

Non material amendment to reserved matters approval ref  
15/00357/REMM (outline planning permission ref  
14/00354/OUTM) to allow for the removal of chimneys to Plots  
90-92 and 93-95 and the installation of chimneys to Plots 37,  
71, 72, 98, 101 and 104

Report Item No  
A3

Land Off Grange Road Hugglescote Leicestershire

Application Reference  
17/01441/NMA

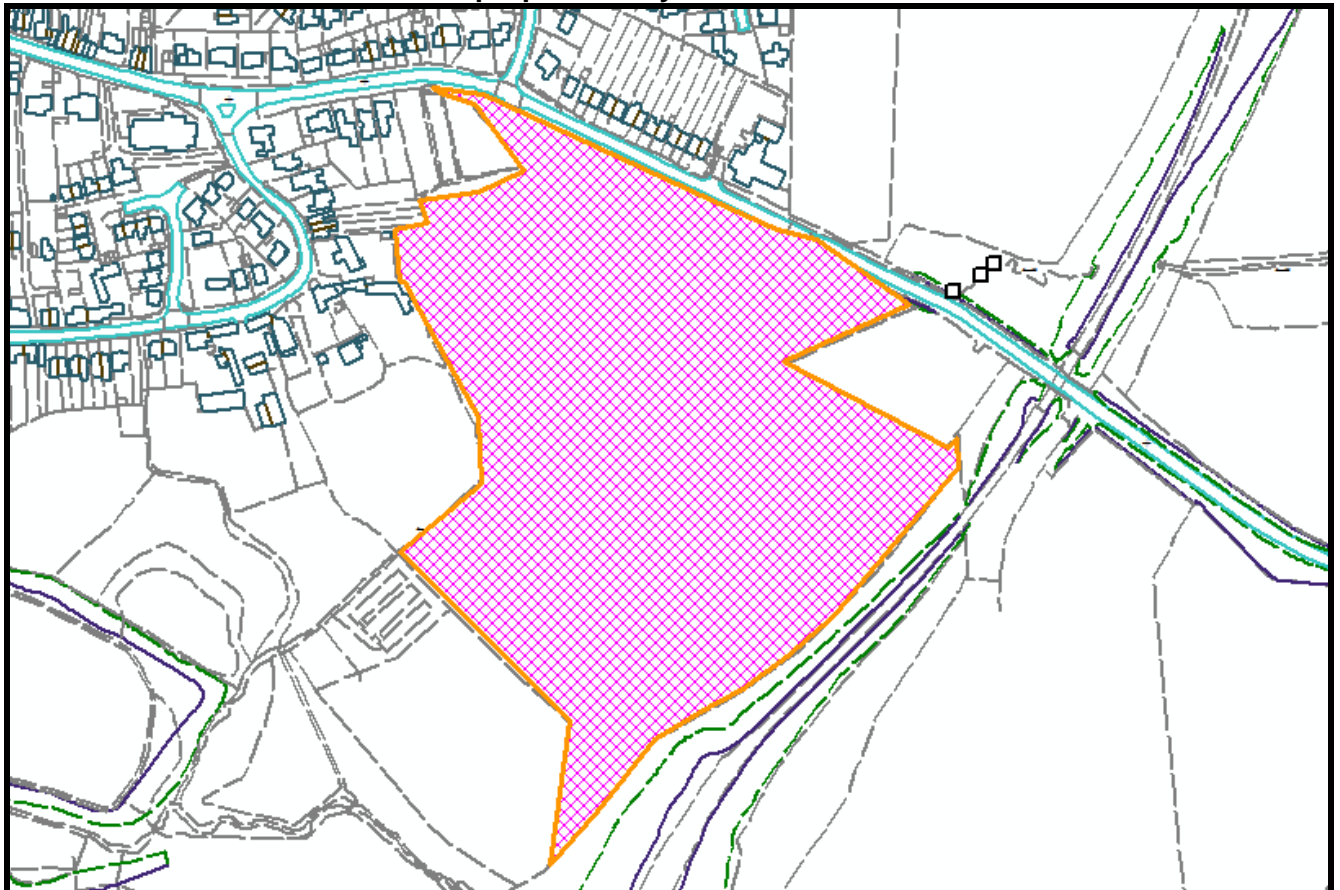
Applicant:  
Taylor Wimpey UK Limited

Case Officer:  
James Knightley

Recommendation:  
PERMIT

Date Registered:  
27 September 2017  
Consultation Expiry:  
No expiry date entered  
8 Week Date:  
25 October 2017  
Extension of Time:  
None Agreed

Site Location - Plan for indicative purposes only



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## **Executive Summary of Proposals and Recommendation**

### **Proposal**

This application is made under Section 96A of the Town and Country Planning Act 1990, seeking approval for a non-material amendment in respect of an existing reserved matters approval for a residential development of 105 dwellings.

