

## General Development Applications

(7/f) Application No: DOC/2023/0040

Trajan Hill Spinney, Trajan Hill, Coleshill,

Application to discharge conditions 9 (temporary access), 10 (Construction Management Plan) and 11 (landfill operations plan) - of Planning Application PAP/2015/0584 dated 8/11/2016, for

## Jessup Partnerships

### Introduction

This application is being reported to the Board given the Board's past interest in the site.

The application was referred to the Board on 7 November 2016 and that report is attached at **Appendix A** with the decision notice at **Appendix B**.

As part of that decision, three conditions were attached requiring details to be submitted. These are in respect of a temporary access (condition 9); a construction management plan (condition 10) and landfill operations plan (condition 11).

### The Site

This is a roughly rectangular area of heavily wooded land amounting to some 1.2 hectares bounded to the west by the A446 Lichfield Road; to the north and east by existing residential development at Trajan Hill, Tiberius Close and Norton Road and to the south by the Grimscote Manor Hotel. There are residential and commercial uses on the opposite side of the A446.

Its' use as a quarry ceased back in the 1960's and since then it has regenerated into an un-managed and overgrown area of woodland. There is a substantial roadside hedge alongside the A446. The quarry was however partially filled with inert materials. Because of this history there is a distinct difference in levels between the eastern perimeter and the A446 to the west. The former quarry slopes are particularly prevalent along the eastern and southern boundaries.

The application site also includes one of the existing dwellings on the southern side of this cul-de-sac known as Trajan Hill – number 1. It is proposed to demolish this house in order to gain access into the site.

A general location plan is at **Appendix C**.

### The Proposal

The site benefits from an outline planning permission for up to 24 dwellings under reference PAP/2015/0584. Access provision was considered as part of this proposal and the outline permission includes details of this access by way of the demolition of number 1 Trajan Hill. A reserved matters scheme PAP/2019/0621 has been approved for 20 dwellings.

The Notice required the submission of details in respect of the Construction Management Plan, justification in respect of an access off A446 and a landfill operations condition. Details have been submitted.

### **Development Plan**

The North Warwickshire Local Plan - LP1 (Sustainable Development); LP7 Housing Development, LP9 (Affordable Housing Provision), LP14 Landscape, LP16 Natural Environment, LP22 Open space and Recreational LP27 (Walking and Cycling), LP29 (Development Considerations), LP30 (Built Form), LP34 (Parking) and LP35 (Renewable Energy and Energy Efficiency)

Coleshill Neighbourhood Plan – HNP2 (Integrate New Housing in Coleshill) and HNP3 (Affordable Housing)

### **Other Relevant Material Considerations**

National Planning Policy Framework

### **Consultations**

Warwickshire County Council as Highway Authority – No objections to the submitted details.

Environmental Health Officer – No objections to the submitted details.

### **Representations**

It is not normal for residents to be consulted regarding applications to discharge conditions, but they have in this instance.

With the reserved matters application, comments were received in respect of construction issues. The outline permission covers this issue and requires submission of a construction management plan prior to development commencing on site – conditions 9 and 10. During consideration of the application it was considered that there may be no need for a construction access off the A446. That suggestion and the evidence was needed to be submitted for discharge applications. It was recorded that these applications are the subject of notification to local residents and at that time their representations will have to be taken into account. This is what has happened here and consultations with Tiberius, Norton Road, Trajan Hill properties would be carried out, as well as Ward Councillors and the Coleshill Town Council.

As part of the consultation, we have received one objection from a resident in Trajan Hill, making the following comments:

- The proposal to use Trajan Hill as the main access point for this large construction is concerning, increased road safety risks, increased air and noise pollution and disruption to residents.

- Vehicles parked off Station Road to Imperial Rise there are vehicles parked the full length of the access point.
- HGVs heavy construction vehicles, service vehicles and construction staff will impact on the area.
- Coupled with this the point that Trajan Hill is a cul-de-sac with only one way in and out. The disruption and risk factors pose are significant and worrying. Also, obvious air and noise pollution will be subjected to from construction traffic and actual build process itself.

## Observations

### i) Condition 9 – Temporary access

9. No work whatsoever shall commence on site - including any site clearance or enabling work until full details of a temporary access arrangement off the A446 and the associated traffic management scheme, has first been submitted to and approved in writing by the Local Planning Authority. This access shall be used for the purposes of site clearance; site enabling work, construction plant and material delivery, the import of fill material, cut and fill operations, the delivery of bulk and heavy construction materials together with associated utility connections. The details submitted shall also include details of the final closure and re-instatement of the highway together with a full explanation of the programme for the use of this access and the timing of its closure and the transfer of access arrangements to Trajan Hill. Only the approved details shall then be implemented on site.

### REASON

In the interests of highway safety.

This condition relates to the provision of a site access using the A446 for construction access due to the amount of waste to be removed from the site.

The submitted details indicate that the levels/access and drainage strategies have been revisited and rationalised to enable a more streamlined, efficient and environmentally conscious delivery of the development. The gravity fed system negates the need for a foul pumping station and removes the associated odour and maintenance issues which would arise from such a facility. The land can be returned back to general landscaping, improving the appearance of the estate at its entrance. The updated levels strategy continues to work with existing contours while ensuring a gravity drainage connection can be made into adopted sewers within Trajan Hill. The cut and fill design has been optimised to ensure works do not generate any vehicle movement to and from the site as a result of establishing site levels. Generally, the site layout remains unchanged from that previously approved and finished levels are marginally altered to suit the updated drainage solution noted.

The temporary access would simply not have been possible to construct or utilise that would be caused to the local infrastructure network utilising the original A446 temporary access. The removal of the temporary access is supported by Highways given the unprecedented disruption that would be caused to the local infrastructure network.

utilising the original A446 temporary access point. The temporary access would simply not have been possible to construct or utilise safely. Access from the A446 is circa 3m lower than the site level. This would have meant a significant amount of earthworks would be required to create a cutting up to the site and a safe gradient for vehicles to use. This would have needed to be constructed from the site side of the A446.

The revised strategy alters levels by between only 300mm and 400mm at the northern boundary of the site. Importantly, the strategy indicates that the site can balance through a cut and fill exercise removing the need to import or export substantial amounts of soils. All cut and fill works will be completed working within the site boundary significantly reducing the amount of heavy good traffic associated with the earthworks phase. Construction activity will be supported by a construction management plan.

The requirement to install a temporary access onto the A446 would require the significant removal of established TPO tree belt located on the boundary of the site. The land levels differ significantly between the A446 and the application site (circa 3m) which exacerbates the amount of land which would need to be altered to install the access. The installation of access onto the A446 would in itself be a significant engineering operation which would require delivery and operation of earth moving machinery, all which would take place off Trajan Hill in any case. The A446 is a dual carriageway operating at national speed limit resulting in significant disruption and co-ordination to install a temporary access in this location.

The earthworks and drainage strategies have both been revisited and rationalised to enable a more streamlined, efficient delivery of the development. The solutions now proposed are much more sustainable and will safeguard a large proportion of trees and habitats within the open space. Pedestrian linkages as originally proposed will remain unaltered.

It is considered that this condition can be discharged. The Highway Authority consider that this is acceptable.

ii) Construction Management Plan

10. No work whatsoever shall commence on site - including any site clearance or enabling work until such time as a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall remain in place throughout the whole of the construction period and only be withdrawn on the written agreement of the Local Planning Authority. For the avoidance of doubt this Plan shall address the following matters:

- a) The timing of the change in access arrangements from the A446 to Trajan Hill.
- b) The routes to be taken for construction traffic through the residential estate.
- c) The avoidance of conflict with parked vehicles along these routes.
- d) The parking and delivery arrangements for site operatives and all deliveries.
- e) Specification of HGV site entry and exit by hours of the day and week.
- f) The location of the site compound and how this might relocate throughout the development.
- g) The location and detail of surrounding earth banks or bunds to protect adjoining residential occupiers particularly in Trajan Hill and Tiberius Close.

- h) The hours when construction is actually to take place by week day and weekend.
- i) The clearance of the local highway network of debris and material arising from the construction.
- j) Details of all site lighting.
- k) A system for dealing with goods vehicle weight limits in the area and traffic management.
- l) A clear system and arrangements for monitoring of the Construction Plan in terms of site manager contacts and emergency matters together with a clear outline of communication with local residents concerning parking, access and delivery arrangements.

## REASON

In the interests of highway safety and the residential amenity of surrounding occupiers.

The Construction Management Plan (CMP) required submission of details to be submitted. The CMP was in draft initially however during the course of the application process a number of the outstanding issues have been added to resolve issues. The submitted Construction Management Plan covers the following elements:

- Summary of works to be carried out
- Project Phasing
- Site Layout
- Traffic Management Plan
- Details of deliveries & arrangements to avoid conflict with parked cars along access route
- Routes to be taken through the estate by construction traffic & arrangements for dealing with goods vehicle weight limits in the area and traffic management.
- Supplier/Contractor authorised access routes
- HGV Delivery entry exit times by hours of the day and week
- Staff & visitor parking
- Location of site equipment compound and how this might relocate through the development.
- Extent of Earthworks Operations
- Materials storage
- Protection of ecology and archaeology
- Results of air quality assessment
- Prevention & clearance of debris out onto the highway:
- Control run off prevention and earth bund containment to properties on Trajan Hill, Tiberius Close and all site boundaries.
- Management of Surface Water
- Hazardous materials on site
- Jessup Brothers dust control measures
- Vibration Control Measures
- Noise Control measures
- Site construction hours of operation by hours of the day & week
- Emissions Control measures
- Energy efficiency & lighting
- Waste Management

- Responsible person, monitoring of Construction Plan & site neighbour contact arrangements

The applicant has used the time on the application to resolve both residential amenity issues and highway safety issues with the initial plan. The delivery schedule and swept paths have been addressed to ensure that deliveries can be made at appropriate times and access to the site via Trajan Hill can be made without highway detriment. Details of the sweeping of roads has also been submitted. Environmental Health have reviewed the document and have considered it to be acceptable. The CMP dated 19<sup>th</sup> July 2023 now includes the consideration of all the issues, subject to a caveat that this will be reviewed throughout the development process through monthly resident's meetings, which will include Ward Councillors and the Town Council. Overall, it is considered that the scheme is appropriate and robust for the predominantly residential area.

### iii) Landfill operations

11. No work whatsoever shall commence on site - including any site clearance or enabling works - until such time as a Landfill Operations Plan has first been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall remain in force throughout the whole of the landfill operations and shall only cease to have effect on the written agreement of the Local Planning Authority. For the avoidance of doubt this Plan shall address the following matters:

- a) The submission of a plan showing existing and proposed ground levels.
- b) Details of the phasing of the operations including the location of site compounds and the location of haul roads.
- c) The scale of the import of material onto site.
- d) The hours of operation of all site clearance; site enabling, cut and fill, earth-moving and site enabling operations by week day and week end.
- e) The measures to be introduced to reduce waste being deposited onto the road network and the suppression of dust on site.
- f) Details of all site lighting.
- g) Details of how site operations are to be monitored in terms of site manager contacts and emergency matters throughout the length of the landfill operations.

### REASON

In the interests of highway safety and the residential amenity of surrounding occupiers

This condition required details of the landfill operations if the development required to the export or importation of material on site. As indicated above and as part of the submission there is no requirement for landfill operations as part of the proposal.

### Recommendation

That the following details be approved in discharge of condition 9, 10, 11 attached to Planning Application PAP/2015/0584 dated 8/11/2016

Jessup - Justification of Approach  
Appendix A - Drainage Strategy 501 Rev P04  
Appendix B - Cut and Fill Analysis 503 Rev P03  
P23-0486 - Temporary Access Statement - C9

220749-C2C-LTR-C02

220749-C2C-XX-XX-M2-C-526 Construction Vehicle Swept Path Analysis

Grimstock Hill Trajan Hill Construction Management Plan 190723

Appendix A - Trajan Hill Contract Programme

Appendix B - Plot Build Route and Build Direction plan

Trajan Hill TMP V3

## **INFORMATIVES**

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

2. This discharge of condition application should be read in conjunction with PAP/2015/0584 and relevant discharge of condition application and amendments.

(2) Application No: PAP/2015/0584

Former quarry & land, Grimstock Hill, Lichfield Road, Coleshill,

Outline application for the erection of up to 24 residential dwellings with all matters reserved except access, for

Heyford Developments Limited

### Introduction

This application was reported to the August Board meeting but determination was deferred for a number of reasons – a site visit; referral back to the Highway Authority in light of the anticipated HGV movements and a request to the applicant to consider a "lesser" proposal. The site visit took place and the applicant reduced the scale of the proposal down from 30 to 24 dwellings. The Highway Authority however retained its position of one of no objection.

The matter was then referred to the September Board but determination was again deferred to enable further discussions with the Highway Authority, perhaps involving a temporary access arrangement via the A446. Meetings have taken place in this regard with local Members being present.

The September report is at Appendix A and it contains the August report as an appendix. Copies of notes of the two meetings are at Appendices B and C. The Highway Authority response following the September meeting is at Appendix D.

As a consequence of the second of the two meetings referred to above, the applicant has submitted a proposed phased access arrangement using both the A446 and Trajan Hill. This is explained in the letter attached at Appendix E.

The case is brought back to the Board for determination incorporating the arrangements as set out in this letter. The applicant has requested that a decision be made rather than there being a further deferral.

### The New Proposed Arrangements

The original proposal was to have all access via the A446 but this was not supported by the Highway Authority. The applicant therefore amended the proposal such that all access was to be through the existing residential area. The Highway Authority did not raise objection to this subject to a preparation of a satisfactory Construction Management Plan. Objection from the local community to this alternative led to further consideration of this subsequent amendment. The Highway Authority was asked to consider a temporary access arrangement off the A446 to last for the landfill and construction period – some nine to ten months. As can be seen from Appendix D, the Highway Authority could not agree to such a measure because of significant visibility concerns and the speed of traffic using the road.

Further consideration of the actual practicalities of implementing a planning permission here together with the applicant's re-assessment of the scale of the landfill operation has led to a further alternative.

The applicant has now calculated that there is material already existing on site that could be used to form the final development plateau, thus reducing the import of fresh material. It is therefore suggested that the import could be done by a maximum of 10 HGV movements a day (five in and five out) over a ten day period. The actual construction period could last between six and nine months involving an average of eight HGV movements a day (four in and four out). The applicant acknowledges that this is an average figure agreeing that these movements would be concentrated at the commencement of the period.

In terms of the actual practicality of the operations then clearly earth moving plant will have to be present on the site from day one at the lower end of the site. This is because they would be moving existing material as outlined above. These could only gain access to this section of the site from the A446. Secondly, the utility connections – drainage in particular – will have to be made to existing connections actually in the A446. This would require lane closure and traffic management measures on the A446 for the duration of these works. Hence the combination of these practicalities, suggests that a temporary arrangement might be possible involving lane closure and traffic management measures for a period of around three weeks. This would allow earth moving plant to enter and leave; imported material to arrive and HGV's to leave as well as the main bulky construction materials to be delivered.

This is outlined in the letter at Appendix E which also explains that at the end of this period, access would revert to Temple Way and Trajan Hill. That arrangement would be the subject of a Construction Management Plan.

#### **Re-consultation**

The Highway Authority has been re-consulted on the content of the letter at Appendix E. Its response is one of no objection subject to stringent specifications to be set out in a Temporary Traffic Regulation Order.

All of those residents who objected to the proposals throughout the application's progress have also been invited to comment on the letter. At the time of writing this report, seven responses continue to object on traffic safety grounds and that HGV traffic would still have to use the residential roads. Other responses received after preparation of this report will be made verbally at the meeting.

#### **Observations**

Previous recommendations to the Board have been for the grant of planning permission for the reasons outlined in those earlier reports. The recommendation below remains one of support. There are three issues to pick up on following the last deferral.

The first of these is to do with access to the site for the preliminary land-fill operation and during the construction period. This issue has been at the core of the objections and has been the substantive reason for the two earlier deferrals. The applicant has undertaken a far more detailed assessment of the actual practical and operational arrangements of developing the site and as a result is able to offer a phased arrangement. This reduces the scale of HGV movement through the existing residential network. It is important to note that the County Council as Highway Authority agrees with this approach particularly given that it objected to the use of the A446. It is

considered that this is now an acceptable compromise. No other vehicular access arrangement is available. In other words the development is either approved with this arrangement or it is refused.

The second issue is to do with the maintenance of the open space and sustainable drainage arrangements on the site. There are alternative arrangements here – adoption by a Local Authority or by a private management company. The Borough Council is unlikely to be in a position to take on this large scale maintenance operation, but the Town Council has not yet been able to consider whether it would express an interest. A private arrangement would be acceptable provided that the Agreement retained some degree of public access. It is therefore considered that a condition should be attached to the grant of any planning permission requiring the maintenance issue to be resolved prior to occupation and that this ensures public access.

The third issue relates to the protection of the residential amenity of the existing occupiers whose property backs onto the site – in Trajan Hill and Tiberius Close. This concerns the retention of trees and if necessary the provision of earth banks particularly close to the route of the access road off Trajan Hill. This particular detail can be conditioned.

Members have considered this application over a couple of meetings and the applicant has now requested that a decision be made. Members are invited therefore to consider the compromise highway arrangement as now proposed as a reasonable proposal in light of the circumstances here.

#### **Recommendation**

That outline planning permission be **GRANTED** subject to the following conditions:

#### **Standard Conditions**

1. Standard Outline condition – reserving all matters except for access
2. Standard Outline condition
3. Standard Outline condition
4. Standard Plan numbers condition – the Site Location Plan and plan number 1375/10D received on 17/5/16

#### **Defining Conditions**

5. For the avoidance of doubt this permission is for no more than 24 dwellings.

#### **REASON**

In the interests of highway safety, visual and residential amenity

6. The bell-mouth junction into the development off Trajan Hill shall have visibility splays provided to the pedestrian crossing point of 1.5 by 11 metres as measured from the rear edge of the highway footway. These splays shall be kept free of all development and planting at all times.

REASON

In the interests of highway safety

**Pre-commencement Conditions**

7. No work whatsoever shall commence on site – including any site clearance or enabling work – until full details of a temporary access arrangement off the A446 and the associated traffic management scheme, has first been submitted to and approved in writing by the Local Planning Authority. This access shall be used for the purposes of site clearance; site enabling work, construction plant and material delivery, the import of fill material, cut and fill operations, the delivery of bulk and heavy construction materials together with associated utility connections. The details submitted shall also include details of the final closure and re-instatement of the highway together with a full explanation of the programme for the use of this access and the timing of its closure and the transfer of access arrangements to Trajan Hill. Only the approved details shall then be implemented on site.

REASON

In the interests of highway safety

8. No work whatsoever shall commence on site – including any site clearance or enabling work - until such time as a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall remain in place throughout the whole of the construction period and only be withdrawn on the written agreement of the Local Planning Authority. For the avoidance of doubt this Plan shall address the following matters:
- a) The timing of the change in access arrangements from the A446 to Trajan Hill
  - b) The routes to be taken for construction traffic through the residential estate
  - c) The avoidance of conflict with parked vehicles along these routes
  - d) The parking and delivery arrangements for site operatives and all deliveries
  - e) Specification of HGV site entry and exit by hours of the day and week
  - f) The location of the site compound and how this might re-locate throughout the development
  - g) The location and detail of surrounding earth banks or bunds to protect adjoining residential occupiers particularly in Trajan Hill and Tiberius Close
  - h) The hours when construction is actually to take place by week day and weekend.

