PLANNING COMMITTEE

28th February 2017

SCHEDULE OF APPLICATIONS

REPORT OF THE DIRECTOR (GROWTH, ASSETS AND ENVIRONMENT)
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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: 0496/2016
Development: Demolition of existing garages and erection of one bungalow including landscaping
Location: Parking spaces adjacent 69-90 Broadsmeath Kettlebrook Tamworth.
Recommendation  Approval with conditions

Application Number: 0523/2016
Development: Outline planning application for the development of up to 20,660 sq. m. commercial floorspace including retail (use class A1), food and drink (use class A3/A4) and leisure (use class D2)
Location: Gungate Precinct & Surrounding Land & Buildings Lower Gungate Tamworth Staffordshire
Recommendation
1. Approval with conditions and a Section 106 agreement in respect of a Framework Travel Plan, along with a financial contribution of £11,100 towards its monitoring.
2. If the terms of the Section 106 Agreement have not been agreed by the 1st March 2017, or a further extension of time for determination of the application agreed with the applicant, 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 D  Appeals decided

Application Ref: 0139/2016
Appeal Ref: APP/Z3445/D/16/3163280
Development: Erection of a single storey self-contained dwelling
Address: 19 Orchard Street
Decision  Appeal allowed
1. **Description of Proposal**

1.1 This application seeks full planning approval for the demolition of existing garages and the erection of one dwelling with associated parking and private amenity space at Land adjacent to 69-90 Broadsmeath, Tamworth. The proposed property is a single storey dwelling located at the front of the site adjacent to the existing car parking area. The dwelling will be served by a carport and a separate allocated parking space which will be utilised from the existing car park. The access to the site from the public highway will remain unaltered.

2. **Site description**

2.1 The application site currently consists of 13 private garages and two of the parking spaces of the adjacent car park which is accessed off the residential street of Broadsmeath. The garage complex is single storey with two flat roofed runs with a hard surfaced area in the middle. The site is surrounded by the rear gardens of dwellings located on Broadsmeath and is accessed from the east through the existing site access.

3. **Summary of Planning Considerations**

3.1 The proposed development is acceptable in principle and would be of an acceptable design which would not cause significant harm to the amenity of adjacent residential properties. As the occupancy of the garages has diminished over time and the adjacent car park can cater for a small amount of displacement, the development will not cause significant harm or disturbance in respect of car parking.

**Recommendations**

Approval with conditions.
REPORT

4. Policies

Tamworth Local Plan 2006-2031

SS1 - The Spatial Strategy for Tamworth
SS2 – Presumption in Favour of Sustainable Development
HG1 – Housing
HG4 – Affordable Housing
HG5 – Housing Mix
HG6 – Housing Density
EN4 – Protecting and Enhancing Biodiversity
EN5 – Design and New Development
SU7 – Sport and Recreation
IM1 – Infrastructure and Developer Contributions
Appendix A – Housing Trajectory
Appendix C – Car Parking Standard

5. Consultation Responses

5.1 Staffordshire County Council Highways Department

Following an initial objection due to insufficient information being present, the Highways Department removed their objection following receipt of a parking survey and request that conditions in relation to parking provision are imposed upon any approval granted.

5.2 Tamworth Borough Council Waste Management

Comments passed over waste management requirements.

6. Equality Implications

6.1 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.

7. Planning Considerations

7.1 The main planning considerations in relation to this application are;

- Principle of development
- Design, impact upon the street scene
- Impact upon neighbouring amenity
- Parking provision and highway safety
- Trees and biodiversity
- Land contamination
- Planning obligations

7.2 Principle of development

The National Planning Policy Framework and Policy SS2 of the adopted Tamworth Local Plan advocates for the presumption in favour of sustainable development and where development is considered to be sustainable, planning permission will be granted without delay unless material considerations indicate otherwise. This application site does not form part of the allocated housing sites defined by policy HG1 of the adopted Local Plan however, the site forms part of a residential estate which is adequately served by public transport and a defined Local Centre (LC4) and therefore the site is considered to be a sustainable location for residential development.
7.3 Design, impact upon the street scene

7.3.1 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.

7.3.2 The existing garage site contributes little towards the visual appearance and character of the area, being constructed of poor materials and now appearing dated. The proposed development seeks to remove the garage structures and erect a single storey dwelling in their place. The development will essentially reduce the depth of the site leaving just the depth of the car park before the site meets the fence and side wall of the dwelling. In addition, low level landscaping is proposed to delineate the private and public space and to prevent unwanted attention towards the side wall of the dwelling. From the street scene the carport structure will appear as an attached garage and residential in character. The parking court in front of the dwelling will remain (save for two of the existing spaces) but with a more visually attractive feature at the rear of the site. The appearance of the dwelling although single storey, will not be detrimental to the character of the area as it will have a pitched roof and be constructed using bricks which are compatible with materials which feature in the wider area.

