

# PLANNING COMMITTEE

29<sup>th</sup> April 2014

## SCHEDULE OF APPLICATIONS

REPORT OF THE DIRECTOR (COMMUNITIES, PLANNING & PARTNERSHIPS)



**BOROUGH OF TAMWORTH**  
**PLANNING COMMITTEE**  
**SCHEDULE OF APPLICATIONS**

**29<sup>th</sup> April 2014**

<b>A</b>	<b>Reports for Consideration</b>	<b>1</b>
<b>B</b>	<b>Appeals Received</b>	<b>0</b>
<b>C</b>	<b>Appeal Decisions</b>	<b>0</b>
<b>D</b>	<b>Consultations</b>	<b>0</b>
<b>E</b>	<b>High Court Challenges</b>	<b>0</b>

**BACKGROUND PAPERS**

**Tamworth Local Plan 2001 - 2011**

**All other documents referred to in individual reports**

## SUMMARY OF PLANNING APPLICATIONS FOR DETERMINATION

### Part A

### Reports for consideration

**Application Number:**

**0052/2014**

**Development:**

Proposed new MINI car showroom and associated workshop/service area

**Location:**

Plot 1 Cardinal Point, Kinson Drive, Tamworth

**Target Date:**

23<sup>rd</sup> May 2014

**Recommendation**

**Approval with conditions**

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<b>Application Number:</b>	<b>0052/2014</b>
<b>Development:</b>	<b>Proposed new MINI car showroom and associated workshop/service area</b>
<b>Location:</b>	<b>Land at Bonehill Road, Tamworth</b>
<b>Target Date:</b>	<b>23rd May 2014</b>

## 1. Site and Surroundings

- 1.1 The site is located at Cardinal Point, part of the wider Ventura Park area which is comprised of a mix of retail units, offices, warehouses and car showrooms. The site is identified as being part of the wider Bitterscote Employment Area and is comprised of a site of 0.42 hectares.
- 1.2 The site is bound to the north by Bonehill Road, beyond which lie existing industrial units, the eastern boundary is formed by the rear of B&Q at Cardinal Point, to the south lie a number of existing small industrial units, with Kinson Drive forming the western boundary of the site with the existing Audi car dealership beyond.
- 1.3 The site has been cleared, with the exception of two mature protected Oak trees located on the corner of the site adjacent to the Bonehill Road roundabout.

## 2. Proposal

- 2.1 The application proposes the erection of a building to house a MINI dealership. The building accommodates a showroom, MOT facility, workshops, and a parts store. The sale or display of motor vehicles has no specified class (i.e a *sui generis* use), however it is noteworthy that a significant element of the proposed development is comprised of workshops and MOT facilities all of which fall within use class B2.
- 2.2 Vehicular access is proposed from Kinson Drive (a private road), with two accesses into the site, one for customers and one for staff. A total of 106 car parking spaces are proposed at the site, the full breakdown of which is detailed within the planning considerations below.
- 2.3 The following documentation has been submitted in support of the application (all are available for inspection on the Councils website at [www.tamworth.gov.uk](http://www.tamworth.gov.uk));
  - Design & Access Statement;
  - Planning Statement;
  - Transport Statement;
  - Ecological Appraisal;
  - Arboricultural and Planning Integration Report; and
  - Flood Risk Assessment.

## 3. Key Issues

The key issues in assessing the merits of this scheme are considered to be the following;

- Principle of Development;
- Siting and Design;
- Highway safety; and
- Trees.

