

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

(Councillors Simpson, Bell, Chapman, Dirveiks, Fowler, Guilmant, Hayfield, Humphreys, Jarvis, Jenns, Parsons, H Phillips, Ridley, Ririe, M Watson and Whapples)

For the information of other Members of the Council

For general enquiries please contact the Democratic Services Team on 01827 719226 via
e-mail – 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 NOVEMBER 2025

The Planning and Development Board will meet on Monday, 3 November 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 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 6 October 2025** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 5 **Draft Warwickshire Local Nature Recovery Strategy - Consultation**
– Report of the Chief Executive

The report brings information on the consultation by Warwickshire County Council on the draft Warwickshire Local Nature Recovery Strategy and seeks Members' support for the views expressed in the report and the attached consultation response and to make any additional comments.

The Contact Officer for this report is Dorothy Barratt (712250) and Lydia Hall.

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

Summary

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

- 6a **Application No: PAP/2025/0459 - Land 20 metres South of 11 Paddocks Close and, Land 10 metres South of 14 and 16B Market Street, Polesworth**

Works to trees in a conservation area.

- 6b **Application No: PAP/2025/0448 - Dafferns Wood (rear of 27 -29 Morgan Close), St Michaels Close, Arley**

Works to trees protected by Tree Preservation Order.

- 6c **Application No: PAP/2025/0388 - 1, Egan Close, Dordon, Tamworth, B78 1AT**

Erection of Garage.

- 6d **Application No: PAP/2025/0387 - 86, Coleshill Road, Curdworth, B76 9HH;**

Request for felling of Lime Tree protected by Tree Preservation Order (173.002/4).

- 6e **Application No: PAP/2025/0393 - Old Beretun, Barnes Wood Lane, Whitacre Heath, B46 2EF**

Proposed new annexe building ancillary to main dwelling; and

- 6f **Application No: PAP/2025/0500 and PAP/2025/0501 - Britannia Works, Coleshill Road, Atherstone, CV9 2AA**

Application for variation of condition (2) of Planning Permission PAP/2022/0401 dated 08/09/2022 for "Variation and removal of conditions of Planning Permission PAP/2019/0180 - Variation conditions - 2, 4, 13, 21 and 24 Removal - 7, 9 and 10, relating to plans and works and listed building requirements".

The Contact Officer for this report is Andrew Collinson (719228).

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 items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

8 **Authorisation to be granted for planning enforcement action and for prosecution proceedings** – Report of the Head of Legal Services.

The Contact Officer for this report is Julian Turner (719486).

9 **Exempt Extract of the Minutes of the meeting of the Planning and Development Board held on 6 October 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

6 October 2025

Present: Councillor Watson in the Chair

Councillors Barnett, Chapman, Clews, Fowler, Guilmant, Humphreys, Jarvis, Jenns, Melia, Parsons, H Phillips, O Phillips, Reilly and Whapples

Apologies for absence was received from Councillors Bell (Substitute Clews), Ririe (Substitute Barnett) and Simpson (Substitute Councillor Reilly)

37 Disclosable Pecuniary and Non-Pecuniary Interests

Councillor Reilly declared a non-pecuniary interest in Minute No's 40h - PAP/2025/0227 – Land 290 Metres East off Hams Hall Electricity Sub Station, Hams Lane, Lea Marston, Warwickshire and 40j - PAP/2024/0363 – Land 250 Metres North Of Lea Farm, Haunch Lane, Lea Marston by reason of being a resident of Lea Marston and the Local Councillor. Councillor Reilly to no part in the voting thereon.

Councillor Parsons declared a non-pecuniary interest in Minute No 40l - PAP/2025/0155 - Land South Of Warton Recreation Ground, Orton Road, Warton By reason of him Chairing some of the Neighbour Plan meetings and he has had numerous discussions with local residents. Council Parson took no part in the discussion or voting thereon.

Councillor Whapples stated she did not need to declare an interest in Minute No 40l - PAP/2025/0155 - Land South Of Warton Recreation Ground, Orton Road, Warton. She is Chair of Polesworth Parish Council and there has been a lot of discussions about Rule 6 party involvement but she has kept neutral throughout. She asked for this to be recorded.

38 Minutes of the meeting of the Board held on 1 September 2025

The minutes of the meeting of the Planning and Development Board held on 1 September 2025, copies having previously been circulated, were approved as a correct record and signed by the Chairman.

39 Submission of Austrey Neighbourhood Plan for Public Consultation

The Chief Executive informed Members of the submission of the Austrey Neighbourhood Plan and sought approval to go out for a formal consultation in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

Resolved:

That the Austrey Review Neighbourhood Plan be publicised for a six-week public consultation.

40 Planning Applications

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

Resolved

- a That in respect of Application No CON/2025/0019 - Warton Nethersole C Of E Primary School, Maypole Road, Warton, Tamworth, B79 0HP the Council made no objection to the proposal;**
- b That Application No PAP/2025/0315 - Hatters Garden, Meadow Street, Atherstone, CV9 1DG be granted subject to the conditions set out in the report of the Head of Development Control;**
- c That Application No PAP/2025/0296 - Spinney Cottage, Common Lane, Polesworth, Tamworth, Warwickshire, B78 1LP be granted subject to the conditions set out in the report of the Head of Development Control;**
[Speaker: Shahir Rashid]
- d That Application No: PAP/2025/0415 – Butchers Shop, Glenside, Ansley Lane, Arley, Coventry, CV7 8FU be noted and a site visit arranged;**
[Speaker: Gulraiz Siddique]
- e That Application No: PAP/2025/0390 – Land Adjacent, 1 Convent Lane, Atherstone be granted subject to the conditions set out in the report of the Head of Development Control;**
- f That Application No PAP/2025/0404 – Trajan Hill Spinney, Trajan Hill, Coleshill be granted subject to the conditions set out in the report of the Head of Development Control;**
- g That Application No: PAP/2025/0091 - Land between Rush Lane, and Tamworth Road, Cliff, Kingsbury;**

- i May proceed without compliance with Conditions 25 and 26 but with a cumulative noise impact appraisal; and**
- ii That the subsequent Notice be varied to include conditions as set out in the report of the Head of Development Control;**

[Speakers: Adrian Barnsley and Henry Courtier]

- h That Application No: PAP/2025/0227 – Land 290 Metres East off Hams Hall Electricity Sub Station, Hams Lane, Lea Marston, Warwickshire be granted subject to the conditions set out in the report of the Head of Development Control;**

[Speaker: Graeme Thorpe]

- i That in respect of Application No's: PAP/2023/0421 and PAP/2023/0422 – W H Smith And Sons (tools) Ltd, Water Orton Lane, Minworth, Sutton Coldfield, B76 9BG:**
 - i That the Board is minded to GRANT planning permission for both applications and that as a consequence, they are both referred to the Secretary of State as being “Green Belt development” within a “flood risk area” under the 2024 Direction to see if he wishes to call-in either or both of them for his determination;**
 - ii That should there be no intervention on either application and following the removal of the objection from the local lead flood authority (LLFA – WCC), planning permissions be granted subject to the conditions set out in the report of the Head of Development Control;**

[Speaker: Brad Smith]

- j That Application No PAP/2024/0363 – Land 250 Metres North Of Lea Farm, Haunch Lane, Lea Marston be granted subject to the conditions set out in the report of the Head of Development Control;**

[Speaker: Christopher Fellows]

- k That in respect of Application No PAP/2025/0090 - College Farm, Dingle Lane, Nether Whitacre, Coleshill, Warwickshire, B46 2ED, subject to the receipt of legal advice that confirms that the Unilateral Undertaking will effectively achieve the stated planning objectives of**

securing the non-implementation of the extant planning permission, the demolition of the building consented for conversion and will secure the construction of the dwelling on a 'self-build' basis, the application be granted subject to the conditions set out in the report of the Head of Development Control;

- I That in respect of Application No PAP/2025/0155 - Land South Of Warton Recreation Ground, Orton Road, Warton the Council be minded to refused the application for the reasons set out in the report of the Head of Development Control.**

[Speakers: Lawrie Phipps and Mark Dauncey]

41 Tree Preservation Order - 18 Overton Drive, Water Orton

The Head of Development Control sought confirmation of a Tree Preservation Order for a Lime tree located to the rear of this residential property at 18 Overton Drive, Water Orton.

Resolved:

That, following consideration of the representations received, the Board confirmed that the Tree Preservation Order in respect of the Lime Tree (T1), located at the rear of 18 Overton Drive, Water Orton, be made permanent for the reasons given in the report of the Head of Development Control.

42 Tree Preservation Order - Land rear of 82-104 Spring Hill, Arley Coventry

The Head of Development Control sought to confirm a Tree Preservation Order placed on a group of trees to the rear of 82-104 Spring Hill Arley following representations from neighbours and landowners.

Resolved:

That the Tree Preservation Order relating to land rear of 82-102 Spring Hill, Arley be made permanent.

43 Appeal Update

The Head of Development Control brought Members up to date in respect of recent appeals.

Resolved

That the report be noted.

44 Houses in Multiple Occupation – Planning Policy

The Chief Executive provided an update to Members following an Executive Board report of 15 September 2025 with regards to considering the adoption of an Article 4 Direction to control Houses in Multiple Occupation in North Warwickshire.

Resolved:

- a That an Article 4 Direction be made removing permitted development rights as set out in the report;**
- b That the geographical area to which the Direction relates be confirmed as Borough wide subject to consultation;**
- c That the period of the consultation set out in paragraph 8.2 of the report be confirmed as six weeks; and**
- d That the Chief Executive be given delegate power to finalise the Direction Notice and other procedural matters.**

45 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 item of business, on the grounds that it involves the likely disclosure of exempt information as defined by paragraphs 5 and 6 of Schedule 12A to the Act.

46 Authorisation to be granted for Breach of Conditions Notice

The Head of Development Control and Head of Legal Services sought authorisation to serve a Breach of Conditions Notice.

Resolved:

That the Head of Development Control and Head of Legal Services be granted authorisation to serve a Breach of Conditions Notice.

M Simpson
Chairman

Agenda Item No 5

Planning and Development Board

3 November 2025

Report of the Chief Executive

Draft Warwickshire Local Nature Recovery Strategy – Consultation

1 Summary

- 1.1 The report brings information on the consultation by Warwickshire County Council on the draft Warwickshire Local Nature Recovery Strategy and seeks Members' support for the views expressed in the report and the attached consultation response and to make any additional comments.

Recommendation to the Board

That the views contained in the attached consultation response (see Appendix 1), and any additional comments by Members, be sent to Warwickshire County Council on the agreed deadline of 4 November 2025.

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Introduction

- 3.1 Warwickshire County Council has issued a consultation on the Warwickshire Local Nature Recovery Strategy (LNRS). The consultation can be found on the Warwickshire Coventry and Solihull Local Nature Partnership (LNP) website at: <https://www.wcslnp.co.uk/lnrs>. The website contains supporting information, downloadable copies of the LNRS and a guide for using the Habitat Map platform. The closing date for comments was 2 November 2025, however, North Warwickshire Borough Council were granted an extension of time until 4 November to provide comments.
- 3.2 To assist in participation the County Council held a series of hour-long virtual drop-in information events during October covering the following topics:
- What is a Local Nature Recovery Strategy
 - An overview of the Strategy
 - How to use the mapping
 - How to feedback
 - Any Questions

- 3.3 Councillors were provided with details of the sessions to enable them to find out more about the LNRS.

4 **Background**

- 4.1 Local Nature Recovery Strategies are locally led plans required by the 2021 Environment Act. They aim to recover nature and improve the environment by focusing on actions with the greatest impact on nature recovery. The Warwickshire Local Nature Recovery Strategy (LNRS), in collaboration with the other 48 Local Nature Recovery Strategies, will cover the whole of England to become a Nature Recovery Network across the country.
- 4.2 Warwickshire County Council is the owner of the Warwickshire LNRS, having been appointed by the Secretary of State to oversee its preparation; the strategy, however, will be promoted and delivered through the Warwickshire, Coventry and Solihull Local Nature Partnership (LNP).
- 4.3 The Warwickshire LNRS has been developed by the LNP together with Warwickshire County Council following local group and public engagement to find out what makes Warwickshire's wildlife so important. The draft Strategy covers the five Warwickshire Districts and Boroughs – North Warwickshire, Nuneaton and Bedworth, Rugby, Stratford-on-Avon and Warwick. (Solihull and Coventry fall within the West Midlands Combined Authority LNRS.)
- 4.4 The Warwickshire LNRS will:
- Identify locations and activities that will have the biggest impact to improve nature recovery over this first iteration of the LNRS, likely to be the next 8 years.
 - Be used by local authorities when developing planning strategies and to inform decision making.
 - Be used to incentivise locations for habitat creation within Biodiversity Net Gain (BNG) implementation.
 - Continue to support nature recovery actions in Nature Improvement Areas.
 - Provide evidence for farmers, land managers and advisers of which management actions will improve a site for nature.

It will not:

- Require owners or managers of land to make specific proposed changes to land use.
- Place new restrictions on developing land.
- Identify areas to be given legal or other nature protections that restrict how land can be used.

- Prevent nature conservation work in areas not prioritised by the LNRS.
- 4.5 The current consultation seeks comments on the draft Warwickshire LNRS before it is finalised and adopted, in particular, it seeks to find out whether:
- it identifies the right priority habitats, species and environmental issues for Warwickshire;
 - it identifies the right on-the-ground actions for recovering species and habitats;
 - these have been mapped in the right locations for Warwickshire in a way that is easily understandable; and
 - there are any other changes that need to be considered before the Strategy is adopted.

5 Observations

5.1 Themes

- 5.1.1 The Warwickshire LNRS is built upon a set of 8 overarching themes, designed to guide efforts in conserving and enhancing the natural environment and to deliver the Vision of the LNP. The themes are the key opportunities for nature improvement in Warwickshire and serve as the foundation for all priorities, actions and initiatives.

5.2 Habitat Priorities

- 5.2.1 In terms of habitats, the LNRS has identified a range of 20 Habitat Priorities that it is considered are vital for supporting biodiversity and ecosystem services, play a crucial role in maintaining ecological balance and supporting species, provide environmental and social benefits to communities, and are at risk, or of particular importance for conservation focus. The Strategy focuses on conserving, creating and enhancing these habitats, maintaining them, and connecting them together to ensure their resilience.
- 5.2.2 The Habitat Priorities were selected with wide partnership engagement to ensure alignment with both local and national environmental objectives, existing plans and strategies, Local Biodiversity Action Plans (LBAPs) plus local groups and organisations. This collaborative process ensured that the habitats reflected shared priorities and place Warwickshire's biodiversity at the heart of decision-making. In so doing the Warwickshire LNRS aims to support all partners, be this in their campaigning, objective setting, funding bids and most importantly delivery on the ground.
- 5.2.3 The LNRS identifies key actions to be applied to all Habitat Priorities and also bespoke actions for each individual Habitat Priority.

5.3 Species Priorities

- 5.3.1 The LNRS has identified 17 Species Priorities (species in Warwickshire that are at risk, or of particular conservation importance), 16 Species Priority Assemblages (groups of species that share similar habitat needs and face similar threats, allowing them to be addressed collectively) and 3 species identified as having potential for reintroduction or translocation within Warwickshire (Black-veined White butterfly, European beaver and White-clawed crayfish).
- 5.3.2 The species selected as a priority were first identified based on their presence in Warwickshire and their conservation status – using data from national recording schemes, local recorders and expert input. From that long list species were shortlisted if their needs couldn't be met through general habitat improvements, they were at risk or locally significant and if local action could realistically support their recovery. The shortlist was then refined through workshops and consultations with specialists across a wide range of species groups. These sessions helped identify key ecological niches and groupings of species with similar needs, ensuring the shortlist was both scientifically robust and locally relevant.
- 5.3.3 Each of the Species Priority and Species Priority Assemblage groups are supported by one or more actions – targeted, practical steps designed to aid their recovery and long-term viability. These actions are generally bespoke and go beyond the general habitat actions provided for Habitat Priorities, ensuring that the specific needs of the species or groups are met.

5.4 Mapping

- 5.4.1 An on-line LNRS map has been created that shows existing areas of particular importance for biodiversity for Warwickshire, as well as areas where actions could be taken to support habitat or species recovery. Together these combine to create a map showing the places where action should be focused to bring the greatest benefits for nature and the wider environment.
- 5.4.2 Under the heading 'LNRS Habitat Map', the on-line map contains the following sets of data:
- **Areas of Particular Importance for Biodiversity (AIPBs):** This is a single layer of data that identifies the places that are officially recognised and protected because of their high value for wildlife and nature. These areas are already part of the land-use planning system and play a vital role in conserving biodiversity.
 - **Areas that Could become important for Biodiversity (ACBs):** Again, a single layer of data, which identifies all the potential action areas for nature recovery.
 - **Potential Actions for Nature Recovery:** This is a folder of layers that identifies areas within Warwickshire where the Habitat, Species and

Species Assemblage actions identified in the LNRS would be most effective. The places represent the best opportunities to create, expand and connect habitats to support wildlife and improve natural systems - helping wildlife thrive and strengthening natural systems.

5.5 Delivery & Monitoring

- 5.5.1 The LNRS will be promoted and delivered through the Warwickshire, Coventry and Solihull Local Nature Partnership.
- 5.5.2 The Council can assist in delivery by integrating the LNRS into local planning policies as part of the current Local Plan Review. This will help to guide development and ensure that nature recovery is considered at all stages of the planning process.
- 5.5.2 In terms of monitoring, this will be led by the LNP, who will produce a LNRS Monitoring Framework (LNRSMF) and carry out associated reporting. The LNP will also continue to encourage and support local, parish and county recording schemes and events and continue to work with research establishments to develop and deliver a long-term systematic survey program. The LNRSMF will also include how everyone can register the actions they have taken to fulfil the LNRS.

5.6 Consultation Response

- 5.6.1 It is considered that the draft LNRS has been comprehensively prepared in consultation with all relevant parties and that it is sufficiently detailed, in terms of its identification of its overarching Themes and priorities, habitats and species selected for priority, and proposed actions for improving the selected habitats and species. On this basis, the recommended response form (see **Appendix 1**) agrees with and provides no comment in relation to these elements of the Strategy.
- 5.6.2 The on-line map appears to contain a high level of detailed data that will be very useful to the Council, in particular, in its planning function; however, it is unfortunately confusing and not easy to use. Comments on this matter and suggestions to help make the on-line map more user-friendly have been included in the consultation response (see **Appendix 1**).
- 5.6.3 No comments are considered necessary in relation to the delivery and monitoring elements of the LNRP.

6 Report Implications

6.1 Finance and Value for Money Implications

- 6.1.1 The Warwickshire, Coventry and Solihull Local Authorities Natural Capital Investment Strategy (NCIS) has been adopted as a top-level local authority strategy which specifically manages how the sub-region local authorities will utilise the nature-based compensation monies and other income streams

generated through the planning system, or other voluntary environmental markets. The NCIS lays the foundations for a detailed Natural Capital Investment Implementation Plan (NCIIP) that is currently in development which will describe what actions are required, how they will be carried out, who will be involved and how funding will be distributed, monitored and reported.

- 6.1.2 The relationship between the Natural Capital Investment fund and the various local / regional environmental initiatives, including the LNRS is set out in the diagram below:



- 6.1.3 Recognising the need for financial support, the Warwickshire LNRS and its partners emphasise securing funding from diverse sources, including government initiatives and schemes, with the LNRS used to support funding applications and grant awards.

6.2 Environment, Sustainability and Health Implications

- 6.2.1 Restoring nature locally will have a positive impact on the environment's ability to draw down emissions. Local emissions sequestration facilitated by functional ecosystems is an essential element of global emissions reduction.

- 6.2.2 Enhanced natural capital in the Borough is expected to have associated health and wellbeing benefits by supporting mental wellbeing and enabling physical

activity. The potential to create a natural capital market linked to social prescribing (i.e. bringing in resource to support volunteering schemes) has the potential to deliver further health and wellbeing benefits.

6.3 Human Resources Implications

6.3.1 As outlined above, the LNRS will be promoted and delivered through the Warwickshire, Coventry and Solihull Local Nature Partnership.

