

Delegated Report

Planning Reference 25/00243/NMA
Applicant(s) Ms Esther Wiles
Ward Burbage, Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site Land south of Sketchley Grange
Hotel, Sketchley Lane, Burbage

Proposal Non-material amendments to planning permission 23/01204/REM. Amendments to layout of Plots 19, 20, 25, 27, 32, 38, 39, 40, and 126, house types for Plots 26, 35, and 39, use of materials for windows, garage doors and main entrance doors to all plots, use of materials to Plots 1, 7, 8, 25, 32, 34, and 123, landscaping, and Yellowwood house type design

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Grant the non-material amendments subject to:

- Planning conditions detailed at the end of this report.
- The proposed amendments to the scheme at Paragraph 2.2 of this Report

2. Planning Application Description

2.1. This application proposes a non-material amendment to planning permission 23/01204/REM, which was for the approval of Reserved Matters (relating to layout, scale, appearance, and landscaping) of the allowed appeal proposal 21/01131/OUT for the provision of 127 dwellings, a substation, public open space, an attenuation pond, and associated works at the Land south of Sketchley Grange Hotel, Sketchley Lane, Burbage.

2.2. The proposed non-material amendment seeks to make the following amendments to the approved development due to presence of an unidentified drainage easement within the site:

- The colour of the Duo TLE roof tiles for Plots 1, 7, 8, 25, 34 and 123 has changed from terracotta to grey
- The siting of Plots 19 and 20 have been amended
- Plot 26's house type has been amended from a Broadhaven to a Hollicombe
- The off-street parking provision for Plot 27 is now tandem parking
- The colour of the Duo TLE roof tiles for Plot 32 have changed from terracotta to brown

- Plot 35's house type has been amended from a Hollicombe to a Broadhaven
- The private drive serving Plots 38 to 40 has been realigned
- Plot 39's house type has been amended from a Hastings to a Cullen
- The off-street parking arrangements for Plots 39 and 40 have been relocated
- The garage for Plot 126 has been moved away from the site boundary
- The design of the Yellowwood house type has been amended, which affects Plots 25 and 34
- The landscaping associated with Plots 20, 21, 23, 24, 25, 27, 34, 39, 46, 50, 115, and 116 has been revised
- The colour of all garage and main entrance doors is now slate blue (RAL620-4)
- The colour of all windows is now Ivory rather than grey

2.3. The scheme of proposed amendments was revised to exclude any amendments to Public Right of Way U67 or to the location of the equipped area of play due to concerns raised by the Local Highway Authority and the Local Planning Authority about the acceptability of the works. This included concerns in relation to the discrepancy between the proposed land levels within the relocation of the equipped area of play and the approved land levels within the surface water drainage strategy approved via discharge of conditions application 24/00847/DISCON.

3. Description of the Site and the Surrounding Area

3.1. The 12.74ha application site is located to the southwest of, but outside of, the identified settlement boundary of Burbage in the designated open countryside. The application site benefits from outline planning permission following an allowed appeal, APP/K2420/W/22/3301735, against the refusal of planning application 21/01131/OUT for the provision of 150 dwellings with vehicular access from Sketchley Lane (Access only) and a subsequent approval of reserved matters for 127 dwellings via 23/01204/REM.

3.2. The application site is surrounded by a mixture of uses, some of which are at a higher level than the site, which include an extensive Business Park (Sketchley Meadows Business Park) that features tall utilitarian buildings to the west, a sprawling hotel complex (Sketchley Grange Hotel and Spa) to the north, the residential built form of Burbage to the north, east, and south, and the highly trafficked A5 to the southwest.

3.3. The site is accessed via Sketchley Lane to the north, which is an adopted, but unclassified, public highway that is subject to a 30mph speed limit. A Public Right of Way (PRoW), Bridleway U67, runs north-to-south along the eastern side boundary of the site. A separate element of this Bridleway also runs from the south-eastern corner to the northern boundary of the application site between the three residential dwellings, Kinder Lodge, Sketchley Lodge and Sketchley Lodge Farmhouse on to Sketchley Lane. A further PRoW, Footpath U64, runs along the western boundary of the application site, which then proceeds northwest towards Watling Close.

