

Delegated Report

Planning Ref: 23/00859/NMA
Applicant: BLOOR HOMES
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: Land North East Of Triumph Motorcycles Ltd Normandy Way

Proposal: Non material amendment to planning permission 21/01262/REM.
Amendment to house types.

1. Recommendations

1.1. Approve the non-material amendment subject to:

- Previously imposed conditions on planning permission 21/01262/REM.

2. Planning application description

- 2.1. The application seeks a non-material amendment to the reserved matters approval 21/01262/REM (phase 7, 140 dwellings). The amendments sought relate to the substitution of house types within the northern section of the site, and the inclusion of the 'Royston' house type in the house type pack for the wider site.

3. Description of the site and surrounding area

- 3.1. The site is located to the west of Hinckley, approximately 2km from the town centre. The application site comprises of a northern parcel of land. The application site is bound by Normandy Way and the main access road into the larger site. The site is also bounded by two internal access roads to the north and west which were approved under Phase 3 of the development.

4. Relevant planning history

15/00188/OUT

- Erection of up to 850 dwellings, 500m² of retail units, a primary school, community facilities including sports pitches, parkland, children's play areas, allotments, sustainable urban drainage systems, a new access and associated infrastructure (outline - access only)
- Outline planning permission
- 03.05.2018

18/00563/REM

- Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 15/00188/OUT for residential development of 260 dwellings
- Approval of reserved matters
- 16.11.2018

19/00870/DISCON

- Application to Partially discharge conditions 6 (CEMP), 7 (Travel Plan), 11 (boundary treatments), 12 (levels), 13 (materials), 17 (ecology), 21 (archaeology), 26 (waste), 29 (land contamination), 31 (landfill), 32 (air quality) and 33 (noise) (for Phases 1 and 2 only 18/00563/REM) attached to outline planning permission 15/00188/OUT

- Split Decision
- 05.12.2019

20/00178/DISCON

- Application to discharge conditions 25 (drainage) 34 (lighting) attached to planning permission 15/00188/OUT for Phases 1 and 2 only.
- Discharge of conditions
- 18.06.2020

20/00517/DISCON

- Application to discharge conditions 33 (noise) attached to planning permission 15/00188/OUT (for Phases 1 and 2 only)
- Discharge of conditions
- 07.07.2020

20/00527/REM

- Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 15/00188/OUT for residential development of 260 dwellings.
- Approval of reserved matters
- 25.09.2020

20/00626/DISCON

- Application to Discharge Condition 29 (Land Contamination) attached to planning permission 15/00188/OUT for Phases 1 and 2 only
- Discharge of conditions
- 12.08.2020

20/00691/DISCON

- Application to Discharge Conditions 14 (Water Vole Mitigation), 19 (Schedule for Re-survey/re-assessment of ecological plans), 20 (Schedule for Re-survey/re-assessment of ecological plans) attached to planning permission 15/00188/OUT for Phases 1 and 2 Only
- Discharge of conditions
- 26.08.2020

20/01339/NMA

- Non-material amendment to planning permission to 20/00527/REM
- Permit non-material amendment
- 10.11.2021

21/00136/DISCON

- Application to re- discharge condition 11 (boundary treatments) and condition 13 (external materials) for phases 1 and 2 of planning permission 15/00188/OUT
- Discharge of conditions
- 16.11.2021

21/00512/DISCON

- Application to partially discharge condition 10 (Public Transport Strategy) for Phases 1 and 2 only (18/00563/REM) attached to planning permission 15/00188/OUT
- Discharge of conditions
- 19.08.2021

21/00977/DOV

- Deed of Variation proposal to amend section the 106 agreement dated 26 April 2018 BY AGREEMENT relating to application 15/00188/OUT to request that Bloor Homes can transfer the POS directly to a private management company rather than have a residential management company
- Granted
- 04.03.2022

23/00683/NMA

- Non material amendment to planning permission 21/01262/REM. Amendment to include substitution of housing types (Affordable and shared house), changes to the housing names of plots 261-266 and the inclusion of Royston house type in the house type pack
- Granted
- 01.08.2023

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

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 substitution of house types are proposed as follows:

Plot number	Existing house type	Proposed house type
264	Morris	Locke
286	Morris	Locke
270	Morris	Locke
299	Morris	Locke
301	Morris	Locke
303	Morris	Hallam
374	Morris	Hallam
387	Morris	Hallam

8.4 The changes from the originally approved plans (outline and reserved matters plans and conditions) have been outlined below. The compliance with the S106 is also assessed and whether the changes proposed are considered to be material changes to the development.

Changes to permitted scheme

The only change to the Site Plan would be minor amendments to the footprints of Plot numbers 264, 270, 286, 299, 301, 303, 374, 387) due to the house types being changed.

Plots 264, 270, 286, 299, 301 – Morris to Locke House Type

- Addition of front gable
- Removal of front roof dormer
- Alteration to roof type – gable to part hipped.
- Alteration to fenestration size and detailing

Plots 303, 374, 387 – Morris to Hallam House Type

- Addition of front gable
- Removal of front roof dormer
- Alteration of proportions of fenestration details
- Alteration to footprint - no change to footprint width but increase in depth by 0.7m

Officer comments

The footprints of the dwellings have only altered slightly and are not any closer to adjacent neighbouring properties. Non-material change within the scale of the development.

It is considered that the house types are similar and that the changes would be non-material.

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- 8.5 The amended house types are considered to comply with the street type and character area they are located within, as shown on the Character Areas Plan and detailed within the Design and Access Statement approved at outline stage. The changes are overall considered to be non-material.

Conditions and compliance with S106

- 8.6 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 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.
- 8.7 The decision notice for 21/01262/REM was subject to 9 conditions, and no additional conditions are necessary to impose in light of the amendments as this application cannot grant further 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. The proposed amendments to the site layout and house types would not result in any material impacts on the approved development and would respect the character and appearance of the wider site and surrounding area. The amended scheme would remain in accordance with Core Strategy Policies 1, 5, 15, 16, 19 and 24 and Policies SA2, DM1, DM3, DM6, DM7, DM10, DM11, DM12, DM13, DM17 and DM18 of the SADMP, and the overarching intentions of the NPPF and is therefore recommended for approval subject to the amendment of condition 1 of reserved matters approval 21/01262/REM. No new conditions are necessary.

11. Recommendation

- 11.1 **Approve the Non-Material Amendment** subject to:

- The amended planning condition 1 of 21/01262/REM at the end of this report.

11.2 Conditions and Reasons

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

- Drawing schedule, submitted 28th September 2023

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).