

Delegated Report

Planning Ref: 25/00616/NMA
Applicant: Aldi Stores Limited
Ward: Hinckley Clarendon

Site: Aldi Watling Street Hinckley

Proposal: Non material amendment to planning permission 23/00704/FUL. Amendment to parking bays and kerb layout, cycle store relocated, and brickwork to be retained on North and East elevations.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. Planning Permission has been granted for the extension of the existing store under application reference 23/00704/FUL. The current application proposes amendments to the scheme comprising changes to the layout of the parking bays and kerb layout; the relocation of the cycle store and the inclusion of retained brickwork on the north and east elevations.

3. Description of the site and surrounding area

- 3.1. The site is located on Watling Street, Hinckley with The Long Shoot (A47) to the West and Dodwells Road (A47) to the East and comprises approximately 0.55ha.
- 3.2. The buildings bordering the site are a petrol station and a small group of two-storey and single-storey houses, with the north and west bounded by fields. The adjacent dwellings are separated from the site by a 2m high close boarded fence, whilst the remained or the site is enclosed by post and rail fencing and hedgerow. Further to the east of the site is Dodwells industrial estate where a recently constructed Macdonalds Fast Food Restaurant forms a gateway to the industrial estate. The site's northern, eastern and western boundaries are marked by hedgerow and some mature trees.
- 3.3. The existing building is a chalet style single storey building with a pitched roof, tiled in clay roof tiles and a mix of red brick and clad elevations. The existing shop front is positioned in the south west elevation, facing Watling Street. The existing building is positioned back in to the site, flanking the western boundary and is 1410 sq. m with a retail area of 940 sq. m. Car parking for 88 vehicles wraps around the southern and eastern elevations. Customer, HGV and pedestrian access to the site is taken from a single point of access from Watling Street.
- 3.4. The site is surfaced in a mixture of tarmacadam and permeable block pavements. A brook runs along the southern boundary of the site, being culverted under the A5 and then runs up along the side of the site into the surrounding countryside.

4. Relevant planning history

96/00884/CLU - certificate of existing lawfulness (retail a1) - Granted 17.12.1996

97/00043/FUL - demolition of existing retail unit erection of food retail store and extension to chinese restaurant - Permission Granted - 13.06.1997

19/00572/FUL - Demolition of existing A1 retail store and erection of new food retail store (use class A1) with associated car parking, servicing and landscaping – Approved 29.01.2020

23/00704/FUL - Extension to existing Aldi Foodstore (Class E), car park and associated works – Approved 17.11.2023

24/00215/DISCON - Application to discharge condition 6 (Construction & Environmental Management Plan) from planning application 23/00704/FUL – Discharged 20.05.2024

25/00294/ADV - 1 Internally Illuminated Sign Case, 1 Internally Illuminated Totem, 2 Graphic Vinyl's On Aluminium Panels, 1 Welcome Vinyl Sticker – Adv Consent Granted 23.05.2025

25/00365/NMA Non material amendment to planning application 23/00704/FUL. To remove existing shopfront glazing to the east & south elevation and upgrade to the new Aldi standards.- Pending Decision

5. Publicity

- 5.1. Due to the application type, this planning application has not been publicised.

6. Consultation

- 6.1. As above, the application is a non-material amendment and as such no consultation has been undertaken.

7. Policy & Guidance

- 7.1. 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.
- 7.2. 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. The following planning policies remain relevant for the purposes of determining this application:

Core Strategy (2009)

- Policy 1: Development in Hinckley

Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM21: Locating Sustainable Town Centre Uses
- Policy DM23: High Quality Shopfronts and Advertisements

National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

Other relevant guidance

- Leicestershire Highways Design Guide
- Hinckley and Bosworth Town and District Centres Study (2017)
- Landscape Sensitivity Assessment (2017)

8. Appraisal

Assessment of the Proposed Changes

- 8.2 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 so 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.
- 8.3 With the above in mind it is necessary to consider what the existing planning permission is for including its uses, and its scale. The scale of the scheme and the approved use will remain unchanged. The proposed amendments that the applicant wishes to implement involve changes to the layout of some of the parking bays at the south end of the store and changes to the kerbs in terms of the location of raised kerbs and drop kerbs. The scheme also relocates the cycle store, away from the store entrance and retains more of the existing brickwork instead of replacing it

with render as approved. These minor changes, which will not fundamentally alter the appearance of the building and do not alter the overall quantum of car or cycle parking are not considered to amount to a material change. Considering the impact overall the changes are considered to be minor in scale and nature.

- 8.4 In summary the proposed amendments are considered to be minor and would not result in any significant changes to the original permission. The amendments as proposed can be considered and approved under this non-material amendment application. When considering the original permission, the amendments do not “go to the heart of the permission” and would not result in any material change of use or material alteration to what was previously approved.

9. Equality implications

- 9.1 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.

- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

10. Conclusion

- 9.1. The proposed amendments are considered to be minor and would not result in any significant change to the original permission. The amendments as proposed can be considered and approved under this non-material amendment application. When considering the original permission, the minor change to the car parking layout, kerb arrangement, location of the cycle store and some of the elevational treatment, does not “go to the heart of the permission” and would not result in any material change of use or material alteration to what was previously approved.

11. Recommendation

- 11.1 **Grant planning permission** subject to

- Previously imposed conditions on planning permission 23/00704/FUL.
- Amended plans agreed within condition 1 of this application:
 1. The non-material amendment hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - Site Location Plan Dwg no AC_25_20_88-155 Rev A
 - Proposed Site Plan Dwg no AC_25_20_88-160 Rev A
 - Proposed Elevations Dwg no AC_25_20_88-161 Rev A

Reason: To ensure a satisfactory appearance and impact of the development and to accord with Policies DM1 and DM10 of the Site Allocations and Development Management Development Plan Document (2016)

INFORMATIVE(S)

1. The details of this amendment should be read with the conditions set out on decision notice reference 23/00704/FUL.