

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990 (as amended) Approval of Details Reserved by Condition

SPLIT DECISION

Name and Address of Agent

Mr Peter Simpson
C/o Mr Jack Henderson
Henderson Planning & Design Ltd
19 Rushey Close
Leicestershire
LE65 2WA

Name and Address of Applicant)

Part I – Particulars of Application

Planning Reference: 26/00592/DISCON
Application Site: New Rookery Farm 6 Church Lane Fenny
Proposal: Application to discharge conditions 5 (Land Contamination), 8 (Archaeology), 16 (Tree Protection Plan), 17 (Arboricultural Monitoring) and 18 (no-dig drive construction method statement) from planning permission 21/00402/OUT

Part II – Summary of Decision

CONDITIONS DISCHARGED

In pursuance of its powers under the Town and Country Planning Act 1990 (as amended), the Local Planning Authority hereby approves the details submitted in relation to the following conditions:

Condition 5 Land Contamination

C5 Phase I & II Geo-Environmental Assessment [Received 29.6.26]

Condition 16 Tree Protection Plan

Condition 17 Arboricultural Monitoring

Condition 18 No Dig Drive Construction Method Statement

C16, C17 & C18 Arboricultural Method Statement [Received 25.6.26]

The details submitted are **ACCEPTABLE** and the above conditions are **DISCHARGED**. The development must be carried out in strict accordance with the above approved documents and the full terms of the conditions.

CONDITIONS PARTIALLY DISCHARGED

Condition 8 Archaeology

C8 Written Scheme of Investigation for a Trial Trench Evaluation

The details submitted are **ACCEPTABLE** for Condition 8 to be **PARTIALLY DISCHARGED**. This enables the investigation works approved to proceed. The development must be carried out in strict accordance with the above approved documents and the full terms of the condition. Once works are completed an application and fee along with the supporting document is to be submitted to apply for the condition to be fully discharge



Date: 6th August 2026

Christopher Brown MRTPI
Head of Planning

Part III – Particulars of Decision

Condition 5

No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To 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)

Condition 8

No development shall commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has first been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and

The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy DM13 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF

Condition 16

No work shall commence on site until trees on and adjacent to the site have been securely fenced off with protective barriers to form a construction exclusion zone in accordance with BS 5837:2012 Tree in relation to design, demolition and construction. A Tree Protection Plan shall have been submitted to and approved in writing by the Local Planning Authority. Within the protected areas there shall be no

alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and no service trenches shall be dug unless first agreed in writing by the Authority.

Reason; To ensure the existing trees are adequately protected during construction in the interests of the visual amenities of the area and in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016.

Condition 17

No works or development shall take place until an auditable system of arboricultural site monitoring by the appointed project arboriculturist has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a. Induction and personnel awareness of arboricultural matters*
- b. Identification of individual responsibilities and key personnel*
- c. Statement of delegated powers*
- d. Timing and methods of site visiting and record keeping, including updates*
- e. Procedures for dealing with variations and incidents.*
- f. The scheme of supervision shall be carried out as agreed.*
- g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.*

Reason: To ensure that the tree protection plan is adequately implemented in the interests of the visual amenities of the area in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016.

Condition 18

No works or development shall take place until a site-specific no-dig drive construction method statement has been submitted to and approved in writing by the Local Planning Authority showing that no-dig surfacing is fit for purpose. The development shall be carried out in accordance with the approved details.

Reason: To ensure that trees are not damaged during construction and that soil bulk density will not be increased and be detrimental to long-term tree health in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016

Consultee Response – Environmental Services , LCC Archaeology , HBBC Tree Officer

Assessment:

Condition 5

A Phase I and Phase II Ground Investigation was undertaken by Linden Environments in order to assess the site conditions, including a review of ground conditions, intrusive site investigations, contamination assessment and geotechnical assessment. The findings of the investigations concluded that there are no unacceptable contamination risks associated with the site and, therefore, no remediation measures are required.

The Council's Environmental Services Officer is satisfied that the submitted investigations have been carried out to an appropriate standard and demonstrate that the site is suitable for its intended use without posing a risk to future occupants. Accordingly, the requirements of the condition have been met and the condition is considered eligible for discharge.

Condition 8

LCC Archaeology has reviewed the submitted Written Scheme of Investigation (WSI), which sets out the methodology for undertaking archaeological trial trenching on the site. The County Archaeologist is satisfied with the proposed number and location of the trial trenches, together with the methodology for carrying out the investigation.

As the submitted WSI satisfactorily addresses the initial requirements of the condition, a partial discharge is considered appropriate to allow the trial trench evaluation to proceed. Following completion of the works, the results must be submitted to the Local Planning Authority. Depending on the findings, either a further WSI may be required to secure additional archaeological investigation, or a final report may be submitted confirming that no further archaeological works are necessary. A new application and fee will be required.

Condition 16, 17 & 18

The submitted Arboricultural Method Statement addresses the requirements of Conditions 16, 17 and 18. The report includes a Tree Protection Plan, prepared in accordance with Condition 16, together with an Arboricultural Method Statement detailing how the development will be undertaken whilst safeguarding retained trees and their root protection areas. In addition, the report provides construction details for the proposed driveway, as required by Condition 18. Appendix 7 of the report identifies the location and specification of the proposed tree protection fencing, which is to comprise a Heras Steadfast fencing system. The fencing is to be erected prior to the commencement of development activities and maintained throughout the construction period to prevent damage to retained trees, their rooting environment and surrounding soils.

The Arboricultural Method Statement also sets out the sequence of works to be followed on site, including specific measures to avoid adverse impacts on retained trees. Particular consideration has been given to the construction of the driveway within areas influenced by tree roots. The report details a no-dig construction methodology and confirms that machinery will not be used within sensitive root protection areas, thereby minimising the risk of root severance, soil compaction and damage to the long-term health and stability of the retained trees.

The Council's Tree Officer has reviewed the submitted information and is satisfied that the proposed tree protection measures, construction methods and supervision arrangements are appropriate and adequately address the requirements of the conditions. The submitted details provide confidence that the retained trees and associated landscaping can be protected throughout the construction process. Accordingly, Conditions 16, 17 and 18 are considered to have been satisfactorily addressed and are therefore eligible for discharge.

Note to Applicant:

- Where conditions are not discharged, the applicant has the right to appeal the decision via the Planning Inspectorate. Details of how to appeal can be found at:
www.gov.uk/appeal-planning-decision
Alternatively, the applicant may submit a new application, together with the relevant fee and supporting documentation addressing the outstanding requirements.
- **Where conditions have been partially discharged, the applicant is required to submit a new application to fully discharge the condition together with the relevant fee and supporting documentation addressing the outstanding requirements.**