21 March 2017

Dear Councillor

A meeting of the Planning Committee will be held in Committee Room 1 - Marmion House on Tuesday, 28th March, 2017 at 6.00 pm. Members of the Committee are requested to attend.

Yours faithfully

AGENDA

NON CONFIDENTIAL

4 Schedule of Planning Applications (Pages 1 - 120)
(The Report of the Director of Growth, Assets and Environment)

People who have a disability and who would like to attend the meeting should contact Democratic Services on 01827 709264 or e-mail committees@tamworth.gov.uk
preferably 24 hours prior to the meeting. We can then endeavour to ensure that any particular requirements you may have are catered for.

To Councillors: M Greatorex, J Oates, J Chesworth, S Claymore, J Goodall, S Goodall, T Madge, K Norchi, M Oates, T Peaple, P Standen, M Summers and P Thurgood
PLANNING COMMITTEE

28th March 2017

SCHEDULE OF APPLICATIONS

REPORT OF THE DIRECTOR (GROWTH, ASSETS AND ENVIRONMENT)
BOROUGH OF TAMWORTH  
PLANNING COMMITTEE  
SCHEDULE OF APPLICATIONS  
28th March 2017

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<th>Reports for Consideration</th>
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<th>Appeals received</th>
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BACKGROUND PAPERS

All other documents referred to in individual reports
SUMMARY OF PLANNING APPLICATIONS FOR DETERMINATION

Part A  Reports for consideration

Application Number:  0308/2016

Development:  Outline planning application, with all matters reserved except for principal means of vehicular access from the highway, for residential development comprising up to eight hundred homes; the conversion of existing buildings to create a maximum of 900 square metres of floorspace in A1, A2, A3, A4, B1, C3, D1 or D2 use and creation of associated curtilage; erection of commercial buildings; construction of a one and a half form entry primary school and other associated works including; engineering operations required to remodel the existing flood plain; demolition of existing agricultural buildings; "stopping up" of Dunstall Lane and re-use as pedestrian / cycleway; creation of alternative accesses to existing properties creation of noise mitigation bunds / fences; creation of public open space and leisure / recreation provision; creation of bridges / culverts across existing watercourses to access P.O.S. construction of foul and surface water drainage systems, including sustainable urban drainage; ecological mitigation works including the creation of new habitats; creation of footpath links to existing footpaths to the north and south of the site and installation of services and utilities.

Location:  Land at Dunstall Farm, Dunstall Lane / Ventura Park Road / Meadow Road, Tamworth

Recommendation  1. Approval subject to the conditions outlined below and the entering into a suitable Section 106 Agreement in accordance with the requirements outlined in this report. Powers to be delegated to officers to continue to negotiate the detailed terms of the Section 106 Agreement.
   2. If the Section 106 Agreement has not been signed before 30th March 2017, or the expiration of any agreed extension of time, then powers are delegated to Officers to refuse permission based on the unacceptability of the development without the required contributions and undertakings as outlined in this report.

Application Number:  0550/2016

Development:  Reconfiguration of car park

Location:  Ventura Retail Park, Ventura Park Road, Tamworth, B78 3HB

Recommendation  Approval with conditions

Application Number:  0552/2016

Development:  Installation of internal mezzanine floors at unit 2 (Halfords), 5 (Mothercare), 6 (Toys R Us) and 7 (Matalan)

Location:  Ventura Retail Park, Ventura Park Road, Tamworth, B78 3HB

Recommendation  1. Approve subject to conditions and a Section 106 agreement providing a financial contribution towards the linkages project and subject to referral to the National Planning Casework Unit (NPCU).
2. If the Section 106 Agreement has not been signed before 30th March 2017, or the expiration of any agreed extension of time, then powers are delegated to Officers to refuse permission based on the unacceptability of the development without the required contributions and undertakings as outlined in this report.

Application Number: 0553/2016
Development: Side extension of Unit 7 (Matalan) and the installation of a full cover mezzanine
Location: Unit 7 (Matalan), Ventura Retail Park Ventura Park Road, Tamworth, B78 3HB
Recommendation 1. Approve subject to conditions and a Section 106 agreement providing a financial contribution towards the linkages project and subject to referral to the National Planning Casework Unit (NPCU).

2. If the Section 106 Agreement has not been signed before 30th March 2017, or the expiration of any agreed extension of time, then powers are delegated to Officers to refuse permission based on the unacceptability of the development without the required contributions and undertakings as outlined in this report.

Application Number: 0012/2017
Development: Construction of 4742sqm extension to the existing facility, along with an increase of Unit B's building height, relocation of car parking and elevation amendments
Location: Tamworth 594 Bonehill Road Tamworth
Recommendation Approval with conditions

Application Number: 0048/2017
Development: Proposed 1no. mobile home with parking
Location: St Christophers Drive, Two Gates, Tamworth
Recommendation 1. Approval subject to the following conditions and a section 106 agreement.

2. If the Section 106 Agreement has not been signed before 3rd April 2017, or the expiration of any agreed extension of time, then powers are delegated to Officers to refuse permission based on the unacceptability of the development without the required contributions and undertakings as outlined in this report.
Part C  Appeals received
Application Ref:  0521/2016
Appeal Ref:  APP/Z3445/D/17?3168799
Development:  Retention of garage conversion to play room
Address:  7 Garten Close, Tamworth, Staffordshire, B77 2TR
Recommendation  For Information only

Part D  Appeals decided
Application Ref:  0035/2016
Appeal Ref:  APP/Z3445/D/16/3158234
Development:  Alterations to main entrance including new doors and repainting
Address:  12-13 Church Street, Tamworth
Decision  Appeal dismissed

PART E  Issues Papers
Pre Application Ref:  0341/17
Development:  Erection of Primary School
Location:  Land off Eagle Drive, Tamworth
Recommendation  The Planning Committee are recommended to note the item for information and raise any relevant planning issues on which they require further clarification and which are requested to be addressed in any future planning application
Application Number: 0308/2016

Development: Outline planning application, with all matters reserved except for principal means of vehicular access from the highway, for residential development comprising up to eight hundred homes; the conversion of existing buildings to create a maximum of 900 square metres of floorspace in A1, A2, A3, A4, B1, C3, D1 or D2 use and creation of associated curtilage; erection of commercial buildings; construction of a one and a half form entry primary school and other associated works including; engineering operations required to remodel the existing flood plain; demolition of existing agricultural buildings; "stopping up" of Dunstall Lane and re-use as pedestrian / cycleway; creation of alternative accesses to existing properties creation of noise mitigation bunds / fences; creation of public open space and leisure / recreation provision; creation of bridges / culverts across existing watercourses to access P.O.S. construction of foul and surface water drainage systems, including sustainable urban drainage; ecological mitigation works including the creation of new habitats; creation of footpath links to existing footpaths to the north and south of the site and installation of services and utilities.

Location: Land at Dunstall Farm, Dunstall Lane / Ventura Park Road / Meadow Road, Tamworth

Target date 30th March 2017 (Following an extension of time agreement)

1. Site and Surroundings

1.1 The site is comprised of 54.09 ha of mainly agricultural land to the west of Tamworth town centre. The site is bound on the eastern edge by the River Tame flood plan and to its western edge by the Birmingham and Fazeley canal. To the north lies Hopwas village and to the south lies the retail and industrial parks of Bittescote and Venture Park. Due to the size of the development an Environmental Assessment has been submitted with the application.

1.2 The current use of the site is predominantly agriculture. The majority of it comprises fields in various different agricultural uses, including growing arable crops, grazing and growing meadow grass which is cut to make hay and silage.

1.4 The southern boundary of the site to the south of Dunstall Lane is characterised generally by distribution commercial and industrial units. To the west of the boundary lie agricultural fields within Lichfield District Council.

1.6 The north of the site is bounded by the flood relief channel, Broad Meadow local nature reserve and the River Tame to the north, with Lichfield Road and the Oxbridge Way development beyond. To the east of the site are industrial and commercial units along with some residential properties along Bonehill Road.

1.7 Vehicular access to the site is currently from Dunstall Lane, which links to Ventura Park Road, this is a narrow country lane, which winds from east to west.

2. Proposal

2.1 The application has been submitted in outline for the erection of up to 800 dwellings and forms a strategic urban extension to Tamworth. The site is characterised by arable farmland, generally sloping in a northerly direction towards the functional floodplain adjacent to the River Anker. A Masterplan and Strategic Landscape Strategy have been developed and submitted in support of the application which shows the anticipated site layout through the development of land use, movement, landscape, drainage and urban form concepts. The development includes the provision of the following main elements and seeks outline permission for:
2.2 Whilst submitted in outline the application seeks the approval of the means of access into the site. The proposed access comprises a length of dual carriageway to the west of the existing roundabout on Meadow Road. The dual carriageway would be the fourth arm of that roundabout. Both carriageways (east bound and west bound) would be 7.3m wide with a 1.8m wide central reservation between them. A 2m footway is proposed to the north of the east bound carriageway. This would link into existing footways throughout the employment area to the east.

2.3 The dual carriageway road would terminate with the second roundabout to the west of the existing. The new roundabout would have a 7.3m wide circular carriageway; a 3.6m wide overrun area in its centre and a 4m wide central island which would be curbed/raised to prevent vehicles encroaching on to it. Pedestrian access is proposed at these access points but also via the Birmingham and Fazeley canal towpath to the south of the site which links onto to the Bonehill Road. Pedestrian access is also proposed via Dunstall Lane which would be retained as part of the scheme and which would link into a comprehensive internal footpath and cycle network. Improvements are also sought to the north of the site across Broad Meadow linking the site to Lichfield Road.

2.4 The following provisions/financial commitments have been established during the consideration of the application following the receipt of comments from statutory and non statutory consultees:

- 25% affordable homes (200 out of a total of 800)
- Land for a primary school (1.6ha and £4.26m to finance the building of the school)
- £664k contribution towards the provision of new indoor sports facilities and the provision of artificial grass pitches within the Borough
- Travel Plan and other highway improvements
- Bus service extension
- Signalisation of A5 slip road and A453 Sutton Road junction
- Broad Meadow pedestrian improvements up to £300k
- 1.1km of canal towpath improvements

2.5 The application is supported by an Environmental Statement (which includes assessments of planning policy, ecology, transport and access, cultural heritage, landscape and visual, water environment, geology, contamination and soils, air quality, noise and vibration, and socio economics). Masterplan and Strategic Landscape Strategy and the following documents:

- Planning Supporting Statement
- Design and Access Statement
- Non-Technical Summary of the Environmental Statement
- Transport Assessment and Travel Plan
- Flood Risk Assessment and Drainage Strategy
- Statement of Community Involvement
- Sustainability Statement

3. Key Issues

The key issues in determining the acceptability of the development proposal are considered to be:

- Principle of development;
- Housing provision;
4 Conclusion

4.1 The erection of 800 dwellings is considered to be acceptable in principle taking into account the allocation of the site in the adopted Local Plan.

4.2 It is considered that Policies HG1 and HG2 of the Local Plan can be afforded significant weight in the decision making process and the principle the development adjacent Dunstall Lane for housing and publically accessible open space is considered to be acceptable.

4.3 The proposal includes a housing mix and percentage of affordable housing (25% secured through a S106 agreement) that would meet the housing needs of the Borough and thus complies with provisions of the NPPF, and the evidence from the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2014) as required by policies HG4 and HG5 of the Local Plan.

4.4 The development proposes significant infrastructure to support the development of the site, including the on-site delivery of publicly accessible open space. In addition a primary school is proposed on the site and will be secured by way of a S106 agreement. Financial contributions will be made towards sports facilities, and the future maintenance of the on-site open space. These provisions ensure that the development provides the necessary infrastructure in accordance with Policy HG2 of the adopted Local Plan.

4.5 Highway England and the County Highway Authority have given detailed consideration to the proposals and have concluded that they would not significantly impact on the capacity of the surrounding highways subject to signalisation improvements at the Sutton Road and A5 slip road junction.

4.6 Detailed modelling of the impacts of the development has led to Highways England to conclude that the increase in traffic resulting from the development would not have a severe impact on the national highway network.

4.7 Insofar as the proposed vehicular accesses to the site are concerned the highway authorities consider the proposals submitted are appropriate to serve the development.

4.8 The proposals include the provision of an extended bus service to serve the development and other measures to encourage people to travel by bus, rail, cycle and walking in order to lower the percentage of car driver trips. This will help mitigate the impact of the development on the highway network.

4.9 The site has been the subject of detailed ecological and tree surveys, which have been carefully scrutinised it is considered subject to the conditions proposed including the submission of an Ecological Enhancement Strategy based on the submitted Ecological Mitigation Strategy and a Construction Environmental Management Plan that the impact of the development on ecology and trees will be acceptable and comply with the provisions of, Policies HG2, EN3 and EN4 of Local Plan, the relevant habitats and protected species legislation, the provisions of the NPPF, and the EIA Regulations.

4.10 Access is the only reserved matter to be considered at this stage, with only the point of access to the site considered in detail. All other matters relating to site layout (including internal road layout, cycle and pedestrian connections etc.), scale of buildings, landscaping and appearance of the development will be covered at the reserved matters stage.

4.11 Having considered all of the matters raised within the responses received it is considered that there are no material considerations that would change this recommendation for approval. This is subject to conditions covering the provision of an illustrative masterplan, landscape strategy, detailed phasing plan for the development, contamination, noise, drainage and flooding, and ecological and biological matters the development is considered to comply with the provisions of the NPPF, Local Plan Policies HG1, HG2, HG4, HG5, HG6, EC1, EC7, EN1, EN3, EN4, EN5, EN6, SU1, SU2, SU4, and SU5. The proposal is also considered to comply with the provisions of the EIA Regulations in so
far as the information provided is up to date, and the environmental effects of the development would be acceptably mitigated to avoid any significant adverse effects on the environment as a result of developing this site for housing and open space.

**Recommendation**

1. Approval subject to the conditions outlined below and the entering into a suitable Section 106 Agreement in accordance with the requirements outlined in this report. Powers to be delegated to officers to continue to negotiate the detailed terms of the Section 106 Agreement.

2. If the Section 106 Agreement has not been signed before 30\textsuperscript{th} March 2017, or the expiration of any agreed extension of time, then powers are delegated to Officers to refuse permission based on the unacceptability of the development without the required contributions and undertakings as outlined in this report.
5 Relevant Planning History

T19579
52.5 acre development of B1, B2 and B8 use together with associated access
Permit with Conditions, 29/05/1991

T19680
Development of land for B1, B2 and B8 purposes
Permit with Conditions, 27/03/1996

T24127
Renewal of outline consent ref: T19680 - development of land for B1, B2 and B8 purposes
Approved subject to conditions 29/10/1999

T24136
Development of land for B1, B2 and B8 purposes
Approved subject to conditions 29/10/1999

0434/2002
Application to form new access road from traffic island at head of Meadow Road / Ventura Park Road to new development site and for forming accesses to Dunstall Cottage and further development site
Approval subject to Section 106 Agreement, 18/02/2009

0435/2002
Application to form flood compensation measures, drainage and landscaping
Approval with conditions, 29/11/2002

0436/2002
Application to discharge reserved matters conditions and planning conditions nos. 1,2,4,8,9,11 & 19 of outline application T24127 and planning conditions 1,2,4,8,9,& 11 of outline application T24136
Approval with conditions, 28/11/2002

0639/2004
Variation of conditions 15 & 17 of approval notices T24127 and T24136 as per attached sheet
Approval with conditions, 08/11/2004

0055/2012
Application to extend time limit on planning permission to form new access road from traffic island at head of Meadow Road / Ventura Park Road to new development site and for forming accesses to Dunstall Cottage and further development site
Approval subject to conditions and Section 106 Agreement, 21/12/2012
Renewal of planning permission for the formation of a new access road from traffic island at head of Meadow Road/ Ventura Park Road to new development site and forming accesses to Dunstall Cottage and further development site.

Approval subject to conditions and Section 106 Agreement, 18/04/2016

6. **Consultation Responses**

6.1 Full copies of all consultation responses received are available to view at www.tamworth.gov.uk. Members of the Planning Committee as part of their consideration of this report should review these responses. A summary of the most relevant parts of the responses are provided below:

6.2 **Tamworth Borough Council – Development Plan Manager**

6.2.1 No objections subject to conditions relating to archaeology, and obligations relating to affordable housing, link to A51 and school provision

6.2.2 The proposal site is in agricultural use and lies approximately 2 kilometres to the west of Tamworth Town Centre. The site is an allocated site within the adopted Tamworth Local Plan 2006-2031 adopted February 2016. It is referred to as a Sustainable Urban Extension having been assessed against a number of criteria to identify its development potential to justify the release of this greenfield site. The constrained nature of the Borough puts reliance upon this site amongst others to deliver the majority of the housing requirement whilst the balance which cannot be accommodated within Tamworth will be located in neighbouring boroughs. The application at 800 units is a little more than the Local Plan allocation but the increased number has been accommodated within the developable area.

6.2.3 The development includes a primary school, contributions to secondary school facilities, limited commercial floorspace, pedestrian and cycle routes, play and sports facilities, local convenience store and flood mitigation.

6.2.4 The Affordable Housing policy stipulates that the development should provide 25% affordable housing on site. Policy HG4 is particularly relevant with regard to the tenure and type of units.

6.2.5 There is potential for below ground archaeology in the area which will need to be taken into account.

6.2.6 The Site Allocation makes a reference to improving links from the site to the A51 and areas to the north of the development site. This will require a bridge across the river and marshland suitable for pedestrians and cyclists allowing access to employment areas and secondary schools to the north as well as a more direct link to the western part of the town centre. The Council will work with Staffordshire County Council to seek funding and necessary approvals but the development should also contribute to the provision of this infrastructure. This should be part of the negotiations entered into with the applicant as it would assist the two authorities in seeking project funding.

6.2.7 The site is a key component of the Tamworth Local Plan and delivering sustainable development. The proposals have been developed alongside the plan and are therefore in accordance with it, subject to the necessary agreements in respect of affordable housing, play and sports facilities, education contributions and the link to the A51 to the north.

6.3 **Tamworth Borough Council – Housing Strategy**

6.3.1 No objections subject to the provision of 25% affordable housing

6.3.2 Having looked at the application submitted regarding the proposed development at Dunstall Lane, initial comments concerning housing provision on this site are as follows:

- The Council would support the provision of 25% affordable housing on this site in line with the Local Plan. This equates to 200 affordable dwellings (from total of the proposed of 800 dwellings). However, as the outline planning application for this site states up to 800 houses may be delivered, the number of affordable units may decrease depending on the actual number of homes that will be built.
We would expect to negotiate a tenure mix of 75% affordable rent and 25% shared ownership sale (subject to discussion with Registered Provider partner(s)). For example, of the 200 units identified for affordable provision, 150 units (75%) should be for affordable rent and 50 units (25%) should be for shared ownership sale.

Additionally, with regard to "affordability" in terms of local people accessing market housing, evidence has highlighted a shortfall of smaller properties in the Borough so the inclusion of sizeable quantity of 2 bed units (42%) for market sale would be beneficial in order to enable first time buyers to access market housing. This provision should be encouraged in the form of Starter Homes as this would directly benefit younger people and assist them in acquiring their first home.

However, The Housing and Planning Act 2016 provides the necessary legislation for the government to take forward its plans to increase levels of house building but with an emphasis on reversing the decline in home ownership rather than increasing the supply of more homes of all types, including more affordable homes to rent.

The on-going loss of social rented housing will be made worse by some of the measures included in the Act that clearly sets out a policy agenda that prioritises home ownership over social / affordable rented provision. The emphasis on the delivery of Starter Homes and current proposals contained in the Act may consequently jeopardise the delivery of affordable provision at Dunstall Lane as proposed above.

It is therefore suggested that the Council insist on the above percentages / numbers of rented and shared ownership units being provided with Starter Homes being delivered in addition to the 25% affordable housing quota as set out in the Council's Local Plan 2016-31. Failure to achieve this will result in much lower levels of homes for rent / shared ownership being delivered on this site which will subsequently impact on the Council's ability to provide homes for those in the most need.

6.3.3 The housing mix for the affordable units should ideally be in line with the percentages identified in the updated SHMA and compliant with Policy HG 5 incorporated within the pre-submission Local Plan. This equates on this particular site to the following (assuming 800 homes are delivered):

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<th>Provision</th>
<th>Number</th>
<th>Percentage</th>
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<tr>
<td>1 bed</td>
<td>32</td>
<td>4%</td>
</tr>
<tr>
<td>2 bed</td>
<td>336</td>
<td>42%</td>
</tr>
<tr>
<td>3 bed</td>
<td>312</td>
<td>39%</td>
</tr>
<tr>
<td>4 bed</td>
<td>120</td>
<td>15%</td>
</tr>
</tbody>
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However, as there is not currently high demand for 4 bed affordable properties, it would be preferable if additional 2 and 3 bed units could be provided at the expense of 4 bed provision as above. Consequently, the provision of 104 2 bed (52.3%) and 96 3 bed (47.6%) units would deliver a mix that would better meet identified housing need.

6.3.4 Particular consideration should be given the provision of adequate amenity space that is suitable for use by young families / children and is accessible to residents with disabilities. Affordable housing provision on the site should therefore not be focused exclusively on flats / maisonettes / cluster flats etc. but rather seek to deliver appropriate family housing and property types that enable independent living for a range of residents with varying needs.

6.3.5 The affordable housing should ideally be developed in partnership with one of the Council's current preferred Registered Provider partners (Bromford, Waterloo or Midland Heart) or potentially with other RPs who are / have expressed an interest in working with us in Tamworth (Orbit; Walsall Housing Group). The affordable housing units should comply with current Homes and Communities Agency design and quality standards. Additionally, it is proposed that the affordable housing provided should be indistinguishable in appearance from Starter Homes / homes for market sale delivered on this site.

Any units of shared ownership housing on the site will be developed in partnership with one of the above listed RP partners. It is worth noting that RPs have previously experienced difficulties in selling shared ownership units. Discussions with RP partners have revealed a number of points that
should be considered regarding this site in order to minimize the risk of this situation arising again. Useful points raised are as follows:

1. Provision of shared ownership apartments. Some RPs will not bid for apartments unless they are in an exceptional location, are of a good size and few in number due to main applicants for shared ownership being those either already with or looking to start families.

2. If units are part of S106 provision from a developer it might be that they have not negotiated signage requirements and a show home as part of the contract which affects ability to market and promote. RP partners may review S106 specifications fully and include uplifts to ensure the appeal and standard is as purchasers will expect.

3. S106 units can sometimes be small sizes/difficult room shapes and in a less desirable part of the site.

6.3.6 In addition, we would seek to build on the proposal for 10% of the accommodation provided (across all tenures) to be developed to “wheelchair standards” and work with the County Council and other key partners to ensure a small number of the housing units on this site (across all tenures) could be utilised as alternative housing options for people with disabilities that offer choice and provide the opportunity for increased independence.

6.3.7 Consequently, in addition to the provision on this site assisting in meeting a demonstrable need for affordable rented accommodation to meet need / help tackle affordability issues, needs data and information from partner organizations shows a need for supported units (across all tenures) that facilitate independent living to a range of client groups.

6.3.8 Consequently, it is envisaged that the housing delivered on this site will match demand for affordable rented accommodation and (subject to further discussion with partners as highlighted above) and supported unit(s) that enable independent living that is also integrated into the wider community.

6.3.9 Any additional resources for any re-modeling work / installation of assistive technology etc. that may potentially be required to achieve the above will need to be discussed further with partners.

6.3.10 It is considered important that there would be a need to engage RP partners at an early stage to discuss affordable provision and with Social Services / County Council / Health colleagues to agree requirements for specialist provision to meet identified need.

6.4 Tamworth Borough Council (Street Scene)

6.4.1 Play areas should not sit within the flood plain as during bad winters they are going to be constantly wet and muddy, which will lead to complaints from residents, that is if it is usable at all, they will also corrode and rot more quickly if in very wet ground. One/two areas within the development area would be a better option. Also as the open space is located next to the relief channel of the river there is a risk of children falling into the fast flowing water, the current river banks are steep and would not assist in anyone trying to escape the water, ideally the banks need to be profiled and the play area moved from this location.

It is understood that understand that the play areas will not be transferring to us but it will be the Council that has to deal with the complaints, we would not permit this if we were going to accept the transfer.

In addition the open space is going to be potentially unusable for long periods of each year and will not be ‘usable’ open space.

There is support for the provision of the footbridge connecting the development with the A51. The positioning of the bridge onto Broad Meadow needs to be such so as to minimise any disruptions to the management of the LNR.

6.5 Tamworth Borough Council (Environmental Protection)

6.5.1 No objections subject to conditions relating contaminated land and noise

Environmental Protection (EP) has reviewed the proposal and technical information sent by the developer, particularly the Ground Investigation Report and Noise Details Report. The assessments
recommend mitigating measures for ground and noise issues within the reports. They are satisfied with the proposed mitigation measures detailed in the reports for the developer. Environmental Protection has no further comments to add.

6.6 Highways England

6.6.1 The proposed development has a potential impact on the Strategic Road Network (SRN), in this case the A5 Trunk Road.

6.6.2 The applicant’s advisors have submitted a mitigation scheme at A5 Mile Oak junction, which seeks to allay the concerns of Staffordshire County Council, whilst also continuing to satisfy Highways England in terms of the operation of the SRN.

The outline scheme provides signalisation of the A5 westbound slip-road, plus alterations to the Watling Street/Sutton Road junction on the local road network.

The VISSIM traffic modelling submitted to support this is fit for purpose, and demonstrates that the scheme remains effective in terms of protecting the safe operation of the SRN; levels of queuing on the A5 westbound off-slip are modest with the scheme in place. Therefore the scheme is acceptable in principle to Highways England.

6.6.3 The applicant’s technical advisors have been in direct contact with Highways England in relation to the requirement for a Road Safety Audit Stage 1 and Non-Motorised Users Audit.

6.6.4 Highways England have also been in correspondence with the applicant’s advisors in relation to the requirement for a detailed design at this stage, and it has been concluded that a detailed design would not be required in order for Highways England to issue a substantive response to the application.

6.6.5 Staffordshire County Council have confirmed their acceptance of the scheme at Mile Oak. Accordingly, Highways England recommends the followings condition should be applied to the permission granted:

1. No part of the development hereby approved shall be occupied until the improvement shown indicatively on the drawing reference WYG A088427-35-18-008 subject to detailed design in accordance with the Design for Manual for Roads and Bridges, has been implemented in full to the written satisfaction of the Local Planning Authority, Staffordshire County Highways and Highways England. Reason: In order to ensure the safe and efficient operation of the A5 trunk road.

6.7 Staffordshire County Council (The Highway Authority)

6.7.1 There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:-

1. The development hereby permitted shall not be commenced until details of the following off-site highway works have been submitted to and approved in writing by the Local Planning Authority

- Improvements to the Ventura Park Road/Meadow Road roundabout as broadly indicated on drawing 2864/507 rev 2

- Improvements to A453/Hints Road/Watling Street signal junction

The off-site highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

2. Prior to the submission of any reserved matters application in relation to the proposed development hereby approved, a Master Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted Master Plan shall include the following:

- Movement Framework,
- Connections to the surrounding area for all modes,
- Connection through the site for all modes,
- Street layout and character including measures to restrain the speeds of vehicles to 20mph,
- Parking strategy including the provision of secure cycle parking facilities for each dwelling unit,
- Development phasing,
- Public transport route

The Master Plan shall be approved by the local Planning Authority prior to the approval of any Reserved Matters submission and have full regard to the relevant details as may be approved in accordance with the conditions pursuant to Planning Permission 0308/2016. All reserved matters submissions in relation to the development hereby approved shall conform to the principle of the approved.

3. The development hereby permitted shall not be commenced until a traffic management scheme and phasing plan for Dunstall Lane has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented in accordance with the approved phasing plan.

4. No phase of the development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by the Local Planning Authority for that phase of development. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- Arrangements for the parking of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in construction of the development.
- Construction hours.
- Pedestrian and cyclist protection.
- Proposed temporary traffic restrictions.
- Arrangements for turning vehicles.
- Noise control devices (Silencers, Smart reversing alarms etc.).
- Delivery routing and hours.
- The erection and maintenance of security hoarding.
- Wheel washing facilities and methods of prevention of mud being carried onto the highway.
- Measures to control the emission of dust and dirt during construction.
- A scheme for the recycling/disposing of waste resulting from demolition and construction works.
- Measures to control the impact of lighting during construction.

The development shall be implemented in accordance with the approved details.

Reasons: In order to comply with NPPF Par.32 and SU1 and SU2 of the Tamworth Local Plan 2006-2031

Important informatives:

a) This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

b) The conditions requiring off-site highway works shall require a Major Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Major Works Information Pack and an application form for the Major Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire ST16 2DH. (or email to nmu@staffordshire.gov.uk)

http://www.staffordshire.gov.uk/transport/staffhighways/licences/

c) The traffic management scheme referred to in condition 3 requires an essential Traffic Regulation Order for Dunstall Lane. This recommendation of approval should not be construed as though the County Council is prejudging the outcome of the Order making process. The developer should note that the Order will be made on behalf of the developer by Staffordshire County Council at the developers expense and has to be secured before development commences as it is an ESSENTIAL component of the required mitigating measures associated with the proposed development. In case the Order is not already being processed the developer is requested to contact Geoff Evenson who shall liaise with the Project team to enable the Order to be secured at the earliest convenience to
avoid delays to implementation of the planning consent. Please note that there are no guarantees that the Order will be successful.

d) This Form X is issued on the assumption that the developer enters into a Section 106 Agreement to secure the following:

- Residential Travel Plan,
- £6,430 Residential Travel Plan monitoring fee
- Obligation for the developer to provide a bus service between the development, town centre and Tamworth railway station, operating a half hourly frequency.

e) With reference to the provision of cycle storage at residential dwellings, if it is proposed to include this in garage space then the garage will need to have the minimum internal dimensions of 6.0m x 3.0m in order to be considered appropriate for the storage of a bicycle and motor car. All dwellings shall include secure covered cycle parking.

6.9 Staffordshire County Council (School Organisation)

6.9.1 This development of 800 dwellings falls within the school catchment areas of Millfield Primary School and Landau Forte Academy, QEMS.

6.9.2 The development is subject to a S106 Agreement to secure a new primary school on the site identified in the Revised Masterplan.

6.9.3 For the level of development proposed a new 1 form entry primary school (210 places, plus 26FTE nursery) will be necessary, located within the development site to accommodate the additional primary aged children generated by the development.

6.9.4 The developer will need to fully fund the delivery of this 1FE (210 places, plus 26FTE nursery) primary school plus the land for the school site. Current cost estimates, as of Q1 2016, are £4,256,250 for a new 1FE school, and are subject to index linking and inflation.

6.9.5 The new primary school must be located on a school site to be provided by the developer, which will need to be on a site of at least 1.6 hectares to meet the educational need and enable the school to grow in future if necessary. Policies HG2 and SU7 of Tamworth Borough Council’s Pre-Submission Local Plan relate to the dual use of school sites and sport and recreation facilities for community use. To meet this policy, this would necessitate a larger school site to be provided.

6.9.6 The school must be available for use 2 ½ years from commencement of the development or on commencement of the 250th dwelling, whichever comes first. These are indicative heads of terms and further detail will be required in the S106 Agreement, for example the various triggers.

6.9.7 We would also seek that the school site is transferred to the County Council on commencement of the development.

6.9.8 An option could be included in the S106 Agreement for the developer to build the primary school.

6.9.9 The school site as identified in the Revised Masterplan is located in a suitable position within the development to ensure reasonable access to the school by all residents.

6.9.10 Furthermore, any parcel of land that is intended to be used as a school site must be:

- Relatively flat/ level with no significant topographical features that could be incongruent with the site’s use as a school.
- of regular (rectangular) shape to aid with maximisation of team game area; to allow access points, buildings and carparks to be located in such a ways to minimise risk; to allow the school to reach its maximum capacity in the future (aiding master-planning).
- well-drained to allow the team game area (playing field) to sustain 7 hours of team games per week, even during the Autumn and Winter months.
6.9.11 In addition to the provision of land and financial contributions of £4,256,250 to fully fund a new 1FE primary school (210 places, plus 26FTE nursery) using current costs estimates, as of Q1 2016 and subject to index linking and inflation, the S106 Agreement will also be required to provide for:

1. An “all weather” MUGA within the school site, in Flood Zone 1 (i.e. at a low risk of flooding), to the specification provided by Staffordshire County Council.

2. The grass playing pitch to be constructed with “enhanced drainage” to a specification to be agreed with Staffordshire County Council, as broadly indicated in Appendix 2 of the Primary School Location – Revised Feasibility Report (Feb 2017).

3. A financial contribution towards the clean-up and repair of the grass playing pitch and fencing following a flood event.

4. Provision of additional internal fencing to prevent access by children to the playing field in the event of a flood.

6.9.12 Education contributions will not be requested towards secondary school places at Landau Forte Academy (QEMS) as there are currently projected to be sufficient places to accommodate the additional secondary school aged children generated by the development.

6.11 Staffordshire County Council (Flood Risk)

6.11.1 Thank you for consulting us on this planning application, our response is as follows:

Advice to LPA

6.11.2 The Environment Agency will comment on the flood mitigation and arrangements, but please find our advocated surface water drainage condition and comments relating to ordinary watercourses below.

All built development and sustainable drainage features will be sited within Flood Zone 1 or on raised areas - outside of areas at risk of fluvial flooding. The SuDS features will be sized to accommodate the 100 year plus 30% climate change storm event and offer an indicative volume of 10,083m³, with the site restricting outflows to greenfield run-off rates.

We therefore would advocate the following conditions for the outline proposal, and would advise that the spirit of the conditions should not be altered without our prior notification to help reduce the risk of flooding to the site and to land elsewhere.

Staffordshire County Council Flood Risk Management position

6.11.2 The proposed development will only be acceptable if the following measures as detailed in the Flood Risk Assessment, undertaken by Brookbanks Consulting Ltd, Rev 1, dated 29 June 2016 & the ‘Illustrative Surface Water Drainage Strategy’, Reference No.10384-DR-01 as submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

6.11.3 Prior to each phase, the development hereby permitted shall not be commenced until such time as a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an 30% allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
Reason
To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

Informatives

6.11.4 We would advise that conveyance channels and attenuation features should be planted up with reeds and able to hold the first 5mm of rainfall. This will help to cleanse the first flush and potentially contaminated dry flows.

The Applicant should supply information showing arrangements to provide adequate long term maintenance, including an appropriate legal agreement to ensure maintenance in perpetuity, before any approval is granted. It is essential that the responsibility for future maintenance, repairs or improvements to the balancing device is ascertained at an early stage of negotiations.

