

(4) Application No: PAP/2012/0058

8 Oak Drive, Hartshill

Detached garage to front of property and removal and replacement of Oak Tree for

Mr A Price

Introduction

This application was referred to the Board at its last meeting at the request of a Local Member because the tree is covered by an Order. However determination was deferred because of the late receipt of further representations from the objectors.

The Site

No. 8 Oak Drive is a detached dwelling and is sited at the end of a cul-de-sac on a large residential development in Hartshill. The cul-de-sac comprises five detached dwellings of different designs, there being no uniform building line or design along the street scene. The front elevation of the main building faces south east and the application site is on a generous plot with a large front garden.

The characteristic of the estate is defined by the existing landscape qualities and there are many trees in and around the estate that are protected by Preservation Orders. The application site has a semi-mature Oak sited within its front garden, which is covered by a TPO. The front garden is on a gradual sloping topography with the dwelling sited on higher ground and the garden sloping down towards the turning head located at the end of the cul-de-sac.

The general layout and setting is illustrated at Appendix A.

There are photographs at Appendix D to show the arrangement to the dwelling and front garden.

The Proposal

The proposal is for a detached double garage to be sited within the front garden of the application site, which is angled for access onto the existing drive. The garage arrangement would have a pitched roof and would be of a brick and tile construction. The garage would measure 5 by 5 metres and would not be more than 2.2 metres to the eaves or 3.2 metres in height to the ridge of the roof.

The application site presently benefits from an integral garage within the host dwelling. This would be converted into residential accommodation. Members will be aware that such work does not require planning permission. The scheme also includes a rear single storey extension off the original rear building line of the dwelling. This can also be erected under permitted development limitations. Appendix B illustrates in general terms the proposals as described and at Appendix C there is a copy of the actual revised plans for the garage.

The revision to the siting of the garage impacts on the applicants own amenity given the garage would be sited in close proximity to their front window, with a minimum distance of 2 metres, increasing to 4 metres from the front building line of the host dwelling.

Background

The application has undergone many revisions during the application process, with each scheme attempting to retain the semi-mature oak within the front garden. The garage was initially to be a pre-fabricated construction as it was requested by the County Forestry Officer that there be a “no-dig” solution for the garage’s foundations. There were difficulties in achieving this and neighbours raised objection. That application was subsequently withdrawn.

This application is a re-submission. In the interim it also became clear that some trees in the locality may have been causing subsidence. These claims have been challenged by the neighbour and the neighbour has submitted two reports for further consideration. These reports have been considered by the County Forestry Officer, as the reports relate to the trees. The reports are available at Appendix E. It is this documentation that was handed in at the last Board meeting.

The proposal to remove the tree for the siting of the detached garage has not altered from the County Forestry Officers perspective after consideration of these reports.

The proposal had initially met with Highway concerns, but there is now no objection subject to conditions.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): ENV4 – Trees and Hedgerows, ENV11 – Neighbour Amenities, ENV12 – Urban Design, ENV13 – Building Design

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework National Planning Policy Framework – Requiring good design

Supplementary Planning Guidance: A Guide for the Design of Householder Development, September, 2003.

Representations

Objections have been received from the neighbours at numbers 2, 4, 6 and 1 Oak Drive and these should also be read in conjunction with the objection raised to the previous application. The objections cover:

Design and built form

- The original intention of the development was to keep an uncluttered approach to the overall scheme. Garages were constructed generally as an integral part of the main structure of the dwellings, and where they were constructed as independent structures they were set back from the general front line of the dwellings and clear of obvious sight lines.

- The clean lines of the buildings versus the landscape of the gardens and pleasant aesthetics will be broken and immediate surrounds would be completely nullified should this detached garage progress.
- The materials is a poor choice, given the aesthetics of the development, a double garage will be a poor compliment to the aesthetics.
- The only minor alteration made to the actual structure is to alter from a rendered block work to a brick face solution. This in no way answers the matters of general aesthetics and architectural language of the development that was so sympathetically and professionally thought out and delivered by Bloor homes.
- The application is confusing. The application form refers to the garage, however information is presented for a garage; a boundary wall, the change of use from a garage to a room in the existing property, and a major extension to the rear of the property.

Boundary wall

- This is totally out of character for the development and goes entirely against the architectural language of the development which is for free open lines of landscape features to the fronts of properties with the only walling being relatively low retaining structures to deal with the level differences across the site.
- The deeds to the estate make it clear that with the exception of adopted footways and driveway crossings that no permanent structures are allowed within 1.6 metres of the kerb face.

Tree covered by TPO

- Despite the garage appearing to be slightly smaller and slightly further forward from the oak tree, it is still highly unlikely that whatever foundation solution is adopted, the tree root system will be severely disrupted due to the structure still being within the canopy and the levels of the ground.
- The slope of the land is likely to mean the roots at the structure position are shallower and hence they will be severely disrupted by the excavations required to construct the toe beam of the raft type foundation adopted. This is likely to cause permanent damage to the tree which is subject of a preservation order.
- The tree protection measures shown are fine for the main structure but do not give adequate protection to the major root system. The oak tree was an integral part of this development and forms an important feature and helps make this stand out from other housing developments in the area and sits well with the plot can only destroy the aesthetics of the natural landscape blending in with the built environment
- The development will put the tree in danger of severe and permanent damage, no matter what the foundation regime deployed. There will be extensive excavation within the canopy of the tree which will cause damage.

Summary

There are 5 main reasons on which we base our combined objection:

- Destroying the original architectural language of the development
- Destroying the aesthetic of the lines that were carefully planned by the original developers in conjunction with planners
- The extremely poor choice in material pallet when compared to the rest of the development

- Damage to the aesthetics of the natural landscape and the way it reads with the built environment
- The damage that will inevitably be caused to the semi mature oak tree
- The application should be rejected due to the comments made under the previous application, the comments in this application and because the application appears to be an attempt to proffer plans for the future in the hope of setting a precedent of not getting objections for that work. The applicant should submit an application that is clear in its intentions and the content of work to be carried out.

Further response from neighbour in respect of their concerns and the submission of the two reports:

- “I would have thought your tree officer would have sought the opinion of a qualified structural engineer or requested sight of a report that would back up the comments made by the applicant regarding the damage the tree in his front garden is or is likely to cause. Unfortunately for the applicant the law regarding TPOs and those trees causing a nuisance does not relate to your own property, and therefore he would need the surveyor of an adjoining property to contest that his tree is causing such nuisance. The surveyor for the conservatory at number 6 has not contested such.”
- “I believe there is no structural reason to remove the oak tree, however if a qualified structural engineer contested there was damage or genuine potential to cause damage, we would have to accept that opinion. I would refer you to the structural report given, where the borehole taken in number 6’s front garden has no evidence of any roots at all, therefore it would appear inconceivable that the tree in number 8 could be any real threat.”
- “I am a little surprised the tree officer has not called for evidence of damage to 8 oak drive or the report on which the felling of 7 Mulberry was based, in both cases it would be clear and obvious that there was no question of damage to 8 oak drive.”
- “My comments were that the trees had caused no damage whatsoever to the houses originally built by Bloors. It has been my assertion that even the alleged damage to number 6’s conservatory was not to do with the trees, but to shoddy workmanship. The insurers of number 6 have however stood by their assertion (made by a tree surveyor and their structural engineer) that the oak tree at 7 Mulberry and the tree in our garden are the causes of a nuisance. This must however be read in the isolation to which it relates, ie the conservatory.”
- “Having had professional dealings in the past with the original engineer who devised the founding strategy for the Bridle Ways Estate, I am aware that he went to great lengths to achieve a solution that meant the structures would be safe from the affect of heave and shrinkage caused by the friable clay on the site, and the double difficulty of the large number of oak trees that were being maintained. Good practice is to design such foundations to withstand such matters for a minimum of 50 years.”

Consultations

WCC County Forestry Officer – He previously had reservations about the foundations, in terms of their impact on the roots of the tree. Following a site meeting the County Forestry Officer had updated his response is as follows:

“Mr Price has submitted a number of applications to construct a detached garage at the front of his property. On each occasion he has sought to retain the Oak tree that is growing approximately four metres from the front of his property. This tree is the subject of a Tree Preservation Order. Consent has not been granted due to objections from both Highways and local residents. I have also raised concerns about the arboricultural implications of this development which have not yet been addressed by the applicant’s architect.

To this end a site visit was arranged with the applicant, the planning case officer and myself to discuss the possibility of removing the Oak tree and re-locating the proposed garage.

I consider that this option may provide a solution to past objections and would recommend it on the following grounds:

- The present oak tree is considered to be only of moderate value due to its past treatment and physiological condition.
- Since Mr Price’s first application, similarly aged Oak Trees have been cited as causing subsidence to properties close to Mr Price’s property (7 Mulberry Way for instance). This has required protected trees to be pruned or removed in order to remove risk of further damage.
- Replanting a substitute tree of good form would improve the visual amenity and provide limited screening to the applicants proposed garage.
- It would remove the risk of damage to the applicant’s property from subsidence, either direct or indirect due to the close proximity of the tree.
- Establishing a new tree in the location indicated on the site meeting would provide a permanent feature that could last for centuries.

Conditions:

- Tree T1 - Oak to be replaced in the first planting season following removal (Oct 2012-March 2013 if removed this season).
- Tree stock to be Selected Standard tree size (10-12cm container grown) English Oak (*Quercus robur*).
- Planting stock to meet specifications for a Selected Standard tree as set out in BS 3936:1992 Nursery Stock, and/or specifications set out in the Horticultural Trades Association ‘Handling and Establishing landscape Plants’.
- Planting position to be in accordance with BS 5837: 2005 Trees in Relation to Construction, Table 3.
- Tree planting to be in accordance with BS 4043: 1989 Transplanting Root-Balled Trees, and/or the Horticultural Trades Association ‘Handling and Establishing Landscape Plants’
- The new tree will be covered by the existing Tree Preservation Order TPO “

After consideration of the two reports that were submitted by the neighbour, the revised consultation response is below:

"I understand that an objection has been raised over the removal of the Oak tree with regards the threat to No 8 from the Oak tree:

1. My initial assesment of the tree considered its physiology to be fair and its structural condition to be good (PAP/2011/0447 -16/11/2011) However its form is poor and its vigour can only be classed as moderate due to its past and recent treatment that has resulted in root damage and excessive pruning of a questionable standard
2. These proposals which showed the tree to be retained were considered to be broadly acceptable provided that agreed "no dig" foundations to the garage could be agreed.
3. Revised Application PAP/2012/0058 showed the tree to be retained and the size of garage was reduced. This had a positive effect on works within the trees Root Protection Area. (RPA) but again insufficient information was provided on the design of the foundation design of the garage
4. An amended application to the one in 3 above was submitted again failed to take on the principal of "No dig" foundations and the fact that the original tree report did not in my opinion accurately describe or represent the trees dimensions (21/03/2012).
5. A further amendment still failed to address the issues I had raised with the foundation design (10/042012).

At this point as you recall I suggested a site visit to discuss the application with Mr Price and specifically the possibility of removing the Oak tree and the planting of a replacement. This suggestion was made on the basis that Mr Price's application was still to gain consent and that though his architect had at all times shown the tree to be retained which had constrained the design and location of the garage. I also noted that similar Oak trees in the vicinity of No 8 Oak Drive had been cited in a subsidence claim regarding a conservatory at No 6 Oak Drive (PAP/2012/0029), and whilst specific to the extension of No6 no information on the design of foundations to the houses is known. The proximity to No 8 and the possible growth of this tree could require its removal in the future.

I was therefore happy to advise that I would be able to recommend an application that showed the removal of the Oak tree subject to the planting of a suitable replacement

My decision was made on the following grounds:

a). I consider that the tree is of moderate to low value if assessed using the current criteria as described in BS5837 :2005 Trees in relation to construction. (see note1). As such it is unlikely that it would merit a Tree Preservation Order (TPO.) in its present condition using TEMPO (Tree evaluation method for preservation order) the tree would score below the threshold for meriting a TPO

b) Similarly with reference to Arboricultural Association Guidance Note 4 "Visual Amenity Valuation of Trees and Woodlands 2008 (R *Helliwell*) The tree would rate of "Little Importance" with regard to its position in the landscape

c) Planting a replacement a substitute to the present Oak tree would perpetuate a tree in this location that would be of better form and vigour. It would have an increased life expectancy and still have the protection of a TPO that would be transferred from the existing

d) The possible future threat of damage to the structure of No 8 is also important as insurance companies would consider that any damage could be regarded as foreseeable due to it occurring to a neighbouring property.

Warwickshire County Council as Highway Authority – The Highway Authority originally objected to the proposals because of concerns about the proximity of the garage to Oak Drive. However with the re-location of the garage and the proposal for a replacement tree in another location, the objection has been withdrawn subject to standard conditions.

NWBC Environmental Health - Given that it is not a habitable room and that there is likely to be damp proof measures installed across the floor of the foundation, I am happy to leave it as it is. If however you find any information on your files to the contrary – ie, the report submitted to discharge the condition and the outcomes of any recommendations/ correspondence with the council on this matter then I would re-assess my advice to you.

Observations

The application site is within the Development Boundary defined for Hartshill by the Development Plan and thus there is no objection in principle to outbuildings at the property. All other alterations or extension such as the conversion of the existing garage to accommodation and the rear single storey extension do not require the submission of any planning application as these elements already benefit from planning permission by virtue of permitted development rights.

The main issue raised here is whether the proposal for the detached garage and consequently the removal of the oak tree is adverse on the character and appearance of the locality.

It is considered that the main impact of the garage would be on the neighbouring occupiers at Numbers 1 and 6 Oak Drive, as the nearest neighbours to the application site. The other neighbours in the cul-de-sac would be able to see the results of the development on their approach and these neighbours are sited at Numbers 2 and 4. Other nearby neighbours would have views of the proposal from their front windows in Mulberry Drive as well as rear windows of properties facing Mulberry Drive. There would not be a widespread impact by virtue of the application site being in a cul-de-sac location.

The nature of the neighbour's combined representation is understood as there is a concern in respect of the erection of a detached garage further forward of the building and the impact on the oak tree.

On the matter relating to the built form of the garage in relation to the quality of the architectural appearance of the estate, then it is considered that the building lines and uncluttered appearance of the estate is sympathetic to the built form as a whole, but there are other examples of other detached garages located in front of their host dwellings on this estate and these are evidenced at numbers 8, 10 and 14 Elm Way, 10 Ash Drive, 46 Moor Road and 16 Hawthorn Way. The siting of the garage in its revised format has been set back to sit further away from neighbours sight lines and the replacement oak tree will assist in reducing the appearance of the garage.

The building line along Oak Drive is staggered in that the neighbouring properties at numbers 2 and 4 are sited further forward than numbers 6 and 8. As a consequence there are no specific building lines given the varied topography of the estate, which has determined the way dwellings fit within the existing levels. The landscapes of gardens are pleasant features on this estate, the application site will be able to retain a good proportion of the front garden and the re-siting of the tree will be in a more visible location.

On the matter relating to poor materials and aesthetics, then the revision to the garage ensures that it would no longer be a pre-fabricated structure but would be a brick and tile construction, to match the host dwelling and therefore blending in with the existing built form. The use of materials can be conditioned.

On the matter relating to the other alterations and extensions, then these do not require any form of planning application and could be undertaken without reference to the Council. The boundary wall has been removed from the current scheme.

On the matter relating to the Oak tree then this has resulted in concerns raised by the neighbour who has provided two reports. The local issue was that another neighbour's conservatory (at No.6 oak drive) was thought to be suffering structural problems caused roots from nearby trees, in Mulberry Way and Oak Drive, as per the findings of the Marishal Thompson report, (available at Appendix E). This report had made an assessment of other trees within the locality, for example the oak tree within 8 Oak Drive was assessed to not exceed its current dimension to avoid future risk. A further report entitled 'site investigation report' available at Appendix E, ultimately found that there were no roots discovered by a bore hole to have caused a structural problems a neighbour's conservatory.

Therefore the assessment from the neighbouring objectors' perspective is that the oak tree within the application site does not cause a structural problem to a neighbour's conservatory or to the application dwelling. The neighbour considers the depth of the foundations to these dwellings, including the application dwelling, are such that there would be no structural implication from the root spread of these trees and therefore no subsidence. Although the depth of the actual foundations to the application dwelling is not known, the removal of the oak tree at the application dwelling from this neighbours perspective is not considered to be justified on structural grounds. The neighbour's viewpoints are therefore fully understood.

In response to the neighbour's views, it was not the applicant's intention to remove their oak tree and the applicant has not made a claim during the application process that there are structural risks to their dwelling or to the neighbour's conservatory caused by the proximity of their oak tree. It was specifically under the County Forestry Officer's advice that the oak tree be removed and replaced by a new tree of the same species. Whilst it was acknowledged by the County Forestry Officer that claims had been made

in the locality, the justification for the removal for the tree is not entirely limited to a structural one. The County Forestry Officer considers that:

- The tree is of moderate to low value if assessed using the current criteria as described in BS5837:2005 Trees in relation to construction. As such it is unlikely that it would merit a Tree Preservation Order in its present condition.
- The tree would rate of "Little Importance" with regard to its position in the landscape.
- Planting a replacement substitute to the present Oak tree would perpetuate a tree in this location that would be of better form and vigour. It would have an increased life expectancy.
- The possible future threat of damage to the structure of No 8 is also important as insurance companies would consider that any damage could be regarded as foreseeable due to it occurring to a neighbouring property.

In respect of the County Forestry Officer's advice, it is considered whether or not there is a future structural implication of the oak tree on the applicant's property, the expert opinion of the County Forestry Officer is such that the tree is warranted for removal and replacement by a new one of the same species.

The replacement tree is proposed to be located in a position where it would be directly visible from the street scene and to a specification that must be agreed by condition. In order to protect the future of this tree then a root protection barrier would need to be incorporated into the foundations of the garage to ensure the root spread does not then extend into the garage and that it is sited at a sufficient distance from the highway at a location agreed with the County Forestry Officer.

On the matter relating to the highway issues then the initial objection raised from the Highways Authority has been resolved and the location of the garage is not considered to impact upon highway safety and relevant highway conditions can be added to any permission.

With all matters considered the impact of the garage and the loss of the semi-mature oak tree on the character and appearance of the area has been weighted. The proposal for a detached garage located within the front garden of the application site and at the end of a cul-de-sac is not considered to be adverse on the street scene, when considering there are many examples of garages along the street scene that are sited within the frontage of host dwellings.

The removal of the oak tree will appear directly noticeable on the amenity of the locality, but this is mitigated by a replacement oak tree from a good tree stock. The issue relating to the removal of the oak tree on structural grounds has been addressed and it is felt there are other reasons that warrant the removal of the tree. The replacement tree is acceptable given it mitigates the loss of the oak tree and is supported by the County Forestry Officer. The proposal is considered to be minimal in its effects on the locality and the impact on the design along the street scene is not considered to be adverse given that a sufficient set back is achieved to the garage where there would no amenity issues on the siting of the garage from the neighbours perspective. On balance the proposal is not considered to be incongruous along the street scene to warrant a refusal of this application and is not considered to be in conflict with policy advice.

