



PLANNING COMMITTEE

27th November 2023

Tuesday, 5th December, 2023, 6.00 pm in Town Hall, Market Street, Tamworth

SUPPLEMENT – ADDITIONAL DOCUMENTS

Further to the Agenda and Papers for the above meeting, previously circulated, please find attached the following further information, which was not available when the agenda was issued:

Agenda No. Item

5a 0241/2018 Land North of Browns Lane, Tamworth (Pages 3 - 26)

Application Reference: 0241/2018

Proposal: Outline application for up to 210 dwellings, public open space, landscaping, sustainable urban drainage and associated infrastructure. All matters reserved except access.

Location: Land North of Browns Lane Tamworth
Staffordshire B79 8TA

Yours faithfully

A handwritten signature in black ink, appearing to be 'AOS', followed by a long horizontal line extending to the right.

Chief Executive

To Councillors: M Bailey, C Adams, R Claymore, G Coates, D Cook, A Cooper, J Jones,
D Maycock, P Thompson, P Thurgood, J Wadrup and L Wood.

Address:	Land North Of Browns Lane, Tamworth, Staffordshire	
Application number: 18/00840/OUTMEI	Case officer: Kerry Challoner	
Parish : Wigginton And Hopwas Ward: Whittington And Streethay	Date received: 31/05/2018	
Proposal: Outline application for up to 210 dwellings, public open space, landscaping, sustainable urban drainage, access, and associated infrastructure. (All matters reserved except access).		
Reason for being on Agenda	<p>Note: This outline planning application is being reported to the Planning Committee for determination due to the opinion of two or more senior officers it is considered appropriate for the Committee to determine the proposal in view of the scale of development and the issues arising. Furthermore, a planning objection has been received from the Wigginton & Hopwas Parish Council.</p> <p>The objections raised by Wigginton, Hopwas and Comberford Parish Council are summarised as follows:</p> <ul style="list-style-type: none"> • Object to the development proposal on the grounds of conflict with the Neighbourhood Plan • The detrimental impact on the character of the area/ inappropriate development • Impacts on highway safety/ traffic impacts • Disruption during construction • Impact on the local landscape 	
RECOMMENDATION: Refusal		
Applicant: Summix BLT Developments Ltd	Agent: Summix Planning Limited	

1. Executive summary

- 1.1 The proposed development seeks outline consent, with all matters reserved except for access for 210 dwellings to the Northern limits of Tamworth. The application is a 'cross boundary' application, as part of the application site falls within the Tamworth Borough Council administrative area. As such it falls for both Lichfield District Council and Tamworth Borough Council to determine the application separately. Government guidance, which encourages joint working between LPAs in relation to the use of their planning powers, and in particular paragraphs 24-27 of the National Planning Policy Framework (NPPF) advises that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities.
- 1.2 The scheme has been amended during the course of the application, and specifically, additional information has been provided in relation to the nature of the proposals and the highways and ecology impacts. The applicant has more recently confirmed in October 2023 that the scheme would provide for 100% affordable housing.
- 1.3 The application site is a greenfield site. In principle location terms, the site is located outside of any defined settlement boundaries and is not allocated for housing development within the local plan. It is considered that there is insufficient evidence to suggest that there is a need for affordable housing of this scale in this particular location. The site is contrary to the adopted plan and that whilst weight needs to be given to the delivery of affordable housing this is not sufficient to outweigh the conflict with the adopted plan.

- 1.4 The Conservation Officer has confirmed that the proposals would detrimentally impact the rural setting of the Wiggington Conservation Area, resulting in harm.
- 1.5 Other statutory consultees have not raised any other objections which cannot be overcome by condition or financial obligation secured by an appropriate legal agreement.
- 1.6 The scheme is outside of settlement boundaries and is not allocated for development as defined in the Local Plan, and results in a harmful impact upon designated heritage assets. Whilst a number of the issues, including highway impacts and ecological concerns have been addressed, this would not overcome the conflict with the spatial strategy for new residential development set out in the local plan or the harm to heritage assets.