As with any development, we advise that external levels fall away from property to minimise flood risk from a variety of sources. Any overland flows generated by the proposed development must be carefully controlled. In terms of the recently published Environment Agency climate change advice, we would recommend that the attenuation is designed to accommodate the 1:100 year & 30% cc storm event and understand the flooding implication for the 1:100 year storm & 40% cc event.

Condition

6.11.5 The development hereby permitted shall include a scheme for the provision and implementation of watercourse maintenance and control structure clearance works to be submitted to and approved in writing by the Local Planning Authority. The schemes shall be implemented in accordance with the approved details.

Reason
To prevent the increased risk of flooding and to ensure the efficiency of the drainage scheme.

Informatives

6.11.6 The central drainage ditch should be cleansed and ensured that it is a fit and proper state to receive restricted site flows. Additionally, as the watercourse also receives surface water from Ventura Park and from two culverts under the canal, the detailed design must give sufficient confidence that the channel is capable of conveying both existing and proposed flows, without causing adverse effects to land elsewhere. We would advise that the culvert under Dunstall Lane is cleaned out and brought into a fit and proper condition to accommodate flows and also, that the adjacent culverts to the proposed flood compensation area are also thoroughly cleared to ensure free passage of water. Erection of flow control structures, cleansing or culverting of an ordinary watercourse may require prior written approval of Staffordshire County Council under s.23 of the Land Drainage Act 1991.

6.13 Joint Waste Services

6.13.1 No objection to the proposal but comments that the Joint Waste Service is an edge of curtilage collection service and all bins will need to be presented at the edge of the highway for emptying. Each house will need facilities for the storage of 3 wheeled bins.

6.13.2 It is also noted that the waste service does not take vehicles on to private roads or courtyards. Any road surfaces should be designed to be of sufficient hardness to accommodate a 32 tonne vehicle, with a pull distance of no greater than 10m for workers. These requirements can adequately be addressed during the detailed reserved matters design of the development.

6.14 Staffordshire County Council (Ecology)

6.14.1 Staffordshire County Council was commissioned by TBC to undertake an independent review of the Environmental Statement and other documentation submitted to support the application and provide advice regarding compliance with legislation, policy and guidance and also to make recommendations regarding measures that can improve outcomes for biodiversity across the site.
6.14.2 The application site is on the urban fringe within the Tame Valley and the Central Rivers Initiative area. It is adjacent, separated by the River Tame Flood Relief Channel, to the Broad Meadow Local Nature Reserve and Site of Biological Importance. Central Rivers Initiative Biodiversity Opportunity Mapping identifies the area as an opportunity for biodiversity enhancement with a re-connected floodplain, wet grassland and river restoration as priorities. The Staffordshire Biodiversity Action Plan Ecosystem Area is River Gravels where priority habitats for maintenance, enhancement and creation are wet grasslands and lowland meadows.

Clear information regarding which of the trees that have potential to support bats will be affected by development with proposals for survey at appropriate times.

Clearer assessment of impacts and mitigation proposals for protected and priority species in the ES. Risk of otter road casualties, due to severance of ditches, should be assessed and appropriate mitigation designed into the scheme.

Inclusion of proposals for translocation of important/species-rich hedgerows and replacement hedgerow planting, where it will not adversely affect ground-nesting birds and is appropriate to landscape character, in the Illustrative Masterplan.

**Matters recommended to be included in conditions**

I. That outline approval requires Reserved Matters to be in accordance with Illustrative Landscape Strategy Plan Figure 9.2.6, rather than the Illustrative Masterplan Drawing 2864/505.

II. As recommended in Appendices 7.2-7.9 a framework Ecological Mitigation Strategy is recommended to ensure that mitigation is effective and is phased appropriately and that each development phase contributes and does not compromise mitigation. This should include phasing of development to ensure delivery of ecological mitigation and enhancement is delivered in line with residential and commercial development and measures such as badger survey and mitigation measures translocation of notable botanical species affected are carried out.

III. 6.14.5 A Construction Ecological Management Plan (CEcMP) for each phase that includes measures for protection of the River Tame, ditch system, and other water features, the Local Nature Reserve, retained hedgerows and trees, and protected species during site preparation, demolition and construction. Protected and important species mitigation should be included and take account of recommendations found in Appendices 7.1 to 7.18

IV. 6.14.6 For farm building conversion or demolition submission of details of impacts on bat roosts and mitigation proposals so that the LPA can be assured that a Natural England licence will be likely to be obtained.

V. 6.14.7 As this species utilizes the full site, a badger mitigation strategy to include survey prior to commencement of each phase, protection during construction and occupation of development (including badger road underpasses as required) and maintenance of access to foraging habitat.

VI. An invasive species control plan.

VII. A pre-commencement condition for submission of a common cudweed translocation strategy, (as proposed in ES s.7.164), to include bee orchid if possible.

VIII. A standard condition for protection of breeding birds.

IX. A detailed overall restoration plan and implementation scheme such as by means of a Landscape and Ecology Management Plan (LEMP) as proposed in s.7.169 of the ES, that includes detail of ground preparation, seeding and planting, design, location and installation of bat and bird boxes, aftercare and long-term management of retained, enhanced and created habitats. This should be required to include provision for protected species are found in Appendices 7.1-7.9 and notable species as identified in Appendix 7.10 Botanical Survey Report. Phasing of development should take account of rare species translocation recommendations. The LEMP should, as outlines in s.7.190 include measures to manage...
recreational access and usage within the floodplain grasslands to protect breeding birds and other wildlife.

X. Detailed drainage design including design of SuDS that demonstrates features that include permanent water as well as temporary storage, ecological benefit and how these relate to existing and proposed habitats.

XI. Dunstall Lane hedgerows and ditches have ecological value and there is clearly an opportunity to enhance this linear feature given proposals for conversion to a cycleway/footway. A condition is recommended requiring a Dunstall Lane enhancement and management plan for recreation and biodiversity to include protection, enhancement and management of hedgerows, verges and ditches.

XII. In accordance with Appendix 7.5 Recommendation 1, a condition is recommended requiring submission of a highways and external lighting scheme that takes account of requirements of bats and other wildlife.

XIII. Repeat protected species surveys for any phase that commences after July 2017 and survey of buildings to be demolished or converted for breeding birds prior to commencement. It should be noted that barn owl may breed outside of the usual bird breeding season.

XIV. Installation of two rather than one barn owl box due to presence of kestrel which may use this type of box and for installation of barn owl box(es) prior to commencement of works affecting Dunstall Farm.

XV. A condition is recommended requiring provision of bird boxes for target species; see s.3.9 above, within a percentage of buildings (e.g. 10% as at the Golf Course?).

XVI. A condition is recommended requiring Reserved Matters applications to be supported by survey evidence in accordance with s.A2 of the Environmental Statement – Addendum Chapter 7 - Ecological Impact Assessment (Flora and Fauna) January 2017. The condition should also specify that should evidence of bats be found mitigation proposals should be submitted.

XVII. A condition be applied to the outline consent requiring Reserved Matters applications to be accompanied by a Construction Ecological Management Plan (CEcMP) for each phase (see my recommendation s.4.2.3 of August 15th 2016) that includes the measures found in s.A3 of the Environmental Statement – Addendum Chapter 7 - Ecological Impact Assessment (Flora and Fauna) January 2017.

XVIII. In order for the proposed mitigation of impacts on protected species and important habitats to be implemented it will be important that Reserved Matters applications are in compliance with the Illustrative Masterplan and Illustrative Landscape Strategy Plan. A condition is recommended to cover this.

XIX. A strategy for phasing of greenspace works in accordance with phasing of development is required. It is recommended that greenspace and habitat works be implemented early in phasing wherever possible. A pre-commencement condition could be applied requiring an open-space phasing plan to include habitat creation, enhancement and management perhaps as part of the proposed Ecological Mitigation Strategy.

XX. It is recommended that a condition be applied requiring Reserved Matters applications to be in accordance with the Badger Mitigation Strategy Rev B and that these applications be accompanied by a specific badger mitigation method statement in accordance with s. 7.2 Mitigation During Construction of the Environmental Statement – Confidential Appendix Rev B. In the light of inconsistencies in reporting regarding sett 1 it is of particular importance that Phase 3 be supported by robust badger survey information.
6.14.3 Consideration could be given to a planning obligation for a contribution to the Central Rivers Initiative to fund habitat enhancements elsewhere in the Tame Valley for off-site compensation for the identified unmitigated impacts on farmland birds.

6.15 Natural England (NE)

6.15.1 Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutory protected sites or landscapes.

Green infrastructure

6.15.2 Natural England note and welcome the inclusion of substantial areas of green infrastructure in the design of this urban extension, as detailed in the associated design and access statement, in accordance with the aims and policies of the adopted Tamworth Local Plan and the specific aims for the Dunstall Lane site as follows:

“The development should provide appropriate landscaping and on-site open space to link with the river and canal corridors, flood plain and wider green infrastructure network. In addition to this the existing ancient hedgerows should be retained and site design and layout should take the landscape character into consideration.”

6.15.3 Natural England supports the inclusion of multi-functional areas of green infrastructure and recommends that the authority secure specific measures to enhance biodiversity, offsetting expected losses of habitat on the application site, in addition to providing functional benefits such as sustainable drainage, recreational spaces and access.

In particular, the authority should ensure that measures to benefit wildlife and to preserve the character of the existing flood plain are secured from the applicant, as part of any permission. Policy HG2 of the adopted Tamworth Local Plan states “where appropriate new habitats should be created and links made to existing sites of high biodiversity value”. When creating features such as attenuation pools and public access, it is essential that consideration is given to the existing character of the landscape, and habitats present on site and that green infrastructure is designed to enhance the existing habitat.

6.15.4 Preference should be given to the planting of native species, appropriate to the habitat type, identified as flood plain grazing marsh on the national inventory, with existing features such as hedgerows, ponds and veteran trees retained as an integral part of the new development (as above).

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

6.15.5 The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework (paragraph 118) states that ‘when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.’

6.15.6 Natural England notes that the development will result in a partial loss of priority habitat in the form of flood plain grazing marsh.

6.15.7 Policy HG2 of the adopted Tamworth Local Plan states that development should “incorporate elements of significant historic landscape character into their overall design”. In addition, the Local Plan refers specifically to the application site, acknowledging that any development at Dunstall Lane “should adequately mitigate or compensate for the loss of floodplain grazing marsh UK Biodiversity Action Plan priority habitat, which covers a large portion of the site”.

6.15.8 Natural England therefore advises that careful attention should be given to the results of the Environmental Statement provided in support of this application, which identifies species rich
hedgerows, classified as ‘important’ under the Hedgerow Regulations, as well as the findings of the detailed botanical surveys presented under Annex 7.10 of the same report, to help identify appropriate types of planting, potential for enhancements to existing biodiversity and avoidance measures to ensure any loss of biodiversity is minimised.

6.15.9 Natural England advises the authority that any planting and creation of green infrastructure is carried out sensitively, in accordance with the findings of the Environmental Statement, which should be used as evidence to identify, and conserve biodiversity and indicate where additional mitigation or compensation is necessary, when negative impacts are unavoidable.

6.15.10 Measures should be in place to prevent degradation of habitats on site during construction, for example through inappropriate storage of plant and materials. Suitable measures should also be taken to protect biodiversity assets on site such as trees and hedgerows, particularly those identified as being of high value; a requirement to draw up a suitable Construction and Environmental Management Plan (CEMP) should form part of any outline planning approval.

**Soils and Land Quality**

6.15.11 Having considered the proposals as a consultation under the Development Management Procedure Order (as amended), and in the context of Government's policy for the protection of the ‘best and most versatile’ (BMV) agricultural land as set out in paragraph 112 of the National Planning Policy Framework, Natural England draws your Authority’s attention to the following land quality and soil considerations:

- Based on the information provided with the planning application, it appears that the proposed development comprises approximately 54ha of best and most versatile agricultural land, (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).

- Government policy is set out in Paragraph 112 of the National Planning Policy Framework which states that:

  “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

- It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped. In order to retain the long term potential of this land and to safeguard soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

- Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. Detailed guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying ToolboxTalks) and we recommend that this is followed.

6.16 Staffordshire Wildlife Trust (SWT)

We able not able to give detailed comments, but have the following comments to be addressed.

**Local Wildlife Sites (LWS)**

6.16.1 Although none exist on the site itself at present, there are several species-rich intact hedgerows present (H5, H11, H10, H16, H17, H18) that could potentially be of LWS value, while some sections of species-rich defunct hedges (H4, H6, H7, H14) might also qualify if they are intact and long enough. The ES found that twelve of the twenty-six hedgerows (Hedgerows H5, H6, H7, H10A, H10B, H11, H14, H16, H17, H18A, H20 and H22) assessed are considered to be ‘important’ under the wildlife and landscape criteria of the Hedgerow Regulations (1997). The main drain through the site also has a good diversity of floral species and might qualify for a local designation. All habitats of potentially high value need to be assessed against the Staffordshire LWS criteria to ensure that
their status is known before a decision on the development is made. This issue was raised at pre-
application, but does not appear to have been actioned within the EcIA. It is not possible to assess
impacts to designated sites without confirming whether there are any as yet undesignated sites
within the proposal boundary.

6.16.2 New areas of habitat creation/ enhancement should aim to reach LWS standard in future, so the
criteria for grassland, woodland, wetland and hedgerow habitats should be used as a reference
when designing detailed creation specifications.

**River Restoration**

6.16.3 While the aspirations to improve and create new habitats on the site are welcomed, river re-profiling
of the Tame is one aspect missing from the plans. The river banks are currently very engineered
and lacking in natural features- re-profiling the banks and adding dead wood, backwaters and gravel
riffles would not only restore a significant section of the river, but make it more attractive and
accessible to people. We understand the current footpath along the river is part of the Tame Valley
Way, which is being developed. While this task as a whole may be beyond the scope of the
development, it is an ideal opportunity to work with the Tame Valley Wetlands and Central Rivers
Initiative projects, and also the environment Agency, to look at the opportunities here for landscape,
wildlife and access enhancements.

**Grassland enhancement**

6.16.4 Detailed specifications should include use of green hay from local diverse grasslands appropriate to
the soil types on site. Some removal of topsoil may be needed to reduce fertility. As there is a
population on Broad Meadow SBI, may be appropriate to plant Snakeshead Fritillaries, from an
appropriate origin, on the site.

**Protected and Priority Birds**

6.16.5 Development of farmland usually results in displacement of open farmland and wading birds that
nest on the ground and use open fields for foraging, and wintering, such as skylark, lapwing, yellow
wagtail, redwing and Fieldfare.

6.16.6 Enhancement of non-developed areas can compensate for this, if habitats are well designed and
managed. If the bird interest of the site is to be protected, particularly any ground nesting and
wintering birds of open farmland, it will be necessary to restrict access for people and dogs to some
areas of the greenspace. It is usually possible to provide paths and hides etc, so that the public can
enjoy areas without disturbing nesting or wintering birds. The boundary of the existing drain might
be a useful feature to use. Diverse grassland creation should enhance the capacity of the current
habitats to support nesting/ wintering open farmland birds; however areas of bare ground and wet
scrapes within large open grasslands would be desirable.

**Net Gain for Biodiversity**

6.16.7 In order to achieve a net gain for biodiversity in line with guidance in the NPPF and England
Biodiversity Strategy 2020, all residual impacts identified in the EcIA need to be compensated – this
could involve work to enhance off-site areas for certain species and should be considered if on-site
compensation will not be sufficient. Biodiversity offsetting calculations may be useful in terms of
assessing habitat value losses and gains.

6.17 Central Rivers Initiative

6.17.1 No objections subject to conditions

The planning application is of considerable interest to the CRI as it affects a significant area or river
corridor that supports existing features of interest but also offers significant opportunities to
contribute to local biodiversity, green infrastructure and flood management priorities as well as
providing important access provision linked to a wider access network within the area. Our specific
comments as follows:

1. The development and associated landscaping scheme should clearly demonstrate that it will
be in keeping with the landscape character of the area, specifically the Trent Valley Washlands, and
will ‘…contribute to the enhancement, restoration or regeneration of the landscape affected...’ as required by Policy EN1 Tamworth Borough Council Local Plan 2006-2031.

2. Reference to the landscape character assessments for this part of the river corridor should inform the restoration of landscape features, creation of wildlife habitats and management as well as the conservation of key historic features within the development.

3. We would emphasise the importance of retaining a functioning floodplain, for the significant flood management and floodplain habitat benefits, and therefore advise there should be no development within the area of the floodplain.

4. The CRI broadly welcomes the Illustrative Landscape Strategy Plan which identifies the retention of a ditch and wetland features, some localised tree and woodland planting as well as the creation of wildflower meadows. The need and opportunities for strengthening ecological networks within this part of the river corridor, associated with the existing ditch, the River Tame, Broad Meadow LNR and other nearby wildlife sites are, however, underplayed in the application. We recommend it will be important to secure a commitment from the developers to work with relevant local wildlife organisations to work up a detailed scheme of habitat creation and aftercare management that strengthens the biodiversity value of this land and its connections with adjacent land holdings as part of a wildlife-rich river corridor.

5. The development should incorporate appropriate SuDS including features such as swales, retention ponds, soakaways and permeable surfaces. These features will be important in helping to reduce the risk of pollution and localised flooding and will strengthen the wildlife value of the development’s green infrastructure.

6. Central Rivers Initiative and the Tame Valley Wetlands Partnership have programmes of work that are taking forward environmental, accessibility and informal recreational enhancements within this part of the river corridor e.g. river re-profiling, Tame Valley Way and canoe trail access routes. It will be important that early discussions take place involving these partnerships to ensure that the opportunities for maximising the benefits of these programmes on the development site are achieved.

6.18 The Environment Agency

6.18.1 No objections subject to conditions in terms of the flood risk assessment and contamination. Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk. Although flood modelling has been run with a 20% climate change allowance, we require the applicant to run flood modelling with a 30% allowance for climate change to bring the development in line with current standards. This may increase the amount of land required for flood plain storage compensation and may reduce the area of developable land. This modelling is required to inform the reserved matters layout. If this work has not been done we may object to the reserved matters application.

6.19 Sport England

6.19.1 No objections the level of section 106 contribution is welcomed and supported by Sport England. Sport England would be pleased to discuss the contents of the section 106 agreement or other legal mechanism, if required, which would secure the contributions in an appropriate timescale.

6.19.2 We would also take this opportunity to reiterate that Sport England supports the creation of public open space and footpath and cycle path links using Dunstall Lane and connection to wider local and national path and cycle networks, linking the site to the river Tame and the canal. Please see our guidance on active design which is referenced below.

6.19.3 Sport England, in conjunction with Public Health England, has produced ‘Active Design’ (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key
principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government’s desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link: http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/active-design/

6.20 Severn Trent Water

6.20.1 No objection to the development subject to the imposition of a condition requiring the submission of drainage plans for the disposal of surface and foul water. In addition, an informative is recommended advising the applicant that public sewers are located within the application site.

6.21 Inland Waterways Association

6.21.1 No objections subject to conditions in respect of setting properties back from the canal, maintaining the hedge and providing a hard wearing upgrade to the towpath.

6.21.2 The Birmingham & Fazeley Canal is a historic waterway and a valuable amenity and recreational corridor, providing leisure boating, walking, angling, cycling and nature conservation benefits to the area.

6.21.3 IWA has long been opposed to this inappropriately located development which will have adverse recreational, economic and heritage impacts on the canal, and gave evidence on this to the Local Plan Examination. The Inspector’s Report (65) acknowledged that “The canal’s rural setting would be affected by the proposed development, even with landscaping”. It also (66) said that “the impact of the proposed development on the canal environment, whilst it is a negative factor in the overall balance, can be significantly mitigated”, although not detailing what form the mitigation should take.

6.21.4 To limit visual and noise impacts it is essential to set back the housing from the canal boundary, as the illustrative plans generally show, with houses facing the canal across gardens, access drives and a linear landscaping strip behind the towpath hedge. The clearance of later structures and retention of the historic core of the Dunstall Farm buildings in community, commercial or residential use is welcomed, although the houses shown between the farm and Dunstall Bridge should be set further back from the canal.

6.21.5 Housing nearest the canal boundary should be limited to 2 stories and of traditional brick faced designs to best compliment the canal heritage. The properties nearest Dunstall Bridge and Dunstall Farm Bridge in particular should respect the heritage value of these Grade II Listed structures by being set further away and through simplicity of design compatible with the 18th century vernacular canal architecture.

6.21.6 In order to preserve as much as possible of the canal’s rural setting and tranquillity the present towpath hedge should be retained and strengthened by replanting where there are gaps. The hedge should then be maintained at a height of at least 2 metres to help screen the development by limiting views of it from the canal, its towpath and the Green Belt, and to help reduce the noise from domestic vehicle movements. This would still enable views from the upper story of the houses over the towpath hedge to the attractive countryside across the canal.

6.21.7 It is inevitable that the new residents will use the canal towpath extensively for recreational walking and cycling, so it is vital that funding is made available from the developers to enable the Canal & River Trust to upgrade the towpath surface to a more hard wearing all-weather standard adjacent to and in the vicinity of the site, and for its long term maintenance. However, this should not be paved or tarmac but a bound stone surface more appropriate to its rural/urban fringe context. Agreement with CRT should also be sought for one or more links between the towpath and the estate footpath network to enable circular walks and facilitate access to the wider countryside via the canal towpath.

6.21.8 However, the towpath corridor is relatively narrow and conflicts can arise between different uses, especially between cyclists and walkers or anglers. It would be preferable, therefore if a separate cycle track could be provided running parallel with the towpath hedge on the development side of the site, leaving the towpath itself for the other users. This needs to be integrated into a
comprehensive footpath and cycle path network for the development that links the pedestrianised Dunstall Lane spine route to the canal corridor and surrounding countryside.

6.21.9 We note the suggestion in the Historic Environment Assessment that Dunstall Farm Bridge could be brought back into use as a public amenity, which presumably implies consideration of it becoming a foot/cycle link to land on the other of the canal, which suggests the possibility of making a new foot/cycle path along the offside of the canal providing a circular leisure route back to Dunstall Bridge. IWA would welcome such a proposal which would both compliment use of the canal towpath and help relieve it of any excess pressure of use. It would of course require access to some land outside the current site boundary.

6.21.10 IWA would appreciate being consulted further on any material amendments and in due course at the Reserved Matters stage on any details of this development affecting the Birmingham & Fazeley Canal.

6.22 Staffordshire Fire and Rescue Service (SFRS)

6.22.1 No objections Comment that appropriate supplies of water for fire fighting and vehicle access should be provided at the site. Roads and drives should be capable of accommodating the weight of a Staffordshire firefighting appliance (17800kg).

6.22.2 SFRS recommend the installation of automatic water suppression systems (sprinklers) within the proposed dwellings.

6.23 Canal & Rivers Trust

6.23.1 For clarity, we would confirm that the canal adjacent to the application site is in fact the Coventry Canal, and not the Birmingham & Fazeley Canal, as described in the application documents. The Birmingham & Fazeley Canal only extends as far north as Fazeley Junction, approximately 2km south-east of the application site.

Impact on the Coventry Canal Towpath

6.23.2 The application site lies immediately to the north and east of the Coventry Canal, and adjoins the canal towpath for a distance of approximately 740m, with the submitted Illustrative Masterplan showing built development adjoining the canal for a distance of about 570m south-eastwards from Dunstall Lane Bridge. The canal towpath continues south-eastwards towards Ventura Park and beyond that to Fazeley Junction, where it meets the Birmingham & Fazeley Canal. Northwards, the towpath continues through open countryside towards Hopwas and Lichfield.

6.23.3 The canal is an important element of the green infrastructure network that runs through Tamworth and connects the town with the surrounding countryside. The towpath can therefore also be seen as an important walking and cycling route, both for general leisure, recreation and the promotion of healthy activity, and also as an important sustainable and traffic-free route helping to link the proposed development with the rest of Tamworth and the wider walking, cycling and green spaces network within the Borough. It therefore helps to provide a high degree of connectivity for future residents on the application site to assist in gaining access to services and facilities, schools and employment within the town.

6.23.4 In considering how the towpath can help to fulfil the aim of encouraging sustainable modes of transport and provide a link to the rest of Tamworth, it is evident that only improving an isolated stretch adjacent to the site will be insufficient. The towpath running south-east from the site remains a narrow unsurfaced track for a further 530m until it reaches Sutton Road Bridge, where the A453 crosses over the canal. South of this bridge, the towpath is generally better suited to both walking and cycling, having a wider, more durable surface. We consider that the improvement of the towpath from Dunstall Lane Bridge to Sutton Road Bridge, a distance of approximately 1.1km, is necessary in order to achieve the aims of the adopted Local Plan in encouraging walking and cycling and securing good links between the proposed urban extension at Dunstall Lane and the surrounding area. We consider that Policies HG2, EN3, EN5, SU1 and SU2 all support this argument. Policy SU1 in particular supports the principle of considering towpath improvements in the context of the stretch identified, as it would link into the already improved towpath network to the south of the site, thus removing an existing barrier to more widespread use of the towpath and achieving a more
joined up Tamworth-wide cycle and pedestrian network which exploits the existing green linkages and canal towpaths as set out in criterion a) of that policy.

6.23.5 We have undertaken an initial desk-top assessment to identify the likely cost of undertaking works to install an appropriate new towpath surface along this stretch, using our project cost estimation tool, which is informed by our experience of undertaking similar works nationally across the canal network. We would advise that this is a preliminary estimate and has not been informed by a full site survey to identify in detail the extent of any potential issues which may affect the ability to undertake the works. It is based on the expected costs incurred if the Trust were to undertake the works. The estimate is based on the following assumptions and specifications:

- Towpath width to be 1.5m.
- Towpath length to be 1100m.
- Towpath to be surfaced with a tar spray and chip surface to the Trust's standard details (except for bridge underwalks, which will be surfaced with an epoxy-bonded surface due to higher wear capacity).
- All existing towpath surfacing to be removed as part of the works.
- All arising's/waste from the works to be removed from the site for disposal.
- Works to the towpath to be carried out using land-based construction (not water-based) with access from highway required.
- Nominal works to improve existing towpath access at Dunstall Road Bridge.
- Canal bank repairs/strengthening already identified from previous inspections (estimated as provision of approximately 50m of coir rolls) that would be needed to establish a 1.5m wide surfaced path.
- No works proposed to existing towpath access points by Sutton Road Bridge.
- No specific environmental constraints assumed to be present which might restrict normal working practices or methods (e.g. - presence of badgers, water voles etc.).
- Anticipated duration of works to be 10 weeks (nominally 120m per week plus 1 week each for site establishment and site clearance).

6.23.6 In addition, the estimate has assumed a ‘worst-case’ scenario for the extent of works likely to be necessary, given the lack of a detailed site survey. It is anticipated that the figure identified is likely to be the maximum cost of the Trust undertaking the works, and we acknowledge both that further investigation may subsequently allow this figure to be reduced and that the applicant/developer may be able to undertake works to the same specification at lower cost if they are carried out concurrent with development of the adjacent site.

6.23.7 The surface material identified is considered to represent an appropriate balance between the need to achieve a durable surface and also to maintain an appropriate appearance which will continue to reflect the semi-rural character that the canal corridor will have post-development. The 1.5m width identified is considered to be the maximum width possible to accommodate within the Trust’s landholding alongside the canal. Taking all of the above into account, we consider that the works will cost up to approximately £382,384 to complete, if undertaken by the Trust.

Impact of Development on the Character of the Coventry Canal

6.23.8 We note that this application is in outline only, with all matters apart from access reserved for later consideration. Nonetheless, the application sets some broad parameters for the development and the illustrative masterplan shows how development of the scale proposed can be achieved within those parameters. We consider that it is appropriate therefore to comment on these matters at this stage in order to assist in informing any subsequent reserved matters proposals.

6.23.9 We note that the General Parameter Plan (Drawing 2864/502) indicates that medium density housing of up to 40 dwellings per hectare and up to three storeys in height will be built alongside the canal. The Illustrative Masterplan (Drawing 2864/505) suggests that houses will generally face towards the canal, albeit separated by access roads. The annotations on the Illustrative Landscape Strategy Plan (05523.00001.16.007.0) indicate that development will be set back from the canal edge to allow retention of adjacent vegetation and identifies opportunities to provide access to the canal towpath.
6.23.10 The proposals appear to be broadly appropriate and we support an approach based on creating engagement with the canal corridor and promoting access to the towpath. The existing hedgerow alongside the towpath is interspersed with trees in places and makes a good basis for a more detailed landscaping scheme along the canal side boundary. We consider that an approach which still permits views to and from the canal would be appropriate, rather than seeking to introduce a densely planted screen. This would help to strike a balance between the need to soften the visual impact of the development whilst avoiding a significant disconnection from the canal.

6.23.11 It will be important to try to create an informal character to the canal side which respects the character of the canal corridor which at present is almost wholly rural, but which will take on a more transitional character between the built up development proposed to the north and the open fields remaining to the south. Consideration should be given to incorporating small areas of incidental public open space adjacent to the towpath, and these could form the focus of new access points onto the towpath. We would advise that any new access onto the canal towpath will require the prior consent of the Canal & River Trust in the form of a commercial agreement. It will be important to ensure that such accesses incorporate appropriate restrictions to prevent access by motorbikes and vehicles.

Impact on Listed Canal Bridges

6.23.12 Dunstall Lane Bridge and Dunstall Farm Bridge are both owned by the Canal & River Trust and as noted, both are Grade II listed structures. As such the detailed design of the development should carefully consider how it affects their character and setting.

6.24 Western Power

6.24.1 No objection to the proposals but note that the development must be carried out in accordance with HSE Guidance Note GS6: Avoiding danger from overhead power lines. A minimum clearance of 15m is required either side of the outermost conductor for buildings, structures and trees. Soft landscaping, cycleways, roads and footpaths are acceptable forms of development within the ‘zone’ of the pylons.

6.25 Staffordshire County Council (Archaeology)

6.25.1 No objections subject to conditions in respect of the historic building records and geophysical survey.

6.25.2 The submitted Historic Environment Desk Based Assessment (HEDBA) is considered to appropriately consider the archaeological potential across the site and surrounding area. The key impacts relate to the proposed alterations, although not yet specified in detail, of the historic farmstead at Dunstall Farm and the potential for impacting upon currently unknown below ground archaeological remains. The Tame Valley is a landscape where there is abundant evidence for human activity from prehistoric period onwards, particularly in the Fisherwick and Wiggington parishes to the north of the site.

6.25.3 Taking into account the impact of the proposals upon this site of historic and archaeological interest it is proposed that a programme of archaeological works be undertaken should permission be granted. This shall comprise:

- Level 2 building recording of the historic buildings associated with Dunstall Farm in advance of the conversion works to provide a record of the historic agricultural complex and to inform the design of my alterations.
- A stage archaeological evaluation to establish the presence or absence of archaeological deposits, their nature, form and date. This shall comprise a geophysical survey followed by targeted trail trenching.

6.25.4 The HEDBA makes reference to geophysical survey having been undertaken, but this was not appended to the document. The results of any geophysical survey should be forwarded to this office, and if acceptable, shall inform the trial trenching phase.

6.25.5 The building recording shall be undertaken in accordance with the Historic England guidance document ‘Understanding Historic Buildings: A guide to good recording practice; (Revised 2016). This approach is supported by National Planning Policy Framework (NPPF) para 128 and 141 which
states that ‘... they [Local Planning Authorities] should also require developers to record and advance understanding of significance of any heritage asset to be lost (wholly or in part) in a manner proportionate to their importance and the impact, And TO make this evidence (and any archive generated) publicly accessible.’

6.25.6 This programme of mitigation should be undertaken by a suitably experienced historic environment specialists and/or archaeologists working to the Chartered Institute for Archaeologists code of conduct, their ‘Standards and guidance for the archaeological investigation and recording of standing buildings and structures’ (2014) and ‘Standards and guidance for an archaeological evaluation’ (2014). This work would most appropriately be secured via a condition being attached to any permission issued which states:

‘Prior to commencement of the development hereby permitted, a written scheme of archaeological investigation (‘the Scheme’) shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication. The Scheme shall thereafter be implemented in full in accordance with the approve plans’.

6.26 National Grid (Gas pipelines)

6.26.1 The proposal is in the vicinity of National Grid’s High Pressure Gas Pipelines and requires an agreed safe method of work to ensure safety and integrity of the pipeline.

6.27 The Tamworth and District Civic Society

6.27.1 Comments that the access point located close to Brakes Brothers concerned that viability of one road being able to accommodate a huge increase in car traffic, alongside the very large number of HGVs that use the same access point. The Local Plan makes reference to two access points.

6.27.2 Concerns about the location of the proposed primary school. The applicant may want to consider some alternative locations put forward. Before approval we would like to see a detailed traffic management plan that shows how mitigation will be put into pace for the increase in vehicle usage in and around Ventura Park and cardinal Point, Mile Oak crossroads and A5 dual carriageway junction.

6.27.3 Reserved matters application will need to take into account the historical significance that needs to be placed on existing buildings in the area. Dunstall is one of ancient hamlets of Tamworth and Dunstall Farm appears on Yates’s Map on 1775. Pleasing to note that plan retains these buildings, but Civic Society is concerned that new housing appears too close and would have a negative impact on the setting, appearance and character of these buildings. Concerned that the rural of character of Dunstall Lane is maintained and continues to provide a walking and cycling amenity for the residents of the Borough and wider district.

7. Additional Representations

7.1 18 objection letters have been received, the salient points raised are summarised as follows. Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at www.tamworth.gov.uk.

