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 in to 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 façade 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. 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 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/13/2189893
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.
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. 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 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.

8.2.16 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>Table 1</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>Total</td>
<td>2,500</td>
<td>5,000</td>
<td>7,500</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 are 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 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.

8.6.4 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.

8.6.5 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 in to 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 Blitterscote 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
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.

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.

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.

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.

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.
8.10.3 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 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.

8.10.4 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 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.