

Application Number:	0115/2012
Development:	Erection of 4 bedroom detached house with integral garage
Location:	Land to the rear of 1 Bellingham, Wilnecote, Tamworth, B77 4PE
Target Date:	25 May 2012

1. Proposal

- 1.1 The application proposes the erection of a single 4 No. bedroom dwelling within the existing rear residential garden area of No. 1 Bellingham. The building would be two storey, would be of a dual pitched roof design with a small forward projecting gable with Tudor style detailing and a bay window at ground floor. An integral single storey garage is proposed to the side of the building served by a drive area immediately adjacent to the highway which will be capable of accommodating up to 3 vehicles. The building will be constructed from red brick, clay roofing tiles, white UPVC windows and doors and black UPVC fascias and rainwater goods.

2. Site and Surroundings

- 2.1 Bellingham is located to the east of Tamworth Borough close to the border with North Warwickshire. The cul-de-sac forms a component of a larger modern residential estate constructed in the mid-1980's which is made up of numerous cul-de-sacs served from Chiltern Road. The area predominantly consists of detached two storey properties interspersed with semi-detached dwellings and bungalows. Few properties actually front onto Chiltern Road and instead look out directly onto the minor roads serving the dwellings.
- 2.2 Design variation is apparent in the dwellings with some displaying a two storey front projecting gable. In other examples the gable is supplemented with a cat slide style side addition, whilst in some properties a small gablet is apparent. All dwellings are constructed from red brick most with white UPVC windows, black or white UPVC fascias and mock Tudor style black and white paint finish to a portion of the upper floor.
- 2.3 Beside Chiltern Road, the land to the rear of No.1 consists of a residential garden bordered by a 2.3m high red brick wall. The garden is separated from a public footpath to the east by a 2m timber fence. The path continues to run south behind the east-most properties fronting Bellingham and is sandwiched between the rear gardens of these dwellings and a cricket ground with relatively dense planting either side. The main planting of merit is a large pollarded Oak tree that sits on the periphery of the site. This is outside the ownership of No.1 and is understood to be owned by Staffordshire County Council, who maintains the tree and footpath.

3. Key Issues

- The effect of the development on the character and appearance of the area
- The effect of the development on neighbouring properties
- The effect of the development on the large oak tree on the periphery of the site
- Highway Safety Implications as a result of the proposal

4. Conclusion

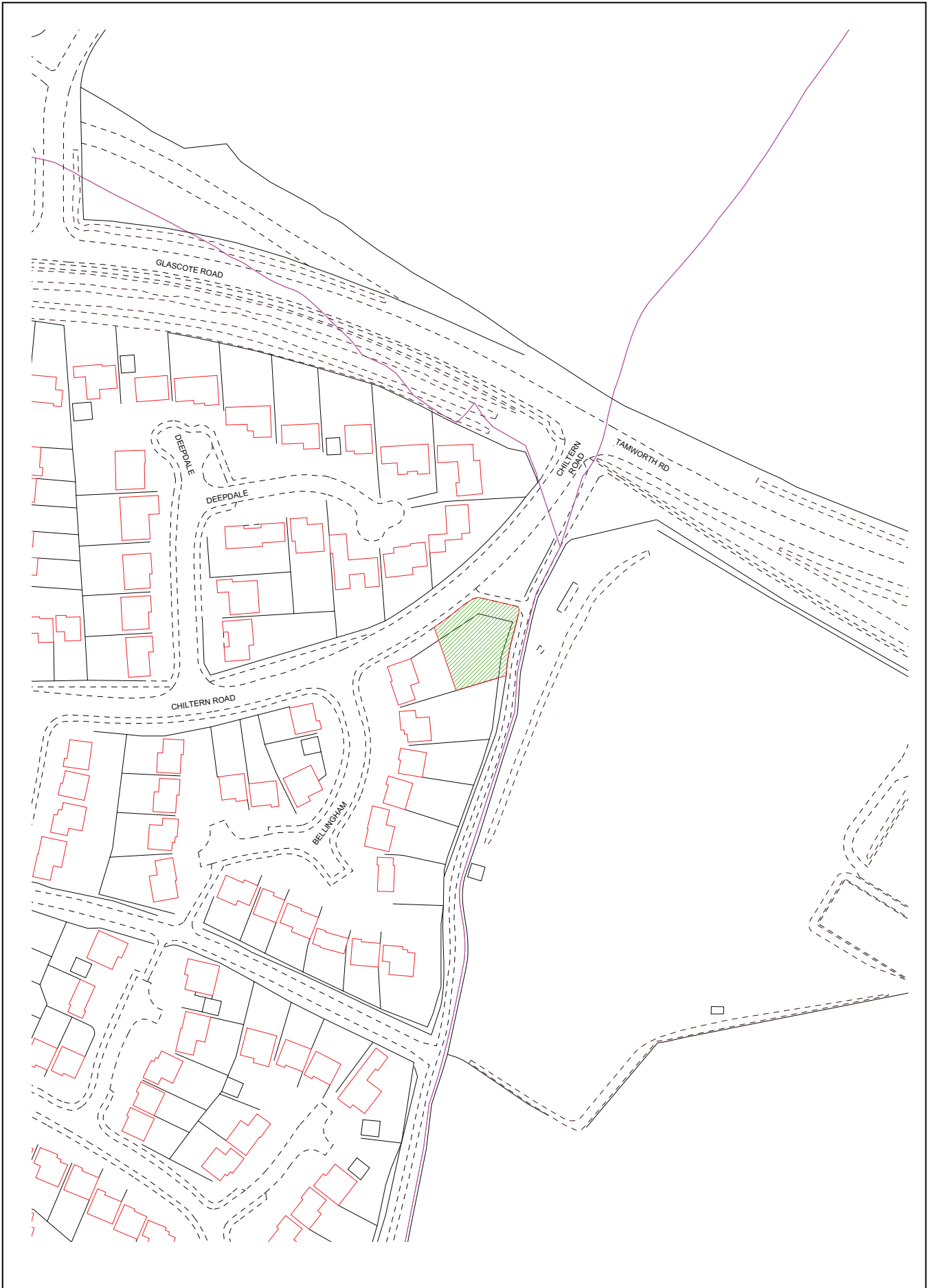
- 4.1 The development is considered to be acceptable in principle and is suitably designed to assimilate into the character and appearance of the existing estate.
- 4.2 The proposal is not considered to pose a highway safety risk subject to compliance with conditions
- 4.3 The development will not prejudice the viability of the trees on the site provided a suitable scheme for root protection is implemented.
- 4.4 It is judged there would be no substantive adverse impact from the dwelling on the privacy or reasonable residential enjoyment of external and internal areas within neighbouring dwellings. The orientation of the proposal ensures for minimal loss of privacy within No. 2 Bellingham and the

dwelling is a sufficient distance from the properties on the opposite side of Chiltern Road to unacceptably impinge on the internal or external use of these dwellings.

- 4.5 Overall the application is considered to be in accordance with Staffordshire and Stoke Structure Plan 1996-2011 Policies D2 & T13, Tamworth Local Plan 2001-2011 Policies HSG5, HSG11, TRA3, ENV9, ENV14 and ENV19 as well as National Planning Policy Framework Paragraphs 17, 53 and Section 7 relating to 'Requiring Good Design.'

Recommendation

Approve subject to conditions



5. Relevant Site History

- 5.1 A previous application (0035/2012) proposed the erection of a four bedroom detached dwelling on the same site. When submitted the application forms read 'Erection of 3 bedroom detached dormer bungalow with detached garage which led to some confusion with regard to the nature of the development proposed.
- 5.2 The application was withdrawn by the agent following concerns raised by officers about the following issues:
- the position of the dwelling in relation to the 1 Bellingham and the potentially overbearing relationship
 - overlooking of private amenity within No. 2 Bellingham by virtue of orientation of building and proximity to space
 - the overall height of the building given the proximity to 1 and 2 Bellingham

6. Statutory Consultation Responses

6.1 Tamworth Borough Council (Development Plans)

Policy HSG5 (Residential Development within the Urban Area) permits residential development comprising of infill, conversion, the use of derelict or under used land subject to a number of criteria which includes that the development would not damage or be harmful to the amenity of new and existing residents or the character or amenity of the locality. The location of the development is within the urban area and is considered to be infill development. As such the principle of the development is acceptable subject to the criteria set out in the policy.

