
Delegated report Officer: Jessica Clarke-Roome

Application ref. DMOT/2026/0459

The approval of details reserved by condition 3 (levels) relating to planning permission DMPA/2025/0655 on Land at Drakelow Park, Walton Road, Drakelow, Swadlincote

Valid date: 07/04/2026

Consults expired:

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

Not applicable

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 condition 3 (floor and ground levels) of permission ref. DMPA/2025/0655. The wording of the relevant condition is set out below. 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.

Condition 3 required that :

No development, including preparatory works, shall commence until details of the finished floor levels of the buildings hereby approved, and of the proposed ground levels of the site relative to the finished floor levels and adjoining land levels, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be supplemented with locations, cross-sections and appearance of any retaining features required to facilitate the proposed levels. The development shall thereafter be constructed in accordance with the approved details.

The reason given was:

In order to adequately safeguard residential amenity and the appearance of the area and surroundings, recognising that monitoring of the condition requires a record of the existing conditions on the site before any works take place in accordance with the requirements of Policy SD1 and Policy BNE1 and Policy BNE4 of the South Derbyshire Local Plan and the National Planning Policy Framework .

Planning assessment

The applicant has submitted the following information to support the application:

- E351-90-04A EXTERNAL WORKS AND PRIVATE DRAINAGE-A1 (Rev C)
- E351-90-05A EXTERNAL WORKS AND PRIVATE DRAINAGE-A1 (Rev C)
- E351-90-06A EXTERNAL WORKS AND PRIVATE DRAINAGE-A1 (Rev C)
- E351-90-07A EXTERNAL WORKS AND PRIVATE DRAINAGE-A1 (Rev C)
- E351-90-08A EXTERNAL WORKS AND PRIVATE DRAINAGE-A1 (Rev C)

The submitted documents have been reviewed in relation to the finished floor levels of the proposed dwellings and the adjoining land to this phase of development. Where there is a variance in the floor levels retaining structures are in place with an increase in the level of brickwork below the normal damp proof course level. Across the whole development this has been looked at with the changes of finished floor levels between dwellings and also rear garden levels. Key retaining structures are proposed in appropriate places to ensure that the levels are maintained between the gardens of the dwellings. On the areas facing the public realm it is considered that appropriate structures are seen within the public facing areas of the development, including the public open space and main spine road.

Therefore it is considered that condition 3 of DMPA/2025/0655 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:	23/05/2026
Report agreed:	01/06/2026
Authorised officer:	Sarah Beeby
