

# Hinckley & Bosworth Borough Council

## Town and Country Planning Act 1990 (as amended) Approval of Details Reserved by Condition

### CONDITIONS DISCHARGED

#### Name and Address of Applicant

Mr Sam Salt  
Avant Homes West Midlands  
Wingfield Court  
18 Coventry Road  
Coleshill  
Birmingham  
B46 3BE

#### Name and Address of Agent (if any)

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### Part I – Particulars of Application

#### Planning Reference: 26/00367/DISCON

**Application Site:** Land Opposite Spring Acre Lychgate Lane Burbage

**Proposal:** Application to discharge C9 (Surface Water Management during Construction) C10 (SuDS Management Plan) C14 (Existing Ground Levels and Proposed Finished Floor Levels) C23 (BNG and HMMP) of planning permission 22/00192/OUT (appeal Decision APP/K2420/W/23/3321670)

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### Part II – Summary of Decision

#### CONDITIONS DISCHARGED

In pursuance of its powers under the Town and Country Planning Act 1990 (as amended), the Local Planning Authority hereby approves the details submitted in relation to the following conditions:

#### Condition 9 Surface Water Management during Construction

C9 Construction Surface Water Management Plan 18/6/2026  
C9 & C10 Landscape Management Plan 21/4/26

#### Condition 10 Long Term SuDS Management Plan

C9 Construction Surface Water Management Plan 18/6/2026  
C9 & C10 Landscape Management Plan 21/4/26

#### Condition 14 Levels

C14 Topographical Survey 37126 T Rev 0 21/4/26  
C14 E323-00-01-EXISTING AND PROPOSED GROUND LEVELS PLAN SHEET 1 OF 3 15/7/26  
C14 E323-00-02-EXISTING AND PROPOSED GROUND LEVELS PLAN SHEET 2 OF 3 15/7/26  
C14 E323-00-03-EXISTING AND PROPOSED GROUND LEVELS PLAN SHEET 3 OF 3 15/7/26

### **Condition 23 Biodiversity Net Gain (BNG) & HMMP (Habitat Management & Monitoring Plan**

C23 Statutory Condition BNG Registration TEOD8-AVDLJ 8/7/26

C23 Statutory Condition - HMMP V5 16/7/26

C23 Statutory Condition - Biodiversity Net Gain – Matrix 8/7/26

C23 & Statutory Condition - Biodiversity Net Gain Plan Rev G 16/07/26

**The details submitted are ACCEPTABLE and the conditions are DISCHARGED. The development must be carried out in strict accordance with the above approved documents and the full terms of the conditions.**

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*C. Brown.*

**Date:** 16 July 2026

**Christopher Brown MRTPI  
Head of Planning**

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### **Part III – Particulars of Decision**

#### **Condition 9 Surface Water During Construction:**

Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance, and protection. Details regarding the protection of any proposed infiltration areas should also be provided. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

#### **Condition 10 Long Term Maintenance of Surface Water Drainage Scheme**

Prior to commencement of development details in relation to the long-term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan shall include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

#### **Condition 14 Levels**

No development shall commence on site until such time as the existing and proposed ground levels of the site and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

#### **Condition 23 Biodiversity Net Gain Plan**

No development shall take place (including ground works or vegetation clearance) until a Biodiversity Net Gain Plan (the Plan) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be based on the submitted Biodiversity Net Gain metric spreadsheet (Sam Weston 05/05/2022) and shall provide a minimum of 1% net gain on the reported baseline habitat loss. The Plan shall include the following details:

- a) Location plan of the area(s) to be used for Biodiversity Net Gain;
- b) Description of existing habitats on and off site;
- c) Description of planned habitat creation/enhancement, including species;
- d) Baseline habitat data used to inform metric;
- e) Habitat creation/enhancement plans used to inform metric;
- f) Timetable for implementation of habitat creation/enhancement;
- g) Habitat management and monitoring plan including timetable for management routines and reviews, and strategy for any remedial measures, if and when required;
- h) Mechanism for securing the implementation of the biodiversity off-setting and its maintenance/management for a period of 30 years in accordance with details approved in the Plan;
- i) timetables for implementation.

