

**To: The Deputy Leader and Members of the Planning and Development Board**

**(Councillors Simpson, Bates, Bell, Chapman, Dirveiks, Fowler, Gosling, Hayfield, Hobley, Humphreys, Jarvis, Parsons, H Phillips, Reilly, Ridley and Ririe)**

**For the information of other Members of the Council**

For general enquiries please contact the Democratic Services Team on 01827 719237 via  
e-mail – [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk)

For enquiries about specific reports please contact the officer named in the reports.

The agenda and reports are available in large print and electronic accessible formats if requested.

## **PLANNING AND DEVELOPMENT BOARD AGENDA**

**3 MARCH 2025**

The Planning and Development Board will meet on Monday, 3 March 2025 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The day after the meeting a recording will be available to be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

### **AGENDA**

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

## REGISTERING TO SPEAK AT THE MEETING

Anyone wishing to speak at the meeting, in respect of a Planning Application, must register their intention to do so by 1pm on the day of the meeting, either by email to [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk) or by telephoning 01827 719221 / 719226 / 719237.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber; or
- (b) attend remotely via Teams.

If attending in person, precautions will be in place in the Council Chamber to protect those who are present however this will limit the number of people who can be accommodated so it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via Teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. The Chairman of the Board will invite a registered speaker to begin once the application they are registered for is being considered.

- 4 **Minutes of the meeting of the Board held on 3 February 2025** – copy herewith, to be approved and signed by the Chairman.

## ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 5 **Planning Applications** - Report of the Head of Development Control

### **Summary**

Town and Country Planning Act 1990 – applications presented for determination.

- 5a **Application No's: PAP/2024/0230 and PAP/2024/0291 - Abm Precision Engineering Ltd, Coleshill Road, Ansley**

PAP/2024/0230 - Retrospective application for concrete hardstanding

PAP/2024/0291 - The change of use of land from agriculture, to a service yard and car parking area, ancillary to the adjoining industrial unit

**5b Application No: CON/2025/0007 - Land south east of East Midlands Airport, east of Diseworth and west of junction 23a of M1 motorway**

Proposed second phase of the SEGRO Logistics Park East Midlands Gateway (EMG1) involving 105 hectares of land for a new multi-unit logistics/industrial development, comprising a maximum of 300,000 square metres of warehousing and manufacturing space, with an additional 1000 square metres of internal mezzanine space together with highway improvements at Junction 24 of the M1 Motorway and to construct additional warehousing on Phase One and to increase the height of the cranes at the existing rail-freight terminal

**5c Application No: PAP/2023/0324 - White Hart Inn, Ridge Lane, Nuneaton, CV10 0RB**

Erection of 3no. dwellings (outline: access only)

**5d Application No: PAP/2024/0546 - Wood End Recreation Ground, Johnson Street, Wood End**

Works to tree protected by TPO order - T1 Oak (04XS) fell to ground level and treat stump to inhibit regrowth

**5e Application No's: PAP/2024/0513 and PAP/2024/0514 - Trent House, 102 Long Street, Atherstone, CV9 1AN**

Planning and Listed Building applications for the demolition of existing outbuildings for the provision of six new build dwellings along with change of use of existing listed commercial premises for the provision of fourteen flats

The Contact Officer for this report is Jeff Brown (719310).

**6 Tree Preservation Order - Land at the junction of Birmingham Road and Orton Close, Water Orton - Report of the Head of Development Control**

**Summary**

A Tree Preservation Order has been placed on five individual trees and one group of trees located at the junction of Birmingham Road and Orton Close, Water Orton. It came into force on 7 November 2024 and lasts six months (until 7 May 2025). This report seeks to make the Order permanent.

The Contact Officer for this report is Erica Levy (719294).

7 **Exclusion of the Public and Press**

**To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

8 **Tree Preservation Order** - Report of the Head of Development Control

The Contact Officer for this report is Christina Fortune (719481).

9 **Update to members following discussions at previous Board Meeting** - Report of the Head of Development Control

The Contact Officer for this report is Ryan Lee-Wilkes (719290).

10 **Confidential Extract of the Minutes of the Planning and Development Board held on 3 February 2025** – copy herewith to be approved as a correct record and signed by the Chairman.

STEVE MAXEY  
Chief Executive



## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

3 February 2025

Present: Councillor Simpson in the Chair

Councillors Bell, Chapman, Dirveiks, Fowler, Hayfield, Humphreys, Jarvis, Parsons, O Phillips, H Phillips, Ridley and Ririe.

Apologies for absence were received from Councillor Bates, Hobley, Gosling (Substitute Councillor O Phillips) and Reilly.

#### 64 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Parsons declared a non-pecuniary interest in Minute No 86 (Submission of Polesworth Neighbourhood Plan for Referendum)

Councillors H Phillips and O Phillips declared non-pecuniary interests in Minute No 67e (Application No PAP/2024/0586 – Land 400 Metres West of Camp Farm, Knowle Hill, Hurley).

#### 65 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 6 January 2025, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

**Note: Due to the number of members of the public who had attended in relation to the Applications at Minute Nos 67k and 67l, below the Chairman proposed, and the Board agreed, to consider those items first**

#### 66 **Submission of Polesworth Neighbourhood Plan for Referendum**

The Chief Executive Informed Members on the progress of the Polesworth Neighbourhood Plan and sought approval for a formal referendum to take place, in accordance with regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

##### **Resolved:**

- a That a referendum for the Polesworth Neighbourhood Plan (as amended) be taken forward; and**
- b That officers undertake some research with those groups that have been involved in the preparation of Neighbourhood Plans, in order to understand how the process might be improved, and that this is referred back to the Board.**

## 67 Planning Applications

The Head of Development Control submitted a report for the consideration of the Board.

### **Resolved:**

- a That Application No: PAP/2023/0386 – The Rectory, Rectory Farm Estate, Main Road, Baxterley, Atherstone, CV9 2LW be granted subject to the conditions set out in the report of the Head of Development Control;**
- b That in respect of Application No: PAP/2024/0577 - Land North Of Park Lane Farm, Park Lane, Astley be noted and that a site visit be undertaken prior to its determination;**
- c That Application No: PAP/2024/0575 - Land Adjacent to Coleshill Manor, Off South Drive, Coleshill, B46 1DF be granted subject there being no objections received that cannot be overcome by the imposition of planning conditions, and subject to the conditions set out in the report of the Head of Development Control. In the event of an objection that cannot be so overcome, then the matter is referred back to the Board;**  
  
**{Speaker: Richard Gamble}**
- d That Application No: PAP/2024/0582 - Land West of Marston Fields Farm, Kingsbury Road, Lea Marston be noted and that Members visit the site prior to determination of the application;**
- e That Application No: PAP/2024/0586 - Land 400 Metres West Of Camp Farm, Knowle Hill, Hurley, Warwickshire be noted and and that Members visit the site prior to determination of the application;**  
  
**{Speaker: John Given}**
- f That Application No: PAP/2024/0453 - Lynwyn, Botts Green Lane, Over Whitacre, Coleshill, B46 2NY be granted subject to the submission of a Section 106 undertaking based on the content of the report and subject to the conditions set out in the report of the Head of Development Control;**
- g That Application No: PAP/2018/0686 - Kingsbury Hall, Coventry Road, Kingsbury be noted and a site visit be arranged;**
- h That Application No: PAP/2024/0546 - Wood End Recreation Ground, Johnson Street, Wood End be deferred for further information;**

- l** That the Council does not wish to submit any representations in respect of Application No: CON/2025/0003 - A46 Walsgrave Junction, Coventry;
- j** That Application No: PAP/2024/0513 and 2024/0514 - Trent House, 102, Long Street, Atherstone, CV9 1AN
  - a** That the principle of the development be agreed but that revisions be made to the design of the new houses , and these be referred back to the Board for determination; and
  - b** That subject to there being no objection from the Lead Local Flood Authority (“LLFA”) that cannot be overcome by conditions, both planning and listed building consents be granted subject to the conditions set out in the report of the Head of development Control. If the objection is not removed, then the matter to be referred back to the Board.
- k** That Application No: PAP/2022/0423 - Land to the south of, Watling Street, Caldecote, CV10 0TS be granted, subject to the conditions already reported to the Board in January 2025, together with the completion of a Section 106 Agreement based on the matters included in the Officer Report to that same meeting.

**Speakers: {Mark Simpson, Andy Macdonald and Graeme Warriner}**

- l** That in respect of Application No: PAP/2023/0071- Land 800 Metres South Of Park House Farm, Meriden Road, Fillongley, it was resolved that:
 

**“in light of the updated NPPF of December 2024, the Council’s position is that purpose (c) of including land within the Green Belt, as defined by para 143 of the NPPF, continues to apply, and thus the Council’s position in respect of this appeal remains unchanged”.**

**68 PAP/2024/0559 – Prior Approval for Demolition**

The Head of Development Control referred the decision on application PAP/2024/0559 to the board in order to inform Members of the Local Planning Authority's decision to not require prior approval for the demolition of the bungalow and garage at 88 Birchmoor Road, Polesworth.

**Resolved:**

**That the decision made be noted.**

**69 Infrastructure Funding Statement.**

The Head of Development Control presented the Infrastructure Funding Statement is an annual report which set out the financial contributions received through Section 106 Agreements in the last year and highlighted what had been spent and how any monies retained will be expended.

**Resolved:**

**That the Statement be noted and published and that further meetings of the Section 106 Group be arranged.**

**70 Reforming Planning Committees.**

The Head of Development Control explained that the Government, as part of its planning reforms is to introduce a Planning and Infrastructure Bill later this year. One of the proposals that might be included is the reform of present Local Planning Authority planning decision-making processes. It has published a working paper in order see whether to include such a reform in that Bill. The Board was invited to respond.

**Resolved:**

**That the Board resolves to convene a separate meeting for all Members in order to discuss the issues raised.**

**71 General Fund Revenue Budget – 2024/25 Forecast and 2025/26 Estimates and Fees and Charges.**

The Interim Corporate Director – Resources (Section 151 Officer) reported on the revised budget for 2024/25 and an estimate of expenditure for 2025/26, together with forward commitments for 2026/27, 2027/28 and 2028/29. It also included a review of the fees and charges for Planning and Development with recommendations for increases.

**a That the forecast budget for 2024/25 be approved;**

**b That the 2025/26 estimates, as presented in the report for inclusion in the overall Tax Set 2025/26 report for the Executive Board on 10 February 2025, be approved;**

- c That the growth bid for planning appeals of £225,000 for 2025/26 in line with the current year, the figure is included in the figures reported in Appendix A & B, be approved;
- d That the growth of £44,870 required to remain in the Central Building Control Partnership, the figures are already included in the figures presented be approved; and
- e That the fees and charges as detailed in Appendix C be approved.

**72 Exclusion of the Public and Press**

**That under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by paragraphs 5 and 6 of Schedule 12A to the Act.**

**73 Enforcement Actions**

The Head of Development Control provided a summary for the Board detailing the current planning position and proposed enforcement actions on the site and adjacent land parcels.

**Resolved:**

**That the recommendation, as set out in the report of the Head of Development Control, be approved.**

**74 Exempt extract of the Minutes of the meeting of the Planning and Development Board held on 6 January 2024.**

That the exempt extract of the Minutes of the meeting of the Planning and Development Board held on 6 January 2024, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

M Simpson  
Chairman

## **Agenda Item No 5**

### **Planning and Development Board**

**3 March 2025**

### **Planning Applications**

#### **Report of the Head of Development Control**

#### **1 Subject**

- 1.1 Town and Country Planning Act 1990 – applications presented for determination.

#### **2 Purpose of Report**

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications.

#### **3 Implications**

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

#### **4 Site Visits**

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.

- 4.2 Members are reminded of the “Planning Protocol for Members and Officers dealing with Planning Matters”, in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

## 5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council’s web site: [www.northwarks.gov.uk](http://www.northwarks.gov.uk).
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 7 April 2025 at 6.30pm in the Council Chamber

## 6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:  
[https://www.northwarks.gov.uk/info/20117/meetings\\_and\\_minutes/1275/speaking\\_and\\_questions\\_at\\_meetings/3](https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3).

## Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
5/a	PAP/2024/0230  & PAP/2024/0291	1	<b>Abm Precision Engineering Ltd, Coleshill Road, Ansley,</b>  PAP/2024/0230 -Retrospective application for concrete hardstanding  PAP/2024/0291 - The change of use of land from agriculture, to a service yard and car parking area, ancillary to the adjoining industrial unit	General
5/b	CON/2025/0007	17	<b>Land south east of East Midlands Airport, east of Diseworth and west of junction 23a of M1 motorway,</b>  Proposed second phase of the SEGRO Logistics Park East Midlands Gateway (EMG1) involving 105 hectares of land for a new multi-unit logistics/industrial development, comprising a maximum of 300,000 square metres of warehousing and manufacturing space, with an additional 1000 square metres of internal mezzanine space together with highway improvements at Junction 24 of the M1 Motorway and to construct additional warehousing on Phase One and to increase the height of the cranes at the existing rail-freight terminal	General
5/c	PAP/2023/0324	19	<b>White Hart Inn, Ridge Lane, Nuneaton, CV10 0RB</b>  Erection of 3no. dwellings (outline: access only)	



5/d	PAP/2024/0546	89	<b>Wood End Recreation Ground, Johnson Street, Wood End</b>  Works to tree protected by TPO Order – T1 Oak (04XS) – fell to ground level and treat stump to inhibit growth	
5/e	PAP/20240513 and PAP/2024/0514	96	<b>Trent House, 102 Long Street, Atherstone</b>  Planning and Listed Buildings applications for the demolition of existing outbuilding for the provision of six new build dwelling along with change of use of existing listed commercial premises for the provision of fourteen flats	

## **General Development Applications**

**(5/a) Application No's: PAP/2024/0230 and PAP/2024/0291**

**Abm Precision Engineering Ltd, Coleshill Road, Ansley,**

**PAP/2024/0230 -Retrospective application for concrete hardstanding, for**

**PAP/2024/0291 - The change of use of land from agriculture, to a service yard and car parking area, ancillary to the adjoining industrial unit, for**

**Mr Shaan Chaudry**

### **1. Introduction**

- 1.1. There are two applications as part of this Board Report. The applications received public objections whereas the Officer's recommendation is for approval. Under the Council's Scheme of Delegation, the draft Officer's Report was circulated to the Members in line with that Scheme and A local Member requested that the applications are referred to Board because of the potential adverse impacts.

### **2. The Site**

- 2.1. The application site comprises an area of land located to the rear of and adjacent to a site previously occupied by ABM Precision Engineering (a manufacturing company). For clarity, whilst ABM Precision Engineering no longer operate from the building, for ease of reference the building will be referred to as 'ABM Precision Engineering' in the remainder of the Report.
- 2.2. Nuneaton Garage, a vehicle repair and MOT company, is located adjacent to the former ABM Precision Engineering building. There is also a former colliery building.
- 2.3. The site is situated to the south of Coleshill Road. It is outside of a defined settlement boundary and is located approximately 270m to the west of the Ansley Development Boundary. Surrounding the site is open countryside.

### **3. The Proposal**

- 3.1. There are two retrospective applications for the site. This Board Report addresses both of these applications.
- 3.2. Firstly, PAP/2024/0230 is for the retrospective laying of a hardstanding surface. This is confirmed by the applicant to be the laying of 6 inches of concrete onto the existing ground. No further engineering operations have been carried out.
- 3.3. Secondly, PAP/2024/0291 is for the retrospective change of use of the land from agricultural use to a service yard and car parking area of 20 spaces which is to be used ancillary to the adjoining industrial unit (the former ABM Precision Engineering).

- 3.4. Plans for both applications are attached at Appendix A and Appendix B.

#### **4. Background**

- 4.1. There was a third retrospective application on the site for the siting of external lighting (Ref: PAP/2024/0229). This was withdrawn in October 2024.
- 4.2. There is no other known planning history on the Local Planning Authority's cross-system check.
- 4.3. During the determination of the application, palisade fencing has been erected on the northern edge of the site, adjacent to the highways. The fencing is over 1m tall and therefore requires planning permission. The applicant has been invited to provide information on the fencing as part of PAP/2024/0230 and PAP/2024/0291. The vehicle tracking drawings and proposed site plans do not take in account the recently installed gates/fencing. Therefore, a condition has been requested by the Highways Authority to secure the location of the gates to ensure vehicles are not required to stop on, or reverse back onto, the public highway.

#### **5. Development Plan**

North Warwickshire Local Plan 2021: LP1 (Sustainable Development); LP2 (Settlement Hierarchy); LP11 (Economic Regeneration); LP14 (Landscape); LP15 (Historic environment); LP16 (Natural Environment); LP29 (Development Considerations); LP30 (Built Form) and LP33 (Water Management).

#### **6. Other Relevant Material Considerations**

National Planning Policy Framework December 2024 – ( the "NPPF")

#### **7. Consultations**

- 7.1. As this Board Report covers both PAP/2024/0230 and PAP/2024/0291, the consultation comments received are presented for each application.

- 7.2. PAP/2024/0230 (Concrete Hardstanding)

Warwickshire County Council Highways Authority - No objection.

- 7.3. PAP/2024/0291 (Change of Use)

North Warwickshire Borough Council Environmental Health Officer - No objection.

Warwickshire County Council Highways Authority - No objection subject to condition.

Warwickshire County Council Archaeology – No objection

## 8. Representations

8.1. Eleven comments of objection relating to both PAP/2024/0230 and PAP/2024/0291 have been received, referring to:

- Allowing agricultural land to be developed would set a precedent.
- There is no mention of the use of the land - there are already 2 containers. Concern for the advertising of container storage.
- Loss of green fields.
- Cars turning up are an infringement.
- Field margins should be preserved to provide valuable habitat for wildlife.
- Would permanently change the character of the area. The area will have a modern look which will be out of character with how it is now and has been for many years.
- Turning into or out of the ABM site is hazardous and the development would increase the amount of traffic.
- Additional industrial use may create noise pollution for nearby residents. HGVs will create greater levels of pollution for residents.
- Without proper drainage, surface water run-off is likely to flood surrounding land.
- There is insufficient information. There is no detail on the proposed changes or works.
- This application is on agricultural land which is vital for food security and safeguarding the environment.
- The Old Colliery Buildings have become part of the local heritage. The proposed development would be to the detriment of the heritage.

## 9. Observations

### a) Principle of Development and Use Class

- 9.1 The application site, including the adjacent ABM Precision Engineering building, are outside of a defined settlement boundary. It is located 270m west of the Ansley settlement boundary. Local Plan Policy LP2 (Settlement Hierarchy) states that outside of settlement boundaries, development will not generally be acceptable albeit, there may be some instances where development may be appropriately located, for example where it would enhance or maintain the vitality of rural communities.
- 9.2 There is no known planning history for the site. However, based on the previous operations as an engineering firm on the site from the 1964 until around 2023 (as on Companies House), the view that is held by officers is that the building has a lawful B2 (General Industrial) Use.
- 9.3 The wider site offers facilities for small to medium sized enterprises (including ABM Precision Engineering and Nuneaton Garage) due to the very nature of the size and scale of the site. However, the site is an established site, offering employment in the locality. Local Plan Policy LP11 (Economic Regeneration) seeks for the delivery and protection of employment generating uses, including the redevelopment of existing sites and farm diversification. LP11 states *'proposals for new development and redevelopment of existing employment land*

*outside of development boundaries will be considered against LP1 and LP2 and should seek to retain the rural character, appearance and openness to the countryside'. As such, whilst development which protects and improves employment opportunities in the Borough is supported in principle, the site is outside of a settlement boundary and therefore for the change of use to be acceptable, such development will be considered on its merits and with regards to other policies in the Local Plan including those related to character and appearance.*

- 9.4 This application is to be determined in accordance with the aforementioned development plan policies, unless material considerations indicate otherwise, pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. Local Plan Policy LP1 effectively mirrors Section 38(6) of the Planning and Compulsory Purchase Act 2004 as it states that planning applications that accord with the policy in the Plan (and where relevant, with other development plan policies including those in Neighbourhood Plans) should be approved without delay, unless material considerations indicate otherwise.

**b) Use of the Service Yard and Parking Area**

- 9.5 In reviewing the use class of the service yard and car parking area, it is pertinent to consider its relationship to ABM Precision Engineering.
- 9.6 The use of the area within the red line plan will be a service yard and car parking area, ancillary to the adjoining ABM Precision Engineering Unit (that which has a lawful B2 use). The applicant has explained that the tenant is likely to be a specialist telecoms/engineering distribution company, however in determining a full planning application, the exact end user is not required. The use of the service yard and parking area is dependent on the use and operation of the unit. The B2 use of the ABM Precision Engineering unit is the lawful use that keeps the building operations going; without that, the service yard is pointless. Therefore, the service yard would be B2 along with the unit.
- 9.7 It should be noted that the site still benefits from Permitted Development Rights. Whilst it is not considered that ABM Precision Engineering has B8 (Store and distribution) uses, under Schedule 2, Part 3, Class I of the Town and Country Planning (General Permitted Development) Order 2015, a change of use of a building falling within B2 to a purpose falling within B8 could occur. This is subject to a limitation of 500m<sup>2</sup> maximum floorspace within the building. ABM Precision Engineering has a floor area of approximately 1,400m<sup>2</sup>. Therefore, part of the building could lawfully be used for B8 use. Otherwise, if the whole building was to be used for B8 use, a change of use application will be required. If 500m<sup>2</sup> or less of the building floorspace was to be converted to B8 use, the use of the area of hardstanding for a service yard and car parking would still be acceptable given the above explanation on the fact the service yard is an ancillary use and therefore its use is reliant on the operations of the ABM Precision Engineering building.

### c) Highways Matters

- 9.8 Local Plan Policy LP29 point 6 states that development should '*provide safe and suitable access to the site for all users*'. This is echoed in Paragraph 115 of the NPPF. Paragraph 116 goes on to say. '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe taking into account all reasonable future scenarios.*'.
- 9.9 The focus of the planning balance is on the proposed use of the land. This is not an application for a new B2 or B8 use of the building. The lawful use of the buildings is B2, and all associated trip generation would therefore be lawful. The consideration comes down to whether the two access points for the use of the service yard and car parking, ancillary to the B2 unit, would therefore be suitable for this function.
- 9.10 The justification put forward for a new service yard is that it will provide further operational space. The existing access arrangements will not be altered. The service yard will provide greater space for the safe manoeuvring of HGVs within the site.
- 9.11 The justification for the parking spaces is that it is betterment of highway safety. Vehicles can be located in designated bays, within a secure site and away from HGV manoeuvring routes. The car parking standards that are applied are in relation to the use of ABM Precision Engineering and are not applied based on the size of the hardstanding application site. This is 1,400m<sup>2</sup> of floorspace. If the unit is to continue to be used wholly for B2 uses, this requires 14 spaces. If the unit was to be used wholly for B8 uses (notwithstanding permitted development rights or the need for planning permission), this would require 10 spaces. In considering all eventualities, if the site was to be a mix of 50% B2 and 50% B8, this would require 12 spaces. As such, the provision of 20 marked out spaces is sufficient and in accordance with the Local Plan Parking Standards.
- 9.12 The Highway Authority has been consulted on for both PAP/2024/0230 and PAP/2024/0291. They have no objection to PAP/2024/0230 (hardstanding). In relation to the change of use, it is the view of the Highway Authority that the previous business which operated from this building may have received deliveries via the access to the west of the building. This assumption is made based on Google maps imagery showing a "Goods In" directional sign affixed to the building pointing away from the proposed accesses. However, as the use class of the building is not changing, the proposed accesses could be used by HGVs now without requiring permission. Whilst the accesses are sub-standard, the introduction of a service yard and additional parking may improve the parking provisions and manoeuvrability of vehicles attending the site when compared to the existing site layout, ensuring that vehicles can re-enter the public highway in forward gear, and therefore could be considered a betterment. However, due to the vehicle tracking showing HGVs being required to use both sides of the carriageway to enter and leave the site using the proposed access points, the Highway Authority has requested a pre-occupation condition for a Delivery and Service Management Plan. This inclusion of this condition has been agreed with the applicant.

- 9.13 Finally, as previously explained, the palisade fencing has been erected without planning permission. The vehicle tracking drawings and proposed site plans do not take in account the recently installed gates/fencing either. Therefore, the Highways Authority has also requested a condition to secure the re-location of such gates to ensure vehicles are not required to stop on, or reverse back onto, the public highway.
- 9.14 Overall, the application does not affect the lawful use and thus, the lawful access points. The application is to add extra servicing and parking provision, using the existing for betterment to the long-term operation of the site. The estimated number of employees is approximately 15 (though the exact figure is unknown but is not required). Consequently, the parking provision is sufficient. Safe and suitable access is maintained in accordance with LP29 point 6 and the relevant paragraphs of the NPPF.

**d) Landscape Impacts**

- 9.15 Local Plan Policy LP11 (Economic Regeneration) says that proposals for new development and redevelopment of existing employment land outside of development boundaries should seek to retain the rural character, appearance and openness of the countryside. It is accepted that there has been the loss of 0.25ha of agricultural land and the laying of hardstanding is not associated with the rural character, appearance and openness of the countryside. Local Plan Policy LP14 (Landscape) requires development to '*conserve, enhance, and where appropriate, restore landscape character*'. The policy adds that specific landscape features which contribute to local character should be protected and enhanced.
- 9.16 Paragraph 135 c of the NPPF requires planning decisions to ensure that development is '*sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*'. Paragraph 187 of the NPPF goes on to say that planning decisions should contribute to and enhance the natural and local environment by '*recognising the intrinsic character and beauty of the countryside...*'.
- 9.17 Evidence from Google Earth, going back to 1999, shows that the area subject of this application has been continuously used as agricultural land. Agricultural use is characteristic of the wider surrounding land and helps to characterise the setting of the wider site. The open countryside does contribute to the intrinsic character of the wider site's setting. There is a concern that the laying of the hardstanding does cause encroachment into the open countryside. The development does extend built form into an area which has no appreciable built form on three sides and therefore, increases depth of built form into the open countryside. There is a less than substantial harm to the landscape.

