

**Delegated Report
Discharge of Conditions**

Planning Ref: 23/01024/DISCON
Applicant: .
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Horiba Mira Ltd Mira Drive Lindley

Application to discharge conditions 5 (Surface water drainage) 6 (Surface Water Management During Construction)) and 7 (Surface Water Management During Construction) on planning application 23/00303/FUL

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

Condition 5

No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

Received 24 October 2024

C5 Flood Risk Assessment & SuDS Strategy

Condition 6

No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

Received 23 January 2024

C5, C6, & C7 Culvert Detail

C5, C6, & C7 Fencing Arrangements

C5, C6, & C7 Photos P1220160 – P1220179

Received 4 January 2024

C5 & C6 Supporting Statement

C5 & C6 SuDS Strategy (FRA)

Condition 7

No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

Received 24 October 2023

C5 Surface Water Discharge During construction

Received 23 January 2024

C5, C6, & C7 Culvert Detail

C5, C6, & C7 Fencing Arrangements

C5, C6, & C7 Photos P1220160 – P1220179

Received 1 December 2023

C5, C6, & C7 Method Statement

C5, C6, & C7 Surface Water Management

Consultees / Assessed by:

LLFA (Local Lead Flood Authority) – Leicestershire County Council
Drainage Officer

Conclusion / Summary:

Condition 5

Details have been submitted to support the discharge of condition 5 which have been assessed by the LLFA and the Councils Drainage Officer. The details are found to be satisfactory as the details demonstrate how they proposed to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document.

Condition 6 & Condition 7

For clarity conditions 6 & 7 are duplicated and therefore the response is the same:

Initially on submission of the application a letter was provided in support of conditions 6 & 7 that advised there was no need for any measures to be put in place as the construction would not introduce any non-permeable surfaces during construction stage until the building is clad, which at this point will be connected to the storm water system. The LLFA and the Councils Drainage Officer requested further information where a Method Statement and Surface Water Management plan were provided. Both consultees still required further information on how they proposed to prevent pollution. A supporting statement, the original FRA SuDS strategy was provided which stated that silt barriers will be used during construction followed by various photographs of construction works were provided, along with survey and foundations and fencing arrangements. The details provided showed that the development was commenced and is actually completed and therefore as conditions 6 & 7 were pre-commencement conditions the Local Planning Authority is unable to discharge conditions retrospectively as the details were to prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document.

Therefore, the conditions cannot be discharged. The agent has been advised that a Section 73 application should be submitted to vary / amend conditions 6 & 7

Officer Recommendations:

Condition 5 Surface Water Drainage Scheme – Discharge

Condition 6 Surface Water Drainage During Construction – Unable to Discharge

Condition 7 Surface Water Drainage During Construction – Unable to Discharge

Note to Applicant:

The Local Lead Flood Authority have advised that due to a lack of a Section 23(a) approval means that the constructed culvert will remain unconsented for the lifetime of its operation.