

Delegated Report

Planning Ref: 26/00026/NMA
Applicant: Mr P Colins
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: Former Severn Trent Reservoir Off,
Leicester Road, Hinckley

Proposal: Non-material amendment to planning permission 23/01244/FUL to
change the approved brick type

1. Recommendations

1.1. Approve the non-material amendment(s) subject to:

- Previously imposed conditions on planning permission 23/01244/FUL decision.

2. Planning Application Description

- 2.1. This application proposes a non-material amendment to planning permission 23/01244/FUL, which was for the demolition of existing light industrial building (with prior approval for conversion to Class C3 bungalow) and the erection of a new dwelling.
- 2.2. The proposed non-material amendment seeks to amend the approved brick type for the unit from Weinerberger Niagara Falls to Forterra Hampton Rural Blend.

3. Description of the Site and the Surrounding Area

- 3.1 The application site is an existing former industrial building, located within the new housing development of the Former Severn Trent Reservoir Off Leicester Road, Hinckley.

4. Relevant Planning History

19/00567/FUL

- Erection of 14 residential units including access and parking
- Planning permission
- 27.09.2019

20/00523/P3CPA

- Prior notification for change of use of building from light industrial (Class B1(c)) to one dwelling (Class C3)
- Prior approval given
- 17.08.2020

23/00064/NMA

- Non material amendment to planning permission 19/00567/FUL. Amendment to include alteration to parking for plot 13 and 14
- Permitted
- 27.02.2023

23/00441/P3CMA

- Change of use of existing light industrial unit (Class E) to bungalow (Class C3)
- GDO Prior Approval Given
- 27.06.2023

23/01244/FUL

- Demolition of existing light industrial building (with prior approval for conversion to Class C3 bungalow) and the erection of a new dwelling.
- Planning Permission
- 21.02.2024

5. Publicity

- 5.1. No publicity is required for a non-material 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.
- 6.2 No consultation with consultees was conducted nor deemed necessary under this application.

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

- Impact upon the design and character of the area
- 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.
- 8.5 The non-material amendment seeks to amend the approved brick type of the unit, which is considered to be a non-material amendment.

Impact upon Design and the Character of the Area

- 8.6 The amendments seek to amend the approved brick type on the approved erection of a new dwelling. The change relates to the brick type solely, which from the submitted details as part of this proposal, appear visually similar and of an appropriate quality, having no impact on the design of the dwelling, nor lowering the quality of the development. It is therefore considered that the development in this site specific circumstance would be acceptable.
- 8.7 The amendment itself is not considered to go to the heart of the permission, and as such would be considered non-material.

Conditions

- 8.8 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.
- 8.9 Planning permission 23/01244/FUL was subject to seven planning conditions. Due to the amendment under this non-material amendment application, the amended condition at the end of this report supersede condition 2 of the original approval and shall be read in conjunction with the remaining conditions.

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 planning application at Former Severn Trent Reservoir Off, Leicester Road, Hinckley, permitted under planning reference 23/01244/FUL are non-material in the context of the overall scheme.
- 10.2. It is considered that the proposed amendment does 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 23/01244/FUL.**

11. Recommendation

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

- Previously imposed conditions on planning permission 23/01244/FUL, except condition 2 which is amended below to reflect the material schedule.

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:

Site Location and Block Plan Drg No. PL-NB-01

Proposed Floor Plans and Elevations Drg No. NB-PL-03

Received 27th December 2023

Materials Schedule

Received 12th January 2026

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).