Summary

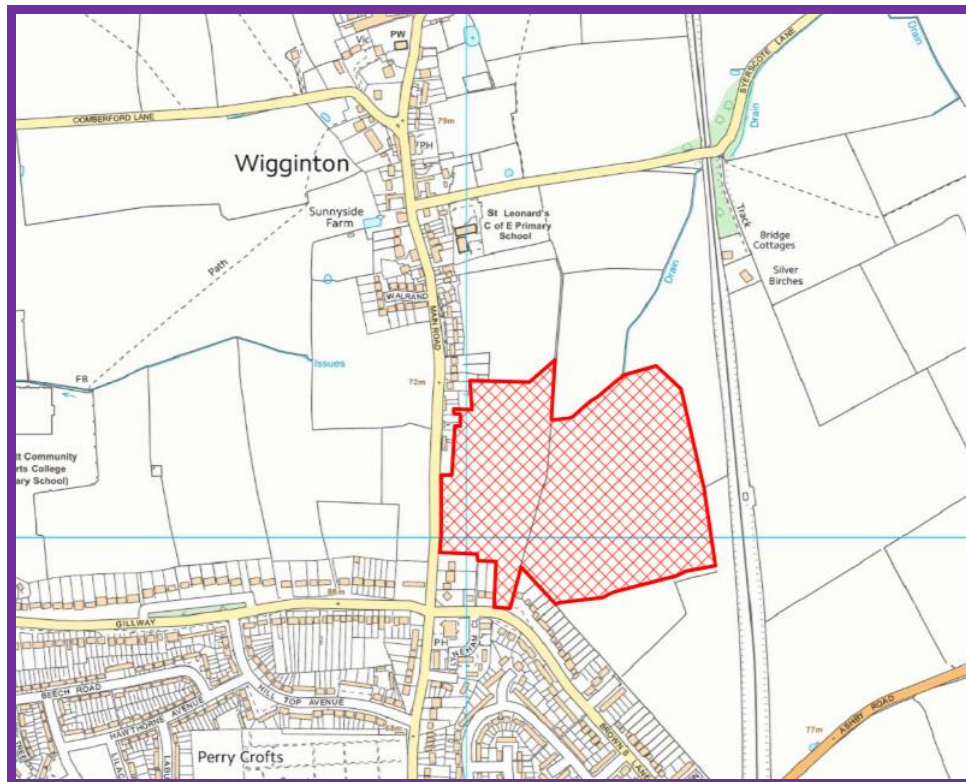
Overall, the scheme is considered inappropriate and unacceptable and is recommended for refusal with the reasons set out in this report.

Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

2. The site

- 2.1 This application relates to an irregular shaped site located to the rear of properties fronting onto Browns Lane in Tamworth. The site equates to 12.89 hectares of land, 12.65 hectares of which is within the Lichfield District Council boundary. The main access to the site would be located in between No's 60 and 68 Browns Lane and lies within Tamworth Borough. The site would adjoin the boundary with an existing residential development of 175 dwellings to the South known as Chestnut Walk. To the north is open agricultural land, with Syerscote Lane beyond. To the West is Main Road, Tamworth and to the East is the Birmingham to Derby Railway line.
- 2.2 Public footpath Tamworth 21 routes through the site from North to South connecting Browns Lane to Public footpath Hopwas No.1 to the North of the site.
- 2.3 The site is situated to the north of the urban area of Tamworth and to the south of the village of Wiggington, and falls mainly within the Lichfield District administrative area. The Tamworth Borough Council District boundary runs along the rear boundary of properties fronting onto Browns Lane, meaning that part of the access falls within Tamworth Borough. The site is also largely located within the Wiggington & Hopwas Neighbourhood Plan Area.
- 2.4 The application site is situated outside of Green Belt designation and outside of any Special Area of Conservation (SAC) zones of influence. The site does not fall within any Conservation Area, does not contain any Listed Buildings, or Tree Preservation Orders. It is noted that the village of Wiggington includes a Conservation Area and a number of Listed Buildings. The site is located within Flood Zone 1.

2.5 An extract from the submitted location plan is shown below:



3. Planning history

3.1 **07/01160/OUTM**- Outline application for approximately 250 residential units with associated access, open space and landscaping- Refused 29.1.2008

Arkall Farm located to the east of this site

3.2 **14/00516/OUTMEI**- Phased development of up to 1000 homes, primary school, local centre, public open space, landscaping, new vehicular and pedestrian accesses, primary substation and associated infrastructure- Approved by the Secretary of State 07.06.2018

3.3 **19/00777/REMM**- Application for approval of Reserved Matters (access, scale, layout, appearance and landscaping) for provision of access, road, cycleway, and drainage infrastructure for phases 1 and 2, and open space for phase 1 in accordance with application ref 14/00516/OUTMEI (APP/K3415/V/17/3174379)- Approved, subject to conditions 03.03.2020

3.4 **20/00772/REMM**- Reserved Matters application relating to application 14/00516/OUTMEI for the provision of public open space for Phase 2 in the central area of the site including details of access, appearance, scale, layout and landscaping- Approved subject to conditions. 22.7.2021

3.5 **23/00428/FULMEI**- Application under Section 73 of the 1990 Town and Country Planning Act to vary condition 24 of permission 14/00516/OUTMEI relating to Monitor and Manage Mitigation Strategy- Under Consideration.

