



**Hinckley & Bosworth
Borough Council**

planning@hinckley-bosworth.gov.uk
01455 238141

Hinckley Hub
Rugby Road
Hinckley
Leics
LE10 0FR

Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation
Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	
Suffix	
Property Name	Hill Top Farm, Ashby House
Address Line 1	Hill Top
Address Line 2	Earl Shilton
Address Line 3	
Town/city	Leicestershire
Postcode	LE9 7DP

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
446806	298322

Description

Site under development

Applicant Details

Name/Company

Title

Mrs

First name

Gemma

Surname

Davey

Company Name

Midland Heart

Address

Address line 1

20 Bath Row

Address line 2

Address line 3

Town/City

Birmingham

County

West Midlands

Country

United Kingdom

Postcode

B15 1LZ

Are you an agent acting on behalf of the applicant?

- ☒ Yes
- ☐ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Agent Details

Name/Company

Title

Mr

First name

Simon

Surname

Oakley

Company Name

Oakley Architects Ltd

Address

Address line 1

2B Hillwood Road

Address line 2

Address line 3

Town/City

Sutton Coldfield

County

Country

Postcode

B75 5QL

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Variation of conditions 2 (Approved plans) and 19 (Hard and soft landscape) for planning permission 20/00916/FUL (Demolition of farm buildings and Ashby House and development of 50 dwellings comprising 49 no. affordable houses and 1no. bungalow to replace Ashby House, with access road off Leicester Road, open space, landscaping, drainage basin, and foul pumping station)

Reference number

23/01201/CONDIT

Date of decision (date must be pre-application submission)

20/03/2024

Please state the condition number(s) to which this application relates

Condition number(s)

Conditions 2 & 19

Has the development already started?

☒ Yes

☐ No

If Yes, please state when the development was started (date must be pre-application submission)

03/12/2023

Has the development been completed?

☐ Yes

☒ No

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

Refer to Oakley Architects covering letter.

the purpose of this 'Application for Variation of a Condition following Grant of Planning Permission' is to obtain approval for the following minor amendments:

The width of the adopted highway carriageway has been reduced from 5.5m to 4.8 m throughout and the footpath adjacent the pumping station and SUDS pond has been increased from 1.0 m to 2.0m, to comply with the detail requirements of Leicestershire County Council Transportation Department. The minor amendments to the road and pavement widths were requested by the County Council as part of the Section 38 plan approval stage.

The line, extent and proposed construction of the retaining wall along the northern boundary of the site has been amended. The line of the retaining wall is now an irregular line along the boundary to create a less uniform appearance and it will be constructed using the Tobermore Secura Grand Retaining Wall System – Colour: Heather. Additional landscaping has also been included along this boundary in the space created by the irregular line of the retaining wall.

Minor alterations to the line and proposed construction of the retaining wall along the southern boundary to the rear of plots 38-50 and minor amendment to the rear gardens of plot 38-40. The retaining wall along this boundary will again be constructed using the Tobermore Secura Grand Retaining Wall System - Colour: Heather. including the lower level walls and steps in the rear gardens of plots 38-40.

Details of the retaining wall at the rear of plots 38-40 has been noted and will be constructed using a concrete block retaining wall system, with a facing of brickwork to match the houses.

For completeness, we have also provided an update Landscape design drawing, which is submitted as part of the variation to Condition 2 and Condition 19.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

We wish to substitute the attached plans and site sections as follows and as per covering letter:

CONDITION 2 – APPROVED PLANS

Oakley Architects External Works Plan drawing no. 202305/01R (to replace approved Proposed External Works Plan no. 202305/01H)
PDP Associates Detailed Landscape Proposals drawing no. C-2191-01b (to replace approved Detailed Landscape Proposals drawing no. C-2191-01A).

Oakley Architects Site Sections drawing no. 202305/04A (to replace approved Site Sections drawing no. 202305/04).

Patrick Parsons S104 Approval Drainage Layout drawing no. HTF-PPC-00-XX-DR-C-0501-P12 (to replace approved Drainage Strategy drawing no. HTF-PPC-00-XX-DR-C-0501-P5).

CONDITION 19 – HARD AND SOFT LANDSCAPING SCHEME

Oakley Architects External Works Plan drawing no. 202305/01R and PDP Associates Detailed Landscape Proposals drawing no. C-2191-01b (to replace approved External Works Plan drawing no. 202305/01H1 and Detailed Landscape Proposals drawing no. C-2191-01A)

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes

☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

☒ The agent

☐ The applicant

☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes
☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

Date (must be pre-application submission)

03/03/2025

Details of the pre-application advice received

Following the previous submission of a Non Material Amendment application Emma Baumber provided advice with regards to the submission of the Variation of Condition Application and provided comments with regards to the proposed amendments.

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- ☒ Yes
☐ No

Is any of the land to which the application relates part of an Agricultural Holding?

- ☐ Yes
☒ No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of “agricultural tenant” in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

- ☐ The Applicant
- ☒ The Agent

Title

Mr

First Name

Simon

Surname

Oakley

Declaration Date

17/03/2025

☒ Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Simon Oakley

Date

17/03/2025