creating a more pleasant experience for cyclists and pedestrians. The NFC considers that the design should be amended in this way which would

encourage non-vehicle modes of travel between Swadlincote Woodlands and the Heart of the Forest off-road network along the new road.

In addition to the above, further details are required on the below ground infrastructure to be installed to ensure that the highway verge trees have sufficient support and rooting space to establish and thrive. Root deflectors and/or tree pits will be required. These details should be agreed by condition.

The proposed tree species need some further thought. Recent planting along the A514 through Swadlincote, undertaken by SDDC, has all been Field maple. It would therefore make sense to continue this approach for the tree planting on the A514 around roundabout 3. The proposed fastigiate hornbeam for the remainder of the new road is acceptable.

NFC is supportive of tree planting within the tree roundabouts although suggest the following species would be more appropriate:

Roundabout 1 (yellow) – Field Maple. Will have yellow autumn foliage.  
Roundabout 2 (orange) – Pear (*Pyrus calleryana* Chanticleer. Orange/red autumn foliage.  
Roundabout 3 (red) – Liquidamber *styraciflua* Worplesdon. (Red autumn foliage).

### **Historic England**

Has confirmed it wishes to make no comments on the application.

### **Cadent Gas**

Has no objection. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

### **Coal Authority**

Has no objection. The site falls within the defined Development High Risk Area. The Coal Authority notes the submitted Phase II Investigation Report (24 May 2019, prepared by AECOM), which accompanies this planning application. The report confirms that no coal seams or voids were encountered, but that careful consideration will be required to address the risks posed by potential differential settlement associated with the high wall of the former surface extraction, (i.e. a Building Regulations matter).

### **Environment Agency**

Has no objection, subject to a condition. The new road is proposed to be constructed through a previously developed area and, as such, there may be contamination present that is encountered during the preparation and construction phase that the recent site investigation has not identified. As

such, the Environment Agency recommends that the following planning condition is included on the decision notice if planning permission is granted:

**“Condition:** *If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy, detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.*

**Reason:** *To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with Paragraph 170 of the National Planning Policy Framework.”*

### **Butterfly Conservation East Midlands**

Have no objections, however, state that The Dingy Skipper butterfly is a High Priority species at the regional level within the East Midlands; it has a restricted distribution in South Derbyshire and many of its existing sites are destined for development or are not managed to sustain the required habitat. The skipper species requires rough grassland containing Bird's Foot Trefoil and this habitat could be created and managed on this new road side verge.

Butterfly Conservation is available to advise on the creation and management of habitat important for our butterfly populations and we hope the opportunity is taken for this new road if planning consent is duly granted.

### **Publicity**

The application has been advertised by press notice in the Burton Mail and six site notices have been posted around the site, with a request for observations by 5 July 2019.

Seven representations have been received, six from residents and one from the legal representatives of a neighbouring business, Midland Lead.

Comments of residents in summary:

- The general increase in development in the area detracts from the beauty of the locality.
- More trees should be planted, the locality is in the National Forest.
- The area is a haven for wildlife and habitat would be lost.
- Noise pollution.
- Additional light pollution.
- Vibration from heavy vehicles.
- Dust and dirt impacts.
- Highway safety concerns.
- Additional litter thrown from traffic.

- Would not alleviate traffic problems, would simply re-route traffic through Woodville in busy periods and increase traffic congestion there.
- Likely to lead to further proposals for additional housing developments, without appropriate services, and Swadlincote is losing its green spaces.
- The field entrance to be used as new access road is too narrow - there is potential for damage to cars and, in turn, impact on house prices.

Comments of solicitors, on behalf of Midland Lead, (in summary):

- Object due to proximity to its business.
- Highways Issues - Access to Midland Lead is required on a permanent basis as is required in case of emergency. Although the operator has been reassured that this would be the case, it requests a condition to this effect to ensure that the proposal does not result in the closure of the clients business which is a local employer.
- Need for alarmed boundary treatment to be secured by condition before the existing boundary treatment is removed to enable the development to proceed.
- Amendments have been requested to the proposals in order that Midland Lead site does not become less accessible and to ensure continued ability to access the relevant parts of their land holdings. However, these do not form part of the submitted scheme for planning.
- Concern heavy goods vehicles (HGVs) will not be able to turn right on leaving the site due to the volume of traffic on the new road.
- Planning decisions should 'create conditions in which businesses can invest, expand and adapt'.
- Noise impacts - question robustness of Noise Impact Assessment.
- Not clear if a screening opinion for Environmental Impact Assessment (EIA) has been undertaken.
- Out of date ecological surveys.
- Planning submission refers to use of "Common Land." It is not clear whether the DCC has yet complied with the obligations to obtain consent for re-designation of common land.

## Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the policies of the SDLP1 adopted June 2016, and South Derbyshire Local Plan Part 2 (SDLP2) adopted November 2017. Other material considerations include national planning policy, as set out in the 2019 NPPF, and associated Planning Practice Guidance (PPG).

## The Development Plan

The policies of the SDLP that are most relevant to the development are:

### SDLP1:

S1: Sustainable Growth Strategy.

S6: Sustainable Access.

E1: Strategic Employment Land Allocation.

E6: Woodville Regeneration Area.

SD1: Amenity and Environmental Quality.

SD2: Flood Risk.

SD3: Sustainable Water Supply, Drainage and Sewerage Infrastructure.

SD4: Contaminated Land and Mining Legacy Issues.

BNE1: Design Excellence.

BNE2: Heritage Assets.

BNE3: Biodiversity.

BNE4: Landscape Character and Local Distinctiveness.

INF2: Sustainable Transport.

INF4: Transport Infrastructure Improvement Schemes.

INF7: Green Infrastructure.

INF8: The National Forest.

### SDLP2:

SDT1: Settlement Boundaries and Development.

BNE7: Trees, Woodland and Hedgerows.

BNE10: Heritage.

## Neighbourhood Plan

The relevant Parish Council is Woodville Parish Council. A Neighbourhood Plan has not been progressed as yet for this area.

## National Planning Policy Framework

The NPPF sets out the Government's planning policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development and the framework, as a whole, contains a presumption in favour of sustainable development. The term '*sustainable development*' is defined as '*meeting the needs of the present without compromising the ability of future generations to meet their own needs*'. The NPPF goes on to say that achieving sustainable development means that the framework has three overarching objectives - economic, social and environmental - which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Those sections of the NPPF that are particularly relevant to this proposal are:

2: Achieving sustainable development.

6: Building a strong, competitive economy.

- 9: Promoting sustainable transport.
- 12: Achieving well designed spaces.
- 15: Conserving and enhancing the natural environment.
- 16. Conserving and enhancing the historic environment.

### **Environmental Impact Assessment**

A Screening Opinion of the County Council as to whether the proposal would require Environmental Impact Assessment (EIA) was sought by the applicant, prior to submission of the application. The proposal has been screened under Regulation 6 of the EIA Regulations 2017. The proposal is considered to fall within Paragraph 10(f) of Schedule 2 to those Regulations, being an infrastructure project. However, having taken into account the criteria of Schedule 3 to the Regulations, the proposal is not considered to give rise to significant environmental effects in the context and purpose of EIA. Accordingly, the Screening Opinion adopted by the County Council on 18 April 2019 was that the proposal would not constitute 'EIA development'. The application is therefore not accompanied by an Environmental Statement.

