

**Delegated Report
Discharge of Conditions**

Planning Ref: 24/00327/DISCON
Applicant: Esther Wiles
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: Land Off Sketchley Lane Burbage

Application to discharge conditions 9 (materials), 11 (land contamination), 15 (surface water drainage scheme), 16 (surface water drainage), 18 (Construction Environmental Management Plan) on Appeal Decision APP/K2420/W/22/3301735 relating to planning application 21/01131/OUT

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

Condition 9

No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages have been deposited with and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Received 11 June 2024

**C9 Materials Brick Samples Ibstock Brunswick Farmhouse, Balmoral, Brunswick Antique, Welbeck Autum Antique
C9 Materials Tile Samples**

Received 5 April 2024

C9 - Materials Layout Plan - Drg No. TGDP/SG-BH/MP1 Rev C

Condition 11

Notwithstanding the recommendations within the Phase 1 Ground Condition Assessment, no development shall commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the local planning authority. The submitted scheme 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.

C11 Interpretive Ground Investigation Report – Received 5 April 2024

Condition 15

No development shall commence until details of a sustainable surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The submitted scheme should include infiltration testing to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element and should ensure that surface water does not drain into the Public Highway. The submitted scheme should also include details of the management of surface water on site during construction of the development. Development shall be carried out in accordance with the approved details.

Received 8 July 2024

**C15 Basin Sections 23053 030A
C15 Private Drainage 23053 120A
C15 Private Drainage 23053 121A
C15 Private Drainage 23053 122A**

C15 S104 Drainage Layout Sheet 1 23053 160C
C15 S104 Drainage Layout Sheet 2 23053 161C
C15 Drainage Long sections Sheet 1 23053 205A
C15 Drainage Long sections Sheet 2 23053 206A
C15 Drainage Long sections Sheet 3 23053 207A
C15 Drainage Long sections Sheet 4 23053 208B
C15 S104 Drainage Construction Details 23053 305
C15 SW Manhole Schedule 23053 310D
C15 FW Manhole Schedule 23053 311C
C15 Headwall Detail 23053 315 S13
C15 Headwall Detail 23053 316 S14
C15 Control Chamber Detail 23053 320 S15
C15 Soil Infiltration Rate Calculations 28959-CALC-0401
C15 Design Report 240301
C15 Headwall + 3 Sided Kee Klamp S17 SFA10C
C15 S104 Technical Approval.
C15 & C16 Landscape & SUDS Maintenance Plan - REV C

Received 10 June 2024
C15 Drainage Statement

Condition 16

No development shall commence on site until details of the long-term maintenance of the sustainable surface water drainage system within the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Received 8 July 2024
C15 & C16 Landscape & SUDS Maintenance Plan - REV C

Condition 18

No development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority and the approved details shall then remain in force throughout the construction period. The CEMP shall detail how, during the site preparation and construction phase of the development, the impact from dust, odour, noise, smoke, light and land contamination on existing and proposed residential premises and the environment shall be prevented or mitigated. The CEMP shall detail how such controls will be monitored and a procedure for the investigation of complaints.

C18 - Construction Environment Management Plan Rev B WIP – Received 1 August 2024
C18 Confirmation Piling not above 3mm/s - Received 5 July 2024
C18 Piling Letter Drop – Received 1 July 2024
C18 20-2216 Roger Bullivant Noise AB 5054 – Received 1 July 2024
C18 Vibration v Distance Graph – Received 1 July 2024
C18 - Construction Traffic Management Plan - Drg No. SGB/CTMP/01 – Received 5 April 2024

Consultees / Assessed by:

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

Conclusion / Summary:

Condition 9

A pallet of materials was provided by the developer and subsequent samples as they were thought to be too similar. Upon receipt of the samples, it more apparent that the appearance of each of the brick types would be satisfactory and compliment each other for the development giving a good mix. Following this the developer wished to remove a brick type which left 3 for the development. It was the Councils opinion that 4 types of bricks should remain and that another brick type be sourced to fully compliment the appearance of the development in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016). Whilst the materials are acceptable, the developer has yet to provide an additional brick type and a revised materials plan schedule therefore the condition remains undischarged

Condition 11

An Interpretive Ground Investigation Report was submitted in support of Condition 11 and assessed by the Councils Environmental Services Officer. The investigation outcome confirms that the site has no land contamination and therefore no mitigation is required to be secured. The investigation that has taken place has ensured that there are no potential risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Condition 15

A Drainage scheme, together with supporting calculations and detailed documents have been submitted in support of Condition 15 and assessed by the Councils Drainage Officer and the LLFA. The LLFA are not in a position to enable Condition 15 to be discharged as there are discrepancies in the manhole cover levels, they require a catchment area plan to support the hydraulic calculations, a flood flow routing plan and further construction details of the proposed attenuation basin and therefore the condition cannot be discharged at this time until these are submitted for assessment. Therefore the condition remains undischarged as the details do not fully demonstrate how the development will be provided with a satisfactory means of drainage and 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Condition 16

A Drainage Maintenance & Management Plan has been submitted in support of Condition 16 and contains a management and maintenance regime that will ensure that the proposed drainage scheme (once approved) has an established and suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Condition 18

A Construction Environmental Management Plan has been submitted along with noise, vibration, piling details along with a proposed letter to residents and a Traffic Management Plan for completeness. The details have been assessed by the Councils Environmental Services Officer together with LCC highways previously for the CTMP and the LPA are of the conclusion that the proposed mitigation is satisfactory as the details demonstrate what mitigation will be in place which includes but not exhaustive to, the management of dust, noise, smoke, light, pollution, land contamination, construction traffic and working hours. The report and supporting documents also confirm how the site will be monitored during the build programme especially through the piling stages which includes a letter drop to nearby residents to inform them of such works. The report confirms that the noise levels will not raise above an acceptable standard. The LPA are satisfied that the details once implemented will assist in

minimising disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

The developer has agreed that they will welcome a split decision at this time to ensure that some of the pre-commencing conditions are approved due to possible enforcement action on the development site.

Officer Recommendations:

Condition 9 Materials – Not Discharged

Condition 11 Land Contamination – Discharge

Condition 15 Surface Water Drainage Scheme – Not Discharged

Condition 16 Management of Surface Water Drainage – Acceptable (subject to the approval of Condition 15)

Condition 18 Construction Environmental Management Plan – Discharge