Delegated Report

Planning Ref: 25/01124/NMA
Applicant: MR DAVE WALGATE
Ward: Ratby Bagworth And Thornton

Hinckley & Bosworth Borough Council

Site: Land South Of Markfield Road Ratby Leicestershire

Proposal: Non-material amendment to planning permission 24/00461/REM. Re-positioning of Locally Equipped Area of Play (LEAP) and routing of footway/cycleway

1. Recommendations

1.1. Permit Non-Material Amendment.

2. Planning application description

2.1. This is an application for a non-material amendment, pursuant to application reference 24/00461/REM at Land South of Markfield Road, Ratby. Planning reference 24/00461/REM has consent for "Approval of Reserved Matters (appearance, landscaping, layout and scale) for outline application 22/00648/OUT for residential development of up to 75 dwellings alongside associated site infrastructure and open space and discharge of condition 2".

2.2. Section 96A of the Town and Country Planning Act 1990 (as amended) allows a local planning authority to make a change to any planning permission if they are satisfied that the change is not material. There is not a statutory definition of 'non-material' and each case must be considered on its merits.

2.3. This non-material amendment application seeks the re-positioning of the approved Locally Equipped Area of Play (LEAP) and an amended 3 metre wide footway/cycleway west of the approved access due to land level/gradient issues.

2.4. The LEAP would be re-positioned by approximately 26.7metres to the east of its original location.

2.5. The connection point between the access road and footway/cycleway is to be retained, but rather than a linear east-west connection with the bridleway to the west of the site, this is proposed to curve northward and connect with the bridleway approximately 25metres further north than the currently approved point of connection.

3. Description of the site and surrounding area

3.1. The site is located off Markfield Road, west of Ratby, Leicestershire. The site comprises approximately 13.52 acres (5.47 hectares) of two arable fields and is bordered to the north by a natural green buffer (Martinshaw Wood) against Markfield Road which also forms the site access. To the west of the site there is more natural buffer land where Pear Tree Wood is located, to the south lies rough natural pasture land and to the east is the development area phase 1 under construction (Planning Ref 20/00462/FUL).

3.2. The site is surrounded by hedges along the boundary except for the south-western edge and also along both sides of the current access to the site. There is also an additional hedgerow stretching across the site from the west to end of the access

road. The topography of the site varies but generally slopes from the centre to the west with a 5m drop in height from the centre to the western edge of the site.

4. Relevant planning history

4.1 22/00648/OUT - Outline Planning Application for residential development of up to 75 dwellings alongside associated site infrastructure and open space (All matters reserved except for access) - Approved subject to conditions and S106 Agreement 18/09/2023

4.2 24/00461/REM - Approval of Reserved Matters (appearance, landscaping, layout and scale) for outline application 22/00648/OUT for residential development of up to 75 dwellings alongside associated site infrastructure and open space and discharge of condition 2 – Approved subject to conditions 23/01/2025.

4.3 25/00955/NMA – Non-material amendment to 24/00461/REM to enable re-allocation of plot 8 from 'First Home' tenure to 'Open Market' tenure and re-allocation of Plot 56 from 'Open Market' tenure to 'First Home' tenure – Permitted.

5. Publicity

5.1. No publicity is required for a non-material amendment application.

6. Consultation

6.1. No consultation is required for a non-material amendment application.

7. Policy

7.1 **Core Strategy (2009)**

- Policy 7: Key Rural Centres
- Policy 14: Rural Areas: Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 24: Sustainable Design and Technology

7.2 **Site Allocations and Development Management Policies DPD (2016)**

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 **National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- Community Infrastructure Levy (CIL) Regulations (2010)

7.4 **Other relevant guidance**

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide
- Affordable Housing SPD (2011)
- Hinckley and Bosworth Borough Landscape Character Assessment (2017)
- Open Space and Recreation Study (2016)
- Housing Needs Study (2024)
- Ratby Village Design Statement SPD (2011)

8. Appraisal

8.1. Key Issues

- Status of planning consent reference 24/00461/REM
- Whether the proposed changes materially alter the original decision

8.2. Consent for planning application ref 24/00461/REM was granted in January 2025 with a number of conditions attached. It is considered to be an extant permission that is entirely capable of being delivered.

8.3. S96A of the Town and Country Planning Act allows a local planning authority to make a change to any planning permission if they are satisfied that the change is not material. There is not a statutory definition of 'non-material' and each case must be considered on its merits.

8.4. The applicant is seeking a non-material amendment to planning consent 24/00461/REM to enable the re-positioning of the Locally Equipped Area of Play (LEAP) and 3 metre wide footway/cycleway on site.

