

Delegated Report

Planning Ref: 26/00330/NMA

Applicant: Persimmon Homes North Midlands

Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Land East Of The Windmill Inn, Brascote Lane, Newbold Verdon

Proposal: Non-Material Amendment to Planning Permission 24/00854/REM.
Amendments to approved landscaping

Recommendations

- 1.1. **Grant Planning Permission** subject to:
- Previously imposed conditions on planning permission 24/00854/REM apart from conditions 1, 2 and 12 which are amended by this permission

Planning application description

- 2.1. This NMA application seeks to amend the approved plans to accommodate minor amendments to the landscaping scheme to improve the Biodiversity Net Gain on site.
- 2.2. The proposals involve a betterment to the habitat and hedgerow provision on site as follows:

Scheme approved under 24/00854/REM:

Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	17.98%
	Hedgerow units	17.90%
	Watercourse units	0.00%

- 2.3. Proposed NMA scheme:

Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	23.55%
	Hedgerow units	19.62%
	Watercourse units	0.00%

- 2.4. A revised drawing schedule has been provided to accommodate the various changes to plans (Drawing Schedule H, received 31/03/2026).

Description of the site and surrounding area

- 2.5. The site comprises 14.34 hectares of agricultural land adjacent to the south of Newbold Verdon. Brascote Lane runs along the western edge of the site. There are allotments to the north-west and south-west of the site. Agricultural fields surround the rest of the site. Site access is from Brascote Lane and there are no known Public Rights of Way running through the site. The site's topography is relatively flat, falling by approximately 2m towards the sites north eastern edge. There are no designated heritage assets within the proposed development site and it is not situated within the

Newbold Verdon Conservation Area.

- 2.6. The site is reasonably well located for local services and facilities in Newbold Verdon, such as Newbold Verdon Primary School, the Church of St James, Aslans Way Playing Fields, Newbold Verdon Cricket Club, Newbold Verdon Medical Centre, Nisa Local Store, Liberteas Coffee Shop, Jubilee Inn, Heathbrook Pharmacy, Newbold Verdon Library and some shops. It is within walking distance of bus stops along Main Street.

3.0 **Relevant planning history**

The most relevant applications to this NMA are listed below:

- **25/01012/NMA**

Non-Material Amendment to Planning Permission 24/00854/REM. Amendment to include a new footpath from Brascote Lane to the LEAP and to confirm the location of the substation

Approved 07.01.2026

- **25/00925/NMA**

Non-Material Amendment to condition 20 of 22/00277/OUT to amend the trigger for implementation of off-site highway works from prior to first use to the 25th occupation

Approved 12.12.2025

- **24/00854/REM**

Application for Reserved Matters (site layout, scale, appearance, and landscaping) of outline planning application 22/00277/OUT for 239 dwellings with associated internal road layout, car parking, drainage and landscaping

Approved 19.03.2025

- **22/00277/OUT**

Proposed development of up to 239 dwellings (Access Only)

Refused – Appeal Allowed 17.05.2024

4.0 **Publicity**

- 4.1 The application is a non-material amendment and as such no site notice or public consultation has been undertaken.

- 4.2 No public comments have been received.

5.0 **Consultation**

- 5.1 No consultation is required for a non-material amendment.

6.0 Policy

- 6.1 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.
- 6.2 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.

7.0 Appraisal

7.1 Key Issues

- Assessment against strategic planning policies
- Conditions

Assessment

- 7.2 Section 96A of the Town and Country Planning Act 1990 allows a non-material amendment to be made to an existing planning permission. There is no statutory definition of 'non-material'; this is because it is dependent on the context of the overall scheme. That which may be non-material in one context may be material in another. It is for the Local Planning Authority to be satisfied that the amendment sought is non-material in order to grant an application under S96A.

Officer comments:

- 7.3 The proposed landscaping revisions provide the site with additional habitat and hedgerow coverage, providing minor additional ecological benefits to the scheme, including betterments to the overall Biodiversity Net Gain calculations. The changes proposed are not considered to be extensive enough to amount to material changes in the context of the overall scheme and only require amendments to the plan references for the relevant conditions 1,2 and 12. The proposed NMA is therefore supported.

Conditions and compliance with S106

- 7.4 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 re-issue of the original planning permission, which still stands. Under section 96A(3) the LPA may impose new conditions or remove or alter existing conditions.
- 7.5 The decision notice for 24/00854/REM was subject to 12 conditions, and no additional conditions are necessary to impose in light of the amendments as this application cannot grant further planning permission. Conditions 1, 2 and 12 have been amended to reflect the revised Drawing Register, Landscaping Plans and BNG Plan.

8.0 Equality implications

- 8.1 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.

8.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. There are no known equality implications arising directly from this NMA of the development. 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).

9.0 Conclusion

9.1 The proposed amendments would result in minor changes to the approved scheme. The revised landscaping scheme would improve the ecological and BNG benefits of the scheme but result in no material change in the appearance or design of the scheme. The scheme would therefore remain in accordance with the Core Strategy and SADMP, as well as the overarching intentions of the NPPF and is therefore recommended for approval subject to the amendment of Conditions 1, 2 and 12 of approval 24/00854/REM. No new conditions are necessary.

10.0 Recommendation

10.1 **Grant Non-Material Amendment** subject to:

- Previously imposed conditions on planning permission 24/00854/REM and the changes to conditions 1, 2 and 12 as outlined below

10.2 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application drawings within the Drawing Schedule Rev H, received by the Local Planning Authority on 01.06.2026.

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

2. No development shall commence above floor plate level, until a scheme of soft landscaping works for the site, including and implementation scheme, has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall be in general accordance with the approved plans as follows:
 - Hard and Soft Landscape Plan – POS Sheet 8, Drawing No. BG24-292-BRGR-ZZ-ZZ-DR-L-00019 Rev 10.
 - Hard and Soft Landscape Plan – POS Sheet 9, Drawing No. BG24-292-BRGR-ZZ-ZZ-DR-L-00020 Rev 10.
 - Hard and Soft Landscape Plan – POS Sheet 8, Drawing No. BG24-292-BRGR-

ZZ-ZZ-DR-L-00021 Rev 10.

- General Arrangement – Drawing No. BG24-292-BRGR-ZZ-ZZ-DR-L-00022 Rev 10.
- Landscape Schedule - Drawing No. BG24-292-BRGR-ZZ-ZZ-DR-L-00023 Rev 10
- Landscape Specification - BG24-292-BRGR-ZZ-ZZ-DR-L-00024 Rev 10

Thereafter the development shall be carried out in full accordance with the approved landscaping 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.

Reason: To ensure that the development has a satisfactory appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12. The development hereby approved shall be implemented in strict accordance with the Biodiversity Net Gain Plan (Brindle & Green, received 02.04.2026) unless otherwise agreed in writing by the LPA. As per Section 6.2 monitoring reports should be submitted to the LPA for approval in years 2, 3, 4, 5, 10, 15, 25 and 30 following the habitat creation and initial enhancement works. The monitoring reports should detail the monitoring results, and any remedial actions required.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).