The emerging Local Plan, specifically policy CP10 (Design of new development) sets out criteria in relation to design which broadly correlate with those set out in HSG5, principally that development should be appropriate to the local context and have regard to the amenity, privacy and security of nearby properties.

The NPPF sets out specific guidance relating to garden development. It requires local authorities to consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The emerging Local Plan does not set out specific policies for garden development, however through the criteria set out in HSG5 and in emerging policy CP10, the consideration of 'harm' is satisfied through the assessment of development proposals in terms of their impact on the amenity of neighbouring properties and the appropriateness of their design. Consideration of these factors, amongst others, will safeguard areas against inappropriate development.

Furthermore in relation to the overall thrust of this guidance on garden development within the NPPF, broadly the NPPF does not emphasise that residential development of a garden within a residential area is inappropriate development.

6.2 Tamworth Borough Council (Environmental Health)

No objections

6.3 Tamworth Borough Council (Tree Officer)

No objections subject to provision of measures to ensure all trees are adequately protected during the construction work and that any root compaction and branch damage is avoided.

6.4 Tamworth and Lichfield Joint Waste Service

No objections subject to incorporation of standard requirements

6.5 Staffordshire County Council (Highways Authority)

No objections on highways grounds to development subject to inclusion of following conditions:

1. Dwelling not brought into use until access within limits of public highway provided
2. Dwelling not brought into use until driveway provided in porous bound material in accordance with approved plans
3. The integral garage shall not be converted to living accommodation

A fourth condition was included by the Highways Authority but has since been omitted following submission of further information.

6.6 Staffordshire Fire and Rescue Service

No objections. Suggest incorporating domestic sprinkler system.

6.7 North Warwickshire Borough Council

No objections

7. Public Representations Received

7.1 Four representations have been received in opposition to the development proposed within this application. In summary these raise the following issues:

- The development will impact on neighbouring dwellings, specifically 15, 16 and 17 Deepdale, as it will permit overlooking of private indoor and outdoor space within these properties. No.15 has a kitchen, utility and first floor bedroom extension with windows facing the building which will be overlooked. In addition representations expressed concerns with regard to overshadowing caused by the new building.
- The development will have a detrimental effect on the character of the street scene and would be a blot on the landscape. The plot is too small for the scale of dwelling proposed and the property would be the only one on the estate fronting Chiltern Road which makes it out of keeping with its context.
- The proposal has a drive onto Chiltern Road that is close to the junction with the B5000 and as a result will prejudice highway safety. Chiltern Road has no drive on it, presumably to enable the free flow of traffic. There have been a number of accidents at this junction and cars reversing onto the highway and refuse collection from the site will exacerbate this issue.
- Loss of more trees from the site would be inappropriate
- There are 4m caution lines on the road running past the location of the proposed dwelling. Highway Code Rule 127 states this means there is a hazard ahead. The proposed driveway would add an additional hazard.
- Deeds and legal covenants prohibit the construction of the new dwelling
- The proposal is for development on green belt land and would double the housing density of the site. This sets an unwelcome precedent.

8. Planning Considerations

8.1 The key issues in the determination of this application are considered to be:

- 1) Whether the development proposed is acceptable in principle
- 2) The effect of the development on the character and appearance of the area
- 3) The effect of the new dwelling on the residential amenity of neighbouring properties
- 4) The impact of the proposal on highway safety
- 5) The effect on trees within the vicinity of the site
- 6) Provision of Open Space Contribution
- 7) Other issues raised

Principle of Development

- 8.2 The development proposed is a new dwelling within a rear garden of a dwelling in a large residential estate. Tamworth Local Plan Policy HSG5 permits infill development within the urban area subject to a number of detailed criteria such as the appropriateness of the scale and design of the proposal and effect of the development on neighbouring properties. These detailed points will be considered individually in this report. Subject to compliance with the detailed criteria Officers deem the development to be acceptable in principle under Tamworth Local Plan Policy HSG5.
- 8.3 Also of relevance to the determination of the application is the newly emerged National Planning Policy Framework (NPPF). This supercedes numerous planning documents at national level such as PPS1 and PPS3 which previously would have been relevant to this application. The Development Plans Officer does not consider that 'Garden Development' is precluded by the NPPF (Paragraph 53) but that it requires Authority's to put in place policies that are capable of combating inappropriate garden development. The Development Plans Officer considers that through assessment of the appropriateness of the design of the development and the effect on neighbouring properties, this requirement is met within the current Local Plan Policy HSG5 and there is no conflict between the current policy and the NPPF.
- 8.4 Overall therefore the proposal is judged to be acceptable in principle under Tamworth Local Plan Policy HSG5 subject to the consideration of the policy criteria discussed below.

Character and Appearance

- 8.5 Tamworth Local Plan HSG5 requires the design of development to be sympathetic to the character of the locality and to use materials and detailing. The proposed dwelling in terms of its overall design is similar to that of nearby dwellings being two storey, constructed from red brick and clay tiles, possessing a main dual pitched roof parallel with the road and with a projecting gable with similar mock Tudor features at first floor. A driveway is provided to the front of the property in a similar arrangement to those in the surrounding area.
- 8.6 Concerns have been expressed about the scale of the dwelling in relation to the plot which is a criterion within Tamworth Local Plan Policy HS5. These concerns are noted and whilst fewer bedrooms or a larger plot would be more desirable and have been requested by Officers, the application must be determined on its merits as proposed. With regard to the design considerations alone (putting the effect on amenity to one side) it is judged that the open nature of the main public elevation is retained. Sufficient set back from the highway comparable with surrounding properties is achieved and overall the design of the dwelling will not appear out of keeping in the context of the estate. In addition Officers consider the property will be provided with sufficient private amenity space for a dwelling of this scale. Whilst it is regrettable this is at the expense of the amenity space to the rear of 1 Bellingham, sufficient useable space for both dwellings is retained and the current and future occupants of the property will be aware of the outdoor amenity space provided with their dwelling.
- 8.7 A further design point relating to the appropriateness of constructing a dwelling accessed from Chiltern Road when no other dwellings are accessed this way was also raised in the representations. This point has been considered as part of the design appraisal of the application and the effect on the character of the area. However, it is judged this is a minor deviation away from the original layout that will not perceptibly undermine the character and integrity of the dwelling or the wider estate. Suitable landscaping is incorporated to soften the appearance of the building in the context of the rural to urban change apparent at this end of Chiltern Road.
- 8.8 Therefore in terms of its built appearance when constructed, the proposal and its effect on the character and appearance of the estate is deemed to meet the design requirements of Tamworth Local Plan Policy ENV19 and NPPF Section 7 'Requiring Good Design.'

Impact on Residential Amenity

- 8.9 The impact of the new building on the residential amenity of neighbouring properties has been given careful consideration in the assessment of the proposal. Within the previous application Officers raised concerns about the potentially overbearing impact on 1 Bellingham itself and the potential for overlooking of space to the rear of No.2 Bellingham. Since the previous application, the proposal has been pushed further from No.1 and 2 and has been handed to ensure the taller two storey

section of the dwelling is away from the nearest properties. This leaves the single storey garage closest which has less impact. The design of the building has also been amended to reduce the ridge and eaves heights and the dwelling has been orientated more parallel to the road to avoid squarely facing the side windows of the extension at No. 15 Deepdale and to avoid overlooking of the rear garden space at No.2 Bellingham. Given these amendments the Officer's concerns with the original scheme have been addressed and the current scheme is not considered to have any adverse effect on the residential amenity of these properties.