8.5. The following documents have been submitted to show the proposed changes:

- Site Plan, Drg No. 2311-CR-00-ZZ-DR-A-0100-P09 received 21 November 2025
- Offsite Cycleway Route and LEAP position, Drg No. RAT-PEF-ZZ-XX-SK-C-0012 Rev P01 received 21 November 2025
- Grass Provision Plan Drg No. 10783-FPCR-XX-XX-DR-L-0016 P.10 received 5 January 2026
- Open Space Provision Plan Drg No. 10783-FPCR-XX-XX-DR-L-0008 P.10 received 5 January 2026
- Detailed Landscape Plan Drg No. 10783-FPCR-XX-XX-DR-L-0009-0012 P.10 received 5 January 2026
- Site Layout Plan Drg No. LWRAT-MCB-ZZ-ZZ-DR-A-0230-D5-P4 received 5 January 2026

8.6. The proposed alterations are required because the current area of the site accommodating the LEAP and associated footway/cycleway slopes steeply from west down to the east. The highest point having a level of circa. 111 OAD (adjacent to access road), and lowest point having a level of circa. 104 OAD (adjacent to bridleway); a total fall of 6 metres. This would result in the footway/cycleway having a gradient of 1 in 10 for at least a 30 metre section, which is contrary to Leicestershire County Council (LCC) Highways design guidance.

8.7. By relocating the LEAP further east, the proposed footway/cycleway can achieve the necessary gradients to comply with highway design guidance. The LEAP is still located in a prominent and well surveilled position on site and the changes are not considered to amount to a material change in this particular case.

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.

10. Conclusion

10.1. The changes are considered to be non-material to the previously approved scheme.

11. Recommendation

- Permit Non-material amendment.

11.2 **Conditions**

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

- Site Location Plan 0201 D5 P1 received 13 May 2024
- LWRAT-MCB-ZZ-ZZ-DR-A-0230-D5-P4-Site Layout Plan received 5 January 2026
- LWRAT-MCB-ZZ-ZZ-DR-A-0233-D5-P4 - Affordable Tenure Plan (Received 03 October 2025)
- Detailed Landscape Plan 0009-0012-P10 received 5 January 2026
- Open Space Provision Plan 10783-FPCR-XX-XX-DR-L-0008 P10 received 5 January 2026
- Grass Provision Plan 10783-FPCR-XX-XX-DR-L-0016 P10 received 5 January 2026
- External Materials and Boundary Treatment Plan 0231 D5 P3 received 18 December 2024
- Surfacing Materials Plan 0232 D5 P3 received 18 December 2024
- Refuse Management Plan 0234 D5 P3 received 18 December 2024
- Parking Strategy Plan 0235 D5 P3 received 18 December 2024
- Garden sizes Plan 0236 D5 P3 received 18 December 2024
- EV Charging Plan 0237 D5 P3 received 18 December 2024

- PV Plan 0238 D5 P3 received 18 December 2024
- Bushmills Housetype and Elevations 0105 D5 P2 received 13 May 2024
- Killykeen Housetype and Elevations 0106 D5 P2 received 13 May 2024
- Enfield Side Patio Housetype and Elevations 0109 D5 P3 received 29 October 2024 - Enfield Rear Patio Housetype and Elevations 0110 D5 P3 received 29 October 2024
- Tollymore Side Patio Housetype and Elevations 0111 D5 P3 received 29 October 2024
- Greencastle Housetype and Elevations 0113 D5 P3 received 29 October 2024
- Hollymount Housetype and Elevations 0114 D5 P2 received 13 May 2024
- Castletown Housetype and Elevations 0115 D5 P3 received 29 October 2024
- Knightstown Housetype and Elevations 0116 D5 P2 received 13 May 2024
- Kinnegad Housetype and Elevations 0117 D5 P3 received 29 October 2024
- Palmerstone Housetype and Elevations 0118 D5 P3 received 29 October 2024
- Cavan Housetype and Elevations 0119 D5 P2 received 13 May 2024
- Cookstown Housetype and Elevations 0122 D5 P2 received 13 May 2024
- Cavan FH Housetype and Elevations 0123 D5 P2 received 13 May 2024
- Aff1B Maisonette Housetype and Elevations 0124 D5 P2 received 13 May 2024
- Carlow Housetype and Elevations 0127 D5 P2 received 13 May 2024
- Cavan SO Housetype and Elevations 0128 D5 P2 received 13 May 2024
- Cavan SO_R Housetype and Elevations 0129 D5 P2 received 13 May 2024
- Lettermore Housetype and Elevations 0135 D5 P1 received 29 October 2024

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