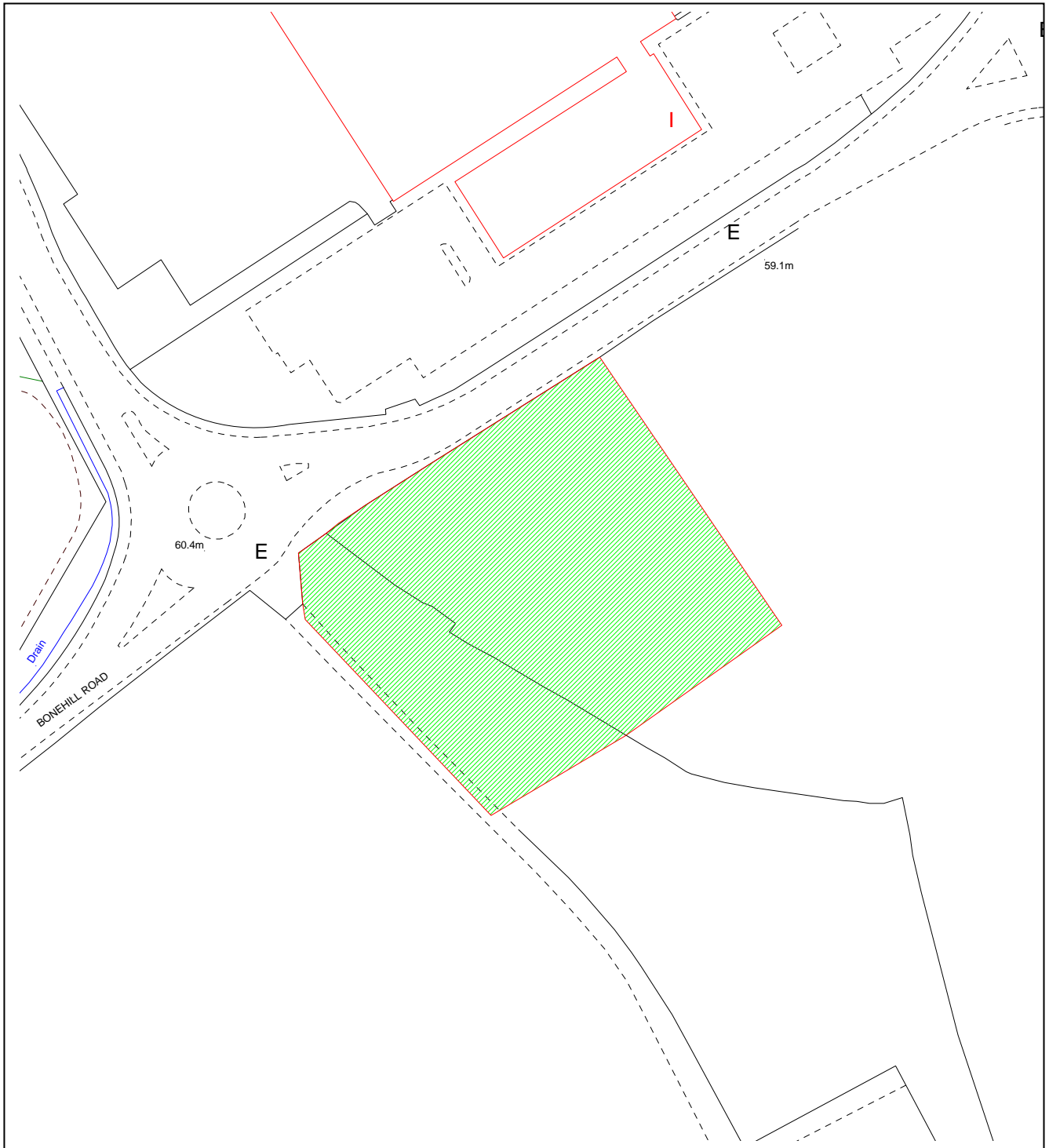
## 4. Conclusion

- 4.1 The proposed development is considered to be acceptable in principle, occupying a currently vacant site with outline consent for a car showroom, which will provide employment opportunities to the benefit of the economic prosperity of the area. The development is designed to provide a modern premium car showroom which will enhance the character of the area, with the layout of the site and car parking provided ensuring that the development will not impact upon highway safety.

5. **Recommendation**

Approval with conditions

0052/2014



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## **6. Relevant Site History**

- 6.1 The application site forms part of a larger site granted outline planning permission in 2007 for the erection of two car showrooms (0635/2007), part of which has been developed through the erection of the adjacent Audi car showroom. In 2011 the time period for the submission of a reserved matters application for this site was extended but this expired in 2013.

## **7. Consultation Responses**

### **7.1 Tamworth Borough Council – Development Plans**

Given the nature of the development/use proposed, it is considered that this would be a sustainable and suitable location that would be accessible and which would not adversely impact on any existing employment uses or the viability of the town centre. As such, it is considered that the proposal would be broadly compliant with policy CP2 of the emerging Local Plan.

It is considered that the broad principles of the development are in compliance with the relevant national and emerging local policies. Whilst not fully conforming to the saved policies of the Local Plan 2001-2011, given the level of employment that would be generated, the nature of the proposal and the surrounding uses, it is considered that the development would not adversely impact on the vitality and viability of the employment area and would contribute positively to the local economy. Taking account of saved policy EMP3's level of consistency with the NPPF, it is concluded that the proposed use is justifiable and would be acceptable in this instance.

### **7.2 Tamworth Borough Council – Economic Development**

We feel that this is a suitable development for this location as it further enhances the car dealership offer in Tamworth and around Cardinal Point, which ultimately has an impact on marketing Tamworth as a retail and visitor location.