- 9.18 At the heart of the NPPF is presumption in favour of sustainable development (paragraph 11). There are three overarching objectives- economic, social and environmental. The benefits of the development need to demonstrably outweigh the harm when assessed against the NPPF and the Development Plan taken as a whole and having regard for policies that direct sustainable development. When undertaking a planning balance, the public benefits arise from the economic benefits of the long-term operations of the site. The betterment of the highway safety along with the operational needs of the units are also a benefit. It is considered that circumstances have changed since ABM Precision Engineering first operated in the 1960s and so, business requirements have changed hence there is a need for improvements through the provision of a service yard and formal parking spaces.
- 9.19 It is therefore considered that there is less than substantial harm to the landscape. The mitigation of this harm is supported through hedge planting around the perimeter of the site which fronts onto the open countryside in order to provide a visual buffer, which is to be secured via a condition.
- 9.20 Local Plan Policy LP16 seeks to '*minimise impacts on, and provide net gains for biodiversity*'. This is set out in paragraph 180 of the NPPF which says planning decision should contribute to and enhance the natural and local environment by '*minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks*'.
- 9.21 The site was previously an agricultural field and therefore, agri-environment practices will have taken place on the land. Due to this being a retrospective application the exact ecological value of the land cannot be calculated. However, the loss of approximately 2,500m<sup>2</sup> of agricultural land and the replacement with 2,500m<sup>2</sup> of concrete hardstanding does not provide a net gain for biodiversity and by this very nature, there has been a loss in ecological value. Due to the nature of the site and the surrounding woodland, it is also reasonably likely that the site provided suitable foraging opportunities for a variety of fauna. Provision has therefore also been made for mitigation planting to compensate for a loss in biodiversity, in accordance with LP16. A condition will be placed on the decision to ensure that mitigation planting will be carried out in a timely manner.

#### **e) Neighbour Amenity**

- 9.22 Local Plan policy LP29 point 9 states that development should '*avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality and other pollution*'.
- 9.23 The nearest residential properties are located approximately 245m to the southwest at Ansley Hall. Due to these distances, it is not considered that there are any immediate sensitive noise receptors that are considered likely to be impacted by noise pollution.



- 9.24 There is an existing lawful B2 use therefore there is a degree of noise associated with the running of the unit. The consideration has to come down to whether the use of the hardstanding for a service yard and car parking increases noise levels over and above the noise levels that already lawfully exist. This is because future changes in operation have the ability to lead to adverse impacts from increased noise emissions and air pollution.
- 9.25 In carrying out a planning balance, it is not considered that there will be adverse increase in noise and air pollution. Part of the site within the red line boundary has been previously used for HGVs and lawfully, can continue to be used for HGVs. The additional space proposed to the rear enables car parking to be relocated here, freeing up space for HGV's to manoeuvre on site. The site of the ABM Precision Engineering unit is not increasing in floorspace and will remain as it was when it was occupied by ABM Precision Engineering. There is therefore no evidence to suggest that the site would lead to a material increase in the number of HGV movements and therefore no evidence to suggest that it would lead to adverse impacts from a noise and air quality point of view.
- 9.26 The lawful use of the unit has not changed, and so car movements associated with the site's previous occupation will remain, it is just the location of the car parking that is changing. Again, this is not considered to leave to adverse impacts from a noise and air quality point of view.

#### **f) Archaeology**

- 9.27 Local Plan Policy LP15 states that the '*quality, character, diversity and local distinctiveness of the historic environment will be conserved or enhanced*'. The quality of the historic environment including archaeological features will be protected.
- 9.28 Warwickshire County Council's Historic Environment Officer has commented that the site lies adjacent to a probable Bronze Age round barrow and there is the potential for archaeological remains to survive here. It should be noted that whilst the Historic Environment Officer believes there to be little benefit in requiring the applicant to undertake a programme of archaeological works at this stage given the area of hardstanding has been laid, any further development on the site coming forward, will likely require a programme of archaeological works.

#### **g) Other Matters- Public Consultation**

- 9.29 The application has received public objections. Some of the comments have been addressed in the Officer's Report already however, in response to the concerns each will be addressed in turn.
- 9.30 There are no precedents in planning. Each planning application has to be dealt with on a case-by-case basis through assessing the merits of the application in accordance with the Development Plan. As such, whilst there is concern that this development opens up the opportunity for further developments of this kind, the Local Planning Authority must have due regard to the application and therefore, setting a precedent is not a consideration.

- 9.31 The use of the site as an ancillary service yard and parking area to the lawful B2 use of the ABM Precision Engineering unit has been explained in this report. The concern regarding outside storage is acknowledged. The use of the service yard for outside storage would not be supported by the Local Planning Authority. A condition to be added the decision to prevent the outside storage of plant, materials, equipment or products.
- 9.32 The loss of the agricultural field has been acknowledged and mitigation planting around the perimeter has been agreed with the applicant. A condition is to be added to the decision.
- 9.33 The application does not affect or change the lawful use of the ABM Precision Engineering building, the other uses on the wider site nor the access points. The application is to provide a servicing yard and relocate the parking provision. As the lawful B2 use is not changing and the size of the floorspace is not increasing, it is not evidenced that there would be a material increase in the number of vehicles. The Highways Authority have been consulted with and have no objection though, highway conditions will be added to the decision.
- 9.34 As explained above, it is not considered there will be an adverse increase in noise or air pollution from the area of hardstanding being used as a service yard and car park. The use of ABM Precision Engineering is not in question here as it has a lawful use.
- 9.35 The impact on the landscape has been assessed in an above section and it is concluded that there is less than substantial harm. The economic benefits outweighing the harm to the landscape.
- 9.36 Local Plan Policy LP30 (Built Form) states '*all development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. Local design detail and characteristics should be reflected within the development*'. This includes ensuring '*that all of the elements of the proposal are well related to each other and harmonise with both the immediate setting and wider surroundings*'.
- 9.37 The site is located to the rear of a commercial/industrial site. As such, the site is not out of context with this. It is accepted that there is rolling countryside to the south. In order to provide mitigation in order for the area of hardstanding to related more sympathetically to the surrounding, mitigation planting is required and is conditioned.
- 9.38 Local Plan Policy LP33 (Water and Flood Risk Management) requires development to demonstrate that it will be safe and that it does not increase flooding risk elsewhere. The site is located in Flood Zone 1. It is evidenced on the Environment Agency's Flood Mapping system that the site has very low risk of surface water flooding. Surface water will be disposed over via the existing drainage system and via the existing water course. It is not considered that there would be an adverse impact on drainage or flooding.

- 9.39 The use of the land is ancillary to ABM Precision Engineering. The future occupants of the building, who are likely to be a specialist telecommunications/engineering distribution company, are to use the land as additional servicing/parking. This use of the service yard and parking area is dependent on the use and operation of ABM Precision Engineering. As such, this is adequate information in order to determine the use.
- 9.40 Paragraph 187 of the NPPF says that planning policies should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside including the benefits of the best and most versatile agricultural land. The Local Planning Authority would seek the use of poorer quality land in the first instance.
- 9.41 The land has an agricultural land classification of Grade 3 'Good to Moderate'. In this instance the loss of agricultural land will be 0.25hectares. However, due to the fact that the service yard and parking area is ancillary to ABM Precision Engineering, in order for the area of hardstanding to be located adjacent to the unit which it will be ancillary to, it is necessary that Grade 3 agricultural land is developed on. Planning authorities must consult Natural England on all non-agricultural applications that result in the loss of more than 20 hectares of BMV land if the land is not included in a [development plan](#). In this instance, it has not been necessary to consult Natural England.
- 9.42 A comment has been received that the development impacts on the Old Colliery buildings which have become part of the local heritage. It is accepted that the site has become of important to the local community and the loss of the old colliery buildings should be avoided. The laying of the hardstanding and its use as a service yard and car parking does not harm the buildings at the site. The Local Planning Authority is statutorily required to have regard to the desirability of preserving a heritage building or its setting or any features of special architectural or historic interest it possesses in accordance with Sections 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990, Section 16 of the NPPF and Policy LP15 of the North Warwickshire Local Plan 2021. However, the Old Colliery buildings are not listed. Consideration has been given to the role they play in the locality, however; it is not considered that the laying of hardstanding adversely impacts the buildings.

#### **h) Conclusion**

- 9.43 In determining the application, it should be clear that the focus of the decision is on the use of the land. It is not an application for a new B2 or B8 use of the ABM Precision Engineering building. The lawful use of the building is B2 therefore, the planning balance has come down to the impacts of the ancillary use of the land for a service yard and parking area.

- 9.44 In considering this, it is concluded that the area of hardstanding does not have an adverse impact on highway safety. This is due to the fact the current accesses are lawful for B2 use and there is not alteration to them. Due to the distance of neighbouring properties and the fact that the primary B2 use will not be altering, it is not considered there is an adverse impact on neighbouring properties. It is accepted that is a less than substantial harm to the open countryside however, this harm is outweighed by the economic benefits that the service yard and parking will provide for the long-term operation of the unit. There will also be mitigation planting along the boundaries that front onto the open countryside. It is recommended that the application is granted, subject to conditions.

## **Recommendation**

- a) PAP/2024/0230 (Retrospective application for concrete hardstanding)**

That planning permission PAP/2024/0230 be GRANTED subject to the following conditions:

1. The development hereby approved shall not be carried out otherwise than in accordance with the plans and drawings titled:  
Site Plans, Dwg. 01B, dated May 2024, received by the Local Planning Authority on 17/01/2024.

### **REASON**

To ensure that the development is carried out strictly in accordance with the approved plans.

2. The area of hardstanding hereby approved shall not be used other than for purposes ancillary to the operation of the adjoining unit previously known as 'ABM Precision Engineering'. It shall remain ancillary to the main building and shall not be sold off, sub-let or rented out separately.

### **REASON**

To define the use of the area of hardstanding.

3. The area of hardstanding shall not be used for the manufacture, assembly, storage, display or sale of anything whatsoever.

### **REASON**

In the interests of the amenities of the area and to protect the openness of the surrounding countryside

- b) PAP/2024/0291 (The change of use of land from agriculture, to a service yard and car parking area, ancillary to the adjoining industrial unit)

That planning permission PAP/2024/0291 be GRANTED subject to the following conditions:

1. The development hereby approved shall not be carried out otherwise than in accordance with the plans and drawings titled:  
Site Plans, Dwg. 01C, dated June 2024, received by the Local Planning Authority on 17/01/2024.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

2. The development hereby approved shall not be used other than for a service yard and parking area ancillary to the operation of the adjoining unit previously known as 'ABM Precision Engineering'. It shall remain ancillary to the main building and shall not be sold off, sub-let or rented out separately.

REASON

To define the use of the service yard and parking area.

3. The land within the red line boundary shall not be used for the manufacture, assembly, storage, display or sale of anything whatsoever.

REASON

To define the use of the service yard and parking area.

4. Any Gates or barriers erected at the entrances to the site for vehicles/heavy goods vehicles shall not be hung so as to open to within 20 metres of the near edge of the public highway carriageway.

REASON

In the interests of highways safety and to ensure that vehicles do not overhang onto the highway.

**Pre-Occupation/Use Conditions**

5. The development shall not be occupied until a Delivery & Service Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Authority. The Delivery & Service Management Plan should include details on the following:
  - Delivery vehicle types,
  - Times of delivery
  - Frequency of delivery

## REASON

In the interests of highways safety.

6. Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of the soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include specifications of the soft landscaping including the species, the size, the quantity and the location of planting.

## REASON

In the interests of securing mitigation planting in order to protect the open countryside.

7. The landscaping scheme referenced to in Condition 6 shall be carried out in accordance with the approved scheme and shall be implemented within the next planting season following occupation of the adjoining premises previously known as ABM Precision Engineering for business purposes, and in the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season to the satisfaction of the Local Planning Authority.

## REASON

In the interests of securing mitigation planting in order to protect the open countryside.

8. The development hereby approved shall not be brought into use until the parking space provision has been marked out in general accordance with 'Site Plans, Dwg. 01C, dated June 2024, received by the Local Planning Authority on 17/01/2024'.

## REASON

In the interests of highways safety and providing adequate parking arrangements.

9. No external lighting shall be installed until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority.

## REASON

To ensure appropriate measures are taken in relation to protected species.

## Notes

1. The applicant is reminded of the requirements of conditions 6 and 7 which remain outstanding. These require details to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/thecoalauthority](http://www.gov.uk/government/organisations/thecoalauthority)
3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraph 39 of the National Planning Policy Framework.

## Appendix A



Existing Site Location Plan  
1:1250

Proposed Site Location Plan  
1:1250

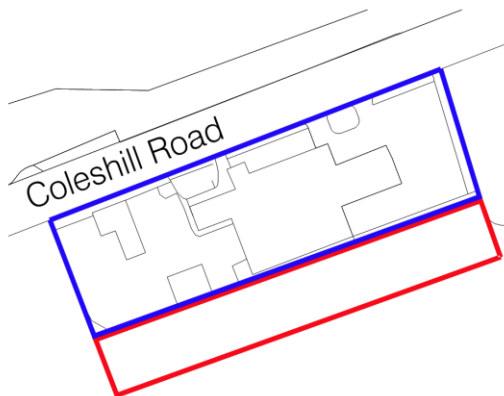
PAP/2024/0230

NORTH WARWICKSHIRE  
BOROUGH COUNCIL

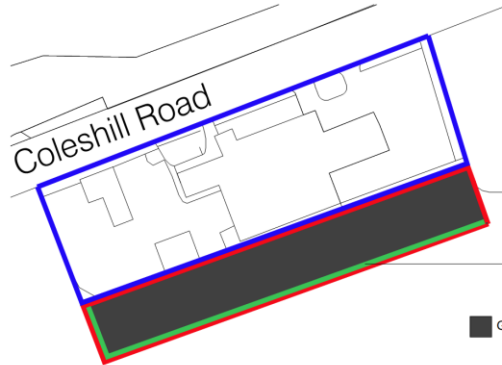
**RECEIVED**

17/01/2025

PLANNING & DEVELOPMENT  
DIVISION



Existing Site Plan  
1:500



Proposed Site Plan  
1:500

Proposed perimeter hedgerow to  
be planted - shown indicatively

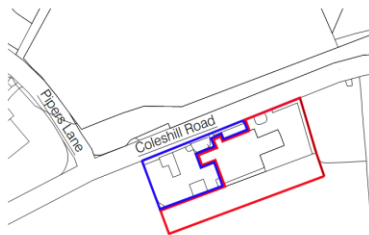
Grey hatch denotes concrete surface



Chaudry		hayward	
Proposed concrete hardstanding	ARC-RECHTS LTD		
Coleshill Road			
Turnerston			
Site Plan			
As Indicated	May 2024	A1	24/44
CB			01B
www.northwarwickshire.gov.uk		Planning	



## Appendix B



PAP/2024/0291

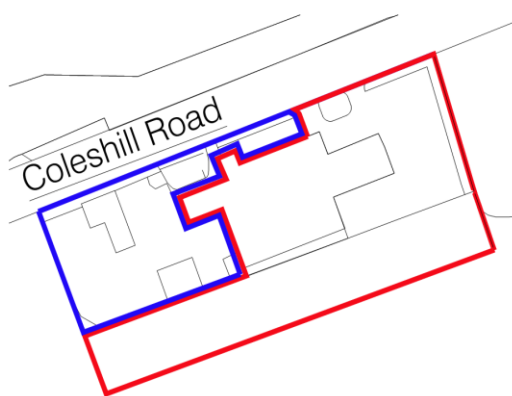
**NORTH WARWICKSHIRE  
BOROUGH COUNCIL**

RECEIVED

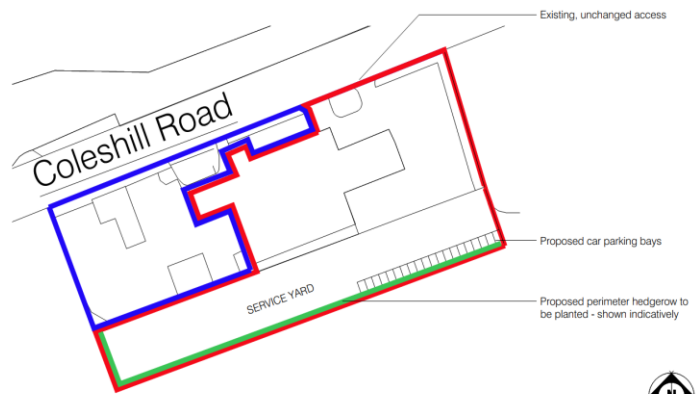
17/01/2025

**PLANNING & DEVELOPMENT  
DIVISION**

Existing Site Location Plan  
1:1250



Existing Site Plan  
1:500



Proposed Site Plan  
1:500



<b>Client</b> <b>Chaudry</b>		<b>hayward</b> <b>ARCHITECTS LTD</b> <small>1000 Bayview Ave. Suite 1000 Toronto, Ontario M5G 1A2          Tel: (416) 461-1111 Fax: (416) 461-1112  <a href="http://www.haywardarchitects.com">www.haywardarchitects.com</a> </small>	
<b>Project Title</b> Proposed Change of Use Cotechfield Road Numeration		<b>Project Location</b> 1000 Bayview Ave. Suite 1000 Toronto, Ontario M5G 1A2	
<b>Project Type</b> Site Plans		<b>Project Status</b> As Indicated	
<b>Project Description</b> CB		<b>Project Number</b> A1	<b>Project Date</b> 24/44
<b>Project Start Date</b> June 2024		<b>Project End Date</b> 01C	
<b>Project Manager</b> [Name]		<b>Project Engineer</b> Planning	

## **General Development Applications**

**(5/b) Application No: CON/2025/0007**

**Land south east of East Midlands Airport, east of Diseworth and west of junction 23a of M1 motorway,**

**Proposed second phase of the SEGRO Logistics Park East Midlands Gateway (EMG1) involving 105 hectares of land for a new multi-unit logistics/industrial development, comprising a maximum of 300,000 square metres of warehousing and manufacturing space, with an additional 1000 square metres of internal mezzanine space together with highway improvements at Junction 24 of the M1 Motorway and to construct additional warehousing on Phase One and to increase the height of the cranes at the existing rail-freight terminal, for**

**Sergo Properties Ltd**

### **Introduction**

This proposal has been submitted to the Secretary of State as a Nationally Significant Infrastructure project seeking a Development Consent Order. The applicant has commenced a period of consultation, and the Borough Council has been invited to forward any comments.

### **The Site**

This is land south of East Midlands Airport and the existing East Midlands Rail Freight Gateway alongside the M1 Motorway at its junction with the M42. This is illustrated at Appendix A.

Phase one of the Gateway is to the north – see Appendix B - and the proposals referred to above for this phase, are confined to the northern parts of that site.

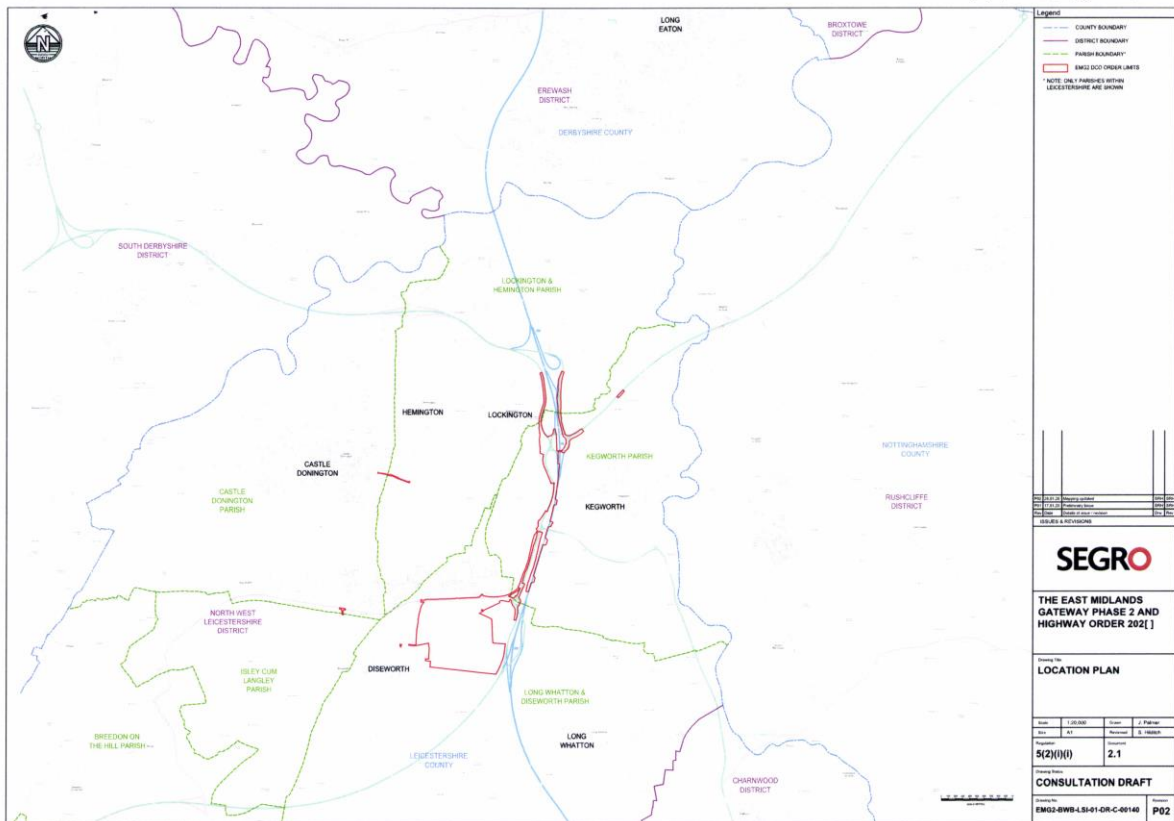
### **Observations**

Members will recall that both the first and second phases here were mentioned at a recent Planning Inquiry relating to similar proposed development in North Warwickshire as an example of the increasing supply of available land. Notwithstanding that this proposal is in the East Midlands, the proposal is welcomed.

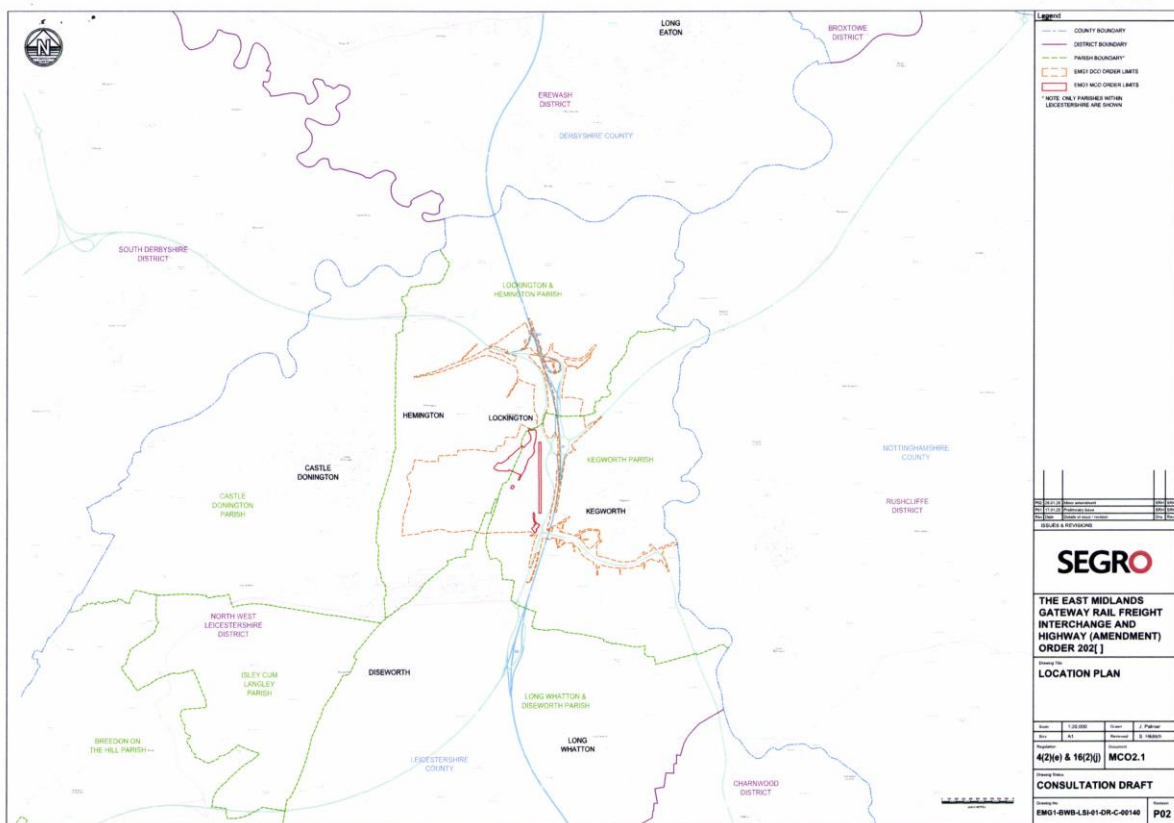
### **Recommendation**

That the Council welcomes this proposal.

# Appendix A



# Appendix B



## General Development Applications

(5/c) Application No: PAP/2023/0324

White Hart Inn, Ridge Lane, Nuneaton, CV10 0RB

Erection of 3no. dwellings (outline: access only), for

Unique Pub Properties Limited

### 1. Introduction

- 1.1. This application was referred to the Board's meeting on 8<sup>th</sup> July 2024 with a recommendation of approval. The associated report can be found at **Appendix A**.
- 1.2. The Board resolved to defer the application so that members could undertake a site visit, and for officers to arrange an independent highways assessment, following which the application would be reported back to the board for determination.

### 2. Update

- 2.1. Members carried out the site visit at 16:30 on 26<sup>th</sup> July 2024 – **Appendix J**.
- 2.2. Officers sought an independent review of the application with a report received from MEC Consulting Group in September 2024 (**Appendix B**). The report raised a number of concerns:
  - No access design drawing had been prepared showing available junction visibility
  - No ATC had been undertaken to determine 85th percentile passing speeds and traffic flow
  - No consideration was given to on-street parking adjacent to access
  - There was no detailed Topographical Survey of the existing car park to fully assess whether the access corridor of 4.5m is achievable in between the two rows of parked vehicles within the pub car park
  - The trip rates are lower than expected, albeit the development would not give rise to highway congestion/capacity concerns.
- 2.3. The report concluded with a recommendation that the application should not be approved, but that the applicant should supply additional information to overcome the concerns.

- 2.4. The report was forwarded to the applicant who responded on 28<sup>th</sup> October 2024, submitting a revised Site Plan (**Appendix C**) and a Highways and Transport Technical Note (**Appendix D**). Following this, MEC reviewed the additional information and provided an updated report (**Appendix E**).
- 2.5. MEC's outstanding issues were as follows:
- On street parking located within visibility splay
  - No detailed Topographical Survey has been provided to confirm the car park is wide enough to accommodate two rows of parking and the access width of 4.5m
  - No vehicle tracking of the car park has been undertaken to show the car park will operate safely. A 6m corridor width is the usual requirement for appropriate reverse distances which cannot be provided on the layout as currently shown
- 2.6. The applicant responded on 27<sup>th</sup> November 2024 (**Appendix F** and **Appendix G**).
- 2.7. Following this, MEC reviewed the additional information and concluded that the concern relating to parking within visibility splays had been addressed; however, the subsequent two issues still prevail.

