

02/06/2015

**Item** 1.3**Reg. No.** 9/2014/0888/OM**Applicant:**  
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AMP Technology Centre Harworth Estates  
Brunel Way  
Waverley  
S60 5WG**Agent:**  
Mr Steve Lewis-Roberts  
Pegasus Planning Group  
4 The Courtyard  
Church Street  
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Derbyshire  
DE74 2SL**Proposal:** **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR UP TO 400 DWELLINGS, TOGETHER WITH ASSOCIATED HIGHWAYS WORKS, PUBLIC OPEN SPACE TO INCLUDE CHILDREN'S PLAY SPACE, SPORTS PITCHES AND ERECTION OF CHANGING FACILITIES, NEW URBAN PARK, LANDSCAPING, ASSOCIATED DRAINAGE INFRASTRUCTURE (INCLUDING SUDS), AND CREATION OF PEDESTRIAN AND CYCLE WAYS ON LAND AT SK2819 1873 (SITE C) WILLIAM NADIN WAY SWADLINCOTE****Ward:** **NEWHALL & STANTON****Valid Date:** **01/10/2014****Reason for committee determination**

This is a major development contrary to the development plan where more than two letters of objection have been received. Also, the Council has an ownership interest in the site and the application is therefore Regulation 4 development.

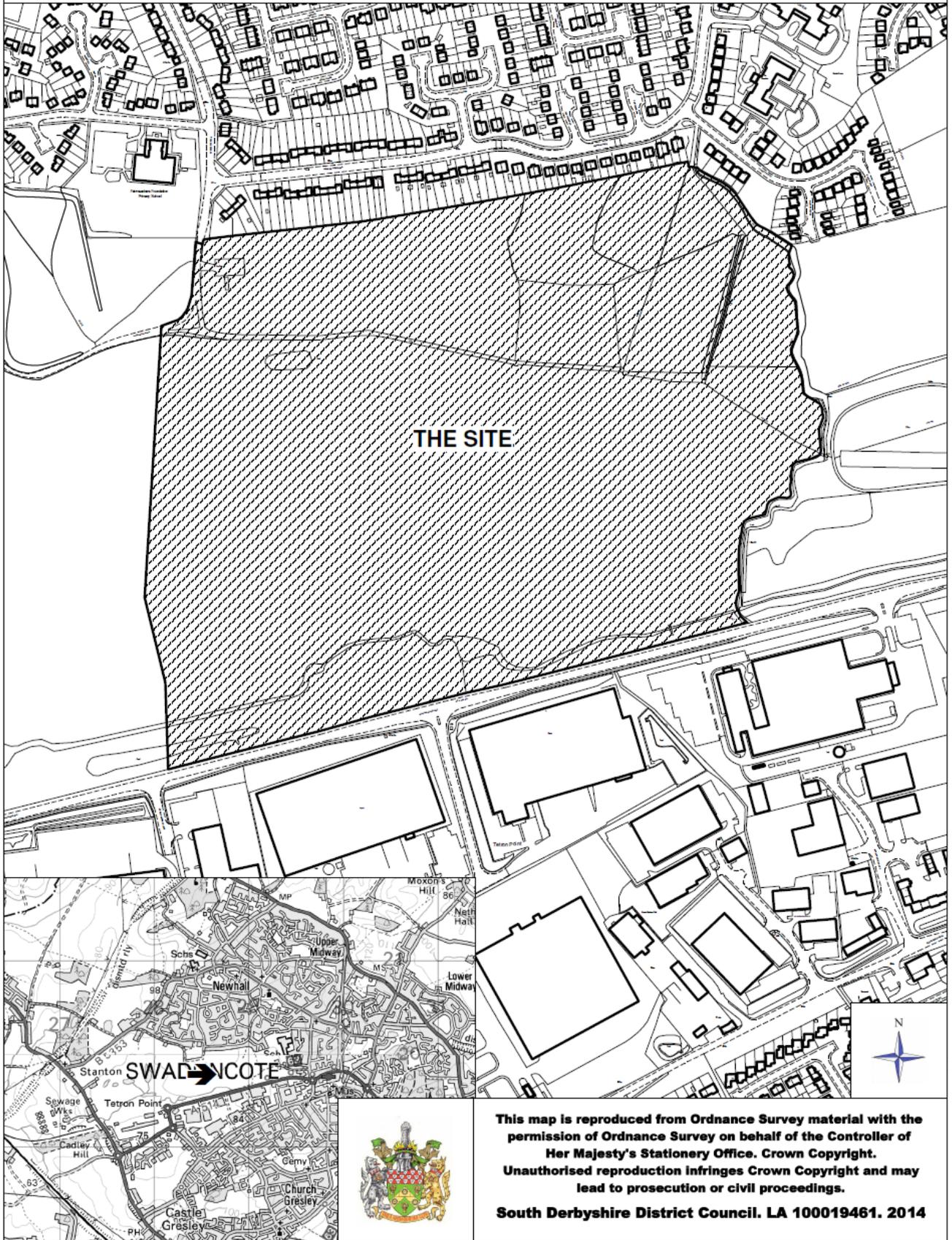
**Site Description**

This 27 hectares site is located on the northern side of William Nadin Way and includes the Council owned sports pitches off Oversetts Road in the north western corner and the Local Wildlife Site in the north eastern part. The site is rectangular in shape and adjoined by Oversetts Playing Fields to the north west, existing residential development to the north, by the housing development which will be built by Morris Homes to the east, and by the golf course currently being developed to the west. Opposite the site, across William Nadin Way are large industrial and warehouse buildings. Swadlincote town centre is located approximately 400 metres to the east.

**Proposal**

Outline planning permission is sought including access for residential development of up to 400 dwellings. The application is part of an overall masterplan which includes two other parcels of land adjacent to the golf course to the north west and south west. The indicative masterplan

9/2014/0888 - Land at SK2819 1873 (Site C) William Nadin Way, Swadlincote (DE11 0BB)



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shows access off William Nadin Way approximately 15m from the eastern boundary. The proposed residential site area is approximately 13 hectares. A wide area of open space is proposed adjacent to William Nadin Way with dwellings approximately 32-46 metres from the road frontage. Proposed cycleways and pedestrian routes would run through this area adjacent to Darklands Brook. A 5 m wide landscaping buffer is proposed adjacent to existing properties to the north on Meadow View Road and Meadow Road.

A new roundabout is proposed at the access point on William Nadin Way which would link to a circular estate road punctuated by 7 feature squares, enclosed by landmark buildings. Smaller estates would link to the feature squares and lead to cull-de-sacs. A smaller area of housing is proposed in the northern part of the site adjacent to the existing sports pitches and County wildlife site. In this section dwellings are proposed adjacent to the boundaries with existing properties. A LEAP is proposed in the centre of the site which has an area of informal public open space to the south and links to new segregated pedestrian and cycle links. An urban park is proposed adjacent to the golf course to the west which indicates a circular cycle route. Swales would run parallel with cycle/pedestrian routes and link to existing water bodies. A large pond in the northern part of the site would have a natural play space adjacent and existing trees would be retained. The two areas of housing would be separated by the existing hedgerow.

### **Applicants' supporting information**

The Planning Statement states that the application should be considered in the context of the site wide masterplan that provides the framework for the wider development proposals at Cadley Park. Policy H2 of the South Derbyshire Pre-Submission Local Plan allocates three housing parcels on land at Cadley Park for residential development of around 600 dwellings. It describes the site and the proposals and summarises the relevant national and local planning policy. The document states that the scale of the development proposals and their location is entirely consistent with Draft Policy H2 as the application makes provision for up to 570 new homes, in three development parcels. The Masterplan which accompanies all three planning applications demonstrates that the sites have been considered holistically with other development and open space enhancement opportunities. A mix of house types will be provided across the three development sites, which complement each other. New pedestrian and cycle links are proposed within the site which will connect to existing networks. The proposals incorporate more than 22.31 hectares of new public open space and National Forest Planting, across the Cadley Park development area, and a LEAP is located within the application site. This green infrastructure significantly exceeds the National Forest requirements. Summaries of the conclusions of all supporting documents is included. It concludes that the development accords with the South Derbyshire Local Plan where it is consistent with the NPPF. The proposal constitutes sustainable development and delivers a wide range of economic, social and environmental benefits. The proposal also complies with the site specific requirements in emerging Local Plan Core Strategy Part 1 - Policy H2 and will help meet the Council's current housing land supply shortfall.