- 8.10 The representations received raise concerns about overlooking of indoor and outdoor amenity space and overshadowing of the properties on the opposite of Chiltern Road (No's 15-17). Given the separation distance and southerly position of the application site to these properties, the concerns with regard to overshadowing are considered to be unfounded. In terms of the overlooking issue, there is a separation distance of 28m to No's 15 and 16 and over 33m to No.17. Minimum separation distances of 20-23m between squarely facing rear elevations are typical in new housing layouts to limit the opportunity for overlooking between facing windows. Indeed the now redundant Tamworth Interim Planning Guidance Policy DCP31 is an example of a policy which recommends a 23m separation.
- 8.11 In this instance the windows concerned are not squarely facing which limits the internal scope of vision between properties at first floor. 1.8-2m high fencing and some planting exists to the rear of both properties whilst most significantly the properties are separated by a public highway spanning more than 10.5m. A degree of visibility from the public realm is already apparent and the amount of visibility of the neighbouring properties private space will not be unacceptably compounded by the development proposed. Consequently it is considered there would not be a significant adverse impact on the privacy of the properties on the opposite side of Chiltern Road and the development will not affect the reasonable enjoyment of neighbouring dwellings. As such the application is judged to meet the requirements of Staffordshire and Stoke Structure Plan 1996-2011 Policy D2, Tamworth Local Plan 2001-2011 Policies HSG5 and ENV19 and NPPF Paragraph 17.

Highway Safety

- 8.12 Concerns have been raised with regard to effect of the proposal on highway safety and potential conflicts with the Highway Code. The Highways Authority has appraised the application against minimum safe standards for developments of this nature in the type of location proposed. The response received stated no objections subject to conditions. The recommended conditions are standard conditions which seek to ensure the dwelling is only occupied once adequate parking is provided and that the garaging provided is not converted to habitable accommodation without permission. The Officer considers, given the concerns expressed, it would also be propionate and reasonable to include a condition that no gates or other feature which might otherwise obstruct vehicles pulling from the highway, should be included. Subject to conditions, it is not considered the development would prejudice highway safety and the application would comply with Staffordshire and Stoke Structure Plan 1996-2011 Policy T13 and Tamworth Local Plan 2001-2011 Policy TRA3.

Trees

- 8.13 The implications of the re-sited dwelling on the oak to the rear of the site were not considered in the original tree survey submitted with this application. An updated report has now been submitted (18 May 2012) which takes into account the revised position of the dwelling. The updated report concludes the dwelling and relocated patio area is not within the root protection zone of the oak and that subject to the provision of measures to avoid root compaction during the build, the development will not have an adverse impact on the Oak tree or other trees on the site.
- 8.14 The Tamworth Borough Council Tree Officer has considered the submitted surveys and visited the site. He concurs with the conclusions of the report and has raised no objections to the proposal subject to a condition requiring the provision of suitable measures to avoid root compaction during the construction process. Consequently Officers consider there would be no impact on the existing trees on the site and the application would comply with the requirements of Local Plan Policy ENV9 which relates to the protection of trees, woodlands and hedgerows within the Borough.

Open Space Contribution

- 8.15 Local Plan Policy ENV14 seeks to achieve a minimum standard of open space for new developments of 2.43 hectares per 1000 population. Deficits in open space provision have been

identified in all areas throughout the Borough. Step 1 of the Open Space for New Residential Developments SPD and Key Open Space Objective 2 in the Local Plan require '*Development proposals [to] address any unmet need for open space and sport and recreation facilities, whether this requires new provision or enhancement of existing provision*'.

- 8.16 As new on site public open space provision is not preferable in this location nor is it proposed by the applicant, a contribution towards enhancement of the existing provision within the Borough is necessary. In accordance with the Planning Obligations SPD, a contribution in lieu of on site provision for a 4 bedroom dwelling equates to £1000. A Unilateral Agreement has been provided containing a commitment to paying the necessary contribution from the applicant and the owner and therefore the development is in compliance with HSG11 and ENV14 within the Tamworth Local Plan.

Other Issues

- 8.17 Representations raised the issue of the site being subject to a Green Belt designation. Officers can confirm this is not the case. If the land was subject to such a designation it would be unlikely the existing dwellings in the wider area would have been constructed. The comments may have referred to the change in emphasis under PPS3 relating to residential curtilage no longer being considered 'previously developed land' and hence the presumption in favour of the development of this land has been removed. As detailed above this document in its entirety has since been superseded by the National Planning Policy Framework and the relevant policies currently in force are considered in this report.
- 8.18 Comments have been received raising concerns with regard to the precedent that approval of the development could set. As detailed above in 8.2 the policy position of infill residential development within the urban area being acceptable has been in existence since the adoption of the current plan in 2006. It is the detailed matters such as design, highway safety and the impact on surrounding properties which must be considered as part of each application on its merits. Since each site is different, these factors must be appraised individually for each application received with little room for precedent setting.

9. Conclusion

- 9.1 The application proposes the erection of a single dwelling within the rear garden area of No.1 Bellingham. The development is considered to be acceptable in principle and is suitably designed to assimilate into the character and appearance of the existing estate. The proposal is not considered to pose a highway safety risk subject to compliance with conditions and the development will not prejudice the viability of the trees on the site provided a suitable scheme for root protection is submitted and implemented.
- 9.2 Particular attention has been paid to the effect of the development on the residential amenity of nearby properties. It is judged there would be no substantive adverse impact from the dwelling on the privacy or reasonable residential enjoyment of external and internal areas within neighbouring dwellings. The orientation of the proposal ensures for minimal loss of privacy within No. 2 Bellingham and the dwelling is a sufficient distance from the properties on the opposite side of Chiltern Road to unacceptably impinge on the internal or external use of these dwellings. Therefore the application is considered to be in accordance with Staffordshire and Stoke Structure Plan 1996-2011 Policies D2 & T13, Tamworth Local Plan 2001-2011 Policies HSG5, HSG11, TRA3, ENV9, ENV14 and ENV19 as well as National Planning Policy Framework Paragraphs 17, 53 and Section 7 relating to 'Requiring Good Design.'

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 approved shall only be carried out in accordance with the application form and the amended drawing no. 2011-005-2d and 2011-005-03b stamp dated as received on the 14 May 2012 unless otherwise agreed in writing by the Local Planning Authority. Reason: To define the approval.

3. Prior to the commencement of the development hereby permitted a scheme for the protection of trees on and bordering the site for the duration of the construction process shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed scheme shall be adhered to for the entirety of the construction process. Reason: In order to avoid any adverse effects on trees within and bordering during the construction process in accordance with Tamworth Local Plan 2001-2011 Policy ENV9
4. Prior to the construction of the walls to the building hereby permitted a sample of the bricks and tiles to be used in the construction of the building shall be provided and agreed in writing by the Local Planning Authority. Thereafter the approved materials shall be used in the construction of the building hereby permitted. Reason: In the interests of ensuring the use of appropriate materials that will not appear out of keeping in the context in accordance with Tamworth Local Plan 2001-2011 Policy ENV19.
5. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed. Reason: In order to provide a safe means of access and egress from the site in accordance with Tamworth Local Plan 2001-2011 Policy TRA3 and Stoke Structure Plan 1996-2011 Policy T13.
6. The development hereby permitted shall not be brought into use until the driveway/parking area has been provided in accordance with the approved plans and surfaced in a porous bound material or alternative material as otherwise agreed in writing by the Local Planning Authority. Reason: In order to provide a safe means of access, parking and egress from the site in accordance with Tamworth Local Plan 2001-2011 Policy TRA3 and Stoke Structure Plan 1996-2011 Policy T13.
7. The integral garage to the dwelling hereby permitted shall be used for parking and ancillary domestic storage associated with the dwelling and shall not be converted to habitable accommodation without prior approval of the Local Planning Authority. Reason: In order to ensure adequate vehicular parking and ancillary domestic storage is retained for the dwelling in accordance with Tamworth Local Plan 2001-2011 Policy TRA3 and Stoke Structure Plan 1996-2011 Policy T13.
8. Within the next planting season following occupation of the dwelling hereby permitted, the tree and shrub planting shown on the drawing entitled 'Proposed Site Plan and Location Plan' Drawing No. 2011-05-02d shall be completed in its entirety. Reason: In the interests of the character, appearance and setting of the development in accordance with Tamworth Local Plan 2001-2011 Policy ENV19.
9. Notwithstanding Part 2 of the General Permitted Development Order 1995, no additional gates, fences, walls or other means of enclosure other than that shown on the plans hereby approved shall be erected on the site. Reason: In the interests of the character and appearance of the area and in order to avoid an obstruction to vehicles pulling into the site from the highway in accordance with Tamworth Local Plan 2001-2011 Policies ENV19 and Stoke Structure Plan 1996-2011 Policy T13.