The Plan shall be supported by up to-date Biodiversity Net Gain metric calculations for both the application site and the site for off-setting using the latest DEFRA version of the metric.

The Plan shall be implemented in accordance with the approved details and shall be retained thereafter.

**Consultees** LCC Ecology, LLFA (Local Lead Floor Authority Leicestershire County Council, HBBC Drainage Officer, Compliance & Monitoring Officer

#### **Assessment:**

##### Condition 9

Surface water during construction will be managed through the protection and maintenance of drainage infrastructure, control of silt and debris, inspection and cleaning of drainage systems, and the implementation of pollution prevention measures including bunded fuel storage, spill kits and spill response procedures. These measures are intended to prevent contaminated runoff and protect the drainage network and surrounding environment during the construction phase. The Councils drainage officer and the LLFA advised that the proposals were acceptable for the condition to be discharged.

##### Condition 10

Trustgreen Management have provided a plan which details how they propose to manage and maintain the surface water drainage system on site which includes regular maintenance of the attenuation tanks with occasional maintenance which is only required periodically and then the remedial maintenance. The Local planning Authority is satisfied that the maintenance responsibilities, inspection regime and management measures proposed will secure the satisfactory operation and longevity of the drainage scheme for the lifetime of the development.

##### Condition 14

A desk assessment has been undertaken by the Compliance & Monitoring Officer where the levels plans have been assessed which show the existing and proposed levels across the site including the open space areas. The finished floor levels to each of the plots are also provided. The assessment revealed that the site has existing gradients that reflect the natural topography of the road and surrounding area. The proposed property levels will follow these

existing gradients to maintain consistency and ensure the development integrates seamlessly with the current landscape and the proposed open space areas. The proposed levels ensure that the open space areas are not unnecessarily undulated by way of a note which ensure that the ground levels within all public open space areas shall tie into adjacent approved levels and be formed to appropriate gradients to ensure usability, accessibility and satisfactory surface water drainage ensuring no undue ponding or concentration of run off occurs. No excessive changes in land levels, artificial mounding or unnecessary undulations shall be created within the open space areas. The LPA are satisfied that the details demonstrate acceptable levels across the site to enable the condition to be discharged

#### Condition 23

A Biodiversity Net Gain (BNG) Plan, Metric, Habitat Management and Monitoring Plan (HMMP), and Off-Site BNG Registration document have been submitted and reviewed by Leicestershire County Council (LCC) Ecology. Following an initial review, LCC Ecology requested some amendments and additional information, which have now been provided by the applicant.

LCC Ecology has confirmed that the submitted documents are acceptable and satisfy the requirements of Condition 23. The information submitted addresses all matters required by the condition (a) to (i)

LCC Ecology identified two minor changes during its assessment, and the Local Planning Authority is now in receipt of the amended documents addressing these points. As such, the Authority is satisfied that Condition 23 can be discharged.

It is also noted that the appeal decision predates the introduction of the mandatory Biodiversity Net Gain regime. Consequently, the requirement of Condition 23 is to secure a minimum 1% biodiversity net gain in accordance with the wording of the condition rather than the later mandatory BNG requirements. The submitted information is considered to fully satisfy the terms of the condition as imposed by the Inspector, and the Local Planning Authority is therefore satisfied that Condition 23 can be discharged.

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#### Note to Applicant:

- Where conditions are not discharged, the applicant has the right to appeal the decision via the Planning Inspectorate. Details of how to appeal can be found at: [www.gov.uk/appeal-planning-decision](http://www.gov.uk/appeal-planning-decision)  
Alternatively, the applicant may submit a new application, together with the relevant fee and supporting documentation addressing the outstanding requirements.
- Where conditions have been partially discharged, the applicant is required to submit a new application to fully discharge the condition together with the relevant fee and supporting documentation addressing the outstanding requirements.