

Delegated Report

Planning Ref: 26/00165/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 by making the following revisions:
- The addition of turning heads on non-adoptable private drives outside plot 317 and plot 414.
 - The turning head outside plots 39 & 40 has been moved south.
 - The access paths to plots 30-32 have been amended.
 - The public footpath has been revised outside plot 317 and plots 39 & 40
 - The boundary wall to the garden of plot 40 has been revised to a fence and the line altered.
 - Garden boundary walls have been changed to a fence to the rear of gardens to plots 5, 14, 25, 30-34, 37, 38, 318-320, 340, and 341.
 - Bin collection points have been relocated.
 - The parking bays either side of the apartment bin store have moved 5000mm away from the store.
 - Side windows to the 591 house type at plots 2 and 37 have been removed.
 - The house type at Plot 20 is to be substituted from a 242 to a 341 and the house type at plot 21 is substituted to a 232 house type.
- 2.2. The revised plans received as part of this application are listed in the amended drawing list, received on 03/06/2026.

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

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 Despite NMA applications not requiring consultation, in this case the LPA consulted the Local Highway Authority for completeness.
- 5.2 No objection was received with the following comments provided, primarily regarding the PROW:

“The submitted application form details the amendments which are proposed to the site layout and bin collection points. After reviewing the layout compared to what was conditioned as part of application 25/00537/REM, the LHA has no objection to the proposed changes.

It should be noted the application site bisects public right of way Footpath T60, as shown on the submitted Site Plan Revision P11 overlaid with the Definitive Map of public rights of way which legally 'fixes' the alignment of public rights of way and has legal precedence over routes on the ground.

However, the route on the submitted site plan differs significantly from the legally-defined alignment. Particularly between points 'D' and 'F', the public right of way is a through-route running north-south, whereas on the site plan at point 'E' an east-west route has priority.

Where planning applications do not match the Definitive Map route, the applicant will need a separate legal diversion order made by the Local Planning Authority (not the LHA) a separate application for which must be submitted and confirmed before the development is substantially complete. It appears the amendments to the layout would impact the PROW, notably the turning head between points F and G. It is advised a range of other issues regarding the treatment of the public right of way are outstanding"

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 predominantly relate to minor amendments to the Highway layout to amend turning heads, access paths and parking bays. There are also changes to boundary wall treatments, bin collection points, and some amendments to 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.

The local highway authority has indicated that the proposed changes to the public right of way will require a separate legal diversion order, which falls outside of the planning process in any case.

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 03/06/2026.

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.