



**Hinckley & Bosworth
Borough Council**

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Hinckley
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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	
Address Line 1	
Address Line 2	
Address Line 3	
Town/city	
Postcode	

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

Easting (x)	Northing (y)
448753	309486

Description

Land Off London Road, Markfield, Leicestershire, LE67 9UY

Applicant Details

Name/Company

Title

Mr

First name

Mitesh

Surname

Rathod

Company Name

Jelson Limited

Address

Address line 1

370 Loughborough Road

Address line 2

Address line 3

Town/City

Leicester

County

Country

United Kingdom

Postcode

LE4 5PR

Are you an agent acting on behalf of the applicant?

- ☐ Yes
- ☒ No

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 to condition 1 of planning permission 23/00117/CONDIT. Revision of site layout and substitute house types.

Reference number

24/00074/CONDIT

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

12/04/2024

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

Condition number(s)

1, 7 and 28

Has the development already started?

☒ Yes

☐ No

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

18/11/2021

Has the development been completed?

☐ Yes

☒ No

Condition(s) - Variation/Removal

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

Condition 1

We are seeking to vary Condition 1 of Application No. 23/00117/CONDIT to the list of approved plans to allow revised layouts and substitute house type to be submitted.

The proposal relates to substitute house types on Plots 73, 74 and 79.

There is 1 no. new house type proposed to be used for this scheme, this being JS450_HA which replaces the JD331 and JD422_HA on Plots 73 and 74. The only other change is for Plot 79 which changes from a JD422_HA to a JD319 which is an already approved house type.

Plots 75 and 77 have been included within the red line of this application as there changes to the plot boundaries as a result of the house type changes on Plots 73 and 74.

Condition 7

We are seeking for removal of Condition 7 for the following reasons:

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.

Condition 28

In order to allow commencement of initial infrastructure works on Phases 2, 3 and 4 site we are proposing to vary Condition 28 to allow for details of soft and hard landscaping to be submitted prior to damp proof course level rather than pre-commencemnt.

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

Condition 1

The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan - Drg No. 6675-L-10D
Layout Plans - MFD02_REPLAN_01
House Type Drawings -
S304_HA AS-OP
JT203_HA AS-OP rev B Floor and Elevation plans
JS326_HA OP rev C
JS326_HA AS rev C
JS317_HA P01 AS rev C
JS110_HA AS-OP rev P01
JS203_HA AS-OP rev B
JS203 Amber AS-OP rev B
JS318 Heron AS-OP X rev B Floor and Elevation plans
JD421 Kingfisher OP rev C render
JD421 Kingfisher AS rev C render
JD421 Kingfisher OP rev B brick
JD421 Kingfisher AS rev A brick
JD411 Cardinal OP rev B render
JD411 Cardinal AS rev B render
JD411 Cardinal OP brick
JD411 Cardinal AS brick
JD401 Maple OP rev A render
JD401 Maple AS rev A render
JD401 Maple OP rev A brick
JD401 Maple AS rev B brick
JD331 Redpol OP rev B render
JD331 Redpol AS rev B render
JD331 Redpol OP rev B brick
JD331 Redpol AS rev B brick
JD326 Woodcock AS
JD319 Willowby OP rev A
JD319 Willowby AS rev C
JD315Y Whinchat AS render
JD315X Whinchat AS brick
JD313Y Redpoll AS render
JD313X Redpoll AS brick
JD311 Swift AS
JS450L_HA AS
Material Layout Plan rev A

Condition 28

Notwithstanding the approved plans, no development shall commence above damp proof course level in Phases 2, 3 and 4 until a scheme of hard and soft landscaping works for that phase which shall also including a landscape management plan, has been submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall cover implementation, long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens. The development shall be carried out in full accordance with the approved landscaping scheme and implementation scheme. The soft landscaping scheme shall be maintained for a 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.

In respect of Phase 1 the development shall accord with the approved landscaping scheme as approved by the Discharge of Conditions decision reference 21/01467/DISCON as follows:

C29 Planting & Hardworks Plan Drg No. 6675-L-12-18 Rev F (Sheet 1 - 7) received 27 June 2022
C9 & C29 Landscape Management Plan Rev B received 27 July 2022

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

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

Mitesh

Surname

Rathod

Declaration Date

25/06/2025

☒ 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

Mitesh Rathod

Date

25/06/2025