Discharge of Conditions Table for 10/00851/EXT
Nailstone Colliery Site
Conditions Partially Discharged
Conditions Discharged
Condition Discharged on previous application

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Please Ask For: Lesley-Anne Keal
Direct Dial/Ext: 01455 255905
Email: lesley.keal@hinckley-bosworth.gov.uk
Your Ref:
Our Ref: 10/00851/EXT
Date: 7 April 2017

Hinckley & Bosworth Borough Council

A Borough to be proud of

Curtis Hall Ltd
C/o Mr Ian Mayhead
Iceni Projects Ltd
Flitcroft House
116-118 Charing Cross Road
London
WC2H 0JR

Dear Mr Mayhead

Discharge of Condition Application for Planning Permission: 10/00851/EXT - Nailstone Colliery Wood Road Nailstone Nuneaton

Extension of time for application 06/00980/OUT for the redevelopment of former Colliery site to include storage and distribution uses (Class B8), small business units (Classes B1(c), B2 and B8), a country park, landscaping open space and the formation of a new access (outline - with access)

We refer to your application for approval of details reserved by condition, received on 18 January 2017 for Conditions 5, 7, 8, 9, 12, 15, 21 & 22 and Conditions 11, 12 & 13 received on 3 February 2017.

We have received responses relating to the details submitted and we are able to provide you with a response, please see overleaf.

I can confirm that the attached pre-commencement conditions are hereby partially discharged for commencement purposes or fullydischarged (as indicated by condition in the table attached). Development shall be carried out in accordance with the approved details and all remaining non pre-commencement conditions should be complied with in full.

Should you require any further assistance please do not hesitate to contact the above named officer.

Yours sincerely

Lesley-Anne Keal
Compliance and Monitoring Officer

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Condition	Requirement	Details submitted	LPA response
Condition 5	Development shall not begin until (i) drainage details incorporating sustainable drainage principles and an assessment of the hydro-geological context of the development works; (ii) details of the provision of surface water drainage from the parking and hard-standing areas of the development passing through petrol and oil interceptors and trapped gullies; (iii) details of how roof water shall be passed from the site or otherwise treated in accordance with a surface water run-off limitation scheme; and (iv) details of how foul waters from the site shall be treated and/or disposed of in accordance with a scheme of drainage, are submitted to and approved in writing by the local planning authority. No surface water discharge from the development shall drain from the site onto the highway.	22.3.17 C5 Drainage_Strategy-Sht1of2 A-0-G00-DSP-SE-SK10-P05 C5 Drainage_Strategy-Sht1of2 A-0-G00-DSP-SE-SK11-P05 17.3.17 C5- Drainage Strategy, Sheet 2 of 2, Dwg No- SS/018750-SK11 P04 C5- Preliminary Surface Water Drainage Calculations 16.3.17 C5- Details of Cascading Detention Basins, Dwg No- SS/018750-SK19 P00 24.1.17 C5 Drainage Strategy Report Rev E Part 1 of 5 Nailstone Colliery Regeneration C5 Drainage Strategy Report Rev E Part 2 of 5 Nailstone Colliery Regeneration C5 Drainage Strategy Report Rev E Part 3 of 5 Nailstone Colliery Regeneration C5 Drainage Strategy Report Rev E Part 4 of 5 Nailstone Colliery Regeneration C5 Drainage Strategy Report Rev E Part 5 of 5 Nailstone Colliery Regeneration	**Details submitted acceptable to discharge condition. Scheme must be fully implemented and maintained in accordance with approved details.**
Condition 7	Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the local		

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	planning authority; the scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public/buildings/environment when the site is developed. The buildings on the site shall not be occupied and the country park shall not open to the public until the measures approved in the scheme have been implemented in full unless the local planning authority gives its written consent to any variation.	18.1.17 C7 Geo-Envt & Rem Strat Pt 1 of 4 C7 Geo-Envt & Rem Strat Pt 2 of 4 C7 Geo-Envt & Rem Strat Pt 3 of 4 C7 Geo-Envt & Rem Strat Pt 4 of 4	**Details submitted acceptable to <u>partially</u> discharge condition for commencement purposes. Scheme must be fully implemented and remediation as stated must be adhered to. Further intrusive works are also to be completed. Scheme should be maintained in accordance with approved details.** **Once all works detailed in the remediation strategy have been completed, verification should be provided for full discharge of this condition.**
Condition 8	No development shall take place, including any works of demolition, remediation earthworks, re-contouring, capping and building construction, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: i) the parking of vehicles of site operatives	18.1.17 C8 & C21 CMS Part 1 C8 & C21 CMS Part 2 C8 & C21 Dust Monitoring C8 & C21 Lighting & Working Hours C8 & C21 Noise Monitoring	**Details submitted acceptable to discharge condition. Scheme must be fully implemented and maintained in accordance with approved details.**