This application also provides the potential for strong sustainable employment across a variety of roles and skills.

### **7.3 Tamworth Borough Council – Environmental Protection**

No objections

### **7.4 Tamworth Borough Council – Open Spaces Manager (Tree Officer)**

Supports the findings of the Tree Survey submitted and would have no objections to the application subject to the protection of the 2 mature trees in accordance with the recommendations contained in the tree report.

### **7.5 Tamworth Borough Council – Tourism & Town Centre Officer**

No response received at the time of writing this report.

### **7.6 Tamworth Borough Council – Waste Management**

No objections subject to the legal requirements of the applicants to provide secure containers for their waste.

### **7.7 Environment Agency**

No objections to the proposed scheme but recommend a condition requiring the development to be carried out in accordance with the Flood Risk Assessment and the mitigation measures contained within the FRA.

### **7.8 Sever Trent Water**

No objection subject to the imposition of a condition requiring the submission of a drainage scheme (foul and surface).

7.9 Staffordshire County Council – The Highway Authority

No objections to the proposed scheme following the receipt of the amended parking allocation plans. This is in addition to conditions relating to the provision of the access, parking, turning and servicing areas, submission of cycle storage details and surface water drainage.

7.10 The Highways Agency

Offer no objection to the proposal.

7.11 Staffordshire Fire and Rescue

Comment that appropriate supplies of water for fire fighting and vehicle access should be provided at the site, including appropriate capability for firefighting appliance. Consideration should be given to the provision of an Automatic Water Suppression System (sprinklers) within the development.

7.12 Staffordshire Police

No objections. But have made various comments on the security of the site.

**8. Additional Representations**

8.1 The deadline for comments was the 20<sup>th</sup> March 2014, and no additional representations were received at the time of writing this report.

**9. Planning Considerations**

9.1 The main issues for consideration in determining the acceptability of the proposed development are considered to be;

- Principle of Development;
- Siting and Design;
- Highway Safety; and
- Other Issues.

Principle of Development

9.2 The proposal seeks permission for a bespoke car showroom, including workshops, MOT facility, and parts centre. Which overall is a *sui generis* but includes a workshop and MOT element, which individually (if proposed separate to the car showroom) would constitute a traditional B2 employment use. It is also noteworthy that whilst not extant, outline consent has previously been granted for a car showroom on this site.

9.3 The site is located within the Bitterscote Employment Area (BEA). Policy EMP3 of the Local Plan relates to new development within established employment areas. The overarching aim of Policy EMP3 is to protect the existing employment areas for employment (B1, B2, B8) uses and thus promote these uses within the network of employment areas. This policy is considered to generally reflect a key principle of the NPPF of building a strong, competitive economy. However, the restrictive nature of the policy is contrary to the requirement of Para 22 of the NPPF, which requires planning policy to avoid the long term protection of sites allocated for employment uses where there is no reasonable prospect of the site coming forward for such uses. As such this policy is not considered to be entirely compliant with the general support for economic development within the NPPF and as such the restrictive nature of EMP3 will not be a determining factor in assessing the appropriateness of this application.

9.4 In considering whether the proposed use should be located more centrally i.e. within the town centre, it is unlikely that a suitably sized site for this type of use could be provided within the town centre at present. Indeed, historically (as is evident from the previous permission for a car showroom on the site) the view has been taken that an acceptable approach for such uses is to site them alongside one another and the existing out of centre retail and business uses.

9.5 The surrounding area is currently comprised of a mix of retail, commercial and car showrooms. In close proximity to the site there are a number of existing car showrooms which could be described somewhat as a micro economy of car related uses. The provision of an additional car showroom in



this locality, whilst not strictly conforming with the objectives of the Policy EMP3 would provide a substantial element of a B2 use and create local jobs (22 in total, 20 full time and 2 part time). This includes local opportunities for training and development which would result in a form of development that would contribute to the local economy.

- 9.6 It is considered that this proposal coupled with the other prestige brands within the vicinity will assist in enhancing Tamworth's attractiveness as a destination for future economic uses, thereby helping to improve and strengthen the local economy. Taking these factors into account, it is considered that the proposal complies with overall thrust of the NPPF and should be supported in principle.