7.3.3 The appearance of the proposed dwelling and the alterations to this site are considered to be acceptable and accord with policy EN5 of the adopted Local Plan.

7.4 Impact upon neighbouring amenity

7.4.1 Policy EN5 – Design and New Development states that 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.

7.4.2 The proposed dwelling is to be single storey in nature with an eaves height of 2.3 metres and a ridge height of 4.4 metres. The plot is surrounded by dwellings to the north, west and south with the closest property being approximately 15.5 metres away (to the south). This separation distance is considered to be sufficient enough, given the single storey nature of the proposal for the development not to cause significant harm through the loss of light or the building being overbearing. Conversely, there is sufficient separation distances, given the presence of 1.8 metres fences, for the occupiers of the surrounding properties not to have any significant views into the private window areas of the property.

7.4.3 The proposed property will not have any windows facing onto the car park so will not be disturbed through passing headlights. The private space is to be clearly demarcated against the public parking area it is considered that this design will be compatible. The private amenity space is modest but given the level of accommodation proposed it is considered to be on the lower limits of adequate. For these reasons the proposal is considered to be acceptable in terms of its impact upon neighbouring amenity and the amenity of the future occupiers.

7.5 Parking provision and highway safety

7.5.1 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.

7.5.2 The application proposes for the dwelling to be served by two off road parking spaces and this provision is satisfactory given the size of the dwellings. The site currently offers off road parking for 13 vehicles in the form of secured garages operated and maintained by the borough Council. Evidence has been produced by the Borough Council which demonstrates that the occupancy rates of the garages has been declining for a number of years and currently sits at 4 with no indication of rising within the near future. Of these 4, 3 have been re-allocated space on alternative sites resulting in a displacement of 1 parking space. The statement explains that there are other garage sites nearby at Allensmead which could cater for this one space if sought by a resident. It has been noted that various cars currently park in front of the redundant garages without the relevant permission.
first being obtained from the Council. Such a use of the site is unauthorised and has not formed part of the assessment above. The loss of the garages will therefore not have a significant impact upon the safety of the highway network.

7.5.3 As part of the development, the current parking court adjacent to the garage site will be reduced in capacity from 16 to 14 spaces as two of the spaces are to be used by the new dwelling. To assess the impact this reduction would have upon the highway network, the applicant has submitted a parking survey to ascertain the current usage of the spaces. The survey took place over a 7 day period and monitored the usage of the spaces in both the morning and evening hours as well as at the weekend. The survey also took account of the cars which were parked within the garage site which was averagely 2 vehicles.

7.5.4 The results of the survey show that at no point, was the car park itself occupied to its full capacity and only on a Sunday evening did the amount of vehicles using the facility peak at 15 vehicles. The second busiest time was a Friday evening which amounted to 14 and the highest number of vehicles present within any morning period was also 13.

7.5.5 It is considered that the evidence within the parking survey clearly demonstrates that the vast majority of the time the parking court is not being used to its full capacity and only for a brief period of a Sunday evening were 15 spaces being utilised. As such, the loss of two spaces to facilitate the off road private car parking facility for the new dwelling will not have a significant detrimental impact upon the capacity of the off street parking provision within Broadsmeath and consequently will not harm highway safety.

7.6 Trees and biodiversity

7.6.1 Policy EN4 – Protecting and Enhancing Biodiversity requires development to incorporate the planting of native tree species where appropriate to the site and states that developments that would involve the removal of any tree, woodland or hedgerow, which contributes significantly to its setting, local landscape character or its surroundings, will be resisted unless the wider benefits of the development are sufficient to offset the loss and cannot be avoided by appropriate siting or design. Where removal is justified and unavoidable, suitable and appropriate mitigation planting will be required to offset the loss of these features.

7.6.2 There are no trees within the development site and no species immediately adjacent the development site are worthy of protection with a Tree Preservation Order. As such, no protection measures will be imposed upon the development in this instance. Any damage caused to adjacent trees would be a civil matter between the both land owners.

7.7 Land contamination

7.7.1 The application site currently hosts single storey garage which have been used to store domestic vehicles and goods associated with the nearby residential accommodation. The storing of motor vehicles and associated paraphernalia has the potential to lead to contaminants being stored or spilled and in order to gain a greater understanding of the issues it is considered appropriate and necessary to ensure that a desktop study in relation to land contamination is carried out prior to the commencement of development. If the results of the desktop study reveal that an intrusive survey is required and mitigation measures are taken place prior to the development commencing these will also be ensured by condition. It is considered that this approach is sufficient to adequately safeguard the proposed occupiers of the dwellings from potentially

7.8 Planning obligations

7.8.1 Policy IM1 states that planning permission for new development will only be granted if it is supported by appropriate infrastructure. In this instance, the proposed development of one residential property would impact on existing open space and a contribution of £500 is considered applicable. This will be secured through an appropriate mechanism, prior to the commencement of development.