- i) The clearance of the local highway network of debris and material arising from the construction.
- j) Details of all site lighting
- k) A system for dealing with goods vehicle weight limits in the area and traffic management.
- l) A clear system and arrangements for monitoring of the Construction Plan in terms of site manager contacts and emergency matters together with a clear outline of communication with local residents concerning parking, access and delivery arrangements.

REASON

In the interests of highway safety and the residential amenity of surrounding occupiers.

9. No work whatsoever shall commence on site – including any site clearance or enabling works – until such time as a Landfill Operations Plan has first been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall remain in force throughout the whole of the landfill operations and shall only cease to have effect on the written agreement of the Local Planning Authority. For the avoidance of doubt this Plan shall address the following matters:
- a) The submission of a plan showing existing and proposed ground levels
  - b) Details of the phasing of the operations including the location of site compounds and the location of haul roads.
  - c) The scale of the import of material onto site
  - d) The hours of operation of all site clearance; site enabling, cut and fill, earth-moving and site enabling operations by week day and week end.
  - e) The measures to be introduced to reduce waste being deposited onto the road network and the suppression of dust on site.
  - f) Details of all site lighting.
  - g) Details of how site operations are to be monitored in terms of site manager contacts and emergency matters throughout the length of the landfill operations.

REASON

In the interests of highway safety and the residential amenity of surrounding occupiers.

10. No work shall commence on the construction of any house hereby approved until such time as full details of earth banks or bunding together with their landscaping and the retention of existing trees and vegetation in the areas to the rear of

existing houses in Trajan Hill and Tiberius Close, have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented on site.

**REASON**

In the interests of the visual amenities of surrounding occupiers

11. No work shall commence on the construction of any house hereby approved until such time as a Woodland and Open Space Management Plan for the areas to be left after completion has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall address details for the maintenance of these areas including the balancing pond, in perpetuity and the details of how public access to these areas is to be provided and retained in perpetuity.

**REASON**

In the interests of the visual amenities of the area and the residential amenity of all neighbouring occupiers.

12. No work shall commence on the development hereby approved until a site investigation report based on a Phase 1 Assessment has first been submitted to and approved in writing by the Local Planning Authority. This report shall contain all necessary remediation measures commensurate with the findings of that investigation, together with a plan to show how completion of those measures can be verified on site.

**REASON**

In order to reduce the risk of pollution.

13. No work shall commence on the development hereby approved until any remediation measures agreed under condition 12 have first been approved and fully implemented through the written agreement of the Local Planning Authority. Only the approved measures shall be undertaken and these shall only take place in accordance with the approved verification plan.

**REASON**

In order to reduce the risk of pollution.

14. No work shall commence on the development hereby approved until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
  - a) Show whether or not infiltration type drainage is appropriate through testing in accordance with BRE 365 guidance
  - b) Demonstrate compliance with the SUDS Manual, CIRIA Reports C753, C697 and C687 together with the Nation SUDS Standards;

- c) Show how the discharge rate generation by all rainfall events up to and including the 100 years plus 30% critical rainstorm, will be limited to greenfield runoff rates;
- d) Demonstrate compliance with attenuation in accordance with Science Report SC030219;
- e) Include detailed designs and calculations for all details of the scheme and outfall arrangements, and
- f) Confirm how the scheme will be maintained in perpetuity.

**REASON**

In order to reduce the risk of flooding and to improve water quality.

- 15. No work shall commence on the development hereby approved until full details of all acoustic bunding and fencing together with the location and specification of all acoustically treated glazing and ventilation have first been submitted to and approved in writing by the Local Planning Authority.

**REASON**

In order to reduce the risk of noise pollution.

- 16. No work shall commence on the development hereby approved until full drainage plans for the disposal of foul water have first been submitted to and approved in writing by the Local Planning Authority.

**REASON**

In the interests of reducing pollution and risk of flooding.

**Pre-Occupation Conditions**

- 17. No dwelling hereby approved shall be occupied until public pedestrian dropped kerbed crossing have been laid out and constructed across the junction of Trajan Hill with Tiberius Close and Trajan Hill with Temple Way, to the written satisfaction of the Local Planning Authority.

**REASON**

In the interests of highway and particularly pedestrian safety.

- 18. No dwelling hereby approved shall be occupied until such time as the details approved under conditions 10 and 15 have been fully completed on site to the written agreement of the Local Planning authority.

**REASON**

In the interests of the residential amenity of occupiers of both existing and future dwellings.

- 19. No dwelling hereby approved shall be occupied until such time as written confirmation of the Local Planning Authority has been made in respect of the Plan referred to under condition 11 above has been agreed in full.

## REASON

In the interests of the visual amenities of the area.

### Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through addressing the impacts arising from the development in discussion with the Statutory consultees and through amended plans.
2. Severn Trent Water advises that although their records show no public sewers within the site there may be sewers recently adopted under the Transfer of Sewer Regulations 2011. Additional information and advice should be sought.
3. Attention is drawn to Sections 59, 149, 151, 163, 184 and 278 of the Highways Act; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.
4. Warwickshire County Council as Lead Local Flood Authority does not consider that oversized pipes or culverts are sustainable drainage solutions. Above ground solutions are advised.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0584

Background Paper No	Author	Nature of Background Paper	Date
1	Head of Development Control	Letter	7/9/16
2	Assistant Director (L and CD)	Consultation	20/9/16
3	WCC Highways	Letter	30/9/16
4	Applicant	Letter	12/10/16
5	Mrs Green	Objection	14/10/16
6	Mrs George	Objection	12/10/16
7	Mrs Fallowell	Objection	12/10/16
8	Mrs Speers	Objection	20/10/16
9	Mr Cutler	Objection	21/10/16
10	E McDonald	Representation	23/10/16
11	Mr and Mrs Bould	Objection	24/10/16
12	WCC Highways	Consultation	21/10/16

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

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

PAP/2015/0584

Land at Grimstock Hill, off Trajan Hill, Coleshill

Outline application for the erection of up to 24 (Class C3) residential dwellings with all matters reserved except access for

Heyford Developments Ltd

#### Introduction

This application was referred to the August Board meeting but determination was deferred for a number of reasons – a site visit; referral back to the Highway Authority in light of the anticipated HGV movements and a request to the applicant to consider a "lesser" proposal.

The previous report is attached at Appendix A for convenience

#### Additional Information

Members have now visited the site. As that visit took place between the preparation of this report and the meeting, a note will be circulated at the meeting.

The Highway Authority was requested to review its position in light of all of the information available including the potential land-fill and construction issues. Its response is attached at Appendix B where it can be seen that it is not going to be persuaded to alter its position.

The applicant however was requested to see if there was scope to reduce the scale of the proposal in order to reduce the traffic impact locally. He has responded by amending the proposal to a maximum of 24 houses rather than the original 30 – a 20% reduction. He further points out that in these circumstances there is greater opportunity to increase the separation distances between the new houses and the rear elevations of the existing houses in Tiberius Close and Trajan Hill. An amended illustrative layout is attached at Appendix C.

In reducing the scale of the development, the applicant points out that the viability of the project is affected. As a consequence there is now no affordable housing proposed – either onsite or through an off-site contribution.

Members are therefore asked to determine the application based on a maximum of 24 houses.

#### Consultations

The various Agencies and Bodies were re-consulted on this further amendment with a request to see if they wished to alter their previous responses. At the time of preparing this report, none have. The Board will be updated at the meeting but given the lack of objection received previously it is not anticipated that objections will arise.

#### Representations

All those who submitted representations to the previous proposal have been re-notified. Again at the time of preparing this report no responses had been received. Members will be updated at the meeting but they should be advised to assume that the objections recorded in the last report should remain.

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#### **Other Material Planning Considerations**

Following the meeting of the Local Development Framework Sub-Committee on 3 August Members will be aware that the draft Local Plan for North Warwickshire is now publically available and that this site is retained as an appropriate residential allocation.

#### **Observations**

The recommendation below remains as set out as in Appendix A. There are changed circumstances – the proposal is materially reduced - and the Highway Authority has not changed in its position in respect of the overall principle of the development. These add weight to that recommendation. The other change is the loss of any affordable housing. Members therefore have to look at the balance between reduced traffic impact with no affordable dwellings or affordable housing provision but with greater traffic impact. As the thrust of the objections here locally is all about traffic it is considered that extra weight should be given to the current reduced proposal. Moreover the Council will need to maintain a continued housing supply if it is not to be the subject of speculative applications for the development of land not identified in its own planning documents.

#### **Recommendation**

That the recommendation as set out in Appendix A be agreed subject to appropriate changes to recognise the reduced proposal in the suggested conditions.

#### **Background Papers**

NWBC Letter  
WCC Highways Letter  
Applicant Revised Plans 19/8/16

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**PAP/2015/0584**

**Land at Grimstock Hill, off Trajan Drive, Coleshill**

**Outline planning application for the erection of up to 30 (Class C3) dwellings with all matters reserved except for access for Heyford Developments Ltd.**

#### **Introduction**

This application is referred to the Board for determination at the request of local Members particularly concerned about the highway impact of the proposal on the local network.

#### **The Site**

This is a roughly rectangular area of heavily wooded land amounting to some 1.2 hectares bounded to the west by the A446 Lichfield Road; to the north and east by existing residential development at Trajan Hill, Tiberius Close and Norton Road and to the south by the Grimscoote Manor Hotel. There are residential and commercial uses on the opposite side of the A446.

The site is more particularly shown at Appendix A.

It used to be a quarry but this used ceased back in the 1960's and since then it has regenerated into an un-managed and overgrown area of woodland. There is a substantial roadside hedge alongside the A446. The quarry was partially filled with inert materials.

Because of this history there is a distinct difference in levels between the eastern perimeter and the A446 to the west. The former quarry slopes are particularly prevalent along the eastern and southern boundaries.

#### **Background**

The site is partially covered by three Woodland Tree Preservation Orders dated 1980. The extent of these is shown at Appendix B.

The site is included in the draft Site Allocations Plan of 2014 as being a preferred option for new residential development.

#### **The Proposals**

This is an outline planning application for the site's residential redevelopment with up to 30 dwellings. The original submission proposed that all vehicular access would be from the A446, but following an objection from the Highway Authority, an amended scheme was put together involving access from Trajan Hill. It is this revised proposal that is now the subject of this report. All detailed matters are still reserved for later approval except for the means of vehicular access which is now proposed to be from Trajan Hill.

The application site includes one of the existing dwellings on the southern side of this cul-de-sac – number 1. It is proposed to demolish this house in order to gain access into the site. An illustrative layout has been submitted showing a cul-de-sac with the housing concentrated at the northern end of the site. This is attached at Appendix C.

This suggests that the northern half of the site would be cleared of trees and there would be some in-filing in order to achieve a development plateau. The trees to the south would be thinned and managed and the remaining slopes landscaped. This would become an area of open space which would also contain a balancing pond for the collection of surface water.

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Foul water would be pumped to Trajan Hill whereas surface water would drain to the pond and thence to the Lichfield Road.

The proposal includes the draft terms for a Section 106 Agreement including up to 30% provision of affordable housing on-site and a financial contribution towards improvement of the Cole End Park.

The application itself is accompanied by other documentation.

A Bat Survey shows that the site is used by two different species of bat for both foraging and commuting. The main focus is in the southern half of the site. There is also potential for bats to be present for roosting. It is recommended that trees are retained wherever possible and particularly in the southern half close to an drainage ponds and swales. Appropriate avoidance measures should be followed where evidence of bats is found where trees are to be removed through the normal Licensing procedures of Natural England

A Badger survey did identify existing setts. Mitigation measures are recommended through the construction of artificial setts. There is sufficient space on site to retain the existing activity level. Natural England should be involved throughout the replacement process.

A Flood Risk Assessment suggests that infiltration might not be the preferred surface water disposal option due to the potential contamination arising from earlier historic landfilling. As a consequence surface water would be captured on site in a series of balancing ponds and swales at the southern end of the site thus discharging at licensed levels agreed with the Environment Agency into the public storm water sewer in the Lichfield Road. Foul water is to be pumped to the existing network in Trajan Hill.

An Arboricultural Report describes the site as being secondary broadleaved woodland which is predominantly of the same age. This structure is not optimal. The trees here are early/semi-mature a mature specimens – sycamore and hawthorn. There are some oaks and ash. The woodland is considered to have a greater amenity benefit because of the number and grouping of trees rather than on their individual merits as they are effectively all poor specimens. This is because they are mostly self-set and there has been no management of the trees cover since the site re-generated. Because of this it is dense and dark and so not particularly valuable for bio-diversity. A re-development proposal for the site offers opportunities for not only arboricultural benefit but also for ecological enhancement. There is sufficient opportunity here to retain and to improve.

A Transport Assessment concludes that the existing local highway network has capacity for the expected traffic to be generated. There are public transport alternatives.

A Design and Access Statement describes the site and its setting illustrating how the indicative layout has been arrived at together with potential appearance and design.

A Planning Statement brings these matters together into a planning context arguing that this is sustainable development on a site identified for residential development by the Council.

#### **Representations**

Coleshill Town Council – Objection on traffic grounds and the impacts on bats and badgers

Coleshill Civic Society – Objection on traffic grounds through the use of Trajan Hill.

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Twenty seven letters of objection have been received referring to the following matters in connection with the revised proposal:

- Adverse impact on local wildlife
- Loss of privacy to existing occupiers
- Increased noise pollution through the loss of tree cover
- The access would be dangerous – a narrow road with on-street parking
- The Road Safety Audit says that there have been no accidents whereas there have been accidents
- Trip rates are understated.
- Potential ground stability issues
- HGV's using Trajan Hill during construction
- Loss of open space

A letter of support has been received saying the development will supply affordable houses and clear up a derelict area of land that has been prone to anti-social behaviour

#### **Consultations**

Warwickshire County Council as Highway Authority – Originally objected to the proposals when access was to be sought onto the A446. It has withdrawn that objection with the amended access scheme off Trajan Hill.

Warwickshire County Council as Flood Authority – No objection subject to a standard condition

Warwickshire County Council (Public Rights of Way) – No objection but in order to mitigate the increase in the Council's maintenance liability a contribution is sought towards improvements to the local footpath network

Environmental Health Officer – No objection subject to standard conditions requiring ground condition surveys and noise attenuation measures in the new houses.

Severn Trent Water Ltd – No objection

AD (Leisure and Community Development) – The future maintenance of the open space on the site needs to be resolved. The 106 contribution would be welcome.

AD (Housing) - No objection. The biggest demand on the waiting list in Coleshill is for two-bedroom houses.

#### **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment) and NW15 (Nature Conservation)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV6 (Land Resources), ENV13 (Urban Design), HSG4 (Densities) and TPT1 (Transport Considerations in New Development)

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### **Other Material Planning Considerations**

The National Planning Policy Framework 2014 – (the "NPPF")

The NWBC Draft Site Allocations Plan 2014

The draft Local Plan for North Warwickshire 2016

### **Observations**

#### **a) Introduction**

This site is inside the development boundary for Coleshill as defined by the Development Plan. Moreover the town is identified in that Plan as being an appropriate settlement to accommodate a minimum of 275 dwellings within the plan period. The site is also identified as a preferred option in the draft Site Allocations Plan of 2014. Members too will be aware that a few days before this meeting, the Council is anticipating the publication of the new draft Local Plan for North Warwickshire. This site is anticipated to be retained as a housing allocation in that document. Given these matters there is no objection in principle to the residential redevelopment of this land. This position is also supported by the NPPF as this proposal is sustainable development. This is because of its location within a residential area in a Market Town and the accessibility of a full range of local services and facilities as well as alternative modes of transport. The NPPF states that there should be a presumption in favour of supporting sustainable development. The starting point here for the Board is thus a presumption of approval, particularly as this application seeks an outline planning permission – that is permission in principle.

Members will know therefore that for this presumption to be overturned, there have to be material planning considerations of substantial weight sufficient to override it. The report now looks at the two most important of these considerations – traffic and the loss of the woodland – before considering other matters.

#### **b) Material Considerations - Traffic**

The most significant of these considerations is that of access, particularly as the application seeks approval for the detail of those arrangements at this time.

The objection from the Highway Authority in respect of the initial access off the A446 has led the applicant to reconsider. The resolution has been to propose access off Trajan Hill through the demolition of an existing residential property and the use of the consequential open land as the preferred access. The Highway Authority has confirmed that a satisfactory access arrangement can be obtained over the land that becomes available through this demolition. That arrangement meets the specification of that Authority with regard to a residential access for the number of houses proposed and for access by larger vehicles – e.g. a refuse lorry. It too is satisfied that the existing local highway network has the capacity to accommodate the traffic generated by the proposed thirty houses arguing that this will disperse throughout that network and therefore in general terms not materially add to traffic movements. This is tempered by the need for conditions requiring off-site works within the immediate highway junctions to enable pedestrian crossings. The Highway Authority is the Statutory Agency and thus its response to the application carries substantial weight. As Members are aware the NPPF states that the traffic impact from a new development following any mitigation has to be "severe" if the presumption in favour of a sustainable development is to be outweighed. Without the support of the relevant statutory highway authority agreeing to that conclusion, the Board would be in a significantly weak position to defend a refusal on highway grounds.

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Nevertheless the representations received have raised some significant practical concerns – on-street car parking in Trajan Hill particularly; construction traffic, turning movements and pedestrian safety.

Car parking provision on the development site as a direct consequence of the proposed dwellings will be resolved at the detailed stage when those matters are submitted. Provided that the Council's standards are adopted there should be limited likelihood of cars parking off site as a consequence. The issue here however is the view that Trajan Hill is already narrow and that there is on-street car parking. Additional traffic passing along the road would thus be considered to be detrimental to pedestrian safety and to turning and manoeuvring cars. Members should be aware that there are some garage spaces and front hard-standings for car parking in Trajan Hill and Tiberius Close and so it is not the case that all of the occupiers here have to park on the road. Moreover the proposed junction of the new access on the site of number 1 Trajan Hill is the best available location on Trajan Hill for two reasons - firstly there is no housing opposite that house and thus there would be no conflicting movements turning in to and particularly out of the new access. Secondly, the majority of houses in Trajan Hill are as a matter of fact beyond this proposed access location – additional traffic therefore would not affect the majority of residents. Parking in the Tiberius Close cul-de-sac would not be affected. It is accepted that there is existing on-street parking in Temple Way, but the Highway Authority considers that the proposed development would not materially add to the traffic already generated by the some 260 dwellings that use Temple Way presently for access. In all of these circumstances the Highway Authority has not raised an objection.

The use of Trajan Hill and Temple Way for construction traffic including landfill operations at the commencement of the development is considered to be of greater concern. There is no alternative route into the site. The applicant considers that there would be an average of eight two-way movements a day (that is four in and four out) within a period of twelve months. This is an average over the whole of that time, clearly with the greater movements likely at the commencement of the period. The twelve months includes landfilling and construction phases.

It is acknowledged that this would cause disruption and inconvenience but that is not considered to be a reason for refusal. Firstly this will be a temporary period of disruption. All construction operations are going to involve disruption and this is not unusual with both large and smaller housing estates throughout the Borough. Most recent developments have involved traffic using residential estate roads and there is not considered to be anything intrinsically worse in this case. Secondly a Construction Management Plan is recommended as a condition. The applicant fully accepts that this is going to be essential. That will look at both delivery and construction hours as well as the operational requirements such as dust suppression and street cleaning measures. Significantly it will have to be agreed by the Highway Authority. That will probably involve temporary Traffic Regulation Orders and/or temporary parking measures (cordoning off areas of highway during delivery periods). The success of such a Management Plan relies wholly on communication between the developer and the residents. Those channels will need to be made explicit within that Plan.

