



**TOWN & COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015
NOTICE OF DECISION OF COUNTY PLANNING AUTHORITY**

To: Mr David Ardley, Pick Everard, Halford House, Charles Street, Leicester, Leicestershire LE1 1HA.

The **WARWICKSHIRE COUNTY COUNCIL**, having considered the application for the construction of 4 new classrooms and 1 teaching space with internal re-configuration to other area, associated drainage and ground works and installation of cycle and scooter shelters at Michael Drayton School, The Woodlands, Hartshill, CV10 0SZ [Grid ref: 432552.294007] made by you on behalf of the County Council under Regulation 3 of the Town and Country Planning General Regulations 1992 and deposited with the County Council on 26 June 2018

HEREBY GIVE YOU NOTICE that **PERMISSION** is **GRANTED** for the above mentioned development subject to the following conditions:-

COMMENCEMENT DATE

1. The development hereby approved shall be commenced no later than 3 years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

GENERAL OPERATIONS

2. The development hereby approved shall be implemented in accordance with the:

- MD001-PEV-XX-ZZ-DR-A-9030 Rev P01 Site Plan
- MD001-PEV-XX-ZZ-DR-C-0110 Red Line Boundary
- MD001-PEV-XX-ZZ-DR-A-9040 Rev P01 Proposed Phasing Diagram
- MD001-PEV-XX-ZZ-DR-A-9050 Rev P01 Proposed Elevations Showing Materials
- MD001-PEV-XX-ZZ-DR-A-9110 Rev P01 Proposed Floor Plan
- MD001-PEV-XX-ZZ-DR-A-9500 Rev P01 Proposed Floor Plan Showing Refurbishment
- MD001-PEV-XX-ZZ-DR-E-0801 Rev P01 Proposed External Lighting Layout

- WAR7-PEV-XX-ZZ-DR-C-0500 Rev P02 Proposed Drainage Layout Phase One Sheet 1 of 2
- WAR7-PEV-XX-ZZ-DR-C-0501 Rev P02 Proposed Drainage Layout Phase One Sheet 2 of 2
- WAR7-PEV-XX-ZZ-DR-C-0502 Rev P02 Proposed Drainage Layout Phase Two
- WAR007-PEV-XX-ZZ-DR-C-0510 Rev P01 Typical Drainage Details
- WAR7-PEV-XX-ZZ-DR-C-700 Rev P02 External Works Phase One
- WAR7-PEV-XX-ZZ-DR-C-701 Rev P02 External Works Phase 2
- WAR7-PEV-XX-ZZ-DR-C-0713 Rev P01 Vehicle Tracking
- MK PE M DRAYTON 01 Landscaping Plan dated 18.06.18
- Design and Access Statement
- Ecological Appraisal dated June 2018
- Sustainable Design Statement: JMS/AJM/VSS/171638/17- 2/R001 Issue Number 01 dated 15.06.18
- Transport Statement: MC/MPC/MLH/VSP/171638/17-2/R003 Issue 01 dated 15 June 2018
- Flood Risk Assessment: MC/EST/171637/17.2/R001 – Issue number 01 dated 05/06/18
- Drainage Strategy: MJC/KJD/171638/17-2 Issue 01 dated 25/06/18

and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: To define the permission and to ensure that the permission is implemented in all respects in accordance with the submitted details.

3. The development hereby permitted (including demolition) shall not be commenced until a bat survey of the trees to be removed, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and if evidence of the presence of bats is found, a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the County Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development.

4. No building or tree shall be removed between March and September unless a suitably qualified ecologist has carried out an inspection and given written confirmation to the County Planning Authority that there are no nesting birds in the building or tree concerned or that young have fledged or the County Planning Authority has agreed otherwise in writing.

Reason: To ensure that protected species are not harmed by the development.

5. No development shall commence until an ecological mitigation and enhancement scheme for the development has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of the following:

- method statement for works with regard to reptiles and great crested newts, nesting birds and bats
- timing of works and details of biodiversity enhancement features including native nectar-rich planting to attract wildlife and
- any bat and bird boxes to be installed within the development.

The scheme shall thereafter be carried out in accordance with the approved details.

Reason: In accordance with NPPF, ODPM Circular 2005/06.

6. The development hereby permitted shall not commence until a Construction and Ecological Management Plan has been submitted to and approved in writing by the County Planning Authority and any pre-commencement measures in the approved plan have been implemented. The Plan shall include pre-commencement checks for great crested newts, reptiles and breeding birds, and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The approved Construction and Ecological Management Plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development.

7. No works shall commence on site, including site clearance, until a combined Ecological and Landscaping Scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of SUDS creation. The development shall be carried out in accordance with the Scheme (or any variation) so approved.

Reason: In accordance with NPPF, ODPM Circular 2005/06.

8. The development shall not be occupied until Church Close (D271) has been improved with a scheme to deter on-street parking that obstructs residents' driveway accesses, which shall have been submitted to and approved in writing by the County Planning Authority.

Reason: In the interests of highway safety.

9. Prior to the occupation of the development the Applicant shall submit a Parking Management Strategy in writing to the County Planning Authority for their approval. The Strategy shall include details of the management of car parking within the school grounds and the pick-up/drop-off area at the rear of the school site (off Church Road) for cars and buses. The Strategy (or any variation) so approved shall be implemented at all times following such occupation.

Reason: In the interest of highway safety and to ensure the safe and effective operation of the parking facilities within the school premises.

10. Prior to commencement a Construction Management Plan (CMP) shall be submitted to and approved in writing by the County Planning Authority. The CMP shall include measures to ensure that mud and debris will not be deposited on the highway as a result of construction traffic, HGV routing and any associated traffic management, arrangements for contractor parking, arrangements for on-site turning and manoeuvring when materials are delivered and a schedule of timings for deliveries to ensure school drop-off/pick-up times are not in conflict. The measures shall be implemented during the period of construction.