- Traffic is an issue, especially along Plantation Lane and A51.
- Application 0012/2017 HGVs turning left will have impact on pedestrians from the residential development.
- No cycle link between Dunstall Lane and Bonehill Road.
- Application does not make or encourage sustainable modes of transport.
- Assuming each house has two cars the proposal will add another 1600 cars on the road.
- Directs all traffic through Ventura Park, where the area is already busy.
- Primary access route should be expanded junction at Mile Oak.
- Concerned over lack of modelling in support of the application.
- Short dual carriageway linking 800 houses is not enough.
- One single point of access not sufficient.
- Potential of on-street parking in vicinity of the access.
- Site a large cul-de-sac, proposal should have another access.
- Site ideally suited to self-employed households.
- Recent accidents not included with the application.
- School within the scheme is likely to cause more traffic disruption. Should be centralised.
- School is not required.
- Position of convenience store likely to lead to pedestrian danger.
- Absence of footpath and cycleway bridge.
- Hopwas is already congested.
- Surrounding road infrastructure increasingly struggling to cope with the volume of traffic, concern large scale residential development and extra road users.
- Proposal may impact on existing employers in the area.
- Concern that a residential development will prejudice existing employment uses.
- Concern access would be inadequate for existing properties.
- Concern over fresh water supply.
- Dwellings will have impact of views on, requiring sympathetic screening.
- Town cannot cope in terms infrastructure for example road networks, hospitals, doctors, dentists, schools and public services.
- Lack of viable public transport services, current bus service runs past Asda.
- Public transport links are appalling.
- Flood risk, rivers burst bank regularly and flows onto the floodplain, no doubt new development will include flood defences, this will cause problem elsewhere.
- Increase flooding to Oxbridge Way and Hopwas village.
- Area is flood zone 2 and 3.
- Do not agree optimistic view that drainage would be provided to relieve such a large amount of water.
- Excess water should not drain into river, this will exacerbate situation.
- No provisions in application for flood defences on opposite side of the river.
- Photographs attached indicating the area of land flooded at least 3 times in the last four years.
- Bottle neck at Hopwas Road bridge, flood prevention near to the Fox, proposal will exacerbate flooding.
- Will there be a guarantee to cover all flood damage costs to any property between Lady Bridge and the Alders Mill Housing Estate that suffers flooding.
- Flood banks should be raised and paved throughout the town and access along the length of the rivers.
- Only remaining ‘green’ area in Town Centre.
- Spoils views across the River.
- Whole landscape of Tame Valley would be permanently changed.
- Ruin recently open nature reserve.
- Long rich history, necessary lengthy survey and excavations in relation to archaeology.
- Will impact on wildlife, disturbing habitat for birds, otters, barn owls, hedgehogs, Canada geese, foxes, water voles, toads, butterflies and moths.
- Proposed badger mitigation inadequate.
- Must be native trees such as Birch, oak and fruit trees.
- Proposal removes hedgerows, has an adverse impact on historic views from Dunstall Lane.
- Site unsuitable for affordable housing, unsustainable.
- Housing is not required already sufficient housing.

8. **Planning Considerations**

8.1 **Principle of Development**

8.1.1 The starting point in determining the acceptability of development proposals is the local plan, where the policies are consistent with the NPPF, and any other material considerations.

*Local Plan (LP)*

8.1.2. The proposal site is in agricultural use and lies approximately 2 kilometres to the west of Tamworth Town Centre. The site is an allocated site within the adopted Tamworth Local Plan 2006-2031 adopted February 2016. It is referred to as a Sustainable Urban Extension having been assessed against a number of criteria to identify its development potential to justify the release of this Greenfield site. The constrained nature of the Borough puts reliance upon this site amongst others
to deliver the majority of the housing requirement whilst the balance which cannot be accommodated within Tamworth will be located in neighbouring boroughs.

8.1.3 The site is identified within the LP as an SUE under Policy HG2, which identifies general requirements for each of the proposed SUE’s and the following specific comments on the Dunstall Lane development:

The site is located on agricultural land and will be part of a mixed use development extending from existing employment and retail areas in the west of Tamworth. It will provide at least 723 new dwellings and associated infrastructure as detailed below. The development:

- Should have regard to the Hopwas Conservation Area in Lichfield District and the two listed bridges within Tamworth.
- Should include the retention and sympathetic restoration of Dunstall Farm and historic brick barns as part of development for residential or commercial use.
- Should reduce the urban edge effect on the canal, with particular attention to the treatment of the site boundary with the canal, through sensitive layout, design, scale, materials and landscaping. Where possible the hedgerow between the site and canal towpath should be retained and only opened up in part to enable views out of the site and make the most of the setting.
- Take into consideration the potential for archaeology through an archaeological desk based assessment and/or archaeological field evaluation.
- Should ensure there is no adverse impact on the River Tame and Broad Meadow LNR. The site is also within close proximity to the Coventry Canal which is an ecological corridor so any potential impact must be taken into consideration.
- Should adequately mitigate or compensate for the loss of floodplain grazing marsh UK Biodiversity Action Plan priority habitat, which covers a large portion of the site. This should reduce the net loss or impact to the ecological networks and priority species populations.
- Should provide appropriate landscaping and on-site open space to link with the river and canal corridors, flood plain and wider green infrastructure network. In addition to this the existing ancient hedgerows should be retained and site design and layout should take the landscape character into consideration.
- Must establish two points of vehicular access.
- Should ensure that the public right of way through the site remains or mitigation to provide an appropriate alternative route.

Required Infrastructure:

- A new primary school and contributions to secondary school
- Local convenience store
- New public open space, play facilities and sports provision in line with other policies of the Local Plan and the Infrastructure Delivery Plan
- Flood risk mitigation measures as required by a site specific flood risk assessment
- Provision of improved pedestrian and cycle connections to the A51 Lichfield Road from north of the development site.

In addition to the above, Staffordshire County Council and Tamworth Borough Council acknowledge that an additional pedestrian bridge over the river and flood relief channel (linking the Dunstall Lane SUE with the A51 to the north) would increase accessibility to the proposed primary school on the site and to retail and other services at the Ventura and Jolly Sailor retail parks for residents who live to the north of the A51.

Future residents of the Dunstall Lane SUE would also be able to achieve some journey time savings for pupils travelling to secondary school and for employees accessing the Lichfield Road Industrial Estate. The two Councils will work towards delivery of the bridge, including securing planning permission for it and securing funding for its construction. The Council will seek financial contributions towards the construction of the bridge from development schemes in the surrounding area.

The contributions paid by adjacent developers will be commensurate with the improvements to the accessibility of their development sites that would be delivered by the bridge.

8.1.4. The application, at 800 units, is a little more than the 723 unit Local Plan allocation but the increased number has been accommodated within the developable area. The development includes a primary
school, limited commercial floorspace, pedestrian and cycle routes, play and sports facilities, local convenience store and flood mitigation.

8.1.5 The Affordable Housing policy stipulates that the development should provide 25% affordable housing on site. Policy HG4 is particularly relevant with regard to the tenure and type of units.

8.1.6 The Site Allocation makes a reference to improving links from the site to the A51 and areas to the north of the development site. This will require a bridge across the river and marshland suitable for pedestrians and cyclists allowing access to employment areas and secondary schools to the north as well as a more direct link to the western part of the town centre. The Council will work with Staffordshire County Council to seek funding and necessary approvals but the development should also contribute to the provision of this infrastructure. This should be part of the negotiations entered into with the applicant as it would assist the two authorities in seeking project funding.

National Planning Policy Framework

8.1.7 The NPPF sets out the government’s planning policies for achieving sustainable development which has replaced previous guidance notes and policy statements. Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development, and that where the development plan is not considered up-to-date, planning permission should be granted unless material considerations indicate otherwise, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits assessed against the Framework taken as whole, or there are specific policies that indicate development should be restricted.

8.1.8 Paragraph 17 outlines the 12 core planning principles that should underpin both plan making and decision taking, and as such are relevant to this application. Para 52 acknowledges that the delivery of new homes can sometimes be best achieved through planning for larger scale developments.

8.1.9 The NPPF (Para 47) requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. This strategic site contributes significantly towards the Borough meeting its current and future 5 year housing land supply and is an important consideration in determining this application in order to ensure Tamworth has the supply of housing to meet its needs.

8.1.10 The proposed development of the allocated site would play a significant part in contributing towards the supply of housing land in Tamworth, the provision of affordable housing and improvements in the provision of publically accessible open space within this area of the Borough. Dunstall Lane would contribute 800 dwellings to the current 5 year supply will add to the range and number of housing sites being delivered in Tamworth to support flexibility in the short term, and as such the principle of developing the site is supported by the NPPF, subject to the detailed considerations discussed below.

8.2 Housing Provision

8.2.1 The NPPF sets out that, local planning authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. The most recent local evidence in the form of the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2014) identified a significant need within the Borough for 2-3 bedroom dwellings more specifically the following mix is considered necessary:

- 4% 1 bedroom units
- 42% 2 bedroom units
- 39% 3 bedroom units
- 15% 4 bedroom or more units

8.2.2 This mix of housing has been carried though into the LP as Policy HG5. In addition, Policy HG4 relating to the provision of affordable housing is also based on the same evidence, taking into account a whole plan viability assessment. This policy requires new residential development involving 10 or more dwellings (gross) to provide a target of 25% affordable dwellings on the Dunstall Lane site, with a mix to reflect the overall dwelling size mix and a mix of 25% of the affordable dwellings as intermediate tenure and 75% rented.
8.2.3 The application whilst in outline with no detailed layouts proposed has been submitted with an anticipated housing mix to comply with the housing needs identified above, with 25% of the dwellings proposed as affordable (200 dwellings in total) with a split between intermediate units and affordable rental units to comply with the LP policy requirement. The level of affordable housing and split will be secured through a Section 106 Agreement, with the overall mix of private dwelling size to be secured though consideration of the detailed reserved matters applications.

8.2.4 In terms of density there is an expectation that new residential development will make efficient and effective use of land, while enhancing the character and quality of the area it is located in. The eLP Policy HG6 identifies that sites within the urban area, but away from the more densely developed areas such as the Town Centre are expected to deliver a minimum density of between 30 and 40 dwellings per hectare. Whilst the overall density of the site would be considered in detail at the reserved matters stage the submitted information indicates that the average density across the site would be 38.7 dwellings per hectare (not considering the areas of landscaping within this calculation), which is considered to result in an appropriate density that would result in an efficient use of the site and would be not too densely developed to have a detrimental impact on the character of this site on the urban edge.

8.2.5 Overall the proposed housing provision when considering the mix and level of affordable housing are considered to comply with the requirements of the NPPF to meet the housing needs of the Borough, as identified within Policies HG4, HG5 and HG6 of the LP.

8.3 Design and Impact on Character and Appearance of the Area

8.3.1 The application has been submitted in outline and the only matters for consideration in the determination of this application (other than the principle of development considered above) relates to the point of access to the site, which is considered within the highway safety section below. For clarity a brief description of each of the reserved matters is provided below;

Layout; The way in which buildings, routes and open spaces are provided and their relationship to areas outside the development.

Scale; The height, width and length of each building.

Appearance; The external built form of the development, the aspects of the development which determine the visual impression the development makes.

Access; Covers access to the site and circulation within the site for vehicles, pedestrians and cyclists and how these fit into the surrounding network.

Landscaping; Details the treatment of public and private space through hard and soft measures including SUDS, trees, hedges, fences and walls etc.

8.3.2 A formal assessment of the layout, scale, appearance, internal access, and landscaping would need to be undertaken at the time of a future application for the approval of the detailed reserved matters. However, the application is accompanied by a masterplan, landscape strategy and a Design and Access Statement.

8.3.3 In terms of the policy basis for assessing the design, layout and impact of the development on the character and appearance of the area Policy EN5 of the LP outline a number of design expectations for new residential development, taking into account local distinctiveness, scale, layout, form and massing amongst other considerations. However, as these considerations will be assessed at the detailed design and application stage the contents of these polices need to be noted. In addition, the NPPF at chapter 7 outlines the national expectation to achieve high quality and inclusive design based on a number of criterion at Para 58.

8.3.4 Policy HG2 of the LP refers specifically to the redevelopment of the Dunstall Lane and encourages the provision of a new primary school, convenience store, provision of improved pedestrian and cycle connections to the A51, and canal and river corridor to ensure the site is well connected. This policy requires that the development is of a high quality, sustainable and inclusive design of an appropriate layout, taking in to account the urban edge effect of the development on the canal.
8.3.5 The site sits between the green belt (in Lichfield) and the existing urban edge of the Borough, with industrial/commercial to the southern and existing residential development to the northern boundary. The application is accompanied by a Masterplan and Landscape Strategy which seek to enhance the landscape through substantial planting of trees consisting of both woodland copses and individual specimens. The submission identifies the following measures to enable the site to integrate within the existing urban area and wider countryside:

- Retention and enhancement of existing features on the site. The retention of Dunstall Lane which creates a central, traffic free, spine through the development for pedestrian and cyclists. In association with this the hedgerows and other natural boundaries in the site are to be retained. The retention of the canal bridges and the area to the west of Dunstall Farm.
- Flood plain remodelling – at an early stage it was considered necessary to remodel and alter the shape of the site, therefore comprehensive flood risk modelling was undertaken which identified the areas where the “cut and fill” exercise would deliver the most benefits. This had a significant influence on the design and will deliver significant benefits to, amongst other matters, heritage assets.
- Creation of vehicular access, a three armed roundabout already exists adjacent to the site and provides an obvious opportunity to create access to it. Therefore, it is proposed to provide access to this roundabout through another access which would run parallel to the adjacent distribution centre.
- Ecologically the vast majority of existing hedges and trees would be retained and significant areas of new habitat would be created in order to offset any potential impact. An existing badger sett on site will be translocated to a more suitable location in order to maintain the viability of the badger family group. Additional biodiversity improvements are proposed as part of the scheme.
- The landscape impacts of the proposals have been considered through a Landscape and Visual Impact Assessment. The proposal will be viewed in the context of the industrial/commercial development adjacent to them. A scheme of strategic landscaping is proposed which will soften views and would blend the development neatly into the existing landscape.

8.3.6 Overall the works undertaken so far in terms of the design and layout of the site are generally positive, and subject to them being built upon through the Masterplan, a more detailed landscape strategy the design of the development would be appropriate for the context of the site and thus comply with the requirements of the NPPF, and LP Polices HG2, HG4, and EN5.

8.4 Highway Matters

8.4.1 The application is supported by a detailed Transport Assessment (TA), and Travel Plan (TP) which have subsequently been updated during the consideration of the application. The following section of the report will deal with the matters of highway capacity in the locality (including the M42 and A5) and also technical highway safety matters relating to surrounding junctions, vehicular access, and consideration of the sustainability of the development.

*Highway Capacity*

8.4.2 In order to assess the impact of the development on the existing network, first the existing situation needs to be established taking into account the local highway network, public transport and walking and cycling network. The impact of development generated traffic on the highway network in/around the Ventura Retail Park has been assessed using the LinSig model that was commissioned by SCC in 2012 to investigate potential measures to alleviate congestion in the area and accommodate proposed development in the area (including the committed Dunstall Lane employment site). Additional assessments of the weekday morning peak flows were carried out. To this end traffic surveys have been undertaken within the assessment area between the hours of 07:30 – 09:15 and 16:30 – 18:15. The counts were arranged to determine the peak hour within this time period. The surveys demonstrate that the traditional peak hours of 08:00-09:00 and 17:00-18:00 are the actual peak hours, at most of the junctions assessed. The scenario where this varies is considered to be negligible and therefore the traditional peak times have been used for the junction capacity assessments. Having checked the survey dates it has been verified that the survey has been undertaken at a neutral time and not during the school holidays.
8.4.3 The expected traffic generated by the proposed development is predicted using the TRICS database, which compares the site against a number of similar development sites that have been surveyed. The methodology that the applicant has provided to justify the use of comparable sites within the TRICS database is considered to be acceptable to the Highway Authority and is therefore an acceptable basis on which to predict the trip generation.

8.4.4 In order to establish the likely routes that traffic will take from the proposed development the census data for travel to work routes was extrapolated in order to provide an accurate picture of travel destinations. From the known destinations it is possible to determine the likely traffic routes and therefore assess the capacity of junctions along those routes based on the likely traffic generation, an approach acceptable to the Highway Authority.

Impact on the existing network

8.4.5 With regards to the impact of the additional traffic generated by the proposal, the applicant has undertaken an assessment to consider the impact of the development on the local highway network. In order to determine the scope of the assessment, discussion where held between the applicant and the Highway Authority in order to determine the junctions which would need to be assessed. The junctions to be assessed have been identified along the main routes into the town centre and connecting to the trunk road network. The junctions identified are major intersections such as roundabouts and junctions along these routes.

8.4.6 The junction assessments took into account a number of scenarios in order to provide an objective assessment these included the committed developments including the recent Anker Valley (535 dwellings), Golf Course approval for 1100 dwellings, Coton Lane (170 dwellings), new developments on Ventura Park, and a number of commercial developments (38ha in total) and other residential developments.

8.4.7 The following Ventura junctions assessed as part of the application are as follows:

1. Ventura Park Roundabout
2. Jolly Sailor Roundabout
3. A51 Riverdrive / Fazeley Road signals
4. Asda / Ventura Park Road roundabout
5. Marks & Spencer / Ventura Park Road roundabout
6. Fazeley Road / Ventura Park Road roundabout
7. A453 / Ventura Park Road roundabout
8. A453 / Meadow Road roundabout
9. Winchester Road / Ventura Park Road roundabout

8.4.8 Junctions 1-9 have been assessed by Staffordshire County Council (The Highway Authority), this indicates that the net impact of the proposed development on the Ventura Park network is not significant. During the weekday morning peak hour the highway network continues to operate with spare capacity with the main impact on the network being on the Bonehill Road eastbound approach to the Jolly Sailor roundabout. During the weekday evening peak hour and the Saturday peak hour the impact of the net proposed development traffic is negligible, with no detrimental impact on the operation of the Ventura Park roundabout junction in the weekday evening peak hour, nor the Asda roundabout during the Saturday peak hour, and minor improvements in operation experienced at some junctions on the network due to the net changes in direction in traffic flow as a result of the change of use of the Dunstall Farm site from employment to residential use. Therefore, there is a negligible impact on the Ventura Park network.

8.4.9 As part of the supporting evidence for the Tamworth Core Strategy, a technical study was undertaken by JMP on behalf of Highways England into the traffic impact of growth proposed for Tamworth Borough on the Strategic Road Network. It should be noted that this study was undertaken using the preferred options for development at Tamworth at that time. The applicant has used this study to assess any possible mitigation required as part of the development. The following junctions have been assessed as part of the application:

1. A5/A453 Mile Oak, taking into account Plantation Lane, Watling Street, Bonehill Road, Sutton Road, Hints Road
2. A5/A51 Ventura Park
3. M42/A5 Junction
4. A51/B5493 Roundabout

8.4.10 Firstly, in terms of the A5/A453 Mile Oak junction, it indicates in 2017 that the net impact of the proposed development traffic would be a minor increase in average queue lengths on the A5 westbound off-slip during the weekday morning peak hour. However, the average queue lengths are only approximately 41m and would therefore not impact on the operation of the A5. The results also indicate increases in queue lengths on the A453 Bonehill Road and the A453 Sutton Road, although it is considered that these queues are not severe and can be accommodated on the local highway network at present. However, forecasting indicates that that the impact of net proposed development traffic in the 2024 weekday morning peak hour would be moderate, with average queue lengths of approximately 204m recorded on the A5 westbound off-slip, an increase of some 184m. Whilst a queue length of 204m on the off-slip would not impact upon the operation of the mainline A5 it is considered that mitigation is required. This improvement scheme would comprise the introduction of signal control and controlled crossing facilities at the A5 westbound off-slip/A453 junction. This proposal would require the extension of the 40mph speed limit on the A453 Sutton Road northwards passed the A5 westbound off-slip junction to a point just south of the Plantation Lane roundabout junction. This would reduce the average queue lengths on the A5 to 61 metres, more significantly the maximum queue lengths would reduce from the recorded 800 metres to only 265 metres. This length of queue could be accommodated on the slip road without impacting on the operation of the mainline A5 in this location. In view of this, it is considered that the proposed improvement would mitigate the impact of net proposed development traffic on the Strategic Road Network (SRN) in this location. Queues lengths on the A453 Bonehill Road and A453 Sutton Road would increase during the morning peak but it is considered that these queue lengths are not severe and can be accommodated on the local highway network without detriment to highway safety. Both Staffordshire County Council and the Highways England consider that the proposal will not have a detrimental and severe impact on the highway. During the consideration of the application the principles of the junction improvements have been discussed with Highways England and Staffordshire County Highways. A road safety audit has been carried out in respect of those mitigation measures to ensure that it does lead to any safety issues. Both of these consultees consider that the along with the mitigation there will be no detriment in terms of highway safety.

8.4.11 From the testing it indicated that the impact of the net proposed development traffic on the A5/A51 at Ventura Park would be negligible, with no particular queues or delays recorded on either of the A5 off-slips in the scenario testing. It is therefore concluded that no mitigation measures are required at this junction as a result of the impact of proposed development traffic.

8.4.12 Junction: M42 Junction 10 at the request of Highways England an assessment has been carried out to assess the impact of the development on the junction of A5 and M42 in 2020 and 2025. However, the proposed development has minimal impact on the strategic road network. This increase is not considered by the Highway Authority to be a significant or severe impact, and therefore no mitigation to this junction is required.

The impact of the proposed development on the A5 and M42 has been assessed by Highways England (HE), who as detailed above have no objection to the development. The application is supported by traffic models which assesses the impact of the development for the opening year (development completed) both with and without the development. The models have been accepted and validated by HE and take account of traffic growth, and committed developments.

8.4.13 A51/B5493 Roundabout, this junction did not form part of the Ventura Retail Park assessment and was therefore assessed along with the other junctions above. To ensure consistency similar assumptions were made in respect of committed development to take into account the future impact up to 2024. The junction would be operating at capacity during both peak periods without the proposed development. The impact of net development generated traffic at the junction would be negligible, with a minor increase in maximum queues on the A51 Tame Drive approach during the morning peak hour and a minor reduction in queue lengths on the same approach during the evening peak hour (due to the changes in direction of traffic flow between the consented Dunstall Farm employment use and proposed residential use). In view of this, it is not considered that any mitigation works at the junction are justified based on the level of impact predicted.

Proposed Vehicular Access

8.4.14 Vehicular access to the site is proposed via the provision of a fourth arm to the existing Ventura Park Road/Meadow Road roundabout junction to the north-west of Ventura Retail Park. Dedicated
vehicular accesses to the Primary School and retail/commercial zone will be provided off Ventura Park Road and Meadow Road respectively. It has been demonstrated that satisfactory access can be provided in terms of design and operational capacity.

8.4.15 In general the proposed access points into the site are considered to be acceptable, subject to conditions requiring the development to be completed in accordance with the submitted plans. So on a technical highway safety issue there is no objection to the development in terms of providing a safe vehicular access in to the site and this comply with the requirements of the NPPF, Policy HG2 of the LP.

Sustainable Transport

8.4.16 The NPPF requires that consideration should be given to the opportunities for sustainable transport modes; that safe and suitable access to a development site can be achieved for all people; and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development as required by the NPPF and Policy HG2 of the LP.

8.4.17 The transport assessment has identified existing bus services within the area. Due to the size of the site and in order to promote the use of public transport as an alternative to the private car it is necessary to ensure that all areas of the site have reasonable access to a bus service. The provision of a bus service to serve the site is therefore considered necessary and as recommended by the Highway Authority will be secured by means of a Section 106 agreement with the developer required to implement a service or seek the diversion of an existing service upon the completion of the 400th dwelling and will operate a 30 minute serve Monday to Saturday.

The transport assessment demonstrates that opportunities for sustainable transport modes have been taken up to suit the nature and location of the site. New pedestrian links are proposed that would improve the connectivity of the site to the existing network and the site is located within a reasonable walk/cycle distance of existing employment and retail facilities and Tamworth town centre.

The following sustainable transport improvements are proposed:

- Removal of vehicular rights on Dunstall Lane for a 1.1km length through the proposed development to provide a traffic free walk/cycle route through the site;
- Provision of a 30 minute frequency (Mon-Sat 7am to 7pm) bus service between the proposed development and Tamworth town centre;
- Provision of appropriate bus stop infrastructure within the proposed development to ensure that all dwellings are within a 400m walk distance of a bus stop;
- Provision of new walk/cycle links between the proposed development and Ventura Retail Park;
- Provision of new walk/cycle links between the proposed development and the Birmingham and Fazeley canal towpath;
- Provision of new pedestrian links between the proposed development and public footpath Tamworth 5, together with associated way marking improvements;
- Upgrade of the existing signal controlled pedestrian crossing on the A51 Tame Drive at the Jolly Sailor roundabout to a signal controlled cycle (Toucan) crossing;
- Improvements to the existing uncontrolled crossing points at the A453/Meadow Road roundabout junction; and
- Implementation of a Residential Travel Plan.

8.4.18 The development makes good use of and improves existing rights of way throughout and adjacent to the site, and creates pedestrian and cycle routes though the development site as detailed within the Masterplan. It is proposed to create an extensive network of direct, convenient pedestrian/cycle routes that thread through the site to provide safe and attractive routes to Ventura Park and into the Town Centre. This will help to maximise internal trips, and minimise traffic impacts on the strategic highway network.

Conclusion

8.4.19 Overall and following detailed consideration of the application by Highways England and the Highway Authority it is considered that the proposed development would not significantly impact on
the capacity of the surrounding highway, with improvements proposed where necessary, and the proposed vehicular access are considered to be appropriate to serve the development. The proposals and identified mitigation measures are therefore considered to comply with the highway requirements of the NPPF Policies SU2 and HG2 of the LP.

8.5 Education and position of school

8.5.1 Discussions with the County Council School Organisation, have concluded that a development of this size necessitates the need for the provision of a new primary school within the development site itself. The adopted Tamworth Local Plan includes the requirement to provide a primary school and this indicates three possible locations for the primary school. Originally, the school was proposed in one of these locations to the east of the application site. The location originally proposed sought to generate linked trips with the proposed convenience store, the provision of which is also a requirement of the adopted Local Plan. However, initial concerns were raised by School Organisations and the County Flood Authority in terms of this position. Following these concerns the position of the school has been amended and now the site Masterplan includes a 1.6ha site for the delivery of a new primary school within the centre of the development.

The following benefits of this more central position have been expressed by the applicant:

- A location which is biased towards the east of the site and hence is more accessible to the significant number of pupils who would attend from outside the development. The site is also easily accessible to all residents of the site.

- Adequate land for a two form entry school and the pre-requisite amount of car parking, amenity space and an all-weather ball court on land which is outside of the flood plain and hence at the risk of flooding.

- Adequate land to provide the sports pitch, running track and a large area of ecological land to be used for educational purposes. The technical document submitted to the Council previously demonstrates that the risk of the sports pitch and running track flooding is very low as both would be within the “1:20” flood event zone. The enhanced drainage specification of the sports pitch and track would ensure rapid recovery and hence availability of use during periods of rainy weather. This would mean that the sports pitch and track would be available for use more than a standard specification pitch located within the developable area of the site.

- A relatively central location, adjacent to the main vehicular route through the site. The layout of the area opposite the school has been modified in order to minimise the impact of inconsiderate parking for the residents of the properties.

- A central location adjacent to the green corridor which runs north to south and links directly to Dunstall Lane. This corridor also links directly to the local equipped area for play in a location which facilitates a direct link to the footpaths and open areas to the north of the site which can be used by parents taking their children to and from school or for educational trips from the school.

- A location which minimises the loss of SUDS areas and hence maintains the robust urban design principles previously established as part of the layout.

8.5.2 The County Council and now happy with the position and indicative layout of the school. In terms of the size of the school, the development is expected to generate approximately 210 primary school aged pupils, which itself justifies a new 1 form entry primary school. The total cost of delivering a new primary school of this size is considered to be in the region of £4.256m excluding the acquisition of the necessary land and any necessary works such as land restoration or demolition, highways works, and utility upgrades/diversions.

8.5.3 The County Council have indicated that they would require the contribution phased with early payment and access to the site necessary, there is also the option within the S106 for the developer of the site to construct the school at their own cost and transfer the school once constructed back to the County Council. In terms of delivery if the school were to be constructed by the developer the S106 agreement requires the school to be completed and transferred to the County Council within 24 months of commencement or before the commencement of the 400th dwelling. However, if the County deliver the school the S106 agreement requires the County Council to carry out the development of the primary school on the site within a reasonable timescale, it is understood that this is likely to be around three-four years after the commencement of development.
8.5.4 In terms of secondary education, the development is located in the catchment area of Landau Forte Academy (QEMS) as there is projected capacity within this school there is no request towards school required, despite the indication in the local plan that this may be required. However, this request takes primacy over the local plan and therefore no contribution is sought.

8.6 Trees and Hedgerows

8.6.1 As the proposals for the site are indicative at this stage with no detailed layouts proposed it is not possible to accurately predict the detailed impact of developing the site on any individual trees or groups of trees. It is noteworthy that the retention of trees within new development can have significant benefits for integrating new developments within their surroundings.

8.6.2 It is considered necessary that the submitted Arboricultural Impact Assessment is taken in to account when the layout of the site is determined in order to minimise the impacts of developing the site on the existing trees within the site. Of more importance is assessment of the twenty six hedgerows on the site, each of which has been subject to an assessment under the wildlife and landscape criteria of Hedgerow Regulations (1997) and the Hedgerow and Evaluation and Grading System (HEGS). Twelve of the twenty six hedgerows are considered to be ‘important’ under the landscape criteria of the Hedgerows Regulations and a further three hedgerows are deemed to be of ‘high’ value for wildlife and ten ‘moderate to high’ value for wildlife. The proposal will therefore require the retention of the ‘important’ hedgerows and where possible the translocation of hedgerows. A condition requiring the submission of a detailed plan showing the category A and B trees and retention of important hedgerows within the site is considered to be appropriate prior to the submission of the reserved matters applications. This view has been confirmed to be appropriate by the County Ecologist and will ensure that the most valuable trees and important hedgerows including those with bats or birds roosts within the site are retained.

8.6.3 It is therefore considered that subject to the above noted conditions being imposed on this permission the proposal would be acceptable with regard to the protection of trees and hedgerows. The proposal is therefore considered to comply with the requirements of the LP, Policy EN4 of the LP and the NPPF.

8.7 Environmental Impact Assessment

8.7.1 The application is accompanied by an Environmental Statement (ES) which provides a detailed assessment of various issues in accordance with the Environmental Impact Assessment Regulations. The section below contains a summary of the conclusions, including the likely impacts, the proposed mitigations works and assessment of the impacts.

EIA – Ecology

8.7.2 As detailed above within the consultation responses the application and its supporting documents have been independently assessed by an Ecologist from Staffordshire County Council. The assessment outlines the legislative and policy context of the development from a nature conservation and ecological point of view.

8.7.3 This submitted a number of surveys, a Preliminary Ecological Appraisal, Bird, Great Crested Newt, Bat, Reptile, Otter, Water Vole, Botanical, Hedgerow and Arboricultural surveys and the ES includes an assessment of the planning policy framework for the site including the NPPF and LP. The role of the planning system in this regard is highlighted is approach is highlighted at para 109 of the NPPF

The planning system should contribute to and enhance the natural and local environment by...........establishing coherent ecological networks that are more resilient to current and future pressures.

8.7.4 Policy EN4 of the LP states these provisions in stating: “Non-designated sites, including the canal and river networks that provide the opportunity for habitat enrichment to create more robust and functional ecological units will be safeguarded, particularly if they form part of a green or blue link, including links to the wider green infrastructure network outside Tamworth. The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended); along with the Protection of Badgers Act 1992, provide the main framework for protection of species. In addition to planning policy requirements, the Council needs to be assured that this legislation will not be contravened as a result of planning permissions. In addition to these provisions, section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on
all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

8.7.5 The site is bordered by sensitive habitats some of which are covered by statutory and non-statutory nature conservation designations most notable Broad Meadow Local Nature Reserve to the north of the site. The scheme has been carefully designed to ensure that ecological impacts are retained as much as possible. The majority of the trees and hedgerows will be retained as far as possible. Hedgerows are only removed where access road are created. No watercourses would be altered or diverted as a result of the scheme. Mitigation measures are proposed to ensure that habitats for bats and birds are retained and where necessary enhanced through the provision of a bird/bat bricks/boxes.

8.7.6 In addition to the retention of the habitats, there are a number areas of new habitat proposed. This includes significant additional tree and hedge planting throughout the site, enhancement of retained floodplain, creation of 5.5 hectares of new floodplain grassland, creation of 10.5 hectares of new semi-improved grassland and creation of SUDS. The ecological work considers protected species on the site, particularly badgers, there are two groups of setts on the site. One of these will have to be translocated to a southern area of the site. Given the likely timescales of development it is recommended that all reserved matters applications be accompanied by re-survey for badgers and badger mitigation plans.

8.7.7 Overall it is considered subject to the conditions proposed including the submission of an Ecological Enhancement Strategy based on the submitted Ecological Assessment (to include a long term management plans for the SUDS features) based on the submitted Ecological Mitigation Strategy and a Construction Environmental Management Plan that the impact of the development on ecology will be acceptable and comply with the provisions of the development plan and the relevant habits legislation.

EIA - Cultural Heritage

8.7.8 There are a number of listed buildings, locally listed building, a scheduled ancient monument, and 2 conservation areas within 1km of the site. However, in the context of the site the following heritage assets are the physical features which will be sensitively assimilated adjacent to the proposed development these include two grade II listed canal bridges, the Birmingham and Coventry Canal and two World War II pillboxes. Within the application site there is the non-designated Dunstall Farm historic farmstead, the application proposes to retain these historic building following the removal of modern agricultural structures. It is proposed to convert these to commercial uses in a sympathetic manner to their historic character and setting.

8.7.9 The development of the Dunstall Lane is not anticipated to have any impact on any of the nearby heritage assets either their significance or their setting. However, there is likely to be a slight adverse impact on the nearest listed canal bridges and the canal the proposed masterplan allows for natural breaks at its closest points to the bridges. There will only be glimpses of the development from the canal. Impacts of the development on these assets can inform the detailed design stage of the site development to ensure that these assets are not adversely impacted on by the development. In addition it is noted that English Heritage has no objections to the proposed development based on the fact that the proposals would not directly impact on nationally important heritage assets. To this end a condition is recommended to secure a scheme of archaeological investigation at condition 35.

EIA – Landscape and Visual

8.7.10 The proposal considers the impact of developing the site on the landscape and visual resources that would result from changing the site from an open area at the urban edge of Tamworth into a residential development. In this instance there is an extant permission for an industrial and distribution development needs to be consider, it is considered that the proposed residential development will be much less visible from viewpoints around the area.

8.7.11 There will be an adverse impact on the landscape, however this will be mitigated and softened through the proposed landscaping which will include the retention of the most important trees and hedgerows as well as the introduction of native woodland copses within the north of the proposed development. Overall, it is considered that impact of this allocated site on the landscape will be
moderately significant, however in the long term with the benefit of established planting there will be no significant effects other than when the proposal is viewed from Dunstall Bridge.

_EIA – Water Environment_

8.7.12 In addition to the ES the application is supported by a Flood Risk Assessment (FRA). The application site is located entirely within Flood Zone 2 and 3, the FRA examines potential sources of flood risk from a number of sources; fluvial, pluvial (surface water run-off), groundwater and sewers and sets out the proposed drainage strategy for the site.