#### **c) Material Considerations - Woodland**

A second consideration here is the impact on the existing tree cover in terms of visual amenity and its ecological value.

Taking the second impact first then it is agreed that the ecological value of the site is low because of the density of the woodland cover; that it is all of a similar age which doesn't

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encourage diversity and that it is wholly unmanaged. The proposal does therefore represent an opportunity for significantly improving this situation. A good proportion of the site can be retained and different habitats introduced as a consequence. In the longer term this will be of real benefit. There are both bats and badgers on the site at the present time. The proposals do not necessarily mean that these species will be materially affected provided proper mitigation is employed under the direct licensing and management systems and procedures of Natural England. These are the appropriate safeguards and Members should have confidence in this other legislation and Natural England's enforcement procedures if required.

The impact of the proposals on the visual amenity of the present woodland and its setting is considered to be greater. This is because of the extent of the woodland cover and that its importance to public amenity is recognised by the making of the Orders. That however is not in itself a reason for refusal, but equally the proposal should not itself result in the loss of this amenity. A compromise situation should be reached. There are several reasons for this. Primarily the woodland here has been unmanaged since it started to regenerate the former quarry and landfill site many decades ago. It is more or less consists of a dominant species – selfset sycamores – which are all of a single age. These trees will eventually naturally dieback at about the same time leaving an unkempt and visually unattractive site. Secondly although the woodland has value as a public amenity, it is mainly its perimeter that performs this function – particularly along the A446 whether approaching from the north or south – and at the rear of existing houses in Trajan Hill, Tiberius Close and Norton Road. Given the low ecological value of the site and the fact that there is permission in principle here, it is considered that every opportunity should be taken to retain the public amenity of the woodland but such that its value is enhanced through new planting, thinning and with retention of the perimeter buffers.

Given these circumstances it is considered that the proposal provides an opportunity for ecological and arboricultural benefit and should thus be supported. An alternative conclusion would be that the proposal adds to its sustainable development credentials because it enhances longer term ecological and arboricultural benefits.

#### **d) Other Matters**

It is not considered that there are adverse heritage impacts here and there has neither been objections submitted by the relevant drainage Authorities.

There will be a change of outlook for the occupiers of those houses that back onto the site but as indicated above, this would occur in any event as the tree cover matures and decays. There is currently no known management plan for this woodland either presently or in the future and thus that outlook is uncertain. Members should be aware that this is an outline application and the illustrations that have been submitted are just that – potential indications of layout. The final details of the layout are "reserved" under an outline consent and that is the time to look at the detail of separation distances; final ground levels and boundary treatments. There is however sufficient space on the site to meet the Council's own guidelines such that the Board can be satisfied that there would be no material loss of residential amenity.

The Council's policy towards affordable housing provision is set out in policy NW6 of the Core Strategy. In this case that would expect up to 30% provision. The applicant has agreed that this should be the case here and has committed to a Section 106 Agreement in order to deliver this provision. This is very welcome and adds significant weight to support for the scheme as it would deliver much needed provision in Coleshill. This is a public benefit arising from the proposal.

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It is noted that the applicant would also consider a contribution towards the enhancement of the Cole End Park some distance to the south. Members are recommended not to endorse this contribution through a Section 106 Agreement as it is not considered to be compliant with the legislation, it having no direct link with the proposals. If the applicant wishes to deliver this then that should be through a Unilateral Undertaking which would carry no weight in the final assessment of the planning considerations in this case.

#### Recommendation

That subject to the completion of a Section 106 Agreement in respect of affordable housing provision as set out in this report, outline planning permission be granted subject to the following conditions:

#### Standard Conditions

- i) Standard Outline condition – reserving all matters except access
- ii) Standard Outline condition
- iii) Standard Outline condition
- iv) Standard plan numbers condition – the Site Location Plan and plan number 1375/10D both received on 17/5/16.

#### Defining Conditions

- v) For the avoidance of doubt this permission is for no more than 30 dwellings  
Reason: In the interests of highway safety and visual and residential amenity
- vi) The bell-mouth junction to the development shall have visibility splays provided to the pedestrian crossing point of 1.5 by 11 metres as measured from the rear edge of the highway footway. These splays shall be kept free of all development and planting at all times.  
Reason: In the interests of highway safety

#### Pre-Commencement Conditions

- vii) No work shall commence on the development hereby approved until a site investigation report based on a Phase 1 Assessment has first been submitted to and approved in writing by the Local Planning Authority. This report shall contain all necessary remediation measures commensurate with the findings of that investigation, together with a plan to show how completion of those measures can be verified on site.  
Reason: In order to reduce the risk of pollution
- viii) No work shall commence on the development hereby approved until any remediation measures agreed under condition (vii) have first been approved and fully implemented through the written agreement of the Local Planning Authority. Only the approved measures shall be undertaken and these shall only take place in accordance with the approved verification plan.  
Reason: In order to reduce the risk of pollution
- ix) No work shall commence on the development hereby approved until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of

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the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- a) show whether or not infiltration type drainage is appropriate through testing in accordance with BRE 365 guidance;
- b) demonstrate compliance with the SUDS Manual; CIRIA Reports C753, C697 and C687 together with the National SUDS Standards,
- c) show how the discharge rate generated by all rainfall events up to and including the 100 year plus 30% critical rainstorm, will be limited to greenfield runoff rates,
- d) demonstrate compliance with attenuation in accordance with Science Report SC030219,
- e) include detailed designs and calculations for all details of the scheme and outfall arrangements, and
- f) confirm how the scheme will be maintained in perpetuity

Reason: In order to reduce the risk of flooding and to improve water quality.

- x) No work shall commence on the development hereby approved until full details of all acoustic bunding and fencing together with the location and specification of all acoustically treated glazing and ventilation have first been submitted to and approved in writing by the Local Planning Authority.

Reason: in order to reduce the risk of noise pollution.

- xi) No work shall commence on the development hereby approved until full drainage plans for the disposal of foul water have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of reducing pollution and risk of flooding.

- xii) No work shall commence on the development hereby approved until a Construction Management Plan has both been submitted to and approved in writing by the Local Planning Authority. The measures in the approved Plan shall apply at all times

Reason: In the interests of the residential amenities of the area and for highway safety reasons.

- xiii) No work shall commence on the development hereby approved until a Landfill Operations Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall include a survey of existing ground levels and proposed ground levels. The measures in the approved Plan shall apply at all times.

Reason: In the interests of the residential amenities of the area and for highway safety reasons

- xiv) No work shall commence on the development hereby approved until a Woodland Management and Open Space Plan for the areas to be left after completion has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the area.

#### Pre-Occupation Conditions

- xv) No dwelling hereby approved shall be occupied until public pedestrian dropped kerbed crossings have been laid out and constructed across the junctions of Trajan Hill with Tiberius Close and Trajan Hill with Temple Way, to the written satisfaction of the Local Planning Authority.

Reason: In the interests of highway and particularly pedestrian safety.

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Notes:

- i) The Local Planning Authority has met the requirements of the NPPF in this case through addressing the impacts arising from the development in discussion with the Statutory consultees and through amended plans.
- ii) Severn Trent Water advises that although their records show no public sewers within the site there may be sewers recently adopted under the Transfer of Sewer Regulations 2011. Additional information and advice should be sought.
- iii) Attention is drawn to Sections 59, 149, 151, 163, 184 and 278 of the Highways Act; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.
- iv) Warwickshire County Council as Lead Local Flood Authority does not consider that oversized pipes or culverts are sustainable drainage solutions. Above ground solutions are advised.

Background Papers

Application 18/9/15

WCC (Footpaths) Consultation 7/10/15

Environmental Health Officer Consultation 23/10/15

Environmental Health Officer Consultation 13/10/15

Coleshill Town Council Representation 7/10/15

WCC Highways Consultation 22/10/15

AD (L and CD) Consultation 5/10/15

Coleshill Civic Society Representation 3/11/15

WCC (Flooding) Consultation 16/11/15

Severn Trent Water Ltd Consultation 23/11/15

WCC (Flooding) Consultation 5/12/15

Environmental Health Officer Consultation 14/6/16

Coleshill Civic Society Representation 21/6/16

AD (Housing) Consultation 21/6/16

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WCC (Highways) Consultation 23/6/16  
T Leadbeater Objection 25/6/16  
J George Objection 13/6/16  
P Freeth Objection 14/6/16  
N Meadows Objection 14/6/16  
N Speers Objection 16/6/16  
K Wyatt Objection 14/6/16  
S and K Boffey Objection 17/6/16  
K Fallowell Objection 17/6/16  
M Wyatt Objection 21/6/16  
D Wade Objection 28/6/16  
J Grinnell Objection 27/6/16  
H Hunt Objection 26/6/16  
C French Objection 26/6/16  
P Phillips Objection 26/6/16  
K Hunt Objection 23/6/16  
V and R Jones Objection 28/6/16  
L Giffiths Objection 29/6/16  
A Core Objection 28/6/16  
R Aitkenhead Objection 24/6/16  
R Turley Objection 12/6/16  
K Pickersgill Support 18/6/16  
N Speers Objection 30/6/16  
E Lloyd-Kelly Objection 30/6/16  
J Jordan Objection 30/6/16  
P Carter Objection 30/6/16  
L Speers Objection 29/6/16

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T Corrin Objection 3/7/16

Mr and Mrs Bould Objection 29/6/16

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PAP/2015/0584

Proposed Residential Development off Trajan Hill, Coleshill

Meeting – 19<sup>th</sup> September 2016

Present: Councillors Farrell, Simpson and Sweet

L Holmes and J. Tomlinson for the applicant

J Brown – NWBC

1. LH and JT were able to give far more specific figures for the likely landfill and construction HGV movements. They were looking for a combined nine month operation involving around four a day (in and out).
2. They agreed that they would approach WCC Highways with this detail to see if a temporary arrangement could be achieved from the A446 perhaps involving separate ingress and egress.
3. NWBC requested that the detail of the actual access off Trajan Hill could be looked at so as to move the road away as far as possible from Tiberius Close. The possibility of an earth bund was considered.
4. It was pointed out that the access road might not end up being adopted by WCC if their standard specification was not implemented.
5. Also Members were keen to understand how the amenity space and drainage arrangements would be maintained in perpetuity. This could be an opportunity for the Town Council to look at.
6. It was agreed that the applicant would pursue the A446 issue with WCC and report back.

PAP/2015/0584

Proposed Residential Development off Trajan Hill, Coleshill

Meeting – 10<sup>th</sup> October 2016: 1000 at the Council Offices

Present: Councillor D Ferro and J Brown (NWBC)

L. Holmes (the applicant's agent) and M. Nettleton (the applicant's traffic consultant)

T Burrows (WCC Highways)

1. The applicant's representatives explained that they had done a lot of further work and that as a consequence there could be a lot of use of existing material already on site so as to use in re-engineering the site. As a consequence much less imported material would now be needed. This would amount to some 75 movements – five each way a day (10 movements). This might therefore only last a few days.
2. In terms of construction then a period of some nine months would be needed averaging eight HGV movements a day (four in and four out) but these would be greater at the beginning.
3. WCC Highways was still not agreeable to a temporary access arrangement off the A446 – there were significant visibility issues and concerns about traffic speeds.
4. In looking at the actual practicalities of the works involved it was agreed that:
  - Earth moving plant had to access the site from the A446 at the start of the work.
  - Utility connections would have to be made in the A446 at some point.
5. In light of this, there would have to be temporary closures of one lane in any event. It was agreed that it would be worthwhile coordinating works and access by scheduling other access into the site during one period of time. This could include land fill operations and early construction bulk deliveries. It would also mean utility connections being done early. Later deliveries would then be via Trajan Hill.
6. It was agreed that the applicant would do a lot more in terms of project management and then discuss this with WCC in order to get a phased programme of works and access arrangements. This could become a submitted Construction Management Plan which could be conditioned.
7. Once received NWBC would need to re-consult the community.

APPENDIX D

Your ref: PAP/2015/0584  
My ref: 150584  
Your letter received: 09 September 2016



Mr J Brown BA Dip TP MRTPI  
Head of Development Control Service  
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30 September 2016

Dear Mr Brown

**Re: Proposed Residential Redevelopment Former Quarry, Off Trajan Hill, Coleshill**

Thank you for your letter dated 7<sup>th</sup> September 2016 in regard to the above proposed development.

As per the previous response to you dated 15<sup>th</sup> August 2016, the concerns of the Highway Authority about access and egress from the A446 Grimstock Hill remain.

According to submitted information there will be 25 HGV loads required to bring in the materials to level the site, based on the use of 8-wheel tipper trucks, with no more than 5 trucks per day. Excavations for foundations and footings can be used for infill on the site as well. The Highway Authority does not consider 5 two-way vehicle movements per day a significant impact. Whilst HGV movements through a housing estate are not ideal, it happens every day on new estates being constructed. So the scenario is not unique.

'In-and-out' access arrangements are not generally supported. The submitted arrangements are not considered suitable. Guidance recommends the use of one access.

The forward visibility along the carriageway to the access is not considered to accord with guidance. Approaching drivers may not see a vehicle entering the access. And, if for some reason there was an issue in the access vehicles using the access could obstruct the carriageway, and approaching drivers may not see the obstruction in time.

*Working for  
Warwickshire*

In regard to the egress, drivers approaching the site may not see a vehicle leaving the site, so there is a risk of collision between a slow vehicle leaving the site and a fast vehicle passing the site. The exit could not be moved further southwards because of the brow of the hill obstructing visibility.

Again, as stated in the last correspondence, at reserved matters the Highway Authority would recommend the following conditions to try and reduce the impact of HGV movements to the site:

The Highway Authority recommended the inclusion of a Section 59 Agreement of the Highways Act 1980. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer would be required to undertake work to remediate this damage.

In addition, the Highway Authority would recommend a condition restricting HGV movements to off-peak hours on the highway network and not when school children would be passing the site.

And would recommend a Construction Management Plan laying out how the site could be serviced with the least impact on the residential streets around the site including an approved route.

Yours sincerely

Tony Burrows  
Highway Control Engineer



Jeff Brown  
 North Warwickshire District Council  
 Council House  
 South Street  
 Atherstone  
 Warwickshire  
 CV9 1DE

12 October 2016

Our ref:

Dear Jeff,

**Land at Grimstock Hill, Coleshill – Construction Traffic Access**

Thank you for meeting with us earlier this week to discuss the possible ways in which the impact of construction vehicles on residents of Trajan Hill might be mitigated. During that meeting, which was attended by Tony Burrows of the Highway Authority Warwickshire County Council, and Cllr Ferro, we discussed the following solutions:

- 1 That a construction vehicle access could be formed off the A446, for the purposes of site enabling work, including site clearance, plant and material delivery, and a cut/fill exercise. Albeit this could only be used under traffic management conditions, which is likely to be required to connect the site utilities, drainage and sewers on the A446 in any case, and for a limited period of, say, 2-3 weeks. It is understood that the highway authority will specify that the traffic management will involve the closure of southbound lane 1 of the A446, from Gorsey Lane to the north and to the Grimscote Hotel to the south. Ideally these works would be undertaken outside of the peak periods and term times; and,
- 2 That in relation to a construction access off Trajan Hill, the contractor will submit a Construction Management Plan to be approved by the local planning authority and the County Council, to address the following topics:
  - Conflict with vulnerable road users and parked cars. This will specify that HGV site entry and exit will be restricted to 0900-1500 on weekdays to avoid periods when school children are likely to be present and when there are more cars are parked on street;
  - Parking of vehicles. This will specify that contractor parking and loading is to be kept on-site, or restricted to off-site locations outside of these residential areas. No contractor parking or waiting will be permitted on Trajan Hill or Temple Way;
  - Debris on the highway. This will specify that a wheel washing protocol has to be put in place, monitored and enforced;
  - Goods vehicle weight limits. Given the weight limits in the area, a clear system of official access routes will be defined, and vehicle weight and size limits will be advised. Traffic management will be used, where and when necessary, to avoid conflict with parked vehicles on Temple Way and Trajan Hill;

LOCATION	Seven House High Street, Longbridge Birmingham B31 2UQ	TELEPHONE EMAIL	+44 (0) 121 475 0234 birmingham@philjonesassociates.co.uk	WEBSITE	philjonesassociates.co.uk
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- Monitoring. This will specify that the contractor is a member of the Considerate Constructors scheme and that local residents and stakeholders have a clear channel of communication in order to raise any concerns that may arise throughout the construction period.

Please note that I have asked the highway authority to consider these solutions, and to confirm that they would offer their approval, which we expect will be subject to planning conditions.

I trust that the content of this letter is clear, but if there are any queries then please do not hesitate to contact either myself or Laurence Holmes at GVA.

Yours sincerely

**Mark Nettleton**  
Director



North Warwickshire  
Borough Council

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Date: 08 November 2016

The Town & Country Planning Acts  
The Town and Country Planning (Listed Buildings and  
Conservation Areas) Act 1990  
The Town & Country Planning (General Development)  
Orders  
The Town and Country Planning (Control of  
Advertisements) Regulations 1992 (as amended)

## DECISION NOTICE

Major Outline Application

Application Ref: PAP/2015/0584

### Site Address

Former Quarry & Land, Grimstock Hill, Lichfield Road, Coleshill,

Grid Ref: Easting 419530.86  
Northing 290054.62

### Description of Development

Outline application for the erection of up to 24 residential dwellings with all matters reserved except access

### Applicant

Heyford Developments Limited

Your planning application was valid on 18 September 2015. It has now been considered by the Council. I can inform you that:

Planning permission is **GRANTED** subject to the following conditions:

#### Standard Conditions:

1. This permission is granted under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the under-mentioned matters hereby reserved before any development is commenced:-
  - (a) appearance
  - (b) landscaping
  - (c) layout
  - (d) scale.

#### REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

Authorised Officer: \_\_\_\_\_

Date:

8 November 2016

Page 1 of 7



2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan received by the Local Planning Authority on 17 May 2016, and plan number 1375-10D received by the Local Planning Authority on 31 May 2016.

REASON

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

**Defining Conditions:**

5. For the avoidance of doubt this permission is for no more than 24 dwellings.

REASON

In the interests of highway safety and visual and residential amenity.

6. The bell-mouth junction to the development shall have visibility splays provided to the pedestrian crossing point of 1.5 by 11 metres as measured from the rear edge of the highway footway. These splays shall be kept free of all development and planting at all times.

REASON

In the interests of highway safety.

7. For the avoidance of doubt, this permission only authorises the import of material for the 'landfill' operations hereby permitted. It specifically does not authorise the site being used for any other purposes including the removal of imported material, its recycling or for waste transfer uses.

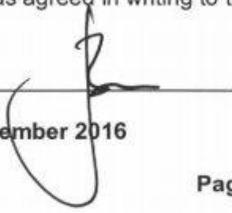
REASON

In the interests of highway safety and residential amenity.

**Pre-Commencement Conditions:**

8. No work whatsoever shall commence on site, including any site clearance and enabling works, until such time as a viability study has been submitted to the Local Planning Authority to evidence the provision of affordable housing on the site, or appropriate arrangements for off-site provision in lieu of on-site provision. Work shall then only commence on site when the Local Planning Authority has agreed in writing to that provision.

Authorised Officer: \_\_\_\_\_



Date:

8 November 2016

## REASON

In the interests of supporting Development Plan policy, in respect of the provision of affordable housing.