Informative Note(s)

1. This planning consent should be read in conjunction with a Unilateral Agreement for open space contributions at the site.

Foster, Jayne

From: planningadmin@tamworth.gov.uk
Sent: 24 April 2012 10:16
To: PlanningAdmin
Subject: Comments on 0115/2012 at 17 deepdale, acorn ridge, 17 deepdale, acorn ridge, 17 deepdale, b77 4pd - Case Officer David O'Connor

My objections are the same as Planning Application No 0035/2012 plus i wish to make comments about the application at your planning committee meeting thank you

Comments made by malcolm peace of 17 deepdale, acorn ridge, 17 deepdale, acorn ridge, 17 deepdale, b77 4pd

Phon [REDACTED] M [REDACTED]

Comment Type is Neighbour (Consultation)

31 Sykesmoor
Stonydelph
TAMWORTH
B77 4LE

Mr John Gunn
Development Control Manager
Tamworth Borough Council
Marmion House
Lichfield Street
TAMWORTH B79 7BZ

24TH APRIL 2012

Dear Mr Gunn

RE; PLANNING APPLICATION AT 1 BELLINGHAM, ACORN RIDGE, TAMWORTH

May I please speak at the Planning Meeting with regard to the above application, as I am concerned as to its suitability in the area in which I and fellow residents presently live.

Could I also ask if one of your officers would kindly send/e-mail me a copy of the proposed development, please.

Your kind assistance would be much appreciated.

Yours sincerely

Margaret Clarke (Mrs)

Reference Planning Application: 0115/2012

Mr & Mrs T McGowan
15 Deepdale
Wilnecote
Tamworth
Staffordshire
B77 4PD

29th April 2012

Case Officer: David O'Connor
Marmion House
Lichfield Street
Tamworth
Staffordshire
B79 7BZ

TOWN PLANNING	
FOLIO No	
23 APR 2012	
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Dear Sir,

We have received notification of a planning application to the rear of No1 Bellingham and would like to raise our objections to the proposal.

We have viewed the plans and are concerned about the impact the development will have on our property and the area in general.

1. The plans show the proposed property to be built largely on the rear garden of No 1 Bellingham almost doubling the housing density. The proposed property would be the only property to have a frontage and drive onto Chiltern Road and therefore be out of keeping with the area and detrimental to the general street scene. Additionally yet more trees would have to be removed from the plot to accommodate the property, also detracting from the street scene.
2. Chiltern Road does not have any drives off it, presumably to provide free flow of traffic without interruption by drives or associated hazards. The proposed property has a drive off Chiltern Road. This would be the only property with a drive directly on to Chiltern Road. Chiltern Road is the main feeder road for the estate and is busy. The proposed drive to the property will present an additional hazard by virtue of its unique position on Chiltern Road.
3. The drive to the proposed property is close to the junction with the B5000, circa 70 metres from the junction. There have been a number of accidents at this junction and the

proposed driveway would exacerbate the situation as cars slow down to enter the driveway whilst cars are accelerating from the junction, cars reversing off the driveway and cars parked outside the house on Chiltern Road would also be an additional hazard.

4. Chiltern Road has 4 metre "caution lines" in the middle of the carriageway running past the location of the proposed property, Highway Code Rule 127. Adding an additional hazard, i.e. the proposed driveway, would increase the likelihood of an accident.
5. The plans show the proposed property looking directly onto the side of No 15 Deepdale. The plans show No15 Deepdale before an extension was completed in 2010. Planning approval No B0666/2008. The extension to No 15 Deepdale comprises two storeys, ground floor kitchen and utility room and first floor bedroom. All three rooms have windows facing the proposed property and a pair of French doors in the kitchen also facing the proposed property. The proposed property would directly overlook, and into, the side of No 15 Deepdale from 2 downstairs and 3 upstairs windows. When applying for planning permission for the extension to No 15 Deepdale we were advised that had there been houses across the road (Chiltern Road) in the location of the proposed property we would not be granted permission for windows in the side of the property due to overlooking an adjacent property. I believe the reverse should now be affected.

The proposal is substantially similar to 0035/2012, also a 4 bedroom two story house, to which I objected earlier this year. I understand this application was withdrawn.

I have reviewed the documentation on the Tamworth Borough Council website relating to the application and have the following comments.

Design and Access Statement.

I have the following comments relating to this document:

- 2.2 From the last sentence, am I to understand that the garden of No1 Bellingham is not "previously developed", ie "green belt"? If this is the case then this proposal is requesting development on green belt land, is this correct?

A1.1 Houses in Deepdale were built circa 1984, 28 years ago, considerably longer than the 16 years stated.

B2 Assessment

B2.1 PPS3 / PPS1 Paragraph 13 "...contribute positively to making places better for people". I do not believe this proposal meets this test by virtue of it overlooking properties in Deepdale to an unacceptable degree, doubling housing density and introducing an additional traffic hazard.

"Design which is inappropriate in its context, or which fails to improve the character and quality of an area and the way it functions should not be accepted". The proposal is not in context with the area being the only property facing onto Chiltern road. It would be anachronistic to have one property facing Chiltern road. Thereby the proposal would not improve the character or quality of the area. The proposal therefore fails these tests.

B2.2 Does this paragraph mean that within the "urban boundary", local housing density can be doubled and "green belt", (gardens), can be built on?

B2.3 Whilst the scale of the property is in keeping with the area the fact it is built on the rear garden of No1 Bellingham, a 4 bedroom house, means the local density is doubled, ie, two 4 bed houses on a plot that currently has one.

The proposal is not sympathetic with the locality as it would be the only property facing onto Chiltern road.

I do not understand why it would be considered a benefit for the proposed property to face onto Chiltern road? It would be anachronistic in it's location by being the only property on the whole estate to do so. It would thereby look out of place and detract from the street scene as a consequence.

B2.4 I do not agree that the only property to be affected would be No1 Bellingham. Properties in Deepdale, in particular No's 15, 16 and 17 would be overlooked to an unacceptable degree as detailed above.

B2.5 For the reasons above I do not believe the requirements of the planning policies identified have been met.

C1.4 I do not agree that the character of the area will be maintained, as identified above. Properties in Deepdale will be overlooked to an unacceptable degree as identified above. Chiltern road has, in the area of the proposed property, long "caution" lines in the middle of the carriageway, ref Highway code rule 127.

C2.1 Comments as C1.4.

C2.2 Having two 4 bed houses on a plot that currently has one will double the local housing density. This I believe makes comparisons with surrounding properties moot.

C3.1 This section clearly identifies that the local housing density will be doubled.

C6.1 Over the years there have been a number of incidents at the Chiltern road, B5000 junction.

Understandably Chiltern Road has caution lines on the carriageway. Hazard warning lines **Highway Code Rule 127** indicating there are already highway safety issues.

Highway Code Rule 127: "A broken white line. This marks the centre of the road.

When this line lengthens and the gaps shorten, it means that there is a hazard ahead. Do not cross it unless you can see the road is clear and wish to overtake or turn off."

Adding a driveway within this area adjacent to the B5000 junction will increase the hazard already identified by the use of the line described in Highway Code Rule 127.

Refuse / recycling storage and collection:

- Collection days: the proposed property would be the only one on Chiltern Road requiring a collection and be within the caution zone identified by long lines in the centre of the carriageway, presenting an additional traffic hazard at collection times.

