

Enquiries to:
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Date: 31st January 2022

Dear Sir/Madam,

A meeting of the **PLANNING APPLICATIONS COMMITTEE** will be held in **Council Chamber of the Town Hall, Nuneaton on Tuesday, 8th February 2022 at 6.00p.m.**

A Site Visit will take place prior to the meeting as detailed overleaf.

Public Consultation on planning applications will commence at 6.00 p.m. (see Agenda Item No. 6 for clarification).

Please note that meetings may be recorded for future broadcast.

Yours faithfully,

BRENT DAVIS

Chief Executive

To: All Members of the Planning
Applications Committee

Councillor L. Cvetkovic (Chair)
Councillors B. Hammersley, S. Harbison, J.
Hartshorn, K. Kondakor, S. Markham, B.
Pandher, M. Rudkin, J. Sheppard (Vice-
Chair), R. Smith, and K. Wilson.

Committee Site Visit

Members are reminded that a site visit will take place in relation to application 038182- 11 Ribbonbrook, Nuneaton.

Members are asked to meet at the site at 4pm.

If any Members require a lift to the site, could they please contact the Planning Department prior to the afternoon of Committee. Please note it is requested that if car sharing is required that a face mask is worn during the journey and car windows are kept open. However, due to COVID-19 we do advise where possible members make arrangements to make their own way to and from the site.

The standard code of conduct for site visits is set out overleaf for your information. However, extra protocols are considered appropriate at this current time, these are as follows:

- Officers should undertake a pre-screening assessment ahead of attending site, specifically contacting the agent/applicant to check that access is available and there is no need to be accompanied. Clarification should also be sought by the Applicant/Agent that access can be carried out without going through the house.
- Officers or Members should not enter inside property unless absolutely necessary, and if they do enter the property this should be post any screening assessment and appropriate social distancing rules be maintained and only if it is safe to do so.
- PPE is to be worn by all attendees, namely masks at all times on site. Hand gel will also be made available by Planning Officers in attendance.
- If Members or Officers are displaying COVID-19 symptoms they should not undertake the site visit.
- Social distancing should be maintained throughout the visit.
- The application cannot be discussed by the Applicant/Agent or objectors with the attending Members or Officers as this could mean that social distance standards are not adhered to.
- In the event that anybody at the property is isolating or has tested positive prior to the site visit, they have been requested to contact the Council in order to reassess whether a site visit can be safely carried out or will need to be deferred.

Committee Site Visits- Code of Conduct

The purpose of a site visit to an application site is to clarify and gather information on planning issues relating to the site. It is not to provide a forum for debate and discussion on the merits of the application. Therefore, Committee Site Visits will be conducted subject to the following criteria:

- a) A site visit is for the purpose of viewing the site and ascertaining facts. They will take place only if authorised by the Committee where the Committee considers it is unable to determine an application on the basis on the officers' report to the Committee alone.
- b) Authorised attendance at a site visit shall be limited to members of the Planning Applications Committee and appropriate Officers.
- c) There shall be no discussion of the merits of any application during the site visit. Such discussion will only take place at a meeting of the Committee.
- d) Applicants or their representative shall not be permitted to make representations to members of the Committee during a site visit. They may, however, give any purely factual information which is requested by members through the representative of the Development Control Department and which cannot be ascertained by viewing alone.
- e) At the start of the site visit the Chairman of the Planning Applications Committee or the representative of the Development Control Department will explain and make clear to all those attending the Code's requirements for the conduct of site visits

AGENDA

PART I - PUBLIC BUSINESS

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside the Virgin Money building (formally the Yorkshire Bank) on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

The meeting will be live streamed to YouTube and will be available to view via the NBBC website.

2. APOLOGIES - To receive apologies for absence from the meeting.

3. MINUTES - To confirm the minutes of the meeting held on 18th January 2022, attached (**Page 7**).

4. DECLARATIONS OF INTEREST

To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members' Code of Conduct.

Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 14**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.

5. DECLARATIONS OF CONTACT

Members are reminded that contacts about any Planning Applications on this agenda must be declared before the application is considered

6. APPLICATIONS FOR PLANNING PERMISSION ON WHICH THE PUBLIC HAVE INDICATED A DESIRE TO SPEAK. EACH SPEAKER WILL BE ALLOWED 3 MINUTES ONLY TO MAKE THEIR POINTS – the report of the Head of Development Control attached. **(Page)**

7. APPLICATIONS FOR PLANNING PERMISSION ON WHICH NO MEMBER OF THE PUBLIC HAS INDICATED A DESIRE TO SPEAK – the report of the Head of Development Control attached. **(Page)**
8. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

NUNEATON AND BEDWORTH BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

18th January 2022

A meeting of the Planning Applications Committee was held on Tuesday, 18th January 2022, in the Council Chamber.

Present

Councillor L. Cvetkovic (Chair)

Councillors: J. Gutteridge (substitute for Councillor K. Wilson), B. Hammersley, S. Harbison, J. Hartshorn, K. Kondakor, B. Pandher, J. Sheppard, R. Smith and M. Walsh (substitute for Councillor S. Markham)

Apologies: Councillors S. Markham and K. Wilson

PLA46 **Minutes**

RESOLVED that the minutes of the meeting held on 7th December 2021 be confirmed and signed by the Chair.

PLA47 **Declarations of Interest**

RESOLVED that the Declarations of Interest for this meeting are as set out in the Schedule attached to these minutes.

PLA48 **Declarations of Contact**

Councillor M. Walsh declared that he is known to applicant on planning application 038182 but has had no contact with them on this planning matter.

Councillor R. Smith declared that for planning application 037955 he has received numerous complaints regarding the site and has discussed the site with residents before prior to an application being made.

IN PUBLIC SESSION

PLA49 **Planning Applications**

(Note: Names of the members of the public who submitted statements or spoke are recorded in the Schedule).

RESOLVED that decisions made on applications for planning permission are as shown in the attached schedule, for the reasons and with the conditions set out in the report and addendum, unless stated otherwise.

Chair

SCHEDULE OF APPLICATIONS FOR PLANNING PERMISSION AND
RELATED MATTERS REFERRED TO IN MINUTE PLA49 OF THE
PLANNING APPLICATIONS COMMITTEE ON 18th JANUARY 2022

038406: Faultlands Farm, Gipsy Lane, Nuneaton, Warwickshire, CV10 7PH
Erection of employment building on phase 1 including all associated works and
infrastructure (Approval of reserved matter relating to appearance,
landscaping, layout and scale of already approved outline application)
Applicant: Mr Amit Babbar

Public Statements: None

DECISION

Planning permission be granted subject to the conditions printed in the agenda.

037955 – Four Acres Stud, Coventry Road, Bulkington CV12 9NB
Change of use of part of site to dog boarding kennels and associated exercise
area. To make use of existing buildings but adding drainage, flooring, heating,
ventilation wall coverings and galvanised steel kennels
Applicant: Mr Paul Gerrand

Public Statements: None

DECISION

Planning permission to be granted for a temporary period of 9 months subject
to the conditions as printed in the agenda

038380 – Site 47D005 – Opposite Junction Wiclip Way and Malvern Avenue,
Nuneaton, Warwickshire
Application for prior notification for 19.0m ‘Phase 8’ Telecommunications
Street Pole with wraparound cabinet at base plus associated equipment
cabinets
Applicant: CK Hutchison Networks (UK) Ltd

Public Statements: Councillor B. Beetham
Mr Simon Webb
Agent Eve Wyke

DECISION

Planning committee confirmed that prior approval is not required and
requested that a condition be included to use anti-vandal paint on the
equipment.

038252 – 33b Coventry Road Bulkington, Bedworth CV12 9LY

Proposed front gates and wall

Applicant: Mr K Singh

Councillor J. Gutteridge declared an other interest by way of him residing in Coventry Road, Bedworth for over 40years.

Public Statements: None

DECISION

Planning permission be granted subject to the conditions printed with an additional condition relating to the submission of details for the colour of the approved walls

038182: 11 Ribbonbrook, Nuneaton, CV11 4LN

Removal of Line tree T4 covered by Tree Preservation Order 11/97

Applicant: Alan Hollyhoke

Public statements: Mr A Hollyhoke
Mr R Aucott

DECISION

Deferred for a site visit to consider the impact of the visual amenity.

Planning Applications Committee - Schedule of Declarations of Interests – 2021/2022

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	L. Cvetkovic	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee) Member on the following Outside Bodies: <ul style="list-style-type: none"> • Building Control Partnership Steering Group 	
	B. Hammersley	County Councillor – W.C.C.		
	S. Harbison	Employed by Meridian c/o Hello Fresh, 1 St Georges Way, Nuneaton	Member on the following Outside Bodies: <ul style="list-style-type: none"> • Poor's Piece Charity Astley Charity	
	J. Hartshorn	Employed by Nuneaton Library – Digital Inclusion – WCC (Senior Customer Service Assistant) COVID Community Testing – WCC – Team Leader (Casual)	Member of Nuneaton Conservatives	
	K.A. Kondakor	Electronic Engineer (self-employed)	Design (self-semi- Unpaid director of 100PERCENTRENEWABLEUK LTD	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
		retired); Statistical data analyst and expert witness (self employed)	Spouse: Leafleting for your Call Magazine one day every 6 weeks	
	S. Markham	County Councillor – W.C.C.	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Bedworth Neighbourhood Watch • Governor at Ash Green School • Bedworth Neighbourhood Watch • Governor at Ash Green School • Sherbourne Asset Co Shareholder Committee; • Nuneaton and Bedworth Sports Forum; • Warwickshire Direct Partnership; • Warwickshire Waste Partnership; 	
	B. Pandher	Member of Warwickshire County Council	Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple; Coordinator of Council of Sikh Temples in Coventry; Secretary of Coventry Indian Community; Trustee of Sikh Monument Trust Vice Chair Exhall Multicultural Group Member of the following Outside Bodies: <ul style="list-style-type: none"> • Foleshill Charity Trustee – Proffitt's Charity 	
	M. Rudkin	Employee of Coventry City Council	Unite the Union	
	J. Sheppard		Partnership member of the Hill Top and Caldwell Big Local.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
Director of Wembrook Community Centre.				
Member of the Management Committee at the Mental Health Drop in.				