### **The Principle of and Need for the Development**

The proposal intends to deliver a new road transport link as part of the 'Woodville to Swadlincote Regeneration Route', in an area identified in the SDLP for economic, social and environmental regeneration.

The SDLP1 identifies 'A Vision for South Derbyshire', which includes the following text:

*"Major urban renewal will also have taken place in the wider Swadlincote urban area with the reclamation and re-development of underused and derelict brownfield land south of Woodville. The environment and job opportunities in the Area will have been significantly enhanced through the construction of the Woodville - Swadlincote Regeneration Route bypassing - and providing relief from traffic congestion at - the Clock Roundabout, opening up land for development and providing better links between Swadlincote and the A42 to the east."*

Policy S1 of the SDLP1 promotes sustainable growth to meet its objectively assessed housing and commercial needs in the plan period 2011-2028. The proposal is in accordance with this strategic policy, particularly with regard to Policy S1 iii), which makes a commitment to:

*"Provide new infrastructure to support the growth across the District. This will include new transport and education provision, and other services and facilities....."*

The need to regenerate this area and to provide the infrastructure for that to happen is demonstrated, in that the new transport route is essential for safe

and suitable access to allow wider redevelopment to come forward in the Woodville Regeneration Area.

Policy S6 of the SDLP1 promotes sustainable transport methods through the provision of new or enhanced walking, cycling, public transport and rail freight services and infrastructure and, where needs cannot be met by the aforementioned means, highway and car/lorry parking infrastructure.

The SDLP1 Proposals Map identifies the proposed Woodville Link Road and the surrounding Woodville Regeneration Area (allocated for employment (Policy E1C) and regeneration/housing (Policy E6).

Policy INF4 of the SDLP1, confirms that *'The Council [District] will work with partners to deliver the following transport schemes: i) Woodville –Swadlincote Regeneration Route...'*

In accordance with these policies, the development is a key scheme of highway infrastructure, seeking to facilitate the development of the Woodville Regeneration Area, bringing with it significant benefit in terms of employment, economic development, regeneration of a vacant site and provision of additional housing.

The proposal would also alleviate some of the existing traffic congestion issues at Clock Roundabout and provide a new cycle and pedestrian route to the National Forest, Swadlincote Woodlands and Swadlincote Town Centre. Given that the proposal provides for alternative methods of travel to the car, through footway and cycle way provision, it is considered to be a sustainable solution to the required infrastructure provision for the successful regeneration of the locality, in accordance with the NPPF, and the local plan policies identified.

Whilst there would be some impacts on existing businesses and dwellings during construction, particularly those around Kiln Way and Woodhouse Street, these impacts would be, in the main, of temporary nature. There would be a redesigned access to commercial units at the northern end of Woodhouse Street.

There would also be some loss of employment floor space to facilitate the proposal, as the scheme proposes the demolition of two commercial units at the Woodhouse Business Centre. The benefits of the proposal are considered to outweigh the loss of employment floor space and other temporary inconveniences during construction to local businesses and residents, in the planning balance.

The principle of the scheme is also supported by the Derbyshire Local Transport Plan, the South Derbyshire Economic Development Strategy, the

D2N2 (Derby, Derbyshire, Nottingham and Nottinghamshire) Local Enterprise Partnership Strategic Economic Plan and the South Derbyshire Cycle Strategy. A similar scheme has extant planning permission granted by SDDC, and this is also a material consideration weighing in favour of the acceptability of the principle of the development. The proposal is therefore considered, in principle, to be acceptable being in line with development plan policies identified, the NPPF, and other policy documents identified which are material considerations.

The acceptability of the scheme in the planning balance must be considered further, however, against planning policy and the merits of the application in the following respects:

- Landscape.
- Highways.
- Heritage.
- Archaeology.
- Ground Conditions
- Ecology.
- Drainage.
- Amenity Impacts
- Open Space.

### **Landscape**

Good design principles are required by Policy BNE1 of the SDLP1, and at national level in Section 12 of the NPPF: *“Achieving Well Designed Spaces.”* Policy BNE4 of the SDLP1 requires inter-alia that *“The character, local distinctiveness, and quality of South Derbyshire’s landscape and soilscape will be protected and enhanced through the careful design and sensitive implementation of new development.”*

The site is not located within or in close proximity to any National Parks or Areas of Outstanding Natural Beauty. The site is located within the National Forest, a large designation in the Midlands where almost 8.5 million trees have been planted in the last 25 years. The National Forest is a ‘forest in the making’, aiming to provide an extensive green link between the ancient forests of Charnwood and Needwood. Around one third of The National Forest is within South Derbyshire District.

The Woodville Regeneration Area is currently vacant and is unlikely to be improved in landscape terms unless this improvement is associated with development of the surrounding site. Other development of the Regeneration Area would be encouraged to include tree planting due to its location in the National Forest, but this will not come forward without the infrastructure required to access the site and increase its viability. Therefore, development of the Link Road could facilitate landscape improvements and planting in the

wider Woodville Regeneration Area in line with National Forest objectives and Policy INF8 of the SDLP.

The site is within an area of 'Coalfield Village Farmlands Landscape Character Type', and an area defined as 'urban', as identified within the Landscape Character of Derbyshire (2013).

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application which suggests that the landscape is already strongly influenced by the urban environment and is described as a "*fragmented mosaic of land uses*". The LVIA concludes that the landscape value of the site is very low and landscape value of the study area, as a whole, (500m buffer) is low. I do not necessarily disagree with this assessment, however, the aspirations for the delivery of design excellence, as required by Policy BNE1 of the SDLP1, remain a significant consideration. The overall effects on the landscape character of the site is judged to be low with a negligible effect on the wider study area.

In visual terms, there are very few sensitive visual receptors due to the nature of the surrounding area. There are residential properties along Swadlincote Road that would receive a view of the northern junction, but this would be within the context of what is already a much urbanised vista. There are further residential properties along Occupation Lane to the south that would view the southern connection of this new route but again, this would be in the context of the existing road junction and surrounding industrial uses. A footpath runs along the eastern side of the proposed route but crosses generally low quality agricultural land surrounded by predominantly industrial uses. Overall, I would generally concur with the judgements of the LVIA that, from each of the selected viewpoints, the effects on surrounding visual receptors would not be significant. The greatest visual impact would be on the residential properties along the A514 to the north.

A comprehensive landscape masterplan has been submitted showing that the landscape works, along the route proposed, would include a mix of grass verge, wildflower seeding, low level and ornamental planting at roundabouts, gravel areas, and tree planting. Two attenuation ponds would be positioned adjacent to the two most southerly roundabouts. The overall approach to the landscape treatment of the road corridor is acceptable with the themed landscaping of each traffic roundabout within the scheme and an avenue of predominantly oak trees along the road corridor. There are other trees proposed as well; birch trees to filter views from residential properties along Swadlincote Road and alder adjacent to the proposed water attenuation ponds. There is also new hedge planting proposed around the A514 junction.

