

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990 (as amended) Discharge of Conditions

DoC Decision Notice Split Decision - Discharge of Conditions

Mr KU Akerdolu
C/o Mr Nigel Dutton
49 Falcon Road
Anstey
LE7 7FY

Details of Application:

Application Ref: 23/00363/DISCON
Proposal: 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) attached to planning permission 20/00504/FUL
Location: Island House Arthur Street Barwell

The details submitted have been considered by the Local Planning Authority and have either been **DISCHARGED Or REMAIN UN-DISCHARGED**, these are categorised below:

UN-DISCHARGED CONDITIONS

The details submitted with the following conditions are unacceptable to the Local Planning Authority and the conditions remain **UN-DISCHARGED**;

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

Reason: The details provided are not acceptable to demonstrate how the residents will be protected in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

A Partial Discharge will be acceptable once it has been confirmed that the construction required as detailed in the noise report is to be or has been implemented and once a scheme of ventilation has been submitted and agreed. Full discharge will be applicable once the validation report for the scheme of ventilation has been submitted and acceptable by the LPA . A new application and fee is required for both to apply to partially discharge the condition and to fully discharge the condition.

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

Reason: Whilst the scheme is acceptable in principle. Further information has been requested by the LLFA to demonstrate that the drainage will reduce the creating of or exacerbating a flooding problem and to minimise the risk of pollution during the construction period in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016). The Application needs additional time to be able to provide the following:

- Confirmation from Severn Trent Water showing acceptance in principle for the surface water connection to the existing foul sewer. It is noted that STW has indicated that it is unlikely to accept surface water flows to this asset.
- Clarification on how the existing surface water drainage discharges from the site.
- Detailed design drawings of the outlet connection to the exiting sewer should be submitted.
- Manufacturers detail of the flow control structure (Model CTL-SHE-0128-7500-1000-7500) demonstrating the suitability of the proposed flow control for the proposed development.

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

Reason:

Further information has been requested by the LLFA to demonstrate that the drainage will reduce the creating of 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). The Application needs additional time to be able to provide the following:

- Details demonstrating how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion.
- This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

DISCHARGED CONDITIONS

The details submitted with the following conditions are acceptable to the Local Planning Authority and the condition(s) are hereby **DISCHARGED** subject to the scheme being carried out strictly in accordance with the approved details;

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.

C10 Ground Investigation Report - Received 14 April 2023

Important Notes.

Where conditions re-main UN-DISCHARGED these can either be appealed as with any decision or as discussed a new application can be submitted with revised / requested details that address the reasons why the condition remains undischarged.

Where conditions have been DISCHARGED, the scheme must be fully implemented and maintained in accordance with the approved details.



Date : 13 October 2023

Christopher Brown MRTPI
Head of Planning