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	and visitors; ii) loading and unloading of plant and materials; iii) storage of plant and materials used in constructing the development iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; v) wheel washing facilities; vi) measures to control the emission of noise, vibration, dust and dirt during construction; vii) a scheme for recycling/disposing of waste resulting from demolition and construction works. Reason: To protect the amenities of surrounding properties and in the interest of highway safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.		
Condition 9	Construction work shall not begin until a scheme for protecting the occupiers of noise-sensitive development located around the site from noise generated by the development hereby permitted; including noise from vehicles in operation on the site has been submitted to and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before any part of the development is first occupied.	18.1.17 C9 Noise Assessment C9 Noise Management Plan 13-1750 NMP 1-1 C9 Noise Impact Assessment 13-1750 R01-5 Former Nailstone Colliery	**Details submitted acceptable to discharge condition. Scheme must be fully implemented and maintained in accordance with approved details.**

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Condition 10	Before development commences a scheme shall be submitted to and approved in writing by the local planning authority for the mitigation or compensation for any habitat loss or displacement of any protected species as a result of the development permitted. The scheme shall also include a full management plan, including measures to conserve and maximise the ecological potential of the site, future monitoring and provision for corrective action. The approved scheme shall be implemented as agreed unless the local planning authority gives its written consent to any variation.	Condition 10 Tree Climbing Bat Survey of Trees to be impacted by Development – Report Number: RT-MME-115788 Dec 2013 Ecological Mitigation Strategy, Report Number: RT-MME-114069-01 Oct 2013 Habitat Management Plan, Report Number: RT-MME-114069-02 Rev A first issued Oct 2013 rec'd 30.06.2014 Initial Daytime Bat Survey – Report Number RT-MME-113996-04 June 2013 Reptile Survey, Report Number: RT-MME-113996-05 June 2013 Great Crested Newt Survey, Report Number: RT-MME-113996-02 May 2013 Detailed Habitat Assessment of Former Colliery Areas; RT-MME-115867, January 2014 Badger Survey, Report Number RT-MME-113996-03 June 2013 Extended Phase 1 Habitat Survey: Report Number RT-MME-113996-01 June 2013 Indicative Overall Landscape Masterplan, Contract 1336/13 Date 13-03-2014 Drg No. 11 Rec'd 30.06.2014	**08/07/2014** **Details discharged on previous approval of details reserved by condition application received 01 May 2014**

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Condition 11	No development shall take place until full details of both hard and soft landscape works, required by condition 2 above have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include the proposed finished levels or contours; means of enclosure; hard surfacing materials; minor artefacts and structures (including furniture, play equipment, refuse or other storage units, signs and lighting); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the local planning authority.	3. 3.2.17 Soft Landscape Maintenance & Management Proposals Dwg No.09 Rev A Site Location Plan Dwg No.13-052-P101K Illustrative Masterplan Dwg No.113 Soft Landscape Details Dwg No.115 Proposed Levels and Earth Modelling to Northern Country Park, Dwg No.116 Proposed Landscape Sections, Dwg No.31 Proposed Landscape Levels - South Area, Dwg No.20 Rev B Phase 1 Soft Landscape Layout Dwg No.17 Rev A Phase 1 Detail Design (1of 3) Dwg No.18 Rev A Phase 1 Detail Design (2 of 3) Dwg No.19 Rev A Phase 1 Detail Design (3 of 3) Dwg No.108 Northern Country Park Picnic Area Layout, Dwg No.110 Hard Landscape Details 1 of 3 Dwg No.111 Hard Landscape Details 2 of 3 Dwg No.112 Hard Landscape Details 3 of 3 Dwg No.100 Drawing Key and Submission Scope Dwg No.114 Rev A Bridle Bridge Illustrative Detail, 9.3.17 Dwg No.13 Rev E Country Park Concept Landscape Masterplan Dwg No.1336-13-101A Soft Landscaping Dwg No.1336-13-102A Soft Landscaping Proposals Dwg No.1336-13-103A Soft Landscaping Proposals C11, C12 & C13, Planning Condition Response Dwg No.1336-13-21K Overall Concept Layout Masterplan Dwg No. 1336-13-109B Northern Country Park Car Park Layout Dwg No. 1336-13-105A Hard Landscaping Proposals (1 of 3)	**Notwithstanding the requirements outlined in the s106 Agreement, the details submitted are acceptable to discharge condition. Scheme must be fully implemented and maintained in accordance with approved details.**

