

Delegated Report

Planning Ref: 24/00364/NMA
Applicant: Horiba MIRA Ltd
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Horiba Mira Ltd, Mira Drive, Lindley

Proposal: Non-Material Amendment to Planning Permission 22/00412/FUL. Amendment to reduce the size of the permitted security gate facility and relocate the small plant room.

Recommendations

- 1.1. **Grant Planning Permission** subject to:
- Previously imposed conditions on planning permission 22/00412/FUL

Planning application description

- 2.1. The application seeks a non-material amendment to planning permission 22/00412/FUL. Full planning permission was granted on 7th October 2022 for the development of internal road infrastructure, new security gate facility and associated landscaping. A non-material amendment (ref. 23/00262/NMA) was granted on 20th April 2023, permitting minor alterations to the approved layout of the infrastructure arrangements including introducing a turning head to the northern service road, removal of the link road into Plot 7 in the southern service road to avoid crossing the linear park (access now taken from the northern service road), and changes to gatehouse design. The Applicant is now seeking further changes to reduce the size of the permitted security gate facility and move the small plant room from the roof to the rear at ground level.

Description of the site and surrounding area

- 2.2 Horiba Mira and its associated grounds are located on Watling Street (A5), between the villages of Higham on the Hill and Fenny Drayton, with the A5 to the south. The Horiba Mira site covers almost 3 square kilometres.

3.0 Relevant planning history

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

21/01216/CLE

- Certificate of lawful development (existing) to confirm that Condition 1 of planning permission 14/00661/CONDIT requires Reserved Matters

applications to be submitted within 10 years of the grant of that permission - namely by 1 December 2024 and thereby development of the technology park is lawful subject to all reserved matters being submitted by that date

- Certificate of lawful development
- 20.10.2021

21/01500/FUL

- Construction of a hydrogen and EV Charging Station
- Permission
- 29.03.2022

22/00412/FUL

- Development of internal road infrastructure, new security gate facility, and associated landscaping
- Permission
- 07.10.2022

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)
- Permission
- 01.11.2022

22/00709/REM

- Approval of Reserved Matters (All Matters Reserved) for Plots 6 within Zone 4 of Planning Permission (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)
- Permission
- 01.11.2022

23/00209/NMA

- 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)
- Permission
- 01.11.2022

23/00262/NMA

- NMA to Planning Permission 22/00412/FUL (Condition 2). Amendment to the gatehouse and surrounding landscaping, layout of infrastructure arrangements, northern service road turning head and level change.
- Permission
- 19.04.2023

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:

Drawing Title	Approved Reference (ref. 22/00412/FUL, as amended by 23/00262/NMA)	New Reference
Proposed Site Plan	22.001 (P)004 Rev B	22.001 (P)004 Rev C
Ground Floor and Roof Plan	22.001 (P)100 Rev B	22.001 (P)100 Rev C
North and South Proposed Elevations Plan	22.001 (P)200 Rev B	22.001 (P)200 Rev C
East and West Proposed Elevations Plan	22.001 (P)201 Rev B	22.001 (P)201 Rev C
Section Drawing	22.001 (P)300 Rev B	22.001 (P)300 Rev C

Officer comments:

The proposed reduction in scale of the security fence is acceptable in visual terms and is considered to maintain appropriate level of security at the facility according to the applicant. The design changes to the gatehouse building are minor and would therefore not materially impact the character of the area, and the re-positioning of the plant room to the rear of the building is considered acceptable. An additional area of landscaping is also proposed to the wets of the gatehouse, and this is considered acceptable and will enhance the visual appeal of the area.

The amended plans are considered to comply with the character of the wider area and site. The changes are overall considered to be non-material.

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 22/00412/FUL was subject to 14 conditions, and no additional conditions are necessary to impose in light of the amendments as this application cannot grant further planning permission.

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 Condition 2 of approval 22/00412/FUL. No new conditions are necessary.

10.0 Recommendation

10.1 Grant Non-Material Amendment subject to:

- Previously imposed conditions on planning permission 22/00412/FUL

10.2 Conditions and Reasons

2. This non-material development is approved in accordance with the submitted application details received by the Local Planning Authority, as follows:

- Site Location Plan (21.017(P)100 Rev A)
- Proposed Site Plan 21.017 (P)110 – Rev C
- Proposed Site Plan (northern area) 21.017 (P)110- Rev C
- Proposed Site Plan (southern area) 21.017 (P)111- Rev C
- Indicative Masterplan 21.017 (P)120

Security Gatehouse Drawings

- Proposed Site Plan 22.001 (P)004 – Rev C
- Ground Floor and Roof Plan 22.001 (P)100 – Rev C
- North and South Proposed Elevations Plan 22.001 (P)200 – Rev C
- East and West Proposed Elevations Plan 22.001 (P)201 – Rev C
- Section Drawing – 22.001 (P)300 Rev C

Highways Drawings

- General Arrangement Plans (101-01 Rev G, 02 Rev G and 03 Rev G)
- Long Section Drawings (121-01 Rev E, 02 Rev C and 03 Rev C)
- Cross Section Drawings (131-01 Rev E and 03 Rev C)
- Proposed Levels (141-01 Rev E, 02 Rev D and 03 Rev E)
- Proposed Contours (151-01 Rev F, 02 Rev D and 03 Rev F)
- Proposed Highway Drainage (501-01 Rev J, 02 Rev G and 03 Rev J)
- Proposed Statutory Undertaker Apparatus Plans (511-01 Rev F, 02 Rev D and 03 Rev F)
- Proposed Pavement Construction (701-01 Rev H, 02 Rev H and 03 Rev H)
- Proposed Kerbing Plans (1101-01 Rev F, 02 Rev F and 03 Rev F)
- Proposed Road Markings, Signage and Lighting (1201-01 Rev G, 02 Rev G and 03 Rev G)

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).