

Delegated Report

Planning Ref: 23/00647/FUL

Applicant: Mr P Pearson

Ward: Ratby, Bagworth and Thornton

Site: Oakwood School, Heath Road, Bagworth Heath, Bagworth

Proposal: Proposed classroom block within woodland for SEN Education Facility



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. The proposal seeks planning permission for a proposed classroom block within woodland for additional SEN education facilities.

3. Description of the site and surrounding area

- 3.1. The proposed site is located on the corner of Heath Road and Garland Lane (B585). The area of the site subject to this proposal is well screened by mature hedgerow and trees, but is viewable looking East along Heath Road. The site consists of a number of buildings serves as Oakwood Community School.

4. Relevant planning history

17/01086/FUL

Change of use of site to a special education needs school including replacement building and refurbishment and extensions to existing steel framed farm buildings to provide classrooms, teaching workshops, associated offices and underground gas storage tank (resubmission of 17/00519/FUL)

Planning Permission

01.02.2018

21/00240/FUL

Extension of existing School, to include the erection of 2 no. Classroom Blocks, Sports Hall, Main Reception, Multi-use Sports Area, Farm Shop, 4 no. Log-cabin Classrooms, along with external works to include improvements of existing Car Parks, and Outdoor Play and Teaching Areas and associated landscaping

Pending Consideration

5. Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site.

- 5.2. No responses have been received.

6. Consultation

- 6.1. HBBC Pollution: No objections.
- 6.2. HBBC Waste Management: No objections.
- 6.3. LCC Highways: No objections.
- 6.4. LCC Ecology: No objections subject to conditions.
- 6.5. National Forest Company: No objections.

7. **Policy**

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interests
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.2. **Core Strategy (2009)**

- No relevant policies

7.3. **National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.4. **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
- Biodiversity Net Gain

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (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).

8.4. The application site is located within the countryside. Policy DM4 states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.

- 8.5. According to Policy DM4 of the SADMP, development in the countryside will be considered sustainable where:
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or diversification of rural businesses; or
 - c) It significantly contributes to economic growth, job creation and/or
 - d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 -Enabling Rural Worker Accommodation.
- 8.6. The proposal does not satisfy the requirements set out within Policy DM4 of the SADMP and is therefore not considered to be in accordance. However, given the setting of the proposal, within the grounds of the existing school, and given the nature of the proposal which creates classroom facilities which included green roofs and give the appearance of being set into the landscape, the proposal is not considered to give rise to detrimental impacts to the visual amenity of the countryside and as such is considered acceptable.
- 8.7. Policy DM25 supports the formation of new community facilities across the borough. To reduce reliance on the private car, where new facilities are to be established it should be demonstrated that they are accessible to the community which they intend to serve by a range of sustainable transport modes. The site is not in a wholly sustainable location, however, it is a modest expansion of an existing and established education facility and therefore does not conflict with Policy DM25.

Design and impact upon the character of the area

- 8.8. Policy DM4 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.9. 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.
- 8.10. The development site serves as a school and consists of a number of large school buildings. The area of the site which the current proposal is located is to the east, bordering Heath Road. The site is well screened along Heath Road from the existing mature hedgerow, trees and vegetation. The site is viewable from the approach onto Heath Road facing eastwards, however, when considering the nature of the development and the existing setting, the proposal is not considered to cause any detrimental impact to the character of the countryside or the character of the area, by way of its design. The proposal is considered to create a visual improvement to the site which currently consists of loose aggregate and soil mounds.
- 8.11. The proposal is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.12. 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.

- 8.13. The proposed development is not located within close proximity to neighbouring residential dwellings and in addition, given the nature of the proposal it is not considered to cause any detrimental impacts to neighbouring residential amenity in terms of loss of light, overbearing impacts, loss of privacy or noise.
- 8.14. The proposal is therefore considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.15. Policies DM17 and DM18 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety and requires new development to provide an appropriate/justified level of parking provision.
- 8.16. The proposal does not propose any additional access points to the development nor any additional parking, LCC Highways have been consulted on the application and have confirmed that they are satisfied that the proposal would not cause an intensification in the site and therefore have no objections.
- 8.17. The development is not considered to cause detrimental impacts to highway safety nor vehicle parking and as such it is considered that the proposal is in general accordance with Policies DM17 and DM18 of the SADMP.

9. Biodiversity Net Gain

- 9.1 Policy DM6 seeks to ensure that on site features are retained or included which safeguard and enhance biodiversity.
- 9.2 The development is exempt from mandatory Biodiversity Net Gain (BNG). The application for planning permission was made before 12 February 2024 and therefore is exempt.
- 9.3 LCC Ecology have confirmed that following the submission of additional information they are now satisfied that they have no objection to the proposal subject to conditions which have been included at the end of this report.