Recommendation

That the application be **Granted** subject to Conditions:

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the elevation and floor plan numbered DJD/1148 received by the Local Planning Authority on 3 February 2012 and the revised garage plan DJD/1148 Rev. 3, and the revised block plan DJD/1148 Rev. 3 and the revised site location plan received by the Local Planning Authority on 25 May 2012.

REASON

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

3. No development shall be commenced before samples of the facing bricks and roofing tiles to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

4. The replacement tree shall be from a planting stock to meet the specifications for a Selected Standard tree size (10-12cm container grown) English Oak (*Quercus robur*).

REASON

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

5. The replacement Oak tree shall be replaced in the first planting season following removal (Oct 2012-March 2013 if removed this season). Should the tree, within a period of 5 years from the date of planting die, be removed or become seriously damaged or diseased shall be replaced in the next planting season with another of same size and species.

REASON

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

6. The new tree will be covered by the existing Tree Preservation Order.

REASON

To ensure the replacement tree is protected.

7. The work to fell the existing tree shall be carried out by a competent Tree Surgeon.

REASON

To ensure the work is carried out to accepted arboricultural practices to the long term well being of the tree(s).

8. Notwithstanding the plans submitted, no development shall commence until full details of the bound surfacing, drainage and levels of the car parking and manoeuvring area as shown on the approved plan have been submitted to and approved in writing by the Council. The garage shall not be used until the area has been laid out in accordance with the approved details and such area shall be permanently retained for the parking and manoeuvring of vehicles. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of the amenities of the area and safety on the public highway.

9. No structure, tree or shrub shall be erected, planted or retained within 2.4 metres of the public highway carriageway.

REASON

In the interests of the amenities of the area and safety on the public highway.

Notes

1. Condition 4 requires the Planting stock to meet specifications for a Selected Standard tree as set out in BS 3936:1992 Nursery Stock, and/or specifications set out in the Horticultural Trades Association 'Handling and Establishing landscape Plants'.
2. Condition 2 requires the tree to be located at a sufficient distance from the boundary and the kerb edge. The Planting position must be in accordance with BS 5837: 2005 Trees in Relation to Construction, Table 3.
3. Condition 5 requires a replacement tree to be planted in the next planting season. Tree planting to be in accordance with BS 4043: 1989 Transplanting Root-Balled Trees, and/or the Horticultural Trades Association 'Handling and Establishing Landscape Plants'

4. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.
5. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. It should also be noted that this site may lie within an area where a current licence exists for underground coal mining. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.
6. North Warwickshire Local Plan 2006 (Saved Policies): ENV4 - Trees and Hedgerows, ENV11 - Neighbours Amenities, ENV12 - Urban Design, ENV13 - Building Design, SPG: A Guide for the Design of Housholder Development, September, 2003.

Justification

The revised proposal for a detached double garage and the removal of a tree covered by Tree Preservation Order is considered to be acceptable by virtue that the re-siting of the garage reduces the impact along the street scene and a replacement tree will be planted in a location which will benefit the street scene, the removal of the existing oak tree is not considered to be adverse from an arboricultural perspective and its removal is mitigated by the replacement tree. On balance the revised proposal is not considered to impact upon the amenity of the neighbouring occupiers in terms of causing a loss of privacy or a loss of light and the impact of the garage on the street scene is not considered to be adverse given it is sited at the end of the cul-de-sac and given there are similar examples of garages that sit further forward of the building line to the host dwelling on the estate. There are no highway, design or amenity considerations that would conflict with the relevant saved Development Plan Policies ENV4, ENV11, ENV12 and ENV13 of the North Warwickshire Local Plan, 2006.

BACKGROUND PAPERS

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

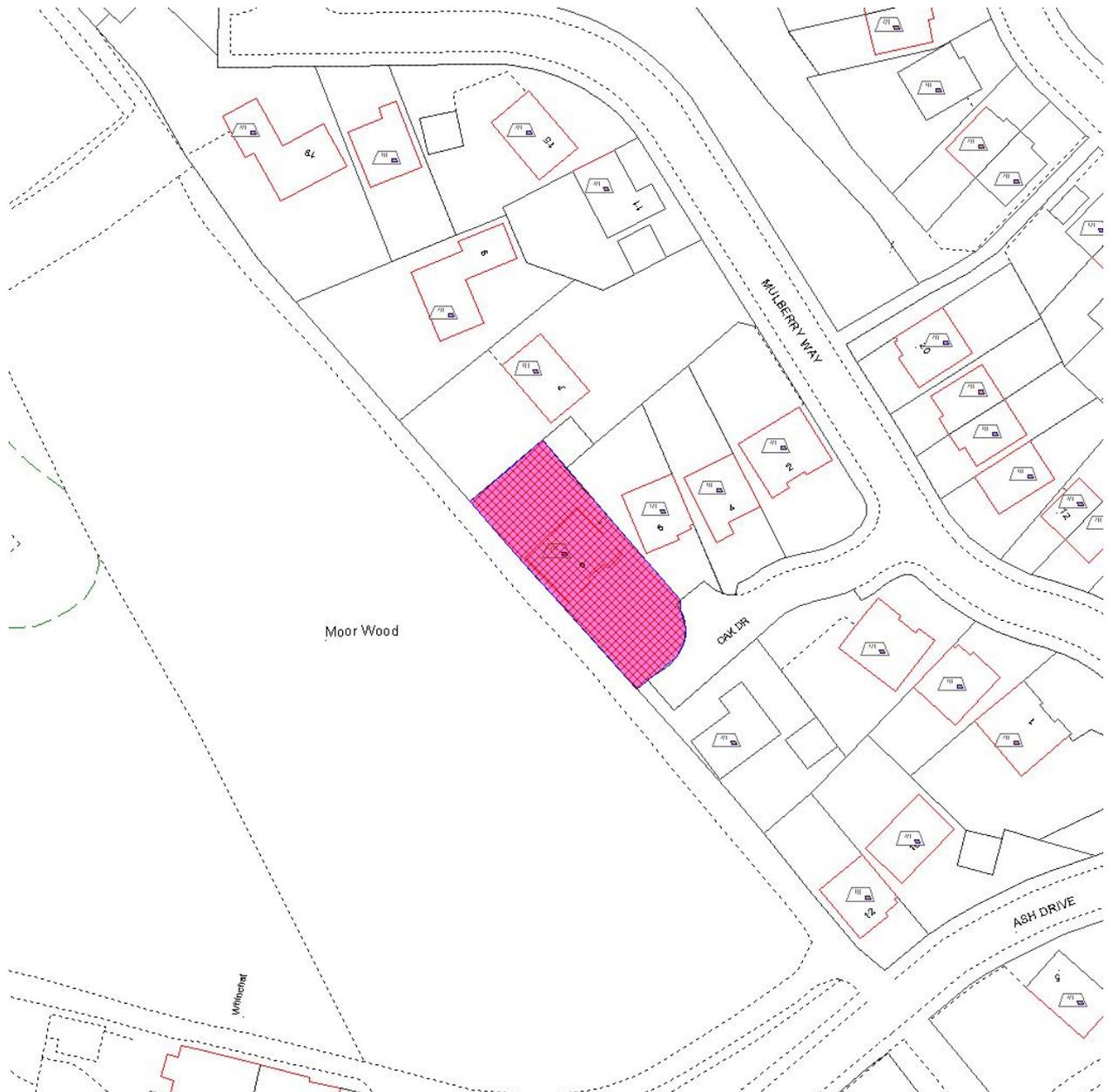
Planning Application No: PAP/2012/0058

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant	Application Forms, Plans and Statement(s)	
2	Case Officer to Agent	Correspondence Requesting addition information	16.2.12
3	County Forestry Officer to Case Officer	E-mail copy of representation	1.3.12
4	Applicant to Case officer	e-mail confirmation on size of garage	8.3.12
5	Applicant to Case Officer	E-mail informing changes to application	9.3.12
6	Mr R Charman	E-mail copy of combined neighbour objection	11.3.12
7	Case Officer to applicant	E-mail request for information	12.3.12
8	Case Officer to Applicant	E-mail copy of neighbours representation	12.3.12
9	Applicant to Case Officer	E-mail copy of revised plans	13.3.12
10	Case Officer to Applicant	E-mail update on application progress	22.3.12
11	Applicant to Case Officer	E-mail request for a site meeting	26.3.12
12	Agent to Case Officer	E-mail copy of revised plans	28.3.12
13	Agent to Case Officer	E-mail copy of revised plans	29.3.12
14	Environmental Health to Case Officer	E-mail representation	29.3.12
15	County Forestry Officer to Case Officer	E-mail of representation	10.4.12
16	Case Officer to Applicant	E-mail County Forestry Officer's response	11.4.12
17	Agent to Case Officer	E-mail revised plans	13.4.12
18	Case Officer to Applicant	E-mail to update applicant on application	
19	Applicant to Case Officer	E-mail to provide a tree survey	16.4.12
20	Case Officer to Highways Engineer	E-mail to advise on removal of boundary wall	19.4.12
21	Highways to Case Officer	E-mail representation	24.4.12
22	Case Officer to Applicant	E-mail Highway Engineers response	27.4.12
23	Case Officer to Applicant	Correspondence on representations	27.4.12
24	Case Officer to Applicant	E-mail to confirm site meeting with County Forestry Officer	1.5.12
25	Environmental Health to Case Officer	E-mail response	3.5.12
26	Forestry Officer to Case Officer	E-mail copy of representation	14.5.12
27	Case Officer	Correspondence to agent requesting revised plans	14.5.12
28	Case officer to applicant and agent	E-mail to advise on requirements of revised plans	15.3.12
29	Agent to case officer	E-mail with revised plans	25.5.12
30	Case Officer to Agent	E-mail request for change to revised plan	25.5.12

31	Agent to Case Officer	E-mail with revised plan	30.5.12
32	Case Officer to applicant	E-mail to confirm plans are received	31.5.12
33	Applicant to case officer	E-mail to confirm plan are received	31.5.12
34	Highways Authority to Case Officer	E-mail copy of representation	13.6.12
35	Case officer to applicant	E-mail notification of Highways representation and status of application	13.6.12
36	Case Officer to Members	E-mail officers observations	20.6.12
37	Councillor Wykes to Case Officer	E-mail request for application to be reported to Board	22.6.12
38	Case Officer to Applicant and objectors	Correspondence informing parties of Board meeting	22.6.12
39	Forestry Officer to Case Officer	E-mail confirmation of conditions	26.6.12
40	Mr Charman to Board and Case Officer	Submission of reports on the condition of trees	16.7.12
41	Case Officer to County Forestry Officer	E-mail attachment with reports on condition of trees	17.7.12
42	Case Officer to Mr Charman	E-mail request for clarification on their concerns	25.7.12
	Mr Charman to Case Officer	E-mail reply confirming the nature of concerns	25.7.12
43	Case Officer to County Forestry Officer	E-mail to provide a response to Mr Charman's concerns	26.7.12
44	County Forestry Officer to Case Officer	E-mail reply with consultation response	27.7.12
45	Case Officer to Applicant	E-mail to confirm response from County Forestry Officer	27.7.12
46	Case Officer to Mr Charman	E-mail to confirm response from County Forestry Officer	27.7.12
47	Applicant to Case Officer	E-mail to confirm they will not be altering the application.	27.7.12
48	Richard Charman	E-mail	1/8/12

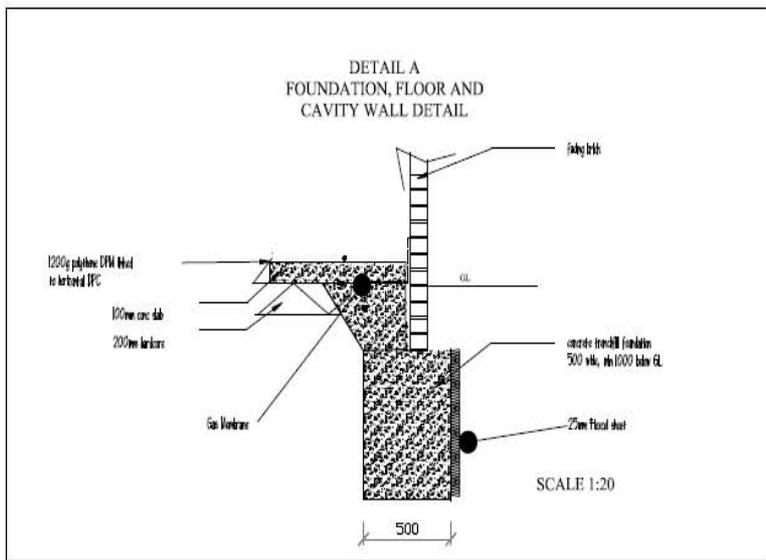
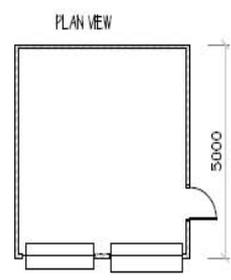
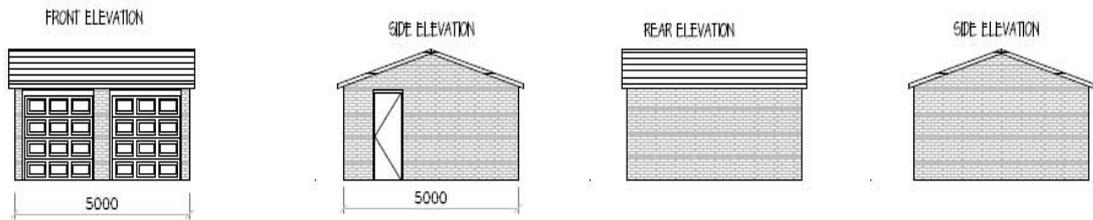
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.



2012/0058

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
25-May-12
PLANNING & DEVELOPMENT
DIVISION



DRAWN BY:	DJ BUILDING DESIGN	DAVID JONES Architect, MBE
		
15 VIOLET CROFT Tipton WEST MIDLANDS DY4 9BE TEL 0121 530 0787 Mobile: 07748 981163 www.djbuildingdesign.co.uk e-mail: david@djbuildingdesign.co.uk		

PROJECT: DETACHED GARAGE	CLIENT: A PRICE	NO: 16 OAK DRIVE HARTSHILL NUNEATON CV10 0XF TEL 07737 701005	SCALE: 1:100	DWG NO.: DJD/048	REVISION DATE: 3 06/03/2011	SHEET NO: A9
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Appendix C



PROJECT:			
SINGLE STOREY REAR EXTENSION GARAGE CONVERSION AND PORCH			
CLIENT: A PRICE			
AT 1:	5 DOW DRIVE HARTHILL NUNEATON CV42 0UE TEL: 07757 292007	BOMBS:	1:200
DWG NO:	DATE:	FIGURES:	SHEET NO.:
BLOCK PLAN	16/08/201	5	A3
DRAWN BY:		DAVID JONES RSc. Hons., NBEmp	
10 VIOLET CROFT TIPTON WEST MIDLANDS DY4 0DB TEL: 0121 530 0787 Mobile: 07748 981163 www.djraltdesign.co.uk email: dave@djraltdesign.co.uk			

Appendix D







SITE INVESTIGATION REPORT

Client's Name: Mayors

Address: 6 Oak Drive,
Hartshill,
Nuneaton,
CV10 0XF

Report Date: 11-Oct-11

Job No.: 50581

(If _R suffix appears after Job No.,
this indicates Revision Number)

Insurance Co.: Infront Innovation

Claim Ref. No.: IFS-RSA-SUB-11-0029126

Project Engineer: Rob Moss

From: Infront Innovation,

Engineers Ref.:

Contents: Site Layout
Foundation Exploratory Hole Records
Window Sampler Hole Record

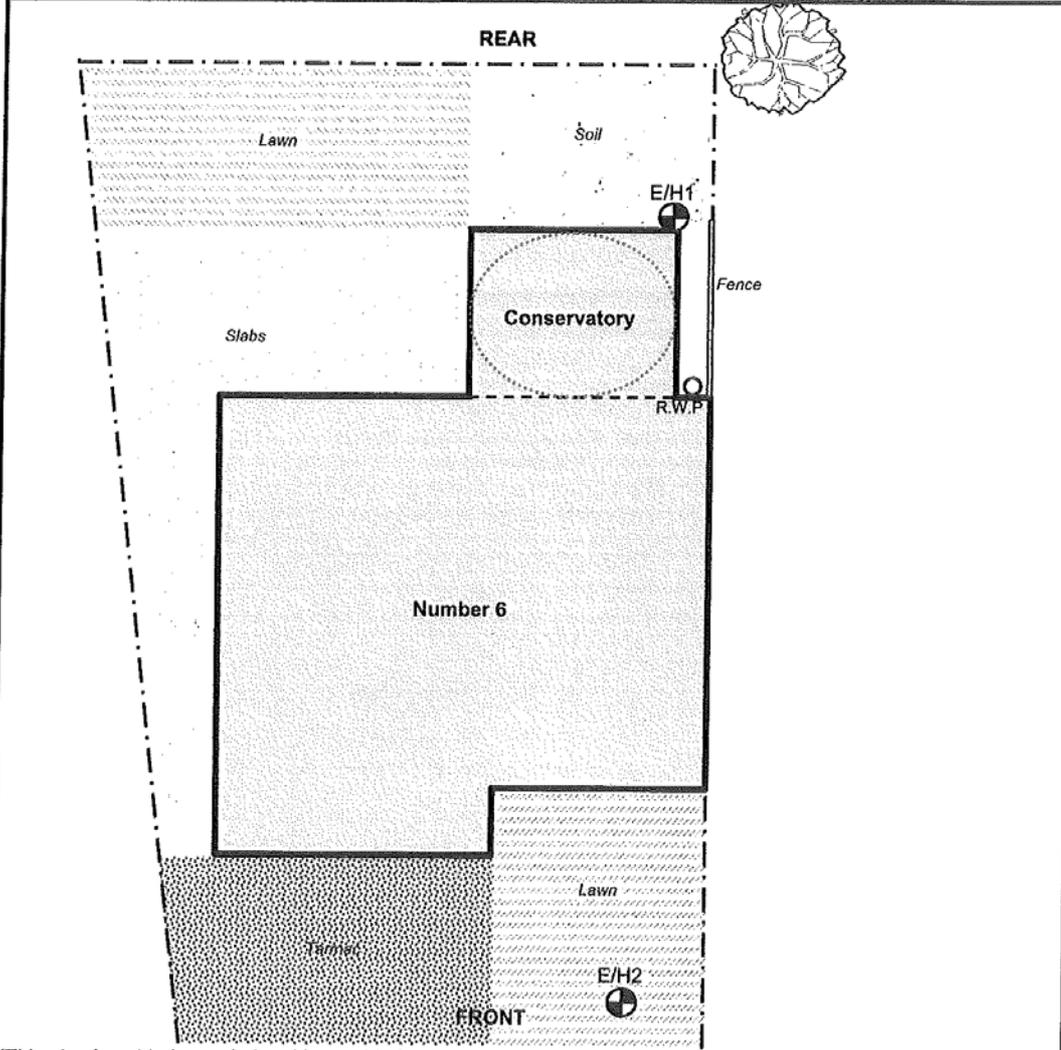
Address: Mat Lab Ltd
The Dell
Bickenhill Lane
Catherine-De-Barnes
Solihull
B92 0DE

Phone No.: 0121 704 3339
Fax No.: 0121 704 4675
E-mail: post@mat-lab.com

Checked By :
Date :

Site Crew: Wayne

Date: 29-Sep-11



(This plan is not to be scaled and is provided to illustrate general layout only)

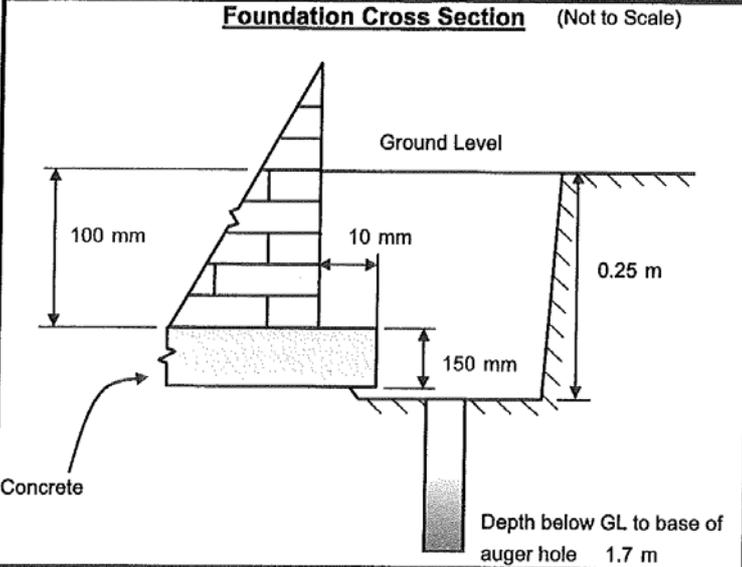
General Comments: Site crew were unable to survey R.W.P. as the gap between fence and conservatory was only 0.3m. It may be possible to remove a fence panel if permission is granted from next door. Site crew attempted to gain permission while on site but nobody was present at No. 4.

