

**Delegated Report
Discharge of Conditions**

Planning Ref: 24/00159/DISCON
Applicant: Mr Robbie Locke
Ward: Ratby Bagworth And Thornton

Site: Land Beech Drive Thornton



Hinckley & Bosworth
Borough Council

Application to discharge conditions 3 (Levels), 6 (Surface Water Management), 17 (Construction Environmental Management Plan and Method Statement), 18 (Public Right of Way), 20 (Suspended Solids) on Appeal Decision APP/K2420/W/21/3285060 relating to planning 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 20 June 2024

C3 Amended Levels, Drg No. PJS22-058 DR 701 Rev C

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 12 September 2024

C6 & C17 CEMP Thornton Rev I VF

Received 19 February 2024

C6 & C20 - Surface Water Drainage Strategy Report - Ref ADC1092-RP-P-v2

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 12 September 2024

C6 & C17 CEMP Thornton Rev I VF

C17 JX 25 Vibration Calculation 10.09.2024

C17 JX 25 Vibration Graph Thornton 10.09.2024

C17 240909 P2030-ET01 Nuneaton (23145) 2.5T BSP JX25-8 Hammer Energy Test Report - PA-Akela

Received 27 August 2024

C17 Thornton Site (Satellite Photo)

C17 JX Noise Assessment Master Rev 1 Precast Piles 2023-05-09

Received 19 February 2024

C17 - Piling Plan - Drg No. LE671AY001_KEY_PLAN_MD_230406

C17 - Piling Details - LE671AY001-LETT-001

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

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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 22 April 2024

C18 PJS22-058-DR-900 Construction Details

C18 02419 -002P Rev C Charter Plan

Received 15 March 2024

C18 PRow Charter Plan Rev C

Received 19 February 2024

C18 - TEMP4188 (for temporary diversion approval)

C18 - Copy of signed application form for permanent footpath diversion

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 19 February 2024

C20 - S104 Technical Compliance – 1064245

C6 & C20 - Surface Water Drainage Strategy Report - Ref ADC1092-RP-P-v2

C6 & C20 - Flood Risk Assessment (pages 1-29) Ref - ADC1092-RP-E-v4

C6 & C20 - Flood Risk Assessment (pages 30 -36) Ref - ADC1092-RP-E-v4

C6 & C20 - Flood Risk Assessment (pages 37 - 54) Ref - ADC1092-RP-E-v4

Consultees / Assessed by:

LLFA (Local Lead Flood Authority) – Leicestershire County Council

HBBC Drainage

Environmental Agency

HBBC Environmental Services

LCC Highways

Case Officer

Senior Officer

Conclusion / Summary:

Condition 3

Condition 3 requires the overall site levels to be provided for existing, proposed and finished floor levels. On initial plans submitted with the application the levels were not consistent with the section plans approved under the appeal decision. Therefore, it was requested that these were addressed. Due to the land level changes required the original levels could not be fully met, therefore the applicant submitted a non-material amendment application for the proposed section levels to the site to be slightly varied. The Compliance & Monitoring Officer and Senior Officer with the Head of Planning have assessed the revised plans with the proposed changes to how it affects the site and in particular residents along Main Street. It was noted that the distance from the back gardens to the properties was significant enough to be able to slightly change the levels to these row of dwellings without making a significant impact on existing residents but enough to satisfy the site having acceptable levels to obtain a satisfactory drainage scheme/design and be of a satisfactory level to those residents.

The table below shows the finished floor levels shown on the approved plan 3520-30D Site Sections, along with the updated proposals provided in DR-701 Rev C.

Plot Number	FFL 3520-30D Site Sections	DR-701 Rev C	Difference
Plots 30-33	142.75	143.025	0.275
Plot 34	143.925	143.775	-0.150
Plot 35	143,925	143.775	-0.150
Plot 36	144,075	144.000	-0.075
Plot 37	144.525	144.000	-0.525
Plot 38	144.600	144.150	-0.450

Plot 39	144.600	144.150	-0.450
Plot 40	143.1	143.775	0.675
Plot 29	141.5	142.950	0.450
Plot 10	135.35	134.850	-0.5
Plot 1	134.65	134.775	0.125
Plot 22	142.7	143.625	0.925
Plot 17	139.1	138.525	-0.575
Plot 7	138.5	138.675	0.175

All officers were in agreement that the LPA compromise and accept those changes and the non-material amendment application was determined. Therefore, the levels proposed on Rev C are acceptable across the site, and will provide a satisfactory appearance to ensure that the development is in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Condition 6

The Construction Management Plan includes details on how the developer will deal with surface water drainage during the construction stage as well as the Surface Water Drainage Strategy Report - Ref ADC1092-RP-P-v2. Which details that during construction it will adopt the same discharge strategy as the development and will be constructing the attenuation basin whilst the initial earth works are undertaken to enable surface water to drain. The details have been assessed by the Councils Drainage Officer and LLFA whom have advised that the proposal is acceptable.

Condition 17

Rev I Construction environmental Management Plan along with various piling details have been accepted by the Highway Authority and the Councils Environmental Services Officer. The details demonstrate how points i) to xv) are to be managed during the construction period. The mitigation measures that are acceptable demonstrate how the developer proposes to minimise disruption with parking, mud on the road, piling vibrations, dust and noise, working hours, parking and on-site facilities so as not cause a nuisance to local residents as much as possible. The piling details / mitigation will be kept to a minimum as is possible and monitored.

Condition 18

Condition 18 is not a pre-commencement condition but was applied for at the same time as the other outstanding pre-commencement conditions. However, as a legal diversion is required it is not appropriate to discharge the condition until after the public consultation on the separate diversion has been satisfactory completed. Therefore, the LPA have discussed this with the developer and agreed to determine the application so that the pre-commencement conditions are discharged to enable commencement and not hindered by a condition that is a pre-occupation condition.

Condition 20

The Environment Agency was consulted on Condition 20 and found the supporting details satisfactory that have also been provided for the surface water run off during construction where it details how they propose to remove suspended solids from the surface water runoff. Therefore, the condition is eligible for discharge and the approved scheme be implemented throughout the development

Officer Recommendations:

Condition 3 Levels – Discharge

Condition 6 Surface Water Management During Construction

Condition 17 Construction Environmental Management Plan and Method Statement)

Condition 18 Public Right of Way – Not Discharged as Diversion not yet approved (agreed to be resubmitted so as not to hold up commencement on site)

Condition 20 Suspended Solids – Discharge

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