

Delegated Report

Planning Ref: 24/00257/FUL
Applicant: Joseph Wood
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Heath Lane Academy, Heath Lane, Earl Shilton

Proposal: Replacement of windows.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. The application seeks full planning permission for proposed new replacement windows along the long south and west elevations of the main building but also including sorter elements on the west and north elevations. The existing windows project from the elevations and the replacements do not. A new fascia is provided above the first floor windows.

2.2. The new window framing system is dark grey aluminium and the fascia is white

3. Description of the site and surrounding area

3.1. The application site is located within the settlement boundary of Earl Shilton and consists of an existing secondary school and 6th form academy.

4. Relevant planning history

4.1 The application site has the following relevant planning history:

19/00747/FUL – Erection of covered canopy enclosure for dining / social activities.
– Approved.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents and putting up a site notice in the vicinity.

5.2. No public comments have been received.

6. Consultation

6.1. HBBC ES Pollution – no objection.
Earl Shilton Parish Council – no response.

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

- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Key Issues
- Principle of development
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity

Principle of development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (Dec 2023) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms 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.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4. Earl Shilton is a key urban area for the Borough of Hinckley which supports growth and has an array of services and facilities. The application site lies within the settlement boundary and seeks to improve local education services. The proposal is therefore considered to be acceptable in principle.

Design and impact upon the character of the area

- 8.6. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.8. Paragraph 139 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.9. The proposal is for replacement windows and by the nature of its size, scale and materials, the scheme is considered to be acceptable in design and character terms and in compliance with Policy DM10(c), (d) and (e) of the SADMP, the Good Design Guide SPD and the requirements of the NPPF.

Impact upon neighbouring residential amenity

- 8.10. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.11. Paragraph 135 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.12. Paragraph 191 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.13. No objections have been received from local residents and the proposals will not result in any overlooking, overshadowing or loss of privacy. The amenity of pupils and school staff should be improved by the proposals.
- 8.14. This application is considered to be acceptable in amenity terms and in compliance with Policy DM10 parts a) and b) of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

9. Equality implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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 in the consideration 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. Recommendation

- 10.1. **Grant planning permission subject to the following planning conditions.**

11. 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 only be carried out in accordance with the following details:
 - Site Location Plan. Drg No. HLA001-BA-A1-XX-DR-A-2001
 - Site Plan. Drg No. HLA001-BA-A1-XX-DR-A-2002
 - Ground Floor Plan. Drg No. HLA001-BA-A1-00-DR-A-2003
 - First Floor Plan. Drg No. HLA001-BA-A1-01-DR-A-2004

All received on 18/03/2024.

Reason: To ensure the development is carried out in accordance with the approved plans.