



**Hinckley & Bosworth
Borough Council**

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Hinckley Hub
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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	
Address Line 3	Leicestershire
Town/city	Earl Shilton
Postcode	LE9 7DP

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

Easting (x)	Northing (y)
446806	298322

Description

Applicant Details

Name/Company

Title

First name

Tony

Surname

Hopkin

Company Name

Midland Heart Limited

Address

Address line 1

20 Bath Row

Address line 2

Address line 3

Town/City

Birmingham

County

West Midlands

Country

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

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

20/00961/FUL

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

10/11/2022

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

Condition number(s)

Conditions nos. 1 & 19

Has the development already started?

☐ Yes

☒ No

Condition(s) - Variation/Removal

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

Refer to covering letter

To provide a background to the need to vary the site layout and site levels, following the site clearance at former Hill Top Farm it became apparent that the section drawings that were approved under Condition 2 of the granted planning permission could not realistically be built to. Following correspondence between Tricas Construction with Emma Baumber and Sullivan Archer including a site visit with the full project design team and MS 'Teams' meetings, it has been agreed that the best way forward is to change the site plan and site section drawings under a Variation of Condition application for the drawings approved under Condition 2 (S73 application). The decision to raise the levels on the south portion of site would reduce the risk of undermining adjacent properties and existing retaining walls and the amount of earth being transported from site, some homes have also been repositioned to move them away from the current boundary reducing the impact of retaining features further.

The new levels and retaining scheme for the project has taken into careful consideration the view when approaching the village from the North on Leicester Road, using a range of embankments and hedgerow to reduce the impact of any retaining walls on this elevation. The levels to the new houses adjacent to Leicester Road have been adjusted to match the existing ground levels to keep the impact on the existing hedgerow on this elevation to a minimum.

Unfortunately the original section drawings were strategically positioned and did not show the full extent and proximity of new retaining features to the existing properties so we would want to change these drawings to minimise any impact on such structures. The project design team have worked hard to minimise any changes to the two elevations that are visible when approaching the village of Earl Shilton whilst achieving a less intrusive level design with our neighbours.

For completeness and as requested, we have also provided a new Detail Landscape design drawing, which is submitted a 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. 202305/01H (to replace approved Proposed Layout Plan drawing no. 40963/008L and Presentation Layout Plan drawing no. 40963/031G).

Oakley Architects External Works Plan drawing no. 202305/01H and Boundary Treatment drawing no. 202305/05 (to replace approved Boundary Treatment Plan drawing no. 40963/009G)

PDP Associates Detailed Landscape Proposals drawing no. C-2191-01 (to replace approved Landscape Character Plan drawing no. 40963/041C).

Oakley Architects Site Sections drawing no. 202305/04 (to replace approved Site Sections drawing no. 40963/042A).

Patrick Parsons S104 Approval Drainage Layout drawing no. HTF-PPC-00-XX-DR-C-0501-P5 (to replace approved Drainage Strategy drawing no. P05-1001563-ARC-XX-XX-S-C-0006).

CONDITION 19 – HARD AND SOFT LANDSCAPING SCHEME

Oakley Architects External Works Plan drawing no. 202305/01H and PDP Associates Detailed Landscape Proposals drawing no. C-2191-01 (to replace approved Landscape Character Plan drawing no. 40963/041C).

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

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

Date (must be pre-application submission)

27/10/2023

Details of the pre-application advice received

Correspondence has taken place between Tricas Construction and Emma Baumber/Sullevan Archer including a site visit with the full project design team and MS ‘Teams’ meetings, to discuss in detail the issues have arisen and to discuss and agree the changes to the proposed levels and layout. Following these discussion it has it has been agreed that the best way forward is to change the site plan and site section drawings under a Variation of Condition application for the drawings approved under Condition 2 and the landscaping approved under Condition 19. (S73 application).

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

06/12/2023

☒ 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

06/12/2023