9. No work whatsoever shall commence on site - including any site clearance or enabling work until full details of a temporary access arrangement off the A446 and the associated traffic management scheme, has first been submitted to and approved in writing by the Local Planning Authority. This access shall be used for the purposes of site clearance; site enabling work, construction plant and material delivery, the import of fill material, cut and fill operations, the delivery of bulk and heavy construction materials together with associated utility connections. The details submitted shall also include details of the final closure and re-instatement of the highway together with a full explanation of the programme for the use of this access and the timing of its closure and the transfer of access arrangements to Trajan Hill. Only the approved details shall then be implemented on site.

## REASON

In the interests of highway safety.

10. No work whatsoever shall commence on site - including any site clearance or enabling work until such time as a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall remain in place throughout the whole of the construction period and only be withdrawn on the written agreement of the Local Planning Authority. For the avoidance of doubt this Plan shall address the following matters:

- a) The timing of the change in access arrangements from the A446 to Trajan Hill.
- b) The routes to be taken for construction traffic through the residential estate.
- c) The avoidance of conflict with parked vehicles along these routes.
- d) The parking and delivery arrangements for site operatives and all deliveries.
- e) Specification of HGV site entry and exit by hours of the day and week.
- f) The location of the site compound and how this might re-locate throughout the development.
- g) The location and detail of surrounding earth banks or bunds to protect adjoining residential occupiers particularly in Trajan Hill and Tiberius Close.
- h) The hours when construction is actually to take place by week day and weekend.
- i) The clearance of the local highway network of debris and material arising from the construction.
- j) Details of all site lighting.
- k) A system for dealing with goods vehicle weight limits in the area and traffic management.
- l) A clear system and arrangements for monitoring of the Construction Plan in terms of site manager contacts and emergency matters together with a clear outline of communication with local residents concerning parking, access and delivery arrangements.

## REASON

In the interests of highway safety and the residential amenity of surrounding occupiers.

Authorised Officer: \_\_\_\_\_

Date:

8 November 2016

Page 3 of 7

11. No work whatsoever shall commence on site - including any site clearance or enabling works - until such time as a Landfill Operations Plan has first been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall remain in force throughout the whole of the landfill operations and shall only cease to have effect on the written agreement of the Local Planning Authority. For the avoidance of doubt this Plan shall address the following matters:

- a) The submission of a plan showing existing and proposed ground levels.
- b) Details of the phasing of the operations including the location of site compounds and the location of haul roads.
- c) The scale of the import of material onto site.
- d) The hours of operation of all site clearance; site enabling, cut and fill, earth-moving and site enabling operations by week day and week end.
- e) The measures to be introduced to reduce waste being deposited onto the road network and the suppression of dust on site.
- f) Details of all site lighting.
- g) Details of how site operations are to be monitored in terms of site manager contacts and emergency matters throughout the length of the landfill operations.

REASON

In the interests of highway safety and the residential amenity of surrounding occupiers.

12. No work shall commence on the construction of any house hereby approved until such time as full details of earth banks or bunding together with their landscaping and the retention of existing trees and vegetation in the areas to the rear of existing houses in Trajan Hill and Tiberius Close, have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented on site.

REASON

In the interests of the visual amenities of surrounding occupiers.

13. No work shall commence on the construction of any house hereby approved until such time as a Woodland and Open Space Management Plan for the areas to be left after completion has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall address details for the maintenance of these areas including the balancing pond, in perpetuity and the details of how public access to these areas is to be provided and retained in perpetuity.

REASON

In the interests of the visual amenities of the area and the residential amenity of all neighbouring occupiers.

14. No work shall commence on the development hereby approved until a site investigation report base on a Phase 1 Assessment has first been submitted to and approved in writing by the Local Planning Authority. This report shall contain all necessary remediation measures commensurate with the findings of that investigation, together with a plan to show how completion of those measures can be verified on site.

REASON

In order to reduce the risk of pollution.

Authorised Officer: \_\_\_\_\_

Date:

8 November 2016

15. No work shall commence on the development hereby approved until any remediation measures agreed under condition 14 have first been approved and fully implemented through the written agreement of the Local Planning Authority. Only the approved measures shall be undertaken and these shall only take place in accordance with the approved verification plan.

**REASON**

In order to reduce the risk of pollution.

16. No work shall commence on the development hereby approved until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- a) Show whether or not infiltration type drainage is appropriate through testing in accordance with BRE 365 guidance.
- b) Demonstrate compliance with the SUDS Manual, CIRIA Reports C753, C697 and C687 together with the Nation SUDS Standards.
- c) Show how the discharge rate generation by all rainfall events up to and including the 100 years plus 30% critical rainstorm, will be limited to greenfield runoff rates.
- d) Demonstrate compliance with attenuation in accordance with Science Report SC030219.
- e) Include detailed designs and calculations for all details of the scheme and outfall arrangements, and
- f) Confirm how the scheme will be maintained in perpetuity.

**REASON**

In order to reduce the risk of flooding and to improve water quality.

17. No work shall commence on the development hereby approved until full details of all acoustic bunding and fencing together with the location and specification of all acoustically treated glazing and ventilation have first been submitted to and approved in writing by the Local Planning Authority.

**REASON**

In order to reduce the risk of noise pollution.

18. No work shall commence on the development hereby approved until full drainage plans for the disposal of foul water have first been submitted to and approved in writing by the Local Planning Authority.

**REASON**

In the interests of reducing pollution and risk of flooding.

**Pre-Occupation Conditions:**

19. No dwelling hereby approved shall be occupied until public pedestrian dropped kerbed crossing have been laid out and constructed across the junction of Trajan Hill with Tiberius Close and Trajan Hill with Temple Way, to the written satisfaction of the Local Planning Authority.

**REASON**

In the interests of highway and particularly pedestrian safety.

**Authorised Officer:** \_\_\_\_\_

**Date:** 8 November 2016

20. No dwelling hereby approved shall be occupied until such time as the details approved under conditions 12 and 17 have been fully completed on site to the written agreement of the Local Planning Authority.

#### REASON

In the interests of the residential amenity of occupiers of both existing and future dwellings.

21. No dwelling hereby approved shall be occupied until such time as written confirmation of the Local Planning Authority has been made in respect of the Plan referred to under condition 13 above has been agreed in full.

#### REASON

In the interests of the visual amenities of the area.

#### INFORMATIVES

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through addressing the impacts arising from the development in discussion with the Statutory consultees and through amended plans.
2. Severn Trent Water advises that although their records show no public sewers within the site there may be sewers recently adopted under the Transfer of Sewer Regulations 2011. Additional information and advice should be sought.
3. Attention is drawn to Sections 59, 149, 151, 163, 184 and 278 of the Highways Act; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.
4. Warwickshire County Council as Lead Local Flood Authority does not consider that oversized pipes or culverts are sustainable drainage solutions. Above ground solutions are advised.

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#### APPEALS TO THE SECRETARY OF STATE

1. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
2. If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
3. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk) and [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
4. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
5. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
6. The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Authorised Officer: \_\_\_\_\_

Date:

8 November 2016

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**PURCHASE NOTICES**

1. If either the Local Planning Authority or the Department for Communities and Local Government grants permission to develop land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
2. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**NOTES**

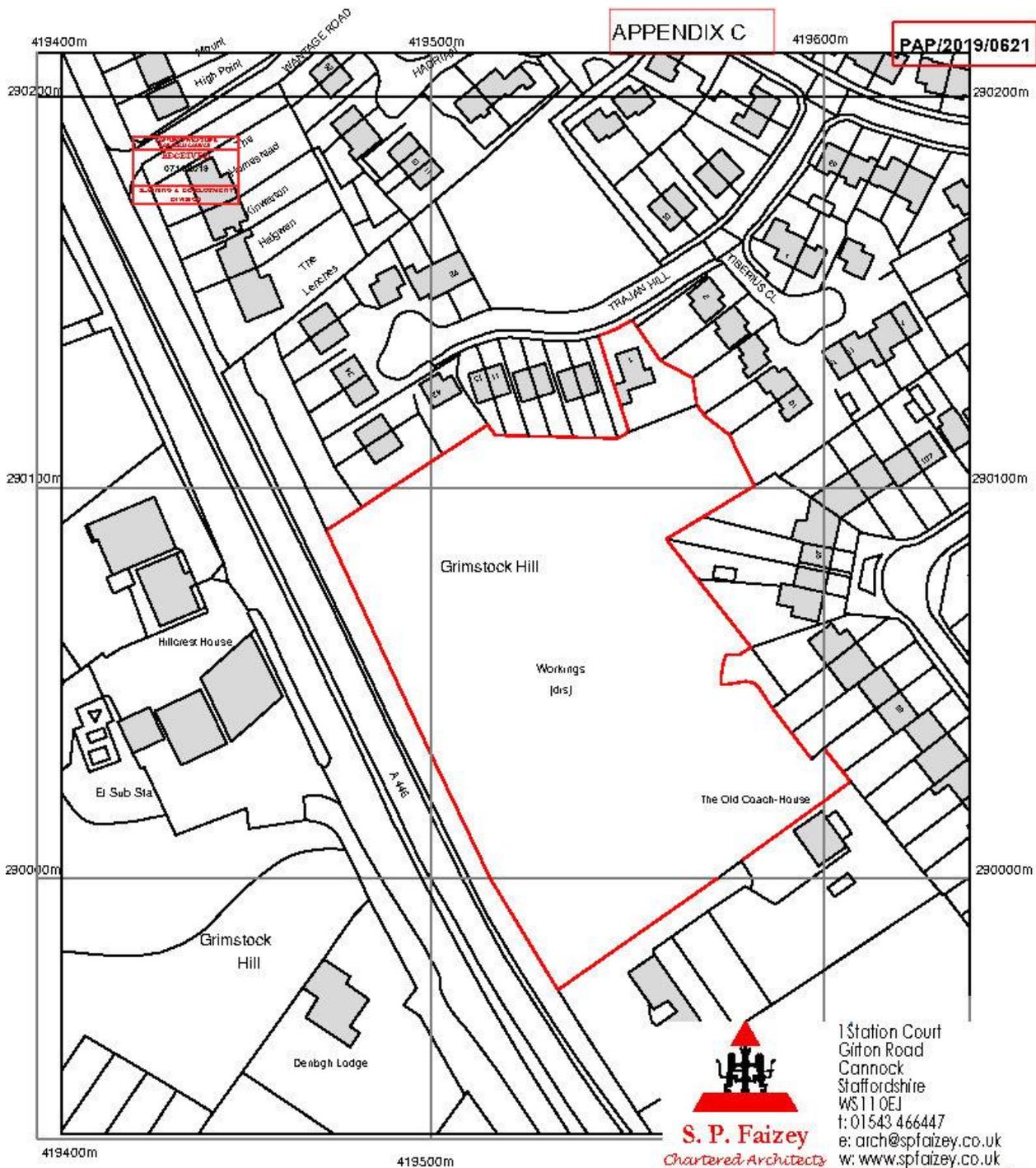
1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>. Please refer to the conditions on this decision notice for details of those plans and information approved.

Authorised Officer: \_\_\_\_\_

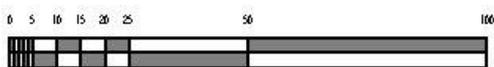
Date:

8 November 2016

Page 7 of 7



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Scale 1:1250

JESSUP/ STONEWATER			
RESIDENTIAL DEVELOPMENT			
TRAJAN HILL, COLESHILL			
LOCATION PLAN			
scale@A4	date	drawn	drawing
1:1250	OCT 19	SPF	17014/1

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## Agenda Item No 8

### Planning and Development Board

9 October 2023

#### Report of the Corporate Director - Resources

#### Budgetary Control Report 2023/24 Period Ended 31 August 2023

## 1 Summary

- 1.1 This report covers revenue expenditure and income for the period from 1 April 2023 to 31 August 2023. The 2023/2024 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the outturn position for services reporting to this Board.

### Recommendation to the Board

**That the report be noted and that the Board requests any further information it feels would assist it in monitoring the budgets under the Board's control.**

## 2 Introduction

- 2.1 Under the Service Reporting Code of Practice (SeRCOP), services should be charged with the total cost of providing the service, which not only includes costs and income directly incurred, but also support costs relating to such areas as finance, office accommodation, telephone costs and IT services. The figures contained within this report are calculated on this basis.

## 3 Overall Position

- 3.1 The actual expenditure for those services reporting to this Board as of 31 August 2023 is £187,324 compared with the profiled position of £130,219; an overspend of £57,105 for the period. Appendix A to this report provides details of the profiled and actual position for each service reporting to this Board, together with the variance for the period.

- 3.1.2 Where possible, the year-to-date budget figures have been calculated with some allowance for seasonal variations to give a better comparison with actual figures. Reasons for the variations are given, where appropriate, in more detail below.

### 3.2 Planning Control

- 3.2.1 The overspend of £56,901 is due to lower than profiled income from planning applications.

### 3.3 Local Land Charges

- 3.3.1 The overspend of £9,647 is due to lower than profiled income arising a change in mix of searches and a lower quantity of searches.

### 3.4 Street Naming and Numbering

- 3.4.1 The underspend of £9,422 is due to higher than expected number of new developments street naming applications received.

## 4 Performance Indicators

- 4.1 In addition to the financial information provided to this Board, when the budgets were set in February performance indicators were included as a means of putting the financial position into context. These are shown at Appendix B.

...

- 4.2 The gross and net cost of planning applications is above the budgeted position due to the lower number of applications received.

- 4.3 The gross cost per Land Charge search is lower than expected due to the lower number and mix of searches between full searches and Official Register searches undertaken. The net cost per Land Charge search is higher than expected due to the lower number and mix of searches between full searches and Official Register searches undertaken.

## 5 Risks to the Budget

- 5.1 The key risks to the budgetary position of the Council from services under the control of this Board are:-

- The need to hold Public Inquiries into Planning Developments. Inquiries can cost the Council around £50,000 each.
- A change in the level of planning applications received. A fall in applications is likely to lead to a reduction in planning income, whilst an increase in applications will increase the pressure on staff to deal with applications in the required timescales.
- The Government requires all planning applications to be dealt with within 26 weeks. If this is not achieved, the costs of the application must be borne by the authority. Whilst the Planning Team deals with almost 100% of current applications within this time, there is always the potential for this to slip, leading to a decline in the planning income level.
- There are potential additional costs for the Council in carrying out its planning function. If the Council loses a planning appeal, an award of costs can be made against the Council (the appellant's costs for the appeal). If the Council consistently loses appeals it will become a designated authority, which means that prospective applicants can submit their applications directly to the planning directorate. This would mean the Council would lose the accompanying planning fee.

5.2 A risk analysis of the likelihood and impact of the risks identified above are included in Appendix B.

## 6 Estimated Outturn

6.1 Members have requested that Budgetary Control reports provide details on the likely out-turn position for each of the services reporting to this Board. The anticipated out-turn for this Board for 2023/24 is £320,280 the same as the approved budget.

6.2 The figures provided above are based on information available at this time of the year. Whilst planning income is currently in line with budget, it can vary significantly during the year. No change to the out-turn has been assumed at this time but this may change as the financial year progresses. Members will be updated in future reports of any changes to the forecast out turn.

## 7 Report Implications

### 7.1 Finance and Value for Money Implications

7.1.1 Income and Expenditure will continue to be closely managed and any issues that arise will be reported to this Board at future meetings.

### 7.2 Environment and Sustainability Implications

7.2.1 The Council must ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

The Contact Officer for this report is Nigel Lane (719371).

## Background Papers

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

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
Executive Board – Agenda item 10	Corporate Director - Resources	General Fund Revenue Estimates and Setting the Council 2023-24	13 <sup>th</sup> Feb 2023

**Planning and Development Board**

**Budgetary Control Report 2023/2024 as at 31 August 2023**

<b>Cost Centre</b>	<b>Description</b>	<b>Approved Budget 2023/2024</b>	<b>Profiled Budget to 31 August 2023</b>	<b>Actual to 31 August 2023</b>	<b>Variance</b>	<b>Comments</b>
4009	Planning Control	207,530	103,106	160,007	56,901	Paragraph 3.2
4010	Building Control Non Fee-earning	46,910	4,438	4,438	-	
4012	Conservation and Built Heritage	58,200	24,250	24,229	(21)	
4014	Local Land Charges	1,080	(4,308)	5,339	9,647	Paragraph 3.3
4018	Street Naming & Numbering	6,560	2,733	(6,689)	(9,422)	Paragraph 3.4
	<b>Total Net Expenditure</b>	<b>320,280</b>	<b>130,219</b>	<b>187,324</b>	<b>57,105</b>	

## Performance Indicators for Budgets Reporting to the Planning and Development Board

	Budgeted Performance	Profiled Budgeted Performance	Actual Performance to Date
<b>Planning Control</b>			
Number of Planning Applications	900	375	312
Gross cost per Application	£981.93	£997.17	£1,190.98
Net cost per Application	£230.59	£114.56	£177.79
<b>Caseload per Planning Officer</b>			
All applications	167	69	58
<b>Local Land Charges</b>			
Number of searches	300	125	103
Gross cost per search	£209.27	£182.21	£171.15
Net cost/(surplus) per search	£3.60	(£34.46)	£42.71

## Risk Analysis

	Likelihood	Potential impact on Budget
Need for public enquiries into planning developments	Medium	Medium
Decline in planning applications leading to a reduction in Planning Income.	Medium	Medium
Applications not dealt with within 26 weeks, resulting in full refund to applicant.	Low	Medium
Implications of losing planning appeals, resulting in appellant costs awarded against the Council or loss of Planning Income	Medium	Medium

**Agenda Item No 9**

**Planning and Development Board**

**9 October 2023**

**Report of the  
Head of Development Control**

**Woodland Tree Preservation Order  
Land at Well Spring Clump  
Carlyon Industrial Estate,  
Atherstone**

**1 Summary**

- 1.1 The Board made a Tree Preservation Order for the protection of trees at Well Spring Clump at its April meeting. The Board is now asked to confirm the Order, or not, following the receipt of an objection.

**Recommendation to the Board**

**That after consideration of the representations received, the Tree Preservation Order in respect of a woodland at Well Spring Clump on the Carlyon Industrial Estate in Atherstone is confirmed.**

**2. Background**

- ... 2.1 A copy of the April report is attached at Appendix A. This describes the location of the site and provides the reasons why the Order was recommended together with the County Arboricultural Officer's Assessment.
- 2.2 Additionally, it points to the issue of the outstanding planning application affecting the site – para 4.2.
- 2.3 There is also reference for the Board to consider responses to the necessary consultation with the land owners and others who may have an interest in the land – para 3.3.
- ... 2.4 A copy of the Order Plan is at Appendix B.

**3 Representations Received**

- ... 3.1 A representation has been received on behalf of the occupiers of units 45-48 Fourways which are the commercial premises that adjoin the woodland the subject of the Order on its north-western side. A copy is attached at Appendix C.

3.2 This covers a number of matters:

- The address of the proposed Order.
- The reason for the Order given its setting.
- The health of the trees the subject of the Order.
- Other protections are appropriate.

#### 4. **Observations**

4.1 Each of the matters raised above will be dealt with here.

4.2 It is correct that the address of the Order land omits a post code or reference to a highway. This can be corrected if the Order is confirmed, and the detail proposed in the letter is agreed. It is not considered that a fresh Order is necessary as the author of the letter appears not to have been prejudiced by the lack of a post code in making his representation. The detail and commentary in the letter clearly demonstrate that he has a full understanding of the site itself and its setting together with which trees are included in the Order.