### 3. Consultations

- 3.1. In preparation for this report, officers re-consulted both Mancetter Parish Council and the Local Highway Authority (Warwickshire County Council).
- 3.2. Warwickshire County Council still maintain its position – one of no objection, considering that the applicant has overcome any issues raised.
- 3.3. Mancetter Parish Council have consistently raised objection to the application – their earlier comments can be found within the 2024 Board Report. The parish council's latest comments are set out within **Appendix H**. A summary of the concerns is set out below:
- Proposed improvements to the junction of Ridge Lane and Monks Park Lane will increase demand for on-street parking and parking within the car park.
  - Accessibility to the site by emergency services/delivery vehicles will be challenging.
  - The width between vehicles in the current layout is already insufficient at 4.5 metres.
  - Proposals lead to a reduction in spaces within the car park.

- Intensified use of the bus stop adjacent to the site due to an increase in bus services to Ridge Lane

#### 4. Observations

##### a) MEC Report

- 4.1. As reported above, the two residual highway safety issues raised by MEC are as follows:
  - No detailed Topographical Survey has been provided to confirm the car park is wide enough to accommodate two rows of parking and the access width of 4.5m.
  - No vehicle tracking of the car park has been undertaken to show the car park will operate safely. A 6m corridor width is the usual requirement<sup>1</sup> for appropriate reverse distances which cannot be provided on the layout as currently shown.
- 4.2. The consultants are concerned with the implications the above would have for users of the new development.
- 4.3. Starting firstly with planning policy, the National Planning Policy Framework makes clear that development should only be refused on highway safety grounds if there would be an 'unacceptable' impact on highway safety, or if the residual impacts (post-mitigation) would be severe (paragraph 116). Applying the Framework policy, unless the impact is unacceptable or severe, permission should not be refused on such grounds.
- 4.4. North Warwickshire Local Plan policy LP29.6 requires safe and suitable access for all users.
- 4.5. The consideration here is thus whether the interaction of the on-going operation of the car park with users of the new development would lead to highway impacts of a sufficient degree to be considered either unacceptable or severe.
- 4.6. In respect of MEC's comments, the submitted Tree Constraints Plan includes a topographical survey (**Appendix I** – annotated by the case officer). This details that with the car park is 15m wide at the entrance, increasing slightly to c15.5m towards the site of the proposed development. Assuming a standard car parking space depth of 4.8m and a minimum car park width of 15m, an aisle width of 5.4m could be provided. Thus, it can be presumed that a minimum aisle width of 4.5m is available within the car park; however, this does fall below the 6m figure previously referenced by MEC.

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<sup>1</sup> As recorded within Paragraph 11.1.9 of Manual for Streets 2 (September 2010)

- 4.7. Despite the absence of vehicle tracking to indicate that car park users can safely access/egress the parking places, it is pertinent to note that the application does not seek approval for the car park. The car park exists and has been in operation for several years, and Warwickshire County Council confirms that no collisions have occurred within the car park or near the access.
- 4.8. While this does not necessarily draw a firm conclusion as to whether the current arrangements are inherently safe (only crashes involving personal injury are recorded by the police), in the absence of evidence to the contrary, it would appear that although the car park's aisle width falls below the recognised 6m standard, the car park has and is operating in a manner that does not endanger highway safety, with vehicles being able to manoeuvre and egress from the site in forward gear.
- 4.9. Furthermore, the Manual for Streets (2007) guidance on car parking confirms that although 6m is the minimum aisle width, more limited aisle space is likely to be acceptable where traffic volumes and speeds are low (paragraph 8.3.53).
- 4.10. Additionally, access improvements will be secured as the car park is to be widened to 5m for the first 7.5m within the site. This would allow space for a vehicle entering the site to wait whilst motorists accessing or egressing the car park spaces manoeuvre. Clear vision is also provided through the car park for vehicles exiting the new development to see such manoeuvring taking place.
- 4.10. Notwithstanding MEC's remarks, the impacts are deemed neither unacceptable nor severe enough to justify a refusal on highway safety grounds because of the lack of documented collisions or safety issues, the low traffic volume produced by the three units, the limited harm resulting from potentially more tortuous manoeuvring within the car park and the access improvements proposed.

**b) Mancetter Parish Council**

- 4.11 Comments relating to visibility from the access onto Ridge Lane are considered to be addressed with neither MEC nor Warwickshire County Council raising objection on this matter.
- 4.12 The latest site plan has been updated to incorporate tracking for a 7m vehicle, demonstrating their ability to access the development site, manoeuvre and leave within a forward gear.
- 4.12 The proposals are not considered to lead to a loss of parking within the car park – the existing 20 spaces will be retained.

## 5. Recommendation

- 5.1. That outline planning permission is **GRANTED**, subject to the conditions outlined in July 2024 Board Report, save for an amendment to condition's 3 and 17 to reference the latest site plan, and the removal of reference to Class AA within condition 22 – properties built after 28<sup>th</sup> October 2018 do not benefit from PD rights afforded by Class AA therefore the reference is unnecessary.



# APPENDIX A

## **General Development Applications**

**(5/a) Application No: PAP/2023/0324**

**White Hart Inn, Ridge Lane, Nuneaton, CV10 0RB**

**Erection of 3no. dwellings (outline: access only), for**

**Unique Pub Properties Limited**

### **Introduction**

The application is reported to the Planning and Development Board at the request of the local members concerned with the potential impacts of the proposals.

### **The Site**

The application site comprises an unkempt, modified grassland to the rear of the car park serving the White Hart Public House, containing deposits of waste and rubble. The pub garden lies to the west, residential properties to the north and northeast, with the recreation grounds situated to the south, separated from the site by a line of semi-mature broadleaved trees. The development area is relatively level, save for a handful of small mounds, with a fall of less than 0.2m from the car park to the recreation ground boundary and a gentle cross fall of c.0.85m from the vegetated area in the north-west to the opposing boundary. The site falls within the Ridge Lane development boundary, as identified within the 2021 North Warwickshire Local Plan.

Appendix A shows the site's location.

### **Background**

There is no prior planning history for the site itself.

### **The Proposal**

Outline planning permission is sought for the erection of three dwellings with all matters reserved, except for access.

Access to the development would be obtained from Ridge Lane through the car-park referenced above. 2.4 metre by 2.4 metre pedestrian visibility splays are to be provided onto the highway with the access widened to 5m for the first 7.5 metres, in accordance with the requirements of the Local Highway Authority.

An indicative site plan is provided below, depicting the access arrangements, the retention of the public house's car parking and the position of properties within the site. As noted, this is an outline application with matters of scale, appearance and layout of the development, as well as landscaping, reserved for approval at a later date. Considerations on the application extends only to the principle of development and to the access arrangements.

The proposed layout is at Appendix B.

5a/1

A Preliminary Ecological Appraisal has been submitted, concluding that whilst the site has suitable potential to support nesting birds and foraging bats, its ecological value is limited and, subject to design mitigation and site preparation, no further surveys would be needed.

A Transport Statement has been submitted, stating that the site can be developed in compliance with national and local planning policy.

A Road Safety Audit (Phase 1) has been submitted, identifying no road safety issues (this has been reviewed by WCC Highways and is discussed later on in the report).

A Biodiversity Net Gain Assessment has been submitted, concluding that 7 additional trees would lead to a 1.17% net gain, with 10m of hedgerow providing a net gain in hedgerow units of 3.3%.

A Tree Constraints Plan and outline Arboricultural Impact Assessment has been submitted, identifying features within and near to the site – see Appendix C.

### **Development Plan**

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP5 (Amount of Development), LP7 (Housing Development), LP8 (Windfall), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP17 (Green Infrastructure), LP21 (Services and Facilities), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management), LP34 (Parking) and LP35 (Renewable Energy and Energy Efficiency).

Mancetter Neighbourhood Plan 2016-2029 – DP1 (Sustainable Development), SB1 (Development within the Mancetter Village and Ridge Lane Settlement Boundaries), H1 (Smaller infill sites), BE2 (Protecting and enhancing local character), NE and L2 (Nature Conservation) and Policy T and A1 Development related traffic requirements.

### **Other Relevant Material Considerations**

National Planning Policy Framework 2023 ("NPPF")

Planning Practice Guidance ("NPPG")

The Government's National Design Guide

The Town and Country Planning Act 1990, as amended.

Natural Environment and Rural Communities Act 2006

Conservation of Habitats and Species Regulations 2017, as amended.

Environment Act 2021

Human Rights Act 1998

5a/2

Equality Act 2010

### **Consultations**

Warwickshire County Council (Archaeology) – No objection

Warwickshire County Council (Forestry) – No objection subject to a detailed Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) being conditioned/

North Warwickshire Borough Council (Waste and Transport) – No objection.

Warwickshire County Council (Highways) - No objection, subject to conditions

### **Representations**

Mancetter Parish Council – It objects based on policies H1, T and A1 of the adopted Mancetter Neighbourhood Plan. The main issues are:

- Road Safety and highway concerns because of the nature of the access, its location and on-street car-parking.
- Comments in the Road Safety Audit are incorrect.
- There would no community gain or value.
- There is increased risk about the longevity of the White Horse as a Public House particularly as it is named in the Neighbourhood Plan.
- The village has few facilities and an infrequent bus service.

The full objection is at Appendix D.

Forty representations have been received in respect of this application – 36 of which are objections. Matters raised repeat those above but additionally the following comments are made:

- The removal of a wildlife habitat
- No more houses are needed
- There would be loss of views
- It would detract from the character of the recreation ground.
- Noise generation – construction and operation

A full summary is provided at Appendix E.

### **Observations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004, together with Section 70(2) of the Town and Country Planning Act 1990, require planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

#### **a) Principle of development**

The application site lies within the development boundary for Ridge Lane, a Category 4 settlement within Mancetter Parish situated to the south of Atherstone. Policy LP2 of the North Warwickshire Local Plan (NWLP) provides support, in principle, for this development within the Ridge Lane development boundary.

Furthermore, Part A of Mancetter Neighbourhood Plan (NP) policy SB1 states that small-scale housing (up to 10 dwellings) within the settlement boundary of Ridge Lane will be permitted. The application site falls inside the settlement boundary. Part B of the policy provides further detail for developments within Ridge Lane which will be discussed below. In light of the above, the proposals, in principle, draw support under NWLP policy LP2 and Policy SB1(A) of the Mancetter Neighbourhood Plan, providing new housing within a sustainable location and contributing towards delivery within the Borough.

#### **b) Highway Safety**

Policy LP29(6) of the NWLP requires new development to provide both safe and suitable access to a site for all users. Paragraph 115 of the NPPF specifies that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or in situations where the residual, cumulative impacts of the proposals are severe.

Public consultation has elicited a series of objections to the application, almost exclusively relating to highway safety issues, particularly surrounding the use of the existing access onto Ridge Lane.

Ridge Lane is a single-carriageway running on an east-west alignment through the village with a 30mph posted speed limit. The applicant's Transport Statement states that no accidents have been recorded within proximity to the site over the latest five-year period (2017-2021), indicating no existing highway safety issues; parking provision accords to Local Plan requirements, refuse can be safely collected and that trip generation from the development would be very low. The statement summarises that the development can be comfortably accommodated in conformity with the Local Plan and the NPPF.

Warwickshire County Council, as the Local Highway Authority, requested that the applicant supply a Road Safety Audit. This has been received and reviewed by the County Council. Furthermore, an amended drawing depicting a remodelled, wider access and re-positioning of the bin collection point to ensure adequate visibility, has been supplied. In its latest response, the Highway Authority does not object to the development, subject to conditions.

The County highlighted that the development would be served by an existing access; speed data suggests a slow-speed environment (16mph to 22mph), and that there is no record of collisions at the access since records began in 1990. Pertinently, the Authority considers that they *"would not be able to defend an objection at appeal as the impacts are not considered severe"*. This response is considered to carry substantial weight.

5a/4

The development is considered to accord with policy LP29 of the North Warwickshire Local Plan.

### **c) Character and Appearance**

Notwithstanding the outline nature of the application with all matters reserved (except for access), consideration should be given to the effect of the scale and nature of the proposals on the character and appearance of the area.

The NPPF identifies that good design is a vital component of sustainable development, setting out that proposals which are poorly designed and fail reflect local design policies and government guidance, should be refused (p139).

Local Plan policy LP1 declares that all development must demonstrate a high quality of sustainable design with LP30 requiring development to both respect and reflect the existing pattern, character, and appearance of its setting. Mancetter Neighbourhood Plan policy SB1(B) requires new development within Ridge Lane to reflect surrounding character (c) and strengthen boundaries with hedgerow planting (f).

The application site lies to the rear of Ridge Lane which, on the southern side of the Lane, displays a strong character of frontage development with the urban grain on the northern side evidentially more variable. Developing land behind the frontage of existing buildings would contrast with the prevailing pattern on the southern side of Ridge Lane and could be described as backland development. However, this does not mean that such development is unacceptable in principle. Indeed, policy LP30 of the North Warwickshire Local Plan guides such developments:

*Back-land development should be subservient in height, scale, and mass to the surrounding frontage buildings. Access arrangements should not cause adverse impacts to the character and appearance, safety, or amenity of the existing frontage development.*

The frontage development is largely two-storey, save for a three-storey gabled projection to 18 Ridge Lane. Cottages to the west of the access into the site are two-storey, yet with characteristically low eaves. Planning Practice Guidance advises that Local Authorities can use conditions at the outline stage to set out detailed design principles to ensure a development is acceptable - Paragraph: 013 Reference ID: 26-013-20191001. Accordingly, to secure a subservient form of the development and ensure compliance with policy LP30, design conditions would be imposed on any outline permission.

The indicative layout plan shows a pair of semi-detached dwellings and a detached dwelling aligned at 90 degrees to Ridge Lane. Parking and circulation space would be provided in front of the properties, with gardens laid out to the rear. Such an approach is considered to be acceptable. Visually, containment would be provided by the existing mature vegetation and trees adjacent to the recreation ground, heavily filtering views of the proposed dwellings from the west and north. Nonetheless, some open views would be provided from the south-east given the relative sparsity of vegetation along boundaries at this part of the site.

Additional landscaping could however be secured through condition, and the neighbouring context of existing development along Ridge Lane would ensure that new, sensitively designed development would not appear incongruous.

In addition to the above, the land subject of this application is currently unkempt, consisting of overgrown vegetation and waste materials and thus fails to present noticeable visual or ecological qualities. Developing the land could well lead to positive improvements here, subject to a good standard of design and appropriate planning conditions.

Subject to an appropriate scale, massing, and contextually appropriate detailing, it is considered that three residential units could be accommodated on the site without undue harm to the character and appearance of the immediate and wider setting, and in a manner which generally conforms with the development plan. Thus, the proposals can be considered to be accord to NWLP policies LP1 and LP30, and Mancetter Neighbourhood Plan policy SB1.

#### **d) Amenity**

NWLP policy LP29 (9) requires all development proposals to avoid and address unacceptable impacts on neighbour amenity (emphasis added) and paragraph 135(f) of the NPPF requiring planning decisions to ensure that a high standard of amenity is provided for existing and future users.

Neighbourhood Plan policy DP1 states that development should not 'adversely affect the amenity of nearby residents'.

As an outline application, the layout is not yet submitted for approval. However, the indicative layout demonstrates that three dwellings can be accommodated in a manner which does not unacceptably impact the amenity of neighbouring properties in respect of privacy, shadowing, or loss of light whilst concomitantly providing suitable external amenity space for occupiers of the proposed dwellings. A three-unit development is also not considered to give rise to adverse noise implications, considering the existing residential context. There would be a need at the detailed stage – should a permission be granted - for conditions to be attached to protect future occupiers from noise emanating from the Public House.

It is considered that the site can be developed in a manner which would not lead to unacceptable impacts on the amenity of neighbouring occupiers in accordance with NWLP policy LP29 (9), and Neighbourhood Plan policy DP1.

#### **e) Ecology/Natural Environment**

NWLP policy LP14 requires new development to retain existing landscaping where possible and encourages new planting to incorporate native species and provide biodiversity benefits. LP16 states that proposals should protect and enhance the natural environment. Policy NE and L12 of the Neighbourhood Plan require proposals to consider impacts on habitats, species, and connectivity, as well as demonstrate net gains in biodiversity.



In addition to planning policy, there is a complex range of applicable legislation and guidance relating to nature conservation.

Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity in the exercise of their functions,

Additionally, under domestic and European legislation, protection is given to certain species of wild plants, bird, and animals. In particular, a number of species are protected under the Habitats Directive. These species are often referred to as "European Protected Species" ("EPS") which have full protection under The Conservation of Habitats and Species Regulations 2017, as amended.

The application site has limited ecological value, as confirmed by the submitted Preliminary Ecological Appraisal. The appraisal makes a series of recommendations which are deemed to be suitable and would ensure that the impact on local ecological conditions is reduced as much as is reasonably practicable. These measures would be conditioned, as too would be a requirement for Biodiversity Net Gain

A full Arboricultural Impact Assessment would also be conditioned, as well as a method statement. It is considered that the site could be developed in a way to minimise the loss existing trees and other vegetation.

Subject to conditions, the proposals would comply with the policies and the legislative requirements listed above.

**f) Other matters – raised during public consultation**

- Proposal does not support the local community.

No evidence has been provided to substantiate this assertion. The proposals would provide three new dwellings within the settlement and contribute to housing supply within the Borough as set out in the Development Plan.

- White Hart would it be at risk of closure / demolition to facilitate housing development.

The White Hart Inn is identified within Policy CFOS1 of the Neighbourhood Plan as a protected community facility and is listed in Appendix 1 (6) as a local non-designated heritage asset.

It is not considered that residential development would threaten the vitality of the public house. As set out within the applicant's Planning Statement, revenue generated by the development presents an opportunity for further investment into the estate, including within the site, by the Stonegate Group, owners of the public house.

Given the location of the development and the intervening built forms, no harm is considered to arise to the significance and setting of the non-designated asset, in compliance with NWLP policy LP15.

- No more housing needed.

New housing within development boundaries is supported under policies within the North Warwickshire Local Plan and the Mancetter Neighbourhood Plan. North Warwickshire is required to provide a minimum of 9,598 dwellings by 2033 under LP5 of the Local Plan. A 'step-change' in provision is detailed within the policy, with 700 dwellings (per annum) required to be delivered in 2025-2026, up from 390 in 2024-2025. The provision of small-scale housing in sustainable locations will help to ensure the Council continues to maintain a five-year housing land supply.

- Noise generation – construction and operation

Noise during construction is not a material planning consideration. This is an established residential area. The provision of a further three dwellings is not considered to unacceptably increase noise levels to the detriment of the amenity of neighbouring occupiers. Conditions would require an agreed Construction Management Plan to be agreed, This is a matter for that Plan.

- Using the land for car parking is a more appropriate use.

The application seeks permission for residential development and must be assessed on that basis.

- Loss of parking for the pub.

The application entails no loss of parking for the public house.

- Upgrade to existing sewage systems should be considered.

Foul sewage and surface drainage arrangements will be conditioned for approval at a later date.

- Play area will be overlooked.

The play area is already overlooked by housing along Ridge Lane. Increasing passive surveillance through new development can discourage crime and anti-social behaviour which is supported under policy LP29(17) of the Local Plan.

#### **f) Conditions**

The recommendation below includes the use of pre-commencement condition(s) (this is a condition imposed on a grant of planning which must be complied with before any building or operation comprised in the development is begun or use is begun). The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 provide that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition. In this instance the applicant has given such written permission.



### **Recommendation**

That planning permission be granted subject to the following conditions.

#### **Standard Conditions**

1. Before any development is commenced, the further approval of the Local Planning Authority is required with respect to the following matters (herein referred to as 'the reserved matters') on an application made in that regard:
  - (a) appearance,
  - (b) landscaping,
  - (c) layout, and
  - (d) scale.

#### **REASON**

This permission is granted in outline under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 and section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. (a) An application for approval of the reserved matters listed at condition [1] shall be made to the Local Planning Authority before the expiration of three years from the date of this permission; and  
  
(b) The development hereby permitted shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

#### **REASON**

To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

3. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan (Ra 3358 s3 001) received by the Local Planning Authority on 21<sup>st</sup> July 2023, and the site plan (Ra 3358 s3 002 b) received by the Local Planning Authority on 10<sup>th</sup> April 2024.

#### **REASON**

To ensure that the development is carried out strictly in accordance with the approved plans.

5a/9

4. The details to be submitted under Condition 1 shall ensure that the design of the houses incorporate the following requirements:

- (a) Any dwelling's ridge height shall be no greater than 7 metres and the properties shall be of a 1.5 storey design.
- (b) The architecture of the new development shall complement the architecture of the older surrounding properties.

REASON

In the interests of achieving sustainable development, having particular regard to the potential impact of the development on the character of the surrounding area, the residential amenity of adjoining occupiers, and to ensure a subservient form of development as required by policy LP30 of the North Warwickshire Local Plan.

5. The landscaping scheme to be submitted in accordance with condition 1 of this permission shall include details of boundary treatments including walls and fences and wider site boundaries, surface treatments to drives, footways, tree and shrub planting with provision for tree planting to be carried out concurrently with the development and completed within 1 year of substantial completion of the development. If within a period of 5 years from the date of the planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.

REASON

In the interests of the visual amenities of the area.

6. Any application for reserved matters relating to landscape shall include an Arboricultural Impact Assessment in accordance with BS 5837:2012 which shall include:
- a) trees proposed for retention;
  - b) trees proposed to be removed;
  - c) trees to be pruned;
  - d) an evaluation of the impact of any proposed tree losses; and,
  - e) an evaluation of tree constraints.

REASON

To protect the character of the area and ensure biodiversity net gain.

7. Any reserved matters applications submitted in response to condition 1 of this permission shall include details of the levels of the existing site, the proposed slab levels of the dwellings of the proposed ground levels of the site relative to the finished floor levels and adjoining land levels. Such details shall be supplemented with locations, cross-sections and appearance of any retaining features required to facilitate the proposed levels. The development shall be constructed in accordance with the approved details.

REASON

In the interests of the visual amenities of the area and the amenity of neighbouring occupiers, recognising that levels across the site vary.

8. Any reserved matters applications submitted in response to condition 1 of this permission shall include a full Noise Impact Assessment detailing internal and external noise levels arising from the full use and activities operated at the Public House premises. The reserved matters application shall include details and specifications of the acoustic and ventilation measures to be designed into the new houses such as to mitigate unacceptable noise emissions as identified by the Assessment.

REASON

In the interests of reducing the potential of noise pollution.

**Pre-Commencement Conditions**

9. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. This should be proportional to the development. The Plan shall provide for
- I. The parking of vehicles of site operatives and visitors;
  - II. Storage of plant and materials used in constructing the development
  - III. Wheel washing facilities;
  - IV. Measures to control the emission of dust during construction
  - V. The hours of delivery of any plant, equipment, construction materials and engineering infrastructure.
  - VI. The hours of construction working
  - VII. Noise control measures during construction in accordance with BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites
  - VIII. Details of all site lighting and security measures
  - IX. Details of the contact for any local concerns with the construction activities on the site

The approved Construction Management Plan shall be adhered to throughout the construction period of the development.

REASON

In the interests of the amenities of the area and neighbouring property.

5a/11

10. No development, other than demolition and site clearance works, shall commence until a drainage plan for the disposal of surface water and foul sewage has been submitted to and approved by the Local Planning Authority. The scheme shall be carried out in conformity with the approved details prior to the first occupation of any dwelling.

REASON

In the interests minimising the likelihood of flooding incidents and damage to the environment, property, or life.

11. Prior to the commencement of the development full details of the tree protection measures for all trees and hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be set out in a detailed Arboricultural Method Statement to include the specification of the location and type of protective fencing, the timings for the erection and removal of the protective fencing, the details of any hard surfacing and underground services proposed within the root protection areas, all to be in accordance with the British Standard for Trees in Relation to Construction 5837: 2012, and the monitoring of tree protection measures during construction. All tree protective measures shall be carried out as set out in the approved Arboricultural Method Statement.

REASON

In the interests of safeguarding existing habitat and the visual amenities of the area.

12. No works other than demolition shall take place until preliminary assessment for contaminated land has been undertaken. If the assessment identifies potential contamination a further detailed investigation shall be carried out and details of remediation measures shall be provided where necessary. All works shall be carried out by a competent person and agreed in writing by the Local Planning Authority prior to commencement of development.

REASON

To protect the health of the public and the environment from hazards arising from previous uses of the site.

### **Pre-occupation conditions**

13. Prior to the first occupation of any of the new dwellings hereby approved, a scheme of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to enhance and sympathetically manage the biodiversity value of onsite habitats and shall be broadly in accordance with the details provided in the SEED Biodiversity Net Gain Assessment (dated 23<sup>rd</sup> August 2023). The submitted scheme shall also include a method of communicating the purpose of such biodiversity enhancement measures to occupiers of the dwelling(s). The approved scheme shall be implemented so that physical measures are incorporated before the first occupation of each respective dwelling and thereafter retained and maintained in situ.

#### **REASON**

In order to secure an overall biodiversity gain.

14. The development shall not be occupied until the proposed parking and turning facilities have been laid out and constructed in accordance with the approved plans and thereafter be set aside and retained for those purposes at all times.

#### **REASON**

In the interests of highway safety.

15. The development shall not be occupied until pedestrian visibility splays of at least 2.4 metres x 2.4 metres have been provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. These splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above the level of the public highway footway.

#### **REASON**

In the interests of highway safety.

16. Prior to first occupation of each dwelling, a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins shall be provided within the curtilage of the dwelling. The storage facility shall remain permanently available for that purpose at all times thereafter.

#### **REASON**

To enable effective storage and disposal of household waste and in the interests of the amenity of the area.

17. The development shall not be occupied until the existing access has been widened/remodelled in general accordance with approved plan RA 3358 s3 002 Rev B and an H-bar marking has been laid out across the access in accordance with the Highway Authority's specifications.

REASON

In the interests of highway safety.

18. The development hereby permitted shall not be occupied until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

REASON

In order to safeguard protected and/or priority species from undue disturbance and impacts.

**Other conditions**

19. In the event that contamination is found under condition 12, at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON

To protect the health of the public and the environment from hazards arising from previous uses of the site.

20. Where remediation works have been carried out in pursuance with conditions 12 and 19, a post remediation verification report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied.

REASON

To protect the health of the public and the environment from hazards arising from previous uses of the site.

21. No gates, barriers or means of enclosure shall be erected across a vehicular access within 6 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway.

REASON

In the interests of highway safety.

5a/14

22. No development whatsoever within Class A, AA, B, and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site.

#### REASON

In the interests of achieving sustainable development, having particular regard to the potential impact of the alterations/extensions on the character of the surrounding area, amenities of adjoining occupiers and views from the surrounding recreation grounds.

#### Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
3. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 ""Trees in relation to design, demolition and construction - Recommendations"".
4. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with Nuneaton and Bedworth Borough Council. For further information please see [https://www.nuneatonandbedworth.gov.uk/info/20025/planning\\_and\\_building\\_control](https://www.nuneatonandbedworth.gov.uk/info/20025/planning_and_building_control) and [https://www.planningportal.co.uk/info/200187/your\\_responsibilities/38/building\\_regulations](https://www.planningportal.co.uk/info/200187/your_responsibilities/38/building_regulations) ; guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to download from <https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home>

5a/15



5. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) prior to carrying out work, or call 0800 688 588
6. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £145. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.
7. Prior to the occupation of the approved dwelling(s), please contact our Street Name & Numbering officer to discuss the allocation of a new address on 01827 719277/719477 or via email to [SNN@northwarks.gov.uk](mailto:SNN@northwarks.gov.uk). For further information visit the following details on our website [https://www.northwarks.gov.uk/info/20030/street\\_naming\\_and\\_numbering/1235/street\\_naming\\_and\\_numbering\\_information](https://www.northwarks.gov.uk/info/20030/street_naming_and_numbering/1235/street_naming_and_numbering_information)
8. If a bat or evidence of bats using a feature on site is discovered prior to or during development all work should stop immediately. A licensed bat consultant or Natural England must be contacted and works implemented only in accordance with methods advised by them. This advice note should be provided to any persons/contractors carrying out the development along with the contact details of a relevant ecological consultant. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017. This advice note should be passed on to any persons/contractors carrying out the development.
9. The applicant / developer is advised to consider Construction Logistics and Community Safety (CLOCS), when formulating construction plans. The development works undertaken shall consider the Construction Logistics and Community Safety (CLOCS) Standard as set out under <https://www.clocs.org.uk/>.
10. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)



11. Conditions attached to this permission require works to be carried out within the limits of the public highway. Before commencing such works the applicant must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant. The Area Team at Coleshill may be contacted by telephone: (01926) 412515.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP.

For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

12. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway; or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
13. 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.
14. 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.
15. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues, and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

5a/17

## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2021/0638

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	24 <sup>th</sup> July 2023
2	Warwickshire County Council Archaeology, Highways and Forestry	Consultation Response	9 <sup>th</sup> August 2023 to 3 <sup>rd</sup> May 2024
3	North Warwickshire Borough Council Waste Management	Consultation Response	14 <sup>th</sup> August 2023
4	Mancetter Parish Council	Representation	22 <sup>nd</sup> August 2023 and 22 <sup>nd</sup> September 2023
5	Third Party	Representations	16 <sup>th</sup> August 2023 to 9 <sup>th</sup> October 2023

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports, and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

## Appendix A – Site Location



Development site indicated by the red marker

## Appendix B – Site Plan



5a/20

5c/43

Appendix C – Tree Constraints Plan



## Appendix D – Mancetter Parish Council Objection

"Objects to this outline request, based upon policies H1, T and A1 within the Adopted Mancetter Neighbourhood Plan as published on the Parish Council website.

There are road safety concerns and data on accidents (sadly including a fatality involving a cyclist) which are not included within the application. Recently, a speeding car ploughed into a front garden a few doors down from the pub demolishing two walls, and another driver overshot the junction by the White Hart completely and ended up in the hedge across the road. These incidents involved the police and insurance companies, and further detail can be supplied if necessary.

The benefit to the community of using the land in question to increase existing parking spaces and deal with road safety issues is greater than infill housing and would enhance the economic sustainability of this growing community facility, situated within an isolated rural levelling up priority area.

- The access to the car park area is only a single vehicle width and has no approach splay.
- A car leaving the car park causes an obstruction to cars entering (a common event) and this in turn causes traffic flow issues on the highway.

Impatient drivers then move onto the pavement to pass the vehicles waiting to enter the car park. There is at least one reported incident of a child narrowly missing injury when walking off the driveway of the housing opposite the entrance.

- To alter the access to double vehicle width would seriously reduce the amount of pub parking available. The existing car parking provision is inadequate, and the road is already reduced to a single line due to constant parking of vehicles. Drivers then speed past the parked cars to avoid giving way to each other. The housing on that side of the street is mainly cottages having no parking other than the Ridge Lane Road.
- Current customer parking often extends beyond the road junction causing difficulties for residents on the Birchley Heath Road to exit their driveways.

As a result, drivers leaving Ridge Lane Road have no clear view of traffic approaching at 40mph when turning left to Birchley Heath or right towards Atherstone along Monks Park Lane.

The White Hart Inn public house is one of the oldest in not only the village but the general area and is referred to in the Neighbourhood Plan.

Our neighbourhood plan does allow small infill development and also encourages businesses to diversify. However, this application will not add value to the local community and puts the future of the pub at risk.

Public transport links are poor and Ridge Lane village is an area identified as a priority within the local levelling up process.

This year the White Hart has had new tenants, who both live locally, and instead of declining is beginning to thrive as a community hub. For many years the proposed housing site has been neglected and used for dumping and burning of rubbish.

The new tenants had, apparently, made approaches to the site owners to address the current traffic problems, by suggesting using that land to create more parking for customers and residents and adding in a play area.

On Wednesday 20<sup>th</sup> September 2023, 21 residents, 7 parish and 2 ward councillors, attended a pre- arranged evening meeting at Mancetter Memorial Hall where the application was discussed.

Concerns were raised that the White Hart is not a listed building and would it be at risk of closure / demolition to facilitate housing development and access to the site. The White Hart Inn is identified within Policy CFOS1 of the Neighbourhood Plan as a protected community facility and is formally listed at number 6 as a local non-designated heritage asset.

The Localism Act is designed to give people a voice, and below is a list of some of the objections the community wish the council to raise on their behalf.

- On the application it states the parking spaces on the car park are 4.5 metres but this has been measured by a resident who states they are actually 3.8 metres.
- The Bus Stop, which was not identified in the application, is situated at the entrance to the car park to the White Hart. When the bus draws up it has to stop on the highway for passengers to alight due to the parking on Ridge Lane which can make it a one way street as the cars park on the one side. Buses also have to stop over residents' driveways stopping traffic coming down the lane.
- The application stated there had been no road traffic accidents which is based on old data and factually incorrect.
- North Warwickshire has recognised that Ridge Lane village does not have a safe walking route for children to take to go to school.
- Due to the amount of cars in Ridge Lane several residents are now parking on the grass central reservation.
- Speed watch was refused by the police due to no safe place to stand and the 30 signs were too close together.
- Planning application put in makes Ridge lane sound like a quiet village when in fact of a weekend it is very busy with ramblers and the football field being used.
- There was concern about emergency vehicles struggling to get on to the car park as of a weekend people park right up to the entrance and over said car park.
- How many cars these houses will bring with them and if the car park is full they will have to park elsewhere in the village.
- Delivery vans. No place to turn around in the car park they would have to reverse onto the main road.
- Cars already come up onto the pavement opposite the entrance as this can be a bottleneck.
- Cars turning into Ridge Lane from Atherstone come from a 40 mph into a 30 mph and if there are cars parked outside the White Hart and another coming up the lane this also causes drivers having to go up the pavement.
- Family Homes, bring more children and cars into the village.
- Lorries continue to ignore the weight limit on the road.

5a/23

5c/46



## Appendix E – Representations Summary

### Ecology

- Swift bricks should be utilised.
- Removal of wildlife habitat

### Highway safety

- Proposal will worsen existing road safety issues as cars currently mount pavements as they egress from the car park.
- Poor visibility exiting the car park due to parked cars along Ridge Lane, creating road safety issues. Existing traffic speeds are high. Proposal will exacerbate existing highway safety problems.
- Proposals would lead to additional congestion and parking along Ridge Lane.
- Pedestrian access through the car park will be unsafe.

### Specific comments on the RSA/Transport Statement:

- It is not possible to walk safely to Atherstone due to the lack of pavements.
- Walking to Nuneaton in 25 minutes would require a walking pace of close to 5mph.
- 2.3. The council itself recognised that the roads in and around Ridge Lane could not be considered safe - a free taxi service was provided to children attending Queen Elizabeth School in Atherstone, since there was no suitable bus service available, and no safe walking routes.
- Cycling – Ridge Lane is elevated with numerous steep ascents, descents, and narrow lanes – cycling is dangerous.
- Paragraph 6.19 is not true. Visibility is very poor.
- Paragraph 7.14 is untrue – access is not safe presently.
- Section 2.4 is misleading. Four accidents have been recorded in the last two years, including one fatality along Purley Chase Lane in June 2023.
- Section 4.3 – access to the site is inadequate due to congestion and on-street parking reducing road widths.
- Section 4.5 – bin storage will reduce car park capacity.

5a/24



- Section 5.2 – TRICs trip generation has no relation to actual traffic flow along Ridge Lane.
- Residents currently campaigning for improved signage and traffic calming measures, highlighting existing issues.
- Bus stop adjacent to the access – buses regularly block the road.

#### Other

- Proposal does not support the local community.
- No more housing needed.
- Disruption to views.
- Noise generation – construction and operation
- Using the land for car parking is a more appropriate use.
- Loss of parking for the pub.
- Upgrade to existing sewage systems should be considered.
- Play area will be overlooked.
- Detract from the tranquillity of the recreation ground.

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**MEC**  
Consulting Group

## **Proposed Residential Development at The White Hart Inn, Ridge Lane, Oldbury, Nuneaton**

**Our Ref: 29015-TRAN-0801**

**Planning Application Reference; PAP/2023/0324**

**Transport Technical Note – September 2024**

### **Introduction**

MEC have been instructed by North Warwickshire Borough Council (NWBC) to undertake an independent review of the Highway and Transportation work submitted in support of planning application reference PAP/2023/0324 which is an outline application for 3 dwellings at land to the rear of The White Hart Inn, Ridge Lane, Oldbury, Nuneaton.

I am a Regional Director of MEC Consulting Group Ltd with 18 years' experience in highways and transportation matters. I am a member of the Chartered Institute of Highways and Transportation and a Member of the Transport Planning Society. I can confirm I have visited the site and I can confirm I have no conflict of interest in this application other than to review the documentation from an independent highway expert perspective.

I have reviewed all of the submitted documentation and various consultation responses and have provided a summary of each below, before providing my summary and recommendations to NWBC.

### **Proposal**

The planning application is for the following;

*"Outline Access application for construction of three dwellings to the rear of the White Hart Inn Ridge Lane."*

Outline planning permission is sought for the erection of three dwellings with all matters reserved, except for access. Access to the development is via Ridge Lane through the existing White Hart Inn car park. This is an outline application with matters of scale, appearance and layout of the development, as well as landscaping, reserved for approval at a later date.

### **The Site**

The application site comprises grassland to the rear of the White Hart Pub car park. Adjacent to the site is the pub garden to the west, residential properties to the north and northeast, with the recreation grounds situated to the south.

### **Site Layout**

A site layout has been submitted as part of the application prepared by Rickett Architects (ref: 3358-s3-002 Rev B). The layout shows the following;

- 3 x new dwellings and associated parking for 8 vehicles
- Access through the Pub Car Park, 4.5m in width
- Pedestrian visibility splays of 2.4m x 2.4m
- 5m access width for the first 7.5m
- Bin collection point adjacent to the car park entrance
- Demarcation of car parking spaces within pub car park (it is assumed these are for reference only and not taken from a Topographical Survey of the car park)

### **Planning Application Documents**

The following has been submitted as part of the planning application and considered relevant to the preparation of this Technical Note;

- Transport Statement prepared by TTC (Report Ref: 210589-10)
- Site Plan 3358\_s3\_002 Rev B
- Stage 1 Road Safety Audit by TMS (Report Ref: 18006)

The following sections provide my review of each document submitted along with a summary of each relevant consultee response, followed by my summary and recommendations.

Civil Engineering | Transport | Flood Risk & Drainage | Structures | Geo-Environmental | Acoustic Air | Utilities | Geomatics | Lighting | Expert Witness

Birmingham  
Brighton  
Leicester

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### **Transport Statement Review**

The submitted Transport Statement (TS) covers most of the aspects usually considered necessary for an outline planning application. The report concludes that the development can be 'comfortably accommodated' and there should be no reasons why the application cannot be recommended in highways and transportation terms. Despite not agreeing with the applicant's trip generation and TRICS data used, I agree that the proposed development will not give rise to any highway capacity and congestion concerns based on the trip generation from 3 new dwellings. However, following a review of the TS I have noted a few concerns below which would require additional information being submitted prior to me being convinced the scheme provides a "safe and suitable access for all" in accordance with the NPPF and key local policies.

### **Trip Generation**

The applicant has used TRICS to determine trip rates and trip generation for the 3 new dwellings. Given the location of the site, I would expect trip rates to be closer to 0.6 per dwelling during the peak periods, and approximately 6 trips per day per dwelling. The trip rates used in the TS are copied below in Table 1;

**Table 1: Trip Rates and Trip Generation used within submitted TS**

	Arrive	Depart	Two-Way	Arrive	Depart	Two-way
AM Peak	0.119	0.333	0.452	0	1	1
PM Peak	0.262	0.238	0.500	1	1	2
Daily	1.926	2.094	4.020	6	6	12

I would suggest the peak movements would be 2 trips, with daily trips closer to 18 in total. Although I consider the above trip rates underestimate the likely demand from the site, a total of 2 trips in the peak periods and 18 daily trips will not give rise to any highway capacity concerns. I do not consider any further information is required in respect of trip generation.

### **Sustainability**

I have no comments to make in respect of the sustainability and accessibility of the site. No further evidence or justification is required in this regard.

### **ATC: Speed and Traffic Data**

The applicant team has not undertaken any surveys to obtain the passing 85<sup>th</sup> percentile speeds from which junction visibility requirements can be determined for the site access. Although this is an existing junction/access, due to the increase in traffic from the proposed dwellings an assessment of the visibility needs to be undertaken to confirm a safe and suitable access is provided and currently there is no evidence of a speed survey or appropriate access design showing available visibility from the site access.

Ridge Lane is subject to 30mph and it is understood recent speeds have been recorded by the Police where 3 of 16 vehicles sampled were found to be travelling at speeds in excess of the speed limit (approximately 20% of vehicles). WCC have suggested available speed data shows passing speeds in the region of 16-22mph, however, there is no data presented to support this and therefore it is my recommendation an ATC speed survey is undertaken.

### **Access Design**

Even at outline stage I would expect an access design drawing to be prepared showing the access width, visibility splays (pedestrian and junction) vehicle tracking for the largest vehicles turning in/out of the access, and refuse and servicing vehicles (if appropriate). I would also suggest this should be based on a Topographical Survey to ensure accurate dimensions and measurements can be provided.

### **Vehicle Tracking**

No vehicle tracking has been undertaken of the site access, along with the parking spaces provided for the proposed 3 dwellings. This is not essential but would help

### **Personal Injury Collision (PIC) Data**

The applicant team have undertaken a review of PIC using the freely available website 'Crashmap.' I would expect a review of PIC data to be undertaken using data purchased from WCCs Road Safety Partnership Team rather than Crashmap.

#### Topographical Survey of existing Car Park

There is no Topographical Survey of the car park, therefore it is impossible to understand whether the access widths as detailed on the site layout and stated in the TS are achievable. From my site visit and looking at Google imagery, the car park width does not look sufficient to accommodate 2 x parked cars with a 4.5m clearance between the cars to allow the suitable access to 3 x dwellings. I would also note on Page 2 of the TS the report title states "Transport Statement and Parking Survey," if a parking survey has been conducted and undertaken it is respectfully requested that this is submitted in support of the application.

#### Stage 1 Road Safety Audit

A Stage 1 RSA has been prepared by TMS (report ref; 18006) which raised no "safety problems" with the scheme. WCC comment in their original response in January 2024 that the audit was not agreed beforehand with them. I am unsure whether an Audit Brief was prepared by the applicant and approved by WCC, which is usual practice within Warwickshire where they act as local highway authority. It is not the audit team's responsibility to comment on design elements, only safety matters, therefore I have no reason to disagree with the findings of the TMS independent audit.

#### **Warwickshire County Council (WCC) Highways Response**

WCC's original consultation response (ref 230324) dated 11<sup>th</sup> January 2024, was one of objection, as detailed below;

*An RSA has been submitted and reviewed by WCC's Road Safety Team and no problems were identified. However, a Road Safety Audit brief was not submitted to and agreed beforehand by the Highway Authority. It is therefore unclear what has and has not been considered by the audit team. No mention of the below concerns has been made and no changes are shown on the plans. Where the below concerns considered by the audit team? A width of 4.5 metres is provided which does not allow for 2-way flow of vehicles. The Highway Authority requires shared accesses to measure a minimum width of 5 metres for the first 7.5 metres into the site. The visibility splays from the access are obstructed by parked vehicles. As observed on site the demand for on-street parking is high with vehicles parked in close proximity to the access. A barrier is present within the access, setback around 3 metres. How will this operate in regard to the dwellings? Will the barrier be kept open constantly? The bin collection point appears to be within the pedestrian visibility splays which would not be supported*

Subsequently, amended plans were submitted by the applicant which resulted in a revised "no objection" response from WCC dated 2<sup>nd</sup> May 2024, as detailed below;

*Amended plans have been submitted showing part of the car park being remodelled in order to provide a widened access. It has also been shown that the bin collection point is not within the pedestrian visibility splays and that no barrier/gate etc is to be retained at the access. So, the only outstanding concern raised is in regard to parking within the visibility splays on Ridge Lane. However, as set out in Manual for Streets 2 'parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice. Ideally, defined bays should be provided outside the splays. However, in some circumstances, where speeds are low, some encroachment may be acceptable.' In accordance with the NPPF development should only be refused on highway safety grounds if the impact is considered severe. As set out by MfS2 parking within splays does not appear to create significant problems, particularly at low speeds. Available speed data suggests average speeds along this stretch of Ridge Lane of between 16mph-22mph, this is considered to therefore be a slow-speed environment. It is also noted that the access currently serves an existing use and there have been no reported collisions since records began in 1990 to suggest that parking in the visibility splays has been detrimental. The proposals have also been subject to a stage 1 Road Safety Audit that identified no problems. It is therefore considered that in accordance with the NPPF the Highway Authority would not be able to defend an objection at appeal as the impacts are not considered severe. It is however recommended that H-bar markings are installed on Ridge Lane across the access to ensure the access is kept clear of parked vehicles. Please also note that as part of any future reserved matters application the Highway Authority would require a turning area to be provided on-site to allow for store delivery vans etc to manoeuvre in order to re-enter the highway in a forward gear.*

WCC as local highway authority (LHA) have accepted that the application can be approved on highway grounds, subject to relevant planning conditions.



#### **Mancetter Parish Council Observations**

Mancetter Parish Council (MPC) have submitted on objection to the application summarised by me below;

*There are road safety concerns and data on accidents (sadly including a fatality involving a cyclist) which are not included within the application. Recently, a speeding car ploughed into a front garden a few doors down from the pub demolishing two walls, and another driver overshot the junction by the White Hart completely and ended up in the hedge across the road. These incidents involved the police and insurance companies, and further detail can be supplied if necessary.*

*The access to the car park area is only a single vehicle width and has no approach splay*

*A car leaving the car park causes an obstruction to cars entering (a common event) and this in turn causes traffic flow issues on the highway. Impatient drivers then move onto the pavement to pass the vehicles waiting to enter the car park. There is at least one reported incident of a child narrowly missing injury when walking off the driveway of the housing opposite the entrance.*

*To alter the access to double vehicle width would seriously reduce the amount of pub parking available. The existing car parking provision is inadequate, and the road is already reduced to a single line due to constant parking of vehicles. Drivers then speed past the parked cars to avoid giving way to each other. The housing on that side of the street is mainly cottages having no parking other than the Ridge Lane Road*

*Current customer parking often extends beyond the road junction causing difficulties for residents on the Birchley Heath Road to exit their driveways. As a result, drivers leaving Ridge Lane Road have no clear view of traffic approaching at 40mph when turning left to Birchley Heath or right towards Atherstone along Monks Park Lane. The White Hart Inn public house is one of the oldest in not only the village but the general area and is referred to in the Neighbourhood Plan. Our neighbourhood plan does allow small intill development and also encourages businesses to diversify. However, this application will not add value to the local community and puts the future of the pub at risk. Public transport links are poor and Ridge Lane village is an area identified as a priority within the local levelling up process.*

Based on my review of the site and the submitted information in support of the application, I share some of the above concerns particularly in respect of the available access width and potential for vehicles to have to stop and wait in the public highway whilst a vehicle exits the car park, and lack of details relating to visibility from the car park access (site access). Both of these issues could possibly be overcome by submitting additional information as part of the application, but without them the concerns remain that a safe and suitable access for all road users is not available and therefore the scheme is in conflict with national and local policy in this regard.

#### **Summary**

In conclusion, it is my opinion there is insufficient information provided to allow this application to proceed on highway and transportation grounds. A number of concerns have been raised above as summarised below;

- No access design drawing has been prepared showing available junction visibility
- No ATC has been undertaken to determine 85<sup>th</sup> percentile passing speeds and traffic flow
- No consideration of On-street parking adjacent to access
- There is no detailed Topographical Survey of the existing car park to fully assess whether the access corridor of 4.5m is achievable in between the two rows of parked vehicles within the pub car park
- The trip rates are lower than expected, albeit the development would not give rise to highway congestion/capacity concerns.

It is recommended the applicant submits the above information in order to address the concerns raised in respect of this application and for further consideration. Currently, my recommendation would be that this application should not be granted highway approval and notwithstanding the response from WCC highways, the applicant should submit additional information to overcome the above concerns.

White Hart Inn, Ridge Lane, Oldbury, Nuneaton  
Transport Technical Note  
September 2024  
Report Ref: 29015-TRAN-0801

#### REGISTRATION OF AMENDMENTS

Date	Rev	Comment	Prepared By
September 2024	-	First issue	Tim Rose BA (Hons) MCIHT MTPS Regional Director

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VALUE EXCEED TRUST EXCELLENCE CLARITY

# Highways and Transportation Technical Note

Client: Stonegate Pub Company Ltd

Project: The White Hart, Ridge Lane

Date: October 2024





## 1. Introduction

### 1.1 Overview

This Highways and Transportation Technical Note (TN) has been prepared by The Transportation Consultancy Ltd ('ttc') in response to North Warwickshire Borough Council's (NWBC) independent transport review, of an already registered Outline Planning Application (ref: PAP/2023/0324) for '3no. dwellings at land to the rear of The White Hart Inn, Ridge Lane, Oldbury, Nuneaton'.

### 1.2 Background

The proposed development site is situated on a vacant parcel of land to the southeast of The White Hart Public House (PH) in Ridge Lane, Warwickshire. Figure 1.1 displays the site location and its surrounding environment.

Figure 1.1 Local Context



The development proposals consist of the following:

- 3 residential dwellings, with the following mix;
  - 2 x semi-detached units
  - 1 x detached unit
- Associated parking of 7 parking spaces dedicated for residential use, and 1 visitor space.



### 1.3 Purpose of Technical Note

The purpose of this TN is to address highways comments made by MEC Consulting Group on behalf of NWBC in their capacity as the Local Planning Authority. The TN provides further detail and evidence in relation to development proposals.

## 2. Comments & Responses

### 2.1 Introduction

An independent review undertaken by MEC Consulting Group's (29015-TRAN-0801) regarding the Highways and Transportation work for the application has been responded to, items are provided under specific headings below for ease of reference. A full copy of the report is provided in Appendix. A.

### 2.2 Speed and Traffic Data

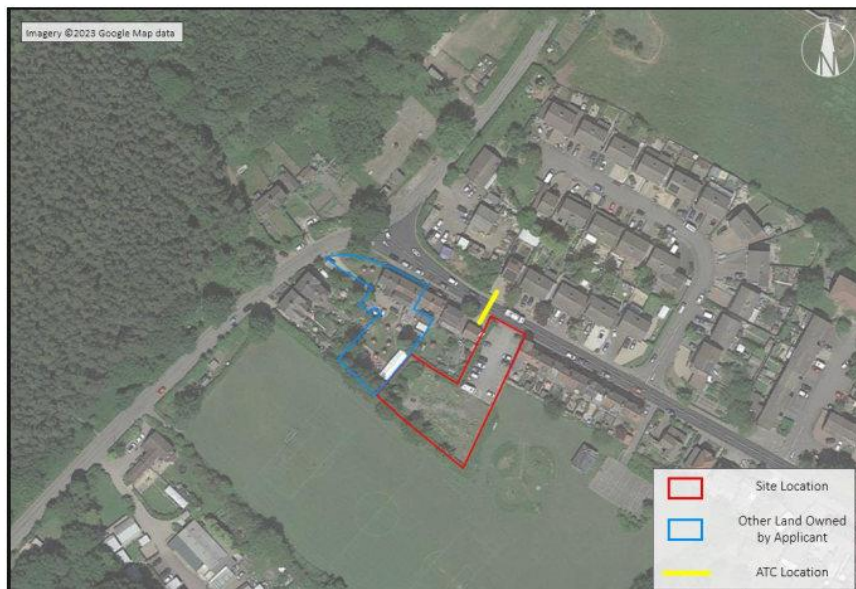
#### MEC Consulting Group's Comments

*"The applicant team has not undertaken any surveys to obtain the passing 85th percentile speeds from which junction visibility requirements can be determined for the site access. Although this is an existing junction/access, due to the increase in traffic from the proposed dwellings, an assessment of the visibility needs to be undertaken to confirm a safe and suitable access is provided. Currently, there is no evidence of a speed survey or appropriate access design showing available visibility from the site access."*

#### 'ttc' response

The comments are noted and accepted. Following these comments, 'ttc' commissioned an Automatic Traffic Count (ATC) outside the existing car park access on Ridge Lane in the following location marked in Figure 2.1 below.

Figure 2.1 ATC Location



The ATC surveys were conducted between the periods of Saturday 05<sup>th</sup> October 2024 to Friday 11<sup>th</sup> October 2024. The 85<sup>th</sup> percentile speed going northbound was 30.2mph while southbound was 29.8mph. A copy of the results of the survey are contained in Appendix B.

The results from the surveys demonstrated that vehicles using Ridge Lane are travelling consistently with the speed limit of 30mph. Any design criteria for the proposals will be used for 30mph.

## 2.3 Access Visibility

### MEC Consulting Group's Comments

*"Even at outline stage I would expect an access design drawing to be prepared showing the access width, visibility splays (pedestrian and junction)"*

### 'ttc' response

The comments are noted.

### Vehicular Visibility

Given that the 85<sup>th</sup> percentile speed for northbound traffic is recorded at 30.2 mph and for southbound traffic at 29.8 mph, the corresponding visibility splays have been determined in line with Manual for Streets 2 (MfS2) guidance. Based on these speeds, a visibility splay of 43 metres in both directions is considered appropriate.