Reason: In the interests of highway safety.

11. The development shall not be occupied until a revised layout for the Church Road 'loop' has been submitted to and approved in writing by the County Planning Authority. The approved layout shall be implemented prior to occupation of the development and thereafter retained unless otherwise approved in writing by the County Planning Authority.

Reason: In the interest of highway safety and to ensure the safe and effective operation of the parking facilities within the school premises.

12. Within six months from the date of this permission, a revised travel plan promoting sustainable transport choices to the site shall be submitted to and approved in writing by the County Planning Authority. The plan shall:

(i) specify targets for the proportion of staff and students travelling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;

(ii) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement; and

(iii) identify a senior manager of the school with overall responsibility for the plan and a scheme for involving staff, pupils and visitors of the school in its implementation and development.

The plan (or any variation) so approved shall thereafter be implemented in full at all times.

Reason: In order to minimise traffic, congestion and potential parking issues in and around the school site and to preserve highway safety.

Notes:

Permitted Development works note:

Many buildings contain wildlife such as bats and nesting birds that are protected by law. Works carried out under Permitted Development Rights do not override the protection afforded to these species and their habitats. You must take steps to ensure that the work you are carrying out will not harm any protected species, and if it may do so you must also obtain permission from Natural England prior to carrying out the work. WCC Ecological Services have suggested that the proposed works may impact bats and advise that a bat survey should be carried out. For more information on protected species please see:

http://www.bats.org.uk/pages/natural_england_roost_visits.html

General trench note:

Particular care should be taken when clearing ground prior to development, and if evidence of badger, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptile sloughs or badgers, snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 01733 455136. Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992, making it illegal to carry out work that may disturb badgers

without a Natural England licence. Reptiles and amphibians are protected to varying degrees under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species.

Standard Bat note:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) making them a European Protected Species. It is a criminal offence to disturb or destroy a bat 'roost' even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0300 060 3900. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 0845 1300 228 for advice on the best way forward to proceed.

Bat lighting note:

Lighting can have a harmful effect on bats impacting on their use of a roost and also their commuting routes and foraging areas. Light falling on a roost access point is likely to delay bats from emerging, which can be especially damaging around dusk as that is when there is a peak in the number of insects. In the worst case scenario, it can cause the bats to desert the roost. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended), the latter of which deems them a European Protected Species. Bats, birds and other nocturnal animals should always be taken into account when lighting is being considered. It is respectfully advised that lighting is kept to a minimum around the roof area and is limited to illuminating the ground and not any possible access points or foraging corridor. For further advice on this please contact the WCC Ecological Services on 01926 418060.

Trees to be surveyed for bats prior to removal note:

If mature trees are likely to be affected by the development, (e.g. by felling or lopping work), it is important to survey these trees for the presence of bats, prior to works commencing. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010, the latter of which deems them a European Protected Species. It is a criminal offence to disturb or destroy a bat 'roost', even if the roost is only occasionally used. In considering planning applications that may affect European Protected Species, the Local Authority is bound by the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their functions.

Bat and Nesting Bird tree note:

If it is essential to fell or lop any trees or part of the hedgerows, it should be ensured that this work does not disturb nesting birds, with work ideally being conducted outside the main breeding season (March-September). All nesting birds are protected from disturbance or injury under the 1981 Wildlife and Countryside Act. In addition, if mature trees are likely to be affected by the development, (e.g. by felling or lopping work), it is important to survey these trees for the presence of bats, prior to work commencing. Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act, and are also deemed a European Protected Species. Local Authorities are bound

by the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their functions.

Warwickshire Fire and Rescue Authority notes:

The development should meet compliance with Approved Document B, Volume 2, Section B5 – Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc. regarding this can be found at

<https://www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning>

Where compliance cannot be met, please provide details of alternative measures you intend to put in place. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18; Access for Emergency Vehicles.

For consideration - Warwickshire Fire and Rescue Authority fully endorse and support the fitting of Sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251 : 2014, residential premises. Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site during construction and once completed, is maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access.

Warwickshire County Highways notes:

- Prior to commencement of development, the applicant is required enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County's Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer.

- Warwickshire County Council as the Highway Authority cannot enter in to a Highway Agreement with the applicant as they are also Warwickshire County Council. The applicant / developer will be responsible for all costs involved in the technical approval and monitoring of all highway works. As such, letters of agreement will be necessary between the parties in regard to responsibilities and compliance. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION

North Warwickshire Local Plan Core Strategy – Adopted Oct 2014

NW10 - Development Considerations

NW12 - Quality of Development North Warwickshire Borough Local Plan 2006

ENV11 - Neighbour Amenity

ENV12 - Urban Design

ENV13 - Building Design

ENV14 - Access Design

TPT3 – Access and Sustainable Travel and Transport

TPT6 – Vehicle Parking

Appendix 4 – Parking Standards – D1 Schools and Colleges

**STATEMENT REQUIRED BY ARTICLE 35(2) OF THE TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework.

DATED 12th October 2018



Joint Managing Director

Shire Hall
Warwick
CV34 4RL

**IT IS IMPORTANT THAT YOU READ
THE NOTES AT THE END OF THIS NOTICE**

NOTES:

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990.
2. 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 within:

28 days of the date of service of the enforcement notice, or
6 months of the date of this notice,

whichever period expires earlier.
3. If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
4. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate
5. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of an appeal.
6. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
7. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notices

8. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
9. In these circumstances the owner may serve a purchase notice on the Council (that is where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and County Planning Act 1990.