8.7.13 Historically there has been considerable flooding of the site, as part of the proposal flood plain remodelling is proposed to maximise the developable area of the site. It proposes to provide a cut and fill exercise around the Dunstall Lane triangle and raising the ground levels on the eastern part of the site. The existing ground levels on the eastern part of the site would be raised by between 1m and 1.3 metres in order to elevate the land out of the flood plain. A sloped embankment is proposed along the entire length of the northern boundary to the site. This embankment occurs naturally in the north western area, the remodelling would extend the embankment further north. The developable area would sit on an elevated plateau 1.2 metres above the floodplain.

8.7.14 The FRA contains a drainage strategy which seeks to provide storage for surface water within the site before discharging in to the watercourse along the eastern edge of the site. However, the number, storage capacity and precise location of the storage areas and SUDS features will be determined following the detailed design process, with flow rates limited to Greenfield run-off rates in order to maintain the existing hydrological regime.

8.7.15 The proposed foul drainage is anticipated to be drained internally within the site, subject to the submission and approval of a drainage scheme Severn Trent Water have no objections to the proposals.

8.7.16 The Environment Agency and the Lead Local Flood Authority (LLFA Staffordshire County Council) are content that the development is acceptable in principle subject to compliance with the submitted FRA. However, additional details are required (which can be adequately secured by conditions) to ensure that an appropriate surface water drainage scheme can be provided within the site which is of sufficient capacity to demonstrate that the surface water run-off generated up to and including 1 in 100 year critical storm is limited to the greenfield run-off rate (including 30% increase in peak rainfall intensity to account for climate change). In addition it will be necessary to undertake a remediation strategy for dealing with contaminated land, and the submission of a management scheme for the drainage system.

8.7.17 Subject to the conditions 9-12 below (i.e. a detailed design for the management of surface water), the development is considered to be able to ensure that surface water runoff is managed using sustainable drainage measures to limit discharge rates from the site to the pre-development (i.e. greenfield) conditions, to ensure no increase in flood risk to off-site areas or loss of water quality and thus complies within the requirements of Policy HG2 and SU4 of the LP and the NPPF in terms of drainage and water management.

_EIA – Geology, Contamination and Soils_

8.7.18 The ES explains that a desk top assessment and ground investigations were carried out in 2014, in conclusion the assessment considers that whilst the findings of the reports undertaken identify little cause for concern there is potential for unknown contamination to exist. This view is confirmed by the views of the Environment Agency and Environmental Protection that additional surveys are required of the site.

8.7.19 Overall subject to conditions to ensure that development of the site is not impacted upon by existing ground conditions or contamination the development is considered acceptable in terms of assessing the likely impact from ground conditions.

_EIA – Air Quality_

8.7.20 The ES sets out that the assessment undertaken and identifies the baseline conditions using locally available data. The main influence on local air quality in the area is likely to be the emissions from local road transport, and the assessment indicates that the current levels are below the relevant air
quality control criteria, with no major roads in closest enough proximity to impact on air quality within the site.

8.7.21 The assessment considers the impact of the construction phase of the development on nearby residential properties. During construction the ES identifies that measures will be put in place to minimise the generation of dust and particulates both from the site and from vehicles along construction routes in to and out of the site that need to be specified within a Construction Environmental Management Plan.

EIA – Noise and Vibration

8.7.22 The site does lies between incompatible uses to provide a necessary buffer between uses, however the detailed layout of the site needs to ensure proposed uses are compatible with adjacent ones or that likely adverse effects are mitigated.

8.7.23 The ES sets out that the main current source of noise to the proposed development site is from traffic on the surrounding road network, the existing industrial estates to the west and south. A noise survey has been undertaken and the results incorporated into the ES.

8.7.24 The noise assessment recommends mitigating measures for attenuation of traffic noise and potential noise from the adjacent distribution centres. The operators of the industrial unit have raised a number of concerns with the submitted report raising concerns about the surveys undertaken, the predicted noise levels, and the mitigation proposed. The ES identifies a number of mitigation measures to overcome concerns about the noise disturbance. Environmental Protection are generally satisfied with the proposed mitigation measures detailed in the report for the developer, the surveys undertaken and propose a condition requiring the proposed dwellings to meet certain noise levels in line with the World Health Organisation criterion and condition 21 is proposed to overcome these concerns.

8.7.25 The ES identifies that the construction phase though traffic and the use of heavy plant activity will be likely to generate noise and vibrations, which could impact on nearby residents. However, the adoption of a Construction Environmental Management Plan and a considered approach to development would help to minimise the impacts of the construction phase on the existing nearby residents, which include a restriction on construction hours and using best practice methods to limit disturbance.

8.8 Residential Amenity:

8.8.1 As with all new developments, it is necessary to consider any potential impacts of a development such as this on the amenities of existing nearby residents, and in addition whether future occupants of the new dwellings would enjoy a satisfactory level of amenity. The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings and Local Plan Policy EN5 seeks to protect amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. Paragraph 17 of the Framework states that one of the core principles of the planning system is to seek a good standard of amenity for all existing and future occupants of land and buildings, which are echoed in Policy EN5 of the LP.

8.8.2. As stated above, the application, although in outline, is accompanied by an Illustrative Masterplan and a Design and Access Statement. Detailed layouts and house types are not therefore put forward for consideration at this stage. Such issues would be considered further at the reserved matters stages.

8.8.3 In order to ensure that nearby residents are not unduly impacted upon throughout the construction phase of the development (amongst other reasons) a Construction Management Plan is proposed to be secured by condition, which will ensure that issues such as delivery routing and hours, construction hours, lighting, and construction staff parking are controlled and managed appropriately.

8.9 Other Issues

Agricultural
8.9.1 The NPPF requires that local authorities take into account the impact on the best and most versatile agricultural land, in relation to economic and other benefits. It sets out that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. Best and most versatile is defined by the Ministry of Agriculture as comprising Grades 1, 2 and 3A land. The current application site comprises approximately the loss of lower grade of agricultural land. In the search for new housing sites, as part of the preparation of the Local Plan, the inclusion of some greenfield land was considered essential to meet the overall housing needs of the Borough. During the decision to allocate the land the benefits of the development in terms of its contribution to local housing supply outweighs the loss of this high quality agricultural land. The Local Plan Strategy Inspector furthermore did not raise any concerns in this respect.

Economic Implications

8.9.2 The development would give rise to a number of economic benefits. For example, it would generate significant employment opportunities including for local companies, in the construction industry during construction. Employment opportunities post construction could also include new jobs within the commercial uses and school, and as part of the maintenance of the significant areas open spaces. The development would also generate New Homes Bonus, Council Tax, and Business rates. In terms of social benefits, the proposals would provide dwellings to meet the local needs in terms of open market and affordable housing, would provide significant open space and outdoor play facilities, provide a primary school which would have the capacity to meet needs of both existing and future residents, and provide a community hub which could meet the needs of both future and existing residents. Overall, it is considered that the development proposals would have significant economic and social benefits to the local area.

Convenience Store

8.9.3 The proposed convenience store is proposed on land allocated under policy EC7 as a Strategic Employment Area 'The Mound'. This states that planning permission should be granted to B1 (b, c), B2 and B8 uses. As a retail use policy EC1 requires that all retail uses should be considered on a town centre first policy. As the proposed convenience store is not within a defined centre, the proposal does require the application of policy EC1. However, on the basis that the proposal is a requirement of policy HG2, the provisions of EC1 are not considered further.

8.10 Planning Obligations

8.10.1 As detailed above there are a number of financial contributions and obligations that are required in order to make the development acceptable in planning terms and to accord with the provisions of the development plan and the LP (Policy HG2, HG4 and HG5) and the Section 106 agreement needs to include the following provisions:

- 25% affordable homes (200 out of a total of 800)
- Land for a primary school (1.6ha and £4.26m to finance the building of the school)
- £664k contribution towards the provision of new indoor sports facilities and the provision of artificial grass pitches within the Borough
- Travel Plan and other highway improvements
- Bus service extension
- Broad Meadow pedestrian improvements
- 1.1km of canal towpath improvements

8.10.2 It is considered that the above Section 106 Agreement heads of terms appropriately address the issues identified in the report. As per the requirement of Regulation 122 of The Community Infrastructure Levy Regulations 2010 (CIL) it is considered that the requirements are necessary in order to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to the development as determined though the consultations undertaken.

8.10.3 It is noteworthy that Regulation 123 of the above regulations places limits on the pooling of contributions from planning obligations towards the provision of infrastructure to a maximum of 5. This is due to the expectation that CIL would fund such infrastructure provision. Irrespective of the
fact that the Council does not have an adopted CIL charging schedule the requirements of Regulation 123 still apply.

8.10.4 In terms of the above obligations the provision of sports facilities for both the new indoor sports facilities, and artificial grass pitches, contributions all need to be considered under these regulations as the other contributions relate to on site provision. We are aware that the contribution towards the provision of artificial grass pitches within the Borough to be expended in accordance with the Sports Strategy will be fourth development requesting these contributions. Members may remember a financial contribution towards the provision of a new indoor sports facility to serve the Borough also in accordance with the Sports Strategy was secured as part of the Anker Valley, the Golf Course and the Coton Lane developments. Overall it is considered that the proposed Section 106 Agreement is compliant with the CIL Regulations.

8.11 Planning Balance

8.11.1 The NPPF establishes the need for the planning system to achieve sustainable development which is composed of mutually dependent economic, social and environmental dimensions (paragraphs 6 and 7). There is consequently a presumption in favour of applications for sustainable development (paragraphs 49 and 197). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise (paragraphs 14 and 187).

Taking into account the above assessment, it is consequently considered that the proposed development is in accordance with the development plan and it is would be consistent with the NPPF. Overall, there are significant benefits in favour of granting planning permission for this allocated site from a social, economic and environmental perspective. It is therefore considered that the proposed development would achieve sustainable development and should therefore be approved.

8.11.2 Overall it is considered that the proposal would demonstrate sustainable development and therefore it is recommended for approval subject to conditions and a legal agreement.

9 Conclusions

9.1 The application seeks outline consent for the erection of 800 dwellings, which is considered to be acceptable in principle taking into account the allocation of the site in the adopted Local Plan. it is considered that Policies HG1 and HG2 of the Local Plan can be afforded significant weight in the decision making process and in principle the development of the Dunstall Lane for housing and publically accessible open space is considered to be acceptable.

9.2 The proposal includes a housing mix and percentage of affordable housing (25% secured through a S106 agreement) that would meet the housing needs of the borough and thus complies with provisions of the NPPF, and the evidence from the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2014) as required by policies HG4 and HG5 of the Local Plan.

9.3 The development proposes significant infrastructure to support the development of the site, which includes the on-site delivery of publicly accessible open space. A primary school is proposed on the site is to be secured by way of a S106 agreement in addition to financial contributions towards, sports facilities, and the management and maintenance of the on-site open space. These provisions ensure that the development provides the necessary infrastructure in accordance with Policy HG2 of the adopted Local Plan.

9.4 Highway England and the County Highway Authority have given detailed consideration to the proposals and have concluded that they would not significantly impact on the capacity of the surrounding highways subject to signalisation improvements at the Sutton Road and A5 slip road junction. Following the detailed modelling of the impacts it is considered to be acceptable to Highways England and the increase in traffic as a result of the development that would not have a severe impact on the national highway network. Insofar as the proposed vehicular accesses are concerned the highway authorities consider the proposals submitted are appropriate to serve the development. The proposals include the provision of an extended bus service to serve the development and measures to increase the number of people travelling by bus, rail, cycle and
walking in order to lower the percentage of car driver trips would also limit the significant impacts of the development on the highway network.

9.5 The site has been the subject of detailed ecological and tree surveys, which have been carefully scrutinised it is considered subject to the conditions proposed including the submission of an Ecological Enhancement Strategy based on the submitted Ecological Mitigation Strategy and a Construction Environmental Management Plan that the impact of the development on ecology and trees will be acceptable and comply with the provisions of, Policies HG2, EN3 and EN4 of Local Plan, the relevant habits and protected species legislation, the provisions of the NPPF, and the EIA Regulations.

9.6 Access is the only reserved matter to be considered at this stage, with only the point of access to the site considered in detail. All other matters relating to site layout (including internal road layout, cycle and pedestrian connections etc.), scale of buildings, landscaping and appearance of the development will be covered at the reserved matters stage.

9.7 Having considered all of the matters raised within the responses received it is considered that there are no material considerations that would change this recommendation for approval. This is subject to conditions covering the provision of an illustrative masterplan, landscape strategy, detailed phasing plan for the development, contamination, noise, drainage and flooding, and ecological and biological matters the development is considered to comply with the provisions of the NPPF, Local Plan Policies HG1, HG2, HG4, HG5, HG6, EC1, EC7, EN1, EN3, EN4, EN5, EN6, SU1, SU2, SU4, and SU5. The proposal is also considered to comply with the provisions of the EIA Regulations in so far as the information provided is up to date, and the environmental effects of the development would be acceptably mitigated to avoid any significant adverse effects on the environment as a result of developing this site for housing and open space.
Conditions / Reasons

1. Details of the layout, scale, appearance and landscaping, (hereafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details that have been approved. Reason: This application is in outline and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

2. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last reserved matter(s) to be approved.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Masterplan, Drawings, plans and design

4. The development hereby approved shall only be carried out in accordance with the application form, Environmental Statement July 2016 (incorporating identified mitigation) as amended, and the general principles contained within the Masterplan, the Strategic Landscape Strategy, and Ecological Mitigation Strategy unless otherwise agreed in writing by the Local Planning Authority. All applications for approval of reserved matters shall be broadly in accordance with the following drawings:

- Parameter 2864/502
- Infrastructure 2864/504
- Detailed site access 2864/507

Reason: To define the approval.

5. The submission of details of reserved matters in respect of each phase of the scheme shall be accompanied by a revised masterplan showing the general disposition of buildings/dwellings and uses around the site consistent with the approved plans, number and mix of dwellings, and shall show the relationship between completed development, the phase in respect of which reserved matters are submitted and the remainder of the site.

Reason: In order to maintain a satisfactory illustrative masterplan to ensure a comprehensive development of the site in accordance with the provisions of the NPPF.

6. The first application for the approval of details of reserved matters shall be accompanied by, a design code covering the whole of the application site (which is informed by the illustrative masterplan & design and access statement). The Design Code should set out clearly and concisely the principles for:

- Block layouts and massing, building frontages and set backs.
- Street hierarchy and design (including materials, plans showing the typical arrangement of street trees/features and below-ground utilities, and cross-sections showing the relationship with adjacent buildings or spaces).
- Parking solutions (e.g. in curtilage, on street, parking courts).
- Building types (e.g. town houses, semi-detached, commercial blocks, mixed-use blocks).
- Strategies to achieve active building frontages facing streets and open spaces (including street level entrances and windows).
- Block densities and building heights.
- Function and design of open spaces and landscaping (including boundary treatments and typical materials, planting, play equipment and other features).
- Boundary treatments.
- Lighting.
• Sustainability including energy efficiency, drainage and waste strategies and building performance.
• Landmark buildings / structures, vistas and key corners within the site.

The submitted design codes shall be approved in writing by the Council before the determination of reserved matters applications. Applications for the approval of details of reserved matters shall demonstrate that the development is in conformity with the approved design code unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure a high quality sustainable development that accords with the illustrative masterplan and the approved plans to secure the satisfactory development of the application site in accordance with the provisions of the NPPF.

Landscape Strategy

7. The first reserved matters application shall be accompanied by a landscape strategy for the whole of the application site, which should be based on the submitted Strategic Landscape Strategy (incorporating an overarching management strategy for the landscaped areas within the residential development area). The landscape strategy shall establish the principles for landscaping for housing blocks, roads, open spaces, canal and river frontages, and other public spaces. The landscape strategy shall also provide provision for suitable biodiversity enhancement measures consistent with the ecological mitigation strategy. The landscape strategy shall be approved in writing by the Local Planning Authority before the first approval of the details of reserved matters is granted by the Local Planning Authority. Each phase of reserved matters shall demonstrate that the development is in conformity with the approved landscape strategy and shall be implemented in accordance with the approved details.

Reason: To ensure a high quality sustainable development of the application site in accordance with the provisions of the NPPF.

8. The first reserved matters application shall be accompanied by a detailed phasing plan for the construction and implementation of the development hereby approved that demonstrates which elements of proposed infrastructure (including public open space, roads, footpaths, and commercial uses) are to be provided within each phase of the project. This phasing plan shall be in general conformity with the illustrative masterplan which shall be updated as necessary at each reserved matters phase of development to reflect any changes agreed to the illustrative masterplan. The phasing plan shall be approved in writing by the Local Planning Authority before the first approval of the details of reserved matters is granted by the Local Planning Authority. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed phasing of development and delivery of the proposed infrastructure is completed in accordance with illustrative masterplan and approved plans to provide a high quality sustainable development of the application site in accordance with policy HG2 of the adopted Local Plan and the provisions of the NPPF.

Flooding and surface water

9. The first reserved matters application shall be accompanied by a strategy for the disposal of foul and surface water arising from the site. The foul and surface water strategy shall be approved in writing by the Local Planning Authority before the first approval of the details of reserved matters is granted by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that sufficient foul and surface drainage is provided for the development in accordance with the provisions of the NPPF.

10. No phase of the development shall commence until drainage plans for the disposal of foul sewage from the site have been submitted to and approved in writing by the Local Planning Authority. Should improvements to the existing, off-site sewerage system be required, no occupation of dwellings approved by this permission shall occur until the necessary consents required to connect into the mains sewer system have been received. The on-site drainage scheme shall thereafter be
implemented in accordance with the approved details before the development is brought in to use unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution as recommended by the Environment Agency and Severn Trent Water in accordance with the provisions of the NPPF.

11. Prior to each phase, the development hereby permitted shall not be commenced until such time as a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an 30% allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

12. The development hereby permitted shall include a scheme for the provision and implementation of watercourse maintenance and control structure clearance works to be submitted to and approved in writing by the Local Planning Authority. The schemes shall be implemented in accordance with the approved details.

Reason: To prevent the increased risk of flooding and to ensure the efficiency of the drainage scheme.

13. The first reserved matters application shall be accompanied by a scheme to agree compensatory floodplain storage and finished floor levels. The scheme should include the following details.

1. Provision of compensatory floodplain storage using the 20% climate change allowance, including timings and phasing of the works.
2. Details of flood resilience measures including finished floor levels to be set no lower than 600mm above the 1 in 100 year plus 30% climate change allowance flood level above Ordnance Datum (AOD).

The approved scheme shall be fully implemented and subsequently maintained, in accordance with the approved details or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To reduce the risk of flooding to the proposed development and future users.

Construction Management

14. No phase of the development shall take place, including any works of demolition, until a Construction Management Plan (CMP) for that phase has been submitted to, and approved in writing by the Local Planning Authority for that phase of development. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- Arrangements for the parking of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in construction of the development.
- Construction hours.
- Pedestrian and cyclist protection.
- Proposed temporary traffic restrictions.
- Arrangements for turning vehicles.
- Noise control devices (Silencers, Smart reversing alarms etc).
- Delivery routing and hours.
- The erection and maintenance of security hoarding.
- Wheel washing facilities and methods of prevention of mud being carried onto the highway.
- Measures to control the emission of dust and dirt during construction.
- A scheme for the recycling/disposing of waste resulting from demolition and construction works.
- Measures to control the impact of lighting during construction.

The development shall be implemented in accordance with the approved details.

Reasons: In the interests of the amenity of the area in accordance with Policy SU2, SU3 of the Tamworth Local Plan 2006-2031 and the provisions of para 32 of the NPPF.

15. No phase of the development shall commence until a Construction Environmental Management Plan (CEMP) for that phase, taking into account the recommendations within the Environmental Statement Appendices 7.1-7.8 and the addendum dated January 2017, has been submitted to, and approved in writing by, the Local Planning Authority for that phase. The plan shall include:

- Protection of the River Tame, ditch system, and other water features, the Local Nature Reserve, retained hedgerows and trees, and protected species during site preparation, demolition and construction.
- An appropriate scale plan showing "Wildlife Protection Zones" where construction activities are restricted and where protective measures will be installed or implemented.
- Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction.
- A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed.
- Provision for any additional survey work required due to a significant period of time having elapsed between the approval of consent and commencement of works within that phase of the development.

The development shall be implemented in accordance with the approved details.

Reason: In the interests of nature conservation in accordance with policy EN4 of the adopted Tamworth Local Plan and with the provisions of the NPPF.

16. The submission of the first details of reserved matters shall be accompanied by a hedgerow, tree removal and protection plan. The plan shall take into account the Root Protection Areas (RPAs) and Construction Exclusion Zones (CEZ) identified by the Arboricultural Impact Assessment and tree protection and condition, aiming to retain Grade A and B trees and important hedgerows within the site where possible. The tree removal and protection plan shall be approved in writing by the Local Planning Authority before the first approval of the details of reserved matters is granted by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of trees and hedgerows within the site and the setting of the development, as recommended by SCC Ecology in accordance with Policy ENV4 of the Tamworth Local Plan 2006-2031 and the provisions of the NPPF.

17. No phase of the development shall commence until details of facilities for the storage of refuse within the curtilage of the dwelling (s) approved under this permission for that phase have been submitted to and approved in writing by the Local Planning Authority. The refuse facilities shall be provided in accordance with the approved details before the buildings are first occupied and thereafter maintained for the life of the development.

Reason: In order to secure the satisfactory development of the application site in accordance with the provisions of the NPPF.

Contamination, Noise, Odour and Lighting
18. The development shall be carried out in accordance with the Phase I and Phase II Ground Investigation and Test Report dated the 14th November 2014, by a competent person. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

Reason: To protect human health within and adjacent to of the site as recommended by the Environment Agency and Environmental Protection in accordance with policy SU5 of the adopted Tamworth Local Plan and the provisions of the NPPF.

19. No commercial uses shall be brought into use until a scheme for noise attenuation of any operational noise emitting from fixed or mobile plant or machinery, and a scheme to control odour relating to any Class A3 or A4 uses, has been submitted to and approved in writing by the local planning authority. The approved noise attenuation and odour control schemes shall be implemented in accordance with the approved details prior to the first occupation of the commercial uses contained within the local neighbourhood centre and shall thereafter be operated and maintained in accordance with the manufacturer’s instructions.

Reason: To protect the residential amenity of the future occupiers of the adjacent residential properties in accordance with policy SU5 of the adopted Tamworth Local Plan and the provisions of the NPPF.

20. Before the construction of any buildings within any relevant phase of the development is commenced, a scheme for protecting existing and proposed residents from operational noise shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of any noise mitigation measures required for that phase, a timetable for the implementation of the approved measures and provision for a validation report to be submitted to and approved in writing by the local planning authority. The validation report shall ensure that all noise issues have been adequately addressed prior to the buildings in that phase being first occupied.

Reason: To protect the residential amenity of the future occupiers of the adjacent residential properties in accordance with policy SU5 of the adopted Tamworth Local Plan and the provisions of the NPPF.

21. No phase of the development shall commence until a detailed lighting scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate and details of the lighting fittings including: colour, watts and periods of illumination. The lighting scheme shall be designed to reduce effects upon sensitive species and upon sensitive habitats to be retained or created on the site. The lighting scheme shall be provided in accordance with the approved details. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any phase of the development and thereafter maintained for the life of the development.

Reason: To ensure a high quality of external environment, to complement the development proposals, and to ensure that the impact on the ecological assets is taking into account in accordance with policy EN4 and EN5 of the adopted Tamworth Local Plan and the provisions of the NPPF.

22. No phase of the development shall commence until an updated noise study in accordance with submitted noise assessment has been undertaken to demonstrate that the proposed development complies. The scheme shall be designed following the completion of a noise survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which may be by mechanical or passive means and shall be designed to achieve the following criteria with the ventilation operating:

<table>
<thead>
<tr>
<th>Bedroom Type</th>
<th>Noise Level</th>
<th>Time Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bedrooms</td>
<td>30 dB LAeq</td>
<td>(2300 hrs. - 0700 hrs.)</td>
</tr>
<tr>
<td>Bedrooms</td>
<td>30 dB LAeq</td>
<td>(8 hrs) (2300 hrs – 0700 hrs)</td>
</tr>
<tr>
<td>Living rooms</td>
<td>5 dB LAeq</td>
<td>(0700 hrs. - 2300 hrs.)</td>
</tr>
<tr>
<td>Bedrooms</td>
<td>45 dB LAMax</td>
<td>(2300 hrs. - 0700 hrs.)</td>
</tr>
</tbody>
</table>
Garden areas or balconies to dwellings shall not exceed a noise level of 55dB dB LAeq (16 hour) or above.

Before any dwelling in each phase is occupied the completed scheme shall be validated by a competent person and a validation report submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the residential amenity of the future occupiers of the adjacent residential properties in accordance with policy SU5 of the adopted Tamworth Local Plan and the provisions of the NPPF.

Highways

23. The development hereby permitted shall not be commenced until a traffic management scheme and phasing plan for Dunstall Lane has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented in accordance with the approved phasing plan.

Reason: In order to ensure the safe and efficient operation of the A5 trunk road and in accordance with Policy SU2, SU3 of the Tamworth Local Plan 2006-2031 and the provisions of para 32 of the NPPF.

24. No part of the development hereby approved shall be occupied until the following off-site highway works have been submitted to and approved in writing by the Local Planning Authority in consultation with Staffordshire County Highways and Highways England

- Improvements to the Ventura Park Road/Meadow Road roundabout as broadly indicated on drawing 2864/507 rev 2

- Improvements to A453/Hints Road/Watling Street signal junction shown indicatively on the drawing reference WYG A088427-35-18-008 subject to detailed design in accordance with the Design for Manual for Roads and Bridges

The off-site highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use or the first occupation of a residential property.

Reason: In order to ensure the safe and efficient operation of the A5 trunk road and in accordance with Policy SU2, SU3 of the Tamworth Local Plan 2006-2031 and the provisions of para 32 of the NPPF.

Landscaping, open space, trees and ecology

25. No phase of the development shall commence until an Ecological Enhancement Strategy (EES), based on the recommendations Appendices 7.2-7.9 contained within the Environmental Statement and the Ecological Mitigation Strategy, has been submitted to and approved in writing by the Local Planning Authority. The EES shall establish the principles for biodiversity enhancement based on the submitted Ecological Mitigation Strategy through the use of the following:

- the use and planting of the SUDS,
- provision of integral nest boxes and roost units for birds and bats,
- rainwater harvesting, pervious paving,
- common cudweed translocation strategy, (as proposed in ES s.7.164, to include bee orchid if possible),
- enhancement of Dunstall Lane verges, hedges and ditches,
- translocation of hedgerows as indicated by drawing C124013-01-02,
- bio-filtration systems and attenuation ponds.

The EES shall be consistent with the Design Code and the Landscape Strategy Plan Figure 9.2.6 and include details of the proposals for long term management of newly created habitats and other features. Each phase of the development shall thereafter be implemented in accordance with the approved details.
Reason: In order to safeguard the nature conservation value of the site in accordance with policy EN3, EN4 of adopted Tamworth Local Plan and the provisions of the NPPF.

26. No phase of the development shall commence until a Landscape and Ecology Management Plan (LEMP) for that phase, has been submitted to and approved in writing by the local planning authority. This shall include the following:

- long-term design objectives;
- management responsibilities;
- maintenance schedules for all landscaped areas including SUDS (except privately owned domestic gardens);
- detail of ground preparation, seeding and planting, design, location and installation of bat and bird boxes, aftercare;
- management of Dunstall Lane corridor including verges, hedges and ditches; and
- long-term management of retained, enhanced and created habitats (protected species in Appendices 7.1-7.9 of the ES and notable species as identified in Appendix 7.10 Botanical Survey Report).

The landscape and ecology management plan shall be carried out as approved in respect of each phase, before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.

Reason: To ensure appropriately designed open spaces are provided and in the interests of the protection of existing wildlife and their habitats, and to enhance the nature conservation value of the site in accordance with policy EN3 and EN4 of the adopted Tamworth Local Plan and the NPPF.

27. Each reserved matters application shall be accompanied by a re-survey of the site for badgers and badger mitigation plans, which shall include protection during construction and occupation of development (including badger road underpasses as required) and maintenance of access to foraging habitat protective and fencing of the badger sett to BS5837. This shall generally be in accordance with the Badger Mitigation Strategy Rev B and the mitigation method statement section 7.2 Mitigation During Construction of the Environmental Statement – Confidential Appendix Rev B.

Reason: To avoid inadvertent erosion of the required badger buffer zone as recommended by SCC Ecology in accordance with Policy EN4 of the Tamworth Local Plan 2006-2031.

**Housing Mix**

28. Each Phase of the development and the development overall shall comply with the housing mix identified within the submitted Masterplan. For the avoidance of doubt the approved mix is comprised of the following:

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Unit Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>4%</td>
<td>1 bedroom units</td>
</tr>
<tr>
<td>42%</td>
<td>2 bedroom units</td>
</tr>
<tr>
<td>39%</td>
<td>3 bedroom units</td>
</tr>
<tr>
<td>15%</td>
<td>4 bedroom units</td>
</tr>
</tbody>
</table>

Unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the development of the site meets the identified housing needs of the Borough in accordance with Policy HG5 of the adopted Local Plan and the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment Update (2014).

29. No more than 800 dwellings (within the C3 Use Class as defined in the Use Classes Order 1987, as amended) shall be constructed on the application site under this permission.

Reason: In order to ensure that the highway capacity of the road network in the north of Tamworth remains at an acceptable level in accordance Policy HG2 of the Tamworth Local Plan 2006-2031 and the provisions of the NPPF.

**Archaeology and listed buildings**
Prior to commencement of the development hereby permitted, a written scheme of archaeological investigation (‘the Scheme’) shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication. The Scheme shall thereafter be implemented in full in accordance with the approve plans.

Reason: There is demonstrable potential for archaeological remains to exist within the site and an appropriate investigation is required in order to assess this potential, in accordance with the provisions of the NPPF.

Informatives

1. The applicant is advised to contact the Council and Registered Affordable Housing Providers to discuss the detail and layout of the required affordable housing element of the development. In addition, the applicant shall consider the provision of extra/flexicare facilities within the site as part of the detailed reserved matters scheme and liaise with providers of such facilities prior to the submission of future applications.

2. This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

3. The conditions requiring off-site highway works shall require a Major Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Major Works Information Pack and an application form for the Major Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire ST16 2DH. (or email to nmu@staffordshire.gov.uk)
http://www.staffordshire.gov.uk/transport/staffshighways/licences/

4. The traffic management scheme referred to in condition 22 requires an essential Traffic Regulation Order for Dunstall Lane. This recommendation of approval should not be construed as though the County Council is prejudging the outcome of the Order making process. The developer should note that the Order will be made on behalf of the developer by Staffordshire County Council at the developers expense and has to be secured before development commences as it is an ESSENTIAL component of the required mitigating measures associated with the proposed development. In case the Order is not already being processed the developer is requested to contact Geoff Evenson who shall liaise with the Project team to enable the Order to be secured at the earliest convenience to avoid delays to implementation of the planning consent. Please note that there are no guarantees that the Order will be successful.

5. With reference to the provision of cycle storage at residential dwellings, if it is proposed to include this in garage space then the garage will need to have the minimum internal dimensions of 6.0m x 3.0m in order to be considered appropriate for the storage of a bicycle and motor car. All dwellings shall include secure covered cycle parking.

6. We would advise that conveyance channels and attenuation features should be planted up with reeds and able to hold the first 5mm of rainfall. This will help to cleanse the first flush and potentially contaminated dry flows. The Applicant should supply information showing arrangements to provide adequate long term maintenance, including an appropriate legal agreement to ensure maintenance in perpetuity, before any approval is granted. It is essential that the responsibility for future maintenance, repairs or improvements to the balancing device is ascertained at an early stage of negotiations. As with any development, we advise that external levels fall away from property to minimise flood risk from a variety of sources. Any overland flows generated by the proposed development must be carefully controlled. In terms of the recently published Environment Agency climate change advice, we would recommend that the attenuation is designed to accommodate the 1:100 year & 30% cc storm event and understand the flooding implication for the 1:100 year storm & 40% cc event.

7. The central drainage ditch should be cleansed and ensured that it is a fit and proper state to receive restricted site flows. Additionally, as the watercourse also receives surface water from
Ventura Park and from two culverts under the canal, the detailed design must give sufficient
certainty that the channel is capable of conveying both existing and proposed flows, without
causing adverse effects to land elsewhere. We would advise that the culvert under Dunstall Lane is
cleaned out and brought into a fit and proper condition to accommodate flows and also, that the
adjacent culverts to the proposed flood compensation area are also thoroughly cleared to ensure
free passage of water. Erection of flow control structures, cleansing or culverting of an ordinary
watercourse may require prior written approval of Staffordshire County Council under s.23 of the

8. The applicant is advised to note its responsibilities in respect of the protected species within
the site and ensure that the relevant licences are obtained from Natural England.

9. The applicant is advised to note that there are public sewers located within the application
site. Although the statutory sewer records do not show any public sewers within the site, there may
be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public
sewers have statutory protection and may not be built close to, directly over or be diverted without
consent and the applicant is advised to contact Severn Trent Water to discuss the proposals.

10. The applicant is advised to contact the Canal & River Trust Works Engineers Team to
ensure that all necessary consents are obtained for gaining access to or undertaking any works or
operations on, or which will oversail, the adjacent Coventry Canal, the canal towpath, Dunstall Lane
Bridge or Dunstall Farm Bridge, all of which are owned by the Trust. Please contact Shom Khan,
Senior Works Engineer at shomsur.khan@canalrivertrust.org.uk or on 07714 412759 in the first
instance.

11. The applicant’s attention is drawn to The Town and Country Planning (Fees for Applications,
Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that
any written request for compliance of a planning condition(s) shall be accompanied by a fee of £28
for a householder application or £97 for any other application including reserved matters. Although
the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of
your written request, legislation allows a period of 8 weeks, and therefore this timescale should be
borne in mind when programming development.

12. The applicant is advised to note that there are public sewers located within the application
site. Although the statutory sewer records do not show any public sewers within the site, there may
be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public
sewers have statutory protection and may not be built close to, directly over or be diverted without
consent and the applicant is advised to contact Severn Trent Water to discuss the proposals.

13. The applicant/developer should refer to the Environment Agency document ‘Groundwater
Protection: Principles and Practice’ (GP3) document, available from our website at
www.environment-agency.gov.uk.