A visibility of 43m can be achieved and exceeded to the southeast and northwest of the access junction, while to the It should be noted that access has been in operation for a number of years without any safety concerns.

A drawing showing visibility splays for vehicles can be found in Appendix C.

### Pedestrian Visibility

Pedestrian visibility is achievable and demonstrated in drawings contained in Appendix C

## 2.4 Access Design

### MEC Consulting Group's Comments

*"Even at outline stage I would expect.... vehicle tracking for the largest vehicles turning in/out of the access, and refuse and servicing vehicles (if appropriate). I would also suggest this should be based on a Topographical Survey to ensure accurate dimensions and measurements can be provided."*

### 'ttc' response

The comments are noted.

### Access Design Drawings

Following these comments, a general arrangement drawing has been created and is available in Appendix D. This drawing addresses the following factors designed on an topographical survey.

- Access width, and
- Large vehicle tracking.



Refuse collection will be taken via kerbside collection therefore vehicles will not enter the site. Visibility and interior tracking will be show in a later chapters.

## 2.5 Accident Data

### MEC Consulting Group's Comments

*"The applicant team have undertaken a review of PIC using the freely available website 'Crashmap.' I would expect a review of PIC data to be undertaken using data purchased from WCC's Road Safety Partnership Team rather than Crashmap."*

### 'ttc' response

The comments are noted.

### WCC Road Safety Partnership PIC Data

Following these comments, 'ttc' made a PIC data request for the most recent 5-years of data at the access to the junction. Figure 2.2 below shows the PIC data extent for 1/10/2019 - 17/10/2024,

Figure 2.2 PIC Extent 1/10/2019 - 17/10/2024



Over the most recent five-year period, data provided by the WCC Road Safety Partnership indicates that no accidents have been reported along this stretch of road, confirming the Crash Maps findings. This suggests that the existing highway operates safely and efficiently. Given the absence of any recorded incidents, it can be reasonably concluded that the proposed development is unlikely to exacerbate any pre-existing highway safety concerns.

## 2.6 Trip Generation

### MEC Consulting Group's Comments

*"The applicant has used TRICS to determine trip rates and trip generation for the 3 new dwellings. Given the location of the site, I would expect trip rates to be closer to 0.6 per dwelling during the peak periods, and approximately 6 trips per day per dwelling..."*

*I would suggest the peak movements would be 2 trips, with daily trips closer to 18 in total. Although I consider the above trip rates underestimate the likely demand from the site, a total of 2 trips in the peak periods and 18 daily trips will not give rise to any highway capacity concerns. I do not consider any further information is required in respect of trip generation."*

### 'ttc' response

The comments are noted and accepted.

### Revised Trip Generation

'ttc' accepts MEC Consulting Group's suggested trip generation and agrees that the revised trip rate will not give rise to any highway capacity concerns.

## 2.7 Site Manoeuvrability

### MEC Consulting Group's Comments

*"No vehicle tracking has been undertaken of the site access, along with the parking spaces provided for the proposed 3 dwellings. This is not essential but would help."*

### 'ttc' response

The comments are noted and accepted.

### Vehicle Tracking

'ttc' accepts MEC Consulting Group Comments and have undertaken a vehicle tracking exercise for new unit parking spaces. This is shown in Appendix E.

### 3. Summary & Conclusion

This Highways and Transportation Technical Note (TN) has been prepared by The Transportation Consultancy Ltd ('ttc') in response to MEC Consulting Group's comments (29015-TRAN-0801) commissioned by North Warwickshire Borough Council (NWBC) regarding the Highways and Transportation work submitted in support of planning application reference: PAP/2023/0324 which is an outline application for 3no. dwellings at land to the rear of The White Hart Inn, Ridge Lane, Oldbury, Nuneaton.

Issued by

Approved by



George Easton

Luke Ford

#### Third party disclaimer

Any disclosure of this report to a third party is subject to this disclaimer. The report was prepared by TTC at the instruction of, and for use by, our client named on the front of the report. It does not in any way constitute advice to any third party who is able to access it by any means. TTC excludes to the fullest extent lawfully permitted all liability whatsoever for any loss or damage howsoever arising from reliance on the contents of this report. We do not however exclude our liability (if any) for personal injury or death resulting from our negligence, for fraud or any other matter in relation to which we cannot legally exclude liability.



## Appendix A

### MEC Consulting Group Report



**Proposed Residential Development at The White Hart Inn, Ridge Lane, Oldbury, Nuneaton**  
**Our Ref: 29015-TRAN-0801**  
**Planning Application Reference; PAP/2023/0324**  
**Transport Technical Note – September 2024**

**Introduction**

MEC have been instructed by North Warwickshire Borough Council (NWBC) to undertake an independent review of the Highway and Transportation work submitted in support of planning application reference PAP/2023/0324 which is an outline application for 3 dwellings at land to the rear of The White Hart Inn, Ridge Lane, Oldbury, Nuneaton.

I am a Regional Director of MEC Consulting Group Ltd with 18 years' experience in highways and transportation matters. I am a member of the Chartered Institute of Highways and Transportation and a Member of the Transport Planning Society. I can confirm I have visited the site and I can confirm I have no conflict of interest in this application other than to review the documentation from an independent highway expert perspective.

I have reviewed all of the submitted documentation and various consultation responses and have provided a summary of each below, before providing my summary and recommendations to NWBC.

**Proposal**

The planning application is for the following;

*"Outline Access application for construction of three dwellings to the rear of the White Hart Inn Ridge Lane."*

Outline planning permission is sought for the erection of three dwellings with all matters reserved, except for access. Access to the development is via Ridge Lane through the existing White Hart Inn car park. This is an outline application with matters of scale, appearance and layout of the development, as well as landscaping, reserved for approval at a later date.

**The Site**

The application site comprises grassland to the rear of the White Hart Pub car park. Adjacent to the site is the pub garden to the west, residential properties to the north and northeast, with the recreation grounds situated to the south.

**Site Layout**

A site layout has been submitted as part of the application prepared by Rickett Architects (ref; 3358-s3-002 Rev B). The layout shows the following;

- 3 x new dwellings and associated parking for 8 vehicles
- Access through the Pub Car Park, 4.5m in width
- Pedestrian visibility splays of 2.4m x 2.4m
- 5m access width for the first 7.5m
- Bin collection point adjacent to the car park entrance
- Demarcation of car parking spaces within pub car park (it is assumed these are for reference only and not taken from a Topographical Survey of the car park)

**Planning Application Documents**

The following has been submitted as part of the planning application and considered relevant to the preparation of this Technical Note;

- Transport Statement prepared by TTC (Report Ref; 210589-10)
- Site Plan 3358\_s3\_002 Rev B
- Stage 1 Road Safety Audit by TMS (Report Ref; 18006)

The following sections provide my review of each document submitted along with a summary of each relevant consultee response, followed by my summary and recommendations.

### **Transport Statement Review**

The submitted Transport Statement (TS) covers most of the aspects usually considered necessary for an outline planning application. The report concludes that the development can be 'comfortably accommodated' and there should be no reasons why the application cannot be recommended in highways and transportation terms. Despite not agreeing with the applicant's trip generation and TRICS data used, I agree that the proposed development will not give rise to any highway capacity and congestion concerns based on the trip generation from 3 new dwellings. However, following a review of the TS I have noted a few concerns below which would require additional information being submitted prior to me being convinced the scheme provides a "safe and suitable access for all" in accordance with the NPPF and key local policies.

#### Trip Generation

The applicant has used TRICS to determine trip rates and trip generation for the 3 new dwellings. Given the location of the site, I would expect trip rates to be closer to 0.6 per dwelling during the peak periods, and approximately 6 trips per day per dwelling. The trip rates used in the TS are copied below in Table 1;

**Table 1: Trip Rates and Trip Generation used within submitted TS**

	Arrive	Depart	Two-Way	Arrive	Depart	Two-way
AM Peak	0.119	0.333	0.452	0	1	1
PM Peak	0.262	0.238	0.500	1	1	2
Daily	1.926	2.094	4.020	6	6	12

I would suggest the peak movements would be 2 trips, with daily trips closer to 18 in total. Although I consider the above trip rates underestimate the likely demand from the site, a total of 2 trips in the peak periods and 18 daily trips will not give rise to any highway capacity concerns. I do not consider any further information is required in respect of trip generation.

#### Sustainability

I have no comments to make in respect of the sustainability and accessibility of the site. No further evidence or justification is required in this regard.

#### ATC: Speed and Traffic Data

The applicant team has not undertaken any surveys to obtain the passing 85<sup>th</sup> percentile speeds from which junction visibility requirements can be determined for the site access. Although this is an existing junction/access, due to the increase in traffic from the proposed dwellings an assessment of the visibility needs to be undertaken to confirm a safe and suitable access is provided and currently there is no evidence of a speed survey or appropriate access design showing available visibility from the site access.

Ridge Lane is subject to 30mph and it is understood recent speeds have been recorded by the Police where 3 of 16 vehicles sampled were found to be travelling at speeds in excess of the speed limit (approximately 20% of vehicles). WCC have suggested available speed data shows passing speeds in the region of 16-22mph, however, there is no data presented to support this and therefore it is my recommendation an ATC speed survey is undertaken.

#### Access Design

Even at outline stage I would expect an access design drawing to be prepared showing the access width, visibility splays (pedestrian and junction) vehicle tracking for the largest vehicles turning in/out of the access, and refuse and servicing vehicles (if appropriate). I would also suggest this should be based on a Topographical Survey to ensure accurate dimensions and measurements can be provided.

#### Vehicle Tracking

No vehicle tracking has been undertaken of the site access, along with the parking spaces provided for the proposed 3 dwellings. This is not essential but would help he

#### Personal Injury Collision (PIC) Data

The applicant team have undertaken a review of PIC using the freely available website 'Crashmap.' I would expect a review of PIC data to be undertaken using data purchased from WCCs Road Safety Partnership Team rather than Crashmap.

#### Topographical Survey of existing Car Park

There is no Topographical Survey of the car park, therefore it is impossible to understand whether the access widths as detailed on the site layout and stated in the TS are achievable. From my site visit and looking at Google imagery, the car park width does not look sufficient to accommodate 2 x parked cars with a 4.5m clearance between the cars to allow the suitable access to 3 x dwellings. I would also note on Page 2 of the TS the report title states "Transport Statement and Parking Survey," if a parking survey has been conducted and undertaken it is respectfully requested that this is submitted in support of the application.

#### Stage 1 Road Safety Audit

A Stage 1 RSA has been prepared by TMS (report ref: 18006) which raised no "safety problems" with the scheme. WCC comment in their original response in January 2024 that the audit was not agreed beforehand with them. I am unsure whether an Audit Brief was prepared by the applicant and approved by WCC, which is usual practice within Warwickshire where they act as local highway authority. It is not the audit team's responsibility to comment on design elements, only safety matters, therefore I have no reason to disagree with the findings of the TMS independent audit.

#### **Warwickshire County Council (WCC) Highways Response**

WCCs original consultation response (ref 230324) dated 11<sup>th</sup> January 2024, was one of objection, as detailed below;

*An RSA has been submitted and reviewed by WCCs Road Safety Team and no problems were identified. However, a Road Safety Audit brief was not submitted to and agreed beforehand by the Highway Authority. It is therefore unclear what has and has not been considered by the audit team. No mention of the below concerns has been made and no changes are shown on the plans. Where the below concerns considered by the audit team? A width of 4.5 metres is provided which does not allow for 2-way flow of vehicles. The Highway Authority requires shared accesses to measure a minimum width of 5 metres for the first 7.5 metres into the site. The visibility splays from the access are obstructed by parked vehicles. As observed on site the demand for on-street parking is high with vehicles parked in close proximity to the access. A barrier is present within the access, setback around 3 metres. How will this operate in regard to the dwellings? Will the barrier be kept open constantly? The bin collection point appears to be within the pedestrian visibility splays which would not be supported*

Subsequently, amended plans were submitted by the applicant which resulted in a revised "no objection" response from WCC dated 2<sup>nd</sup> May 2024, as detailed below;

*Amended plans have been submitted showing part of the car park being remodelled in order to provide a widened access. It has also been shown that the bin collection point is not within the pedestrian visibility splays and that no barrier/gate etc is to be retained at the access. So, the only outstanding concern raised is in regard to parking within the visibility splays on Ridge Lane. However, as set out in Manual for Streets 2 'parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice. Ideally, defined bays should be provided outside the splays. However, in some circumstances, where speeds are low, some encroachment may be acceptable.' In accordance with the NPPF development should only be refused on highway safety grounds if the impact is considered severe. As set out by MfS2 parking within splays does not appear to create significant problems, particularly at low speeds. Available speed data suggests average speeds along this stretch of Ridge Lane of between 16mph-22mph, this is considered to therefore be a slow-speed environment. It is also noted that the access currently serves an existing use and there have been no reported collisions since records began in 1990 to suggest that parking in the visibility splays has been detrimental. The proposals have also been subject to a stage 1 Road Safety Audit that identified no problems. It is therefore considered that in accordance with the NPPF the Highway Authority would not be able to defend an objection at appeal as the impacts are not considered severe. It is however recommended that H-bar markings are installed on Ridge Lane across the access to ensure the access is kept clear of parked vehicles. Please also note that as part of any future reserved matters application the Highway Authority would require a turning area to be provided on-site to allow for store delivery vans etc to manoeuvre in order to re-enter the highway in a forward gear.*

WCC as local highway authority (LHA) have accepted that the application can be approved on highway grounds, subject to relevant planning conditions.

#### **Mancetter Parish Council Observations**

Mancetter Parish Council (MPC) have submitted an objection to the application summarised by me below;

*There are road safety concerns and data on accidents (sadly including a fatality involving a cyclist) which are not included within the application. Recently, a speeding car ploughed into a front garden a few doors down from the pub demolishing two walls, and another driver overshot the junction by the White Hart completely and ended up in the hedge across the road. These incidents involved the police and insurance companies, and further detail can be supplied if necessary.*

*The access to the car park area is only a single vehicle width and has no approach splay*

*A car leaving the car park causes an obstruction to cars entering (a common event) and this in turn causes traffic flow issues on the highway. Impatient drivers then move onto the pavement to pass the vehicles waiting to enter the car park. There is at least one reported incident of a child narrowly missing injury when walking off the driveway of the housing opposite the entrance.*

*To alter the access to double vehicle width would seriously reduce the amount of pub parking available. The existing car parking provision is inadequate, and the road is already reduced to a single line due to constant parking of vehicles. Drivers then speed past the parked cars to avoid giving way to each other. The housing on that side of the street is mainly cottages having no parking other than the Ridge Lane Road*

*Current customer parking often extends beyond the road junction causing difficulties for residents on the Birchley Heath Road to exit their driveways. As a result, drivers leaving Ridge Lane Road have no clear view of traffic approaching at 40mph when turning left to Birchley Heath or right towards Atherstone along Monks Park Lane. The White Hart Inn public house is one of the oldest in not only the village but the general area and is referred to in the Neighbourhood Plan. Our neighbourhood plan does allow small infill development and also encourages businesses to diversify. However, this application will not add value to the local community and puts the future of the pub at risk. Public transport links are poor and Ridge Lane village is an area identified as a priority within the local levelling up process.*

Based on my review of the site and the submitted information in support of the application, I share some of the above concerns particularly in respect of the available access width and potential for vehicles to have to stop and wait in the public highway whilst a vehicle exits the car park, and lack of details relating to visibility from the car park access (site access). Both of these issues could possibly be overcome by submitting additional information as part of the application, but without them the concerns remain that a safe and suitable access for all road users is not available and therefore the scheme is in conflict with national and local policy in this regard.

#### **Summary**

In conclusion, it is my opinion there is insufficient information provided to allow this application to proceed on highway and transportation grounds. A number of concerns have been raised above as summarised below;

- No access design drawing has been prepared showing available junction visibility
- No ATC has been undertaken to determine 85<sup>th</sup> percentile passing speeds and traffic flow
- No consideration of On-street parking adjacent to access
- There is no detailed Topographical Survey of the existing car park to fully assess whether the access corridor of 4.5m is achievable in between the two rows of parked vehicles within the pub car park
- The trip rates are lower than expected, albeit the development would not give rise to highway congestion/capacity concerns.

It is recommended the applicant submits the above information in order to address the concerns raised in respect of this application and for further consideration. Currently, my recommendation would be that this application should not be granted highway approval and notwithstanding the response from WCC highways, the applicant should submit additional information to overcome the above concerns.

White Hart Inn, Ridge Lane, Oldbury, Nuneaton  
Transport Technical Note  
September 2024  
Report Ref: 29015-TRAN-0801

#### REGISTRATION OF AMENDMENTS

Date	Rev	Comment	Prepared By
September 2024	-	First issue	Tim Rose BA (Hons) MCIHT MTPS Regional Director

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## Appendix B ATC Results

13800										
NUNEATON										
OCTOBER 2024										
Site	Location	Direction	Start Date	End Date	Posted Speed Limit (PSL)	Total Vehicles	5 Day Ave.	7 Day Ave.	Average 85%ile Speed	Average Mean Speed
Site No: 13800001	Ridge Lane, Ridge Lane (U/c 3 - S of Monks Park Ln) 52.552029, -1.569716	Channel: Northbound	Sat 05-Oct-24	Fri 11-Oct-24	30	7026	1060	1004	30.2	25.1
		Channel: Southbound	Sat 05-Oct-24	Fri 11-Oct-24		7176	1090	1025	29.8	24.7



## Appendix C

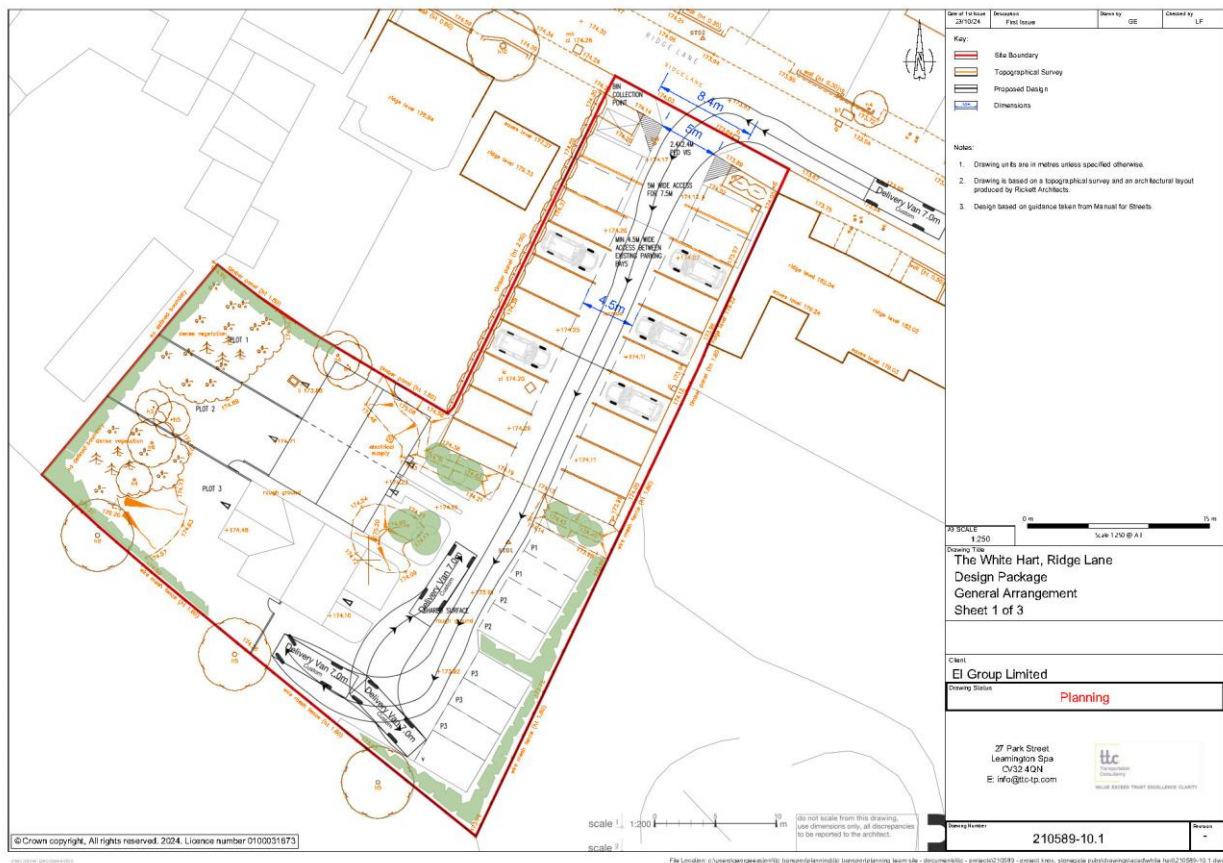
### Visibility Splays





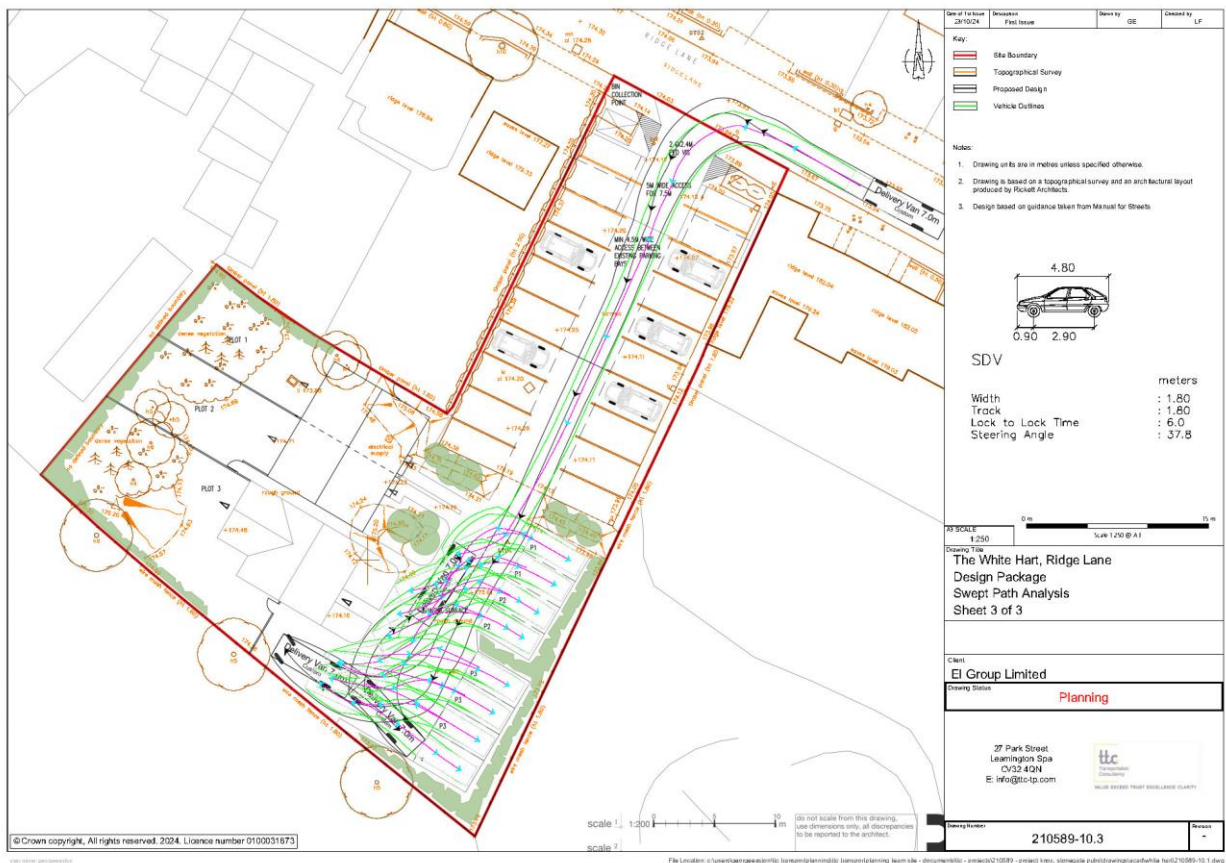


## Appendix D Access Design





## Appendix E Vehicle Tracking





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E: group@m-ec.co.uk  
W: www.m-ec.co.uk



**MEC**  
Consulting Group

**Proposed Residential Development at The White Hart Inn, Ridge Lane, Oldbury, Nuneaton**  
**Our Ref: 29015-TRAN-0801 Rev A**  
**Planning Application Reference; PAP/2023/0324**  
**Transport Technical Note – November 2024**

### Introduction

MEC have been instructed by North Warwickshire Borough Council (NWBC) to undertake an independent review of the Highway and Transportation work submitted in support of planning application reference PAP/2023/0324 which is an outline application for 3 dwellings at land to the rear of The White Hart Inn, Ridge Lane, Oldbury, Nuneaton.

I am a Regional Director of MEC Consulting Group Ltd with 18 years' experience in highways and transportation matters. I am a member of the Chartered Institute of Highways and Transportation and a Member of the Transport Planning Society. I can confirm I have visited the site and I can confirm I have no conflict of interest in this application other than to review the documentation from an independent highway expert perspective.

I have reviewed all of the submitted documentation and various consultation responses and have provided a summary of each below, before providing my summary and recommendations to NWBC.

MEC prepared a Technical Note in September 2024 (Report Ref: 29015-TRAN-0801) which provided a review of the documentation submitted with the outline planning application. Revision A of this Technical Note has been prepared following receipt of additional information from the applicant as detailed below;

- Site Plan 3358\_s3\_002 Rev C
- Highways and Transportation Technical Note prepared by TTC (Report Ref: 210589-10.1)

A review of the additional submitted information has been undertaken below, followed by my summary and recommendations.

### Proposal

The planning application is for the following which has not changed following the initial review undertaken in September 2024;

*"Outline Access application for construction of three dwellings to the rear of the White Hart Inn Ridge Lane."*

Outline planning permission is sought for the erection of three dwellings with all matters reserved, except for access. Access to the development is via Ridge Lane through the existing White Hart Inn car park. This is an outline application with matters of scale, appearance and layout of the development, as well as landscaping, reserved for approval at a later date.

### Agreed Matters

Matters relating to Trip Generation, Sustainability and the Stage 1 Road Safety Audit were agreed as part of the original review with no further investigation of these elements required.

### ATC: Speed and Traffic Data

MEC commented in September 2024;

*"The applicant team has not undertaken any surveys to obtain the passing 85<sup>th</sup> percentile speeds from which junction visibility requirements can be determined for the site access. Although this is an existing junction/access, due to the increase in traffic from the proposed dwellings an assessment of the visibility needs to be undertaken to confirm a safe and suitable access is provided and currently there is no evidence of a speed survey or appropriate access design showing available visibility from the site access."*

The applicant has subsequently undertaken a speed survey which returned speeds of 30.2mph northbound and 29.8mph southbound, commensurate with the speed limit of 30mph. MEC accept the findings of the ATC.