3.6 Various applications to discharge conditions have been submitted and approved or are under consideration in relation to planning ref: **14/00516/OUTMEI**.

4. Proposals

- 4.1 This application seeks outline planning permission for the erection of up to 210 dwellings, public open space, landscaping, sustainable urban drainage, access, and associated infrastructure. This outline submission is with all matters reserved except access. Matters relating to appearance, the layout of the site, landscaping and the scale and height of any buildings are reserved for subsequent approval and as such, are not for full determination at this time.
- 4.2 The proposed access would be located between No's 60 and 68 Browns Lane where there is an existing field entrance, with the indicative masterplan showing that residential development would be located broadly to the East of the site, with areas of public open space located to the West. The Planning Statement confirms that 40% of the dwellings (84 Units) would be provided as affordable housing and 5.1 hectares of public open space would be included within the development.
- 4.3 Footpath/ cycle links would run through the development and align with linkages outside of the site and children's play areas are proposed. A storm water attenuation pond which would include biodiversity and ecological enhancements would be located in the Northern area of the site.
- 4.4 The latest planning statement and sketch layout plan (Appendix D) received on 31 October 2023 sets out a mix of housing as follows:

Unit size	Number	%
1 bed	10	5%
2 Bed	87	41%
3 Bed	88	42%
4 Bed	25	12%
	210	100%

- 4.5 The application is made in outline, with an illustrative master plan showing how the resultant site could appear. The outline planning submission currently under consideration is with all matters reserved except for access. The applicants have provided a planning statement addendum in October 2023 which confirms that the proposals would provide for 100% affordable housing- as such all dwelling houses will be affordable. The submissions indicate that this would be delivered with Platform Housing Group.
- 4.6 The application is supported by a Planning Statement, Environmental Impact Statement, Ecology Surveys, Noise Assessment, Transport Assessment, Archaeological Assessment and Report, Statement of Community Involvement, Landscape and Visual Impact Assessment and drainage information.
- 4.7 The Environmental Impact Statement was updated in part between September and November 2022, in order to reflect the committed development of 1000 houses at Arkall Farm, which was allowed on appeal in July 2019, after the submission of this application in June 2018. Specifically, the Air Quality, Ecology and Transport sections were updated.

- 4.8 As part of the Planning Statement addendum received in October 2023, a sketch layout plan was provided, shown below:



5. Background

- 5.1 This application is a cross boundary application and as such an application has also been made to Tamworth Borough Council for the same development. The application (Ref 0241/2018) was registered on 11 June 2018 is currently under consideration by Tamworth Borough Council.
- 5.2 The application is in the vicinity of the Arkall Farm development, where outline permission for up to 1000 dwellings was approved under planning reference 14/00516/OUTMEI in the summer of 2019 (following the submission of this application). Consent was granted by the Secretary of State, which included specific conditions to secure a 'monitor and manage' mitigation strategy to monitor, and if necessary, mitigate the transport impacts of phases of the development. The phases, secured through conditions 27, 28 and 29 of the consent require various evidence, information and mitigation to be provided upon the completion/occupation of 200, 300 and 500 houses. Currently, completion records indicate that over 200 houses have been completed, but the trigger set out in the planning conditions for the occupation of 300 dwellings has not yet been met. The Arkall Farm developers have recently submitted a S73 application (planning ref 23/00428/FULMEI) to make amendments to the approved monitor and manage strategy, this application is presently under consideration.

6. Policy framework

6.1 National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

6.2 Local Plan Strategy

Policy CP1 – The Spatial Strategy
Policy CP2 – Presumption in Favour of Sustainable Development
Policy CP3 – Delivering Sustainable Development
Policy CP4 – Delivering Our Infrastructure
Policy CP5 – Sustainable Transport
Policy CP6 – Housing Delivery

Policy CP13 – Our Natural Resources
Policy CP14 – Out Built & Historic Environment
Policy H1 – A Balanced Housing Market
Policy H2 – Provision of Affordable Homes
Policy IP1 – Supporting & Providing Our Infrastructure
Policy NR1 – Countryside Management
Policy NR3 – Biodiversity, Protected Species & their Habitats
Policy NR4 – Trees Woodland & Hedgerows
Policy NR5 – Natural & Historic Landscapes
Policy NR6 – Linked Habitat Corridors & Multi-functional Greenspaces
Policy SC1 – Sustainability Standards for Development
Policy SC2 – Renewable Energy
Policy ST1- Sustainable Travel
Policy ST2 – Parking Provision
Policy BE1 – High Quality Development