Key: □ =RWGully ○ =RWPipe ⊗ =FWGully ● =W/C or S.V. pipe ◻ =Inspection Chamber
 ○ =Rodding Eye → =Surveyed pipe indicating flow - - - - - =Unsurveyed pipe
 ⊕ =E/H=Exploratory Hole (hand dug pit and/or hand auger) ○ =Area of Damage
 [Hedge/Tree Symbol] =Hedge or Shrub [Tree Symbol] =Trees - - - - - =Boundary line
 ⊗ =Outlet at 6 o'clock ⊗ =Inlet at 12 o'clock

Address: 6 Oak Drive, Hartshill, Nuneaton, CV10 0XF

Job No. 50581

Location: **Rear Right Hand Corner of Conservatory** E/H No. **1**
 Ground Surface: Dry Weather: Dry Date: **29-Sep-11**

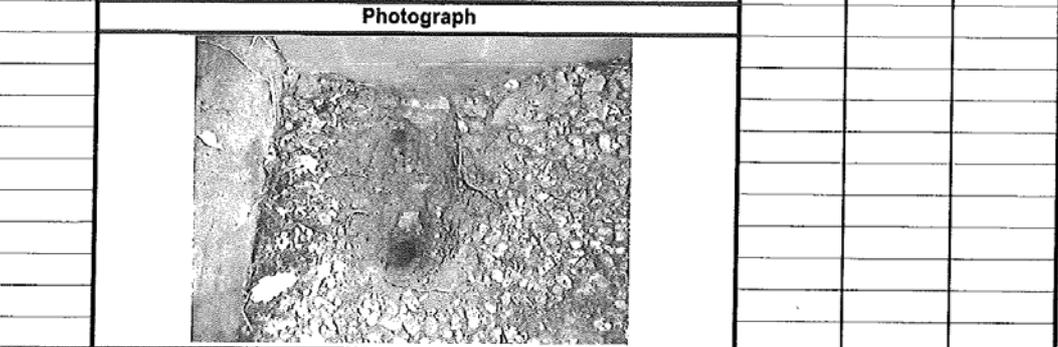


Roots Depth & Dia:
 Down to 1.7m,
 up to 2mm diameter

Water Depth Hit & Rise:
 None observed on-site

Reason for Termination :
 Encountered obstruction
 Solid Ground (Unknown)

Depth (m)	Soil Descriptions <i>(NB: Field crew description only)</i>	Test Type	Depth (m)	
			From	To
G.L.				
0.25	Soft/firm brown slightly sandy CLAY with occasional gravel			
0.50	Firm brown slightly sandy CLAY with occasional gravel			
1.00	Soft/firm brown slightly sandy CLAY with occasional gravel			
1.70	End of Borehole.			



General Comments : Window sampler used to obtain soil samples.

Key: Mac=Macintosh Probe Blow Count, V(n)=Natural Shear Vane (kN/m²), P.P. = Pocket Penetrometer (Kg/cm²)

Address: **6 Oak Drive, Hartshill, Nuneaton, CV10 0XF** Job No. **50581**



LABORATORY REPORT

Client's Name: Mayors

Address: 6 Oak Drive,
Hartshill,
Nuneaton,
CV10 0XF

Report Date: 17-Oct-11

Job No.: 50581

(If _R suffix appears after Job No.,
this indicates Revision Number)

Insurance Co.: Infront Innovation

Claim Ref. No.: IFS-RSA-SUB-11-0029126

Project Engineer: Rob Moss

From: Infront Innovation,

Engineers Ref.:

Contents: Root Analysis
Moisture Content
Atterberg Limits
Suction Tests

Address: Mat Lab Ltd
The Dell
Bickenhill Lane
Catherine-De-Barnes
Solihull B92 0DE
E-mail: post@mat-lab.com

Phone No.: 0121 704 3339 **Fax No.:** 0121 704 4675

Authorised By:

J Crooks - Reports Technician

Date Authorised: 17/10/2011

ROOT IDENTIFICATION

Analysis subcontracted to European Plant Science Laboratory

Your ref: 50581
Job No: Root121011145733

Re: Root Identification
Sample Origin: 6 Oak Drive, Hartshill, Nuneaton, CV10 0XF

The sample of roots taken from the above property and received by us on 12 October 2011, has been examined and identification appears to be as follows:

Reference	Depth	Species Identified		Root Diameter	Starch
BH1 site	0.25-1.7m	Monocotyledon spp.	1	1.5 mm	None Visible
BH1 site	0.25-1.7m	Cupressaceae spp.	2	1 mm	Abundant
BH1 lab	0.25-1.7m	conifer species, too decayed for positive identification	3	1.5 mm	None Visible

Comments:

- 1 - Plus 1 other also identified as Monocotyledon spp.
- 2 - Plus 1 other also identified as Cupressaceae spp.
- 3 - Probably a twig. Plus 2 others too small.

Monocotyledon spp. include palms, grasses, bamboos and lilies.

Cupressaceae spp. include Lawson cypress, western red cedar, Monterey cypress, Leyland cypress and junipers.

2 species were identified.

Signed FCW Checked MDM

Unless we are otherwise instructed in writing, the above sample material will normally be disposed of 3 years after the date of this report.

Address: 6 Oak Drive, Hartshill, Nuneaton, CV10 0XF

Job No. 50581

Date Soil Samples Received in Laboratory: 05-Oct-11
 Date Testing Requirements Approved: N/A

This Soils Report contains results for 2 borehole(s) on 2 page(s)

General

*Soils were prepared in accordance with BS1377:Part 1:1990 Section 7
 Laboratory soil sample descriptions in general accordance with BS5930:1999
 Where samples are not tested on same date for a particular test type, Test Date quoted refers to the day of testing of final sample
 All samples will be disposed of within 1 month of presentation of this report unless otherwise advised*

Natural Moisture Content

Test Date: 05-Oct-11

*Tested in accordance to BS1377:Part 2:1990 Section 3.2
 A sample quantity of 100g is used for fine-grained soils, where available
 Where sample quantity is critical, a minimum of 50g may be used, in accordance with BS1377:Part 2:1990
 A sample quantity of 300g to 350g is used for medium-grained soils, 3kg is used for coarse-grained soils.*

Atterberg Limits

Test Date: 11-Oct-11

Tested in accordance to BS1377:Part 2:1990; Section 4.4 for the Liquid Limit, Section 5 for the determination of the Plastic Limit and Plasticity Index

Suction Tests

Test Date: 12-Oct-11

(Q)*

Suction Test carried out in accordance to the accredited In-house Procedure MTLB001 with reference to the BRE paper IP4/93 (Corrected) 'A Method of Determining the State of Desiccation in Clay Soils' (Unless otherwise stated the filter paper moisture content was determined after 5 to 10 days contact and the test was prepared from a remoulded disturbed sample in accordance with in-house procedures)

** Where denoted by '(Q)' following Test Date above, the test has been performed using 2 soil discs and quartered filter papers. The filter paper tests are conducted in a controlled environment within a temperature range of 16oC to 24oC. Average Suction values (in kPa) calculated using the BRE paper IP4/93 calibration are quoted with the maximum and minimum suction obtained, as indicated by error bars either side of plotted point. Where possible, suction values should be compared with remote borehole values, to determine relative desiccation.*

Each new batch of filter papers used for testing is checked for its consistency against the standard BRE calibration curve using a pressure membrane extractor. The current filter paper batch has been tested and shows good correlation to the BRE curve. More information is available upon request. Studies on In-house calibrations using a pressure membrane extractor continue.

This Report shall not be reproduced except in full, without prior written approval being obtained from the Quality Manager of Mat Lab Ltd. It may contain private, confidential, or privileged information intended for the individual or entity to whom it is addressed. No confidentiality or privilege is waived or lost by any mistransmission.



Address: 6 Oak Drive, Hartshill, Nuneaton, CV10 0XF

Job No. 50581

SOILS LABORATORY RESULTS.

MAT LAB LTD.

0121 704 3339

Opinions and interpolations expressed herein are outside the scope of UKAS accreditation.

JOB No.:- 50581

INSURANCE COMPANY Infront Innovation REF:IFS-RSA-SUB-11-0029126

DATE SAMPLES EXTRACTED:- 29 Sep 11

ENGINEER:- Rob Moss

CLIENT/INSURED NAME:- Mayors

FROM :- Infront Innovation,

ADDRESS:- 6 Oak Drive,

B.H. No. :- 1 of 2 No. Bore Holes

Hartshill,

LOCATION:- Rear Right Corner of Conservatory.

Nuneaton,

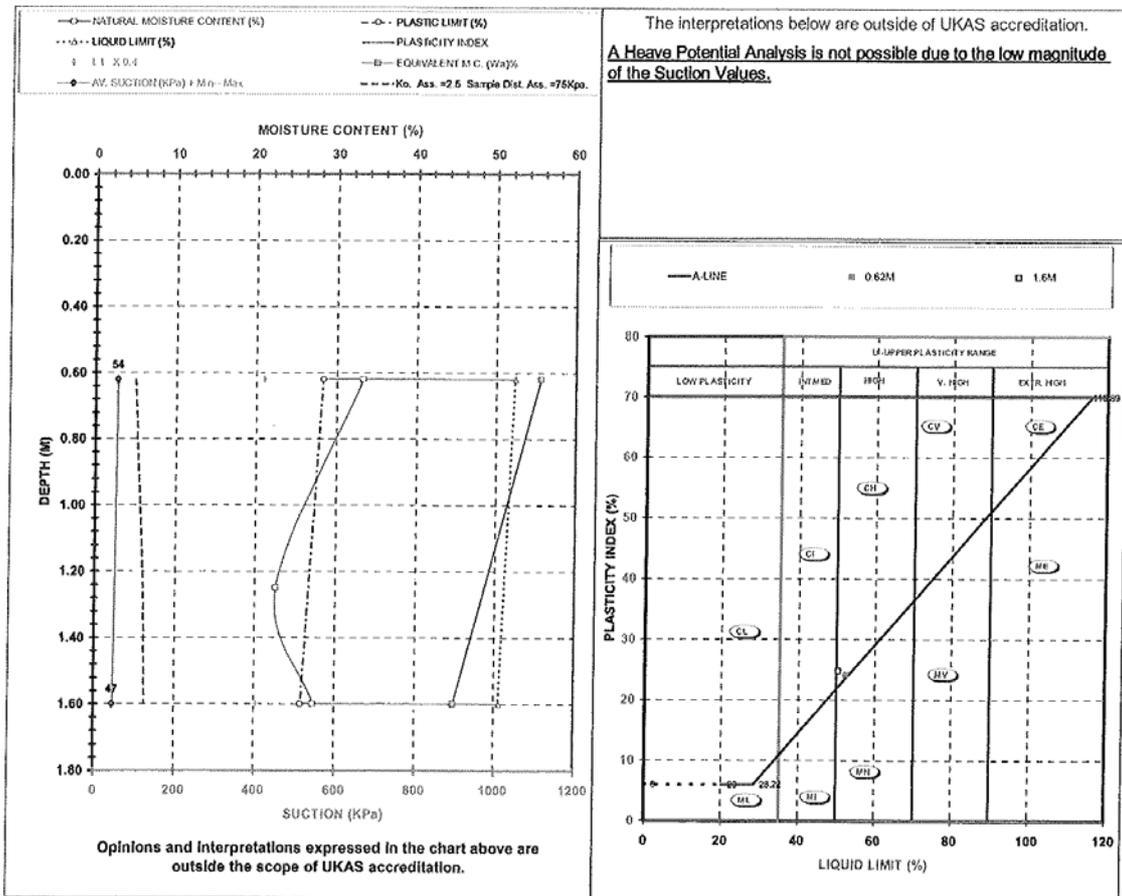
REPORT DATE:- 17 Oct 11



2093

CV10 OXF

ATTERBERG LIMITS.							NOTE :- Column "dh" below is outside of UKAS accreditation and is an inference based on the heave analysis (dh (Blue) extrapolated). "N.P." in the plastic limit column = "Non-Plastic"		BRIEF SOIL DESCRIPTION
DEPTH M.	M.C. (%)	L.L. (%)	P.L. (%)	P.I. (%)	425um (%)	AV. Filter Paper M.C.(%) & No.	dh (mm)		
0.62	33	52	28	24	59	55.1111 (3)	0.0	Soft/firm brown slightly sandy CLAY with occasional fine/medium gravel & roots.	
1.25	23	-	-	-	-	-	0.0	Firm brown slightly sandy CLAY with occasional fine/medium gravel & roots.	
1.60	27	51	26	25	60	58.4152 (3)	0.0	Soft/firm brown slightly sandy CLAY with occasional fine/medium gravel & roots.	



Authorised by :- J C

SOILS LABORATORY RESULTS.

MAT LAB LTD.

0121 704 3339

Opinions and Interpolations expressed herein are outside the scope of UKAS accreditation.

JOB No.:- 50581

INSURANCE COMPANY Infront Innovation REF:-IFS-RSA-SUB-11-0029126

DATE SAMPLES EXTRACTED:- 29 Sep 11

ENGINEER:- Rob Moss

CLIENT/INSURED NAME:- Mayors

FROM :- Infront Innovation,

ADDRESS:- 6 Oak Drive,

B.H. No. :- 2 of 2 No. Bore Holes

Hartshill,

LOCATION:- Remote - Front Lawn.

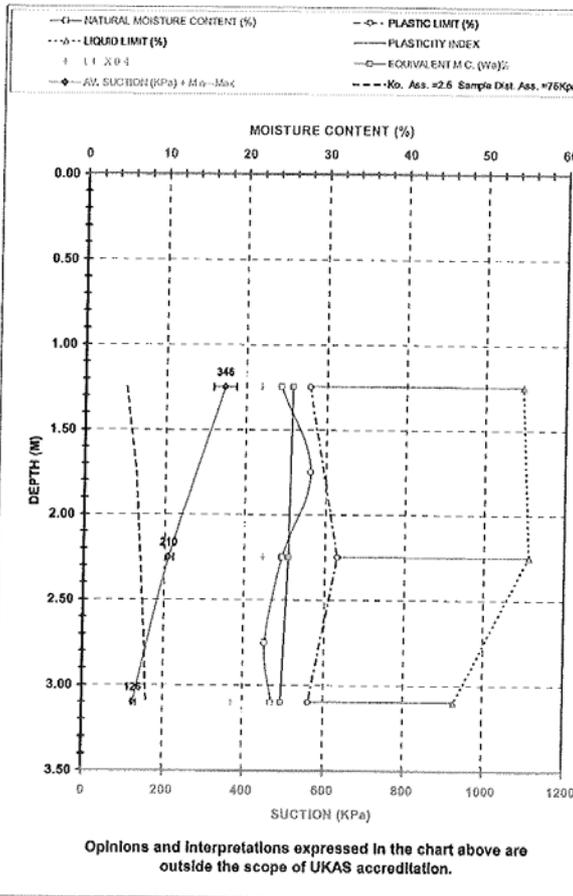
Nuneaton,

REPORT DATE:- 17 Oct 11



2093

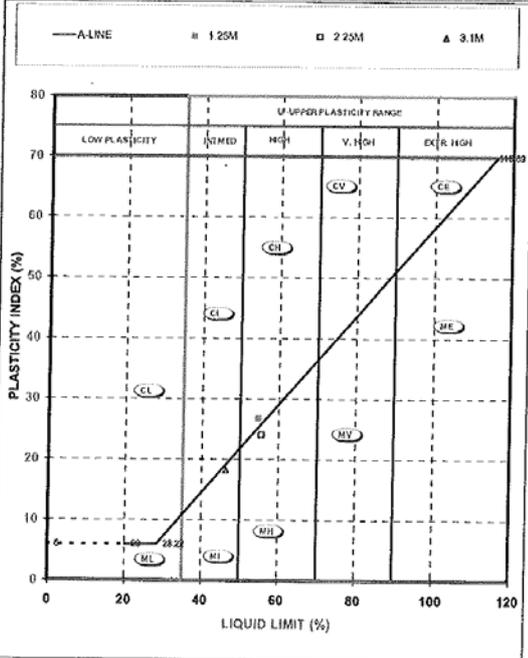
CV10 0XF									
ATTEBERG LIMITS.									
DEPTH.	M.C.	L.L.	P.L.	P.I.	425um	AV. Filter Paper	dh	NOTE :- Column 'dh' below is outside of UKAS accreditation and is an inference based on the heave analysis [dh (Blue) extrapolated]. "N.P." in the plastic limit column = "Non-Plastic"	
M.	(%)	(%)	(%)	(%)	(%)	M.C.(%) & No.	(mm)	BRIEF SOIL DESCRIPTION	
1.25	24	55	28	27	93	36.995 (3)	4.9	Firm/stiff locally friable brown slightly sandy CLAY with occasional silt & rare fine/medium gravel.	
1.75	28	-	-	-	-	-	0.0	Firm/stiff locally friable brown slightly sandy CLAY with occasional silt & rare fine/medium gravel.	
2.25	25	56	32	24	98	40.4859 (3)	1.5	Firm locally friable brown slightly sandy CLAY with some silt & rare fine/medium gravel.	
2.75	23	-	-	-	-	-	0.0	Friable locally firm brown slightly sandy CLAY with some silt & rare fine/medium gravel.	
3.10	23	46	28	18	93	44.0343 (3)	0.0	Friable locally firm brown slightly sandy CLAY with some silt & rare fine/medium gravel.	



