

Delegated Report

Planning Ref: 25/00290/NMA
Applicant: MILLER HOMES LTD
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Stoke Fields Farm, Hinckley Road, Stoke Golding

**Proposal: Non material amendment to planning application 22/00391/REM.
Amendment to shared drive and landscaping to Plot 1.**

1. Recommendations

1.1. Approve the non-material amendment subject to:

- Previously imposed conditions on planning permission 22/00391/REM
- Plans agreed within condition 1 of 22/00391/REM which are amended via this application.

2. Planning application description

- 2.1. The application seeks a non-material amendment to application 22/00391/REM in relation to the approved landscaping scheme. The application seeks to ensure that the approved plans are consistent with the existing situation on site, where there is a retained shared driveway and gravel areas for Plot 1, which was not part of the original approval.

3. Description of the site and surrounding area

- 3.1. The application site consists of a former agricultural field to the south of Hinckley Road and situated to the south east of the settlement of Stoke Golding. The site is now almost entirely built out following the reserved matters approval in 2022. The site abuts Hinckley Road to the north, which is where the access is located. Agricultural land and Stokefields Farmhouse lie adjacent to the east.
- 3.2. Stoke Golding is classified as a key rural centre and is located approximately 2.5 miles north west of Hinckley. The site boundaries are mostly hedgerows interspersed with some trees.

4. Relevant planning history

- **22/00391/REM**

Approval of reserved matters (appearance, landscaping, layout, and scale) of outline consent 21/00656/OUT for the erection of 70 dwellings and associated open space, drainage, and infrastructure

Permitted

29.07.2022

- **21/00656/OUT**

Residential development up to 70 dwellings with associated access, landscaping, open space and drainage infrastructure (Outline – access to be considered)

Permitted

20.01.2022

5. 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.

6. Consultation

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

6.2 No comments have been received.

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 Key Issues

- Assessment
- Conditions

Assessment

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 S96A.

8.3 The amended landscaping scheme is broadly the same, and this NMA proposes to remove a small area of lawn and hedgerow which is replaced with gravel hardstanding to the north and west of Plot 1. Given that these amendments only impact a small section of land, some of which would be largely screened by hedgerow and Plot 1, it is considered that the amendments would have little material impact.

8.4 In the context of the development on the whole, the amendments would have little impact on the overall design and appearance of the site when considering the details of the approved landscaping. The amendments are therefore non-material in this regard.

Conditions and compliance with S106

8.5 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.

8.6 The decision notice for 22/00391/REM was subject to 8 conditions. Condition 1 of 22/00391/REM required compliance with a range of drawings. This NMA application requires the re-wording of condition 1 to ensure that the proposal is carried out in accordance with the submitted landscaping plans.

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

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.

11. Recommendation

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

11.2 **Conditions and Reasons**

22/00391/REM:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Site Location Plan drawing ref n1581/001/A
- Planning Layout drawing ref **SG/PL01 Rev G**

- Affordable Housing Plan drawing ref SG/AHP01 Rev A
- Materials Plan drawing ref SG/ML01 Rev A
- Electric Charging Layout Plan drawing ref SG/ECP01 Rev A
- Refuse Collection Layout Plan drawing ref SG/RCL01 Rev A
- House Type Pack dated March 2022 drawing ref SG/HTP01
- Colour Layout Plan drawing ref SG/CPL01
- **POS Landscape Proposals sheet 1 and 2 drawing refs 10730-FPCR-XX-XX-DR-L-0001 Rev P04 and 10730-FPCR-XX-XX-DR-L-0002 Rev P05**
- **On Plot Landscaping Proposals sheets 1 and 2 drawing refs 10730-FPCR-XX-XX-DR-L-0003 Rev P04 and 10730-FPCR-XX-XX-DR-L-0004 Rev P04**
- **Hardworks and Boundary Treatment Plan drawing ref 10730-FPCR-XX-XX-DR-L-0005 Rev P04**
- Engineering Layout drawing ref AAC5875-RPS-XX-XX-DR-C-100-01-Rev P07
- Flood Route Plan drawing ref AAC5875-RPS-XX-XX-DR-C-111-01-Rev P02
- Refuse Vehicle Tracking drawing ref AAC5875-RPS-XX-XX-DR-C-114-01 Rev P02
- Fire Tender Tracking Plan AAC5875-RPS-XX-XX-DR-C-114-02 Rev P02
- POS Plan drawing ref SG/POS01
- Planning, Design and Access Statement dated April 2022
- Building for a Healthy Life Assessment
- Arboricultural Assessment dated April 2022 prepared by FPCR
- Landscape and Ecological Management Plan Revision A (July 2022) prepared by FPCR
- Badger Survey and Precautionary Working Methods Statement (April 2022) prepared by FPCR
- Great Crested Newt Method Statement (April 2022) prepared by FPCR
- Surface and Foul Water Drainage Statement (8 April 2022) prepared by RPS
- Archaeological Written Scheme of Investigation (Sept 2021) prepared by RPS
- Lighting Assessment (April 2021) prepared by AECOM
- Noise Assessment (April 2022) prepared by AECOM

Where the above plans/documents detail mitigation/enhancement measures, these should be considered to be approved and the development must therefore be brought forward in accordance with them (unless the matters are otherwise dealt with by another condition).

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).