The Design and Access Statement describes the proposal within the context of the masterplan, the history of the site and assesses the site in terms of landscape context, visual impact, and character of surrounding areas. The character assessment areas identified were Swadlincote town centre, the A444 corridor, Newhall and the new housing at Castle Gresley. An assessment of services has been undertaken and routes of movement and assessment of the planning policy context. The public consultation exercise is summarised and the evaluation of the design and layout is outlined in a series of diagrams with descriptions. The street hierarchy, pedestrian and cycle routes and open space are discussed together with the scale of buildings and keynote buildings. Landscaping buffers are proposed adjacent to existing dwellings, the road frontages and the golf course to the east. The scheme is assessed against the Building for Life criteria and the majority of criteria scored green with oranges where the information is not available due to the application being outline.

The Consultation Statement outlines the methods used to consult the public on the proposal. A website was set up which included the indicative masterplan, information leaflet and comments form. The public exhibition was held on 7th July 2014 from 4:00pm until 8.00pm at The Old Post Centre, High Street, Newhall. 3,000 leaflets were delivered to homes and businesses in Swadlincote in the week commencing 23<sup>rd</sup> June 2014 to advertise this event, together with posters in the vicinity and an article in the Burton Mail. 151 responses were received from local residents and they related to lack of capacity of local facilities such as schools and doctor's surgeries, traffic implications, loss of green space, lack of adequate landscaping buffers adjacent to existing properties and subsidence and drainage concerns.

Tree Survey Arboricultural Assessment includes assessment of 7 individual trees, seventeen groups of trees and four hedgerows. Five trees and one group were considered to be of moderate quality (B) and the remainder of the trees were categorised as low quality (C). The proposal would involve removal of groups of trees: adjacent to the hedgerow that divides the two parts of the site, where the access is proposed on William Nadin Way and in the north eastern corner but not within the Wildlife Site. Individual trees adjacent to the largest pond would be retained together with a group and the large groups adjacent to Darklands Brook on the southern boundary and south eastern boundary would be retained.

The Flood Risk Assessment and Drainage Strategy states the site is primarily within Flood Zone 1. The annual probability of flooding from fluvial sources is, therefore, less than 1 in 1000 years (ie < 0.1%). The southern and eastern areas of the site are located within Flood Zone 2 and 3, associated with the Darklands Brook. A culvert of the brook is proposed directly above the roadway. The residential development has been restricted to Flood Zone 1. The risk of flooding from fluvial sources, groundwater and overland flow is considered to be low. SUDS features are proposed to provide water management at source and conveyance routes together with water quality and biodiversity benefits. Two addendums to the FRA have been submitted to address the Environment Agency's concerns. The first addendum included relocating the access road so it would cross a straight section of watercourse, details of the culvert and raising finished floor levels above the 1 in 100 year plus 20% climate change flood event level. Hydraulic modelling of the pre- and post-development scenarios has been carried and concluded that there is no adverse impact on flood risk as a result of the proposed culvert and watercourse diversion.

The Site Investigation Study and Coal Mining Risk Assessment concludes the site does not pose a significant risk to the environment and is considered suitable for its proposed use, however, there are a number of low to moderate potential pollution linkages that require further investigation and consideration prior to development. Due to the previous use of the site there are sources of potential ground instability from abandoned shallow mine workings, abandoned coal mine entry and combustion of colliery spoil materials. These are typical of land in former coalfield areas and can be successfully mitigated. Further site investigation comprising of soil/water sampling, chemical testing and gas monitoring would inform any mitigation.

The Assessment of relevant impacts from Nadins Closed Landfill concludes a low risk to residential development.

Phase 1 Habitat Survey and Ecological Assessment summarises the findings of all the reports detailed below. It states that the habitats within the development site were not of a high ecology quality and ponds are designated UK BAP Priority Habitat and as a result should be retained.

Bat Activity Survey Report revealed bats foraging in specific locations associated with hedgerows and woodland edge habitats, whilst smaller numbers of were recorded foraging and commuting high above the eastern portion of the site. The surveys also confirmed the absence of roosting bats on the site itself. Recommendations are to retain existing hedgerow, provision of a lighting strategy and the use of bat bricks.

The Breeding Bird Report states a total of 53 species were recorded on the wider site. Bird species diversity was considered to be moderately high due to the wetland, scrubland, hedgerows and grassland areas contained within the William Nadin Way area (east), of the site. Recommendations are that the hedgerows and woodlands are managed together with the Wildlife site and nest boxes are erected within the development.

The Great Crested Newt report concluded that a small population of GCN were recorded as present in the wider site, GCN were not recorded as present in the proposed development area. The proposed development area had limited opportunities for amphibian species.

The reptile survey did not find any reptiles within in the site but they were found in the wider area and as such the report recommends be mitigation secured by condition.

The Water Vole survey states that there were no suitable habitat types that would support water vole found in the proposed development site.

The Landscape and Visual Assessment sets the site in context with the surrounding landscape. Nationally the site is defined; as National Character Area 71: Leicestershire and South Derbyshire Coalfield<sup>5</sup>, regionally as Settled Coalfield Farmlands RLCT and locally as Coalfield Village Farmlands Landscape Character Type (LCT). Viewpoints are assessed and the report concludes that the scale and form of proposed development is likely to result in only limited harm at a localised level and potential landscape and visual effects are not likely to be significant. Furthermore the extensive proposals for green infrastructure and landscaping will deliver a number of enhancements in terms of the physical landscape and landscape character. As such the proposed development is acceptable in landscape and visual terms.

The Archaeological Desk Based Assessment has established that there are no designated heritage assets within the study site. Development within the site will have no direct or indirect impacts on any designated assets within 1km of the study site.

The Noise Report concludes that mitigation measures such as orientation of dwellings and thermal double glazing would ensure noise levels are within acceptable levels. Acoustic ventilation may be required in rooms within close proximity to William Nadin Way and any night-time noise from Brunel Healthcare can be mitigated through double glazing and ventilation. This should be detailed at reserved matters stage. An addendum report included assessment in relation to the existing sports pitches on site and recommended mitigation of nearest properties having 1.8m high fencing.

The Transport Assessment and Travel Plan conclude the development would create a demand for an additional 27 pedestrian journeys and 6 cycle journeys during an average peak hour. The existing infrastructure, enhanced by the proposed provisions would adequately accommodate the increase in demand created by the proposed development. The gap in the National Cycle Network route 63 would be plugged by the cycle infrastructure proposed. The development would generate a demand for an additional 20 bus trips in an average peak hour. There are five or six buses an hour in each direction along William Nadin Way and a further two buses an hour in each direction on Meadow Lane. Hence, the existing services would have to accommodate less than two additional passengers per bus which would not justify a change to the existing services. The proposed residential development will be accessed from a new 40m diameter roundabout on William Nadin Way which would adequately accommodate the development traffic. It would also act to calm traffic on the long straight William Nadin Way, which has a 50mph speed limit. Assessments of the impact on the capacity of existing roundabouts in the vicinity concluded that the increase could be accommodated, however, the Clock Island roundabout is already over-capacity. Overall, the site is located in a sustainable location which is accessible by a choice means of transport. A Travel Plan accompanies the planning application, and its measures are aimed at reducing single occupancy car travel, which will

provide a benefit to the local highway network and mitigate the increases in traffic arising from the development proposal.