This sets out our position on a wide range of activities and developments, including:

- Storage of pollutants and hazardous substances
- Solid waste management
- Discharge of liquid effluents into the ground (including site drainage)
- Management of groundwater resources
- Land contamination
- Ground source heat pumps

All precaution must be taken to avoid discharges and spills to ground both during and after
construction. There should be no polluting emissions to air, land or water resulting from actions by
the developer or by its sub-contractors. For advice on pollution prevention measures, the applicant
should refer to our guidance ‘PPG1 – General guide to the prevention of pollution’, available from

Any landscaping as part of the development should incorporate planting during autumn or spring to
encourage deep rooting. Dry weather tolerant plant species should be chosen and water retaining
granules or mulches used.
14. Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk. Although flood modelling has been run with a 20% climate change allowance, we require the applicant to run flood modelling with a 30% allowance for climate change to bring the development in line with current standards. This may increase the amount of land required for flood plain storage compensation and may reduce the area of developable land. This modelling is required to inform the reserved matters layout. If this work has not been done we may object to the reserved matters application.

15. The applicant / developer should refer to our ‘Groundwater Protection: Principles and Practice’ (GP3) document, available from gov.uk. This sets out our position on a wide range of activities and developments, including:
   - Waste Management
   - Discharge of liquid effluents
   - Land contamination
   - Ground source heating and cooling
   - Drainage
   - Storage of pollutants and hazardous substances
   - Management of groundwater resources

   All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to guidance available on our website (www.gov.uk/environment-agency).
1  Site and Surroundings

1.1 The application site located on the Borough’s out of town retail park known as Ventura Park located to the north of the A5 trunk road and to the south west of the town centre. The site of the application includes all of the customer car parking area of Phase 1 Ventura and the staff/delivery area to the rear of Phase 1 and 2. The site is bound to the north by a band of trees and shrubs beyond which lies Riverdrive and Ventura Park Road to the south, to the west Bitterscote Drive. To the east of the application are the rear elevations of Phase 2 of the retail park. A new vehicular egress has recently been constructed from the car park area to Riverdrive to the north of the site. Ventura Park is identified within the adopted Local Plan as an out of centre retail park.

2  Proposal

2.1 The application relates to the reconfiguration of the existing car park, this application proposes the remodelling of the layout and arrangement of the existing customer car parking and vehicular access ways. This is proposed to create better circulation, traffic flow and improve pedestrian safety within the area. It also proposes a dedicated staff parking to the rear of Phase 1 and Phase 2 of the units. As part of the proposed scheme improved pedestrian links are proposed to improve the permeability of the park.

2.2 The following documents have been submitted in support of the application (all are available for inspection on the council’s website at www.tamworth.gov.uk):

- Design and Access Statement
- Transport Assessment
- Flood Risk Assessment
- Car Park Management Plan
- Tree Survey and landscaping scheme

2.4 Whilst the proposal is considered to be a development falling within the thresholds contained within Schedule 2 of the EIA Regulations as the site area exceed 0.5 ha. However, taking into account the environmental effects of the proposal as a whole the proposal is not EIA development.

3  Key Issues

3.1 The key issues which underpin the assessment of this application is

- the principle of development,
- the impact on highway safety,
- flooding and
- design/layout of the proposal.

4  Conclusion

4.1 The physical alterations to the car park would improve the appearance of this part of Ventura Park and would have a positive impact on the retail park and enhance its built character. This coupled with the increased permeability of the pedestrian links all weigh in favour of the proposal.

4.2 In addition, the proposal is not considered to impact detrimentally on highway safety or increase flood risk. The proposal is therefore considered to comply with the provisions of the National Planning Policy Framework and its practice guidance, Policies EC1, EC2, EC5, EN5, SU1, SU2, SU4 of the adopted Tamworth Local Plan 2011-2031, and the relevant material considerations identified within this report.
**Recommendation**

Approve subject to conditions
5 Relevant History

0040/2001:

Extension to Matalan Store. This planning permission granted an extension to the south of the existing Matalan store within Ventura Park. The planning permission granted approval for an extension comprising 1,423 sq.m. of additional floorspace for the building. This planning permission was confirmed by the Council as having commenced in 2006.

Approved 05/03/15.

0242/2012:

Insertion of mezzanine floor at the existing Homebase unit. This permission granted a mezzanine of 1,748 sq.m. and included a restriction on the total retail floor space for the unit of 4,707 sq.m. In order for the proposal to be considered acceptable in retail terms the owners of Ventura Park entered into a legal agreement to secure that only one of this permission (0242/2012) or the historic Matalan permission (0040/2001) would be implemented. The applicant’s agent (Indigo) have submitted an application for a certificate of lawful development to confirm that this permission has been implemented (0442/2015), whilst this application is yet to be determined if this permission has been implemented then the Matalan permission (0040/2015) cannot be implemented in accordance with the terms of the legal agreement. If it is considered that the permission has not been implemented the applicant’s agent has provided an undertaking to enter into a similar agreement.

Approved 16/10/15.

0339/2015

Two storey side extension and the installation of extended mezzanine floor with associated ancillary cafe and amendments to the existing car parking arrangements. Approved December 2015

There are three further applications relating to the site

- 0551/2016 - External alterations to elevations and provision of a new façade has been approved. Approved 6th February 2017.
- 0552/2016 relates to the installation of Mezzanines at unit 2 (Halfords), 5 (Mothercare), 6 (Toys R Us) and 7 (Matalan) the carpark and
- 0553/2016 relating to a side extension of Unit 7 (Matalan) and the installation of a full cover mezzanine)

These appear elsewhere on the agenda.

6 Consultation Responses

6.1 Tamworth Borough Council – Development Plans

6.1.1 Based upon current parking requirements established in Appendix C the scheme will not meet this level of on-site parking provision. As such the applicant must provide robust justification as to why a lower level of parking provision may be acceptable when having regard to the points raised in policy SU2.

6.1.2 Given the scale of works envisaged, it is likely that some disruption to the operation of the units and car park will be experienced. It should follow that the expanded floorspace should be supported by the new car park scheme in readiness particularly in view of paragraph 5.8 of the Planning and Retail Statement:

“...it should be noted that the current tenants require additional floorspace to compete with the recently opened Next and Next Home Store, and their neighbouring retail parks..”
6.1.3 The integration of renewable energy or low carbon technology would be welcomed and the applicant is encouraged to explore potential for their application within the scheme.

6.2 Staffordshire County Council – The Highway Authority

6.2.1 Having considered the submitted information on parking, trip generation and the recently opened egress in the vicinity of the site the Highway Authority have no objections to the proposal subject to the submission and approval of a Highways Construction Method Statement, provision of staff cycle parking provision, Car Park Management Plan and condition requiring that the car parking being provided prior to the Matalan extensions being brought into use or the mezzanine floor being opened to members of the public.

6.3 Tamworth Borough Council - Tourism and Town Centre Development Officer

6.3.1 The Economic Development and Regeneration Team recognise the important of the Ventura Retail Park as key asset to Tamworth, which offers a significant retail and visitor destination to the wider geography, thus assisting in the promotion of Tamworth as a place, supporting an enhanced perception of the Borough.

6.3.2 We would see it as vital that adequate provision be made when restructuring the car parks for enhanced footpaths that encourage footfall, both into and out of the site to other parts of the wider facility and direct clearly to the Town Centre. This would further encourage additional visitor spend necessary to the wider economy, just not at Ventura Park. Changes to the car park are very much welcomed to support the alleviation of current and potential traffic issues around Ventura, which tend to cause significant negative perceptions of the Borough.

6.5 Highways England

6.5.1 No objections

6.6 Environment Agency

6.6.1 No objections to the proposed reconfigurations of the car park.

6.7 Staffordshire County Council – Flood Risk Management Team

6.7.1 As the existing vehicular exit onto Riverdrive is an existing roadway and as the reconfiguration works are not envisaged to adversely affect the culverted line, the works will be acceptable if the following condition is imposed on any permission granted:

6.7.2 Condition

The development hereby permitted shall not be commenced until such time as a scheme for the provision of surface water drainage works, in accordance with Drawing No. 10452-DR-001, has been submitted to and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

7 Representations

7.1 No representations have been received

8 Planning Considerations

8.1 Provisions of the development plan, the NPPF and the main material considerations

8.1.1 The most up to date national planning guidance which relates specifically to new retail developments (a main town centre use) are contained in the recently adopted Local Plan Polices
relating to new retail developments are articulated in most notably in policies EC1 and EC2. The reasoned justification within this retail policy indicates the following justification:

Proposals to refurbish existing units and environmental and accessibility improvements will be encouraged, at the existing out of centre retail parks at Ventura, Jolly Sailor, Cardinal Point & Tame Valley will therefore not be supported.

8.1.2 The site itself is allocated within the proposal map as being out of centre retail and flood zone 3, but the site benefits from flood defences. The proposed car parking reconfiguration is in accordance with the reasoned justification with policies in the Local Plan (LP) and the proposed car parking will provide additional car parking. This will facilitate the potential expansion of the existing retail park. In principle the provision of additional parking is acceptable and accords with the LP.

8.2 Highway safety

8.2.1 The site (and the whole of Ventura Park Phase 1) benefits from a single vehicular access from a roundabout on Ventura Park Road, which also provides access to Asda and Ventura Park Phase 2. A Transport Assessment (TA) and Car Park Management Plan have been submitted in support of the application. The TA assesses the existing conditions, sustainable transport, development plans and highway impact assessment.

8.2.2 The Highway Authority has confirmed that they consider the layout of the proposed car parking is acceptable. The scheme has been amended to resolve issues in terms of highway conflicts from manoeuvres close to junction with Ventura Park Road. The proposal now provides an uninterrupted access into the retail park of 50 metres, this will help ensure that vehicles accessing the site are not held up by manoeuvres close to the access with Ventura Park Road. Therefore, the reconfigured access will ensure that the free flow of traffic on the public highway. A comparison of the existing and proposed car parking allocation is indicated below.

<table>
<thead>
<tr>
<th></th>
<th>Existing Car Parking Allocation</th>
<th>Proposed Car Parking Allocation</th>
<th>Additional provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard bays</td>
<td>419</td>
<td>479</td>
<td>+60</td>
</tr>
<tr>
<td>Disabled Bays</td>
<td>22</td>
<td>27</td>
<td>+5</td>
</tr>
<tr>
<td>Parent and Child Spaces</td>
<td>14</td>
<td>10</td>
<td>-4</td>
</tr>
<tr>
<td>Total</td>
<td>455</td>
<td>516</td>
<td>+61</td>
</tr>
<tr>
<td>Rear staff Parking Areas</td>
<td>53</td>
<td>128</td>
<td>+75</td>
</tr>
</tbody>
</table>

8.2.3 As indicated in the table above, the proposal reconfigures the existing parking and provides 516 spaces which includes 479 standard spaces, 27 disabled spaces and 10 parent & child spaces. The proposal will therefore provide an additional 136 car parking spaces. This is a 13% increase in the number of parking spaces compared with the existing number of spaces. In support of the application a car park occupancy survey was undertaken. The survey identified the maximum occupancy recorded was approximately 85% capacity with more than 60 spaces still available, mostly at the northern end of the car park.

8.2.4 Taking into account the proposed extensions and mezzanines along with the additional parking the occupancy level of the car park would equate to 90% during peak times. Additional staff car parking to the rear of Phase 1 and Phase 2 are proposed to encourage staff to use the allocated staff spaces rather than the customer space at the front. The proposed vehicular trip generation undertaken for the proposed development (taking in to account a reduction for linked trips) identifies an additional 81 arrivals and 91 departures during the Saturday peak (3pm-4pm) as a result of the extension. It is therefore considered that the capacity of the car park as a result of the proposal would be able to accommodate the additional demand placed on it as a result of the proposed development. This view has been confirmed by the Highway Authority.
8.2.5 When assessing the application consideration has also been given to the impact of additional vehicular trips related to the proposed extensions and mezzanine on the local highway network. It has been agreed with the Highway Authority that the local road network would continue to operate within capacity during the peak periods (weekday am and pm and Saturday peak).

8.2.6 Whilst the current issues and concerns with regard to car parking and traffic generation on Ventura Park are acknowledged, the information submitted is considered to adequately address these concerns in respect of the current application. However, in order to ensure that this remains the case when the store is operational the Highway Authority have requested that a Construction Vehicle Management Plan and a Car Parking Management Plan are submitted and approved as part of a mitigation strategy. The applicants have indicated that they are willing to enter into such an agreement.

8.2.7 The site is considered to be located in an area which is generally well served by alternative modes of transport to the private car, with regular bus services to and from the town centre during the day provided at Bitterscote Drive and Ventura Park Road. For an out of centre retail location the site is considered to be reasonably well catered for by existing bus services. In addition, the applicant has included the provision of a cycle parking areas to the front of the building in order to encourage the use of cycles.

8.2.8 As a result of the assessments undertaken, and the requirement to submit Construction Vehicle Management Plan and a Car Parking Management Plan the impact of the proposal on the local highway network and the level of parking provision at the site the proposal is not considered to give rise to significant or severe impacts and is therefore considered to comply with the requirements of LP Policies EN5 and SU1 and paragraph 32 of the NPPF.

8.3 Design and layout

8.3.1 An important consideration in determining the acceptability of this proposal is the impact of the proposed development on the character and appearance of its immediate environs. The importance of design is highlighted in the adopted Local Plan Policy EN5 and paragraph 64 of the NPPF. The site is located within the confines of Ventura Park, an out of town retail park that has developed over the last 25 years with building styles and designs which reflect changes in retail design over this period. The proposal here intends to remove structural landscaping around periphery of the car parking area. A landscaping scheme has been submitted with indicates the provision of an additional 65 trees as well as the provision of hedging around the outside of Phase 1 on the back edge of the footpath on Riverdrive, Bitterscote Drive and Ventura Park Road.

8.3.2 In terms of circulation, permeability and connectivity of the retail park in this phase, the provision of additional footpaths to the north and west are supported. The additional link include an extension of the footpath to the north adjacent to the recently constructed vehicle egress onto Riverdrive, this will provide easier pedestrian access into the town centre. The proposal also provides an additional pedestrian access to the south west of the car park this will provide access onto Bitterscote Drive close to existing bus stops. Pedestrian links will still be provided to the south of the site onto Ventura Park Road adjacent to Matalan.

8.3.3 The design and layout of the parking area will ensure the provision of additional car parking for the proposed additions (the Matalan extension and mezzanines), as well as the provision landscaping a sufficiently robust landscaping scheme. The proposal will also ensure pedestrian permeability to the north and west of the scheme. The proposal in design terms is therefore considered to comply with the requirements of LP Policy EN5 and paragraph 64 of the NPPF.

8.4 Flood risk and drainage

8.4.1 The application site is located within Flood Zone 3, which represents an area with a greater than 1% chance of annually flooding. However, the site does benefit from existing flood defences. A Flood Risk and Run-off Assessment (FRA) have been submitted in support of the application. The report concludes that as the site of the proposed extension is currently an impermeable area there will be no increase in run-off from the proposed development. The Environment Agency and the Staffordshire County Council Flood Risk Team have confirmed that they have no objections to the proposal on flood risk grounds.

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8.5 Phasing

8.5.1 In terms of phasing of the development the applicants have set out a high level timeline. Firstly, the works would be undertaken to the front façade, then the mezzanines and then the Matalan extension on a phase basis to allow the continuity of trade as far as possible and to fit in with individual retailer’s peak trading times. Works to the façade will commence from the ‘Next end’ towards the Matalan end. Secondly, works would be undertaken to the staff car park at the rear of Phase 1 (and Phase 2), this work to be undertaken at the same time along with the elevational works. Thirdly, works would begin on the car park reconfiguration and the works to the visitor car park would have to be completed prior to either the mezzanines or Malatan extension being brought into use. Finally, the Matalan extension and mezzanines extensions would be completed. Condition 5 is proposed on the agenda to deal with this issue in respect of the timescales of the construction works.

8.5.2 The applicants have indicated a number of constraints in terms of timescales as follows:

1. Assuming the section 106 will take to mid May 2017 this gives until mid Nov 2018 to implement the works (18 months).
2. Discharge of pre-commencement conditions prior to starting works should take circa 8 weeks.
3. Tender works lead in time circa 18th September 2017 at earliest.
4. Can be on site for 6 weeks, however have contractual obligations not carry out any works in November or December.
5. Recomence works on 8th January 2018.
6. Leaves 42 weeks for completion of carparks and tendering, placing of contracts and commencement of building works, together with all necessary agreement necessary with sitting tenants.
7. Car park works will have to phased to ensure a “reasonable” amount of parking is available at all times. To achieve that estimate 4 phases will be necessary, with first 3 phases being 8-10 weeks long and fourth phase being 4 weeks long. From this completion of car parks would be end of Jul 2018. Estimated completion date end of August 2018 taking into account a months float-time.
8. Developing the mezzanine and extension will require agreements with the “live” retail units to install temporary partitions, will be difficult to reach agreement until car park works are complete. Therefore, not in a position to place contract until September 2018 and therefore not be on site with mezzanine and extensions until October 2018.
9. Element of flexibility is required with the tight timescales and therefore car park/mezzanines can be carried out with 18 months by the Matalan extension requires a time limit of 24 months.
10. Aucott’s want to ensure that all construction works are phased in a way that minimises disruption for the tenants as well as being cost effective. This will ensure that the car park is operational in a reasonable amount of time. Due to the requirements and agreements from each tenants, the permissions will need to allow for flexibility of the phasing works to ensure that all tenants are able to continue to trade efficiently.

9. Conclusion

9.1 The physical alterations to the car park would improve the appearance of this part of Ventura Park and would have a positive impact on the retail park and enhance its built character. This coupled with the increased permeability of the pedestrian links all weigh in favour of the proposal.

9.2 In addition, the proposal is not considered to impact detrimentally on highway safety or increase flood risk. The proposal is therefore considered to comply with the provisions of the National Planning Policy Framework and its practice guidance, Policies EC1, EC2, EC5 EN5, SU1, SU2, SU4 of the adopted Tamworth Local Plan 2011-2031, and the relevant material considerations identified within this report.

Conditions / Reasons

1. The development shall be started within 18 months of 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.

2. The development hereby approved shall only be carried out in accordance with the application form and the following Drawing Numbers:

   Location Plan 2752-400 Revision C
   Existing site plan 2752-401 Revision D
   Proposed Overall site plan 2752/700 Revision J
   Landscaping plan 2299/16/B/3B

   unless otherwise agreed in writing by the Local Planning Authority.

   Reason: To define the approval.

3. No revisions or alterations to the car park shall take place until a Highways Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

   The statement shall provide for :-
   
   • A site compound with associated temporary buildings
   • The parking of vehicles of site operatives and visitors
   • Times of deliveries including details of loading and unloading of plant and materials
   • Storage of plant and materials used in constructing the development
   • Duration of works.

   Reason: In the interests of highway safety and to ensure that the construction period of the development is managed in an efficient way and to reduce the likelihood of vehicles queuing on the adopted highway as recommended by the Highway Authority in accordance with Policy EN5 and SU2 of the Tamworth Local Plan 2011-2031.

4. Before the proposed development is brought into use, details shall be submitted to and approved in writing by the Local Planning Authority indicating the type and design of the proposed staff cycle parking provision and customer cycle parking provision outside Units 2 and 5/6. The provision shall thereafter be constructed in accordance with the approved drawings and retained for the lifetime of the development.

   Reason: In the interests of highway safety and to provide an alternative mode of transport in accordance with Policy EN5 and SU2 of the Tamworth Local Plan 2011-2031.

5. No development shall commence until a Phasing Strategy for the implementation of the reconfiguration of the car park has been submitted and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with approved scheme unless otherwise agreed in writing.

   Reason: In the interests of highway safety and to ensure that the construction period of the development is managed in an efficient way and to reduce the likelihood of vehicles queuing on the adopted highway as recommended by the Highway Authority in accordance with Policy EN5 and SU2 of the Tamworth Local Plan 2011-2031.

6. The development hereby permitted shall not be commenced until such time as a scheme for the provision of surface water drainage works, in accordance with Drawing No. 10452-DR-001, has been submitted to and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

   Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

   Reason: To ensure the structural integrity of the existing structure assets and thereby reducing the risk of flooding as recommended by the Lead Local Flood Authority in
accordance with Policy SU4 of the Tamworth Local Plan 2011-2031 and the provisions of the NPPF.

7. All planting, seeding or turfing comprised in the approved details of landscaping plan 2299/16/B/3B approved shall be carried out in accordance with the approved tree survey dated November 2016 and the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the setting and visual appearance of the development, and in accordance with Policies EN5 and EN6 of the Tamworth Local Plan 2006-2031.

Informative Notes

1. The applicant is advised to note the following comments of the Lead Local Flood Authority: The treatment and any diversion of the Tame tributary 925mm culvert would require the prior written approval of the Staffordshire County Council Flood Risk Management Team under s.23 of the Land Drainage Act 1991 so we are able to assess the preferred option. In order to give our Consent to this scheme, we welcome as-built drawings, a method statement, calculations to demonstrate no undue loading and long sections. We would welcome foundation details to ascertain the proximity for any future improvement works to the culverted stretch. Application for Consent costs £50 and we will work with the Applicant to ensure that the scheme is not unduly delayed by virtue of applying for Consent.

2. The conditions requiring off-site highway works shall require a Major Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The new footway link off Riverdrive into the development shall be a minimum width of 1.8m. The link below provides a further link to a Major Works Information Pack and an application form for the Major Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Tipping Street, STAFFORD, Staffordshire ST16 2DH. (or email to nmu@staffordshire.gov.uk)
http://www.staffordshire.gov.uk/transport/staffshighways/licences/
1 Site and Surroundings

1.1 The application site is located on the Borough’s out of town retail park known as Ventura Park located to the north of the A5 trunk road and to the south west of the town centre. The site is bound to the north by a band of trees and shrubs beyond which lies Ventura Park Road to the south, to the west lies a car parking area which itself is bound to the west by Bitterscote Drive. A new vehicular egress has recently been constructed from the car park area to Riverdrive.

1.2 The existing service yard for the unit is located to the east of the buildings, with the existing stores of Phase 1 of Ventura Park attached to the southern part of the building. The site comprises 4 of the 7 units in Phase 1. Ventura Park is identified within the adopted Local Plan as an out of centre retail park.

2 Proposal

2.1 The proposal is to provide mezzanine to 446 sq metres Unit 2 (Halfords), 1,104 sq metres Unit 5 (Mothercare), 532 sq metres Unit 6 (Toys ‘R’ Us) and 1,668 sq metres Unit 7 (Matalan), therefore 3,750 sq metres in total. An application to improve the external appearance of whole terrace from units 2 to 7 has already been approved. The mezzanines will be visible, however the proposal predominantly creates internal floorspace. Detailed plans have been submitted with the application which indicates the extent of the mezzanines.

2.3 The following documents have been submitted in support of the application (all are available for inspection on the council’s website at www.tamworth.gov.uk):

- Planning and Retail Statement (including a response to the retail review)
- Design and Access Statement
- Transport Assessment
- Flood Risk Assessment

2.4 Whilst the proposal is considered to be a development falling within the thresholds contained within Schedule 2 of the EIA Regulations as the site area exceed 0.5 ha. However, taking into account the environmental effects of the proposal as a whole the proposal is not EIA development.

3 Key Issues

3.1 The key issue which underpins the assessment of this application is the principle of development, most importantly whether there is a sequentially preferable suitable and available site for the proposal and whether the proposal would have an impact on the town centre and if so to what degree.

3.2 In addition, the siting and design of the proposed building, highway safety, and flood risk are also important considerations in determining the acceptability of the proposed development.

4 Conclusions

4.1 This recommendation is one which is finely balanced. However, the requirements for Local Planning Authorities to act in the real world taking in to account relevant material considerations in addition to planning policy and guidance in taking decisions on planning application has led to this recommendation for approval.

4.2 Whilst the preferred location for any new retail floor space is the town centre, in this instance and as a result of a detailed assessment of the suitability and availability of sites within the town centre there are not considered to be any available suitable sequentially preferable sites that could
accommodate the proposal at this point in time, which justifies the limited time period for the implementation of the proposal. Following careful consideration the impacts associated with the proposal on the town centre in terms of impacts on retail trading, the vitality and viability of the town centre and on the delivery of the Gungate site the proposal is not considered to have a demonstrable significant adverse impact on these matters. This coupled with potential additional jobs created, and contributions towards improving the attractiveness of the links from the site to the town centre all weigh in favour of the proposal.

4.3 In addition, the proposal is not considered to impact detrimentally on highway safety or increase flood risk. The proposal is therefore considered to comply with the provisions of the National Planning Policy Framework and its practice guidance, Policies EC1, EC2, EC5, EN5 and SU1 of the Tamworth Local Plan 2011-2031, and the relevant material considerations identified within this report.

Recommendation

1. Approve subject to conditions and a Section 106 agreement providing a financial contribution towards the linkages project and subject to referral to the National Planning Casework Unit (NPCU).

2. If the Section 106 Agreement has not been signed before 30th March 2017, or the expiration of any agreed extension of time, then powers are delegated to Officers to refuse permission based on the unacceptability of the development without the required contributions and undertakings as outlined in this report.
REPORT

5 Relevant History

0557/2008:
Redevelopment of Gungate Precinct and adjacent land and buildings to provide 20,660 sq.m. of A1 retail floorspace with provision for up to 732 car parking spaces.
Approved 02/07/10.

0178/2013:
Application for a new planning permission to replace an extant planning permission in order to extend the time limit for implementation relating to the Redevelopment of Gungate Precinct and adjacent land and buildings to provide 20,660 square metres of A1 (retail) floorspace with provision for up to 732 car parking spaces.
Approved 29/11/13.

0523/2016:
Redevelopment of Gungate Precinct and adjacent land and buildings to provide 20,660 square metres of A1 (retail) floorspace with provision for up to 732 car parking spaces.
Resolved to approve subject to a section 106 agreement 28/02/17.

0040/2001:
Extension to Matalan Store. This planning permission granted an extension to the south of the existing Matalan store within Ventura Park. The planning permission granted approval for an extension comprising 1,423 sq.m. of additional floorspace for the building. This planning permission was confirmed by the Council as having commenced in 2006.
Approved 05/03/15.

0242/2012:
Insertion of mezzanine floor at the existing Homebase unit. This permission granted a mezzanine of 1,748 sq.m. and included a restriction on the total retail floor space for the unit of 4,707 sq.m. In order for the proposal to be considered acceptable in retail terms the owners of Ventura Park entered into a legal agreement to secure that only one of this permission (0242/2012) or the historic Matalan permission (0040/2001) would be implemented. The applicant’s agent (Indigo) have submitted an application for a certificate of lawful development to confirm that this permission has been implemented (0442/2015), whilst this application is yet to be determined if this permission has been implemented then the Matalan permission (0040/2015) cannot be implemented in accordance with the terms of the legal agreement. If it is considered that the permission has not been implemented the applicant’s agent has provided an undertaking to enter into a similar agreement.
Approved 16/10/15.

0339/2015
Two storey side extension and the installation of extended mezzanine floor with associated ancillary cafe and amendments to the existing car parking arrangements.
Approved December 2015

There are three further applications relating to the site

0551/2016 - External alterations to elevations and provision of a new façade has been approved.
Approved 6th February 2017.

0550/2016 relates to the reconfiguration of the carpark

0553/2016 relates to a Side extension of Unit 7 (Matalan) and the installation of a full cover mezzanine

Details of these applications appear elsewhere on the agenda.
6 Consultation Responses

6.1 Tamworth Borough Council – Development Plans

In total the combined scheme will deliver in excess of 7,000 sq. m retail floorspace in a location that is defined as out of centre that will include uses that typically would be located within a town centre. The NPPF presumption in favour of sustainable development stipulates that town centres should be supported with policies that enhance their viability and vitality. Furthermore, town centres should be promoted and be competitive to provide customer choice and a diverse retail offer and which reflect the individuality of town centres. The proposals conflict with Local Plan policies particularly those relating to the town centre and a sequential test and impact test would be required. The proposals are supported by a retail impact assessment as well as a sequential test. England Lyle Good (ELG) has provided an independent review of the proposals.

ELG have analysed the sequential assessment and the NPPF requirement to assess main town centre uses that are not in an existing centre and not in accordance with the development plan. The applicant has demonstrated that the sequential test has been satisfied. It is therefore accepted that the alternative sites at Middle Entry, Spinning School Lane, Arriva Bus Depot and Gungate that could potentially accommodate the proposed new floorspace are not considered to be available.

The retail impact analysis similarly concludes that the proposals do not give rise to a significant adverse impact on any planned investment or the vitality or viability of the town centre. Whilst there is a trading impact on Tamworth town centre the current level of viability and vitality of the centre, which is seen as better than average, is able to withstand the predicted diversion of trade. The key tests within the NPPF to be applied to proposals for new retail development in out of centre locations have been satisfied.

Based upon current parking requirements established in Appendix C the scheme will not meet this level of on-site parking provision. As such the applicant must provide robust justification as to why a lower level of parking provision may be acceptable when having regard to the points raised in policy SU2.

Given the scale of works envisaged, it is likely that some disruption to the operation of the units and car park will be experienced. It should follow that the expanded floorspace should be supported by the new car park scheme in readiness particularly in view of paragraph 5.8 of the Planning and Retail Statement:

“...it should be noted that the current tenants require additional floorspace to compete with the recently opened Next and Next Home Store, and their neighbouring retail parks." 

It would appear that the mezzanine extensions will be expedited in view of the statement above and the timing and phasing of the improvements should be set out and the sequence reflected in the permission to ensure the car parking improvement has been carried out prior to the mezzanines being brought into use.

The integration of renewable energy or low carbon technology would be welcomed and the applicant is encouraged to explore potential for their application within the scheme.

6.2 England Good Lyle (EGL) – The Council’s Retail Consultants

EGL have carried out an independent review of the retail implications of the proposals. the current application proposals will result in the provision of an additional 7,082 sq.m. (gross) of retail floorspace across Units 2, 5, 6 & 7 Ventura Park. ELG Planning are satisfied that there are no sites within or to the edge of Tamworth Town Centre that could accommodate the proposed retail floorspace and the proposals would not give rise to a significant adverse impact on any planned investment or the vitality and viability of the town centre. We would therefore advise that the proposals satisfy the key tests to be applied to proposals for new retail development in out-of-centre locations.

6.3 Staffordshire County Council – The Highway Authority

Having considered the submitted information on parking, trip generation and the recently opened egress in the vicinity of the site the Highway Authority have no objections to the proposal subject to the submission and approval of a Highways Construction Method Statement, before the development commences revised staff and visitor car parking shall be provided.
6.4 Tamworth Borough Council - Tourism and Town Centre Development Officer

The Economic Development and Regeneration Team recognise the important of the Ventura Retail Park as key asset to Tamworth, which offers a significant retail and visitor destination to the wider geography, thus assisting in the promotion of Tamworth as a place, supporting an enhanced perception of the Borough.

The applications submitted, provide a strong opportunity for Ventura to continue to appeal to a broad and diverse visitor demographic and should, if done appropriately allow the retention of key national retailers in an ever changing and complex retail world creating sustainable and diverse employment opportunities.

The enhancement of the exterior facades offers a significant improvement to the currently dated street scene at phase 1, at one of Tamworth’s key visitor gateways improving the area for additional visitors.

We would see it as vital that adequate provision be made when restructuring the car parks for enhanced footpaths that encourage footfall, both into and out of the site to other parts of the wider facility and direct clearly to the Town Centre. This would further encourage additional visitor spend necessary to the wider economy, just not at Ventura Park. Changes to the car park are very much welcomed to support the alleviation of current and potential traffic issues around Ventura, which tend to cause significant negative perceptions of the Borough.

6.5 Highways England
No objections

6.6 North Warwickshire Borough Council
No objections

6.7 National Grid
No objections

6.8 Lichfield District Council

The District Council on these planning applications which in combination would generate 7,082 sq m of additional out of town retail floorspace at Ventura Retail Park. Evidence demonstrates that Ventura Retail Park already impacts significantly on Lichfield city centre both in terms of comparison and bulky goods retail. This is highlighted in the recently commissioned *Lichfield Centres Report, 2017* (WYG) which informs the emerging Local Plan Allocations. The following findings are of particular relevance:

Paragraph 4.29: “In study zone one (which includes Lichfield city) a higher proportion of residents (43.1%) travel to Ventura Retail Park to undertake their clothing and footwear shop, whereas just 28.0% travel to Lichfield city centre, despite Lichfield clearly being closer”.

Paragraph 4.31: The proportion of trips for small household goods shopping attracted by Lichfield city centre is significantly less at 12.0% from across the Study Area. Instead, 20.8% is attracted by Ventura Retail Park

Paragraph 4.41: There is a clear competition from Ventura Retail Park due to its overall provision of operators, which is drawing trade and shopping trips generated in the study area away from Lichfield city centre” It goes on to state that in terms of bulky goods shopping, Ventura Park is drawing shoppers away from the district. Lichfield retail park does not appear to be attracted the level of shopping trips that would be expected at destination of this type. Clearly this additional 7,092 sq m floorspace would only increase the already significant leakage of retail expenditure outside of the district, which in turn may undermine planned investment at Friarsgate. The District Council therefore objects to the proposals in view of the likely impacts on the future vitality of Lichfield city centre.

7 Additional Representations
Three representations have been received. Two from the chair and vice chair of the BID (Business Improvement District) steering group outlining the following comments:

- As a local business and Chair of the BID fully supportive of the proposed improvements, to strengthen the retail offer in Tamworth.
- Promote and market Tamworth as a destination to shop, stay and play.
- Concerns in terms of congestion, necessary to remark the lines from Tame Drive to A5.
- Signage also needs to be reviewed for new and existing users and how to navigate to the parks.
- Improve connectivity and encourage customers to park once and navigate the park on foot, requiring collaborative working across all sites. Improvement shopping environments will bring additional footfall and congestion therefore congestion needs to be addressed.
- Requires a more pedestrian friendly environment.
- Lighting needs to be better.

One from planning agents acting on behalf of the owner of the Gungate site for the following reasons:

- Evident that the proposal does not accord with policy EC2 of the recently adopted Local Plan. There is a two stage process, firstly review the progress made at Gungate Precinct at 2020/21 and then consider the potential afforded elsewhere in accordance with policy EC1. EC2 does not provide for any other retail development coming forward.
- Incorrect application of the sequential test in respect of applications for extensions.
- The Gungate site is currently available to accommodate additional retail development as indicated by policy EC2 of the Local Plan. As such the sequential test needs to be undertaken as the Gungate Precinct is an available site.
- The overriding issue in Tamworth in recent years has been that the consistent grant of planning permission for additional development at Ventura Park has diluted operator demand for town centre floorspace. Indeed, the issue is so clearly apparent that the Council considered it necessary for Local Plan Policy EC2 to state that proposals for other retail development would only be considered after 2020/21. The grant of planning permission for these two application proposals would only further undermine the planned development at Gungate.
- As such, we do not believe that it has been demonstrated that the proposals accord with Policy EC2 of the Tamworth Local Plan or the test articulated at the first bullet point of paragraph 26 of the NPPF. We believe that the failure to demonstrate compliance with key retail policies set out in both the NPPF and adopted development plan merits the refusal of both applications.

