
Delegated report Officer: Jenny Blair

Application ref. DMOT/2021/1273

Approval of details required by conditions 6 and 12 of permission ref. 9/2018/0621 (Outline application (matters of access, layout, scale and appearance to be considered, with matters of landscaping reserved) for the residential development of 8 dwellings) at Land at SK2628 6240 , Duck Street, Egginton, Derby, DE65 6HJ

Valid date: 12/08/2021

Consults expired: 23/09/2021

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

This application seeks approval of details required by conditions set out on the host permission, as described above. The host permission forms the most relevant planning history for this application.

Responses to consultations and publicity

Severn Trent - Foul is proposed to connect into the public foul water sewer, which would be subject to a formal section 106 sewer connection approval. Due to flooding on the network a sewer modelling study would be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

Severn Trent subsequently confirmed that the developer is in contact with Severn Trent and they are satisfied the condition can be discharged.

Environment Agency - response to original application 9/2018/0621 - The Environment Agency (EA) states the revised layout plan shows the dwellings to be in the lower risk area of the site and as such they have no objection subject to a condition requiring finished floor levels set no lower than 47.5m Above Ordnance Datum (AOD) and development restricted to Flood Zone 2.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are set out in the officer report relating to the host permission.

Planning considerations

This application seeks approval of details required by conditions set out on the host permission such that the scope of planning considerations is confined to the matters which those conditions seek to control or address. Matters of principle are thus not of relevance under this assessment.

Planning assessment

Condition 6 relates to proposed ground levels of the site relative to the finished floor levels. The submitted information shows that the ground levels and finished floor levels are in accordance with the landscaping scheme as approved under reserved matters application DMPA/2020/0320. The Environment Agency requested that finished floor levels should be set no lower than 47.5m above AOD, and it is noted that the finished floor levels plan shows the habitable areas of the dwellings set at a finished floor level of 47.5m. It is therefore considered that this condition can be discharged.

Condition 12 relates to foul drainage. The applicant has stated that they have applied to Severn Trent Water for consent to connect and discharge to the public sewer. Severn Trent have not objected to this application to discharge the condition but have raised the issue that due to flooding on the network, a sewer modelling study would be required to determine if flows can be accommodated. It is considered

that the applicant has fulfilled their obligation in terms of the planning permission to supply details of foul drainage. However, the matter of connection to the foul sewer must be taken up privately between the applicant and Severn Trent Water, and the applicant must be aware of potential delays that may incur.

In summary, it is now considered that both of these conditions can be discharged.

Recommendation

Approve

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, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	02/12/2021
Report agreed:	02/12/2021
Authorised officer:	Emma Palmer-Barnes
