

COMMITTEE UPDATE – 8th FEB 2022

Item 1.5 - DMPA/2021/1686 - Tetron Park, Former Bison Precast site, William Nadin Way, Swadlincote.

Email received Cllr Wheelton (6.2.21) which can be summarised as follows; Requests reassurance that considerations of infrastructure, traffic effects and how vehicles arrive and leave this site are material considerations; extremities of district affected by the transport both car and HGV to, and from site should be considered; infrastructure to mitigate increased traffic noise, speeding, pollution and local amenity should be considered.

Comments received from Env Health (28/01/22) which advise that given the location they wouldn't have any significant concerns (regarding lighting) and therefore would not recommend a condition to control this.

An **additional report** received (31/01/22) from the applicant regarding night-time noise.

Additional supporting comment received from agent (03/02/22) regarding noise from reversing beepers and the fleet hauliers using the facility will all be equipped with broadband reversing alarms, which by their very nature will have no impact on amenity or give rise to noise concerns.

Env Health comments on additional noise/beepers (03/02/22) - Acceptance of information submitted, subject to a condition requiring audible reversing alarms used by vehicles to be of a type which are to be agreed with the LPA.

Comments from Public Rights of Way Officer (03/02/22) which can be summarised as follows:

- The 2003 Diversion Order is not legal until it has been certified. In effect it doesn't exist yet even though it has been confirmed.
- To certify the order the path has to be physically built on the ground to the satisfaction of the Highways Authority (Rights of Way), and open to the public to use.

Comments from the County Highway Authority (03/02/22) which can be summarised as follows:

- No objection subject to 5 conditions and to agreement on sustainable accessibility requirements contained in Policy INF2, Section 106 funding is sought to create the remaining link of the shared pedestrian/cycle path between Optimum Road and Ryder Close to replace the existing section of footway on the A514 - a 3 metre wide shared use walking and cycling path, is estimated to be £96,750 plus the cost of the relocation of the street lighting columns to the rear of the route.
- Bus services could be improved via S106 payments.
- The existing bus stops closest to the site are basic and don't meet current accessibility standards or have shelters. A contribution should be sought towards bus stop upgrades.

5 Letters of Objection received from members of the public (02/02/22, 05/02/22) which are summarised as follows:-

- Far too much traffic
- 24 hour noise
- ruining the already fragile infrastructure and roads that are currently inadequate for purpose
- We lived with the noise and Dust from Bison from the start, since its closure things have improved massively
- to let a 24/7 distribution depot be built in its place could only be done for financial reasons with no consideration for local residents, the noise of huge lorries and forklifts with reversing sirens being able to be heard for miles around (even when in bed) would be unbearable
- I urge the planning committee to put finance to one side and consider what it would be like to live near it themselves
- I appreciate it would create some jobs but at what cost to local residents?
- Money is not everything.
- Existing road infrastructure unsuitable for huge increase in lorry traffic. Access to motorways will involve unacceptable increase in traffic on local A and B roads. This will cause an increase in traffic on predominately residential areas
- Reversing noises of fork lift trucks and other vehicles will be audible from nearby residential homes particularly in the evenings and nighttime therefore reducing quality of life
- Light pollution will be visible for nearby properties as it is a 24 hour site
- Concrete dust from Bison was present in my home to an unacceptable level so we know dust and dirt from this site can travel to my home
- There will be an increase in fumes from lorries causing a decrease in the quality of the air for surrounding properties
- Increase in lorries will impact on the air quality of not only surrounding houses but also schools (eg Stanton Primary School)
- This would create more noise than Bison which was bad enough, 24 hour lorries and fork lifts with reversing hoovers

Comments received from The National Forest Company (08/02/22) which can be summarised as follows:

- Policy INF8 (The National Forest) of the South Derbyshire Local Plan requires 30% of the site area (or 4.32hectares) should be dedicated National Forest planting.
- The amended plans show 1.98hectares of on site planting resulting in a shortfall of 2.34hectares.
- This shortfall can be met by a financial contribution of £81,900 (2.34ha x £35,000) towards off site woodland provision to be payable upon the commencement of development.
- Conditions requiring the implementation, management and maintenance of the proposed planting are required.
- Conditions should also be sought to ensure that the retained woodland/scrub is protected during construction.

Comments received from the LLFA (08/02/22) which can be summarised as follows:

- Require clarity on: the retention basin and its condition, how much storage it provides and whether maintenance is required for the pond to work as designed. As the site is not proposing any form of SuDS the retention basin would form a key part of the overall sites drainage scheme as it limits the over discharge to 5l/s/ha. The report attached indicates that the LPA may have adopted the pond, can you clarify if this is the case or not?
- Is the 'lack of space' acceptable to the LPA as to why the developer cannot incorporate SuDS such as filter drains and Permeable Paving into the design - both these features do not use up any additional space?
- Is it acceptable to the LPA that swales or bio-strips cannot be incorporated into the design?

Summary of recommended conditions and S106 contributions as follows:-

Conditions

- 1 3 yr Commencement
- 2 Dev in accord with amended plans
- 3-7 5 highway conds as advised by Highways
- 8 Remediation condition as advised by Env Agency
- 9 Air Quality condition as advised by Env Health
- 10 Dev in accord with Lighting report, and no other external lighting shall be installed at the site
- 11 Vehicles operating on the site will only use audible reversing alarms of a type agreed with the LPA
- 12 Contamination investigation condition as advised by Env Health

- 13 Materials to be agreed
- 14 Landscaping scheme to be submitted
- 15 Landscaping as noted above, shall incorporate the ecology mitigation as recommended by ecology report
- 16 Woodland Planting scheme to be implemented at first planting season following commencement of the dev in accordance with a detailed scheme
- 17 Offices hereby approved shall only be used for ancillary purposes, and no other use within Use Class E shall be permitted
- 18 Any conditions as advised by LLFA

Contributions towards:

- Off-site National Forest Planting
- Bus stop enhancements/updates
- Funding of shared pedestrian/cycle path