The interpretations below are outside of UKAS accreditation.

Heave Potential Analysis :-
Total of Column dh (potential heave increment per layer)
 Is Approx. : **6 mm.**
 Therefore the Total Surface Heave Potential over the B/H depth is about :- **0cm. to 2cm.**

The Above Heave Analysis is based upon :-
 BRE Digest 412 Feb 1996 'Using Suction Profiles'



Authorised by :- J.C.

Mr R & Mrs F Charman
4 Oak Drive
Hartshill
Nuneaton
CV10 0XF

emails sent 12/1/12.



4 January 2012

Our Ref: MG802
Contact: *Darran Lambert*
Contact number: 08702 416 180 ext 221
Contact email: Darran.lambert@marishalthompson.co.uk

Dear Mr R & Mrs F Charman,

DO NOT IGNORE THIS LETTER IT IS IMPORTANT

Ref / Address: MG802 - 6 Oak Drive, Hartshill, Nuneaton, CV10 0XF

We have been asked to write to you by Royal and Sun Alliance who are the building insurers for the above property. The owner has discovered subsidence to their property which is causing damage, the expert engineer has stated that this is caused by shrinkage to the clay soil below the property and that this shrinkage is made worse or caused by the roots of neighbouring vegetation.

We enclose a report from an arboriculturalist which identifies that the vegetation causing the shrinkage is situated on your property. We obtained your contact details from: the Land Registry.

You will see from the report that the work necessary to resolve the problem of subsidence being caused or made worse by the vegetation is to **remove T1 Oak**. Once the vegetation is removed it is the expert opinion that the problem will be resolved and the damage can be repaired.

To resolve this problem please take the following steps by completing the reply paid postcard – you **DO NOT** need to put a stamp on:

1. Confirm that the details in the arboricultural report are correct and that the vegetation is on your land.
2. Confirm that you are prepared to take the remedial steps recommended in the report.

We do not recommend carrying out the work yourself as it is hazardous and requires a professional tree surgeon. They will also be able to advise you on re-planting options. We are able to assist you by obtaining quotes for the work from contractors in your area who have been vetted on our panel. If you would prefer to instruct a contractor direct please let us know when the work is completed.

You may also wish to seek independent advice on the effects of the proposed work on your own building and to notify your building and contents insurers with a copy of this letter.

Marishal Thompson Group

Subsidence Mitigation Unit



Greensfield Court
Alnwick, Northumberland, NE66 2DE

t 08702 416180 f 08702 414339
office@marishalthompson.co.uk
www.marishalthompson.co.uk

Registered in England No. 2954257
Registered Office Marishal Thompson & Co (Environmental) Ltd, Bank Chambers, 29 The High Street, Ewell, Epsom, Surrey, KT17 1SR

Should you decide not to co-operate with the requested tree works the likely result will be further damage leading to more expensive repairs being required such as underpinning. You have a legal obligation to abate a nuisance caused by something situated on your land, in this case vegetation roots causing damage. In the event of your refusal to co-operate our client reserves the right to take legal action to recover their costs from you. In that case you should pass this letter to your buildings and contents insurers and advise us of their details.

We would like to stress that this letter is sent on behalf of the property's insurer and not at the request of the householder, it should in no way affect good neighbourly relations.

Thank you in advance for your help in resolving this problem, please do get in touch via the free postcard or by phone on the local rate number 08702 416 180 ext 221 and ask for Darran Lambert. We would be grateful to hear from you by 19 January.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'D Lambert', with a long horizontal flourish extending to the right.

Darran Lambert
Mitigation Department
Marishal Thompson & Co.

Arboricultural Consultancy for Royal & Sun Alliance

Note⁽¹⁾: This report is intended for use between the client, Marishal Thompson Group and any parties detailed within the report. It is based on the understanding at the time of visiting the property that Engineers are satisfied that damage is attributable to clay shrinkage subsidence exacerbated by vegetation.

1. Case Details

Insured	Mr L Majors	Address	6 Oak Drive, Hartshill, Nuneaton, CV10 0XF		
Client	Infront Innovation	Contact	John Dunne	Claim No.	IFS-RSA-SUB-11-0029126
MT Ref	MI/1509111040/AC	Contact	Andrew Cayley	Contact No.	08702 416 180
Report Date	13/10/2011				

Scope of Report: To survey the property and determine significant vegetation contributing to subsidence damage, make recommendation for remedial action and assess initial mitigation and recovery prospects. The survey does not make an assessment for decay or hazard evaluation.

2. Property and Damage Description

The insured structure is a 2 storey detached house. It has been extended with a conservatory addition to the rear. The property occupies a level site with no adverse topographical features.

Damage relates to the conservatory where cracking indicates downward movement.

3. Technical Reports

In preparing our report we have had the benefit of the following technical investigations:

Engineers Report

4. Action Plan

Mitigation	
Insured Involved?	Yes
Local Authority Involved?	No
Other third party Mitigation involved?	Yes
Recovery	
Is there a potential recovery action?	Yes

Tree Works	
Local Authority	North Warwickshire Borough Council
TPO / Conservation Area / Planning Protection Searches	None
Additional Comments	
Awaiting Further Instructions.	
A potential recovery action has been identified.	
Engineers should consider focusing investigations to strengthen factual evidence for disclosure to third party tree owners.	

5. Technical Synopsis

This report is based upon our understanding at the time of visiting the property that Infront Innovation engineers are satisfied that damage is due to clay shrinkage subsidence exacerbated by vegetation.

The footings of the subject property fall within the anticipated rooting range of a number of trees, several with the capacity to be influencing soil moisture values below foundation level. Vegetation is therefore judged to have the potential to be exerting a contributory influence in respect of the current damage to the insured property.

It is our opinion that T1 (Oak (English)) and T2 (Oak (English)) are considered to be significant factors in the damage. Based on our site investigations, and taking account of vegetation location, relative to the focal area of movement / damage, it is our opinion that both the above will be exerting the principal vegetative influence. It is our opinion that both trees will, on the balance of probability, be extending roots in proximity to the focal area of movement.

Given the above information, we believe a program of vegetation management is appropriate with a view to restoring stable conditions; removal offering the most reliable arboricultural solution in this instance.

Marishal Thompson Group

Dashbrook House, 16 Cross Street, Royal Leamington Spa, Warwickshire, CV32 4PX
t: 08702 416180 f: 08702 414339 e: office@marishalthompson.co.uk w: www.marishalthompson.co.uk

MI/1509111040/AC
Page 2 of 9

Arboricultural Consultancy for Royal & Sun Alliance

T1 has been subject to a relatively heavy reduction however such reduction is considered to offer a suitable means of promoting long term stability. In the context of the current claim, given the proximity of T1 and T2 pruning is unlikely to offer any meaningful reduction in their long-term moisture requirement.

The causal trees have been identified as being located on Third-Party owned land; we also understand from the policy-holder that T2 is the subject of a Tree Preservation order. Consequently, subject to sufficient information being collated to satisfy the owners and/or council, removal should be sought.

It may prove beneficial to secure the removal of T1 prior to approaching the council with regards T2; removal of T1 in the first instance will allow for a full assessment of T2's role to be made.

There is sufficient space to support the replacement plantings; however species selection should be appropriate for the available space and ultimate height should not exceed 75% of the available distance to built structures.

Please refer to the Recommendations Table in Section 6 for full details of management prescriptions.

We recommend the efficacy of this management is determined by further monitoring.

Chemical stump treatment should not be carried out due to a risk of translocation to other nearby trees of the same genus. Where such a risk is present, we recommend that stumps be covered with a dark/opaque material and any subsequent regrowth is removed annually.

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

6.0 Recommendations

6.1 Table 1 - Current Claim Requirements

These recommendations may be subject to review following additional site investigations

Tree No.	Species	Age Cat	Approx. Height (m)	Distance to Building (m)	Ownership	Action	Requirement
T1	Oak (English)	3	7	7*	A - Third Party 4 Oak Drive Hartshill Nuneaton CV10 0XF	Remove	Remove. <i>Loose Saws</i>
T2	Oak (English)	3	12	9.5*	D - Unknown	Remove	Remove. <i>7 Molybdenum</i>

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

6.2 Table 2 - Future Risk Recommendations

Tree No.	Species	Age Cat	Approx. Height (m)	Distance to Building (m)	Ownership	Action	Requirement
H1	Cypress (Leyland)	1	3.7	6.56	D - Unknown	Action to avoid future risk	Do not allow to exceed 4.5m max height.
H2	Cotoneaster	1	1.4	1.7	C - Insured	Action to avoid future risk	Do not allow to exceed current dimensions.

Marishal Thompson Group

Dashbrook House, 16 Cross Street, Royal Leamington Spa, Warwickshire, CV32 4PX
t: 08702 416180 f: 08702 414339 e: office@marishalthompson.co.uk w: www.marishalthompson.co.uk

MI/1509111040/AC
Page 3 of 9

Arboricultural Consultancy for Royal & Sun Alliance

S1	Buddleia	1	3.4	6.1	C - Insured	Action to avoid future risk	Appears to be in decline, reduce to 1.8m (height of current regrowth) and maintain below 3.5m max height / spread
S2	Photinia	1	3.8	3.5	C - Insured	Action to avoid future risk	Do not allow to exceed current dimensions.
SG1	Laurel (Cherry)	1	1.6	2.75	C - Insured	Action to avoid future risk	Do not allow to exceed current dimensions.
STG1	Eucalyptus	1	0.4	6	C - Insured	Action to avoid future risk	Treat stumps to inhibit regrowth.
T3	Oak (English)	2	12 _i	15*	D - Unknown	Action to avoid future risk	Do not allow to exceed current dimensions. <i>72</i>
T4	Snowy Mespil	1	4.5	2.93	A - Third Party 4 Oak Drive Hartshill Nuneaton CV10 0XF	Action to avoid future risk	Do not allow to exceed current dimensions.
T5	Birch	1	5.8	6.4	C - Insured	Action to avoid future risk	Remove.
T6	Birch	1	5.8	4*	C - Insured	Action to avoid future risk	Remove and replace.
T7	Oak (English)	3	15	9.5*	A - Third Party 8 Oak Drive Hartshill Nuneaton CV10 0XF	Action to avoid future risk	Do not allow to exceed current dimensions.
Age Cat: 1 = Younger than property; 2 = Similar age to the property; 3 = Significantly older than property							

* Estimated

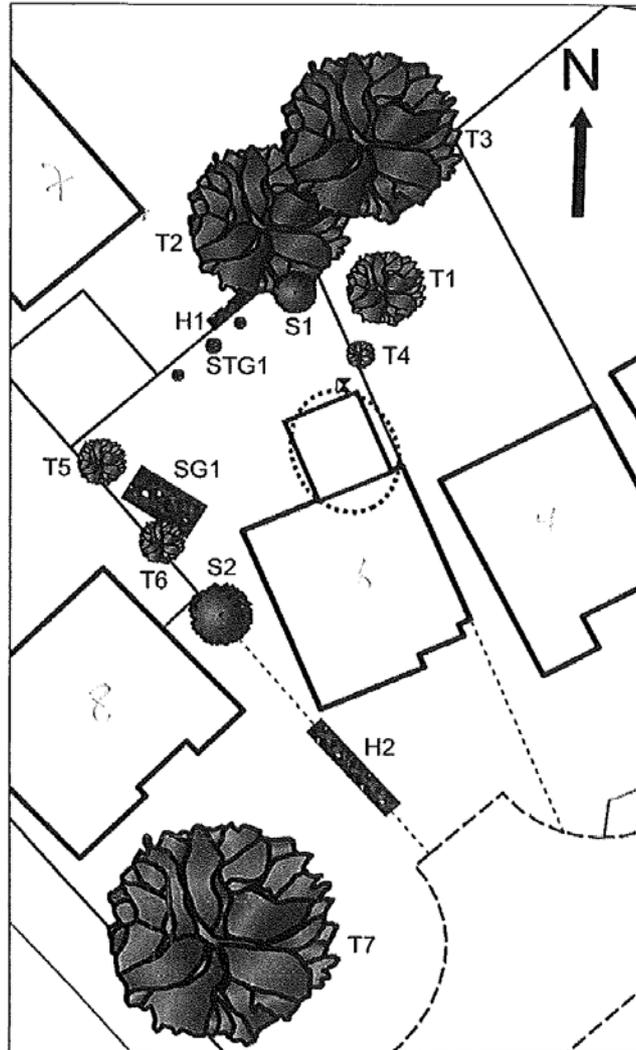
Third party property addresses should be treated as indicative only, should precise detail be required then Marishal Thompson can undertake Land Registry Searches

Marishal Thompson Group

Dashbrook House, 16 Cross Street, Royal Leamington Spa, Warwickshire, CV32 4PX
t: 08702 416180 f: 08702 414339 e: office@marishalthompson.co.uk w: www.marishalthompson.co.uk

MI/1509111040/AC
Page 4 of 9

7. Site Plan



Please note that this plan is not to scale. OS Licence No. 100043218

Marishal Thompson Group

Dashbrook House, 16 Cross Street, Royal Leamington Spa, Warwickshire, CV32 4PX
t: 08702 416180 f: 08702 414339 e: office@marishalthompson.co.uk w: www.marishalthompson.co.uk

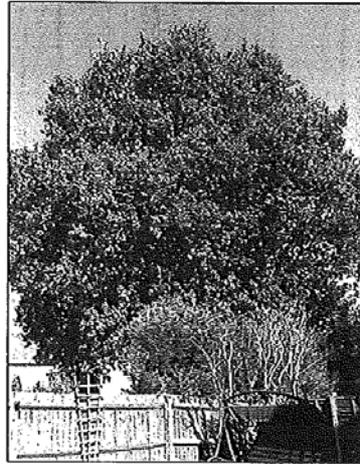
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Page 5 of 9

Arboricultural Consultancy for Royal & Sun Alliance

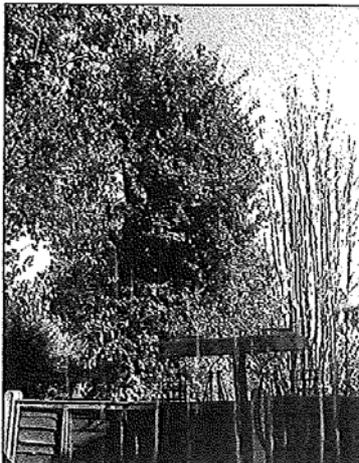
8. Photographs



T7 - Oak (English)



T2 - Oak (English)



T1 - Oak (English)



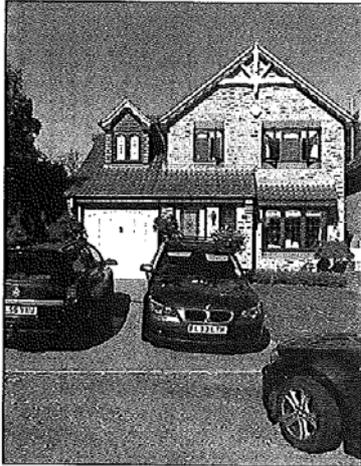
T4 - Snowy Mespil

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Arboricultural Consultancy for Royal & Sun Alliance



Insured Garden - Front



H2 - Cotoneaster



S2 - Photinia



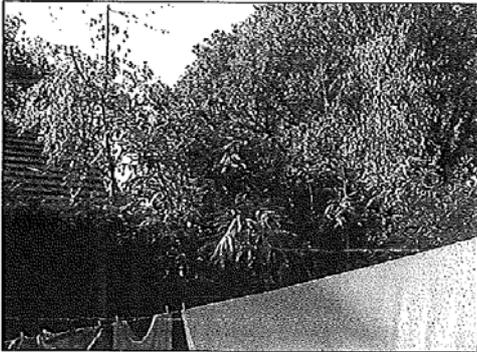
SG1 - Laurel (Cherry)

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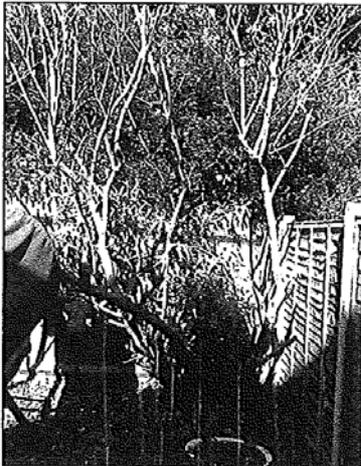
Arboricultural Consultancy for Royal & Sun Alliance



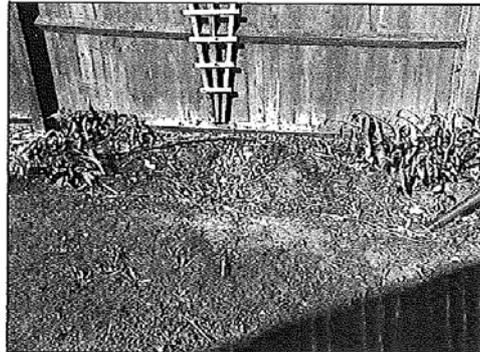
T5 - Birch



H1 - Cypress (Leyland)



S1 - Buddleia



STG1 - Eucalyptus

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Arboricultural Consultancy for Royal & Sun Alliance

Date: 13/10/2011

Property: 6 Oak Drive, Hartshill, Nuneaton, CV10 0XF

9. Tree Works Reserve - Does not include recommendations for future risk.

Insured Property Tree Works	£0
Third Party Tree Works	£750
Provisional Sum	£0

- The above prices are based on works being performed as separate operations.
- The above is a reserve estimate only.
- Ownerships are assumed to be correct and as per Section 6.
- A fixed charge is made for Tree Preservation Order/Conservation Area searches unless charged by the Local Authority in which case it is cost plus 25%.
- Should treeworks be prevented due to statutory protection then we will automatically proceed to seek consent for the works and Appeal to the Secretary of State if appropriate.
- All prices will be subject to V.A.T., which will be charged at the rate applying when the invoice is raised.
- Trees are removed as near as possible to ground level, stump and associated roots are not removed or included in the price.
- Where chemical application is made to stumps it cannot always be guaranteed that this will prevent future re-growth. Should this occur we would be pleased to provide advice to the insured on the best course of action available to them at that time. Where there is a risk to other trees of the same species due to root fusion, chemical control may not be appropriate.