6.3 **Lichfield Local Plan Allocations Document**

Policy NT1 - North of Tamworth Housing Land Allocations

6.4 **Wigginton, Hopwas & Comberford Neighbourhood Plan (2016)**

Policy WHC1
Policy WHC2
Policy WHC3
Policy WHC4
Policy W1

6.5 **Supplementary Planning Documents**

Biodiversity & Development SPD
Developer Contributions SPD
Rural Development SPD
Sustainable Design SPD
Trees Landscaping & Development SPD

7. **Supporting documents**

7.1 The following plans and supporting documents form part of this recommendation:

- 1:7500 Location Plan dated as received 07 June 2018
- Environmental Statement and Appendices dated as received 07 June 2018
- Planning Policy Update Statement dated as received 25 February 2022
- Gungate Corridor stage 1&2 Road Safety Audit dated as received 17 March 2022
- Gungate Corridor Improvement Scheme dated as received 17 March 2022
- GGLE-HAD-OF-DR-CE-SKO6 Gungate Improvements dated as received 17 March 2022
- GG-LE-HAD-OF-DR-CE-121 Rev C S278 Vehicle Tracking Sheet 1 dated as received 17 March 2022
- GG-LE-HAD-OF-DR-CE-100 Rev D S278 Overview Layout dated as received 17 March 2022
- GG-LE-HAD-OF-DR-CE-101 Rev D S278 General Arrangement dated as received 17 March 2022
- GG-LE-HAD-OF-DR-CE-121 Rev C S278 Vehicle Tracking Sheet 1 dated as received 17 March 2022
- 211019_Traffic Flows_REV3_DTA_mode (traffic flow diagrams) dated as received 17 March 2022
- Highways Technical Note 21017 dated as received 17 March 2022
- Highways Technical Note (Response to SCC Highways Comments) dated as received 17 March 2022
- Residential Travel plan dated as received 22 March 2022

- J32-4320-PS-001 Site Access Arrangements dated as received 18 March 2022
- Environmental Statement- Updated Cover Report (Transport) dated as received 12 September 2022
- Environmental Statement-Figure 2.1 Updated Off Site Junction Locations dated as received 12 September 2022
- Environmental Statement- Updated Highways and Transport Technical Notes 002, 003, 004 Rev C dated as received 20 September 2022
- Environmental Statement- updated Air Quality Information dated as received 15 November 2022
- Environmental Statement- Updated Cover Report (Air Quality) dated as received 15 November 2022
- Planning Statement Addendum dated as received 31 October 2023.
- Planning Statement Addendum Appendix A- Platform Housing dated as received 31 October 2023.
- Planning Statement Addendum Appendix B- Affordable Housing Supply Review dated as received 31 October 2023.
- Planning Statement Addendum Appendix C- Proposed Parameter Plan dated as received 31 October 2023.
- Planning Statement Addendum Appendix D- Sketch Layout dated as received 31 October 2023.
- Biodiversity Net Gain Update reports dated as received 11 April 2023

8. Consultation responses

8.1 **Wiggington, Hopwas and Comberford Parish Council** - Object to the development proposal on the grounds of conflict with the Neighbourhood Plan, detrimental impact on the character of the area including the coalescence of Tamworth and Wiggington, highway safety, disruption during construction, impact on landscaping, the loss of land which includes evidence of medieval farming, inappropriate development, increase in traffic. (12.07.2018, 11.01.2020, 25.03.22 and 10.11.2023).

8.2 **Tamworth Borough Council** - Whilst the scheme is unlikely to harm the designated asset (Perrycrofts) within the Tamworth District, concerns raised with regards to the Wiggington Conservation Area which is located within the Lichfield District are supported. (23.03.20)

Initial comments- It has not been demonstrated that the development will not have a significant adverse impact on the highway network within Tamworth Borough. S106 contributions would be required towards mitigating the impact on, but not limited to, sports and leisure facilities in Tamworth Borough. (17.01.20)

8.3 **Tamworth Borough Council (Conservation Officer)**- Concurs with the views of the LDC Conservation Officer. Concerns raised regarding the impact on the Wiggington Conservation Area. (23.03.20)

8.4 **Natural England – Updated**- No further comments to add in relation to the updated Environmental Impact information submitted. (28.11.2022)

Initial comments- No objections – (03.07.18/ 22.03.22/ 13.04.22)

8.5 **National Highways – Updated**- No further comments to add in relation to the updated Environmental Impact information submitted. (24.11.2022)

