

## Delegated report

**Planning Ref: 23/00437/NMA**  
**Applicant: HDD Hinckley Ltd**  
**Ward: Hinckley Clarendon**



Hinckley & Bosworth  
Borough Council

**Site: Land North East Of Triumph Motorcycles Ltd Normandy Way**

**Proposal: Non material amendment to planning application 22/00202/REM to amend elevations to add canopy over entrance doors**

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## Recommendations

- 1.1. **Grant Planning Permission** subject to:
- Previously imposed conditions on planning permission 22/00202/REM

## Planning application description

- 2.1. The application seeks a non material amendment to planning permission 22/00202/REM to amend elevations to add canopy over entrance doors.
- 2.2. Proposed drawing 'Proposed GA Elevations A-PL-0511 P20' would replace 'Proposed GA Elevations Drg No: A-PL-0511 P08'.
- 2.3. The proposed canopy's would consist a grey metal framed Perspex canopy over retail unit entrance & a PPC canopy over C-Store entrance,
- 2.4. **Description of the site and surrounding area**  
The site is located to the west of Hinckley, approximately 2km from the town centre. The application site comprises of a northern parcel of land. The application site is bound by Normandy Way and the main access road into the larger site. The site is also bounded by two internal access roads to the north and west which were approved under Phase 3 of the development.

## 3.0 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)
- Outline permission
- 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
- Approval of reserved matters
- 16.11.2018

### 20/00527/REM

- Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 15/00188/OUT for residential development of 260 dwellings.
- Approval of reserved matters
- 25.09.2020

#### **20/01339/NMA**

- Non-material amendment to planning permission to 20/00527/REM
- Permit non-material amendment
- 10.11.2021

#### **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
- Deed of Variation
- 04.03.2022

#### **21/01487/REM**

- Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 15/00188/OUT for the residential development of 51 dwellings (Phase 3)
- Approval of reserved matters
- 05.07.2022

#### **21/01525/NMA**

- Non material amendment to planning permission 20/00527/REM to substitute four house types
- Permit non-material amendment
- 05.05.2022

#### **22/00202/REM**

- Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 15/00188/OUT for the local centre (Phase 3a))

### **4.0 Publicity**

4.1 The application is a non-material amendment and as such no site notice or public consultation has been undertaken.

4.2 No public comments have been received.

### **5.0 Consultation**

5.1 No consultation is required for a non-material amendment.

### **6.0 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.

## **7.0 Appraisal**

### **7.1 Key Issues**

- Assessment against strategic planning policies
- Conditions

#### Assessment

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.

The submitted plans are:

- Proposed GA Elevations A-PL-0511 P20

This plan is discussed below, in terms of the nature of the change from the permitted scheme (outline and reserved matters plans and conditions), compliance with the S106 and whether the changes proposed are considered to be material changes to the development.

The submitted plan above is proposed to replace plans: Proposed GA Elevations Drg No: A-PL-0511 P08. The remaining plans listed in condition 1 of 22/00202/REM are not proposed to be amended as changes as these would be material changes to the scheme.

Officer comments:

- Canopy's will help ease access for customers entering/ leaving the premises & are minor level adjustments
- It is not considered that the changes are material to the scheme.

The amended plans are considered to comply with the street types and character areas they are located within, as detailed within the Design and Access Statement approved at reserved matters stage. The changes are overall considered to be non-material.

#### Conditions and compliance with S106

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.

The decision notice for 22/00202/REM was subject to 7 conditions, and no additional conditions are necessary to impose in light of the amendments as this application cannot grant further planning permission.

#### **Equality implications**

- 1.1 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.
- 1.2 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.
- 1.3 There are no known equality implications arising directly from this NMA of the development.
- 1.4 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).

## **8.0 Conclusion**

- 8.1 The proposed amendments would result in canopy's over the entrance/ exit doors but would not result in any material impacts on the approved development and would respect the character and appearance of the wider site and surrounding area. The amended scheme would remain in accordance with Core Strategy Policies 1,15, 16, 19 and Policies SA2, DM1, DM3, DM6, DM7, DM10, DM11, DM12, DM13, DM17 and DM18 of the SADMP, and the overarching intentions of the NPPF and is therefore recommended for approval subject to the amendment of conditions 1 of reserved matters approval 22/00202/REM. No new conditions are necessary.

## **9.0 Recommendation**

### **9.1 Grant Non-Material Amendment subject to:**

- Previously imposed conditions on planning permission 22/00202/REM

### **9.2 Conditions and Reasons**

- 1. This non-material development is approved in accordance with the submitted application details received by the Local Planning Authority, as follows:
  - Application Form (submitted: 31/05/2023)
  - Proposed GA Elevations A-PL-0511 P20

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).