

Planning Committee
Report of the Planning Manager (Development Management)

Planning Ref: 26/00144/NMA
Applicant: Mr Gabe Knight
Ward: Hinckley Clarendon



Site: Land North East Of Triumph Motorcycles Ltd Normandy Way

**Proposal: Non material amendment to planning permission 25/00543/REM (Phase 7).
Amendments to all windows and adding render to plots 266, 316, 339, 347, 352, 353, 379.**

1. Recommendations

1.1. Grant planning permission subject to

- Planning condition(s) outlined at the end of this report

2. Planning application description

- 2.1. This current application seeks to secure minor amendments to the approved scheme which will in effect change the colour of all the windows, as indicated on the materials plan to agate grey. The scheme, as previously approved, included a mix of white and agate grey windows. The proposals also introduce render on the elevations of plots 266, 316, 339, 347, 352, 353, 379. This represents seven additional plots, twenty in total, compared to the thirteen plots that included render in the approved scheme.

3. Description of the site and surrounding area

- 3.1. The site is located to the west of Hinckley, approximately 2km from the town centre. The outline application site was 15.21 hectares (ha) of agricultural land. The application site comprises phase 7 of the wider development that was approved under planning application reference 15/00188/OUT. 15/00188/OUT granted outline permission for the erection of up to 850 dwellings, 500m² of retail units, a primary school, community facilities including sports pitches, parkland, children's play areas, allotments, sustainable urban drainage systems, a new access and associated infrastructure. A number of subsequent reserved matters submissions have been approved and conditions discharged, including 25/00543/REM which relates to the relevant phase and the matters that this application seeks to amend. Phase 7 relates to a parcel in the centre of the western edge of the wider outline site.
- 3.2. The site adjoins the wider residential development comprising the various phases of the Triumph Motorcycles site in all direction except the west which is open countryside. Hedgerow lies along this western boundary segregating the site from the open countryside beyond.

4. Relevant planning history

15/00188/OUT

- Erection of up to 850 dwellings, 500m² of retail units, a primary school, community facilities including sports pitches, parkland, children's play areas, allotments, sustainable urban drainage systems, a new access and associated infrastructure (outline - access only)
- OUT

- 03.05.2018

18/00563/REM

- Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 15/00188/OUT for residential development of 260 dwellings
- APRREM
- 16.11.2018

21/00977/DOV

- Deed of Variation proposal to amend section the 106 agreement dated 26 April 2018 BY AGREEMENT relating to application 15/00188/OUT to request that Bloor Homes can transfer the POS directly to a private management company rather than have a residential management company
- R1
- 04.03.2022

21/01067/REM

- Approval of reserved matters (Appearance, Landscaping, Layout and Scale) for access to facilitate phases 3 and 7 of the development
- PER
- 23.07.2022

21/01262/REM

- Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 15/00188/OUT for residential development of 140 dwellings (Phase 7)
- PER
- 23.09.2022

22/00544/DISCON

- Application to Discharge Condition 21 for Phases 3, 7 and 8 (Archaeology - additional mitigation measures) attached to planning approval 15/00188/OUT
- WSI for Phases 3 and 7/8 - required additional mitigation measures
- DISCHA
- 05.08.2022

22/01008/DISCON

- Phase 7 - Application to discharge conditions 7 (Travel Plan)10 (Public Transport Statement)11 (Means of Enclosure)13 (Materials Layout) 14 (Water Vole Strategy) 17 (Bat Boxes) 19 (Ecology Re-Assessment) 20 (Ecology Mitigation Re-assessment) 29 (Land Contamination) 31 (Landfill Gas) 32 (Air Quality) attached to planning permission 15/00188/OUT
- DISCHA
- 15.05.2023

24/00425/DOV

- Deed of Variation to S106 agreement on planning application 15/00188/OUT
- R1
- 16.04.2025

25/00543/REM

- Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission (ref: 15/00188/OUT) for the residential development of 126 dwellings (Phase 7)
- APRREM
- 22.12.2025

25/01220/DISCON

- Phase 7 (25/00543/REM) Application to re- discharge condition 11 (Means of Enclosure) attached to planning permission 15/00188/OUT
- DISCHA
- 18.03.2026

25/01221/DISCON

- Phase 7 (25/00543/REM) Application to re- discharge condition 13 (Materials Layout) attached to planning permission 15/00188/OUT
- DISCHA
- 24.02.2026

26/00004/DISCON

- Phase 7 - Application to re-discharge condition 32 (Air Quality) attached to planning permission 15/00188/OUT
- DISCHA
- 18.02.2026

26/00042/DISCON

- Phase 7 - Application to re-discharge C7 (Travel Plan) attached to planning permission 15/00188/OUT
- DISCHA
- 10.03.2026

26/00081/DISCON

- Phase 7 - Application to re-discharge C5 (Drainage) C7 (PRoW) attached to planning permission 25/00543/REM
- PDE

26/00082/DISCON

- Phase 7 - Application to re-discharge C6 (CEMP) attached to planning permission 15/00188/OUT

- DISCHA
- 18.03.2026

26/00083/DISCON

- Phase 7 - Application to re - discharge C12 (Levels) attached to planning permission 15/00188/OUT
- DISCHA
- 20.04.2026

26/00107/DISCON

- Phase 7 Application to re-discharge C10 (Public Transport Strategy) from planning permission 15/00188/OUT
- DISCHA
- 18.03.2026

26/00176/DISCON

- Application to re-discharge condition 33 (Noise) attached to planning permission 15/00188/OUT (Phase 7)
- DISCHA
- 12.05.2026

26/00180/DOV

- Deed of Variation to S106 agreement on planning application 15/00188/OUT
- R1
- 13.03.2026

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

- 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. Nonetheless, the determination of this application calls for a judgement to be made as to whether the proposed changes constitute those that are minor and non-material.

8. Appraisal – Assessment of the Materiality 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 planning permission reference 25/00543/REM, in effect, granted permission for the residential development of the site for 140 dwellings.
- 8.4 The proposed minor amendments comprising the inclusion of additional rendered elevations and all grey – as oppose to white and grey windows - are not considered to represent a material change to the scheme overall when considered as a whole. This is on the basis that the relevant colours and materials are already included in the approved scheme.
- 8.5 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.
- 9.3 There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. 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 changes to the materials proposed, 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 25/00543/REM.
- 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 application details, as follows:

- EM136-SL-002 Rev P Materials Layout

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 25/00543/REM.