7.9 Summary

The proposed development is acceptable in principle and would be of an acceptable design which would not cause significant harm to the amenity of adjacent residential properties. As the occupancy of the garages has diminished over time and the adjacent car park can cater for a small amount of
displacement, the development will not cause significant harm or disturbance in respect of car parking. The proposed development is considered to accord with the relevant adopted Local Plan policies and in the 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 Layout Drw No. 1141-06-20B, Topographical Survey Drw No. F16-1806-1, Floor Plan and Roof Plan Drw No. 12411-06-18A and Elevations and Section Drw No. 1441-06-19B unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the permission.

3. Prior to the commencement of the development hereby approved details of all materials to be used in the construction of the external surfaces of the development shall be submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure a satisfactory external appearance to the development in accordance with policy EN5: Design of New Development as set out in the Tamworth Local Plan 2006-2031.

4. a) Prior to development commencing, a suitable and appropriate investigation of the site to determine the degree and extent of any contamination present shall be undertaken. This shall establish the impact that any identified contaminants will have on the proposed development and surrounding environs. An assessment of the investigation shall be undertaken by the applicant having regard to current prevailing standards and guidance on the development of contaminated sites. The assessment and investigation findings shall be submitted in a report to, and approved in writing by, the local planning authority prior to the development commencing.

b) If the investigation and assessment carried out in accordance with section (a) of this condition identify that remedial work is required to facilitate the proposed development, a suitable and appropriate scheme of remediation shall be drawn up by the applicant and submitted to the local planning authority for approval prior to development commencing.

c) Any proposed and approved scheme in consequence of section (b) of this condition shall be implemented prior to (or subject to the specific agreement of the local planning authority, during the course of) the development taking place. The applicant is required to take steps to ensure appropriate and competent monitoring and supervision of the execution of the approved remediation scheme. On completion a certificate (which shall include a report of the remediation measures implemented) shall be submitted to the local planning authority certifying the satisfactory execution of the approved remediation scheme. The development shall not be brought into use until the local planning authority has approved the submitted certificate and validation report. Any variation of the approved scheme shall only be permitted with the written consent of the local planning authority.

Reason: In order to ensure any necessary special measures or remedial work are satisfactorily carried out in the interest of the health and safety of future users of the land.

5. No dwelling shall be occupied until the parking spaces approved by the Local Planning Authority have been provided. The spaces shall then be retained for the parking of vehicles only.

Reason: To ensure that adequate provision is made for the parking of vehicles clear of the highway in the interests of highway safety and in accordance policy EN5: Design of New development and Appendix C (parking standards) as set out in the adopted Tamworth Local Plan 2006-2031.
6. No development shall commence until a scheme towards the enhancement of existing open space located within the vicinity of the application site has been submitted and approved in writing by the Local Planning Authority. No dwelling hereby approved shall be occupied until the approved scheme has been carried out.

Reason: To ensure that an enhanced level of open space provision is made to cater for existing and new residents in accordance with Policy IM1 of the Tamworth Local Plan 2006-2031.
1. **Introduction**

1.1 On the 7th October 2009 the Planning Committee resolved to grant outline planning permission for 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. The permission was subject to a Section 106 Agreement relating to highway infrastructure at Ventura Park and a Green Travel Plan. The application was also subject to referral to the Secretary of State prior to the issue of the decision. Following referral to the Secretary of State, as required by statute and the signing of the Section 106 Agreement by the interested parties a planning permission was issued on 1st July 2010. The permission granted required the submission of all reserved matters within 3 years of the date of the outline planning permission i.e. by 1st July 2013.

1.2 The applicant had not submitted details within the 3 year period and therefore subsequently submitted an application to extend the period of time limit for implementation of the application. This renewal application expired on the 29th November 2016. The current application was registered on 24th November 2016. The application seeks outline planning approval with all matters of detail reserved for future approval.

2. **Proposal**

2.1 The application seeks outline planning approval with all matters of detail reserved for future approval.

2.2 The planning and retail statement and accompanying plans provide plans which indicate how the proposed amount of development could be provided on a scheme. This indicates a development spread over 6 levels. The lower 2 levels could comprise servicing and car parking, the middle 2 levels retail space and the upper 2 levels additional car parking. These drawings are purely indicative only to demonstrate that the quantum of development can be accommodated on the site. Details in relation to the layout, scale, appearance, access and landscaping will have to be submitted to the local planning authority for approval at the reserved matters stage.

