

Hinckley & Bosworth Borough Council

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

DoC Decision Notice Split Decision - Discharge of Conditions

A Raeburn
C/o NHS Property Services
10 South Colonnade
Canary Wharf
London
E14 4PU

Details of Application:

Application Ref: 25/00855/DISCON
Proposal: Application to discharge C3 (WSI) C4 (Scheme of Mitigation) C6 (Arboriculturist) C13 (Landscaping) C19 (Ecological mitigation) C20 (CEMP Biodiversity) C23 (Habitat Management and monitoring) attached to planning permission 25/00461/FUL
Location: Hinckley And District General Hospital Mount Road Hinckley LE10 1AE

The details submitted have been considered by the Local Planning Authority and have either been **DISCHARGED, PARTIALLY 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 condition(s) remain **UN-DISCHARGED**;

Condition 4

No demolition/development shall take place until a Scheme of Mitigation for the loss of the original building has been submitted to, and approved in writing, by the Local Planning Authority. The Scheme shall include details of memorial plaques, memorabilia, interpretation boards and detail the reuse of external materials in the development. Thereafter the mitigation scheme shall be completed in accordance with the approved details prior to first use of the development hereby approved and retained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

C4 Scheme of Mitigation – Received 10 September 2025

Reason:

The Local Planning Authority is unable to discharge the condition at this time, as the submitted details do not provide a complete or satisfactory mitigation scheme. The information fails to demonstrate how the recording and public display of the former Cottage Hospital will be secured, nor how historic materials will be appropriately retained and reused within a future scheme to ensure continued appreciation of the original building and its communal heritage value. The submission therefore does not meet the requirements of Policies DM11, DM12 and DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), or the National Planning Policy Framework (2024).

Condition 13

No development shall commence above foundation level until details of the landscaping implementation and maintenance have been submitted to, and approved in writing, by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details. The soft landscaping scheme shall be maintained for a minimum 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.

C13, C23, Soft Landscape Implementation and HMMP - Received 10 September 2025

Reason:

The submitted Landscape Management Plan and HMMP are insufficient, as the HMMP does not meet LCC Ecology requirements and no implementation programme has been provided. Despite the opportunity to supply further details, the applicant has not addressed the missing information. The LPA is therefore unable to discharge the conditions, as the submission fails to comply with Policies DM6 and DM10 of the Site Allocations and Development Management Policies DPD (2016)

Condition 23

Prior to commencement of the development a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, including:

- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
- c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- e) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

C13, C23, Soft Landscape Implementation and HMMP - Received 10 September 2025

Reason:

The submitted Landscape Management Plan and HMMP do not meet the required standard, as key information required under the DEFRA template is missing. LCC Ecology has confirmed the HMMP is unsatisfactory, and the Applicant has not applied to discharge the statutory BNG condition. As a result, the submission fails to demonstrate compliance with Schedule 7A, Part 1, Section 9(3) of the Town and Country Planning Act 1990, and the LPA is unable to recommend discharge of Condition 23.

PARTIALLY DISCHARGED CONDITIONS

The details submitted to support the following conditions are acceptable to the Local Planning Authority to allow the condition(s) to be **PARTIALLY DISCHARGED** for commencement purposes;

Condition 3

No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to, and approved in writing, by the Local Planning Authority. For the land and structures that are included within the WSI, no demolition/development shall take place other than in accordance with the agreed 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"

The "Programme of Work" referred to will in this case be the historic building survey recording during development, in accordance with the Specification to be agreed.

C3,Written Scheme of Investigation – Received 10 September 2025

DISCHARGED CONDITIONS

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

No demolition/development shall commence until details of the Project Arboriculturist have been submitted to, and approved in writing, by the Local Planning Authority. Details shall include their name, company name, telephone number, email address and qualifications.

Thereafter the development shall be carried out in accordance with Section 4 and Appendix 7 of the submitted Arboricultural Impact Assessment by Geosphere Environmental dated 25/04/2025 including:

- Schedule of Arboricultural Supervision
- Installation of protective barriers
- Supervised excavation in the Root Protection Areas
- Requirement for specialist foundations to be designed by an engineer and authorised by the Project Arborist
- Replacement planting

In accordance with the submitted Arboricultural Impact Assessment monthly monitoring by the appointed Project Arborist will occur during construction. Monitoring reports from the Project Arboriculturist will be submitted to the Local Planning Authority within 5 working days of any request by the Local Planning Authority. Should the Project Arborist change during construction the details of the new arborist shall be submitted to the Local Planning Authority within 5 working days of their appointment.

C6 Details of the Project Arboriculturist – Received 10 September 2026

Condition 20

Prior to commencement of the development a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

C20, CEMP - Construction Ecological Management Plan – Received 10/09/2025

Important Notes;

Condition 3 has been PARTIALLY DISCHARGED for commencement purposes, verification/validation/final details should be submitted to the Local Planning Authority and apply to be FULLY DISCHARGED. A new application and fee will be required.

Conditions 4, 13 & 23 remain UN-DISCHARGED All decisions can be appealed. Alternatively, a new application can be submitted that provides details that address the reasons why the condition remains undischarged.

Conditions 6 & 20 have been DISCHARGED, the scheme must be fully implemented and maintained in accordance with the approved details.

Condition 19 was applied for but is to be adhered to.

All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the submitted Preliminary Ecological Appraisal (Geosphere Environmental, April 2025).

The LPA acknowledges the details of the Project Ecologist detailed in Project Ecologist information submitted on 10/9/2025



Date : 17 May 2026

Christopher Brown MRTPI
Head of Planning