The Air Quality Assessment states the risk of dust soiling effects is considered to be high for earthworks and construction, and low for trackout. The risk of human health effects is classed as low for earthworks, construction and trackout. Site specific mitigation measures will therefore need to be implemented at the site. The air quality assessment indicates that the proposed development generated traffic will have a negligible impact at all five existing sensitive receptor locations in 2019.

Geophysical Survey Report concludes that the underlying geology across the area provided a reasonable magnetic contrast for the detection of infilled features. The majority of anomalies detected could be attributed to a modern or recent origin.

## **Planning History**

None

## **Responses to Consultations**

The County Highways Authority has no objections to the application and accepts the findings of the Transport Assessment. However in view of the associated traffic generation, mitigation of the impact on the highway network is required. This is likely to provide a signalised pedestrian crossing on William Nadin Way, mitigation at the Sainsbury's and Clock Island in the form of S106 contributions. Conditions in respect of submission of a construction management plan, temporary access, wheel washing, the access, parking and manoeuvring areas, bin stores, pedestrian visibility splays, restriction of garage use, maintenance of streets, travel plan and informatives.

Severn Trent Water has no objection subject to a drainage scheme condition and an informative in relation to the public sewer that crosses the site.

The Council's Contaminated Land Officer recommends a phased contamination condition.

The Council's Environmental Health Officer recommends conditions to control noise, dust, glazing, ventilation, a noise barrier between the dwellings and the sports pitches and an informative regarding any future layout taking into account the potential for noise from the nearby industrial units.

Natural England does not consider the proposal to pose a significant risk to features of the natural environment and thus has no comments to make.

The Environment Agency confirms that the FRA and watercourse crossing proposal are acceptable. Conditions are recommended in relation to the Nadins Landfill Site, contamination, the FRA and surface water drainage.

The Coal Authority has no objection subject to a site investigation condition which would identify mine entries and shallow mine workings.

The County Archaeologist states that the geophysics results for site have indicated there is no potential archaeology and therefore no archaeological condition is necessary.

Derbyshire County Council's Developer Contributions Officer states that the following contributions are required:-

- £16,307.70 (£28.61 per dwelling x 570 dwellings) towards additional waste management capacity (£1596.60 for Site A);
- Access to high speed broadband services for future residents (in conjunction with service providers);
- £1,128,511.99 towards the provision of 99 primary school places as follows:
  - £136,788.12 towards the provision of 12 primary school places at Stanton Primary School for Application 9/2014/0886
  - £250,788.22 towards the provision of 22 primary school places at Stanton Primary School for Application 9/2014/0887
  - £364,768.32 towards the provision of 32 infant school places at Newhall Infant and Nursery School for Application 9/2014/0888
  - £376,167.33 towards the provision of 33 junior school places at Newhall Community Junior School for Application 9/2014/0888
- £429,404.25 towards the provision of 25 secondary school places as follows:
  - £154,585.53 towards the provision of 9 secondary school places at The William Allitt School for Application 9/2014/0886
  - £274,818.72 towards the provision of 16 secondary school places at The William Allitt School for Application 9/2014/0887; and
- New homes designed to Lifetime Homes standards.

NHS England considers the proposal would trigger the need to provide Section 106 contributions of £551 per dwelling based on 2.3 person occupancy. This would be invested in enhancing capacity / infrastructure with existing local practices.

The County Council Flood Risk Team promotes Sustainable Urban Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy for any proposed development.

The County Rights of Way Section has confirmed that Footpath No's 46, 45, 47 and 106 cross the site. Diversions orders under Section 257 of the Town and Country Planning Act 1990 are required if the legal alignment of the paths are to be changed.

The Police Crime Prevention Design Advisor has general comments that should be considered prior to a reserved matters application being submitted which relate to natural surveillance of open space, parking areas and security of routes and private garden areas.

Peak and Northern Footpaths welcomes the proposed walking and cycling routes and considers the footpath links should be dedicated public rights of way with formal legal agreements.

The National Forest Company states that the open space typology plan submitted shows how 10ha of National Forest planting will be incorporated in Site C to address the National Forest Planting requirement for the three applications. Conditions are requested that require the reserved matters submissions to be in accordance with the Landscape Strategy Plans within the Design and Access Statements. These show suitable amounts of tree planting for the open space to be considered as National Forest planting. In particular the design of the Urban Park in Site C will need to be designed around a woodland concept. They consider that significant amounts of feature tree planting should be incorporated within the built form to replicate the strong emphasis on tree planting within the adjoining residential development.

The Council's Tree Officer has assessed the Arboricultural Assessment and considers it acceptable. However, considers it expedient to protect by TPO 6 individual trees in the northern part of the site to the north west of the largest pond due to proximity to the road shown on the indicative layout and potential future liveability issues.

Derbyshire Wildlife Trust has no objection the proposed mitigation measures outlined in the submitted reports and recommends a condition to secure an ecology and landscape management plan.

## **Responses to Publicity**

Eleven letters of objection have been received and they are summarised as follows:-

- a. Concern is raised regarding the capacity of local schools.
- b. Would the A444 be improved as part of the proposal?
- c. Loss of outlook of property
- d. Loss of green space within Swadlincote
- e. How can you build on a wildlife site that has survived mining?
- f. William Nadin Way is dangerous to pedestrian due to the speed of vehicles.
- g. The capacity of the watercourse may not take the increase in surface water run-off.
- h. The golf course should be left as open space with cycle routes.
- i. Is the land suitable for building in terms of subsidence and the effect on the water table.
- j. The noise from the factories would deter future buyers.
- k. Housing association homes for local people are required.
- l. The new residents would not work in Swadlincote but in Derby or Burton.
- m. There is no need for housing between the football pitches and wildlife site.
- n. There are not enough local services in the area.
- o. Lack of capacity for doctors surgeries.
- p. Loss of privacy of rear windows.
- q. 400 dwellings is over-development which would put a strain on the local infrastructure particularly the access onto William Nadin Way.
- r. The development would join Newhall with Swadlincote.
- s. Overshadowing of property on Meadow Lane.
- t. What is proposed to preserve wildlife in this area.
- u. What would happen to the pipes which prevent the build-up of gases from the old mine works.
- v. The William Nadin Way speed limit should be reduced.

One letter of support has been received, which is summarised below.

- aa) Newhall Junior Football Club welcomes the improvements to the footpath pitches and would like to own and operate their own club house adjacent to these pitches.

## **Development Plan Policies**

The relevant policies are:

Local Plan Saved:

Housing Policies 4 and 11, Environment Policies 7, 9,10, 11 & 14 Transport Policies 6, 7 & 8, Recreation and Tourism Policy 4 and Community Facilities Policy 1

Emerging Local Plan

Policy S2 : Presumption in Favour of Sustainable Development

Policy S4 : Housing Need

Policy S6: Sustainable Access

Policy H1 : Settlement Hierarchy

Policy H2 : Land North of William Nadin Way, Swadlincote

Policy SD1: Amenity and Environmental Quality  
Policy SD2: Flood Risk  
Policy SD3 : Delivering Sustainable Water Supply, Drainage and Sewerage  
Policy SD4 : Contaminated Land and Mining Legacy issues  
Policy BNE1: Design Excellence  
Policy BNE3: Biodiversity  
Policy BNE4: Landscape Character and Local Distinctiveness  
Policy INF1: Infrastructure and Developer Contributions  
Policy INF8: The National Forest  
Policy INF9: Open Space, Sport and Recreation

## **National Guidance**

National Planning Policy Framework (NPPF), in particular:

Paras 6-10 (Achieving sustainable development)  
Paras 11-14 (The presumption in favour of sustainable development)  
Para 17 (Core principles)  
Chapter 1 (Economy)  
Chapter 4 (Promoting sustainable transport)  
Chapter 6 (Housing)  
Chapter 7 (Requiring good design)  
Chapter 10 (Meeting the challenge of climate change, flooding etc.)  
Chapter 11 (Conserving and enhancing the natural environment)  
Chapter 12 (Heritage)  
Paras 186 &187 (Decision-taking)  
Para 193(Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.)  
Para 196 & 197 (Determining applications)  
Paras 203-206 (Planning conditions and obligations)  
Annex1 (Implementation)

National Planning Practice Guidance (NPPG) 2a, 3, 8, 10, 23b, 26, 33, 37, 42, 45

## **Local Guidance**

Housing Design and Layout, Trees on Development Sites, Developer Contributions, Better Design for South Derbyshire.

