

Delegated Report

Planning Ref: 26/00449/NMA
Applicant: Vistry South East Midlands
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: Land North Of A47 Normandy Way And
East Of Stoke Road, Hinckley

Proposal: Non-material amendment to planning permission 25/00537/REM.
Amendment to vary the location of the affordable housing plots.

1. Recommendations

1.1. Approve the non-material amendment(s) subject to:

- Previously imposed conditions on planning permission 25/00537/REM decision.

2. Planning Application Description

- 2.1. This application proposes a non-material amendment to planning permission 25/00537/REM, which was for approval of Reserved Matters (appearance, landscaping, layout and scale) of outline planning application 22/00318/OUT for the construction of 475 dwellings and associated infrastructure and landscaping works.
- 2.2. The proposed non-material amendment seeks to amend conditions 1 to amend the affordable housing drawing.

3. Description of the Site and the Surrounding Area

- 3.1. The site is located to the North of Normandy Way (the A47) on the corner of Stoke Road, on the edge of the Growth Town of Hinckley in Leicestershire. The site constitutes five interconnecting fields managed for livestock pasture east of Stoke Road, and a further field west of Stoke Road, measuring a total of 25.39ha. There are a number of hedgerows and small groups of trees within it. Topographically speaking, the site slopes up to the east from Stoke Road.
- 3.2. The surrounding area is characterised by its edge of settlement location. Across the A47 is relatively densely built form with both commercial and residential uses on show. To the north is open countryside, as well as across Stoke Road to the west. A Public Right of Way lies to the south western-western edge between the A47 Normandy Way and Stoke Road. This route passes through the site from the A47 and links with the wider open countryside beyond the site.

- 3.3. Middlefield Farm and Stoke Fields Farm lie to the north of the application site, and footpath T60 and Middlefield Lane dissect the site vertically on the western side and centrally through the site respectively.

4. Relevant Planning History

The application site has been subject to a large volume of applications, for brevity I have included the key applications relating to this application:

22/00318/OUT

- Outline planning application for the erection of up to 475 dwellings, including public open space, land reserved for a primary school together with future expansion land (Use Class F1(a)), drainage, landscaping and associated infrastructure
- Refused – Appeal allowed
- 02.05.2023

25/00537/REM

- Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 22/00318/OUT for construction of 475 dwellings and associated infrastructure and landscaping
- Approval of reserved matters
- 12.12.2025

5. Publicity

- 5.1. No publicity is required for a non-material Section 96A application, and none has been undertaken.

6. Consultation

- 6.1 A Section 96A application is not an application for a new planning permission, therefore, the existing Town and Country Planning (Development Management Procedure) Order, 2015, provisions outlined in Article 13 and Schedule 5 relating to publicity and statutory consultation do not apply. The Local Planning Authority can exercise discretion in whether and how they choose to inform interested parties or seek their views.
- 6.2 A consultation was undertaken with HBBC Affordable Housing, who confirmed the following consultation response:
- 6.3 *“The revised layout for the affordable housing excludes a part of the site previously included in the application and shows revisions to the location of of the affordable housing provision on the site of the included land. Key Policy Principle AH3 of the Affordable Housing Supplementary Planning Document states that “On larger sites the preferred option is to have small groups of affordable homes in a number of different locations on the site.”*

6.4 *The proposed amendments to the location of the affordable housing affects a minority of the properties and still meets the requirements of Key Policy AH3 for the clustering of affordable housing.*

6.5 *There is therefore no objection to the proposed amendments”.*

7. Policy

7.1. Greater Flexibility for Planning Permissions Guidance (non-material amendments) states that the local planning authority must have regard to the effect of the change, together with any previous changes made under this section.

7.2. Since the original planning permission was issued there have been no significant changes to the policies within the development plan that would be material to the outcome of the assessment of the application in this case.

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Assessment against strategic planning policies
- Affordable Housing
- Conditions

Assessment against Strategic Planning Policies

8.2 Section 96A of the Town and Country Planning Act 1990 allows a non-material amendment to be made to an existing planning permission.

8.3 There is no statutory definition of ‘non-material.’ This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under Section 96A of the Town and Country Planning Act 1990. This application type cannot be used to make a material amendment to an extant planning permission.

8.4 With the above in mind, it is necessary to consider what the existing planning permission is for including its uses, and its scale.

8.5 The non-material amendment seeks to amend the location of the affordable housing plots within the site, updating a plan to reflect these changes. This amendment does not reduce the amount of affordable housing provision at the site, and would be therefore considered to be a non-material amendment to the scheme, with the amendments not going to the heart of the permission.

Affordable Housing

- 8.6 The proposal under this non-material amendment application seeks to vary the approved plans replacing “Affordable Allocation Drg No. P24-1360_DE_031_A” with the proposed “Site Layout Drg No. 25083-SGP-ZZ-ST-DR-A-201001 Rev P12”.
- 8.7 Whilst the layout has changed in a minor way, this would not make impact on the development. The number of affordable houses within the site is not being altered, therefore the key assessment as part of this application relates to the acceptability of the relocation of the affordable housing plots. From review, and from the consultation comments provided by HBBC’s Affordable Housing Officer, it is confirmed that the proposed amendment would firstly, constitute a non-material amendment, and secondly would be acceptable, and in line with local planning policies.
- 8.8 It has been confirmed by the planning applicant that there has been no material alteration to the number of affordable units, nor has there been any material change is the housing mix at the site.
- 8.9 The proposal to alter the plan is therefore acceptable.

Conditions

- 8.10 Under Section 96A of the Town and Country Planning Act 1990 any decision issued should only relate to the non-material amendments sought and is not a reissue of the original planning permission, which still stands. However, it is necessary to determine if additional conditions are required or whether existing conditions need to be removed or altered.
- 8.11 Planning permission 25/00537/REM was subject to eight (8no.) planning conditions. Due to the amendment under this non-material amendment application, the amended conditions at the end of this report supersede conditions 1

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. In line with the provisions of Section 96A of the Town and Country Planning Act, 1990, it is considered that the proposed amendments to the approved planning application are non-material in the context of the overall scheme.
- 10.2. It is considered that the proposed amendment does not have a material impact on the development as a whole and are non-material in the context of the overall scheme.
- 10.3. **This non-material amendment is not a separate planning permission and should be read in conjunction with extant permission 25/00537/REM and associated non-material amendment applications.**

11. Recommendation

- 11.1 **Approve the non-material amendment(s)** subject to:

- Previously imposed conditions on planning permission 25/00537/REM except condition 1 which is amended below to reflect the amended plan.

11.2 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the Drawing list approved under application 26/00711/NMA except
 - Site Layout Drg No. 25083-SGP-ZZ-ST-DR-A-201001 Rev P12 as received 19th May 2026

Reason: To ensure a satisfactory form of development and satisfactory external appearance in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

