

## Delegated Report

**Planning Ref: 25/00592/NMA**  
**Applicant: Mr Gabe Knight**  
**Ward: Hinckley Trinity**



Hinckley & Bosworth  
Borough Council

**Site: Land To The West Of Normandy Way**

**Proposal: Substitution of brick type for another approved brick on the materials list.**  
**Plots 616 to 618, 620 & 624, 625 to be Wienerberger Sunset Red Multi due to brick supply issues.**

### **1. Recommendations**

#### **1.1. Grant planning permission subject to:**

- Previously imposed conditions on planning permission 23/00573/FUL

### **2. Planning application description**

2.1. This application proposes a non-material amendment to planning permission 23/00573/FUL, which was for the approval of the erection of 153 dwellings with vehicular access from the factory access road and existing roundabout on the A47, drainage, landscaping, public open space, ground remodelling and supporting infrastructure and utilities.

2.2. The proposed non-material amendment seeks to amend the type of bricks utilised within the development due to a lack of supply. The alterations are as follows:

- Plot 616 (detached) – from a Red/Orange 'Forterra Clumber Red' brick to Wienerberger Sunset Red Multi.
- Plots 617 and 618 (both detached) – from a Red 'Forterra Arden Special Reserve' brick to Wienerberger Sunset Red Multi.
- Plot 620 (detached, with a detached garage outbuilding) – from a Red/Orange 'Forterra Clumber Red' brick to Wienerberger Sunset Red Multi.
- Plots 624 and 625 (semi-detached) – from a Red/Orange 'Forterra Clumber Red' brick to Wienerberger Sunset Red Multi.

2.1. While the specific type of brick ('Wienerberger Sunset Red Mutli') was not previously listed and explicitly approved in previous Material lists, it has been generally approved as a 'Red' brick.

### **3. Description of the site and surrounding area**

3.1 The application site is located to the West of Hinckley, South of Stoke Golding and is within the settlement boundary. The Southern side of the site adjoins the Triumph vehicle museum and factory; Wykin community parks sits to the Northeast side of the site; open countryside sits to the Northwest of the site and the small village of Wykin sits directly North of the site.

3.2 The application site measures approximately 5.68ha and sits with an area identified within the Sites of Special Scientific interest and has power lines. The site is bounded by the A47 Normandy Way arterial road to its East.

3.3 Development and implementation of the FUL application has commenced on site and is taking place in different stages.

### **4. Relevant planning history**

- **22/10009/NAC**

- 210 place primary school with associated landscape and external works
- Recommendation only
- 25.02.2022
- **23/00573/FUL**
- Full planning application for 153 dwellings with a vehicular access from the factory access road and existing roundabout on the A47, drainage, landscaping, public open space, ground remodelling and supporting infrastructure and utilities.
- Permitted
- 21.01.2025
- **23/00574/REM**
- Approval of reserved matters (appearance)
- Permitted
- 25.03.2024
- **25/00049/DISCON**
- Application to discharge condition 18
- Discharged
- **25/00055/DISCON**
- Application to discharge C3 (Construction)
- PDE
- **25/00070/DISCON**
- Application to discharge conditions 4
- Discharged
- **25/00130/NMA**
- Non-material amendment to planning application
- PERNMA
- **25/00159/REM**
- Approval of reserved matters (appearance)
- INV
- **25/00181/DISCON**
- Application to discharge C12 (Travel Plan)
- Discharged
- **25/00377/NMA**
- Non-material amendment to application
- PERNMA
- 21.05.2025
- **25/00422/DISCON**
- Application to discharge conditions
- Discharged
- 13.06.2025

## **5. Publicity**

- 5.1. No publicity is required for a non-material Section 96A application, and none has been undertaken.

## **6. Consultation**

- 6.1 A Section 96A application is not an application for a new planning permission, therefore, the existing Town and Country Planning (Development Management Procedure) Order, 2015, provisions outlined in Article 13 and Schedule 5 relating to publicity and statutory consultation do not apply. The Local Planning Authority can exercise discretion in whether and how they choose to inform interested parties or seek their views. In this instance, no publicity or consultations have been undertaken.

## **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. The key issues in respect of this application are therefore:

- Assessment against strategic planning policies
- Design and impact upon the character of the area

### *Assessment against strategic planning policies*

- 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 Section 96A.

- 8.3 With the above in mind, it is necessary to consider what the existing planning permission is for including its uses, and its scale. This planning application is for a non-material amendment to a full planning application (appearance, landscaping, layout and scale) for the residential development of 153 dwellings following the granting of application 23/00573/FUL.

### *Design and impact upon the character of the area*

- 8.4 The plots affected are situated to the Southeast of the application site, mainly surrounded by other dwellings. The nearest road to the plots in question is a cul-de-sac that does not link to the main arterial road, Normandy Way. There is a green buffer that separates the plots from the main arterial road.

- 8.5 The development mainly consists of red, red/orange, red/brown and buff bricks. Alternative bricks that have been chosen due to supply issues of the original bricks. ‘Forterra Clumber Red’ is a deep red brick with high uniformity; ‘Forterra Arden Special Reserve’ is a lighter red brick, which resembles the replacement brick more closely, however there is greater variation in brick designs (some bricks being produced slightly lighter in hue). The proposed bricks are similar in design and still

predominantly red in colour with a rolled texture. Consequently, it is considered that the replacement bricks 'Wienerberger Sunset Red Multi' are a close match and would not materially alter the appearance of the development as a whole.

- 8.6 An external materials plan has been provided to show the mix of materials. The plan demonstrates a good use and variety of the materials across the site and the plan represents the original layout approved on 23/00573/FUL. All other previously approved materials, including the roof materials, remain the same. As above the change to brick types are therefore minor in the context of the development and present a non-material change.

## **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.

## **10. Conclusion**

- 10.1. In line with the provisions of Section 96A of the Town and Country Planning Act, 1990, it is considered that the proposed amendments to the approved brick materials within the development at Land West of Normandy Way, Hinckley, permitted under planning reference 23/00573/FUL, are a non-material amendment in the context of the overall scheme and complies with Policy DM10 of the SADMP.

## **11. Recommendation**

- 11.1 **Grant Non-Material Amendment** subject to:

- Previously imposed conditions on planning permission 23/00573/FUL and additional condition:
- Altering the brick materials of select properties to the following:
  - Plot 616 (detached) – from a Red/Orange 'Forterra Clumber Red' brick to Wienerberger Sunset Red Multi.
  - Plots 617 and 618 (both detached) – from a Red 'Forterra Arden Special Reserve' brick to Wienerberger Sunset Red Multi.
  - Plot 620 (detached, with a detached garage outbuilding) – from a Red/Orange 'Forterra Clumber Red' brick to Wienerberger Sunset Red Multi.
  - Plots 624 and 625 (semi-detached) – from a Red/Orange 'Forterra Clumber Red' brick to Wienerberger Sunset Red Multi.

## **11.2 Conditions and Reasons**

1. This non-material amendment is approved in accordance with the submitted application details received by the Local Planning Authority, as follows:

- Materials Layout, Drg No. EM064-SL-402S (submitted: 18.06.2025)
- Application form (submitted: 18.06.2025)

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).