8 Planning Considerations

Provisions of the development plan, the NPPF and the main material considerations

8.1 The most up to date national planning guidance which relates specifically to new retail developments (a main town centre use) are contained in the recently adopted Local Plan Policies relating to new retail developments are articulated in most notably in policies EC1 and EC2. The site itself is allocated within the proposal map as being out of centre retail and flood zone 3, but the site benefits from flood defences. As well as the local there is guidance within the National Planning Policy Framework and its practice guidance (NPPF).

8.2 The Tamworth Local Plan 2011-2031 (LP) was adopted in February 2016 and is based on the most up-to-date evidence. Substantial weight can be attributed to the policies within the LP and the evidence which underpins it.

8.3 A key element of the LP is to determine the strategy for delivering new main town centre uses within the town centre i.e. a town centre first approach where the town centre is the preferred location for the development of main town centre uses. The Plan’s supporting text acknowledges the importance of controlling new development within the out of centre retail parks (where the current application is proposed):

Focussing retail and leisure investment in Tamworth Town Centre will balance the attraction with the out of town centre retail areas more towards the town centre. However, this will also require restricting the growth of the out of centre retail areas that could weaken the attraction of the town.
centre, especially until the Gungate redevelopment scheme becomes established. Whilst proposals to refurbish existing units and environmental and accessibility improvements will be encouraged, development which results in the creation of additional retail and or leisure floorspace at the existing out of centre retail parks at Ventura, Jolly Sailor, Cardinal Point & Tame Valley will therefore not be supported (para 4.18).

8.4 Policy EC1 (Hierarchy of Centres for Town Centre Uses) of the LP states:

If development involving a main town centre use...is proposed outside of the town centre...it must demonstrate:-

a) Compliance with the sequential test
b) Good accessibility by walking, cycling and public transport,
c) That there will be no adverse impact on the vitality and viability of other existing centres
d) Will not prejudice the delivery of other strategic objectives. “

This policy also provides a locally set threshold for impact assessments, which in relation to an application for main town centre uses in the out of town retail parks is required for new developments over 250 m² gross. The impact assessment should consider the cumulative effect of the proposal on the town centre, local centres and neighbourhood centres, and where appropriate, other centres outside of the Borough. Where appropriate, the impact assessment should consider the impact of recently completed retail developments and any outstanding planning permissions for retail development, including, and, in particular, the Gungate redevelopment. Policy EC1 confirms that, where it can be demonstrated that development would not have a significant adverse impact on a defined centres, or centres, the principle of development will be supported.

8.5 Policy EC2 (Supporting Investment in Tamworth Town Centre) of the LP states:

Development that will have a significant impact on the vitality and viability of the town centre and its function will not be supported unless it has been demonstrated that the wider economic benefits will outweigh the detriment to the town centre.

Within the explanatory text under Policy EC2 of the LP provides express support for the Gungate development:

The Gungate development is seen as critical to delivering the regeneration of the town centre in terms of improving its offer to complement that of the out of town retail areas. The compact nature of its development and high quality design will link into the historic network of existing streets and although predominantly retail led, there may be opportunities to incorporate a mixture of uses including residential, leisure and offices. The Gungate will therefore be a key catalyst for bringing forward further investment in surrounding areas, increasing the town centre’s attractiveness and overall viability and vitality.

8.6 Within policy EC2 of the LP it states in respect of Gungate:-

In particular, the Gungate Redevelopment Scheme for 20,660 sq.m. m of comparison retail goods floorspace is proposed for completion prior to 2021. Other town centre uses will be permitted within this scheme in accordance with the criteria set out in policy EC3, and residential uses will be permitted on the upper floors.

If substantial progress has not been made towards securing the Gungate Scheme by 2020/21, the Council will review its retail requirement and will consider the potential for retail developments on other sites in accordance with the ‘town centre first’ hierarchy set out in policy EC1.

After 2021, planning permission will be granted for development such as retail (7,800 sq.m. m comparison and 2,900 sq.m. m convenience goods floorspace....”

This policy emphasises the policy support for the Gungate development but also the insertion of the timeframe acknowledges that the scheme has real challenges in making progress.

8.7 The fundamental objective underpinning the NPPF is the requirement for local planning authorities to adopt a positive approach to development, which secures sustainable economic growth. The NPPF at paragraphs 24, 26 and 27 requires the application of the sequential test and an assessment of the impacts of applications for new retail development outside of town centres, not in
accordance with an up-to-date Local Plan. This is in order to secure sustainable patterns of
development based on a town centre first policy.

In addition, there have been a number of recent court cases and planning appeal decisions that
have dealt with the issues which surround applications for new retail development, including the
application of the sequential test and retail impacts:

Tesco Stores Ltd v Dundee City Council [2012] UKSC 13 (Dundee).
R (on the application of Zurich Assurance Ltd t/a Thread needle Property Investments) v North
R (CBRE Lionbrook (General Partners) Ltd v Rugby BC [2014] EWHC 646 (Admin)
Cambridge Retail Park APP/E3525/A/13/2205251
Rushden Lakes APP/G2815/V/12/2190175
Meadowhall APP/J4423/A/13/2189893
Braintree APP/Z1510/A/14/2219101
Telford APP/C3240/A/12/2172756
Exeter APP/Y1110/W/15/3005333
Aldergate Properties Limited v Mansfield District Council (2016) EWHC 1670 (Admin)

The LP, the decisions and the NPPF (including its practice guidance) are considered to be the main
material considerations in determining the acceptability of this application in planning policy terms.
The sequential test (i.e. are more suitable town centre sites available):

8.8 The application of the sequential site assessment needs to be attached significant weight in assessing the acceptability of the proposal. This approach to site selection seeks to focus new development within existing town centres, where only if sites within or on the edge of the centre are not suitable or available will an out of centre site be appropriate. The application site, located at Ventura Park is an out of centre site, which is why the application of the sequential assessment to site selection is necessary.

8.9 The NPPF at paragraph 24 sets out the requirement for the sequential test:

Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

8.10 Paragraph 27 of the NPPF then confirms that:

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

8.11 At paragraph 10 of the PPG the considerations necessary in determining whether a proposal complies with the sequential test are set out:

- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge-of-centre or out-of-centre location, preference should be given to accessible sites that are well-connected to the town centre. Any associated reasoning should be set out clearly.

- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge-of-centre site can accommodate precisely the scale and form of development proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

- If there are no suitable sequentially preferable locations, the sequential test is passed.

8.12 In the application of the sequential test following relevant judgements and appeal decisions there are considered to be two main areas for assessment, the suitability and availability of sequentially preferable sites. Consideration of the suitability of sites has been referenced in a number of appeal and legal cases, most succinctly with the Inspector in the Rushden Lakes appeal. The Inspector considered that the Dundee case was of seminal importance and summarised what the case established in terms of suitability:

a) that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable size for the purposes of the sequential approach; and

b) that in terms of the size of the alternative site, provided that the applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site.

8.13 There are difficulties in applying the sequential test to extension proposals and whilst there are contrary cases such as an extension to Sainsbury in Telford and the Aldergate Properties v Mansfield District Council judgement. The applicant in this instance has assessed the suitability of four sites within the Town Centre.

8.14 In terms of availability, there is little guidance as to what constitutes availability within the NPPF or its guidance contrary to previous guidance, which allowed an amount of flexibility through allowing an assessment of sites that would be available within a reasonable time period. The issue of availability has again been the subject of discussion in appeal decisions and judgements. The
absence of any detailed guidance has led to conclusions in appeal decisions that sites need to be available to accommodate the development based on the needs of the applicant 'in the real world' i.e. is a site available to meet the time demands of the applicant. This point is outlined in the Rushden lakes and Braintree cases. In the earlier Lionbrook case the appropriate timescale within which the sequential test should be judged is considered to be a matter for the Council to determine based on the merits of the case and local circumstances.

8.15 The Lionbrook case outlines the relationship between suitability and availability in terms of the sequential test:

_The crucial question for the Council in applying the sequential test was whether there were sites in or on the edge of the town centre that were both suitable and available for comparison goods shopping development of an appropriate kind and scale. If such a site was both suitable and available, it would have priority over the application site. But if the only suitable sites were unavailable, or the only available sites unsuitable, that would not be so._

Therefore it is necessary for a site to be both suitable and available in order to be reasonably considered as a sequentially preferable site.

8.16 The supporting Planning and Retail Statement consider 4 sites within the town centre against the requirements of the sequential test. The Council agree that these represent the only potential sites for the development located in sequentially superior locations to the current proposal. The sites assessed are; Middle Entry; Spinning School Lane; Arriva Bus Depot Site and Car Park; and Gungate.

8.17 The Council can accept that the Middle Entry site is not currently available. The majority of units are occupied and there has been no indication from the site owner that the site would be re-developed soon enough to reasonably be regarded as being available. Therefore Middle Entry can be discounted as not being available.

8.18 The Spinning School Lane and Arriva Bus Depot sites are both allocated within the LP (Policy HG1) for housing and as the sites are currently occupied (in part at least) by Staffordshire Police and Arriva respectively, it is therefore considered entirely reasonable to discount these two sites as not being available as there has been no indication that the current occupiers are to vacate the sites imminently.

8.19 However, the Gungate site has been resolved to approve outline planning permission for 20,660 sq.m. of predominantly retail floorspace subject to the completion of a section 106 agreement, it has been partly cleared and is currently being used as a service car park. The delivery of Gungate is fundamental to the delivery of the retail element of the LP, and therefore needs to be carefully considered as part of this proposal based on the suitability and availability of the site.

**Suitability:**

8.20 The mezzanine extension proposals range from 446 sq. metres additions to 1,668 sq. metres additions in gross floorspace totally some 3,750 sq. metres across the 4 units. The approved Gungate scheme has a total floorspace of 20,660 sq.m. (gross) and it is intended to be used for comparison goods retail. The sizes of the individual units approved within the outline approval does not provide for a single unit that would allow the whole of the current proposal to fit comfortably within. This issue has been raised by Indigo and they assert that this means that the Gungate site is not suitable to accommodate the development proposed.

8.21 However, it is reasonable and certainly plausible in the real world (taking in to account previous responses received from Henry Boot) that they would be willing to amend the scheme to accommodate an alternative proposal for any unit of the size proposed, the required car parking, and servicing areas (which would not differ significantly from those approved) to be provided on the Gungate site. This is taking in to account the potential for a new planning permission to be required on the site that would allow the proposed retail uses to trade from the site selling the wide range of town centre goods they intend within their proposed store. The Gungate site is therefore considered to be a site suitable of accommodating the development as proposed without significant alterations to the scheme.
Availability:

8.22 Gungate is identified as a key regeneration site within the town centre and planning permission was granted for a retail-led development of 20,660 sq.m. (gross) on the site in 2010, which was subsequently renewed in 2013. This consent lapsed in late-2016, however, a new outline application for the development of the site is currently under consideration. The Rushden Lakes appeal decision confirms that ‘in terms of availability NPPF [24] specifically asks whether town centre or edge of centres sites are “available.” It does not ask whether such sites are likely to become available during the remainder of the plan period or over a period of some years.’ The Gungate scheme does not therefore yet benefit from detailed planning approval nor is there a detailed delivery programme in place.

Whilst comprising of a cleared site and being identified as a key strategic objective to support the regeneration of the town centre within the Local Plan, Gungate does not currently benefit from planning permission with the latest outline application until the legal agreement has been completed. The correspondence submitted on behalf of Henry Boot dated 12th January 2017 in relation to the outline application confirms that they are continuing to engage with the market to secure an appropriate tenant line-up but ‘are not currently in a position to submit a detailed planning application for the site which would provide fixed details in relation to the exact arrangement and detailed design of the scheme as a complete tenant line-up has not yet been secured.’ The correspondence also confirms that its development option on the whole site will need to be re-secured once a detailed fixed scheme has been determined. There would also be the construction period to factor in before the Gungate scheme is ready to be occupied by retailers. On this basis, it remains entirely apparent that the Gungate scheme is still some way from delivery and therefore it is considered that the site is not available. The availability of the site within a timescale that the Council consider to be soon enough to allow the site to be deemed an available sequentially preferable site is key to determining the acceptability of the current proposal and whether the sequential test is passed.

8.23 As detailed above there is no prescribed period on which to judge the matter of availability other than what is considered to be reasonable. In this respect, Indigo have highlighted that it is their tenants view that they are seeking to improve their offer so that they are able to compete effectively with Next and Next Home and capitalise on the shoppers who visit Phase 1 following the opening of that store. The retailers have indicated that they want the floorspace to be delivered as quickly as possible, within their submission the applicants have indicated within 4 months.

8.24 However, in response to this application Henry Boot previously advised that they could expedite the process of developing the site and with an anchor tenant on board (such as those within the applications) and that they could be at a point of practical build completion within 12 months of an agreement for lease. This would involve the submission and approval of a new planning application as part of that process and all that this would entail. It would not be unreasonable to consider that a site without planning permission could be considered an available site. Although, the current application which seeks a more flexible permission in response to the needs of the market and reaffirms Henry Boot’s commitment to the site it does not make the site available.

8.25 As advised in recent decisions and judgements it is important that Council work in the real world, taking account of the commercial realities of Tamworth. In so far as Halfords, Mothercare, Toys ‘R’ Us and Matalan all operate from one site within the out of centre retail park it is unlikely that they would consider being the retail anchor for the Gungate site.

8.26 On balance, the Council are advised to consider the commercial realities of proposals in the real world and not one that applicant’s have no intention of living in, and the likely timescales that the submission and approval of reserved matters for the current scheme or the approval of a revised Gungate scheme would take to come forward leads to the conclusion that the Gungate site could not reasonable be considered to be available soon enough to be considered a sequentially preferable alternative to the current proposal.

8.27 In light of this conclusion the proposal is considered to pass the sequential test. However, it is considered entirely reasonable for the proposed development to be for a limited time period of 18 months to allow for the implementation of the scheme. If the scheme as currently proposed has not been implemented within this timescale year then this will allow the availability of the Gungate site to be re-assessed.
Retail impact

8.28 It is worthwhile establishing the mechanics of the proposal at this point before considering the retail impact of the proposed development.

8.29 Paragraph 26 of the NPPF states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq.m.). This should include assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

8.30 Policy EC1 sets a locally set threshold of 250 sq. metres. This requires an impact assessment that considers the cumulative effects of the proposals on the town centre, local centres and neighbourhood centres and, where appropriate, other centres outside of the Borough. Where appropriate the impact assessment should consider the impact on any recently completed retail developments and any outstanding planning permissions for retail development, including in particular, the Gungate redevelopment. Where it can be demonstrated that development would not have a significant adverse impact on the defined centre, or centres, the principle of development will be supported. In assessing these impacts in retail policy terms the assessment needs to be considered in terms of the proposal additional proposal of 3,750 sq.m. metres, as detailed below in Table 1. This equates to the 4 mezzanines over the 4 existing retail units.

<table>
<thead>
<tr>
<th>Unit</th>
<th>Existing / Approved Floorspace (m²)</th>
<th>Proposed Additional Floorspace (m²)</th>
<th>Total First floor Floorspace (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 (Halfords)</td>
<td>310</td>
<td>446</td>
<td>756</td>
</tr>
<tr>
<td>5 (Mothercare)</td>
<td>0</td>
<td>1,104</td>
<td>1,104</td>
</tr>
<tr>
<td>6 (Toys ‘R’ Us)</td>
<td>540</td>
<td>532</td>
<td>1,072</td>
</tr>
<tr>
<td>7 (Matalan)</td>
<td>180</td>
<td>1,668</td>
<td>1,848</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,030</strong></td>
<td><strong>3,750</strong></td>
<td><strong>4,780</strong></td>
</tr>
</tbody>
</table>

8.31 This application therefore also needs to be considered against the retail impact tests outlined at paragraph 26 of the NPPF, this includes an assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

8.32 Paragraph 27 of the NPPF as quoted above confirms that where an application is likely to have a significant adverse impact on one or more of the above factors, it should be refused.

8.33 The submitted impact assessment has been reviewed by ELG (England Lyle Good) and considered against the trading impact, impact on vitality and viability of the town centre and impact on investment in the town centre. The impact assessment has also considered that cumulative impact of the proposed extension and mezzanine to Matalan (considered by application 0553/2016) which equates to an additional 5,000 sq.m. metres, therefore the proposals will result in an additional 7,082 sq.m. metres (gross) of retail floorspace.
Trading Impact and Impact on Vitality and Viability:

8.34 An assessment of the trading impact of the proposal on the town centre is undertaken in order to assess the likely impacts of the proposal on the town centre and cumulatively with other recent permissions and commitments as a percentage of turnover. The predicted level of turnover in 2019 of the town centre was estimated to be in the region of £160.11m for comparison goods, with the applicants predicting a 0.8% solus impact and a 4.6% overall trade diversion impact including commitments on the town centre. In this context, it is not considered that it could be reasonably concluded that the predicted trading impact of the current proposals of 4.6% would give rise to a significantly adverse impact on the vitality and viability of the town centre. ELG sensitivity assessment uses a much higher density than that applied by the applicant. This was used as a worst case scenario to test the robustness of the assessment. These predict a higher level of turnover uplift and a higher level of trade draw from the town centre (18%) and predict a 1.7% solus impact and a cumulative trade diversion with commitments of 5.1% impact on the town centre. It is acknowledged that there is unlikely to be any particular desire from the landowner to secure new tenants given that the existing occupants are national multiple retailers.

8.35 Trading impact needs to be considered in terms of the overall vitality and viability of the town centre. Both Indigo and ELG agree that the town centre has a better than average level of vitality and viability but that there are weaknesses that need to be addressed, and that there needs to be an appropriate retail offer which in the case of Tamworth needs to compliment the strong offer at the out of centre retail parks. It is the view of ELG that the proposal would not have wider economic benefits which would outweigh the impact on the town centre.

8.36 The NPPF asserts as quoted above that development should be refused if a proposal would be likely to have a significant adverse impact on town centre vitality and viability. The advice of ELG is that even their higher level of predicted impact of 5.6% in comparison goods turnover would (in most instances) not be considered to be a significant adverse impact especially given the current good level of vitality and viability of the town centre. So whilst the proposal would undoubtedly have an impact on and compete with the existing comparison shops within the town centre that sells similar goods it is unlikely that there would be a demonstrable quantitative significant adverse impact on the vitality and viability of the town centre.

Impact on Investment in the Town Centre:

8.37 The impact of the proposal needs to be considered in light of its potential to impact on planned investment in the town centre, which in this case needs to be considered in terms of the delivery of the Gungate scheme. ELG have advised that whilst Gungate is identified within the adopted Development Plan as a key regeneration scheme within Tamworth Town Centre, the proposals do not benefit from full planning permission and tenants have not yet been secured. It is also considered that the Ventura scheme relates to improvements and expansion of floorspace to existing tenants and therefore will not take prospective tenants away from the town centre. It is apparent that the Gungate scheme has not reached a ‘very advanced’ stage given the lack of detailed planning permission or a fixed tenant and it could not be classes as planned investment that would be jeopardised by the current proposals.

Other Economic Considerations

8.38 The impact of the proposal on local employment is one of the criteria for determining the acceptability of new development proposals. Unfortunately there no substantial detail in terms of the increase in employees across the four units. Clearly the proposals would result in the creation of new jobs, which would be of benefit to the local community, and the Borough.

8.39 As part of an acknowledgement of the attractiveness of the out of centre retail parks to the south of the town centre (where the current application is proposed), and the desire to improve the attractiveness of the existing links between the town centre and these retail parks the Council commissioned what is known as the ‘Tamworth Linkages Project’ which details projects and schemes to improve these links. Members will be aware of the recent transformation that has taken place along Ladybridge to improve its attractiveness and usability. This project has been formalised and forms part of the LP evidence base. The importance of these links is acknowledged in Polices EC2 and EC5 and at Figure 4.1 of the LP.
8.40 Policy EC2 of the LP states:

Tamworth Town Centre will benefit from improved connectivity in terms of cycling, walking and public transport, to and from the existing out of town retail areas, .... Where possible development should contribute to enhancing the public realm through high quality building design, the town centre’s open spaces and linkages at strategic entrances to the town centre.

8.41 The applicant as part of their submission has proposed to make a contribution of £75k towards the Tamworth Linkages project through a unilateral undertaking (under Section 106 of the Act), that includes (£50k from the application for Matalan and £25k from this mezzanine scheme). This contribution is proposed on the basis that the contribution is to be spent on improving the links between the site and the town centre. In this case the project identifies a number of improvements to the Riverdrive roundabout which include the improvement to the existing pedestrian crossings to make them more attractive to users and the provision of signage to encourage walking in the vicinity of the site.

8.42 It is considered that the proposed contribution towards the Tamworth Linkages Project would be appropriate in order to contribute towards enhancing the public realm in the vicinity of the site and enhancing the links between the site and the town centre. This would help to mitigate some of the impacts on the town centre as a result of the proposal though increasing the attractiveness of the links form the site to the town centre. This contribution is considered to be in compliance with the requirements of the NPPF, its guidance and the CIL Regulations.

Highway safety

8.43 The whole of Ventura Park Phase 1 benefits from a single vehicular access from a roundabout on Ventura Park Road, which also provides access to Asda and Ventura Park Phase 2. A Transport Assessment (TA) and Car Park Management Plan has been submitted in support of the application. The TA assesses the existing conditions, sustainable transport, development plans and highway impact assessment.

8.44 The Highway Authority have confirmed that due consideration has been given to the impact additional vehicular trips would have on the local highway network and agree with the assessment undertaken that the local road network would continue to operate within capacity during the peak periods (weekday am and pm and Saturday peak).

8.45 There is a separate application that proposes to extend the existing parking area. At present the whole customer parking area for Ventura Park Phase 1 providing 429 car parking spaces. The proposal to reconfigure the existing parking and provide 516 spaces includes 479 standard spaces, 27 disabled spaces and 10 parent & child spaces. This is a 13% increase in the number of parking spaces compared with the existing number of spaces. In support of the application a car park occupancy survey was undertaken. The survey identified the maximum occupancy recorded was approximately 85% capacity with more than 60 spaces still available, mostly at the northern end of the car park. Taking into account the proposed extensions and mezzanines along with the additional parking the occupancy level of the car park would equate to 90% during peak times. Additional staff car parking to the rear of Phase 1 and Phase 2 are proposed to encourage staff to use the allocated staff spaces rather than the customer space at the front. The proposed vehicular trip generation undertaken for the proposed development (taking in to account a reduction for linked trips) identifies an additional 81 arrivals and 91 departures during the Saturday peak (3pm-4pm) as a result of the extension. It is therefore considered that the capacity of the car park as a result of the proposal would be able to accommodate the additional demand placed on it as a result of the proposed development. This view has been confirmed by the Highway Authority.

8.46 The impact of the additional traffic during the weekday morning peak hour, the weekday evening peak hour and the Saturday peak hour has been assessed using the Ventura Park LinSig network model. This model includes all committed development, and the results indicate that the network generally operates within capacity during all the peak hours but there are some isolated links/junctions where the network is operating close to capacity. However, from a highway point of view the impact of the traffic associated with the proposed extensions is minor, with no reduction in operating capacity during any of the peak periods. In view of the above it is considered that the net impact of the development generated traffic on the Ventura Park highway network is not severe.

8.47 Whilst the current issues and concerns with regard to car parking and traffic generation on Ventura Park are acknowledged, the information submitted is considered to adequately address these
concerns in respect of the current application. However in order to ensure that this remains the case when the store is operational the Highway Authority have requested that a Construction Vehicle Management Plan and a Car Parking Management Plan are submitted and approved as part of a mitigation strategy. The applicant's have indicated that they are willing to enter in to such an agreement.

8.48 The site is considered to be located in an area which is generally well served by alternative modes of transport to the private car, with regular bus services to and from the town centre during the day provided at Bitterscote Drive and Ventura Park Road. For an out of centre retail location the site is considered to be reasonably well catered for by existing bus services. In addition, the applicant has included the provision of a cycle parking areas to the front of the building in order to encourage the use of cycles.

8.49 As a result of the assessments undertaken, and the requirement to submit Construction Vehicle Management Plan and a Car Parking Management Plan the impact of the proposal on the local highway network and the level of parking provision at the site the proposal is not considered to give rise to significant or severe impacts and is therefore considered to comply with the requirements of LP Policies EN5 and SU1 and paragraph 32 of the NPPF.

Flood risk and drainage:

8.50 The application site is located within Flood Zone 3, which represents an area with a greater than 1% chance of annually flooding. However, the site does benefit from existing flood defences. A Flood Risk and Run-off Assessment (FRA) have been submitted in support of the application. The report concludes that as the site of the proposed mezzanines will not impact on flood risk. The Environment Agency has confirmed that they have no objections to the proposal on flood risk grounds.

Phasing

8.51 In terms of phasing of the development the applicants have set out a high level timeline. Firstly, the works would be undertaken to the front façade, then the mezzanines and then the Matalan extension on a phase basis to allow the continuity of trade as far as possible and to fit in with individual retailer’s peak trading times. Works to the façade will commence from the ‘Next end’ towards the Matalan end. Secondly, works would be undertaken to the staff car park at the rear of Phase 1 (and Phase 2), this work to be undertaken at the same time along with the elevational works. Thirdly, works would begin on the car park reconfiguration and the works to the visitor car park would have to be completed prior to either the mezzanines or Matalan extension being brought into use. Finally, the Matalan extension and mezzanines extensions would be completed.

8.52 The applicants have indicated a number of constraints in terms of timescales as follows:

1. Assuming the section 106 will take to mid May 2017 this gives until mid Nov 2018 to implement the works (18 months).
2. Discharge of pre-commencement conditions prior to starting works should take circa 8 weeks.
3. Tender works lead in time circa 18th September 2017 at earliest.
4. Can be on site for 6 weeks, however have contractual obligations not carry out any works in November or December.
5. Recomence works on 8th January 2018.
6. Leaves 42 weeks for completion of carparks and tendering, placing of contracts and commencement of building works, together with all necessary agreement necessary with sitting tenants.
7. Car park works will have to phased to ensure a “reasonable” amount of parking is available at all times. To achieve that estimate 4 phases will be necessary, with first 3 phases being 8-10 weeks long and fourth phase being 4 weeks long. From this completion of car parks would be end of Jul 2018. Estimated completion date end of August 2018 taking into account a months float-time.
8. Developing the mezzanine and extension will require agreements with the “live” retail units to install temporary partitions, will be difficult to reach agreement until car park works are complete. Therefore, not in a position to place contract until September 2018 and therefore not be on site with mezzanine and extensions until October 2018.
9. Element of flexibility is required with the tight timescales and therefore car park/mezzanines can be carried out with 18 months by the Matalan extension requires a time limit of 24 months.
10. Aucott’s want to ensure that all construction works are phased in a way that minimises disruption for the tenants as well as being cost effective. This will ensure that the car park is operational in a reasonable amount of time. Due to the requirements and agreements from each tenants, the permissions will need to allow for flexibility of the phasing works to ensure that all tenants are able to continue to trade efficiently.

Decision

8.53 Due to the size and scale of the mezzanines if the application is approved under the Town and Country Planning (Consultation) (England) Direction 2009 we must refer the application to the Department for Communities and Local Governments National Planning Casework Unit. They will either agree to determine the application or leave it to the Tamworth Borough Council to determine the application.

9. **Conclusion**

9.1 This recommendation is one which is finely balanced. However, the requirements for Local Planning Authorities to act in the real world taking in to account relevant material considerations in addition to planning policy and guidance in taking decisions on planning application has led to this recommendation for approval.

9.2 Whilst the preferred location for any new retail floor space is the town centre, in this instance and as a result of a detailed assessment of the suitability and availability of sites within the town centre there are not considered to be any available suitable sequentially preferable sites that could accommodate the proposal at this point in time, which justifies the limited time period for the implementation of the proposal. Following careful consideration the impacts associated with the proposal on the town centre in terms of impacts on retail trading, the vitality and viability of the town centre and on the delivery of the Gungate site the proposal is not considered to have a demonstrable significant adverse impact on these matters. This coupled with potential additional jobs created, and contributions towards improving the attractiveness of the links from the site to the town centre all weigh in favour of the proposal.

9.3 In addition, the proposal is not considered to impact detrimentally on highway safety or increase flood risk. The proposal is therefore considered to comply with the provisions of the National Planning Policy Framework and its practice guidance, Policies EC1, EC2, EC5, EN5 and SU1 of the Tamworth Local Plan 2011-2031, and the relevant material considerations identified within this report.

**Conditions / Reasons**

1. The development shall be started within 18 months of the date of this permission.

Reason: In the interests of ensuring that the development is implemented when the need for the development is pertinent, if the development has not been commenced within 18 months the Council wish to re-visit their assessment of the proposal as it is likely that the material considerations of this case will have changed. In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall only be carried out in accordance with the application form and the following Drawing Numbers:

   - Site location plan 2752-500 Revision D
   - Existing site plan 2752-501 Revision D
   - Existing Ground floor plan 2752-502 Revision E
   - Existing first floor plan 2752-503 Revision F
   - Proposed first floor plan 2752-504 Revision F
   - Proposed site plan 2752-505 Revision E

   unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the approval.
3. No development (including demolition) shall take place until a Highways Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:-

- A site compound with associated temporary buildings
- The parking of vehicles of site operatives and visitors
- Times of deliveries including details of loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Duration of works
- Wheel wash facilities (if required)
- Appropriate routing agreement using the most appropriate access route

The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and to ensure that the construction period of the development is managed in an efficient way and to reduce the likelihood of vehicles queuing on the adopted highway as recommended by the Highway Authority in accordance with Policy EN5 and SU2 of the Tamworth Local Plan 2011-2031.

4. The mezzanine extensions hereby approved shall not be used for the sale of food and shall be used only in connection with and ancillary to the existing retail building and shall not be sold, occupied or used as a separate retail unit.

Reason: To ensure that the Borough Council’s policies relating to retailing are not prejudiced in particular policy EC1 and EC2 of the adopted Local Plan and guidance in the NPPF.

5. No development shall commence until a Phasing Strategy for the implementation of the mezzanines has been submitted and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with approved scheme unless otherwise agreed in writing.

Reason: In the interests of ensuring that the development is implemented when the need for the development is pertinent and the Council may wish to re-visit their assessment of the proposal as it is likely that the material considerations of this case will have changed.
Application Number: 0012/2017

Development: Construction of 4742sqm extension to the existing facility, along with an increase of Unit B's building height, relocation of car parking and elevation amendments

Location: Tamworth 594 Bonehill Road Tamworth

1. Description of Proposal

1.1 This application seeks full planning permission for the erection of an extension to an existing storage and distribution building at Bonehill Road, Tamworth. The extension amounts to an additional 4742m² of floor space and includes the raising of part of the existing roof. Elevational alterations and car park re-configuration are also proposed in association with the proposed extension.

2. Site and surroundings

2.1 The existing storage and distribution warehouse is a large commanding building located within an existing employment park on the west edge of the borough of Tamworth. The site is bordered by the Birmingham and Fazeley Canal to the south and currently open fields exist to the north. The front area of the site is where the heavy goods vehicles access and load and the rear open area is where the staff park their vehicles.

3. Summary of Planning Considerations

3.1 The proposed development is of an acceptable design which will not have a significant adverse impact upon nearby amenity. The development will not cause an adverse impact to highway safety and upon ecological habitats, providing conditions are imposed upon the decision. The application is considered to accord with the adopted Local Plan 2006-2031 and in absence of any other material considerations, the application is recommended for approval.

Recommendation

Approval subject to conditions
4. **Policies**

Tamworth Local Plan 2006 – 2031

5. **Site History**

T19680

Development of land for B1, B2 and B8 purposes
Approved subject to conditions 27/03/1996

T19722

Approval of reserved matters relating to distribution centre
Approved with Conditions, 24/07/1991

T21374

Flammable products store with link to existing warehouse
Permit with Conditions, 16/03/1994

T21986

Installation of 2150 litre liquid petroleum gas storage tank
Permit with Conditions, 15/03/1995

T23800

Single storey extension to warehouse to house balers
Permit with Conditions, 28/05/1998

0334/2002

Removal of existing vehicle wash and installation of new vehicle wash approx. 5046 high
Approval with conditions, 11/07/2002

0224/2005

Planning application for 2no fuel pumps, 2no sprinkler tanks, pump house and generator
Approval with conditions, 09/06/2005

0235/2005

Planning permission for amendments during the course of construction
Approval with conditions, 25/05/2005

0488/2005

Erection of a flammable goods store, class B8
Approval with conditions, 20/10/2005

0255/2007

Application for amendments to the approved flammable goods store during the course of construction
Approval with conditions, 20/07/2007

0454/2013

Creation of additional trailer parking spaces, revised access arrangements, new egress with associated gatehouse, fencing to service yard, minor consequential amendments to landscaping
and drainage in association with sub-division of building into two units. Approval with conditions, 14/01/2014

0061/2014

Non material amendment to planning application 0454/2013 to allow works to fence line, gatehouse, kerb line, signage, cess pool, lay-by, landscaping and internal alterations. Approval with conditions, 07/03/2014

6. Consultation Responses

6.1 Tamworth Borough Council - Environmental Health

No comments to make

6.2 Staffordshire Fire and Rescue

No objection and offer standing advice in relation to the location of water sprinklers.

6.3 Canal and River Trust

No comments to make.

6.4 Staffordshire County Council - Flood Risk Management

No objection to the development subject to the inclusion of a condition requiring sustainable drainage principles to be incorporated into the new paving areas.

6.5 Staffordshire County Council - Ecology

No objection subject to the inclusion of the conditions contained within the recommendation section of the Ecology Report.

6.6 Staffordshire County Council - Highways

Following the receipt of amended plans, no objection is raised to the development subject to the inclusion of 2 conditions relating to parking and servicing layout being created and the submission and approval of a Highway Construction Method Statement.

7. Public Representations

7.1 Site notice erected, press notice placed and adjoining addressed consulted - One letter of response received from Mr Forrest outlining the following points:

- Traffic implications
- Road safety issues
- Traffic pollution

8. Equality Implications

8.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person’s private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.