2.3 Pedestrian access to the development would be achieved from Lower Gungate and Spinning School Lane.

2.4 Vehicular access to the car parking is from Spinning School Lane with service access from Marmion Street.

3. **Site and Surroundings**

3.1 The application site measures 1.64 hectares and is located on the eastern side of the town centre.

3.2 The site is bounded by the Almshouses and Spinning School Lane to the north, Marmion Street to the east, Lower Gungate and Colehill to the west and Victoria Road to the south.

3.3 The site overlaps the Town Centre and Albert Road/Victoria Road Conservation Areas

3.4 The area contains a mix of uses with residential/offices uses predominating to the north and east and retail/leisure uses to the south and west.
3.5 As is required under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, a Screening Opinion was undertaken and it was determined that the application did not require an Environmental Impact Assessment.

3.6 The current application was registered on 24th November 2016. The application seeks outline planning approval with all matters of detail reserved for future approval.

3.7 The planning and retail statement and accompanying plans are purely indicative and show that the quantum of floor space could be achieved through a development spread over 6 levels. The lower 2 levels could comprise servicing and car parking, the middle 2 levels retail space and the upper 2 levels additional car parking. Pedestrian access to the development could be achieved from Lower Gungate and Spinning School Lane. Vehicular access to the car parking could be from Spinning School lane with service access from Marmion Street.

3.8 The application is supported by the following documents:

- Design and Access Statement;
- Planning and Retail Statement;
- Transport Assessment;
- Heritage Statement,
- Flood Risk Assessment,
- Geotechnical report and Ground Investigation Report; and
- Indicative plans and elevations

4. **Key Issues**

4.1 The key issues in assessing the merits of the proposed scheme are considered to be;

- Principle and Policy
- The Masterplan
- The Historic Environment
- Transportation issues
- Deliverability
- Other matters

5. **Conclusion**

5.1 The application seeks permission for the erection of a retail led development, which is the preferred location for any new retail in the town centre. The proposal accords with policies EC1 and EC2 of the adopted Tamworth Local Plan. Given the continued support, in local plan policy and national guidance, for the development of retail led development on the Gungate site is considered acceptable.

5.2 In addition, the proposal is not considered to impact detrimentally on highway safety with access to public transport, cycle and walking routes and subject to conditions would not increase flood risk. The development is therefore considered to comply with the requirements of the NPPF, Polices SS1, SS2, EC1, EC2 EC3, EC5, EN5, EN6, SU1, SU2 and IM1 of the Tamworth Local Plan 2006-2031, and the relevant material considerations identified within this report.

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**Recommendation**

1. Approval with conditions and a Section 106 agreement in respect of a Framework Travel Plan, along with a financial contribution of £11,100 towards its monitoring.
2. If the terms of the Section 106 Agreement have not been agreed by the 1st March 2017 or a further extension of time for determination of the application agreed with the applicant, 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.
6. Relevant Site History

6.1 Whilst there is an extensive planning history relating the former use of the site the most relevant application relates to the original outline application for the redevelopment of the site planning reference 0557/2008 and its subsequent renewal 0178/2013. This renewal application expired on the 29th November 2016.

7. Consultation Responses

Tamworth Borough Council (Development Plans Manager and Conservation Officer)

7.1 No objections to the scheme. As the planning application is in outline form with matters of design reserved, I do not consider that the granting of outline consent would harm the character and appearance of the conservation area of the significance of surrounding designated or non-designated heritage assets, as this will be determined within the reserved matters stage.

Tamworth Borough Council (Economic Development)

7.2 No objections

Tamworth Borough Council (Waste Management)

7.3 No objections

Tamworth Borough Council (Environmental Protection and Food Safety)

7.4 No objections subject to conditions

Staffordshire County Council (Highways and Transportation)

7.5 There are no objections on highway grounds subject to conditions in respect of access, construction management plan and cycle provision. Also requirements for a travel plan through a planning obligation.

Staffordshire County Council (Environment and Countryside)

7.6 An archaeological evaluation carried out in 2005 demonstrated the survival of medieval archaeology across the site. This in turn may suggest the potential for Anglo-Saxon remains to survive at lower levels associated with the development of the royal burh and town at this time.

7.7 It is advised that archaeological excavation be carried out within the areas impacted by the proposed scheme. This approach is supported by National Planning Policy Framework paragraph 141.

7.8 The archaeological excavation should be carried out by a suitably experienced archaeological organisation working in accordance with recognised standards, guidance and codes of conduct.

7.9 The County Council considers that the archaeological exaction work could be secured by a planning condition and has provided a form of wording that they would support.

7.10 The County Council would welcome the opportunity to discuss the site with the Borough Council and the applicant to develop an appropriate archaeological strategy.