10. Limitations

This report is an appraisal of vegetation influence on the property and is made on the understanding that that engineers suspect or have confirmed that vegetation is contributing to clay shrinkage subsidence, which is impacting upon the building. Recommendations for remedial tree works and future management are made to meet the primary objective of assisting in the restoration of stability to the property. In achieving this, it should be appreciated that recommendations may in some cases be contrary to best Arboricultural practice for tree pruning/management and is a necessary compromise between competing objectives.

Following tree surgery we recommended that the building be monitored to establish the effectiveness of the works in restoring stability.

The influence of trees on soils and building is dynamic and vegetation in close proximity to vulnerable structure should be inspected annually.

The presence of Tree Preservation Orders (TPO) or Conservation Area status must be determined prior to any tree works being implemented, failure to do so can result in fines in excess of £20,000.

Our flagging of a possible recovery action is based on a broad approach that assume all third parties with vegetation contributing to the current claim have the potential for a recovery action (including domestic third parties). This way opportunities do not "fall through the net"; it is understood that domestic third parties with no prior knowledge may be difficult to recover against but that decision will be fully determined by the client.

A legal Duty of Care requires that all works specified in this report should be performed by qualified, arboricultural contractors who have been competency tested to determine their suitability for such works in line with Health & Safety Executive Guidelines. Additionally all works should be carried out according to British Standard 3998 (1989) "Recommendations for Tree Work".

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(5) Application Nos: 2012/0078 and 84

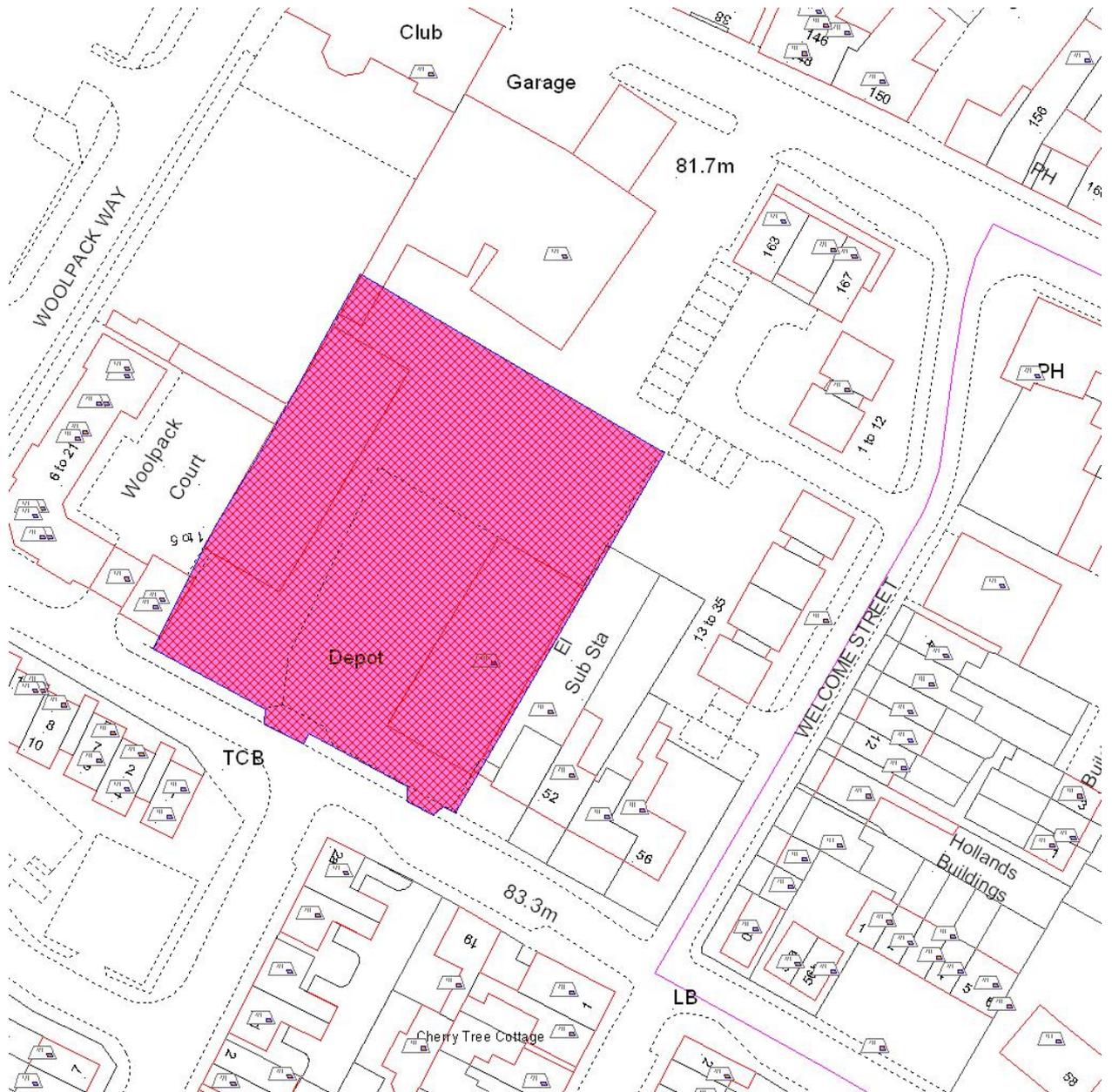
Land at the Rear of Atherstone Garage, South Street, Atherstone

Conservation Area Consent to demolish existing buildings and the erection of retirement living housing for the elderly, 46 flats, (1 and 2 bed Category 11 type accommodation), communal facilities, landscaping and 22 car parking spaces with vehicular access from South Street, for

McCarthy and Stone Ltd

Introduction

The reports for these two applications are currently still being prepared, and will be available from next Monday – the 6 August.



(6) Application No: PAP/2012/0229

Land adjacent to Pooley Park, Pooley Lane, Polesworth, B78 1BN

Erection of a new scout hut with associated access and outdoor activity area, along with temporary siting of portakabins until the new scout is available for use, for

Derron Blount (Polesworth (Abbey) Scout Group)

(7) Application No: PAP/2012/0203

Scout Hut, High Street, Polesworth, Warwickshire, B78 1DU

Conservation Area Consent for demolition of Scout Hut and curtilage outbuildings

Mr T Smith (Sibson Mill Properties)

(8) Application No: PAP/2012/0181

Scout Hut, High Street, Polesworth, Warwickshire, B78 1DU

Demolition of Scout Hut and curtilage outbuildings and erection of 4 dwellings for

Mr T Smith (Sibson Mill Properties)

Introduction

This application is reported to Board in light of there being a departure from the Development Plan and a Section 106 legal agreement involved.

The Sites

The land at Pooley Park lies to the south of the recently constructed visitor centre and improved car park and access arrangements. It benefits from access via the park. There are presently no buildings on site with it predominantly consisting of grassland. The Coventry Canal forms the eastern boundary, with the play area to the park lying to the north. Both are beyond mature trees and shrub. The southern and western boundaries are bordered by an agricultural fence with sporadic hedgerow. A track follows these boundaries and rises up to cross the canal. An informal footpath runs east from this bridge, crossing pasture before reaching the River Anker whereupon there is no safe pedestrian crossing.

This site is better shown at Appendix A.

The existing Scout Hut sits adjacent to the former Nethersole School (Nethersole Centre) and the associated headmaster and headmistress' houses. There are a number of outbuildings on this land also, with a brick wall forming remaining boundaries. The workingmen's club lies to the east with an extensive car parking area there. Dwellings lie to the north, which face Station Road. There is a run of properties to the south-west, facing High Street, including a chip-shop which presently shares an access with the Scout Hut and the Nethersole Centre. It is within the Polesworth Conservation Area.

This site is better shown at Appendix B.

The Proposals

It is proposed to erect a new community building at Pooley Park, predominantly for the Scout Group's use but also for other community groups, local schools and voluntary bodies. The existing Scout Hut is to be demolished with the land then used to provide four 1-bedroom apartments in a single block, as well as associated car parking which will sit in conjunction with that already approved as part of the conversion of the Nethersole Centre to apartments. These proposals are shown in both Appendices A and B.

Background

These applications are closely associated by way of the parties involved. The proposal at Pooley Park follows extensive efforts by the Scout Group over the last 2 to 3 years to find a new 'home' given the future life of their existing building is limited. The proposal at the existing Scout Hut site seeks to effectively re-use the land.

There are a number of key points which will become relevant in the observations below. These are as follows:

- the existing Scout Hut is leased to the Scout Group on a "peppercorn" rent, with the current lease ending this December;
- the landowner of the existing Scout Hut is Sibson Mill Properties, who also own the Nethersole Centre;
- the proposed Scout Hut will be on land owned by Warwickshire County Council; and
- the bridge over the canal is the property of the Canal and River Trust (formerly British Waterways); the pasture to the east is owned by the Parish Council; and the Environment Agency is responsible for the River Anker.

Development Plan

PAP/2012/0229: North Warwickshire Local Plan 2006 (Saved Policies): CORE POLICY 2 (Development Distribution), COM1 (New Community Facilities), TPT3 (Access and Sustainable Travel and Transport), TPT6 (Vehicle Parking), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV12 (Urban Design), ENV13 (Building Design) and ENV14 (Access Design).

PAP/2012/0203: North Warwickshire Local Plan 2006 (Saved Policies): ENV15 (Heritage Conservation, Enhancement and Interpretation).

PAP/2012/0181: North Warwickshire Local Plan 2006 (Saved Policies): COM2 (Protection of Land and Buildings used for Existing Community Facilities), TPT6 (Vehicle Parking), ENV3 (Nature Conservation), ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation, Enhancement and Interpretation) and ENV16 (Listed Buildings).

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework (NPPF)

Local Finance Considerations: New Homes Bonus (NHB)

Consultations

A site notice was erected at Pooley Park on 8 May 2012, with neighbour notifications sent 3 May 2012. A dual site notice was also erected at the existing Scout Hut on 8 May 2012, with a press notice for both applications published on 17 May 2012. Neighbour notifications were sent on 23 April 2012.

At the time of writing, amended plans on both PAP/2012/0229 and PAP/2012/0181 are subject to re-consultation and any further representations not listed below will be reported to the Board at the meeting.

PAP/2012/0229

The County Highway Authority notes that the site has poor pedestrian links to the Tamworth Road and Polesworth as a whole, with Pooley Lane also not wide enough to provide two-way traffic flow. However they do note the site would be a betterment in respect of the situation at the existing Scout Hut; that there is intention to look at providing a footpath link across nearby land; that a minibus shuttle service is proposed; and that the use would (in majority) fit around opening times of other business and facilities off Pooley Lane. As such, they raise no objection subject to conditions.

The Environmental Health Officer notes a potential risk from contamination arising from former uses at or adjacent to the site, and seeks conditions to address this.

The County Forestry Officer raises no objection to the removal of some trees in order to facilitate the development, as those specimens are not considered to be significant.

The Canal and River Trust (formerly British Waterways) raises no objections subject to conditions to address boundary treatments and drainage, as well as noting the potential for their involvement in any footpath link to the site.

Severn Trent Water raises no objection.

No comments have been received from the County Museum (Archaeology), Warwickshire Wildlife Trust, Warwickshire County Council Planning and Development Group, the Heritage and Conservation Officer, Polesworth Parish Council and the Polesworth Society.

PAP/2012/0203

The Heritage and Conservation Officer raises no objection to the demolition of the existing hut and associated buildings.

The County Museum (Archaeology) notes the site lies within an area of significant archaeological potential and seeks a condition to ensure a scheme of investigation.

No comments have been received from Polesworth Parish Council and the Polesworth Society.

PAP/2012/0181

The Heritage and Conservation Officer raises no objection to the demolition of the existing hut and associated buildings. However objection was raised to the initial design of the proposal, with it appearing dominant and tall in comparison to the adjacent listed buildings (which should take precedence), as well as being in close proximity. Inaccuracies on the drawings were also noted and detailing changes were advised. Following on from this objection, the Officer has met with the applicant and agreed a design in principle which is that now presented (see Appendix B). It is anticipated that the objection will be lifted and conditions recommended, although at the time of writing the Officer's formal reply is still anticipated.

The County Museum (Archaeology) notes the site lies within an area of significant archaeological potential and seeks a condition to ensure a scheme of investigation.

The Environmental Health Officer notes potential risk from contamination and former coal mining works, and seeks an intrusive investigation to identify specific issues and suitable mitigation. Concern is also raised regarding the potential to use air source heat pumps.

The Coal Authority note that whilst a Coal Mining Risk Assessment would not be insisted upon given the area of high risk only clips the south-eastern corner of the site; the Risk Assessment provided does identify potential issues. As such they advise that the recommendations given in the Risk Assessment are carried out.

The County Highway Authority initially raised objection on the basis that the existing access straddles the applicant's and the chip shop's ownership, and thus the necessary width to allow free flow of vehicles may not be guaranteed for the life of the development.

No comments have been received from Warwickshire Wildlife Trust, Polesworth Parish Council and the Polesworth Society.

Representations

PAP/2012/0229

The Inland Waterways Association supports the application subject to a different design of fencing than proposed adjacent to the canal. They also support repair and improvement of the bridge to provide a pedestrian link between the towpath, the proposal and Pooley Park.

The Crime Prevention Design Advisor comments that the isolated location makes the proposal susceptible to crime, although concerns could be overcome through appropriate boundary fencing, grilles/roller shutters on the windows, stopping up of access over the bridge, CCTV, lighting and an alarm.

Abbey Motor Services raises comment regarding the suitability of Pooley Lane for vehicles and pedestrian access to the site, as well as noting the number of organisations likely to use the facility and how that could affect the impacts.

PAP/2012/0203

The proprietor of the adjacent chip shop seeks assurance that access to his property will not be compromised during the course of development and that his business will not be interrupted. An objection has also been received by another neighbour, objecting to the demolition on the grounds that the buildings form part of the listed curtilage.

PAP/2012/0181

A single objection was received in respect of the original designs. This raised concern in respect of overlooking from proposed windows; that the building would appear subordinate from High Street in it being set so far back; and the access would be in close proximity to a busy junction. They also query how dwellings can be built within the curtilage of a listed building.

Observations

As noted above, these applications are linked by way of the parties involved. However the chronology of development is also crucial here. Local Plan policy and the NPPF place emphasis on protecting community facilities in sustainable locations, of which the existing Scout Hut is. Unlike assessment of the Nethersole Centre under a recent permission, this community facility is still in active use. From the outset, there is thus a strong presumption to refuse the two applications seeking demolition of the Scout Hut and redevelopment of the site.

However there are material considerations here. Firstly, the existing Scout Hut is in poor condition. It was originally erected in the 1920s on a temporary basis. This temporary basis has clearly become permanent and a simple inspection of its condition demonstrates that it is close to or has already exceeded its useful life expectancy. It is thus highly likely that it would have to be demolished and replaced in the near future. Difficulty arises at this point. As the Scouts do not own the Hut, they would not be able to facilitate this development. When looking to the landowner, there is no obligation for a replacement to be provided – the facility could just be “lost”. Secondly, the landowners could simply not renew the lease (although this would not overcome the planning policy

conflict which would still occur afterwards). Thirdly, and most importantly, it would be unreasonable to expect the landowner to invest a significant sum in providing a new facility when the return (i.e. income from rental to the Scout Group) would be unviable and protracted.

In light of the above, a relocation of the Scout Group to an alternative site is the most appropriate solution. In order to ensure that a “loophole” is not exploited, it would be normal practice to prevent the implementation of any redevelopment permission at the existing site until the Scouts have been successfully relocated. There are problems with this approach though – mainly due to land ownership and location. Sibson Mill Properties could be held to ransom indefinitely should the Scouts not be able to find an alternative location – even after they had left the existing Hut. This also has a knock on effect on the ability to implement the permission for re-use of the Nethersole Centre (due to the need to close off access to the Hut in order to undertake ground works and provide a working space for the development), potentially detrimental to the future of that listed building.

As such a more pragmatic solution is necessary to satisfy Members that the presumption of refusal should be overcome. A practical and reasonable approach has been discussed at length with the parties involved. This is to first establish that the Scouts can find an alternative site – one which requires that location and is appropriate; second, that that relocation development is likely to proceed; thirdly, that there are suitable contingencies in place to ensure the continued operation of the Scout Group; and fourthly; that there are clear benefits in allowing the relocation. The following discussion thus expands on these points in a logical order.

a) Alternative sites within a settlement boundary (PAP/2012/0229)

Community uses should be directed to within settlement boundaries as a matter of priority, due to the better transport links and proximity to other facilities. However it must be recognised that the needs of the Scout Group often necessitate the need for open land and activities in the countryside. The Group also has a desire for a larger facility to accommodate a large waiting list for Scouts, Cubs and Beavers (some 100 or so in total) and further indoor activities. The current location cannot facilitate this.

A systematic review of alternative sites has been undertaken. This is summarised at Appendix C. From this list it is clear that layout or size is unsuitable; there is conflict with other existing users; that Scouting rules would prevent its use; the location and connection to Polesworth is unsuitable; or rental costs are too high. There is one exception – the Abbey Pavilion. This was initially considered to hold potential, but since the review was undertaken the Partnership & Development Manager has advised that a new tenant has been found without the need to invest in redeveloping the building/site. In brief, there are no alternatives within Polesworth and the immediate area which are suitable and available in the immediate future.

b) The Pooley Park Scout Hut (PAP/2012/0229)

This site has been identified as suitable and available. The landowner is the County Council who have agreed in principle to lease the land on a long term tenancy as well as allow shared use of the Pooley Park car park. There is conflict with Core Policy 2 here, in that this is not normally an acceptable location for a new community facility, especially given the poor transport links. However,

discussion under (a) above highlights that a site within Polesworth cannot be found. In mitigation, the applicant proposes to provide a shuttle service between the centre of Polesworth and the proposed site, enabling drop off and pick up of children who would have previously walked to the existing Hut. This is part of the Head of Terms set out at Appendix D. The applicant also recognises the potential to provide a direct footpath link to Polesworth in future years, across the canal and river. However as this matter would involve further landowners and would add considerable delay to determining this application (potentially without any agreement being reached), the applicant instead intends to set aside funds to pursue this project in the coming years. The shuttle service is considered adequate to compensate in the interim.

