

Delegated Report

Planning Ref: 24/00787/NMA
Applicant: BLOOR HOMES
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: Land North of East of Triumph Motorcycles Ltd, Normandy Way, Hinckley

Proposal: Non material amendment to planning permission 20/00527/REM to amend the approved materials.

1. Recommendations

1.1. Approve the non-material amendment subject to:

- Previously imposed conditions on planning permission 20/00527/REM except where the materials plan and details have been updated through this NMA application.

2. Planning application description

2.1. The application seeks a non-material amendment to application 20/00527/REM which detailed plans for Phase 2 of the 'Hinckley West' development comprising 260 dwellings with associated open space and infrastructure following approval of outline planning permission under application 15/00188/OUT.

2.2. The application seeks to amend the materials for a number of plots on the development. Changes include:

Brick amendments

- Plots 230-231 swapped from Clumber red to Lindum Cottage Red.
- Plots 238-239 swapped from Sherwood Blaze to Lindum Cottage Red.
- Plots 243-244 swapped from Oakwood Multi to Sherwood blaze.

Elevation Treatment amendments

- Half height render added to plots 235, 242, 245.
- Full height render added to front gable of plots 247 & 251

2.3. Although the dispersion of the brick types and elevation treatment would be for the plots listed above, the amendment would not introduce any new brick types or elevation treatments to the development. All changes are limited to the south west corner of the phase.

2.4. There was originally some discrepancy between the listed reserved matters application number referred to in the cover letter in comparison to the application form, however, the applicant has confirmed in writing that the amendments relate to application 20/00527/REM.

3. Description of the site and surrounding area

3.1 The site is located to the west of Hinckley, approximately 2km from the town centre. The wider application site is 15.21 hectares (ha) of agricultural land. The application site comprises two parcels of land; a northern parcel that encompasses the area proposed for residential development and a southern parcel that incorporates sustainable drainage features and ecological mitigation areas that are proposed in conjunction with the development.

- 3.2 Development has commenced on the wider site and many of the plots to the east of this phase have been occupied for some time. The plots subject to these amendments are located in the south western corner of Phase 2 which form the western edge of the site.

3. 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)

Permitted

03.05.2018

- **20/00527/REM**

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

Permitted

20.09.2020

- **20/01339/NMA**

Non-material amendment to planning permission to 20/00527/REM

Permitted

10.11.2021

- **21/01525/NMA**

Non material amendment to planning permission 20/00527/REM to substitute four house types

Permitted

05.05.2022

- **Various discharge of condition, reserved matters and non-material amendment applications have also been permitted in relation to other phases of the development which are not listed for brevity.**

4. Publicity

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

- 5.2. No public comments have been received.

5. Consultation

- 5.3. The application is a non-material amendment and as such no consultation has been undertaken.

5.4. No comments have been received.

6. 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.

7. Appraisal

8.1. Key Issues

- Assessment
- Conditions

Assessment

7.2. 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.

7.3. The amendments seek to utilise the same materials and elevation treatment already present within the development but in a reconfigured layout. Given the brick types are already proposed in the wider development and street scene these amendments would have little material impact. The additional render is proposed on corner plots and focal points which is consistent with the wider development and original aims of the approved Design and Access statement.

7.4. In the context of the development, the amendments would have little impact on the overall design and appearance of the site given the design/materials found elsewhere in the development. The amendments are non-material in this regard, however, there would be some enhancement in added variety in the street scene.

Conditions and compliance with S106

7.5. 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.

7.6. The decision notice for 20/00527/REM was subject to a number of conditions, condition 1 required compliance with a range of drawings including the materials plan, subsequent non-material amendment applications removed the materials plan from the list of plans. This NMA application requires a new condition ensuring that the proposal is carried out in accordance with the submitted materials plan.

8. Equality implications

8.1. 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.
- 8.2 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.
- 8.3 There are no known equality implications arising directly from this development.
- 8.4 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).

9. Conclusion

- 9.1. The proposed amendments to the materials and elevation treatments would not result in any material impacts on the approved development. The amended scheme would remain in accordance with the Development Plan, and the overarching intentions of the NPPF and is therefore recommended for approval.

10. Recommendation

- 10.1. **Approve the Non-Material Amendment** subject to the below condition

10.2 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:
 - Materials Plan dwg no. MI100-MAT-220ZZD

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).