Staffordshire County Council (Fire and Rescue)

7.11 Roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property should be capable of withstanding the weight of a Staffordshire fire fighting appliance (G.V.W. of 17800 Kg)

7.12 Staffordshire Fire and rescue service would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems as part of a total protection system.
Staffordshire County Council (Flood Risk)

7.13 There does not appear to be any surface water flooding in the vicinity of the Gungate Precinct. On the basis that some analysis of Flood Risk has taken place before, and been approved, there are no comments to make on this application.

Historic England

7.14 In view of the previous approvals for this site, if your authority is minded to grant consent we would request carefully conditioned to control all aspects of the proposed development.

7.15 We recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist advice.

Highways England

7.16 No objection

Lichfield District Council

7.17 No objections

North Warwickshire Borough Council

7.18 No objection

Severn Trent Water

7.19 No objection subject to the imposition of a condition requiring drainage details to be agreed.

Conservation Area Advisory Committee

7.20 The skyline is important.

8 Additional Representations

8.1 Four letters representation have been received concerning the application. They raise the following issues:

- If the intention is to demolish the row of terraces, we do not want to sell our house.
- The height and size of the building will affect sunlight to the rear of our property.
- Residents parking will be taken away.
- A large multi-storey may cause traffic issues. Additional traffic will be created.
- Privacy to the rear will be compromises due to the height of the proposed building.
- There are vacant shops in Ankerson.
- Left in a state of reflux and unable to carry out improvements to property with the potential redevelopment of the area hanging over us.
- Juxtaposition mass of corner of development adjacent to the Almhouses is wholly inappropriate and will lead to significant overshadowing.
- The blank façade of the car park with no openings pays no respect to the heritage asset, architecturally or to the amenity of the residents of the Almhouses.
• The southern elevation look onto the back of houses, the areas of retail space could have a detrimental effect on the existing residents.

• The spiral ramp on Spinning School Lane is a weak attempt to create a node landmark.

• The indicative scheme produces an ill-considered architectural solution which will have a significant detrimental effect upon the Almhouses.

• The development is misplaced and the introduction of a residential development would significantly alter the proposals.

Planning Considerations

9.1 The key matters for consideration are

1. Principle and Policy
2. The Masterplan
3. The Historic Environment
4. Transportation issues
5. Deliverability
6. Other matters

Principle and Policy

9.2 The National Planning Policy Framework (NPPF) states in Paragraph 14 that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan. Since the issue of the last planning permission in November 2013 there have been policy changes that need to be taken into account. These include adoption of the Tamworth Local Plan 2006-2031 which was adopted in February 2016.

9.2 The site is located within the Tamworth Shopping Area and within the Town Centre Boundary. The Spatial Strategy policy 1 (SS1) indicates that development should be provided in the most accessible and sustainable locations, including within and around the Town Centres. The policy also states that Tamworth Town Centre will be the primary focus for new retail leisure and tourism development complimented by appropriate residential development to create a vibrant town centre community. It then indicates that the town centre will be the preferential location for 7,800 sq. metres of new comparison retail floor space and 2,900 sq. metres new convenience retail floor space between 2021 and 2031. The policy also explain that high quality development will be encouraged in all new development and the historic environment will be protected and enhanced with consideration of designated and non-designated assets.

9.3 Policy SS2 of the Local Plan indicates that any proposals for development that demonstrate that they are in accordance with policies in the Local Plan and are sustainable will be granted planning permission without delay.

9.4 This site is a key development site lying within the town centre and is seen as “critical in delivering the regeneration of the town centre in terms improving its offer to complement that of the out of town retail areas…The Gungate site 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”.

9.5 The Local Plan advocates a town centre first approach for development promoting ‘main town centre uses’ (policy EC1) and this application reinforces the approach. Policy EC2 Supporting investment in Tamworth Town Centre promotes the town centre as the ‘preferred location for the development of town centre uses along with higher density, high quality residential developments. 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 Policy EC3, and residential uses permitted in the upper floors.’
9.6 Policy EC3 relates to the primary and secondary frontages within the Tamworth Shopping Area. The western frontage of the application site is identified as a secondary shopping frontage. The policy states that ‘within secondary frontages, uses that result in active ground floors or promote the evening economy will be supported.’ The application will accord with this policy providing either retail or food and drink units creating active ground floor. As well as this the additional of leisure uses will be able to promote the evening economy, therefore the proposal accords to policy EC3.

9.7 As indicated this application proposes an element of leisure use (Use Class D2), it is considered that this variance in uses proposed is welcomed as it will introduce new uses that will support the vitality of the centre and strengthen the night time economy this will support the delivery of a vibrant cultural and tourism economy which accords with policy EC5 of the Local Plan.

