

Delegated Report

Planning Ref: 25/00130/NMA

Applicant: BLOOR HOMES

Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: Land to the west of Normandy Way, Hinckley

**Proposal: Non material amendment to planning application 23/00573/FUL.
Amendment to materials.**

1. Recommendations

1.1. Approve the non-material amendment subject to:

- Previously imposed conditions on planning permission 23/00573/FUL except where the materials plan and details have been updated through this NMA application.

2. Planning application description

2.1. The application seeks a non-material amendment to application 23/00573/FUL which detailed plans for an additional 153 dwellings at the 'Hinckley West' development with associated open space and infrastructure.

2.2. The application seeks to amend the materials for several plots on the development. Changes include:

Brick amendments:

23/00573/FUL

- Forterra Chamber Red
- Forterra Arden Special Reserve
- Forterra Lindum Cottage Red Multi
- Forterra Village Harvest Multi
- Detail Brick: Wienerberger Sandown Red

Proposed 25/00130/NMA

- Ibstock Hardwicke Sherwood Blaze
- Ibstock Hardwicke Welbeck Autumn Antique
- Wienerberger Abbeydale Red Multi
- Forterra Leicestershire Russet Mixture
- Forterra Arden Special Reserve
- Forterra Lindum Cottage Red Multi
- Detail Bricks: Sienna Red & Wienerberger Abbeydale Red Multi

Elevation Treatment amendments:

- Plank Boarding (Anthracite Grey) added to numerous dwellings

2.3. The dispersion of the brick types and elevation treatments above create a consistent variation throughout the site, with all previously approved brick types being replaced, albeit with similar material types and colours as previously approved.

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 site is at the eastern edge of the wider Hinckley West development. The outline application site is 5.6 hectares of agricultural land. The application site comprises phase 4 of the development and relates to a parcel in the south eastern corner of the wider outline site.
- 3.2. The site is mostly flat and level, and hedgerow lies to the northern boundary and part of the western boundary, otherwise there are few landscape features on the site.

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)

Permitted

03.05.2018

- **23/00573/FUL**

Full planning application for 153 dwellings with a vehicular access from the factory access road and existing roundabout on the A47, drainage, landscaping, public open space, ground remodelling and supporting infrastructure and utilities

Planning Permission

21.01.2025

5. Publicity

- 5.1. The application is a non-material amendment and as such no site notice or public consultation has been undertaken.
- 5.2. No public comments have been received.

6. Consultation

- 6.1. The application is a non-material amendment and as such no consultation has been undertaken.
- 6.2. No comments have been received.

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. Key Issues
- Assessment
 - Conditions

Assessment

- 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 The amendments seek to utilise similar materials and elevational treatments already present within the development but in a reconfigured layout. Given the brick types are similar styles and colours to those in the wider development, and that they increase the different types of materials used, these amendments would have little material impact.
- 8.4 In the context of the development, the amendments would have little impact on the overall design and appearance of the site when considering the details of the approved materials, and the design/materials found in other phases of the development. The amendments are non-material in this regard.

Conditions and compliance with S106

- 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 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.
- 8.6 The decision notice for 23/00573/FUL was subject to a number of conditions. Condition 2 of 23/00573/FUL required compliance with a range of drawings. This NMA application requires new conditions ensuring that the proposal is carried out in accordance with the submitted materials layout.

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

- 9.1. The proposed amendments to the materials and elevation treatments would not result in any material impacts on the approved development. The amended scheme would remain in accordance with the Development Plan, and the overarching intentions of the NPPF and is therefore recommended for approval.

11. Recommendation

- 10.1. **Approve the Non-Material Amendment** subject to the below condition

11.2 Conditions and Reasons

23/00573/FUL:

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

- Materials Layout drawing no. EM064-SL-4402O

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).