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington; Trustee of Bulkington Sports and Social Club;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • A5 Member Partnership; • Patrol (Parking and Traffic Regulation Outside of London) Joint Committee; • Building Control Partnership Steering Group • Bulkington Village Community and Conference Centre • Representative on the Nuneaton and Bedworth Older Peoples Forum <p>Representative on the Digital Infrastructure Board.</p>	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	Nuneaton Conservative Association	
Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.				
<p>Representative on the following:</p> <ul style="list-style-type: none"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP) • West Midlands Combined Authority • Deputy Chairman – Nuneaton Conservative Association • District Council Network • Local Government Association 				

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	S. Harbison	Employed by Meridian c/o Hello Fresh, 1 St Georges Way, Nuneaton	Member on the following Outside Bodies: <ul style="list-style-type: none"> • Poor's Piece Charity Astley Charity	
	J. Hartshorn	Employed by Nuneaton Library – Digital Inclusion – WCC (Senior Customer Service Assistant) COVID Community Testing – WCC – Team Leader (Casual)	Member of Nuneaton Conservatives	
	K.A. Kondakor	Electronic Engineer (self-employed)	Design (self-employed) Unpaid director of 100PERCENTRENEWABLEUK LTD	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
		retired); Statistical data analyst and expert witness (self employed)	Spouse: Leafleting for your Call Magazine one day every 6 weeks	
	S. Markham	County Councillor – W.C.C.	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Bedworth Neighbourhood Watch • Governor at Ash Green School • Bedworth Neighbourhood Watch • Governor at Ash Green School • Sherbourne Asset Co Shareholder Committee; • Nuneaton and Bedworth Sports Forum; • Warwickshire Direct Partnership; • Warwickshire Waste Partnership; 	
	B. Pandher	Member of Warwickshire County Council	Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple; Coordinator of Council of Sikh Temples in Coventry; Secretary of Coventry Indian Community; Trustee of Sikh Monument Trust Vice Chair Exhall Multicultural Group Member of the following Outside Bodies: <ul style="list-style-type: none"> • Foleshill Charity Trustee – Proffitt's Charity 	
	M. Rudkin	Employee of Coventry City Council	Unite the Union	
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Director of Wembrook Community Centre.				
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	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	Nuneaton Conservative Association	
Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.				
<p>Representative on the following:</p> <ul style="list-style-type: none"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP) • West Midlands Combined Authority • Deputy Chairman – Nuneaton Conservative Association • District Council Network • Local Government Association 				

Applications for Planning Permission etc.
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Deferred Item

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Planning Applications

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Works to tress covered by a Tree Preservation Order

Item No.	Reference	Ward	Address	Page No.
3.	038419	AT	Land to side of 9 Park Avenue, Nuneaton, Warwickshire, CV11 4PQ	35

Wards:					
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BA	Barpool	BE	Bede	BU	Bulkington
CH	Camp Hill	EX	Exhall	GC	Galley Common
HE	Heath	KI	Kingswood	PO	Poplar
SL	Slough	SN	St Nicolas	WB	Wembrook
WE	Weddington	WH	Whitestone		

DEFERRED ITEM

Item No. 1

REFERENCE No. 038182

Site Address: 11 Ribbonbrook, Nuneaton, CV11 4LN

Description of Development: Removal of Lime tree T4 covered by Tree Preservation Order 11/97

Applicant: Alan Hollyhoke

Ward: AT

RECOMMENDATION:

Planning Committee is recommended to refuse planning permission, for the reasons as printed.

INTRODUCTION:

This application seeks consent to remove a Lime tree (T4) which is covered by Tree Preservation Order 11/97.

The application property is a two storey detached dwelling located towards the end of Ribbonbrook in Attleborough. The property features a north-west facing garden which backs onto an area of greenery and the railway line. To the north of the railway is Riversley Park.

T4 is located within the rear garden of the property, close to the western boundary with 10 Ribbonbrook and it forms part of an original row of 5 Lime trees covered by the TPO.

The applicant states that the removal is required due to concerns regarding the proximity of the tree to 10 and 11 Ribbonbrook, shading within the rear garden and the falling of excess branches and sticky sap.

BACKGROUND:

This application was originally presented to the committee on the 12th October 2021 with a recommendation from Officers of refusal. However, Members considered that the tree could be removed subject to the planting of a replacement tree which was to be agreed between the Applicant and the Council. This application was also presented to committee on the 18th of January and was deferred for site visit to assess the impact on visual amenity from surrounding areas with particular reference to the park.

Unfortunately, Officers have been unable to agree the type of replacement with the Applicant. The Council's Tree Officer considered that the tree should be replaced with a native tree that would still be visible from the public realm. However, the Applicant did not want to replace a nuisance tree with another tree that could then become a nuisance itself.

RELEVANT PLANNING HISTORY:

None for 11 Ribbonbrook, however similar applications for the felling of Lime trees along Ribbonbrook are listed below.

T1 11/97

- 037160 – Application to fell Lime tree was refused at committee in August 2020. The applicant has since appealed the decision; however, the appeal has not been determined as of yet.

T2 11/97

- 036712 – Application to fell Lime tree was approved at committee in May 2020.

T3 11/97

- 035268 – Application to fell Lime tree was refused at committee in January 2018.
- 035786 – Application to fell Lime tree was approved at committee in August 2018, subject to the implementation of a replacement tree.
- 036035 – Application to fell Lime tree without the need for a replacement was approved at committee in 2019.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - BE3 – Sustainable design and construction
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Parks and National Rail

CONSULTATION RESPONSES:

Objection from:
NBBC Parks

Comment from:
National Rail

National Rail were consulted with due to the close proximity to the railway line. They requested that the applicants complete an asset protection questionnaire. This was completed and returned to National Rail however they did not provide a further response.

NEIGHBOURS NOTIFIED:

10 and 13 Ribbonbrook.

Neighbouring properties were sent letters notifying them of the proposed development on 13th August 2021. A site notice was erected on street furniture on 12th August 2021.

APPRAISAL:

The key issue to assess in the determination of this application is:

1. Impact on visual amenity of a replacement tree.

1. The Impact on visual amenity of a replacement tree

The NBBC Parks Officer was consulted on the application. The recommendation received was one of refusal, as no technical evidence has been provided that justifies the removal. The Officer stated that the shading has not been shown to be extreme as the tree is situated to the north-west of the property. Ariel images show clear vegetative growth in the garden that would evidence sufficient natural light provision. They also state that height and size are not justifiable reasons to remove a tree without other factors being present. It has also been argued that fall from trees is a common natural phenomenon and the Parks Officer has advised that tree removals in relation to general fall from trees would set a precedent that would undermine the TPO process. However, members previously voted against this recommendation and voted to approve the removal of the tree due to the impact on light and the felling of leaves and sap, subject to a the planting of a replacement tree.

The Town and Country Planning Act 1990 states that: 'it shall be the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as he reasonably can'. However, this legislation then states that the local planning authority can dispense with this requirement. The Planning Practice Guidance states that: 'The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public'.

When discussing the options for a replacement tree, the Tree Officer advised that the ideal replacement would be a large native tree, such as a Lime tree.

However, it is acknowledged that it would not be appropriate to approve the removal of a large Lime tree for it to be replaced with an identical tree, as this would likely cause the same concerns (impact to light, leaves and sap). This would also question the validity of removing the original tree in the first place. The Tree Officer is unable to recommend a suitable replacement which meets the Town and Country Planning Act guidance and the expectations of the applicant because all trees drop their leaves and detritus and according to the guidance, any replacement should be visible from the public realm. Therefore, the replacement would obviously need to be large and the applicant would argue that this could still impact light. The Tree Officer has stated that they 'would not like to suggest we should be replacing large amenity trees with trees that cannot be seen by the public – as this sets another negative precedent and further undermines the TPO'.

There is a similar tree in every other rear garden along this row, allowing the removal of this tree with no replacement could set a precedent for the loss of all of these trees covered by the same TPO.

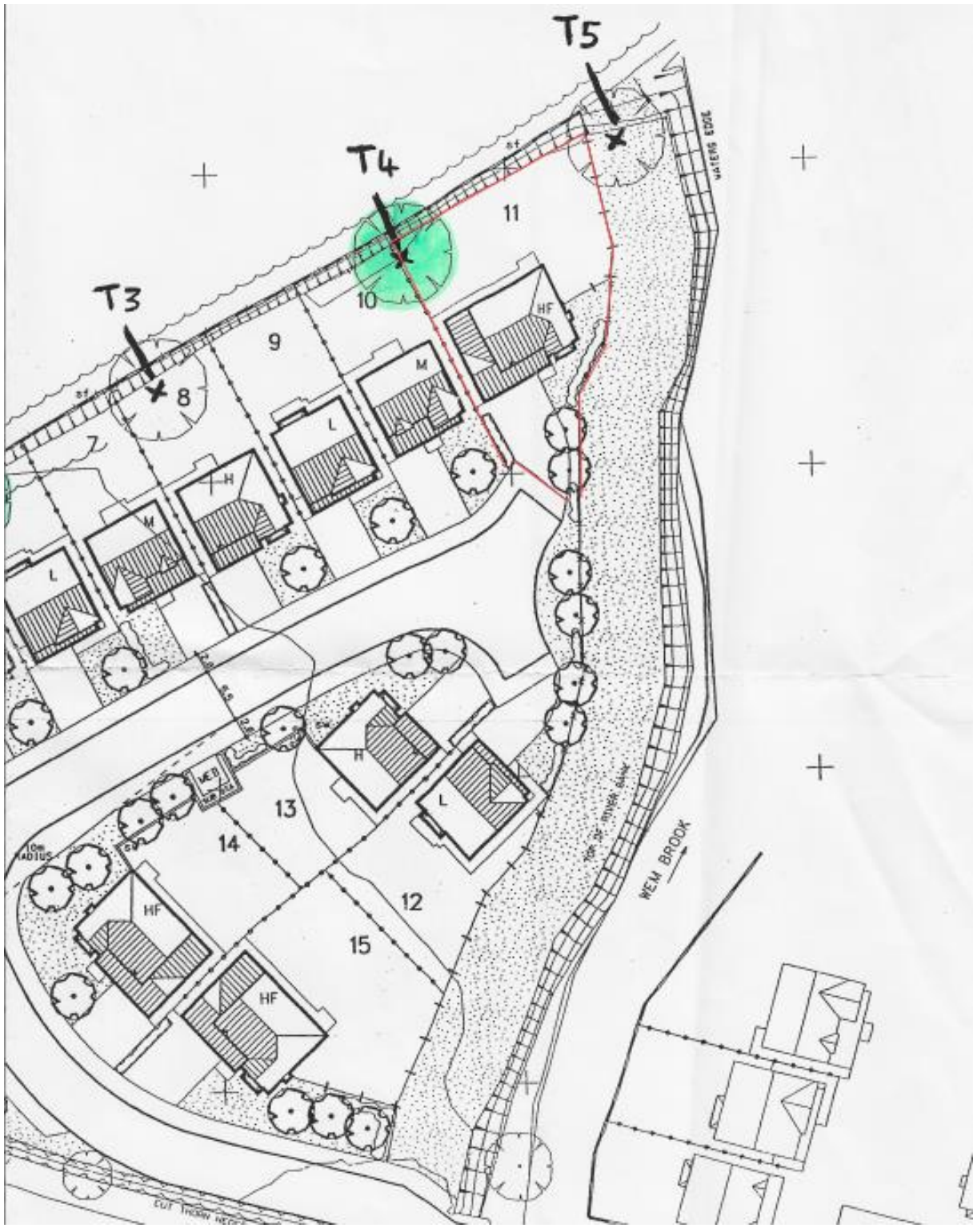
CONCLUSION:

In conclusion, whilst the applicant argues that the tree is worthy of felling due to the close proximity to the house, shading within the garden and excess leaves and sap, the Tree Officer argues that these reasons do not adequately justify the full removal of the tree. Committee previously voted to approve the removal of the tree subject to the planting of a replacement. However, it is considered that any replacement would need

to be large so that it is visible from the street. As such, any suitable replacement would likely cause the same issues as the original Lime tree. Therefore, the recommendation is to refuse application.

REASONS FOR REFUSAL:

It has not been adequately demonstrated that the tree is no longer worthy of a Tree Preservation Order. There is no technical evidence to suggest the health of the tree is compromised and it was assessed that the tree still provides amenity value to the local landscape.



Location plan of tree and 11 Ribbonbrook





View from neighbour's garden



View of tree and railway embankment from applicant's property



Photo to show shade in applicant's garden



Overhang on neighbour's garden

PLANNING APPLICATIONS

Item No. 2

REFERENCE No. 038303

Site Address: 75-91 Heath End Road Nuneaton Warwickshire CV10 7JG

Description of Development: Proposed conversion of existing building from general storage (Class B8), community facility (Class F2) and office & store (Class E) to 16 HMO units including first floor side extension and side dormer

Applicant: Mr Wale

Ward: AR

RECOMMENDATION:

Planning Committee is recommended to grant planning permission, subject to the conditions printed.

INTRODUCTION:

Proposed conversion of existing building from general storage (Class B8), community facility (Class F2) and office & store (Class E) to 16 HMO units including first floor side extension and side dormer at 75-91 Heath End Road Nuneaton Warwickshire CV10 7JG.

The proposal will involve the erection of a first-floor side extension to the east of the building and a side dormer to the west side. In addition, the ground and first floors will be converted to form a House in Multiple Occupation. A total of 16 double bedrooms (units) are proposed along with dedicated laundry facilities, cycle store and bin store. 11 parking spaces are proposed including 1 disabled parking space. As per the NBBB Standards for Houses in Multiple Occupation document, there will be a total of 15 Category A HMO's (bedsit type) and 1 Category F HMO (self-contained flat).

The site appears to have been used for a mix of uses including storage, community use, office and store. The building itself appears as a two-storey flat roof building from the front with a pitched roof to the rear.

The street scene of Heath End Road is predominantly residential in nature. Therefore, the current use is an anomaly in the street scene. The dwellings are a mix of detached, semi-detached and terraced two-storey properties. The age of the dwellings also varies and therefore the materials are quite mixed. The newer properties are brick built whereas the terraces are a mix of brick and rendered properties. The roof heights and styles between the different types of properties is also varied with the terraces having gabled roofs and the detached/semi-detached properties being hipped. In addition, the properties have very small front gardens with no driveway space.

George Eliot Hospital lies behind the properties on the opposite side of Heath End Road. To the north of the site is an open grassed area belonging to Manor Park Rugby Club. On-street parking is controlled through permit (on one side of the road) and double yellow lines to prevent excessive on-street parking from the hospital.

POA

The existing building in terms of its character, design, and large forecourt/parking area to the side, as well as the existing use of the site, is out of character with the street scene of Heath End Road.

BACKGROUND:

This application is being reported to Committee due to the number of objections received.

RELEVANT PLANNING HISTORY:

- 009428 - Amendment to approval 9244 to allow use of area edged orange on submitted plan also for youth group activities, exercise classes and computer training sessions (Variation of Condition 2 of TP/0566/96) – approved 24/1/2005
- 009244 - Vary condition 2 of TP/0566/96 to allow use of areas edged yellow on submitted plan for youth group activities, exercise classes and computer training sessions – committee approval 17/11/2004
- 006889 - Use of ground floor as community centre (old ref TP/0566/96) – approved 21/11/1996

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - DS1 – Presumption in favour of sustainable development
 - H1 – Range and mix of housing
 - BE3 – Sustainable design and construction
 - Supplementary Planning Guidance / Supplementary Planning Documents (SPD)
- Affordable Housing SPD 2020.
- Sustainable Design and Construction SPD 2020.
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Environmental Health, NBBC Housing, NBBC Planning Policy & WCC Highways.

CONSULTATION RESPONSES:

No objection subject to conditions from:
NBBC Environmental Health

No objection from:
WCC Highways and NBBC Housing

No response from:
NBBC Policy

NEIGHBOURS NOTIFIED:

Neighbouring properties were sent letters notifying them of the proposed development on 28/9/2021. Further letters were then sent to neighbours to notify them of the amended description of proposed works on 24/11/2021.

NEIGHBOUR RESPONSES:

There have been 7 letters of objection from 6 addresses. The comments are summarised below:

- 1) Overlooking and loss of privacy.
- 2) Insufficient parking provision and increased demand for on-street parking
- 3) Congestion and impact on highway network
- 4) Impact on house values

APPRAISAL:

The key issues to assess in the determination of this application are;

1. The principle of the development
2. The impact on residential amenity
3. The impact on visual amenity
4. Impact on highway safety
5. Conclusion

1. The Principle of Development

The character of Heath End Road is predominantly residential in nature. The NPPF Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safety and healthy living conditions. Strategic policies should set out a clear strategy for accommodation based objectively on assessed needs, in a way that makes as such use as possible of previously developed or “brownfield” land.

Paragraph 120 goes on to state that planning policies and decisions should give substantial weight to the development, and under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.

The area is predominantly residential in nature and is therefore considered a suitable location for further housing, albeit for HMO’s.

Although this application is for the creation of 16 units, they would not be considered as self-contained and therefore there are no requirements for any affordable housing to be created. The target audience for this application are individuals ages 22-35 who work 30+ hours per week in the NHS, car work, retail, hospitality and logistics, with an average income of £15-30,000. Given the locality of the George Eliot Hospital just a 5-minute walk from the site, it is anticipated there will be demand from doctors and nurses who require affordable accommodation. The target audience is relatively young due to targeting young single adults who may not have sufficient income/ deposit to buy their own home.

The client has stated that Rent a Room (National) Limited will be appointed to manage the property.

It is considered that given the character of the area and the reuse of an existing building to a more suitable and desired use means that, in principle the development is acceptable and should carry great weight in considering the application.

2. Residential amenity

Policy DS3 of the Borough Plan states there should not be a negative impact to the amenity of the surrounding environment or residents. Policy BE3 – Sustainable Design and Construction refers to development having to comply with the Council's Sustainable Design and Construction SPD in order to protect residential amenity of adjacent properties.

The proposal will involve the creation of a first-floor side extension to the side closest to the parking area. The extension will have a flat roof slightly lower than the main existing flat roof on the building. 3 new side facing windows are proposed to serve the bedrooms. The location of the windows will mean there are no direct views of any habitable windows of the nearest neighbour at No. 73. The windows will be in a position where the views will be of the rear garden. The separation distance between the windows and side boundary is 9m and so the windows will mostly overlook the car parking area. This is considered to be acceptable and will not cause any harm to neighbour amenity.

In addition, a flat roof dormer is proposed to the west of the building, closest with the neighbour at No. 93. A window is proposed in the end of the dormer to avoid any direct overlooking to neighbour amenity. Roof lights are proposed in the side of existing pitched roof. It is not considered that a roof light will allow for any direct overlooking, nor will it create any loss of privacy.

NBBC Environmental Health were consulted on the proposal and had no objection to the scheme subject to a condition relating to noise from the road which is considered to be reasonable.

7.4 of the Sustainable Design and Construction SPD states that the conversion of all non-residential buildings to residential purposes must:

- a) Provide a suitable living accommodation for the occupiers in terms of privacy, layout, design and impact from adjacent uses
- b) Must provide sufficient off-street parking for residents
- c) It must be suitably located
- d) The development must have the provision for drying clothes

11.10 goes on to state that all habitable rooms should have access to adequate natural light with windows situated to allow occupants to views of the outside environment.

Amended plans have been submitted to ensure all of the bedrooms have access to at least 1 window (the superseded plans only had provisions for roof lights for a number of bedrooms which is not considered to be acceptable). Although the communal area to HMO 3 will only have access to a roof light, it is considered to be acceptable on balance. This is because all of the bedrooms in HMO 3 also have provisions for a kitchen and seating area within the room.

There will be a total of 15 Category A (bedsit type) and 1 Category F (self-contained flat) HMO's created. NBBC Housing were consulted on the application and had no objection to the scheme. The NBBC Standards for HMO's Guide states the minimum room sizes of which the proposal falls within these standards. Similarly, the proposal is acceptable in terms of the kitchen facilities. Each unit will have access to its own kitchenette plus a shared kitchen. They will also have their own bathroom facilities with

no shared facilities. The self-contained flat HMO is also acceptable in terms of room sizes and facilities etc.

In conclusion it is considered that the proposal meets the SPD in terms of residential amenity.

3. Visual amenity

Policy DS3 - Development Principles of the Borough Plan states there should not be a negative impact to the amenity of the surrounding environment. Policy BE3 of the Borough Plan 2019 states that development should be designed to a high standard and provide local distinctiveness. It also states that development should reflect the positive attributes of the neighbouring area and have characteristics that are sensitive to the layout, street pattern and built form of the area.