6.4 Links to Council's Priorities

6.4.1 Protecting our countryside and heritage.

The Contact Officer for this report is Dorothy Barratt (712250) and Lydia Hall.

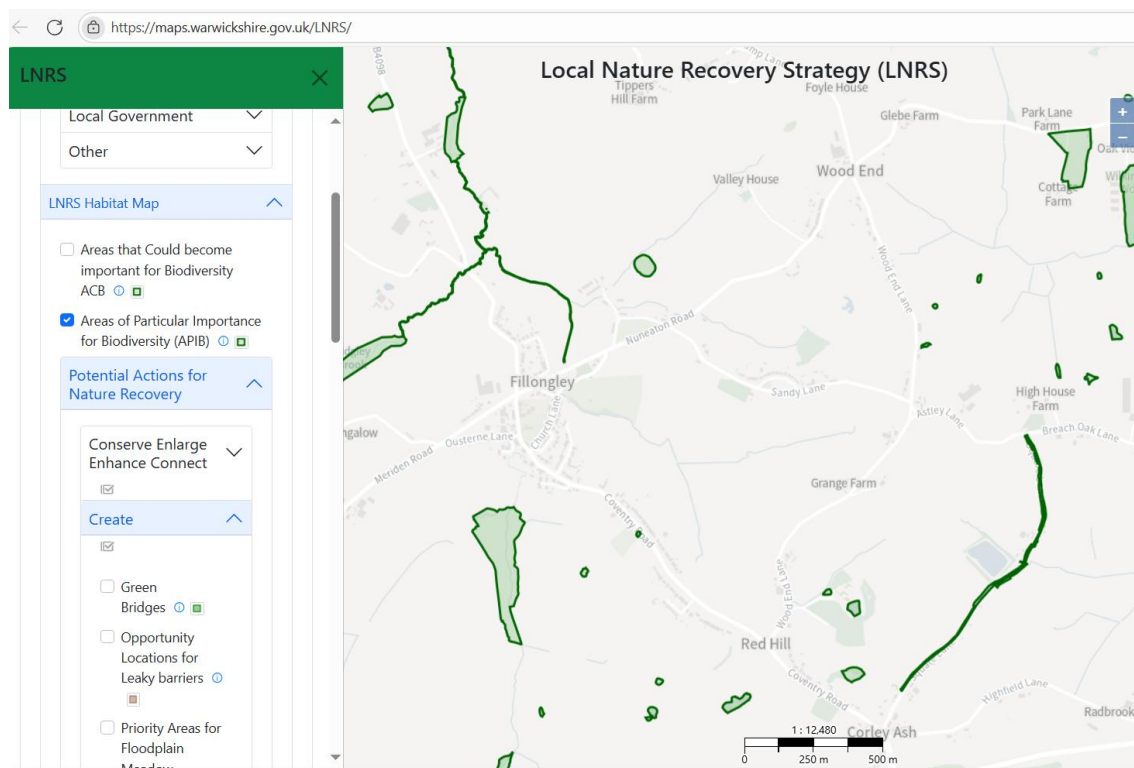
Background Papers

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

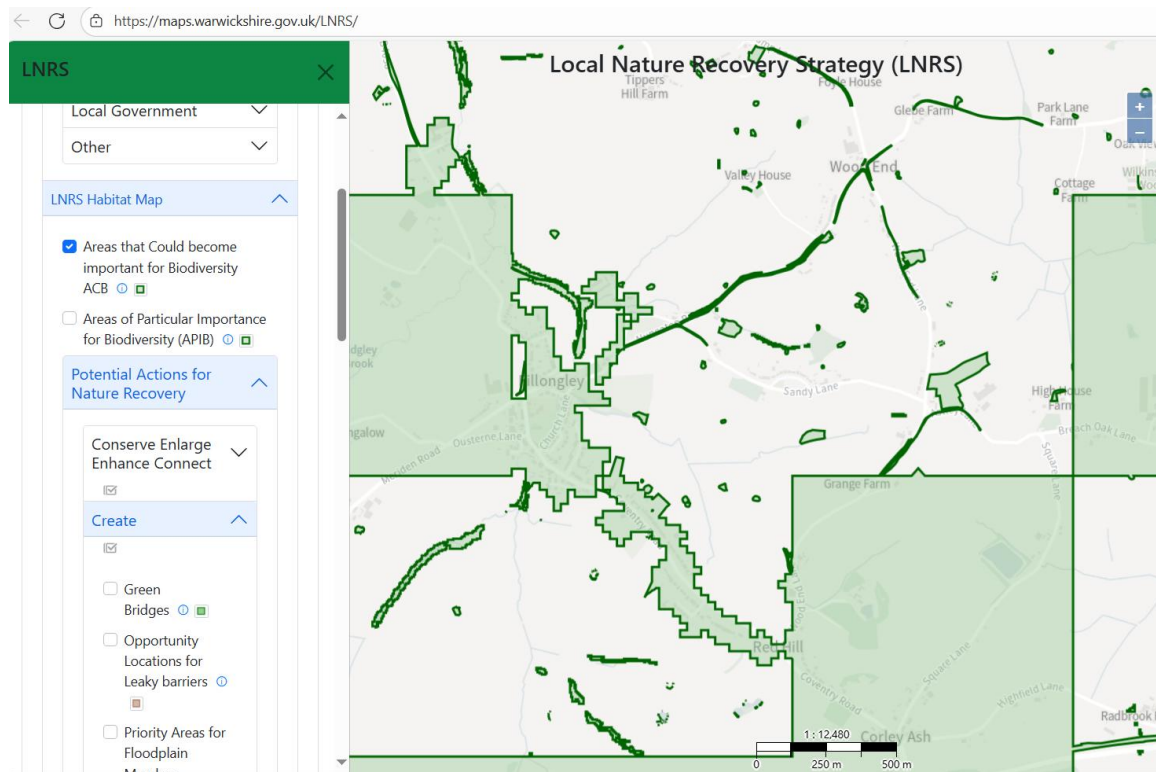
Background Paper No	Author	Nature of Background Paper	Date

Appendix 1: Extracts from the LNRS On-Line Map

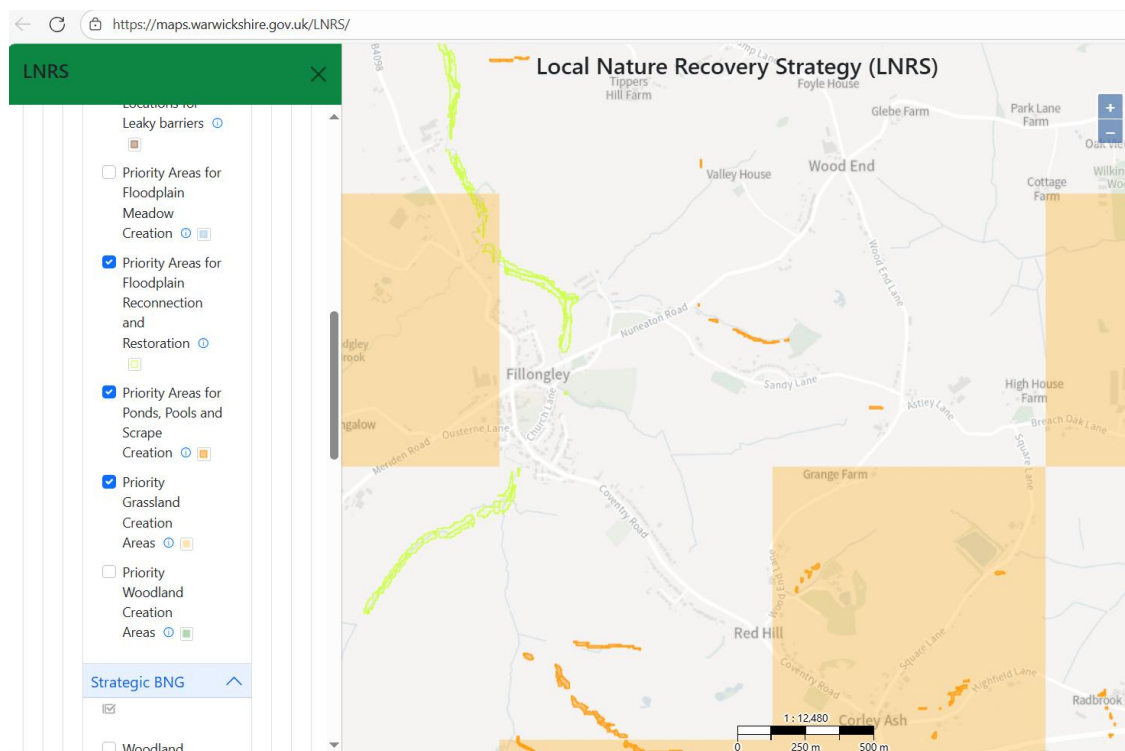
Map 1. The map below shows the existing Areas of Particular Importance for Biodiversity (APIBs) in the Wood End, Fillongley and Red Hill area:



Map 2. The map below shows the Areas that Could become important for Biodiversity (ACBs) within the same area:



Map 3. The map below shows where particular habitats identified in the LNRS can be best supported in this area:

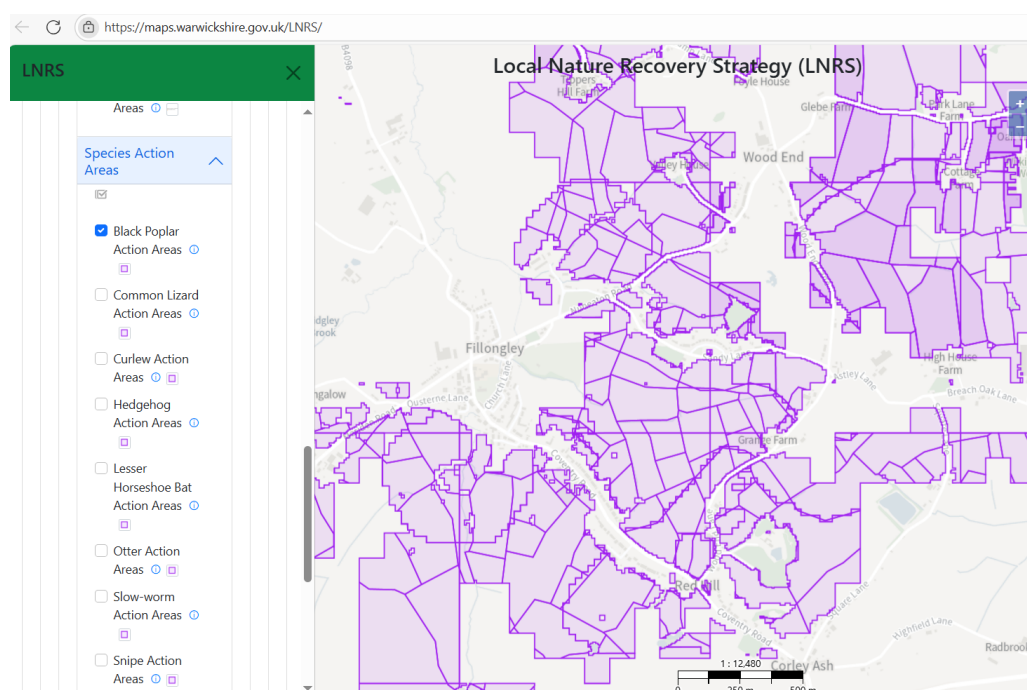


Pink blocks = Priority Grassland Creation Areas

Orange areas = Priority Areas for Ponds, Pools and Scrape Creation

Lime green areas = Priority Areas for Floodplain Reconnection and Restoration

Map 4. The map below shows where one of the priority species identified in the LNRS (Black Poplar) can be best supported in this area:



Appendix – Draft Consultation Response

Consultation on Warwickshire's Local Nature Recovery Strategy

D. Mapping Action Areas

Species Priorities and Assemblages - Action areas mapped

Your views on the LNRS online Map

These questions ask about your experience in using the LNRS map. If you have not used or are not interested in this map please skip to the next page.

1 Is the online map clear to navigate and use?

Please select only one item

☐ Yes

☒ **No**

☐ Not sure / Don't know

2 Is the information explaining how to use the map clear?

Please select only one item

☐ Yes

☒ **No**

☐ Not referred to

Please tell us how this could be made clearer:

Please see comments below:

- The on-line map appears to contain a high level of detailed data that will be very useful to the Council, in particular in its planning function, however, it is, unfortunately, confusing and not easy to use. Firstly, potentially due to the volume of data it holds, it is very slow to load and often freezes, with the result that it is effectively unusable.

Suggestion: A separate on-line map could be provided for each local authority area (with an appropriate buffer around each administrative boundary).

- The layout of the LNRS is very clear – the identification of habitat and species priorities, with recommended actions for each. The layers on the map, however, possibly due to how they have been named and / or ordered in the folders, do not clearly relate to the Strategy. Within the 'LNRS Habitat' folder there are 3 sub-folders.

Suggestion: The folders could be rearranged so that the existing and most important areas (APIBs) are at the top, existing but currently less important areas (ACBs) are next and Potential Actions for Nature Recovery at the bottom. Giving this final group an acronym as well (for example, PANR) would be consistent and potentially useful.

- Within the 'Potential Actions for Nature Recovery' folder there are 5 sub-folders, however, not all of them could be viewed due to the issues outlined above (freezing).

Suggestion: For consistency and ease of understanding / cross-referencing with the LNRS, the 'Species Action Areas' and 'Species Assemblage Action Areas' folders could be renamed 'Species Priority Action Areas' and 'Species Priority Assemblage Action Areas'.

Suggestion: A similar folder for Habitat Priority actions may also be useful, for example, a 'Habitat Priority Creation Areas' folder. This could contain Floodplain Meadow Creation Areas, Woodland Creation Areas etc. This may be achieved by simply re-naming the 'Create' folder 'Habitat Priority Creation Areas', or, alternatively, by moving the 'Habitat Priority Creation Areas', 'Species Priority Action Areas' and 'Species Priority

Assemblage Action Areas' folders so that they appear as sub-folders within the 'Create' folder.

3 If you were interested in taking action for nature, would the LNRS map (alongside the LNRS priorities / actions) provide enough information to guide you?

Please select only one item

☐ Yes

☒ **Partially**

☐ No

☐ Not sure / Don't know

☐ Not applicable

4 Do you have any feedback or insights regarding the online map?

See comments above.

Agenda Item No 6

Planning and Development Board

3 November 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.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 8 December 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.

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General Development Applications

(6/a) Application No: PAP/2025/0459

Land 20 metres South of 11 Paddocks Close and, Land 10 metres South of 14 and 16B Market Street, Polesworth,

Works to trees in a conservation area, for

Warwickshire County Council (Forestry)

1. Introduction

This item is referred to the Board as the land is owned by North Warwickshire Borough Council.

2. The Site

This application relates to two groups of trees, both of which comprise of mixed broadleaf species.

The first group (G1) is located on a strip of land 20 metres South of 11 Paddocks Close. The second group (G2) is located on another small strip of land 10 metres south of 14 and 16B market Street.

A plan showing the location of the tree groups is at Appendix A.

3. The Proposal

This application seeks to prune/tip tree group G1 back from the carriage way by 1m and prune/tip tree group G2 back from lighting columns by 1m and crown lift to 2.5m over the footpath.

4. Consultations

Warwickshire County Council Forestry – No comments received (15/10/2025).

5. Observations

Section 211 of the Town and Country Planning Act 1990 sets out that anyone proposing to cut down or carry out works to a tree in a conservation area is required to give the Local Planning Authority six weeks' prior notice (a 'Section 211 Notice').

The Local Authority can deal with the notice in one of three ways:

- Make a Tree Preservation Order if this is justified in the interests of amenity.
- Decide not to make a Tree Preservation Order and allow the six-week period to expire, following which the works may proceed within two years of the date of the notice.
- Decide not to make a Tree Preservation Order and inform the applicant that work can proceed within two years of the date of the notice.

- Importantly, the Local Authority cannot refuse consent, nor can consent be granted subject to conditions.

The proposed works to groups G1 and G2 are considered general maintenance to ensure the trees remain away from the carriageway, footpaths, and lighting columns.

Overall, given the location of the trees and the health and safety benefits of the proposed works, it has been considered by officers that the trees in the notification do not warrant protection by way of a Tree Preservation Order and accordingly, the works can proceed.

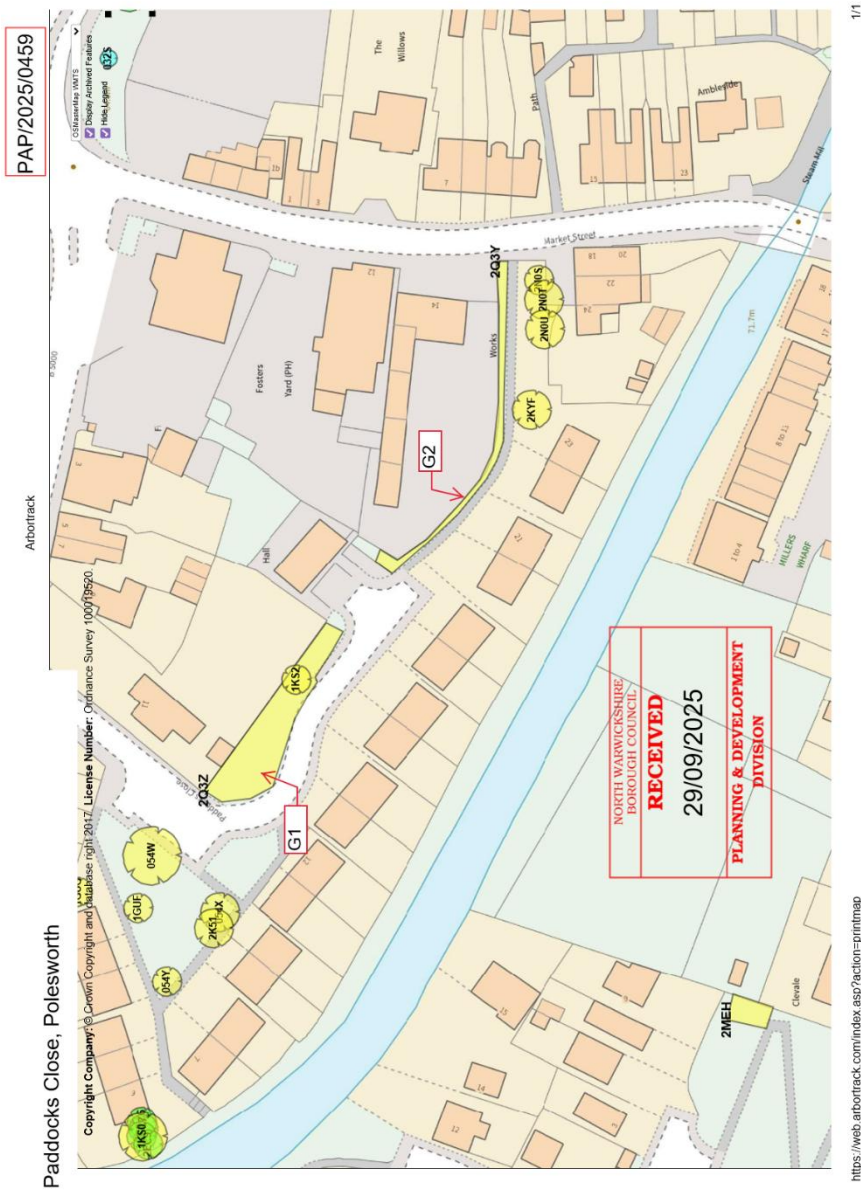
6. Recommendation

That the works may proceed subject to the following informatives:

1. For the avoidance of doubt, the permission only relates to the trees mentioned within the notification (PAP/2025/0459), located on land 20 metres South of 11 Paddocks Close and, Land 10 metres South of 14 and 16B Market Street, Polesworth, and detailed within the tree location plan, received 29/09/2025. The works shall be confined to the following:
 - G1 Mixed broadleaf species - Prune/tip back from carriageway by 1.0m
 - G2 Mixed broadleaf species - Prune/tip back from lighting columns by 1.0m, crown lift to 2.5m over footpath.
2. No works to any other tree afforded protection within the Conservation Area shall be undertaken without full notification to North Warwickshire Borough Council.
3. Except for the tree noted within this notification, no tree shall be lopped, topped or felled without the prior approval of the Local Planning authority, in writing.
4. No works relating to the tree hereby approved should take place before the hours of 0700 nor after 1900 Monday to Friday; before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.
5. You are advised that bats are deemed to be European Protected species. Should bats be found while carrying out the approved works, you should stop work immediately and seek further advice from Warwickshire County Council Ecological Services.
6. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law, and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage, or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February to August.

7. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner by quickly determining the application. 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 – Tree Location Plan



General Development Applications

(6/b) Application No: PAP/2025/0448

Dafferns Wood (rear of 27 -29 Morgan Close), St Michaels Close, Arley,

Works to trees protected by Tree Preservation Order, for

Warwickshire County Council (Forestry)

1. Introduction

This Item is referred to the Board as the land is owned by the North Warwickshire Borough Council.

2. The Site

This application relates to a self-set Holly tree (T1) and an Ash tree (T2) located to the rear of 27-29 Morgan Close, within Dafferns Wood, New Arley.

Dafferns Wood is a large area of woodland protected as a single group by TPO Ref: 713.002/3.

A plan showing the location of the trees is attached at Appendix A.

The Proposal

This application seeks consent to fell the self-set Holly (T1) as the tree is in decline and experiencing dieback, and to remove three failed stems from the Ash tree (T2).

Consultations

Warwickshire County Council Forestry – No Comments Received.

Observations

Section 16 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012 sets out that anyone proposing to cut down or carry out works to a tree protected by a TPO must make an application to the Local Planning Authority. The LPA can deal with the application in one of three ways:

- Grant consent unconditionally.
- Grant consent subject to any condition or conditions specified in the act. These conditions are as follows:
 - Conditions requiring trees to be planted.
 - Conditions about how, where or when planting is to be done.
 - Conditions requiring things to be done, or installed, for the protection of any trees planted pursuant to the above conditions.

- Conditions requiring approvals to be obtained from the person giving the consent.
- Conditions specifying the standard to which the works must be carried out; and
- Conditions specifying a time period for works.
- Refuse consent.

The trees form part of a significant group and are located within close proximity to several properties at 27-29 Morgan Close.

The proposed works are considered general management of the woodland and are necessary to ensure the trees do not damage any neighbouring property.

Given the proposed works are in the interest of good forestry and modest in scope, officers consider that the proposed works are acceptable and should be granted consent.

Recommendation

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

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

REASON

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

2. For the avoidance of doubt, this consent only relates to the trees T1 (Holly) and T2 (Ash) located at Dafferns Wood (rear of 27 -29 Morgan Close), St Michaels Close, Arley as detailed within the application form and tree location plan received by the LPA on 23/09/2025.

REASON

To ensure the consented work is limited to the specified trees.

Notes

1. Except for the trees noted within this notification, no tree shall be lopped, topped or felled without the prior approval of the Local Planning authority, in writing.
2. No works relating to the tree hereby approved should take place before the hours of 0700 nor after 1900 Monday to Friday; before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.6e/28
3. You are advised that bats are deemed to be European Protected species. Should bats be found while carrying out the approved works, you should stop work immediately and seek further advice from Warwickshire County Council Ecological Services.

4. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law, and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage, or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February to August.
5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner by quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraph 39 of the National Planning Policy Framework.

General Development Applications

(6/c) Application No: PAP/2025/0388

1, Egan Close, Dordon, Tamworth, B78 1AT

Erection of Garage

1. Introduction

1.1 This application is referred to the Board at the request of Members.

2. The Site

2.1 The application site is a two-storey detached property and lies within the Dordon Development Boundary, as identified in the adopted North Warwickshire Local Plan 2021. The property has been recently constructed as part of the small housing scheme grouped around the new access Egan close which is accessed from Long Street. The property already has a single detached garage to the east. The site is accessed via a private driveway off Long Street. The majority of the properties front onto Long Street, however 172 Long Street is set back from the road and has a boundary with 1 Egan Close.

2.2 The site is illustrated at Appendix A

3. The Proposal

3.1 The application is retrospective and partially constructed. The garage has a depth from front to rear of 6.6 metres, a width of 8.6 metres and a height of 2.67 metres at the front of the flat roof, with a slope down to height of 2.33 metres at the rear where it is closest with the boundary of 172 Long Street. It is important to highlight that the rear of the existing garage sits on lower ground than No. 172, meaning the land on which the garage stands is at a reduced level compared to the neighbouring property. The existing wall to the rear, which the garage will be built up from, is already approximately 0.3 metres in height, and the proposed garage structure will add a further 2 metres above this. This results in a total height of around 2.3 metres at the rear, adjacent to the boundary wall. Given the lower ground level of the site, the overall impact on No. 172 is reduced, as the height of the garage will appear less dominant when viewed from the neighbouring property.

3.2 The proposed plans can be seen in Appendix B

4. Development Plan

The North Warwickshire Local Plan (Adopted September 2021). LP1 (Sustainable Development) LP2 (Settlement Hierarchy) LP29 (Development Considerations) LP30 (Built Form) LP34 (Parking)

Dordon Neighbourhood Plan
Policy DNP8 Achieving High Quality Design

5. Other Relevant Material Considerations

Government Advice: National Planning Policy Framework December 2024 (NPPF).

Supplementary Planning Guidance:

A Guide to the Design of Householder Developments, adopted September 2003.

6. Representations

6.1 Dordon Parish Council – Objection:

- The proposal contravenes Dordon Neighbourhood Plan (DNP1)
- The garage/store is excessively large, out of scale with the plot and neighbouring homes.
- Loss of light
- Overshadowing
- Roof height
- No need for further garage space
- Proposal fails to meet policy DNP8
- Contradiction with approved plans PAP/2023/0215

6.2 We have received 3 letters of objection from one neighbour on the following grounds:

- Height of the garage, concerns for overlooking and loss of light
- Amount of Development on site
- Close proximity to neighbouring boundary, impact on habitable rooms
- Use of the garage
- Need of the garage

6.4 We have received one letter of support for the proposal:

- The proposal will allow for further parking
- There is a minor impact to the surrounding area

7. Observations

a) Principle of Development

7.1 The site is located within Dordon, which is identified as a Category 1 settlement under Policy LP2 of the Local Plan. This policy establishes that development within Category 1 settlements, where sites fall inside the defined Development Boundary, is supported in principle. As the application site lies within the Dordon Development Boundary, the proposal is therefore acceptable in principle, subject to compliance with the other relevant policies of the Local Plan, the National Planning Policy Framework (NPPF), and supplementary planning guidance.

b) Impact on Neighbouring Amenities

- 7.2 One of the main issues relates to the impact of the proposal on neighbouring properties. The most affected property here is 172 Long Street whose property and garden sits adjacent to the garage. The garage will have some degree of impact on the neighbouring property to the rear. The applicant has worked proactively and constructively with the Council to achieve a design that minimises the impact of the garage to an acceptable level, as originally the proposal had a hipped roof. Amendments have been proposed through the incorporation of a flat roof, that gently slopes to the front of the site away from the neighbour. The height of the garage is 2.67 metres at the front of the flat roof, with a slope down to height of 2.33 metres to the rear of the garage. The overall bulk and height of the development have been substantially reduced. This design change has significantly mitigated the potential for overshadowing and loss of light, ensuring that the proposal no longer results in material harm to neighbouring amenity.
- 7.3 The revised roof profile, which slopes downwards towards the rear, further ensures that the building reads as a subservient and unobtrusive form. At its highest point, the garage is only marginally taller than the existing boundary wall and fencing, which would be permissible up to 2 metres in height without planning permission. This established “fall-back position” significantly weakens any argument that the proposal would result in unacceptable visual dominance or enclosure.
- 7.4 The resulting overall height of the structure is modest in scale and proportionate to its setting. Existing boundary treatments — including fencing and mature planting — already serve to limit views between the properties of 1 Egan Close and 172 Long Street.
- 7.5 Officers have carried out site visits to both the application property and the neighbouring dwelling have confirmed that while the new structure will be perceptible above the boundary, its presence will not be overbearing or result in a measurable reduction in sunlight or daylight to habitable rooms or garden areas. The most impacted habitable room is the lounge of 172 Long Street which already has a large amount of light obscured by the large trees, whilst the garage may have a small impact on light into the lounge at certain times of the day, works to these large trees would be more beneficial for improving light into the room. There are photographs in Appendix C showing this relationship with the neighbouring property. Given the scale and orientation of the garage to the west of the neighbour, any additional shadowing will be very limited and confined to early or late parts of the day. Furthermore, the proposal does not include any windows or openings that would give rise to overlooking or loss of privacy.
- 7.6 The neighbour’s objection also raises concerns regarding the necessity and potential use of the garage. These matters are not material planning considerations, as the Local Planning Authority must determine the application based solely on the use and form proposed. The applicants have submitted the application as a householder application within the curtilage of 1 Egan Close. Whilst, it is acknowledged that the property already benefits from adequate parking and storage space, the construction of an additional garage does not in itself constitute harm nor conflict with local or national policy objectives. In fact evidence has been provided by the applicant

indicating that there is a need for the additional parking, in that residents have been using the existing public car park at the adjacent Doctors surgery.

7.7 Taking all factors into account, the proposal represents a domestic structure that integrates well with its surroundings and preserves the amenity of neighbouring occupants. The residual impact on the adjoining property is considered to fall well within acceptable limits and does not amount to significant adverse effect. Accordingly, the proposal complies with the requirements of Policy LP29 of the Local Plan, the Neighbourhood Plan and relevant guidance within the National Planning Policy Framework, which seek to ensure that development safeguards residential amenity and achieves a high standard of design. The case officer would highlight to the members that to ensure that the garage is not for other uses this would be conditioned to not be converted and to only be used as a garage incidental to 1 Egan Close.

7.8 On balance, while a minor visual change is inevitable, the proposal does not result in unacceptable harm by reason of loss of light, overshadowing, or overbearing impact. The development therefore represents a policy-compliant form of domestic enhancement.

c) Character and Appearance

7.9 The proposal is for a single-storey structure with a maximum height of 2.67 metres at its tallest point. While officers acknowledge concerns regarding its height in relation to the neighbouring boundary wall, the sloping roof design and difference in floor levels ensure that the rear of the garage will only marginally exceed the height of the existing boundary wall. There is already a significant amount of development in depth in the area.

7.10 Although the garage may be a noticeable addition to the site, its scale is not considered excessive and will not result in an unacceptable level of prominence for surrounding neighbours. The single storey garage is proportionate to the main dwelling and designed to remain sympathetic to its scale. The use of materials that reflect those of the wider housing development ensures the proposal integrates appropriately with both the host property and the wider street scene.

7.11 Overall, the design and materials are in keeping with the character and appearance of the dwelling and surrounding area. While visible, the proposal does not result in substantial harm to local character or visual amenity and therefore complies with Policy LP30 of the Local Plan.

d) Parking

7.12 The garage will provide additional parking for the property. It allows for two covered parking spaces, as well as 3 spaces in front of the garage. The site is located down a private road and therefore does not have a detrimental impact on the surrounding highways. The concerns raised by the neighbour's relate to the necessity and potential use of the garage. These matters are not material planning considerations, as the Local Planning Authority must determine the application based solely on the use and form proposed. While it is acknowledged that the property already benefits from parking and storage space, the construction of an

additional garage does not in itself constitute harm nor conflict with local or national policy objectives. Officer would highlight to the members that to ensure that the garage is not for other uses this would be conditioned to not be converted and to only be used as a garage

e) Conclusions

7.13 In conclusion, the proposal represents a modest and proportionate form of development that integrates well with the host dwelling and its surroundings. The revised design, including the use of a flat and sloping roof profile, significantly reduces the overall mass and ensures that the structure remains subservient to the main dwelling. As a result, any visual change will be limited and not harmful to the overall character or appearance of the area.

7.14 While the development will be perceptible from neighbouring properties, the degree of impact in terms of overshadowing, loss of light, or overbearing presence has been reduced to an acceptable level. Existing boundary treatments and the modest scale of the proposal ensure that neighbouring residential amenity is safeguarded. Concerns raised regarding the need for the garage and its potential future use are not material to the determination of the application but will be addressed through a condition restricting its use to ancillary domestic purposes only.

7.15 Overall, the proposal accords with the relevant provisions of Policies LP1, LP2, LP29, LP30, and LP34 of the North Warwickshire Local Plan (2021), the Dordon Neighbourhood Plan, and the National Planning Policy Framework (2024). The design is considered to be of an appropriate scale and appearance, ensuring no significant harm to neighbouring amenity, visual character, or highway safety and therefore is recommended for approval subject to the conditions below.

RECOMMENDATION

That the application be **GRANTED**, subject to the following conditions:

1. The development hereby approved shall not be carried out otherwise than in accordance with the plans:

1001-A-250B Proposed Detached Garage (002)

1001-A-251A Proposed Roof Plan

Measurements confirmation email

Received by the Local Planning Authority on 23/09/2025 & 03/10/2025.

REASON

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

2. The development hereby approved shall only be used for purposes incidental to the residential use of the site of 1 Egan Close and shall not be used for any commercial use.

REASON

To define the permission and for avoidance of doubt. To ensure that the garage is used incidental to the residential use of 1 Egan Close. To protect the residential amenities of the surrounding properties.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), no internal or external alterations shall take place to the garage.

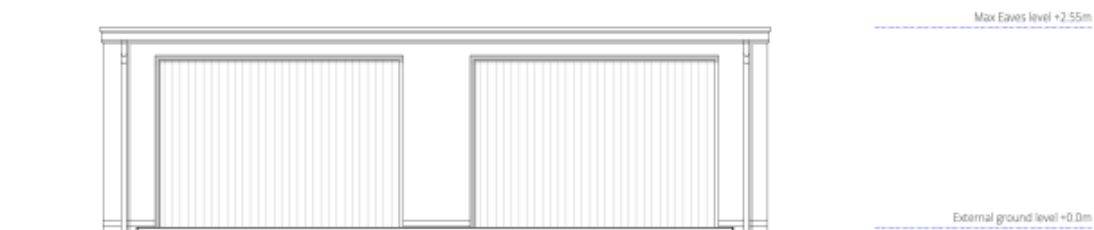
REASON

To satisfactorily protect the character and appearance of the area, in the interests of highway safety and the residential amenities of nearby occupiers. To comply with Policy LP29 of the North Warwickshire Local Plan 2021. To protect the residential amenities of the surrounding properties.

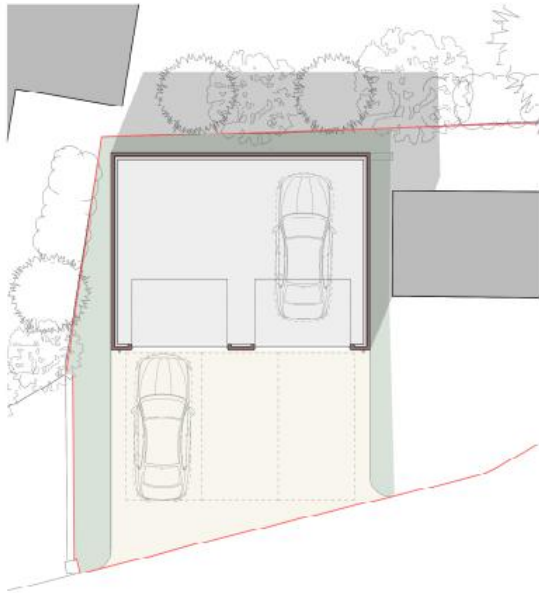
Appendix A



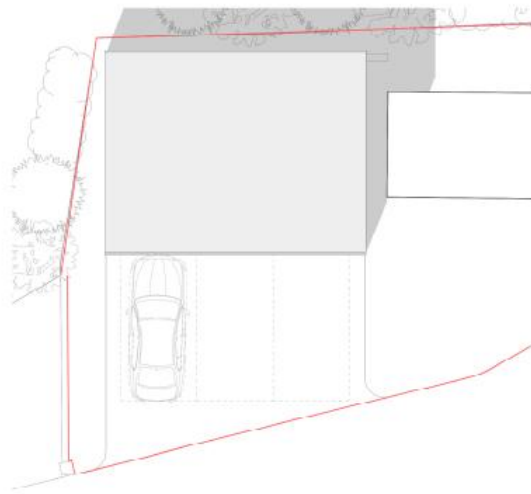
Appendix B



Proposed Front Elevation _ scale 1:50 @ A1



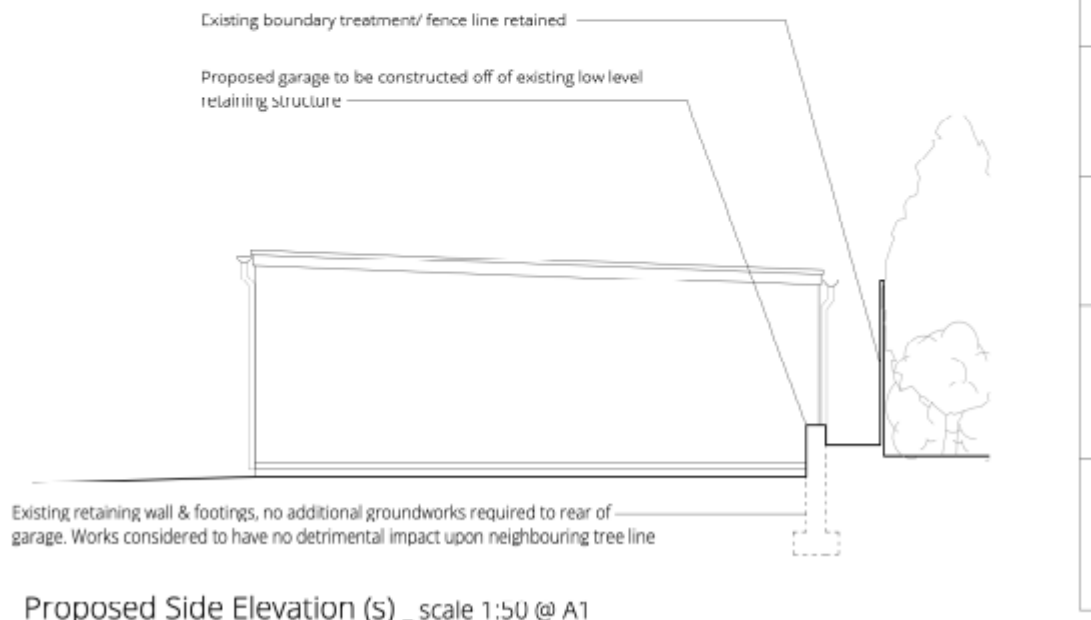
Proposed Ground Floor Plan _ scale 1:100 @ A1



Proposed Roof Plan _ scale 1:100 @ A1



Proposed Rear Elevation _ scale 1:50 @ A1



Proposed Side Elevation (s) _ scale 1:50 @ A1







General Development Applications

(6/d) Application No: PAP/2025/0387

86, Coleshill Road, Curdworth, B76 9HH

Request for felling of Lime Tree protected by Tree Preservation Order (173.002/4), for

Mrs Janet Alderwick

Introduction

This application is reported to the Planning and Development Board at the request of Ward Members.

The Site

No.86 Coleshill Road, is a two-storey detached property situated within the development boundary of Curdworth.

This application relates to 1 No. Lime tree located in the front garden of the property. The tree is substantial in size and is highly visible along Coleshill Road and surrounding streets.

A plan showing the location of the tree is attached at Appendix A.

The Proposal

This application seeks consent to fell to ground the TPO protected Lime Tree. This application is supported by a tree report prepared by Apex Environmental Ltd, which makes the following conclusions:

- I. *“the tree roots are within range of the neighbours property and has a high risk of future damage.*
- II. *the tree roots are under the front pathway to 84 and are causing direct damage*
- III. *the stem of the tree is decayed and under acceptable levels of 1/3.*
- IV. *The tree is at very high risk of failure and recorded as a Risk of Harm (RoH) of 1/3k and listed as an unacceptable risk.*
- V. *In order to control the risk from damage to the house would be to reduce the to below 6m (giving time to re-prune every 5 years). This is a significant reduction and will completely change the overall view of the tree and likely lead to its demise. This also does not reduce the risk of harm to the general public or the road at 1.5m from the tree. To remove all risks to the general public then tree will need to be removed.”*

A copy of the applicant's tree report is attached at Appendix B.

