

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990 (as amended) Discharge of Conditions

DoC Decision Notice Split Decision - Discharge of Conditions

Avant Homes Midlands
1 Phoenix Place
Phoenix Centre
Nottingham
NG8 6BA

Details of Application:

Application Ref: 24/00819/DISCON
Proposal: Application to discharge conditions 7 (Waste & Recycling), 12 (Construction Environmental Management Plan), 16 (EV Charging Points), 18 (Construction Traffic Management Plan), 23 (Biodiversity Net Gain Plan) from planning appeal decision APP/K2420/W/23/33217670 relating to planning application 22/00192/OUT
Location: Land Opposite Spring Acre Lychgate Lane Burbage

The details submitted have been considered by the Local Planning Authority and have either been **DISCHARGED OR REMAIN UN-DISCHARGED**, these are categorised below:

UN-DISCHARGED CONDITIONS

The details submitted with Conditions 7 and 23 are unacceptable to the Local Planning Authority and conditions 7 and 23 remains **UN-DISCHARGED**.

Condition 7

No occupation of any dwelling shall take place until a scheme that makes adequate provision for waste and recycling storage of containers and collection across the site has been submitted to and approved in writing by the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers. The approved details shall be implemented prior to the first occupation of each dwelling to which the waste facilities are associated and shall be retained thereafter.

Received 13 November 2024

3204-100-01 Rev B - Site Layout, Chestnut Acre (Bin Storage and Collection)

Reason: The LPA is not in receipt of an acceptable plan to demonstrate that all bin collection points are located satisfactorily adjacent to an adopted highway boundary.

Condition 23

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.

Received 27 August 2024
C23 Biodiversity Net Gain Metric

Received 20 September 2024
C23 Biodiversity Net Gain Management Plan
C23 Biodiversity Net Gain Plan Rev B

Reason: BNG credits are required to be purchased to meet the BNG requirement in full. The developer cannot demonstrate at the current time that any credits have yet been purchased and therefore the LPA is of the opinion that the condition cannot be satisfied at this time as points (a) to (l) cannot be provided unless the areas of credits are known.

DISCHARGED CONDITIONS

The details submitted with the following conditions are acceptable to the Local Planning Authority and the condition(s) are hereby **DISCHARGED** subject to the scheme being carried out strictly in accordance with the approved details.

Condition 12

Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. 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 dust, odour, noise, smoke, light and land contamination. The plan shall also include in which site preparation and construction works will take place. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Received 10 September 2024
C12 & C18 Site Compound
C12 & C18 Construction Management Plan

Condition 16

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. Development shall be carried out in accordance with the approved timetable and shall be retained thereafter.

Received 27 August 2024
C16 Site Layout EM-LLB-200 - Rev F (for Charging Locations only)

C16 epod - First Fix Electrical Requirements
C16 Homeowner leaflet
C16 Ohme - Proposal
C16 Ohme ePod Charger Specifications
C16 Ohme ePod UKCA DoC v1.0
C16 Site Layout Rev F

Received 18 June 2025
C16 EVC discharge Letter

Condition 18

No development shall commence on the site until such a time as construction traffic management plan including as a minimum detail of wheel washing facilities, vehicle parking facilities and a timetable for their provision has been submitted to and approved in writing by the local planning authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Received 10 September 2024
C12 & C18 Site Compound
C12 & C18 Construction Management Plan



Christopher Brown MRTPI
Head of Planning

Date: 4 July 2025

Note to Applicant

A new application can be submitted once the details requested are ready in full to be submitted. A new application and fee will apply. Once received the application will be re-considered with the new supporting documentation provided.

Alternatively, if you are aggrieved by the decision of the Local Planning Authority to refuse permission, you may appeal to the Planning Inspectorate in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. If your appeal is against a Minor Commercial Development, we would advise you to view the guidance on the Planning Portal website under Procedure Guidance, to confirm the time frame for appealing. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/appeal-planning-decision>). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, (or could not have been so granted otherwise than subject to the conditions imposed by them,) having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 14 October 2004 must be made within six months of the date of this notice. If you intend to submit an appeal that you would like examined by inquiry, then you must notify your Local Planning Authority (planning@hinckleybosworth.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.

Further details can be found on GOV.UK.