Although extensions are proposed, they will not be highly visible from the road or from public view points. The first floor side extension will have limited views but will be mostly hidden behind the existing fabric of the building. This will be further limited by the lower roof height compared to the main roof of the existing building. The building itself easily has the capacity to accommodate an extension at the size proposed. The extension has also been designed in a way to integrate with the existing design of the building. Similarly, the side dormer will be hidden from any public view points. It is also relatively small in size and scale and will be set down from the ridge and up from the eaves, further reducing its scale.

In conclusion, it is considered that the visual amenity is acceptable.

4. Impact on Highway Safety

WCC were consulted on the application and have no objection in principle to the proposal. Queries were raised with regards to the existing uses and the floor sizes in order to assess whether the proposal would result in an intensified use of the access.

The existing/ current floor areas are as follows –

Storage (B8) - 103sqm
Community Facility (F2) - 140sqm
Office and Store (E) - 159sqm

It was concluded that the change of use will result in less/comparable number of vehicles so will not detrimentally affect the highway over the existing use.

Concerns have been raised by residents with regards to parking. A total of 11 parking spaces, including 1 disabled space, is proposed. Page 8 of the Transport Demand Matters SPD Adopted in 2021 states that for HMO's there needs to be 0.5 spaces per bedroom, therefore the proposed 16 double bedrooms require 8 parking spaces to be provided and it appears that this development has 11 spaces provided, therefore the development fits, therefore it is not considered that there will be any harm to highway safety as a result of the proposal.

5. Conclusion

In conclusion, the NPPF promotes a presumption in favour of sustainable development, and in line with the Planning and Compulsory Purchase Act 2004 states

that decisions should be made in line with an adopted Development Plan, unless material considerations indicate otherwise.

IN terms of the principle of development, the site is considered to be acceptable given its locality. It would also bring an existing building back into use and will provide much needed singles accommodation for the borough.

It is also considered that there will be no material harm to neighbour amenity or visual amenity as a result of the proposal. There is also sufficient proposed parking for there to be no harmful impact on highway safety as a result of the conversion.

Therefore, in the planning balance, there is clearly substantial weight in favour of approving the application. As such, the application is considered to be acceptable subject to conditions.

REASONS FOR APPROVAL:

Having regard to the pattern of existing development in the area, relevant provisions of the development plan, as summarised above, and the consultation responses received, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of traffic safety and convenience.

SCHEDULE OF CONDITIONS:

2. The development shall not be carried out other than in accordance with the approved plans contained in the following schedule:

Plan Description	Plan No.	Date Received
Location and proposed floor plans	21040-P-102 G	14.01.2022
Proposed elevations	21040-P-103 C	13.01.2022
Location plan	21040-P-001	03.09.2021

3. No development shall commence until details of a noise assessment and noise attenuation scheme, including glazing and ventilation details, to meet the standard for internal noise levels as defined in table 4 of BS8233:2014 (including consideration of maximum sound levels in line with the World Health Organisation's Guidelines for Community Noise) has first been submitted to and approved in writing by the Council.

4. The development shall not be occupied until the location and details of Electric Vehicle (EV) charging points, at a rate of one charging point per 10 spaces, has been submitted and approved in writing by the local planning authority. The EV charging point shall then be installed in accordance with the approved details and maintained in perpetuity. In addition, at that time, the developer shall also ensure that appropriate cabling is provided to enable increase in future provision.

5. The development shall not be carried out other than in accordance with the materials schedule contained on the approved plan No. 21040-P-103 Rev. C

6. The development shall not be occupied until the 1.8m close boarded fence as per drawing No. 21040-P-102 Rev. G has been installed and shall be retained in perpetuity.

7. The development shall not be occupied until secure the cycle storage, as shown on drawing No. 21040-P-102 Rev. G, has been provided within the site and is maintained in perpetuity.



Location Plan

Scale 1:1250



Location plan



Proposed elevations



Block plan and proposed floor plans

WORKS TO TREES

Item No. 3

REFERENCE No. 038419

Site Address: Land to side of 9 Park Avenue, Nuneaton, Warwickshire, CV11 4PQ

Description of Development: Removal of Lime tree (T12) and Sycamore tree (T13) covered by TPO 02/80

Applicant: Paul Starkey

Ward: AT

RECOMMENDATION:

Planning Committee is recommended to grant permission for the tree works subject to the conditions printed.

INTRODUCTION:

This application seeks approval for the removal of two trees, one Lime and one Sycamore, which are both protected by TPO 02/80. The trees are located on private land to the north-west of 9 Park Avenue and they are separated from Park Avenue by a 1m (approx.) brick wall and 2m (approx.) metal fencing. To the East of the trees are the industrial units on Holman Way.

The trees are located to the north-west of 9 Park Avenue and TPO 02/80 covers 13 trees in total. T1-10 are located further to the west, adjacent to Attleborough Road and Park Street. T11, 12 and 13 are all adjacent to 9 Park Avenue.

Park Avenue features multiple mature trees which line the footpath. These trees are not covered by any TPOs.

The applicant states that the removal is required due to subsidence impacts to 9 Park Avenue. The applicant is not the owner/occupier of 9 Park Avenue, however they are the owners of the land in which the trees are located on.

BACKGROUND:

This application has been called in by Councillors Baxter-Payne and Sargeant, and also has over 5 objections therefore qualified to be called into planning committee for these reasons.

RELEVANT PREVIOUS HISTORY:

TP/0333/98 – Erection of two houses on land to the rear of The Attleborough Arms – refused in 1998 due to the impact on residential amenity for future owners/occupiers and because the proposed access would be likely to result in damage, and potential loss of a tree, which is presently protected by a TPO.

RELEVANT PLANNING POLICIES:

- Policies of the Borough Plan 2019:
 - BE3 – Sustainable design and construction
- National Policy Planning Framework (NPPF).
- National Planning Practice Guidance (NPPG).

CONSULTEES NOTIFIED:

NBBC Tree Officer

CONSULTATION RESPONSES:

No objection subject to conditions from:
NBBC Tree Officer

NEIGHBOURS NOTIFIED:

2, 4, 6, 8, 9, 10, 11, 12, 14 Park Avenue and Units 8-9, 8a & 8b Holman Way

Neighbouring properties were sent letters notifying them of the proposed development on 10 November 2021. A site notice was erected on street furniture on 13th January 2022.

NEIGHBOUR RESPONSES:

There have been 14 objections from 8 addresses as well one objection from Nuneaton History (Nuneatonian) and 3 objections with no address provided. The comments are summarised below;

1. The damage to 9 Park Avenue has not been proven
2. The trees are visually important and contribute to the area as a local asset
3. Planting of trees is to be encouraged
4. Felling of a healthy trees is unnecessary
5. Trees are important as wildlife habitats
6. No evidence of disease
7. The trees formed part of Attleborough Hall and have a historical significance.
8. The trees provide visual and noise screening to the industrial units on Holman Way
9. Agree to the removal of T13 (Sycamore) as roots are causing subsidence but object to felling of T12 (Lime) as damage has not been proven within soil samples.
10. Could lead to future residential development to the rear of the site.
11. Trees should be replaced with smaller native species such as Holly, Rowan, Elder, Cherry or Crab Apple.

APPRAISAL:

The key issues to assess in the determination of this application are;

1. The Impact on visual amenity and justification for the removal
2. Conclusion

1. The Impact on visual amenity and justification for the removal

To create a TPO, the trees must be assessed as being an important landscape feature which offer significant amenity to the wider public. When assessing proposed works to

a tree covered by a TPO, the following are taken into account; the tree's visibility to the public, its condition, age and remaining life-expectancy, its function within the landscape and ultimately its importance to the local environment.

The advice from the National Planning Practice Guidance (NPPG) on Tree Preservation Orders and trees in Conservation Areas is that the Local Authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it.

The trees are highly visible from the public realm and it is likely that they would aid in screening the visual and noise impact of the neighbouring industrial estate, especially in the summertime. The trees are also of a fairly substantial size (estimated at approx. 20m in height) and therefore, it is considered that the trees do have significant visual amenity value to the surrounding area.

As it is considered that the trees do have amenity value, the issue to address next is whether this proposal is justified. The applicant is applying for the removal of the trees on the basis of subsidence impacts to 9 Park Avenue and they have submitted an Arboricultural Appraisal Report and a Site Investigation Report in support of their application. The majority of the objections state that the removal of the Sycamore (T13) is justified but the removal of the Lime (T12) is not. However, NBBC's Tree Officer has reviewed all of the submitted information and believes that the justification is appropriate. It should also be noted that page 7 of the MWA report states that the recommendation for the Lime Tree is one of removal.

Water is drawn through the soil towards tree roots and this can cause clay shrinkage subsidence which impacts building structures. The Tree Officer has explained that Sycamore and Lime trees both have similar water demands and as the trees are both of a similar height and are both located within a close proximity to one another, they can understand why they have reached the recommendation to remove both trees. Page 4 of the MWA report states that the damage to 9 Park Avenue has been caused by clay shrinkage subsidence. Subsidence can also be caused by the physical presence of tree roots and the documentation from Crawford states that the roots from the Sycamore tree have caused subsidence damage. As such, it is considered that the justification for the removal of both trees is sound.

When recommending the removal of TPOs trees, it is common practice to require replacement trees via a condition. The Town and Country Planning Act 1990 states that: 'it shall be the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as he reasonably can'. However, this legislation then states that the local planning authority can dispense with this requirement. The Tree Officer has stated that the applicant should recommend replacement/s or they should include reasoning as to why a replacement is not acceptable in this circumstance. As this application has been applied for on the basis of subsidence, it is reasonable to suggest low water demanding trees as a replacement as to not further exacerbate the issues to 9 Park Avenue. The Tree Officer has explained that Hornbeam may be a suitable option, as this species has lower water demand whilst providing a good level of visual amenity. This advice was provided to the applicant, and they were given the option to provide reasoning against a replacement, however the applicant has stated that they are happy to plant Hornbeam trees.

2. Conclusion

In conclusion, it is considered that the trees contribute to the visual amenity of the area and it is likely that they aid in shielding the view of the industrial units on Holman Way. Whilst these factors hold some weight against the application, ultimately the Tree Officer has expressed that suitable justification for the removal of the trees has been provided. Therefore the recommendation is to approve the removal of the trees subject the planting of replacements.

