

# Hinckley & Bosworth Borough Council

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

### DoC Decision Notice Split Decision - Discharge of Conditions

C/o Mr James Warrington  
WSP  
8 First Street  
Manchester  
M15 4GU

---

#### Details of Application:

Application Ref: 23/00571/DISCON

Proposal: Application to discharge C6 (Employment and Training Statement for Construction Employment ) C9 (Tree Protection Plan) C10 (Landscaping) C14 (Construction Environmental MP), C24 (Surface Water During Construction) C41 (Construction Traffic Management Plan) attached to planning permission 21/00619/FUL (Unit 3)

Location: Neovia Logistics Services (UK) Ltd Peckleton Lane Desford

---

The details submitted have been considered by the Local Planning Authority and have either been **DISCHARGED OR REMAIN UN-DISCHARGED**, these are categorised below:

#### **UN-DISCHARGED CONDITIONS**

The details submitted with the following conditions are unacceptable to the Local Planning Authority and the conditions remain **UN-DISCHARGED**;

##### Condition 9

Prior to the commencement of any phase of development, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 837:2012 Trees in relation to design. The development shall be implemented in accordance with the approved Tree Protection Plan.

##### **Received 9 June 2023**

##### **C9, Tree Protection Plan (Phase 2), Drg No. 1133-TPP-001-A (PHASE 2) 001 Rev A**

**Reason:** The LPA is not satisfied that the document provided in support of condition 9 sufficiently demonstrates how the retained mature trees on site will be adequately protected 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 (2019) during and after construction.

##### Condition 10

Prior to the commencement of any phase of development (as shown on the Proposed Plot Demise Plot Drg No: 20011 PL07 C received 12 May 2021), a landscape implementation scheme for that plot shall be submitted to and approved in writing by the Local Planning Authority. The landscape

implementation scheme will be in accordance with the general principles of the Landscape Masterplan, Drg No: 3565 101 I, 3565 102 H, 3565 103 H received 12 May 2021 and Planting Plans, Drg Nos: 3565 201 rev C, 3565 202 C, 3565 203 C, 3565 204 C, 3565 205 C, 3565 206 D, received 12 May 2021. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

**Received 9 June 2023**

**C10 Unit 3 Planting Plan (Sheet 1 of 3) Drg No 3565 216**

**C10 Unit 3 Planting Plan (Sheet 2 of 3) Drg No 3565 217**

**C10 Unit 3 Planting Plan (Sheet 3 of 3) Drg No 3565 218**

**C10 Unit 3- Phase 2- Landscaping Layout, Drg No 102**

**Reason:** The LPA despite asking for additional information are not in receipt of an implementation programme for the landscaping works as required by the condition and therefore risks the development having a satisfactory external appearance within a reasonable time frame during and after construction in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Condition 14

Prior to any phase of development commencing, excluding demolition, a Construction Traffic and Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail as a minimum, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision and how during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of construction for the whole development area.

**Received 8 January 2024**

**C14, C24 & C41 CTMP Units 3 & 4 Rev 2**

**Reason:** The LPA have found the plan submitted acceptable to parts of the condition from an environmental point of view, however the Local Highway Authority are not satisfied with the plan as it does not adequately demonstrate how the parking on site will be managed to ensure that off site parking is not an issue in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016)

Condition 41 (Revised wording 22/00262/NMA)

Prior to any phase of development commencing, excluding demolition, a Construction Traffic and Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail as a minimum, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision and how during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of construction for the whole development area.

**Received 8 January 2024**

**C14, C24 & C41 CTMP Units 3 & 4 Rev 2**

**Reason:** The Local Highway Authority have raised concerns over the parking facilities on site for the units that are currently in use which were previously identified a previous discharge of

condition application for another phase / unit on the site which results in inadequate parking for the construction vehicles and employees during the construction period of unit 3 and therefore does not adequately demonstrate how they propose to minimise disruption to the neighbouring residents causing unnecessary off-street parking for health and safety reason and in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016)

### **DISCHARGED CONDITION**

The details submitted with the following conditions are acceptable to the Local Planning Authority and the condition(s) are hereby **DISCHARGED** subject to the scheme being carried out strictly in accordance with the approved details;

#### **Condition 6**

Prior to the commencement on each phase of development on the site (as shown on the Proposed Plot Demise Plot Drg No: 20011 PL07 C received 12.05.21), excluding demolition, an Employment and Training Statement for construction employment at the site shall be submitted to the local planning authority for their approval in writing. The approved Statement shall be implemented in full prior to the commencement of any construction work within that plot.

**Received 9 June 2023**

**C6 Employment and Training Statement Rev3**

### **DETAILS ACCEPTABLE**

#### **Condition 24**

Prior to any phase of development commencing, excluding demolition, no development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be carried out in full accordance with the approved details.

**Received 8 January 2024**

**C14, C24 & C41 CTMP Units 3 & 4 Rev 2**

**Reason:** The LPA confirms that details contained within the CTMP are acceptable to satisfy condition 24 as they adequately demonstrate how surface water will be managed on site during construction, however, the document does not satisfy Conditions 14 & 41 and therefore the Local Planning Authority cannot fully approve the document.

### **Important Notes;**

Where conditions re-main UN-DISCHARGED these can either be appealed or a new application submitted with revised details that address the reasons why the condition remains undischarged.

Where conditions have been DISCHARGED, the scheme must be fully implemented and maintained in accordance with the approved details.



Christopher Brown MRTPI  
**Head of Planning**

Date: 4 June 2024