

Delegated Report

Planning Ref: 24/00344/NMA
Applicant: BLOOR HOMES
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: Land North East Of Triumph Motorcycles Ltd Normandy Way

**Proposal: Non-material amendment to planning application 23/00574/REM.
Substitution of the Makenzie house type with the McQueen, affecting plots 455-458 & 483-486.**

1. Recommendations

1.1. Approve the non-material amendment subject to:

- Previously imposed conditions on planning permission 23/00574/REM with the updated housetypes as approve here.

2. Planning application description

- 2.1. The application seeks a non-material amendment to the reserved matters approval 23/00574/REM (phase 4, 97 dwellings). The amendments sought relate to the substitution of the Makenzie house type with the McQueen housetype for plots 455-458 & 483-486.

Description of the site and surrounding area

- 3.1. The site is located to the west of Hinckley, approximately 2km form the town centre. The application site comprises phase 4 of the development and relates to a parcel in the south eastern corner of the wider outline site. The site adjoins the wider residential development to the north of the site with Phase 5 of the Normandy Fields development to the west.

3. Relevant planning history

15/00188/OUT

- Erection of up to 850 dwellings, 500m2 of retail units, a primary school, community facilities including sports pitches, parkland, children's play areas, allotments, sustainable urban drainage systems, a new access and associated infrastructure (outline - access only)
- Granted
- 03/05/2018

24/00574/REM

- Approval of reserved matters (appearance, landscaping, layout and scale) pursuant to condition 2 of outline planning permission 15/00188/OUT for the residential development of 97 dwellings (Phase 4).
- Granted
- 25.03.2024

4. Publicity

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

5. Consultation

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

6. 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.

7. Appraisal

- 8.1. 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. The original and proposed housetypes are very similar in external appearance with the external appearance of the front elevation being almost identical. Minor amendments to the scale are proposed with the proposed housetype including a modest single storey protrusion to the rear which is not found on the Makenzie housetype. However, the amendments are small scale and would not be material in design terms when viewed in the context of the larger 97 unit phase of development. Nor would the amendments introduce additional residential amenity, highway or other technical considerations.
- 7.4. The amended house types are considered to comply with the street type and character area they are located within, as shown on the Character Areas Plan and detailed within the Design and Access Statement approved at outline stage. The changes are overall considered to be non-material.

Conditions and compliance with S106

- 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 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.

- 7.6 The decision notice for 23/00574/REM was subject to a number of conditions, no additional conditions are necessary to impose except for the compliance with the submitted details.

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

- 10.1. The proposed amendments to the house types would not result in any material impacts on the approved development and would respect the character and appearance of the wider site and surrounding area. The amended scheme would remain in accordance with Core Strategy Policies 1, 5, 15, 16, 19 and 24 and Policies SA2, DM1, DM3, DM6, DM7, DM10, DM11, DM12, DM13, DM17 and DM18 of the SADMP, and the overarching intentions of the NPPF and is therefore recommended for approval. No new conditions are necessary.

10. Recommendation

- 11.1 **Approve the Non-Material Amendment** subject to:

- The amended planning condition 1 of 21/01262/REM at the end of this report.

11.2 Conditions and Reasons

1. The development hereby permitted shall be carried out in complete accordance with the conditions imposed on application 23/00574/REM except where details have been updated by submission of this 24/00344/NMA application, namely:

- n1787_RM Housetype Pack- Part 1-3
- EM100-SL-400.1A RM Site Layout

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).