Trees:

Trees and bushes were removed from the site last Summer prior to the Tree Inspection 22.9.11.

In summary I do not believe planning permission should be granted for the proposed property:

1. The plot is too small and increases the housing density unreasonably.
2. The proposed location on Chiltern Road is not suitable for development. It is too close to the junction with the B5000 and provides an additional traffic hazard in an area lined for "caution".
3. The proposed property will overlook No15 Deepdale to an unreasonable degree. This may adversely affect the property value of No 15 Deepdale.
4. Chiltern Road is the main feeder road for the estate, does not have any properties on it thus allowing a free flow of traffic. Changing this would be detrimental to the area.
5. The proposal fails to meet the tests set out in the Design and Access Statement based on national and local planning policies.

I wish to address the Planning Committee regarding this proposal.

Would you please advise me of the time and place of the meeting at which this proposal will be discussed.

Yours faithfully,



T McGowan.

Reference: Planning Application 01/03/2012.doc

Wilkes, Ryan

From: Bob Oliver [REDACTED]
Sent: 18 April 2012 17:39
To: PlanningAdmin
Subject: PLANNING APPLICATION No : 0115 /2012

Thank you for your letter dated 04 April 2012 .

Once again we wish to strongly object to the proposal for a four bedroom detached house with integral garage on land to the rear of 1 Bellingham , or more importantly opposite other houses .

Our objections are as previously outlined to you :

- the plot of land is too small for any development
- parking and traffic problems
- serious road safety issues
- development will overlook existing homes
- privacy invasion
- unwelcome precedence
- present balance of existing homes adversely affected
- blot on the landscape .

Yours faithfully

R & E Oliver

14 Deepdale 18 .04 .2012

Wilkes, Ryan

From: Bob Oliver [REDACTED]
Sent: 23 April 2012 21:50
To: PlanningAdmin
Subject: PLANNING APPLICATION No : 0115/ 2012

Dear Sirs

In connection with the above application it has occurred to me that

Property Registers contain rights and reservation pertaining to the relevant properties and deeds . For example what can be constructed on that plot of

land "any buildings except one detached private dwelling house or bungalow with or without a garage ."

I trust any such rights or reservations will be given due and full investigation and consideration in the planning processes .

Yours faithfully ,

R . Oliver

14 Deepdale

B77 4PD

Application Number:	0128/2012
Development:	Redevelopment of former Railway Inn site, Watling Street, Tamworth, to provide A1 convenience store and further retail unit A1, A2, A3 or A5 with associated parking, landscaping and bin storage areas, with 1 no. 2 bedroom and 2 no. 1 bedroom self contained flats over.
Location:	The Railway Inn, Watling Street, Wilnecote, Tamworth, Staffordshire, B77 5AL
Target Date:	13/06/2012

1. Proposal

- 1.1 The application proposes the erection of a single building comprising two commercial units, an A1 convenience store of 276 sq.m, an A5 takeaway of 77 sq.m and three residential units. The proposed takeaway unit is located adjacent to the western boundary of the site, with the main retail unit occupying the centre of the site with the three residential units proposed to the first floor of the building. Vehicular access to the site is retained to the eastern boundary of the site. The building itself is sited to the back of footpath with a yard, staff parking and bin storage area to the sites boundary with Two Gates Industrial Estate. Car parking is proposed to the eastern part of the site with a low wall with railings to the footpath edge.
- 1.2 This application is a re-submission of a previously refused application. The detail of the application has not changed in this application. However, as there has been a change in national planning guidance, with the removal of the previous national planning policy guidance notes and statements, and their replacement with the National Planning Policy Framework (NPPF).
- 1.3 The following documentation has been submitted in support of the application;
- A Design & Access Statement;
 - Planning & Sustainable Development Statement;
 - External Noise Assessment Report;
 - Contaminated Risk Assessment;

2. Site and Surroundings

- 2.1 The application site is located on Watling Street (The old A5), one of the main arterial routes though Tamworth. The site is currently vacant and was previously occupied by the Railway Inn a public house, which has recently been demolished. The site is bound to the north by Watling Street, with Beauchamp Industrial estate located on the opposite site of the road. The eastern boundary is formed by the residential dwellings of 405 and 407 Watling Street. An existing flat roofed tyre garage occupies the site to the west of the building, beyond which lies Wilnecote train station, Two Gates Industrial Estate is located directly to the south of the site.

3. Key Issues

- Taking in to account the development plan and other material considerations including the NPPF and the impact assessment undertaken by England & Lyle on the previous application, consideration of the likely impact of the proposed development on existing centres;
- Compliance of the proposed development with the emerging Local Plan, in particular the strategic allocation of the Wilnecote Regeneration Corridor;
- The siting and design of the proposed development; and
- The impact on highway safety.

4. Conclusion

- 4.1 Whilst the proposed development would provide employment opportunities, and improve the appearance of this area, this is not considered to outweigh the fact that the impact of the proposed development is considered likely to have a significant retail impact on the High Street Dosthill local

centre, and the neighbourhood centres of Watling Street, Wilnecote, bowling Green Avenue, Exley and Springfield Road. As a result the proposal would have an adverse impact on the vitality and viability of these centres.

- 4.1 In addition, the proposed development would compromise the emerging regeneration priority area strategic allocation of the Wilnecote Regeneration Corridor, which would benefit from a comprehensive and co-coordinated approach to improving and addressing its current ad hoc and incoherent pattern of development. The current proposal therefore prejudices the longer term redevelopment aspirations of the corridor, contrary to the emerging Local Plan Policy SP7.