Initial comments- No comments to make. (27.06.18; 10.03.22; 23.03.22)

8.6 **Architecture Liaison Officer** - No objections to the proposals. Recommendations in relation to anticrime advice provided (05.03.22)

- 8.7 **Environmental Agency** – Comments were previously made in relation to the scoping opinion. Position remains the same. This falls outside our statutory remit therefore, have no comments to make. – (19.06.18 & 10.03.22)
- 8.8 **Severn Trent Water** - No objections, subject to a condition requiring drainage plans to be submitted. (16.07.18; 14.03.22; and 28.03.22)
- 8.9 **Staffordshire Fire & Rescue** – No objections were raised. Points outlined for consideration (14.06.18 & 25.03.22)
- 8.10 **Staffordshire Integrated Care Board**- A sum of £136,498.00 is requested to mitigate the healthcare infrastructure requirements arising from the development. This would be pooled to support the expansion of Aldergate Medical Practice, Laurel House Surgery, Hollies Medical Centre and Peel Medical Practice where there is a shortfall in clinical rooms to serve the development proposed. (09.06.2023)
- 8.11 **Network Rail**- No objection in principle, further information in relation to drainage, fencing and protection of railway assets is required. (20.06.18)
- 8.12 **Sport England** - No objections. (10.03.22 & 23.03.22)
- 8.13 **The Ramblers Association** – Note that there is a public right of way within the site. Careful consideration of the public routes is requested. (16.03.22)
- 8.14 **Staffordshire County Council (Highways)- Final- In relation to the updated** Environmental Impact information submitted, the County Highway comments remain unchanged, as the majority of the technical transport and highways information has been previously agreed. (14.12.2022)
- Updated- Additional information provided, including a mitigation scheme and travel plan. No objections, subject to reserved matters applications and conditions/ S106 agreement to include a construction management plan, a masterplan, bus stop locations and off-site highway works. (13.01.22; 10.03.22; and 18.03.22)
- Initial comments- Further justification and details required with regards to the transport assessment, Transport Environmental Statement and the travel plan. (03.07.18)
- 8.15 **Staffordshire County Council (Minerals & Waste)**- No comment to make on the application. (13.06.18)
- 8.16 **Staffordshire County Council (School Organisation) – Final**- Request for financial contribution of £1,619,176.00 to deliver 65 primary school places and 23 secondary school places. (15.05.2023)
- Updated- No further comments to add in relation to the updated Environmental Impact information submitted. The previously requested financial contribution is still required. (05.12.2022)
- Updated- Request financial contribution of £1,619,176 to deliver 65 primary school places, 23 secondary school and 5 6th Form Places. (23.03.22 & 30.03.22)
- Initial comments- Request financial contribution of £1,099,321.00 to deliver 65 primary school places, 23 secondary school and 5 6th Form Places. (02.07.18)
- 8.17 **Staffordshire County Council (Rights of Way) – Updated**- No further comments to add in relation to the updated Environmental Impact information submitted. (24.11.2022)

Initial comments- Public Footpath No.1 Wiggington Parish runs through the site. This should not be diverted, extinguished or blocked by the proposals. (10.03.22/ 23.02.22)

- 8.18 **Staffordshire County Council (Flood Risk team) – Updated-** No further comments to add in relation to the updated Environmental Impact information submitted. (14.12.2022)

Initial comments- No objections, subject to a drainage condition to be applied (03.07.18 & 22.03.22)

- 8.19 **Staffordshire County Council (Economic Development & Planning Policy)-** Confirmation provide that SCC are satisfied with the technical engineering scheme and modelling work undertaken to mitigate the impacts of this proposal in relation to traffic. Arkall Farm and other commitments were taken into account when modelling the proposal at Browns Lane. (21.11.19)

- 8.20 **Staffordshire County Council (Archaeology)-** A programme of Archaeological work should be secured by condition given the potential for archaeological remains across the site. (08.12.2022)

- 8.21 **LDC Spatial Policy & Delivery Team – Final-** The applicant has submitted additional information through an addendum to the Planning Statement, in particular this relates to the change to the proposals to now deliver a 100% Affordable Housing Scheme. The applicant makes the case that the delivery of up to 210 Affordable Homes in this location should be given significant weight and that this would outweigh the proposals conflict with the adopted Local Plan and Neighbourhood Plan. Having considered the submitted information, alongside the Council's current housing land supply, recent delivery of a significant number of affordable homes and supply of affordable homes which are to be delivered in the short term, alongside the relatively limited need for affordable homes in the proximity of the proposed development (based upon the Council's affordable housing waiting lists) it is my view that the delivery of 210 affordable homes whilst clearly of weight is not sufficient to outweigh the harm, caused by conflict to the adopted development plan. (10 November 2023)