REASONS FOR APPROVAL:

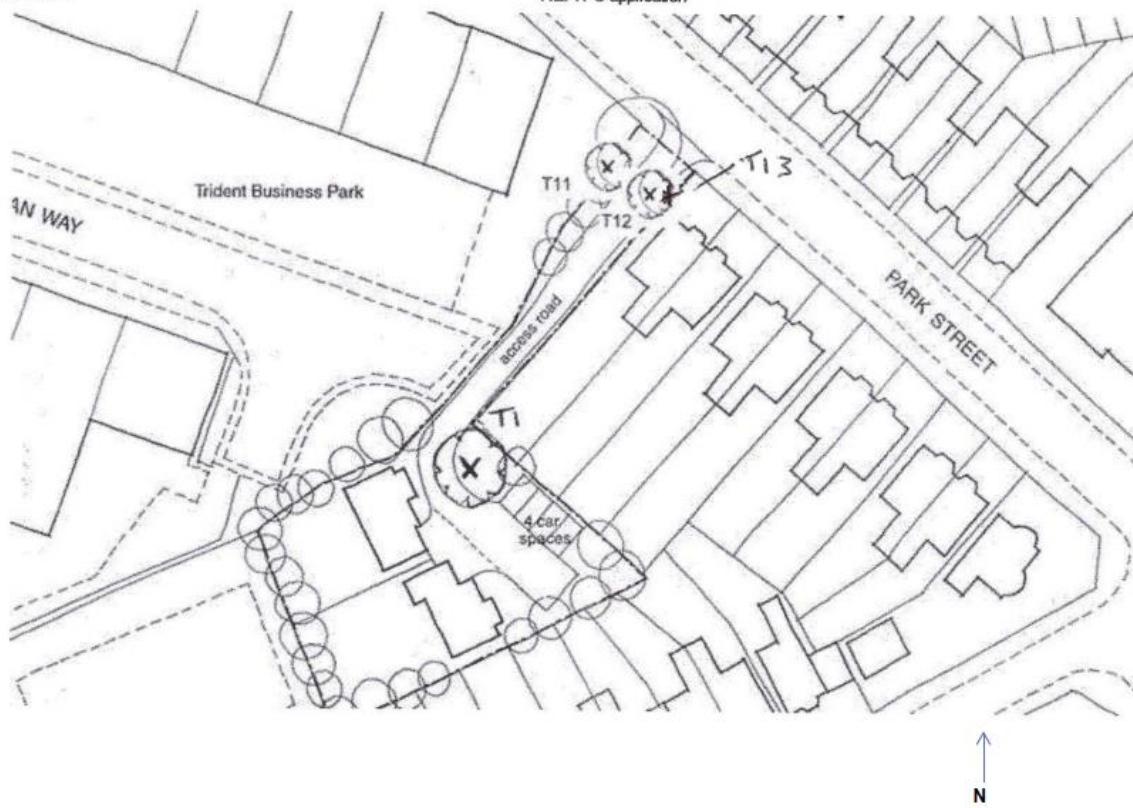
The removal of the trees are considered to be acceptable as suitable evidence has been provided to support the claims of subsidence.

SCHEDULE OF CONDITIONS:

1. The work granted consent shall be carried out in accordance with British Standard 3998 (Recommendations for Tree Work 1989).
2. The works approved are to be carried out within 2 years from the date of consent.
3. The work shall not be carried out until details (including type, maturity and location) of two replacement trees are submitted to and approved in writing by the Council. The two replacement trees are to be planted on site within 6 months of the commencement of the tree works to T12 and T13. If either of the replacement trees die, or are removed or damaged within 5 years of them being planted on site then they are to be replaced in a similar location by trees of a similar type and maturity.

03/11/2021

RE: TPO application



Tree Location Plan

Arboricultural Appraisal Report

Subsidence Damage Investigation at:

9 Park Avenue
Nuneaton
CV11 4PQ



CLIENT:	Crawford & Company
CLIENT REF:	SU2005013
MWA REF:	SUB210309-8573
MWA CONSULTANT:	John Graham B.Sc. Hons PhD
REPORT DATE:	23/03/2021

SUMMARY

Statutory Controls		Mitigation (Current claim tree works)	
TPO current claim	No	Policy Holder	No
TPO future risk	Yes – T2	Domestic 3 rd Party	No
Cons. Area	No	Local Authority	No
Trusts schemes	No	Other	Yes
Local Authority: -	Nuneaton and Bedworth Borough Council		

MWA Arboriculture Ltd
Bloxham Mill Business Centre
Barford Rd, Bloxham
Banbury
OX15 4FF

Tel: [REDACTED]
Email: [REDACTED]

Introduction

Acting on instructions from Crawford & Company, the insured property was visited on 17/03/2021 to assess the potential role of vegetation in respect of subsidence damage.

We are instructed to provide opinion on whether moisture abstraction by vegetation is a causal factor in the damage to the property and give recommendations on what vegetation management, if any, may be carried out with a view to restoring stability to the property. The scope of our assessment includes opinion relating to mitigation of future risk. Vegetation not recorded is considered not to be significant to the current damage or pose a significant risk in the foreseeable future.

This is an initial appraisal report and recommendations are made with reference to the technical reports and information currently available and may be subject to review upon receipt of additional site investigation data, monitoring, engineering opinion or other information.

This report does not include a detailed assessment of tree condition or safety. Where indications of poor condition or health in accessible trees are observed, this will be indicated within the report. Assessment of the condition and safety of third-party trees is excluded and third-party owners are advised to seek their own advice on tree health and stability of trees under their control.

Property Description

The property comprises a semi-detached 2 storey house, built in 1942 with single storey rear extension. External areas comprise gardens to the front and rear. The site is generally level with no adverse topographical features.

Damage Description & History

The current damage affects the rear right corner of the main building and was first noticed 03/09/2020. For a more detailed synopsis of the damage please refer to the building surveyor's technical report.

At the time of the building surveyor's inspection (22/10/2020) the structural significance of the damage was found to fall within Category 2 (slight) of Table 1 of BRE Digest 251.

We have not been made aware of any previous claims.

3



Site Investigations

Site Investigations were carried out by Auger on 07/12/2020, when a single trial pit was excavated to reveal the foundations, with a borehole sunk through the base of the trial pit to determine subsoil conditions. A drains survey was also undertaken.

Foundations:

Ref	Foundation type	Depth at Underside (mm)
TP/BH1	Concrete	700

Soils:

Ref	Description	Plasticity Index (%)	Volume change potential (NHBC)
TP/BH1	Brown sandy silty CLAY	15 - 32	Low - Medium

Roots:

Ref	Roots Observed to depth of (mm)	Identification	Starch content
TP/BH1	680	<i>Acer spp.</i>	Positive
TP/BH1	1,180	<i>Acer spp.</i>	Negative

Acer spp. are maples, including sycamore, Norway maple, and Japanese maples

Drains: The drains have been surveyed and no significant defects identified.

Monitoring: No information available at the time of writing.

Property: 9 Park Avenue
Nuneaton
CV11 4PQ

Client Ref: SU2005013
MWA Ref: SUB210309-8573

Discussion

Opinion and recommendations are made on the understanding that Crawford & Company are satisfied that the current building movement and the associated damage is the result of clay shrinkage subsidence and that other possible causal factors have been discounted.

Site investigations and soil test results have confirmed a plastic clay subsoil susceptible to undergoing volumetric change in relation to changes in soil moisture. A comparison between moisture content and the plastic and liquid limits suggests moisture depletion at the time of sampling in TP/BH1 at depths beyond normal ambient soil drying processes such as evaporation indicative of the soil drying effects of vegetation.

Roots were observed to a depth of 1.18m bgl in TP/BH1 and recovered samples have been positively identified (using anatomical analysis) as *Acer* spp. (includes sycamore), the potential origin of which is T1 and smaller sycamores saplings within TG1. Irrespective of the identification of recovered root samples, the roots of T2 may also be present below foundation level although currently there is no evidence of this.

Based on the technical reports currently available, engineering opinion and our own site assessment we conclude the damage is consistent with shrinkage of the clay subsoil related to moisture abstraction by vegetation. Having considered the information currently available, it is our opinion that T1 and TG1 are the principal cause of or are materially contributing to the current subsidence damage.

If an arboricultural solution is to be implemented to mitigate the influence of the implicated trees/vegetation we recommend that T1 is removed and TG1 subject to management.

Other vegetation recorded presents a potential future risk to building stability and management is therefore recommended.

Consideration has been given to pruning alone as a means of mitigating the vegetative influence, however in this case, this is not considered to offer a viable long-term solution due to the proximity of the responsible vegetation.

Recommended tree works may be subject to change upon receipt of additional information.

Conclusions

-
- Conditions necessary for clay shrinkage subsidence to occur related to moisture abstraction by vegetation have been confirmed by site investigations and the testing of soil and root samples.
- Engineering opinion is that the damage is related to clay shrinkage subsidence.
- There is significant vegetation present with the potential to influence soil moisture and volumes below foundation level.
- Roots have been observed underside of foundations and identified samples correspond to vegetation identified on site.

6



Table 1 **Current Claim - Tree Details & Recommendations**

Tree No.	Species	Ht (m)	Dia (mm)	Crown Spread (m)	Dist. to building (m)	Age Classification	Ownership
T1	Sycamore	20 *	600 *	15 *	7	Older than extension(s)	PG Starkey of 18 Trinity Walk, CV11 4PH and AG & LP Starkey of 127 Greenmoor Road, CV10 7EN and Walker Marshall Building & Landscaping Ltd of 1 Westfield Close CV10 8BD
Management history		No significant recent management noted.					
Recommendation		Remove (fell) to near ground level and treat stump to inhibit regrowth.					
TG1	Mixed species including: sycamore saplings, buddleia	3	20	2 *	3	Younger than Property	PG Starkey of 18 Trinity Walk, CV11 4PH and AG & LP Starkey of 127 Greenmoor Road, CV10 7EN and Walker Marshall Building & Landscaping Ltd of 1 Westfield Close CV10 8BD
Management history		Appears subject to previous management. No significant recent management noted.					
Recommendation		Remove (fell) all stems/vegetation within 10m of property to near ground level and treat stump to inhibit regrowth. Maintain area so regrowth does not re-establish.					

