

**Delegated Report
Discharge of Conditions**

Planning Ref: 23/00365/DISCON
Applicant: N BARWELL CAPITOL
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: Land At Crabtree Farm Hinckley Road Barwell

Application to discharge conditions 3 (Archaeology), 6 (Infiltration), 7 (Construction Traffic Management Plan), 9 (Construction Environmental Management Plan), 11 (BNG Plan), 12 (Arboricultural Method Statement) on Appeal decision APP/K2420/W/22/3308175 relating to application number 21/00695/FUL

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

Condition 3

No development, including groundworks or preparatory work shall take place until a programme of archaeological work, including a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. The WSI shall:

- o include the statement of significance and research objectives, and
- o a programme and methodology of site investigation, and
- o recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- o A programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.

Thereafter on land that is included within the WSI, no development shall take place other than in accordance with the approved WSI. This condition shall not be fully discharged until the approved WSI has been fulfilled in accordance with the programme set out in the WSI.

C3 Written Scheme of Investigation – Received 14 April 2023

Condition 6

Prior to the commencement of the development hereby permitted, details of infiltration testing results (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element shall be submitted to and approved in writing by the local planning authority.

C6 Soakaway Feasibility Letter – Received 14 April 2023

Condition 7

Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan (CTMP) which shall include details of the routing of construction traffic, wheel cleaning facilities, vehicle parking facilities, and a timetable for their provision, shall be submitted to and approved in writing by the local planning authority. Thereafter, the construction of the development shall be carried out in accordance with the approved CTMP.

Received 14 April 2023

**C7 Construction Traffic Management Plan
C7 Construction Traffic Area Vehicle Route**

Condition 9

Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the

local planning authority. The CEMP shall detail how, during the site preparation and construction phase of the development, the impact on residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The CEMP shall also detail how such controls will be monitored and provide a procedure for the investigation of complaints. Thereafter, the development shall be carried out in accordance with the approved CEMP.

Received 15 May 2023

C9 Construction Environmental Management Plan (Amended 230511 51 Unit)

Condition 11

1. Prior to the commencement of the development hereby permitted, a Biodiversity Net Gain Plan ('the BNG Plan') shall be submitted to and approved in writing by the local planning authority. The BNG Plan shall be based on the Biodiversity Net Gain metric spreadsheet completed by Phillipa Mahalski (30/03/2020) and shall provide a minimum of 1% net gain on the reported baseline habitat loss. The BNG Plan shall include the following details: a) Location plan of the areas to be used for Biodiversity Net Gain. b) Description of existing habitats on site. c) Description of planned habitat creation/enhancement, including species to be planted/sown. d) Timetable for implementation of habitat creation/enhancement. e) Habitat management and monitoring plan including timetable for management routines and reviews, and strategy for any remedial measures, if and when required. f) 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 BNG Plan. The BNG Plan shall thereafter be implemented in accordance with the approved details.

C11 BNG S106 Agreement – Received 14 April 2023

Condition 12

No development shall take place until an Arboricultural Method Statement for the site, including details of the position, species, size and condition of each existing tree and hedgerow on and adjacent to the site, and identifying those trees and hedgerows to be retained, has first been submitted to and approved in writing by the local planning authority. This shall include full details of measures for the protection of trees and hedgerows to be retained during the course of development. Thereafter, the development shall be carried out in accordance with the approved Arboricultural Method Statement.

C12 Arboricultural Method Statement – Received 14 April 2023

Consultees / Assessed by:

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

Conclusion / Summary:

Condition 3

A Written Schem of Investigation has been submitted and provides a document that details how the site is to be investigated and what is to be recorded and how. The details demonstrate that a proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan

Document (2016). A partial discharge is recommended so that the investigation can be implemented, and result submitted to fully discharge this condition.

Condition 6

Testing has been completed by Erda Ltd who have evidenced in a supporting letter that soakaways cannot be used on the site due to the testing results showing that soakaways are not a satisfactory method of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016). The LPA are satisfied that the condition is eligible to be discharged.

Condition 7

A construction traffic management plan submitted in support of Condition 7 provides a plan to be given to users of the site a preferred traffic route, although the LPA cannot control this as it is outside the red edge of the site, the LPA welcomes it to assist in traffic coming to the site. The Plan provided hours of work, traffic routing, vehicle parking, wheel wash facilities with several options on how they propose to use this. The details demonstrate how they propose to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016).

Condition 9

The Construction Environmental Management Plan assessed by the Councils Environmental Services Officer has been accepted to satisfy the discharge of Condition 9. The details demonstrate how the developers proposes to mitigate noise, dust, working on site, deliveries and hours of work and generally how the developer can minimise 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).

Condition 11

A S106 Agreement is drafted and accepted by LCC Ecology as it will ensure that additional biodiversity will be provided off the site to ensure that area on which the development site will be replaced so as to ensure that there is biodiversity net gain in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2021).

Condition 12

The Councils Tree Officer has assessed the Arboricultural Method Statement submitted in support of Condition 12. A reporting mechanism has been added and the details demonstrate that the trees on site that are to be retained are adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

Officer Recommendations:

Condition 3 Archaeology – Partial Discharge

Condition 6 Infiltration - Discharge

Condition 7 Construction Traffic Management Plan – Discharge

Condition 9 Construction Environmental Management Plan – Discharge

Condition 11 BNG Plan – Discharge

Condition 12 Arboricultural Method Statement