## **Planning Considerations**

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

- Principle of Development
- Residential Amenity
- Design and Building for Life
- Highways and Transport
- Viability and S106
- Other Matters
- Conclusion

## **Planning Assessment**

### Principle of Development

The proposal for 400 dwellings on this site is part of a framework for the wider development proposals at Cadley Park. Policy H2 of the South Derbyshire Pre-Submission Local Plan

allocates three housing parcels on land at Cadley Park for residential development of around 600 dwellings. The adopted Local Plan allocates the site as open land in Swadlincote under Environment Policy 7. This policy states that *'open land which makes a valuable contribution to the character and environmental quality of Swadlincote will be safeguarded from development'*. This area of land to the east of the golf course includes an over-provision of open space and would manage/improve the existing sports pitches and wildlife site, together with improvements to the Darklands Brook environment.

At the national level, Paragraph 47 of the NPPF seeks to boost significantly the supply of housing providing a considerable emphasis on bringing forward high levels of housing provision as soon as possible. Paragraph 49 states that *'housing applications should be considered in the context of the presumption in favour of sustainable development'*. The site is within the main urban area of Swadlincote and is thus a highly sustainable location for further residential development.

The site is within walking distance of local services, facilities and employment, therefore the site would be considered to be a sustainable location for development whereby there would not be a reliance on the car. Pedestrian and cycle routes would be improved as part of the masterplan area. The development is close to a principal road network and the access would include a new roundabout on William Nadin Way.

The site specific policy in the Pre-Submission Local Plan H2 policy states that:-

*A Residential development on Land north of William Nadin Way, Swadlincote for around 600 dwellings.*

*B The Council will require the below listed site specifics and accordance with other Local Plan policies:*

- 1. Consider the site holistically with other development and open space enhancement opportunities;*
- 2. A mix of dwelling types shall be provided across the three parcels of land which complement each other;*
- 3. The provision of recreational and community facilities;*
- 4. The presence of Coal Mining Legacy and resulting potential for unstable land will require the submission of a Coal Mining Risk Assessment in support of planning applications;*
- 5. An appropriate buffer in agreement with the Council to be placed around the Breach Ley Farm Meadow County Wildlife Site;*
- 6. An appropriate easement along the watercourses on the site free of built development*
- 7. Provide high quality cycle and pedestrian links both within the development and connecting to existing and proposed networks, including NCN63 Burton to Leicester route.*

Although this application falls to be considered on its own merits regard has been paid to the other two sites shown on the overall masterplan, as there are new pedestrian and cycle routes proposed between them. The open space provision proposes an urban park, improvements to existing sports pitches and retention of a local wildlife site. The buffer proposed around the wildlife site is considered appropriate as open space is proposed adjacent to the west, hedgerows are retained to the south and proposed properties would be 20-25m from its boundary. The mix of dwellings would be agreed at reserved matters stage, however, the affordable housing element would be part of the Section 106 agreement. A coal mining risk assessment has been submitted and conditions requiring site investigation shall be placed on any permission.

Policy E7 of the local plan does not represent a constraint to development as the site's contribution to the character and environmental quality of Swadlincote is limited. The NPPF has

a strong presumption in favour of sustainable development and an emphasis of bringing forward high levels of housing quickly. This site qualifies as a sustainable location which could rapidly contribute to the 5 year supply.

In principle, therefore, the development represents sustainable development.

### Residential Amenity

The nearest existing residential properties are in the north of the site on Meadow View Road and Meadow Lane. A minimum distance of 21 metres between dwellings shall be achieved in this location. A 5m landscaping buffer is indicated between existing and proposed dwellings. Specific distances between windows shall be assessed at reserved matters stage. The proposed indicative layout is considered to accord with the Council's space standards. As such the development is capable of providing for reasonable amenities in terms of light, air and privacy for both existing and new dwellings; safe, functional and convenient layouts; private amenity space, and space for landscaping in accordance with Local Plan Saved Housing Policy 11 and NPPF paragraph 17.

### Design and Building for Life

As this is an outline application it is not possible to apply a definitive Building for Life score in accordance with 'Better Design for South Derbyshire'. However, because of its proximity to the town's facilities it is clear that the site scores well in terms of connections, facilities and services, public transport and meeting local housing requirements. The Design and Access Statement (DAS) indicates that a development of locally distinctive character could be achieved, with well-defined streets and spaces.

The applicant controls open land adjacent to the site and the proposed development would provide substantial open space and recreation opportunities which could contribute to the health and well-being of communities. The DAS indicates that a safe and accessible environment could be created, along with legible pedestrian routes, all in accordance with the healthy communities aspirations of Chapter 8 of the NPPF and the requirements of Local Plan Saved Transport Policy 7 and Recreation and Tourism Policy 4. Further analysis of the open space provision for this particular site is set out below.

The application is outline with all matters of design reserved for subsequent approval, however, concepts have been included in the indicative layout that enable some indication of its Building for Life score. The proposed site entrance is a roundabout which leads to a feature square of landmark buildings and a circular access road with a central LEAP surrounded by segregated footpaths. Feature squares with street trees and landmark buildings would aid the legibility of the site. The site would have two distinct sections divided by an existing hedgerow. To the north the majority of the site is taken up by the existing sports pitches and wildlife site and the development proposed responds positively to these two features through sufficient buffers. The existing pond would be a significant feature with adjacent trees retained and a natural area of play adjoining it.

The southern part of the site would have very good pedestrian and cycle routes through it that are segregated, attractive and adjacent to swales. A large area to the west is allocated as an urban park with a circular cycle route and links to the development and wider area.

Linkages between the site and the surrounding area have been addressed through the provision of two new cycle routes which would link to Site A and Site B via the golf course and the wider area. Bus stops on William Nadin Way have been indicated to identify how the site can be accessed by other means of transport.

Overall, the indicative layout scores well and this is due to the series of feature squares, connections to multiple adjacent paths and roads. Street trees along the main street (loop) would increase the score substantially and these shall be secured at reserved matters stage. The scheme shows potential for achieving a score of 14. For the foregoing reasons the proposal is capable of delivering a well-designed development in accordance with 'Better Design for South Derbyshire' and Chapter 7 of the NPPF.

### Highways and Transport

The Highway Authority has affirmed that it does not consider there is an evidence base to suggest that the conclusion that the development would not have a significant adverse effect on capacity or safety of the local road network is incorrect. It considers that there is no data that would support a reason for refusal of planning permission on the basis that the development would result in severe harm on the highway network, with reference to Paragraph 32 of the National Planning Policy Framework. Adequate parking and internal road layouts would be secured through the reserved matters application(s). As such the development would be in conformity with Local Plan Saved Transport Policy 6.

This site is one of three for which separate applications have been submitted by the same applicant. The sites are not directly connected, or have contiguous boundaries, but adjacent land, forming a golf course, is within the same applicant's control and therefore potentially provides opportunities for sustainable transport links between the sites and beyond. Links are shown indicatively on the submitted Masterplan, along with a cycle path on Park Road. Further discussions would be required regarding mechanisms for securing provision of these links. It would appear, in principle, that this infrastructure could be achieved either by a combination of conditions or S106 obligation, requiring schemes to be submitted for the design and implementation, including phasing, of the sustainable transport links, together with proposals for subsequent management and maintenance.