To offset the felling of the tree, the applicant has committed to plant 1 No. ornamental cherry tree in a nearby location.

Background

The tree is protected by Tree Preservation Order 713.022/4, which was confirmed on 3rd November 1975. The TPO originally protected six individual trees and one group of trees, however, five of the six trees have since been felled or have fallen

In 2014, consent was given to remove epicormic growths and a stem extending towards No.86. The borough's tree officer commented on the tree, stating the following:

"The lean on the tree does not appear to have been a sudden occurrence. The cracking of the pavement and lifting of edging stones is to be expected with a tree in close proximity. The cracking does not appear to be recent. Additionally, the tree has other trees on two sides. This would make the tree grow towards an open area. The tree does have a cavity at ground level. It is not considered that this is critical at this stage, but should be monitored for signs for progression. The bark in the vicinity appears to be growing actively around the cavity which indicates good health. Additionally, if this wound occurred at an early age, the tree would grow quicker on its good side which could also contribute to the lean. The tree is generally in good health, except for a dead branch on its good side which also contribute to the lean. Overall, the inspection revealed that the tree is in good condition, apart from the points mentioned above."

Earlier this year, an application was made to fell the tree limited evidence was submitted with the application. While this was subsequently withdrawn, Warwickshire County Council Forestry commented on the proposal, stating:

"We have undertaken a brief external examination of the condition of the tree, there does not appear to be an imminent risk of failure, however justification for work to this tree in relation to any risk posed must be determined via a diagnostic report undertaken by a suitably qualified professional, such as a consultant"

Consultations and Representations

Neighbours – Three comments received, two supporting the proposal and one not objecting. The comments in support cite the following:

- The tree is damaged around the base and leans towards the houses.
- Two similar trees nearby recently fell.
- This is the only tree left of six similar trees along the road. The other five all fell down, causing damage or had been felled due to danger.
- No.84 is in danger when the tree falls.
- The arborist report states the tree must be removed.

Curdworth Parish Council – Support on the grounds of health and safety.

Warwickshire County Council: Forestry (WCC) – Objection

The WCCF objection challenges the justification for removing the tree, arguing the conclusions made are based on insufficient, speculative, and inconsistent evidence. Key points are as follows.

- There is no evidence to substantiate the claimed root severance due to past repairs to the pavement and, severance is unlikely given the repair method used.

- The claim that tree roots are causing damage to neighbouring pathways is based on limited observation and does not establish causation.
- The suggestion that the roots will cause future damage to the property is based solely on proximity, without evidence of harm.
- The extent of the cavity at the foot of the tree is based on a single directional measurement and is not an accurate representation of its true condition, leading to an inaccurate interpretation of the risk posed.
- The report describes the tree as being in good physiological condition with a predicted lifespan of 20+ years, which contradicts the claim that it poses a very high risk of failure.
- The Probability of Failure (PoF) rating is considered unreasonable and founded on insufficient evidence.
- The conclusion that the tree presents an unacceptable risk of harm is based on assumptions and incomplete data and does not meet the evidential threshold required for TPO removal.
- The prescribed works to the tree are unjustified based on the information provided.

The full objection is attached at Appendix C.

The applicant was offered the opportunity to respond to the objection. A copy of this response is attached at Appendix D.

Warwickshire County Council Forestry (attached at Appendix E) were re-consulted and upheld their objection stating:

*“No additional evidence has been provided, so our position remains unchanged: we do not find there is sufficient justification for the proposed remedial action to the tree in question, which is protected by a Tree Preservation Order (TPO)...
In conclusion, due to the lack of sufficient supporting evidence to clearly demonstrate the extent of the cavity, our advice remains to refuse the application pending further investigation and submission of more robust evidence.”*

Development Plan

The North Warwickshire Local Plan, Adopted September 2021.
LP14 (Landscape), LP16 (Natural Environment), LP29 (10) and (11) (Development Considerations).

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework December 2024 (NPPF).

Planning Practice Guidance: Tree Preservation Orders and trees in conservation areas.

Observations

The main issues relating to this application relate to the robustness of the evidence in support of the application. The Borough Council takes advice its advice from arboriculturalists at Warwickshire County Council. When assessing applications for work to protected trees, Paragraph 090 of the National Planning Practice Guidance notes (Ref.36-090-20140306) identifies that authorities must consider:

- The amenity value of the tree and the impact the proposal will have on the amenity of the area.
- Whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it.
- Whether any loss or damage is likely to arise if consent is refused.
- The effect of the proposal on protected species.
- Other material considerations, including development plan policies.

Amenity

The tree is substantial in size and highly visible from Coleshill Road and the surrounding area. The tree originally sat alongside 5 other trees, however, these have all since been removed. It is therefore, the last remaining protected tree on the western side of Coleshill Road, and complements a similar group of protected trees on the eastern side of the Road. Visually, the tree, along with the other protected trees, strongly contributes to the area's character.

The removal of the tree would remove a large, attractive specimen and would result in the loss of an important landscape feature in the streetscene. A replacement, particularly a replacement of a different type, would not replace the visual amenity lost. In addition, the tree report identifies the tree is in fair condition, with a life expectancy of 20+ years. It is therefore considered that the tree will continue to provide amenity benefits for at least this period.

In terms of removal of the tree the amenity value should not be underestimated. Natural England and the Woodland Trust provide information on veteran trees and their amenity value [Layout 1 \(woodlandtrust.org.uk\)](http://woodlandtrust.org.uk) The quote below indicates a view of their importance.

...they are veteran trees important.

...those grey old men of Moccas, those grey, gnarled, low-browed, knock-kneed, bowed, bent, huge, strange, long-armed, deformed, hunchbacked misshapen oak men that stand awaiting and watching century after century biding God's time with both feet in the grave and yet tiring down and seeing out generation after generation.

The Reverend Francis Kilvert, 1876.

Based on the above assessment of amenity value, it is considered that the tree enhances the visual amenity of the locality and its felling would harm the character and appearance of the street scene and wider area. Therefore, strong justification is required for its removal

Justification

The applicant has submitted an Arboricultural report that concludes that the tree has a high risk of failure, and to control the risk, it needs to be reduced to 6m in height. However, the report identifies that this reduction will likely result in the demise of the tree and therefore justifies the need for its complete removal.

The report is based on the following points discussed below.

Repairs to the pavement have damaged the roots

The report states that due to the tree's location within 400mm of the pavement, and evidence of previous repairs to the pavement, this has likely resulted in root removal.

Further evidence provided includes Google Street View images showing the pavement before and after the repair work was undertaken. In addition, the applicant's arborist claims, *"It is difficult to reconcile how the kerb could have been re-set and the surfacing removed and replaced without either excavation or disturbance of the adjacent roots"*.

In response, Warwickshire County Council Forestry (WCCF) consider that there is no evidence to suggest that root removal/severance took place, and given the nature of the repair, it is considered unlikely. Work has clearly been undertaken to the pavement, however, there is no evidence that the roots have been disturbed or damaged, and therefore the assertion is given little weight.

Cavity measurement and probability of failure

Central to the applicant's report is the extent of the cavity at the base of the tree and how this feeds into the probability of failure. The report and additional information describe that the cavity was measured with a probe in a range of directions.

WCC did not consider that this method provided an accurate representation of the internal structure and that there was no evidence to confidently assess the thickness of the remaining areas. In addition, they highlighted accepted methodologies such as the use of a Resistograph or PiCUS test, which would have provided an accurate measurement.

The probability of failure was calculated using the QTRA methodology. An exact calculation was not given although, a table showing the results is included.

Ref.	Species	Measurements	Failure Indicators	Physiological Condition	Structural Condition	Overall Condition	Risk Assessment	RoH
T1	European lime (<i>Tilia x europaea</i>)	Height (m): 14 Crown Radius (m): 5N, 3.5E, 4.5S, 5.2W DBH (cm): 83 Life Stage: Mature Life Exp.: 20+ Years	Cavity in base of tree, damage to neighbouring footpath, previous and likely future damage to the public footway	Good	Decaying	Fair	Target Range: Property(2) £200,000 - £20,000 Multiple Targets: 1 Size: Property Reduce Mass to: 100% PoF: PoF(3) 1/100 - 1/1K RoH: 1/3K	1/3K

WCC state they are registered users of the QTRA method and consider the probability of failure rating given to the tree was unreasonable and founded on insufficient evidence.

It is clear there is a cavity in the tree, however, in the absence of any robust evidence supporting the report's claims, minimal weight is given.

Damage to neighbouring property

The report states that the tree roots are under the front pathway of the neighbouring property (No.86) and have a high risk of future damage to the property.

The report includes two images which show roots below the pathway at No.84 and an image described as showing slight distortion to the pathway. Additional information supplied states the damage constitutes encroachment and potential nuisance, which the owner of No.84 has a right to abate, citing *Lemmon v Webb* [1894]. To remedy this issue, the roots would have to be cut back to the boundary, which would involve substantial root removal, threatening the stability of the tree.

On damage to the property, the report states that the tree is 7.4 metres from the corner of No.84, which is within the tree's zone of influence of 10.5 metres. However, the report then states that there is no visible damage, but that damage might occur at some point in the future. Adding to the report, the arborist stated they only need to demonstrate on the balance of probability that damage has occurred or is likely to occur and that the lifting of hard surfaces by roots is sufficient to establish nuisance, citing *Delaware Mansions Ltd v Westminster City Council* [2001].

In their follow-up response, the applicant also stated that the soil type (superficial clay and silt with mudstone bedrock) are shrinkable and susceptible to changes in moisture.

In their response to this WCC states that correlation does not equal causation and that the evidence provided does not justify the removal of the tree. In addition, they state there are more factors to take into account than the distance between the tree and the property when considering potential for damage.

Paragraph 6.40c of the "Tree Preservation Orders: A Guide to the Law and Good Practice – Addendum" provides guidance on the type of evidence that should be provided when dealing with alleged subsidence damage to property within tree preservation order applications. It states that claims must be supported by reports from relevant professionals such as structural engineers or chartered surveyors.

At present, there is no evidence of damage to the property and only circumstantial evidence of damage to the path, no surveys or other evidence have been put forward or can be provided regarding damage caused by the tree. As such, the request to remove the tree is on the basis of a matter that has not and may not occur. In addition, given the limited evidence, there is no substantial proof provided to indicate that such issues could happen in the future.

The case of *Lemmon v Webb* [1894] sets a precedent that applicants can trim branches and roots to a boundary provided they do not harm the tree. While trimming the roots or branches may have been acceptable to prevent damage, the applicant instead seeks to fell the tree entirely. This case is therefore not relevant to this proposal.

The case of *Delaware Mansions Ltd v Westminster City Council* [2001] sets a precedent that defendants who know about damage caused by tree roots have a liability for repairing the damage caused. The complainant presented evidence of damage to the defendant by way of a structural report. After presenting this information to the defendant, they then failed to act and did not prevent foreseeable damage to the property.

In conclusion, the applicant has failed to provide more than circumstantial evidence that damage is foreseeable to their footpath or property. Accordingly, in the absence of evidence, the above case is not relevant to this application.

Overall justification

Given the high amenity provided by the tree, strong justification is required to remove the tree. While an Arboricultural report has been presented, questions are raised on the validity of the methods used, the evidence presented and its overall conclusion. On balance, the evidence presented does not strongly justify the felling of the tree.

Loss or damage resulting from refusal

As identified above, the applicant asserts that the tree's roots may be damaging the property or could damage it in the future and that it is currently damaging the pathway.

No evidence has been put forward to justify these claims, and no other forms of mitigating damage (such as root removal) have been considered. In the absence of any evidence, it is not justifiable to fell a 100+ year old tree to prevent possible damage to a recently constructed pathway or potential future damage caused by the roots to the property itself.

Finally, applications for works to trees are free of charge, therefore the applicant may submit a fresh application when the required information has been obtained to justify the proposed works. Therefore, it is not considered unreasonable for this application to be refused.

Conclusion

In accordance with guidance the Council has a duty to protect and enhance valued landscapes and natural assets, including mature trees that contribute to local character, biodiversity, and visual amenity. The tree in question forms part of a group with high public amenity value, visible from surrounding land and the public realm. Its removal would cause a significant and irreversible loss to the visual amenities of the area, unless removal is clearly and robustly justified. The recommendation is therefore that consent for the removal of the lime tree is refused.

Recommendation

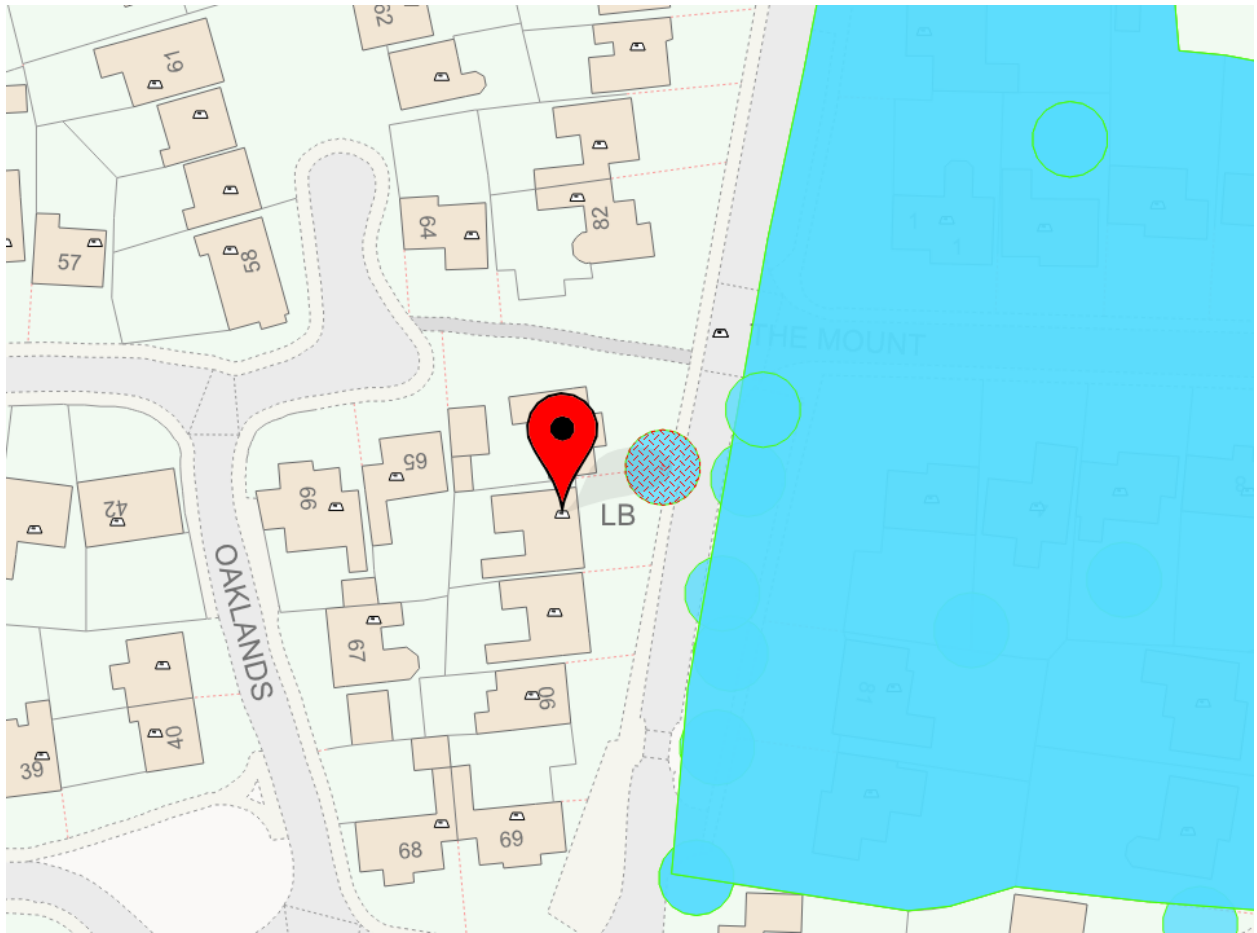
That consent be **REFUSED** for the following reason:

The tree is of high amenity value and is in good health. It is considered that insufficient arboricultural evidence has been submitted to justify that the works proposed to remove the lime are justified and reasonably necessary. There is no evidence to suggest that the tree may cause damage to existing properties in the future. There is also a lack of consideration for alternative measures. The trees removal would be detrimental to the amenity of the area, and would be harmful to the area, contrary to policies LP14, LP16 and LP29 of the adopted North Warwickshire Local Plan 2021 and paragraphs 136, 187 and 193 of the National Planning Policy Framework.

Notes

1. In dealing with this application, the Local Planning Authority has worked with in a positive and proactive manner through, agent discussions and determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 39 of the National Planning Policy Framework.

Appendix A – Plan showing the location of the property (red pin) and tree (circled blue and red)



Appendix B – Tree Report by Apex Environment LTD

PAP/2025/0387



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**PLANNING & DEVELOPMENT
DIVISION**

Arboricultural Report

86 Coleshill Road, Curdworth, Sutton Coldfield, B76 9HH

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Project ref:
AEL-19254



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86 Coleshill Road, Curdworth, Sutton Coldfield, B76 9HH

Reuben Hayes

**Contact details**

Client	Address	86 Coleshill Road, Curdworth, Sutton Coldfield, B76 9HH
	Name	Janet Alderwick
	Contact	

Report History					
Version	Date	Author	Checked by	Reason	Status
0.1	01/08/2025	RJH	RJH	Approval	Draft
A	02/08/2025	RJH	RJH	Release	Final

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1. Introduction

- 1.1 **Instruction:** I am instructed by Janet Alderwick to inspect the significant tree at 86 Coleshill Road, Curdworth, Sutton Coldfield, B76 9HH, and to provide an arboricultural report on their health and safety following the QTRA assessment.
- 1.2 **Qualifications and experience:** I have based this report on my site observations and the information I have been provided with, and I have come to conclusions in the light of my experience as an arboriculturist. I include a summary of my experience and qualifications in Appendix III.
- 1.3 **Documents and information provided:** I was not provided with any documents.
- 1.4 **Relevant background information:** During the site visit, Janet Alderwick advised me that Middleton Tree Services have assessed the tree and confirmed the tree has a hollow of about 2/3rds in base, and root decay. There is also Epicormic growth consistently growing from the base of the tree which requires regular pruning. Last week a large section of the tree fell into the road.
- 1.5 **Tree Survey:** The site survey was carried out on the 24th July 2025. The relevant qualitative and quantitative tree data and information was recorded to assess the condition of the trees and to provide any recommendations.
- 1.6 **Scope of this report:** This report is only concerned with assessing hazards using the Quantified Tree Risk Assessment (QTRA) methodology and locating the significant trees and recording relevant details. It takes no account of any other privately-owned trees. It includes a preliminary assessment based on the site visit and the documents provided, which are listed in 1.3 above.



2. Limitations

- 2.1 Whilst every effort has been made to detect defects within the subject trees, no guarantee can be given as to the absolute safety or otherwise of any individual tree. This report represents a survey and should not be construed to be a detailed tree inspection report. Any recommendations given are intended to reduce the likelihood of tree collapse and are intended to reduce the likelihood of tree collapse but absolute safety is not a realistic goal; even apparently sound trees can fail, particularly during inclement weather e.g. gale force winds of 8 (39 - 46 mph) may result in the shedding of small twigs and branches, whereas gale force 10 winds (55 – 63 mph) may result in trees being uprooted. All recommendations are given in the context of the site's current usage; any change will dictate a further survey.
- 2.2 The findings and recommendations contained within this report are, assuming its recommendations are observed, valid for a period of twelve months from the date of survey. Trees are living organisms subject to change – best practice dictates they are inspected on a regular basis for reasons of safety.
- 2.3 The expertise of the author of this report is arboriculture. Any non-arboricultural references made within this report are made as a lay person.
- 2.4 Trees should be inspected on a regular basis and after any significant adverse weather conditions. The trees within the report should be inspected after 12 months and within 3 years.
- 2.5 Tree Owners Duty of Care:
In the UK, tree owners have a duty of care to ensure their trees do not pose a foreseeable risk to people or property. This duty falls under the **Occupiers' Liability Acts 1984** and the principles of negligence in common law. The main points regarding a tree owner's duty of care are:
- I. **Reasonable Inspection and Maintenance:**
Tree owners are expected to carry out reasonable inspections and maintenance to identify and address potential hazards, such as dead branches, disease, or structural instability. The frequency and extent of inspections depend on the location of the tree (e.g., near public paths, roads, or buildings).
 - II. **Qualified Inspections:**
While tree owners are not required to be experts, they should seek advice from a qualified arboriculturist if there are signs of ill health or damage, such as cracks, fungi, or leaning.