A short section of hedgerow would also be beneficial, planted along the length of the redundant Woodhouse Street, to soften the impact of the road and help

reduce the extent of visual intrusion on the properties along the A514, and this could be required by way of condition in an amended landscaping scheme to be agreed.

The supporting documents state that it is “*anticipated that a palisade fence will be erected between the back of footway and the boundary wall along the northern side of Kiln Way*”. Whilst I would accept that Kiln Way is probably a low quality urban environment, the erection of a palisade fence is unlikely to bring about any additional design quality. If a fence is indeed required along this boundary, it should be a weldmesh type fence, finished in a dark recessive colour and perhaps supported by some additional hedge planting to help screen views of industrial properties along Kiln Way for the benefit of pedestrians using this new route. Again, final details of this could be required by the imposition of a condition.

SDDC has requested that consideration be given to further soft landscaping and bollards in certain areas. Whilst these options have been considered, the applicant has indicated that there would be a number of practical difficulties in providing this at this time. It has addressed the comments as follows:

*“The area southwest of no. 38 Derby Road.*

*This appears to be a suitable candidate for planting but we have a proposal to extend the shared footway along the northern side of Derby Road and access would be needed to and from the newly created service road to do this. SDDC highlights the fact that a footway route would still be needed to access the traffic island which would impinge on the width of planting alongside the highway. The highway also acts as a conduit for utilities. While bushes and shrubs would not be an issue, tree planting has the potential over time to damage the utilities through root development/damage. In addition, access to the utilities will be needed from time to time for renewal or replacement which may involve disturbing or digging through the planting areas. Therefore, the benefit of the planting would be quite small once the above considerations have been taken into account and hence why the area is shown as footway.*

*The western entry radius opposite no.36 Derby Road*

*Part of this area uses the former footway on Derby Road within which there are utilities. Utilities in footways are laid at a shallower depth so root damage from shrubs and the like may have a detrimental effect. Tree planting would certainly have a detrimental impact. The need to maintain lateral visibility from the service access, the need for a footway linking to the traffic island and clearance from the highway for its users. Therefore, the benefit of the planting would be quite small once the above considerations have been taken into account and hence why the area is shown as footway.*

*Outside nos. 2-6 Derby Road*

*The motorcycle shop on the corner of Bernard Street identified that part of the footway on this frontage was used by motorcyclists to park their vehicles outside the shop following the public engagement. Similarly the owner of no. 6 has a driveway access onto the current Derby Road and he wished to ensure that this was still achievable on completion. There is a turning assessment available that will demonstrate that part of the area will be required for this purpose. Lateral visibility envelopes for both the service road and Bernard Street will also impinge on the extent of planting against the Derby Road frontage as will the maintenance of a footway for pedestrian use. Therefore, the benefit of the planting would be quite small once the above considerations have been taken into account and hence why the area is shown as footway.*

*Woodhouse Street*

*The County Council is in separate discussion with an adjacent landowner about the possible sale of this land if the County is successful in its acquisition either through negotiation or CPO. The proposals for planting may therefore impinge on their development needs. There are also aspects that impact on the ability to convert these footways as indicated due to buried services in the footway and the need by the utility company for access. These aspects would therefore need to be considered should the sale proceed. Therefore, our preference would be to wait and see if the sale of the land proceeds rather than to invest time and resource into converting these areas now should a change of use for the land ultimately be agreed through a separate planning consent to SDDC.*

*The use of Timber Bollards*

*DCC preference is to wait and see what parking issues arise following the introduction of the works and then to take action proportionate and as a direct consequence of the problem encountered. If not, then we could add a significant amount of street furniture that would add to the Council's maintenance burden which may be unnecessary if the problem doesn't materialise. The majority of these properties have parking to the rear and do not currently enjoy the benefit of on street parking given the traffic conditions on this busy road. Although we anticipate parking arrangements to change slightly once the alterations are implemented it is anticipated that residents will still prefer to park off the highway as it will be their habit to do so and for reasons of vehicle security.*

*Timber bollards would not be appropriate to install along the remaining open space between the new road and Woodhouse Street and south of Derby Road. These areas are designated as public open space and so enjoy the benefit of unobstructed access. The provision of bollards may hinder the rights of access which is why no access restrictions have been proposed.*

*The request to widen the verge adjacent to the carriageway at the expense of the verge width to the rear will be considered at a design meeting next week. It is a change that might be easily accommodated, subject to discussion with our wider design team.”*

I am satisfied, for the reasons given above, that additional soft landscaping and bollards in the areas identified may not be practically achievable and it is therefore unreasonable to require this by way of planning condition. The Highway Authority has not cited the lack of bollards as being to the detriment of highway safety in its comments. Given that the applicant has indicated that the widening of the verge may be possible, and as this has been requested by SDDC and the NFC, this could come forward as detail to be approved in a revised landscaping plan which would be required by way of condition, as could additional hedge planting along Woodhouse Street.

Policy BNE7 of the SDLP1 requires that where development is proposed that could affect trees, woodland/or hedgerows, which are important in terms of their amenity, ecological, landscape or historic value, developers will be expected to demonstrate that the layout and form of development have been informed by an appropriate arboricultural survey. Accordingly, an Arboricultural Impact Assessment (AIA) has been submitted with the application.

The AIA demonstrates that a number of existing trees, either as individual specimens or in tree groups will be affected by the proposed scheme although the affected trees are only adjudged to be category B or C trees and are therefore not deemed to be individually significant. A Tree Protection Plan (included within AIA) identifies trees to be removed and how retained trees are to be successfully protected. The survey area contains 42 trees and groups which consist of ‘B’ and ‘C’ category trees. Collectively, however, they contribute to the character of the site and the local amenity.

The proposed development would require the removal of nine individual trees, seven groups and six partial groups including four trees, a group and three partial groups classed as Category B and the remaining five individuals, six groups and three partial groups classified as Category C.

In mitigation, there is substantial new tree planting proposed in excess of the number to be removed (the landscape masterplan indicates a figure in excess of 50 new trees). Trees to be retained will be required to be protected to British Standard during construction works.

It is considered that any impacts upon the character of the existing landscape, as a result of the development, would be minimal. With mitigating planting proposed in the context of the existing vacant site, and facilitation of wider development that the proposal would bring forward in time with further

landscape improvements, visually the locality is very likely to become more attractive.

The proposal is considered to be in general accordance with the planning policies identified with regard to landscape issues.

### **Highways**

Policy INF4 of the SDLP1, confirms that *'The Council [District] will work with partners to deliver the following transport schemes: i) Woodville –Swadlincote Regeneration Route... '*

Policies INF2 and S6 of the SDLP1 promote sustainable transport methods through the provision of new or enhanced walking, cycling, public transport and rail freight services and infrastructure and, where needs cannot be met by the aforementioned means, highway and car/lorry parking infrastructure.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

A Transport Assessment (TA) has been submitted with this planning application, assessing the transport impacts of the proposed Link Road. The TA provides the results of traffic surveys; a review of road safety collision statistics; a review of sustainable transport options; and modelling of different scenarios for development in the Swadlincote/Woodville area. The TA assesses the impact of the Link Road on surrounding traffic flows.

