

Delegated Report

Planning Ref: 24/00095/NMA
Applicant: Miss Dawn Moore
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Pumping Station Station Road Stoke Golding

Proposal: Non-material amendment to planning permission 23/00842/FUL.
Amendment to position of the dwelling

1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Previously imposed conditions on planning permission 23/00842/FUL.

2. Planning Application Description

- 2.1. This application proposes a non-material amendment to planning permission 23/00842/FUL, which was for the approval of the provision of a single storey, two-bedroom dwellinghouse at Pumping Station, Station Road, Stoke Golding.
- 2.2. The proposed non-material amendment seeks to relocate the approved dwelling south by 3m to improve access for emergency vehicles. No further amendments are proposed.

3. Description of the Site and the Surrounding Area

- 3.1. The 560sqm application site is to the west of, but within, the identified settlement boundary of Stoke Golding, which is classified as a Stand Alone Key Rural Centre within the adopted Core Strategy (2009). The application site is adjacent to, and to the east of the Ashby Canal Conservation Area.
- 3.2. The site currently features an agricultural building, that was constructed via planning permission 91/00250/4, a smaller shed structure, and open agricultural fields to the south. The site also benefits from mature vegetation on its eastern, western, and southern boundaries. The site is to the south of, and accessed from an existing shared drive via, Station Road. Station Road is an adopted but unclassified road that is subject to a 30mph speed limit.
- 3.3. To the north of the site is several residential dwellings and a narrowboat hiring company that are also accessed from, and to the south of, Station Road. Beyond these dwellings and Station Road is the Stoke Golding Conservation Area, a Local Wildlife Site, and open agricultural fields.
- 3.4. To the northeast of the application site is a Severn Trent Water pumping station and residential dwellings within Stoke Golding. To the east of site is several open agricultural fields, but beyond these is further residential dwellings within Stoke Golding. To the south of the site is more open agricultural fields.
- 3.5. The western boundary of the site is bordered by the Ashby de la Zouch Canal, which runs north-to-south past the application site. The Ashby de la Zouch Canal features a Public Right of Way (PRoW), and it is identified as a green infrastructure corridor within the Stoke Golding Neighbourhood Plan (SGNP) (2022). Beyond the Canal is further open agricultural fields.

- 3.6. To the northwest of the application site is Willow Industrial Park, the Ashby Canal Centre and Marina, and the registered Battle of Bosworth Field (1485). Beyond these elements is also further open agricultural fields.

4. Relevant Planning History

4.1 23/00842/FUL

- Construction of a single storey home
- Permitted
- 03.11.2023

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 approved single storey dwelling was rectangular in shape and externally measured 12.2m in width x 6.1m in depth, which resulted in a total footprint of 74.7sqm. The development featured a gable-ended pitched roof with a ridge height of 4.2m. The scheme was constructed as prefabricated structure on a brick plinth that featured green asphalt roof tiles, and off-white and wooden panelling.

- 8.4 The amendment does not alter the design, scale, massing, volume, or appearance of the development. The proposal only relocates the permitted dwelling 3m south of its approved position.
- 8.5 Whilst this extends the built form of the site 3m further south than the existing site, it is noted that elements of the built form of the narrowboat company to the west of the site extends approximately 17m further to the south. In addition, due to the positioning of the storage building to the east and its greater scale and height than the development, there is no visibility of the proposed dwelling from the Ashby Canal itself and the canal towpath, and therefore there are no adverse impacts upon the wider Conservation Area.
- 8.6 Given the above, whilst the proposal relocation of the dwelling extends the built form of the development south into the countryside by 3m, this is considered to be a minimal and non-material amendment to the exact planning permission that does not material alter the approved development or cause any significant adverse impacts to the character of the application site, the Ashby Canal Conservation Area, or the wider countryside.

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 23/00842/FUL was subject to four planning conditions. No additional conditions are necessary, and this application cannot grant further planning permission. Due to the amended plan submitted identifying the new location of the dwelling, the 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 Pumping Station, Station Road, Stoke Golding permitted under planning reference 23/00842/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 23/00842/FUL.**

11. Recommendation

11.1 Grant Non-Material Amendment subject to:

- Previously imposed conditions on planning permission 23/00842/FUL
- The relocation of the approved development south by 3m.

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 Floor Plans, Elevations, and Site Plan (submitted: 26.01.2024).

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).