4.3 Members are aware that an Order is made “in the interests of the amenity of the area” to do so. The setting of the site is described in the letter, and it is agreed that there is a long corridor of trees and vegetation immediately abutting the A5 here and that the Order land lies behind this feature. It therefore strengthens the amenity value of that corridor. The land is visible from the A5 over-bridge and it can be seen as a back-drop to the industrial premises of Carlyon Road when viewed from the other side. Given the dense commercial character of the industrial estate to the east and the presence of the A5, it is considered that there is amenity value in retaining the woodland beyond the A5 corridor referred to above. It is noteworthy too, that the County Council’s own Arboriculturalist agreed when making his assessment in respect of their relative public visibility and suitability – scoring 5 out of 5 on this factor (see Appendix A).

...

4.4 The letter refers to the view that ash trees on the Order land are “dying”. The author’s survey has not yet been received. However, the making of an Order does not mean that trees cannot be removed. There are clauses in the relevant Regulations which enable removal, where trees can be shown to be dead or dying. This would not prevent the making of an Order.

4.5 The author also refers to Local Plan policy LP20 which he says could be used to limit future development proposals. This is agreed, but the Order protects the trees on site and prevents their loss. The Policy does not prevent the loss of amenity if the owner decides to unilaterally fell all of the trees immediately.

4.6 It is agreed that the matters raised in the letter are relevant and do carry weight. However, given the matters raised above it is not considered that they should be of such weight to not confirm the Order.

4.7 Members are also reminded that confirmation of the Order does not prejudice the outcome of the outstanding planning application here. It becomes a material planning consideration in the assessment of that case and will have to be weighed against all other planning considerations, including any benefits and merits put forward by the applicant. It will thus become part of the assessment of the final planning balance.

**5. Report Implications**

**5.1 Financial and Value for Money Implications**

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

**5.2 Legal and Human Rights Implications**

5.2.1 The Town and Country Planning Act 1990 only allows a tree preservation order to be made if it is expedient to do so in the interests of amenity. If members are satisfied that this remains the case having considered all the facts, the Order may be confirmed. Once made, the owners of the land would have a legal responsibility to maintain the trees and protect them from harm. Applications will need to be made to the Local Planning Authority in order to carry out works to the trees other than limited exceptions such as works to a protected tree to prevent an immediate risk of harm.

**5.3 Environment and Sustainability Implications**

5.3.1 The trees to be protected exhibit value for both the present and the future public amenities of the area, given their appearance and location in a commercial setting.

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

**Background Papers**

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

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>

**NOT FOR PUBLICATION**

by virtue of paragraphs 2 and 6  
of Part 1 of Schedule 12A to the  
Local Government Act 1972

**Agenda Item No 14****Planning and Development Board****3 April 2023**

**Woodland Preservation Order on  
Land At Well Spring Clump,  
Carlyon Industrial Estate,  
Atherstone**

**Report of the  
Head of Development Control**

**1 Summary**

- 1.1 The report seeks authority to make a Tree Preservation Order on a woodland at the above address.

**Recommendation to the Board:**

**That the Board makes a Tree Preservation Order for the protection of a woodland located at Well Spring Clump, on the Carlyon Road Industrial Estate in Atherstone**

**2 The Site**

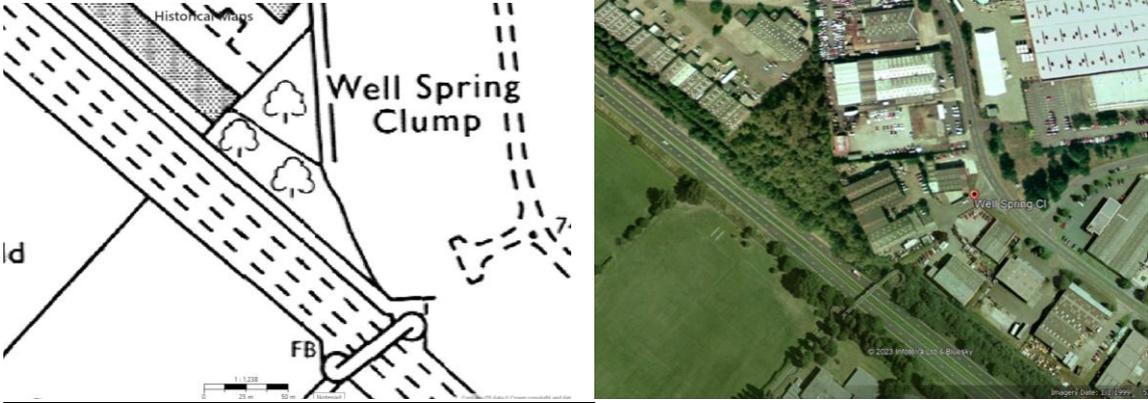
- 2.1 The location of this small woodland is shown on the aerial photograph below. It is set between two industrial premises immediately to the north of the A5 Atherstone By-pass close to the recently completed new pedestrian overbridge and the hard surfaced walk/cycle way that runs parallel to the A5 on its northern side.
- 2.2 The site is shown in more detail on the plan below. There are two parts to the woodland – A and B on the plan – although there is no visual difference between the two parcels. Part A is already the subject of a Tree Preservation Order confirmed in 1970. This covers both elm and oak trees. Part B is the area the subject of this Board report and it contains a number of broad-leaved tree species. In effect the Board's decision is whether to extend the confirmed Order.



2.3 Photos of the trees are shown below:



2.4 The historical mapping for the area shows that Well Spring Clump was established prior to 1882, but that the extension only became established from the 1970's after the Order for the older part of the woodland was made.



### 3 The Assessment

3.1 The Arboricultural Officer from Warwickshire County Council has visited the site and undertaken an Assessment. He advises that, *'given its location I would say it is most definitely worthy of protection, scoring 20 on the TEMPO assessment, even if the trees were not at risk they would score 17 that would be sufficient to proactively protect the woodland'*. The TEMPO Assessment is attached at Appendix A.

3.2 Members are aware that an Order is made in the interests of amenity. Here the proposed site is an extension of the existing protected area where there is no visual differentiation. Additionally, as seen from the photographs it links to a very strong landscaped edge of the industrial estate forming a visual green corridor alongside the A5. It is highly visible to drivers on the A5 as well as to pedestrians and cyclists using the walkway and new bridge. It is also of substantial weight that the whole of this area – parcels A and B – together with the “corridor” referred to above is defined as being a “Green Space” in the North Warwickshire Local Plan 2021. Such Green Spaces are to be retained, protected and enhanced wherever possible. The reasoning for the policy is that the defined spaces are important to breaking up the built form and that they contribute to local identity. It is agreed that in all of these circumstances, in terms of its amenity value the extension of the Order is warranted.

3.3 If the Board does agree to the making of the Order, the land owners and others who may have an interest in the land, will be notified and be able to make representations. Any received will be reported to the Board when the case returns to it fit it to consider making the Order permanent.

### 4 Material Considerations

4.1 Members are aware that the assessment of trees with a view to making an Order is generally made when trees are under threat.

4.2 In this case there is an outstanding planning application referenced PAP/2022/0152 for a new industrial unit on this site as an additional building for the occupier of the established premises at the end of the cul-de-sac in Well Spring Close. If approved and taken up, much of the woodland in Area B would be lost. The applicant is proposing strengthening of that which would remain. It is thus considered that the site of this potential Order is under threat.

### 5 Observations

5.1 Members are reminded that the report before them is to assess the making of a Tree Preservation Order. That assessment is to be based solely on whether it is in the interests of the amenity of the area to do so. That is the only assessment to be made here.

5.2 The planning application will be referred to the Board when it is ready for determination. At present there are outstanding highway issues with the highway authority such that that Authority has lodged an objection. The determination of that application will assess the planning balance between the retention of the

woodland and the business needs of the applicant's current proposal. It is not within the remit of this report to make that assessment.

- 5.3 If the Board does agree to the making of the Order, that will then become a further material planning consideration in the determination of that application. It will NOT prevent the grant of a planning permission.

## **6 Report Implications**

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

- 6.1.1 There are no implications in making this Order, but if confirmed, then there may be in that compensation may be payable if Consent is refused following any future application for consent to undertake works to protected trees.

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

- 6.2.1 The Town and Country Planning Act 1990 states that a Tree Preservation Order may only be made when it is expedient to do so in the interests of amenity. If Members decide to make an Order, the owners of the land and those with an interest in it, will have the opportunity to make representations to the Council before the Order is confirmed.

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

- 6.3.1 The trees to be protected exhibit amenity value for both the present and future amenities in the area given their appearance and prominence in the public domain, together with the connections to other visually important green features.

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

## TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET &amp; DECISION GUIDE

Date: 16/03/2023 Surveyor: Matthew Alford

**Tree details**

TPO Ref (if applicable): Tree/Group No: 2JNY Species: Multi (refer to Arbortack Report)  
 Owner (if known): Location: Rear of 10 Well Spring Close, Atherstone

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS****Part 1: Amenity assessment****a) Condition & suitability for TPO**

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

**Score & Notes**

3

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

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

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

**Score & Notes**

5

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

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

**Score & Notes**

5

**d) Other factors**

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

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

**Score & Notes**

4

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- |   |                          |
|---|--------------------------|
| 5) Immediate threat to tree inc. s.211 Notice | <b>Score &amp; Notes</b> |
| 3) Foreseeable threat to tree                 |                          |
| 2) Perceived threat to tree                   |                          |
| 1) Precautionary only                         |                          |

**Score & Notes**

3

**Part 3: Decision guide**

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

**Add Scores for Total:**

20

**Decision:**

Yes TPO



# Tree Inventory Report

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Warwickshire County Council

16 March 2023

Report created by Matthew Alford



Unique ID: 2JNY

Appendix A

Private

Mixed Broadleaf sp.

W3W: hairspray.managers.inform

Overview Photos

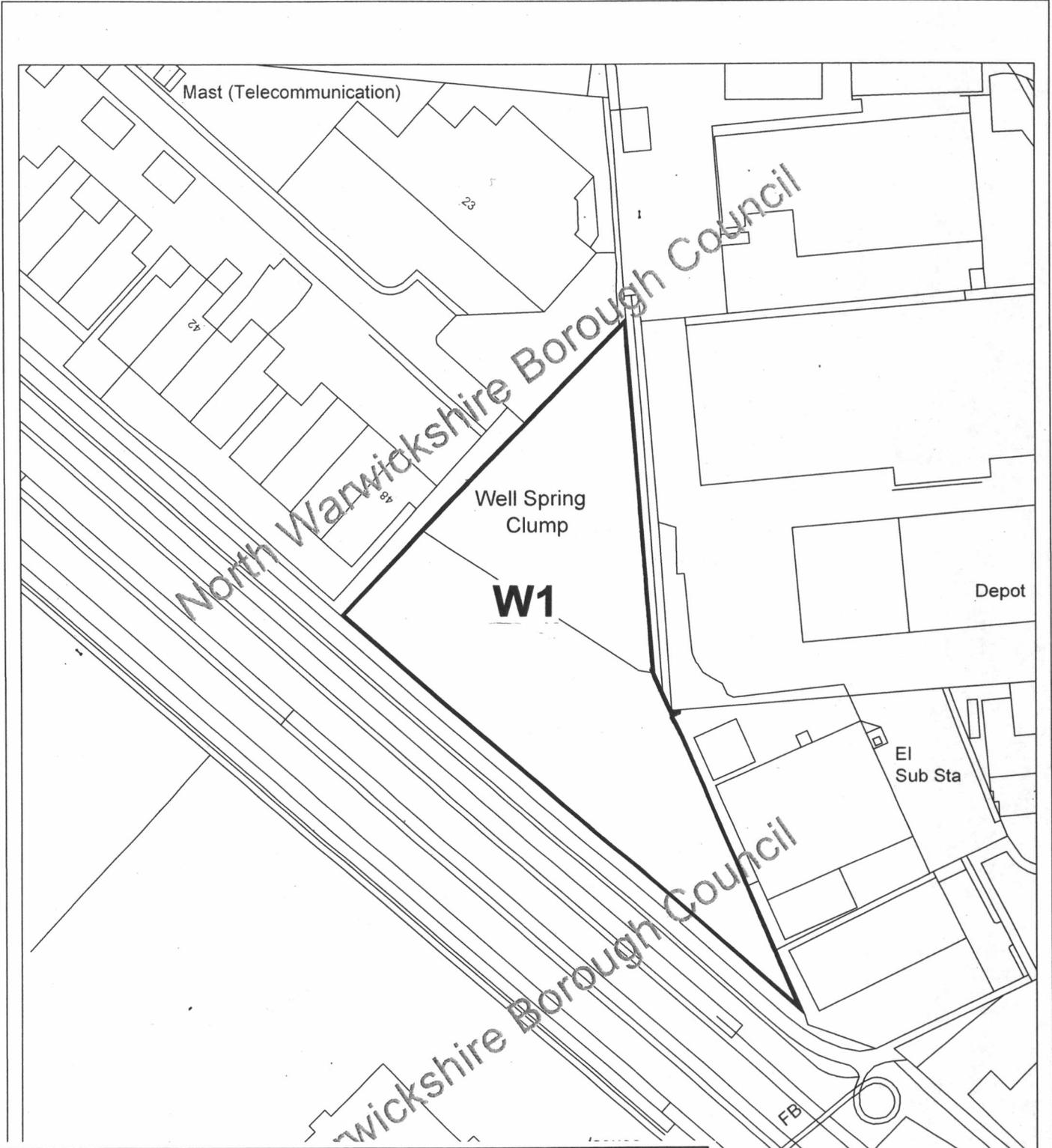


Inventory		Appendix A
Surveyor	Matthew Alford	
Inspection Date	16-Mar-2023	
Trunk Type	Group	
Age	Semi mature	
Condition	Reasonable	
Proximity	As per map	
Building Number	rear of 10	
Street	Well Spring Close	
Area	North Warwickshire Borough	
Sub Area	Atherstone	
Stem Diameter	N/A	
Spread	N/A	
Height	N/A	
Committee	Private	
Site	Woodland	

Species	
Count	100+
Vegetation Type	Broadleaf
Species	Mixed Broadleaf sp.

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

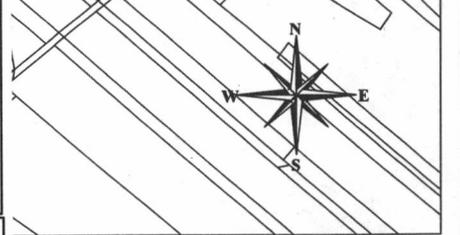
Comment	
Surveyor	Matthew Alford
Comment Date	16-Mar-2023
Comment	Woodland compromising of Ash, Pedunculate Oak, Cherry, Alder, Horse Chestnut. Understorey compromising of Elm, Hazel



**Tree Preservation Order: Land at Well Spring Clump  
Atherstone**

**W1 – Woodland comprising of Ash, Pedunculate Oak, Cherry, Alder, Horse Chestnut.  
Understorey comprising of Elm, Hazel**

Scale: 1:1250	Date: 14.04.23	File No: 713.004/24	Drawn By: J.S.
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Ordnance Survey 100017910



**North Warwickshire Borough Council**  
**Office of The Chief Executive**

The Council House  
South Street  
Atherstone  
Warwickshire CV9 1DE

Telephone (01827) 715341



Development Control



Registered Office:  
2 The Parade, Ash Road, Hartley  
Longfield, Kent DA3 8BG

Tel: 01474 703705  
www.grahamsimpkinplanning.co.uk  
Email: [webmail@grahamsimpkinplanning.co.uk](mailto:webmail@grahamsimpkinplanning.co.uk)  
Company Reg: 11366733

**GSP Project ref: 3881.PN**  
**Council ref: TPO/Well Spring Clump**  
**Date: 24<sup>th</sup> May 2023**

Via e-mail: [annieryan@northwarks.gov.uk](mailto:annieryan@northwarks.gov.uk)

Dear Ms. Ryan,

**RE: REPRESENTATIONS REGARDING NORTH WARWICKSHIRE BOROUGH COUNCIL (LAND AT WELL SPRING CLUMP, ATHERSTONE) TREE PRESERVATION ORDER (TPO) 2023**

The following objections are made in response to the above subject TPO on behalf of our client, Progress Vehicle Management, which occupies units 45-48 Fourways, Atherstone, CV9 1LG. These units adjoin the NW side of the TPO land.

#### **Procedural**

Concern is expressed that the TPO does not refer to a road name or a postcode. Our clients are unsure as to the origins of the name 'Well Spring Clump', and whilst we acknowledge the title appears on mapping, it does not appear to be referenced as part of the address on either of the Land Registry titles that would be affected by the TPO. As such, it is suggested that the TPO is made again and re-advertised with reference to land at Well Spring Clump, adjacent to Well Spring Close, CV9 1HU, as that is the most publicly accessible route that one could take to access the land.

#### **Site Context**

The land identified in the TPO covers an area of approximately 6,700 sqm (or 0.67 hectares). Out of the two land titles that are affected, the northern land title (WK367435) forms part of the adjoining industrial estate at Fourways and was previously the subject of the now revoked 1970 TPO.

The overall land appears to sit adjacent to an unmade footpath that follows the A5 from Well Spring Close to Ratcliffe Road in a NW direction. This is not a public right of way (PROW). Between that path and the A5 dual carriageway is a strip of mature trees and vegetation, which provides screening of both the path and the land that is the subject of the TPO. Together, this land forms the subject of a freehold land title (WK290776) that is owned by Warwickshire County Council.

Beyond the SE of the land is public right of way (PROW) 110/AE95/1, which is a 955m long footpath that connects Witherley Road to the SW with the River Anker riverside wildlife area to the east. It is noted that the PROW does not immediately pass the land affected by the TPO.

### Merits of the TPO

As noted above, there is a lengthy 700m long corridor of trees and vegetation that immediately abuts the A5 from Well Spring Close to Ratcliffe, with a path on the opposite side. It is noted that the length of the TPO land that runs parallel to the A5 is just 140m and that this land is inset from both this strip of trees and planting as well as the path, at some 17m away from the A5. As confirmed above, this is owned by Warwickshire County Council, meaning there is limited risk of trees being felled along this 700m corridor. The Council is also perhaps well placed to discuss with the County Council the potential for reinforcing the trees and vegetation along this strip.

A Google Streetview extract below, with PROW 110/AE95/1 to the right and looking north on the southbound carriageway of the A5, shows the view looking towards the TPO land, but the trees in the foreground are not within the TPO land and instead form part of the aforementioned separate strip. Given the above, our clients dispute the Council's findings that the land affected by the TPO has contributed to a 'very strong landscaped edge of the Industrial Estate forming a visual green corridor alongside the A5.'



It is accepted that views of the TPO land will be possible from the elevated footbridge that crosses the A5, but again, the same trees that feature in the above screenshot will be visible in advance of the trees that are the subject of the TPO. It is also said that these elevated views only cover a short distance of about 25m and will only be relevant to pedestrians walking in a NE direction. Those walking in the opposite direction will have their backs to the TPO land.

It is noted that the adjacent A5, at this point, is subject to the national speed limit. With the TPO land being 140m long at its nearest point to the A5, it takes just 4 seconds to pass the land at 70 miles per hour.

Taking this into account and the presence of other trees and vegetation that sit in front of the TPO land, our clients believe that it is unreasonable for the Council to claim that the TPO land is 'highly visible to drivers on the A5.'

Our clients are also of the view that the majority of trees within the woodland TPO are Ash and that these are dying. Our clients have instructed an arboriculturist to carry out a tree survey, which will be submitted to the Council in due course.

