

Delegated Report

Planning Ref: 23/00262/NMA
Applicant: ERI MTP Ltd
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Horiba Mira Ltd, Mira Drive, Lindley

Proposal: Non-Material Amendment to Planning Permission 22/00412/FUL (Condition 2). Amendment to the gatehouse and surrounding landscaping, layout of infrastructure arrangements, northern service road turning head and level change.

Recommendations

- 1.1. **Grant Planning Permission** subject to:
- Previously imposed conditions on planning permission 22/00412/FUL

Planning application description

- 2.1. The application seeks a non-material amendment to planning permission 22/00412/FUL. The proposed amendments to the road infrastructure include the introduction of the turning head to the northern service road, with associated level changes. This turning head was approved via 22/00697/REM but will now form part of the infrastructure contract. The proposed link into plot 7 from the southern service road has also been removed to avoid crossing the linear park, and access will now be taken from the northern service road. There are also some minor changes proposed to the gatehouse building to avoid an underground main.

Description of the site and surrounding area

- 2.2 Horiba Mira and its associated grounds are located on Watling Street (A5), between the villages of Higham on the Hill and Fenny Drayton, with the A5 to the south. The Horiba Mira site covers almost 3 square kilometres.

3.0 Relevant planning history

11/00360/OUT

- Business Technology campus comprising replacement MIRA headquarters, office, research and manufacturing facilities, hotel and local facilities including retail/cafe/restaurant indoor and outdoor leisure, ancillary energy generation plant equipment, internal access roads, car parking, landscaping, drainage and associated works and creation of new improvement access points, widening of A5, associated earth works and landscaping (outline: access only) (cross boundary application with north Warwickshire Borough Council) (Departure from the Development Plan) (EIA Development)
- Outline planning approval
- 09.03.2012

13/00603/CONDIT

- Variation of conditions 5 - 11, 15 - 17, 26 - 32 and 34 of planning permission 11/00360/OUT.
- Permission
- 29.04.2014

13/00621/REM

- Reserved Matters application for A5 widening works pursuant to planning permission 11/00360/OUT (EIA Development)
- Permission
- 16.10.2013

14/00661/CONDIT

- Variation of conditions 5,6,8,11,15,16,27,32,34 of planning permission 13/00603/CONDIT (relating to outline planning permission 11/00360/OUT) for a Business Technology Campus development.
- Permission
- 02.12.2014

14/01156/REM

- Formation of infrastructure including access, car parking and landscaping (Phase 1)
- Approval of Reserved Matters
- 18.02.2015

21/01216/CLE

- Certificate of lawful development (existing) to confirm that Condition 1 of planning permission 14/00661/CONDIT requires Reserved Matters applications to be submitted within 10 years of the grant of that permission - namely by 1 December 2024 and thereby development of the technology park is lawful subject to all reserved matters being submitted by that date
- Certificate of lawful development
- 20.10.2021

21/01500/FUL

- Construction of a hydrogen and EV Charging Station
- Permission
- 29.03.2022

22/00068/FUL

- Demolition of Lindley Grange Farmhouse
- Permission
- 07.10.2022

22/00412/FUL

- Development of internal road infrastructure, new security gate facility, and associated landscaping
- Permission
- 07.10.2022

22/00697/REM

- Approval of Reserved Matters (Layout, Scale, Appearance and Landscaping) for Plots 8 and 9 within Zone 4 of Planning Permission ref: 14/00661/CONDIT (Variation of conditions 5,6,8,11,15,16,27,32,34 of planning permission 13/00603/CONDIT (relating to outline planning permission 11/00360/OUT) for a Business Technology Campus development)
- Permission
- 01.11.2022

22/00709/REM

- Approval of Reserved Matters (All Matters Reserved) for Plots 6 within Zone 4 of Planning Permission (Variation of conditions 5, 6, 8, 11, 15, 16, 27, 32, 34 of planning permission 13,00603/CONDIT (relating to outline planning permission 11/00360/OUT) for a Business Technology Campus development)
- Permission
- 01.11.2022

23/00209/NMA

- Approval of Reserved Matters (Layout, Scale, Appearance and Landscaping) for Plots 8 and 9 within Zone 4 of Planning Permission ref: 14/00661/CONDIT (Variation of conditions 5,6,8,11,15,16,27,32,34 of planning permission 13/00603/CONDIT (relating to outline planning permission 11/00360/OUT) for a Business Technology Campus development)
- Permission
- 01.11.2022

4.0 Publicity

- 4.1 The application is a non-material amendment and as such no site notice or public consultation has been undertaken.
- 4.2 No public comments have been received.

5.0 Consultation

- 5.1 No consultation is required for a non-material amendment.

6.0 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.

7.0 Appraisal

- 7.1 Key Issues

- Assessment against strategic planning policies
- 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 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.

The previously approved and newly proposed plans are:

