

**Delegated Report
Discharge of Conditions**

Planning Ref: 23/00484/DISCON
Applicant: Richard Fisher
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 12 Newbold Road Kirkby Mallory Leicester

**Application to discharge conditions 5 and 6 (Land Contamination) attached to
planning permission 18/00914/FUL**

**Conditions and supporting details submitted to apply for the conditions to be
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

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

Consultees / Assessed by:

Environmental Services

Conclusion / Summary:

Condition 5

A Phase I and Phase II report has been provided in support of Condition 5. Although ground gas risk assessment has concluded no gas protection measures are necessary. The Phase II Risk Assessment recommended that an area found to be contaminated should be remediated, a further report regarding the mitigation/removal is required to be provided. The P2 Hall Kirkby Mallory Report was submitted and Appendix G(a) on 17 October 2022, however the report details a remediation report should be submitted for approval. Therefore the Local Planning Authority to date are not in receipt of an adequate report that

demonstrates what remediation is required that once completed will demonstrate that the development will 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.

Officer Recommendations:

Condition 5 Land Contamination – Not discharged.

Condition 6 Land Contamination during construction – Construction has not yet commenced and therefore not further land contamination has been found. If there is, then this condition should apply. The LPA are not determining this Condition as part of the application.