

Delegated Report

Planning Ref: 26/00453/NMA

Applicant: Jelson Homes

Ward: Markfield Stanton and Fieldhead



Hinckley & Bosworth
Borough Council

Site: Land off Captains Lane, Markfield

Proposal: Non-Material Amendments to Planning Permission 25/00642/CONDIT. Changes to materials affecting plots 34, 72, 101, 114, 119 and 149.

Recommendations

- 1.1. **Grant Planning Permission** subject to:
- Previously imposed conditions on planning permission 25/00642/CONDIT apart from conditions 1 and 3 which are amended by this permission

Planning application description

- 2.1. This NMA application seeks to amend the approved materials on several plots for the reasons outlined by the applicant below:

“The JD421 rendered house type currently proposed for the site, in accordance with NHBC requirements, necessitates the inclusion of vertical expansion joints at approximately 6-metre centres due to the extent of blockwork on the front and side elevations. However, there is no suitable or aesthetically appropriate means of incorporating these joints within the proposed design. Their introduction would adversely affect the visual composition of the elevations, resulting in an undesirable sense of asymmetry and disrupting the intended architectural treatment. In order to resolve this issue while maintaining compliance and design integrity, it is therefore proposed that plots 34, 72, 101, 114, 119 and 149 be constructed using brickwork in lieu of the rendered finish. This adjustment will eliminate the requirement for expansion joints on these units and ensure a more consistent and visually coherent elevation treatment across the affected plots.”

- 2.2. In summary, Plots 34, 72, 101, 114, 119 and 149 are to be constructed in brick rather than render.

Description of the site and surrounding area

- 3.1. The application site is situated to the south of London Road, adjacent to the village of Markfield. The application site comprises of approximately 18.3 hectares of a number of irregular fields defined by boundary hedgerows and field trees, divided by a watercourse. The site is largely within the settlement boundary of Markfield as defined in the Neighbourhood Plan, with the exception of the central area abutting the watercourse which remains as open space.
- 3.2. Public Right of Way R4 runs through the application site, from London Road and meets Thornton Road to the south east. Public footpath R29 runs through the middle of the application site along a mature tree lined track from London Road (known as Captains Lane) towards Thornton Lane to the south. The Leicestershire Round recreation route footpath R2 is located along the boundary of the site to the west.
- 3.3. The application site is situated within the National and Charnwood Forest, and is bound to the north by residential dwellings, including the ‘farmlands’ development. The neighbourhood centre of Markfield is situated approximately 600 metres north,

which provides a medical centre, a post office, Co-op, library and hairdressers. Mercenfield Primary school is also located approximately 800 metres north of the application site.

3.0 Relevant planning history

20/00309/EAS

- EIA Screening Opinion for 450 dwellings

08.04.2020

20/01283/FUL

- Residential development of 282 dwellings (Class C3) including provision of public open space, associated infrastructure and engineering works and demolition of Vine Cottage

PER

30.09.2021

23/00117/CONDIT

- Variation to condition 2 of planning permission 20/01283/FUL. Amendments to revise layout and substitute house types.

PER

30.03.2023

24/00074/CONDIT

- Variation of Condition 1 of planning application 23/00117/CONDIT. Revision of site layout and substitute house types

PER

12.04.2024

25/00642/CONDIT

- Application to vary conditions 1 and 28 and remove condition 7 from planning permission 24/00074/CONDIT. Amendments to include substitution of house types and revised layouts, removal of the requirement to update the flood risk assessment and to allow for landscaping details to be submitted prior to submitting the damp proof course

PER

03.12.2025

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 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 to ensure Building Regulations compliance. The plot changes to materials would not have a material impact on the scheme as a whole and would not result in material harm in design terms.

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 25/00642/CONDIT was subject to 33 conditions, and no additional conditions are necessary to impose in light of the amendments as this application cannot grant further planning permission. Conditions 1 and 3 have 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 Conditions 1 and 3 of approval 25/00642/CONDIT. No new conditions are necessary.

10.0 Recommendation

10.1 Grant Non-Material Amendment subject to:

- Previously imposed conditions on planning permission 25/00642/CONDIT, except for the amendment of Conditions 1 and 3 to reflect the amended list of drawings and the changes to materials.

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, as follows:

- Site Location Plan - Drg No. 6675-L-10D
- Layout Plans - MFD02_REPLAN_01
- House Type Drawings –
 - S304_HA AS-OP
 - JT203_HA AS-OP rev B Floor and Elevation plans
 - JS326_HA OP rev C
 - JS326_HA AS rev C
 - JS317_HA P01 AS rev C
 - JS110_HA AS-OP rev P01
 - JS203_HA AS-OP rev B
 - JS203 Amber AS-OP rev B
 - JS318 Heron AS-OP X rev B Floor and Elevation plans
 - JD421 Kingfisher OP rev C render
 - JD421 Kingfisher AS rev C render
 - JD421 Kingfisher OP rev B brick
 - JD421 Kingfisher AS rev A brick
 - JD411 Cardinal OP rev B render

JD411 Cardinal AS rev B render
JD411 Cardinal OP brick
JD411 Cardinal AS brick
JD401 Maple OP rev A render
JD401 Maple AS rev A render
JD401 Maple OP rev A brick
JD401 Maple AS rev B brick
JD331 Redpol OP rev B render
JD331 Redpol AS rev B render
JD331 Redpol OP rev B brick
JD331 Redpol AS rev B brick
JD326 Woodcock AS
JD319 Willowby OP rev A
JD319 Willowby AS rev C
JD315Y Whinchat AS render
JD315X Whinchat AS brick
JD313Y Redpoll AS render
JD313X Redpoll AS brick
JD311 Swift AS JS450L_HA AS

- Material Layout Plan rev A

Except where amended as part of Non-Material Amendment 26/00453/NMA as reflected in the following drawings:

- Ventilation, Materials & Boundary Treatment Plan – Phase 2 Rev G
- Ventilation, Materials & Boundary Treatment Plan – Phase 3 (1 of 2) Rev G
- Ventilation, Materials & Boundary Treatment Plan – Phase 3 (2 of 2) Rev G

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

3. The materials to be used on the external elevations of the dwellings shall be in accordance with Drawing C4 Materials Layout Rev B received 11/4/22 approved through the Discharge of Condition decision reference 21/01467/DISCON except where amended as part of Non-Material Amendment 26/00453/NMA as reflected in the following drawings:

- Ventilation, Materials & Boundary Treatment Plan – Phase 2 Rev G
- Ventilation, Materials & Boundary Treatment Plan – Phase 3 (1 of 2) Rev G
- Ventilation, Materials & Boundary Treatment Plan – Phase 3 (2 of 2) Rev G

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).