The TA findings show that the Clock Roundabout junction is already at full capacity with significant queues at peak periods. The TA concludes that development of the Link Road would have a positive impact on this junction by providing an alternative route for traffic through the Woodville Regeneration Area. Any reduction in congestion could also have positive impacts in terms of noise and pollution in the area around the Clock Roundabout. The TA also notes that significant increases in capacity are not possible at the junction itself, given its existing layout, so the provision of the Link Road is an option for reducing congestion at this point. The impact of the Link Road on other routes and junctions are also provided in the accompanying TA.

The Woodville Regeneration Area would be located close to the District's main centre, Swadlincote and in close proximity to existing bus services, walking and cycling links. Therefore, there is some potential to encourage use of sustainable modes of transport alongside any future application for development on the Woodville Regeneration Area.

The proposed link road would provide a new cycleway and footpath, providing an option for sustainable access to Swadlincote. This could also have positive impacts in terms of sustainability and greenhouse gas emissions, provided that the new cycle route serves to encourage a modal shift from vehicles to cycles/walking. The proposal also ensures that any development at the Woodville Regeneration Area can be accessed sustainably, minimising the impact of that development on the surrounding area.

The Highway Authority (DCC) is of the opinion that the overall effects upon the local highway network would be beneficial, particularly in terms of congestion relief at the A511/A514/Moira Road 'Clock' Roundabout junction and approaches to it. Outcomes are predicted to be positive in terms of an overall improvement to the safety of the network post development.

Further detailed drawings for technical and construction purposes will be needed as would details of a temporary construction access and construction management plan which could be agreed by condition.

- Whilst the comments of objectors are noted, the Highway Authority considers the proposals ultimately to be beneficial to the highway network. Management of short interruptions to rights of access to premises from the highway would generally be outside planning control. However, in the interests of clarity, in response to the access and traffic movement concerns of Midland Lead, the applicant has confirmed that under the construction contract, there would be a contract condition, such that access and security of the site is to be maintained to this business unless agreed otherwise. However, there will be times when access may have to be denied for short periods for works directly outside Midland Lead's access, such as kerbing and paving, the former requiring time for kerbing concrete to go off and the latter to enable resurfacing of the highway, until such time as the bituminous layers have cooled and can be trafficked. The applicant has also explained that the County Council has a statutory responsibility to maintain the highway which overrides any specific access constraints desired by those that benefit from the highway being maintained or improved.

With regard to Highways Issues within the remit of planning control, the application is considered to be in general accordance with the planning policies identified above.

### **Heritage**

There are no designated heritage assets within the proposed development site boundary, although it is close to a number of listed buildings and the Swadlincote Conservation Area.

A Heritage Impact Assessment (HIA) has been submitted with the application. The HIA identifies a total of 17 listed buildings and the Conservation Area within a 500m buffer of the site.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the determination of this application, ‘*special regard*’ is had to ‘*the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.*’

Section 16 of the NPPF and policies BNE2 and BNE10 of the SDLP1 provide the appropriate policies on the conservation and protection of the historic environment.

Paragraph 190 of the NPPF expects local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

Paragraph 192 of the NPPF expects planning authorities to take account of a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

As the NPPF indicates, in considering a development proposal, what has to be assessed with regard to the setting is the effect that any change to the setting from the development would have on the heritage significance of the asset concerned. Paragraph 193 states: “*When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*”

Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings should be exceptional; b) assets of the highest significance, notably grade I and II\* listed buildings should be wholly exceptional.

Paragraph 196 provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its [the asset's] optimum use.

These NPPF paragraphs therefore recognise that to reach a decision to grant permission in a case of 'less than substantial' harm need not involve so much public benefit to weigh against the harm as would be needed in a case of 'substantial' harm.

Nevertheless, even "less than substantial" harm to the significance of a listed building is an important consideration, which Section 66 requires considerable weight to be given to.

The HIA concludes that neither the listed buildings, nor the Conservation Area would be significantly affected by the proposal.

The setting of these buildings is relatively well contained given their very urban form and, for some of these, their industrial context. It is my opinion that that the impact of the proposed scheme on the setting of these will be very limited. However, the new road link will form part of the sequential appreciation of these heritage assets and become part of their urban context. It is therefore important that improvements in the design quality of the scheme are capitalised on. Most pertinent to this is the new roundabout to the north. Given that additional hedge planting and widening of footway verge in this locality can be required by way of condition through a revised landscape scheme, then this would go some way to mitigate further against any limited effects upon heritage assets outside of the site.

The harm that would be caused is considered to be 'less than substantial' to the setting of the listed buildings. In mitigation against the harm, significant additional landscaping is proposed along the corridor of the route.

According to paragraphs 193 and 194 of the NPPF, where there would be harm to the heritage asset (including through potential effects on the setting of the heritage asset), there should be a clear and convincing justification for the development to take place at the location and, if this is demonstrated, the harm weighed against the public benefits of the proposal.

In weighing the very limited harm to the setting of the listed buildings, the public benefits from the development are significant. I regard the public benefits to be delivered by this proposal as being a factor of sufficient weight to justify a positive recommendation of the application, even having special regard to the desirability of preservation of the setting of the listed building (as required by Section 66), and having regard to the other impacts associated with the development as referred to in this report.

## Archaeology

Paragraph 199 of the NPPF states that local authorities should require developers to record an advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Policy BNE10 of the SDLP1 requires that any proposed development which impacts on archaeological remains will be required to be accompanied by an archaeological evaluation of the site and a statement demonstrating how it is intended to overcome the archaeological constraints of the site.

The HIA submitted includes an archaeological evaluation which indicates that there is negligible potential for the survival of archaeological remains dated to the prehistoric, Roman, early medieval and medieval periods as the area was sparsely populated, occupied or exploited during these periods. Due to significant exploitation of the area for minerals and coal from the post-medieval period onwards, there is high potential for archaeological remains to survive dated to the post-medieval and modern periods. These include evidence for the two Granville Collieries, a brick yard, a railway and a tramway on the line of the new link road.

During the post-medieval period, the study area developed as a result of intense industrial activity. The site was used for the extraction of raw materials for use in these industrial activities including clay, sandstone and coal. The land to the south of the Woodland Branch Railway was opencast mined for coal in the 1970s and then subject to landfill, removing the potential for any buried archaeological remains in this part of the site.

A Written Scheme of Investigation (WSI) for some initial archaeological evaluation has been approved by SDDC under the application considered by it and has been submitted with this application. In consultation with the County Archaeologist, it is apparent that the scheme is acceptable. However, conditions would be required to undertake the field work identified within the agreed WSI. These conditions would require appropriate levels of archaeological investigation and recording prior to commencement of development, and I am satisfied, therefore, that the application is in accordance with the policies identified above in regard to archaeology.

## Ground Conditions

Policy SD4 of the SDLP1 states that:

*“Planning permission for development on land which is known to comprise made ground or which is unstable, contaminated or potentially contaminated, will only be granted where the applicant has demonstrated through*

*appropriate investigations, that the scheme will incorporate any necessary remediation measures to protect human health and/or the natural environment'*

The application has been supported by a Preliminary Geotechnical Interpretative Report and a Coal Mining Risk Assessment.

The site falls within the defined Development High Risk Area. The Coal Authority has confirmed, however, that no coal seams or voids were encountered in initial investigations outlined in the report.