It is considered due to the associated traffic generation in relation to this site it is considered that mitigation would be required in the form of a signalised pedestrian crossing on William Nadin Way, mitigation at the "Sainsbury" roundabout and mitigation at The Clock roundabout. Further discussion in relation to the S106 regarding the level of contribution and the potential monitoring of impact on a defined area of highway network is required.

### Other Matters

Derbyshire Wildlife Trust has confirmed that the proposed mitigation is considered acceptable which would involve larger areas of open grassland and habitat creation for ground nesting birds within the golf course. This mitigation can be secured through a planning condition and in respect of proposed habitat within the golf course through the Section 106 agreement. The section 106 agreement would also secure habitat if it transpired that it could not be accommodated on site then an off-site contribution could be levied. Therefore appropriate mitigation measures shall be secured which would minimise impacts on biodiversity and provide net gains in biodiversity, in accordance with paragraph 109 of the NPPF.

The site is primarily within Flood Zone 1. The southern and eastern areas of the site are located within Flood Zone 2 and 3, associated with the Darklands Brook. A culvert of the brook is proposed directly above the roadway. The residential development has been restricted to Flood Zone 1. The risk of flooding from fluvial sources, groundwater and overland flow is considered to be low. SUDS features are proposed to provide water management at source and conveyance routes together with water quality and biodiversity benefits.

The relocation the access road to cross a straight section of watercourse, details of the culvert and raising finished floor levels above the 1 in 100 year plus 20% climate change flood event level are considered acceptable. Hydraulic modelling of the pre- and post-development

scenarios has been carried out and concluded that there is no adverse impact on flood risk as a result of the proposed culvert and watercourse diversion.

The ponds within the site are intended to be connected by swales and would provide attenuation for the 1 in 100 year +CC event and it is likely that they would all have inflows from the site, and would effectively work as a cascading feature. However, the discharge point would be Darklands Brook. This strategy is all subject to detailed design. The overall drainage strategy is considered appropriate by the Environment Agency. Improvements to the Brook shall be secured through the Section 106 agreement.

The potential for noise from nearby industrial premises has been considered by the Environmental Health Manager and appropriate conditions could be imposed to ensure that no significant adverse impacts on health and quality of life would arise from this issue. As a corollary there would be no need to put unreasonable restrictions on existing businesses as a result of the new land use, in accord with para 123 of the NPPF.

### Viability and S106

The proposed development falls within, and directly relates to, the normal areas of Newhall Infant and Nursery School, Newhall Community Junior School and The Pingle School. The proposed development of 400 dwellings would generate the need to provide for an additional 80 primary (34 infant and 46 junior), 60 secondary, and 24 post-16 pupils.

The County Council requests a financial contribution of £364,768.32 towards the provision of 32 primary school places via the creation of a classroom (classroom Project A at Newhall Infant and Nursery School) and a financial contribution of £376,167.33 towards the provision of 33 primary school places via the creation of a classroom (classroom Project A at Newhall Community Junior School). Current number on roll and projections show that The Pingle School would be able to accommodate all of the anticipated secondary and post-16 pupils.

NHS England has requested Section 106 contributions of £551 per dwelling based on 2.3 person occupancy. This would be invested in enhancing capacity / infrastructure with existing local practices. All requests for commuted sums must meet the tests set out in the 2010 Community Infrastructure Levy (CIL) Regulations and paragraph 204 of the National Planning Policy Framework (NPPF). This request does not meet the tests as no evidence of need has been supplied and also in light of the recent pooling legislation and as such cannot be included in S106 negotiations.

The starting point for negotiation is 30% affordable housing split between rent 68.1% and shared ownership 31.9%. The breakdown of dwellings required would be for rent and shared ownership would be higher numbers of 2-3 bed properties. Affordable housing should be 'pepper-potted' across the whole site. This shall be secured through the Section 106.

The calculation of the amount of open space provision on site has been made based on the Council's guidelines and 25,400 m<sup>2</sup> would normally be required for 400 dwellings. The indicative layout shows 138,800m<sup>2</sup> which includes 2 LEAPs of 400m<sup>2</sup>. However, over all three sites 36,195 m<sup>2</sup> would be required and the proposed provision would be 138,800m<sup>2</sup> which amounts to a 73% over provision.

Based on normal requirements, contributions including land cost would amount to £246,000 for recreation Open Space, £220,000 for recreation Outdoor Facilities and £122,000 for Recreation Built Facilities with a total of £588,000.

Improvements to Darklands Brook and mitigation for ground nesting birds shall be secured through the S106 as discussed above.

Highway requirements in the form of a signalised pedestrian crossing on William Nadin Way, mitigation at the “Sainsbury” roundabout and mitigation at The Clock roundabout would be included within a S106 agreement. A calculation based on additional traffic generated from development and its economic cost entitled the ‘value of delay’ has been provided by the County Council. This contribution figure is based on a direct relationship between the scheme and its highway impact and amounts to £234,664.52 for the plan period 2011–2028.

The County Council has made non-specific request for contributions to greenways and rights of way. In the absence of specific and/or costed proposals any such provisions, as indicated on the masterplan, would need to be accommodated within the site or other land in the applicant’s control. Otherwise such requests would not meet the relevant tests of para 204 of the NPPF.

Ongoing discussions have been undertaken since the last committee to establish the residual value of the development and thus the amount available for planning contributions.

The Council’s Open Space & Facilities Development Manager has provided costings for the redevelopment of the sports pitches at Oversetts Recreation Ground. It is anticipated that the football pitch improvements (drainage and levelling works associated with reconfiguring the pitches) and football changing rooms and car parking may amount to £570k. The provision of the Urban Park in terms of footpath infrastructure/enclosure and landscaping/earthworks may cost c£430k. The Section 106 agreement would secure that the developer undertake the above works and these figures have been included in the viability assessment for the scheme. The consequence of including this figure for works within the viability is that the amount of affordable housing would be reduced slightly (the final figure was being calculated by the District Valuer at the time of writing and will be reported at the committee. Nevertheless, if works are not delivered then the monies would revert back to affordable housing provision.

The S016 contributions secured for Public Open Space totalling £588,000 would be used to complete the Urban Park. The phasing of works would be detailed in the agreement to prioritise the completion of the football pitches and changing rooms first, followed by the park.

## Conclusion

This application is one of the three sites that make up the strategic development in the locality in relation to Policy H2 of the Emerging Local Plan, which cumulatively could accommodate around 570 homes. Given the scale of the development it is likely that it could contribute to the early delivery of homes, helping the Council meet its requirement of a five year supply of deliverable housing. By reference to the NPPF’s (Para 7) three sustainability dimensions (economic, social, environmental,):

- The provision of new housing would support economic growth, ensuring an attractive place to live for South Derbyshire’s economically active population as well as helping to supporting the vitality and viability of Swadlincote. The development would also potentially provide a financial contribution to capacity at local primary schools. This is supported by the site’s accessibility to Swadlincote and the surrounding areas, served by public transport. The sites proximity to the existing retail centres of Swadlincote and Newhall all help to further reduce people’s need to travel by car. Measures secured by condition and Section 106 Agreement would ensure that local road infrastructure has the capacity to accommodate the scheme.
- The proposed scheme would have a significant positive impact on local communities by providing new homes (market and up to 30% affordable) for approximately 1,311 residents. In terms of healthy communities the illustrative masterplan includes extensive green infrastructure and open space in the form of an urban park and attractive routes along Darklands Brook. Pedestrian/cycle links would help to support active lifestyles

and encourage alternatives to the car for accessing local facilities and employment opportunities. Developer contributions would also be made towards education.

- The Environmental Statement explains how a range of environmental factors have been taken into account to ensure sustainable development (including landscape, ecology, air and noise pollution, archaeology, and water). Mitigation has been included within the scheme to ensure the conservation and enhancement of key features. The scheme also helps to mitigate future climate change through reducing CO2 emissions by building new homes in a highly accessible location and reducing the need to travel by car. In terms of resilience to climate change impacts, the scheme has been designed to take this into account, namely through provision of a sustainable drainage strategy and extensive network of green infrastructure.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

## **Recommendation**

- B.** That delegated authority be granted to the Planning Services Manager to negotiate the details of the provisions of the Section 106 agreement referred to in the planning assessment of the report (subject to viability testing by the District Valuer);

**Subject to A., GRANT** permission under Regulation 4 subject to the following conditions:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of seven years from the date of this permission.  
  