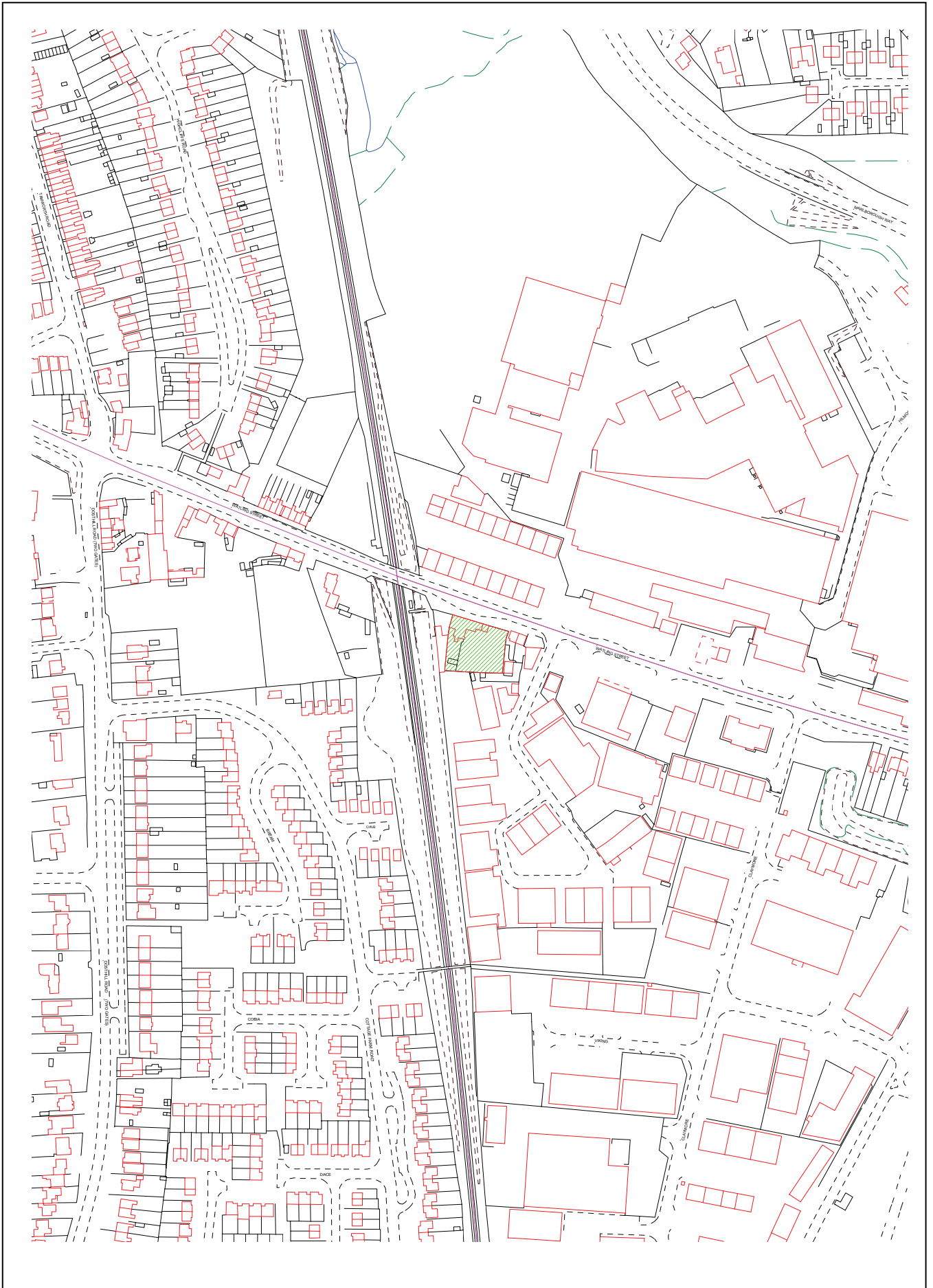
Recommendation

Refuse

Reasons

1. As a result of a robust assessment of the likely impacts of the proposed development it is considered that the proposal would be likely to have a significant retail trading impact on the High Street Dosthill local centre, and the neighbourhood centres of Watling Street, Wilnecote, Bowling Green Avenue, Exley and Springfield Road. The proposal would therefore detrimentally impact on the vitality and viability of these centres, contrary to materials considerations, the thrust of the National Planning Policy Statement in terms of the protection and delivery of vital and viable centres and emerging Local Plan Policy CP1.

2 Approval of the proposed development would compromise the emerging regeneration priority area strategic allocation of the Wilnecote Regeneration Corridor, which would benefit from a comprehensive and co-coordinated approach to improving and addressing its current ad hoc and incoherent pattern of development. The current proposal prejudices the longer term redevelopment aspirations of the corridor, contrary to the emerging Local Plan Policy SP7.



5 Relevant Site History

- 5.1 0407/2011: Previous application for the development of the site. No details of the application have changed. Permission refused 14/03/2012.

6 Consultation Responses

Tamworth Borough Council (Development Plans)

- 6.1 The NPPF reaffirms the need to promote and support the vitality and viability of centres, through the application of the sequential approach and the need for an assessment of impacts for certain scales of development.
- 6.2 The emerging Local Plan 2006-2028 (eLP) received Council approval to publish on the 17th May 2012. Paragraph 216 of the NPPF (part of Annex 1: Implementation) states that decision-takers may give weight to emerging plans according to the stage of preparation, i.e. the more advanced the more weight can be attributed to it. It is considered that receiving Council approval to publish represents a substantial advancement of the plan, and as such significant weight can be attributed to its policies. All of the policies in the plan have been appraised against the NPPF to ensure a high degree of consistency and compliance, in addition the publication version has been developed in close involvement with Member led working groups. The eLP was considered by Cabinet in January 2012 and Full Council in February and May 2012.
- 6.3 The fundamental special objective of the eLP is to focus investment especially for town centre uses in the town centre and the network of local and neighbourhood centres. This is a key recommendation of the Tamworth Town Centre and Retail Study, in order to deliver the Borough wide regeneration objectives.
- 6.4 Policy CP1 of the eLP contains a requirement that development proposals deemed by the Council to have a significant impact on an existing centre that fall below the thresholds mentioned in the policy require an impact assessment. The Development Plans Manager considers that the impact of this development would be significant, therefore an assessment of impacts is a material consideration in the determination of this application. The outcome of the impact assessment undertaken by England and Lyle on the previous application predicts the impacts of this proposal to be high on Dosthill local centre and the neighbourhood centres of Watling Street, Wilnecote, Bowling Green Avenue, Exley and Springfield Road. The proposal is therefore deemed to have an unacceptable detrimental impact on existing centres.
- 6.5 Policy SP7 of the eLP defines the Wilnecote Regeneration Corridor, within which the proposal is located, as a regeneration priority area strategic allocation which would benefit from a comprehensive and coordinated approach to improving its existing employment and housing offer to address its current ad hoc and incoherent pattern of development. In the absence of any quantitative need for additional convenience retail in the Borough in the short or medium term, it is anticipated B1 (b,c), B2 and B8 uses being the most appropriate along with housing. Whilst it is accepted that the proposal would contribute towards delivering small scale regeneration benefits in terms of using a vacant site in a prominent location, it represents a small scale development which would prejudice the longer term aspirations of the corridor.

Tamworth Borough Council (Economic Development)

- 6.6 The Economic Development Team would recommend this application for approval, based on the medium to long term effects this proposal would have on the surrounding area. The proposal would physically enhance an area that is in need of regeneration, also highlighted by the forthcoming Local Plan focus on this area – the Wilnecote Regeneration Corridor. It is felt the proposed development could provide a stimulus for more use of the local railway station, encouraging more sustainable transport solutions for residents of the local area.

Tamworth Borough Council (Environmental Health)

- 6.8 Noise; The submitted noise survey identifies the site as falling within NEC noise category C. As there are no outdoor spaces for the residential development it is considered appropriate to allow such a development subject to conditions relating to noise levels to be provided within the flats, operating hours for the commercial elements, and an assessment of noise levels from the commercial units.

- 6.9 Odour; As no details have been provided it is proposed to condition the submission and approval of a scheme to deal with odour.
- 6.10 Contaminated Land; As the submitted report does not identify any significant pollutant receptor linkage, it is unlikely that there would be a significant risk to future users of the site by way of contamination.
- 6.11 A total of 4 conditions are recommended relating to the following;
- Control over noise levels;
 - Submission of an assessment of noise emanating from the commercial units;
 - Control over the operating hours;
 - Control over equipment relating to cooking;

Staffordshire County Council (The Highway Authority)

- 6.12 No objection and consider that the proposed development could be approved subject to a number of conditions relating to; Submission of details to show provision of vehicular access within the limits of the public highway, and reinstate the existing lay-by across the site frontage as a footway; Provision of the parking areas, including marking out; Submission of a Delivery Vehicle Management Plan; and submission of an off-site traffic management scheme.

Staffordshire Police

- 6.13 No response received at the time of writing this report

Severn Trent Water

- 6.14 No objection subject to the submission of a foul and surface water drainage scheme.

Tamworth Borough Council – Waste

- 6.15 Identify the requirements for waste provision for residential properties

7 Additional Representations

- 7.1 Letters to adjoining neighbours were sent out during the consultation period in addition to a site notice being placed at the site. One letter of objection had been received at the time of writing this report, the salient points raised relate to;
- Loss of parking space to the front of 407 Watling Street;
 - Potential noise and disturbance from the delivery and turning area;
 - No need for an additional takeaway;
 - Vermin;
 - Smells;
 - Loss of access to the rear of the adjacent dwelling;
 - Drainage; and
 - Need for the replacement of the boundary treatment in-between the site and 407 Watling Street.
- 7.2 The proposed walling and railings are located within the applicant's ownership and should not impact on the parking of cars providing the space is within the appropriate ownership. The other issues raised are covered in the main report.

8 **Planning Considerations**

8.1 The main issues for consideration in the determination of this application are considered to be;

- Principle of Development, including retail impact and compliance with the emerging Local Plan;
- Siting and Design Considerations;
- Highway Safety / Accessibility;
- Amenity; and
- Other Issues.

