

Delegated Report

Planning Ref: 25/00376/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 permission 23/00574/REM. Additional ponds added to the drainage system.

1. Recommendations

1.1. Approve the non-material amendment subject to:

- Previously imposed conditions on planning permission 23/00574/REM except where the materials plan and details have been updated through this NMA application.

2. Planning application description

- 2.1. The application seeks a non-material amendment to application 23/00574/REM which detailed plans for Phase 4 of the 'Hinckley West' development comprising 97 dwellings with associated open space and infrastructure following approval of outline planning permission under application 15/00188/OUT.
- 2.2. This application seeks to amend the approved plans to reflect the addition of a drainage pond required as part of the drainage attenuation system on the site. The drainage pond is proposed to be located in the heart of the site within the area of public open space.
- 2.3. The amended plans are as follows:
 - Site Layout Drawing No. MI100-SL-400.1K
 - Site Landscaping Drawing No. EM100-LS-014m
 - Site Landscaping Drawing No. EM100-LS-015k
 - Site Landscaping Drawing No. EM100-LS-023g

3. Description of the site and surrounding area

- 3.1. The site is located to the west of Hinckley, approximately 2km from the town centre. The wider application site is 15.21 hectares (ha) of agricultural land. 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.

4. 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)
- Outline planning permission

- 03.05.2018

18/00563/REM

- Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 15/00188/OUT for residential development of 260 dwellings
- Approval of reserved matters
- 16.11.2018

20/00527/REM

- Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 15/00188/OUT for residential development of 260 dwellings.
- Approval of reserved matters
- 25.09.2020

20/01339/NMA

- Non-material amendment to planning permission to 20/00527/REM
- Permit non-material amendment
- 10.11.2021

21/01525/NMA

- Non material amendment to planning permission 20/00527/REM to substitute four house types
- Permitted
- 05.05.2022
- **Various discharge of condition, reserved matters and non-material amendment applications have also been permitted in relation to other phases of the development which are not listed for brevity.**

5. 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.

6. Consultation

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

7. 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.

8. Appraisal

8.1. Key Issues

- Assessment
- Conditions

Assessment

8.2 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.

8.3 The proposed attenuation pond would have a negligible impact on the wider development, and the area of public open space would remain accessible apart from rare events where the pond may fill during wetter months. The amendments to the site layout plan and landscaping plans are not considered to be significant, therefore the changes are overall considered to be non-material.

Conditions and compliance with S106

8.4 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.

8.5 The decision notice for 23/00574/REM was subject to 7 conditions, and no additional conditions are necessary to impose in light of the amendments as this application cannot grant further planning permission.

9. Equality implications

9.1 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.

9.2 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.

9.3 There are no known equality implications arising directly from this development.

9.4 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).

10. Conclusion

- 10.1. The proposed amendment would not result in any material impacts on the approved development and would enable the wider drainage scheme to operate effectively. The amendment would respect the character and appearance of the wider site and surrounding area, and the amended scheme would remain in accordance with Core Strategy Policies 15 and 16 and Policies DM7, DM10, DM17 and DM18 of the SADMP, and the overarching intentions of the NPPF and is therefore recommended for approval subject to the amendment of condition 1 of reserved matters approval 23/00574/REM. No new conditions are necessary.

11. Recommendation

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

- The amended planning condition 1 of 23/00574/REM at the end of this report.

11.2 Conditions and Reasons

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

Site Location Plan RM-001 Rev A
Highways Layout (RMA) MI100-HL-101RMA- A
Phase 4- Bus Tracking MI100-EN-431
RMA Housetype Pack RS
Planning Layout n1787_RM-008H
Site Layout M100-SL-400.1K
Presentation Layout n1787_RM-009G
Building Heights Plan n1787_RM-400E
Car Parking Strategy n1787_RM-402D
Refuse Strategy Plan n1787_RM-403D
Affordable Housing Dispersion Plan n1787_RM-500D
Materials Plan n1787_RM-600D
Surface Materials Plan n1787_RM-601D
Boundary Treatments Plan n1787_RM-700E
PHASE 4&5 - S104 Adoption plan MI100-EN-400E
PHASE 4&5 - Finished Floor Levels MI100-EN-411D
Site Landscaping Ph4 EM100-LS-014m
Site Landscaping Ph4 EM100-LS-015k
Site Landscaping Ph4 EM100-LS-023g
Site Landscaping Specification and Schedule Ph4 EM100-LS-016j

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).