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**Delegated report**      Officer: James Norton

**Application ref. DMOT/2021/0980**

Approval of details required by conditions 4, 5-8, 12 and 13 attached to ref. 9/2016/1271 (the erection of storage and distribution buildings (Units DC2 & DC3)) at Hanger House, Foston Park, Woodyard Lane, Derby, DE65 5DJ

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Valid date:                      22/07/2021

Consults expired:              05/01/2022

EIA development?              No

Section 106 agreement?      Not required

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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**

County Highways - The submitted drawing indicates wheel wash facilities between buildings DC2 & DC1. DC1 is an existing building, DC2 & DC3 are the subject of the application. It appears unlikely that vehicles working in the location of DC3 will detour to the wheel wash facility before leaving the site. As such, the location is unacceptable unless a details of the location of the facility can be justified. A later response indicated that if DC3 had been built and hard surfaced around it, the wheel washing facility would be located in the correct place.

Environmental Health - On review of the information provided, EH considers that it is sufficient to discharge the condition.

LLFA - has reviewed the information submitted for the maintenance plan for surface water drainage and rain water run off, which was received on 23 July 2021, with additional information received in November and December 2021. The LLFA has received information that satisfies conditions 5 and 6 and can therefore recommend their discharge. This is subject to the sustainable drainage scheme being constructed, managed and maintained as set out in the document Ref YNAS6NA67CVJ-2065489706-1793.

Severn Trent - Having reviewed their sewer records and the enclosures provided, ST can confirm that the drainage condition can be discharged.

**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 4 - The information provided to identify trees and hedgerows to be protected is sufficient to be discharged.

Condition 5 and 6 - Maintenance plan for surface water drainage and surface water run off - The LLFA has reviewed the information submitted for this application, which was received on 23 July 2021, with additional information received in November and December 2021. The LLFA has received information that satisfies conditions 5 and 6 and can therefore recommend their discharge. This is subject to the

sustainable drainage scheme being constructed, managed and maintained as set out in the document Ref YNAS6NA67CVJ-2065489706-1793.

Condition 7 - Plan JC/A122/3001 sets out the trees to be retained, those trees to be removed as well as the location of root protection fencing. This is sufficient to discharge condition 7.

Condition 8 - The Council's Environmental Health department has considered the Phase 1 land quality risk assessment submitted regarding the potential for ground contamination, they have confirmed that the condition can be fully discharged and such there are no concerns.

Condition 12 - The information provided to identify trees and hedgerows to be protected due to nesting birds is sufficient to be discharged.

Condition 13 - The wheel washing facility is located to the south of the proposed buildings. Whilst DC3 has not yet been built, the area on which it is located appears to be hard surfaced as has part of the access to the north of the site. The wheel washing facilities would appear to be located in the right place to be utilised by construction traffic well inside the site boundary, the rest of the site having already been finished in a hard surface.

## **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.

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| Recommendation made: | 18/05/2022       |
| Report agreed:       | 20/05/2022       |
| Authorised officer:  | Steffan Saunders |

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