Civil Engineering | Transport | Flood Risk & Drainage | Structures | Geo-Environmental | Acoustic Air | Utilities | Geomatics | Lighting | Expert Witness

Birmingham  
Brighton  
Leicester

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### Access Design

MEC Commented in September 2024;

*"Even at outline stage I would expect an access design drawing to be prepared showing the access width, visibility splays (pedestrian and junction) vehicle tracking for the largest vehicles turning in/out of the access, and refuse and servicing vehicles (if appropriate). I would also suggest this should be based on a Topographical Survey to ensure accurate dimensions and measurements can be provided."*

An access design drawing 210589-10.2 has been prepared which shows visibility splays of 2.4m x 43m can be achieved, based on splays determined from the results of the speed survey. It is noted that the western splay is shown 1m offset from the carriageway in order to achieve the required splay, I consider this to be acceptable.

However, immediately east of the access it is noted there is on street parking which severely restricts visibility towards westbound traffic. The applicant is therefore advised to confirm what measures would be implemented to confirm a safe and suitable access is achievable with appropriate visibility provided based on the recorded 85<sup>th</sup> percentile road speed.

**Image 1: On street Parking located to the east of the Access**



Source: Google Maps

### Personal Injury Collision (PIC) Data

MEC commented in September 2024;

*"The applicant team have undertaken a review of PIC using the freely available website 'Crashmap.' I would expect a review of PIC data to be undertaken using data purchased from WCCs Road Safety Partnership Team rather than Crashmap."*

PIC data has been purchased from WCC and confirms no existing collisions have taken place in close proximity of the access. No further investigation or assessment is necessary.

**Topographical Survey of existing Car Park**  
MEC commented in September 2024;

*"There is no Topographical Survey of the car park, therefore it is impossible to understand whether the access widths as detailed on the site layout and stated in the TS are achievable. From my site visit and looking at Google imagery, the car park width does not look sufficient to accommodate 2 x parked cars with a 4.5m clearance between the cars to allow the suitable access to 3 x dwellings. I would also note on Page 2 of the TS the report title states "Transport Statement and Parking Survey," if a parking survey has been conducted and undertaken it is respectfully requested that this is submitted in support of the application."*

I do not believe this matter has been resolved, and no vehicle tracking for the pub car park spaces has been provided to show the access arrangement works appropriately. Given the corridor width in between the parking spaces is 4.5m wide, I do not believe there is sufficient space for vehicles to reverse in/out of the pub car park spaces. The usual requirement is 6m for a clear reverse distance, which does not appear available based on the plans provided. Vehicle tracking has been provided for the proposed dwelling spaces but not for the pub car park spaces. On that basis I have concerns with the ongoing operation of the pub car park spaces and interaction with the access width of 4.5m to the proposed dwellings.

**Summary**

In conclusion, it is my opinion there are still outstanding highway concerns which would need to be addressed prior to granting planning permission, as summarised below;

- On street parking located within visibility splay
- No detailed Topographical Survey has been provided to confirm the car park is wide enough to accommodate two rows of parking and the access width of 4.5m
- No vehicle tracking of the car park has been undertaken to show the car park will operate safely. A 6m corridor width is the usual requirement for appropriate reverse distances which cannot be provided on the layout as currently shown

It is recommended the applicant submits the above information in order to address the concerns raised in respect of this application and for further consideration. Currently, my recommendation would be that this application should not be granted highway approval based on the concerns raised in this Technical Note.

**REGISTRATION OF AMENDMENTS**

Date	Rev	Comment	Prepared By
September 2024	-	First issue	Tim Rose BA (Hons) MCIHT MTPS Regional Director
November 2024	A	Review of additional information submitted as part of outline application	

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**Andrew Horne**

**From:** William Brearley  
**Sent:** 27 November 2024 14:12  
**To:**  
**Cc:**  
**Subject:**  
**Attachments:**

**Caution:** Warning external email

Hi Andrew

Thank you for sending this over.

I note the following points have been raised by MEC for us to review (MEC comments in red):

*"However, immediately east of the access it is noted there is on street parking which severely restricts visibility towards westbound traffic. The applicant is therefore advised to confirm what measures would be implemented to confirm a safe and suitable access is achievable with appropriate visibility provided based on the recorded 85th percentile road speed."*

**I will ask TTC to review/respond.**

*"There is no Topographical Survey of the car park, therefore it is impossible to understand whether the access widths as detailed on the site layout and stated in the TS are achievable. From my site visit and looking at Google imagery, the car park width does not look sufficient to accommodate 2 x parked cars with a 4.5m clearance between the cars to allow the suitable access to 3 x dwellings. I would also note on Page 2 of the TS the report title states "Transport Statement and Parking Survey," if a parking survey has been conducted and undertaken it is respectfully requested that this is submitted in support of the application."*

*I do not believe this matter has been resolved, and no vehicle tracking for the pub car park spaces has been provided to show the access arrangement works appropriately. Given the corridor width in between the parking spaces is 4.5m wide, I do not believe there is sufficient space for vehicles to reverse in/out of the pub car park spaces. The usual requirement is 6m for a clear reverse distance, which does not appear available based on the plans provided. Vehicle tracking has been provided for the proposed dwelling spaces but not for the pub car park spaces. On that basis I have concerns with the ongoing operation of the pub car park spaces and interaction with the access width of 4.5m to the proposed dwellings."*

**The pub car parking arrangement is an existing situation i.e. the corridor width between the pub car parking spaces exists and we don't change that as part of proposals. If it is deficient that is a legacy / historic matter, and it is not the responsibility of our application to change that. I do accept though that our proposal should be safe hence the body of work being undertaken on highways in relation to the proposed housing. The work submitted (see site plan, topo and latest TTC note) shows that the proposed parking for the housing can reverse out of their spaces safely and leave our site in a forward gear. I'm not sure how our development will adversely affect the "ongoing operation of the pub car park spaces" since those are not being touched and the width between parking is wide enough to allow safe passage for the proposed residential traffic.**

**Unless I'm missing something, it reads as though MEC have considered our proposal as including pub car parking which as you know is not the case.**

Can you come back to me on the point immediately above please? In the meantime, I will ask TTC to review the first point they raise.

Thanks for sending this over and if you need to chat, please call me.

Kind regards

Will

**William Brearley MPlan MRTPI**  
Director

t. 07984 383334

e. [will@vistaplanning.co.uk](mailto:will@vistaplanning.co.uk)



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---

**From:** Andrew Horne <[AndrewHorne@NorthWarks.gov.uk](mailto:AndrewHorne@NorthWarks.gov.uk)>

**Sent:** 27 November 2024 12:58

**To:** Julie Gillion <[julie@vistaplanning.co.uk](mailto:julie@vistaplanning.co.uk)>; William Brearley <[will@vistaplanning.co.uk](mailto:will@vistaplanning.co.uk)>

**Subject:** RE: White Hart - Planning Committee

Julie/Will,

We've now received the report from MEC (see attached).

Happy to take any further comments you may have.

Kind Regards



**Andrew Horne**  
Planning Project Officer (HS2)  
North Warwickshire Borough Council

Phone:

Web: [www.northwarks.gov.uk](http://www.northwarks.gov.uk)

Social:     

**Andrew Horne**

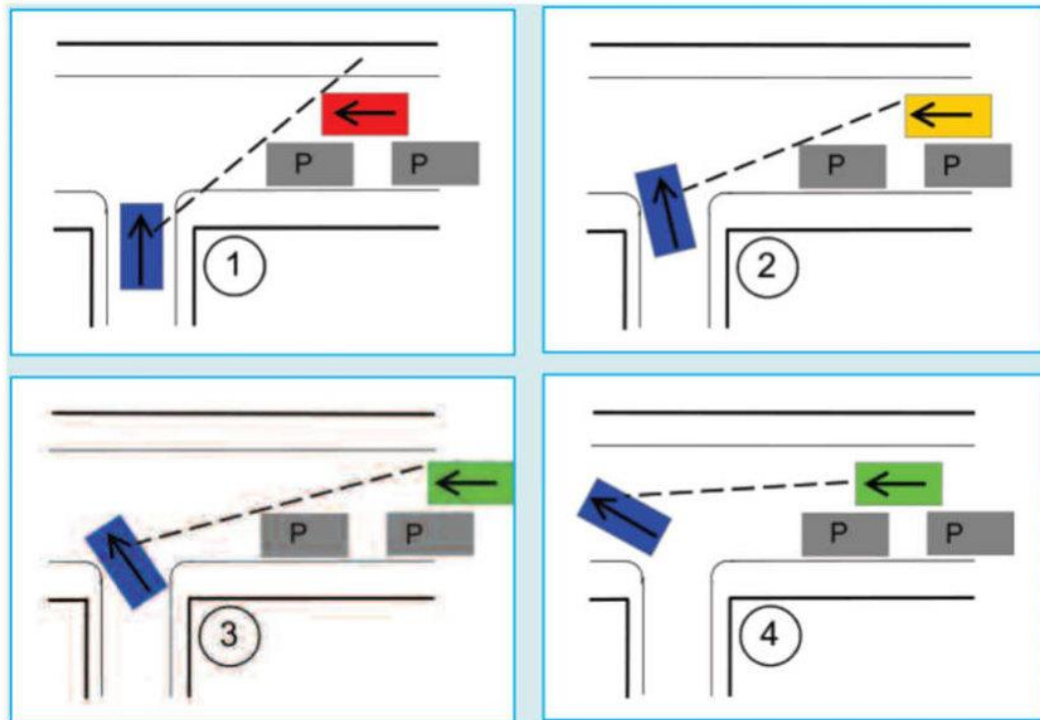
**From:** William Brearley [REDACTED]  
**Sent:** 29 November 2024 16:12  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** [REDACTED]

**Caution:** Warning external email

Hi Andrew

I have had a response back from TTC which I relay below for ease:

The Effect and Impact of On-street Parking in urban areas is a common theme, this aspect has been identified within Manual for Streets 2 under point 10.7.1, which states; 'parking in visibility plays in built-up areas is quite common, yet it does not appear to create significant problems in practice. Ideally, in some circumstances, where speeds are low, encroachment may be acceptable.' 'At urban junctions where visibility is limited by parked cars, drivers of vehicles on the minor arm tend to nose out carefully until they can see oncoming traffic and vice-versa.' A copy of the accompanying diagram is presented below.



As a result, the access can achieve the required visibility plays for the appropriate speed of vehicles on Ridge Lane, if a car exits onto Ridge Lane from the proposed development and would do so in a safe manner.

A potential 'H bar marking' could be provided along the existing dropped kerb access from Ridge Lane to the existing car park to ensure it remains clear. It should be duly noted that the access to the pub car park has been in operation for a number of years and has done so safely without any highway concerns.

MEC have conceded that the trip generation from the proposed development is not considered to have a significant impact on the safety nor operation of the local highway network therefore considering the points above the proposed access is considered safe.

I trust this helps address comments raised by MEC.

Kind regards

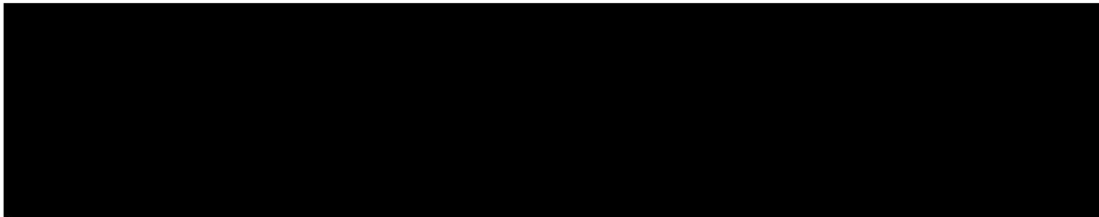
Will

**William Brearley MPlan MRTPI**  
Director



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Hi Andrew

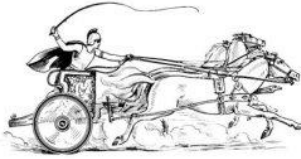
Thank you for sending this over.

I note the following points have been raised by MEC for us to review (MEC comments in red):

**“However, immediately east of the access it is noted there is on street parking which severely restricts visibility towards westbound traffic. The applicant is therefore advised to confirm what measures would be implemented to confirm a safe and suitable access is achievable with appropriate visibility provided based on the recorded 85th percentile road speed.”**

**I will ask TTC to review/respond.**





Manduessedum - Mancetter Village  
(Place of War Chariots)

## Mancetter Parish Council

Serving the People of Mancetter and Ridge Lane

### Additional Comments in relation to PAP/2023/0324



- All previous comments made by Mancetter Parish Council should be considered alongside these additional comments.
- Improvements to the junction of Ridge Lane and Monks Park Lane to assist with road safety and speeds are now at the engineering drawing stage, and have been approved as part of the County Councillor delegated budget. (See attached).

The narrowing of the junction, will have a knock-on effect to the common practice of parking on and around the corner. **As a result, cars will either use the existing pub car park or park along the road obscuring visibility even further.**

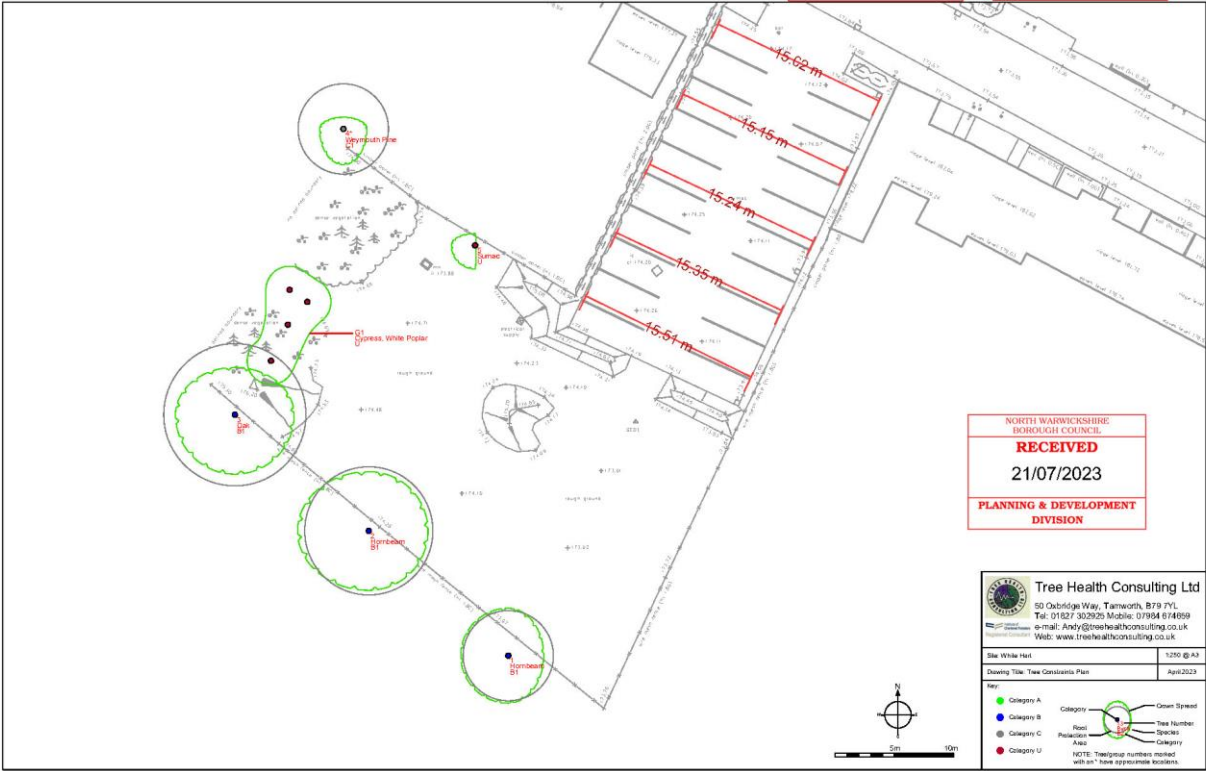
- The applicant maintains that the existing pub car park is wide enough for residents' cars, and their visitors to freely enter and exit Ridge Lane from the proposed tandem development of houses.

**They may be able to leave their properties in forward gear, but getting their vehicles safely through the carpark will be a challenge, especially for Delivery vehicles and Emergency services.**

- **Where resources allow the safer neighbourhoods team conduct speed watch at Ridge Lane as a direct result of resident and council concerns.**
  - The width between vehicles in the current layout is already insufficient at 4.5 metres, which is why we were supporting the pub landlord's suggestion to the Brewery to create additional parking and an enclosed children's play area on the land in question.
- Access arrangements should not cause adverse impacts to the character and appearance, *safety*, or amenity of the existing frontage development.**
- The reduction of further spaces as a direct result of the required visibility splays, and area designated to store wheely bins for the proposed three properties, **does affect the ongoing operation of the pub car parking spaces.**
  - Bus services are now stopping more frequently in Ridge Lane Village, and all buses including school transport stop within the visibility splay, **as this is the location of the designated bus stop.**









## APPENDIX J

### Member Site Visit

#### The White Hart, Ridge Lane - PAP/2023/0324

Friday 26<sup>th</sup> July 2024 at 1630

Present: Cllrs Bell, Clews, Humphries, Jarvis, Philips and Ridley together with W Brearley on behalf the applicant and J Brown

1. Members met in the White Hart public house car park.
2. They were shown a plan illustrating the site in its wider context as well as an illustrative layout plan for the proposed three houses.
3. Members walked to the actual site of the development. The surroundings were noted – the frontage line of development, the adjoining play area and playing field, the extent of the tree cover, the ground levels and the rear windows in existing development.
4. The potential location of the houses was pointed out with respect to their likely front and rear elevations.
5. The group then walked through the car park to the access. Whilst doing so Members saw the pedestrian access to the rear of the house next door.
6. At the access they noted the proposed bin collection point and the line of the proposed plays. The location of the initial parking spaces was also identified.
7. Members were shown the location of the existing bus stop and the on-street parking along the road.
8. The visit concluded at 1645.

## **General Development Applications**

**(5/d) Application No: PAP/2024/0546**

**Wood End Recreation Ground, Johnson Street, Wood End,**

**Works to tree protected by TPO order - T1 Oak (04XS) fell to ground level and treat stump to inhibit regrowth, for**

**Warwickshire County Council (Forestry)**

### **Introduction**

This application was referred to the February Board meeting, but determination was deferred as more information was requested. The previous report is attached at Appendix A.

### **Background**

As indicated at the meeting, Consents have been granted to fell four trees along the rear boundary of these houses in Wood End due to them causing subsidence issues at private residential property. All of these Consents had conditions attached requiring replacement trees.

In this case, the County Council Arboriculturalist was consulted on a further tree. The information passed to the County is attached at Appendix B. It can be seen here that the damage to the house relates to the house itself as a rear conservatory has already been removed.

As previously reported the County Forester had no objection upon receipt of this information and following a site inspection.

It is now proposed that three replacement trees would be planted – see Appendix C. The Assistant Director (Leisure and Community Development) has confirmed that their location is appropriate.

### **Recommendation**

As set out in Appendix A but with reference to the replacement of three trees in the location shown on Appendix C.

**General Development Applications**

**(6/h) Application No: PAP/2024/0546**

**Wood End Recreation Ground, Johnson Street, Wood End,**

**Works to tree protected by TPO order - T1 Oak (04XS) fell to ground level and treat stump to inhibit regrowth., for**

**Warwickshire County Council (Forestry)**

**Introduction**

This item is referred to the Board as the land on which the tree is situated is owned by the Borough Council.

**The Site**

The tree is at the rear of property in Pinewood Avenue within a Recreation Ground. It is illustrated at Appendix A.

**The Proposal**

It is proposed to fell an oak tree, as referenced T1 Oak (04XS) on Appendix A, to ground level and to then treat the stump so as to inhibit regrowth. The reasoning for the proposed works is due to the tree causing subsidence to a nearby property. A replacement tree is shown to be planted as at Appendix B.

**Consultations**

Kingsbury Parish Council- No comments received.

WCC Forestry – No objection, subject to condition that a replacement tree be planted.

**Observations**

The tree is protected by a TPO and the proposal would see a loss of the tree. However, the works are needed as the tree is currently causing subsidence damage to a nearby property. The County Council Forester is satisfied that this is the case. The proposed removal of the tree will see a loss of habitat, but a replacement tree would be provided to mitigate for the loss.

### **Recommendation**

That Consent be **GRANTED** subject to the following conditions:

1. The works to which this permission relates must be begun not later than the expiration of two years from the date of this permission.

#### **REASON**

To comply with the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2. For the avoidance of doubt, this permission is only in relation to the tree within the application.

The works shall be confined to the following:

- T1 Oak (04XS) fell to ground level and treat stump to inhibit regrowth.

#### **REASON**

To ensure that works not permitted are not undertaken without prior approval.

3. The replacement tree(s) shall be planted in the next available planting season (November-March) following felling, as shown on:

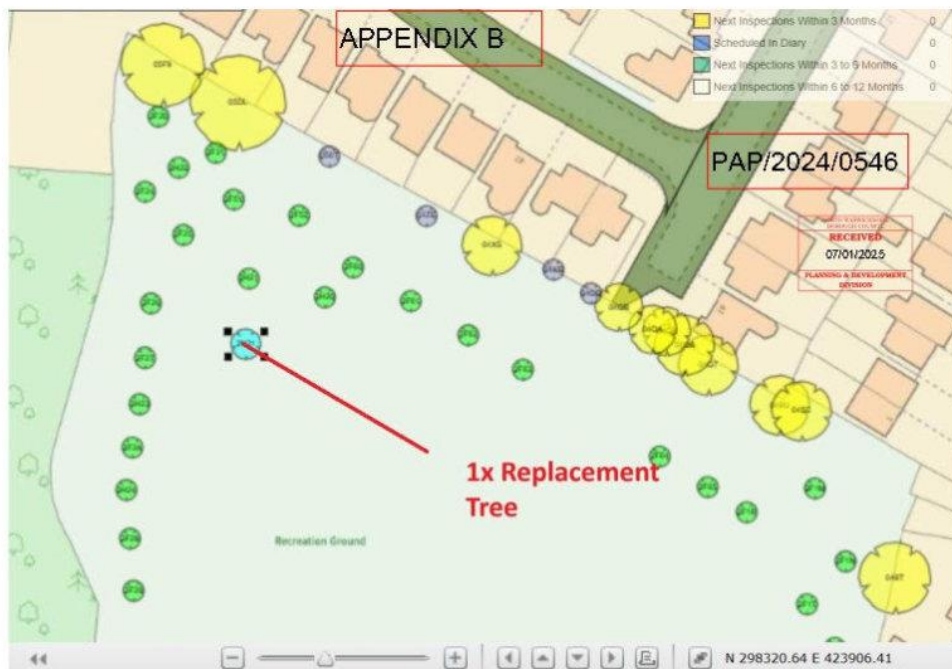
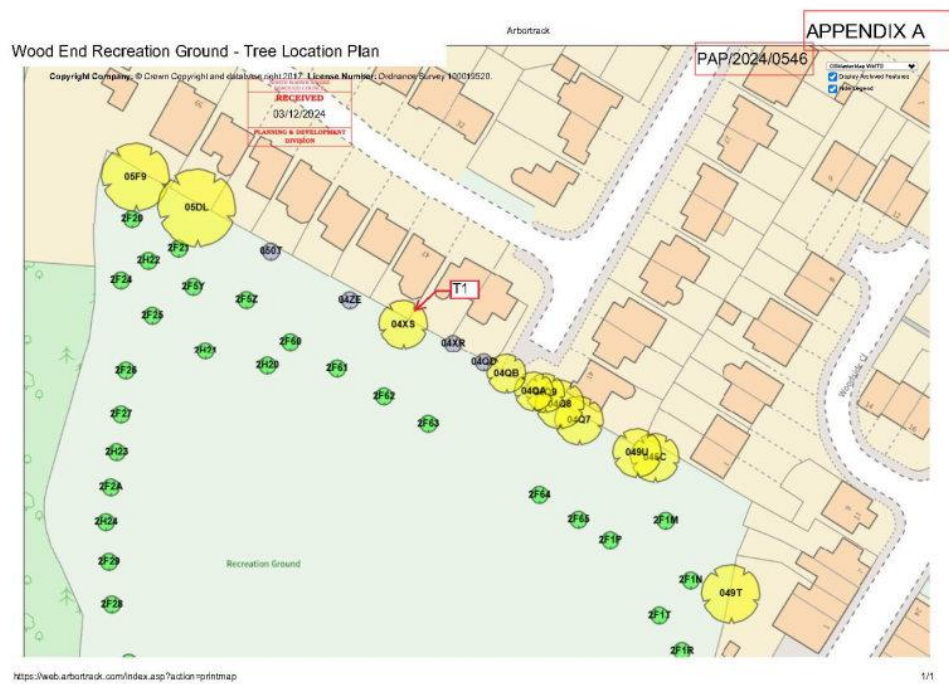
- Tree Mitigation Plan

Received by the Local Planning Authority 07/01/2025.

#### **REASON**

To ensure the amenity afforded by trees is continued into the future.

6h/177



6h/178

5d/92

## Arboricultural Consultancy for Lloyds Bank

Is vegetation likely to be a contributory factor in the current damage?	Yes
Is vegetation management likely to contribute to the future stability of the property?	Yes
Is replacement planting considered appropriate?	Yes
Would DNA profiling be of assistance in this case?	No

**6.0 Recommendations****6.1 Current Claim Requirements**

These recommendations may be subject to review following additional site investigations.

Tree No.	Species	Age Cat	Approx. Height (m)	Distance to Building (m) *	Ownership	Action	Requirement
T1	Oak	3	10.5	8.1	E - Boundary Veg (ownership to be confirmed)	Remove	Remove close to ground level and treat stump to inhibit regrowth.

Age Cat: 1 = Younger than property; 2 = Similar age to the property; 3 = Significantly older than property

\* Estimated

**6.2 Future Risk Recommendations**

These recommendations may be subject to review following additional site investigations.

Tree No.	Species	Age Cat	Approx. Height (m)	Distance to Building (m) *	Ownership	Action	Requirement
H1	Mixed Species Hedge: including honeysuckle, pyracantha and ivy.	1	1.9	8.1	E - Boundary Veg (ownership to be confirmed)	No action	No works.
H2	Mixed Species Hedge: dominated by hawthorn.	1	5	8.1	E - Boundary Veg (ownership to be confirmed)	Action to avoid future risk	Maintain at broadly current dimensions by way of regular pruning.
H3	Mixed Species Hedge: dominated by hawthorn.	1	2.1	8.5	E - Boundary Veg (ownership to be confirmed)	Action to avoid future risk	Maintain hedge below 5m max height by way of regular pruning.