#### Siting and Design

- 9.7 The design and form of the proposed new building is largely dictated by the use proposed, the building is specifically designed for the MINI brand. The building has a crisp modern appearance, with large areas of glazing (for the showroom), with dark cladding and colour splashes providing an attractive view of the dealership from this main route in to Tamworth along Bonehill Road. The siting of the building takes its lead from the existing Audi car dealership forming a consistent 'building line' along this part of Bonehill Road which also allows for external display spaces close to the roundabout.
- 9.8 The building is two storey in height, with a small staff mezzanine proposed at first floor, with scope for a further future mezzanine. The proposal includes security fencing to the back of house area, comprised of a 'hit and miss' timber fence fixed to galvanised post and rails to 2.4m. In general, the proposal is considered to reflect and improve the character and appearance of the surrounding area, enhancing this premium retail area of the Borough. Through negotiations the application now includes areas of soft landscaping to the Bonehill Road elevation with box hedging along the north and western boundaries. In conclusion the proposal is considered to be acceptable in terms of its siting and design.

#### Highway Safety

- 9.9 Vehicular access to the site as detailed above is provided from Kinson Drive, which is unadopted from this arm of the roundabout and owned and controlled by Royal London Mutual (the site owner) and provides access to the site, the Audi dealership and the smaller units further to the south on Kinson Drive. The main access to the site is located approximately 30m to the south of the roundabout, with a secondary access to staff parking provided a further 20m to the south. The location of the site access provides good visibility in both directions. The site requires large articulated car transporters to use Kinson Drive when accessing the site, however as Kinson Drive is owned and controlled by the applicant this arrangement is considered to be acceptable. Subject to detailed conditions the new vehicular access to the site is considered to be acceptable a view confirmed by the Highway Authority.
- 9.10 The parking provision within the site is split between the front of house customer accessible area and the back of house car storage and staff parking. A total of 106 spaces are provided for the whole site, provided front and back of house and also on the roof of the building. The provision can be summarised as follows;
- |                  |   |
|------------------|---|
| Front of House;  |   |
| External Display | 43  |
| Customer Parking | 14 (Including 1 disabled and 1 parent and child)    |
| Demonstration    | 8 (Staff cars are also used as demonstration cars)  |
| Back of House;   |   |
| Demonstration    | 14 (Staff cars are also used as demonstration cars) |
| Service Parking  | 18  |
| Storage Parking  | 9   |
- 9.11 In addition there are 6 active service bays and two MOT bays. It is acknowledged that the majority of visitors to the site are likely to be car borne. It is therefore important to ensure that sufficient parking is provided within the site.

- 9.12 The level of parking is generally consistent with the indicative requirements of the Highway Authority and the Council, particularly as the predicted level of employment at the facility is for 22 staff with sufficient space provided. Overall the level of car parking is considered to be acceptable.
- 9.13 One concern when considering new car showrooms is the likelihood of existing road users being distracted by the displays. However, due to the commercial nature of the surrounding area, this is not considered to be a concern at this location. Overall it is considered that the proposed development would not significantly impact upon highway safety within the local area.

#### Trees

- 9.14 There are currently 2 large mature Oak trees to the north western corner of the site which are covered by a historic Tree Preservation Order TPO1: 1968. Each of the trees have been the subject of a detailed tree survey, which has identified the trees as being of moderate quality with a 40+ year life expectancy. The survey provides for a landscaped area to the base of the trees, and the provision of a 'no dig' construction within the root protection areas of the tree.
- 9.15 The Council's Tree Officer is content that the proposed works if completed in accordance with the recommendations of the survey then the development would not harm the long term retention of these important trees within the landscape.

#### Other Issues

- 9.16 Biodiversity/Ecology; Due to the vacant nature of this brownfield site and the potential for protected species to have moved on to the site in the intervening period between the demolition of the building and the current application the site has been subject to an Extended Phase 1 Habitat Survey and preliminary protected species survey. The survey confirms that there are no features of high ecological value, as the site has been recently cleared. No evidence of protected species using the site has been identified.
- 9.17 Flood Risk Assessment (FRA); The application site (as with all of the Ventura Park Area) is located within Flood Zone 3, an area with a theoretical 1% annual probability of flooding. However, this designation does not consider the flood defences within the area. The heights of the defences is 820mm above the 200 year (0.5% annual chance of flooding) flood level, therefore the only risk of fluvial flooding posed would be if the defences were breached. Following detailed modelling the site was not found to be at risk even if the defences were breached or overtopped. The Environment Agency has no objections to the proposed development providing the mitigation measures identified within the FRA are implemented. In the interests of reducing surface water flooding the application proposes to adopt a sustainable drainage system (SUDS) to attenuate the additional surface water likely to arise from the increase in impermeable area on the site. A condition securing an appropriate scheme of drainage is proposed to secure this, in addition to a condition requiring the development to be carried out in accordance with the FRA.

