

Hinckley & Bosworth Borough Council

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

DoC Decision Notice Condition Not Discharged

Richard Fisher
C/o Rachel Arscott
R M James
32 Alexandra Street
Narborough
Leicestershire
LE19 2DD

Details of Application:

Application Ref: 23/00484/DISCON
Proposal: Application to discharge conditions 5 (Land Contamination) and 6 (Further Land Contamination) attached to planning permission 18/00914/FUL
Location: 12 Newbold Road Kirkby Mallory LE9 7QG

The details submitted with the following conditions are unacceptable and the conditions are not discharged.

Condition 5

No development shall commence on the foundations of the dwelling hereby approved until a scheme for the investigation of any potential land contamination on the site has first been submitted to and agreed in writing by the local planning authority which shall include details of how any contamination shall be dealt with and a period of implementation. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out in accordance with the agreed implementation period prior to any works commencing on the foundations.

Received 17 May 2023

**Phase I Contamination Report Appendix A, Appendix B, Appendix B (a)
Phase I Land Contamination Risk Assessment**

Received 17 October 2023

**3424D P2 Hall Kirkby Mallory
3424D Appendix G(a)**

Condition 6

Condition 6

If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination and implementation is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out in accordance with the agreed implementation period.

N/A

Reasons:**Condition 5**

The Councils Environmental Services Officer has advised that the documents submitted in support of Condition 5 do not provide the remediation strategy following contamination found. The remediation is required to be approved so that it demonstrates what remediation is required which would ensure following validation that the development would not be at risk from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the SADMP

Condition 6

An application to discharge Condition 6 is only required if additional land contamination is found during the construction works and therefore the Local Planning Authority have not determined this Condition as part of the application as no development can yet be commenced until the pre-commencement conditions are discharged.

Note to Applicant:

Condition 5 has **NOT BEEN DISCHARGED**. As with all decisions issued by the Local planning Authority you have the right to appeal against the decision.

Alternatively, a new approval of details reserved by condition application can be submitted together with supporting details that reflect the details requested by the Councils Environment Services Officer. The condition and supporting details will then be re-assessed and the application determined accordingly.



Date : 17 October 2023

Christopher Brown MRTPI
Head of Planning