There are also wider benefits here. The existing hut has little associated open space. Scouting activities have a considerable focus around outdoor activity, and the Scouts are already using Pooley Park to meet this shortcoming. The proposal would thus eliminate vehicle trips associated with ferrying Scouts from the existing hut. It is also proposed to make the new facility available to the wider community – something required as part of bids for funding (see below). The applicant has evidenced that many community groups, local schools and voluntary bodies have an interest in using the facility. This evidence is enclosed at Appendix E, and it is interesting to note interest from Warwickshire Wildlife Trust (who require a ‘base’ for their work at the nearby Alvecote Pools SSSI), Tamworth Scouts (who have a similar waiting list to the Polesworth Scouts), St John’s Ambulance (who are shortly to be made homeless), and the County Council (who note the ability to accommodate larger school parties). This demonstrates that there is a meaningful and likely use of the facility by a wider section of the community. This is not surprising given the range of sporting and leisure activities which require open space.

c) Releasing the existing Scout Hut site for redevelopment (PAP/2012/0229 and PAP/2012/0181)

This focuses back on the “loophole” issue outlined before. There is considerable and recognised intent from the Scout Group to progress with this proposal. It is certainly in their interest to do so, given they could be without a home in the next 6 months. The focus here therefore turns to whether sufficient funds are likely to be found to deliver the proposed Scout Hut and, if a funding shortfall unexpectedly appears, whether there are suitable contingencies in place to enable the Scouts to continue meeting.

The Council has been provided with a breakdown of costs to facilitate the development, build the facility, and kit it out. These costs seem quite reasonable, and are kept low by employing a modern construction design and the generosity of a multi-national corporation.

In terms of raising funds, it is recognised that the Scout Group face a perpetual issue regarding grant funding. Many funding bodies will not approve applications, or even consider them, without planning permission having already been granted. This leads to a “chicken and egg” situation where the Council does not wish to grant permission without the certainty that development will proceed; and that certainty cannot be provided without having a permission already granted. Here it is proposed that the Council is the one who breaks this “loop”.

Reference is made to documents at Appendix F. Members will note a significant number of bids have been made by the Scout Group. It should be noted that during the course of the application an initial and significant bid failed, but a resubmission is in progress with the assistance of the Partnership & Development Manager and Warwickshire Community & Voluntary Action (WCAVA). It is anticipated this will be successful. It is thus likely that the costs of the project will be covered and if for any reason they are not, there are fallbacks. Firstly, a loan from the Scout Association is an option which, although leading to an ongoing cost to the Group until that loan is settled, would allow the project to proceed. Secondly, the building is designed so that only one of the two main rooms can be provided along with the associated facilities (i.e. the east to west wing – see Appendix A).

Turning to contingencies for accommodating the Scouts beyond December and before the new facility is ready for use; the Scouts have amended the application to include the provision of portakabins in the interim. This would enable any “block” on implementation of permission at the existing Scout Hut site to be lifted. However in order to prevent the Scout group from procrastinating and to encourage that the scheme as proposed is fully implemented (thus facilitating wider community use which partly provides justification for this site in the first instance), those portakabins will be removed within 12 months or upon completion of the new facility (whichever occurs sooner).

In light of (a), (b) and (c), officers consider that the proposed site is the only reasonable prospect for the long term future of the Scouts and sustainability issues can be offset; that the proposed facility is likely to proceed, either in full immediately or in phases over a longer period; that there are suitable contingencies to ensure the Scout Group can continue before and during construction works; and that the wider community benefits are likely to arise – especially where a legal agreement is proposed to ensure suitable control.

d) Other planning considerations at Pooley Park (PAP/2012/0229)

The Highway Authority’s comments have been touched upon above, and they seek that a shuttle service and Green Travel plan is secured under any permission. Notably they do not raise any concern in respect of capacity on Pooley Lane and visibility around its connection to Tamworth Road – even in the context of a shared use facility being created here. In terms of layout, there is no objection in this respect although a condition is sought to ensure the access and parking areas are suitably finished.

The Environmental Health Officer notes the site is adjacent to a former colliery and lies over a historic pond which may have been infilled after 1945. They thus recommend a desk study be undertaken to establish what risks there may be from contamination, and if necessary intrusive works to remove or mitigate these risks. In light of the sensitive end user here (i.e. children) and the likelihood of the surrounding land to be used for activities, this is a reasonable approach which can be secured by condition.

It is proposed to drain surface water to soakaway, but at this time the solution for foul water drainage is not certain. Surface water drainage to the canal would also need to be carefully considered. In this light, whilst Severn Trent Water and The Canal and River Trust raise no objection in principle, a condition shall be added to require details of a suitable drainage scheme to ensure no pollution or flooding occurs.

Turning to design considerations, the form of the building sits logically within the site backing onto existing vegetation as far as possible to minimise its prominence in the landscape. Whilst it carries a considerable roof height along the east to west wing, this is to accommodate indoor sports such as abseiling. It also facilitates the provision of office space at first floor to accommodate administrative facilities for the Scouts and/or other groups (such as the Wildlife Trust). The overall appearance is considered acceptable and appropriate to the nature of the building, and materials are also well suited to its wooded location. Whilst there are limited openings, this responds to the use of the two large halls (i.e. sports, etc which either need wall space or could cause damage to windows). This also helps to limit the opportunity for crime. The Crime Prevention Design Advisor seeks grilles or roller shutters on the remaining windows, as well as CCTV, lighting and an alarm. Roller shutters or grilles are not proposed, and their appearance can be undesirable. Further permission will be necessary for this if it is to be pursued.

The layout will result in the removal of some trees, but a tree survey demonstrates that those specimens lost are not of concern and the Forestry Officer raises no objection. In any case, the dominant screening provided by trees to the eastern and northern boundaries will remain and continue to facilitate that screening. The Inland Waterways Association and Canal and River Trust raise objection to the proposed fencing design along the canal. This is a view shared by officers, and the applicant's agent has indicated that an alternative can be agreed. The Crime Prevention Design Advisor also indicates the need for suitable treatments elsewhere around the site and this can be secured by condition.

Finally, whilst the Crime Prevention Design Advisor seeks the stopping up of access over the bridge in order to cut off access from the adjacent land, this conflicts with the desire to improve pedestrian links to the site and the Park. Suitable placing of fencing can achieve desired security benefits without the need to close the bridge. In this respect, the Advisor's desires cannot be sustained.

e) The existing Scout Hut – principle of demolition (PAP/2012/0203)

The buildings concerned are not considered to be part of the listed curtilage formed by the former Nethersole School and associated school houses. That curtilage is considered by the Heritage officer to be limited to the boundaries formed by those three listed buildings. As a result, a Conservation Area Consent application has been made instead of seeking Listed Building Consent for demolition. The objection from the neighbour cannot be sustained.

The existing Hut is of a corrugated tin style in poor condition. It is not considered to offer significant heritage value to the Conservation Area or that its loss results in harm to this Area; nor is it considered to contribute to the setting of the adjacent listed buildings (the school houses and the Nethersole Centre). The same can be said for the ancillary buildings and the Heritage officer raises no objection to the removal of all the existing buildings. The County Museum (Archaeology) notes the site lies within an area of significant archaeological potential, with medieval remains possible. Given removal of foundations would be permitted under consent here, a scheme of investigation is necessary at this point and shall be secured by condition.

The matter raised by the owner of the chip shop is not a planning consideration; with the applicant responsible for ensuring access rights are not affected.

f) The proposed dwellings – heritage matters (PAP/2012/0181)

The initial designs have been substantially revised since submission in conjunction with the advice of the Heritage Officer. The most recent designs are those now considered here (see Appendix B).

At the time of writing a formal response from the Heritage Officer is pending. That response will be reported at the meeting. Nevertheless, given his involvement in agreeing the principles around revisions, it is highly likely that the objection will be lifted and replaced with conditions relating to materials, detailing and joinery. It is considered that the proposal will be a positive enhancement to the appearance of the Conservation Area, particularly as it will be constructed in conjunction with the previously approved scheme for the conversion of the Nethersole Centre. Combined, this will improve the setting of the listed buildings as well as views into the site from High Street, Station Road and the wider Conservation Area.

g) The proposed dwellings – highway matters (PAP/2012/0181)

As above, at the time of writing a formal response to the amendments from the Highways Authority is pending. That response will be reported at the meeting. The initial objection arose on the basis that the existing access straddles two ownerships and thus the necessary width to allow free flow of vehicles in and out at the same time may not be guaranteed for the life of the development. The applicant addresses this by widening the access within their ownership. It is anticipated that this will address this conflict and conditions be attached instead.

Concern was also raised in respect of parking provision for the proposal. Only 8 spaces in total were proposed – and this was to serve both the four proposed one-bedroom apartments and the four approved one-bedroom apartments within the Nethersole Centre. Whilst this equated to one space per unit, there was no provision for visitor parking or additional vehicles. Given that High Street has parking restrictions (double yellow lines), further provision was considered necessary. The amendments now propose 12 spaces, and this is in line with the Council's adopted standards. On balance this is considered appropriate.

h) The proposed dwellings – other matters (PAP/2012/0181)

The neighbour's objection is noted. The concerns regarding heritage and highway safety are addressed above. In terms of overlooking and privacy, the amendments are considered to eradicate this concern, which was shared by officers. There are now no first floor windows on the northern elevation and the existing boundary wall provides sufficient screening from ground floor windows/French doors. At the time of writing it is understood that the objector wishes to comment on the amendments, it is considered that there is not a privacy or overlooking issue now.

Officers also had concern in respect of overshadowing to the same property as well as the Headmistresses house. The objector did not object on this ground originally, and thus it is assumed that shading was not of concern. In any case, the amendments now give a separation of 11.5 metres between the rear elevation of the proposed apartments and the neighbour's only kitchen window (the main focus of the concern). However the double ridge and valley hipped design of the rear projection allows light to pass over the proposal to this window. Even in the winter months, it is likely that there will not be an unacceptable impact. The stepping back of the proposal also addresses conflict with the Headmistresses house.

The Environmental Health Officer notes the content of the Coal Authority Risk Assessment and potential for contamination from former or adjacent uses. In light of the Risk Assessment they recommend that an intrusive investigation be carried out – particularly in light of the sensitive end user. The recommendations of the Risk Assessment are also agreeable with the Coal Authority such that they should also be carried out to ensure the structural integrity of the proposal and parking/access areas. This would inevitably have to follow the archaeological works required under the Conservation Area Consent application. The concerns in respect of air source heat pumps are noted, but they do not appear on the proposed drawings. An amended or new permission would be necessary for their inclusion during construction, or if added later under Permitted Development allowances they would have to meet strict criteria.

A bat survey has been carried out to assess the impact of demolishing the scout hut and adjacent buildings. This concludes that due to the nature of the existing buildings and their poor heat capacity, that the buildings are unsuitable as roosts or hibernation. There is thus considered to be little to no ecological impact arising from the proposal – if anything a net gain by way of vegetation to be added to the site. It is proposed to drain surface water to soakaway, but at this time the solution for foul water drainage is not certain. A condition shall be added to require details of a suitable drainage scheme to ensure no pollution or flooding occurs.

Turning to design considerations, the form of the building harmonises with the immediate setting (i.e. the listed buildings) and the wider context of the Conservation Area. Whilst it sits back into the site somewhat, the highway and amenity constraints, and the need to "prioritise" the listed buildings, make this acceptable. The vernacular of the apartment block mimics a single dwelling so to appear incongruous and detailing is acceptable. The continuation of the brick wall in the south-western corner is a suitable solution for refuse storage.

Recommendations

(1) That application ref: PAP/2012/0229 is Granted subject to the completion of a Section 106 legal agreement, to be prepared in liaison with officers, the Solicitor to the Council and the Chair and Vice Chair of the Planning and DEvelopment Board (framed around the draft Heads of Terms at Appendix D), and the following conditions:

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

REASON

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

2. The portakabins shall be removed from the site no later than 31 August 2013 or upon the new community building hereby approved being first brought into use, whichever occurs first.

REASON

In recognition of the circumstances of the case, so as to prevent the portakabins remaining on site permanently.

3. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 7133.100, 7133.250, 7133.251, 713.450A and DRG No. 1 received by the Local Planning Authority on 26 April 2012, the plan numbered 7133.151 received by the Local Planning Authority on 25 July 2012.

REASON

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

4. No works whatsoever shall take place until a site investigation of the nature and extent of contamination, based on a Phase I Assessment for the application site, has been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. If any unacceptable contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. Before the development commences a scheme for the construction of the foul and surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To prevent pollution of the water environment and to minimise the risk of flooding on or off the site.

9. Notwithstanding the approved plans, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. This shall specifically include details of a boundary treatment in lieu of the proposed metal palisade fencing adjacent to the canal, as well as suitable treatments to secure the remainder of the site. The approved screen walls/fences/hedges shall be erected/planted before the building hereby approved is first occupied and shall subsequently be maintained. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area and the canal corridor, and to provide adequate security of the building.

10. The tree protection measures shown on drawing DRG No. 1 shall be erected prior to any works commencing on site, with protective fencing not removed until all building works are completed. No materials shall be stored within the root protection areas of those trees being protected.

REASON

To protect the health and stability of the trees to be retained on the site in the interests of amenity.

11. The building shall not be occupied until full details, including access, of the car parking area has submitted in writing. Such areas shall be permanently retained for the parking and manoeuvring of vehicles.

REASON

In the interest of providing adequate space for the parking and turning of vehicles.

12. The applicant shall submit a Green Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County Council as Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all time. The plan shall:

- (i) specify targets for the proportion of staff and visitors traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
- (ii) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement; and
- (iii) identify a senior person using the site with overall responsibility for the plan and a scheme for involving users of the site in its implementation and development.

REASON

In order to mitigate the effect of providing a new community facility outside of a settlement boundary.

- Members should note that there may be further conditions necessary following the outcome of the consultation currently underway at the time of writing. Any such conditions shall be reported at the meeting.

Notes

1. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): CORE POLICY 2 (Development Distribution), COM1 (New Community Facilities), TPT3 (Access and Sustainable Travel and Transport), TPT6 (Vehicle Parking), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV12 (Urban Design), ENV13 (Building Design) and ENV14 (Access Design).
2. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. It should also be noted that this site may lie within an area where a current licence exists for underground coal mining. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary

information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

3. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.
4. This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended). You are advised to satisfy yourself that you have all the relevant documentation.

Justification

The proposal conflicts with CORE POLICY 2 and TPT3 of the North Warwickshire Local Plan which seeks to locate new community facilities within the key settlements. However it has been demonstrated under this and a concurrent application that the existing facility has a limited lifespan and the costs of providing a replacement at this site would be prohibitive, and that there are no suitable and available alternative sites within the settlement boundary. As the proposed facility will be used by a wider cross-section of organisations, many of whom seek such a location for their activities, and the applicant proposes measures to address poor transport and access to the site, it is considered these are material considerations sufficient in favour to outweigh the conflicts identified. The design of the scheme is considered appropriate and is felt to harmonise with the immediate setting and the wider area. The proposal is not considered to pose a risk to highway safety and sufficient parking is available for the proposed scheme. There is not considered to be an unacceptable impact on ecology, and the removal of some trees is acceptable. Matters regarding boundary treatments, land contamination and drainage can be addressed by conditions. The proposal is therefore in accordance with saved policies TPT6, ENV3, ENV4, ENV6, ENV8, ENV12, ENV13 and ENV14 of the North Warwickshire Local Plan 2006 and national policies as set out in the National Planning Policy Framework. There are no other material considerations that indicate against the proposal.

(2) That application ref: PAP/2012/0203 is Granted subject to the following conditions:

1. The development to which this permission relates must be begun not later than 1 January 2016.

REASON

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

2. The development hereby approved shall not be implemented before 1 January 2013.

REASON

In order to allow sufficient time for the Scout Group to relocate to alternative premises, so not to cause them to cease operating for any period of time against their will.

3. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 7145.LP and 5202cv-01 received by the Local Planning Authority on 30 March 2012.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans, and to ensure risks arising from former coal workings are adequately dealt with.

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

REASON

To ensure the recording of any items of archaeological interest.

Notes

5. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): ENV15 (Heritage Conservation, Enhancement and Interpretation).

Justification

The existing buildings at this site are not considered to provide a significant or valuable contribution to the Conservation Area such that their loss is considered acceptable. The proposal is therefore in accordance with saved policy ENV15 of the North Warwickshire Local Plan 2006 and national policies as set out in the National Planning Policy Framework. There are no material considerations that indicate against the proposal.

(3) That application ref: PAP/2012/0181 is Granted subject to the following conditions:

1. The development to which this permission relates must be begun not later than 1 January 2016.

REASON

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

2. The development hereby approved shall not be implemented before 1 January 2013.

REASON

In order to allow sufficient time for the Scout Group to relocate to alternative premises, so not to cause them to cease operating for any period of time against their will.

3. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 7145.02D, 7145.03B and 7145.05C received by the Local Planning Authority on 26 July 2012, the plan numbered 7145.LP received by the Local Planning Authority on 30 March 2012, and the Proposed Mitigation Strategy as set out in section 4 of the Coal Mining Risk Assessment (ref: 201204/5) received by the Local Planning Authority on 4 May 2012.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans, and to ensure risks arising from former coal workings are adequately dealt with.

4. No works whatsoever shall take place until an intrusive site investigation of the nature and extent of contamination, based on a Phase I Assessment for the application site, has been submitted to and approved in writing by the Local Planning Authority. If any unacceptable contamination is found during the site investigation, the report shall specify the measures to be taken to remediate the site to render it suitable for the development hereby permitted. The site shall be remediated in accordance with the approved measures before development begins.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. No development shall be commenced before samples of the facing and boundary wall bricks, roofing tiles and surfacing materials to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

6. No development shall be commenced until details of the windows, including glazing bar details at 1:2, together with details of the door joinery, rainwater goods, chimney and roof lights, have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

REASON

In the interests of the character and appearance of the Conservation Area.

7. Before the development commences a scheme for the construction of the foul and surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To prevent pollution of the water environment and to minimise the risk of flooding on or off the site.

8. The development shall not be occupied until the existing vehicular access to the site has been widened so as to provide an access of not less than 5 metres, as measured from the near edge of the public highway carriageway.

REASON

In the interests of highway safety.

9. The development shall not be commenced until visibility splays have been provided to the access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the east of the access and extending to the junction to the right as measured from the rear edge of the public highway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway.

REASON

In the interests of highway safety.

10. The development shall not be commenced until a turning area has been provided within the site so as to enable the largest vehicle anticipated on site during construction to leave and re-enter the public highway in a forward gear, as well as space for the parking/loading/unloading of construction vehicles.

REASON

In the interests of highway safety.

- Members should note that there may be further conditions necessary following the outcome of the consultation currently underway at the time of writing. Any such conditions shall be reported at the meeting.

Notes

1. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): COM2 (Protection of Land and Buildings used for Existing Community Facilities), TPT6 (Vehicle Parking), ENV3 (Nature Conservation), ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation, Enhancement and Interpretation) and ENV16 (Listed Buildings).
2. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. It should also be noted that this site may lie within an area where a current licence exists for underground coal mining. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.
3. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.
4. The applicant is advised of a linked Conservation Area Consent for demolition relevant to this development. This is under planning ref: PAP/2012/0203. There are conditions under that consent which will also have to be satisfied prior to implementation of this permission.

