

Delegated Report

Planning Ref: 23/00274/NMA

Applicant: Mr James Ogle

Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: Land West Of 1 Desford Lane Ratby

**Proposal: Nonmaterial amendment to planning permission 20/00786/FUL.
Amendment to include addition of solar panels, door, rooflight, ramps, and substation, enclose external plant and bin store, relocate external plant and change to cladding on elevation 2.**

1. Recommendations

1.1. Grant planning permission subject to:

- Previously imposed conditions on planning permission 20/00786/FUL

2. Planning application description

- 2.1. This application proposes a non-material amendment to planning permission 20/00786/FUL, which was for the approval of a proposed new medical centre that comprised of a doctor's surgery, dental surgery, and pharmacy with associated parking and landscaping at the Land to the west of 1 Desford Lane, Ratby.
- 2.2. The proposed non-material amendment seeks to relocate the external plant area to the western side elevation of the building and enclose it within a 3m high Jakoustic reflective acoustic timber fence with a lockable double gate.
- 2.3. The non-material amendment also includes the provision of a new external door and ramp on the western side elevation of the building (Elevation 2), a new window on the northern front elevation (Elevation 1), and a new external door adjacent to the Entrance Lobby (Elevation 6). A new substation is also proposed behind the proposed bin store, and photovoltaic (PV) panels are proposed the roof on the southern rear elevation of the development on Elevations 3, and 6 respectively. New rooflights over the waiting room are also proposed on the northern front elevation (Elevation 1).
- 2.4. The new substation is provided to the rear of the bin store, which is adjacent to eastern site boundary, in accordance with the requirements of Western Power.
- ### **3. Description of the site and surrounding area**
- 3.1. The 5,800sqm application site is located to the west of Ratby's village centre, outside of the defined settlement boundary. The application site is positioned on a corner with Desford Lane bounding the site to the north and west boundary. The boundary along Desford Lane is formed by existing hedgerows. To the east of the application site is a residential dwelling, with playing fields to the south, which are separated from the application site by a stream. The land within the site falls generally from north to south, with an overall difference of approximately 2m.

4. Relevant planning history
21/01466/DISCON

- Application to discharge conditions 6 (construction traffic management plan), 14, (management of surface water during construction), 15 (drainage strategy), 23 (construction environmental management plan) attached to planning permission 20/00786/FUL.
- Discharged
- 14.04.2022

21/01285/DISCON

- Application to discharge conditions 5 (materials), 13 (drainage), 17 (landscaping), 20 (archaeology), 21 (levels), 22 (noise), attached to planning permission 20/00786/FUL
- Discharged
- 17.05.2022

20/00786/FUL

- Proposed new medical centre comprising doctor's surgery, dental surgery and pharmacy with associated car parking and landscaping
- Permitted
- 10.12.2020

5. Publicity

- 5.1. No publicity is required for a 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. In this instance, no publicity or consultations have been undertaken.

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
 - 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. 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 Section 96A.
- 8.3 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 approved the erection of a new medical centre, dental surgery, and pharmacy, which would replace the existing doctors that was situated on Station Road, Ratby. Access to the site is provided via Desford Lane.
- 8.4 The provision of the new external doors and windows are not considered to result in any significant adverse impacts to neighbouring residential amenity. The proposed PV roof panels are on the rear of the development and the new external plant on the western side elevation are not considered to be visible from the highway, nor have a significant adverse impact to the character of the area. The provision of rooflights over the waiting room on the front elevation of the scheme is also not considered to have a significant adverse impact on the character of the surrounding area, nor result in any harm to neighbouring residential amenity.
- 8.5 The proposed substation is behind the bin store, 33m south of the highway, and 26.4m southwest of 1 Desford Lane. The substation is adjacent to an existing agricultural building, and therefore, given the above, the development is not considered to result in any significant adverse impact to the character of the surrounding area, nor the neighbouring residential amenity.
- 8.6 By virtue of the scale of the development is for the provision of a new medical centre, the proposed amendments to the scheme are considered minimal and non-material amendments to the extant planning permission that do not materially alter the approved development or cause significant adverse impacts to the character of the building or the surrounding area.

Conditions

- 8.7 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. However, it is necessary to determine if additional conditions are required or whether existing conditions need to be removed or altered.
- 8.8 Planning permission 20/0786/FUL was subject to 25 planning conditions. No additional conditions are necessary, and this application cannot grant further planning permission.
- 8.9 As the new amended plans within this application identify the new windows, doors, ramp, rooflights, solar panels, external plant, and substation, these plans provided are to be read in conjunction with the plans submitted as part of the extant planning permission.

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 full planning application at the Land west of 1 Desford Lane, Ratby, permitted under planning reference 20/00786/FUL are non-material in the context of the overall scheme.

10.2. It is considered that the proposed alterations do 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 20/00786/FUL.**

11. Recommendation

11.1 **Grant Non-Material Amendment** subject to:

- Previously imposed conditions on planning permission 20/00786/FUL
- Producing new solar panels, roof lights, an external plant, new windows and doors, a new ramp, and creating a new substation.

11.2 Conditions and Reasons

1. This non-material amendment is approved in accordance with the submitted application details received by the Local Planning Authority, as follows:
 - Proposed Elevations, Drg No. 1685-310 Rev P0 (submitted: 21.03.2023)
 - Proposed Elevations, Drg No. 1685-311 Rev P0 (submitted: 21.03.2023)
 - Proposed Floor Plans, Drg No. 1685-200 Rev P0 (submitted: 21.03.2023)
 - Proposed Site Plan, Drg No. 1685-100 Rev P0 (submitted: 21.03.2023)

- Site Location Plan, Drg No. 1685-090 Rev P0 (submitted: 21.03.2023)

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).