

Delegated Report

Planning Ref: 25/00477/NMA
Applicant: Horiba MIRA Ltd
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Plot 44, Horiba Mira Ltd, Mira Drive, Lindley

Proposal: Non-Material Amendment to Planning Permission 24/00672/REM. Changes to turning head, bike shelter arrangement, widening of footpath, relocation of substation, minor changes to window and elevation treatment, and 300mm building height increase

Recommendations

- 1.1. **Grant Planning Permission** subject to:
- Previously imposed conditions on planning permission 24/00672/REM

Planning application description

- 2.1. Permission was granted for the detailed design of the building in October 2024 (24/00672/REM) and planning conditions (pursuant to the Technology Park Master Permission 14/00661/CONDIT) have been discharged more recently (24/00962/DISCON and 24/01111/DISCON) to allow the development to start.
- 2.2. The proposal seeks to make minor changes to the design of Plot 44 (and correct some inconsistency errors) following further design work with the prospective occupier.

Description of the site and surrounding area

- 2.3. The wider comprises various automotive research and development facilities, creating a mixed industrial and business park character within a rural context alongside the A5 corridor.
- 2.4. The application site for Plot 44 sits within an undeveloped area, previously arable agriculture, at the easternmost part of the wider MIRA site. The site is broadly square in shape and is generally open, extends to an area of 1.18 Hectares. The Plot is currently accessed via the Park's Eastern Avenue, which spurs off MIRA Drive and the main roundabout within site. The Site's southern edge is currently to open field and anticipates future plot development up to the Park's southern boundary.

3.0 Relevant planning history

There are numerous applications on the site over the course of many years. The most relevant applications to this NMA are listed below.

11/00360/OUT

- Business Technology campus comprising replacement MIRA headquarters, office, research and manufacturing facilities, hotel and local facilities including retail/cafe/restaurant indoor and outdoor leisure, ancillary energy generation plant equipment, internal access roads, car parking, landscaping, drainage and associated works and creation of new improvement access points, widening of A5, associated earth works and landscaping (outline: access only) (cross boundary application with north

Warwickshire Borough Council) (Departure from the Development Plan)
(EIA Development)

- Outline planning approval
- 09.03.2012

14/00661/CONDIT

- Variation of conditions 5, 6, 8, 11, 15, 16, 27, 32, 34 of planning permission 13/00603/CONDIT (relating to outline planning permission 11/00360/OUT) for a Business Technology Campus development.
- Permitted
- 02.12.2014

22/00697/REM

- Approval of Reserved Matters (Layout, Scale, Appearance and Landscaping) for Plots 8 and 9 within Zone 4 of Planning Permission ref: 14/00661/CONDIT (Variation of conditions 5, 6, 8, 11, 15, 16, 27, 32, 34 of planning permission 13/00603/CONDIT (relating to outline planning permission 11/00360/OUT) for a Business Technology Campus development)
- Permitted
- 02.11.2022

23/01003/NMA

- Non-material amendment to planning permission 14/00661/CONDIT. Amendment to wording of condition 1
- Permitted
- 08.11.2023

24/00672/REM

- Approval of reserved matters (Layout, Scale, Appearance and Landscaping) for Plot 44, within Zone 3, of the outline permission 11/00360/OUT and 14/00661/CONDIT
- Permitted
- 01.10.2024

4.0 Publicity

- 4.1 The application is a non-material amendment and as such no site notice or public consultation has been undertaken.
- 4.2 No public comments have been received.

5.0 Consultation

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

6.0 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.

7.0 Appraisal

7.1 Key Issues

- Assessment against strategic planning policies
- Conditions

Assessment

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 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.

The NMA proposes amendments to the following approved plans:

Proposed amendment	Reasoning	Relevant plan
Removal of turning head from entrance into service yard	This is not required, and its removal will reduce ecological impact. Additional landscaping has also been added between the service yards to soften the appearance.	SGP-ZZ-DR-A-131010 P10 (Proposed Site Plan)
Substation Relocated to edge of service road and MIRA Maintenance Vehicle Parking Area added	The substation was originally shown to the east of the building, but this has been relocated close to the electric supply running along the service road and the parking area is required by MIRA Estate Management to service it (without blocking the service road).	SGP-ZZ-DR-A-131010 P10 (Proposed Site Plan)
The footpath along the side of 44a has been widened and the smoking shelter, external compound and bike shelter have been moved slightly to accommodate	The footpath has been widened to provide clearance room from the service yard escape door.	SGP-ZZ-DR-A-131010 P10 (Proposed Site Plan)
The area outside the entrance of 44a has been slightly altered to accommodate more pedestrian movement/crossings.	This will allow safe crossing of the access road to footpaths either side	SGP-ZZ-DR-A-131010 P10 (Proposed Site Plan)
6 parking spaces to front of building designated Car Sharing Spaces	To reflect MIRA's policy to encourage car sharing (in line with the Travel Plan)	SGP-ZZ-DR-A-131010 P10 (Proposed Site Plan)