9. Planning Considerations

9.1 The main considerations in relation to this application are;

- Principle of development
- Design, impact upon the character of the area
- Impact upon amenity
9.2 Principle of development

9.2.1 National policy is heavily weighted towards the promotion of the economy, enterprise and the creation of new jobs, of which industrial development is an important part. There have been a significant number of recent appeal decisions nationally and locally where considerable weight is given to new economic development / employment proposals.

9.2.2 This application seeks additional floor space at an existing storage and distribution facility (B8). The unit is located within an employment area of the Borough and therefore, the development is supported in principle.

9.3 Design, impact upon the character of the area

9.3.1 The Council’s Local Plan Policy EN5 requires a positive and considered approach to design, with new developments expected to be of a scale, layout, form and massing which conserves or enhances the setting of the development.

9.3.2 The proposed extension is to take place at the rear of the site and towards the canal. However, there is mature landscaping situated on the site boundary bordering the canal which prevents clear views into the site from this vantage point. The extension itself is designed to be in keeping with the design of the original building and be constructed of matching materials. The elevations changes to the front of the building will refresh the appearance which fronts onto the highway and will not adversely affect the appearance of the building or the character of the area. For these reasons the proposed alterations are considered to accord with policy EN5 of the adopted Local Plan.

9.3.4 The proposed extension requires the removal of 13 trees at the rear of the site. The trees are not readily visible to public view and site will retain its vast screening which boards the canal. For these reasons, the Local Planning Authority has no objection to the removal of these trees.

9.4 Impact upon amenity

9.4.1 The proposed extension will not be located near or be in view of any dwellings and as the appearance is acceptable, it will not detract from the general amenity of the area. The increased trips of heavy goods vehicles associated with the increased storage space is not considered to be significant in terms of the impact it would have on the natural environment in the surrounding area and therefore there will be no significant detriment to nearby amenity.

9.5 Highway capacity and safety

9.5.1 The increased storage space will increase the commercial activity at the premise which, in turn, is likely to increase the amount of heavy goods vehicles trips to and from the site. The application has been accompanied by a Transport Report and a further addendum has been received which explains the proposed situation and the impacts the development would have upon the highway network.

9.5.2 The statement addendum introduces trip data taken from a comparable live use and compares this with TRICS (baseline transport data for various land uses) and compares the difference in order to establish a more accurate data set. It is this data which has been used to calculate the likely increase in parking and traffic movements as a result of the development.

9.5.3 The addendum displays the data in relation to proposed car parking and HGV parking as a result of the development. The addendum explains that based on this data, the car parking and HGV provision proposed as part of the development is sufficient to cater for the increase in spaces on both accounts. In relation to trip increases, the addendum explains that, based on the expected increase arising from the additional floor space being created through the development, arrivals at peak hours (08:00-09:00 and 17:00-18:00) will increase by 3 trips and departures during peaks hours will increase by 4 trips. When viewed against the daily rates of 60 arrivals and 62 departures, it is argued that this is insignificant in scale and would therefore have an insignificant impact upon highway capacity.
9.5.4 Staffordshire County Council’s Highways Department has not objected to the approach taken in calculating the data or the data which has been produced. Equally, they have not objected to the anticipated increase in parking or vehicle trips and therefore, the proposed development is considered to have an acceptable impact upon road safety and the development will not cause a significant increase in highway disturbance. For these reasons the development is considered to comply with policy SU2 of the adopted Local Plan 2006-2031.

9.5.5 Staffordshire County Council Highways Department suggest a condition requiring the submission of a Highway construction management plan which addresses issues such as the location of a site compound, parking for construction vehicles, delivery times, storage of plant materials and the duration of works. The Local Planning Authority have considered this request however, given the vast expanse of land associated with the site and that the building will not be used as full capacity during the construction works, it is not considered necessary and proportionate to impose such a condition.

9.6 Ecology

9.6.1 The application has been accompanied by an Ecology Report undertaken by Middlemarch Environmental which seeks to provide a Preliminary Ecological Appraisal and was undertaken in November 2016. Staffordshire County Council’s Senior Ecologist has reviewed the information provided with the report and agreements the conclusion and recommendations contained within section 7. The recommendations have regard to the construction techniques and protection of trees during the construction period in order to protect certain species. It is considered both proportionate and reasonable to impose a condition upon any approval that the recommendations are complied with during the carrying out of the development.

10. Summary

10.1 The proposed development is of an acceptable design which will not have a significant adverse impact upon nearby amenity. The development will not cause an adverse impact to highway safety and upon ecological habitats, providing conditions are imposed upon the decision. The application is considered to accord with the adopted Local Plan 2006-2031 and in absence of any other material considerations, the application is recommended for approval.

Conditions / Reasons

1. The development shall be started within three years of 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).

2. The development hereby permitted shall only be carried out in accordance with the application form, the supporting letter and drawing numbers: Site Location Plan Drw No. 16120 P001, Existing Site Layout Drw No. 16120 P002, Existing Building Plan Drw No. 16120 P004, Proposed Building Plan Drw No. 16120 P005, Existing Building Elevations Drw No. 16120 P006, Proposed Building Elevations Drw No. 16120 P008, Existing Building Elevations Drw No. 16120 P007, Proposed Building Elevations Drw No. 16120 P009, Proposed Site Layout Drw No. 16120 P003 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the permission.

3. Prior to the first use of the development hereby approved, the parking provision as shown on the approved drawings shall be laid out, made available for use and retained as such in perpetuity.

Reason: To ensure the development is served by a sufficient degree of off street parking for employees and commercial activities in accordance with policy SU2 of the adopted Local Plan 2006-2031.

4. The development shall be carried out in accordance with the recommendations of the Preliminary Ecological Appraisal (section 7) unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the development does not have a detrimental impact upon the biodiversity habitats within and nearby the site in accordance with the National Planning Policy Framework and Policy EN6 of the adopted Local Plan 2006-2031.
1. Description of Proposal

1.1 This application seeks full planning approval for the siting of one mobile home within the existing mobile home park of St Christopher’s Drive, Two Gates. The proposed unit will be located on an existing parking area and will be 11.5 metres long and 3.6 metres wide and provide one double bedroom and one single bedroom of accommodation with one parking space. The units will also be served by a moderate amount of outdoor amenity space.

2. Site and surroundings

2.1 The mobile home park of St Christopher’s Drive is a long established facility which is located on the edge of Two Gates, near the area of Kettlebrook and is accessed off Peelers Way, a 40mph carriage way. The site sits at a lower ground level than the highway and is relatively secluded from public view. The site is laid out in a circular perimeter formation with 48 mobile homes sited on both the outer and inner sides of the access road. Each home is served by private parking areas and there are currently two areas of hardstanding which provide further parking and parking for visitors to the site.

3. Summary of Planning Considerations

3.1 The proposed development is acceptable in principle and is of a design which will not cause significant harm to nearby residential amenity. The proposal is acceptable in terms of its parking provision and will not cause harm to highway safety.

Recommendation

1. Approval subject to the following conditions and a section 106 agreement.

2. If the Section 106 Agreement has not been signed before 3rd April 2017, or the expiration of any agreed extension of time, then powers are delegated to Officers to refuse permission based on the unacceptability of the development without the required contributions and undertakings as outlined in this report.
4. **Policies**

Tamworth Local Plan 2006-2031

SS1 - The Spatial Strategy for Tamworth
SS2 – Presumption in Favour of Sustainable Development
HG1 – Housing
EN5 – Design and New Development
IM1 – Infrastructure and Developer Contributions
Appendix A – Housing Trajectory
Appendix C – Car Parking Standard

5. **Site History**

T03018

Residential mobile home park for 46 units and 17 garages and 2 play areas
Permit with Conditions, 13/02/1979

T14050
2 additional units & change from double to single units on plots 29 to 39
Permit with Conditions, 21/08/1984

T21381
siting of new ‘tingdene’ villa type mobile home
Permit with Conditions, 16/03/1994

0412/2016
Proposed 2 no. mobile homes with parking
Refuse, 08/12/2016

6. **Consultation Responses**

6.1 Tamworth Borough Council - Environmental Health Department

No objections.

6.2 Staffordshire Fire and Rescue

Comments passed regarding siting for appropriate supplies of water, the weight requirements of roads and domestic sprinkler systems.

6.3 Staffordshire County Council - Highways Department

No objections and note that St Christopher’s Drive does not form part of the adopted highway network and the proposed new mobile homes provide sufficient parking which are in line with Tamworth Borough Councils current parking standards. Staffordshire County Council as highway authority does not believe that the loss of visitor parking at the entrance to the site would cause a severe impact on the highway network.

7. **Public Representations**

7.1 Adjoining properties consulted – 27 letters of objection received from the residents of St Christopher’s Drive based on the following grounds;

- Loss of visitor parking spaces
- Lack of parking availability within the highway
- Lack of space for emergency services, careers and delivery drivers
- Lack of space for the refuse collection
8. **Equality Implications**

There may be implications under Article 8 and Article 1 of the First Protocol of the Human Rights Act regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.

9. **Planning Considerations**

9.1 The main considerations in relation to this application are;

- Principle of development
- Design, impact upon neighbouring amenity
- Parking and highway safety
- Coal mining risk
- Planning obligations
- Other matters

9.2 **Principle of development**

9.2.1 This application proposes the creation of one residential property within an existing mobile home park which is located close to other residential estates. Both national and local planning policy supports the creation of residential units in such locations and therefore the proposal is acceptable in principle.

9.3 **Design and impact upon neighbouring amenity**

9.3.1 Policy EN5 – Design and New Development states that developments should be of a scale, layout form and massing which conserves or enhances the setting of development and utilize materials and overall detailed design which conserves or enhances the context of the development. Proposals should respect and where appropriate reflect existing local architectural and historic characteristics but without ruling out innovative or contemporary design which is still sympathetic to the valued characteristics of an area. Developments will be expected to minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land. Such impacts may include loss of light, privacy or security or unacceptable noise, pollution, flooding or sense of enclosure.

9.3.2 The appearance of the proposed unit is similar in scale and design to the existing units within the site. Although being orientated slightly differently towards the main access track, the appearance and siting will not cause an adverse impact upon the visual amenity of the site as a whole.

9.3.3 In terms of the relationship between the unit and the existing homes, the plot will be approximately 6 metres away from No.1 St Christopher’s Drive and this distance is considered acceptable given the orientation of the buildings and the position of the windows. The proposed development is considered to comply with policy EN5 of the Adopted Local Plan.

9.4 **Parking and highway safety**

9.4.1 Policy SU2 and EN5 require development proposals to have particular regard to highway safety, service requirements and the capacity of the local road network and the adopted parking standards set out in Appendix C of the Local Plan.

9.4.2 The main source of objection from residents in relation to this proposed development derives from the loss of the visitor parking areas where the proposed unit is intended to be built upon and the lack of space that would then be available for general visitors, tradesman, servicemen and the emergency vehicles such as ambulances and fire protection vehicles.

9.4.3 The application has been accompanied by a plan which displays the current parking facilities within the site and the resultant parking situation once the development will have taken place. There are currently 48 mobile homes on site and these are served by 56 private parking spaces (at least one each with 8 properties having two spaces each) and the two areas of hard standing apparently
provide 11 additional spaces which are currently provided for visitors. From the officers site visit it is clear that the existing visitor parking areas are informal and although spaces are not marked, the stated provision is accepted as a probable approximation.

9.4.4 The plan indicates that the proposed situation once the development will have taken place is for the site to contain 49 mobile homes which will be served by 57 private parking spaces and open hard standing will be left to provide space for 10 visitors. As such, the proposed development will be catered for by having one space for the new unit but there will be reduction in the visitor spaces by one space. However, one of the proposed visitor spaces (adjacent plot 15) is substandard in its size and therefore will not count towards the visitor provision. As such, the real loss in visitor spaces is 2 spaces.

9.4.5 The Council’s adopted car parking standards states expected provision for various types of living accommodation including traditional housing, sheltered housing and self-contained flats/apartments. However, the Standards do not state an expected provision for mobile home accommodation and it is therefore left to the merits of each case as to how much private individual parking is a necessity.

9.4.6 The general nature of mobile home parks is that they are most probably to be occupied by more elderly individuals rather than families and this clearly brought to the Council’s attention in the correspondence provided by the residents in this instance. The Council does not possess floor plan details for each and every home but given the small scale of each building it is anticipated that the homes range between one bedroom and two bedroom properties (one main bedroom and a single guest room). The existing provision of private parking spaces for residents is considered sufficient and this does not appear to be challenged through the representations received. Therefore, in planning terms, the provision of additional areas for visitor parking is an additional privilege for the residents rather than a required provision and furthermore, the vast majority of existing plots would have space to increase their own onsite provision to establish additional spaces by using some of their outdoor amenity area if they so wished. In this instance, the loss of 2 of the existing visitor spaces which would result in 9 remaining would not cause a severe harm to highway safety. This view appears to be endorsed by Staffordshire County Council’s Highways Department who raise no objection to the proposal and note that the homes would still be catered for by a sufficient degree of off road private parking.

9.4.7 Occasional trips which require a large coach could still easily be catered for given the depth of the mouth of the access adjacent the posts near the entrance. A coach could pull in and upload the residents whilst being completely off the public highway.

9.5 Coal mining risk

9.5.1 The plot is located within a Coal Mining Risk Referral Area which relates to historic and legacy coal mining activity within the borough. The Coal Authority have produced thresholds in relation to development which explains in which instances a Coal Mining Risk Assessment should be provided and assessed as part of the planning application process. They consider that works which do not result in “significant ground works” do not require for a Risk Assessment to be produced. The construction details of the proposed development have been provided to the Coal Authority and they have clarified that there works do not include significant ground works and that a suitably worded informative is sufficient in this instance.

9.6 Planning obligations

9.6.1 The proposed development is intended to create 1 x two bedroom residences and in accordance with the Council’s adopted supplementary planning document, the development commands a financial contribution towards the maintenance of play and open space provision within the borough. The nearest facility is the Kettlebrook Local Nature Reserve and a section 106 agreement will be entered into by the applicant which will command a contribution of £500.00.

9.7 Other matters

9.7.1 Staffordshire Fire and Rescue raise no objection to the proposal despite objections being received in relation to access for emergency service vehicles. If an emergency were to occur it is likely that the services would not use the visitor parking areas but would arrive directly next to the unit which required assistance. Parking restrictions existing along the perimeter road and even if these are not adhered to, the emergency services are likely to be able to obtain access to the required area, in the
same fashion to as if this was a town centre location and cars we parked in contravention of the highway regulations.

10. **Summary**

10.1 The proposed development is acceptable in principle and is of a design which will not cause significant harm to nearby residential amenity. The proposal is acceptable in terms of its parking provision and will not cause harm to highway safety. Consequently, the application is recommended for approval subject to the following conditions and a section 106 agreement.

<table>
<thead>
<tr>
<th>Conditions / Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The development shall be started within three years of the date of this permission.</td>
</tr>
<tr>
<td>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).</td>
</tr>
<tr>
<td>2. The development hereby permitted shall only be carried out in accordance with the application form, the supporting letter and drawing numbers: 9377.03, 9377.01, 9377.02 and Ting Dene Proposed elevation and floor plan drawing “Hayden” classic. unless otherwise agreed in writing by the Local Planning Authority.</td>
</tr>
<tr>
<td>Reason: To define the permission.</td>
</tr>
<tr>
<td>3. The visitor spaces as shown on the approved plans shall be made available prior to the commencement of development and shall be retained as such in perpetuity free from any impediment to their designated use.</td>
</tr>
<tr>
<td>Reason: To ensure the site has a sufficient provision of visitor parking spaces to serve the site in order to prevent vehicles being parked on the nearby highway.</td>
</tr>
</tbody>
</table>

**Informative Note(s)**

1. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

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. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

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
1 Introduction

1.1 On the 6th of March 2017, the Council were notified of the receipt of an appeal against the refusal to grant planning permission for the retrospective retention of a garage conversion at 7 Garten Close, Belgrave, Tamworth.

2 Appeal

2.1 The application was refused due to the effect of the proposal on additional demand for on street parking. The application proposed the retention of a converted garage to a habitable room, which reduced the provision of off-street parking to two spaces for a three bedroom property. This is below the current adopted car parking standards and is considered to place an unacceptable additional requirement within a high density development that already has a high demand for on-street parking.

2.2 The outcome of the appeal will be reported to the subsequent Committee following receipt of the decision by the Planning Inspectorate.

Recommendation

For Information only
1 Introduction

1.1 Planning permission was refused on the 14 of March 2016 for the alterations to the main entrance including new doors and repainting. The application was refused due to the effect of the proposal on the conservation area and nearby residential property. The appeal has now been decided and the appeal was dismissed by the Planning Inspectorate.

2 Appeal

2.1 The Inspector concluded that in terms of the impact on the conservation area the proposed renewal of the shop front would be of some public benefit; however there was no evidence to indicate that the design was a more sensitive design to the historic character of the conservation area. The character of the conservation area would be further eroded and its significance as a heritage asset harmed accordingly.

2.2 It was then also concluded that the scope for disturbance would in fact be greatest in the summer evenings and may have an impact on residential property. However, the inspector gave limited weight to this issue. The application was therefore dismissed due to the effect of the proposal on the conservation area.

2.3 This appeal has been noted by the development management team who will continue to apply the same degree of scrutiny towards development when assessing development proposals.

Recommendation

For Information only
1. Purpose of Report

1.1 To advise members that a pre-application request has been submitted in anticipation of the formal submission of Reserved Matters applications for the development of a site for a primary school.

1.2 The purpose of this ‘Issues Paper’ is to advise members that this pre-application request has been received, and to allow an opportunity for the Committee to raise key planning issues that either they wish to be expanded upon or considered when a formal application is received.

2. Site and Location

2.1 The site is currently was previously used as part of the Tamworth Golf Course, but is now part of the development being carried out which will eventually result in the provision of 1100 dwellings. The site is rectangular in shape and fronts onto Eagle drive. The site will border onto residential development on the northern and eastern boundaries, and a linear parcel of open space on the western boundary.

2.2 Vehicular access will be provided from Eagle Drive, with pedestrian access available from Eagle Drive and the internal footpath/cycle network.

2.3 The site currently has a significant change in level from a high point adjacent to eagle drive to a low point on the northern boundary. This feature presents a constraint and a challenge to the development of the school site to ensure that the development meets all school requirements, makes provision for appropriate drainage and protects the amenity of future residents.

2.4 The site is located in the position shown on the approved masterplan for the former golf course site. It will be located central to the development and in close proximity to the proposed local centre.

3. Background to proposals

3.1 The principle of developing the site for residential purposes has been established through the recent granting of outline planning permission at the site in 2016 under reference 0088/2015. The site is identified within the adopted Local Plan as residential development site under Policy HG1.

3.2 In addition to granting the principle of development on the site the granting of the outline planning permission secured the point and design of the access to the site. Subsequent permissions have been granted for the first 2 phases of development and the provision of infrastructure. The erection of dwellings is now well advanced.

3.3 The outline application was accompanied by a masterplan which showed how the distribution of uses across the development.
3.4 The outline application was approved subject to conditions and a section 106 agreement. The Section 106 agreement specified the provision of a primary school on the development at the developers expense.

3.3 Members are also invited to discuss the pre application enquiry further with John Gunn (Development Manager) outside of the Committee meeting, if there are specific issues of detail on which you require further clarification.

4. **Summary of Key Issues to be considered in the Determination of the Application:**

4.1 Design and layout including landscaping.

4.2 Highways Issues, relating to the internal road layout and car parking provision;

4.3 The relationship of the development to existing and proposed dwellings.

5. **Recommendation**

The Planning Committee are recommended to note the item for information and raise any relevant planning issues on which they require further clarification and which are requested to be addressed in any future planning application.
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1 Site and Surroundings

1.1 The application site is located on the Borough’s out of town retail park known as Ventura Park located to the north of the A5 trunk road and to the south west of the town centre. The site is bound to the north by a band of trees and shrubs beyond which lies Ventura Park Road to the south, to the west lies a car parking area which itself is bound to the west by Bitterscote Drive. A new vehicular egress has recently been constructed from the car park area to Riverdrive.

1.2 The existing service yard for the unit is located to the east of the building, with the existing stores of Phase 1 of Ventura Park attached to the northern part of the building. The site occupies a prominent corner position and is one of the larger units, within this phase of Ventura Park. Ventura Park is identified within the adopted Local Plan as an out of centre retail park.

1.3 The extension is proposed on the side of the building fronting Ventura Park Road in the form of a flat roofed extension, the eaves of which align with the existing building, with a glazed corner feature tower facing the roundabout and a new entrance to the store from Ventura Park Road. Disabled parking is proposed to the front of the store.

2 Proposal

2.1 The application seeks approval to extend the existing Matalan unit into an area currently occupied by existing car parking and the installation of a mezzanine floor across the whole unit. This application seeks to extend the Matalan unit (Unit 7) on the ground floor and install a full cover mezzanine within the extended store. This would create an additional 5000 sq. m of additional floorspace, therefore would create a total of 7,500 sq. m. Detailed plans have been submitted with the application which indicates a contemporary style extension to the existing building similar to that of the recently approved Next application, which includes updating the appearance of the existing unit to provide a mainly glazed building.

2.3 The following documents have been submitted in support of the application (all are available for inspection on the council’s website at www.tamworth.gov.uk):

- Planning and Retail Statement (including a response to the retail review)
- Design and Access Statement
- Transport Assessment
- Flood Risk Assessment

2.4 Whilst the proposal is considered to be a development falling within the thresholds contained within Schedule 2 of the EIA Regulations as the site area exceed 0.5 ha. However, taking into account the environmental effects of the proposal as a whole the proposal is not EIA development.

3 Key Issues

3.1 The key issue which underpins the assessment of this application is the principle of development, most importantly whether there is a sequentially preferable suitable and available site for the proposal and whether the proposal would have an impact on the town centre and if so to what degree.

3.2 In addition, the siting and design of the proposed building, highway safety, and flood risk are also important considerations in determining the acceptability of the proposed development.

4 Conclusion
4.1 This recommendation is one which is finely balanced. However, the requirements for Local Planning Authorities to act in the real world taking into account relevant material considerations in addition to planning policy and guidance in taking decisions on planning application has led to this recommendation for approval.

4.2 Whilst the preferred location for any new retail floor space is the town centre, in this instance and as a result of a detailed assessment of the suitability and availability of sites within the town centre there are not considered to be any available suitable sequentially preferable sites that could accommodate the proposal at this point in time which justifies the limited time period for the implementation of the proposal. Following careful consideration the impacts associated with the proposal on the town centre in terms of impacts on retail trading, the vitality and viability of the town centre and on the delivery of the Gungate site the proposal is not considered to have a demonstrable significant adverse impact on these matters.

4.3 The physical alterations to the existing building and the updating of its current tired appearance with a modern and crisply designed new building would improve the appearance of this part of Ventura Park and would have a positive impact on the retail park and enhance its built character. This coupled with the jobs created, and contributions towards improving the attractiveness of the links from the site to the town centre all weigh in favour of the proposal.

4.4 In addition, the proposal is not considered to impact detrimentally on highway safety or increase flood risk. The proposal is therefore considered to comply with the provisions of the National Planning Policy Framework and its practice guidance, Policies EC1, EC2, EC5, EN5, SU1, SU4 and IM1 of the adopted Tamworth Local Plan 2011-2031, and the relevant material considerations identified within this report.

**Recommendation**

1. Approve subject to conditions and a Section 106 agreement providing a financial contribution towards the linkages project and subject to referral to the National Planning Casework Unit (NPCU).

2. If the Section 106 Agreement has not been signed before 30th March 2017, or the expiration of any agreed extension of time, then powers are delegated to Officers to refuse permission based on the unacceptability of the development without the required contributions and undertakings as outlined in this report.
5 Relevant History

5.1 0557/2008: Redevelopment of Gungate Precinct and adjacent land and buildings to provide 20,660 sq.m. of A1 retail floorspace with provision for up to 732 car parking spaces. Approved 02/07/10.

5.2 0178/2013: Application for a new planning permission to replace an extant planning permission in order to extend the time limit for implementation relating to the Redevelopment of Gungate Precinct and adjacent land and buildings to provide 20,660 square metres of A1 (retail) floorspace with provision for up to 732 car parking spaces. Approved 29/11/13.

5.3 0523/2016: Redevelopment of Gungate Precinct and adjacent land and buildings to provide 20,660 square metres of A1 (retail) floorspace with provision for up to 732 car parking spaces. Resolved to approve subject to a section 106 agreement 28/02/17.

5.4 0040/2001: Extension to Matalan Store. Approved 05/03/15. This planning permission granted an extension to the south of the existing Matalan store within Ventura Park. The planning permission granted approval for an extension comprising 1,423 sq.m. of additional floorspace for the building. This planning permission was confirmed by the Council as having commenced in 2006.

5.5 0242/2012: Insertion of mezzanine floor at the existing Homebase unit. Approved 16/10/15. This permission granted a mezzanine of 1,748 sq.m. and included a restriction on the total retail floor space for the unit of 4,707 sq.m. In order for the proposal to be considered acceptable in retail terms the owners of Ventura Park entered into a legal agreement to secure that only one of this permission (0242/2012) or the historic Matalan permission (0040/2001) would be implemented. The applicant’s agent (Indigo) have submitted an application for a certificate of lawful development to confirm that this permission has been implemented (0442/2015), whilst this application is yet to be determined if this permission has been implemented then the Matalan permission (0040/2015) can not be implemented in accordance with the terms of the legal agreement. If it is considered that the permission has not been implemented the applicant’s agent has provided an undertaking to enter into a similar agreement.

5.6 0339/2015 - Two storey side extension and the installation of extended mezzanine floor with associated ancillary cafe and amendments to the existing car parking arrangements. Approved December 2015

5.7 There are three further applications relating to the site, the application 0551/2016 - External alterations to elevations and provision of a new facade has been approved. Approved 6th February 2017. Two further applications 0550/2016 relates to the reconfiguration of the carpark and 0552/2016 relates to the installation of internal mezzanine floors at unit 2 (Halfords), 5 (Mothercare), 6 (Toys R Us) and 7 (Matalan) are also on the agenda.

6 Consultation Responses

6.1 Tamworth Borough Council – Development Plans

In total the combined scheme will deliver in excess of 7,000 sq. m retail floorspace in a location that is defined as out of centre that will include uses that typically would be located within a town centre. The NPPF presumption in favour of sustainable development stipulates that town centres should be supported with policies that enhance their viability and vitality. Furthermore, town centres should be promoted and be competitive to provide customer choice and a diverse retail offer and which reflect the individuality of town centres. The proposals conflict with Local Plan policies particularly those relating to the town centre and a sequential test and impact test would be required. The proposals are supported by a retail impact assessment as well as a sequential test. England Lyle Good (ELG) has provided an independent review of the proposals.

ELG have analysed the sequential assessment and the NPPF requirement to assess main town centre uses that are not in an existing centre and not in accordance with the development plan. The applicant has demonstrated that the sequential test has been satisfied. It is therefore accepted that the alternative sites at Middle Entry, Spinning School Lane, Arriva Bus Depot and Gungate that could potentially accommodate the proposed new floorspace are not considered to be available.

The retail impact analysis similarly concludes that the proposals do not give rise to a significant adverse impact on any planned investment or the vitality or viability of the town centre. Whilst there
is a trading impact on Tamworth town centre the current level of viability and vitality of the centre, which is seen as better than average, is able to withstand the predicted diversion of trade. The key tests within the NPPF to be applied to proposals for new retail development in out of centre locations have been satisfied.

Based upon current parking requirements established in Appendix C the scheme will not meet this level of on-site parking provision. As such the applicant must provide robust justification as to why a lower level of parking provision may be acceptable when having regard to the points raised in policy SU2.

Given the scale of works envisaged, it is likely that some disruption to the operation of the units and car park will be experienced. It should follow that the expanded floorspace should be supported by the new car park scheme in readiness particularly in view of paragraph 5.8 of the Planning and Retail Statement:

“...it should be noted that the current tenants require additional floorspace to compete with the recently opened Next and Next Home Store, and their neighbouring retail parks.”

It would appear that the mezzanine extensions will be expedited in view of the statement above and the timing and phasing of the improvements should be set out and the sequence reflected in the permission to ensure the car parking improvement has been carried out prior to the mezzanines being brought into use.

The integration of renewable energy or low carbon technology would be welcomed and the applicant is encouraged to explore potential for their application within the scheme.

6.2 England Good Lyle (EGL) – The Council’s Retail Consultants

EGL have carried out an independent review of the retail implications of the proposals. The current application proposals will result in the provision of an additional 7,082 sq.m (gross) of retail floorspace across Units 2, 5, 6 & 7 Ventura Park. EGL Planning are satisfied that there are no sites within or to the edge of Tamworth Town Centre that could accommodate the proposed retail floorspace and the proposals would not give rise to a significant adverse impact on any planned investment or the vitality and viability of the town centre. We would therefore advise that the proposals satisfy the key tests to be applied to proposals for new retail development in out-of-centre locations.

6.3 Staffordshire County Council – The Highway Authority

Having considered the submitted information on parking, trip generation and the recently opened egress in the vicinity of the site the Highway Authority have no objections to the proposal subject to the submission and approval of a Highways Construction Method Statement, before the development commences revised staff and visitor car parking shall be provided.

6.4 Tamworth Borough Council - Tourism and Town Centre Development Officer

The Economic Development and Regeneration Team recognise the important of the Ventura Retail park as key asset to Tamworth, which offers a significant retail and visitor destination to the wider geography, thus assisting in the promotion of Tamworth as a place, supporting an enhanced perception of the Borough.

The applications submitted, provide a strong opportunity for Ventura to continue to appeal to a broad and diverse visitor demographic and should, if done appropriately allow the retention of key national retailers in an ever changing and complex retail world creating sustainable and diverse employment opportunities.

The enhancement of the exterior facades offer a significant improvement to the currently dated street scene at phase 1, at one of Tamworth’s key visitor gateways improving the area for additional visitors.

We would see it as vital that adequate provision be made when restructuring the car parks for enhanced footpaths that encourage footfall, both into and out of the site to other parts of the wider facility and direct clearly to the Town Centre. This would further encourage additional visitor spend necessary to the wider economy, just not at Ventura Park. Changes to the car park are very much
welcomed to support the alleviation of current and potential traffic issues around Ventura, which
tend to cause significant negative perceptions of the Borough.

6.5 **Highways England**

No objections

6.6 **North Warwickshire Borough Council**

No objections

6.7 **National Grid**

No objections

6.8 **Lichfield District Council**

The District Council on these planning applications which in combination would generate 7,082 sq m
of additional out of town retail floorspace at Ventura Retail Park.

Evidence demonstrates that Ventura Retail Park already impacts significantly on Lichfield city centre
both in terms of comparison and bulky goods retail. This is highlighted in the recently commissioned **Lichfield Centres Report, 2017** (WYG) which informs the emerging Local Plan

Allocations. The following findings are of particular relevance:

Paragraph 4.29: “In study zone one (which includes Lichfield city) a higher proportion of residents
(43.1%) travel to Ventura Retail Park to undertake their clothing and footwear shop, whereas just
28.0% travel to Lichfield city centre, despite Lichfield clearly being closer”.

Paragraph 4.31: The proportion of trips for small household goods shopping attracted by Lichfield
city centre is significantly less at 12.0% from across the Study Area. Instead, 20.8% is attracted by
Ventura Retail Park

Paragraph 4.41: There is a clear competition from Ventura Retail Park due to its overall provision of
operators, which is drawing trade and shopping trips generated in the study area away from
Lichfield city centre” It goes on to state that in terms of bulky goods shopping, Ventura Park is
drawing shoppers away from the district. Lichfield retail park does not appear to be attracted the
level of shopping trips that would be expected at destination of this type.

Clearly this additional 7,092 sq m floorspace would only increase the already significant leakage of
retail expenditure outside of the district, which in turn may undermine planned investment at
Friarsgate. The District Council therefore objects to the proposals in view of the likely impacts on the
future vitality of Lichfield city centre.

7 **Additional Representations**

7.1 Three representations have been received. Two from the chair and vice chair of the BID (Business
Improvement District) steering group outlining the following comments:

- As a local business and Chair of the BID fully supportive of the proposed improvements, to
  strengthen the retail offer in Tamworth.
- Promote and market Tamworth as a destination to shop, stay and play.
- Concerns in terms of congestion, necessary to remark the lines from Tame Drive to A5.
- Signage also needs to be reviewed for new and existing users and how to navigate to the parks.
- Improve connectivity and encourage customers to park once and navigate the park on foot,
  requiring collaborative working across all sites. Improvement shopping environments will bring
  additional footfall and congestion therefore congestion needs to be addressed.
- Requires a more pedestrian friendly environment.
- Lighting needs to be better.

One from planning agents acting on behalf of the owner of the Gungate site for the following
reasons:

- Evident that the proposal does not accord with policy EC2 of the recently adopted Local Plan. There
  is a two stage process, firstly review the progress made at Gungate Precinct at 2020/21 and then
  consider the potential afforded elsewhere in accordance with policy EC1. EC2 does not provide for
  any other retail development coming forward.
- Incorrect application of the sequential test in respect of applications for extensions.
The Gungate site is currently available to accommodate additional retail development as indicated by policy EC2 of the Local Plan. As such the sequential test needs to be undertaken as the Gungate Precinct is an available site.

The overriding issue in Tamworth in recent years has been that the consistent grant of planning permission for additional development at Ventura Park has diluted operator demand for town centre floorspace. Indeed, the issue is so clearly apparent that the Council considered it necessary for Local Plan Policy EC2 to state that proposals for other retail development would only be considered after 2020/21. The grant of planning permission for these two application proposals would only further undermine the planned development at Gungate.

As such, we do not believe that it has been demonstrated that the proposals accord with Policy EC2 of the Tamworth Local Plan or the test articulated at the first bullet point of paragraph 26 of the NPPF. We believe that the failure to demonstrate compliance with key retail policies set out in both the NPPF and adopted development plan merits the refusal of both applications.

8 Planning Considerations

Policy and the principle of development;

8.1 Provisions of the development plan, the NPPF and the main material considerations

8.1.1 The most up to date national planning guidance which relates specifically to new retail developments (a main town centre use) are contained in the recently adopted Local Plan Policies relating to new retail developments are articulated in most notably in policies EC1 and EC2. The site itself is allocated within the proposal map as being out of centre retail and flood zone 3, but the site benefits from flood defences. As well as the local there is guidance within the National Planning Policy Framework and its practice guidance (NPPF).