III. Foreseeable Risk:

Liability arises if a failure to take reasonable care leads to harm that was foreseeable. For example, ignoring obvious signs of disease or decay could result in liability if the tree falls and causes damage.

IV. Public and Private Spaces:

The duty of care applies to both public and private spaces. Local authorities are responsible for trees on public land, while private tree owners are responsible for trees on their property, including overhanging branches or roots affecting neighbouring properties.

V. Emergency Situations:

In cases of storms or unforeseen damage, the owner is not expected to predict sudden failures but must act promptly to address hazards once aware of them.

VI. Liability for Damage:

If a tree causes damage due to negligence, the owner may be held liable for personal injury, property damage, or other losses.

VII. Practical Steps for Compliance:

1. Conduct routine visual inspections of trees on your property.
2. Keep records of inspections and any maintenance work.
3. Act promptly if notified of potential risks, especially by neighbours or local authorities.
4. Engage a professional arboriculturist for an expert evaluation if needed.
5. Failing to exercise reasonable care could lead to legal claims or enforcement action, particularly if the negligence results in harm.



3. Site visit and observations / collection of data

3.1 **Site visit:** I carried out an accompanied site visit.

3.2 **Brief site description:** The tree is in the front garden of 86 Coleshill Road and there is a small driveway to the rear and a detached property behind.

3.3 **Identification and location of trees:** I have illustrated the locations of the significant trees on the plan AEL-19254-A-TLP. This plan is for illustrative purposes only and it should not be used for directly scaling measurements. All the relevant information is contained within this report and the documents provided.

3.4 QTRA methodology and application:

The QTRA methodology utilises three components of tree failure risk. These are:

- I. Target (and ranged in to 6 units depending on level of occupancy or traffic movement)
- II. Size of part to fail
- III. Probability of failure (how likely the part is to fail within 12 months)

The product of the tree component values is the annualised 'Risk of Harm', which is a continued measure of the likelihood and the consequence of tree failure considered in terms of the loss within the coming year. It is expressed as a probability. In applying the 'Tolerability of Risk Framework' (ToR), the QTRA methodology divides the 'Risk of Harm' into four threshold values, being:

1. Unacceptable ($>1/1,000$), which is unacceptable and will not ordinarily be tolerated. It will require risk control.
2. Tolerable ($1/1,000$ and $1/10,000$). The Risk of Harm will be between unacceptable and tolerable. The risk is reviewed or controlled depending on stakeholder agreement.
3. Tolerable ($1/10,000$ and $1/1,000,000$), where the Risk of Harm is tolerable if it is imposed on others. Management decisions are informed by consideration of the benefits and costs of risk control, including benefits provided by trees that would be lost to risk control measures
4. Broadly acceptable ($<1/1,000,000$), which is already As Low As Reasonably Practicable (ALARP)

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Thresholds	Description	Action
1/1 000	Unacceptable Risk will not ordinarily be tolerated	Control the risk
1/1 000 and 1/10 000	Unacceptable (where imposed on others) Risks will not ordinarily be tolerated	- Control the risk - Review the risk
	Tolerable (by agreement) Risks may be tolerated if those exposed to the risk accept it, or the tree has exceptional value	- Control the risk unless there is broad stakeholder agreement to tolerate it, or the tree has exceptional value - Review the risk
1/10 000 and 1/1 000 000	Tolerable (where imposed on others) Risks are tolerable if ALARP	- Assess costs and benefits of risk control - Control the risk only where a significant benefit might be achieved at reasonable cost - Review the risk
1/1 000 000	Broadly Acceptable Risk is already ALARP	- No action currently required - Review the risk

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4. Findings

4.1 Target:

The assessment has been based on the failure of the tree or parts of the tree falling.

The target range has been based on the trees location and frequency.

4.2 Size part to fail:

This is unique to each tree and the hazard presented.

- a. Probability of failure: This is unique to each tree and decay rate of each species. Oak trees have the ability to hold on to deadwood much better than silver birch trees, which are more likely to fail.

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4.3 Photographs:



Image 1 – Showing the tree T1 and the proximity to the neighbouring pathway

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Image 2 – Showing the slight distortion on the pathway

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Image 3 – Showing previous rectification works to the tarmac

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Image 4 – Showing the full height of the tree

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Image 5 – Showing the hollow in the stem of the tree with probe

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Image 6 – Showing the tree from the road side

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Image 7 – Showing the main stem of the tree

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Image 8 – Showing the base of the tree

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Image 9 - Showing the base of the tree



Image 10 - Showing the hollow at the base of the tree

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Image 11 – Showing Trail pit 1 and tree root traveling under the neighbouring footpath

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Image 12 – Showing the size of the tree root

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Image 13 – Showing the top of the tree from drone image



Image 14 - Showing the top of the tree from drone image

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Image 15 – Showing the canopy of the tree from a drone image

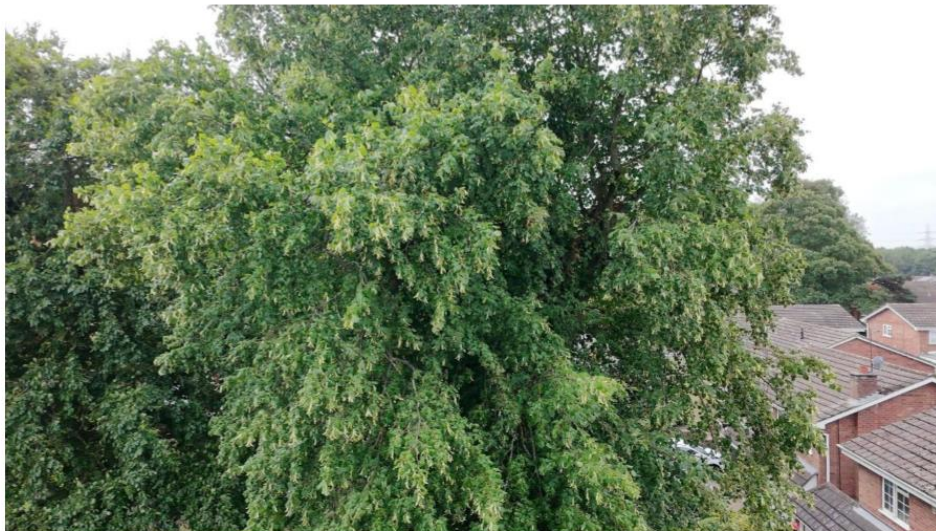


Image 16 – Showing the canopy of the tree from a drone image

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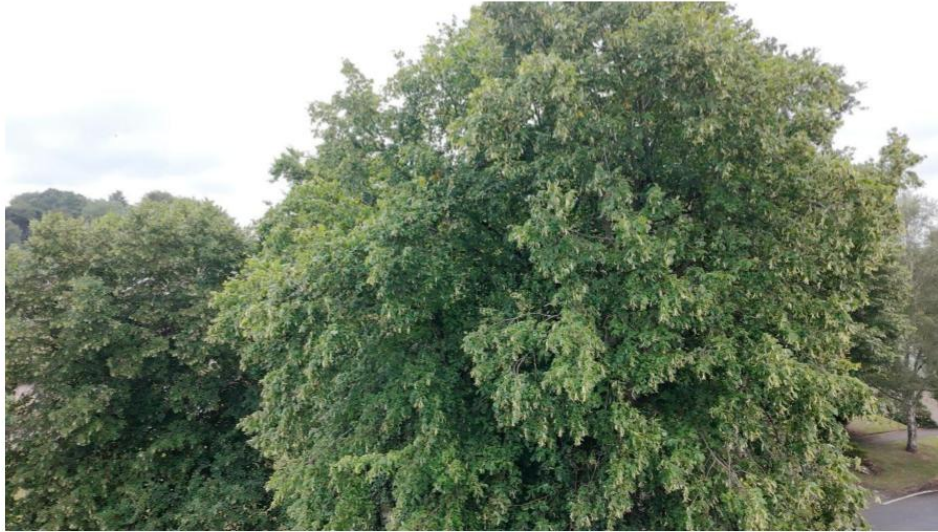


Image 17 - Showing the canopy of the tree from a drone image



Image 18 – Showing the canopy of the tree from a drone image



4.4 Tree Discussion:

1. The tree is owned by the property 86 Coleshill Road and is a roadside tree growing in the front garden area and close to the boundary.
2. The tree is a mature tree growing close to the pavement <400mm. With evidence of previous tree root damage to the pavement and repair works carried out. This has also likely included root removal.
3. Damage is also occurring to the driveway of 86 and the block paving is lifted, which is likely to be from tree root damage. There was also damage to the pathway of 84 although not as pronounced at the moment. The pathway is relatively new and the tree is 550mm from the path edge. I was able to dig in to the grass area of 86 near to the damage of 84 and it revealed tree roots greater than 25mm just below the grass level at 150mm. The tree root was running in the direction of the neighbour's pathway and the area of damage. This is evidence of direct damage to the neighbouring property.
4. The base of tree has extensive epicormic growth and this is spreading out in the shrub area. Removed some to expose the stem of the tree which has a cavity at the ground level. Cavity at the base of the tree was exposed and was able to probe to 570mm into the stem and 430mm depth in to the soil area within the cavity. Dull sound above cavity to a height of 450mm. The stem diameter of the tree is 830mm and therefore this cavity is 68.67% of the overall stem and this is greater than 2/3 of the overall stem and the remaining sound wall is <1/3 of just 31.33%. This is to the opposite side of the cavity and will be the strongest part of the tree and the hollow is offset close to the hollow. This means that overall the sound material is much less than 31.33% and well under 1/3 of sound material. This means that the tree is at a significantly higher risk of failure at ground level. The probe was also able to dig down in to the soil and this indicates that there are no roots under the stem of the tree.
5. The tree has epicormic growth on the stem and forks at 3m to create two main leaders. The two leaders are the same height and not been maintained. Minor deadwood in the canopy.
6. The tree is 7.4m from the corner of 84 and under National House Builders Council (NHBC) and Chapter 4.2 lists Lime as Moderate water demand and at the current height of 14m would give the tree's zone of influence of 10.5m, which is within range of the property. Although there is no visible damage from tree roots the house is within range and therefore it is possible that damage will occur in the future.

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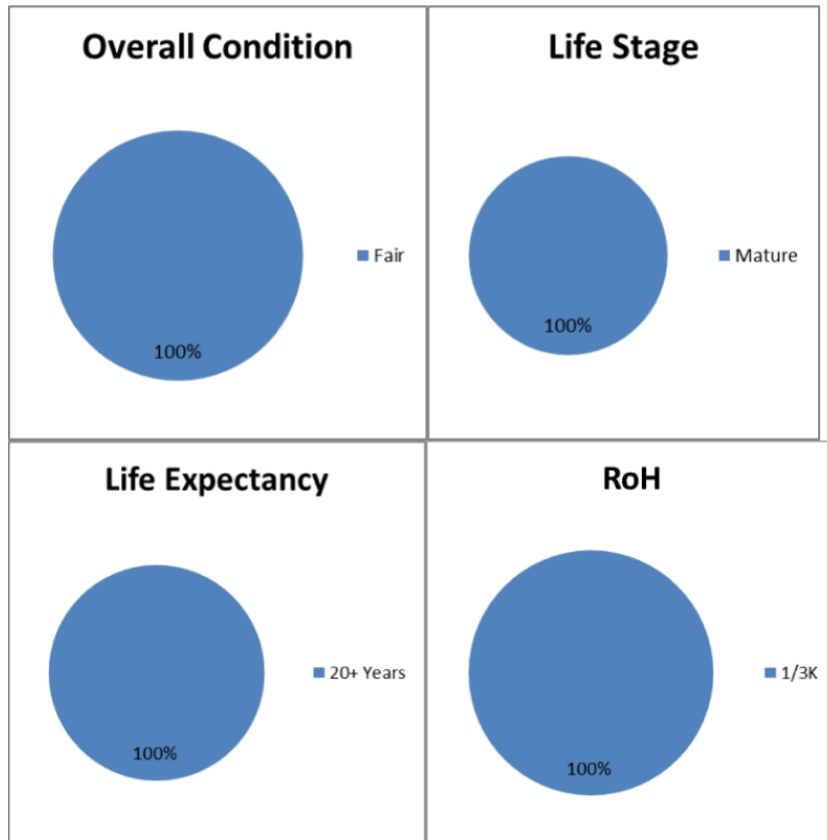
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It is confirmed that:

- I. the tree roots are within range of the neighbours property and has a high risk of future damage.
- II. the tree roots are under the front pathway to 84 and causing direct damage
- III. the stem of the tree is decayed and under acceptable levels of 1/3.
- IV. The tree is at very high risk of failure and recoded as a Risk of Harm (RoH) of 1/3k and listed as an unacceptable risk.
- V. In order to control the risk from damage to the house would be to reduce the tree to below 6m (giving time to re-prune every 5 years). This is a significant reduction and will completely change the overall view of the tree and likely lead to its demise. This also does not reduce the risk of harm to the general public or the road at 1.5m from the tree. To removal all risks to the general public then the tree will need to be removed.

4.5 Tree Information:



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Ref.	Species	Measurements	Failure Indicators	Physiological Condition	Structural Condition	Overall Condition	Risk Assessment	RoH
T1	European lime (<i>Tilia x europaea</i>)	Height (m): 14 Crown Radius (m): 5N, 3.5E, 4.5S, 5.2W DBH (cm): 83 Life Stage: Mature Life Exp.: 20+ Years	Cavity in base of tree, damage to neighbouring footpath, previous and likely future damage to the public footway	Good	Decaying	Fair	Target Range: Property(2) £200,000 - £20,000 Multiple Targets: 1 Size: Property Reduce Mass to: 100% PoF: PoF(3) 1/100 - 1/1K RoH: 1/3K	1/3K

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Notes:

- Ref: Identification number – T=Tree, G=Group, H=Hedge, S=Stump
- Species: Tree Species, given in Latin and common name, where both are known
- Height: Approximate height in metres
- DBH: Diameter at Breast Height – The diameter of the trunk at 1.3m from the ground level
- Crown Radius: The spread of the crown's radius from the centre of the stem. Given as an average of each cardinal point in metres N-North, E-East, S-South, W-West
- Life Stage: Estimated life stage of the tree Newly Planted -A newly planted tree, Young – Establishing tree could be a transplanted without the need of specialist equipment i.e less than 150mm diameter, Semi mature –A tree that is established but with some growth to make before reaching it potential maximum size, a tree within its first third of life span, Early Mature – A tree that is reaching its ultimate potential height, who's growth rate is slowing down but it healthy will still increase in stem diameter and crown spread, a tree in its second third of lifespan, Mature – A tree that has limited potential for any significant increase in size, even if in good health, a tree within its last third of its lifespan, Over Mature – A senescent (declining/degradation) or moribund specimen that has low vigour and is within its final third of lifespan. It may also contain sufficient structural defect that may or may not pose a safety risk, Veteran – Trees that exhibit features of biological, cultural or aesthetic value that are characteristic of, but not exclusive to, a tree that is beyond its normal life span for its species, Ancient – A tree that is beyond its species normal life span, Dead – A dead Tree
- Life Expectancy: Estimated years of remaining tree life
- Description: General comments on the tree
- Survey notes: A broad guide to defects and any diseases and fungus
- Overall condition: The condition rating is not to be used for health and safety purposes but will indicate the approximate condition of the tree and highlight any major faults. Good – No obvious faults, or some minor faults which would reduce the life expectancy of the tree, a good form or a full canopy. Fair – A tree with significant faults which will reduce the life expectancy. Probably with faults that require surgery and which will reduce the amenity of the tree. A tree with poor form or a thin canopy. Poor – A tree near the end of its life or one with severe faults which may be correctable with surgery or may not but which will probably leave the tree in a form which is poorly structured.
- Risk Rating – The risk rating based on the likelihood of failure/damage occurring, likelihood of impact and the consequence of the damage or failure as per the information above on Risk of Harm.

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5. Recommendations

Ref.	Species	RoH	Recommendation	Work Timescale
T1	European lime (<i>Tilia x europaea</i>)	1/3K	Fell tree.	23-Jan-2026 (6 Months)

- 5.1 All tree works are to be undertaken in accordance with *BS3998:2010, Tree Work – Recommendations*. All arisings are to be removed from site and the site should be left as found. Care is to be taken to protect the ground around the retained tree and hedge to ensure they do not become compacted due to tree surgery operations. To prevent subsequent compaction and root death, no equipment or vehicles shall be parked or driven beneath the crowns of any trees.

If required by the client, Apex Environmental Ltd can source, tender and oversee the necessary tree works.

- 5.2 Under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2000, it is a criminal offence under normal circumstances to disturb or destroy – whether intentional or unintentional - the nesting sites of wild birds or the roost sites of bats. You should therefore avoid carrying out significant tree works during the bird nesting season [mid- March to end of July], and you should ensure that trees are professionally surveyed for signs of bat roosts and/or bat activity before starting any tree work. Further advice on protected species can be obtained from the local office of Natural England.
- 5.3 The Forestry Act 1967 regulates the management of forests in the UK, including the felling of timber. It typically requires that any significant volume of timber to be felled must be approved through a formal felling license (greater than 5m³ of timber in any calendar quarter ie Jan-Mar etc). The Act aims to ensure sustainable forest management, protect the environment, and prevent deforestation.

Arboricultural Report

AEL-19254

86 Coleshill Road, Curdworth, Sutton Coldfield, B76 9HH

Reuben Hayes



This concludes the report. If I can be of further assistance, please do not hesitate to contact me.

Signature:



Date: 2nd August 2025

Reuben Hayes M.Arbor.A; CMgr MCMl

Managing Director for and on behalf of Apex Environmental Limited



6. Other considerations

- 6.1 **Trees subject to statutory controls:** If these trees are covered by a Tree Preservation Order (TPO) or are located in a conservation area, it will be necessary to consult the council before any pruning works (other than certain exempted works) can be carried out. The aforementioned works are necessary for reasonable management and should be acceptable to the council. However, tree owners should appreciate that they may take an alternative point of view and have the option to refuse consent.

The Lime tree is protected by a Tree Preservation Order.

Tree Protection and Legislative Considerations

Before undertaking any tree works, it is strongly recommended that the Local Planning Authority (LPA) is contacted to confirm whether any statutory protections apply and that the appropriate applications or notifications are submitted.

Tree Preservation Orders (TPOs) are legal protections made by the LPA to safeguard individual trees, groups of trees, or woodlands considered to be of public amenity value. TPOs are governed by the Town and Country Planning Act 1990 (Part VIII). Once a TPO is in place, it is a criminal offence to carry out any of the following actions without the prior written consent of the LPA:

- Felling or uprooting
- Topping or lopping
- Wilful damage or destruction

Convictions for breaches of a TPO can result in significant penalties. These include fines of up to £2,500 for wilful damage, or up to £20,000 (or unlimited fines in the Crown Court) for destruction or actions likely to destroy a protected tree. Fines may apply per individual tree affected. It should be noted that TPOs can be made at short notice, including in response to an initial enquiry. Therefore, any information received from the Council regarding tree protection is valid only at the time of enquiry. Follow-up checks should be made immediately prior to the commencement of any works.

Further guidance and assistance on TPOs and Conservation Area procedures can be provided upon request.