It is acknowledged that the TPO land is designated 'green space' in the Local Plan as adopted in September 2021. The relevant planning policy (LP20) is particularly restrictive, stating that such spaces "will be retained, protected and wherever possible enhanced." Although the Council's covering letter references a pending planning application as a driver for the subject TPO, which would affect the southern land title, it seems to our clients that there is already a highly restrictive planning policy in place that could be applied to limit the extent of development within the TPO land.

### Conclusions

In the absence of any reference to a public highway our clients recommend to the Council that a replacement TPO is issued and consulted upon with reference to land adjacent to Well Spring Close, CV9 1LQ.

Whilst our clients believe that some of the land could be worthy of a TPO in respect of a small strip of the land that adjoins the County-owned pathway (notwithstanding it is not a PROW), the claim that the trees within the woodland as a whole exhibit "high amenity value" is questioned and our clients hereby object to the TPO for the following reasons:

- the majority of the TPO land (65% of the perimeter) is adjoined by privately owned land inclusive of a number of industrial buildings;
- only limited views of the TPO land are possible from a short, elevated element of a PROW;
- No PROW adjoins the land;
- the TPO land is not in the foreground of views for drivers and passengers using the A5;
- the TPO land is 17m away from this 70mph dual carriageway, which drivers can pass in 4 seconds;
- the land adjoins County Council owned land and in combination with the strip of planting along the A5, this 17m wide green corridor is at limited risk of being removed;
- the Council could liaise with the County Council as owners of the 700m long green corridor that immediately abuts the A5, and discuss reinforcing the trees and planting;
- the majority of the trees are Ash that are dying – an arboriculturist's survey is forthcoming;
- the TPO land is already the subject of a highly restrictive development plan policy.

In the circumstances I hope the above is of assistance to you. Please do not hesitate to contact me should you require any further information or clarification and we look forward to being updated as to the progress of the Council's decision on the subject TPO.

Yours sincerely,



**PAUL NICHOLLS**  
Director & Partner

**Agenda Item No 10**

**Planning and Development Board**

**9 October 2023**

**Report of the  
Head of Development Control**

**Tree Preservation Order - Land  
West of Water Orton**

**1 Summary**

- 1.1 A Tree Preservation Order has been placed on 15 trees located on land situated on the western side of Water Orton. It came into force on 28 April 2023 and lasts six months (until 28 October 2023). This report seeks to make the Order permanent.

**Recommendation to the Board**

**That the Board confirms the Tree Preservation Order for the protection of 15 trees on land to the west side of Water Orton.**

**2 Background**

- ... 2.1 The report presented to the May Board advising of the action taken in the issue of an Emergency Tree Preservation Order is at Appendix A. As members may be aware, once an Order is made the Council must make it available to the public and therefore the information contained in the earlier report is already available.

**3 Representations**

- 3.1 Representations from owners and neighbours were invited in writing with an expiry date of 9 June 2023.
- 3.2 Two representations have been received from parties having ownership interests in the land on which the trees are situated. The representations evidence some misunderstanding about the process of making an Order, and the fit with the matters declared when they purchased the land. It has been explained to those parties that they would not have been made aware of the TPO upon purchase because the purchase pre-dated the proposed Order.
- 3.3 Similarly, one of the parties evidences a misunderstanding about the prospects of purchase of the land by HS2 and the availability of compensation from HS2. It has been confirmed to the owners that the HS2 intentions in respect of the land are not relevant to the making of the Tree Preservation Order. Furthermore, from negotiations about the development and mitigation of the Bromford Tunnel, it is not believed that HS2 has any intention to purchase the land.

- 3.4 Two further representations have been received from parties who support the confirmation of the order but wish to see it extended to include the protection of additional trees.

#### **4 Observations**

- 4.1 The decision to make an Order is whether it is in the interests of the amenity of the area to do so. Here the trees are prominent in the public domain and visible. In these respects, the trees enhance the amenity of the area. The representations made do not provide any evidence to show that the trees are not in good health or that they will cause maintenance difficulties. These should be dealt with under normal good practice in any event. Confirmation of the Order is thus recommended.

#### **5 Report Implications**

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

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

##### **5.2 Legal and Human Rights Implications**

- 5.2.1 The Town and Country Planning Act 1990 only allows a tree preservation order to be made if it is expedient to do so in the interests of amenity. If members are satisfied that this remains the case having considered all the facts, the Order may be confirmed. Once made, the owners of the land would have a legal responsibility to maintain the tree and protect it from harm. Applications will need to be made to the Local Planning Authority in order to carry out works to the trees other than limited exceptions such as works to a protected tree to prevent an immediate risk of harm.

##### **5.3 Environment and Sustainability Implications**

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

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

**Agenda Item No 9****Planning and Development Board****22 May 2023****Tree Preservation Order  
Land East of Water Orton****Report of the  
Head of Development Control****1 Summary**

- 1.1 This report informs Members of the action taken in respect of the making of an Emergency Tree Preservation Order, following the receipt of authority to serve under delegated powers, and seeks further confirmation of the action taken.

**Recommendation to the Board**

- a) That the Board confirms the action taken in the issue of an Emergency Tree Preservation Order for the protection of 15 trees on land to the west side of Water Orton.
- b) That a further report considering confirmation of the Order be brought back to the Planning and Development Board following the passage of the opportunity for receipt of representations.

**2 Background and Statement of Reasons**

- 2.1 Members will be aware that the western and southern edges of the settlement of Water Orton are currently the subject of much construction activity because of the development of the High Speed Two railway. Effects of the development are exacerbated by changes in the scheme which seek to extend the Bromford Tunnel such that it emerges on the western edge of the Borough at Water Orton.
- 2.2 The railway development resulted in the relocation of the Water Orton Primary School to a new location on Plank Lane, leaving the former site unoccupied and potentially free for development. The site is now allocated for housing development in the North Warwickshire Local Plan 2021 and has now been the subject of pre-application enquiry from a prospective developer.
- 2.3 Other land on the west side of Water Orton has also been the subject of speculative enquiries about the prospect of development, with a pre-application enquiry having been received for the land that lies between the Bromford Tunnel Portal / Attleboro Lane and Plank Lane, querying the prospect of development for the 'Erection of 140 dwellings and the provision of public open space, outdoor play

space, a wildlife area, a Children's Day Nursery, a Sports Club and commercial floorspace'. Whilst the enquirer has been advised that the development would be contrary to Green Belt policy, it nevertheless evidences that development aspirations exist and that there is a potential 'threat' from development.

- 2.4 Residents of Attleboro Lane, understandably, are seeking to protect as much of the character and amenity of the area as possible and have requested that Officers consider a request to extend protections to trees in the locality. Whilst they have indicated that they support measures to extend the Conservation Area around The Green, they feel that further protections should be afforded to other substantial and attractive trees that characterise the area.
- 2.5 Officers recognise the effects of development on this locality and endorse that it is desirable to seek to protect its character and appearance. The County Forestry Officer was therefore commissioned to undertake a TEMPO assessment of the trees in the area shown in Image 1 below.

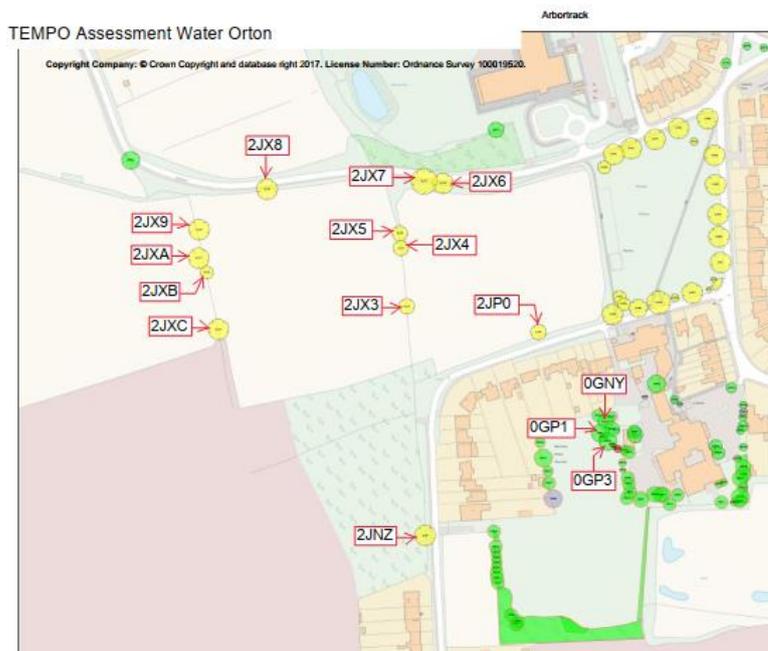


Image 1

- 2.6 The TEMPO Assessment considers the value of the trees, based on a number of factors including amenity value, retention span, relative public visibility, other issues and expediency assessment. Based on this the maximum score is 25. If a tree scores more than 16, it is considered worthy of being protected. Details of the trees that are proposed to be protected (comprising photographs, TEMPO Assessments and Arbotrack Reports) are set out in Appendix 1.
- ...
- 2.7 The trees grouped in a broadly U shape around The Green (in Image 1) would be afforded protection from the proposed Conservation Area Extension.
- 2.8 Other Trees on this side of Water Orton already benefit from Tree Preservation Order Protection from a number of pre-existing orders (area shown edged red in Image 2 below).

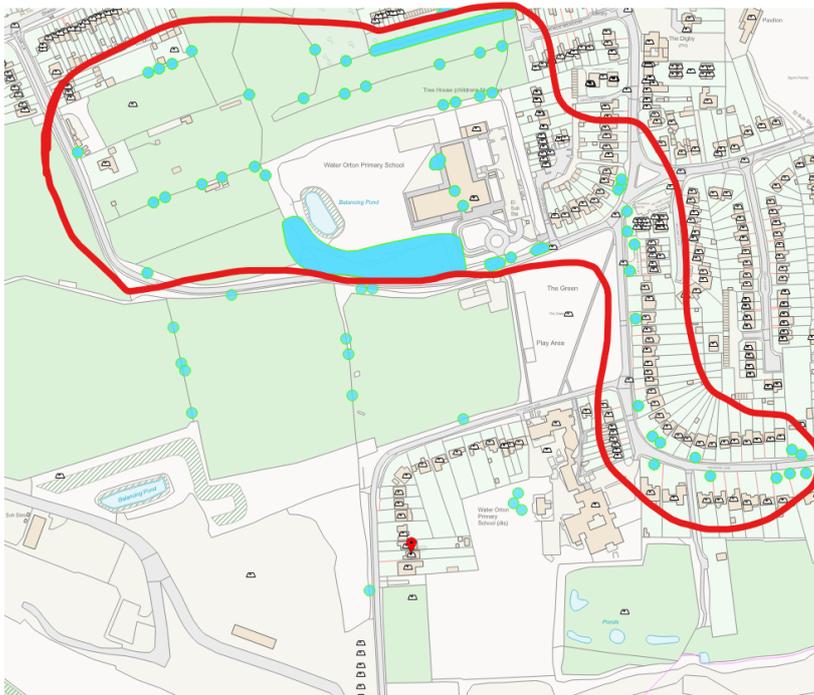


Image 2

2.9 Given the known potential threat from development and given the contribution made by the identified trees to the character and amenity value of the locality, it is recommended that a Tree Preservation Order is made, as shown in Image 3 below.

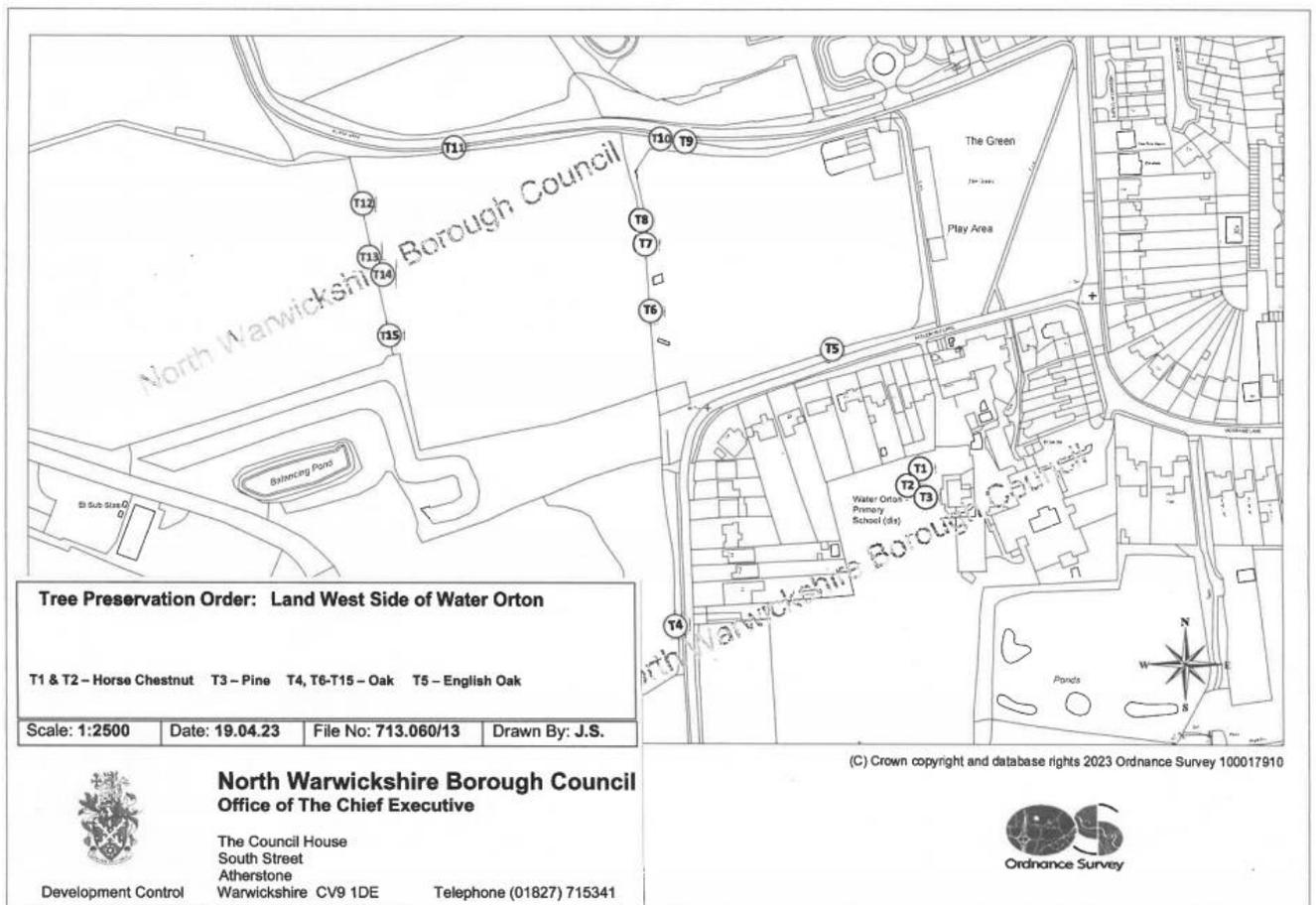


Image 3

### **3 Report Implications**

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

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

#### **3.2 Legal and Human Rights Implications**

- 3.2.1 The owners of the land and those with an interest in it, will now have the opportunity to make representations to the Council before the Order is confirmed.

#### **3.3 Environment and Sustainability Implications**

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

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

OGNY (T1)



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/04/2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>	
TPO Ref (if applicable):	Tree/Group No: 0GNY Species: Horse Chestnut
Owner (if known):	Location: Water Orton Primary School (historic) Water Orton

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

5) Good 3) Fair/satisfactory 1) Poor 0) Dead/dying/dangerous* * Relates to existing context and is intended to apply to severe irremediable defects only	Highly suitable Suitable Unlikely to be suitable Unsuitable	<b>Score &amp; Notes</b>  <div style="font-size: 2em; font-weight: bold;">3</div>
--	--	---

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

5) 100+ 4) 40-100 2) 20-40 1) 10-20 0) <10* *Includes trees which are an existing or near future nuisance, including those <u>clearly</u> outgrowing their context, or which are significantly negating the potential of other trees of better quality	Highly suitable Very suitable Suitable Just suitable Unsuitable	<b>Score &amp; Notes</b>  <div style="font-size: 2em; font-weight: bold;">4</div>
---	---	---

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

Consider realistic potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees 4) Large trees, or medium trees clearly visible to the public 3) Medium trees, or large trees with limited view only 2) Young, small, or medium/large trees visible only with difficulty 1) Trees not visible to the public, regardless of size	Highly suitable Suitable Suitable Barely suitable Probably unsuitable	<b>Score &amp; Notes</b>  <div style="font-size: 2em; font-weight: bold;">3</div>
--	---	---

**d) Other factors**

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

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

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

5) Immediate threat to tree inc. s.211 Notice 3) Foreseeable threat to tree 2) Perceived threat to tree 1) Precautionary only	<b>Score &amp; Notes</b>  <div style="font-size: 2em; font-weight: bold;">2</div>
--	---

**Part 3: Decision guide**

Any 0 1-6 7-11 12-15 16+	Do not apply TPO TPO indefensible Does not merit TPO TPO defensible Definitely merits TPO	<b>Add Scores for Total:</b>  <div style="font-size: 1.5em; font-weight: bold;">16</div>	<b>Decision:</b>  Yes TPO
--------------------------------------	---	--	---------------------------------

**Unique ID: 0GNY**  
**Education**  
**Aesculus hippocastanum**  
**W3W: pies.jars.pinch**

Overview Photos



Inventory	
Surveyor	Matthew Alford
Inspection Date	14-Apr-2023
Trunk Type	Single
Age	Semi mature
Condition	Good
Proximity	As per map
Street	Water Orton Primary School
Area	North Warwickshire Borough
Sub Area	Water Orton
Tag	[[EDUNorth-01571]]
Stem Diameter	45 - 55cm
Spread	10 - 12m
Height	12 - 14m
Category	D
Committee	Education
Site	Grass

Species	
Count	1
Vegetation Type	Broadleaf
Species	Aesculus hippocastanum

**OGP1 (T2)**



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/04/2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>	
TPO Ref (if applicable):	Tree/Group No: 0GP1 Species: Horse Chestnut
Owner (if known):	Location: Water Orton Primary School (historic) Water Orton

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

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

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

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

<b>Score &amp; Notes</b>	3
--------------------------	---

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

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

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

<b>Score &amp; Notes</b>	4
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##### c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

<b>Score &amp; Notes</b>	3
--------------------------	---

##### d) Other factors

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

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

<b>Score &amp; Notes</b>	4
--------------------------	---

#### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- |   |
|---|
| 5) Immediate threat to tree inc. s.211 Notice |
| 3) Foreseeable threat to tree                 |
| 2) Perceived threat to tree                   |
| 1) Precautionary only                         |

<b>Score &amp; Notes</b>	2
--------------------------	---

#### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

<b>Add Scores for Total:</b>	<b>Decision:</b>
16	Yes TPO

**Unique ID: 0GP1**  
**Central Properties**  
**Aesculus hippocastanum**  
**W3W: gums.crib.belt**

Overview Photos



Inventory	
Surveyor	Matthew Alford
Inspection Date	14-Apr-2023
Trunk Type	Single
Age	Semi mature
Condition	Reasonable
Proximity	As per map
Street	Water Orton Primary School
Area	North Warwickshire Borough
Sub Area	Water Orton
Tag	[[EDUNorth-01574]]
Stem Diameter	45 - 55cm
Spread	12 - 14m
Height	12 - 14m
Category	
Committee	Central Properties
Site	Grass

