

Delegated Report

Planning Ref: 25/00236/NMA

Applicant: Hinckley Town Cricket Club

Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: Hinckley Town Cricket Club, Leicester Road, Hinckley

**Proposal: Non-material amendment to planning permission 23/00922/FUL.
Amendments to door and windows**

1. Recommendations

1.1. Grant planning permission subject to:

- Previously imposed conditions on planning permission 23/00922/FUL.

2. Planning Application Description

2.1. This application proposes a non-material amendment to planning permission 23/00922/FUL, which was for the approval of a two-storey rear extension and stairs to the clubhouse/pavilion at Hinckley Town Cricket Club, Leicester Road, Hinckley.

2.2. The proposed non-material amendment seeks to amend the window (ground and first floor) and door (ground floor) designs on the side (east) elevation of the approved extension. This amendment is required to comply with Building Regulations.

3. Description of the Site and the Surrounding Area

3.1. The site boundary includes the access to the club house from Leicester Road and the club house itself. The application site is located to the north east of Leicester Road, within the green wedge, outside the settlement boundary of Hinckley and is designated as a recreation facility (HIN189). The levels on the site are flat. There is a public bridleway U9 that utilises the site access.

3.2. To the north east of the existing club house is the associated cricket pitch, Leicester Road FC and countryside beyond. To the west is Hinckley Town Tennis club and Hinckley Rugby Club.

4. Relevant Planning History

23/00922/FUL

- Two storey rear extension and stairs to clubhouse pavilion
- Approved
- 10.11.2023

95/00211/OUT

- Erection of building for indoor cricket nets and associated facilities
- Approved
- 03.05.1995

88/00269/4

- Proposed first floor extension to provide additional showers and sanitary facilities
- Approved
- 26.04.1988

5. Publicity

- 5.1. No publicity is required for a Section 96A application, and none has been undertaken.

6. Consultation

- 6.1 A Section 96A application is not an application for a new planning permission, therefore, the existing Town and Country Planning (Development Management Procedure) Order, 2015, provisions outlined in Article 13 and Schedule 5 relating to publicity and statutory consultation do not apply. The Local Planning Authority can exercise discretion in whether and how they choose to inform interested parties or seek their views. In this instance, no consultation is considered necessary.

7. Policy

- 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.

8. Appraisal

- 8.1. The key issues in respect of this application are therefore:
- Assessment against strategic planning policies
 - Conditions

Assessment against Strategic Planning Policies

- 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 Section 96A.
- 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 planning permission 23/00922/FUL approved the two-storey extension to the clubhouse to provide a larger bar/lounge area, an external viewing gallery and additional toilet facilities.
- 8.4 Whilst the replacement windows would weaken the design slightly in terms of architectural interest and variation on the side (east) elevation, the amendments to the scheme are not considered to materially alter the approved development, and

the general design would remain the same. The replacement door would have a negligible impact overall. Overall, it is not considered that there would be any significant adverse impacts to the design, and there would remain no harm to neighbouring amenity.

Conditions

- 8.5 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 reissue of the original planning permission, which still stands. However, it is necessary to determine if additional conditions are required or whether existing conditions need to be removed or altered.
- 8.6 Planning permission 23/00922/FUL was subject to three planning conditions relating to commencement of development and compliance with plans, and materials to match the existing building.
- 8.7 No additional conditions are necessary, and this application cannot grant further planning permission. Due to the amended plan, the plans provided are to be read in conjunction with the plans submitted as part of the extant planning permission.

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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 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).

10. Conclusion

- 10.1. In line with the provisions of Section 96A of the Town and Country Planning Act, 1990, it is considered that the proposed amendments to the approved full planning application at Hinckley Town Cricket Club, Leicester Road, permitted under planning reference 23/00922/FUL, are non-material in the context of the overall scheme.

- 10.2. It is considered that the proposed alterations do not have a material impact on the development as a whole and are non-material in the context of the overall scheme.
- 10.3. This non-material amendment is not a separate planning permission and should be read in conjunction with extant permission 23/00922/FUL.

11. Recommendation

11.1 Grant Non-Material Amendment subject to:

- Previously imposed conditions on planning permission 23/00922/FUL except condition 2 which is amended by this non-material amendment application as outlined below:

11.2 Conditions and Reasons

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
- Existing and proposed elevations including site location plan and block plan, received 10/03/25
 - Existing and proposed floor plans, received 10/03/25

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).