

**Delegated Report
Discharge of Conditions**

Planning Ref: 25/00282/DISCON
Applicant: Ms Esther Wiles
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Land East Of The Windmill Inn Brascote Lane

Application to discharge condition 8 (Construction Environmental Management Plan including SuDS During Construction) on Appeal Decision APP/K24020/W/23/3331081 relating to application 22/00277/OUT

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

Condition 8

No development shall commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The Plan shall 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 air, dust, odour, noise, smoke, light and land contamination. The Plan shall detail how such controls will be monitored and a procedure for the investigation of complaints. The Plan shall detail how surface water drainage during construction will be managed. Site preparation and construction work shall be limited to between 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. There shall be no working on Sundays and Bank Holidays. The approved details shall then remain in force throughout the construction period.

Received 23 April 2025

C8 Construction Environment Management Plan - Newbold Verdon - Rev A

Consultees / Assessed by:

LLFA (Local Lead Flood Authority) – Leicestershire County Council
Environmental Services
Drainage Officer
LCC Highways

Conclusion / Summary:

Condition 8

A Construction Environmental Management Plan details how surface water will be managed during the construction period which involves channels for surface run off as and when required and daily inspections of the site. The plan details how dust will be kept to a minimum by regularly spraying roads and construction areas with water and road sweeping to remove any excess mud or debris. Speed limits are to be kept low to avoid creation of excess dust. No burning will be on site and noise will be managed by vehicles on site complying to BS5228:2009 noise and vibration regulations. Silencers will be used on site vehicles where possible and temporary acoustic barriers or screen sheeting will be erected if noise recordings are above acceptable levels which will be undertaken regularly on site. One-way systems will be put in place to minimise reverse alarm being used on site. Vibration limits have been set based on the machinery to be used should not be exceeded. Working hours provided are as outlined in the appeal decision. A complaints procedure has been provided so any potential issues can be addressed directly with the developer.

The Highway Authority objected to documents that linked to the construction environmental management plan, although not a condition they imposed, however the management of the construction traffic is under separate planning condition 9 of the appeal decision therefore the LPA is of the opinion that the environmental management plan demonstrates the management of the environment within the site and covers the surface water drainage as required by the condition which should not be withheld and that any traffic management of the site is subject to approval of Condition 9. Condition 9 can now be satisfactorily discharged under another application.

It is noted that the development has been underway for some time, with Planning Enforcement review, it is therefore important that the Local Planning Authority (LPA) take a pragmatic approach to formally approve the Construction Environmental Management Plan (CEMP) to ensure that its requirements can now be enforced in accordance with the planning conditions and approved document.

The developer is currently using an existing access to the site whilst the S278 works are approved/completed. The LPA deems that existing access would not require planning permission. Any enforcement outside of the red edge of the site would lie with the Highway Authority.

The LPA are of the opinion that Condition 8 specifically relates to the environment where the Councils Environmental Services Officer together with the LLFA, Drainage Officer advise that the measure once put in place will assist in minimising disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and therefore Condition 8 is eligible to be discharged.

Officer Recommendations:

Condition 8 Construction Environmental Management Plan - Discharge