The proposed link road is not a particularly vulnerable use to contamination and the level of remediation required for the land associated with the road would be less than that required, for example, for land to be used for development of houses and gardens on the adjacent sites.

The site is within the South Derbyshire Coalfield and coal has been worked at depth from beneath the proposed route. Shallow pottery coals have been worked across the southern area of the site in opencast workings. A shaft from the Granville Colliery is recorded close to the proposed road alignment, approximately 150m along the route. The southern section of the route was formerly the site of the Milk Hill Opencast, which was worked between 1965 and 1978 and removed Pottery Coals.

The proposed link road crosses former opencast mine workings and areas of thick made ground. The reports submitted provide guidance on measures to control and mitigate risks associated with construction on this land. Any further ground investigation work could be carried out as part of the construction process and no further work is considered necessary prior to determination of the planning application. Work carried out to date and as part of the construction process will ensure that the road scheme is compliant with the objectives of the NPPF and Policy SD4 of the SDLP1.

It should be noted that the construction of the road is facilitating the development of surrounding land which, in turn, would require remediation of the surrounding land. Overall, the scheme can therefore be seen as facilitating land remediation of the wider locality

A condition is advised by the Environment Agency that, should any contamination not previously identified in the report be found, development ceases and further investigation and mitigation be required. Subject to this condition, the proposal is considered to be in accordance with Policy SD4 of the SDLP1.

## Ecology

Section 15 of the NPPF and policies BNE3 and INF7 of the SDLP are the appropriate policies which seek to conserve and enhance biodiversity and the natural environment.

The application site is not within any sensitive area of ecological designation, such as a Site of Nature Conservation Importance (SNCI), a SSSI, Special Protection Area (SPA) or SAC.

The River Mease SAC and SSSI has been considered in the submitted Flood Risk Assessment despite its location 6.5km to the south of the site, to ensure there is no impact on water quality. The proposal has also been screened under the Habitats Regulations and an appropriate assessment of the County Council is not considered necessary.

The application is supported by ecological assessment, consisting of a Preliminary Ecological Appraisal (PEA) (AECOM, November 2017), with a separate great crested newts eDNA report (AECOM, 2018). The application area itself consists of an industrial area and plantation woodland to the north and a restored area of grassland to the south. Overall, habitats on site predominantly consist of semi-improved grassland (62.3% of the site area); with hard standing, bare ground and broad-leaved plantation (around 10% each); a pond (4.5%), with other habitats (scrub and broadleaved woodland, amenity grassland, inaccessible land and a short length of hedgerow) present as minor components accounting for the remainder of the site.

None of these habitats are considered especially ecologically valuable or noteworthy in their own right, although all native hedgerows are considered conservation priorities, and standing and running water have ecological merit. Nevertheless, I concur with the assessment that the habitats on site are of generally low ecological value posing little constraint on the development of the site, and I am satisfied that the impacts of the proposals with regard to habitats are not especially significant, particularly as mitigation and compensation measures, set out in the surveys, would be required to be implemented by condition.

The site has been assessed for the potential presence of protected or notable species including badger, bats, great crested newts, reptiles, otters, water vole and birds. Nesting birds will be present on site during the bird nesting season, common toad was identified as present, and water voles could not be ruled out, and whilst no reptiles were observed during recent surveys, a previous survey did detect grass snake. Whilst bat activity was noted, no roosts were identified and badger, otter and great crested newts were demonstrated as likely to be absent from the site.

With the implementation of the mitigation and compensation measures set out in section 5 of the PEA, I am confident that the impact of the proposals on species, even those believed present on site, can easily be rendered acceptable.

Natural England wishes to make no comment on the application and provided its note of standard advice in the consultation response.

DWT has not objected to the application, subject to conditions as outlined in its comments in summary above.

The proposal is considered to be in general accordance with Section 15 of the NPPF and policies BNE3 and INF7 of the SDLP1 in the protection of the natural environment. Further enhancement may occur overtime through additional highways verge planting required under the revised landscaping scheme to be agreed by condition, and through the provision of mitigation on the wider site to be agreed by SDDC.

### **Drainage and Flood Risk**

Section 14 of the NPPF and policies SD1, SD2 and SD3 of the SDLP1 are concerned with effective drainage, flood risk management and maintenance of water quality.

A Flood Risk Assessment (FRA) accompanies this application as the site is over 1ha. The site is within Flood Risk Zone 1, the lowest probability category area having a less than 1 in 1,000 annual probability of river or sea flooding.

Based on existing site conditions, the flood risk to the proposed development from all sources including tidal, fluvial, surface water, sewer, groundwater and artificial sources has been assessed as either low or very low.

There are two drainage ditches that are dissected by the proposed Link Road, with a combined catchment area of 0.5km<sup>2</sup>. These ditches will be culverted beneath the proposed development to ensure existing flow pathways are not impeded or blocked.

The proposed development would result in a net increase in impermeable surface and, therefore unmitigated, there is potential for an increase in surface water flood risk. Mitigation is proposed in the form of the Sustainable Drainage Systems (SuDS) strategy. Therefore, the scheme will incorporate SuDS in line with policies SD2 and SD3 in the SDLP1.

With the incorporation of SuDS, the scheme would not result in any exacerbation of fluvial flooding or any significant adverse effects on the water environment more generally. The LLFA welcomes the applicant's current plans for above attenuation ground storage as this demonstrates the

principles and aims of sustainable drainage. On this basis, the proposals are considered to be compliant with the NPPF in respect of managing flood risk, along with SDLP1 policies SD1, SD2 and SD3, which collectively seek to protect and enhance watercourses, minimise flood risk, manage surface water in a sustainable manner and protect water quality in the River Mease.

### **Amenity Issues**

Policy SD1 of the SDLP1 seeks to mitigate against general amenity impacts from development. With regard to air quality, National Planning Policy Guidance (NPPG) states that the planning system should consider the potential effect of new developments on air quality where relevant limits have been exceeded or are near the limit. There are no Air Quality Management Areas (AQMAS) in South Derbyshire and no areas where levels of key pollutants are likely to exceed limits set in air quality objectives.

The Link Road could reduce traffic in one of the most heavily congested points in the local area and direct traffic away from existing residential areas, across a site that is currently vacant and allocated predominantly for employment uses. The new roundabout at the northern point of the road is situated away from the centre of Woodville. Dust may be an issue at the construction phase, however, it is considered that this could be effectively mitigated through the imposition of a condition requiring a construction phase dust mitigation scheme.

Given that the scheme is not likely to affect any AQMAS, or significantly increase congestion (indeed, it is designed to reduce it), the proposal is considered to be in accordance with the NPPG and Policy SD1 of the SDLP1 with regard to air quality.

With regard to noise issues, the proposal would affect few residents relative to the scale of the project. Residents on Derby Road and Occupation Lane are likely to experience most noise disturbance during construction, although this would be limited to normal working hours.

It is considered that these noise impacts could be appropriately mitigated to acceptable levels through the imposition of a condition requiring a construction noise mitigation scheme. A Noise Impact Assessment (NIA) has been submitted with the application, and the EHO has advised that with regard to longer term noise impacts, that a scheme of noise mitigation, based upon the measures identified in the NIA, should be submitted and agreed with the County Planning Authority by way of condition.