9.8 Views where sought from the Economic Development team who have indicated “It is our view that the proposed outline application gives the Town Centre the opportunity to develop into a location to serve the future needs of existing and potential residents. It is our view that significant new investment in the Gungate area could contribute to further development and regeneration opportunities coming forward and support an increase in consumer footfall, in particular around the night time, leisure and retail offer. The potential diversification of the Town Centre and job opportunities for local residents offered by this scheme, could provide a strong catalyst for further activity and a positive impact on the reputation of the Centre as a visitor destination.“

9.9 The previous permission was secured in 2013 following on from the original consent in 2010; this application seeks to secure consent for a further period of time. The submission documents are identical to the previous scheme. The Local Plan is now adopted and provides a higher level of support to the scheme but also stipulates a time period for the scheme to come forward. Should the scheme not progress by 2020/2021 the Council will need to review its retail requirement and consider the potential for retail developments on other sites in accordance with the ‘town centre first’ hierarchy.

9.10 In terms of the Development Plan the scheme conforms to the plan through policies SS1, SS2, EC1, EC2, EC3 and EC5. The importance of the scheme is laid out in the development plan to provide modern facilities that will provide a catalyst for further improvements in the centre. The issue of deliverability remains as the previous permissions have not been implemented and the scheme has not evolved in the intervening years.

9.11 The National Planning Policy Framework (paragraphs 23 to 27) seeks to ensure the vitality of town centres and recognises that town centres are at the heart of the community. In doing so it places a duty on local planning authorities to pursue policies that supports the vitality and viability of the town centre. In this regard it is considered that policy EC2 is consistent with national policy and can continue to be given weight when it comes to making a decision on this planning application. Given the continued support, in local plan policy and national guidance, for the development of retail led development on the Gungate site is considered acceptable.

The Masterplan

9.12 The masterplan, produced in support of the original planning application 0557/2008, has not changed in the current application, however it is purely indicative and should planning permission be granted then full details will have to be submitted which will indicate how the site will be developed.

9.13 The key components of the proposals remain, with a desire to deliver a viable development that respects the existing character of the area and does not significantly affect neighbouring owners/occupiers. It is recognised by all parties that further work will need to be undertaken at the reserved matters stage, at which time other opportunities may be apparent and other influences bought to bear on the final details.

9.14 Details in relation to layout, scale, appearance, access and landscaping will be submitted at the Reserved Matters stage. Generally, the applicants have indicated that the design parameters based on maximum parameters to guide the development at the detailed design stage. This includes a maximum of up to 20,660 sq. metres of retail floorspace, a maximum of up to 2,500 sq. metres of restaurant /café floorspace, a maximum of up to 800 sq. metres of drinking establishments and a maximum of up to 3,400 sq. metres of leisure use. The indicative section also indicates the building will measures between 8-15 metres throughout the scheme. In terms of the layout the indicative plans show minimum offset distances between the proposed development and adjacent residential
properties. These parameters are similar to those of the original scheme which will help guide the form of the development at the detailed design stage which will fully accord with the NPPF and the EN5 of the Tamworth Local Plan.

The Historic Environment

9.15 The historic environment continues to be a matter of great importance to the Borough and, in accordance with the comments made by the County Council, conditions will be imposed on any approval to secure the archaeological investigation that are necessary prior to development taking place on the site.

9.16 The site straddles 2 conservation areas, the Town Centre Conservation Area and the Victoria Road/Albert Road Conservation Area. Within these areas there are a number of Grade II listed buildings, A Scheduled Ancient Monument and others that are locally listed. The scheme indicates that it would have significant impacts on the local heritage assets some of which can be mitigated through planning conditions but others will require a design response. In particular the impact on the Almhouses and the properties on Marmion Street that will overlook substantial elevations where there are no active frontages but blank elevations. The proposed main vehicle movements to the service area and car park will be through Marmion Street. The height of the development at these locations would not be in keeping with the residential environment and the impact of the scheme should be reassessed in the final design to reduce and mitigate its impact. Overall, the indicative proposals would lead to a minor level of harm to the significance of the Almhouses; however the scheme is the same as that which has previously gained approval. It had previously been concluded that although the indicative scheme would lead to a minor level of harm this should be weighed against the public benefits of the scheme, such as the regeneration of this important brownfield site in the Tamworth Town Centre and provision of retail floorspace. Planning policy in respect of this has not changed substantially since the previous approval and therefore the schemes benefits do not outweigh any harm to heritage assets.

9.17 The Borough Council's consultant Conservation Officers has advised that as all detailed matters are reserved for future approval the grant of outline planning permission not result in harm to the character and appearance of the conservation area or surrounding designated or non-designated heritage assets.

9.18 The integration of the development within the wider town centre and links to the historic monuments, Ventura Park, public transport facilities and nearby facilities should be a priority. The development should promote walking and cycling through the town centre through careful and sympathetic design.

9.19 There are a number of detailed matters raised by residents and the Trustees of the Almshouses, but as this is an outline planning permission and the majority of the matters will be addressed at the reserved matters stage.