### **Consultations**

None undertaken; this is an application for a non-material amendment.

### **Planning Policy**

The application site is outside Limits to Development as defined within the adopted North West Leicestershire Local Plan and is identified as a site with planning permission within the submitted North West Leicestershire Local Plan.

### **Conclusion**

The report below concludes that the overall impacts of the proposed amendments would be neutral in design terms, and would be non-material in the context of the scheme as a whole.

## **RECOMMENDATION:-**

### **PERMIT, SUBJECT TO CONDITIONS**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

In July 2016, reserved matters approval 15/00357/REMM was granted for the erection of 105 dwellings with associated works on a site to the south of Grange Road, Hugglescote.

The current application, for a non-material amendment to that approval under Section 96A of the Town and Country Planning Act 1990, proposes changes to the disposition of chimneys within the development.

The application is referred to Planning Committee at the request of Councillor Johnson on the basis that the proposals would spoil the intrinsic view of the streetscape, and would not be in the public interest.

### 2. Publicity

No neighbours notified.

### 3. Summary of Consultations and Representations Received

None

### 4. Relevant Planning Policy

#### National Policies

##### *National Planning Policy Framework*

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)

Paragraph 57 (Requiring good design)

Paragraph 61 (Requiring good design)

##### *Planning Practice Guidance*

Advice on the approach to determining applications for non-material amendments is set out in paragraphs 17a-002-20140306 to 17a-012-20140306 of the DCLG's Planning Practice Guidance.

### Adopted North West Leicestershire Local Plan (2002)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Whilst the statutory requirement set out under Section 38(6) of the Planning and Compulsory Purchase Act 2004 (determination in accordance with the

development plan unless material considerations indicate otherwise) does not apply in respect of applications for non-material amendments, the following adopted Local Plan policies are relevant to this application:

Policy E4 - Design

Policy H7 - Housing Design

### **Submitted North West Leicestershire Local Plan**

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. Examination hearing sessions were held in January and March 2017 and the Council undertook a six week consultation on its Main Modifications from 12 June 2017. The Inspector's report was received on 13 October 2017 which stated that the plan would meet the criteria for soundness in the NPPF subject to the proposed main modifications, and is expected to be considered by Full Council in November 2017 with a view to adopting the Plan. In accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, it is considered that significant weight can be attached to the policies contained in the plan.

The application site is identified as a site with planning permission under Policy H1 (site H1h) of the submitted North West Leicestershire Local Plan.

The following draft Local Plan policies are considered relevant:

Policy D1 - Design of new development

### **Other**

Good design for North West Leicestershire SPD

## **5. Assessment**

Advice on the approach to determining applications for non-material amendments is set out within the DCLG's Planning Practice Guidance. The guidance indicates that the key issue in determination such applications is whether the change from the approved scheme is non-material. It also clarifies that there is no statutory definition of "non-material" because it will be dependent on the context of the overall scheme; an amendment that is non-material in one context may be material in another.

The currently approved scheme shows a range of house types throughout the scheme, with chimneys included to approximately 25% of the units. The currently approved scheme includes chimneys to two three unit terraces (Plots 90-92 and 93-95). The applicant advises that, due to the timber framed construction method now proposed to be employed in the erection of these terraced units, the use of gable brick built chimneys on these plots would not be possible, and it is proposed to delete the chimneys from these units. As an alternative, the applicant proposes to provide chimneys to six detached units not previously incorporating them.

It is considered that the overall impact in design terms of redistributing the chimneys would be neutral. As such, given the minor nature of the changes, and the absence of any harm arising from them, (and when considered in the context of a scheme as a whole for the erection of 105 dwellings) it is considered that the proposed alterations would be non-material, and approval is therefore recommended.

## **Previous Changes**

Under Section 96A of the Town and Country Planning Act 1990 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 as originally granted. No previous amendments have been made to the scheme approved under application reference 15/00357/REMM.

**Other Issues**

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 reissue of the original planning permission, which still stands. However, the Local Planning Authority can impose new conditions and to remove or alter existing conditions through this process.

In this instance the only condition affected by the non-material amendment would be Condition 2 relating to the previously approved plans attached to the planning permission.

**RECOMMENDATION- PERMIT, subject to the following condition(s):**

1. Tying development to conditions attached to reserved matters approval ref. 15/00357/REMM
2. Approved Plans