4. Relevant Planning History**4.1 25/00601/NMA**

- Non-material amendment to Condition 22 on planning permission 21/01131/OUT to amend the trigger for implementation of off-site highway works from 9 months after 1st occupation to prior to the 25th occupation
- Permitted
- 30.07.2025

4.2 25/00104/NMA

- Non-material amendment to planning permission 23/01204/REM. Amendment to location of private drive, widening of PROW U67 and relocation of the area of Play
- Refused
- 10.03.2025

4.3 24/00920/NMA

- Non-Material Amendment to 21/01131/OUT. Amendment to the wording of Condition 22 (offsite highway works) to allow offsite highway works to be implemented in full 9 following first occupation of dwelling
- Permitted
- 11.11.2024

4.4 24/00424/DOV

- Deed of Variation to S106 agreement on planning application 21/01131/OUT
- Decided
- 06.08.2025

4.5 23/01204/REM

- Application for approval of Reserved Matters (relating to layout, scale, appearance, appearance and landscaping) of appeal decision APP/K2420/W/22/3301735 (outline planning application 21/01131/OUT) for the provision of 127 dwellings, a substation, public open space, an attenuation pond and associated works
- Permitted
- 15.07.2024

The following conditions have been discharged from this Reserved Matters application:

- Condition 04 (PRoW Construction Management) (24/00543/DISCON)

An application (24/00746/DISCON) is currently being determined by the Local Planning Authority for the discharge of Conditions 05 (Treatment of PROWs) and 10 (Cycle Parking) of this Reserved Matters permission.

4.6 **22/00017/PP**

- Demolition of existing poultry and cattle buildings and residential development of up to 150 dwelling with vehicular access from Sketchley Lane (outline – vehicular access only)
- Allowed
- 04.01.2023

The following conditions have been discharged from this allowed appeal decision:

- | | | |
|----------------|----------------------------------|-------------------|
| • Condition 09 | (Materials) | (24/00763/DISCON) |
| • Condition 10 | (Electrical Vehicle Charging) | (24/00745/DISCON) |
| • Condition 11 | (Land Contamination) | (24/00327/DISCON) |
| • Condition 13 | (Tree Protection Plan) | (23/01208/DISCON) |
| • Condition 15 | (Surface Water Drainage) | (24/00847/DISCON) |
| • Condition 16 | (Long Term Water Management) | (24/00327/DISCON) |
| • Condition 17 | (Waste and Recycling Collection) | (24/00745/DISCON) |
| • Condition 18 | (CEMP) | (24/00327/DISCON) |
| • Condition 19 | (CTMP) | (23/01208/DISCON) |
| • Condition 20 | (WSI) | (24/00160/DISCON) |
| • Condition 21 | (Electronic Infrastructure) | (24/00745/DISCON) |

4.7 **21/01131/OUT**

- Demolition of existing poultry and cattle buildings and residential development of up to 150 dwelling with vehicular access from Sketchley Lane (outline – vehicular access only)
- Refused
- 16.06.2022

5. **Publicity**

- 5.1. No publicity is required for a Section 96A application, and therefore 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.

6.2 The Local Planning Authority can exercise discretion in whether and how they choose to inform interested parties or seek their views. In this instance, Burbage Parish Council and Leicestershire County Council as the Local Highway Authority were originally consulted on the proposals. Burbage Parish Council had no objections to the proposal and the Local Highway Authority raised concerns about the details and treatment of the Public Rights of Way within the site.

6.3 The amendments to the Public Rights of Way within the site have since been removed from the proposed alterations to the development, and no further consultations were undertaken in these site-specific circumstances.

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.

8.3 There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under Section 96A of the Town and Country Planning Act 1990. This application type cannot be used to make a material amendment to an extant planning permission.

8.4 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 approved the Reserved Matters relating to layout, scale, appearance, and landscaping for the provision of 127 dwellings, a substation, public open space, an attenuation pond, and associated works at the Land south of Sketchley Grange Hotel, Sketchley Lane, Burbage.