Justification

The proposal conflicts with saved policy COM2 of the North Warwickshire Local Plan which seeks to protect community facilities within the key settlements. However it has been demonstrated under this and a concurrent application that the existing building has a limited lifespan and the costs of providing a replacement at this site would be prohibitive, and that the current tenants of the community facility can be re-housed elsewhere in order to continue the provision of their activities. These are material considerations sufficient in favour to outweigh this conflict. The design of the scheme is considered appropriate and is felt to enhance the immediate setting, including the adjacent listed buildings, and the wider area both inside and outside the Conservation Area. The proposal is not considered to pose a risk to highway safety and provides sufficient parking for the proposed scheme and an extant permission for conversion which utilises the same parking area. There is not considered to be an unacceptable impact on neighbouring amenity and matters regarding ecology, land contamination, coal mining legacy and drainage are either satisfactory or can be addressed by conditions. The proposal is therefore in accordance with saved policies TPT6, ENV3, ENV6, ENV8, ENV11, ENV12, ENV13, ENV14, ENV15 and ENV16 of the North Warwickshire Local Plan 2006 and national policies as set out in the National Planning Policy Framework. There are no other material considerations that indicate against the proposal.

BACKGROUND PAPERS

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

Planning Application No: PAP/2012/0229

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	26/04/2012 25/07/2012
2	Case Officer	Email to Agent	08/05/2012
3	Environmental Health Officer	Consultation reply	08/05/2012
4	Severn Trent Water	Consultation reply	14/05/2012
5	Case Officer	Notes from Meeting	21/05/2012
6	British Waterways	Consultation reply	22/05/2012
7	County Highway Authority	Consultation reply	23/05/2012
8	Inland Waterways Association	Representation	23/05/2012
9	Abbey Motor Services	Representation	23/05/2012
10	Applicant	Email to Case Officer	24/05/2012
11	Warwickshire Police	Representation	25/05/2012
12	Applicant	Email to Partnership & Development Manager	30/05/2012
13	Partnership & Development Manager	Email to Applicant	30/05/2012
14	Country Parks Manager	Email to Case Officer	30/05/2012
15	Partnership & Development Manager	Emails to Applicant	14/06/2012 15/06/2012
16	Applicant	Letter to Case Officer	27/06/2012
17	Partnership & Development Manager	Email to Case Officer	05/07/2012
18	Case Officer	Letter to Agent	13/07/2012
19	Applicant	Letter to Case Officer	20/07/2012
20	Applicant	Head of Terms	20/07/2012
21	County Forestry Officer	Consultation reply	26/07/2012
22	County Highway Authority	Re-consultation reply	31/07/2012

Planning Application No: PAP/2012/0203

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	30/03/2012 10/04/2012
2	Peter Savvas	Representation	10/05/2012
3	Mr & Mrs Wyatt	Representation	13/05/2012
4	Heritage & Conservation Officer	Consultation reply	18/05/2012
5	County Museum (Archaeology)	Consultation reply	12/06/2012

6	Heritage & Conservation Officer	Email to Agent	05/07/2012
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Planning Application No: PAP/2012/0181

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	30/03/2012 10/04/2012 04/05/2012 11/05/2012
2	Environmental Health Officer	Consultation reply	03/05/2012
3	Environmental Health Officer	Consultation reply (additional)	04/05/2012
4	Coal Authority	Consultation reply	04/05/2012
5	Environmental Health Officer	Consultation reply (revised)	08/05/2012
6	Case Officer	Email to Agent	08/05/2012
7	County Highway Authority	Consultation reply	10/05/2012
8	Coal Authority	Consultation reply (revised)	11/05/2012
9	County Highway Authority	Email to Case Officer	11/05/2012
10	Mr & Mrs Wyatt	Representation	13/05/2012
11	Case Officer	Email to Agent	15/05/2012
12	Case Officer	Email to Agent	15/05/2012
13	Heritage & Conservation Officer	Consultation reply	18/05/2012
14	Case Officer	Notes from Meeting	21/05/2012
15	County Museum (Archaeology)	Consultation reply	12/06/2012
16	Applicant	Letter to Case Officer	27/06/2012
17	Heritage & Conservation Officer	Email to Agent	05/07/2012
18	Partnership & Development Manager	Email to Case Officer	05/07/2012
19	Case Officer	Notes from Meeting	12/07/2012
20	Case Officer	Letter to Agent	13/07/2012
21	County Highway Authority	Consultation reply (revised)	02/08/2012

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

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

APPENDIX A

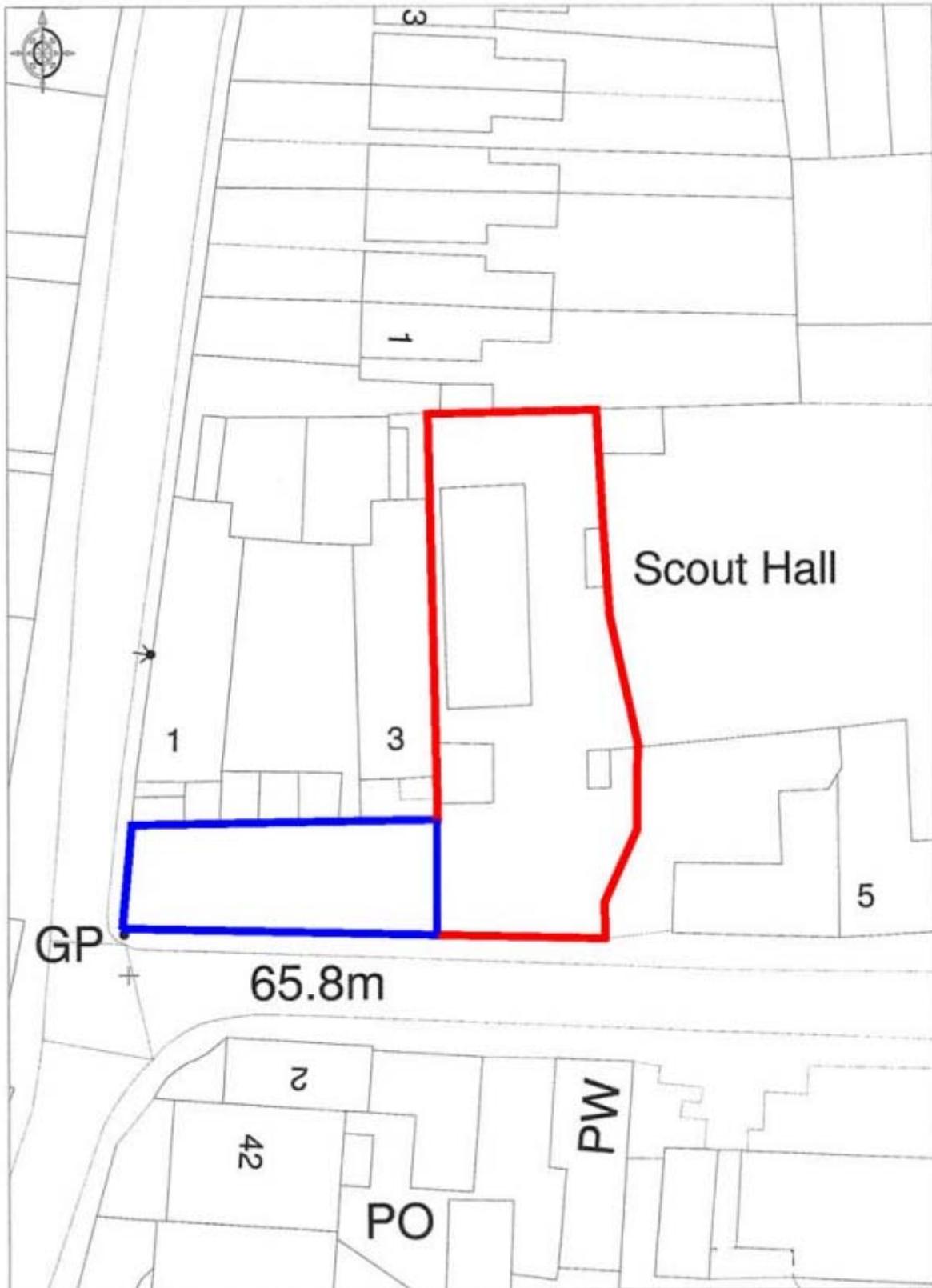


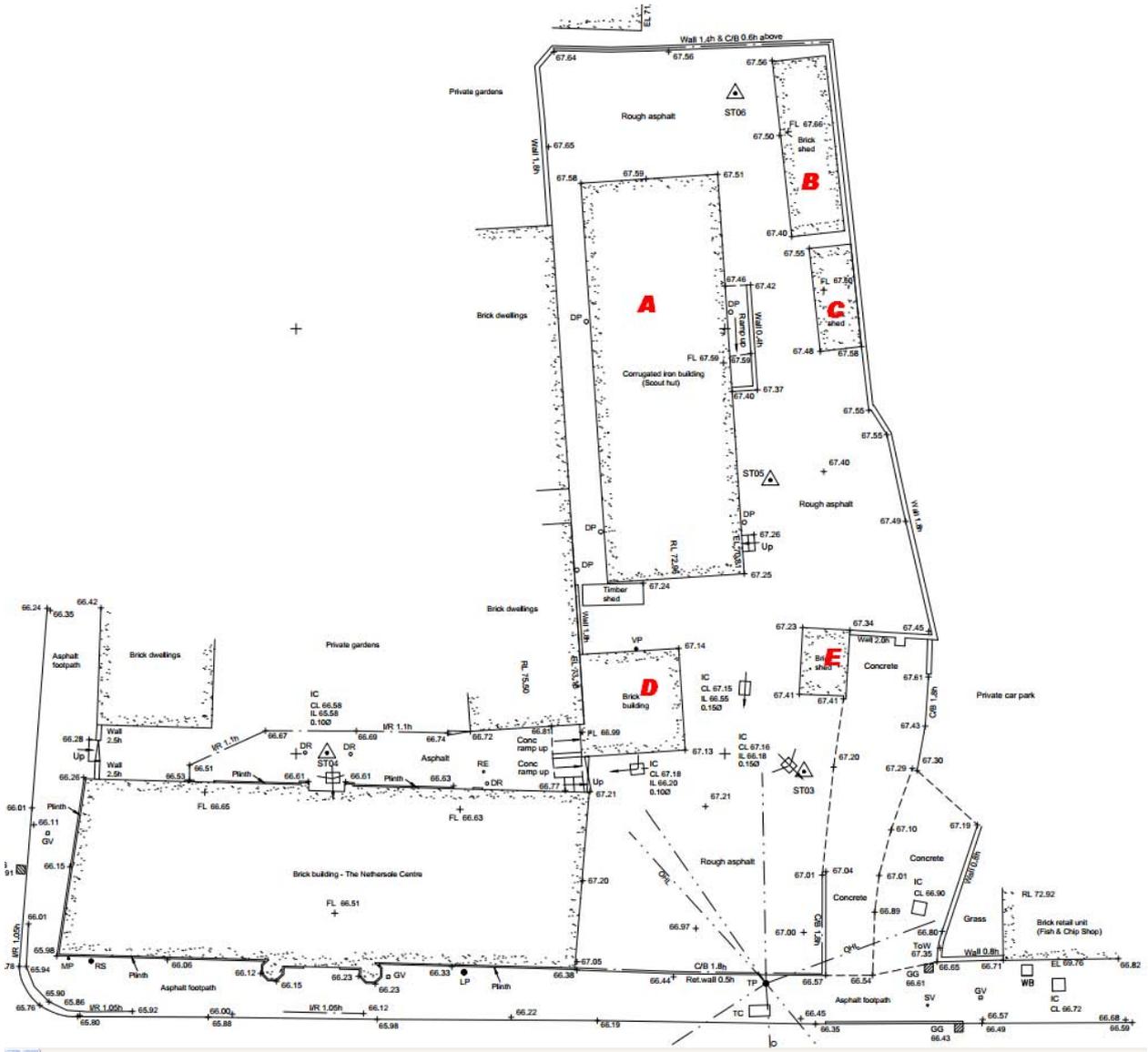


Site layout



Site photos

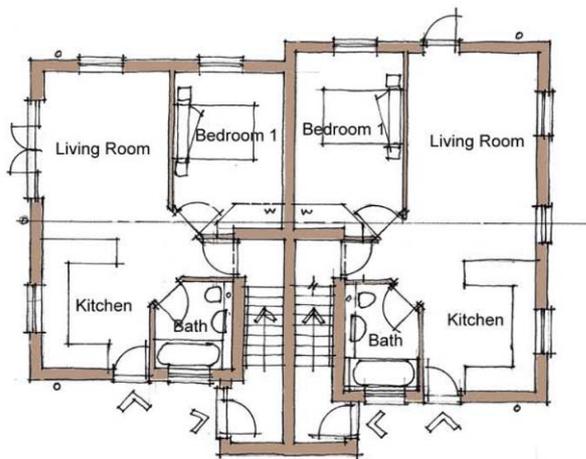




Buildings to be demolished (A to E)



Site Layout

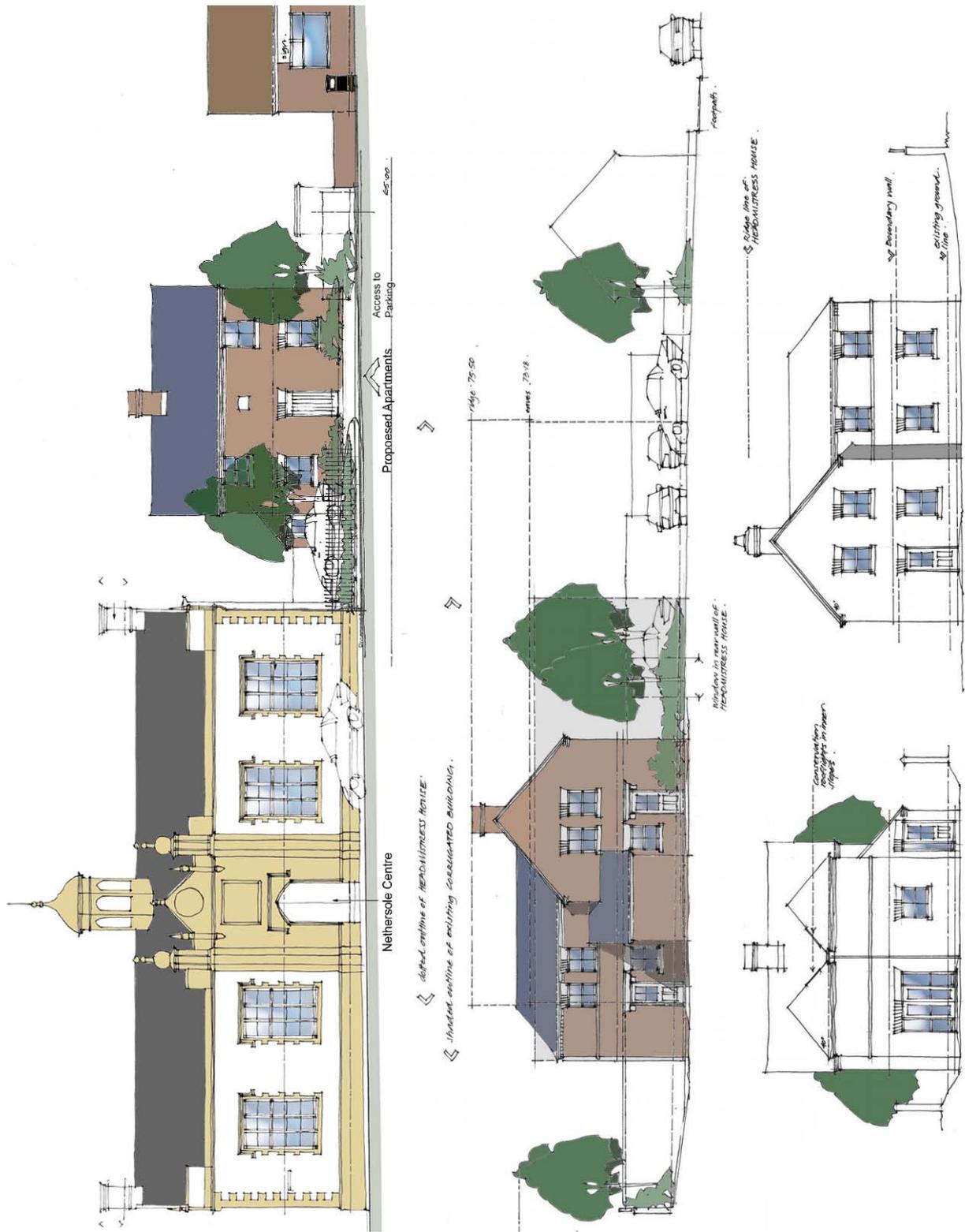


Ground Floor Plan 1:100



First Floor Plan 1:100

Floor Plans



Street scene and elevations

**Scout Hut Building Options Appraisal
Temporary & Permanent Venues**

Prior to drawing up the list of potential buildings to approach, Polesworth Scout Group were advised that the district and county borders would not permit the group to meet in Warton, Dordon or Austrey. As members are predominantly from these villages as well as Polesworth and Birchmoor, these last 2 villages were the only places that could provide a possible meeting place. Another consideration was that owing to the vast inventory owned by the group, it would be impractical for the different sections to meet at different venues. Once the list of potential meeting places had been drawn up, they were discussed in turn providing an original view. Regardless of opinion, each site was visited and discussions held with the view to utilising the venue.

Location	Original view	Revised view having seen	Other actions
Youth Wing – Polesworth School	Too small	Site is big enough, however, only available Thursday evenings, is also now an issue with Polesworth School becoming an academy	None, is not an option
Polesworth School	May be an issue for gaining access	Polesworth School is now an academy, as such will need to let go most of its community groups and cannot take any more	None, is not an option
St John's Ambulance	Would need to extend behind, possible flood risk.	Land at rear is being used as gardens. Land owned by Nethersole Trust, constitution may be an issue. Room is big enough for Beavers only.	None, planning for an extension would be refused by the highways agency owing to the sites proximity to Polesworth Square, plus flood risk makes it a risky option.
Stroke Club/ Abbey Green Pavilion	Local concerns over problems in the area. NWBC were coming up with a plan for the area as a shared ownership. Scouting rules prohibit shared ownership, only renting or ownership is an option.	Building divided into several changing rooms and the communal room is far too small.	Possible option if NWBC consider selling the property or are happy to redevelop and allow the Scouts to rent.