Age Cat: 1 = Younger than property; 2 = Similar age to the property; 3 = Significantly older than property

\* Estimated

Third party property addresses should be treated as indicative only, should precise detail be required then Environmental Services can undertake Land Registry Searches





## Appendix C

### Arboricultural Consultancy for Lloyds Bank

#### 5. Technical Synopsis

This report is based upon our understanding at the time of visiting the property that Subsidence Management Services have concluded, on a preliminary basis, that the current damage is due to differential foundation movement exacerbated by moisture abstraction from vegetation growing adjacent to the property's foundations.

We have therefore been instructed to assess the potential for vegetation to be influencing soil moisture levels beneath the foundations of the property and, if deemed appropriate provide management proposals which will return long-term stability and allow effective repairs to be undertaken.

The potential drying influence of the vegetation on site, has been considered based on an assessment of overall size, species profile and the proximity of vegetation relative to the advised area of damage.

Based on our observations on site, it is our opinion that the footings of the subject property are within the normally accepted influencing distance of vegetation on site, thereby indicating the potential for the advised damage to be the result of clay shrinkage subsidence exacerbated by the moisture abstracting influence of vegetation.

With due regards to species profile, size and proximity, the Oak (T1) is considered the dominant feature proximate to the focal area(s) of movement and accordingly, where vegetation is confirmed as being causal, we have identified it as the primary cause of the current subsidence damage.

The size and proximity of the above vegetation is consistent with the advised location(s) of damage and it is our opinion, on balance of probability, that roots from the above vegetation will be in proximity to the footings of the insured property.

Note: additional minor vegetation has been noted on site and, depending on trial-pit location may be identified within future site investigations; however, unless specifically identified within this report, these plants are not deemed material to the current claim nor pose a significant future risk.

Given the above and considering the suspected mechanism of movement, in order to mitigate the current damage thereby allowing soils beneath the property to recover to a position such that an effective engineering repair solution can be implemented, we recommend a program of vegetation management as detailed by this report.

Please refer to Section 6 for management prescriptions.

Preliminary recommendations contained within this report are prescribed on the basis that site investigations confirm vegetation to be causal; management advice is designed to offer the most reliable arboricultural solution likely to restore long-term stability and also facilitate liaison with third-party owners and/or Local Authorities where necessary.

Consequently, we have advocated the complete removal of the Oak (T1) as it will offer the most certain arboricultural solution likely to restore long-term stability.

Replacement planting is considered appropriate with regards mitigating the impact of the works suggested; however, species selection should be appropriate for the chosen site and consideration must be given to the ultimate size of the replacement species and any future management requirements.

We recommend the role of vegetation and the efficacy of management recommendations be qualified by means of monitoring.

Please note that the footing of the insured property fall within the anticipated rooting distance of additional vegetation which we believe presents a foreseeable risk of future damage and accordingly we have made recommendations in respect of this.

The extent / impact of vegetation management required to restore and maintain long-term stability at this property is acknowledged. However, we consider the impact on the wider public amenity from the proposed tree works is mitigated by the presence of further trees and the scope for replacement planting.



## **General Development Applications**

**(5/e) Application No: PAP/2024/0513 and 2024/0514**

**Trent House, 102 Long Street, Atherstone, CV9 1AN**

**Planning and Listed Building applications for the demolition of existing outbuildings for the provision of six new build dwellings along with change of use of existing listed commercial premises for the provision of fourteen flats for**

**Capstone Alliance Ltd**

### **1. Introduction**

- 1.1 This application was referred to the Board's February meeting, but a determination was deferred in order to enable Members to review the design and appearance of the six new dwellings.
- 1.2 For convenience the report for that meeting is attached, but without its Appendices at Appendix A

### **2. Amended Plans**

- 2.1 The submitted plans which were the subject of the deferral are at Appendix B.
- 2.2 Amended plans have now been submitted and are at Appendix C. The changes include:
  - 2 false window details to North Street (North- East) Elevation
  - White finishes to windows
  - Stain Finish to Timber Porch Structure
  - Double Row snap headers to South- East Elevation and North- East Elevation
- 2.3 In addition, Members will have noted the reference to the outstanding consultation response from the Lead Local Flood Authority. That had not been received at the time of preparing this report and a verbal update will be provided at the meeting.

### **3. Observations**

- 3.1 There has been no material change to the Development Plan since the last meeting and neither to any other material planning considerations.
- 3.2 It is considered that the amended plans show a design that is appropriate to this location being within the Conservation Area and in respect of surrounding development.

## **Recommendation**

That Planning and Listed Building Consent be GRANTED subject to the conditions set out in Appendix A, but substituting plan numbers at Condition 2 in both Notices so as to refer to the plans at Appendix C and to add any conditions requested by the Lead Local Flood Authority.

**General Development Applications**

**(6/j) Application No: PAP/2024/0513 and 2024/0514**

**Trent House, 102, Long Street, Atherstone, CV9 1AN**

**Planning and Listed Building applications for the demolition of existing outbuildings for the provision of six new build dwellings along with change of use of existing listed commercial premises for the provision of fourteen flats for**

**Capstone Alliance Ltd**

**1. Introduction**

- 1.1 The receipt of this application was reported to the December Board meeting. It resolved to visit the site prior to determination.
- 1.2 There has been no change to the Development Plan since that time, but the National Planning Policy Framework (the "NPPF") has been updated as from late December 2024. There are no changes here that would impact on this report – just paragraph changes in the new NPPF.
- 1.3 The previous report is attached at Appendix A and a note of the visit is at Appendix B.
- 1.3 Also by way of further information, Members will have noted from paragraph 4.2 of the December report that the new units here if approved, could transfer to the Council's housing stock. In the interests of transparency, the Board is advised that the Borough Council is considering partnering with the applicant to develop the building as proposed, should planning permission be granted. This is not a material planning consideration as the Board is asked to determine the proposals on their own planning merits, but if approved on this basis, the possible outcome is something that should be made public.

**2. Further Information**

- 2.1 Following the site visit, which both of the Council's Design Champions attended, there was a request made that the applicant review the design and appearance of the terrace of new buildings at the rear of 102. It was considered that they should more thoroughly reflect what has been constructed in similar situations at neighbouring property. The applicant has agreed to submit amended plans, but these have not yet been received. If they are, then the Board will be updated at the meeting.

**3. Consultations**

Environmental Health Officer – No objection subject to conditions

Warwickshire Planning Archaeologist – No objection subject to conditions

Warwickshire County Council as Highway Authority – It has raised concerns about the adequacy of the access onto North Street in respect of use by refuse and other large vehicles.

Warwickshire County Ecologist – No objection subject to conditions.

Warwickshire County Council as Lead Local Flood Authority – More information is required in respect of the connections to the existing public sewers in the vicinity. The applicant has forwarded additional information to the County Council and any response will be provided at the meeting.

#### **4. Representations**

- 4.1 None have been received.

#### **5. Observations**

##### **a) The Principle of the Proposal**

- 5.1 The site is located within the settlement boundary of Atherstone – identified as a Category One settlement by Local Plan policy LP2, where new development is supported in principle. This is therefore a wholly sustainable location, and the proposal would also accord with Local Plan policy LP1. The site is also within the defined “town centre” of Atherstone where residential uses can be considered as appropriate development under Local Plan policy LP21 as well as under para 90 of the NPPF.
- 5.2 The main issues here are thus going to be whether the detail of the proposals would accord with the relevant policies of the Local Plan.

##### **b) Heritage Matters**

- 5.3 This is the most important of the matters to consider given the site’s location in the town’s Conservation Area, the building being a Grade 2 Listed Building and the presence of other neighbouring listed buildings.
- 5.4 The Council is under a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of its Conservation Areas. There is also a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. These are reflected in Local Plan policy LP15 where it says that the quality, character, diversity and local distinctiveness of the Borough’s historic environment will be conserved or enhanced, together with Section 16 of the NPPF. The NPPF says that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. This significance should be taken into account when considering the impact of a proposal on a heritage asset, so as to avoid or minimise any conflict between the asset’s conservation and any aspect of the proposal.

- 5.5 The impact of the proposals on the character and appearance of the Conservation Area will be looked at first.
- 5.6 The significance of the town's Conservation Area is it covers an extensive area of the town centre and its surrounding area, displaying the town's architectural, historic and commercial evolution through many time periods, whilst retaining substantial areas of their contemporaneous external characteristics in design, built form and use. This particular part of the Area is characterised by its three storey frontages reflecting the residential townhouses of the 18<sup>th</sup> Century and early 19<sup>th</sup> Century, but which are now converted to commercial uses at the ground floor. These frontages reflect Georgian characteristics particularly on the upper floors, with Victorian additions where they have ground floor shop frontages. The rear of these properties particularly in this part of the Area, is characterised by extensive rear ranges often reducing to single storey and with large open rear yards and gardens in some cases. There are often small outbuildings at the rear of these yards facing onto North Street where there are a number of vehicular access points.
- 5.7 The greater part of the current proposals is for the conversion of the main frontage building and its rear ranges to residential use without any alteration to the built form – demolition or addition. In particular, the prominent and most significant elevation – that facing Long Street – remains unaffected and thus there would be no material visual or architectural change to the property's principal public facing elevation. Apart from some changes in the appearance of the new replacement fenestration in the other elevations there would be no material change in the overall character and appearance of the building. As such, in general terms this part of the proposal would conserve the character and appearance of the Conservation Area.
- 5.8 The proposals at the rear involve demolition and new build. The existing buildings here are non-descript in appearance and are certainly more recent than the Long Street frontage. Early maps from the 1888 and 1901 show no buildings here. However historical mapping from the 1920's show that there was then a linear range of buildings added here along the north-western boundary. It appears that the majority of the present building facing North Street was the northern-most end of this range, but it too has now been extended to the side with a small mid-20<sup>th</sup> Century addition. It is proposed to demolish the remaining buildings here. If left vacant, there would be a reversion to the open area at the rear of 102 and the restoration of the visibility of the rear elevations of the Long Street buildings. However, the construction of the new range here would replicate a similar built form from the historical development of the larger site and replicate similar rear ranges on neighbouring sites. As indicated in para 2.1 above, officers are expecting revised plans in respect of the design and appearance of this new range of houses. Provided that they reflect and match the new and converted residential ranges on adjoining sites, they should be acceptable. On balance, it is considered that if this is the case, then this would conserve the former character of this part of the Conservation Area and provide an enhancement over the appearance of the existing built form here.
- 5.9 Whilst the last use of number 102 was as offices, following on from its occupation by both the Borough and Rural District Councils, the proposals would return the

6j/187

building to its original residential use. The proposal is thus an appropriate reversion.

- 5.10 In conclusion therefore, it is considered that less than substantial harm would be caused to the character and appearance of this part of the Conservation Area.
- 5.11 The building is a Grade 2 Listed Building – the listing description is at Appendix C. Its significance as a heritage asset lies in the retention of a long-established former residential town house of the late 18<sup>th</sup> Century displaying contemporaneous external features such as the symmetrical bays and fenestration design together with the Flemish bond brick façade. The rear ranges are retained with more recent extensions and the former rear garden remains as an open yard. In particular, its significance is enhanced by its town centre setting within a frontage of similar proportions, age and characteristics and replicated on the other side of the road. The past uses also reflect this location.
- 5.12 As above, it is considered that the proposed use is appropriate in both historic and architectural terms thus preserving the building in its setting. The external changes to the building itself are limited to changes in the design of the fenestration on the elevations, other than the principal and most public facing elevation. These do not detract from the overall attributes of the building. The main alterations are internal. Whilst the building has already been adapted considerably and modernised to meet the requirements of the recent office use of the whole, including the construction of the purpose-built Council Chamber and offices at the rear, an earlier floor plan is still discernible in the 18<sup>th</sup> Century arrangement of the principal domestic rooms on the floors facing Long Street. The proposed internal layout has been arranged around existing structural walls and retention of existing stairwells, in order to reduce the amount of intervention. Thus, it is still possible to appreciate the earlier historic layout of the main building. The main subdivisions have been where the large open offices were, including the former Chamber. There is some loss therefore of historic value. There are some features of interest – window architraves, picture rails, skirting and coving which would be retained. Overall, it is considered that the heritage impact on the historic and architectural characteristics of the building is no more than limited.
- 5.13 The loss of the outbuildings at the rear has no adverse impact on their architectural merits or that of the curtilage as a whole. Historically however, their replacement with a new rear range replicates a feature that has been lost and this would enhance the understanding of the whole site.
- 5.14 In overall terms therefore it is considered that the building is to be preserved as is its setting. There would be limited harm to its architectural characteristics. As a consequence, the proposal would give rise to less than substantial heritage harm.
- 5.15 There is no direct impact on the physical fabric of any of the neighbouring other Listed Buildings and those opposite. They all have uses that relate to their position within the historic and commercial centre of the town. The proposed use at 102 would be entirely appropriate in this setting and re-introduce the former original use for 102 which would have been the use of these other buildings to.

As there is no change to the principal town centre elevation there is no harm caused to the overall setting of the other heritage assets.

- 5.16 In heritage terms therefore, this proposal would cause less than substantial harm on the significance of the combined value of the heritage assets which it affects. This, in line with the NPPF, needs to be weighed against any public benefits that the proposal might offer, in order to establish if they are of sufficient weight to outweigh that harm. Before doing so, it is necessary first to establish if any other harms might be caused.

**c) Highway Matters**

- 5.17 The Highway Authority concern is understood. The refuse collection area is just inside the access behind the former mortuary building. If the vehicles are to reverse in, then a new bell-mouth arrangement would be required by the Highway Authority. This is physically not possible to achieve unless the number of the new units is reduced in order to create more space. Moreover the modern engineered access here would be wholly out of keeping with the character and appearance of the Conservation Area. As the refuse collection point is well within the minimum "carry" distance for refuse bins to be wheeled to a vehicle and that that vehicle would be infrequently parked on the street, it is considered that in this instance, this would be acceptable.

**d) Ecological Matters**

- 5.18 The County Ecologist has confirmed that this application, although being for major development, is exempt from the Bio-Diversity Net Gain Regulations as there is no "habitat" on site. However, whilst the applicant's surveys showed no evidence of the buildings being used by bats, it is recommended that a condition is attached to allow bat boxes to be provided where appropriate.

**e) Other Considerations**

- 5.19 The Environmental Health Officer has no objection subject to standard conditions in respect of a Construction Management Plan being required; the need for a watching brief in respect of any potential contamination found on the site and the need to design the new fenestration with appropriate noise insulation measures.
- 5.20 The further comments of the Lead Local Flood Authority are awaited. Provided that there is no objection, or through the recommended use of conditions, this matter should be capable of resolution.

**f) Other Harms**

- 5.21 As a consequence of the above matters, it is not considered that demonstrable other harms would be caused.

#### **g) The Public Benefits**

- 5.22 It is considered that there are two public benefits here. The first is the addition of fourteen residential units to the required housing numbers as set out in the Local Plan in a sustainable location and of a size and design that meets local housing requirements. The second is the retention and conservation of a prominent Listed Building in the town's Conservation Area through an appropriate town centre use and one that returns the building to its original historic purpose. These combined benefits are considered to clearly outweigh the less than substantial harm caused to the significance of the heritage assets that are affected.

#### **Recommendation**

- a) That the principle of the development be agreed and that the approval to any revisions made to the design of the new houses here, as indicated in this report, be delegated to officers in consultation with the Council's Design Champions.
- b) That subject to there being no objection from the Lead Local Flood Authority ("LLFA") that cannot be overcome by conditions, both planning and listed building consents are granted subject to the following conditions. If the objection is not removed, then the matter is referred back to the Board.
- c) That planning permission is **GRANTED** subject to the following conditions, together with any proposed by the LLFA:
  - 1. Standard three-year condition.
  - 2. Plan numbers – 241571/PL01, 7, 8, 9, 10, 11 and 13 plus the amendments to be agreed under (a) above.

#### **Pre-Commencement Conditions**

- 3. No development, including demolition, shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, any adverse impacts on existing residential premises and the environment arising from dust, odour, noise, smoke and light shall be minimised or mitigated. The Plan shall also detail how such controls are to be monitored. The Plan should also provide a procedure for the investigation of complaints. The development shall only proceed to be implemented in accord with the approved Plan.

#### **REASON**

In the interests of the amenities of neighbouring residential occupiers.



4. No development on the construction of the new houses hereby approved shall commence until noise insulation measures have been submitted to and approved in writing by the Local Planning Authority. The measures proposed should be evidenced from a Noise Impact Assessment that complies with the provisions of BS4142:2014 and BS8233:2014. Only the measures so approved shall then be implemented on site.

REASON

In the interests of the amenities of future occupiers.

5. No development on the construction of the new houses hereby approved shall take place until:
  - a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has first been submitted to and approved in writing by the Local Planning Authority.
  - b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the WSI, has been undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority.
  - c) An archaeological Mitigation Strategy document (including a WSI for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON

In the interests of understanding the archaeological importance of the site.

6. No demolition work shall commence on site until a landscape and ecological enhancement scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of native and /or pollinator friendly planting and the provision of artificial bat roost features including a minimum of two integrated bat boxes.

REASON

In the interests of securing bio-diversity gain on the site.

7. No work on the construction of the new houses hereby approved shall be commenced until details of all of the facing materials, rain-water goods and humidity extractor systems to be used on site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In the interests of the visual amenities of the area.

**Pre-Occupation Conditions**

8. None of the residential properties hereby approved shall be occupied until the whole of the car parking area has been fully completed, laid and marked out as set out on the approved plans; the access arrangements have been fully implemented in accordance with the approved plans, together with the implementation of the approved refuse collection compound, all to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety

9. None of the new build residential properties hereby approved, shall be occupied until each has been fitted with the noise insulation measures as approved under condition (4), the materials, goods and systems as approved under condition (7) together with the provision of a vehicle electric charging point.

Reason

In the interests of the residential amenities of the area and to promote sustainable development.

10. None of the new build residential properties hereby approved, shall be occupied until the measures approved under condition (6) have been fully implemented on site to the written satisfaction of the Local Planning Authority.

REASON

In the interests of bio-diversity enhancement.

### Other Conditions

11. The development shall be implemented in accordance with the recommended safeguards for protected species presented within the Method of Working in the preliminary Bat Roost Assessment and Bird Survey Report produced by S Christopher Smith dated 28/9/24, including checking for nesting birds undertaken by an ecologist prior to any demolition works. Any variation to the agreed plan must be agreed in writing by the Local Planning Authority.

#### REASON

In the interests of protecting species.

12. Demolition and Construction works, including deliveries, shall only take place between 0800 and 1800 on weekdays and 0800 to 1300 hours on Saturdays with no working or deliveries at all on Sundays and Bank Holidays.

#### REASON

In the interests of the residential amenities of the occupiers of neighbouring properties.

13. If ground contamination is found at any time when carrying out the approved development, it must be reported in writing to the Local Planning Authority. An investigation and Risk Assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared. Work may then only continue in accordance with any measures as approved in writing by the Local Planning Authority.

#### REASON

In the interests of reducing the risk of pollution.

### Informatives:

- a) The Local Planning Authority has met the requirements of the NPPF in this case through the issue of a positive outcome by working with the applicant.

### PAP/2024/0514

That Listed Building Consent be **GRANTED** subject to the following conditions:

1. Standard three-year condition.
2. Plan numbers – 241571/PL01, 7, 8, 9, 10, 11 and 13 plus the amendments to be agreed under (a) above.

3. No development on the construction of the new houses hereby approved shall commence until noise insulation measures have been submitted to and approved in writing by the Local Planning Authority. The measures proposed should be evidenced from a Noise Impact Assessment that complies with the provisions of BS4142:2014 and BS8233:2014. Only the measures so approved shall then be implemented on site.

REASON

In the interests of the amenities of future occupiers.

4. No work shall commence on the construction of the new houses hereby approved shall be commenced until details of all of the facing materials, rain-water goods and humidity extractor systems to be used on site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In the interests of the visual amenities of the area.

5. No start shall commence on the works approved for 102 Long Street, until such time as details of a ventilation strategy for the whole building commensurate with the works hereby approved, have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be installed.

REASON

In the interests of ensuring that excess water vapour is not trapped in the building thus causing further damage.

6. No start shall commence on the works approved for 102 Long Street, until such time as a full schedule of details for all of the windows to be replaced has been submitted to and approved in writing by the Local Planning Authority. The details shall be submitted at a scale of 1:5 and include details of all proposed secondary glazing and repair methodology for the timber framed sash and casement windows that are to be retained. All leaded windows are to be retained, repaired and protected by the use of secondary glazing. The scope of all details to be submitted under this condition shall first have been agreed in writing by the Local Planning Authority. Only the approved details in regards of all of these matters shall then be implemented on site.

REASON

In the interests of preserving and conserving the historic interests in the building.

7. No start shall commence on the works approved for 102 Long Street, until such time as a full schedule of details for all of new doors and screens to be fitted have first been submitted to and approved in writing by the Local Planning Authority. The details shall include sections showing rebates, frames, together with the materials and finishes to be used. Only the approved details shall then be implemented on site.

REASON

In the interests of preserving and conserving the historic interests in the building.

8. No start shall commence on the works hereby approved for number 102 Long Street, until such time as a methodology, plans and details of works to the sub-floor rooms and cellars have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In the interests of preserving and conserving the historic interests in the building.

9. No start shall commence on the works hereby approved for number 102 Long Street until such time as the specifications of all internal finishes and all insulation proposals for the walls, ceilings or joists have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In the interests of preserving and conserving the historic interests in the building.

10. No start shall commence on the works hereby approved for number 102 Long Street until such time as a written methodology for all repairs to masonry, cills, pointing, door surrounds and fan lighting including the specifications of the materials and finishes proposed have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In the interests of preserving and conserving the historic interests in the building.

6j/195

11. No start shall commence on the works hereby approved for number 102 Long Street until such time as the scope for a schedule of repairs and changes to the existing central stair-case has first been submitted to and approved in writing by the Local Planning Authority. Only details as approved under the agreed scope shall then be implemented on site.

REASON

In the interests of preserving and conserving the historic interests in the building.

12. No start shall commence on the works hereby approved for number 102 Long Street until such time as a conditions survey of the roof covering, roof structure, chimney and rain-water goods, has first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of preserving and conserving the historic interests in the building.

13. No start shall commence on the works hereby approved for number 102 Long Street until such time as a schedule of repairs necessary to be undertaken on the roof of the building has first been submitted to and approved in writing by the Local Planning Authority. The schedule shall show how the proposed works have been informed by the survey as approved under Condition (12). Only the repairs as approved in writing, shall then be implemented on site.

REASON

In the interests of preserving and conserving the historic interests in the building.

**Informatives:**

- a) The Local Planning Authority has met the requirements of the NPPF in this case through the issue of a positive outcome by working with the applicant.
- b) Conservation Principles should be adhered to at all times so as to minimise the loss of historic material.
- c) Breathable materials will be required for finishes particularly where the structure is of a traditional built form.
- d) Traditional materials will be required for the oldest parts of the building with more flexibility applicable to the later rear extensions.

L

APPENDIX B

PAP/2024/0513

SUPERSEDED



SOUTH EAST ELEVATION



NORTH WEST ELEVATION



NORTH EAST ELEVATION



SOUTH WEST ELEVATION

RECEIVED  
29/01/2025  
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SECTION

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1 10 20 30 40 50 60 70 80 90 100

Axon Architects

Capstone Alliance Ltd

Proposed Residential Development at  
102 Long Street  
Ayrton

Planning

Drawn: 05/08/2024

Check: 1/10

Proposed Elevations to New Dwellings

241571 - PL11

C

L

APPENDIX C

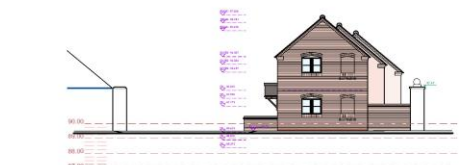
PAP/2024/0513



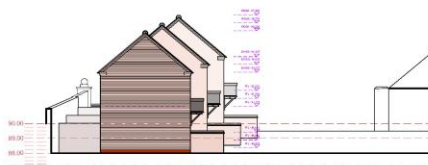
SOUTH EAST ELEVATION



NORTH WEST ELEVATION



NORTH EAST ELEVATION



SOUTH WEST ELEVATION

RECEIVED  
19/02/2025  
PLANNING & DEVELOPMENT  
SECTION

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1 10 20 30 40 50 60 70 80 90 100

Axon Architects

Capstone Alliance Ltd

Proposed Residential Development at  
102 Long Street  
Ayrton

Planning

Drawn: 05/08/2024

Check: 1/10

Proposed Elevations to New Dwellings

241571 - PL11

E



## Agenda Item No 6

### Planning and Development Board

3 March 2025

Report of the  
Head of Development Control

Tree Preservation Order - Land at  
the junction of Birmingham Road  
and Orton Close, Water Orton

#### 1 Summary

- 1.1 A Tree Preservation Order has been placed on five individual trees and one group of trees located at the junction of Birmingham Road and Orton Close, Water Orton. It came into force on 7 November 2024 and lasts six months (until 7 May 2025). This report seeks to make the Order permanent.

#### Recommendation to the Board

That the Board confirms the Tree Preservation Order for the protection of five individual trees and one group of trees located at the junction of Birmingham Road and Orton Close, Water Orton and amends the order to substitute the TPO plan with the corrected version shown in Appendix 2.

#### 2 Background

- 2.1 The report presented to the November Board authorised the making of the Tree Preservation Order. This report is reproduced at Appendix 1. As members may be aware, once an Order is made the Council must make it available to the public and therefore the information contained in the earlier report is already available.

#### 3 Representations

- 3.1 Representations from owners and neighbours were invited in writing with an expiry date of 17 December 2024.
- 3.2 One representation has been received from parties having interests in the land on which the trees are situated, being the management agents for the properties on Ludgate Close. The representation makes the following points:
- T4 - The location on the plan is not accurate. We believe this tree to be outside our land and in the ownership of another party.
  - T5 - This is an aged birch tree close to the buildings and requires some attention. We are advised that this tree has a life of only 10 - 20 years before the root/upper structure may fail. Please inspect and review, we do not think including this tree in your TPO proposal is appropriate.

## **4 Consultation**

### **4.1 Tree Officer, Warwickshire County Council –**

We advise that T5 on the TPO planning document remains protected by a TPO. If there are justifiable reasons to remove said tree in the future, this will be considered in the application which forms part of the legal process for work to trees protected by a TPO. To confirm, this is T5 on the official planning documentation, and T3 in the Westside Forestry report, currently found to be in good condition with no works required.

In respect of T4 a map is supplied showing the updated position of the pine tree (originally plotted in the incorrect location, given that it has a significant lean).