(b) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.

2. Approval of the details of the layout, scale, appearance and the landscaping shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.

3. No development shall commence until a scheme for phasing of the development has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the development proceeds in an orderly manner from the outset.

4. No development of any phase shall take place until a surface water drainage scheme for the relevant phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus 30% (for climate change) critical rain storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the relevant phase is completed.

The scheme shall include:

- Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
- Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
- Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

Reason: To prevent the increased risk of flooding, both on and off site. A later date would miss the initial construction phase.

5. A) No development of any phase shall be commenced until a scheme to identify and control any contamination of land, or pollution of controlled waters for the relevant phase has been submitted to, and approved in writing by, the local planning authority (LPA); and until the measures approved in that scheme have been implemented. The scheme shall include all of the measures (phases I to III) detailed in Box 1 of section 3.1 the South Derbyshire District Council document 'Guidance on submitting planning applications for land that may be contaminated', unless the LPA dispenses with any such requirement specifically and in writing.
- B) Prior to occupation of each relevant phase of the development (or parts thereof) an independent verification report shall be submitted, which meets the requirements given in Box 2 of section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.
- C) In the event that it is proposed to import soil onto site in connection with the development, this shall be done to comply with the specifications given in Box 3 of section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.
- D) If required by the conceptual site model no development of any phase shall take place until monitoring at the site for the presence of ground/landfill gas and a subsequent risk assessment has been completed for the relevant phase in accordance with a scheme to be agreed with the LPA, which meets the requirements given in Box 4, section 3,1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

6. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and

shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented in accord with the approved methodology.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

7. No development of any phase shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period of the relevant phase. The statement shall provide for:
- parking of vehicles of site operatives and visitors
  - routes for construction traffic
  - hours of operation
  - pedestrian and cyclist protection
  - proposed temporary traffic restrictions
  - arrangements for turning vehicles

Reason: In the interests of highway safety. A later date for this would exclude early phases which themselves could have highway safety impacts.

8. No other development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

Reason: It must be ensured that before any construction work commences that a safe construction access is formed in the interests of highway safety. As such, approval at a later date would be unenforceable.

9. Throughout the period of construction within any phase vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason: In the interests of highway safety.

10. The reserved matters application(s) shall include design of the internal layout of the site in accordance with the guidance contained in the "Manual for Streets" document issued by the Departments for Transport and Communities and Local Government.

Reason: In the interests of highway safety.

11. Prior to the first occupation of any dwelling on the site a new street junction and associated works shall be implemented on William Nadin Way generally in accordance with Drawing No. ADC1041/003F but more specifically in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this condition.

Reason: In the interests of highway safety.

12. Prior to the occupation of each dwelling, the proposed new estate streets between that dwelling and the existing public highway shall be laid out in accordance with the scheme approved in accordance with Condition 10 above, or as subsequently revised and approved in writing by the Local Planning Authority, constructed to base level, drained and lighted in accordance with the County Council's specification for new housing development roads.

Reason: In the interests of highway safety.

13. No dwelling shall be occupied until space has been provided within the site for the parking and manoeuvring of residents and visitors vehicles associated with that dwelling, laid out in accordance with the scheme approved in accordance with Condition 10 above, or as subsequently revised and approved in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use.

Reason: In the interests of highway safety.

14. The scheme to be submitted to and approved in writing by the Local Planning Authority pursuant to Condition 10 above shall provide for bin stores within private land at the highway end of private accesses, to prevent refuse bins and collection vehicles standing on the new estate street for longer than necessary causing an obstruction or inconvenience for other road users. The facilities shall be provided prior to the first occupation of the dwellings to which they relate and shall be retained free of any impediment to their designated use thereafter.

Reason: In the interests of highway safety.

15. Private driveways/parking spaces to the proposed access road, the subject of Condition 13 above, shall not be taken into use until pedestrian intervisibility splays, details of which shall be included in the reserved matters application(s), have been provided on either side of the accesses at the back of the footway/margin, the splay area being retained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

Reason: In the interests of highway safety.

16. Unless as may otherwise be approved pursuant to the reserved matters, prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate, in the case of dwellings of four or more bedrooms 3 cars, in the case of dwellings of two or three bedrooms 2 cars and any other case 1.5 cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed in writing by the Local Planning Authority in accordance with its published standards. Thereafter 3 parking spaces (in the case of dwellings with four or more bedrooms) or 2 parking spaces (in the case of dwellings with four or more bedrooms) or 1.5 parking spaces (in any other case), each space measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

Reason: To ensure that adequate parking/garaging provision is available.

17. Unless as otherwise agreed in writing with the Local Planning Authority the proposed access driveways/parking spaces to the public highway shall be no steeper than 1 in 14 for the first 5.0m from the nearside highway boundary and 1 in 10 thereafter.

Reason: In the interests of highway safety.

18. Unless the local planning authority has previously agreed to an alternative timetable no development of any phase shall commence until a scheme for the disposal of highway surface water has been submitted to and approved in writing by the Local Planning Authority for the relevant phase. The scheme shall be implemented in accordance with the approved details and retained accordingly thereafter.

Reason: In the interests of highway safety.

19. No development of any phase shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets in each relevant phase shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interests of highway safety to ensure that the scheme is properly planned from the outset.

20. The landscaping details required pursuant to Condition 2 above shall accord with the Landscape Strategy set out in section 5 of the Design and Access Statement.

Reason: In the interests of the appearance of the area.

21. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of each relevant phase of development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

22. No development of any phase shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority that specifies the provision to be made for dust mitigation measures and the control of noise emanating from the site during the period of construction of the relevant phase of development. The approved measures shall be implemented throughout the construction period.

Reason: To protect the amenities of nearby residents. This issue requires control before development because potential pollutants can be generated from the outset.

23. No site clearance works or development shall take place until there has been submitted to the Local Planning Authority for its written approval a scheme showing the type, height and position of protective fencing to be erected around each tree or hedgerow to be retained. The scheme shall comply with BS 5837:2012. No site clearance works or development shall be commenced in the vicinity of the protected tree or hedgerow until such a scheme is approved in writing by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with the approved scheme. The area surrounding each tree or hedgerow within the protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:
- (i) There shall be no changes in ground levels;
  - (ii) No material or plant shall be stored;
  - (iii) No buildings or temporary buildings shall be erected or stationed;

(iv) No materials or waste shall be burnt within 20 metres of any retained tree or hedgerow; and

(v) No drain runs or other trenches shall be dug or otherwise created; without the prior written consent of the Local Planning Authority.

Reason: To ensure the protection of these features In the interests of the appearance of the area and biodiversity.

24. No work shall take place on any phase the site until details of a scheme for the disposal of foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the first dwelling in the relevant phase of the development is occupied.

Reason: In the interests of pollution control from the outset.

25. The development shall be implemented in accordance with the recommendations of the submitted Coal Mining Risk Assessment, in particular with regard to intrusive site investigation works (which shall be undertaken prior to the commencement of any other development) and any resultant remedial works identified by the site investigation shall be undertaken prior to development of the affected part(s) of the site.

Reason: To ensure the stability and safety of the development, having regard to the Coal Mining Risk Assessment undertaken.

26. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no dwelling shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority for the relevant phase plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development of the relevant phase is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the area.

27. No dwelling shall be occupied on any phase until details, and if necessary samples, of the materials proposed to be used on the surfaces of the roads, footpaths, car parking areas and courtyards for the relevant phase, along with samples of the materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the area and to enhance legibility of the street layout.