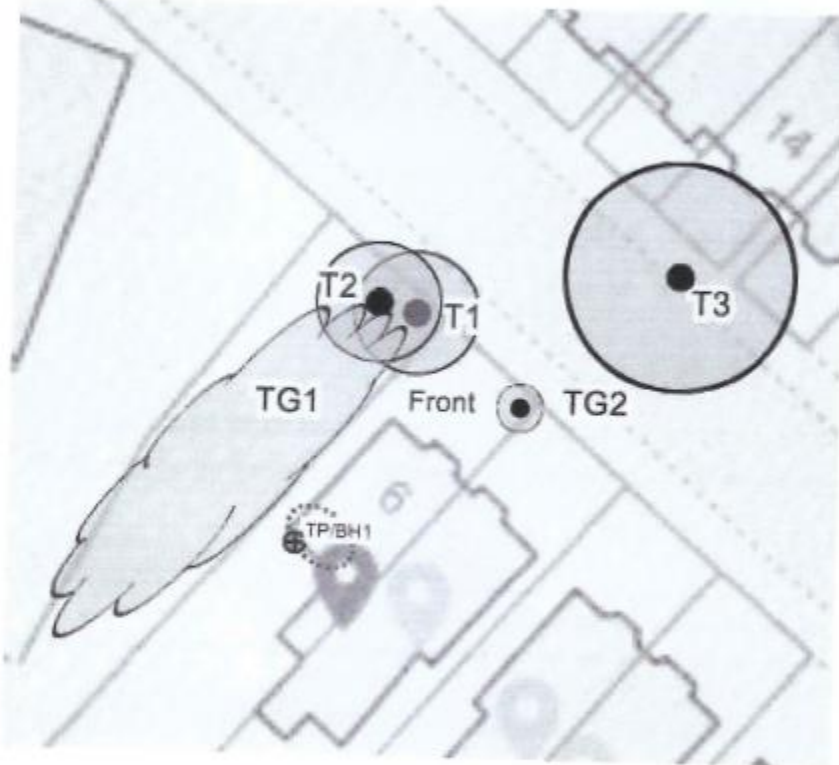
Mt: measured * Estimated value

Table 2 Future Risk - Tree Details & Recommendations

Tree No.	Species	Ht (m)	Dia (mm)	Crown Spread (m)	Dist. to building (m)	Age Classification	Ownership
T2	Lime	20 *	600 *	14	8 *	Older than extension(s)	PG Starkey of 18 Trinity Walk, CV11 4PH and AG & LP Starkey of 127 Greenmoor Road, CV10 7EN and Walker Marshall Building & Landscaping Ltd of 1 Westfield Close CV10 8BD
Management history		No significant recent management noted.					
Recommendation		Remove (fell) to near ground level and treat stump to inhibit regrowth.					
T3	Plane (London)	25	890	18	16	Similar Age to Property	Local Authority
Management history		No significant recent management noted.					
Recommendation		No works required at present (subject to review if movement persists).					
TG2	Cypress	3	50 Ms	1.5	7	Younger than Property	Policy Holder
Management history		Subject to past management/pruning.					
Recommendation		Maintain broadly at no more than current dimensions by periodic pruning.					

Ms: multi-stemmed * Estimated value

Site Plan



Plan not to scale – indicative only

 Approximate areas of damage

Images



View of T1 and T2



View of TG1.

Management of vegetation to alleviate clay shrinkage subsidence.

All vegetation requires water to survive which is accessed from the soil. Clay soils shrink when water abstracted by vegetation exceeds inputs from rainfall, which typically occurs during the summer months. When deciduous vegetation enters dormancy and loses its leaves and rainfall increases during the winter months, soil moisture increases and the clay swells. (Evergreen trees and shrubs use minimal/negligible amounts of soil water during the winter).

Buildings founded on clay are susceptible to movement as the clay shrinks and swells which can result in cracking or other damage.

Where damage does occur, pruning (reducing leaf area) can in some circumstances be effective in restoring stability however, removal of the influencing vegetation (trees, shrubs, climbers) causing the ground movement offers the most predictable and quickest solution in stabilising the clay and hence the building and for this reason is frequently initially recommended as the most appropriate solution.

Often this is unavoidable due to the size or number of influencing trees, shrubs etc and their proximity to the building. Very heavy pruning of some species to a level required to effectively control its water use can result in the trees decline and ultimately death and is one factor considered when making recommendations for remedial tree works. Pruning alone, whilst reducing soil moisture uptake is often an unpredictable management option in restoring building stability either in the short or long term.

In some circumstances however, where vegetation initially recommended for removal is subsequently pruned and monitoring indicates the building has stabilised, removal becomes unnecessary with decisions based on best evidence available at the time.

Job Information

Background

Auger were commissioned by Crawford & Co to undertake a site investigation and CCTV inspection of the underground drainage within the area of concern at the property.

Findings

The CCTV survey revealed no significant defects to the plastic drainage system which could be allowing an escape of water.

Photographs

Visit 01/02/2022

Fig 1: Visit 01/02/2022



Fig 2: Visit 01/02/2022

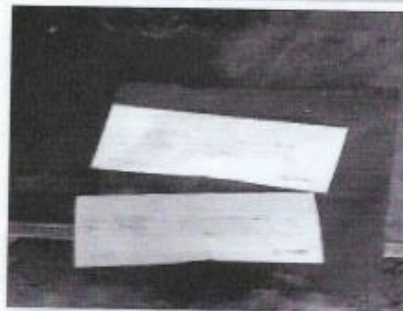


Visit 02/02/2022

Fig 3: Visit 02/02/2022



Fig 4: Visit 02/02/2022

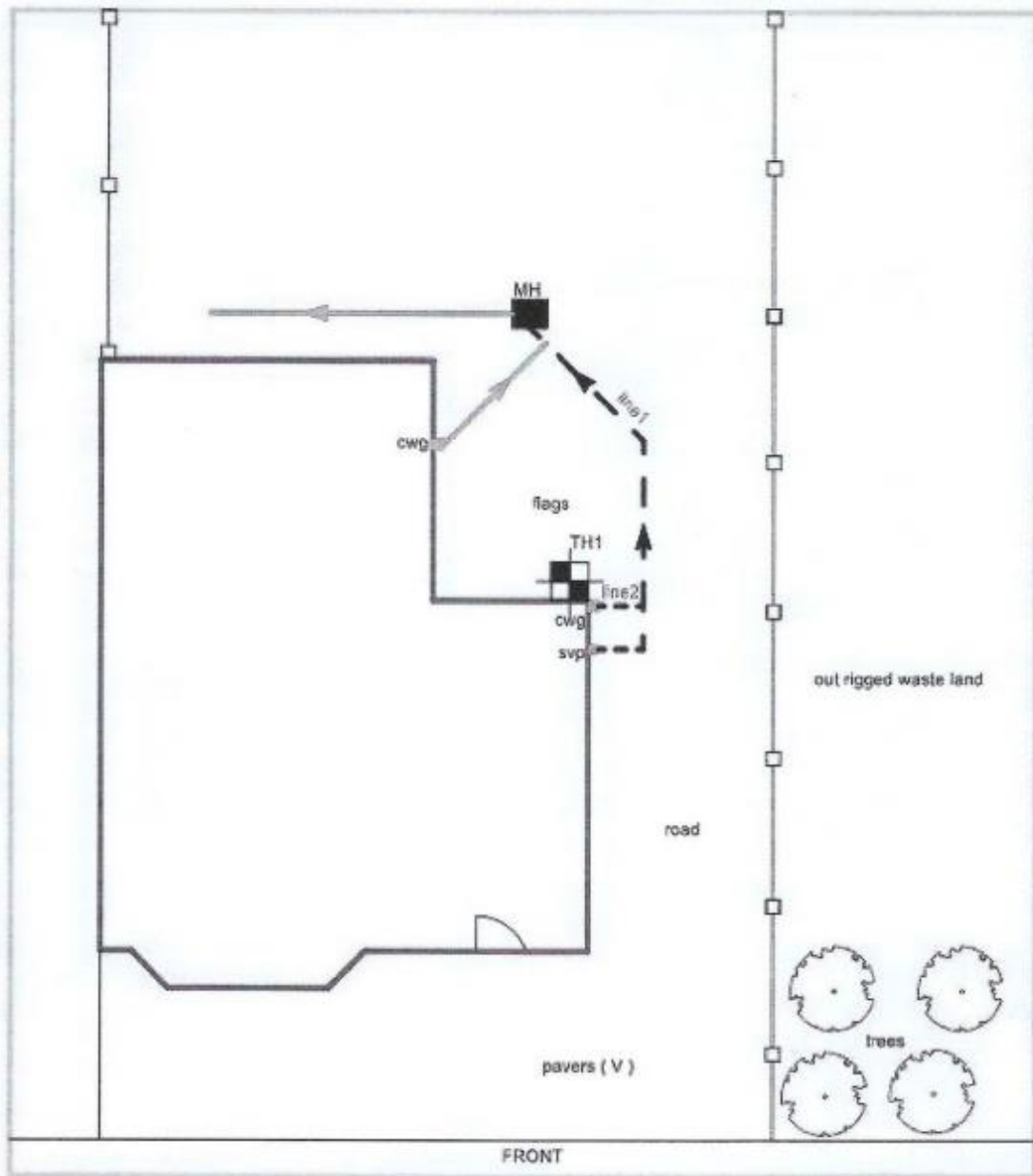




Existing Layout

Job Ref: 115508.1

Date: 07/12/2020



This drawing should be used for diagnostic purposes only. Auger are not responsible or liable for any 2nd party works undertaken using the details outlined in this drawing. Confirmation of the drainage configuration can only be confirmed by excavation or detailed technical survey.