Drawing Title	Approved Reference	New Reference
<i>Proposed Site Plan</i>	21.017 (P)110	21.017 (P)110-RevC
<i>Proposed Site Plan (southern area)</i>	21.017 (P)111	21.017 (P)111-RevC
<i>Proposed Site Plan (northern area)</i>	21.017 (P)112	21.017 (P)112-RevC
<i>Gatehouse Proposed Block Plan</i>	22.001 (P)003	22.001 (P)003 – RevB
<i>Gatehouse Proposed Site Plan</i>	22.001 (P)004	22.001 (P)004 – RevB
<i>Gatehouse Ground Floor and Roof Plan</i>	22.001 (P)100	22.001 (P)100 – RevB
<i>North and South Proposed Elevations Plan</i>	22.001 (P)200	22.001 (P)200 - RevB
<i>East and West Proposed Elevations Plan</i>	22.001 (P)201	22.001 (P)201 – RevB
<i>Section Drawing</i>	22.001 (P)300	22.001 (P)300 RevB
<i>Highway General Arrangement Plans</i>	20-170-101-01	20-170-101-01-RevG
	20-170-101-02	20-170-101-02-RevG
	20-170-101-03	20-170-101-03-RevG
<i>Long Section Drawings</i>	20-170-121-01	20-170-121-01-RevE
	20-170-121-02	20-170-121-02-RevC
	20-170-121-03	20-170-121-03-RevC
<i>Cross Section Drawings</i>	20-170-131-01	20-170-131-01-RevE
	20-170-131-03	20-170-131-03-RevC
<i>Proposed Levels</i>	20-170-141-01	20-170-141-01-RevE
	20-170-141-02	20-170-141-02-RevD
	20-170-141-03	20-170-141-03-RevE
<i>Proposed Contours</i>	20-170-151-01	20-170-151-01-RevF
	20-170-151-02	20-170-151-02-RevD
	20-170-151-03	20-170-151-03-RevF
<i>Proposed Highway Drainage</i>	20-170-501-01	20-170-501-01-RevJ
	20-170-501-02	20-170-501-02-RevG
	20-170-501-03	20-170-501-03-RevJ
<i>Proposed Statutory Undertaker Apparatus Plans</i>	20-170-511-01	20-170-511-01-RevF
	20-170-511-02	20-170-511-02-RevD
	20-170-511-03	20-170-511-03-RevF
<i>Proposed Pavement Construction</i>	20-170-701-01	20-170-701-01-RevH
	20-170-701-02	20-170-701-02-RevH
	20-170-701-03	20-170-701-03-RevH
<i>Proposed Kerbing Plans</i>	20-170-1101-01	20-170-1101-01-RevF
	20-170-1101-02	20-170-1101-02-RevF
	20-170-1101-03	20-170-1101-03-RevF
<i>Proposed Road Markings, Signage and Lighting</i>	20-170-1201-01	20-170-1201-01-RevG
	20-170-1201-02	20-170-1201-02-RevG
	20-170-1201-03	20-170-1201-03-RevG

Officer comments:

The proposed turning head has already been approved via permission 22/00697/REM as is therefore considered acceptable and would not constitute a material change to 22/00412/FUL. The proposed turning head has already been assessed by LCC Highways and considered to pose no highway safety issues. The wider amendments to the general highway arrangement, level change, pavement construction, kerbing plans, road markings, signage and lighting are minor and considered acceptable and would not materially alter the overall scheme.

The approved gatehouse would change in terms of its footprint, height, and general design; however, the overall scale, cubic massing, materials, and location is not considered to be significantly altered and would therefore not materially impact the character of the area. The surrounding landscaping would also change in terms of its position and footprint; however, a similar amount of landscaping is provided with the amendment, and it would not have a material impact on the character of the area.

The amended plans are considered to comply with the character of the wider area and site. The changes are overall considered to be non-material.

Conditions and compliance with S106

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.

The decision notice for 22/00412/FUL was subject to 14 conditions, and no additional conditions are necessary to impose in light of the amendments as this application cannot grant further planning permission.

8.0 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 in the consideration of this application. There are no known equality implications arising directly from this NMA of the development. 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).

9.0 Conclusion

9.1 The proposed amendments would result in minor changes to the approved scheme but would not result in any material impacts on the development, whilst respecting

the character and appearance of the wider site and surrounding area. The amended scheme would remain in accordance with the Core Strategy and SADMP, as well as the overarching intentions of the NPPF and is therefore recommended for approval subject to the amendment of Condition 2 of approval 22/00412/FUL. No new conditions are necessary.

10.0 Recommendation

10.1 Grant Non-Material Amendment subject to:

- Previously imposed conditions on planning permission 22/00412/FUL

10.2 Conditions and Reasons

2. This non-material development is approved in accordance with the submitted application details received by the Local Planning Authority, as follows:

- Site Location Plan (21.017(P)100 RevA)
- Proposed Site Plan 21.017 (P)110 – Rev C
- Proposed Site Plan (northern area) 21.017 (P)110- Rev C
- Proposed Site Plan (southern area) 21.017 (P)111- Rev C
- Indicative Masterplan 21.017 (P)120

Security Gatehouse Drawings

- Proposed Block Plan 21.001 (P)003- Rev B
- Proposed Site Plan 22.001 (P)004 – Rev B
- Ground Floor and Roof Plan 22.001 (P)100 – Rev B
- North and South Proposed Elevations Plan 22.001 (P)200 – Rev B
- East and West Proposed Elevations Plan 22.001 (P)201 – Rev B
- Section Drawing – 22.001 (P)300 Rev B

Highways Drawings

- General Arrangement Plans (101-01 Rev G, 02 Rev G and 03 Rev G)
- Long Section Drawings (121-01 Rev E, 02 Rev C and 03 Rev C)
- Cross Section Drawings (131-01 Rev E and 03 Rev C)
- Proposed Levels (141-01 Rev E, 02 Rev D and 03 Rev E)
- Proposed Contours (151-01 Rev F, 02 Rev D and 03 Rev F)
- Proposed Highway Drainage (501-01 Rev J, 02 Rev G and 03 Rev J)
- Proposed Statutory Undertaker Apparatus Plans (511-01 Rev F, 02 Rev D and 03 Rev F)
- Proposed Pavement Construction (701-01 Rev H, 02 Rev H and 03 Rev H)
- Proposed Kerbing Plans (1101-01 Rev F, 02 Rev F and 03 Rev F)
- Proposed Road Markings, Signage and Lighting (1201-01 Rev G, 02 Rev G and 03 Rev G)

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).