

Hinckley & Bosworth Borough Council

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

DoC Decision Notice Split Decision - Discharge of Conditions

Mr Robbie Locke
Cora
Grovelands Business Park
West Haddon Road
East Haddon
NN6 8FB

Details of Application:

Application Ref: 23/00543/DISCON
Proposal: 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
Location: Land Beech Drive Thornton Bagworth And Thornton

The details submitted have been considered by the Local Planning Authority and have either been **DISCHARGED, PARTIALLY 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 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

Reason: The Plans do not clearly indicate the proposed, existing and finished floor levels for the development as no key has been provided therefore the plans do not demonstrate that the development will have an acceptable appearance

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

Reason: details relating to the proposed mitigation for flood risk have not been provided to demonstrate to the LPA that the proposal will not cause any increase in flood risk, maintain the existing surface water runoff quality and prevent damage to the final management water systems throughout the development during the construction phase in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: The details submitted do not include how vibration and noise will be managed on site due to the need for piling. Therefore as the development is in close proximity to existing residential properties the details do not satisfy the LPA how they propose to

minimise disruption during the constriction period in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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-

Reason: The Applicant has failed to demonstrate a comprehensive signage scheme and to submit a diversion scheme for the public right of way and therefore does not 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 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)

Reason: The details provided do not demonstrate how they propose to treat and remove suspended solids from surface water run-off during the construction works in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

PARTIALLY DISCHARGED CONDITIONS

The details submitted to support the following conditions are acceptable to the Local Planning Authority to allow the condition 12 to be **PARTIALLY DISCHARGED** to enable the investigation outlined in the WSI to proceed;;

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

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 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 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 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 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

Important Notes;

Condition 12 is PARTIALLY DISCHARGED to enable the archaeological investigations to be undertaken in accordance with the approved WSI. Condition 12 can be applied to be FULLY DISCHARGED once the works have been implemented in full and final report be submitted and ready for archive. A new application and fee will be required.

Following agreement with the applicant some conditions have not been discharged so that the application can be determined in its status. Where conditions re-main UN-DISCHARGED these can either be appealed or a new application submitted with revised 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 (subject to all pre-commencement conditions being appropriately discharged).



Christopher Brown MRTPI
Head of Planning

Date : 22 January 2024