28. Prior to the development of any phase commencing, details of the finished floor levels of the buildings and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the relevant phase of development shall be constructed in accordance with the agreed levels.

Reason: To protect the amenities of adjoining properties and the locality generally. A later approval would be too late as construction will have commenced and levels could not then be altered.

29. No development of any phase shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP:Biodiversity shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of ""biodiversity protection zones"".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period of the relevant phase strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that ecological interests are protected in accordance with paragraph 118 of the National Planning Policy Framework; in order to control impacts from the outset as an early incursions could otherwise not be rectified.

30. Before development of any phase begins a landscape and ecological management plan (LEMP) for all retained and created habitats shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed / created.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- The approved plan will be implemented in accordance with the approved details for each relevant phase.

Reason: To ensure that ecological interests are protected and enhanced in accordance with paragraph 118 of the National Planning Policy Framework. This needs to be made clear before commencing to ensure that all stages of development are considered.

31. The Approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets. (Notwithstanding the submitted document it should be noted that [Paragraph 6.4] the first monitoring report

should be compiled once the first 100 dwellings are occupied and responses collated, or within six months of first residential occupation, whichever is the sooner.)

Reason: To promote sustainable transport alternatives.

32. A landscape management plan for each relevant phase, including phasing and implementation strategy, long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority before the development of any phase. The landscape management plan shall be implemented for the relevant phase as approved.

Reason: In the interests of the appearance of the area.

33. Notwithstanding the details submitted for the proposed development of the site, there shall be no housing or associated built infrastructure within the permitted boundary of Nadins Landfill Site.

Reason: To ensure that the development does not compromise the on-going management of Nadins Landfill Site - an authorised landfill regulated by the Environment Agency.

34. The development of this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated March 2015, Ref: 001-FRA (Parcel C) Rev A and the following mitigation measures detailed within the FRA:

- Provision of a vehicle access into the site, including watercourse diversion, new watercourse crossing structure, and the retention of the old watercourse downstream of the new crossing - Sections 3.1.7, 5.3, 7.1.9 to 7.1.11 and 7.1.13 and Appendices 2 and 5.
- No development within the 100 year (Flood Zone 3) or the 1000 year (Flood Zone 2) floodplain outlines established by this FRA - Sections 4.1.6 to 4.1.8 and 7.1.2 to 7.1.4 and Appendix 2.
- Finished floor levels are set no lower than 600mm above the 100 year plus 20% (for climate change) flood level applicable to each Phase of the development, to Ordnance Datum (AOD) - Sections 5.4.2, 5.4.3 and 7.1.12.

The mitigation measure/s shall be fully implemented prior to occupation of each development phase and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

35. No development of each Phase shall take place until the detailed design of a surface water drainage scheme for that Phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage scheme information should demonstrate the surface water run-off generated up to and including the 100 year plus 30% (for climate change) critical rain storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Limiting the discharge rate and storing the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site - As detailed within Section 5.2 of the approved Flood Risk Assessment (FRA) dated March 2015, Ref: 001-FRA (Parcel C) Rev A.
- Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm - As detailed within section 5.2 of the approved Flood Risk Assessment (FRA) dated March 2015, Ref: 001-FRA (Parcel C) Rev A.
- Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

Reason: To prevent the increased risk of flooding, both on and off site from the outset.

36. Prior to the occupation of any of the phases of the development the glazing specification of each phase of residential units shall be submitted to and agreed by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant phase is completed.

Reason: To mitigate any noise from nearby industrial premises.

37. Prior to the first occupation of any phase of the development the ventilation requirements for each phase of residential units will be required to be submitted to and agreed by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant phase is completed.

Reason: To mitigate any noise from nearby industrial premises.

38. Prior to the first occupation of the relevant phase of the development a scheme for noise mitigation (noise barrier consisting of a 1.8m high close boarded fence) for dwellings adjacent to the sports pitches shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of any dwellings of the phase.

Reason: To protect the amenity of future occupiers of the dwellings.

Informatives:

- a) The Highway Authority recommends that the first 5m of the proposed access driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.
- b) Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway/new estate street, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This

usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

c) Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Environmental Services Department at County Hall, Matlock.

d) Car parking provision should be made on the basis of 1.5no., 2no. or 3no. parking spaces per 1, 2/3 or 4/4+ bedroom dwelling respectively. Each parking bay should measure 2.4m x 4.8m (larger in the case of spaces for use by disabled drivers) with adequate space behind each space for manoeuvring.

e) Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and/or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and/or are for duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.

f) Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Department of Economy Transport and Environment at County Hall, Matlock DE4 3AG. The applicant is advised to allow at least 12 weeks in any programme of works to obtain a Section 278 Agreement.

g) The application site is affected by Public Rights of Way (Footpaths No. 45, 46 and 106 on the Derbyshire Definitive Map). The routes must remain unobstructed on the legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer.

o Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.

o If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.

o If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.

o Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.

o To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.

The applicant is advised to seriously consider the installation of a sprinkler system to reduce the risk of danger from fire to future occupants and property.

Where development is proposed over areas of coal and past coal workings at shallow depth,

The Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset.

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from the Coal Authority's website at: [www.coal.gov.uk/services/permissions/index.cfm](http://www.coal.gov.uk/services/permissions/index.cfm).

The phased risk assessment should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA. The contents of all reports relating to each phase of the risk assessment process should comply with best practice as described in the relevant Environment Agency guidance referenced in footnotes 1-4, to the relevant conditions attached to this permission.

For further assistance in complying with planning conditions and other legal requirements applicants should consult ""Developing Land within Derbyshire - Guidance on submitting applications for land that may be contaminated"". This document has been produced by local authorities in Derbyshire to assist developers, and is available from [http://www.south-derbys.gov.uk/business/pollution/contaminated\\_land/default.asp](http://www.south-derbys.gov.uk/business/pollution/contaminated_land/default.asp). Reports in electronic formats are preferred, ideally on a CD. For the individual report phases, the administration of this application may be expedited if a digital copy of these reports is also submitted to the pollution control officer (contaminated land) in the environmental health department: [pollution.control@south-derbys.gov.uk](mailto:pollution.control@south-derbys.gov.uk).

The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the Authority is satisfied that the development will not give rise to significant environmental effects.

Where development is proposed, the developer is responsible for ensuring that development is safe and suitable for use for the purpose for which it is intended. The developer is thus responsible for determining whether land is suitable for a particular development or can be made so by remedial action. In particular, the developer should carry out an adequate investigation to inform a risk assessment to determine:

- whether the land in question is already affected by contamination through source - pathway - receptor pollutant linkages and how those linkages are represented in a conceptual model;
- whether the development proposed will create new linkages, e.g. new pathways by which existing contaminants might reach existing or proposed receptors and whether it will introduce new vulnerable receptors; and
- what action is needed to break those linkages and avoid new ones, deal with any unacceptable risks and enable safe development and future occupancy of the site and neighbouring land.

A potential developer will need to satisfy the local authority that unacceptable risk from contamination will be successfully addressed through remediation without undue environmental impact during and following the development. In doing so, a developer should be aware that actions or omissions on his part could lead to liability being incurred under Part IIA, e.g. where development fails to address an existing unacceptable risk or creates such a risk by introducing a new receptor or pathway or, when it is implemented, under the Environmental Liability Directive (2004/35/EC). Where an agreed remediation scheme includes future monitoring and maintenance schemes, arrangements will need to be made to ensure that any subsequent

owner is fully aware of these requirements and assumes ongoing responsibilities that run with the land.

The application site may contain nesting birds. It is an offence under the Wildlife and Countryside Act 1981 to intentionally kill, injure or take any wild British breeding bird or its eggs or damage its nest whilst in use or being built. The nesting season normally encompasses the months March to July inclusive. If you are in doubt as to requirements of the law in this regard you should contact English Nature, Peak District and Derbyshire Team, Manor Barn, Over Haddon, Bakewell, Derbyshire, DE4 1JE.

