

Delegated Report

Planning Ref: 24/00455/NMA

Applicant: Amazon UK Services

Ward: Markfield, Stanton and Fieldhead

Site: Land South Of, Interlink Way South, Stanton Under Bardon

Proposal: Non material amendment to 20/01050/FUL. Amendments

include the relocation of a louvre, alteration to the DNO area, the addition of a substation, amendments to the kerbs and white lining, the relocation of a loading door and realignment of parking spaces.



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Previously imposed conditions on planning permission 20/01050/FUL
- Amended plans agreed within condition 1 of this application.

2. Planning application description

- 2.1. This application is for a proposed non-material amendments to planning permission 20/01050/FUL which was for the development of the site for storage of operational vehicles, including alterations to warehouse, access and parking, installation of lighting columns, fencing, hardstanding, bicycle storage and smoking shelters, landscaping, EV charging, and associated development
- 2.2. The proposed non-material amendment seeks to amend to include the relocation of a louvre, alteration to the DNO area, the addition of a substation, amendments to the kerbs and white lining, the relocation of a loading door and realignment of parking spaces.

3. Description of the site and surrounding area

- 3.1. The application site relates to the former Laura Ashley Distribution Warehouse to the south of Interlink Way South, within the parish of Stanton under Bardon, which is currently vacant. This parcel of land is allocated as part of the wider Interlink Park as a designated employment site in the Hinckley and Bosworth Borough Council Site Allocations and Development Management Policies DPD.
- 3.2. The site is bound to the south west by the goods railway serving Cliffe Hill Quarry, with a vacant plot of land situated to the west of the site. Warehouses of a similar scale are found to the north and east of the site. Boundary treatments to the south and west consist of dense woodlands, with boundaries to the north and east consisting of landscaped areas of mixed trees and shrubs

4. Relevant planning history

20/01050/FUL

Development of the site for storage of operational vehicles, including alterations to warehouse, access and parking, installation of lighting columns, fencing, hardstanding, bicycle storage and smoking shelters, landscaping, EV charging, and associated development

Planning Permission

16.03.2021

5. Publicity/Consultation

- 5.1. A Section 96A application is not an application for a new planning permission and the existing Town and Country Planning (Development Management Procedure) Order (DMPO) provisions (Article 13 and Schedule 5) relating to publicity and

statutory consultation do not apply. Therefore, local planning authorities can exercise discretion in whether and how they choose to inform interested parties or seek their views. In this no consultations were conducted. It is noted that as the site is sited within an Catchment Of Special Area Of Conservation and an SSSI, that often we would consult Natural England on amendments, however as the amendments are solely aesthetic and do not have any impact other than visually, this consultation is not required.

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.

7.1. Core Strategy (2009)

- Policy 21: National Forest

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Employment Land and Premises Study (2020)
- Good Design Guide (2020)
- National Design Guide (2019)

Appraisal

7.1. Key Issues

- Assessment
- Conditions

Assessment

6.2 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.

6.3 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

(20/01050/FUL) approved the development of the site for storage of operational vehicles, including alterations to warehouse, access and parking, installation of lighting columns, fencing, hardstanding, bicycle storage and smoking shelters, landscaping, EV charging, and associated development.

6.4 The proposed amendments seek to amend the original application to include the relocation of a louvre, alteration to the DNO area, the addition of a substation, amendments to the kerbs and white lining, the relocation of a loading door and realignment of parking spaces.

6.5 The proposed amendments are minor and would not result in any significant changes to the original permission; and as such can be considered and approved under this non-material amendment application. When considering the original permission it is not considered that the amendments go to the heart of the permission and would not result in a material change of use or material alteration to that which was previously approved.

Conditions

6.6 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. It is however necessary to determine if additional conditions are required or whether existing conditions need to be removed or altered.

6.7 Planning permission 20/01050/FUL was subject to 8 conditions.

6.8 This application seeks to make amendments to condition 1 by amending the proposed plans as detailed within condition 1 at the end of this report.

7. Equality implications

7.1 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.

7.2 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.

7.3 There are no known equality implications arising directly from this development.

7.4 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).

8. Conclusion

- 9.1. The amendments would not undermine the development and the proposed amendments to the scheme would not result in any significant adverse impacts on the matters previously discussed in the delegated report for 20/01050/FUL.
- 9.2. The amended scheme would remain in accordance with all the policies listed with the delegated officer report and is therefore recommended for approval subject to previously imposed conditions on planning permission 20/01050/FUL.

9. Recommendation

10.1. Grant planning permission subject to:

- Previously imposed conditions on planning permission 20/01050/FUL.
 - Amended plans agreed within condition 1 of this application.
1. The non-material amendment hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan 7371-SMR-13-ZZ-DR-A-2001-S3-P

Proposed Site Plan 7371-SMR-13-ZZ-DR-A-2012-S3-P14

Proposed Elevations 7371-SMR-13-ZZ-DR-A-2013-S3-P10

Proposed Floor Plans 7371-SMR-13-ZZ-DR-A-2014-S3-P6

Proposed Gates, Barriers and Bin Store 7371-SMR-13-ZZ-DR-A-2017-S3-P4

Substation Transformer and Ev Charging 7371-SMR-13-ZZ-DR-A-2019-S3-P5

Reason: To ensure a satisfactory appearance and impact of the development and to accord with Policies DM1 and DM10 of the Site Allocations and Development Management Development Plan Document (2016).