

Application address Land off Captains Lane, Markfield, LE67 9UY	Planning ref. 25/00642/CONDIT
	Our ref. 2025/0642/04/VAR
Description Application to vary conditions 1 and 28 and remove condition 7 from planning permission 24/00074/CONDIT. Amendments to include substitution of house types and revised layouts, removal of the requirement to update the flood risk assessment and to allow for landscaping details to be submitted prior to submitting the damp proof course.	Consultation date 04/07/2025
	Response date 25/07/2025
Planning officer Matt Jedruch	Reviewing officer Harvey Speed
Application type Variation	Extension requested ☐
No concerns ☒	Further consultation required ☐

Lead Local Flood Authority Key Observations

This application seeks to vary Conditions 1 and 28 and remove Condition 7 set as part of the approval of application reference 24/00074/CONDIT. Conditions 1 and 28 relate to the approved plans and soft and hard landscaping. Leicestershire County Council as the Lead Local Flood Authority have no concerns with the variation of these conditions. Condition 7 reads as follows:

7. *Following the infiltration testing carried out and the information approved - C8 Appendix B Infiltration Calculations PJSG20-15-R01 received 21/10/21 as part of the Discharge of Condition decision reference 21/01302/DISCON, the flood risk assessment (FRA) shall be updated accordingly to reflect the drainage strategy. The updated FRA and drainage strategy shall be submitted to and agreed by the Local Planning Authority. The approved details shall be implemented and completed prior to first occupation of the development.*

Pursuant to the removal of Condition 7, the applicant has provided the following statement:

Infiltration testing was undertaken as part of the site-wide Geo-Environmental Assessment (PJSG20-15-R01), submitted under Discharge of Condition application ref. 21/01302/DISCON and approved on 21/10/2021. The testing, detailed in Section 6.5 and Appendix B of the report, confirmed that soakaways were not viable due to cohesive Oadby Member deposits across the site. All nine test locations returned no measurable infiltration, indicating the ground was effectively impermeable.

Importantly, these findings were in line with the assumptions made in the original FRA and drainage strategy—that infiltration was not a feasible means of surface water disposal. Therefore, the results did not require any change to the overall drainage approach, which proposed discharge to ordinary watercourse in accordance with the SUDS hierarchy.

The infiltration testing was undertaken at nine locations distributed across the entire development site and targeted natural ground representative of the underlying conditions. The report confirms that cohesive soils were encountered throughout, and none of the soakage tests showed any appreciable infiltration. As a result, the report concludes that infiltration techniques are not suitable anywhere on the site.

In summary, the key finding is that due to the cohesive nature of underlying soils (predominantly firm to stiff sandy gravelly clays), soakaways are not feasible. This finding applies to the entire site and aligns with the original drainage design approach, which was already based on non-infiltration solutions. No update to the FRA or drainage strategy was necessary.

The LLFA agrees that the flood risk assessment does require further update and therefore supports the application to remove Condition 7. The LLFA has been consulted on the discharge of Condition 4 imposed on 24/00074/CONDIT under application reference 25/00408/DISCON, where a request for additional information has been made.

Note: Whilst the variation of Condition 28 relates to the timing of the submission of details, please be advised that the LLFA have raised a query relating to the absence of detail relating to permeable paving. This should be addressed early in the planning process to avoid unnecessary costs further down the line.

Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are sufficient for the LLFA to support the variations of Conditions 1 and 28 and for the removal of Condition 7.

Standing Advice to the Local Planning Authority

1. Standing Advice – National Planning Policy Framework

When determining planning applications, the local planning authority should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site-specific Flood Risk Assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework and accompanying Planning Practice Guidance.

2. Standing Advice – Consent

Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted.

Guidance on this process and a sample application form can be found via the following website:
<http://www.leicestershire.gov.uk/flood-risk-management>

Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

3. Standing Advice – Maintenance

Note that it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.

Additional information and guidance is available here:

<https://www.leicestershire.gov.uk/environment-and-planning/flooding-and-drainage/>

Note: Response provided by the Lead Local Flood Authority under the delegated authority of the Director of Environment and Transport.