

**Delegated Report
Discharge of Conditions**

Planning Ref: 23/00338/DISCON
Applicant: -
Ward: Markfield Stanton & Fieldhead

Site: Wood Farm Stanton Lane Ellistown



Hinckley & Bosworth
Borough Council

Application to discharge Conditions 37 (Arboricultural Method Statement), 38 (Levels), 39 (Construction Environmental Management Plan), 41 (Contamination), 44 (Archaeology), 45 (Odour Management Plan), 48 (Parking), 50 (Drainage) of the FULL planning permission secured under Appeal Decision APP/K2420/W/21/3279939 (21/00531/HYB)

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

Condition 37

Prior to commencement of development on the site, including site works of any description, a Tree Protection Plan (based on the draft Plan No 387/20/03/19-2000v2 which forms part of the Lockhart Garratt Arboricultural Impact Assessment dated March 2021 (Ref:19-2138)) shall be submitted to and approved in writing by the local planning authority. The Plan shall be prepared by a suitably qualified arboriculturist and shall include protective barriers to form a secure construction exclusion zone and root protection area around those trees in accordance with British Standard 5837:2012 Trees in relation to design. Any trenches for services that are required within the fenced-off areas shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. Development is to be carried out in accordance with the approved scheme.

Received 5 June 2023

C37 AMS V3 M050623 22-1889 New Farm Site

Condition 38

Prior to the commencement of development, including any works of site clearance and preparation, full details of finished ground and floor levels (above ordnance datum) of all the proposed buildings in relation to the existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals. Development shall be carried out in accordance with the approved details.

Received 14 August 2023

C38 Levels Rev A

C38 Site Sections

Condition 39

No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved CEMP which shall remain in force for the construction period. The CEMP shall include, but is not confined to: i) site management arrangements including: on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, staff, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site;

ii) measures to control and monitor the emission of dust, dirt, noise, odour and smoke, including procedures for complaint investigation;

iii) a method statement for the prevention of contamination of soil and groundwater, including the storage of fuel and chemicals;

iv) measures to control surface water run-off during construction, including any temporary attenuation and controls and a scheme to treat and remove suspended solids;

i) arrangements for controlling the use of site lighting, whether for safe working or for security purposes, and hours of operation;

ii) measures to prevent the deposit of mud and debris on the adjacent highway, including wheel washing facilities; and,

iii) a construction waste management plan that identifies the main waste materials expected to be generated by the development during construction, together with measures for dealing with such materials so as to minimise waste and to maximise re-use and recycling.

Received 8 August 2023

C39 Construction Traffic / site Traffic Management Plan Rev 1.1 July 2023

Received 23 August 2023

C39 CEMP Rev August 2023

Condition 41

No development, including any works of site clearance and preparation, shall be carried out unless and until a scheme for the investigation of any potential land contamination, including details of how any contamination is to be dealt with, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme. Any necessary remediation works shall be completed in accordance with the approved details prior to first use of that part of the site for the intended purpose. If any previously unidentified contamination is found during the course of development, development on the affected part of the site shall be suspended until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the local planning authority, which shall include details of how the unsuspected contamination is to be dealt with. Any remediation works so approved shall be carried out in accordance with the agreed implementation period before development on that part of the site is resumed or continued.

C41 Contaminated Land Report Received 5 April 2023

Condition 44

No development shall commence, including works of demolition and site clearance/ground preparation unless and until a staged programme of archaeological work (to include Historic Building Survey and below-ground investigation, commencing with an initial phase of trial trenching) has been undertaken. Each stage is to be completed in accordance with a written scheme of investigation (WSI) which shall previously have 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 WSI, which shall include an assessment of significance and research objectives, together with:

- the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and,
- a programme for post-investigation assessment and subsequent analysis, publication and 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.

C44 Specification for Archaeological Evaluation – Received 5 April 2023

Condition 45

Development shall not commence until an odour management plan for protecting existing dwellings from odour from the proposed development has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved odour management plan and all measures integrated shall be operational as long as the development is operational.

C45 Odour Management Plan – Received 5 April 2023

Condition 48

Neither of the farm workers' dwellings hereby permitted shall be occupied unless and until two parking spaces for House No One and three parking spaces for House No Two have been provided in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The parking spaces shall be retained thereafter for their intended purpose.

