

Delegated Report

Planning Ref: 26/00711/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

Proposal: Non-Material Amendments to Planning Permission 25/00537/REM.

Recommendations

- 1.1. **Grant Planning Permission** subject to:
- Previously imposed conditions on planning permission 25/00537/REM apart from condition 1 which is amended by this permission

Planning application description

- 2.1. This NMA application seeks to amend the approved layout and house type plan by making the following revisions:
- The removal of valley gutters over party walls (by changing roof span on these plots)
 - Plot substitutions (house type changes) to plots 20, 21, 22 and 23, 38, 39 and 66 (number of bedrooms and parking spaces unchanged)
 - Amendment to the split of rural and traditional character areas
 - Colours updated on window and meter boxes
 - Garden wall revised materials
 - Plots 277, 285 and 302 handed to avoid canopy clash
 - Layout for plots 155 – 316 updated for fire tender access and technical compliance with building regulations
 - Access to plot 420 relocated
 - Plot 432 handed so that side elevation widows face the street
- 2.2. The revised plans received as part of this application are listed in the amended drawing list, received on 14/09/2026.

Description of the site and surrounding area

- 2.3. 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.
- 2.4. 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.

2.5. 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.

2.6. The A47 is partly a ring road – though there have been historic and more modern extensions of development beyond it – most notably the Bloor Homes site (Hollycroft Grange) to the southwest. As such it is increasingly becoming more of an arterial route.

3.0 **Relevant planning history**

- **22/00318/OUT**

Outline 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 02.05.2023, appeal allowed May 2024 (Ref. APP/K2420/W/23/3323113).

- **25/00537/REM**

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.

Approved 12.12.2025

- **26/00165/NMA**

Non-material amendments to planning permission 25/00537/REM

Approved 05.06.2026

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 required as part of NMA submissions.

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:

The changes proposed to the scheme as part of this NMA are either for aesthetic purposes or to ensure Building Regulations compliance. The plot substitutions and the adjustment of the rural/urban house type and character area split are for commercial reasons, but would not have a material impact on the scheme as a whole, and would not result in material harm in design terms. There are also minor aesthetic changes to window colours, boundary treatments, plot orientation, and house types.

In the context of the development as a whole, whilst there are numerous amendments to the proposed scheme as part of this NMA application, it is considered that these amendments are minor and non-material to the overall development.

In summary, it is considered that the proposed NMA is acceptable and would remain in accordance with the relevant Policies in the Development Plan and NPPF.

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 25/00537/REM was subject to 8 conditions, and no additional conditions are necessary to impose in light of the amendments as this application cannot grant further planning permission. Condition 1 has been amended to reflect the revised plans received.

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 Condition 1 of approval 25/00537/REM. No new conditions are necessary.

10.0 Recommendation

10.1 Grant Non-Material Amendment subject to:

- Previously imposed conditions on planning permission 25/00537/OUT, and the amendment of Condition 1 to reflect the amended list of drawings.

10.2 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details on the revised Drawing List received on 15/09/2026.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

The following informatives are to be added:

- Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
- Public Rights of Way must not be re-routed, encroached upon, or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should

be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.

- If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
- Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- No new gates, stiles, fences, or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way, and the County Council may be obliged to require its immediate removal.