It is considered that with the imposition of conditions relating to amenity issues specified above, that the proposal would be in accordance with Policy SD1 of the SDLP1 and the NPPG.

## Open Space

The NPPF, 2019 defines open space as; *'all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.'*

There is an open triangular shaped area in the site, covered in trees, to the west of the junction of Derby Road and Woodhouse Street, which is not a designated public open space in the SDLP. However, the area is publicly accessible and there is a pedestrian path into it from Derby Road, which has not been officially recorded (in the definitive map) as being any Public Right of Way. The area provides a visual amenity to local residents, particularly the residents of the properties situated opposite on the north side of Derby Road. The applicant's supporting statement acknowledges that there is still a covenant within the title deeds for this area to require it to remain as open space. The open space area is currently 0.729ha (7,289m<sup>2</sup>) in size. The supporting statement indicates that roundabout 3 would result in the loss of just over half of this open space, 0.41ha (4,135m<sup>2</sup>); leaving an area of 0.315ha (3,154m<sup>2</sup>) of the original open space untouched. The design of the link road would result in a further area of 0.0104ha (104m<sup>2</sup>) being converted to open space in the immediate surroundings of the roundabout.

The supporting planning statement also indicates that to compensate (in planning terms) for the loss of open space, land equating to 0.469ha (4,690m<sup>2</sup>) Regeneration Area (the former Dyson site) is expected to be used as public open space. It refers to a total new open space provision as representing a 15.9% increase over current open space provision.

In view of the larger area of open space being provided, the loss of the open space to roundabout 3 is considered to be acceptable.

## Conclusions

A scheme of very similar content already has extant planning permission granted by SDDC and the current planning application has been made to the County Council following legal advice to the applicant in relation to ongoing compulsory purchase procedure related to the proposal.

The development would bring significant public benefit through the provision of a new road transport link as part of the 'Woodville to Swadlincote Regeneration Route', in an area identified in the Local Plan for economic, social and environmental regeneration.

The mixed housing and employment uses identified in the SDLP require safe, adequate and efficient access, and in turn the economic and social benefits of the development of the wider Woodville Regeneration Area are of strategic significance.

The proposed link road would provide the opportunity to unlock development of the Woodville Regeneration Area; an extensive site including 12ha of employment land and land for approximately 150 houses. Delivery of the link road is a priority for the SDDC and important to the delivery of both the District Council's Economic Plan, and Local Plan, providing the opportunity for business expansion, retention of local jobs and delivery of new homes.

The proposal would also alleviate some of the existing traffic congestion issues at Clock Roundabout and provide a new cycle and pedestrian route to the National Forest, Swadlincote Woodlands and Swadlincote Town Centre.

Disturbance to businesses and residents would, in the main, be during the construction period, and could be mitigated through the imposition of conditions. I consider that any highways, ecological, drainage, and archaeological impacts, and even the weight to be accorded to the heritage impacts, are modest in comparison to the weight to be afforded to the benefits of development in furtherance of the adopted local plan. Where necessary, the impacts can be mitigated by way of condition, and would not outweigh the public benefits of the proposal.

The proposal is considered to be acceptable, being in line with development plan policies identified, the NPPF, and other policy documents identified which are material considerations.

The application is therefore recommended for approval subject to the conditions (or conditions substantially similar to the effect of) listed below.

(3) **Financial Considerations**      The correct fee of £2,028 has been received.

(4) **Legal Considerations**      This is an application submitted under the Town and Country Planning General Regulations 1992 for development which the Authority itself proposes to carry out.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

The Conservation of Habitats and Species Regulations 2017 consolidate earlier regulations and now transpose the European Union (EU) Directive on Natural Habitats, and Wild Fauna and Flora (92143IEEC) into national legislation. They afford a high level of protection to a variety of species that are considered important at a European scale. The Regulations identify European Protected Species and various habitats of importance within the EU, with important sites being designated as SAC. Any proposed

development that may have a significant effect on a SAC (either direct, indirect, temporary or permanent) should be assessed in relation to the site's 'conservation objectives', i.e. the reasons for which the site is designated.

Under the 2017 Regulations, an "appropriate assessment" of the implications of the proposed development, in view of the site's conservation objectives must be made in respect of any decision to be taken for any consent for a project (or a plan) or which either alone or in combination with other plans or projects would be likely to have a significant effect on a European Site, and is not directly connected with the management of the site for nature conservation.

A screening assessment has been undertaken by the Authority to consider the need for an appropriate assessment to be undertaken under the Habitat Regulations 2017. The screening assessment has found that the proposed development will have no likely significant effect on the River Mease SAC, and that there is no requirement to undertake an appropriate assessment for the proposed development.

### **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

(6) **Background Papers** File No. 9.1604.2

All Application documents from the Director of Property. All consultation correspondence received with regard to the planning application.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to conditions substantially similar to the following draft conditions:

### **Form of Development**

1) The development hereby permitted shall be begun before the expiration of three years of the date of this permission.

**Reason:** The condition is imposed in accordance with Section 91 of the Town and Country planning Act 1990.

2) Notice of the proposed date of commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

**Reason:** To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

- 3) The development shall take place in accordance with the details set out in the application for planning permission registered as valid on 31 May 2019, and the documentation accompanying it, unless otherwise modified or amended by the conditions of this planning permission. For the avoidance of doubt, the accompanying documentation comprises:
- Drawing no WVL-AEC-XX-XX-DR-LP-003 entitled 'Site Location Plan'
  - Drawing no WVL-AEC-XX-XX-DR-CE-0055 Rev P1 entitled 'General Arrangement Sheet 1 of 3'
  - Drawing no WVL-AEC-XX-XX-DR-CE-0056 Rev P1 entitled 'General Arrangement Sheet 2 of 3'
  - Drawing no WVL-AEC-XX-XX-DR-CE-0057 entitled 'General Arrangement Sheet 3 of 3'
  - Drawing no WVL-AEC-XX-XX-DR-CE-0058 Rev P1 entitled 'General Arrangement'
  - Drawing no WVL-AEC-XX-XX-DR-CE-0059 Rev P1 entitled 'General Arrangement'
  - Drawing no WVL-ACM-XX-XX-DR-ZZ-05001 Rev P2 entitled 'General Arrangement Sheet 1 of 3'
  - Drawing no WVL-ACM-XX-XX-DR-ZZ-05002 Rev P2 entitled 'General Arrangement Sheet 2 of 3'
  - Drawing no WVL-ACM-XX-XX-DR-ZZ-05003 Rev P2 entitled 'General Arrangement Sheet 2 of 3'
  - Drawing no WVL-ACM-XX-XX-DR-ZZ-05000 Rev P1 entitled 'Drainage Site Plan'
  - Drawing no WLR-AEC-XX-XX-DR-LA-00001 Rev B entitled 'Landscape Masterplan'
  - Drawing no WLR-AEC-XX-XX-DR-LA-00001 Rev B entitled 'Landscape Masterplan'
  - Drawing no WVL-AEC-XX-XX-DR-CE-00011 Rev P2 entitled 'Long Sections Sheet 1 of 2'
  - Drawing no WVL-AEC-XX-XX-DR-CE-00012 Rev P1 entitled 'Long Sections Sheet 2 of 2'
  - Drawing no EC00002 entitled 'Phase 1 Habitat Survey'
  - Drawing no WVL-AEC-XX-XX-DR-CE-00023 Rev P2 entitled 'Post Development Rights of Way'
  - Drawing no WVL-AEC-XX-XX-DR-CE-00026 Rev P2 entitled 'Post Development Rights of Way'
  - Drawing no WVL-AEC-XX-XX-DR-CE-00013 entitled 'Typical Cross Sections'
  - Document entitled Arboricultural Impact Assessment dated July 2019
  - Document entitled Coal Mining Risk Assessment dated March 2018

