

**Delegated Report
Discharge of Conditions**

Planning Ref: 25/00076/DISCON
Applicant: Mr Elliott Harding
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Ashby House Hill Top Farm Hill Top

Application to discharge conditions 3 (Land Contamination Investigations), 13 (Pedestrian path widening scheme), 21 (External Lighting), 23 (Electric Vehicle Charging), 25 Travel Pack) and 28 (Retaining walls - External Finishes) attached to planning permission 23/01201/CONDIT

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

Condition 3

The development approved by this permission shall be commenced in accordance with the land contamination investigation submitted and approved under application 23/00802/DISCON. Any remediation works so approved shall be carried out prior to the site first being occupied. Once the approved mitigation and remediation works have been installed details of this shall be submitted to and approved in writing by the Local Planning Authority.

Received 31 January 2025

C3 Updated Ground Gas Risk Assessment prepared by Soiltechnics ref: STW6847-R01-Rev A, dated December 2024.

Condition 13

No part of the development hereby permitted shall be occupied until such time as details of a scheme to widen the pedestrian footway to a minimum of 2.0 metres between the site access and the junction of Leicester Road/ Hill Top/Church Street has been submitted to the Local Planning Authority and agreed in writing. Thereafter the approved scheme shall be implemented in full prior to occupation of any dwelling.

Received 31 January 2025

C13 - LCC Letter - Section 38 RN-MP-P4026-B

Received 5 February 2025

C13 HTF-PPC-00-XX-DR-C-2100 P06 S278 General Arrangement (Cond 13).

Condition 21

No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Received 31 January 2025

C21 - External Light for Houses and Bungalow

C21 & 23 - External Works - 202305 01P

C21 - Proposed lighting design drawing P4026-B

Received 5 February 2025

C21 - Lighting calculation P4026-B
C21 New Dev letter. Section 38 RN-MP-P4026-B (Cond 21)

Condition 23

No development shall commence above foundation level until a scheme for the installation of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full details of the location fitting and timetable for installation of the units.

Received 31 January 2025
C23 EV Charger
C23 EV Charger MP01 Mounting Post
C23 EV Charger MP01 Mounting Post Photo

Received 5 February 2025
C23 Email - EVCP - Hill Top Farm Earl Shilton Installation confirmation

Condition 25

Prior to the occupation of the first dwelling, a Travel Pack informing residents what sustainable travel choices are in the surrounding area shall be submitted to and approved in writing by the Local Planning Authority. The agreed Travel Packs shall then be supplied to purchases on the occupation of each dwelling.

Received 27 March 2025
C25 Earl Shilton Travel Pack March 25

Condition 28

Notwithstanding the approved plans, prior to the construction of any retaining walls details of their external finishes and appearance shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the retaining walls shall be constructed in accordance with the approved details and retained as such in perpetuity.

Received 31 January 2025
C28 - External Materials Schedule

Consultees / Assessed by:
LCC Highways
Case Officer
Compliance & Monitoring Officer
LCC Ecology
Environmental Services

Conclusion / Summary:

Condition 3

The updated ground gas risk assessment has been submitted to support the discharge of Condition 3 and assessed by the Councils Environmental Services Officer. It is agreed that CS1 is appropriate for the gas mitigation and the remediation where suspected asbestos is located is to be installed. The details enable the condition to be partially discharged so that the agreed mitigation measures can be implemented which will ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016). Once installed verification is to be provided and submitted for approval to enable the condition to be fully discharged. A new application and fee is applicable

Condition 13

A scheme has been submitted for the widening of the pedestrian footway to a minimum of 2.0 metres between the site access and the junction of Leicester Road/ Hill Top/Church Street and has been assessed by the Local Highway Authority (LHA). The details are acceptable to enable the condition to be discharged as the proposal ensures that the relevant improvements are made in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023). Note: Whilst a scheme has been accepted, this is not enforceable by the LPA. Note to applicant for works outside of the red are subject to a formal Section 278 agreement between the developer and the LHA.

Condition 21

A lighting scheme has been provided and assessed by LCC Ecology, also the LHA and the Councils Environmental Services Officer. Mainly ecology are in acceptance of the lighting scheme as the details provided show evidence that the proposed lighting will not affect the environment and local residents in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016). Note: All works within an adopted highway are subject to approval of Section 38 Agreement

Condition 23

Details of the locations and types of electrical vehicle charging units to be installed has been provided which demonstrates that electrical vehicle charging points are provided across the site, all units will be installed prior to first occupation of the dwelling to which it relates. This meets the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 116 (e) of the National Planning Policy Framework (2023).

Condition 25

A Travel Pack has been produced in support of condition 325 and assessed by the Local Highway Authority. The LHA have advised that the details are acceptable to help reduce the need to travel by single occupancy vehicle and to promote the use of Sustainable modes of transport in accordance with the National Planning Policy Framework (2023) by advising residents of local transport available to the new development.

Condition 28

Due to the significant change in levels from the dwelling to the garden boundary, retaining walls are required to be submitted and approved. The applicant is proposing a retaining wall system in Tobermore Secura in heather for plots that have significant level changes and for low levels retaining wall frontages bricks to match that of the property (plots advised). The details ensure that adequate retaining features are provided throughout the development with a consistency of retaining features across the site and those smaller retaining features will use bricks to match the proposed elevations of each of the plots, The details demonstrate that the development will overall have a satisfactory appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (2016)

Officer Recommendations:

Condition 3 Land Contamination – Partial Discharge
Condition 13 Pedestrian Widening Scheme – Discharge
Condition 21 External Lighting - Discharge
Condition 23 Electrical Vehicle Charging – Discharge
Condition 25 Travel Pack - Discharge
Condition 28 Retaining Walls - Discharge