

Delegated Report

Planning Ref: 25/00205/NMA
Applicant: Mr Simon Merry
Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: 114 Teign Bank Road, Hinckley, Leicestershire

Proposal: Non material amendment to planning permission 24/00247/FUL for the introduction of an external fire escape door into the side elevation

1. Recommendations

1.1. Approve (the) non-material amendment(s) subject to:

- Previously imposed conditions on planning permission 2400247/FUL
- The provision of the external fire escape door on the northern side elevation

2. Planning Application Description

2.1. This application proposes a non-material amendment to planning permission 24/00247/FUL, which was for the approval of the change of use of a dwelling (Use Class C3) to a seven-bedroom House in Multiple Occupation (HMO) (Sui Generis) and associated access, landscaping, and parking at 114 Teign Bank Road, Hinckley, following the conversion of the existing garage into an additional bedroom.

2.2. The proposed non-material amendment seeks to provide an external fire escape door into Bedroom 7 on the northern side elevation of the property to provide a secondary means of escape.

3. Description of the Site and the Surrounding Area

3.1. The 727sqm application site is to the north of, but within the identified settlement boundary of Hinckley, and consists of an existing dwelling, 114 Teign Bank. 114 Teign Bank Road is on the southern side of the highway and is 51.7m northwest of the highway's confluence with Factory Road. Both public highways are adopted unclassified roads that are subject to a 30mph speed limit.

3.2. Teign Bank Road is largely residential in character, but there is an existing commercial use to the north of the site. Due to the variety of styles and designs of buildings along Teign Bank Road, there is no discernible unique character to the street scene.

3.3. 114 Teign Bank is a two-storey white-rendered property that features a hipped roof and a front-faxing able that is above two bay windows on both floors of accommodation. The property benefits from a significant side extension that is set back from the main dwelling by 0.4m from the front of the property, as well as 13.1m wide and 33.2m deep rear garden.

3.4. Since May 2022, the property has been used as a House in Multiple Occupation (HMO) for six residents, which has been registered with Hinckley and Bosworth Borough Council. The HMO is associated with the HMO franchise company, Platinum Property Partners, who operate three further licenced HMOs.

4. Relevant Planning History

4.1 24/00247/FUL

- Proposed Change of Use from Dwelling (C3(a) to House in Multiple Occupation (Sui Generis) and associated access, landscaping, and parking
- Permitted
- 18.07.2024

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.

6.2 In this instance, no publicity or consultations have been undertaken.

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.

8.3 There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under Section 96A of the Town and Country Planning Act 1990. This application type cannot be used to make a material amendment to an extant planning permission.

2.3. 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 change of use of a dwelling (Use Class C3) to a seven-bedroom House in Multiple Occupation (HMO) (Sui Generis) and associated access, landscaping, and parking, following the conversion of the existing garage into an additional bedroom.

8.4 The provision of an external fire escape door on the side elevation of the property is considered to represent a minimal and non-material amendment to the extant planning permission that does not materially alter the approved development or cause significant adverse impacts to the character of the building or the surrounding area.

Conditions

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 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.

8.6 Planning permission 24/00247/FUL was subject to four planning conditions. No additional conditions are necessary, and this application cannot grant further planning permission. Due to the amended plan submitted identifying the new external fire escape door on the northern side elevation, 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 114 Teign Bank Road, Hinckley permitted under planning reference 24/00247/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 24/00247/FUL.**

11. Recommendation**11.1 Approve (the) non-material amendment(s) subject to:**

- Previously imposed conditions on planning permission 24/00247/FUL
- The provision of the external fire escape door on the northern side elevation

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:

- Pages 1-5 Propsoed Ground Floor Plan, Existing First Floor Plan, Section, Proposed, Existing Elevations Drg No. 1680/10-14 (submitted: 05.03.2025)

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).