

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Planning Permission

Name and Address of Applicant

Mr P Pearson
United Education Services Ltd
The Old Coach House
Gainsborough Road
Drinsey Nook
Lincoln
LN1 2JJ

Name and Address of Agent (if any)

Mr Niell Bayes
SRA Architecture Ltd
The Quays
Burton Waters
Lincoln
LN1 2XG

Part I - Particulars of Application

Date of Application

30 June 2023

Application No.

23/00647/FUL

Particulars and location of development :

Proposed classroom block within woodland for SEN Education Facility

Oakwood School Heath Road Bagworth Heath Bagworth Nuneaton

Part II - Particulars of decision

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following conditions :-

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

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

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.

C. Brown.

Christopher Brown MRTPI
Head of Planning

Date : 20 February 2025

NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.
2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.
3. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months (see para 2a below) of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/appeal-planning-decision>). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that the permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 5th September 2003 must be made within six months of the date of this notice.
4. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application then, you must do so in accordance with the guidance found using the following link <https://www.gov.uk/appeal-enforcement-notice>.
5. If permission to develop land is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. This permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a Listed Building, for which separate consent is required. Amongst other things the consent of the Council of the district in which the land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED : ACCESS AND PROVISION FOR THE DISABLED PERSONS

- 1 The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons 1981, Building Regulations 1991 "Access and facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice B.S 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, B.S. 5810 : 1979, "Access for the Disabled to buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings."
- 2 The buildings to which these requirements apply are :-
 - a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies.
 - b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act.
 - c) Factories as defined by Section 175 of the Factories Act 1961.
Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

PPNOTES (02/07/2014)



Hinckley & Bosworth
Borough Council

Start Notice

Important Information – Please keep this with your decision notice

Please read the above decision notice carefully and ensure that you understand and comply with the requirements of any planning conditions imposed.

If you require any further information about why a particular planning condition has been imposed or in respect of what information is needed to discharge your condition please contact the case officer who will be happy to advise of the requirements and information required.

We carry out a programme of site monitoring to check compliance with conditions in order to proactively manage the development and to ensure development is carried out in accordance with the planning permission granted.

Please ensure that any application for the discharge of pre-commencement conditions are carried out in a timely manner as this may take up to 8 weeks depending on the requirements of the condition. Please also be aware there is a charge to discharge conditions per request which means you can discharge conditions individually or group details together as a single request to discharge multiple planning conditions. The fee for discharging these pre-commence conditions, can be found on the [planning portal](#).

We would be grateful if you could email the development address and application reference number with your contact details and the intended start date by email to planning@hinckley-bosworth.gov.uk or complete the form on the reverse.

Hinckley & Bosworth Borough Council
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR
TEL: 01455 238141 EMAIL: planning@hinckley-bosworth.gov.uk



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Borough Council

Development Details

Planning application ref:	23/00647/FUL
Proposal:	Proposed classroom block within woodland for SEN Education Facility
Site Location:	Oakwood School Heath Road Bagworth Heath Bagworth Nuneaton

Date when work is intended to start:	
Have all pre-commencement conditions been discharged?	
Signed:	Print Name:

Your contact details (or attach letterhead/business card):

Name:	
Address:	
Telephone:	
Mobile:	
Email:	

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