Principle of development

- 8.2 In assessing the principle of development regard needs to be had to the current Tamworth Local Plan 2001-2011, the emerging Local Plan 2006-2028, the Staffordshire Structure Plan 1996-2011, the Regional Spatial Strategy, and the National Planning Policy Framework (NPPF).
- 8.3 The current Tamworth Local Plan (LP) should be that starting point in assessing the acceptability of planning applications, closely followed by the Staffordshire Structure Plan (SP). However, in the case of both plans those policies which referred to new town centre uses have not been saved as more up to date national policies had replaced them.
- 8.4 The most up to date national planning guidance which relates specifically to town centre uses are contained within the NPPF. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications for planning permission need to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF, work undertaken in respect of assessing the impact of the proposed development, and the emerging Local Plan are considered to be the main material considerations in determining this planning application.
- 8.5 The NPPF effectively echoed the requirements of the now replaced Planning Policy Statement 4, in terms of its unequivocal support for sustainable economic development. Section 2 of the NPPF (Ensuring the vitality of town centres) reaffirms the need to promote and support the vitality and viability of town centres (and local centres) by carrying through the application of the sequential approach to new town centre uses and the need for an assessment of impacts for certain scales of development.
- 8.6 The fundamental spatial objective underpinning the eLP is to focus investment in the town centre and local centres. It seeks to direct new retail development, to the town centre or local centres to ensure their vitality and viability, particularly as there is no identified quantitative need for new retail development. This clearly sets out the Council's economic vision and strategy for the Borough, promoting sustainable economic and retail development but not at the expense of existing areas.
- 8.7 With regard to the residential element of the scheme, Policy HSG5 of the Local Plan is the most relevant which supports the principle of new residential development within the urban area of the Borough subject to a number of detailed criteria relating design, amenity, and highway safety. The consideration of these issues is detailed below. In addition, the provision of mixed use developments including residential uses are promoted and supported by the NPPF.

The Sequential Assessment

- 8.8 The application of the sequential site assessment seeks to focus new development within existing centres. Only if sites within or on the edge of existing centres are not available will an out of centre site be appropriate. The application site is an out of centre site, being located outside an identified town centre, local centre, or neighbourhood centre. The submitted Planning & Sustainable Development Statement (PSDS) does not contain a detailed sequential assessment, only a simple statement that it is accepted that there are no sequentially preferable alternative sites within the nearby centres which could accommodate the development.
- 8.9 The use and site have been assessed through the application of the sequential test in determining the previously refused application. It was concluded that there are no available or suitable sites which could accommodate the proposed development in any nearby centres. Therefore whilst the lack of a detailed assessment in the Planning & Sustainable Development Statement could be a reason for refusal of the application, this would not be reasonable given that there are no sequentially preferable sites available for the main A1 retail unit.

Assessment of Impacts

- 8.10 It is inevitable that the current proposal would have an effect on the existing centres in close proximity to the site. However, whether this impact is likely to be significantly adverse needs to be established. The previous application was refused based on the likely significant retail impact the proposed development would have on existing local centres;

As a result of a robust assessment of the likely impacts of the proposed development it is considered that the proposal would be likely to have a significant retail trading impact on the High Street Dosthill local centre, and the neighbourhood centres of Watling Street, Wilnecote, bowling Green Avenue, Exley and Springfield Road. As a result of this impact the proposal would be likely to have an adverse impact on the vitality and viability of these centres contrary to policy EC17 of PPS4.

- 8.11 The previous application was independently assessed by a specialist retail consultant England & Lyle (E&L). As there have been questions raised as to whether following the revoking of PPS4 and the advent of the NPPF as to whether the current application can be determined based on an assessment of the retail impacts of the proposed development, it is worthwhile confirming the Councils position in this regard.
- 8.12 The NPPF has set a default threshold for the requirement for an assessment of impacts to be undertaken at 2,500 sq m, where as the previous PPS4 considered that an impact assessment was necessary for developments that would be likely to have a significant impact on other centres. In addition, eLP Policy CP1 contains a requirement that development proposals deemed by the Council to have a significant impact on an existing centre that fall below the thresholds mentioned in the policy will require impact assessment. Clearly the Council consider that the impacts of this proposed development would be significant, therefore the assessment of impacts is entirely reasonable and material to the determination of this application.
- 8.13 An assessment of impacts was undertaken by E&L as to the likely retail impacts of the proposed development, which is a key material consideration in the determination of the current application in accordance with the provisions of the act. As the assessment undertaken relates directly to the current development proposal, this assessment of impacts is a significant material consideration in determining the impacts of the proposed development. It is therefore considered entirely appropriate to use the retail impact assessment undertaken to assess the acceptability of the proposed development.
- 8.14 The assessment indicates the likely trade diversions and percentage impacts taking in to account the estimated turnover of the existing centers/stores. The predicted impacts are high, with the retail impacts on the High Street Dosthill local centre being reduced by 26%. The impact on the neighbourhood centres of Watling Street, Wilnecote, bowling Green Avenue, Exley and Springfield Road are also predicted to be relatively high (full details are detailed within the review by E&L). E&L conclude, in impact terms the proposed development is considered to be likely to have a significant retail impact on the High Street Dosthill local centre, and the neighbourhood centres of Watling Street, Wilnecote, Bowling Green Avenue, Exley and Springfield Road.

Local Employment and Regeneration

- 8.15 The impact of the proposal on local employment is one of the criteria for determining the acceptability of new proposals for economic development. The submission details that the proposal has the potential to create between 20-25 full and part time positions. Clearly the proposal would result in the creation of new jobs, which may benefit to the local community. And officers welcome the opportunity for the creation of new jobs within the Borough. However, in accordance with the above assessment the impact of the proposal on the existing local centres is considered to be a determining factor in assessing the overall acceptability of the proposal taking stock of the potential impacts on existing local businesses.
- 8.16 The comments in relation to the regeneration benefits of the proposed are noted and it is acknowledged that this area of Watling Street is in need of regeneration. Indeed eLP Policy SP7 defines this area as the Wilnecote Regeneration Corridor, which is a regeneration priority area strategic allocation. As detailed above in the comments of the Development Plans Manager, this allocation is considered to be essential to securing the long term redevelopment aspirations of this area and thus the allocation. As identified by its allocation it is acknowledged that this area would benefit significantly from a comprehensive and coordinated approach to improving the employment and housing offer and the overall pattern of development.

- 8.17 In assessing the overall strategy and appropriate uses/forms of development appropriate for this priority allocation it is anticipated, that B1 (b,c), B2 and B8 uses along with housing are appropriate for regenerating this area. The current proposal is convenience retail led, of which there is no identified need (as identified in the Tamworth Town Centre and Retail Study) in the short or medium term. The retail study also recommends that no new local centres are allocated, due to the lack of need the provision of retail as part of the Wilnecote Regeneration Corridor is not supported or justified.
- 8.18 The governments' current agenda particularly with regard to 'Planning for Growth' and the NPPF is underpinned by the aim of achieving sustainable growth and promoting prosperity and the creation of jobs. However, it is not considered that this should be a cue for abandoning the need to secure vital and viable centres in the short, medium or long term. Whilst every endeavour should be taken to promote growth this should not be at the expense of the overarching principles of planning policy/guidance, which aim to promote and help maintain vital and viable centres. Therefore the creation of jobs in this out of centre location should not take precedence over the overarching principles of planning policy.