- Document entitled Cultural Heritage Desk Based Assessment dated November 2015
- Documents entitled Detailed Drainage Design (Technical Notes) dated May and July 2019
- Document entitled Preliminary Geotechnical Interpretative Report dated October 2007
- Document entitled FRA and SUDs Strategy dated December 2017
- Document entitled Great Crested Newt eDNA surveys dated June 2018
- Document entitled Design Statement dated August 2018
- Document entitled Landscape and Visual Appraisal dated May 2019
- Document entitled Noise Impact Assessment dated November 2018
- Document Entitled Preliminary Ecological Assessment dated November 2017
- Document entitled Planning Application Supporting Statement dated May 2019
- Document entitled Transport Assessment dated October 2017
- Document entitled Investigation Report dated May 2019
- Document entitled Written Statement of Investigation for an Archaeological Evaluation dated May 2018

**Reason:** To ensure that the development hereby approved is carried out in conformity with the details submitted with the application.

### Highways

- 4) The proposed works, the subject of the application, shall not be first taken into use until they have been laid out, constructed, drained and lit to adoptable standard generally in accordance with application drawings WVL-AEC-XX-XX-DR-CE-00055 rev P1, -00056 rev P1, -00057 & -00058 rev P1, but specifically in accordance with detailed designs to be first submitted to and approved in writing by the County Planning Authority in consultation with the County Highway Authority to ensure safe and suitable access for all users in the interests of highway safety.

**Reason:** In the interests of highway safety.

- 5) No development, including preparatory works, shall commence until a temporary means of access for construction traffic has been created and space has been provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles and parking and manoeuvring of employees and visitors vehicles, with the temporary access and space laid out in accordance with a scheme first submitted to and approved in writing by the local Planning Authority. Once implemented, the approved facilities shall be

retained free from any impediment to their designated use throughout the construction period.

**Reason:** In the interests of highway safety.

### Ecology

- 6) The development shall be carried out in accordance with the recommendations set out in Section 5 of the Preliminary Ecological Assessment undertaken November 2017.

**Reason:** In the interests of ecological conservation.

- 7) No development, including preparatory works, shall commence until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
- (a) a risk assessment of potentially damaging construction activities;
  - (b) identification of biodiversity protection zones (e.g. buffers to trees and hedges or to protected wildlife habitat);
  - (c) practical measures (both physical measures and sensitive working practices, such as protective fencing, exclusion barriers and warning signs) to avoid or reduce impacts during construction (particularly in relation to works within canopy and root protection areas for hedgerows or protected trees);
  - (d) the location and timing of sensitive works to avoid harm to biodiversity features (in relation to breeding birds in particular);
  - (e) the times during construction when specialist ecologists need to be present on site to oversee works (as required);
  - (f) responsible persons and lines of communication; and
  - (g) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person (as necessary).

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless the ECoW otherwise sets out alternative details which are subsequently agreed by the Local Planning Authority.

**Reason:** In order to safeguard protected species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts, and in order to secure an overall biodiversity gain.

- 8) No development, including preparatory works, shall take place until an Ecological Design Strategy (EDS) addressing biodiversity mitigation, compensation and enhancement to ensure the proposal does not result in a net loss of biodiversity in line with the Defra approved Biodiversity

Accounting Metrics has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) details of retained habitats, together with measures for their enhancement; and
- b) details of habitats to be created including ponds, swales, wildflower grassland and woodland.

The EDS shall be implemented in accordance with the approved details.

**Reason:** In order to safeguard and enhance habitat on or adjacent to the site in order to secure an overall biodiversity gain.

- 9) No development, including preparatory works, shall commence until a Common Toad Mitigation Strategy (CTMS) has been submitted to and approved in writing by the Local Planning Authority. The CTMS shall deal with both mitigation of harm to common toad for the duration of construction works, and measures to protect migrating amphibians during the operational phase of the development. The approved CTMS shall be adhered to throughout the construction phase and permanent measures implemented strictly in accordance with the approved details.

**Reason:** In order to safeguard priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts, and in order to secure an overall biodiversity gain.

### Contamination

- 10) A post completion verification report shall be submitted to the County Planning Authority with regards to the submitted proposed scheme of remediation within one month of completion of the development.

**Reason:** To ensure appropriate remediation if identified.

- 11) If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, a written scheme to identify and control that contamination shall be submitted to and approved in writing by the Local Planning Authority prior to any further works taking place on the site. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA (or equivalent guidance which may subsequently update or replace it), and appropriate remediation/mitigation proposals. The approved scheme shall be implemented in accordance with the approved remediation/mitigation proposals.

**Reason:** To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with Paragraph 170 of the National Planning Policy Framework.

- 12) A materials management plan shall be provided for any import of soils, to ensure that any materials meet the end of waste criteria/certification of usable soils or any removal of waste/materials is compliant with technical guidance WM3.

**Reason:** To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with Paragraph 170 of the National Planning Policy Framework.

### **Landscaping and General Arrangement**

- 13) Prior to the commencement of development, revised general arrangement and landscaping plans shall be submitted for approval in writing by the County Planning Authority which indicate the inclusion of a section of hedgerow along the length of Woodhouse Street, and widening of the verge between the carriageway and footway/cycleway to no less than 2 metres (except where unachievable). The landscaping scheme shall include tree planting species as identified by the National Forest Company in its comments, received by the County Planning Authority 3 September 2019.

The development shall be carried out in accordance with the schemes approved under the condition.

**Reason:** In the interests of visual amenity.

- 14) Any tree or plant, or any replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

**Reason:** To minimise the visual impact of the development.

- 15) All trees and hedgerows to be retained shall have root protection barriers afforded during construction works in accordance with British Standard BS5837 Trees in relation to design, demolition and construction.

**Reason:** In the interests of retaining landscape characteristics which contribute to the biodiversity, and visual amenity of the area.

- 16) No clearance of trees, or hedgerow or any existing scrub planting on site, shall be undertaken during the nesting bird season (March- August inclusive) unless an ecologist has undertaken a careful, detailed assessment of the site for active birds' nests immediately before such work is commenced and provided written confirmation to the County Planning Authority within seven days of the assessment that no birds will be harmed by the clearance and/or that there are appropriate measures in place to protect nesting bird interest on site.

**Reason:** In the interests of the protection of breeding birds.

- 17) Prior to the commencement of development, details of any fencing proposed within the site shall be submitted in writing for approval by the County Planning Authority.

