



VARIATION OF CONDITION 1. OF 23/00576/CONDIT, LAND SOUTH EAST OF 47 WYKIN LANE, STOKE GOLDING, LEICESTERSHIRE

This application is submitted by Davidsons Developments Ltd and is an application [“the Application”] under S.96A of the Town and Country Planning Act [“the Act”] in respect of a non-material amendment to the wording of Condition 1 of 23/00576/CONDIT [“the Permission”].

The Application is submitted via the Planning Portal and, in addition to this supporting statement/letter, is accompanied by the Application Form and associated documents. The fee has been paid online.

Background to the Permission and Condition 1

Permission was granted on 26th October 2023 under 23/00576/CONDIT for:

Variation of condition 1 (approved plans) and condition 2 (parking and turning facilities) of planning permission 22/01080/REM [Application for approval of Reserved Matters (relating to appearance, landscaping, layout and scale) of Outline Planning Permission 19/01324/OUT for the erection of 55 dwellings], Land South East of Wykin Lane, Stoke Golding, Leicestershire.

Condition 1 sets out the relevant drawing details approved as follows :

The development hereby permitted shall not be carried out otherwise than in complete accordance with the following details received by the LPA

1189_100 P11 Planning Layout
1189_200 P11 Materials & Boundary Plan
DH200VE-5 (AS) P00
DH200VE-5 (OP) P00
DH201BR-5 (AS) P00
DH202BR-5 (AS) P00
DH302VE-5 (AS) P00
DH302VE-5 (OP) P00
DH302VI-5 (AS) P00
DH313B-5 (AS) P00
DH314V-5 (AS) P00
DH314V-5 (OP) Plot 51 P00
DH318B-5 (AS) P00
DH318B-5 (OP) P00
DH400B-5 (AS) P00
DH402R-5 (AS) P00
DH409GH-5 (AS) P00
DH409GH-5 (OP) P00

DH425GG-5 (OP) P00
DH425GH-5 (OP) P00
DH427G-5 (OP) P00
DH427G-5 (AS) P00
DH430B-5 (OP) P00
DH501G-5 (AS) Plot 11 P00
DH501G-5 (AS) P00
DH501G-5 (OP) P00
DH509V-5 (AS) P00
DH532BR-5 (OP) P00
AF12G-5 (AS) P00
AF12G-5 (OP) P00
AH16GE-5 (AS) P00
AH21GE-5 (AS) P00
AH21GE-5 (OP) P00
AH21GI-5 (AS) P00
AH31GE-5 (OP) P00
AH32GE-5 (AS) P00
LG1-4 Single Garage (AS) C01
LG2-4 Single Garage (AS) C01
SG1-4 Single Garage (AS) C01
SG3-4 Single Garage (AS) C01
SG10-4 Double Garage (AS) C01
SG10S-4 (AS) P00

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

The Proposed Amendment to Condition 1

It is proposed to revise the wording of Condition 1 to now refer to **1189_100_Planning Layout P12** and **1189_200_Materials & Boundary Plan P12** to allow a revised fence/boundary line to be shown at Plot 5. The plans make clear the garden land that sits within Plot 5 and the remaining garden land (separated by the updated fence line and rear of garage), that will form garden land associated with 6 Stoneley Road and will form part of the curtilage to that property. The land uses remain the same, the fence line is simply repositioned from an irregular shape to a more coherent shape and likewise the dead space behind the garage forms a further logical incorporation into the adjoining property.

The new proposed wording of Condition 1 is:

The development hereby permitted shall not be carried out otherwise than in complete accordance with the following details received by the LPA

1189_100 P12 Planning Layout
1189_200 P12 Materials & Boundary Plan
DH200VE-5 (AS) P00
DH200VE-5 (OP) P00

DH201BR-5 (AS) P00
DH202BR-5 (AS) P00
DH302VE-5 (AS) P00
DH302VE-5 (OP) P00
DH302VI-5 (AS) P00
DH313B-5 (AS) P00
DH314V-5 (AS) P00
DH314V-5 (OP) Plot 51 P00
DH318B-5 (AS) P00
DH318B-5 (OP) P00
DH400B-5 (AS) P00
DH402R-5 (AS) P00
DH409GH-5 (AS) P00
DH409GH-5 (OP) P00
DH425GG-5 (OP) P00
DH425GH-5 (OP) P00
DH427G-5 (OP) P00
DH427G-5 (AS) P00
DH430B-5 (OP) P00
DH501G-5 (AS) Plot 11 P00
DH501G-5 (AS) P00
DH501G-5 (OP) P00
DH509V-5 (AS) P00
DH532BR-5 (OP) P00
AF12G-5 (AS) P00
AF12G-5 (OP) P00
AH16GE-5 (AS) P00
AH21GE-5 (AS) P00
AH21GE-5 (OP) P00
AH21GI-5 (AS) P00
AH31GE-5 (OP) P00
AH32GE-5 (AS) P00
LG1-4 Single Garage (AS) C01
LG2-4 Single Garage (AS) C01
SG1-4 Single Garage (AS) C01
SG3-4 Single Garage (AS) C01
SG10-4 Double Garage (AS) C01
SG10S-4 (AS) P00

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

S.96A of the Act

Section 96A of the Act states :

- 1) A local planning authority may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material.
- 2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission or permission in principle as originally granted.
- 3) The power conferred by subsection (1) includes power to make a change to a planning permission:
 - a) to impose new conditions;
 - b) to remove or alter existing conditions (our emphasis)
- 4) The power conferred by subsection (1) may be exercised only on an application made by or on behalf of a person with an interest in the land to which the planning permission or permission in principle] relates.

The Case in Support of the Proposed Amendment

Following approval of the permission in October 2023 it was recognised that the garden at plot 5 was large in size and would benefit from regularising the shape given the irregular triangular area behind the garage. Indeed, the adjoining property (6 Stoneley Road) recognised this and made enquiries to take the garden area on.

The proposed amendment to Condition 1 of the Permission is not considered material and will ensure a satisfactory form of development is provided. The revised garden area and fence line satisfactorily serves plot 5 and the remaining garden beyond the updated fence line then forms a natural continuation of the adjoining property (6 Stoneley Road). This matter was discussed with Tim Hartley of the Council Planning Department prior to submission, who indicated that the principle of the application was acceptable.

Should you have any queries, please do not hesitate to get in touch. In the meantime, we would be grateful to receive confirmation that the Application has been validated.