

Delegated Report

Planning Ref: 25/01012/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. Amendment to include a new footpath from Brascote Lane to the LEAP and to confirm the location of the substation

Recommendations

- 1.1. **Grant Planning Permission** subject to:
- Previously imposed conditions on planning permission 24/00854/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 by including a new footpath which would link the LEAP ("Windmill Green") directly north of the Windmill Inn Public House, to the Primary Street and Access off Brascote Lane to the north.
- 2.2. This NMA also seeks to confirm the location of the substation, which is proposed to be located in the northern section of the site, opposite the pumping station.
- 2.3. A revised Layout has been submitted to accommodate these two amendments – Drawing Number TGDP-BLNV/CPL-1 Revision H.

Description of the site and surrounding area

- 2.4. 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.
- 2.5. 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, Libertas 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:

- **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 additional footpath improves pedestrian links from the main access and primary street to the LEAP to the north of the Windmill Inn and would prevent the

creation of informal “desire line” footpaths across the site and at the front of plots 226-228. It is considered a beneficial amendment to the scheme. The location of the proposed substation was not formalised as part of the RM application and is therefore ratified by the revised Proposed Layout as part of this NMA submission. The location opposite the pumping station is considered acceptable. The visual detail of the substation is to be considered through a separate discharge of condition application (condition 4 of 24/00854/REM). 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. Condition 1 has been amended to reflect the revised Site Layout within a revised Drawing Register, which now includes the new footpath and substation.

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 new footpath would improve pedestrian connectivity, maintain future occupier amenity, and result in no material change in the appearance or design of the scheme. The proposed substation is in a suitable location and would result in no material change to future occupier amenity or 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 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.

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 G, received by the Local Planning Authority on 17.10.2025.

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).