

**Delegated Report
Discharge of Conditions**

Planning Ref: 25/00855/DISCON
Applicant: Raeburn
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Hinckley And District General Hospital Mount Road Hinckley

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

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

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

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

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:

- o Schedule of Arboricultural Supervision

- o Installation of protective barriers
- o Supervised excavation in the Root Protection Areas
- o Requirement for specialist foundations to be designed by an engineer and authorised by the Project Arborist
- o 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 Arborist 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 2025

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

Condition 19

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). This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

C19, Details of the Project Ecologist – 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

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:

o initial enhancements, as set in the HMMP, have been implemented; and

o 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

Consultees / Assessed by:

LCC Archaeology

LCC Ecology

Case Officer

Conservation Officer

Tree Officer

Conclusion / Summary:

Condition 3

A Written Scheme of Investigation has been produced by Cotswold Archaeology for the Historic Building Record Level 3 and assessed by LCC Archaeology. The Historic Building Record proposes a satisfactory programme of archaeological work to be undertaken which upon complete will meet the requirements for the investigation of the site to enable the

condition to be partially discharged as the details demonstrate that a programme of works will be undertaken prior to its loss in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

To enable the condition to be FULLY discharged a satisfactory conclusion of the archaeological programme for fieldwork, report preparation and archiving should be submitted to the LPA once completed for approval to ensure that the final part of the condition is satisfied in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

Condition 4

A scheme of mitigation was submitted which detailed the purpose, the background and key mitigation measures to be undertaken. Following consultation with the Case Officer it was noted that some points had not been confirmed such as the location and scale of the interpretation board, the materials of the board and signage to ensure its durability and was missing the concept template of what information and design it would be.

The mitigation scheme also required also a clear and committed intent for the re-use of the materials in the new building and therefore a more detailed method of demolition is required to be provided to ensure that the building materials can be salvaged in a higher volume and what these will be. The intent for the re-use of materials in the new building doesn't carry any weight and a more detailed method of demolition is to be provided to ensure that building materials can be salvaged in a higher volume and what these will be and used for. The LPA is not satisfied that 4.7 in the report provides adequate commitment for the international purpose of saving as much of the materials as possible during the demolition as saving as much of the historic materials is paramount

The applicant was given the opportunity to provide additional details, however the intention for the site has changed and therefore the applicant needs to apply to re-word conditions to align with the changes so that the materials are salvaged and stored accordingly pending incorporation into any future scheme and to ensure that the historic interpretation board can be located in a temporary position again until the future scheme for the site is submitted

The LPA is unable to discharge the condition at this time as the details do not satisfactorily provide a complete mitigation scheme to secure the recording and display of the Cottage Hospital and to re-use materials on a new scheme to allow for ongoing appreciation of the original hospital and its communal interest and to advance understanding of the significance of the affected asset once lost in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

Condition 6

A letter from Red Kite (Landscape Architecture Arboriculture Ecology) has been submitted to the Head of Planning which details in full who the Project Arboriculturist is, that they are employed by Red Kite, their contact details and also their qualifications.

The LPA are satisfied that the details provided ensure that a suitably qualified officer will be dedicated to ensuring that the protect measures are undertaken throughout the demolition and construction period to adequately protect the existing landscaping to be retained on site in accordance with Policies DM6 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Condition 13

The Landscape Management plan and HMMP document is provided to support the discharge of Condition 13 and 23. Whilst to the LPA the landscaping scheme is acceptable, it is not acceptable to LCC Ecology to satisfy the HMMP along with no implementation programme for when the landscaping programme of works will be completed. LCC Ecology have advised that the document provided for the HMMP is not satisfactory and because the same document has been produced for both conditions and although given the opportunity to provide information, the applicant has not provided any further details and therefore the LPA is not satisfied that the plan accords with Policies DM6 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and therefore the condition is NOT Discharged.

Condition 19

The wording of Condition 19 does not require the applicant to apply to the LPA to formally discharge the condition. The Condition is to be adhered to, and the details of the project ecologist is noted.

Condition 20

A Construction Environmental Management Plan for Biodiversity has been submitted and assessed by LCC Ecology. The plan documents relevant ecological mitigation measures identified within the PEA taking into account subsequent additional survey work to conserve protected and priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended). LCC Ecology advised of a partial discharge until completed, however the wording of the condition requires the measures to be undertaken in accordance with the approved document and therefore the LPA are discharging the condition.

Condition 23

The Landscape Management Plan and Habitat Management and Monitoring Plan (HMMP) have been submitted in support of the discharge of Conditions 13 and 23. However, LCC Ecology has advised that the HMMP does not satisfactorily set out the required information in accordance with the DEFRA template. Several sections of the template have not been addressed within the submitted document.

In addition, the Applicant has not applied to discharge the statutory Biodiversity Net Gain (BNG) condition. As a result of this and inadequate information LCC Ecology have advised the LPA that the document is not acceptable and therefore the Local Planning Authority is unable to recommend the discharge of Condition 23 because the submission does not demonstrate how the development will comply with Schedule 7A, Part 1, Section 9(3) of the Town and Country Planning Act 1990, which requires significant on-site habitat to be delivered, managed, and monitored for a minimum of 30 years following completion of the development.

The LPA has given the Applicant opportunity to provide the details requested, however the applicant has advised the LPA of a change of circumstances, where the development is now unlikely to proceed. The applicant and the LPA have agreed for the application to be determined under a split decision.

Officer Recommendations:

Condition 3 Archaeology – Partial Discharge

Condition 4 Cottage Hospital Historic Mitigation – Not Discharged

C6 Arboriculturist – Discharged

C13 Landscaping Management & Maintenance Plan – Not Discharged

C19 Ecology Mitigation – To be adhered to
C20 CEMP Biodiversity – Discharge
C23 Habitat Management & Monitoring - Not Discharged