Siting and Design Considerations

- 8.19 Existing and emerging Local Plan Policies, and the NPPF place a strong emphasis on improving the quality of design, seeking to ensure new developments are designed to a high quality. The site is located in an area of mixed architectural character, with development to the east and north of the site characterised by 'crinkly tin' industrial sheds of no architectural merit. To the west of the site to the contrary of the east, some of the traditional built form of Watling Street remains. This takes the form of Georgian/Victorian dwellings and terraces fronting on to Watling Street, with strong cill and lintol detail and a mix of roof styles. The existing site is currently vacant, with the Railway Inn having been recently demolished public house.
- 8.20 Over recent years, the Council has looked to improve the character of Watling Street, through the provision of new development close to the back of footpath thus reinforcing the linear quality of the road, and reintroducing the historic sense of enclosure along this important route. However, none of the approved proposals have yet been implemented in the immediate vicinity of the site. The application proposes the erection of a single building containing two ground floor retail units and three flats to the first floor. The application proposes to site the built form of the development to the north of the site to the back of footpath, in line with the traditional development pattern of the area, with the main pedestrian entrances to the stores located on this frontage. The frontage of the site is proposed to be defined by low walls with railings.
- 8.21 The development as takes the form of a domestic scale Victorian inspired building, taking inspiration for its detail from a number of the remaining traditional buildings along Watling Street. The building is proposed with traditional style shop fronts and window detail. The car parking area for the development is proposed to the eastern part of the site frontage and extends in to the site with the spaces sited on either side of the site access.
- 8.22 In conclusion it is considered that the scale, density and layout of the site is compatible with the area. The design, proportions, materials and detailing is well integrated with the remaining traditional character of Watling Street and would improve the overall appearance of the locality and streetscene in general. It would be necessary to condition all boundary treatments and materials to ensure the appearance of the site is acceptable and security of the adjoining residential properties is maintained.

Highway Safety / Accessibility

- 8.23 The site is accessed from Watling Street a B classified road with a 30mph speed limit. The site benefits from a single vehicular access to the eastern end of the site and the application proposes to retain the access in this location. It is noted that the Highway Authority raise no objection to the proposal on highway safety or parking provision grounds, subject to the provision of the access, parking, servicing and turning areas prior to the development being brought in to use. In addition, there is the requirement to reinstate the existing lay-by to the front of the site as part of the footway, submission of a Delivery Vehicle Management Plan, and the securing of an off-site traffic management scheme comprising 'No waiting at any time / No loading at any time regulations'.
- 8.24 The development proposes the provision of 21 car parking spaces, 1 of which is disabled. The site is located within the urban area of Tamworth directly adjacent to Wilnecote train station and in close

proximity to local services and amenities. A bus service runs along Tamworth Road, Two Gates which lies approximately 300 metres to the west of the site. In considering the merits of the location it is considered that the site is within close proximity to sustainable modes of transport, and thus the level of car parking proposed for this facility is considered acceptable.

- 8.25 In conclusion and subject to conditions the proposed development is not considered to detrimentally impact upon the safe and efficient use of the highway and complies with policy T13 of the Structure Plan, policy TRA3 of the Tamworth Local Plan.

Amenity

- 8.26 An area of concern relates to the impact of the proposed development on the residential amenities of the adjoining domestic properties, and also the need to protect the amenities of the proposed residents which is also of concern for the Council's Environmental Health Department. To this end a condition is considered necessary to control the noise levels at the site, which is particularly important when considering the likely plant associated with the proposed development.
- 8.27 A further area of concern relates to deliveries, and the potential disturbance that this might give rise to, particularly at unsocial hours. It is considered reasonable that a condition would be necessary to restrict collection of waste or deliveries associated with the proposed units before 0700hrs or after 2300hrs Monday to Saturday or before 0800hrs or after 2300hrs Sundays or public holidays. A scheme of lighting would also need to be conditioned in order to ensure that there would be no light nuisance affecting nearby residents.
- 8.28 The smaller unit on the site is detailed as being an A1, A2, A3 or A5 use and therefore there is potential for this proposed unit to cause a nuisance to surrounding residents in terms of odour. In this respect it is considered necessary, and reasonable, to request additional details of any extract systems via condition to secure odour control.
- 8.29 The tendency of new retail and takeaway uses to result in disturbance is a contentious issue, it can be argued that the use is undesirable because it can give rise to adverse effects on amenity due to noise, disturbance, litter and anti-social behavior. However, in the light of the general thrust of planning advice sustaining a reason for refusal based on these reasons is particularly difficult without clear evidence. It is generally considered that other legislation enforceable by the police and/or community support officers are sufficient to allow action to be taken should any nuisance arise.
- 8.30 Potential problems of litter and vermin are not considered to be a sufficient reason for the refusal of planning permission and are better dealt with under the Environmental Protection Act 1990. If the proliferation of litter dropping and vermin was to occur as a result of the proposal this avenue would be the most enforceable way of controlling the issues as a result of the takeaway operations. The provision of rubbish bins adjacent to the development may assist, but would not address the issue of customers who throw their litter in locations remote from the premises, having consumed the food
- 8.31 In conclusion it is considered that subject to conditions the proposed takeaway use would not adversely impact upon the amenities of neighbouring properties or the surrounding area.

Other Issues

- 8.32 In so far as the commercial waste which would be created by the proposed use, it is clear that there is a dedicated area to the rear of the building to be used as a service yard and bin storage. It is however, necessary to ensure that this area is suitable and additional details of the waste storage provision would be necessary.
- 8.33 The application does not detail how surface water within the site would be treated, in the interests of sustainability it is considered that further details of the surface water drainage would be necessary as such a condition requiring the submission and approval of drainage details including the incorporation of sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the site would be necessary.

9 **Conclusion**

- 9.1 Whilst the proposed development would provide employment opportunities, and improve the appearance of this area, this is not considered to outweigh the fact that the impact of the proposed development is considered likely to have a significant retail impact on the High Street Dosthill local centre, and the neighbourhood centres of Watling Street, Wilnecote, bowling Green Avenue, Exley and Springfield Road. As a result the proposal would have an adverse impact on the vitality and viability of these centres.
- 9.2 In addition, the proposed development would compromise the emerging regeneration priority area strategic allocation of the Wilnecote Regeneration Corridor, which would benefit from a comprehensive and co-ordinated approach to improving and addressing its current ad hoc and incoherent pattern of development. The current proposal therefore prejudices the longer term redevelopment aspirations of the corridor, contrary to the emerging Local Plan Policy SP7.

Williams, Vivienne

From: Glenys Mills |
Sent: 01 May 2012 14:05
To: PlanningAdmin
Subject: Application Number 0128/2012

Dear Richard,

I am in receipt of your letter with regards to the Railway Inn Site.

Having studied the plans I still have some concerns with the proposed development.

1. Parking of my vehicle - at present I park in front of the laural bush. Mr Ghedia plans to build a small brick wall incorporating a railing.
2. The 2m brick wall - the fence that runs along side the pub car park next to my property, which is only supported by the over-grown brambles and rubbish from the car park side. Is the Brick Wall to be constructed in front of the brambles and rubbish? Mr Ghedia informed me 2 years ago that the fence did not belong to him.
3. The Deliveries and Turning area - Not happy with the location too close to my property, lends if self to noise polution!
4. The convenience Store - what type of convenience? Off Licence? Spar? Tesco?
5. Retail Unit 2 - What will be the usage? The deliveries area will reflect, hence my objection to location of the delivery area.
6. Take Away - What type? Indian? Chinese? Piza? Chip Shop? alll of which are well supported in the area! You have my100% percent objection! We already have a RAT issue here! It is bad enough having McDonalds over the road, which Mr Ghedia has an involment! The area has sufficient fast food establishments, the smell, noise pollution from cars and customers, in additon the rubbish generated, which we already suffer, from McDonalds and in the Herald last week the write up, it stated 25 jobs would be created as a result of the planned re-development of the Railway site. McDonalds promised employ addtional staff to enable them to get planning permission, but all they did was re-locate staff from the branch closed in Tamworth!
7. The Land - My property sits lower than the Pub car park this will need consideration prior to re-development if it is agreed and granted by all concerned, with regards to drainage, problems do occure when we suffer heavy rainfall.

I am all for the Railway site being re-developed. The condition Mr Ghedia has left the site in prior to his cruel demolision of the Railway Inn, is disgusting and he should of been instructed to make the site good and tidy prior to any re-development.

I would like to have a site meeting with Mr Ghedia and a Council Official to discuss his proposal.

We all need to work together so everyone can benefit fairly.

Kind Regards

Glenys Mills
Potters Throw Cottage
407 Watling Street
Two Gates
Tamworth
Staffordshire
B77 5AL

TOWN PLANNING	
FOLIO No	
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