Transportation issues

9.20 There have been no significant changes to traffic levels since the grant of planning permission in November 2013 and the highway authorities (Staffordshire County Council and the Highways Agency) have raised no objections to the proposal.

9.21 The County Council has indicated that the requirement for a contribution towards infrastructure improvements at Ventura Park is no longer relevant. A Section 106 Agreement in this respect could not be justified; however they still require a Framework Travel Plan, along with a financial contribution of £10,700 towards its monitoring.

Other matters

9.22 It is recognised that the site falls within an important location adjacent to conservation areas, which contain a number of designated and non-designated heritage assets. It is important in the detailed design to recognise this association and provide a development that integrates with its surroundings. This will mean that very careful control is exercised at the reserved matter stage, when the scheme will need to fully accord with both national and local policy requirements. At the detailed stage there will also be the opportunity to consider other matters relating to the relationship with adjoining properties, waste disposal, contaminated land and access for fire and rescue vehicles.
9.23 Notwithstanding the opposition to the inclusion of the terraced properties in Marmion Street being included it the redevelopment it should be noted that the Tamworth Local Plan 2006-2031, and in particular the Town centre Inset Plan, does identify the properties on the western side of Marmion Street as being allocated for shopping purposes. Furthermore planning permission, albeit lapsed, was granted for the redevelopment of the Gunge Precinct and surrounding areas for retail development. These earlier permissions included the Marmion Street (west) properties.

9.24 The applicant has indicated that subject to securing the outline planning permission, they will engage with all owners of the land within the application to deliver a comprehensive scheme. The scheme does include some properties in Marmion Street which are not owned by the applicant. It is considered that this is a private matter and if outline planning permission is granted the applicant will have to negotiate terms with the owners of the land.

9.25 Insofar as the need for further information is concerned it is considered that sufficient information exists to enable a decision to be made on the proposal and any additional information would not add to the debate on the acceptability of the development. In accordance with the Government Advice, which requires a proportionate approach to requests for information no further action is warranted in this regard. When the reserved matters application is submitted there will be sufficient justification to ensure that the development in sympathetic and a high quality scheme.

10 Conclusion

10.1 The application seeks permission for the erection of a retail led development, which is the preferred location for any new retail in the town centre. The proposal accords with policies EC1 and EC2 of the adopted Tamworth Local Plan. Given the continued support, in local plan policy and national guidance, for the development of retail led development on the Gungate site is considered acceptable.

10.2 In addition, the proposal is not considered to impact detrimentally on highway safety with access to public transport, cycle and walking routes and subject to conditions would not increase flood risk. The development is therefore considered to comply with the requirements of the NPPF, Polices SS1, SS2, EC1, EC2 EC3, EC5, EN5, EN6, SU1, SU2 and IM1 of the Tamworth Local Plan 2006-2031, and the relevant material considerations identified within this report.

Conditions / Reasons

1. Approval of the details of the layout, scale and external appearance of the buildings, the means of access to the buildings and the landscaping of the site, herein after called the reserved matters, shall be obtained from the Local Planning Authority before any part of the development is commenced. Reason: The application is for outline planning permission and the matters stated have been reserved for subsequent approval in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

2. Application for the approval of all reserved matters shall be made to the Borough Council within three years of the date of this permission.


4. The development shall be begun within two years from the date of the final approval of the reserved matters. Reason: In compliance with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

5. The development hereby permitted shall only be carried out in accordance with the application form, the supporting letter and drawing numbers L(00)00 P2 Site location plan, 06K184/001A - survey, 06K184/002A - survey, L(00)10 P1 - existing site plan showing conservation area and listed buildings unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the permission.
6 No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved by the Planning Authority.

Reason: To ensure that remains of local and regional significance would be secured in accordance with the requirements of Paragraph 141 of the National Planning Policy Framework.

7 Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed/occupied.

Reason: To ensure that the point and rate of surface water discharge do not result in an increased risk of flooding in the locality and as required by Paragraph 103 of the National Planning Policy Framework.

8 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions a to d have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d has been complied with in relation to that contamination.

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to:

human health,

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
adjoining land,
groundwaters and surface waters,
ecological systems,
archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency’s `Model Procedures for the Management of Land Contamination, CLR 11.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under
Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

d. Reporting of Unexpected Contamination

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 immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of a. above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of b. above, which is subject to approval in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with c. above.

e. Long term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency’s Model Procedures for the Management of Land Contamination, CLR11.

Reason: To ensure that risks from contamination for the future users of the land and neighbouring land are minimized, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with paragraphs 120 -122 of the National Planning Policy Framework.

9. The service / delivery yard shall only be open to goods vehicles between 07:00hrs and 19:00hrs Monday to Friday and 07:00hrs and 13:00hrs Saturdays. No goods vehicles shall be allowed into the service / delivery yard on Sundays or Bank Holidays. The goods vehicle entrance shall be fitted with suitable gates or barriers to prevent the entry of vehicles outside of the permitted times.