LEGEND	
= Manhole	= Blockage
= Inspection Chamber	= Drainage Lines
= Inspection Pot	= Assumed water mains lead
= svp/wc	= Wells
= wgr/fag	= Fences
= rwg	= Building Outline
= rwp	= Steps
= Trial hole	= Gate / door
= Borehole	= Shrub/bush
= Director of flow	= Hedge
= Tree	

auger		Trial Hole Log No.1 Location: Rear rh corner		Job Ref: 115508.1.USI		
Depth (m)	Symbolic Log	Strata Description	Insitu Tests		Soil Sample	Root Sample
			SV(19)			
0.0	<p>150mm</p> <p>Ground Level</p> <p>Flagstones</p> <p>Brickwork</p> <p>Concrete</p>					
0.5						
1.0		Moist very stiff Brown fine gravelly sandy silty CLAY	98kpa		Soil @ 0.66m	Root @ 0.66m
1.5			104kpa		Soil @ 1.18m	Root @ 1.18m
2.0		Moist very stiff Brown sandy silty CLAY	108kpa		Soil @ 1.68m	
2.5			112kpa		Soil @ 2.18m	
3.0		TRIAL HOLE TERMINATED	116kpa		Soil @ 2.68m	
3.5			122kpa			



Richardson's Botanical Identifications

Root identification
Vegetation surveys
Tree/Building investigations
Plant taxonomy

Dr Ian B K Richardson
BSc, MSc, PhD, MRSA, FLS
James Richardson
BSc (Hons. Biology)

Enterprise House
49-51 Whiteknights Road
Reading
RG6 7BB

Tel: [REDACTED]
E-mail: [REDACTED]
Web: www.botanical.net

Auger Solutions
Auger House
Cross Lane
WALLASEY
Wirral CH45 8RH

Your ref: 115608-1-1

Our ref: 81/3515

24/12/2020

Dear Sirs

Root ID

The samples you sent in relation to the above have been examined. Their structures were referable as follows:

TH1, 0.68m		
3 no.	Examined root: ACER (Maples, Sycamores).	Alive, recently*.
TH1, 1.18m		
2 no.	Examined root: very THIN (less than 0.1mm in diameter). We cannot rule out ACER (Maples, Sycamores).	Dead* (note this 'dead' result can be unreliable with such thin samples).
2 no.	Both samples revealed too few cells for microscopic identification.	

Click here for more information: [ACER](#)

I trust this is of help. Please call us if you have any queries; our Invoice is enclosed.

Yours faithfully

[REDACTED SIGNATURE]

Dr Ian B K Richardson

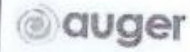
* Based mainly on the Iodine test for starch. Starch is present in some cells of a living woody root, but is more or less rapidly broken down by soil micro-organisms on death of the root, sometimes before decay is evident. This result need not reflect the state of the parent tree.

** Try out our web site on www.botanical.net **

Identified with no information on vegetation, on or off site.



Geotechnical Testing Analysis Report



Unit 3 & 4,
Heol Aur,
Dafen Ind Estate,
Dafen
Llanelli,
Carmarthenshire,
SA14 8QN

Auger House,
Cross Lane,
Wallasey,
Wirral,
CH45 8RH

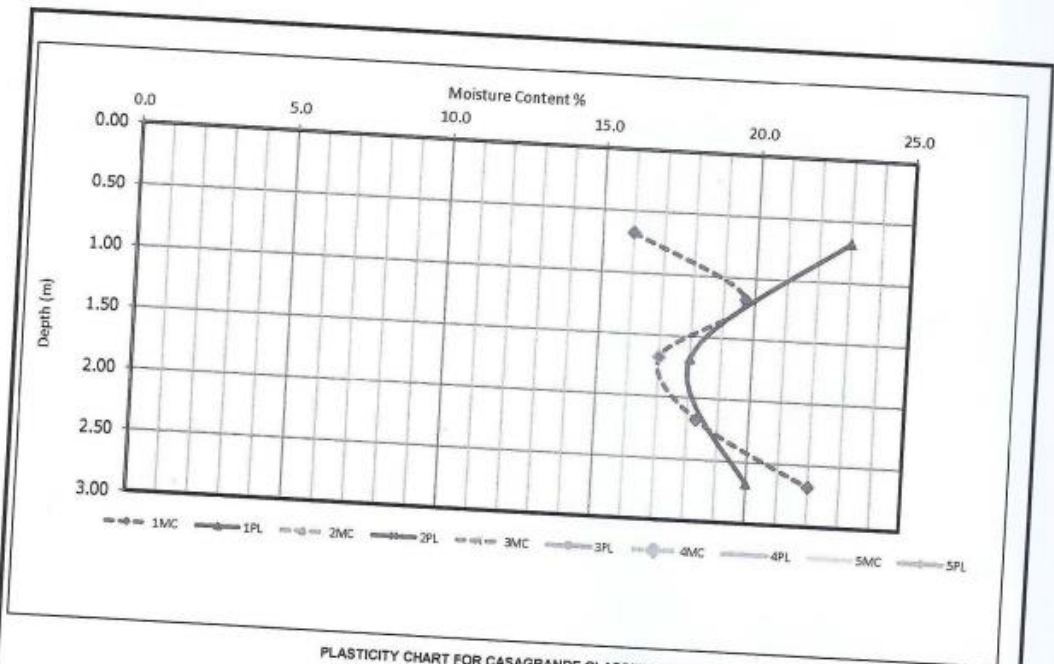
Summary Of Claim Details

Policy Holder	Unknown
Risk Address	Unknown
SI Date	07/12/2020
Issue Date	07/12/2020
Report Date	18/01/2021
Auger Reference	115508.1.2.RSS
Insurance Company	LV=
LA Claim Reference	SU2005013
LA Co. Reference	Crawford & Co

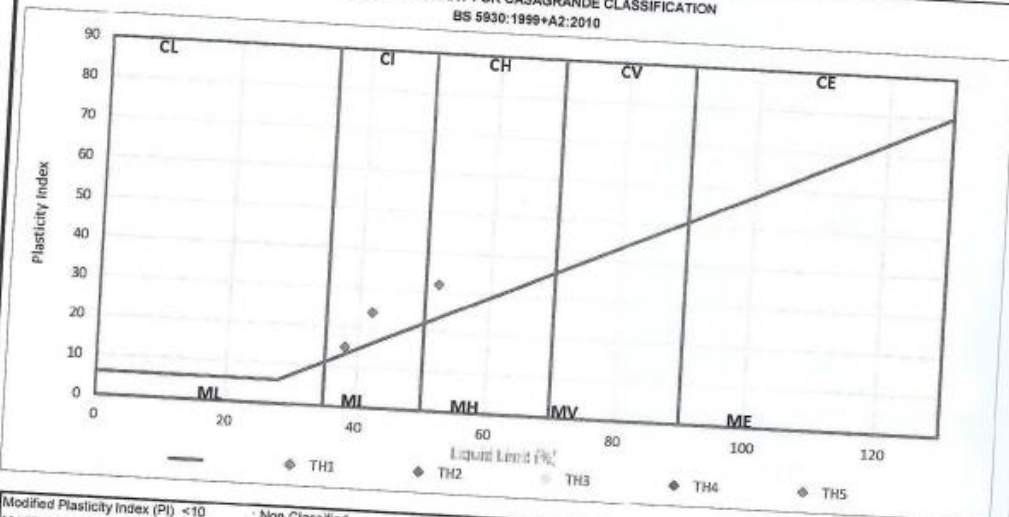
This certificate is issued in accordance with the accreditation requirements of the United Kingdom Accreditation Service. The results reported herein relate only to the material supplied to the laboratory. This certificate shall not be reproduced except in full, without the prior written approval of the laboratory.

	Checked	18/01/2021	Wayne Honey	
	Approved	18/01/2021	Paul Evans	





PLASTICITY CHART FOR CASAGRANDE CLASSIFICATION
BS 5930:1999+A2:2010



Modified Plasticity Index (PI) <10 : Non Classified
 Modified PI = 10 to <20 : Low volume change potential (LOW VCP)
 Modified PI = 20 to <40 : Medium volume change potential (Med VCP)
 Modified PI = 40 or greater : High volume change potential (HIGH VCP)

The Atterberg Limits May also be used to classify the volume change potential of fine soils using the National House building system, as given in the NHBC's Standards Chapter 4.2 (2003) "Building Near Trees"

Test Operator	Checked	18/01/2021	Wayne Honey
Luke Williams	Approved	18/01/2021	Paul Evans





9th April 2021

Our reference: [REDACTED]

PG Starkey
[REDACTED]

Dear Sirs/Madam

Risk Address: 9 Park Avenue, Nuneaton, CV11 4PQ

We act for insurers in connection with a claim that has been notified to them in respect of subsidence damage to the above property.

After our initial and subsequent investigations, it would appear that trees in your ownership is responsible for* the damage. Roots from the trees have trespassed beneath the foundation of the property, leading to the current subsidence.

Attached hereto as proof of causation:

- a copy of the laboratory soils analysis,
- root identification by EPSL

The property is being monitored and a copy of the data we collect will be forwarded to you as this becomes available to us.

We also enclose a copy of the recommendations provided by MWA Arboriculture which implicates T1 Sycamore and TG1 mixed species including sycamore saplings, buddleia and can be found within Table 1, 'Current Claim' section of their report. These recommendations take into account the initial findings, known water demand and proximity of the tree to the affected structure.

A potential liability may exist against you, equal to the claim outlay. We encourage you to engage in open dialogue and act reasonably to investigate this matter to prevent avoidable cost escalation. We ask that you consider prompt action to abate the root nuisance, which will reduce the risk of further damage and associated costs, as well as reducing the impact on the homeowner/occupier.

Should a visit to inspect the damage first-hand be required, we are happy to make the arrangements. Please forward any requests to us and we will liaise with the building owner as necessary.

We can confirm that our current reserve based upon superstructure repairs only is £5,000.00. We also hold a worst case reserve of £90,000.00 in the event that mitigation remains outstanding and an alternative solution requires implementation to address the root nuisance.

Please acknowledge this letter and enclosures within 28 days with confirmation of any actions to be taken if possible.

If you have any queries, please contact [REDACTED] or by email at [REDACTED]

Yours faithfully,
[REDACTED]

Glossary

Adoption – The final confirmation of a local plan by a local planning authority.

Advertisement consent – A type of consent required for certain kinds of advertisements, such as shop signs and hoardings. Some advertisements are allowed without the need for an application by the Town and Country Planning (Control of Advertisement) (England) Regulation 2007.

Affordable housing – Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Authority monitoring report – A report that allows the Local Authority to assess the extent to which policies and proposals set out in all the local development documents are being achieved.

Appeal – The process by which a planning applicant can challenge a planning decision that has been refused or had conditions imposed.

Area action plan – A document forming part of the local plan containing proposals for a specific defined area.

Article 4 direction – A direction restricting permitted development rights within a specified area. They are often used in conservation areas to provide protection for things like windows, doors, chimneys, etc.