Species	
Count	1
Vegetation Type	Broadleaf
Species	Aesculus hippocastanum

**OGP3** (T3)



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/04/2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>	
TPO Ref (if applicable):	Tree/Group No: 0GP3 Species: Pine
Owner (if known):	Location: Water Orton Primary School (historic) Water Orton

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

5) Good	Highly suitable	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Score &amp; Notes</b></td> <td style="width: 40%; text-align: center;">5</td> </tr> </table>	<b>Score &amp; Notes</b>	5
<b>Score &amp; Notes</b>	5			
3) Fair/satisfactory	Suitable			
1) Poor	Unlikely to be suitable			
0) Dead/dying/dangerous*	Unsuitable			
* Relates to existing context and is intended to apply to severe irremediable defects only				

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

5) 100+	Highly suitable	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Score &amp; Notes</b></td> <td style="width: 40%; text-align: center;">5</td> </tr> </table>	<b>Score &amp; Notes</b>	5
<b>Score &amp; Notes</b>	5			
4) 40-100	Very suitable			
2) 20-40	Suitable			
1) 10-20	Just suitable			
0) <10*	Unsuitable			
*Includes trees which are an existing or near future nuisance, including those <u>clearly</u> outgrowing their context, or which are significantly negating the potential of other trees of better quality				

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

Consider realistic potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Score &amp; Notes</b></td> <td style="width: 40%; text-align: center;">3</td> </tr> </table>	<b>Score &amp; Notes</b>	3
<b>Score &amp; Notes</b>	3			
4) Large trees, or medium trees clearly visible to the public	Suitable			
3) Medium trees, or large trees with limited view only	Suitable			
2) Young, small, or medium/large trees visible only with difficulty	Barely suitable			
1) Trees not visible to the public, regardless of size	Probably unsuitable			

**d) Other factors**

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

5) Principal components of formal arboricultural features, or veteran trees	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Score &amp; Notes</b></td> <td style="width: 40%; text-align: center;">3</td> </tr> </table>	<b>Score &amp; Notes</b>	3
<b>Score &amp; Notes</b>		3	
4) Tree groups, or principal members of groups important for their cohesion			
3) Trees with identifiable historic, commemorative or habitat importance			
2) Trees of particularly good form, especially if rare or unusual			
1) Trees with none of the above additional redeeming features (inc. those of indifferent form)			
-1) Trees with poor form or which are generally unsuitable for their location			

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

5) Immediate threat to tree inc. s.211 Notice	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Score &amp; Notes</b></td> <td style="width: 40%; text-align: center;">1</td> </tr> </table>	<b>Score &amp; Notes</b>	1
<b>Score &amp; Notes</b>		1	
3) Foreseeable threat to tree			
2) Perceived threat to tree			
1) Precautionary only			

**Part 3: Decision guide**

Any 0	Do not apply TPO	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td><b>Add Scores for Total:</b></td> </tr> <tr> <td style="text-align: center;">17</td> </tr> </table>	<b>Add Scores for Total:</b>	17	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td><b>Decision:</b></td> </tr> <tr> <td style="text-align: center;">Yes TPO -</td> </tr> </table>	<b>Decision:</b>	Yes TPO -
<b>Add Scores for Total:</b>							
17							
<b>Decision:</b>							
Yes TPO -							
1-6	TPO indefensible						
7-11	Does not merit TPO						
12-15	TPO defensible						
16+	Definitely merits TPO						

**Unique ID: 0GP3**  
**Central Properties**  
**Pinus radiata**  
**W3W: kicks.seats.rigid**

Overview Photos



Inventory	
Surveyor	Matthew Alford
Inspection Date	14-Apr-2023
Trunk Type	Single
Age	Mature
Condition	Good
Proximity	As per map
Street	Water Orton Primary School (historic)
Area	North Warwickshire Borough
Sub Area	Water Orton
Tag	[[EDUNorth-01576]]
Stem Diameter	55 - 65cm
Spread	12 - 14m
Height	16 - 18m
Category	
Committee	Central Properties
Site	Grass

Species	
Count	1
Vegetation Type	Conifer
Species	Pinus radiata

**2JNZ** (T4)



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/04/2023 Surveyor: Matthew Alford

**Tree details**  
 TPO Ref (if applicable): Tree/Group No: 2JNZ Species: Oak  
 Owner (if known): Location: Attleboro Lane, Water Orton

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

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

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

**Score & Notes**  
5

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

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

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

**Score & Notes**  
5

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

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

Consider realistic potential for future visibility with changed land use

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

**Score & Notes**  
5

##### d) Other factors

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

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

**Score & Notes**  
5

#### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

**Score & Notes**  
2

#### Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

**Add Scores for Total:**  
22

**Decision:**  
Yes TPO

Unique ID: 2JNZ

Private

Quercus robur

W3W: digits.under.tells

### Overview Photos



Inventory	
Surveyor	Matthew Alford
Inspection Date	17-Mar-2023
Trunk Type	Single
Age	Mature
Condition	Reasonable
Proximity	As per map
Street	Attleboro Lane
Area	North Warwickshire Borough
Sub Area	Water Orton
Stem Diameter	75 - 85cm
Spread	14 - 16m
Height	12 - 14m
Category	
Committee	Private
Site	Verge/Ditch

Species	
Count	1
Vegetation Type	Broadleaf
Species	Quercus robur

**2JPO** (T5)



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/04/2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>	
TPO Ref (if applicable):	Tree/Group No: 2JP0 Species: English Oak
Owner (if known):	Location: Attleboro Lane, Water Orton

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

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

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

Score & Notes	3
---------------	---

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

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

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

Score & Notes	4
---------------	---

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

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

Consider realistic potential for future visibility with changed land use

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

Score & Notes	4
---------------	---

##### d) Other factors

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

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

Score & Notes	4
---------------	---

#### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- |   |
|---|
| 5) Immediate threat to tree inc. s.211 Notice |
| 3) Foreseeable threat to tree                 |
| 2) Perceived threat to tree                   |
| 1) Precautionary only                         |

Score & Notes	2
---------------	---

#### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

Add Scores for Total:	17
-----------------------	----

Decision:	Yes TPO
-----------	---------

Unique ID: 2JP0

Private

Quercus robur

W3W: enjoy.garden.proven

### Overview Photos



Inventory	
Surveyor	Matthew Alford
Inspection Date	17-Mar-2023
Trunk Type	Single
Age	Mature
Condition	Reasonable
Proximity	As per map
Street	Attleboro Lane
Area	North Warwickshire Borough
Sub Area	Water Orton
Stem Diameter	65 - 75cm
Spread	10 - 12m
Height	08 - 10m
Committee	Private
Site	Verge/Ditch

Species	
Count	1
Vegetation Type	Broadleaf
Species	Quercus robur

**2JX3** (T6)



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/04/2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>	
TPO Ref (if applicable):	Tree/Group No: 2JX3 Species: Oak
Owner (if known):	Location: Attleboro Lane/Plank Lane, Water Orton

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

5) Good	Highly suitable	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Score &amp; Notes</b></td> <td style="width: 40%; text-align: center;">5</td> </tr> </table>	<b>Score &amp; Notes</b>	5
<b>Score &amp; Notes</b>	5			
3) Fair/satisfactory	Suitable			
1) Poor	Unlikely to be suitable			
0) Dead/dying/dangerous*	Unsuitable			
* Relates to existing context and is intended to apply to severe irremediable defects only				

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

5) 100+	Highly suitable	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Score &amp; Notes</b></td> <td style="width: 40%; text-align: center;">5</td> </tr> </table>	<b>Score &amp; Notes</b>	5
<b>Score &amp; Notes</b>	5			
4) 40-100	Very suitable			
2) 20-40	Suitable			
1) 10-20	Just suitable			
0) <10*	Unsuitable			

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

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

Consider realistic potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Score &amp; Notes</b></td> <td style="width: 40%; text-align: center;">5</td> </tr> </table>	<b>Score &amp; Notes</b>	5
<b>Score &amp; Notes</b>	5			
4) Large trees, or medium trees clearly visible to the public	Suitable			
3) Medium trees, or large trees with limited view only	Suitable			
2) Young, small, or medium/large trees visible only with difficulty	Barely suitable			
1) Trees not visible to the public, regardless of size	Probably unsuitable			

**d) Other factors**

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

5) Principal components of formal arboricultural features, or veteran trees	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Score &amp; Notes</b></td> <td style="width: 40%; text-align: center;">5</td> </tr> </table>	<b>Score &amp; Notes</b>	5
<b>Score &amp; Notes</b>		5	
4) Tree groups, or principal members of groups important for their cohesion			
3) Trees with identifiable historic, commemorative or habitat importance			
2) Trees of particularly good form, especially if rare or unusual			
1) Trees with none of the above additional redeeming features (inc. those of indifferent form)			

-1) Trees with poor form or which are generally unsuitable for their location

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

5) Immediate threat to tree inc. s.211 Notice	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Score &amp; Notes</b></td> <td style="width: 40%; text-align: center;">2</td> </tr> </table>	<b>Score &amp; Notes</b>	2
<b>Score &amp; Notes</b>		2	
3) Foreseeable threat to tree			
2) Perceived threat to tree			
1) Precautionary only			

**Part 3: Decision guide**

Any 0	Do not apply TPO	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Add Scores for Total:</b></td> <td style="width: 40%; text-align: center;">22</td> </tr> </table>	<b>Add Scores for Total:</b>	22	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Decision:</b></td> <td style="width: 40%; text-align: center;">Yes TPO</td> </tr> </table>	<b>Decision:</b>	Yes TPO
<b>Add Scores for Total:</b>	22						
<b>Decision:</b>	Yes TPO						
1-6	TPO indefensible						
7-11	Does not merit TPO						
12-15	TPO defensible						
16+	Definitely merits TPO						

Unique ID: 2JX3

Private

Quercus robur

W3W: leap.stole.suffice

Overview Photos



Inventory	
Surveyor	Matthew Alford
Inspection Date	17-Mar-2023
Trunk Type	Single
Age	Mature
Condition	Reasonable
Proximity	As per map
Street	Attleboro Lane/Plank Lane
Area	North Warwickshire Borough
Sub Area	Water Orton
Stem Diameter	45 - 55cm
Spread	10 - 12m
Height	10 - 12m
Committee	Private
Site	Verge/Ditch

Species	
Count	1
Vegetation Type	Broadleaf
Species	Quercus robur

Comment	
Surveyor	Matthew Alford
Comment Date	14-Apr-2023
Comment	estimated sizes due to access constraints

**2JX4** (T7)



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/04/2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>	
TPO Ref (if applicable):	Tree/Group No: 2JX4 Species: Oak
Owner (if known):	Location: Attleboro Lane/Plank Lane, Water Orton

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

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

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

#### Score & Notes

3

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

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

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

#### Score & Notes

5

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

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

Consider realistic potential for future visibility with changed land use

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

#### Score & Notes

5

##### d) Other factors

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

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

#### Score & Notes

5

#### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- |   |
|---|
| 5) Immediate threat to tree inc. s.211 Notice |
| 3) Foreseeable threat to tree                 |
| 2) Perceived threat to tree                   |
| 1) Precautionary only                         |

#### Score & Notes

2

#### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

#### Add Scores for Total:

20

#### Decision:

Yes TPO -

**Unique ID: 2JX4**

**Private**

**Quercus robur**

**W3W: margin.butter.banks**

Overview Photos



Inventory	
Surveyor	Matthew Alford
Inspection Date	17-Mar-2023
Trunk Type	Single
Age	Mature
Condition	Reasonable
Proximity	As per map
Street	Attleboro Lane/Plank Lane
Area	North Warwickshire Borough
Sub Area	Water Orton
Stem Diameter	45 - 55cm
Spread	10 - 12m
Height	10 - 12m
Committee	Private
Site	Verge/Ditch

Species	
Count	1
Vegetation Type	Broadleaf
Species	Quercus robur

**2JX5** (T8)



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/04/2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>	
TPO Ref (if applicable):	Tree/Group No: 2JX5 Species: Oak
Owner (if known):	Location: Attleboro Lane/Plank Lane, Water Orton

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

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

<b>Score &amp; Notes</b>	3
--------------------------	---

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

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

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

<b>Score &amp; Notes</b>	5
--------------------------	---

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

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

Consider realistic potential for future visibility with changed land use

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

<b>Score &amp; Notes</b>	5
--------------------------	---

**d) Other factors**

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

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

<b>Score &amp; Notes</b>	5
--------------------------	---

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- |   |   |
|---|---|
| 5) Immediate threat to tree inc. s.211 Notice | 2 |
| 3) Foreseeable threat to tree                 |   |
| 2) Perceived threat to tree                   |   |
| 1) Precautionary only                         |   |

<b>Score &amp; Notes</b>	2
--------------------------	---

**Part 3: Decision guide**

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

<b>Add Scores for Total:</b>	<b>Decision:</b>
20	Yes TPO

Unique ID: 2JX5

Private

Quercus robur

W3W: combining.coins.form

### Overview Photos



Inventory	
Surveyor	Matthew Alford
Inspection Date	17-Mar-2023
Trunk Type	Single
Age	Mature
Condition	Reasonable
Proximity	As per map
Street	Attleboro Lane/Plank Lane
Area	North Warwickshire Borough
Sub Area	Water Orton
Stem Diameter	55 - 65cm
Spread	10 - 12m
Height	10 - 12m
Committee	Private
Site	Verge/Ditch

Species	
Count	1
Vegetation Type	Broadleaf
Species	Quercus robur

Comment	
Surveyor	Matthew Alford
Comment Date	17-Apr-2023
Comment	sizes estimated due to access constraints

**2JX6** (T9)



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/04/2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>	
TPO Ref (if applicable):	Tree/Group No: 2JX6 Species: Oak
Owner (if known):	Location: Plank Lane, Water Orton

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

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

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

Score & Notes	5
---------------	---

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

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

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

Score & Notes	5
---------------	---

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

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

Consider realistic potential for future visibility with changed land use

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

Score & Notes	5
---------------	---

##### d) Other factors

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

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

Score & Notes	5
---------------	---

#### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- |   |
|---|
| 5) Immediate threat to tree inc. s.211 Notice |
| 3) Foreseeable threat to tree                 |
| 2) Perceived threat to tree                   |
| 1) Precautionary only                         |

Score & Notes	2
---------------	---

#### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

Add Scores for Total:	Decision:
22	Yes TPO

**Unique ID: 2JX6**  
**Not determined**  
**Quercus robur**  
**W3W: harsh.down.bunk**

Overview Photos



Inventory	
Surveyor	Matthew Alford
Inspection Date	17-Mar-2023
Trunk Type	Single
Age	Mature
Condition	Reasonable
Proximity	As per map
Street	Plank Lane
Area	North Warwickshire Borough
Sub Area	Water Orton
Stem Diameter	120 - 130cm
Spread	14 - 16m
Height	12 - 14m
Committee	Not determined
Site	Hedgerow

Species	
Count	1
Vegetation Type	Broadleaf
Species	Quercus robur

**2JX7** (T10)



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/04/2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>	
TPO Ref (if applicable):	Tree/Group No: 2JX7 Species: Oak
Owner (if known):	Location: Plank Lane, Water Orton

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

5) Good	Highly suitable	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Score &amp; Notes</td> <td style="width: 50%; text-align: center;">5</td> </tr> </table>	Score & Notes	5
Score & Notes	5			
3) Fair/satisfactory	Suitable			
1) Poor	Unlikely to be suitable			
0) Dead/dying/dangerous*	Unsuitable			
* Relates to existing context and is intended to apply to severe irremediable defects only				

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

5) 100+	Highly suitable	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Score &amp; Notes</td> <td style="width: 50%; text-align: center;">5</td> </tr> </table>	Score & Notes	5
Score & Notes	5			
4) 40-100	Very suitable			
2) 20-40	Suitable			
1) 10-20	Just suitable			
0) <10*	Unsuitable			
*Includes trees which are an existing or near future nuisance, including those <u>clearly</u> outgrowing their context, or which are significantly negating the potential of other trees of better quality				

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

Consider realistic potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Score &amp; Notes</td> <td style="width: 50%; text-align: center;">5</td> </tr> </table>	Score & Notes	5
Score & Notes	5			
4) Large trees, or medium trees clearly visible to the public	Suitable			
3) Medium trees, or large trees with limited view only	Suitable			
2) Young, small, or medium/large trees visible only with difficulty	Barely suitable			
1) Trees not visible to the public, regardless of size	Probably unsuitable			

**d) Other factors**

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

5) Principal components of formal arboricultural features, or veteran trees	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Score &amp; Notes</td> <td style="width: 50%; text-align: center;">5</td> </tr> </table>	Score & Notes	5
Score & Notes		5	
4) Tree groups, or principal members of groups important for their cohesion			
3) Trees with identifiable historic, commemorative or habitat importance			
2) Trees of particularly good form, especially if rare or unusual			
1) Trees with none of the above additional redeeming features (inc. those of indifferent form)			
-1) Trees with poor form or which are generally unsuitable for their location			

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

5) Immediate threat to tree inc. s.211 Notice	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Score &amp; Notes</td> <td style="width: 50%; text-align: center;">2</td> </tr> </table>	Score & Notes	2
Score & Notes		2	
3) Foreseeable threat to tree			
2) Perceived threat to tree			
1) Precautionary only			

**Part 3: Decision guide**

Any 0	Do not apply TPO	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Add Scores for Total:</td> <td style="width: 50%;">Decision:</td> </tr> <tr> <td style="text-align: center;">22</td> <td style="text-align: center;">Yes TPO -</td> </tr> </table>	Add Scores for Total:	Decision:	22	Yes TPO -
Add Scores for Total:	Decision:					
22	Yes TPO -					
1-6	TPO indefensible					
7-11	Does not merit TPO					
12-15	TPO defensible					
16+	Definitely merits TPO					

Unique ID: 2JX7

Not determined

Quercus robur

W3W: robot.loves.flap

### Overview Photos



Inventory	
Surveyor	Matthew Alford
Inspection Date	17-Mar-2023
Trunk Type	Single
Age	Late mature
Condition	Reasonable
Proximity	As per map
Street	Plank Lane
Area	North Warwickshire Borough
Sub Area	Water Orton
Stem Diameter	150 - 160cm
Spread	18 - 20m
Height	18 - 20m
Committee	Not determined
Site	Hedgerow

Species	
Count	1
Vegetation Type	Broadleaf
Species	Quercus robur

**2JX8** (T11)



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/04/2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>	
TPO Ref (if applicable):	Tree/Group No: 2JX8 Species: Oak
Owner (if known):	Location: Plank Lane, Water Orton

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

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

<b>Score &amp; Notes</b>	5
--------------------------	---

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

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

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

<b>Score &amp; Notes</b>	5
--------------------------	---

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

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

Consider realistic potential for future visibility with changed land use

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

<b>Score &amp; Notes</b>	5
--------------------------	---

**d) Other factors**

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

- |  |   |                          |   |
|--|---|--------------------------|---|
| 5) Principal components of formal arboricultural features, or veteran trees                    | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Score &amp; Notes</b></td> <td style="text-align: center; vertical-align: middle;">5</td> </tr> </table> | <b>Score &amp; Notes</b> | 5 |
| <b>Score &amp; Notes</b>   |   | 5                        |   |
| 4) Tree groups, or principal members of groups important for their cohesion                    |   |                          |   |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |   |                          |   |
| 2) Trees of particularly good form, especially if rare or unusual                              |   |                          |   |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |   |                          |   |
- 1) Trees with poor form or which are generally unsuitable for their location

