

Planning Committee
Report of the Planning Manager (Development Management)

Planning Ref: 26/00091/NMA
Applicant: Torsion Projects Ltd.
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: The Trinity Centre Marchant Road Hinckley

Proposal: Non material amendment to planning permission 25/00354/FUL. Amendments to bin store location, roof plans to provide lift overruns, balustrading, window surround and balcony size. Addition of smoking shelter, air source heat pump and rainwater pipes.

1. Recommendations

- 1.1 **Approve the non-material amendment** subject to:
- Previously imposed conditions on planning permission 25/00354/FUL except:
 - Amendments to conditions 2, 9, 12 and 20 to reflect the amended plans

2. Planning application description

- 2.1. Application 25/00354/FUL permitted consent for a 72-bed residential care facility with associated access, car parking, ambulance drop off area and landscaping on the former Hinckley leisure centre site.
- 2.2. The building would be sited centrally within the site with car parking to the east and residents' gardens to the west. The building is roughly L-shape in plan form with accommodation split across three storeys. The building has a contemporary design with a flat roof and mixture of render and brick.
- 2.3. This proposal seeks to amend the bin store location, provide a smoking shelter and air source heat pump building to the rear/east of the site. The elevations of the building are proposed to be amended providing additional balustrading, amendments to the window surrounds, altering the scale of the balconies and adding equipment including lift overruns to the roof.
- 2.4. The application has been amended during determination meaning that amendments to the levels, boundary treatment, addition of a substation and amended footpath would be considered under a S73 application. Officers have advised that these amendments would be material and could not be considered acceptable under this non-material amendment application.

3. Description of the site and surrounding area

- 3.1. The site previously held a leisure centre within the southern area. This has since been demolished and this element of the site consists of levelled rubble and the landscaping and trees to the east along Coventry Road has been retained.
- 3.2. There is an 8 metre level difference across the site, the most significant change is from north to south with the highest point being the north (car park) of the site.
- 3.3. The site includes a number of trees along the south eastern areas, and the northern element of the site.
- 3.4. The site is surrounded by a mix of uses. To the north, the car park element of the site, the adjacent land uses and buildings are to residential flats, dwellings and a grade II listed church. To the south, the part of the site which was occupied by the leisure centre, landscaped areas and servicing, there are a number of adjoining

uses including residential, employment, a retail store, car wash facility, funeral directors and retail units across Coventry Road to the south east.

- 3.5. The site is surrounded by a mixture of three storey and two storey buildings.
- 3.6. The site is within the centre of Hinckley and is within 200 metres from The Crescent shopping area and is less than 500 metres from other shopping areas of Hinckley, such as Castle Street and the Britannia Centre.

4. Relevant planning history

25/00354/FUL

- Erection of 72 bed residential care facility (C2) with associated access, car parking, ambulance drop off area and landscaping
- PER
- 07.11.2025

5. Publicity/Consultation

- 6.1. No publication/consultation is required for a non-material amendment application. None has occurred and no comments have been received.

6. Policy

- 7.1. Great Flexibility for Planning Permissions Guidance (Non-material amendments) states that an LPA must have regard to the effect of the change, together with any previous changes made.
- 7.2. Since the original planning permission was issued there have 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
 - ConditionsAssessment
- 7.2. Section 96A of the TCPA 1990 allows a non-material amendments 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. It is for the LPA to be satisfied that the amendment sought is non-material in order to grant an application under S96A.
- 7.3. The proposed amendments would not result in any additional residential amenity, highway or ecological impacts due to the nature of the changes and relevant conditions imposed on the original consent. The assessment therefore solely lies on the impact the amendments would have on the design of the scheme.
- 7.4. As referenced above, some elements which were deemed to be material changes and, in some cases, unacceptable have been removed from this application. The resultant amendments are all judged to be minor amendments to the care home building itself, which are not readily discernible from the originally approved plans. The smoking shelter, ASHPs and bin store are all ancillary features located within a less publicly visible area of the site and the amendments are minor in the context of the originally approved structures.
- 7.5. The changes are therefore considered to be non-material.

Conditions and Compliance with S106

- 7.6 Under S96A of the TCPA 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 S96A(3) the LPA may impose new conditions or remove or alter existing conditions.
- 7.7 The original planning permission was subject to 26 conditions.
- 7.8 Conditions 2, 9, 12, 20 require amendments to reflect the amended plans. All other conditions remain necessary without amendments and no additional conditions are required as a result of the amendments.

Equality implications

- 7.9 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.
- 7.10 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 7.11 There are no known equality implications arising directly from this development.

8. Conclusion

- 8.1 As set out above the proposed amendments would not result in any material impacts and the scheme remains in accordance with the relevant policies of the Development Plan.

9. Recommendation

- 9.1 **Approve the non-material amendment** subject to:

- Previously imposed conditions on planning permission 25/00354/FUL except:
- Amendments to conditions 2 9, 12 and 20 to reflect the amended plans

9.2 Conditions and Reasons / Reasons

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as detailed below:
- Location Plan Dwg. No. A001 Rev A
 - Proposed Boundary Treatment Dwg. No. A004 Rev C
 - Proposed Levels Dwg. No A005 Rev B
 - Proposed Entrance from Marchant Road Dwg. No. A006 Rev A

- Sections Dwg No. A300 Rev A
As approved under application 25/00354/FUL
 - Proposed Site Ground Floor Plan A003 Rev K
 - Proposed Bin Cycle ASHP Smoke Sub Plans Dwg. No A400 Rev C
 - Proposed Ground Floor Plan Dwg. No A100 Rev D
 - Proposed First Floor Plan Dwg. No A101 Rev D
 - Proposed Second Floor Plan Dwg. No A102 Rev D
 - Proposed Roof Plan Dwg. No A103 Rev D
 - Proposed S-E & N-W Elevations Dwg. No A200 Rev I
 - Proposed N-E & S-W Elevations Dwg. No A201 Rev I
- As submitted under application 26/00091/NMA

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).

9. No part of the development hereby permitted shall be occupied until such time as the access arrangements onto the wider development spine road shown on G4 Architects drawing number A003 Rev. K have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

12. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with G4 Architects drawing number A003 Rev. K. Thereafter the onsite parking and turning provision shall be kept available for such use(s) in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024)

13. The development shall not be first occupied until such a time as the bin store and cycle/garden store is available for use in accordance with the approved plan Proposed Bin Store and Cycle/Garden Store A400 Rev C. Thereafter the bin and cycle store shall be retained and maintained in accordance with the approved details.

Reason: To ensure that the development has a satisfactory external appearance and adequate bin and cycle storage in accordance with Policies DM10, DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016).