No noise generating activities shall take place in the service / delivery yard between 23:00hrs and 07:00hrs the next day unless specifically approved by Local Planning Authority following the submission of a suitable report assessing the noise impact on nearby noise sensitive properties.

The detailed design of the service yard shall take into account the need to reduce the environmental noise impact on nearby noise sensitive properties and shall be submitted to the Local Planning Authority for approval prior to construction commencing.

No items of noise generating plant, equipment, mechanical ventilation ducts, etc., shall be installed on / in the development without the specific consent of the Local Planning Authority and subject to the submission of a suitable report assessing the noise impact on nearby noise sensitive properties.
Reason: To protect noise sensitive occupiers from activity arising from the servicing of the development in accordance with paragraph 123 of the National Planning Policy Framework.

10. No raw materials, finished or unfinished products or parts, crates, packing cases or waste shall be stacked or stored on the site except within the buildings or storage areas that have been approved by the Local Planning Authority.

Reason: To ensure that the development is well related to its surroundings and makes a positive contribution to the appearance of the area in accordance with policy ENV19: High Quality Design, as set out in the Tamworth Local Plan 2001-2011.

11. The details submitted in respect of condition 1 above shall include the following:

- means of access
- layout of site and disposition of buildings and provision of adequate parking, turning and servicing within the site curtilage
- a phasing plan that maintains adequate town centre car parking during the construction period
- a routing plan for HCV deliveries for the development, and the construction period

and such details as approved shall be fully implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that servicing and car parking of the proposed development is provided in a manner appropriate to the location, and at a level that can be accommodated within the highway network as required by policy SU1 of the Tamworth Local Plan 2006-2031.

12. The development permitted by this application shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated October 2016 and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the 100 year plus 20% for climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Drainage calculations must be submitted to demonstrate that the surface water will not leave the site in the 100 year 20% (for climate change event). This information should include the necessary attenuation volume, pipeline schedules, network information and result summaries.

Should flooding occur from the surface water system, a pipeline schedule should be submitted which shows the location of the pipeline/manholes which have flooded, the depth of flooding which is likely to occur, the length of time the ponded water will take to dissipate and the direction of any flood flow. In addition details shall be provided of the finished floor level.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with paragraphs 100 – 103 of the National Planning Policy Framework.

13. The development hereby permitted shall not be commenced until such time as a surface water drainage scheme based on sustainable drainage principles for the provision and implementation of surface water run-off limitation less 20% upon existing rates 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 the increased risk of flooding, to improve and protect water quality, improve habitat and amenity in accordance with paragraphs 100 – 103 of the National Planning Policy Framework.
14. Before construction works of any kind are commenced on site a Construction Management Plan shall be submitted to, and approved in writing by, the County Planning Authority. The submitted Construction Management Plan shall include the following details:
- The routing of construction vehicles to and from the site including measures to mitigate the impact on the local highway network. The measures shall include the timing of movements to avoid traffic congestion;
- Parking facilities for vehicles of site personnel, operatives and visitors;
- Arrangements for the loading and unloading of plant and materials;
- Areas of storage for plant and materials used during the construction of the proposed development;
- Measures, including designated wheel cleaning areas, to prevent the deposition of deleterious material on the public highway during the construction of the proposed development.
The Construction Management Plan shall be adhered to for the duration of the construction phase.

Reason: To ensure that servicing and car parking of the proposed development is provided in a manner appropriate to the location, and at a level that can be accommodated within the highway network as required by policy SU1 of the Tamworth Local Plan 2006-2031.

15. Before any development commences on site a scheme shall be submitted to and approved in writing by the Local Planning Authority which details the provision of cycle parking spaces both public and employee along with showering and changing facilities for employees within the site. The development shall be carried out in accordance with the approved details. The cycle parking spaces shall be available for use prior to the first occupation of the development hereby permitted.

Reason: To ensure that sufficient provision is made of cycle provision within the proposed development is provided in a manner appropriate to the location, and as required by policy SU1 of the Tamworth Local Plan 2006-2031.
1 Introduction

1.1 On the 3rd January 2017, members were notified of the receipt of an appeal against the refusal to grant planning permission for the erection of a single storey self-contained dwelling. The appeal has now been decided and the appeal was allowed by the Planning Inspectorate.

2 Appeal

2.1 The application was refused due to the effect on the surrounding residential properties and the lack of amenity space for existing and proposed dwellings. The Inspector concluded that the dwelling would not have a detrimental impact on the existing neighbouring properties and that although there was limited amenity space there was open space in the vicinity of the application site. The permission was therefore allowed subject to conditions.

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 proposal and their impacts neighbouring properties.

Recommendation

For Information only