

Delegated Report

Planning Ref: 24/00177/NMA

Applicant: Mr Andrew Wilebore

Ward: Hinckley Clarendon

Site: 8 Nuffield Road, Hinckley

Proposal: Non material amendment to planning application

21/00006/FUL. Amendment to a single bay portal frame including an extended print hall



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Previously imposed conditions on planning permission 21/0006/FUL.
- Amended plans agreed within condition 1 of this application.

2. Planning application description

- 2.1. This application is for a proposed non-material amendments to planning permission 21/0006/FUL, which was for the extension to goods outward warehouse
- 2.2. The proposed non-material amendment seeks to amend to a single bay portal frame including the extension of the print hall. The amendments create a degree of symmetry for the development site.

3. Description of the site and surrounding area

- 3.1. The site is located within the Harrowbrook Industrial Estate and is surrounded by other commercial uses. Most buildings in the locality have brick elevations with composite or profiled metal roofs. There are some two storey office buildings in the locality.

4. Relevant planning history

21/00006/FUL

Extension to goods outward warehouse
Planning Permission
15.06.2021

14/01153/NOMAT

Non-material amendment to planning permission 14/00315/FUL to have an extension to commercial premises
Permit Non-Material Amendments
18.12.2014

14/00315/FUL

Extensions to commercial premises
Planning Permission
28.05.2014

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 no consultations were conducted. It is noted that as the site is sited within an Catchment Of Special Area Of Conservation and an SSSI, that

often we would consult Natural England on amendments, however as the amendments are solely aesthetic and do not have any impact other than visually, this consultation is not required.

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)

- Policy 1: Development in Hinckley

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Employment Land and Premises Study (2020)
- 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 (21/00006/FUL) approved the extension to goods outward warehouse.
- 6.4. The proposed amendments seek to amend the approved plans to introduce a single bay portal frame, including the internal amendment to extend the print hall. The main external change will be from a flat to a pitched roof. This change is considered to have no detrimental impacts to the visual amenity of the area, mirroring the

opposite end of the unit. The change does not alter the floor area of the previous approval.

- 6.5 The proposed amendments are minor and would not result in any significant changes to the original permission; and as such can be considered and approved under this non-material amendment application.
- 6.6 The proposed amendments to the previously approved scheme relate to amendments to three plots. Initially plot C, which proposes two additional rooflights. The single storey unit already benefits from one number rooflight and it is considered that the additional of two more rooflights is minor and unlikely to have any significant detrimental impact to the overall design of the unit or impact on any neighbouring plots.

Conditions

- 6.7 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.

6.8 Planning permission 21/00006/FUL was subject to 5 conditions.

- 6.9 This application seeks to make amendments to condition 1 by amending the proposed elevations and floor plans.

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 21/00006/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 21/00006/FUL.

9. Recommendation

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

- Previously imposed conditions on planning permission 21/00006/FUL.
- Additional 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 Plans and Elevations Drg Ref: Planning Amended Design 01

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).