Updated- The site is not allocated for residential development and the committed development exceeds the level of growth planned for this area in the Local Plan. Furthermore, the dwelling mix cannot be supported and there is conflict with provisions made in the Wiggington, Hopwas and Comberford Neighbourhood Plan. (29.03.22)

Initial comments- The proposed development would be contrary to the Local Plan Spatial Strategy which seeks to concentrate a proportionate level of growth to the North of Tamworth. It is considered that an addition 210 units would result in an alteration to the proportionate level of growth set out in the Local Plan. The proposed housing mix is not supported and the development conflicts with several policies in the 'Made' Wiggington, Hopwas and Comberford Neighbourhood Plan, particularly in relation to the potential coalescence of the village of Wiggington with development to the North of Tamworth. (11.07.18)

- 8.22 **LDC Housing and Wellbeing Manager – Final-** The proposal now seeks to deliver 100% affordable housing. Provision of affordable homes is usually supported however in the area of Wiggington there are concerns that as this site borders the area of Tamworth, the demand on the Lichfield Housing Register demonstrates that in this area the need is somewhat met by existing stock. Demand for these proposed properties maybe low given recent development in the area. Out of 409 people on the Lichfield Housing Register 14 people have advised that Wiggington is their first area of preference.

We have liaised with Tamworth Borough Council who have supplied their housing register figures. There are 431 applicants on their housing register however local need in Wiggington is

unknown due to them being unable to supply the localised need data for the area.

Unless a more localised need can be evidenced it is likely that the site may lead to an over provision of affordable homes in relation to the demand in the area. (14.11.2023)

Updated- Whilst delivery of affordable housing is generally supported, this site is surplus to other strategic sites and may exceed the need of the area. (12.04.22)

Initial comments- Concerns were raised regarding the level of growth in this location. The affordable housing level of 40% is welcomed and bungalows should be included. (24.07.18)

- 8.23 **LDC Arboriculture-** Updated- No further comments to add in relation to the updated Environmental Impact information submitted. (14.12.2022)

Initial comments- Although the proposals are in outline with all matters reserved, the scale, density of the development will impact on the ability of the developer to provide sufficient landscaping and trees and the NPPF requirements for tree lined streets. Additional information is requested. (21.03.22)

- 8.24 **LDC Parks & Leisure Services – Updated-** No further comments to add in relation to the updated Environmental Impact information submitted. (15.12.2022)

Initial comments- The council would not be adopting any public open spaces, therefore, arrangements need to be made to ensure the future maintenance of all Public Open Space areas are covered by a suitable management organisation and plan. (14.03.22)

- 8.25 **LDC Ecology Team – Final-** The Ecology team is satisfied with the updated ecology survey submitted and it can be considered that the development would not harm a protected species. Mitigation as set out in the reports should be conditioned. However, objections remain as insufficient information regarding biodiversity impacts or net gain has been submitted. (26.01.2023)

Updated- No further comments to add in relation to the updated Environmental Impact information submitted. (14.12.2022)

Updated- Further survey works required given the age of the original surveys submitted. The originally requested biodiversity impact and net gain information is also required (21.04.22)

Initial comments- The Ecology team is satisfied with the ecology information submitted and it can be considered that the development would not harm a protected species. However, insufficient information regarding biodiversity impacts or net gain has been submitted. (11.07.18)

- 8.26 **LDC Environmental Health – Updated-** No further comments to add in relation to the updated Environmental Impact information submitted. (16.12.2022)

Initial comments- No objection to the proposals. A full noise survey would be required. (22.06.18; 22.03.22; 05.04.22)

- 8.27 **LDC Joint Waste Service –** No objections. Advice provided with regards to refuse requirements and unobtrusive areas for bin storage and collection protocol. – (12.06.18; 11.03.22; 24.11. 2022)

- 8.28 **LDC Economic Development Officer-** No objections. (03.07.18)

- 8.29 **LDC Conservation & Design Team– Updated-** No further comments to add in relation to the updated Environmental Impact information submitted. (19.12.2022)

Final- An amended Heritage Statement has been submitted. The proposed development would diminish the rural setting of the Conservation Area, resulting in harm. This harm should be given significant weight in the planning balance. (24.02.20 & 08.04.22)

Initial comments- Object to the proposals on the grounds that the proposal would harm the significance of Wiggington Conservation Area. (28.06.18 & 30.12.19)

9. Neighbour responses

9.1 Upon receipt of the original application, neighbouring properties were notified and site and press notices were posted. 11 Responses were received from neighbouring occupiers/ local residents raising objections to the proposals. Objections are summarised as follows:

- The scheme would have a detrimental impact upon existing services including doctors surgeries and schools which are over capacity at present.
- Effects on amenities of Tamworth residents unacceptable from an additional 210 houses.
- Destruction of the Countryside, Impact on Wildlife, including protected species unacceptable
- Highway impacts in terms of congestion
- Highway safety impacts
- Detrimental impact on the character of the area and loss of green space
- Impact on wellbeing of residents
- Extra houses not required or justified, will just put more pressure on Tamworth services
- Conflict with local plan
- Lichfield DC relying upon development at Tamworth to the detriment of Tamworth

9.2 Following the submission of amended information in March 2022, a further re-consultation was undertaken with neighbouring occupiers and local residents. A further 13 responses were received, two from properties who had previously responded, raising objections on the grounds set out above.

9.3 Following receipt of updated Environmental Impact Assessment information, a further round of consultation was carried out with neighbouring occupiers and local residents in November 2022. 10 responses were received, raising objections to the scheme on the following grounds:

- Impact on local facilities including doctors surgeries and schools which are already over-subscribed.
- The land is green space and should be retained as such.
- The land is not allocated for development, there is no need for further housing in Tamworth.
- Traffic impacts and congestion on local roads
- Highway safety
- Impact on wildlife
- The site is important green space for the local community.

9.4 In addition to the above, letter of objection has been received from Bird, Wilford and Sale Solicitors on behalf of Barwood Land (the developers of the Arkall Farm development) dated 11.04.2022. Objections were raised in relation to the response received from the County Highway Authority dated 13.01.2022. A separate letter raising concerns with the basis for the response was also sent to the County, which submits that there is no rational justification for the response raising no objections. In particular, they consider that this response is based on false information and fails to take into consideration all of the committed development at the nearby Arkall Farm development. It is considered that the scheme would result in a severe impact on the highway network, being in conflict with the requirements of paragraph 111 of the NPPF.

9.5 On the 3rd February 2023, a letter of representation was received from Barwood Land, the developers of the Arkall Farm development who raised further objections to the proposals. The representations included Counsel advice obtained on their behalf which related to consideration of highway and Environmental Impact matters in the Report. The advice sets out that they disagree with the Stance of the Highway Authority and on highways matters and also question the conclusions of your Officers on Environmental Impact matters. Members may recall that the representations led to the application being deferred from the agenda of the 6th February 2023. Officers have sought further advice on this matter, and obtained Counsel opinion. The advice received by officers confirmed that the decision making relating to the highways and environmental aspects of the case are not flawed and the evidence does not confirm that this scheme would undermine the delivery of the Arkall Farm development

9.6 An amended planning statement was submitted on 31 October 2023, which outlined that the scheme sought consent for 100% affordable housing and provided additional information in connection with the affordable housing provider and the proposed layout of the scheme with respect to heritage impacts. Neighbours and local residents were notified for a period of 14 days of this updated information. 18 responses were received raising objections to the scheme, which can be summarised as:

- concerns that a previous decision by the Secretary of State relating to Arkall Farm is being ignored.
- The scale of the development in this location is inappropriate.
- No need for this many houses.
- Access and highway safety issues
- Existing roads too narrow
- Impact on flooding and drainage/ sewerage infrastructure
- Unacceptable encroachment into the countryside.
- Loss of gap between Tamworth and Wiggington
- Loss of greenfield/ brownfield available, why is this not being used?
- Houses built for profit not for locals
- Impact on wildlife
- Concerns re the amount of affordable housing proposed, is it needed? Mix should include owner occupation
- Lack of play areas proposed
- Council tax will be paid to Lichfield, but impacts will be felt in Tamworth.
- Lack of infrastructure to support the provision of 210 houses- including schools, shops, doctors
- Impact on existing emergency services such as police and fire service who are already overstretched.
- Increased crime

10. Assessment

Determining Issues

- Policy & Principle of Development
- Design & Impact on Heritage Assets
- Residential Amenity
- Access & Highway Safety
- Arboricultural Impacts
- Ecology
- Drainage
- Planning Obligations
- Other Issues
- Human Rights

11. Policy & Principle of Development

- 11.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan. In this location the Wiggington, Hopwas and Comberford Neighbourhood Plan was also made in 2016 and as such, also carries full material weight.
- 11.2 Paragraph 11 of the NPPF advises that plans and decisions should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.
- 11.3 The Five Year Housing Land Supply 2023 for Lichfield shows that the District Council can currently demonstrate a 9.5 year supply of housing land against the Local Housing Need (LHN), as calculated within the adopted Local Plan Strategy, and as a result the adopted Local Plan Strategy policies can be considered as up to date.
- 11.4 Given that the Council can demonstrate a 5-year housing land supply, it falls for this scheme to be considered, in accordance with paragraphs 12 and 47 of the NPPF, against the Policies contained within the Council's Development Plan, which for this area, comprises the Local Plan Strategy, Local Plan Allocations Document and the Wiggington, Hopwas and Comberford Neighbourhood Plan.