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Reuben Hayes



Appendix I – Bibliography

British Standards Institution (2010), BS3998 Tree Work - Recommendations

British Standards Institution (2012), BS5837 Trees in relation to design, demolition and construction - Recommendations

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Reuben Hayes



Appendix II – About the author

Author of this report: Mr Reuben Hayes, M.Arbor.A; CMgr MCMI

Qualifications

Quantified Tree Risk Assessment, 2018 – QTRA

CMI Management and Leadership (Level 5) – May 2015

Professional Tree Inspection, 2009 – Lantra

Higher National Diploma, Arboriculture (HND), July 2003 – Warwickshire College

National Diploma (Tree Management and Arboriculture), 2000 – Warwickshire College

Experience

Apex Environmental Ltd: May 2013 – Present

Cannock Chase Council: July 2010 – 2024

RJH Silvicultural and Arboricultural Services Ltd: 2008 – 2010

London Borough of Camden: January 2005 – July 2010

Three Rivers District Council: March 2003 – January 2005

Forestry Commission: 1997 – 1998

National Trust

Membership of professional bodies

Professional Member of the Arboricultural Association

Associate Member of the Institute of Chartered Foresters

Fully accredited Chartered Manager of Chartered Management Institute (CMI)

Member of Institute of Directors (IoD)

Arboricultural Report

AEL-19254

86 Coleshill Road, Curdworth, Sutton Coldfield, B76 9HH
Reuben Hayes



Apex Environmental Ltd

A: 3 Lawrence Way, Lichfield, WS13 6RD

T: 0121 249 1235

E: info@ael-treeconsultants.co.uk

W: www.ael-treeconsultants.co.uk

Author: Reuben Hayes, CMgr MCMI, M.Arbor.A

Appendix C – Objection from Warwickshire County Council Forestry.

From: [Andy Cooper](#)
Sent: 08 September 2025 16:13
To: [planappconsult](#) – [Planning Support Team](#)
Subject: FW: PAP/2025/0387 - 86 Coleshill Road
Attachments: 720358.DOC

From: Arboriculture Mailbox <arboriculture@warwickshire.gov.uk>
Sent: Monday, 8 September 2025 16:13:15 (UTC+00:00) Dublin, Edinburgh, Lisbon, London
To: Jacob Baldwin <JacobBaldwin@NorthWarks.gov.uk>
Cc: Andy Cooper <AndyCooper@NorthWarks.gov.uk>
Subject: Re: PAP/2025/0387 - 86 Coleshill Road

Caution: Warning external email

OFFICIAL - Sensitive

Good Afternoon Jacob,

We have reviewed the report and make the following observations:

The basis of the decision to remove the tree is seemingly hinged on the reported subjective risk posed by the tree, due to a number of perceived factors which were discussed in the report. We find that this conclusion has been formed from a lack of sufficient evidence.

•
Paragraph 4.4.2 states "*The tree is a mature tree growing close to the pavement <400mm. With evidence of previous tree root damage to the pavement and repair works carried out. This has also likely included root removal.*" There is no evidence to suggest that any root removal/severance has taken place and, given the process utilised to undertake a patch repair, we would find this unlikely.

○
Paragraph 4.4.4 states "The base of tree has extensive epicormic growth and this is spreading out in the shrub area. Removed some to expose the stem of the tree which has a cavity at the ground level. Cavity at the base of the tree was exposed and was able to probe to 570mm into the stem and 430mm depth in to the soil area within the cavity. Dull sound above cavity to a height of 450mm. The stem diameter of the tree is 830mm and therefore this cavity is 68.67% of the overall stem and this is greater than 2/3 of the overall stem and the remaining sound wall is <1/3 of just 31.33%. This is to the opposite side of the cavity and will be the strongest part of the tree and the hollow is offset close to the hollow. This means that overall the sound material is much less than 31.33% and well under 1/3 of sound material. This means that the tree is at a significantly higher risk of failure at ground level. The probe was also able to dig down in to the soil and this indicates that there are no roots under the stem of the tree." An assumption appears to have been made about the remaining thickness of the walls of the tree based on a single measurement of cavity depth from one direction, which has led to an inaccurate interpretation of the risk posed. Whilst the single lateral measurement has produced lateral loss of 68.67%, and a potential thickness percentage of 31.33% at this exact location, opposite cavity entry, it cannot be assumed that this equates to an average overall wall thickness of less than 31.33%. There is no

evidence presented that enables Mr Hayes to confidently assess the thickness of the remaining wall around the rest of the circumference of the tree.

Due to the above assumptions, Mr Hayes has formulated a Probability of Failure (PoF) rating using QTRA as a failure rating 3. WCC Arboricultural Officers are registered users of the QTRA method, and we find the evidence to be lacking in drawing this conclusion, and therefore the PoF rating prescribed to this tree is considered unreasonable and founded on insufficient evidence.

Other points to note:

- It seems Mr Hayes may be working in the interest of his Client, with possible third-party influence in his decision-making process, however this is unclear.

1.4 During the site visit, Janet Alderwick advised me that Middleton Tree Services have assessed the tree and confirmed the tree has a hollow of about 2/3rds in base, and root decay....

3.1 I carried out an accompanied site visit.

- The tree has been stated to be in good physiological condition, with an overall fair condition, and Mr Hayes has given it a predicted lifespan of 20+ years. This seems to contradict the conclusion that, in paragraph 4.4 iv *"The tree is at very high risk of failure and recoded as a Risk of Harm (RoH) of 1/3k and listed as an unacceptable risk."* We are of the opinion that the statements of a tree being viewed as "at very high risk of failure yet" and also prescribed as having a "lifespan of 20+" years are mutually exclusive.
- The report also discussed information pertaining to damage to footpaths and potential damage to property. However, the only evidence of purported damage presented is in Image 2, a photo of the footpath of number 84, is described as "Showing the slight distortion on the pathway" and followed up in paragraph 4.4 3 " *There was also damage to the pathway of 84 although not as pronounced at the moment. The pathway is relatively new and the tree is 550mm from the path edge. I was able to dig in to the grass area of 86 near to the damage of 84 and it revealed tree roots greater than 25mm just below the grass level at 150mm. The tree root was running in the direction of the neighbours pathway and the area of damage. This is evidence of direct damage to the neighbouring property.*" We would find that correlation does not necessarily imply causation, and this evidence would not be justification to remove a TPO tree in this instance. Further mention was made in the same paragraph about damage to the driveway of 86, however no evidence has been presented to this effect.
- In paragraph 4.4 6 it states "The tree is 7.4m from the corner of 84 and under National House Builders Council (NHBC) and Chapter 4.2 lists Lime as Moderate water demand and at the current height of 14m would give the trees zone of influence of 10.5m, which is within range of the property. Although there is no visible damage from tree roots the house is within range and therefore it is possible that damage will occur in the future." There are

more factors to take into account in relation to potential vegetative related building damage than tree distance from property. It is unreasonable to assume that this tree will cause damage to the building purely on this fact.

To summarise:

I. the tree roots are within range of the neighbours property and has a high risk of future damage - this is an unreasonable assumption to make from limited evidence and relies on a number of factors, of which none are presented in the report.

II. the tree roots are under the front pathway to 84 and causing direct damage - there is insufficient evidence to support this claim.

III. the stem of the tree is decayed and under acceptable levels of 1/3. - there is insufficient evidence to support this claim.

IV. The tree is at very high risk of failure and recoded as a Risk of Harm (RoH) of 1/3k and listed as an unacceptable risk. - this conclusion is founded on insufficient evidence.

V. In order to control the risk from damage to the house would be to reduce the tree to below 6m (giving time to re-prune every 5 years). This is a significant reduction and will completely change the overall view of the tree and likely lead to its demise. This also does not reduce the risk of harm to the general public or the road at 1.5m from the tree. To removal all risks to the general public then the tree will need to be removed. - This prescription of work to the TPO tree is unjustified based on the information provided in the report.

Our conclusion and advice on this proposal is that this application should be refused.

More evidence would be required to justify removal of this tree.

Kind Regards,

W.C.C. Arboriculture, Forestry
Communities Directorate
Warwickshire County Council

Appendix D – Rebuttal prepared by Apex Environmental LTD

Jacob Baldwin

From: Info - AEL Tree Consultants <info@ael-treeconsultants.co.uk>
Sent: 24 September 2025 10:33
To: dianealderwick696
Cc: Jacob Baldwin
Subject: RE: PAP/2025/0387 - 86 Coleshill Road

Caution: Warning external email

Dear Mrs Alderwick,

Thank you for your email below and for forwarding the Council's response. I have carefully reviewed the Council's comments and set out my response to each point raised, together with relevant legal context and a clear conclusion.

1. Pavement and pin kerb

- A Google Street View image from 2012 shows the pin kerb lifted at the location where a tree root runs directly beneath the pavement. By 2016 the kerb had been re-set and the pavement surface repaired. It is difficult to reconcile how the kerb could have been re-set and the surfacing removed and replaced without either excavation or disturbance of the adjacent roots. If the Council hold records of any contractor works or trial excavations at this location, those records would assist in clarifying whether root disturbance took place.



Image from Google Street view of 2012



Image from Google Street view of 2016

2. Cavity measurement and Probability of Failure (PoF)

- The cavity was measured, as far as practicable, from the accessible entrance in a range of directions. The dimensions recorded were reasonably even around the accessible opening and provided a defensible basis for calculating the structural condition of the tree.
- The PoF scale used (7 = good condition/no concern; 1 = imminent/likely failure) is consistent with established arboricultural practice. Case law such as *Stagecoach South Western Trains Ltd v Hind & Anor [2014]* demonstrates that landowners may be liable for foreseeable tree failure where signs of decay or structural weakness are evident. A tree with a cavity greater than one third of the stem cross-section has a materially elevated likelihood of failure. The observed evidence supports a PoF rating of 3, indicating a high likelihood of failure over time and a need for remedial action.

3. Vigour versus structural risk

- It is important to distinguish physiological vigour (canopy condition and potential life expectancy) from structural integrity. Case precedent (*Leakey v National Trust [1980]*) establishes that liability can arise from natural hazards even where a tree appears healthy. A tree can be vigorous yet still structurally unsound; the presence of significant decay materially increases the risk of progressive structural failure irrespective of canopy health.

4. Damage to the neighbouring property (84)

- The tree is located in the front garden of 82; roots and associated heave have extended into the neighbouring land and are lifting the path at 84. This constitutes an encroachment and potential nuisance. Under common law, confirmed in *Lemmon v Webb [1894]*, a landowner has the right to abate an encroaching nuisance by trimming roots or branches back to the boundary. In this case, such pruning would involve substantial root removal and could threaten the stability of the tree.
- The client need only demonstrate on the balance of probabilities that damage has occurred or is likely to occur. The lifting of hard surfaces by roots is sufficient to establish nuisance, as recognised in *Delaware Mansions Ltd v Westminster City Council [2001]*, which confirmed that tree root encroachment causing damage can give rise to liability and a duty to act. The evidence presented meets that threshold.

5. NHBC guidance, soils and indirect moisture effects

- The property dates from the late 1960s / early 1970s and is therefore likely outside the NHBC practice note provisions introduced in 1974. However, the site soils (superficial clay and silt with mudstone bedrock) are shrinkable and susceptible to changes in moisture regime, with the potential for indirect damage by large trees.
- Case law, including *Delaware Mansions*, confirms that where foreseeable damage to property arises from encroaching tree roots, remedial action must be considered. Given the size of the subject tree and the extent of its zone of influence, the property is within an area of increased risk. Active management is therefore justified to mitigate potential liability.

6. Independence of the report and conclusion

- The professional assessment recorded in the report is rooted in the evidence observed on site. The findings and conclusions were reached independently and without influence from the client. The report is balanced, based on factual evidence, and supported by established case law.
- If the Local Authority intends to refuse the application, it should provide a clear, evidence-based alternative assessment explaining how their conclusions differ from the observations and measurements made in my report. A refusal that simply dismisses the evidence without providing substantiated analysis risks being unreasonable. In the context, such a refusal could be subject to challenge if it fails to consider material evidence fairly.

Conclusion

In summary, the evidence demonstrates that:

- The tree shows significant structural compromise due to internal decay, justifying a PoF rating of 3.
- Root encroachment has already caused observable damage and constitutes a legal nuisance under established case law.
- The soils are susceptible to indirect damage from large trees, increasing the potential for harm to built structures.
- The client's concerns are reasonable and supported by both arboricultural assessment and legal precedent.

Accordingly, the report is accurate, independent, and proportionate. The conclusions reached are justified, supported by professional practice and relevant case law, and provide a defensible basis for appropriate tree management.

Kind Regards

Apex Environmental Ltd

a: 3 Lawrence Way, Lichfield, WS13 6RD

t: Birmingham: 0121 249 1235

t: Lichfield: 01543 255565

w: www.ael-treeconsultants.co.uk



Appendix E – Objection from Warwickshire County Council Forestry.

Andrew Collinson

Subject: FW: PAP/2025/0387 - 86 Coleshill Road

From: Arboriculture Mailbox <arboriculture@warwickshire.gov.uk>

Sent: 06 October 2025 14:07

To: Andrew Collinson <AndrewCollinson@NorthWarks.gov.uk>

Cc: Jacob Baldwin <JacobBaldwin@NorthWarks.gov.uk>

Subject: Re: PAP/2025/0387 - 86 Coleshill Road

Importance: High

Caution: Warning external email

Hi Andrew,

No additional evidence has been provided, so our position remains unchanged: we do not find there is sufficient justification for the proposed remedial action to the tree in question, which is protected by a Tree Preservation Order (TPO), based on the issues cited.

To clarify, we find the methodology used to assess the significance of the decay to be inadequate in this instance. The justification for the proposed work relies heavily on the extent of the decay; therefore, the evidence presented must be as representative as reasonably practicable of the actual defect(s).

Using a probe from a single direction to determine the cavity's extent does not provide an accurate representation of the internal structure. There are other industry accepted methodologies that offer a more reliable interpretation of overall cavity wall thickness or extent of decay, such as the use of a Resistograph or PiCUS test. These and other techniques are commonly employed in arboriculture to help all parties reach a well-informed decision in cases involving TPO protected trees.

In conclusion, due to the lack of sufficient supporting evidence to clearly demonstrate the extent of the cavity, our advice remains to refuse the application pending further investigation and submission of more robust evidence.

Kind Regards,

W.C.C. Arboriculture, Forestry
Communities Directorate
Warwickshire County Council

General Development Applications

(6/e) Application No: PAP/2025/0393

Old Beretun, Barnes Wood Lane, Whitacre Heath, B46 2EF

Proposed new annexe building ancillary to main dwelling, for

Mr David Truman

1. Introduction

This application has been referred to the Board for determination in light of it being accompanied by a legal agreement.

2. The Site

This site sits around 300m west of Whitacre Heath. There are a number of properties around this application which were originally developed as holiday homes, these are now residential. The application site comprises a private residential parcel of land separated by a private road from the existing dwelling (Old Beretun). The land is authorised as additional garden space for the existing dwelling, and includes a summer house, garden shed and other domestic paraphernalia. The site is designed Green Belt and is located within the open countryside.

A plan showing the site is included at Appendix A.

3. The Proposal

The applicant seeks full planning permission for a new ancillary annexe to the main dwelling. It will be used by elderly family members who require care and support. The annexe will be constructed off-site and will meet the legal definition of a mobile home in the Caravan Act. It will be clad with stained cedar timber, feature black UPVC windows and doors, and will feature a black metal roof with solar panels. Utility services to the annexe will be connected to the main house.

The annexe includes one bedroom, lounge, bathroom, kitchen/dining room and measures 12.5m in length by 4.6m wide. The elevations, block plan and floor plans are included at Appendix B.

The applicant has offered to enter into a Section 106 agreement that states the annexe will not be occupied as an independent or separate residential accommodation and that it will not be sold separately from the rest of the land. They have prepared a draft agreement reflecting this proposal.

4. Background

History for the wider site dates from 1999, when consent was granted for a development of nine holiday let units. Over time, many of these units have been converted to residential use.

The existing summer house and shed were constructed without planning permission, however, this was then regularised in 2018 by application PAP/2017/0333. This was approved subject to condition No.2, which removed Class E permitted development.

In 2023, application PAP/2023/0206 sought permission for the erection of a new dwelling. This application was refused and dismissed at appeal (Ref. APP/R3705/W/23/3335824).

In 2024, a certificate of lawfulness confirmed that several alterations made to the summer house and a shed that had been erected, both without planning permission, were immune from enforcement action.

In 2025, a certificate of lawfulness was sought to confirm that a proposed mobile annexe was located within the curtilage of the dwelling and did not require planning permission. This application was refused.

5. Development Plan

North Warwickshire Local Plan 2021 – LP1 (Sustainable Development), LP2 (Settlement Hierarchy), LP3 (Green Belt), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water and Flood Risk Management), and LP34 (Parking).

Nether Whitacre Neighbourhood Plan 2024.

6. Other Relevant Material Considerations

National Planning Policy Framework December 2024 (NPPF).

Supplementary Planning Guidance: A Guide to the Design of Householder Developments, adopted September 2003.

7. Representations

Four letters were received in support, and one anonymous comment was received, objecting to the proposal.

In addition to general comments in support, these comments cited the following:

- The annexe would house elderly relatives with health conditions and is more suitable than their existing house, as they find it difficult to climb stairs.
- The applicant's daughter will be able to move into Old Beretun and rent out her own property (Meadow Cottage).
- The annexe allows for multigenerational living.
- The annexe is subordinate to the existing dwelling, and its design does not facilitate future separation or independent occupation.

Comments made anonymously hold less weight as they cannot be attributed to any one individual, however, they still allow for the points raised to be considered. The objection cited the following:

- The proposal will result in the felling of trees which affect the environment and wildlife.
- The area has serious issues with flooding. Every year, residents put sandbags in front of their properties to prevent flooding.
- The area has drainage issues.
- There is no space to park additional vehicles.
- The annexe resembles a mobile home, which is not in keeping with the surroundings.
- Concerns relating to privacy.
- Noise and disturbance.

Nether Whitacre Parish Council – Objection, of which the following points are material considerations:

- The proposal is inappropriate development within the Green Belt.
- The proposal would harm the openness of the Green Belt and contribute to urban sprawl.
- The site is not Grey Belt and is Green Belt
- There are no very special circumstances, nor is the proposal an exempt form of development.
- The site's location is unsustainable.
- The site is in Flood Zone 3.
- There has not been a sequential test.
- The LPA can demonstrate a 5-year housing land supply.

8. Observations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. For this proposal, the Development Plan comprises the North Warwickshire Local Plan (2021) and the relevant supplementary planning documents/guidance. In addition, the National Planning Policy Framework (NPPF) is material consideration.

Principle of Development

The site lies outside any defined development boundary, in an area of open countryside and is also designated Green Belt. Local Plan policy LP2 identifies that outside of development boundaries will be considered on its merits, taking into account other policies in the plan.

Paragraph 142 of the NPPF states, *“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*. When deciding applications, Paragraph 153 requires decision makers to give substantial weight to any harm to the greenbelt, including harm to its openness. The paragraph goes on to state, *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

In accordance with paragraph 154, development in the Green Belt is inappropriate unless it is an exempt form of development, these exemptions are outlined in paragraph 154 (a) – (h) of the Framework.

Previously Developed Land

Paragraph 154(g) states *“the partial or complete redevelopment of previously developed land”* is not inappropriate provided it *“would not cause substantial harm to the openness of the Green Belt”*.

Previously developed land (PDL) is defined in Annex 2 of the NPPF as *“Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land”*. Officers consider that this site meets the definition and is therefore considered to be PDL. However, to accord with the exemption under Paragraph 154 (g), it must not cause **substantial** harm (our emphasis) to the Green Belt.

An essential characteristic of Green Belt land is openness, which is defined as the absence of built form. Consequently, determining the effect of a development proposal on openness is integral to assessing Green Belt harm.

The Court of Appeal in *John Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466 asserts that openness is an open-textured concept with the factors relevant to assessing openness varying based on the circumstances of each case. Accordingly, whereas how prominent a site will be before and after development occurs is likely to be the dominant factor requiring consideration, it may not be the only factor, with the visual impact requiring assessment in appropriate circumstances. In respect of physical openness, the proposed annexe will directly replace a large existing outbuilding and an existing shed. These buildings are shown at Appendices C and D.