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		Dwg No. 1336-13-106A Hard Landscaping Proposals (2 of 3), Dwg No. 1336-13-107A Hard Landscaping Proposals (3 of 3), Dwg No. 1336-13-14E Footpaths, Cycleways,Bridleways Dwg No. 1336-13-104A Detailed Planting Key Dwg No. 1336-13-RP07 Design and Access Statement, Dwg No. 1336-13-13E Country Park Concept Masterplan 3.4.17 Drg No.1336-13-15 Rev H Plot Development Landscape Masterplan 04.04.17 Dwg 113 Soft Landscape Details	
Condition 12	No development shall take place until a schedule of landscape maintenance, including provision for replacement of any failures, for a minimum period of 10 years has been has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.	3.2.17 Soft Landscape Maintenance & Management Proposals Dwg No.09 Rev A Site Location Plan Dwg No.13-052-P101K Illustrative Masterplan Dwg No.113 Soft Landscape Details Dwg No.115 Proposed Levels and Earth Modelling to Northern Country Park, Dwg No.116 Proposed Landscape Sections, Dwg No.31 Proposed Landscape Levels - South Area, Dwg No.20 Rev B Phase 1 Soft Landscape Layout Dwg No.17 Rev A Phase 1 Detail Design (1of 3) Dwg No.18 Rev A Phase 1 Detail Design (2 of 3) Dwg No.19 Rev A Phase 1 Detail Design (3 of 3)	**Notwithstanding the requirements outlined in the s106 Agreement, the details submitted are acceptable to discharge condition. Scheme must be fully implemented and maintained in accordance with approved details.**

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		Dwg No.108 Northern Country Park Picnic Area Layout, Dwg No.110 Hard Landscape Details 1 of 3 Dwg No.111 Hard Landscape Details 2 of 3 Dwg No.112 Hard Landscape Details 3 of 3 Dwg No.100 Drawing Key and Submission Scope Dwg No.114 Rev A Bridle Bridge Illustrative Detail, 9.3.17 Dwg No.13 Rev E Country Park Concept Landscape Masterplan Dwg No.1336-13-101A Soft Landscaping Dwg No.1336-13-102A Soft Landscaping Proposals Dwg No.1336-13-103A Soft Landscaping Proposals C11, C12 & C13, Planning Condition Response Dwg No.1336-13-21K Overall Concept Layout Masterplan Dwg No. 1336-13-109B Northern Country Park Car Park Layout Dwg No. 1336-13-105A Hard Landscaping Proposals (1 of 3) Dwg No. 1336-13-106A Hard Landscaping Proposals (2 of 3), Dwg No. 1336-13-107A Hard Landscaping Proposals (3 of 3), Dwg No. 1336-13-14E Footpaths, Cycleways,Bridleways Dwg No. 1336-13-104A Detailed Planting Key Dwg No. 1336-13-RP07 Design and Access Statement, Dwg No. 1336-13-13E Country Park Concept Masterplan 3.4.17 Drg No.1336-13-15 Rev H Plot Development Landscape Masterplan 04.04.17 Dwg 113 Soft Landscape Details Dwg 117 Tree Pit in Car Park Detail	

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Condition 13	No development shall commence until a scheme of footways, cycle ways and bridleways, together with their access to the site and to Nailstone, Bagworth and Battram villages, and any ancillary works related thereto has been submitted to and approved in writing by the local planning authority and no buildings within the development shall be occupied until the works proposed in the scheme have been carried out and completed, unless the local planning authority gives its written consent to any variation.	3.2.17 Soft Landscape Maintenance & Management Proposals Dwg No.09 Rev A Site Location Plan Dwg No.13-052-P101K Illustrative Masterplan Dwg No.113 Soft Landscape Details Dwg No.115 Proposed Levels and Earth Modelling to Northern Country Park, Dwg No.116 Proposed Landscape Sections, Dwg No.31 Proposed Landscape Levels - South Area, Dwg No.20 Rev B Phase 1 Soft Landscape Layout Dwg No.17 Rev A Phase 1 Detail Design (1of 3) Dwg No.18 Rev A Phase 1 Detail Design (2 of 3) Dwg No.19 Rev A Phase 1 Detail Design (3 of 3) Dwg No.108 Northern Country Park Picnic Area Layout, Dwg No.110 Hard Landscape Details 1 of 3 Dwg No.111 Hard Landscape Details 2 of 3 Dwg No.112 Hard Landscape Details 3 of 3 Dwg No.100 Drawing Key and Submission Scope Dwg No.114 Rev A Bridle Bridge Illustrative Detail, 9.3.17 Dwg No.13 Rev E Country Park Concept Landscape Masterplan Dwg No.1336-13-101A Soft Landscaping Dwg No.1336-13-102A Soft Landscaping Proposals Dwg No.1336-13-103A Soft Landscaping Proposals C11 C12 & C13, Planning Condition Response Dwg No.1336-13-21K Overall Concept Layout Masterplan Dwg No. 1336-13-109B Northern Country Park Car Park Layout Dwg No. 1336-13-105A Hard Landscaping Proposals (1 of 3)	**Notwithstanding the requirements outlined in the s106 Agreement, the details submitted are acceptable to discharge condition. Scheme must be fully implemented and maintained in accordance with approved details.** **Please see advisory note from Leicestershire County Council - Appendix 1**

