

**23/00543 Delegated Report
Discharge of Conditions**

Planning Ref: 23/00543/DISCON
Applicant: Mr Robbie Locke
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: Land Beech Drive Thornton

Application to discharge conditions 3, (Levels) 4, (Broadband) 6, (Surface Water Management) 8, (Landscaping) 12, (Archaeology) 13, (Biodiversity and Woodland Management Plan) 17, (Construction Environmental Management Plan and Method Statement) 18, (Public Right of Way) 19, (Badger Survey) 20, (suspended Solids relating to Surface Water) on appeal decision APP/K2420/W/21/3285060 relating to application 20/00511/FUL

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

Condition 3

No development shall commence until existing and proposed ground levels and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Received 22 August 2023

**C3 Drainage General Arrangement (Levels) PJS22-058-DR-506C
C3 & C6 Drainage General Arrangement Plan Dwg no. DR.506 Rev B**

Condition 4

Prior to the commencement of development above slab floor level details for the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and the infrastructure shall be fully available prior to the occupation of each dwelling.

Received 6 June 2023

C4 Openreach Fibre Fully Connectorised Network Proposal BAG_043

Condition 6

No development shall take place until such time as details for the management of surface water on site during construction of 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 30 November 2023

**C6 & C17 Construction Method Statement Thornton
C6 & C20 LLFA Consent Certificate HMS 894080)
C6 & C20 Traffic Management Plan) (Drainage elements)**

Received 26 October 2023

**C6 HMS 894080 BEECH DRIVE, THORNTON LCC Consent Certificate of Authorisation
C6 Drainage General Arrangement PJS22-058-DR-506**

Received 6 June 2023

C6 Surface Water Drainage Report

Condition 8

No development shall take place until details of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the local planning authority

Received 6 December 2023

C8 & C18 Boundaries and Hard Landscaping Plan 3520-03 Rev C

Received 5 December 2023

C8 Landscape – Planting Plan d041-A5.12.23

C8 Landscape Planning Statement

Condition 12

No site clearance/development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and:

- i) the programme and methodology of site investigation and recording
- ii) the programme for post investigation assessment
- iii) the provision to be made for analysis of the site investigation and recording
- iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation
- v) the provision to be made for archive deposition of the analysis and records of the site investigation
- vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No site clearance/development shall take place other than in accordance with the approved Written Scheme of Investigation

Received 3 June 2023

C12 Written Scheme of Investigation Evaluation MK0876

Condition 13

No part of the development hereby permitted shall be occupied until a Biodiversity & Woodland Management Plan, in line with the approved edp6140_r006b-Heads of Terms for Woodland Management Plan dated 22/06/2021, and a scheme for the protection of retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall be submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Received 5 December 2023

C13 Biodiversity & Woodland Management Plan Rev 016A (edp 6140)

Condition 17

No development shall commence on site (including any site clearance/preparation works), until a Construction Environmental Management Plan and Method Statement has been

submitted to the local planning authority for approval in writing and has been so approved. Details shall provide the following:

- i) the parking of vehicles of site operatives and visitors
- ii) loading/unloading and storage of plant, materials, oils, fuels, and chemicals
- iii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- iv) wheel washing facilities and road cleaning arrangements
- v) measures to control the emission of dust during construction
- vi) a scheme for recycling/disposing of waste resulting from site preparation and construction works
- vii) measures for the protection of the natural environment
- viii) hours of construction work, including deliveries and removal of materials
- ix) details of any piling technique to be employed, if relevant
- x) location of temporary buildings and associated generators, compounds, structures and enclosures
- xi) details of any floodlighting to be installed associated with the construction of the development
- xii) detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination
- xiii) details of how such controls will be monitored
- xiv) the procedure for the investigation of complaints
- xv) routing of construction vehicles.

Received 5 December 2023

C17 Construction Environmental Management Plan Rev A 30.11.23

Received 30 November 2023

C6 & C17 Construction Method Statement Thornton

Received 26 October 2023

C17 & C20 Traffic Management Plan 02419-004P Thornton

Condition 18

The development hereby permitted shall not be occupied until a scheme (including a timetable for its implementation and completion) for the treatment of the Public Right of Way within the site has been submitted to and approved in writing by the local planning authority. The scheme shall include provision for management during construction, fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable. In designing the scheme, the developer should include the following elements:

- i) Where a Public right of way crosses a carriageway, drop kerbs shall be provided
- ii) No trees shall be planted within 1 metre of the edge of the Public Right of Way. Any trees or shrubs planted alongside a Public Right of way shall comprise non-invasive species.
- iii) Any changes to the existing boundary treatments running along the Public Right of Way must be submitted to approved by the local planning authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.
- v) A comprehensive signing scheme in respect of the Public Right of Way installed prior to the completion of the development

Received 6 December 2023

C8 & C18 Boundaries and Hard Landscaping Plan 3520-03 Rev C

Received 30 November 2023

C18 PRow Planning 30.11.23

Received 26 October 2023

C18 Has Made Notice – TEMP4188 (for temporary diversion approval)

C18 PRow Planning with existing and diverted PRow

Received 6 July 2023

LCC Public Rights of Way correspondence

Received 6 June 2023

C18, Prow Plan and Sections Dwg No. EDp140_d039-a-

Condition 19

An updated Badger Survey shall be submitted to and approved in writing by the Local Planning Authority within 3 months prior to the site clearance. The development shall be carried out in accordance with any mitigation measures outlined within the survey.

