

Delegated Report

Planning Ref: 24/00520/NMA

Applicant: Mr Steven McCready

Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: Land at rear of 341 Coventry Road, Hinckley

Proposal: Non material amendment to planning permission 21/00609/FUL. Change to roof tiles, windows and boundary fence.

1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Previously imposed conditions on planning permission 21/00609/FUL.

2. Planning application description

- 2.1. This application proposes a non-material amendment to planning permission 21/00609/FUL which was for a two-storey dwelling at Land at rear of 341 Coventry Road, Hinckley LE10 0NE.

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

- Red roof tiles;
- Light Oak effect UPVC windows; and
- 1.2m high wrought iron boundary fencing.

- 2.3. The red roof tiles have already been installed so that aspect is retrospective.

3. Description of the site and surrounding area

- 3.1. The site relates to garden land and garages located to the rear of 341 Coventry Road, a semi detached residential dwelling. The site faces Sunnydale Road. The site is surrounded by other residential properties and is within the settlement boundary for Hinckley.

4. Relevant planning history

84/00601/4 – 6-FOOT FENCING TO SIDE OF GARDEN. Approved August 2023.

21/00609/FUL – Two-storey dwelling. Approved September 2021.

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 a two-storey dwelling.
- 7.4 The proposed amendments are considered to be non-material. They also appear to be improvements to the materials approved under 21/00609/FUL.

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 21/00609/FUL was subject to 9 planning conditions. Condition 9 has 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 notice for 21/00609/FUL.

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 two-storey dwelling at Land At Rear Of 341 Coventry Road Hinckley are permitted under planning reference 21/00609/FUL 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 permission 21/00609/FUL.

10. Recommendation

- 10.1 Grant Non-Material Amendment subject to:
 - Previously imposed conditions on planning permission 21/00609/FUL.
- a. **Conditions and Reasons**
 - 1. This non-material amendment is approved in accordance with:
 - Proposed Elevations and Sections Drg No. 11A. Received on 05/06/2024.