## **5 Observations**

5.1 The decision to make an Order is whether it is in the interests of the amenity of the area to do so. Here the trees are prominent in the public domain and highly visible. The presence of the trees enhances the visual amenity of the area.

5.2 The first representation, concerning the position of the Pine Tree is correct. Because of a lean in the tree, the original plotting was incorrect. It is proposed to slightly amend the order by the substitution of the TPO plan to correct this error. A copy of the corrected version is attached as Appendix 2.

...

5.3 The representation made in respect of a possible future condition of the tree, and possible future desire to fell the tree, is not a compelling reason not to afford protection to the tree now. It's condition at this time is good, and it continues to make a good contribution to the amenity value of the locality. It is not considered that the tree represents any threat of harm to the nearby properties. If there are justifiable reasons to remove the tree in the future, this will be considered in the application which forms part of the legal process for work to trees protected by a TPO.

5.4 Confirmation of the Order is thus recommended.

## **6 Report Implications**

### **6.1 Financial and Value for Money Implications**

6.1.1 There are no implications in making this Order, but if confirmed, then there may be implications, in that compensation may be payable, if Consent is refused for works to a protected tree.

### **6.2 Legal and Human Rights Implications**

6.2.1 The Town and Country Planning Act 1990 only allows a tree preservation order to be made if it is expedient to do so in the interests of amenity. If members are satisfied that this remains the case having considered all the facts, the Order may be confirmed. Once made, the owners of the land would have a legal responsibility

to maintain the tree and protect it from harm. Applications will need to be made to the Local Planning Authority in order to carry out works to the trees other than limited exceptions such as works to a protected tree to prevent an immediate risk of harm.

### **6.3 Environment and Sustainability Implications**

- 6.3.1 The trees to be protected exhibit value for both the present and the future public amenities of the area, given their appearance and prominence in the street scene.

The Contact Officer for this report is Erica Levy (719294).

**NOT FOR PUBLICATION**

by virtue of paragraph 6  
of Part 1 of Schedule 12A to the  
Local Government Act 1972

**Agenda Item No 9****Planning and Development Board****4 November 2024**

**Report of the  
Head of Development Control**

**Tree Preservation Order -  
Land at the junction of  
Birmingham Road and Orton  
Close, Water Orton**

**1 Summary**

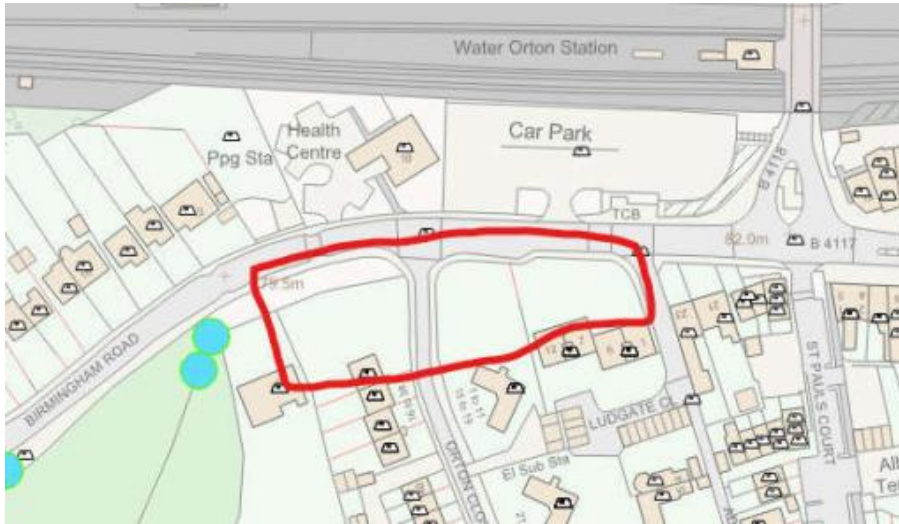
- 1.1 There are significant trees on the road frontages, to the south side of Birmingham Road in Water Orton, that are important to the character of the settlement and the townscape.
- 1.2 A request has been received to consider whether the trees could be afforded protection. Whilst the trees are not subject to any known threat, any harm to them, or any loss of them, would be detrimental to the village. The trees have been inspected and identified as worthy of a Tree Preservation Order (TPO). The trees are visible from surrounding streets and are located at the approximate positions shown in the report below. The trees proposed to be protected are referred to as T1-5 and G1.

**Recommendation to the Board**

**That a Tree Preservation Order be made with immediate effect, in respect of five individual trees and one group of trees located at the junction of Birmingham Road and Orton Close, Water Orton for the reasons given in this report, and that any representations received be referred to the Board for it to consider whether to make the Order permanent.**

**2 Background and Statement of Reasons**

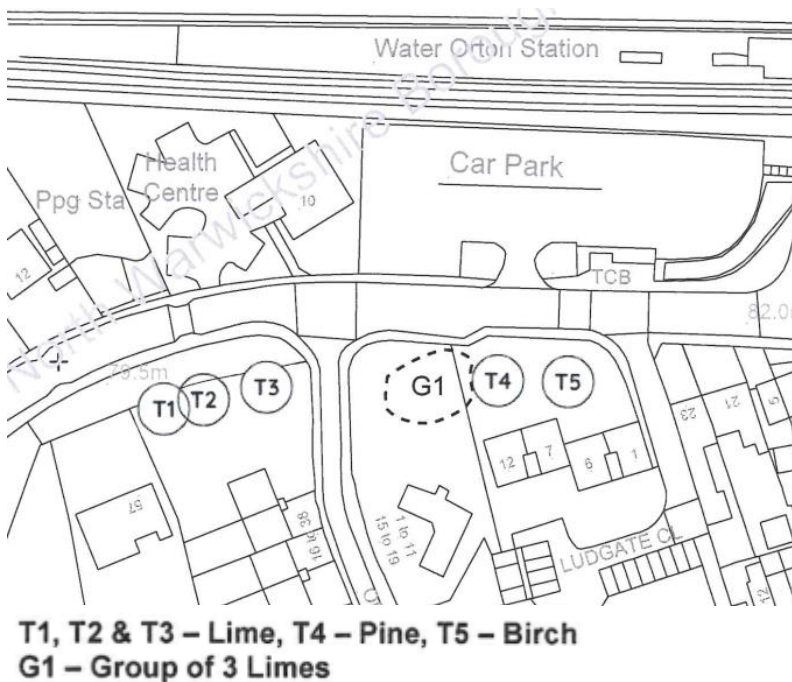
- 2.1 A local Borough Councillor queried the protection status of trees in the locality edged red below.



- 2.2 Though the recently extended Conservation Area lies immediately to the east, and an existing Tree Preservation Area lies immediately to the west, the trees on the land in question are not presently afforded any protected status.
- 2.3 An assessment of whether trees in the area were worthy of protection by a Tree Preservation Order was requested.
- 2.4 It was established that the tallest trees (Birch, Pine and group of Limes) to the west of Orton Close and three mature Lime trees to the East of Orton Close, all qualify for a TPO.  
Others, including small birch tree and an Ash hedgerow boundary which contained trees of varying condition, some of which appear to be suffering from Ash Dieback, offered very limited amenity value, and have not been proposed for protection.
- 2.5 The trees that are proposed to be protected are shown in the photographs and map extract below:







- 2.6 The trees are considered to be good specimens in terms of their physiological and structural condition; there are no visible defects and have good longevity. The trees are large and clearly visible across a significant public area, meaning that they have high amenity value and strong suitability for protection with a Tree Preservation Order. These trees are visually prominent and make a very important contribution to the character and appearance of the village. The TEMPO Assessments, which support this view, are shown in Appendix 1. It is considered that an Order of the character described would be highly defensible.
- 2.7 Given the above, a Tree Preservation Order is recommended. The owners/occupiers of the property and the adjoining owners/occupiers will be served with copies of the TPO and will have an opportunity to make representations/objections.

- 2.8 A further report will be presented to the Planning and Development Board for Members to consider whether the TPO should be confirmed and made permanent.

### 3 Report Implications

#### 3.1 Legal and Human Rights Implications

- 3.1.1 The owners of the land and those with an interest in it have the opportunity to make representations to the Council before any Order is confirmed.
- 3.1.2 The trees to be protected exhibit amenity value for both the present and the future amenities of the area, given their appearance and prominence in the street scene.

The Contact Officer for this report is Erica Levy (719294).

#### Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
1	WCC Tree Officer	TEMPO Evaluation	16/09/2024



Unique ID: 2M8Q

Private

Betula sp.

W3W: proven.facing.skips

Inventory	
Surveyor	Alex Plummer
Inspection Date	09-Sep-2024
Trunk Type	Single
Age	Early mature
Condition	Good
Proximity	
Street	ADDISON PLACE
Area	North Warwickshire Borough
Sub Area	Water Orton
Stem Diameter	35 - 45cm
Spread	08 - 10m
Height	10 - 12m
Category	C
Committee	Private
Site	Grass

Species	
Count	1
Vegetation Type	Broadleaf
Species	Betula sp.

Comment	
Surveyor	Alex Plummer
Comment Date	09-Sep-2024



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 09/09/2024	Surveyor: Alex Plummer
<b>Tree details</b> TPO Ref (if applicable) Tree/Group No: 2M8Q Species: Betula sp.. Owner (if known) Location: Water Orton	

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### **Part1: Amenity assessment**

##### **a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

#### **Score & Notes**

5

\* Relates to existing context and is intended to apply to severe irremediable defects only

##### **b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

#### **Score & Notes**

2

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

##### **c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

#### **Score & Notes**

4

##### **d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |                               |
|--|-------------------------------|
| 5) Principal components of formal arboricultural features, or veteran trees                    | <b>Score &amp; Notes</b><br>4 |
| 4) Tree groups, or principal members of groups important for their cohesion                    |                               |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |                               |
| 2) Trees of particularly good form, especially if rare or unusual                              |                               |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |                               |
| -1) Trees with poor form or which are generally unsuitable for their location                  |                               |

#### **Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- |  |                               |
|--|-------------------------------|
| 5) Immediate threat to tree inc. S211 Notice | <b>Score &amp; Notes</b><br>1 |
| 3) Foreseeable threat to tree                |                               |
| 2) Perceived threat to tree                  |                               |
| 1) Precautionary only                        |                               |

#### **Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

#### **Add Scores for Total:**

16

#### **Decision:**

Yes TPO

[https://warwickshire.gov.uk-my.sharepoint.com/personal/alexplummer\\_warwickshire\\_gov\\_uk/documents/documents/tempo/water\\_orton\\_bham\\_road/2m8q.docx](https://warwickshire.gov.uk-my.sharepoint.com/personal/alexplummer_warwickshire_gov_uk/documents/documents/tempo/water_orton_bham_road/2m8q.docx)

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- |       |                       |  |  |
|-------|-----------------------|--|--|
| 12-15 | TPO defensible        |  |  |
| 16+   | Definitely merits TPO |  |  |

Unique ID: 2M8R

Private

Pinus sp.

W3W: outfit.sudden.kings

Inventory	
Surveyor	Alex Plummer
Inspection Date	09-Sep-2024
Trunk Type	Single
Age	Early mature
Condition	Good
Proximity	
Street	ADDISON PLACE
Area	North Warwickshire Borough
Sub Area	Water Orton
Stem Diameter	35 - 45cm
Spread	08 - 10m
Height	12 - 14m
Category	D
Committee	Private
Site	Grass

Species	
Count	1
Vegetation Type	Conifer
Species	Pinus sp.

Comment	
Surveyor	Alex Plummer
Comment Date	09-Sep-2024



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 09/09/2024	Surveyor: Alex Plummer
<b>Tree details</b> TPO Ref (if applicable) Tree/Group No: 2M8R Species: Pinus sp.. Owner (if known) Location: Water Orton	

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### **Part1: Amenity assessment**

##### **a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

##### **Score & Notes**

5

\* Relates to existing context and is intended to apply to severe irremediable defects only

##### **b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

##### **Score & Notes**

5

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

##### **c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

##### **Score & Notes**

5

##### **d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |                               |
|--|-------------------------------|
| 5) Principal components of formal arboricultural features, or veteran trees                    | <b>Score &amp; Notes</b><br>5 |
| 4) Tree groups, or principal members of groups important for their cohesion                    |                               |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |                               |
| 2) Trees of particularly good form, especially if rare or unusual                              |                               |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |                               |
| -1) Trees with poor form or which are generally unsuitable for their location                  |                               |

#### **Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- |  |                               |
|--|-------------------------------|
| 5) Immediate threat to tree inc. S211 Notice | <b>Score &amp; Notes</b><br>1 |
| 3) Foreseeable threat to tree                |                               |
| 2) Perceived threat to tree                  |                               |
| 1) Precautionary only                        |                               |

#### **Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

**Add Scores for Total:**  
21

**Decision:**  
Yes TPO

[https://warwickshire.gov.uk-my.sharepoint.com/personal/alexplummer\\_warwickshire\\_gov\\_uk/documents/documents/tempo/water orton bham road/2m8r.docx](https://warwickshire.gov.uk-my.sharepoint.com/personal/alexplummer_warwickshire_gov_uk/documents/documents/tempo/water%20orton%20road/2m8r.docx)

OFFICIAL

- |       |                       |  |  |
|-------|-----------------------|--|--|
| 12-15 | TPO defensible        |  |  |
| 16+   | Definitely merits TPO |  |  |

Unique ID: 2M8S

Private

Tilia sp.

W3W: comical.backup.stud

Inventory	
Surveyor	Alex Plummer
Inspection Date	09-Sep-2024
Trunk Type	Group
Age	Early mature
Condition	Good
Proximity	As per map
Area	North Warwickshire Borough
Sub Area	Water Orton
Stem Diameter	45 - 55cm
Spread	20 - 22m
Height	18 - 20m
Category	F
Committee	Private
Site	Grass

Species	
Count	3
Vegetation Type	Broadleaf
Species	Tilia sp.

Comment	
Surveyor	Alex Plummer
Comment Date	09-Sep-2024





# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 09/09/2024	Surveyor: Alex Plummer
<b>Tree details</b> TPO Ref (if applicable) Tree/Group No: 2M8S Species: Tilia sp. X 3 Owner (if known) Location: Water Orton	

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### **Part1: Amenity assessment**

##### **a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

##### **Score & Notes**

5

\* Relates to existing context and is intended to apply to severe irremediable defects only

##### **b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

##### **Score & Notes**

5

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

##### **c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

##### **Score & Notes**

5

##### **d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |                               |
|--|-------------------------------|
| 5) Principal components of formal arboricultural features, or veteran trees                    | <b>Score &amp; Notes</b><br>4 |
| 4) Tree groups, or principal members of groups important for their cohesion                    |                               |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |                               |
| 2) Trees of particularly good form, especially if rare or unusual                              |                               |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |                               |
| -1) Trees with poor form or which are generally unsuitable for their location                  |                               |

#### **Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- |  |                               |
|--|-------------------------------|
| 5) Immediate threat to tree inc. S211 Notice | <b>Score &amp; Notes</b><br>1 |
| 3) Foreseeable threat to tree                |                               |
| 2) Perceived threat to tree                  |                               |
| 1) Precautionary only                        |                               |

#### **Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

##### **Add Scores for Total:**

20

##### **Decision:**

Yes TPO

[https://warwickshire.gov.uk-my.sharepoint.com/personal/alexplummer\\_warwickshire\\_gov\\_uk/documents/documents/tempo/water orton bham road/2m8s.docx](https://warwickshire.gov.uk-my.sharepoint.com/personal/alexplummer_warwickshire_gov_uk/documents/documents/tempo/water%20orton%20road/2m8s.docx)

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- |       |                       |  |  |
|-------|-----------------------|--|--|
| 12-15 | TPO defensible        |  |  |
| 16+   | Definitely merits TPO |  |  |

Unique ID: 041L

Not determined

Tilia sp.

W3W: towers.spin.digits

Inventory	
Surveyor	Alex Plummer
Inspection Date	09-Sep-2024
Trunk Type	Single
Age	Semi mature
Condition	Good
Proximity	
Street	BIRMINGHAM ROAD
Area	North Warwickshire Borough
Sub Area	Water Orton
Tag	[[North-00678]]
Stem Diameter	45 - 55cm
Spread	10 - 12m
Height	18 - 20m
Committee	Not determined
Site	Grass

Species	
Count	1
Vegetation Type	Broadleaf
Species	Tilia sp.

Maintenance
-------------





# **TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

## **SURVEY DATA SHEET & DECISION GUIDE**

Date: 09/09/2024 Surveyor: Alex Plummer

<b>Tree details</b>	Tree/Group No: 041L	Species: Tilia sp.
TPO Ref (if applicable)	Location: Water Orton	
Owner (if known)		

### **REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

#### **Part1: Amenity assessment**

##### **a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

##### **Score & Notes**

5

\* Relates to existing context and is intended to apply to severe irremediable defects only

##### **b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

##### **Score & Notes**

5

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

##### **c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

##### **Score & Notes**

5

##### **d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

##### **Score & Notes**

4

#### **Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

##### **Score & Notes**

1

#### **Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

##### **Add Scores for Total:**

20

##### **Decision:**

Yes TPO

[https://warwickshire.gov.uk-my.sharepoint.com/personal/alexplummer\\_warwickshire\\_gov\\_uk/documents/documents/tempo/water\\_orton\\_bham\\_road/0411.docx](https://warwickshire.gov.uk-my.sharepoint.com/personal/alexplummer_warwickshire_gov_uk/documents/documents/tempo/water_orton_bham_road/0411.docx)

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- |       |                       |  |  |
|-------|-----------------------|--|--|
| 12-15 | TPO defensible        |  |  |
| 16+   | Definitely merits TPO |  |  |

Unique ID: 041N  
Not determined  
Tilia sp.  
W3W: files.maybe.apron

Inventory	
Surveyor	Alex Plummer
Inspection Date	09-Sep-2024
Trunk Type	Single
Age	Semi mature
Condition	Good
Proximity	
Street	BIRMINGHAM ROAD
Area	North Warwickshire Borough
Sub Area	Water Orton
Tag	[[North-00680]]
Stem Diameter	
Spread	10 - 12m
Height	18 - 20m
Committee	Not determined
Site	Grass

Species	
Count	1
Vegetation Type	Broadleaf
Species	Tilia sp.



# **TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

## **SURVEY DATA SHEET & DECISION GUIDE**

Date: 09/09/2024	Surveyor: Alex Plummer
<b>Tree details</b> TPO Ref (if applicable) _____ Tree/Group No: 041N Species: Tilia sp. Owner (if known) _____ Location: Water Orton	

### **REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

#### **Part1: Amenity assessment**

##### **a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

##### **Score & Notes**

5

\* Relates to existing context and is intended to apply to severe irremediable defects only

##### **b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

##### **Score & Notes**

5

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

##### **c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

##### **Score & Notes**

5

##### **d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |                               |
|--|-------------------------------|
| 5) Principal components of formal arboricultural features, or veteran trees                    | <b>Score &amp; Notes</b><br>4 |
| 4) Tree groups, or principal members of groups important for their cohesion                    |                               |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |                               |
| 2) Trees of particularly good form, especially if rare or unusual                              |                               |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |                               |
- 1) Trees with poor form or which are generally unsuitable for their location

#### **Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- |  |                               |
|--|-------------------------------|
| 5) Immediate threat to tree inc. S211 Notice | <b>Score &amp; Notes</b><br>1 |
| 3) Foreseeable threat to tree                |                               |
| 2) Perceived threat to tree                  |                               |
| 1) Precautionary only                        |                               |

#### **Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

**Add Scores for Total:**  
20

**Decision:**  
Yes TPO

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- |       |                       |  |  |
|-------|-----------------------|--|--|
| 12-15 | TPO defensible        |  |  |
| 16+   | Definitely merits TPO |  |  |

Unique ID: 041P

Not determined

Tilia sp.

W3W: goods.soil.pack

Inventory	
Surveyor	Alex Plummer
Inspection Date	09-Sep-2024
Trunk Type	Single
Age	Semi mature
Condition	Good
Proximity	
Street	BIRMINGHAM ROAD
Area	North Warwickshire Borough
Sub Area	Water Orton
Tag	[[North-00681]]
Stem Diameter	55 - 65cm
Spread	10 - 12m
Height	20 - 22m
Committee	Not determined
Site	Grass

Species	
Count	1
Vegetation Type	Broadleaf
Species	Tilia sp.

Maintenance
-------------





# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 09/09/2024	Surveyor: Alex Plummer
<b>Tree details</b> TPO Ref (if applicable) Owner (if known)	
Tree/Group No: 041P Location: Water Orton	Species: Tilia sp.

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### **Part1: Amenity assessment**

##### **a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

##### **Score & Notes**

5

\* Relates to existing context and is intended to apply to severe irremediable defects only

##### **b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

##### **Score & Notes**

5

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

##### **c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

##### **Score & Notes**

5

##### **d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |                               |
|--|-------------------------------|
| 5) Principal components of formal arboricultural features, or veteran trees                    | <b>Score &amp; Notes</b><br>4 |
| 4) Tree groups, or principal members of groups important for their cohesion                    |                               |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |                               |
| 2) Trees of particularly good form, especially if rare or unusual                              |                               |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |                               |
| -1) Trees with poor form or which are generally unsuitable for their location                  |                               |

#### **Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- |  |                               |
|--|-------------------------------|
| 5) Immediate threat to tree inc. S211 Notice | <b>Score &amp; Notes</b><br>1 |
| 3) Foreseeable threat to tree                |                               |
| 2) Perceived threat to tree                  |                               |
| 1) Precautionary only                        |                               |

#### **Part 3: Decision guide**

- |       |                    |
|-------|--------------------|
| Any 0 | Do not apply TPO   |
| 1-6   | TPO indefensible   |
| 7-11  | Does not merit TPO |

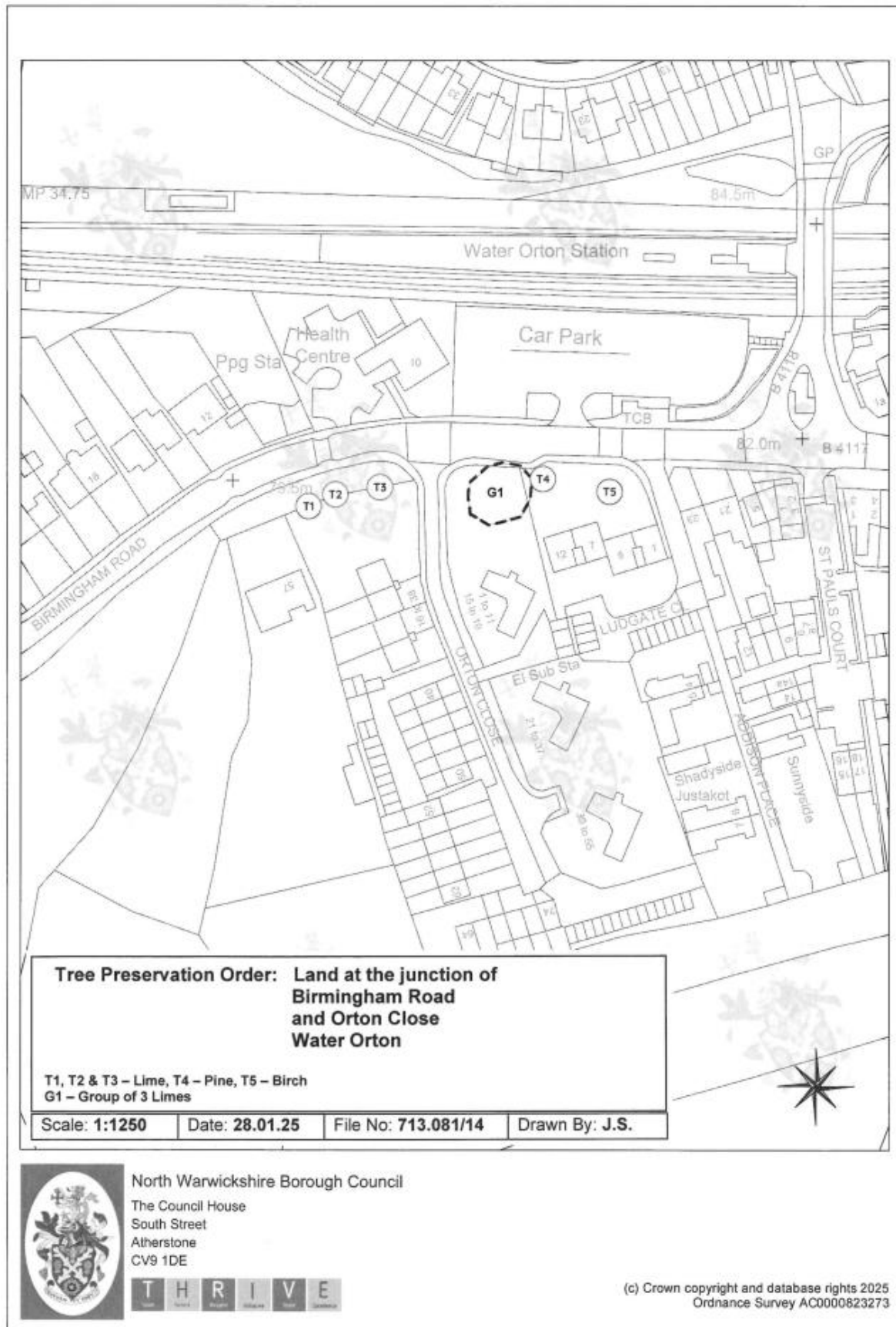
**Add Scores for Total:**  
20

**Decision:**  
Yes TPO

[https://warwickshire.gov.uk-my.sharepoint.com/personal/alexplummer\\_warwickshire\\_gov\\_uk/documents/documents/tempo/water orton bham road/041p.docx](https://warwickshire.gov.uk-my.sharepoint.com/personal/alexplummer_warwickshire_gov_uk/documents/documents/tempo/water%20orton%20bham%20road/041p.docx)

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- |       |                       |  |  |
|-------|-----------------------|--|--|
| 12-15 | TPO defensible        |  |  |
| 16+   | Definitely merits TPO |  |  |



**Agenda Item No 7**

**Planning and Development Board**

**3 March 2025**

**Report of the  
Chief Executive**

**Exclusion of the Public and Press**

**Recommendation to the Board**

**To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

**Agenda Item No 8**

**Tree Preservation Order** - Report of the Head of Development Control

Paragraph 6 – by reason of the need to consider the making of an order.

**Agenda Item No 9**

**Update to members following discussions at previous Board Meeting** -  
Report of the Head of Development Control

Paragraph 7 - Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

**Agenda Item No 10**

**Confidential Extracts of the Minutes of the Planning and Development Board held on 3 February 2025.**

Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Paragraph 7 - Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.



In relation to the item listed above members should only exclude the public if the public interest in doing so outweighs the public interest in disclosing the information, giving their reasons as to why that is the case.

The Contact Officer for this report is Julie Holland (719237).