

Delegated Report

Planning Ref: 24/01063/NMA

Applicant: Mrs Gould

Ward: Cadeby, Carlton, M Bosworth and Shackerstone

Site: 122 Station Road, Market Bosworth

Proposal: Non material amendment to planning application

21/00439/FUL. Amendment to internal layout, selected windows, entrance door and roof lights.



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Previously imposed conditions on planning permission 21/00439/FUL.
- Amended plans agreed within condition 1 of this application.

2. Planning application description

- 2.1. This application is for a proposed non-material amendments to planning permission 21/00439/FUL which was for the a single dwelling with associated garaging, landscaping and alterations to existing access.
- 2.2. The proposed non-material amendment seeks a change to the internal layout, minor changes to windows and doors and the addition of roof lights.

3. Description of the site and surrounding area

- 3.1. The application relates to an L-shaped site extending behind 122 Station Road, within the settlement boundary of Market Bosworth. The site at the rear extends behind 124, 126 & 128 Station Road. The properties in the immediate vicinity include semi-detached and detached two-storey dwellings. Fronting 122 Station Road is a semi-detached two-storey dwelling, the land to the rear at the north of the property is currently used to accommodate a shed and a greenhouse.

4. Relevant planning history

21/00439/FUL

Single dwelling with associated garaging, landscaping and alterations to existing access

Refused – Appeal Allowed

30.05.2022

5. Publicity/Consultation

- 5.1. A Section 96A application is not an application for a new planning permission and the existing Town and Country Planning (Development Management Procedure) Order (DMPO) provisions (Article 13 and Schedule 5) relating to publicity and statutory consultation do not apply. Therefore, local planning authorities can exercise discretion in whether and how they choose to inform interested parties or seek their views. In this application no consultation has been requested however a comment from the Market Bosworth Society has been received. A query was raised by Cllr Cook, which relates to ongoing works at 122 Station Road (Extensions) but does not relate to the minor alterations under this application.

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.

6.3 Core Strategy (2009)

- Spatial Objective 1: Strong and Diverse Economy
- Spatial Objective 11: Built Environment & Townscape Character
- Policy 7: Key Rural Centres

6.4 Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

6.5 Market Bosworth Neighbourhood Plan (2015)

- Policy CE1: Character and Environment

6.6 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

6.7 Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

7. Appraisal

7.1. Key Issues

- Assessment
- 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 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.

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 21/00439/FUL approved a single dwelling with associated garaging, landscaping and alterations to existing access.

7.4 The proposed amendments to the approved plans include the addition of two roof lights, and minor amendments to the windows and doors on the front and rear elevations which relate to the size of these openings. The amendments are not considered to give rise to any detrimental impacts to the character of the area or neighbouring amenity. The proposals are considered to be minor and not material

and are therefore considered to be appropriate under this non-material amendment application.

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. It is however necessary to determine if additional conditions are required or whether existing conditions need to be removed or altered.
- 7.6 Planning permission 21/00439/FUL was subject to 6 conditions.
- 7.7 This application seeks to make amendments to condition 2 by amending the proposed plans as detailed within condition 1 at the end of this report.

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. The amendments would not undermine the development and the proposed amendments to the scheme would not result in any significant adverse impacts on the matters previously discussed in the delegated report for 21/00439/FUL.
- 9.2. The amended scheme would remain in accordance with all the policies listed with the delegated officer report and is therefore recommended for approval subject to previously imposed conditions on planning permission 21/00439/FUL.

10. Recommendation

- 10.1. **Grant planning permission** subject to:
- Previously imposed conditions on planning permission 21/00439/FUL.
 - Amended plans agreed within condition 1 of this application.

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

Proposed Drawings Drg No. 1111-INK-STN-ZZ-DR-A-01005

Approved and Proposed Block Plan Drg No. 1111-INK-STN-ZZ-DR-A-01003

Reason: To ensure a satisfactory appearance and impact of the development and to accord with Policies DM1 and DM10 of the Site Allocations and Development Management Development Plan Document (2016).