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- |   |   |                          |   |
|---|---|--------------------------|---|
| 5) Immediate threat to tree inc. s.211 Notice | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Score &amp; Notes</b></td> <td style="text-align: center; vertical-align: middle;">2</td> </tr> </table> | <b>Score &amp; Notes</b> | 2 |
| <b>Score &amp; Notes</b>                      |   | 2                        |   |
| 3) Foreseeable threat to tree                 |   |                          |   |
| 2) Perceived threat to tree                   |   |                          |   |
| 1) Precautionary only                         |   |                          |   |

**Part 3: Decision guide**

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

<b>Add Scores for Total:</b>	22
------------------------------	----

<b>Decision:</b>	Yes TPO
------------------	---------

**Unique ID: 2JX8**  
**Not determined**  
**Quercus robur**  
**W3W: wipes.engine.nearly**

Overview Photos



Inventory	
Surveyor	Matthew Alford
Inspection Date	17-Mar-2023
Trunk Type	Single
Age	Mature
Condition	Reasonable
Proximity	As per map
Street	Plank Lane
Area	North Warwickshire Borough
Sub Area	Water Orton
Stem Diameter	150 - 160cm
Spread	14 - 16m
Height	12 - 14m
Committee	Not determined
Site	Hedgerow

Species	
Count	1
Vegetation Type	Broadleaf
Species	Quercus robur

**2JX9** (T12)



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/04/2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>	
TPO Ref (if applicable):	Tree/Group No: 2JX9 Species: Oak
Owner (if known):	Location: Attleboro Lane/Plank Lane, Water Orton

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

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

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

Score & Notes	5
---------------	---

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

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

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

Score & Notes	5
---------------	---

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

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

Consider realistic potential for future visibility with changed land use

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

Score & Notes	5
---------------	---

##### d) Other factors

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

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

Score & Notes	5
---------------	---

#### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- |   |
|---|
| 5) Immediate threat to tree inc. s.211 Notice |
| 3) Foreseeable threat to tree                 |
| 2) Perceived threat to tree                   |
| 1) Precautionary only                         |

Score & Notes	2
---------------	---

#### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

Add Scores for Total:
22

Decision:
Yes TPO

**Unique ID: 2JX9**

**Private**

**Quercus robur**

**W3W: wire.tries.wire**

Overview Photos



Inventory	
Surveyor	Matthew Alford
Inspection Date	17-Mar-2023
Trunk Type	Single
Age	Mature
Condition	Reasonable
Proximity	As per map
Street	Attleboro Lane/Plank Lane
Area	North Warwickshire Borough
Sub Area	Water Orton
Stem Diameter	85 - 100cm
Spread	14 - 16m
Height	12 - 14m
Committee	Private
Site	Hedgerow

Species	
Count	1
Vegetation Type	Broadleaf
Species	Quercus robur

**2JXA** (T13)



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/04/2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>	
TPO Ref (if applicable):	Tree/Group No: 2JXA Species: Oak
Owner (if known):	Location: Attleboro Lane/Plank Lane, Water Orton

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

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

<b>Score &amp; Notes</b>	5
--------------------------	---

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

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

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

<b>Score &amp; Notes</b>	5
--------------------------	---

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

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

Consider realistic potential for future visibility with changed land use

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

<b>Score &amp; Notes</b>	5
--------------------------	---

**d) Other factors**

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

- |  |   |                          |   |
|--|---|--------------------------|---|
| 5) Principal components of formal arboricultural features, or veteran trees                    | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"><b>Score &amp; Notes</b></td> <td style="text-align: center; padding: 5px;">5</td> </tr> </table> | <b>Score &amp; Notes</b> | 5 |
| <b>Score &amp; Notes</b>   |   | 5                        |   |
| 4) Tree groups, or principal members of groups important for their cohesion                    |   |                          |   |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |   |                          |   |
| 2) Trees of particularly good form, especially if rare or unusual                              |   |                          |   |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |   |                          |   |
- 1) Trees with poor form or which are generally unsuitable for their location

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- |   |   |                          |   |
|---|---|--------------------------|---|
| 5) Immediate threat to tree inc. s.211 Notice | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"><b>Score &amp; Notes</b></td> <td style="text-align: center; padding: 5px;">2</td> </tr> </table> | <b>Score &amp; Notes</b> | 2 |
| <b>Score &amp; Notes</b>                      |   | 2                        |   |
| 3) Foreseeable threat to tree                 |   |                          |   |
| 2) Perceived threat to tree                   |   |                          |   |
| 1) Precautionary only                         |   |                          |   |

**Part 3: Decision guide**

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

<b>Add Scores for Total:</b>	22	<b>Decision:</b>	Yes TPO
------------------------------	----	------------------	---------

Unique ID: 2JXA

Private

Quercus robur

W3W: polite.device.lift

### Overview Photos



Inventory	
Surveyor	Matthew Alford
Inspection Date	17-Mar-2023
Trunk Type	Single
Age	Mature
Condition	Reasonable
Proximity	As per map
Street	Attleboro Lane/Plank Lane
Area	North Warwickshire Borough
Sub Area	Water Orton
Stem Diameter	75 - 85cm
Spread	14 - 16m
Height	12 - 14m
Committee	Private
Site	Hedgerow

Species	
Count	1
Vegetation Type	Broadleaf
Species	Quercus robur

**2JXB** (T14)



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/04/2023	Surveyor: Matthew Alford
------------------	--------------------------

<b>Tree details</b>	
TPO Ref (if applicable):	Tree/Group No: 2JXB Species: Oak
Owner (if known):	Location: Attleboro Lane/Plank Lane, Water Orton

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

5) Good 3) Fair/satisfactory 1) Poor 0) Dead/dying/dangerous*	Highly suitable Suitable Unlikely to be suitable Unsuitable	<b>Score &amp; Notes</b>  <div style="font-size: 2em; font-weight: bold;">5</div>
--	--	---

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

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

5) 100+ 4) 40-100 2) 20-40 1) 10-20 0) <10*	Highly suitable Very suitable Suitable Just suitable Unsuitable	<b>Score &amp; Notes</b>  <div style="font-size: 2em; font-weight: bold;">5</div>
---	---	---

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

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

*Consider realistic potential for future visibility with changed land use*

5) Very large trees with some visibility, or prominent large trees 4) Large trees, or medium trees clearly visible to the public 3) Medium trees, or large trees with limited view only 2) Young, small, or medium/large trees visible only with difficulty 1) Trees not visible to the public, regardless of size	Highly suitable Suitable Suitable Barely suitable Probably unsuitable	<b>Score &amp; Notes</b>  <div style="font-size: 2em; font-weight: bold;">5</div>
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**d) Other factors**

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

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

*Trees must have accrued 10 or more points to qualify*

5) Immediate threat to tree inc. s.211 Notice 3) Foreseeable threat to tree 2) Perceived threat to tree 1) Precautionary only	<b>Score &amp; Notes</b>  <div style="font-size: 2em; font-weight: bold;">2</div>
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**Part 3: Decision guide**

Any 0 1-6 7-11 12-15 16+	Do not apply TPO TPO indefensible Does not merit TPO TPO defensible Definitely merits TPO	<b>Add Scores for Total:</b>  <div style="font-size: 2em; font-weight: bold;">22</div>	<b>Decision:</b>  Yes TPO
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Unique ID: 2JXB

Private

Quercus robur

W3W: skinny.exile.rapid

Overview Photos



Inventory	
Surveyor	Matthew Alford
Inspection Date	17-Mar-2023
Trunk Type	Single
Age	Mature
Condition	Reasonable
Proximity	As per map
Street	Attleboro Lane/Plank Lane
Area	North Warwickshire Borough
Sub Area	Water Orton
Stem Diameter	55 - 65cm
Spread	08 - 10m
Height	08 - 10m
Committee	Private
Site	Hedgerow

Species	
Count	1
Vegetation Type	Broadleaf
Species	Quercus robur

**2JXC** (T15)



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/04/2023	Surveyor: Matthew Alford
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<b>Tree details</b>	
TPO Ref (if applicable):	Tree/Group No: 2JXC Species: Oak
Owner (if known):	Location: Attleboro Lane/Plank Lane, Water Orton

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

5) Good	Highly suitable	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Score &amp; Notes</td> <td style="width: 40%; text-align: center;">5</td> </tr> </table>	Score & Notes	5
Score & Notes	5			
3) Fair/satisfactory	Suitable			
1) Poor	Unlikely to be suitable			
0) Dead/dying/dangerous*	Unsuitable			
* Relates to existing context and is intended to apply to severe irremediable defects only				

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

5) 100+	Highly suitable	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Score &amp; Notes</td> <td style="width: 40%; text-align: center;">5</td> </tr> </table>	Score & Notes	5
Score & Notes	5			
4) 40-100	Very suitable			
2) 20-40	Suitable			
1) 10-20	Just suitable			
0) <10*	Unsuitable			
* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality				

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

*Consider realistic potential for future visibility with changed land use*

5) Very large trees with some visibility, or prominent large trees	Highly suitable	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Score &amp; Notes</td> <td style="width: 40%; text-align: center;">5</td> </tr> </table>	Score & Notes	5
Score & Notes	5			
4) Large trees, or medium trees clearly visible to the public	Suitable			
3) Medium trees, or large trees with limited view only	Suitable			
2) Young, small, or medium/large trees visible only with difficulty	Barely suitable			
1) Trees not visible to the public, regardless of size	Probably unsuitable			

**d) Other factors**

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

5) Principal components of formal arboricultural features, or veteran trees	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Score &amp; Notes</td> <td style="width: 40%; text-align: center;">5</td> </tr> </table>	Score & Notes	5
Score & Notes		5	
4) Tree groups, or principal members of groups important for their cohesion			
3) Trees with identifiable historic, commemorative or habitat importance			
2) Trees of particularly good form, especially if rare or unusual			
1) Trees with none of the above additional redeeming features (inc. those of indifferent form)			
-1) Trees with poor form or which are generally unsuitable for their location			

**Part 2: Expediency assessment**

*Trees must have accrued 10 or more points to qualify*

5) Immediate threat to tree inc. s.211 Notice	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Score &amp; Notes</td> <td style="width: 40%; text-align: center;">2</td> </tr> </table>	Score & Notes	2
Score & Notes		2	
3) Foreseeable threat to tree			
2) Perceived threat to tree			
1) Precautionary only			

**Part 3: Decision guide**

Any 0	Do not apply TPO	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Add Scores for Total:</td> <td style="width: 40%; text-align: center;">22</td> </tr> </table>	Add Scores for Total:	22	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Decision:</td> <td style="width: 40%; text-align: center;">Yes TPO</td> </tr> </table>	Decision:	Yes TPO
Add Scores for Total:	22						
Decision:	Yes TPO						
1-6	TPO indefensible						
7-11	Does not merit TPO						
12-15	TPO defensible						
16+	Definitely merits TPO						

Unique ID: 2JXC

Private

Quercus robur

W3W: pens.pasta.sparks

Overview Photos



Inventory	
Surveyor	Matthew Alford
Inspection Date	17-Mar-2023
Trunk Type	Single
Age	Mature
Condition	Reasonable
Proximity	As per map
Street	Attleboro Lane/Plank Lane
Area	North Warwickshire Borough
Sub Area	Water Orton
Stem Diameter	75 - 85cm
Spread	14 - 16m
Height	12 - 14m
Committee	Private
Site	Hedgerow

Species	
Count	1
Vegetation Type	Broadleaf
Species	Quercus robur

**Agenda Item No 11**

**Planning and Development Board**

**9 October 2023**

**Report of the  
Head of Development Control**

**Appeal Update**

**1 Summary**

1.1 The report brings Members up to date with a recent appeal decision.

<p><b>Recommendation to the Board</b></p> <p><b>That the report be noted.</b></p>
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**2 Appeal Decision**

**81 Witherley Road, Atherstone.**

2.1 This dismissed appeal relates to the refusal to build a bungalow at the rear of an existing frontage property on the south side of Witherley Road. The main issue was the effect of the proposal on the character and appearance of the area. The Inspector found that the proposal would “disrupt the prevailing pattern and grain of development such that it would not reflect the character and appearance of the area”. Interestingly he distinguishes this case from the one next door at Peel House which was approved at appeal.

... 2.2 The letter is attached at Appendix A.

**3 Report Implications**

**3.1 Environment, Sustainability and Health Implications**

3.1.1 This decision is fully on accord with both national and local planning policy in protecting the local distinctive character of an area.

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



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# Appeal Decision

Site visit made on 16 August 2023

**by K Stephens BSc (Hons) MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 August 2023**

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**Appeal Ref: APP/R3705/W/23/3317627**

**81 Witherley Road, Atherstone CV9 1NA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Owen Mullings against the decision of North Warwickshire Borough Council.
  - The application Ref PAP/2022/0042, dated 20 January 2022, was refused by notice dated 21 October 2022.
  - The development proposed is residential development of one five-bedroom dormer bungalow with detached garage and associated external works.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The originally proposed development was for the erection of 2no. five-bedroom detached dwellings. During determination of the application the number of dwellings was reduced and changed from two-storey dwellings to a dormer bungalow. The description I have used above is what was agreed between the parties, and which appears on the refusal notice.

## Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

## Reasons

4. The appeal site comprises what is currently the large rear garden of the host property, 81 Witherley Road (No.81), which is a detached dormer bungalow. The host property and appeal site are situated on Witherley Road, a main tree-lined route in an established residential area with different characters and appearances. There are a mix of detached and semi-detached dwellings of different ages, designs, styles and sizes.
5. No.81 falls within a distinct part of Witherley Road extending from the neighbouring property Peel House, a locally listed building, to the junction with Manchetter Road. Along this stretch of Witherley Road there is a unified character and prevailing pattern of development on both sides of the road, with detached and semi-detached houses fronting and accessed from the road but set back from it behind good-sized front gardens and driveways on a strong building line. The properties also have good-sized long linear rear gardens, that form distinctive and intrinsic elements of the pattern and grain of development along this part of Witherley Road. For the most part the long rear gardens of

- properties on the south side of Witherley Road back on to the grounds of St Benedict's RC Primary School, although the rear garden of the host property backs onto properties built at the end of the cul-du-sac at Nursery Road. The host property and its long linear garden therefore positively contribute to the prevailing character and appearance of the area.
6. The proposal would involve the creation of a new driveway along the side of the host property that would share the existing access point off Witherley Road, but which would be widened. The new driveway would go between the host property and the neighbouring property Peel House. A dormer bungalow would be erected towards the bottom of the existing garden, together with a detached double garage with accommodation above. The garden for the host property would be reduced in length and width but would still remain sizeable.
  7. Whilst the existing property is a bungalow, and the proposed one would also be a bungalow of similar footprint, it would be located behind an existing property and would put built development in the rear garden where there is none at present. The proposed dwelling would not front Witherley Road or have a street frontage or have any direct access off it. Moreover, the garden of the host property would be reduced in size and would lose its linear form. These factors conspire to disrupt the prevailing pattern and grain of development such that the proposal would not reflect the character and appearance of the area. Consequently, the proposal would have an adverse impact on the character and appearance of the area.
  8. Policy LP30 of the North Warwickshire Local Plan (the 'Local Plan') expects new development, including that for backland and infill, to respect and reflect the existing pattern, character and appearance of its setting. Whilst the proposed and existing dwellings are bungalows and even if the proposed dwelling is subservient, it would nonetheless still harm the character and appearance of the area.
  9. The appellant refers to the 'infill' development criteria in Policy LP30. In the absence of a definition in Policy LP30, a common understanding of an infill plot is a 'small gap for one or two dwellings in an otherwise built-up frontage'. The appeal site is not within a built-up frontage and therefore could not be regarded as infill development. In any event, infill development is still expected to reflect the prevailing character of the surrounding street scene, which it would not do.
  10. The policy also states that the 'more unified the character and appearance of the surrounding buildings and built form, the greater the need will be to reproduce the existing pattern'. I appreciate that views of the proposed dormer bungalow would be limited from Witherley Road, and a new access point would not be created such that there would not be a second access gap created. Nonetheless, whilst public views would be limited this does not mean the development is not capable of causing harm.
  11. The appellant draws my attention to a number of 'back land' development allowed by the Council or on appeal. I saw a private road, The Rowans, leading to a small residential development on the other side of the road to the rear of 14 Witherley Road, which was allowed over 15 years ago. The development does not front the road and does not reflect the prevailing form of development along this stretch of Witherley Road, as already described. Hence it does not set a precedent for the appeal proposal.

12. A property erected in the rear garden of 89 Church Walk, also granted some years ago, disrupts the linear pattern of rear gardens of properties fronting Church Walk. However, the dwelling is accessed off Church Walk, which I saw has a different character and appearance to Witherley Road and hence is not directly comparable.
13. A development of new dwellings has been built on garden land to the side and rear of 19 Witherley Road on a prominent corner with Convent Lane. I saw that the new dwellings have direct frontage, access or connection to either Witherley Road or Convent Road and hence they do not occupy a landlocked backland site as the appeal site does. Consequently, this development is not directly comparable.
14. I am advised of a recent appeal decision that allowed a dwelling to the rear of 79 Witherley Road. The appellant advises the development was refused for residential amenity issues, which is not the same as character and appearance. I have only been presented with quoted extracts from the appeal decision, so have no plans or details. However, it is clear from the extract that the new dwelling would be accessed off Nursery Road, and hence would have a different context and relationship to the appeal site and would not be a landlocked backland site. The Inspector stated that the new dwelling and extended cottage would be located "at the end of the cul de sac" [Nursery Road] and "The position of the proposal behind Peel House would not be at odds with the urban grain...as it would be seen with the adjoining Nursery Road properties...Overall the development would not harm the character and appearance of the area." Whilst that appeal scheme was determined under the same development plan policies, the proposals are clearly different in nature and context, regardless that their rear gardens may be of a similar size.
15. The appellant also quotes from an appeal decision in Charnwood Borough that mentions long gardens. However, the decision is of little relevance as it relates to a site in a different part of the country with a different local authority that would have different planning policies.
16. Whilst other planning and appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts before the decision-makers or Inspectors at the time, and the specifics of the site in question and its context.
17. Some of the examples demonstrate that the Council has allowed housing development in back gardens on a number of sites over the years for various reasons. However, I find they are not directly comparable to the proposal before me and therefore do not set a precedent for allowing harmful development on the appeal site. In any event, I must consider the appeal proposal on its own merits.
18. Accordingly, the proposed development would be contrary to Local Plan Policy LP30, whose aims are outlined above. It would also be contrary to Local Plan Policy LP1, which is a broad-brush policy that seeks to promote sustainable development and design that positively improves a settlement's character and appearance.
19. The erection of one dwelling would see some associated modest socio-economic benefits arising from the construction of the dwelling and its longer-term contribution to the local area. The boost that one dwelling would make to

the Council's supply of housing would be very limited when the Council is currently able to demonstrate it has more than a 5-year supply of housing land. These benefits would not outweigh the harm I have identified to the character and appearance of the area.

**Other Matters**

20. I have had regard to the proximity of the locally listed property, Peel House, with its architectural and historic interest. Peel House is a discrete property already enclosed by boundary walls and fences with little visual or physical relationship with the appeal site and proposed dwelling. Coupled with the intervening distance I am satisfied that the proposed dwelling would not harm the significance of the non-designated heritage asset.

**Conclusion**

21. The proposed development would not accord with the development plan and there are no other material considerations that outweigh this finding. Accordingly, for the reasons given the appeal should be dismissed.

*K Stephens*  
INSPECTOR