Received 6 June 2023

C169 Badger Survey

Received 30 November 2023

C19 Walkover Survey Updated 30.11.23 edp6140_r013-A

Condition 20

The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to and approved in writing by, the local planning authority. The approved scheme shall be adhered to throughout the construction period.

Received 26 October 2023

C17 & C20 Traffic Management Plan 02419-004P Thornton (Straw bale filter drain)

Received 30 November 2023

C6 & C20 LLFA Consent Certificate HMS 894080)

C6 & C20 Traffic Management Plan (Drainage elements)

Consultees / Assessed by:

LLFA (Local Lead Flood Authority) – Leicestershire County Council

HBBC Drainage Officer

LCC Ecology

LCC Highways

Environmental Services Officer

Compliance & Monitoring Officer

Conclusion / Summary:

Condition 3

Levels Plan was submitted that detailed figures across the site, however the plan did not include a key, therefore the LPA could only presume what are to be existing, proposed and finished floor levels on the submitted plan. A revised plan was requested on various occasions a telephone call to establish what was required. Unfortunately, to date the LPA has not received a revised plan to show these details. Therefore, the condition is not eligible for discharge as the LPA are not in receipt of a plan that plan clearly identifies and demonstrates what the existing, proposed and finished floor levels of the proposed development will be to ensure that it has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and

Condition 4

A Plan has been provided by Openreach that details the proposed infrastructure to be provided to the development and to each unit. The plan ensures that the development and its users once implemented will have access to a high quality and reliable communications infrastructure network which accords with paragraph 115 of the National Planning Policy Framework (2021).

Condition 6

Various documents have been provided that contain information of how the applicant proposes to address surface water during construction and has been assessed by the LLFA and the Councils Drainage Officer. The LLFA and the Councils Drainage Officer are not satisfied how they propose to mitigate surface water drainage throughout the development construction period as details of temporary attenuation, additional treatment (silt curtains) controls, maintenance, protection and emergency measures and details how suspended solids will be managed for Condition 20 have not been provided. Despite requesting the information, the LPA are not in receipt to date with any further details and therefore the condition is not eligible for discharge as the details do not satisfactorily demonstrate how any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Condition 8

Landscaping plans have been provided to support the discharge of Condition 8. The Landscaping plans were also approved on the reserved matters application and therefore already approved. The developer has provided additional information for the implementation of the landscaping scheme which confirms that it will be completed within a reasonable timeframe to ensure satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Condition 12

A Written Scheme of Investigation has been submitted for the initial evaluation of the site and assessed by LCC Archaeology. The investigation outlines and demonstrates how they proposed to investigate and record the results found on the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016). The condition is eligible for a partial discharge to enable the investigation to commence on site.

Condition 13

The Biodiversity & Management Plan has been assessed by LCC Ecology. The details demonstrate how the areas will be managed and maintained in perpetuity to ensure that the landscaped areas are satisfactorily managed and maintained in accordance with Policy DM10 of adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Condition 17

A Construction Method Statement and Construction Environmental Plan has been submitted and assessed by the Councils Environmental Services Officer. The details include that piling will be undertaken on site but no details have been submitted regarding mitigation

measures, which include vibration monitoring, and or proposed actions to be taken if levels are exceeded. Guidance on noise and vibration has been recommended to the applicant to enable them to provide the necessary mitigation. Despite requesting further information, no acceptable details have been provided therefore the LPA is not in a position to discharge condition 17 as the development is near the location of existing residential properties that will be impacted and no details have been provided to minimise 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). It is noted that the Highway Authority had no objection to the discharge of this condition.

Condition 18

Public Right of Way supporting documents have been provided, however the Local Highway Authority (Public Rights of Way Officer) have advised that the applicant needs to submit a diversion order to confirm that a diversion is in place to move the existing PRoW on to the right side of the two estate roads and to provide comprehensive detailed signage. The applicant has been reluctant to submit a PRoW diversion at this stage and no further details have been provided therefore the condition is not eligible for discharge as it doesn't meet the interests of amenity, safety and security of users of the Public Right of Way in accordance with Paragraph 100 of the National Planning Policy Framework (2021).

Condition 19

An updated walk around Badger Survey has been completed and no additional or further badger findings have been identified than that detailed in the initial report and therefore LCC Ecology have recommended that the condition is eligible for discharge.

Condition 20

As per condition 6 details to satisfy the LLFA who requested condition 20 have not been provided despite information being requested therefore Condition 20 remains undischarged.

Officer Recommendations

Conditions Not Discharged

Condition 3 Levels – Not discharged.

Condition 6 Surface Water During Construction - Not discharged.

Condition 17 CEMP – Not Discharged

Condition 18 PRoW – Not Discharged.

Condition 20 solids After – Not Discharged.

Conditions Discharged/ Partially Discharged:

Condition 4 Broadband - Discharge

Condition 8 Landscaping- Discharge

Condition 12 Archaeology – Partial Discharge

Condition 13 Biodiversity and Woodland Management Plan - Discharge

Condition 19 Badger Survey – Discharge