C48 Parking Plan House 1 & 2 – Received 5 April 2023

Condition 50

Other than site enabling, and clearance works, no development shall take place unless and until details of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be implemented and thereafter managed in accordance with the approved details and timetable. The details to be submitted shall: i) provide information about the design storm period and intensity and the method employed to delay and control the surface water discharged from the site, designed for the 100-year event plus 40% climate change allowance, with discharge rates to the existing outfall limited to 12.8 l/s up to the 100 year event, and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) provide, a management and maintenance plan for the lifetime of the development, which shall include provision for routine maintenance, remedial actions and monitoring of the separate elements of the system, including procedures that must be implemented in the event

— of pollution incidents within the development site, as well as the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and,

— iii) include a timetable for implementation for all elements of the approved scheme.

Received 17 July 2021

C50 Pond Section (Amended Plan)

C50 Pond Plan (Amended)

Received 18 May 2023

C50 Drainage Layout 012A

C50 Drainage Areas Plan DAP

C50 Access Road & Sewer Sections 21.32.020

Received 5 April 2023

C50 SuDS Maintenance

C50 Private Drainage Details

C50 Drainage Calculations

C50 Purus Treatment & Rain Water Detail

C50 Sewer & Farm Sections

Consultees / Assessed by:

LLFA (Local Lead Flood Authority) – Leicestershire County Council

Drainage Officer

Environmental Services Officer

Senior Officer

Compliance & Monitoring Officer

LCC Highways

LCC Archaeology

Tree Officer

Conclusion / Summary:

Condition 37

The Councils Tree Officer has assessed the submitted AMS. The AMS adequately demonstrates how the trees on site are to be adequately retained and 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 paragraph 170 of the National Planning Policy Framework (2021).

Condition 38

The Councils Senior and Compliance & Monitoring Officer have conducted a desk assessment on the plans provided to support the discharge of condition 38. The plan shows existing, proposed and finished floor levels. There is either a minimal increase or decrease over this element of the site and therefore not detrimental to the overall design and appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016). In the LPA's opinion the details are acceptable to discharge Condition 38.

Condition 39 CEMP

The Local Highway Authority and the Councils Environmental Services Officer have assessed the detail submitted to support Condition 39. A construction environmental management plan provided together with a traffic management plan. The documents cover points i) to Vii) on how they propose to mitigate the impact of the development, and where possible recycle materials. The details were found to adequately demonstrate how they propose to minimise disruption to the neighbouring residents and to assist in reducing the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, and to minimise on-street parking problems in the area to accord with Policies Policy DM7 DM10 and DM17 of the adopted Site Allocations and Development Management Policies DPD (2016).

Condition 41 Land Contamination

A Land Contamination Report has been submitted in support of Condition 41 following site investigation undertaken by Erda Associates. The results of the investigation showed that no significant contamination was identified so the condition is eligible for a partial discharge as the condition covers any contamination found on site during construction where an addendum should be submitted. The details demonstrate at this stage 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 44 Archaeology

LCC Archaeology have assessed the proposed programme of archaeological investigation and have confirmed it is satisfactory to partially discharge the condition to allow commencement of development as it demonstrates that a full investigation of this part of the site which is potentially of archaeological and historic significance will be undertaken in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016). The applicant should provide the results of the investigation by submitted a new application and fee along with the final documentation to be assessed to enable the condition to be fully discharge.

Condition 45 Odour

A comprehensive Odour Management Plan has been submitted in support of Condition 45 and assessed by the Councils Environmental Services Officer. The detail provide a satisfactory plan to minimise annoyance of the proposed use to nearby residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Condition 48 Parking

A plan has been prepared that details two parking spaces to be provided at House No. One and shows 3 parking spaces for House No Two, this demonstrates that sufficient parking is proposed for the dwellings and should be implemented prior to occupation. As per the condition these are to remain in perpetuity. The details ensure that that adequate off-street parking facilities are available in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Condition 50 Drainage

The LLFA and the Councils Drainage Officer requested the condition and have assessed the details submitted in support of the condition, which included a drainage strategy , drainage areas plan and full calculations which demonstrate that the proposed strategy will provide a satisfactory means 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).

Officer Recommendations:

Condition 37 Arboricultural Method Statement – Discharge

Condition 38 Levels – Discharge

Condition 39 CEMP – Discharge

Condition 41 Land Contamination – Partial Discharge

Condition 44 Archaeology – Partial Discharge

Condition 45 Odour Discharge

Condition 48 Parking – Discharge

Condition 50 Drainage – Discharge