Brownfield – Land which has had a former use.

Conservation area – An area of special architectural or historic interest, the character and appearance of which are preserved and enhanced by local planning policies and guidance.

Conservation area consent – Consent needed for the demolition of unlisted buildings in a conservation area.

Consultation – A communication process with the local community that informs planning decision-making.

Certificate of lawfulness – A certificate that can be obtained from the local planning authority to confirm that existing development is lawful. Change of use – A material change in the use of land or buildings that is of significance for planning purposes e.g. from retail to residential.

Character appraisal – An appraisal, usually of the historic and architectural character of conservation areas.

Community – A group of people that hold something in common. They could share a common place (e.g. individual neighbourhood) a common interest (e.g. interest in the environment) a common identity (e.g. age) or a common need (e.g. a particular service focus).

Community engagement and involvement – Involving the local community in the decisions that are made regarding their area.

Design and access statement – A short report accompanying a planning permission application. Describes design principles of a development such as layout, townscape characteristics, scale, landscape design and appearance.

Design Code - A design code provides detailed design guidance for a site or area they prescribe design requirements (or 'rules') that new development within the specified site or area should follow.

Development – Legal definition is “the carrying out of building, mining, engineering or other operations in, on, under or over land, and the making of any material change in the use of buildings or other land.”

Development management control – The process of administering and making decisions on different kinds of planning application.

Development plan – A document setting out the local planning authority's policies and proposals for the development and use of land in the area.

Duty to co-operate – A requirement introduced by the Localism Act 2011 for local authorities to work together in dealing with cross-boundary issues such as public transport, housing allocations or large retail parks.

Economic development – Improvement of an area's economy through investment, development, job creation, and other measures.

Enforcement – Enforcement of planning control ensures that terms and conditions of planning decisions are carried out.

Enforcement notice – A legal notice served by the local planning authority requiring specified breaches of planning control to be corrected.

Environmental impact assessment – Evaluates the likely environmental impacts of the development, together with an assessment of how these impacts could be reduced.

Flood plain – An area prone to flooding.

Front loading – An approach to community engagement in which communities are consulted at the start of the planning process before any proposals have been produced. General (Permitted Development) Order The Town and Country Planning General (Permitted Development) Order is a statutory document that allows specified minor kinds of development (such as small house extensions) to be undertaken without formal planning permission

Green belt – A designated band of land around urban areas, designed to contain urban sprawl.

Greenfield site – Land where there has been no previous development.

Green infrastructure – Landscape, biodiversity, trees, allotments, parks, open spaces and other natural assets.

Green space – Those parts of an area which are occupied by natural, designed or agricultural landscape as opposed to built development; open space, parkland, woodland, sports fields, gardens, allotments, and the like.

Green travel plan – A package of actions produced by a workplace or an organization setting out how employees, users or visitors will travel to the place in question using options that are healthy, safe and sustainable, and reduce the use of the private car.

Highway authority – The body with legal responsibility for the management and maintenance of public roads. In the UK the highway authority is usually the county council or the unitary authority for a particular area, which can delegate some functions to the district council.

Historic parks and gardens register – The national register managed by English Heritage which provides a listing and classification system for historic parks and gardens.

Housing associations – Not-for-profit organisations providing homes mainly to those in housing need.

Independent examination – An examination of a proposed neighbourhood plan, carried out by an independent person, set up to consider whether a neighbourhood plan meets the basic conditions required.

Infrastructure – Basic services necessary for development to take place e.g. roads, electricity, water, education and health facilities.

Inquiry – A hearing by a planning inspector into a planning matter such as a local plan or appeal.

Judicial review – Legal challenge of a planning decision, to consider whether it has been made in a proper and lawful manner.

Legislation – The Acts of Parliament, regulations, and statutory instruments which provide the legal framework within which public law is administered.

Listed buildings – Any building or structure which is included in the statutory list of buildings of special architectural or historic interest.

Listed building consent – The formal approval which gives consent to carry out work affecting the special architectural or historic interest of a listed building.

Local authority – The administrative body that governs local services such as education, planning and social services.

Local plan - The name for the collection of documents prepared by a local planning authority for the use and development of land and for changes to the transport system. Can contain documents such as development plans and statements of community involvement.

Local planning authority – Local government body responsible for formulating planning policies and controlling development; a district council, metropolitan council, a county council, a unitary authority or national park authority.

Material considerations – Factors which are relevant in the making of planning decisions, such as sustainability, impact on residential amenity, design and traffic impacts.

Micro-generation – The small-scale generation of renewable energy usually consumed on the site where it is produced.

Mixed use – The development of a single building or site with two or more complementary uses.

National Planning Policy Framework (NPPF) – The government policy document first adopted in 2012 was updated in 2021. The NPPF introduces a presumption in favour of sustainable development. It gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Neighbourhood planning – A community initiated process in which people get together through a local forum or parish or town council and produce a neighbourhood plan or neighbourhood development order.

Non-determination – When a planning application is submitted and the local authority fails to give a decision on it within the defined statutory period.

Operational development – The carrying out of building, engineering, mining or other operations in, on over, or under land; part of the statutory definition of development (the other part being material changes of use of buildings or land).

Permitted development – Certain minor building works that don't need planning permission e.g. a boundary wall below a certain height.

Policy – A concise statement of the principles that a particular kind of development proposal should satisfy in order to obtain planning permission.

Parking standards – The requirements of a local authority in respect of the level of car parking provided for different kinds of development.

Plan-led – A system of planning which is organised around the implementation of an adopted plan, as opposed to an ad hoc approach to planning in which each case is judged on its own merits.

Planning gain – The increase in value of land resulting from the granting of planning permission. This value mainly accrues to the owner of the land, but sometimes the local council negotiates with the developer to secure benefit to the public, either through section 106 planning obligations or the setting of a community infrastructure levy.

Planning inspectorate – The government body established to provide an independent judgement on planning decisions which are taken to appeal.

Planning obligation – Planning obligation under Section 106 of the Town and Country Planning Act 1990, secured by a local planning authority through negotiations with a developer to offset the public cost of permitting a development proposal. Sometimes developers can self-impose obligations to pre-empt objections to planning permission being granted. They cover things like highway improvements or open space provision.

Planning permission – Formal approval granted by a council allowing a proposed development to proceed. Planning Practice Guidance (PPG) The government's PPG can be read alongside the NPPF and is intended as a guidebook for planners. It is not a single document but an online resource which is kept current through regular updates. Presumption in favour of sustainable development The concept introduced in 2012 by the UK government with the National Planning Policy Framework to be the 'golden thread running through both plan making and decision taking'. The National Planning Policy Framework gives five guiding principles of sustainable development: living within the planet's means; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Public inquiry – See Inquiry.

Public open space – Open space to which the public has free access.

Public realm – Areas of space usually in town and city centres where the public can circulate freely, including streets, parks and public squares.

Regeneration - Upgrading an area through social, physical and economic improvements.

Retail – The process of selling single or small numbers of items directly and in person to customers. The use category defined as Class E in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Rural – Areas of land which are generally not urbanised; usually with low population densities and a high proportion of land devoted to agriculture.

Scheduled ancient monument – A nationally important archaeological site, building or structure which is protected against unauthorised change by the Ancient Monuments and Archaeological Areas Act 1979.

Section 106 – see Planning obligation.

Sequential test – A principle for making a planning decision based on developing certain sites or types of land before others, for example, developing brownfield land before greenfield sites, or developing sites within town centres before sites outside town centres.

Setting – The immediate context in which a building is situated, for example, the setting of a listed building could include neighbouring land or development with which it is historically associated, or the surrounding townscape of which it forms a part.

Space standards – Quantified dimensions set down by a local planning authority to determine whether a particular development proposal provides enough space around it so as not to affect the amenity of existing neighbouring developments. Space standards can also apply to garden areas.

Supplementary planning document – Provides detailed thematic or site-specific guidance explaining or supporting the policies in the local plan.

Sustainable development – An approach to development that aims to allow economic growth without damaging the environment or natural resources. Development that “meets the needs of the present without compromising the ability of future generations to meet their own needs”.

Town and Country Planning Act 1990 – Currently the main planning legislation for England and Wales is consolidated in the Town and Country Planning Act 1990; this is regarded as the ‘principal act’.

Tree preservation order – An order made by a local planning authority to protect a specific tree, a group of trees or woodland. Tree preservation orders (TPOs) prevent the felling, lopping, topping, uprooting or other deliberate damage of trees without the permission of the local planning authority.

Use classes order – The Town and Country Planning (Use Classes) Order 1987 (as amended) is the statutory instrument that defines the 8 categories of use of buildings or land for the purposes of planning legislation. Planning permission must be obtained to change the use of a building or land to another use class.

Urban – Having the characteristics of a town or a city; an area dominated by built development. Urban design – The design of towns and cities, including the physical characteristics of groups of buildings, streets and public spaces, whole neighbourhoods and districts, and even entire cities.

Urban fringe – The area on the edge of towns and cities where the urban form starts to fragment and the density of development reduces significantly.

Guide to changes to the Use Classes Order in England

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Shop not more than 280sqm mostly selling essential goods, including food and at least 1km from another similar shop	A1	F.2
Shop	A1	E
Financial and professional services (not medical)	A2	E
Café or restaurant	A3	E
Pub or drinking establishment	A4	Sui generis
Take away	A5	Sui generis
Office other than a use within Class A2	B1a	E
Research and development of products or processes	B1b	E
For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	B1c	E
Industrial	B2	B2
Storage or distribution	B8	B8

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Hotels, boarding and guest houses	C1	C1
Residential institutions	C2	C2
Secure residential institutions	C2a	C2a
Dwelling houses	C3	C3
Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation'	C4	C4
Clinics, health centres, creches, day nurseries, day centre	D1	E
Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	D1	F.1
Cinemas, concert halls, bingo halls and dance halls	D2	Sui generis
Gymnasiums, indoor recreations not involving motorised vehicles or firearms	D2	E
Hall or meeting place for the principal use of the local community	D2	F.2
Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms	D2	F.2

Changes of use within the same class are not development. Use classes prior to 1 September 2020 will remain relevant for certain change of use permitted development rights, until 31 July 2021. The new use classes comprise:

Class E (Commercial, business and service uses),

Class F.1 (Learning and non-residential institutions)

Class F.2 (Local community uses)