

Delegated Report

Planning Ref: 24/00951/NMA

Applicant: Mr David Greenwood

Ward: Burbage, Sketchley and Stretton

Site: Apex House, 2 Watling Drive, Burbage

Proposal: Non material amendment to planning permission

23/00391/FUL. Change to the layout of the solar PV panels on the roof. Installing 2 x EV charging stations serving 4 spaces, no longer covered by a solar car port structure. Reduction in Air-Source Heat Pumps from 3 to 2. (Still contained in an enclosure at the same location as per the original application). Additional installation of an external GRP Electrical Cabinet to house connections to the above.



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Previously imposed conditions on planning permission 23/00391/FUL.
- Amended plans agreed within condition 2 of this application.

2. Planning application description

2.1. This application is for a proposed non-material amendments to planning permission 23/00391/FUL which was for the installation of solar panel on roof of existing building, provision of a solar PV carport and heat pumps.

2.2. The proposed non-material amendment seeks a change to the layout of the solar PV panels on the roof. Installing 2 x EV charging stations serving 4 spaces, no longer covered by a solar car port structure. Reduction in Air-Source Heat Pumps from 3 to 2. (Still contained in an enclosure at the same location as per the original application). Additional installation of an external GRP Electrical Cabinet to house connections to the above.

3. Description of the site and surrounding area

3.1. The application site, which serves 'Everyone Active', is a large office building located within an area which contains similar building styles and uses alongside various industrial units. The site benefits from a large car park which surrounds the main building. The site is bound by industrial and office buildings on three sides and the A5 (Watling Street) to the rear. The site has existing boundary treatments to the rear, consists of mature hedgerow and trees.

4. Relevant planning history

23/00391/FUL

Installation of solar panel on roof of existing building, provision of a solar PV carport and heat pumps
Planning Permission
26.05.2023

5. Publicity/Consultation

5.1. A Section 96A application is not an application for a new planning permission and the existing Town and Country Planning (Development Management Procedure) Order (DMPO) provisions (Article 13 and Schedule 5) relating to publicity and statutory consultation do not apply. Therefore, local planning authorities can exercise discretion in whether and how they choose to inform interested parties or seek their views. In this application both National Grid and HBBC Environmental

Health Pollution have been consulted, no comments were received by National Grid and no objections have been received from HBBC EH Pollution.

6. Policy

- 6.1. 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.
- 6.2. 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.
- 7.1. Core Strategy (2009)
 - None
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM2: Delivering Renewable Energy and Low Carbon Development
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

Appraisal

- 7.1. Key Issues
 - Assessment
 - Conditions

Assessment

- 6.2. 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.
- 6.3. 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 (23/00391/FUL) approved the installation of solar panel on roof of existing building, provision of a solar PV carport and heat pumps.
- 6.4. The proposed amendments seek to amend the original application for changes to the layout of the solar PV panels on the roof. Installing 2 x EV charging stations serving 4 spaces, no longer covered by a solar car port structure. Reduction in Air-Source Heat Pumps from 3 to 2. (Still contained in an enclosure at the same location as per the original application). Additional installation of an external GRP Electrical Cabinet to house connections to the above.

- 6.5 The proposed amendments are minor and would not have any significant detrimental impacts when considering the original approval as they relate predominantly to minor alterations, the reduction of Air-Source Heat Pumps, the removal of the covered solar car port and the minor inclusion of an electrical cabinet.

Conditions

- 6.6 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. It is however necessary to determine if additional conditions are required or whether existing conditions need to be removed or altered.

6.7 Planning permission 23/00391/FUL was subject to 2 conditions.

- 6.8 This application seeks to make amendments to condition 2 by amending the proposed plans as detailed within condition 1 at the end of this report.

7. Equality implications

- 7.1 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.

- 7.2 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.

- 7.3 There are no known equality implications arising directly from this development.

- 7.4 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).

8. Conclusion

- 9.1. The amendments would not undermine the development and the proposed amendments to the scheme would not result in any significant adverse impacts on the matters previously discussed in the delegated report for 23/00391/FUL.

- 9.2. The amended scheme would remain in accordance with all the policies listed with the delegated officer report and is therefore recommended for approval subject to previously imposed conditions on planning permission 23/00391/FUL

9. Recommendation

- 10.1. **Grant planning permission** subject to:

- Previously imposed conditions on planning permission 23/00391/FUL
 - 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 submitted application details, as follows:

Proposed Site Plan Drg No. 230024-RGL-ZZ-XX-DR-U-95-0002 Rev S2-P01

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).