- 8.5 The proposal makes no amendments to the approved mix of house types and the amendments to the Yellowwood house design to Plots 25 and 34 are not considered to result in any adverse impacts to residential amenity or the character of the surrounding area. The proposed amendments to colour of windows, garage doors and main entrance doors to all plots and to the colour of the roof tiles to seven plots are considered to be acceptable, and do not result in any adverse impacts to the character of the surrounding area. Furthermore, the revisions to the siting of Plots 19 and 20 are minor and are not considered to result in any adverse impacts to the character of the surrounding area.
- 8.6 The amendments to the private drive for Plots 38 to 40 replaces the Plot 39's tandem parking provision with front parking and the alters the siting of the garage and parking provision for Plot 40. In comparison to the previously approved plans, the width of the drive has increased and therefore these minor amendments are not considered to result in any adverse impacts to highway safety or the character of the area. The proposed relocation of Plot 126's garage and the provision of tandem parking for Plot 27 are not considered to result in any adverse impacts to the character of the development, the surrounding area, or the future occupants of the scheme.
- 8.7 Although several amendments have been made to the proposed landscape around 13 plots within the site, given the extent of these revisions and in light of the scale of the approved development, these changes are considered to be minimal and non-material to the extant planning permission, and do not result in any adverse impacts to the character of the development or the surrounding area.
- 8.8 To summarise, the proposed amendments to the approved Reserved Matters application at Land south of Sketchley Grange Hotel, Sketchley Lane, Burbage permitted under planning reference 23/01204/REM considered minimal and non-material amendments to the extant planning permission, which do not materially alter the approved development or cause significant adverse impacts to the character of the building or the surrounding area, to residential amenity, or highway safety. Therefore, the proposal accords with the provisions of Section 96A of the Town and Country Planning Act 1990.

Conditions

- 8.9 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.
- 8.10 Planning permission 23/01204/REM was subject to 12 planning conditions. No additional conditions are necessary, and this application cannot grant further planning permission.

- 8.11 Should the proposed amendments to 23/1204/REM be recommended for approval, Planning Conditions 01 (Approved Plans), 09 (Parking and Turning Facilities), and 11 (Hard and Soft Landscaping), would need amending to reflect the revised plans that identify the latest changes to 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 Reserved Matters application at Land south of Sketchley Grange Hotel, Sketchley Lane, Burbage permitted under planning reference 23/01204/REM 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. Therefore, the proposal accords with the provisions of Section 96A of the Town and Country Planning Act 1990.

10.3 **This non-material amendment is not a separate planning permission and should be read in conjunction with extant permission 23/01204/REM.**

11. Recommendation

11.1 **Approve the non-material amendment(s)** subject to:

- Previously imposed conditions on planning permission 23/01204/REM
- The proposed amendments to the scheme at Paragraph 2.2 of this Report

11.2 Conditions and Reasons

1. This non-material amendment is approved in accordance with the submitted application details received by the Local Planning Authority, as follows:

- Detailed Hard Landscaping 13 (Rev N) (submitted: 18.08.2025)
- Detailed Hard Landscaping 14 (Rev N) (submitted: 18.08.2025)
- Detailed Soft Landscaping 02 (Rev Q) (submitted: 18.08.2025)
- Detailed Soft Landscaping 04 (Rev Q) (submitted: 18.08.2025)
- Detailed Soft Landscaping 05 (Rev Q) (submitted: 18.08.2025)
- Detailed Soft Landscaping 12 (Rev Q) (submitted: 18.08.2025)
- Proposed Boundary Treatment Plan (Rev O) (submitted: 15.08.2025)
- Proposed Colour Masterplan (Rev K) (submitted: 13.08.2025)
- Proposed Colour Planning Layout (Rev K) (submitted: 13.08.2025)
- Proposed Materials Plan (Rev O) (submitted: 13.08.2025)
- Proposed Planning Layout (1-500) (Rev M) (submitted: 13.08.2025)
- Proposed Planning Layout (Rev O) (submitted: 13.08.2025)
- Proposed Yellowwood Floor Plans (2DFP) (submitted: 13.08.2025)

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).