8.1.2 The Tamworth Local Plan 2011-2031 (LP) was adopted in February 2016 and is based on the most up-to-date evidence. Substantial weight can be attributed to the policies within the LP and the evidence which underpins it.

8.1.4 A key element of the LP is to determine the strategy for delivering new main town centre uses within the town centre i.e. a town centre first approach where the town centre is the preferred location for the development of main town centre uses. The Plan’s supporting text acknowledges the importance of controlling new development within the out of centre retail parks (where the current application is proposed):

**Focussing retail and leisure investment in Tamworth Town Centre will balance the attraction with the out of town centre retail areas more towards the town centre. However, this will also require restricting the growth of the out of centre retail areas that could weaken the attraction of the town centre, especially until the Gungate redevelopment scheme becomes established. Whilst proposals to refurbish existing units and environmental and accessibility improvements will be encouraged, development which results in the creation of additional retail and or leisure floorspace at the existing out of centre retail parks at Ventura, Jolly Sailor, Cardinal Point & Tame Valley will therefore not be supported (para 4.18).**

8.1.5 Policy EC1 (Hierarchy of Centres for Town Centre Uses) of the LP states:

*If development involving a main town centre use...is proposed outside of the town centre...it must demonstrate:-*

a) Compliance with the sequential test  
b) Good accessibility by walking, cycling and public transport,  
c) That there will be no adverse impact on the vitality and viability of other existing centres  
d) Will not prejudice the delivery of other strategic objectives. “

This policy also provides a locally set threshold for impact assessments, which in relation to an application for main town centre uses in the out of town retail parks is required for new developments over 250 m2 gross. The impact assessment should consider the cumulative effect of the proposal on the town centre, local centres and neighbourhood centres, and where appropriate, other centres outside of the Borough. Where appropriate, the impact assessment should consider the impact of recently completed retail developments and any outstanding planning permissions for retail development, including, and, in particular, the Gungate redevelopment. Policy EC1 confirms
that, where it can be demonstrated that development would not have a significant adverse impact on a defined centres, or centres, the principle of development will be supported.

8.1.6 Policy EC2 (Supporting Investment in Tamworth Town Centre) of the LP states:

Development that will have a significant impact on the vitality and viability of the town centre and its function will not be supported unless it has been demonstrated that the wider economic benefits will outweigh the detriment to the town centre.

Within the explanatory text under Policy EC2 of the LP provides express support for the Gungate development:

The Gungate development is seen as critical to delivering the regeneration of the town centre in terms of improving its offer to complement that of the out of town retail areas. The compact nature of its development and high quality design will link into the historic network of existing streets and although predominantly retail led, there may be opportunities to incorporate a mixture of uses including residential, leisure and offices. The Gungate will therefore be a key catalyst for bringing forward further investment in surrounding areas, increasing the town centre’s attractiveness and overall viability and vitality.

8.1.7 Within policy EC2 of the LP it states in respect of Gungate:-

In particular, the Gungate Redevelopment Scheme for 20,660 sq m of comparison retail goods floorspace is proposed for completion prior to 2021. Other town centre uses will be permitted within this scheme in accordance with the criteria set out in policy EC3, and residential uses will be permitted on the upper floors.

If substantial progress has not been made towards securing the Gungate Scheme by 2020/21, the Council will review its retail requirement and will consider the potential for retail developments on other sites in accordance with the ‘town centre first’ hierarchy set out in policy EC1.

After 2021, planning permission will be granted for development such as retail (7,800 sq m comparison and 2,900 sq m convenience goods floorspace...”

This policy emphasises the policy support for the Gungate development but also the insertion of the timeframe acknowledges that the scheme has real challenges in making progress.

8.1.8 The fundamental objective underpinning the NPPF is the requirement for local planning authorities to adopt a positive approach to development, which secures sustainable economic growth. The NPPF at paragraphs 24, 26 and 27 requires the application of the sequential test and an assessment of the impacts of applications for new retail development outside of town centres, not in accordance with an up-to-date Local Plan. This is in order to secure sustainable patterns of development based on a town centre first policy.

In addition, there have been a number of recent court cases and planning appeal decisions that have dealt with the issues which surround applications for new retail development, including the application of the sequential test and retail impacts:

Tesco Stores Ltd v Dundee City Council [2012] UKSC 13 (Dundee).
R (on the application of Zurich Assurance Ltd t/a Thread needle Property Investments) v North Lincolnshire Council [2012] EWHC 3708 (Admin) (Zurich).
R (CBRE Lionbrook (General Partners) Ltd v Rugby BC [2014] EWHC 646 (Admin)
Cambridge Retail Park APP/E3525/A/13/2205251
Rushden Lakes APP/G2815/V/12/2190175
Meadowhall APP/J4423/A/13/2189803
BRAINTREE APP/Z1510/A/14/2219101
Telford APP/C3240/A/12/2172756
Exeter APP/Y1110/W/15/3005333
Aldergate Properties Limited v Mansfield District Council {2016} EWHC 1670 (Admin)

The LP, the decisions and the NPPF (including its practice guidance) are considered to be the main material considerations in determining the acceptability of this application in planning policy terms.
8.2 The sequential test (i.e. are more suitable town centre sites available):

8.2.1 The application of the sequential site assessment needs to be attached significant weight in assessing the acceptability of the proposal. This approach to site selection seeks to focus new development within existing town centres, where only if sites within or on the edge of the centre are not suitable or available will an out of centre site be appropriate. The application site, located at Ventura Park is an out of centre site, which is why the application of the sequential assessment to site selection is necessary.

8.2.2 The NPPF at paragraph 24 sets out the requirement for the sequential test:

Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

8.2.3 Paragraph 27 of the NPPF then confirms that:

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

8.2.4 At paragraph 10 of the PPG the considerations necessary in determining whether a proposal complies with the sequential test are set out:

- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge-of-centre or out-of-centre location, preference should be given to accessible sites that are well-connected to the town centre. Any associated reasoning should be set out clearly.

- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge-of-centre site can accommodate precisely the scale and form of development proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

- If there are no suitable sequentially preferable locations, the sequential test is passed.

8.2.5 In the application of the sequential test following relevant judgements and appeal decisions there are considered to be two main areas for assessment, the suitability and availability of sequentially preferable sites. Consideration of the suitability of sites has been referenced in a number of appeal and legal cases, most succinctly with the Inspector in the Rushden Lakes appeal. The Inspector considered that the Dundee case was of seminal importance and summarised what the case established in terms of suitability:

a) that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable size for the purposes of the sequential approach; and

b) that in terms of the size of the alternative site, provided that the applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site.

8.2.6 There are difficulties in applying the sequential test to extension proposals and whilst there are contrary cases such as an extension to Sainsbury in Telford and the Aldergate Properties v Mansfield District Council judgement. The applicant in this instance has assessed the suitability of four sites within the Town Centre to consider whether these are available.

8.2.7 In terms of availability, there is little guidance as to what constitutes availability within the NPPF or its guidance contrary to previous guidance, which allowed an amount of flexibility through allowing an assessment of sites that would be available within a reasonable time period. The issue of
availability has again been the subject of discussion in appeal decisions and judgements. The absence of any detailed guidance has led to conclusions in appeal decisions that sites need to be available to accommodate the development based on the needs of the applicant ‘in the real world’ i.e. is a site available to meet the time demands of the applicant. This point is outlined in the Rushden lakes and Braintree cases. In the earlier Lionbrook case the appropriate timescale within which the sequential test should be judged is considered to be a matter for the Council to determine based on the merits of the case and local circumstances.

8.2.8 The Lionbrook case outlines the relationship between suitability and availability in terms of the sequential test:

**the crucial question for the Council in applying the sequential test was whether there were sites in or on the edge of the town centre that were both suitable and available for comparison goods shopping development of an appropriate kind and scale. If such a site was both suitable and available, it would have priority over the application site. But if the only suitable sites were unavailable, or the only available sites unsuitable, that would not be so.**

Therefore it is necessary for a site to be both suitable and available in order to be reasonably considered as a sequentially preferable site.

8.2.9 The supporting Planning and Retail Statement consider 4 sites within the town centre against the requirements of the sequential test. The Council agree that these represent the only potential sites for the development located in sequentially superior locations to the current proposal. The sites assessed are; Middle Entry; Spinning School Lane; Arriva Bus Depot Site and Car Park; and Gungate.

8.2.10 The Council can accept that the Middle Entry site is not currently available. The majority of units are occupied and there has been no indication from the site owner that the site would be re-developed soon enough to reasonably be regarded as being available. Therefore Middle Entry can be discounted as not being available.

8.2.11 The Spinning School Lane and Arriva Bus Depot sites are both allocated within the LP (Policy HG1) for housing and as the sites are currently occupied (in part at least) by Staffordshire Police and Arriva respectively, it is therefore considered entirely reasonable to discount these two sites as not being available as there has been no indication that the current occupiers are to vacate the sites imminently.

8.2.12 However, the Gungate site has been resolved to approve outline planning permission for 20,660 sq.m. of predominantly retail floorspace subject to the completion of a section 106 agreement (0523/2016), it has been cleared and is currently being used as a car park. The delivery of Gungate is fundamental to the delivery of the retail element of the LP, and therefore needs to be carefully considered as part of this proposal based on the suitability and availability of the site.

**Suitability:**

8.2.13 The Matalan extension proposal is for 5,000 sq.metres (gross) floorspace of additional floorspace on top of the existing store of 2,500 sq. metres. The approved Gungate scheme has a total floorspace of 20,660 sq.m. (gross) and it is intended to be used for comparison goods retail. The sizes of the individual units approved within the outline approval does not provide for a single unit that would allow the whole of the current proposal to fit comfortably within. This issue has been raised by Indigo and they assert that this means that the Gungate site is not suitable to accommodate the development proposed.

8.2.14 However, it is reasonable and certainly plausible in the real world (taking into account previous responses received from Henry Boot) that they would be willing to amend the scheme to accommodate an alternative proposal for a unit of the size proposed, the required car parking, and servicing areas (which would not differ significantly from those approved) to be provided on the Gungate site. This is taking into account the potential for a new planning permission to be required on the site that would allow Matalan to trade from the site selling the wide range of town centre goods they intend within their proposed store. The Gungate site is therefore considered to be a site suitable of accommodating the development as proposed without significant alterations to the scheme.
Availability:

8.2.15 Gungate is identified as a key regeneration site within the town centre and planning permission was granted for a retail-led development of 20,660 sq.m (gross) on the site in 2010, which was subsequently renewed in 2013. This consent lapsed in late-2016, however, a new outline application for the development of the site is currently under consideration. The Rushden Lakes appeal decision confirms that 'in terms of availability NPPF [24] specifically asks whether town centre or edge of centres sites are “available.” It does not ask whether such sites are likely to become available during the remainder of the plan period or over a period of some years.' The Gungate scheme does not therefore yet benefit from detailed planning approval nor is there a detailed delivery programme in place.

Whilst comprising of a cleared site and being identified as a key strategic objective to support the regeneration of the town centre within the Local Plan, Gungate does not currently benefit from planning permission with the latest outline application until the legal agreement has been completed. This agreement is likely to be signed imminently, the correspondence submitted on behalf of Henry Boot dated 12th January 2017 in relation to the outline application confirms that they are continuing to engage with the market to secure an appropriate tenant line-up but ‘are not currently in a position to submit a detailed planning application for the site which would provide fixed details in relation to the exact arrangement and detailed design of the scheme as a complete tenant line-up has not yet been secured.’ The correspondence also confirms that its development option on the whole site will need to be re-secured once a detailed fixed scheme has been determined. There would also be the construction period to factor in before the Gungate scheme is ready to be occupied by retailers. On this basis, it remains entirely apparent that the Gungate scheme is still some way from delivery and therefore it is considered that the site is not available. The availability of the site within a timescale in which the Council consider to be soon enough to allow the site to be deemed an available sequentially preferable site is key to determining the acceptability of the current proposal and whether the sequential test is passed.

8.2.16 However, in response to this application Henry Boot previously advised that they could expedite the process of developing the site and with an anchor tenant on board (such as those within the applications) and that they could be at a point of practical build completion within 12 months of an agreement for lease. This would involve the submission and approval of a new planning application as part of that process and all that this would entail. It would not be unreasonable to consider that a site without planning permission could be considered an available site. Although, the current application which seeks a more flexible permission in response to the needs of the market and reaffirms Henry Boots commitment to the site it does not make the site available.

8.2.17 As detailed above there is no prescribed period on which to judge the matter of availability other than what is considered to be reasonable. In this respect, Indigo have highlighted that it is their tenants view that they are seeking to improve their retail offer so that they are able to complete effectively with Next and Next Home and capitalise on the shoppers who visit Phase 1 following the opening of that store. The retailers have indicated that they want the floorspace to be delivered as quickly as possible, within their submission the applicants have indicated within 4 months, however the car park will be required to be reconfigured as part of the proposal which is likely to take at least 18 months to complete. Therefore, it would be reasonable to expect the development to be started in 24 months at the latest.

8.2.18 As advised in recent decisions and judgements it is important that Council work in the real world, taking account of the commercial realities of Tamworth. In so far as Matalan currently operate from one site within the out of centre Retail Park it is unlikely that they would consider being the retail anchor for the Gungate site.

8.2.19 On balance, the Council are advised to consider the commercial realities of proposals in the real world and not one that applicant’s have no intention of living in, and the likely timescales that the submission and approval of reserved matters for the current scheme or the approval of a revised Gungate scheme would take to come forward leads to the conclusion that the Gungate site could not reasonable be considered to be available soon enough to be considered a sequentially preferable alternative to the current proposal.

8.2.20 In light of this conclusion the proposal for an extension to the Matalan store is considered to pass the sequential test. However, it is considered entirely reasonable for the proposed development to be for a limited time period of 24 months to allow for the implementation of the scheme. If the
scheme as currently proposed has not been implemented within this timescale year then this will allow the availability of the Gungate site to be re-assessed.

8.3 Retail impact

8.3.1 It is worthwhile establishing the mechanics of the proposal at this point before considering the retail impact of the proposed development.

8.3.2 Paragraph 26 of the NPPF states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq.m). This should include assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

8.3.3 Policy EC1 also sets a locally set threshold of 250 sq. metres. This requires an impact assessment that considers the cumulative effects of the proposals on the town centre, local centres and neighbourhood centres and, where appropriate, other centres outside of the Borough. Where appropriate the impact assessment should consider the impact on any recently completed retail developments and any outstanding planning permissions for retail development, including in particular, the Gungate redevelopment. Where it can be demonstrated that development would not have a significant adverse impact on the defined centre, or centres, the principle of development will be supported. In assessing these impacts in retail policy terms the assessment needs to be considered in terms of the proposal additional proposal of 5,000 sq metres, as detailed below in Table 1. This equates to the new side extension and a new mezzanine over the extension and existing shop.

<table>
<thead>
<tr>
<th></th>
<th>Existing / Approved Floorspace (m2)</th>
<th>Proposed Floorspace (m2)</th>
<th>Additional Floorspace (m2)</th>
<th>Total Floorspace (m2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground floor</td>
<td>2,320</td>
<td>1,430</td>
<td>3,750</td>
<td></td>
</tr>
<tr>
<td>Mezzanine</td>
<td>180</td>
<td>3,570</td>
<td>3,750</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,500</strong></td>
<td><strong>5,000</strong></td>
<td><strong>7,500</strong></td>
<td></td>
</tr>
</tbody>
</table>

8.3.5 Paragraph 27 of the NPPF as quoted above confirms that where an application is likely to have a significant adverse impact on one or more of the above factors, it should be refused.

8.3.6 The submitted impact assessment has been reviewed by ELG (England Lyle Good) and considered against the trading impact, impact on vitality and viability of the town centre and impact on investment in the town centre. The impact assessment has also considered that cumulative impact of the proposed mezzanines to Unit 2 (Halfords), Unit 5 (Mothercare), Unit 6 (Toys ‘R’ Us) (considered by application 0552/2016) which equates to an additional 2,082 sq metres, therefore the proposals will potentially result in an additional 7,082 sq metres (gross) of retail floorspace.

Trading Impact and Impact on Vitality and Viability:

8.3.7 An assessment of the trading impact of the proposal on the town centre is undertaken in order to assess the likely impacts of the proposal on the town centre and cumulatively with other recent permissions and commitments as a percentage of turnover. The predicted level of turnover in 2019 of the town centre was estimated to be in the region of £160.11m for comparison goods, with the applicants predicting a 0.8% solus impact and a 4.6% overall trade diversion impact including commitments on the town centre. In this context, it is not considered that it could be reasonably concluded that the predicted trading impact of the current proposals of 4.6% would give rise to a
significantly adverse impact on the vitality and viability of the town centre. ELG sensitivity assessment uses a much higher density than that applied by the applicant. This was used as a worst case scenario to test the robustness of the assessment. These predict a higher level of turnover uplift and a higher level of trade draw from the town centre (18%) and predict a 1.7% solus impact and a cumulative trade diversion with commitments of 5.1% impact on the town centre. It is acknowledged that there is unlikely to be any particular desire from the landowner to secure new tenants given that the existing occupants are national multiple retailers.

8.3.8 Trading impact needs to be considered in terms of the overall vitality and viability of the town centre. Both Indigo and ELG agree that the town centre has a better than average level of vitality and viability but that there are weaknesses that need to be addressed, and that there needs to be an appropriate retail offer which in the case of Tamworth needs to compliment the strong offer at the out of centre retail parks. It is the view of ELG that the proposal would not have wider economic benefits which would outweigh the impact on the town centre.

8.3.9 The NPPF para 26 and policy EC1 asserts as quoted above that development should be refused if a proposal would be likely to have a significant adverse impact on town centre vitality and viability. The advice of ELG is that even their higher level of predicted impact of 5.6% in comparison goods turnover would (in most instances) not be considered to be a significant adverse impact especially given the current good level of vitality and viability of the town centre. So whilst the proposal would undoubtedly have an impact on and compete with the existing comparison shops within the town centre that sells similar goods it is unlikely that there would be a demonstrable quantitative significant adverse impact on the vitality and viability of the town centre.

**Impact on Investment in the Town Centre:**

8.3.10 The impact of the proposal needs to be considered in light of its potential to impact on planned investment in the town centre, which in this case needs to be considered in terms of the delivery of the Gungate scheme. ELG have advised that whilst Gungate is identified within the adopted Development Plan as a key regeneration scheme within Tamworth Town Centre, the proposals do not benefit from full planning permission and tenants have not yet been secured. It is also considered that the Ventura scheme relates to improvements and expansion of floorspace to existing tenants and therefore will not take prospective tenants away from the town centre. It is apparent that the Gungate scheme has not reached a ‘very advanced’ stage given the lack of detailed planning permission or a fixed tenant and it could not be classes as planned investment that would be jeopardised by the current proposals.

8.4 Other Economic Considerations

8.4.1 The impact of the proposal on local employment is one of the criteria for determining the acceptability of new development proposals. Unfortunately there no substantial detail in terms of the increase in employees, the equivalent proposal at Next created around an additional 100 members of staff. Clearly the proposals would result in the creation of new jobs, which would be of benefit to the local community, and the Borough.

8.4.2 As part of an acknowledgement of the attractiveness of the out of centre retail parks to the south of the town centre (where the current application is proposed), and the desire to improve the attractiveness of the existing links between the town centre and these retail parks the Council commissioned what is known as the ‘Tamworth Linkages Project’ which details projects and schemes to improve these links. Members will be aware of the recent transformation that has taken place along Ladybridge to improve its attractiveness and usability. This project has been formalised and forms part of the LP evidence base. The importance of these links is acknowledged in Polices EC2 and EC5 and at Figure 4.1 of the LP.

8.4.3 Policy EC2 of the LP states:

*Tamworth Town Centre will benefit from improved connectivity in terms of cycling, walking and public transport, to and from the existing out of town retail areas, …. Where possible development should contribute to enhancing the public realm through high quality building design, the town centre’s open spaces and linkages at strategic entrances to the town centre.*
8.4.4 The applicant as part of their submission have proposed to make a contribution of £75k towards the Tamworth Linkages project through a unilateral undertaking (under Section 106 of the Act), that includes (£50k from this application for Matalan (5,000 metres sq. and £25k from the mezzanine scheme (2,082 metres sq.)]. This contribution is proposed on the basis that the contribution is to be spent on improving the links between the site and the town centre and are proportionate to the contributions sought on the scheme for the application at Next. In this case the project identifies a number of improvements to the Riverdrive roundabout which include the improvement to the existing pedestrian crossings to make them more attractive to users and the provision of signage to encourage walking in the vicinity of the site.

8.4.5 It is considered that the proposed contribution towards the Tamworth Linkages Project would be appropriate in order to contribute towards enhancing the public realm in the vicinity of the site and enhancing the links between the site and the town centre. This would help to mitigate some of the impacts on the town centre as a result of the proposal though increasing the attractiveness of the links form the site to the town centre. This contribution is considered to be in compliance with the requirements of the NPPF, its guidance and the CIL Regulations.

8.5 Design and layout

8.5.1 An important consideration in determining the acceptability of this proposal is the impact of the proposed development on the character and appearance of its immediate environs. The importance of design is highlighted in the adopted Local Plan Policy EN5 and paragraph 64 of the NPPF. The site is located within the confines of Ventura Park, an out of town retail park that has developed over the last 25 years with building styles and designs which reflect changes in retail design over this period. The proposal will reflect the most recently constructed Next extension at the northern end of phase 1 which this proposal will echo and will provide a book end to match. Other more recent schemes include the John Lewis Home store, Cardinal Point Retail Park, and the 3 restaurant units constructed on the former Allied Carpets site. These buildings have generally been constructed in dark modular cladding, with integrated glazed areas which give a modern crisp appearance.

8.5.2 The extension to the existing unit is proposed to the south of the building, replaces the existing car parking area, and extends the bulk of the building closer to Ventura Park Road. Building on the good work that has already been carried out, as part of the Next scheme, the applicant’s have taken the opportunity of the proposed extension to update the whole façade of the building to provide a unified design across the prominent elevations. The building is proposed with a stone like frame, which sits around large glazed areas. The glazed areas are set back from the surrounding pillars (which appear to support the building) and provide an element of shadow which will provide the building with some depth and will complement the recently approved enhancements in the area.

8.5.3 A number of the existing units within Ventura Park have undergone different forms of elevation makeovers to provide more substantial glazed frontages, the previous Next store (Smyth’s toy supermarket) within Ventura Park Phase 2 (to the east of the application site) and new Next store within Phase 1 directly adjacent to the application site. These alterations are considered to have significantly improved the appearance and attractiveness of the units, and the current proposals are a further improvement to this and show how ‘big box’ out of centre retail design has evolved for the better since the early 1990s when the units were first constructed.

8.5.4 The modern and crisp design of the building would improve the appearance of this part of Ventura Park and would have a positive impact on the retail park and enhance its built character. The proposal in design terms is therefore considered to comply with the requirements of LP Policy EN5 and paragraph 64 of the NPPF.

8.6 Highway safety

8.6.1 The site (and the whole of Ventura Park Phase 1) benefits from a single vehicular access from a roundabout on Ventura Park Road, which also provides access to Asda and Ventura Park Phase 2. A Transport Assessment (TA) and Car Park Management Plan has been submitted in support of the application. The TA assesses the existing conditions, sustainable transport, development plans and highway impact assessment.

8.6.2 The Highway Authority have confirmed that due consideration has been given to the impact additional vehicular trips would have on the local highway network and agree with the assessment
undertaken that the local road network would continue to operate within capacity during the peak periods (weekday am and pm and Saturday peak).

8.6.3 Due to the location of the proposed extension to the south of the existing building and the creation of a hard surfaced area in front of the store 23 parking spaces are lost as a result of the proposal. This results in the whole customer parking area for Ventura Park Phase 1 providing 429 car parking spaces. However, there is also a proposal to reconfigure the existing parking and provide 516 spaces which includes 479 standard spaces, 27 disabled spaces and 10 parent & child spaces. This is a 13% increase in the number of parking spaces compared with the existing number of spaces. In support of the application a car park occupancy survey was undertaken. The survey identified the maximum occupancy recorded was approximately 85% capacity with more than 60 spaces still available, mostly at the northern end of the car park. Taking into account the proposed extensions and mezzanines along with the additional parking the occupancy level of the car park would equate to 90% during peak times. Additional staff car parking to the rear of Phase 1 and Phase 2 are proposed to encourage staff to use the allocated staff spaces rather than the customer space at the front. The proposed vehicular trip generation undertaken for the proposed development (taking into account a reduction for linked trips) identifies an additional 81 arrivals and 91 departures during the Saturday peak (3pm-4pm) as a result of the extension. It is therefore considered that the capacity of the car park as a result of the proposal would be able to accommodate the additional demand placed on it as a result of the proposed development. This view has been confirmed by the Highway Authority.

8.6.4 The impact of the additional traffic during the weekdays morning peak hour, the weekday evening peak hour and the Saturday peak hour has been assessed using the Ventura Park LinSig network model. This model includes all committed development, and the results indicate that the network generally operates within capacity during all the peak hours but there are some isolated links/junctions where the network is operating close to capacity. However, from a highway point of view the impact of the traffic associated with the proposed extensions is minor, with no reduction in operating capacity during any of the peak periods. In view of the above it is considered that the net impact of the development generated traffic on the Ventura Park highway network is not severe.

8.6.5 Whilst the current issues and concerns with regard to car parking and traffic generation on Ventura Park are acknowledged, the information submitted is considered to adequately address these concerns in respect of the current application. However in order to ensure that this remains the case the Highway Authority have requested that a Construction Vehicle Management Plan and a Car Parking Management Plan are submitted and approved as part of a mitigation strategy. The applicant’s have indicated that they are willing to enter into such an agreement.

8.6.6 The site is considered to be located in an area which is generally well served by alternative modes of transport to the private car, with regular bus services to and from the town centre during the day provided at Bitterscote Drive and Ventura Park Road. For an out of centre retail location the site is considered to be reasonably well catered for by existing bus services. In addition, the applicant has included the provision of a cycle parking areas to the front of the building in order to encourage the use of cycles.

8.6.7 As a result of the assessments undertaken, and the requirement to submit Construction Vehicle Management Plan and a Car Parking Management Plan the impact of the proposal on the local highway network and the level of parking provision at the site the proposal is not considered to give rise to significant or severe impacts and is therefore considered to comply with the requirements of LP Policies EN5 and SU1 and paragraph 32 of the NPPF.

8.7 Flood risk and drainage;

8.7.1 The application site is located within Flood Zone 3, which represents an area with a greater than 1% chance of annually flooding. However, the site does benefit from existing flood defences. A Flood Risk and Run-off Assessment (FRA) has been submitted in support of the application. The report concludes that as the site of the proposed extension is currently an impermeable area there will be no increase in run-off from the proposed development. The Environment Agency has confirmed that they have no objections to the proposal on flood risk grounds.

8.8 Phasing
8.8.1 In terms of phasing of the development the applicants have set out a high level timeline. Firstly, the works would be undertaken to the front façade, then the mezzanines and then the Matalan extension on a phase basis to allow the continuity of trade as far as possible and to fit in with individual retailers peak trading times. Works to the façade will commence from the 'Next end' towards the Matalan end. Secondly, works would be undertaken to the staff car park at the rear of Phase 1 (and Phase 2), this work to be undertaken at the same time along with the elevational works. Thirdly, works would begin on the car park reconfiguration and the works to the visitor car park would have to be completed prior to either the mezzanines or Matalan extension being brought into use. Finally, the Matalan extension and mezzanines extensions would be completed.

8.8.2 The applicants have indicated a number of constraints in terms of timescales as follows:
1. Assuming the section 106 will take to mid May 2017 this gives until mid Nov 2018 to implement the works (18 months).
2. Discharge of pre-commencement conditions prior to starting works should take circa 8 weeks.
3. Tender works lead in time circa 18th September 2017 at earliest.
4. Can be on site for 6 weeks, however have contractual obligations not carry out any works in November or December.
5. Recomence works on 8th January 2018.
6. Leaves 42 weeks for completion of car parks and tendering, placing of contracts and commencement of building works, together with all necessary agreement necessary with sitting tenants.
7. Car park works will have to phased to ensure a "reasonable" amount of parking is available at all times. To achieve that estimate 4 phases will be necessary, with first 3 phases being 8-10 weeks long and fourth phase being 4 weeks long. From this completion of car parks would be end of Jul 2018. Estimated completion date end of August 2018 taking into account a months float-time.
8. Developing the mezzanine and extension will require agreements with the "live" retail units to install temporary partitions, will be difficult to reach agreement until car park works are complete. Therefore, not in a position to place contract until September 2018 and therefore not be on site with mezzanine and extensions until October 2018.
9. Element of flexibility is required with the tight timescales and therefore car park/mezzanines can be carried out with 18 months by the Matalan extension requires a time limit of 24 months.
10. Aucott's want to ensure that all construction works are phased in a way that minimises disruption for the tenants as well as being cost effective. This will ensure that the car park is operational in a reasonable amount of time. Due to the requirements and agreements from each tenants, the permissions will need to allow for flexibility of the phasing works to ensure that all tenants are able to continue to trade efficiently.

8.9 Decision

8.9.1 Due to the size and scale of extension if the application is approved under the Town and Country Planning (Consultation) (England) Direction 2009 we must refer the application to the Department for Communities and Local Governments National Planning Casework Unit. They will either agree to determine the application or leave it to the Tamworth Borough Council to determine the application.

8.10 Conclusion

8.10.1 This recommendation is one which is finely balanced. However, the requirements for Local Planning Authorities to act in the real world taking in to account relevant material considerations in addition to planning policy and guidance in taking decisions on planning application has led to this recommendation for approval.

8.10.2 Whilst the preferred location for any new retail floor space is the town centre, in this instance and as a result of a detailed assessment of the suitability and availability of sites within the town centre there are not considered to be any available suitable sequentially preferable sites that could accommodate the proposal at this point in time, which justifies the limited time period for the implementation of the proposal. Following careful consideration the impacts associated with the proposal on the town centre in terms of impacts on retail trading, the vitality and viability of the town centre and on the delivery of the Gungate site the proposal is not considered to have a demonstrable significant adverse impact on these matters.
The physical alterations to the existing building and the updating of its current tired appearance with a modern and crisply designed new building would improve the appearance of this part of Ventura Park and would have a positive impact on the retail park and enhance its built character. This coupled with potential additional jobs created, and contributions towards improving the attractiveness of the links from the site to the town centre all weigh in favour of the proposal.

In addition, the proposal is not considered to impact detrimentally on highway safety or increase flood risk. The proposal is therefore considered to comply with the provisions of the National Planning Policy Framework and its practice guidance, Policies EC1, EC2, EC5, EN5 and SU1 of the Tamworth Local Plan 2011-2031, and the relevant material considerations identified within this report.

**Conditions / Reasons**

1. The development shall be started within two years of the date of this permission. Reason: In the interests of ensuring that the development is implemented when the need for the development is pertinent, if the development has not been commenced within 2 year the Council wish to re-visit their assessment of the proposal as it is likely that the material considerations of this case will have changed. In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall only be carried out in accordance with the application form and the following Drawing Numbers:
   - 2752-301 Revision B Existing Site Plan
   - 2752-302 Revision B Existing Plans
   - 2752-303 Revision B Existing Elevations
   - 2752-304 Revision E Proposed Site Plan
   - 2752-305 Revision E Proposed Ground Floor Plan
   - 2752-306 Revision E Proposed First Floor Plan
   - 2752-307 Revision C Proposed Elevations
   unless otherwise agreed in writing by the Local Planning Authority. Reason: To define the approval.

3. No development (including demolition) shall take place until a Highways Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for :
   - A site compound with associated temporary buildings
   - The parking of vehicles of site operatives and visitors
   - Times of deliveries including details of loading and unloading of plant and materials
   - Storage of plant and materials used in constructing the development
   - Duration of works
   - Wheel wash facilities (if required)
   - Appropriate routing agreement using the most appropriate access route
   The approved Statement shall be adhered to throughout the construction period.
   Reason: In the interests of highway safety and to ensure that the construction period of the development is managed in an efficient way and to reduce the likelihood of vehicles queuing on the adopted highway as recommended by the Highway Authority in accordance with Policy EN5 and SU2 of the Tamworth Local Plan 2011-2031.

4. No development hereby approved shall be commenced until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved by the Local Planning Authority in writing, the development shall thereafter be completed in accordance with the approved details. Reason: To ensure a satisfactory external appearance to the development in accordance with Policy EN5 of the Tamworth Local Plan 2011-2031.

5. The extension hereby approved shall not be used for the sale of food and shall be used only in connection with and ancillary to the existing retail use and shall not be sold, occupied or used as a separate retail unit.
   Reason: To ensure that the Borough Council’s policies relating to retailing are not prejudiced in particular policy EC1 and EC2 of the adopted Local Plan and guidance in the NPPF.

6. No development shall commence until a Phasing Strategy for the implementation of the extension and mezzanine has been submitted and approved in writing by the Local Planning Authority. The
development hereby approved shall be carried out in accordance with approved scheme unless otherwise agreed in writing.
Reason: In the interests of ensuring that the development is implemented when the need for the development is pertinent and the Council may wish to re-visit their assessment of the proposal as it is likely that the material considerations of this case will have changed.

7. No development shall commence until the revised staff and visitor car parking has been provided as indicated on Drawing No. 2752/700, Revision J and shall thereafter be retained as such for the lifetime of the development.
Reason: In the interests of highway safety and to ensure that the development is managed in an efficient way and to reduce the likelihood of vehicles queuing on the adopted highway as recommended by the Highway Authority in accordance with Policy EN5 and SU2 of the Tamworth Local Plan 2011-2031.

**Informative Notes**

1. The applicant is advised to note the following comments of the Lead Local Flood Authority: The treatment and any diversion of the Tame tributary 925mm culvert would require the prior written approval of the Staffordshire County Council Flood Risk Management Team under s.23 of the Land Drainage Act 1991 so we are able to assess the preferred option. In order to give our Consent to this scheme, we welcome as-built drawings, a method statement, calculations to demonstrate no undue loading and long sections. We would welcome foundation details to ascertain the proximity for any future improvement works to the culverted stretch. Application for Consent costs £50 and we will work with the Applicant to ensure that the scheme is not unduly delayed by virtue of applying for Consent.

2. The applicant is advised to note the comments of Joint waste Services: It is a legal requirement that commercial waste is securely contained in suitable and sufficient containers, cannot be vandalised, kicked over or interfered with and transferred to a suitable licensed person for transport and disposal. Provision must also be made to remove a stream of recycling material from their waste.