

Delegated Report

Planning Ref: 25/01098/NMA
Applicant: Richborough Estates Ltd
Ward: Newbold Verdon with Desford



Hinckley & Bosworth
Borough Council

Site: Land off Brascote Lane, Newbold Verdon

Proposal: Non-Material Amendment to Planning Permission 24/01158/OUT.
Amendment to Proposed Access Strategy

Recommendations

- 1.1. **Grant Planning Permission** subject to:
- Previously imposed conditions on planning permission 24/01158/OUT

Planning application description

- 2.1. This NMA application seeks to amend the wording of two of the conditions (conditions 3 and 10) of outline permission 24/01158/OUT to correct two minor typographical errors relating to details of access and the plan reference that permits it. There are no changes to the access drawing itself, and the changes are sought to ensure future compliance with the conditions.
- 2.2. Condition 3 states:
- 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. 902832.36.01 Rev B - received 23/12/24
 - Proposed Access Strategy - T24516.001 Rev B
- 2.3. *The requested amendment is as follows:*
- 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. 902832.36.01 Rev B - received 23/12/24
 - **Proposed Access Strategy - T24516.010 Rev C**
- 2.4. Condition 10 states:
- No part of the development hereby permitted shall be occupied until such time as the access arrangements on to Brascote Lane shown on Hub drawing number T24516.001 Rev B have been implemented in full.*
- 2.5. *The requested amendment is as follows:*
- No part of the development hereby permitted shall be occupied until such time as the access arrangements on to Brascote Lane shown on Hub drawing number **T24516.010 Rev C** have been implemented in full.*

Description of the site and surrounding area

- 2.6. The application site comprises 6.84ha of irregular shaped agricultural field, defined by the urban edge of Newbold Verdon to the north, hedgerows with numerous

hedgerow trees to the east and west, and a vegetated stream corridor to the south. The site is adjoined by the rear property elevations and private gardens of Arnold's Crescent to the north, allotments on the periphery of Newbold Verdon to the west and the approved residential development extent of Phase 1 to the south. Arable fields and Alans Way Playing Fields are present to the south-east and east.

2.7. The site to the south (Phase 1) already benefits from reserved matters planning permission (24/00854/REM) for 239 dwellings. The Phase 1 land within the red line of this application is included as it provides access/egress to the public highway at Brascote Lane. The Phase 1 permission remains unchanged by this application.

2.8. There are no statutory landscape designations, and no designated or non-designated heritage assets within the vicinity of the site. The Grade I Newbold Verdon Hall and Grade II Listed Church of St James are located over 500 metres to the northwest and is divided from the site by built development. There are protected trees within the site boundary, however they are to be retained with root protection areas.

3.0 **Relevant planning history**

The most relevant applications to this NMA are listed below.

21/01158/OUT

- Residential development for up to 135 dwellings with associated landscaping, open space, drainage infrastructure and associated works (all matters reserved except access)
- Planning Permission
- 11.11.2025

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:

There are no changes proposed to the scheme, and the correction relating to the wording of the Site Access Plans on Conditions 3 and 10 ensures the lawful compliance with the approved scheme. The proposed NMA is therefore supported.

Conditions and compliance with S106

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.

The decision notice for 24/01158/OUT was subject to 25 conditions, and no additional conditions are necessary to impose in light of the amendments as this application cannot grant further planning permission. Conditions 3 and 10 have been amended to reflect the correct plan reference in relation to the site access.

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 no changes to the approved scheme. The scheme would 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 3 and 10 of approval 24/01158/OUT. No new conditions are necessary.

10.0 Recommendation

10.1 Grant Non-Material Amendment subject to:

- Previously imposed conditions on planning permission 24/01158/OUT.

10.2 Conditions and Reasons

3. 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. 902832.36.01 Rev B - received 23/12/24
- Proposed Access Strategy - T24516.010 Rev C

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. No part of the development hereby permitted shall be occupied until such time as the access arrangements on to Brascote Lane shown on Hub drawing number T24516.010 Rev C have been implemented in full

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).