Polesworth College	Good location. Main hall suitable on temp basis	Site being negotiated for permanent home. Temp venue: Nethersole Trust will not allow us to use it due to security and their lack of a caretaker.	None, given site being reused and the constitution of Nethersole Trust permits them to rent to rent only to Educational and Commercial Enterprises, we are not eligible
NW Cricket Club	Probably will not be big enough	Only one room and in use every evening.	None, building in use
Stipers Hill Farm Industrial Unit	May fall under Atherstone District	£1200 per mth rent, outdoor toilets	None, too expensive and toilets may be an issue for Beavers
Pooley Hall Farm Ind unit	-	None available at present. £3psqft + rates	Awaiting for an available unit, will need to review finances.
Memorial Hall	Could be ideal size wise, cost reputed to being quite high.	Building in use three to four evenings per week, would not be able to use for all sections	Keep in contact, possibly if can be made available 3-4 nights per week.
Birchwood School	Would be ideal may be an issue gaining access	Would be keen to assist if we were looking for one or 2 nights per week	Could not meet all the group at the same venue.
Working Mens Club	Not suitable for children Only recently bought as an ongoing concern, could be sold in 4 years, so a temporary option only	Room recently refurbished and is now in use 3 days per week.	Only as a temporary solution, Scouting HQ has severe concerns regarding using such a venue for Scouting activities.
Nethersole School	Hall would be ideal, would need a separate storage facility	Caretaker is not willing for insurance reasons mean we cannot be key holders. Not willing to open up 4 nights per week.	Not possible
Bull upstairs	Following the closure of the Karma Lounge, possible concern owing to main road and Pub downstairs	Room upstairs being used for restaurant again	In Use

Old Nethersole School (adjacent to college)	Should be big enough but looks like considerable renovation required	Is ideal size wise. Not only needs considerable investment, will need this continually as Scouting is not best placed to maintain such an historic building	Not economically viable
Gamecock Inn, Birchmoor	Issue about visiting a public house, Scouting HQ are likely to have issues with the establishment	Both rooms in use as a part of the establishment	In Use
Old Doctors Surgery	Probably too small	It is indeed too small, used as MIND, and cannot have tables and chairs removed for sections to meet	In use and too small
Heritage Centre	Access may be an issue	Room upstairs is not as big as thought, and will not accommodate the number of children at Scouts	Too Small

Following visiting all of these sites over a period of months, it became increasingly clear to the Executive Committee that not only were there a few suitable venues, but these would be likely to become less and less available owing to multiple community groups requiring a new meeting place following Polesworth School becoming an academy.

As no current building in either Birchmoor or Polesworth could be sought, it is now the directive of Polesworth Scout Group to locate a piece of land, preferably in the centre of the village, where a new hut could be constructed. If secure storage could be included in the property, Polesworth Scout Group could offer some other community groups a place to meet.



Group Scout Leader – Derron Blount Group Chairman – Ian Mason



12 Correen,
Wilnecote,
Tamworth,
Staffs,
B77 4JS.

20th July 2012

Dear Mr. Nash,

As the Group Scout Leader of Polesworth (Abbey) Scout Group, I hereby nominate the following heads of terms in connection with the Section 106 agreement, as a requirement for the planning application for the proposed Scout Headquarters at Pooley Country Park. Please consider these as a first draft and on behalf of the Group, our Chairman, Mr. Ian Mason and myself will consider amendments to the draft prior to instructing our solicitor in writing up the agreement in its full form.

I have also sent this document to the landowners to ensure that they will have no objections to them also signing of the agreement. Given the professional and efficient attitude of the managerial staff of Pooley Country Park I foresee a prompt reply regarding this, and given there is no action required on their behalf I see no reason why an agreement cannot be reached.

1. Polesworth (Abbey) Scout Group will ensure that a shuttle service will be in operation for all members who are unable to gain transportation to the proposed site.
2. Polesworth (Abbey) Scout Group will ensure that the proposed permanent building will be made available for the community. The Group will ensure that the services will be sufficiently advertised with details on how bookings can be made.
3. Polesworth (Abbey) Scout Group will place 10% of the net profits gained from the hire of the permanent headquarters to a separate fund that will be for a proposed footpath linking the Pooley View estate to Pooley Country Park. These funds will remain for this purpose and will not be used for any other purpose until no earlier than 2018.
4. Polesworth (Abbey) Scout Group will contribute best endeavours working in partnership with other community organisations, councils and community groups in the provision of a public footpath linking Pooley View estate to Pooley Country Park.

Should you have any comments or questions regarding the above heads of terms, please do not hesitate to contact me at derron.blount@ntlworld.com, or through our architect Mr. Ian Ritchie.

Yours sincerely

Derron Blount
Group Scout Leader
Polesworth (Abbey) Scout Group

Polesworth (Abbey) Scout Group, c/o 12 Correen, Wilnecote, Tamworth, Staffordshire, B77 4JS



Sainsbury's



No. 1333



Polesworth (Abbey) Scout Group & Education Centre <i>Community Research</i>	
Name of Organisation	Warwickshire Wildlife Trust
Name of Contact	Tim Haselden
Position	Wetlands Living Landscape Officer
Purpose of need	Base for voluntary conservation work and environmental education
Projected time of use	Daylight hours both weekdays and weekends
Projected amount of use	Occasional, as required
Who will you teach \ support?	Will teach both adults and children, support the conservation of nature and the Site of Special Scientific Interest (SSSI) at nearby Alvecote Pools.
Why the building is required	There is currently no real venue where Warwickshire Wildlife Trust could use as a base for any voluntary conservation work at the local SSSI site. Similarly, a venue where the trust could educate the public on the needs for the environment especially in and around the country park would be of use.
Site Requirements	A meeting place where work parties can be assembled and directed. Also a classroom, or a venue where lectures could be given.

Polesworth (Abbey) Scout Group & Education Centre	
<i>Community Research</i>	
Name of Organisation	The Polesworth School
Name of Contact	Philip Hamilton
Position	Headteacher
Purpose of need	For summer transition event, training, hospitality and Duke of Edinburgh Award (DoE) work
Projected time of use	Various, mainly during weekday however occasional evening and weekend use
Projected amount of use	1 - 2 times per month on average
Who will you teach \ support?	Students and teachers of The Polesworth School
Why the building is required	Multiple reasons; first of all School Hospitality, currently such events are held at Lea Marston some 8 miles away. The site would also serve as a location for the summer transition training event where new students meet their future colleagues in series of team building events that are based around adventurous activities. In addition to this, we hold similar events for training prefects and bully mentors, similarly staff team building events could be useful. Currently, such events are held at various locations around the area as there on none very close by. Finally, The Polesworth School has this year restarted its Duke of Edinburgh training, this year we have 25 students but anticipating this number to increase to around 100 within a year or two.
Site Requirements	Small meeting rooms that could be used a conference suites with all the services one would expect to find in such a facility. There would need to be a multitude of activities, some team based and some solo, and in some cases with qualified instructors. Ideally this site will have all of the activities that you would expect to find at a Duke of Edinburgh training centre.

Polesworth (Abbey) Scout Group & Education Centre	
<i>Community Research</i>	
Name of Organisation	Tamworth District Scouts
Name of Contact	Chris Hollyoake
Position	Assistant District Commissioner
Purpose of need	Awards Ceremonies and some adventurous activities
Projected time of use	Evenings and Weekends
Projected amount of use	1 - 2 times per month
Who will you teach \ support?	All the children within the different groups based in Tamworth District
Why the building is required	Tamworth Scouting does not currently have facilities for climbing, abseiling, large scale pioneering or high ropes courses. In addition to this, there are few places from where hikes can begin and/or end making this building of interest. Although the district does have an activity centre, we do not offer as much facilities as will be available here. We also struggle to find a venue for larger meetings without using school halls or outside venues.
Site Requirements	Standard meeting place facilities are essential, the offer of the varied activities are of significant interest, as is the camping facilities as there are few sites that are not "greenfield sites" within the district. There are very few leaders with greenfield permits, therefore, there is only one site in the district where our groups can camp.

Polesworth (Abbey) Scout Group & Education Centre	
<i>Community Research</i>	
Name of Organisation	St. Johns Ambulance Brigade
Name of Contact	Sarah Bowman & Liam Matthews
Position	Brigade Leader
Purpose of need	Meeting place and camping grounds
Projected time of use	Evenings & Weekends, although there would be rare use during the week day
Projected amount of use	Weekly
Who will you teach \ support?	Mainly the cadets, but also serve the general public and community events
Why the building is required	As St. Johns Ambulance Brigade at Polesworth is about to be made homeless, we are in desperate need for a meeting place. We also conduct camps with some adventurous activities for the cadets, however, this means going away from the area as there is nowhere for the cadets to sleep, similarly, there are no real activities provided by the local area for community groups such as St. Johns Ambulance.
Site Requirements	We need a room that is larger than our current one (approx 36 sq.m), it would be ideal if the ceiling were higher than a normal house so that the cadets can play games. We require a larger room as we are at capacity for the number of cadets and would like to take more, especially as there is the interest within the community. We would also like a room where those studying exams can read away from the younger members, similarly, somewhere to take the exams would be beneficial. A lockable storage at the site would be beneficial but not essential. The cadets do cooking as part of their programme and would benefit from a kitchen with working fridge & cooker. St. Johns Ambulance do take part in some activities which are not available locally such as large scale pioneering and kayaking, if these were available with sleeping facilities, the venue would be perfect. We would be interested in taking part in activities such as archery and air rifle shooting providing there are instructors with the activity.

Polesworth (Abbey) Scout Group & Education Centre	
<i>Community Research</i>	
Name of Organisation	Warwickshire Country Parks
Name of Contact	Paula Cheesman
Position	Country Parks Manager
Purpose of need	Field Classroom
Projected time of use	Mainly weekdays between 9am and 3:30pm
Projected amount of use	Through the seasons Spring to Autumn, two to three times per month on average
Who will you teach \ support?	Predominantly schools in the North Warwickshire area, although we do offer our services to community groups.
Why the building is required	The current classroom that is part of the Pooley Country Park is sufficient for teaching only 30 children at any one time. There are instances where schools and classes wish for us to teach more children than this. There are times when it would be beneficial for us to be able to accept multiple schools simultaneously, however, the current facilities does not permit us to do so.
Site Requirements	The basic requirements will be that the room(s) could serve as classrooms, therefore will require chairs and tables with adequate lighting and heating. Ideally the venue will have some kind of whiteboard, however, this is not essential. There may be occasions where we would find it of benefit to be able to show powerpoint presentations and/or videos held on a computer, so any kind of projection unit could well be of use.

Polesworth (Abbey) Scout Group & Education Centre	
<i>Community Research</i>	
Name of Organisation	Polesworth (Abbey) Scout Group
Name of Contact	Derron Blount
Position	Group Scout Leader
Purpose of need	New meeting place for the scout group.
Projected time of use	Evenings & Weekends
Projected amount of use	Three evenings per week & occasional weekend use
Who will you teach \ support?	The group currently has 102 children aged between 6 and 14 years of age
Why the building is required	<p>Aside from the need for a new meeting place, there are many activities the group need to conduct as part of its programme. Climbing and abseiling is a key part of the programme and the nearest place that can offer this is in Birmingham. The children are limited on their large scale pioneering projects, for this specific campsites need to be booked as the closest is 15 miles away, this means that children that other commitments at the weekend cannot take part in this activity, the same applies to high ropes courses. Shooting, Archery and kayaking can be conducted in one part of Tamworth, however, there is limited activities for those waiting to take part meaning the group has to split up for 12 weeks of the 40 week year, this reduced team spirit as there are effectively 3 groups through part of the year.</p>
Site Requirements	<p>The group need a room that is at least the same size as its current meeting place, 10m x 15m, on top of this some storage facilities. The remainder of the requirements are not essential, however, they will improve the programmes that can be run. Shooting and archery ranges, a climbing wall with abseiling facility. A launch point for kayaking and a storage facility and provisions for large scale pioneering activities. A kitchen to be able to conduct cooking activities and outside cleaning facilities to be able to cook on fires outside. Camping grounds would be nice, which will require a fire circle and toilets. In an ideal situation, parents will be able to hear messages and watch awards ceremonies without being within the room itself to maintain child safety.</p>

Polesworth (Abbey) Scout Group & Education Centre	
<i>Community Research</i>	
Name of Organisation	Polesworth Archery
Name of Contact	Roy Morning
Position	Chairman
Purpose of need	Venue to teach and practice archery
Projected time of use	Evenings & Weekends
Projected amount of use	2-4 times per month
Who will you teach \ support?	All members of the community
Why the building is required	There are very few archery clubs in the region, all of which only offer archery outside. What the archery community require is a place where they can enjoy their chosen sport all year round rather than just in the summertime. Beginners especially struggle to understand where they are going wrong when there are ever changing variables such as wind.
Site Requirements	A room that is 20m in length with archery netting suspended from the roof to catch stray arrows. Storage for targets and stands would be helpful but not essential.

Polesworth (Abbey) Scout Group & Education Centre	
<i>Community Research</i>	
Name of Organisation	Polesworth & Wilnecote Air Rifle Club
Name of Contact	Christopher Clarke
Position	Owner
Purpose of need	Location to be able to teach the theories of air rifle shooting and a range where experience can be sought.
Projected time of use	Evenings & Weekends
Projected amount of use	Depending on demand, anticipated bi-weekly
Who will you teach \ support?	The course(s) will be aimed at children and youth ages who own or have an interest in air rifles.
Why the building is required	Being a rural area, there are many children who have access to air rifles. Many youngsters are unaware that legally they should not be responsible for such equipment, one of purposes of Polesworth & Wilnecote Air Rifle Club is to educate children in the laws of ownership and carrying of such sporting goods. These children choose to shoot on private land where it may not always be safe, Polesworth & Wilnecote Air Rifle Club have been seeking a location that would give opportunities to partake in their chosen sport in an environment that is safe for them and the community.
Site Requirements	In order to operate, a room will be required to teach the children the laws and guidance on proper handling of air rifles. Ideally, the teaching room will have a projector or a TV with a DVD player for educational programmes. In addition, a room will be required that is of adequate size to be used as a shooting range, this will need to be at least 10 metres in length, however 15 metres would be more ideal. Naturally the wider the room the better as it means more people can be shooting at the same time. This room should have wall mounted targets and have covering on the wall to absorb the impact of stray pellets. It would be beneficial to have access to 2 lockable metal cabinets for storage of rifles and pellets and the facility to load and unload rifles on private land. Finally, the site must have hand washing, and cleaning facilities owing to the use of lead pellets.

Polesworth (Abbey) Scout Group & Education Centre	
<i>Community Research</i>	
Name of Organisation	Birchwood Primary School
Name of Contact	Mr. Neil Coleman
Position	Deputy Headteacher
Purpose of need	Residential work & Field Trips
Projected time of use	Weekdays with occasional evening use
Projected amount of use	An increasing amount
Who will you teach \ support?	The students of Birchwood Primary School
Why the building is required	<p>We have no base for conducting science & local history field work, the proposed site does have potential for a lot of lessons to be conducted there. Field trips are generally expensive and local sites are of significant interest. We would like to conduct a single night residential course for year 4 students, as there is a 4 day course in year 6 and we feel that having a shorter course to ease the children into this style of study will be beneficial. The idea of climbing and archery is of great interest, the site and proposed venue in general has a lot of benefits that we have never considered before as there has not been any facility available to us. We believe we will use the site for more diverse projects as we become more aware of what services are available.</p>
Site Requirements	<p>The site itself needs to just have a place for the children to shelter, write notes and take lunch. The adventurous activities are of significant interest especially archery and climbing. It would be very important to have a minibus service, as without it the costs would be too high for a local venue and the parents would be less likely to be supportive. Having a warden on site would be of significant benefit as well as we would then be able to concentrate on teaching.</p>

Polesworth (Abbey) Scout Group & Education Centre	
<i>Community Research</i>	
Name of Organisation	Austrey C.E. Primary School
Name of Contact	Wendy Harvey
Position	School Secretary
Purpose of need	Field classroom when taking trips to Pooley Country Park
Projected time of use	Weekdays between 9am and 3pm
Projected amount of use	6-8 times per year
Who will you teach \ support?	Primary School Children, mainly from the village of Austrey
Why the building is required	As a forest school, we visit Pooley Country Park on a number of occasions. Between April 2011 and June 2011, we visited the site on eight occasions. Very often we find that it would be of significant benefit if we could find a classroom big enough to accommodate the entire class to discuss what has been found and learned at the park.
Site Requirements	A classroom which has sufficient tables, chairs, lighting, heating and teaching aids to run an effective class. This will need to be available during the daytime. On top of this, we would find it of benefit if there were some kind of shuttle service available, this is not essential, but would be a nice addition.

Polesworth (Abbey) Scout Group & Education Centre	
<i>Community Research</i>	
Name of Organisation	Anker Water Activities
Name of Contact	Justin Tweed
Position	Head Instructor
Purpose of need	Meeting place, changing rooms and storage facility
Projected time of use	Evenings and weekends
Projected amount of use	2-4 times per month
Who will you teach \ support?	Any member of the community, similarly any community groups that has members wishing to work toward BCU accreditation
Why the building is required	There are two stretches of water within Polesworth that is ideal for canoeing or kayaking, these being Coventry Canal and River Anker, Anker Water Activities require a place close to these as some of the boats are fairly heavy. A changing facility is needed. Somewhere to store, clean and maintain the boats is also required, as they are kept at members homes as present. Finally, we need a meeting place to explain the different strokes and first aid etc. to new paddwill be required, the meeting place would also be the location of our AGM.
Site Requirements	Given the proposed site, it would be beneficial for terracing to the canal to ease launching onto the water. There needs to be storage where a trailer can be wheeled into which has the boats on, this storage must have air flow to allow buoyancy aids to dry. Some kind of outside washing facility would be desirable as it would make the cleaning of boats easier. Changing rooms are essential and showers are highly desirable, with facilities to make hot drinks. A small meeting room would be fine for teaching new members and small groups, however, a larger room would be needed for our AGM. If it would be possible to show videos during the AGM, this would be ideal, but this is far from essential.

Polesworth (Abbey) Scout Group & Education Centre	
<i>Community Research</i>	
Name of Organisation	1200 Air Cadets
Name of Contact	Phil Coffey
Position	Leader
Purpose of need	Camping facilities and adventurous activity centre
Projected time of use	Evenings and weekends
Projected amount of use	1 - 2 Times per month
Who will you teach \ support?	Cadets of 1200 Air Force Squadron
Why the building is required	<p>Currently night work can only be conducted on private land that is not secured, for example school field, this makes camping and some activities impossible. The activities that the cadets can conduct are also very limited as we do not have sufficient space to be able to take part in shooting, archery or large scale pioneering. All such activities can only be carried out on weekend campsites, these prove to be very expensive owing partially to location as none are within a reasonable distance from our headquarters.</p>
Site Requirements	<p>All of the activities proposed we would make a great deal of use of, these being shooting, archery, climbing, abseiling, large scale pioneering, kayaking, canoeing and high ropes. The fact that the proposed venue will have a fire circle means that the cadets get to learn how to light a fire in the wild. Camping facilities will be advantageous.</p>