The proposed annexe is greater in height and has a larger footprint than the existing large outbuildings. This equates to an increase in volume of 56m³ or 47%. By the very nature of introducing further built development over and above the existing building and into areas where there is currently none, the proposal would diminish openness from a spatial perspective.

Description	Measurements	Floor Area	Volume
Existing large outbuilding	3.6-5.1m wide 11.5m long 2.7m high	47.4m ²	112.5m ³
Existing small outbuilding	3m long 3m wide 2.1m high	3m ²	6.6m ³
Total existing buildings		50.4m²	119.1m³
Proposed Annexe	4.6m wide 12.5m long 3.3m high	57.5m ²	175m ³
Total change		+ 7.1m²	+ 56m³
Percentage change		+ 14%	+ 47%

Regarding visual openness, the site is visible from Barnes Wood Lane a private road, however, it is not visible from any publicly accessible road or footpath. While the proposal is larger than the existing building, given its relatively small size and limited visibility, visual harm to the Green Belt is limited.

Accordingly, the replacement building is larger and more visible than the existing buildings, having a greater impact on the openness of the Green Belt. Overall, the proposal will have an impact on the openness of the site and is considered harmful to the greenbelt. However, the impact on openness is not considered to meet the high threshold to be considered substantial harm.

Therefore, as the application site is considered previously developed land and the proposal does not cause substantial harm to the Green Belt, the proposal meets the exception laid out in Paragraph 154(g), and it is therefore considered to be an appropriate development in the Green Belt.

Characteristics, Appearance, and Neighbouring Amenities

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.'*

Local Plan Policy LP29 Development Consideration point 9 states that developments should *'...avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution'*

The design and appearance of the annexe reflect the existing building and are typical of residential annexes or of agricultural buildings in open countryside. The siting of the annexe would not cause any issues in respect of overlooking or loss of privacy and would not be divergent from the prevailing built form.

Flood Risk / Drainage

Policy LP33 requires proposals in Flood Zones 2 and 3 to be supported by a site-specific Flood Risk Assessment (FRA) demonstrating safety for the lifetime of the development and no increase in flood risk elsewhere. Paragraph 181 of the NPPF states that applications should only be allowed where it can be demonstrated that the development is appropriately resistant and resilient so that, in the event of a flood, it can be quickly brought back into use.

The application site lies within Flood Zone 3 and would be considered a more vulnerable use. It is supported by an FRA, however, as it is a householder development, it is exempt from the need for a sequential test.

The submitted FRA was produced in November 2023 in support of an earlier proposal for the erection of a single dwelling. The report concludes that the site is outside of the 1:100 year +20% flood level but recommends several design measures to protect against flooding, such as water-resistant materials, raising electrical sockets and raising the floor level to 300mm above ground level. The report also includes a safe escape and flood action plan.

In January 2025, the Environment Agency published its New National Flood Risk Assessment (NaFRA). The updated modelling considers the most recent climate data and the presence of existing flood defences, such as the nearby bund. As shown in the map below, the site is wholly within flood zone 3.

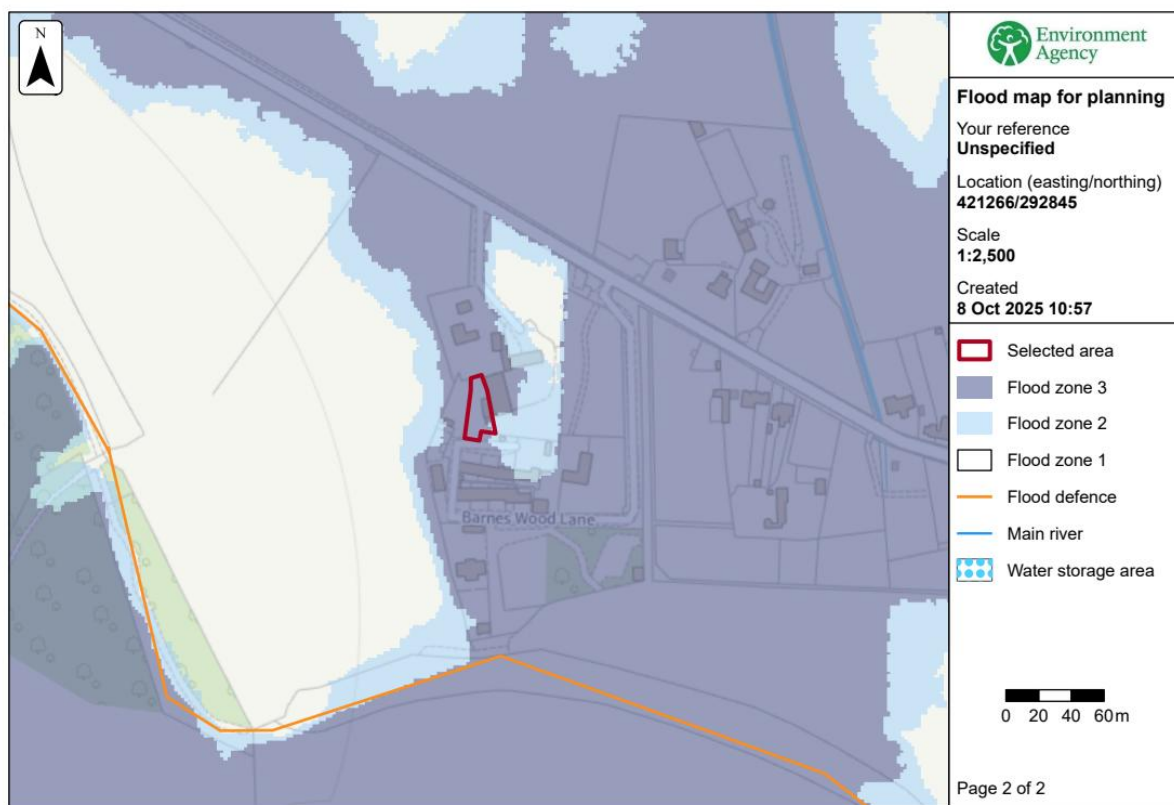


Figure 1 - Plan showing the New national flood risk assessment for the site.

The updated modelling places emphasis on the need to incorporate innate flood resilience and mitigation measures into the proposal. The plans indicate the annexe has been raised 300mm from ground to the first flood level in line with the recommendations of the previous FRA. The applicant has not indicated whether any other measures are incorporated. In addition, the safe escape and flood action plan remains relevant to this proposal.

Overall, the proposal is considered acceptable in terms of flood risk, subject to conditions to secure the FRA measures, finished floor levels, and implementation of the safe escape and flood action plan.

Highway Safety

Policies LP29(6) and LP34 require development proposals to have particular regard to highway safety, service requirements and the capacity of the local road network and the adopted parking standards set out in the Local Plan. This requires 2 spaces per residential property.

The existing dwelling benefits from two parking spaces at the front of the property. Given the annexe's ancillary status and the applicant's commitment to a legal tie preventing independent occupation or sale, the proposal would not introduce a separate parking requirement over and above its existing requirement of two spaces. A condition can secure retention of at least two spaces within the host curtilage and prevent the formation of a new access. On this basis, the proposal is acceptable in highway terms.

Other Material Considerations

To ensure the development remains ancillary, the applicant has offered to enter into a legal agreement (s.106) to prevent the annexe from being occupied as an independent dwelling or from being sold separately. This is considered sufficient to address concerns that the unit could function as an independent dwelling in future.

9. Recommendation

That, subject to the receipt of legal advice that confirms that the Unilateral Undertaking will effectively achieve the stated planning objectives of ensuring the annexe will not become an independent dwelling, the application be **GRANTED** subject to the following conditions:

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

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered DWG 1B, DWG 2C, DWG 3, and DWG 4 received by the Local Planning Authority on 20/08/2025.

REASON

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

3. The proposed annexe shall be built in accordance with the material specified in the application form.

REASON

In the interests of the amenities of the area and the building concerned.

4. The proposed annexe shall include the mitigation measures specified in the Flood Risk Assessment received by this authority on 20/08/2025.

REASON

In the interest of flood safety for the future occupiers.

5. The existing parking spaces shall be retained at the existing dwelling (Old Beretun) and no new parking spaces or access shall be made to directly serve the annexe hereby approved.

REASON

To provide sufficient parking and prevent the annexe from being used independently.

6. No development shall commence until all the existing building DWG3 and DWG4 have been removed from the site.

REASON:

To define the permission and ensure that the Green Belt assessment and exchange of buildings for the proposal is sufficient to comply with the NPPF.

7. No development whatsoever within Class E and Class F 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 without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interest of the amenities of the area.

Notes

1. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the Central Building Control Partnership on 0300 111 8035 for further advice on radon protective measures.

2. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner quickly determining the application. 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 – Site Location Plan

PAP/2025/0393

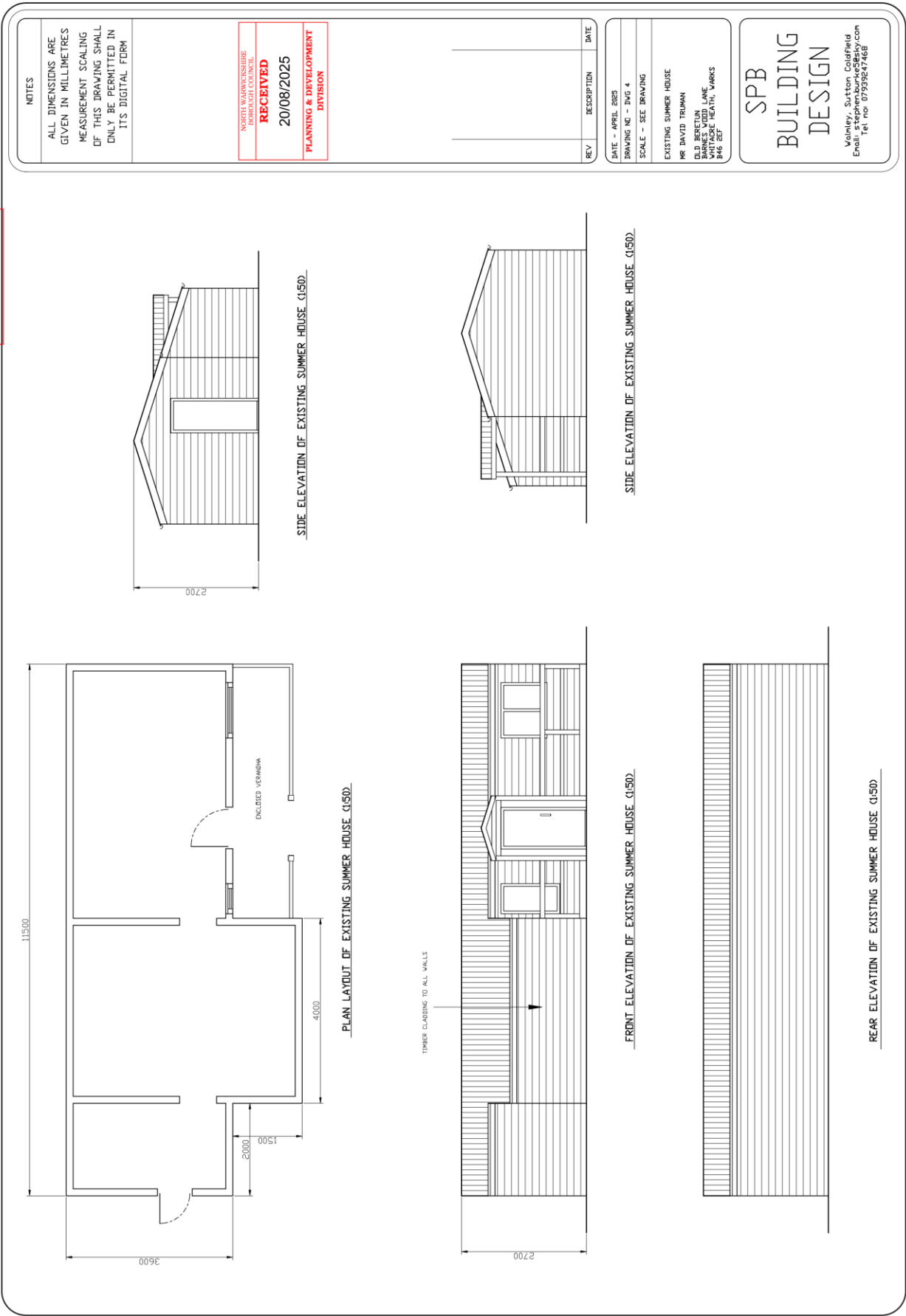


PAP/2025/0393

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Appendix C – Existing Large Outbuilding Plans

PAP/2025/0393



PAP/2025/0393

NORTH WARWICKSHIRE BOROUGH COUNCIL	RECEIVED	20/08/2025	PLANNING & DEVELOPMENT DIVISION
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General Development Applications

(6/f) Application No: PAP/2025/0500 and PAP/2025/0501

Britannia Works, Coleshill Road, Atherstone, CV9 2AA

Application for variation of condition (2) of Planning Permission PAP/2022/0401 dated 08/09/2022 for ""Variation and removal of conditions of Planning Permission PAP/2019/0180 - Variation conditions - 2, 4, 13, 21 and 24 Removal - 7, 9 and 10, relating to plans and works and listed building requirements", for

Deeley Properties Limited

1. Introduction

- 1.1 Members will be aware of the extensive planning history relating of these premises in the Coleshill Road, resulting in approvals dated September 2022 for their demolition and replacement with a newly built 70-bedroom extra - care home. Works commenced in order to implement these permissions, but they did not progress and in early 2025, parts of the frontage façade to the Coleshill Road collapsed, resulting in the emergency demolition of sections that were deemed to be unsafe. This frontage remains boarded for safety reasons.
- 1.2 The current applications seek amendments to the 2022 approvals. They still involve demolition and replacement with a 70-bed extra-care home, but with a different design for the new building. It has been submitted under Sections 73 and 19 of the relevant legislation as they do not materially change or amend the overall scope or nature of the extant permissions. As such, the remit of the Board is solely to look at the changes to the proposed design and not to review the principle of the whole development.
- 1.3 Notwithstanding the sequence of permissions here, as described below in Section 3 and the present condition of the buildings, particularly along the Coleshill Road frontage, the status of the two listed buildings on the site remains. They are still Listed Buildings and hence the inclusion in the application header above for the Section 19 variation.

2. The Site

- 2.1 These former hat factory premises are located between the Coventry Canal, Richmond Road and the Coleshill Road about 400 metres south of Atherstone town centre. There are established residential areas around the site with some other retail uses and a public house.
- 2.2 Within the site, there are two separate mill buildings which date from the late Victorian period – one facing the Coleshill Road and the second overlooking the canal. They are now connected by early twentieth century industrial blocks. The whole premises were last used in 1999 when manufacturing ceased. The overall built form is generally three to four storeys and runs along the Coleshill Road frontage and the canal side. All access is off Richmond Road.

- 2.3 Whilst the site is not within the Atherstone Conservation Area, its boundary is some 100 metres to the north.

3. Background

- 3.1 The two older mill buildings are Grade 2 Listed Buildings.
- 3.2 In summary, permissions dating from 2019 have established the principle of redevelopment of the site for a 70-bed extra-care home. That involved the demolition of the buildings on the site apart from those along the Coleshill Road frontage. The majority of the pre-commencement conditions attached to these permissions was then discharged. In 2020, additional permissions were granted to demolish the Coleshill Road frontage due to the deterioration in its appearance and structure. Nevertheless the appearance of that facade would be replicated when re-built. However, so as to comply with up to date care-home standards and regulations, the consequential operational changes needed to make the use “fit” into the floor plans and window positions of the Coleshill Road frontage and the increasing dis-repair of this range, the Council approved further plans in 2022, which agreed the demolition of all of the buildings on the site including the Coleshill Road frontage. However, the new front elevation facing Coleshill Road would replicate, as far as possible, the original appearance.
- 3.3 Work commenced on these 2022 permissions, such that they are extant.
- 3.4 Funding for the implementation of the 2022 permissions was becoming increasingly difficult such, that little if any additional work was undertaken to complete the permissions. In early 2025 several parts of the Coleshill Road frontage collapsed because of weather conditions. Additional sections had to be demolished in the new year for safety reasons. The remaining frontage remains, but behind safety hoarding.
- 3.5 As a consequence of the “funding” issue, Homes England has now enabled grant funding for the principle of the overall redevelopment of the site as a 70-bed extra-care home based on the 2022 design. The applicant intends to bring the site forward with Housing 21 as the eventual home operator.

4. The Proposals

- 4.1 The current proposals do not change the fundamentals of the 2022 permissions – complete demolition, redevelopment by a single building, to be used for a 70-bed extra-care home with a whole frontage to Coleshill Road and all vehicular access off Richmond Road. What is different, is the design and appearance of the new building and that the single block is now four stories throughout.
- 4.2 The applicant has submitted a Heritage Statement Addendum which concludes that whilst the proposals involve the total loss of significance of the Britannia Works heritage asset, the loss is necessary to achieve the substantial public benefit of delivering a much-needed extra-care facility given the planning history of the site and its current situation. This is attached at Appendix A.

4.2 In order to assist Members, the approved site layout is at Appendix B and the proposed layout is at Appendix C. The differences are:

i) The overall reduction in the foot-print of the single block in that it is “shorter”, not extending along the canal as far as the approved scheme and that it is wider in order to provide accommodation to current “care” standards and specifications.

There would thus be less impact on the established residential accommodation in Westwood Crescent.

4.3 In respect of the design then the approved canal side elevation is illustrated through the top two sections at Appendix D and the proposed is shown at the bottom section of Appendix E. The differences are:

i) The reduction in the length of the single block alongside the canal.

ii) The block being four stories throughout rather than a mix of three and four storey thus removing the various roof heights and designs.

iii) There consequently being a full mansard roof throughout.

iv) The removal of the gable features.

v) A more uniform fenestration design.

4.4 The approved Coleshill Road elevation is at Appendix F with the proposed at the top section of Appendix G. The differences are:

i) The façade being four stories in height throughout, with the removal of the variety of roof heights and appearances.

ii) There being a single roof height throughout much of the façade

iii) The increased height of the gable end adjoining the established properties to the south

iv) The increase height of the existing canal-side blue brick building.

v) The fenestration reflecting the existing and retention of some of the architectural detailing – the arches, the entrance doors and the vertical divisions.

4.5 The main change to the Richmond Road elevation is the now continuous four storey elevation

5. Development Plan

The North Warwickshire Local Plan 2021 – LP15 (Historic Environment); LP29 (Development Considerations) and LP30(Built Form)

6. Other Material Planning Considerations

The National Planning Policy Framework

The Atherstone Conservation Area Designation Report

7. Observations

- 7.1 The remit for the Board in the determination of this application was set out in paragraph 1.2 above. It is thus first proposed to assess the changes as described in section 4 above.
- 7.2 It is considered that in design terms, the current proposals should be supported. The massing and layout of the built-form has changed, as has the design. This is because the building has been designed as a new care-home accommodated within the physical constraints of a cleared site, rather than as a “conversion” of existing buildings. This has resulted in a lesser footprint but with a four-storey development throughout. The “key” has been to design such a four-storey block to reflect the industrial heritage of the existing buildings. The Canal side frontage is shortened and reflects the new use rather than its former industrial setting whereas the Coleshill Road frontage is a new modern reflection of the original Victorian character with many features replicated but designed with the proposed use in mind.
- 7.3 The Council is under a Statutory Duty to preserve and enhance the character and appearance of its Conservation Areas. The site is not within the town’s Conservation Area as its boundary is some 100 metres to the north. The current proposals have no direct impact on the character and appearance of the Area because of this separation distance and the intervening buildings. The changes now proposed do not dilute the present scale of the development on the site which was wholly linked to the towns industrial and transport history, and this is still represented through the current proposals. It is not only the historic link with the area that is retained, but there is also a visual link in that the site is visible from locations within the Area. These proposals will still retain those linkages thus preserving the character and appearance of the Area.
- 7.4 The Council is also under a Statutory Duty to have special regard to preserving the setting and any features of special architectural and historic interest that a Listed Building possesses. The application site is part of a Grade 2 former millinery works and the significance of the asset is that it remains part of the town’s industrial heritage. However, the combination of the 2019, 2020 and 2022 permissions have now removed that significance such that the development is a modern reflection of that heritage, rather than it preserving it. The sequence of these permissions now carries substantial weight.
- 7.5 As indicated at the beginning of this report, this application is to vary the 2022 permissions. It is not a matter of reviewing the principle of the development or indeed re-assessing the planning balance as that has been established through these permissions. The remit is thus to assess whether the proposed layout, character and appearance properly reflects the heritage significance of the assets given the changes in circumstances since 2022 – changes in the specifications for the operation of care-homes; the assurance of financial backing, the consequential inclusion of a development partner to undertake the work and the increasingly “parlous” state of the overall premises. It is considered that they do and that the opportunities now available to redevelop this site are taken.

