

Delegated Report

Planning Ref: 23/00342/NMA

Applicant: Mr James Perry

Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: The Outwoods Farmhouse, The Outwoods, Burbage

Proposal: Non-Material Amendment to conditions 2 and 3 of Planning Permission 21/01210/FUL and 22/01140/CONDIT. Amendment to the elevation and floor plans.

1. Recommendations

1.1. Grant planning permission subject to:

- Previously imposed conditions on planning permissions 21/01210/FUL and 22/01140/CONDIT.

2. Planning application description

2.1. This application proposes a non-material amendment to planning permissions 21/01210/FUL and 22/01140/CONDIT which was for the demolition of buildings and dwelling, construction of five dwellings at the Outwoods Farmhouse, The Outwoods, Burbage, Leicestershire LE10 2UD.

2.2. A list of the proposed non-material amendments is provided below:

House Type A

- Replace header course below openings with blue plinth bricks
- 3 course banding to centre of all elevations
- 3 course banding to eaves and gable verges – amended from previously approved
- Metal rise & fall brackets to guttering
- Introduction of 2 'bricked' up window openings to road facing elevation to Plot 01
 - Herringbone brickwork infill set 25mm back
 - Soldier course over & blue plinth brick below

House Type B

- Replace header course below openings with blue plinth bricks
- 3 course banding to eaves and gable verges – amended from previously approved
- Herringbone brickwork between principal windows to front elevation
- Metal rise & fall brackets to guttering
- Introduction of 2 'bricked' up window openings to road facing elevation to Plot 04
 - Herringbone brickwork infill set 25mm back
 - Soldier course over & blue plinth brick below

3. Description of the site and surrounding area

3.1. The application site currently consists of horse stables, numerous outbuildings, and a residential dwelling. The character of the application site is generally one of a poor visual quality and in a state of disrepair with overgrown shrubbery, hardstanding areas and limited views of the surrounding residential properties. The northern boundary wall was recessed back from The Outwoods to create an informal parking area for the previous equestrian use. There is a railway line to the

north of the site, to the east is the Outwoods Grassland local wildlife site with residential properties to the south and west, respectively.

- 3.2. The proposal is located within the wider setting of Outwoods House which is a grade II listed building of special historic and architectural interest located to the south of the application site. It is noted that any functional or historical relationship between the application site and the listed building is barely perceptible, and since the existing buildings within the application site are of no particular architectural or historic interest, the application site is considered to make a neutral contribution to the significance of the setting of the listed building.

4. Relevant planning history

21/01210/FUL - Demolition of buildings and dwelling, construction of five dwellings.
Approved April 2022

22/00662/DISCON – Discharge of Condition 14 (Construction method Statement) on 21/01210/FUL – Discharged September 2022

22/01140/CONDIT – Variation of conditions 2 and 3 of planning permission ref: 21/01210/FUL to allow for a variation of approved drawings and approved material.
Approved March 2023

23/00024/DISCON – Discharge of Conditions 4 (SuDS), 7 (Noise), 8 (Land Contamination), 11 (Waste and Recycling) on 21/01210/FUL – Discharged February 2023

23/00453/DISCON – Application to discharge condition 5 (Landscaping) on 21/01210/FUL

5. Publicity/Consultation

- 5.1 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.

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. Appraisal

- 7.1 The key issues in respect of this application are therefore:
- Assessment against strategic planning policies
 - Conditions

Assessment against strategic planning policies

- 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 Section 96A.

- 7.3 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 5 dwellings.
- 7.4 The proposed amendments are considered to be non-material. They also appear to be improvements to the elevations approved under 22/01140/CONDIT.

Conditions

- 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 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.
- 7.6 Planning permission 21/01210/FUL was subject to 17 planning conditions. Conditions 4, 7, 8, 11 and 14 have been discharged, whilst other conditions are in the process of being discharged.
- 7.7 No additional conditions are necessary, and this application cannot grant further planning permission. This non-material amendment should be read in conjunction with the decision notices for 21/01210/FUL and 22/01140/CONDIT.

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 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 change of use at The Outwoods Farmhouse, The Outwoods, Burbage, Leicestershire LE10 2UD are permitted under planning references 21/01210/FUL and 22/01140/CONDIT would be non-material in the context of the overall scheme.
- 9.2 It is considered that the proposed alterations would not have a material impact on the development as a whole and are considered to be non-material in the context of the overall scheme.
- 9.3 This non-material amendment is not a separate planning permission and should be read in conjunction with extant permissions 21/01210/FUL and 22/01140/CONDIT.

10. Recommendation

- 10.1 Grant Non-Material Amendment subject to:
- Previously imposed conditions on planning permissions 21/01210/FUL and 22/01140/CONDIT
- a. **Conditions and Reasons**
1. This non-material amendment is approved in accordance with:
 - Proposed House Type A, Elevations, Floor Plans, Roof Plan, Site Plan, Drg No. (04)13-01
 - Proposed House Type B, Elevations, Floor Plans, Roof Plan, Site Plan, Drg No. (04)13-02
 - Proposed Site Elevations, Drg No. (04)12-01
 - Block Plan, Drg No.(04)10-2
 - Site Location Plan, Drg No. (04)10-01.

All received on 04/04/2023.