

Delegated Report

Planning Ref: 24/00509/NMA

Applicant: Mr Glyn Pears

Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 42 – 42A Mill Hill Road Hinckley Leicestershire

Proposal: Non material amendment to planning permission 23/00629/FUL. Minor amendment to car parking layout of proposed no.42, as per revision F of Site Location Plan and Street Scene – 4795-01 Rev F.

1. Recommendations

1.1. Grant planning permission subject to:

- Previously imposed conditions on planning permission 23/00629/FUL.

2. Planning Application Description

2.1. This application proposes a non-material amendment to planning permission 23/00629/FUL, which was for the approval of the provision of two new detached dwellinghouses following the demolition of the existing joinery workshop at 42 – 42A Mill Hill Road, Hinckley.

2.2. The proposed non-material amendment seeks to relocate 42 Mill Hill Road 70mm east and to amend the off-street parking provision accordingly. As a result, the soft landscaping between No. 42 and No. 42A Mill Hill Road is reduced, but the first parking space for No. 42 Mill Hill Road is moved further north to accommodate more soft landscaping between No. 42 and No. 40 Mill Hill Road.

3. Description of the Site and the Surrounding Area

3.1. The 643sqm application site currently comprises a disused single-storey, flat-roofed former joinery workshop that is located towards the east end of the site. In front of the building is a hard surfaced area for off-street vehicle parking for staff and visitors. The site directly faces Mill Hill Road's confluence with Linden Road, which are both adopted and unclassified roads that are subject to a 30mph speed limit.

3.2. The application site is located within the immediate setting of the Hollycroft Conservation Area, which is immediately to the north. This section of the Conservation Area is characterised by suburban style dwellings focused around the inter-war Hollycroft Park. The properties along Mill Hill Road are predominantly two-storey, semi-detached properties, but there are detached and terraced properties in close proximity to the site on adjacent streets.

3.3. When the Conservation Area was most recently appraised in 2011, the land to the north of the application site consisted of a large garden plot that was situated on the corner of Canning Street and Mill Hill Road. This plot has subsequently been developed for housing, via planning application 11/00627/FUL, which was allowed at appeal. Generally, the new dwellings respect the architectural characteristics of the wider Conservation Area.

- 3.4. Subsequently, the application site, as a redundant commercial use, now stands out as an incongruous use within an area of suburban character and due to the poor condition of the workshop, the unkempt nature of the site, and its boundary features, it is considered to be a negative presence within the immediate setting of the Conservation Area.

4. Relevant Planning History

4.1 23/00629/FUL

- Proposed 2no. detached dwellinghouses and associated works
- Permitted
- 28.03.2024

4.2 11/01019/OUT

- Erection of two dwellings (Outline – Access and Layout only)
- Permitted
- 05.04.2012

4.3 08/00609/OUT

- Erection of 2no. dwellings
- Permitted
- 01.09.2008

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.
- 6.2 Nevertheless, one member of the public has objected to the scheme as they have suggested that the amendments are likely to result in vehicles parking within the vehicular visibility splays of the development. The member of the public has also highlighted that the proposed on-street parking is inaccurate.
- 6.3 The Case Officer notes that the proposed off-street vehicle parking spaces have not been relocated into the proposed vehicular visibility splays. The proposed plans also do not indicate any on-street parking in front of the application site. Whilst there may be some existing on-street parking provision in front of the application site, the Local Highway Authority did not highlight concern regarding their loss within the determination of planning permission 23/00629/FUL.

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 planning permission approved the provision of two new detached dwellinghouses following the demolition of the existing joinery workshop at 42 – 42A Mill Hill Road, Hinckley.
- 8.4. The first dwelling, No. 42, was a four-bedroom property that externally measured 8.2m in width by 15.9m in depth, with a total footprint of 104.7sqm. The second dwelling, No. 42A, was a three-bedroom property that externally measured 5.5m in width x 15.9m in depth, with a total footprint of 84.1sqm. Both dwellings were two-storey in massing with accommodation in the roof space and utilised a pitched roof that had a ridge height of 8.6m, and an eaves height of 5.2m. In addition, both properties featured a 5.3m deep single storey element to their rear, which had a flat roof with a maximum height of 2.9m.
- 8.5. No amendments have been proposed to the floor plans or elevations of the two properties.
- 8.6. Whilst No. 42 Mill Hill Road is relocated east by 70mm, this is considered to have a minimal and non-material impact on the development.
- 8.7. Although the off-street parking provision for No. 42 Mill Hill Road has also been slightly amended, the dimensions of these spaces are still in accordance with the

Leicestershire Highway Design Guide (LHDG) and these alterations are considered to have a minimal and non-material impact on the development.

- 8.8 In addition, whilst the soft landscaping is slightly reduced to the north of No. 42 Mill Hill Road, more landscaping is now proposed to the south of the property. Therefore, this alteration is considered to have a minimal and non-material affect on the approved development.
- 8.9 In summary, the amendments to the location of No. 42 Mill Hill Road and its associated off-street parking provision and soft landscaping are considered to be minimal and non-material to the extant planning permission. Therefore, the proposed alterations are unlikely to materially alter the approved development or cause any significant adverse impacts to the character of the application site or the surrounding area.

Conditions

- 8.10 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.
- 8.11 Planning permission 23/00629/FUL was subject to nine planning conditions. No additional conditions are necessary, and this application cannot grant further planning permission. Due to the provision of an amended plan that identifies the minor alterations to the siting of No. 42 Mill Hill Road and its associated off-street parking provision and soft landscaping, 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 42-42A Mill Hill Road, Hinckley, permitted under planning reference 23/00629/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 23/00629/FUL.**

11. Recommendation

- 11.1 **Grant Non-Material Amendment** subject to:
- Previously imposed conditions on planning permission 23/00629/FUL.
 - The re-siting of No. 42 Mill Hill Road and its associated off-street parking provision and soft landscaping.
- 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 Layout, Site Location and Street Scene, Drg No. Rev F (submitted: 20.05.2024)
- 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).