

Delegated Report

Planning Ref: 24/00031/FUL

Applicant: Trinity Community Church Steven Conner

Ward: Hinckley Castle

Site: 61A Stockwell Head, Hinckley

Proposal: Installation of four new windows to the side elevation of Trinity Community Church



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This application seeks the installation of four new ground floor windows to the side elevations of the Trinity Community Church.

3. Description of the site and surrounding area

- 3.1. 61A Stockwell Head is a former Wesleyan chapel constructed in 1782. It is a prominent building within Stockwell Head and the historic core of Hinckley town centre and due to its historic and minor architectural interest it is considered that the building makes a positive contribution to the character and appearance and thus significance of the Hinckley Town Centre Conservation Area.

4. Relevant planning history

22/00276/FUL

Proposed canopy, steps and ramped access to the front of existing building
Planning permission
07.11.2022

5. Publicity

- 5.1. The application has been publicised by posting neighbour letters, a site notice posted within the vicinity of the site and a press notice posted in the Hinckley Times.
- 5.2. No comments were received.

6. Consultation

- 6.1. HBBC Conservation Area Officer: No objections and comments included within the design and impact upon to conservation area section of this report.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM23: High Quality Shop Front and Advertisements

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)

- Planning Practice Guidance (PPG)

7.3. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

8.2. The NPPF identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.

8.3. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

Design and impact upon the character of the area

8.4. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.5. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.

8.6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.7. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.

8.8. The building has undergone considerable renovations to create the Trinity Community Church. This proposal is for the addition of four new windows, two on each side elevation, to serve the usage of the building. The new windows will be a

dark colour framed large casement windows of a style and size to match the existing windows on each elevation and would be positioned appropriately to maintain the rhythm of the fenestration. For these reasons the proposed new windows are appropriately designed and will maintain the character and appearance of the church building and preserve the significance of the wider Hinckley Town Centre Conservation Area. Consequently, the proposal complies with Policies DM10, DM11 and DM12 the SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.9. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. In addition, the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.10. The proposal to include four new ground floor windows, two on each side of the development site, is considered to have no detrimental impact upon neighbouring residential amenity in terms of loss of light owing to the site location and its proximity to residential properties. In addition the proposal is not considered to cause any impact in the way of overbearing, overshadowing or loss of light impacts.
- 8.11. The proposals submitted under this application will cause no increased impacts upon the neighbouring residential amenity and as such it is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.12. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP requires new development to provide an appropriate/justified level of parking provision.
- 8.13. The proposal for four new windows at the development site is not considered to have any impact upon highway safety and parking provision, as such the proposal is considered in accordance with Policies DM17 and DM18 of the SADMP.

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 proposal seeks the installation of four new ground floor windows. The proposal is considered acceptable due to the limited impacts upon the character of the conservation area, the amenity of neighbouring properties and highways safety/vehicle parking.
- 10.2. It is considered that the proposed development would be in accordance with Policies DM10, DM11, DM12, DM17, DM18 and DM23 of the adopted SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

11. **Recommendation**

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 **Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

Site Location Plan Drg No. 1632/SL
Plans and Elevations Drg No. 1632

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).

3. The materials to be used for the hereby approved windows shall accord with the approved materials detailed within the application form.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 **Notes to applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.