10. Equality implications

- 10.1 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.
- 10.2 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.
- 10.3 There are no known equality implications arising directly from this development.

- 10.4 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).

11. Conclusion

- 10.1. It is considered that the proposal has limited impacts on the character of the area and countryside, neighbouring amenity and highways safety. The proposal therefore complies with Policies DM4, DM6 DM10, DM17, DM18 of the SADMP.

12. 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:

Design and Access Statement
Preliminary Ecological Appraisal and Badger Survey
Protected Species Report October 2024
Great Crested Newt District Level - DLL-ENQ-LEIC-00127 Natural England
Site Location Plan Drg No. 20/010/M/60
Proposed Floor Plans, Sections and General Elevations Drg No. 20/010/M/61

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 on the development 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).

4. Prior to commencement of the hereby approved development a Reasonable Avoidance Measures Method Statement (RAMMS) should be produced for the site to ensure that potential impacts upon badgers, amphibians, hedgehog, bats and breeding birds are avoided as part construction activities. The document should aim to address the following pertinent points;

- Details of any pre-commencement update inspections or walkovers prior to the works starting on site (e.g. badger walkover);
- Details of any Ecological Clerk of Works (ECoW) site supervision or watching briefs relating to vegetation clearance (e.g. amphibian, hedgerow, breeding bird checks);
- Best practice methodologies to prevent entrapment of wildlife (e.g. within excavations) during construction; and
- Protection measures afforded to the Historical pLWS on the Site and other ecological sensitive areas on and adjacent to the site.

The document should be submitted in writing to the Local Planning Authority (LPA) for approval and discharge.

Reason: In order to protect the biodiversity and wildlife on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Recommendations relating to habitat mitigation, compensation and enhancement measures have been made within the original Preliminary Ecological Appraisal (PEA) completed by Udall-Martin Associates Ltd, November 2023. Prior to first occupation of the hereby approved development a detailed Landscape & Ecological Management Plan (LEMP) for the site shall be submitted to and approved by the Local Planning Authority. Such measures should include the provision of;

- Native species-rich hedgerow to mitigate the loss of hedgerow on site;
- Native tree and shrub planting (to exceed the number lost to the development);
- Diversification of existing retained areas of grassland by additional planting or sowing a range of grasses and broadleaved herbaceous species to create 'wildflower grassland'.
- Flower-rich lawn for all new amenity grassland creation to include a greater variety of broadleaved herbaceous species and grasses than the usual monocultures or species-poor mixtures generally used (must be tolerant to frequent management).

In addition to the above, site wide biodiversity enhancement opportunities should be provided as follows;

- General bird nesting boxes to be installed on each of the new buildings;
- Artificial bird nest boxes suitable for house sparrow and house martin to be installed on each of the proposed new buildings;
- Integrated bat roosting box built into the exterior walls of each of the new buildings;
- Installation of two hedgehog boxes in the bases of the retained hedgerows on the site.

The LEMP shall include an implementation timetable, details relating to all proposed planting species, management/maintenance prescriptions and planting schedules. The makes, models and appropriate locations of biodiversity enhancements should be shown on an appropriate plan/drawing accompanying the LEMP. The LEMP shall be submitted to and approved in writing by the Local Planning Authority (LPA).

Thereafter the development shall be implemented and maintained in accordance with the approved details.

Reason: In order to protect the biodiversity and wildlife on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Prior to first occupation of the hereby approved development, and in accordance with recommendations made within the Preliminary Ecological Appraisal (PEA) completed by Udall-Martin Associates Ltd, November 2023, consideration for nocturnal wildlife should be given. A lighting strategy should be submitted to prevent unnecessary light spill onto habitats of high value for nocturnal wildlife such as woodland and hedgerows, all external artificial lighting should conform with the latest edition of the Bat Conservation Trust (BCT) guidelines. Any new lighting will be sympathetic to the needs of roosting, foraging and commuting bats and other nocturnal wildlife such as badgers. The strategy shall be submitted to and approved in writing by the Local Planning Authority (LPA) and thereafter the development shall be implemented and maintained in accordance with the approved details.

Reason: In order to protect the biodiversity and wildlife on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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.
2. Any vegetation clearance should be carried out outside the bird breeding season (which runs from March to September, inclusive), to avoid adverse impacts to nesting birds. However, if works are carried out during the bird breeding season, firstly a nesting bird check would be required by an ecologist. Any nests confirmed to be active will need to be retained in situ until the chicks have naturally fledged and further site monitoring visits are likely to be required to confirm this.