### **10. Conclusion**

- 10.1 The proposed development is considered to be acceptable in principle, occupying a currently vacant site with outline consent for a car showroom, which will provide employment opportunities to the benefit of the economic prosperity of the area. The development is designed to provide a modern premium car showroom which will enhance the character of the area, with the layout of the site and car parking provided ensuring that the development will not impact upon highway safety. The proposal is therefore considered to comply with Policies ENV3, ENV19 and TRA3 of the Tamworth Local Plan 2001-2011 and the provisions of the NPPF.

## 11. 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 following documents and drawings;

Design & Access Statement	766A-Report-Word-EMB 1
Planning Statement	766A-Report-Word-EMB 2
Transport Statement	CIV 15053-8500-0001-TRA A3
Ecological Appraisal	November 2013
Drawing No	766A-0509-B
Drawing No	766A-1700-C
Drawing No	766A-0503

unless otherwise agreed in writing by the Local Planning Authority. Reason: To define the approval.

3. The development permitted by this planning permission shall only be carried out in accordance with the approved Arboricultural & Planning Integration Report completed in November 2013 by Arbortrack Systems Ltd and the following measures detailed within the report shall be implemented: The provision of tree protection fencing during construction and areas of no dig construction within the root protection areas (as detailed in Appendix A). Reason: In the interests of the health of the protected trees on the site in accordance with Policy ENV9 of the Tamworth Local Plan 2001-2011 .

4. The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (FRA) completed in 2007 by Capita Symonds and the following mitigation measures detailed within the FRA: The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. Reason: To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants as recommended by the Environment Agency in accordance with the provisions of the NPPF.

5. No development shall commence until precise details of all materials to be used in the construction of the external surfaces of the development shall be submitted to and approved by the Local Planning Authority in writing. The development shall only be implemented in accordance with the approved details. Reason: To ensure a satisfactory external appearance to the development in accordance with Policy ENV19 of the Tamworth Local Plan 2001-2011.

6. No development shall commence until precise details of the site drainage (including details of the roadway drainage and construction details) have been submitted to and approved in writing by the Local Planning Authority. The submission shall include an assessment of the hydrological and hydrogeological context of the development . The approved details shall be implemented prior to the first occupation of any part of the development. Reason: To ensure that the development is provided with satisfactory means of drainage and to reduce surface water flooding in accordance with Policy ENV19 of the Tamworth Local Plan 2001-2011 and the provision of the NPPF.

7. No development shall commence until precise details and samples of all walls, fences and other means of enclosure (including bollards) have been submitted to and approved by the Local Planning Authority in writing and such walls, fences and other means of enclosure as approved by the Local Planning Authority shall be erected prior to the occupation of the development. Reason: In the interests of the visual appearance of the development and in accordance with Policy ENV19 of the Tamworth Local Plan 2001-2011.

8. No development shall commence until precise details of the covered cycle storage area as broadly indicated on the approved plans have been submitted to and approved by the Local Planning Authority in writing and shall be erected in accordance with the approved details prior to the occupation of the development. Reason: Reason: In the interests of promoting sustainable transport modes as recommended by The Highway Authority in accordance Policy TRA3 2001-2011.

9. No development shall commence until a Service Vehicle Management Plan has been submitted to and approved in writing by the local Planning Authority which shall thereafter be implemented upon first

occupation of the proposed development and adhered to for the life of the development unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of highway safety as recommended by The Highway Authority in accordance Policy TRA3 2001-2011.

10. Prior to the first use of the development hereby approved the site accesses, parking, turning and servicing areas indicated on Drawing Number 766A-509-B shall be completed in a bound material with the individual parking bays clearly delineated prior to the occupation of the development and thereafter retained for the parking of vehicles for the life of the development. Reason: In the interests of highway safety as recommended by The Highway Authority in accordance Policy TRA3 2001-2011.

11. All planting, seeding or turfing comprised in the approved details of landscaping contained within Drawing Number 766A-1700-C shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation. Reason: In the interests of the setting and visual appearance of the development, and in compliance with Policy ENV19 of the Tamworth Local Plan 2001-2011.

**12. Informative Note(s)**

1. The applicant is advised to note that the Service Vehicle Management Plan required by Condition 9 will need to confirm the type of vehicles delivering to the site and details of how the necessary manoeuvring area will be retained clear of parked vehicles. It is noted from the Swept Path Analysis contained within the submitted Transport Statement that the HGV will require a manoeuvring area within the site and the cul-de-sac in order to enter and egress from the public highway in a forward gear. It is noted that although the private access roadway is not within the red edged area of the development the applicant benefits from right of access over the roadway.