**Reason:** In the interests of the visual amenity of the locality.

- 18) Prior to the commencement of development, details outlining below ground infrastructure shall be installed to ensure that the highway verge trees have sufficient support and rooting space to establish and thrive (including by root deflectors and/or tree pits) will be required shall be submitted in writing for approval by the County Planning Authority.

**Reason:** In the interests of the visual amenity of the locality.

### **Drainage**

- 19) No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a. Woodville Link Road Flood Risk Assessment and SuDS Strategy, (AECOM, December 2017) and including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team; and
- b. DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

**Reason:** To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage

systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

- 20) Prior to commencement of the development, the applicant shall submit for approval to the local planning authority, details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the local planning authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.”

**Reason:** To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

### Archaeology

- 21) a) No development shall take place until the archaeological fieldwork phase of the scheme of work defined in the Written Scheme of Investigation *AECOM: Woodville Link Road WSI; Written Scheme of Evaluation for an Archaeological Evaluation, project number 60541293 2 May 2018* has been completed, and until any further archaeological fieldwork required to satisfy NPPF Paragraph 199 in relation to the findings of the evaluation has been defined in a further agreed WSI and completed to the written satisfaction of the local planning authority.
- b) No development shall take place subsequently other than in accordance with the archaeological Written Scheme(s) of Investigation approved under Condition 17a).
- c) The development shall not come into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme(s) of Investigation approved under Condition 17(a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

**Reason:** In the interests of recording any archaeological features of the site.

### Dust

- 22) The development shall not be commenced until a scheme specifying the provisions to be made to control dust and respirable particulate emanating from the development during the construction and demolition phases, has been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full before the proposed development is started.

**Reason:** To protect the amenities of nearby residents/other occupiers.

**Noise**

- 23) Before the commencement of the development, a construction phase noise mitigation scheme shall be submitted to and approved in writing by the local planning authority detailing measures that will be implemented to ensure that noise during the construction and demolition phase does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity. The commitments made within the noise mitigation scheme shall be implemented for the duration of the demolition and construction phase.

**Reason:** To protect the amenities of nearby residents/other occupiers.

- 24) During the period of construction, no ground, construction or fitting out works shall take place other than between 0730 hours and 1800 hours Monday to Friday and 0800 hours and 1300 hours on Saturdays. There shall be no works on Sundays or public holidays except in an emergency.

**Reason:** To protect the amenities of nearby residents/other occupiers.

- 25) Prior to the commencement of development a scheme of noise mitigation, based upon the measures identified in noise report reference Project number: 60486419 should be submitted and agreed with the County Planning Authority.

**Reason:** To protect the amenities of nearby residents/other occupiers.

**Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015**

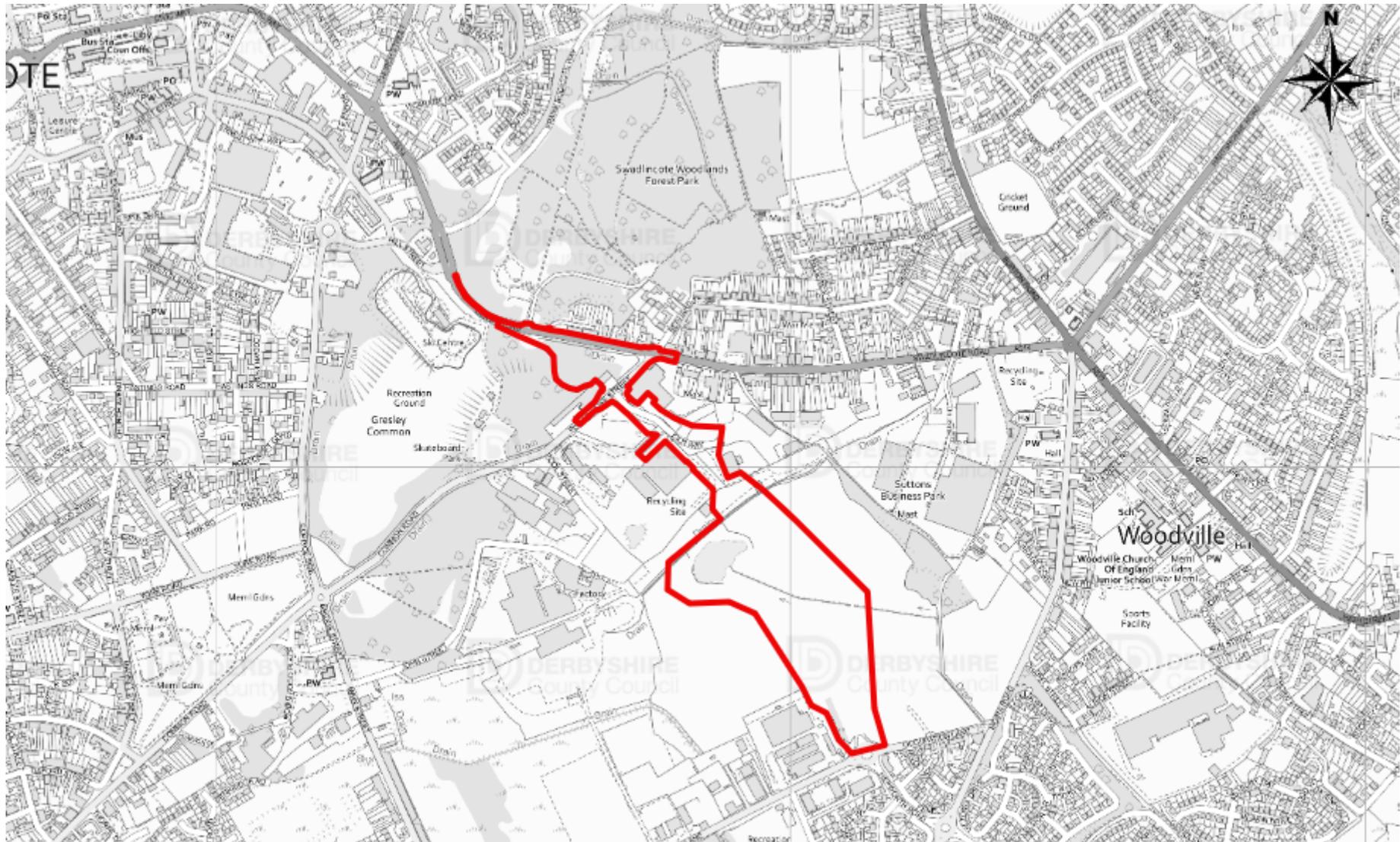
The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant has engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

In accordance with the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 ('the Regulations'), the applicant was provided with a draft schedule of conditions attached which included pre-commencement conditions, requiring the submission of detailed schemes. The applicant provided a substantive response to the effect that it agreed with the imposition of those pre-commencement conditions.

## Footnotes

- 1) This permission, granted under the terms of Regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.
- 2) It should be noted, that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the local planning authority:
  - A. The County Council does not adopt any Sustainable Drainage Systems (SuDS) schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
  - B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact [Flood.Team@derbyshire.gov.uk](mailto:Flood.Team@derbyshire.gov.uk).

**Mike Ashworth**  
**Executive Director – Economy, Transport and Environment**



200 m  
Scale = 10000

3-Sep-2019