

Delegated Report

Planning Ref: 26/00576/NMA
Applicant: XL Designs (Midlands) Ltd
Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Field Maple House, 34 Lindridge Lane,
Desford

Proposal: Nonmaterial amendment to planning permission 25/01125/FUL to
amend units A & D.

1. Recommendations

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

- Previously imposed conditions on planning permission 25/01125/FUL decision except condition 2 with is varied to reflect the approved plans, as a consequence conditions 10, 16 and 17 are to be updated to refer to the latest layout plan.

2. Planning Application Description

- 2.1. This application proposes a non-material amendment to planning permission 25/01125/FUL, which was for the erection of four detached residential dwellings with associated garaging on land to the rear of 34 Lindridge Lane, Desford.
- 2.2. The proposed non-material amendment seeks to amend conditions 2 to amend plans relating to plots A and D.

3. Description of the Site and the Surrounding Area

- 3.1. The site is located approximately 700m north of Desford village centre. The site is accessed via Lindridge Lane. The site has an area of approximately 1 acre and is broadly rectangular in shape.
- 3.2. To the northwest of the site is Tropical Birdland, with dwellings occupying the land on both sides of Lindridge Lane to the south. To the north is a dense copse, beyond which lies the property Lyndale, and a site which has recently received planning permission for four dwellings (23/00445/OUT and 24/00512/REM).
- 3.3. To the east is open countryside, and to the south is the garden of 30 Lindridge Lane, a new dwelling permitted via application 19/00616/FUL. To the west lies properties 34, 36, 38, and 40 Lindridge Lane.
- 3.4. The site lies within the countryside and outside of the settlement boundary of Desford.

4. Relevant Planning History

The application site has been subject to a large volume of applications, for brevity the key applications relating to this application are included below:

25/01125/FUL

- Erection of four detached residential dwellings with associated garaging on land to the rear of 34 Lindridge Lane, Desford.
- Planning permission
- 08.04.2026

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 was conducted as part of 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
 - Design and impact on the character of the area
 - Neighbouring residential amenity
 - 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 plans in relation to both plot A and D, with plot A retaining its design and its garage location being altered slightly to the south of the site, and plot D including a link between the existing dwelling and the former detached garage. These changes when considering the wider scale of development are considered to be non-material and do not go to the heart of the permission.

Design and Impact on the Character of the Area

- 8.6 The amendment to Plot A seeks to relocate the detached garage development approximately 1.2 metres towards the rear garden, providing a larger driveway area, whilst not impeaching on the tree protection area of the trees on site. This is not considered to create any detrimental impact to the character of the area, and the design of the garage remains unchanged.
- 8.7 The amendment to Plot D, confirms a new link from the detached garage to the main dwelling. The link, specifically with Plot D, is not considered to have a detrimental impact on the design of the dwelling or garage, nor would it have any detrimental impact on the character of the area, having a neutral impact.
- 8.8 The proposed amendments are considered satisfactory and in line with Policy DM10 of the SADMP, and as such would be acceptable.

Neighbouring residential amenity

- 8.9 The proposed relocation of the garage serving Plot A would have no impact on the residential amenity of the neighbouring plots, nor the amenity of future occupiers of the dwelling, given its minor amendment. The proposed link between the dwelling and garage structure for Plot D is well contained within the curtilage of Plot D, and would not be considered to have any impact on neighbouring residential amenity or the amenity of future occupiers.
- 8.10 It is considered that both the non-material amendments would have no impact on residential amenity in terms of loss of light, loss of privacy, overbearing or

overshadowing impacts, and as such is considered acceptable and in accordance with Policy DM10 of the SADMP.

Conditions

- 8.11 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.
- 8.12 Planning permission 25/01125/FUL was subject to seventeen planning conditions. Due to the amendment under this non-material amendment application, the amended conditions at the end of this report supersede condition 2, 10, 16 and 17 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 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 25/01125/FUL.**

11. Recommendation

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

- Previously imposed conditions on planning permission 25/01125/FUL, except condition 2 which is amended below to reflect the amended plans, as a consequence conditions 10, 16 and 17 are to be updated to refer to the latest layout plan.

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:

Planning, Design and Access Statement
Site Location Plan, Drg No.25.330.OS2_1:1250
Floor Plans, Elevations - Unit B, Sheet 4 of 6, Drg No. 25.330.04
Floor Plans, Elevations - Unit C, Sheet 5 of 6, Drg No. 25.330.05
Proposed Levels, Drg No.25808-GMB-XX-XX-DR-C-0110 Rev P02
Horizontal Align and Setting Out, Drg No.25808-GMB-XX-XX-DR-C-0130 Rev P01
Long Sections, Drg No.25808-GMB-XX-XX-DR-C-0131 Rev P01
External Construction and Details Plan, Drg No.25808-GMB-XX-XX-DR-C-0150 Rev P02
Vehicle Tracking Plan, Drg No. 25808-GMB-XX-XX-DR-C-0190-P01
Tree Protection Measures as shown on Proposed Site Plan, Drg No. DEV251031-1356 - MWA TPP 01

Received under application 25/01125/FUL

Site Layout Plan, Sheet 1 of 6, Drg No. 25.330.01 Rev B
Site Layout Plan, Sheet 2 of 6, Drg No. 25.330.02 Rev B
Floor Plans, Elevations - Unit A, Sheet 3 of 6, Drg No. 25.330.03 Rev A
Floor Plans, Elevations - Unit D, Sheet 6 of 6, Drg No. 25.330.06 Rev A
Block Plan, Drg No. 25.330.BP02 Rev B

Received under application 26/00576/NMA

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).

10. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Planning Drawing - Sheet 2 of 6 - Site Layout, drawing number 25.330.02. Rev B. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

16. The materials to be used on the external elevations of the dwellings and hard landscaped surfaces shall be implemented in accordance with the list of Materials and Finishes on the approved Site Layout - Drawing No. 25.330.01 Rev B.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD (2016).

17. Construction of the development shall be carried out in strict accordance with the Arboricultural Method Statement contained within the submitted Arboricultural Appraisal Report by MWA Arboriculture. This includes but is not limited to:

- Maintaining protective fencing to BS5837 standards for the duration of the works and ensuring that ground protection remains in place wherever fencing cannot be installed.
- No excavation, storage, or ground disturbance within Root Protection Areas (RPA) unless explicitly described in the approved documentation.
- Where development results in incursions into the RPAs of retained trees, the specified mitigation must be followed without deviation.
- The use of no-dig cellular confinement system for the surfacing within the RPA of T23
- Any excavation within the RPAs of T04 and T13 must be undertaken manually and under direct arboricultural supervision, with any necessary root pruning carried out in accordance with NJUG10.

The existing trees shown to be retained on approved plan 'Planning Drawing-Sheet 2 of 6 Site Layout' Dwg No. 25.330.02 Rev B and 'Tree Protection Plan' Dwg No. MWA TPP 01 alongside the existing hedgerow on the eastern boundary of the development shall be retained for a period of five years following first occupation of the final dwelling to be occupied. Should the trees or hedgerow be damaged, destroyed or die during this period they shall be replanted within the following planting season in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard on site ecological features, alongside ensuring a satisfactory form of development, ensuring no detrimental impacts to the

countryside, in accordance with Policies DM4, DM6 and DM10 of the adopted Site Allocations and Development Management Policies DPD (2016).