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		Dwg No. 1336-13-106A Hard Landscaping Proposals (2 of 3), Dwg No. 1336-13-107A Hard Landscaping Proposals (3 of 3), Dwg No. 1336-13-14E Footpaths, Cycleways,Bridleways Dwg No. 1336-13-104A Detailed Planting Key Dwg No. 1336-13-RP07 Design and Access Statement, Dwg No. 1336-13-13E Country Park Concept Masterplan 3.4.17 Drg No.1336-13-15 Rev H Plot Development Landscape Masterplan 04.04.17 Dwg 113 Soft Landscape Details	
Condition 15	No development shall take place until a Framework Travel Plan, including details of the mechanism to be used for its delivery, monitoring and enforcement has been submitted to and approved in writing by the local planning authority. The development shall be implemented and thereafter operated in accordance with the measures and timetable stated in the approved Framework Travel Plan unless the local planning authority gives its written consent to any variation.	18.1.17 C15 Nailstone Travel Plan Final Complete 31_03_15	LCC Comments: The Travel Plan is acceptable however iTRACE details are used within the survey and monitoring section. It should now be MODESHIFT STARSfor. **Details submitted acceptable to discharge condition. Scheme must be fully implemented and maintained in accordance with approved details.**

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			N.B When monitoring period begins please be aware that iTRACE has been replaced with MODESHIFT STARSfor and this should be addressed accordingly.
Condition 21	Before development commences details of the routeing of construction traffic shall be submitted to for approval in writing by, the local planning authority. During the period of construction all traffic to and from the site shall use the agreed route at all times unless the local planning authority gives its written consent to any variation.	18.1.17 C8 & C21 CMS Part 1 C8 & C21 CMS Part 2 C8 & C21 Dust Monitoring C8 & C21 Noise Monitoring C8 & C21 Lighting & Working Hours	**Details submitted acceptable to discharge condition. Scheme must be fully implemented and maintained in accordance with approved details.**
Condition 22	Before development commences details of the location and construction of the proposed "gateway" feature for Nailstone village shall be submitted to and approved in writing by the local planning authority. The feature shall be provided in accordance with the approved scheme of details before any building on the site is first occupied.	18.1.17 C22 Mitigation Strategy Figure 6-1 C22 sd1247 Gateway Feature C22 Southbound Entry Nailstone Village C22 S018750-CA-0-GF-DR-S-SK08-P01 Gateway Feature Southbound Entry Nailstone Village	**Details submitted acceptable to discharge condition. Scheme must be fully implemented and maintained in accordance with approved details.** Note to Applicant: Gateway feature positioning to be finally confirmed as part of the S278 Agreement with LCC Highways

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Appendix 1

Note from Leicestershire County Council:

Prior to and during construction, measures should be taken to ensure that users of the Public Rights of Way are not exposed to any elements of danger associated with construction works, and wherever appropriate they should be safeguarded from the site by a secure fence.

The Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without proper authorisation. To do so may constitute an offence under the Highways Act (HA) 1980.

If the developer requires a Right of Way to be temporarily closed or diverted, for a period of up to six months, to enable construction works to take place, an application should be made to roadclosures@leics.gov.uk at least 8 weeks before the temporary closure / diversion is required.

Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

If proposals change and there are any Public Rights of Way which the applicant considers impracticable to retain along their existing lines, a separate application for a diversion should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of the Public Rights of Way until a Diversion Order has been confirmed and become operative.

At an appropriate stage, the landscape contractor should arrange to meet an officer from LCC to discuss the proposed works affecting formal Public Rights of Way, including:

No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority having been obtained (S147 & S147ZA HA80). Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its removal.

It is also recommended that no trees or shrubs should be planted within 1 metre of the edge of the Public Rights of Way and boundary treatments running alongside paths discussed. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.