Provision of additional cycle shelter to the east of 44b	The removal of the substation has allowed this area to be reconfigured to provide 2x8 space cycle stores (rather than 1 x 12 space store).	SGP-ZZ-DR-A-131010 P10 (Proposed Site Plan)
The finished ground floor level is 97.80 AOD not 97.50 AOD as previously stated. The error means the building height to parapet is 107.30 AOD and not 106.99 as previously illustrated – i.e. 300mm difference).	The original drawings incorrectly noted the ground level. The technical information used to discharge the planning conditions (drainage) contained the correct ground level. This has been updated in the plans to correct this error and for consistency	SGP-ZZ-DR-A-131300 P05 (Proposed Elevations 1 of 2) SGP-ZZ-DR-A-131301 P05 (Proposed Elevations 2 of 2) SGP-ZZ-DR-A-131210 P02 (Proposed Sections)
Colour of building changed from Matt to Metallic finish	Availability of cladding	SGP-ZZ-DR-A-131300 P05 (Proposed Elevations 1 of 2) SGP-ZZ-DR-A-131301 P05 (Proposed Elevations 2 of 2)
Cat Ladder added to plant room	To meet maintenance and safety requirements	SGP-ZZ-DR-A-131300 P05 (Proposed Elevations 1 of 2) SGP-ZZ-DR-A-131301 P05 (Proposed Elevations 2 of 2) SGP-ZZ-DR-A-131101 P07 (Proposed Roof Plan)
Roof Stacks changed	Location amended and design refined following occupier input	SGP-ZZ-DR-A-131300 P05 (Proposed Elevations 1 of 2) SGP-ZZ-DR-A-131301 P05 (Proposed Elevations 2 of 2) SGP-ZZ-DR-A-131101 P07 (Proposed Roof Plan)
Louvre added to rear elevation of 44a facing service yard. Louvre amended on side elevation and Spandrel panels added to front windows of 44a.	Revised following occupier input and detailed internal layout and M&E plan.	SGP-ZZ-DR-A-131300 P05 (Proposed Elevations 1 of 2) SGP-ZZ-DR-A-131301 P05 (Proposed Elevations 2 of 2)
Incorporation of highways and M&E layouts and minor change to surfaces	Revised following occupier input and highways & M&E layouts	1238-TFC-44-XX-DR-L-1001 Rev P07

Officer comments:

The removal of the turning head is supported by the LPA and replaces hardstanding with additional landscaping, delivering visual and ecological benefits.

The substation relocation has no material impact on the wider development, which is also the case for the footpath widening, entrance alterations, and shared parking

space provision. The provision of an additional bike shelter (4 spaces) space is supported.

The 300mm change in height of the building is considered to be very marginal when considering the wider scope of the development and is therefore judged to be non-material. Similarly, the change from a matt to a metallic cladding is minor and non-material in the view of the LPA.

The addition of a cat ladder and louvre, and the relocation of the roof stacks are considered to be operational requirements which are acceptable in this case.

Conditions and compliance with S106

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.

The decision notice for 24/00672/REM was subject to 5 conditions, and no additional conditions are necessary to impose in light of the amendments as this application cannot grant further planning permission. Conditions 1-5 have been amended to reflect the changes to plans and materials associated with this NMA.

8.0 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 in the consideration of this application. There are no known equality implications arising directly from this NMA of the development. 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).

9.0 Conclusion

9.1 The proposed amendments would result in minor changes to the approved scheme but would not result in any material impacts on the development, whilst respecting the character and appearance of the wider site and surrounding area. The amended scheme would remain in accordance with the Core Strategy and SADMP, as well as the overarching intentions of the NPPF and is therefore recommended for approval subject to the amendment of Conditions 1-5 of approval 24/00672/REM. No new conditions are necessary; however, the wording of the condition reasons are amended to refer to the updated NPPF.

10.0 Recommendation

10.1 Grant Non-Material Amendment subject to:

- Previously imposed conditions on planning permission 24/00672/REM

10.2 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:

- SGP-ZZ-ZZ-DR-A-101001 P01 - Site Location Plan
- SGP-ZZ-ZZ-DR-A-131001 - Existing Site Plan
- SGP-ZZ-ZZ-DR-A-131010 P10 - Proposed Site Plan
- SGP-ZZ-ZZ-SR-A-131100 P02 - Proposed Floor Plans
- SGP-ZZ-ZZ-DR-A-131101 P07 - Proposed Roof Plan
- SGP-ZZ-ZZ-DR-A-131300 P05 - Proposed Elevations (1 of 2)
- SGP-ZZ-ZZ-DR-A-131301 P05 - Proposed Elevations (2 of 2)
- SGP-ZZ-ZZ-DR-A-131210 P02 - Proposed Sections

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).

2. The materials to be used on the external elevations of the development hereby approved shall be implemented in accordance with the list of Materials and Finishes on the submitted application details as follows: - SGP-ZZ-ZZ-DR-A-131300 P05 - Proposed Elevations (1 of 2) - SGP-ZZ-ZZ-DR-A-131301 P05 - Proposed Elevations (2 of 2)

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The finished floor levels shall then be implemented in accordance with the approved Proposed Sections- Drawing No. SGP-ZZ-ZZ-DR-A-131210 P02.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the drawing titled 'Site Plan - Base Build' drawing no. SGP-ZZ-ZZ-DR-A-131010 P10. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the

interests of highway safety and in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

5. The approved hard and soft landscaping scheme shall be carried out in accordance with the Landscape Proposals hereby approved (Drawing No. 1238-TFC-44-XX-DR-L-1001 Rev P07) in the first planting season following the first occupation of the development to which it relates. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).