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

The water body adjacent to the proposed development is not meeting "Good" Water Framework Directive (WFD) status. The development should not lead to any further deterioration in the WFD status of this water body.

All precaution must be taken to avoid discharges and spills to ground both during and after construction. There should be no polluting emissions to air, land or water resulting from actions by the developer or by its sub-contractors. Pollution prevention guidance is available on our website:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-pp>.

During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). SuDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SuDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. Ponds, reed beds and seasonally flooded grasslands can be particularly attractive features within public open spaces. We encourage the use of above ground SuDS as these provide greater water quality benefits.

The variety of SuDS techniques available means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

It is recommended that the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom are installed. Power showers are not recommended as they can consume more water than an average bath. Water

efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

Further to Condition 21 you are advised to consider the document 'Guidance on the assessment of dust from demolition and construction' from the Institute of Air Quality Management for advice on how such an assessment should be performed.

Further to Condition 25 advice on the production of the WSI can be obtained from the County Council's Development Control Archaeologist Steve.Baker@derbyshire.gov.uk Tel 01629 539773

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

The reserved matters application should be based on the indicative layout in respect of the design concepts, linkages, buffers and public open space as they have been negotiated with a view to achieving a sufficient Building for Life Score.

The Environment Agency advises the proposed development falls within 250m of a landfill site that is known to be producing landfill gas.

Landfill gas consists of methane and carbon dioxide and is produced as the waste in the landfill site degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance.

You should be aware of the potential risk to the development from landfill gas and should to carry out a risk assessment to ensure that the potential risk is adequately addressed. The local authority's Environmental Health and Building Control departments would wish to ensure that any threats from landfill gas have been adequately addressed in the proposed development. This may include building construction techniques that minimise the possibility of landfill gas entering any enclosed structures on the site to be incorporated into the development.

The following publications provide further advice on the risks from landfill gas and ways of managing these:

1. Waste Management Paper No 27;
2. Environment Agency LFTGN03 'Guidance on the Management of Landfill Gas';
3. Building Research Establishment guidance - BR 414 'Protective Measures for Housing on Gas-contaminated Land' 2001;
4. Building Research Establishment guidance - BR 212 'Construction of new buildings on gas-contaminated land' 1991;
5. CIRIA Guidance - C665 'Assessing risks posed by hazardous ground gases to buildings' 2007.

The Environment Agency advises the applicant / developer should refer to our 'Groundwater Protection: Principles and Practice' (GP3) document, available from our website ([www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)). This sets out our position on a wide range of activities and developments, including land contamination.

The Environment Agency advises the following:

1. That the Floods and Water Management Act (2010), consenting of works on Ordinary Watercourses is now undertaken by the Lead Local Flood Authority (LLFA).

Under the terms of the Land Drainage Act 1991, the prior written consent of Lead Local Flood Authority (Derbyshire County Council) is required for any proposed works affecting the flow of any ordinary watercourse or to any existing or proposed structure forming part of the ordinary watercourse drainage system. This includes alterations to existing and/or proposed headwall outfall, or crossing of a watercourse to provide vehicular or pedestrian access, e.g. culverts or bridges.

Please note any temporary crossing of the watercourse required to facilitate the construction of the new site vehicle access will also require the separate prior consent of the LLFA.

2. The proposed development will need to be able to satisfy the following statements:

- o Confirmation of the removal of any redundant culvert or bridge crossing/s for vehicle or pedestrian purposes within or on the boundaries of the site, subject to no increase in flood risk downstream.
- o No raising of ground levels, or storage of materials (including soil) within the 100 year (1%) flood plain (unless where supported by a scheme for flood plain compensation, for e.g. new vehicle crossing).
- o No new buildings (including sheds, cycle storage or garages), structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank of any river/watercourse, inside or along the boundary of the site, unless otherwise agreed in writing.
- o The permanent retention of a continuous unobstructed area is an essential requirement for the preservation of the water course corridor, wildlife habitat, flood flow conveyance and future watercourse maintenance or improvement.

#### Surface water drainage design

The proposed on site surface water drainage system should be designed to the Sewers for Adoption, 30 year standard or similar, which is acceptable in principal. However, we require additional details to confirm that surface water system will operate without flooding during the 30 year rainfall event, and not flood or leave the proposed site during the 100 year and 100 year plus 30% for residential, 20% for commercial (for climate change) rainfall events.

We will need to see the plan and calculations in support of the on-site surface water drainage system (i.e., microdrainage output for the 30 year, 100 year and 100 year plus 30% for residential, 20% for commercial (for climate change) rainfall events, including pipeline schedules, network information, summary results and where flood risk or flooding occurs the detailed output for the worst case duration for each return period affected), provided as part of any discharge of any Outline planning application conditions for each Phase. This is in order to demonstrate that no flooding occurs to the proposed development or surrounding area from the above rainfall events.

If the system surcharges we would need to see a detailed plan (location of any surcharging should be identified) and calculations for any surface flooding, including overland flood flow routes, expected depths, duration and confirmation that this would not cause flooding to nearby properties. Any excess surface water should be routed away from any proposed or existing properties.

In addition we would need to see any calculations (i.e, microdrainage output for the 30 year, 100 year and 100 year plus 30% for residential, 20% for commercial (for climate change) rainfall events) in support of any on site surface water attenuation system including sizing and any flow control e.g. hydrobrake, details and design.

## Mammal ledge

On drawing LE12413-015 Rev C the setting out level of the mammal ledge is not clear. We recommend the top surface of the ledge should be c500mm from the internal soffit of the box culvert to allow adequate headroom for mammal passage but still above the 1:100 CC and within the 617mm freeboard area.

## Foul drainage

Severn Trent Water Limited should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution. If the sewer network requires upgrading this should be done prior to the development taking place or any properties being occupied.

The waterbody adjacent to the proposed development is not meeting "Good" WFD status. The development should not lead to any further deterioration in the WFD status of this waterbody.

## Pollution prevention

During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.

During construction the developer should ensure that on site activities do not cause pollution. There should be no polluting emissions to air, land or water resulting from actions by the developer or by its sub-contractors. Pollution prevention guidance is available on our website. <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>.

## Water efficiency

The efficient use of water is something we actively promote in relation to new development. The Code for Sustainable Homes, since 2006, has set out levels of attainment for energy and water (amongst others). However, the Code is currently going through some changes, which have yet to be finalised.

The new proposals set out a new, higher, proposed level of 110litres/person/day (lpd), which the Environment Agency recommends. Whilst optional, this can be achieved through a fittings based approach. Example specifications are provided at [water.calculator.org](http://water.calculator.org). A fittings based approach resulting in lower household water use can reduce overall operational carbon emissions, particularly where hot water is used more efficiently.

The current level within the Building Regulations of 125 lpd would stay as a basic element.

## Waste

Any waste removed from the site must be removed by a registered waste carrier and taken to a site which has the appropriate permit or exemption in place to receive such waste.

A transfer note must be generated in such cases. If hazardous waste is removed or generated on site the developer must register as a hazardous waste producer and generate a consignment

note when the waste is removed to a site permitted to receive such waste.

If waste is used in the construction of this development (there is no suggestion in the application that this is the case) a U1 exemption must be registered. This is subject to waste types and quantities.

The reserved matters layout should have regard to the fact that the use of gardens and outdoor living spaces (such as balconies) at residential units to the south of the development site will be significantly adversely affected by the existing noise from Brunel Healthcare. The developer will be required to demonstrate that the design is adequate to ensure that exposure to the specific existing sources of rated industrial noise within the gardens and outdoor living spaces of all residential units does not exceed the existing background sound level between the hours of 07:00 - 23:00. For information 'the specific source of rated industrial noise' has the same meaning as 'specific sound level' as defined in BS4142:2014 plus any adjustment for the characteristic features of the sound as defined by 'rating level' in BS4142:2014; and 'background noise' has the same meaning as 'background noise' as defined in BS4142:2014.