

Hinckley & Bosworth Borough Council

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

DoC Decision Notice

Split Decision - Discharge of Conditions

Mr Christopher McManus
C/o Mr Mark Geraghty
HSSP Architects Limited
Pera Business Park
Nottingham Road
Melton Mowbray
LE13 0PB

Details of Application:

Application Ref: 23/00662/DISCON

Proposal: Application to discharge conditions 3 (Materials), 4 (Refuse collection), 5 (Hard and Soft Landscaping), and 9. (Bat Survey) of planning permission 22/01009/FUL

Location: Cold Comfort Farm Rogues Lane Hinckley LE10 3DX

The Local Planning Authority have considered the application and the conditions applied for have either been **DISCHARGED, OR REMAIN UN-DISCHARGED**, these are categorised below:

UN-DISCHARGED CONDITION

The Bat Survey received on 5 July 2023 submitted in support condition 9 is not sufficient to the Local Planning Authority as advised by LCC Ecology and therefore Condition 9 remains **UN-DISCHARGED** for reasons detailed below;

Condition 9

No development shall commence on any building until 1 nocturnal bat emergence and activity survey to update the existing submitted Preliminary Bat Roost Assessment and Bird Survey dated August 21 by Hillier Ecology has been submitted to and approved in writing by the Local Planning Authority. The updated survey shall be accompanied by a scheme of appropriate mitigation measures (including precise details of the timing and method of protection). No development shall be undertaken except in accordance with the approved scheme of mitigation.

C9 Bat Survey - Received 5 July 2023

Reason: The Bat Survey by Hillier Ecology received by the LPA on 5 July 2023, does not detail a sufficient level of information to demonstrate that an adequate investigation of the site has taken place, over an adequate period of time. The LPA have been advised that this survey does not ensure that protected wildlife species are adequately protected, together with their habitats, that are known to exist on site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and is the opinion of LCC Ecology that it would also not be sufficient to support an application to Natural England for a Bat Licence.

DISCHARGED CONDITIONS

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

Condition 3

No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

C3 Materials Schedule – Received 5 July 2023

Condition 4

No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

Received 21 August 2023

C4 & C5 - Proposed landscape and refuse plan - Drg No. 7970-03-05

Condition 5

No development above slab level shall take place until a scheme of hard and soft landscaping works for the site, including details of boundary treatments, wildflower grassland area, and an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. 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.

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Received 21 August 2023

C4 & C5 - Proposed landscape and refuse plan - Drg No. 7970-03-05

Important Notes;

Condition 9 remains UN-DISCHARGED the decision of the LPA can either be appealed or as suggested a new application be submitted with revised details that addresses the reasons why the condition remains undischarged at this time. A new application and fee will apply.

Conditions DISCHARGED must be fully implemented and maintained in accordance with the approved details.



Christopher Brown MRTPI
Head of Planning

Date : 20 September 2023