- 7.6 The application has just recently been validated and consultation is still underway. Neighbouring occupiers have been notified as well as the Highway Authority and the Canal and River Trust. At the time of preparing this report, no responses had been received, such that the Board will be updated verbally at the meeting should any be received. Given the remit of the Board in determining this application it is considered that the recommendation below can be made.

Recommendation

- a) That in respect of PAP/2025/0500, planning permission be GRANTED subject to there being no objections that cannot be overcome through the imposition of conditions together with the following conditions:

1. The development hereby approved shall not be carried out otherwise than in accordance with plan numbers B6164/100; 101, 102, 103, 104, 105, 106 and 107.

REASON

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

2. Prior to any construction above slab level, sample panels of the facing brickwork to be used for the walling of all of the buildings shall be constructed on site. Only the brickwork subsequently approved in writing by the Local Planning Authority shall be used on site.

REASON

In the interests of the visual amenities of the area.

3. For the avoidance of doubt, there shall be no UPVC windows or doors used on any of the buildings hereby approved. All of the windows and external doors shall be recessed back in their openings by a minimum of 75mm.

REASON

In the interests of conserving heritage value.

4. Prior to any further demolition, a programme of building recording shall be undertaken in accordance with the submitted document "Written Scheme of Investigation for Historic Building Survey" by the University of Leicester Archaeological Services (dated 15/10/2018), or any amendment as agreed in writing with the Local Planning Authority.

REASON

In view of the potential for the works to disturb any archaeological features associated with the industrial use of the site.

5. Between the commencement of groundworks, but prior to the completion of works up to slab level, the following details shall be submitted to the Local Planning Authority

- a) A programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition shall be undertaken and completed in accordance with the "Written Scheme of Investigation for Archaeological Field Evaluation" by the University of Leicester Archaeological Services (dated 15/10/2018), or any amendment as agreed in writing with the Local Planning Authority.

- b) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall then be submitted in writing to 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.

REASON

In view of the potential for the works to disturb any archaeological features associated with the industrial use of the site.

6. Prior to the occupation of the site, a detailed proposal for the remediation of any soft landscaping areas approved to address the lead content of the underlying soils shall be submitted to the Local Planning Authority. Occupation shall then only take place once any proposals as approved in writing by the Authority have been fully implemented on site to the written satisfaction of the Local Planning Authority.

REASON

In order to reduce the risk of pollution.

7. In the event that contamination is found at any time when carrying out the development that was not previously identified, it must be reported 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. Work may only continue in line with remediation agreed by the Authority.

REASON

In the interests of reducing the risk of pollution.

8. Prior to first occupation of the site, where any remediation measures have been carried out in pursuance of condition 5 and 6, a post-remediation verification report shall be submitted to the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution.

9. Prior to the installation of any part of the drainage system, a detailed surface water drainage scheme for the use of the site, based on sustainable drainage principles and an assessment of the hydrological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- i) demonstrate that the system is designed in accordance with CIRIA C753 through the submission of plans and cross sections of all the drainage features;
- ii) limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% critical rainstorm to a rate to be agreed by the Local Planning Authority. This must show a minimum of a 50% reduction on pre-development peak run-off;
- iii) demonstrate that the attenuation storage accords with Science Report SC030219;
- iv) demonstrate detailed design of the surface water scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year and 1 in 100 year plus climate change, return periods;
- v) provide plans and details showing the allowance for exceedance flows and overland flow routeing. Water must not be directed towards properties nor flow onto third party land. Overland flow routeing should look to reduce the impact of an exceedance event.

REASON

To reduce the risk of flooding.

10. There shall be no occupation of the development hereby approved until a detailed maintenance plan written in accordance with CIRIA C753 has first been submitted to and approved in writing by the Local Planning Authority. It shall include the name of the party together with full contact details responsible for the implementation of the approved plan. The measures in the approved plan shall be maintained at all times.

REASON

To reduce risk of flooding.

11. There shall be no occupation of any of the units hereby approved until details have first been submitted to the Local Planning Authority illustrating the provision of electric charging points, bin stores and secure cycle storage on site within and adjacent to the car parking areas. Occupation shall then only continue after written approval of such details and their full implementation on site in accordance with those approved details.

REASON

In the interests of highway safety and enhancing the sustainability of the development.

12. There shall be no occupation of any of the units hereby approved until the whole of the car parking provision, turning areas and access arrangements as shown on the approved plan have first been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

13. There shall be no construction above slab level until a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include the appropriate specification for any noise insulation needed to ensure an acceptable noise climate for the occupiers of the residential development and in particular those occupying units adjoining the neighbouring public house. The approved Plan shall be implemented in full to the written satisfaction of the Local Planning Authority prior to occupation of any of the units hereby approved.

REASON

In the interests of the residential amenities of the area.

14. There shall be no demolition of the façade facing Coleshill Road until a Materials Recovery Statement has first been submitted to and approved in writing by the Local Planning Authority. It should establish the procedures to be followed in respect of the salvage of any suitable facing materials from this façade in order that they could be re-used on-site. Only the approved procedures shall be followed, and these shall remain in force until the site is fully cleared of materials.

REASON

In view of the heritage interests of the buildings.

- b)** That in respect of PAP/2025/0501, Listed Building Consent be GRANTED subject to there being no objections that cannot be overcome through the imposition of conditions together with the following conditions:

1. The development hereby approved shall not be carried out otherwise than in accordance with plan numbers B6164/100; 101, 102, 103, 104, 105, 106 and 107.

REASON

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

2. Prior to any construction above slab level, sample panels of the facing brickwork to be used for the walling of all the buildings shall be constructed on site. Only the brickwork then subsequently approved in writing by the Local Planning Authority shall then be used on site.

REASON

In the interests of the visual amenities of the area.

3. For the avoidance of doubt, there shall be no UPVC windows or doors used on any of the buildings hereby approved. All of the windows and external doors shall be recessed back in their opening by a minimum of 75mm.

REASON

In the interests of conserving heritage value.

4. Between the commencement of groundworks, but prior to the completion of works up to slab level, the following details shall be submitted to the Local Planning Authority
 - a) A programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition shall be undertaken and completed in accordance with the submitted document "Written Scheme of Investigation for Archaeological Field Evaluation" by the University of Leicester Archaeological Services, or any amended version priorly agreed in writing with the Local Planning Authority.
 - b) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall then be submitted in writing to 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.

REASON

In view of the potential for the works to disturb any archaeological features associated with the industrial use of the site.

5. There shall be no demolition of the façade facing Coleshill Road until a Materials Recovery Statement has first been submitted to and approved in writing by the Local Planning Authority. It should establish the procedures to be followed in respect of the salvage of facing materials from this façade in order that they could be re-used on-site. Only the approved procedures shall be followed, and these shall remain in force until the site is fully cleared of materials.

REASON

In view of the heritage interests of the buildings.

- c) That should objections be received that cannot be dealt with by conditions, the application is referred back to the Board for consideration of those conditions.

Britannia Works, Atherstone**Heritage Assessment Addendum****October 2025****Introduction and Background**

This addendum extends the conclusions of Richard K Morriss' 2018 '*A Heritage Impact Assessment of Proposed Development*' to include consideration for the amendments now proposed to the previously approved scheme. The original report was first submitted to the Council under application PAP/2019/0180 (and under the accompanying Listed Building Consent application PAP/2019/0183) and would eventually form evidence to support the Council's decision to approve the 2019 iteration of the scheme.

By the time of the 2019 assessment, the building was already the subject of a Dangerous Structures Notice. Its condition has deteriorated significantly since, and there is now an identified health and safety risk. The 2024 storm Darragh catalysed the weakening of the structural integrity and much of the derelict site has since collapsed. The decline of the canal-side frontage introduces a new harm both in health and safety risk and in potential harm to the designated heritage asset of the adjacent canal locks.

The site benefits from planning permission and listed building consent for complete redevelopment including demolition of listed buildings by virtue of applications PAP/2019/0180 and PAP/2019/0183. Further permission and consent was granted for associated demolition works under PAP/2020/0568 and PAP/2020/0569. These permissions were brought together via a Section 73 approval PAP/2022/0401 (and accompanying Section 19 listed building consent PAP/2022/0402). These approvals were implemented and are considered extant in accordance with two certificates of lawfulness under reference PAP/2022/0586.

Amended Proposals and Heritage Impact

In the time since the approval of the previously proposed scheme, new Homes England funding has been made available and an operator (Housing 21) for the site has been identified, leaving a tight window of opportunity to redevelop this complex site. Due to funding and operational constraints, the design as previously approved is not a viable option. Accordingly, the proposal now presented to the Council is amended to ensure that it is deliverable to a high quality, with longevity.

The Council is under a statutory duty to have special regard for the preservation and enhancing of the character and appearance of a Listed Building; its setting or special architectural features that it possesses, during the determination of any planning application. The application site is a Grade II former millinery works and factory dating from the early 19th Century. The significance of this asset is that it retains part of the town's industrial heritage as a "hatting" town. The Council also has a statutory duty regarding the preservation and enhancement of designated Conservation Areas. The application site is approximately 100m south of the town centre Conservation Area although has no direct impact on it. The Officer's report for the 2019

Britannia Works, Atherstone
Heritage Assessment Addendum
October 2025



planning application determined that the then-proposed scheme did preserve and enhance the Conservation Area to a moderate degree and therefore caused no substantial harm.

Each previous approval has related to the demolition of listed buildings on the site. Under the 2020 applications, less than 10% of the existing structures were identified for retention. This was considered by fact and degree to cause substantial harm. On nearby listed buildings including the lock systems on the canal and Queen Anne House on the other side of Coleshill Road, less than substantial harm was identified. Cumulatively, there was a moderate benefit identified in the enhancement and preservation of the character and appearance of the Conservation Area.

During the 2019 planning and listed building consent applications, the Richard Morriss (2018) Heritage Assessment was submitted as evidence. In this report, a conclusion is drawn that most of the buildings to be lost were of 20th century date and of limited intrinsic architectural qualities. The most prominent of the buildings, the Main Mill (then identified as Building F-L), had limited potential for adaptive reuse and its structural condition precluded such reuse anyway. Since then, the condition of the buildings has deteriorated rapidly and to great extent. It is believed that no possibilities for reuse remain, and that the remaining buildings are to the detriment of the Conservation Area and are cause for concern regarding public health.

Accordingly, and with consideration for the operator's requirements and consequent design amendments, the proposal now extends to include a 100% demolition and clearance of the site. This results in a total loss of significance of the designated heritage asset.

The NPPF (para 214) requires that where substantial harm to (or total loss of significance of) a designated heritage asset is resultant from a proposed development, the Local Planning Authority should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or the proposals meet four criteria. The criteria are robust in ensuring that there is no reasonable alternative to restore and conserve the asset: its nature must prevent any other reasonable use, there must be no viable use available in the medium term, conservation by grant-funding or non-profit/public intervention must not be possible, and the harm or loss must be outweighed by the benefit of bringing the site back into use.

In this instance, substantial harm was identified as a result of the previous proposals, yet consent was granted on the basis of the following justification: it was both determined that (i) substantial harm was necessary to achieve greater substantial public benefits that outweighed its harm and (ii) each of the four criteria under paragraph 214 of the NPPF were met in the Officer's assessment.

Given this, and considering the deterioration of the site since the previous decision, it is not considered that the submission of any additional evidence is necessary to demonstrate that the total loss of the heritage asset is outweighed by public benefit, or that further justification is required to demonstrate that the demolition meets the four criteria of paragraph 214 of the

Britannia Works, Atherstone
Heritage Assessment Addendum
October 2025



NPPF. Crucially, the Officer Report relating to the 2022 variation application predicates that *“the combination of the 2019 and 2020 permissions have now removed that significance such that the development replicates that heritage, rather than preserving it. This position now carries substantial weight and the current proposals do not alter this in any material way”*.

The last variation application submitted to the Council was approved, having been considered to constitute an improvement on the 2019 scheme. The proposals under the 2022 amended scheme were found not to materially introduce a different design approach to that of 2019, but to enhance the outcome, creating greater variety and interest. They were also deemed to fall within the Heritage Assessment of the 2019 and 2020 permissions, without requiring further assessment or evidence. The submitted amendments are presented on the same basis.

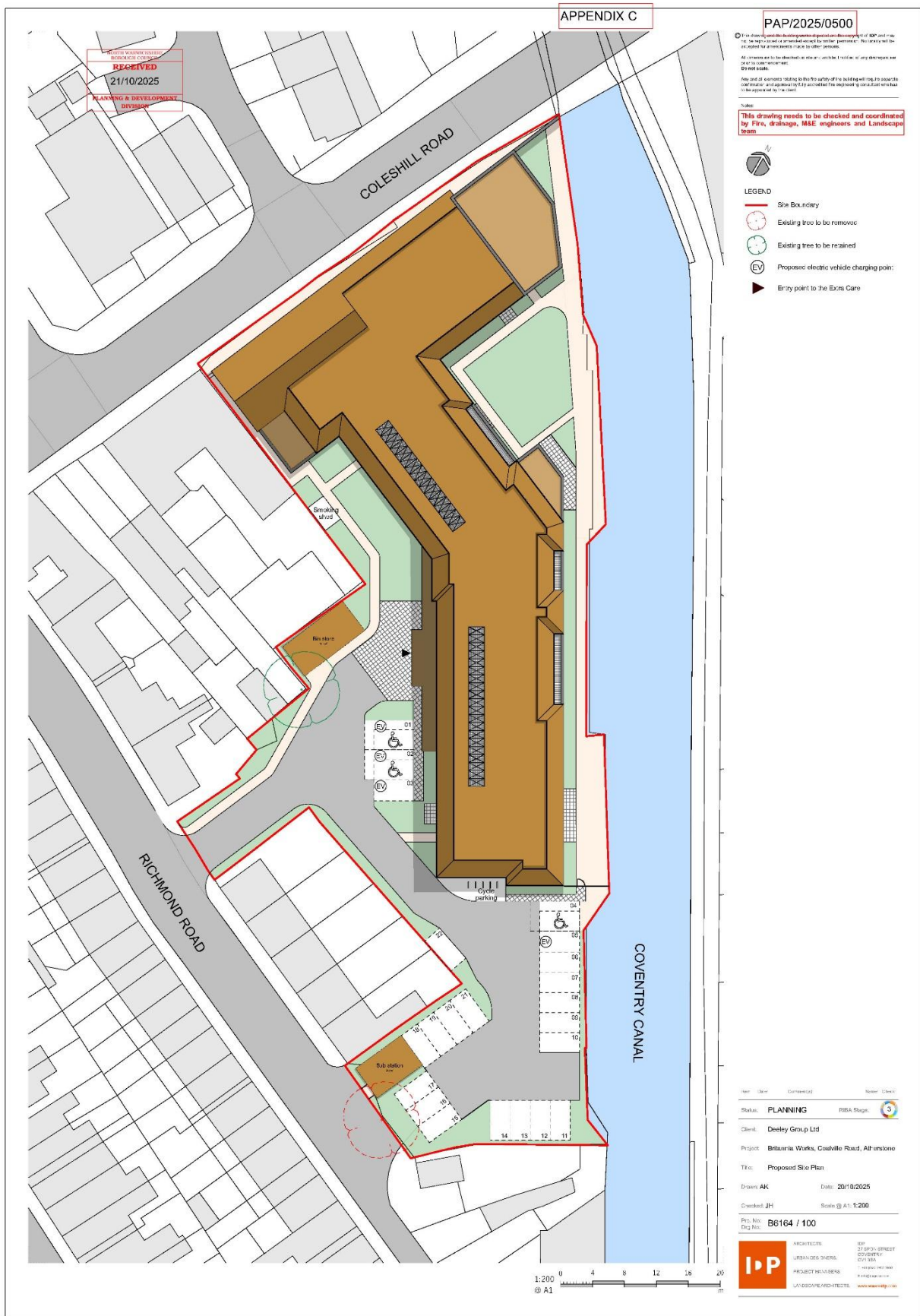
Conclusion

The core conclusions of the Richard Morriss (2018) report are largely transposable to the submitted proposals. The main differences in the assessment context are that the baseline condition of the heritage asset has since greatly deteriorated from that assessed under the 2018 report, and that the submitted proposals are inclusive of 100% building demolition and site clearance, and consequently the total loss of significance of the designated heritage asset.

The Officer's assessment of the 2019 scheme concluded that, in spite of substantial harm upon the designated heritage asset, planning permission should be granted based on the weight of the resulting public benefit, and compliance with the four criteria provided under paragraph 214 of the NPPF. Again, since then, the condition of the heritage asset has deteriorated further and the proposed harm is therefore elevated from substantial to a total loss of significance. Conversely, the benefit of public health is more significant in light of the dangerous status of the existing building.

Overall, the submitted proposals pose a total loss of significance of the Britannia Works heritage asset, however the loss is necessary to achieve substantial public benefit that outweighs the loss, and its justification meets each of the four criteria outlined in paragraph 214 of the NPPF.





APPENDIX D

PAP/2022/0401

APPENDIX E

PAP/2025/0500

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PLANNING & DEVELOPMENT
DIVISION

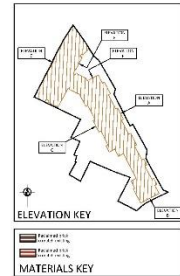
RECEIVED
08/09/2022
PLANNING & DEVELOPMENT
DIVISION
RECEIVED FOR COMMENT
ON NOTICE



ELEVATION D - COLESHILL ROAD



ELEVATION E



MEASURE	
DATE	21/10/2025
BY	MEASURE
FOR	MEASURE
PROJECT	MEASURE
CLIENT	MEASURE
LOCATION	MEASURE
SCALE	MEASURE
DATE	21/10/2025
BY	MEASURE
FOR	MEASURE
PROJECT	MEASURE
CLIENT	MEASURE
LOCATION	MEASURE
SCALE	MEASURE

RECEIVED
21/10/2025
PLANNING & DEVELOPMENT
DIVISION



ELEVATION 01: FRONT ELEVATION ALONG COLESHILL ROAD



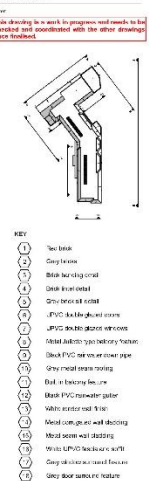
ELEVATION 02: SIDE ELEVATION ALONG COVENTRY CANAL



ELEVATION 03: REAR ELEVATION ALONG COMMUNAL GARDENS



ELEVATION 04: STREET ELEVATION ALONG COVENTRY CANAL



MEASURE	
DATE	21/10/2025
BY	MEASURE
FOR	MEASURE
PROJECT	MEASURE
CLIENT	MEASURE
LOCATION	MEASURE
SCALE	MEASURE
DATE	21/10/2025
BY	MEASURE
FOR	MEASURE
PROJECT	MEASURE
CLIENT	MEASURE
LOCATION	MEASURE
SCALE	MEASURE

Agenda Item No 7

Planning & Development Board

3 November 2025

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

To consider whether, in accordance with 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 Schedule 12A to the Act.

Agenda Item No 8

Authorisation to be granted for planning enforcement action and for prosecution proceedings – Report of the Head of Legal Services

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 9

Exempt Extract of the Minutes of the meeting of the Planning and Development Board held on 6 October 2025

Paragraph 3 – By reason of the report containing information relating to the financial or business affairs of any particular person (including the authority holding that information).

In relation to the items 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 Marina Wallace (719226)