

Delegated Report

Planning Ref: 25/00193/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 14/00661/CONDIT to amend condition 3 to refer to the refined updated parameter plans

Recommendations

- 1.1. **Grant Planning Permission** subject to:
- Previously imposed conditions on planning permission 14/00661/CONDIT

Planning application description

- 2.1. Outline Planning Permission (ref. 11/00360/OUT) was granted on 9th March 2012 for the expansion of the Technology Park which, upon completion, would accommodate approximately 185,000 sqm of floorspace. The description of development is as follows:

“Business technology campus comprising replacement MIRA Headquarters, office, research and manufacturing facilities, hotel and local facilities including retail/café/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”.

- 2.2. Several S73 applications to vary conditions attached to application ref. 11/00360/OUT, which relate to the phasing of development and improvements to the A5 have been subsequently granted by the Council. As a result of these changes, the Technology Park Master Permission is now 14/00661/CONDIT and was granted on 2nd December 2014.
- 2.3. Condition 3 attached to permission ref. 14/00661/CONDIT requires development to be carried out in accordance with submitted application details. The full wording of Condition 3 is set out below:

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

- *Site Location Plan 1:10,000 received 11 May 2011*
- *Planning Parameters Report (including Parameter Plans PP2-PP5) Revision 2 June 2011 as amended by Plans PP2 and PP3 received 4 October 2011*
- *ATC-10_014-A_2A-R2*
- *ATC-10_014-A_2B-R1*
- *ATC-10_014-A_2C-R2*
- *ATC-10_014-A_2D-R1*

Reason: To define the terms of the reserved matters and for the avoidance of doubt, in the interests of proper planning.

- 2.4. The delivery of the MIRA Technology Park is gaining momentum; the Zone 4 infrastructure has currently been constructed, together with Plot 9. Plot 44 is expected to commence in Spring 2025 and proposals are emerging for Plot 8. The NMA seeks to change the wording of Condition 3 to refer to revised parameter plans that have been updated to reflect the existing and emerging developments and the masterplan strategy now being pursued (which responds more closely to occupier requirements).
- 2.5. The updated parameter plans accompany the submission as follows:
- Table 1 – Development Thresholds
 - Table 2 – Amount of Development
 - PP2 – Development Footprint and Heights
 - PP3 – Land Use/Zones Plan
 - Highlighted updated Planning Parameters Report to show minor changes proposed
 - Illustrative Masterplan to show how parameters could be interpreted.
- 2.6. In summary the changes to the parameter plans seek to:
- Change the maximum dimensions of buildings within Table 1 to allow some larger units to be delivered (providing enhanced R&D facilities with some associated manufacturing capability) (particularly in Zone 1).
 - Change the maximum height of the building parameter in Table 1 to be a consistent height in each zone (that is no greater than the maximum height previously approved within those zones).
 - Update the land use parameters within Table 2 to allow the potential delivery of a hotel in Zone 3 (instead of Zone 2 as originally intended).
 - Refine the mapping of the Plots and Zones in PP2 and PP3 to reflect the changes to the alignment of MIRA Drive and the intended extent of the linear park.

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

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

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 (14/00661/CONDIT)	New Reference
Site Location Plan		Unchanged
Planning Parameters Report (including parameter plans PP2-PP5) Revision 2 June 2011 as amended by Plans PP2 and PP3 received 4 October 2011	Planning Parameters Report (including Parameter Plans PP2-PP5) Revision 2 June 2011 as amended by Plans PP2 and PP3 received 4 October 2011	PP2 Development Footprint and Heights - 2109201SGP-ZZ-ZZ-DR-A-A015 Rev P01 PP3 Land Use – Zone Plan - 2109201SGP-ZZ-ZZ-DR-A-A014 Rev P01
Proposed Highways and Access Layout - Section A	ATC-10_014-A_2A-R2	Unchanged
Proposed Highways and Access Layout - Section B	ATC-10_014-A_2B-R1	Unchanged
Proposed Highways and Access Layout - Section C	ATC-10_014-A_2C-R2	Unchanged
Proposed Highways and Access Layout - Section D	ATC-10_014-A_2D-R1	Unchanged

Officer comments:

The changes to the parameters are considered non-material as the maximum floorspace of new buildings that can be provided through the scheme remains as

approved (139,716m²), as does the total number of car parking spaces that can be provided.

The amended Land Use Zone Plan, Development Footprints and Building Heights contain no material changes, as the land use classifications remain broadly unchanged, with building footprints and heights almost identical to the approved plans. Any variations would not constitute material changes due to the overall scope of the proposals, and the neighbouring and existing associated uses within the wider site.

The conclusions of the original Environmental Impact Assessment remain valid and unchanged.

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.

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 3 of approval 14/00661/CONDIT. No new conditions are necessary; however, the wording of the condition reason is amended to refer to the up to date Development Plan and in accordance with paragraph 57 of the NPPF.

10.0 Recommendation

10.1 Grant Non-Material Amendment subject to:

- Previously imposed conditions on planning permission 14/00661/CONDIT except condition 3 as amended below.

10.2 Conditions and Reasons

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - Site Location Plan 1:10,000 received 11 May 2011
 - Planning Parameters Report (including Parameter Plans PP2-PP5) Revision 2 June 2011 as amended by revised Tables 1 and 2 and Plans PP2 and PP3 dated February 2025
 - ATC-10_014-A_2A-R2
 - ATC-10_014-A_2B-R1
 - ATC-10_014-A_2C-R2
 - ATC-10_014-A_2D-R1

Reason: To define the terms of the reserved matters and for the avoidance of doubt, in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Developments Management DPD (2016).