

**Delegated Report
Discharge of Conditions**

Planning Ref: 23/00363/DISCON
Applicant: Mr KU Akerdolu
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: Island House Arthur Street Barwell

Application to discharge conditions 3 (Materials), 4 (Boundary Treatments), 7 (Levels), 10 (Land Contamination), 13 (Noise), 14 (Drainage Scheme), 15 (Management of Surface Water Drainage (during construction)) attached to planning permission 20/00504/FUL

Conditions and supporting details submitted to apply for the conditions to be discharged:

Condition 3

No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations development hereby permitted have been deposited with and approved in writing by the local planning authority. These shall include brick, slate for roof, window and door design and finishes, window header and window reveal. The approved materials shall be implemented in accordance with those approved materials.

C3 External Finishes – Received 14 April 2023

Condition 4

No development shall commence until full details of all boundary treatments including their finishes has been submitted to and approved in writing. The approved boundary treatments shall be completed in accordance with the details prior to first occupation of the development hereby approved.

C4 Boundary Wall Details – Received 14 April 2023

Condition 7

No development shall commence on site until such time as the existing and proposed ground levels of the site and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

C7 Site Arrangement Plan – Received 14 April 2023

C7 Levels Plan (2017 Barwell Civils C01) - Received 3 October 2023

Condition 10 Contamination

No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Condition 13

Development shall not begin until a scheme for protecting the proposed dwellings from noise from adjacent commercial operations has been submitted to and approved by the Local

Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

C13 Noise Impact Assessment – Received 14 April 2023

Condition 14

No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the development is first brought into use.

C14 & C15 Drainage Report 2017-C-R01 – Received 19 May 2023

C14 Site Drainage Plan Drg No. 2017-C01 – Received 14 April 2023

Condition 15

No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority.

C14 & C15 Drainage Report 2017-C-R01 – Received 19 May 2023

Consultees / Assessed by:

LLFA (Local Lead Flood Authority) – Leicestershire County Council
Drainage Officer
Environmental Health Officer
Compliance & Monitoring Officer

Conclusion / Summary:

Condition 3

An Oast Russet brick for the facing walls is proposed and a blue fibre cement slate for the roof covering. Casement style white UPVC windows with a 100mm recess within the apertures are proposed. The materials reflect traditional characteristics and are appropriate to ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and to preserve the significance of the Barwell (Arthur Street) Centre Conservation Area

Condition 4:

The boundary treatments to the site include a red brick wall at a height of 2m with a brick on the end detail with a concrete coping to the length of the wall is acceptable as it reflects the characteristics as those elsewhere in the area. The details are acceptable as they demonstrate that the development has a satisfactory external appearance and to preserve and enhance character of the conservation area in accordance with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Condition 7

The civils plan indicates the existing, proposed and finished floor levels. The proposed levels across the site are to be slightly higher than that of the existing with the proposed buildings having a raised finished floor level of up to 1.13 meter. The new buildings will be adjacent to a road to which are factory/commercial units behind. It is our opinion that the finished floor levels will not have any significant impact as there are no residents to the south of the development and to the west they are already 3 storey residential properties and therefore will not be overbearing in the area which demonstrates that the development will have a satisfactory appearance and in the interests of visual amenity in accordance with Policy

DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Condition 10

A ground investigation report has been prepared following an investigation of the site. The investigation results show that there were no risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016) and therefore the Councils Environmental Services officer has advised the condition can be discharged.

Condition 13

A noise impact assessment has been submitted in support of condition 13 and assessed by the Councils Environmental Services Officer. The report identifies that a certain level of construction is required to be completed to ensure the relevant mitigation required by the building structure. The report details a requirement for acoustic ventilation and the options are detailed. A scheme of ventilation is required to be submitted and approved. A validation / verification report will also then be required to verify the relevant mitigation has been installed. As further details are required the LPA is not in a position to partially discharge the condition as yet and the initial report does not ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Condition 14

Various plans and supporting details have been submitted in support of Condition 14 & 15 and assessed by the Councils Drainage Officer and the LLFA. The details provide a satisfactory drainage scheme, however there is concern that Severn Trent Water will not allow connection and therefore the developer is required to investigate alternative methods of drainage such as highway drainage. If highway drainage is not acceptable then the developer must go back to the Severn Trent Water. Until it is confirmed where surface water will be allowed to drain to the LPA are not in a position to discharge the condition as the details do not demonstrate that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Condition 15

Various plans and supporting details have been submitted in support of Condition 14 & 15 and assessed by the Councils Drainage Officer and the LLFA. The details provided do not demonstrate how they proposed to maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016)

The applicant is in acceptance of a split decision and will provide the further details required when they are available.

Officer Recommendations:

Condition 3 Materials – Discharge
Condition 4 Boundary Treatments – discharge
Condition 7 Levels – Discharge
Condition 10 Land Contamination – Discharge
Condition 13 Noise – **Not Discharged**

Condition 14 Drainage – **Not Discharged**

Condition 15 Surface Water Drainage during Construction – **Not Discharged**