The Local Plan

- 11.5 Core Policy 1: The Spatial Strategy states that growth will be located at the most accessible and sustainable locations in accordance with several stated locations, which includes the North of Tamworth Broad Development Location (BDL). Allocations within the BDL were to be made through the Local Plan Allocations document.
- 11.6 Core Policy 6: Housing Delivery sets out the Councils approach to housing delivery in particular. This policy outlines that the Council will plan, monitor and manage the delivery of at least 10,030 houses between 2008- 2029, with 1000 dwellings coming forward on the allocations to the North of Tamworth. 500 of these dwellings would meet the needs arising within Tamworth Borough.
- 11.7 Core Policy 3: Delivering Sustainable Development provides a number of key issues that development should address in order to ensure sustainable development. The policy includes the following key issues which are of relevance to this application: Protect and enhance the character and distinctiveness of Lichfield District and its settlements; Be of a scale and nature appropriate to its locality; Encourage the reuse of previously developed land in the most sustainable locations, and encourage the reuse of buildings as a sustainable option; and Ensure that all new development and conversion schemes are located and designed to maximise energy efficiency and utilise sustainable design and construction techniques appropriate to the size and type of development using local and sustainable sources of building materials wherever possible.
- 11.8 The Local Plan Allocations Document defines the sites which are allocated for residential development with Policy NT1: North of Tamworth Housing Land Allocations allocating Site NT1: Land at Arkall Farm for 1,000 dwellings and Site NT2: Land north of Browns Lane for 165 units. Both of these sites benefit from planning permission with construction underway on Site NT1 and development at Site NT2 complete. The application site is not within either of these

sites and has not been identified and proposed for allocation within the adopted Local Plan or the adopted neighbourhood plan.

- 11.9 Policy H1: A Balanced Housing Market, of the Local Plan Strategy seeks the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that Local Planning Authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Policy H1 states that there is currently an imbalance of dwelling types within the District. To address this Policy H1 mentions that the District Council will actively promote the delivery of smaller properties, particularly 2- & 3 bedroom houses and 2 bedroom apartments, to increase local housing choice and contribute to the development of mixed and sustainable communities. Therefore, a scheme which includes a range of properties, particularly 2 and 3 bed dwellings is sought and supported by the Local Plan.
- 11.10 Policy H2: Provision of Affordable Homes confirms that the District Council is committed to improving the housing affordability within the District. The policy sets thresholds and the tenures upon which affordable dwellings will be required. It is stated that outside of Lichfield and Burntwood, housing development on small rural exception sites may be supported where affordable homes can be delivered to meet the needs of local people from the Strategic Housing Market Area (SHMA) and the following criteria are met:
- The majority of the homes are affordable
 - The site is adjacent to village settlement boundaries
 - A housing need has been identified in the Parish, or in one or more of the adjacent Parishes for the type and scale of development proposed
 - The proposed development is considered suitable by virtue of its size and scale in relation to existing settlements
 - The affordable housing provision is maintained in perpetuity.

Wigginton, Hopwas and Comberford Neighbourhood Plan

- 11.11 Policy WHC1 requires that the existing rural environs of the Neighbourhood Plan Area shall be maintained to ensure that there is a clear distinction between the villages of Wigginton, Hopwas and Comberford and the urban area of Tamworth. Any proposed development shall have regard to this distinction and shall only be allowed where it is supported by evidence that the distinctiveness as defined is not adversely affected. There shall be no coalescence with Tamworth. Policy WHC7 provides support for the provision of affordable and retirement accommodation which meets the local needs of the Parish, subject to it not compromising the overall appearance of the village in which it is proposed.
- 11.12 Policy W1 sets out that there shall be no coalescence of any development north of Tamworth with Wigginton and separation of new development should have regard to the need to maintain the visual separation and Conservation Area setting of Wigginton Village.

Assessment

- 11.13 In location terms, the site is not located within any strategic development allocation within the Local Plan and, is not situated within any defined development boundary. For the purposes of the development plan, the site is considered to be in the open countryside. The Council has adopted a positive approach in seeking to meet the objectively assessed development needs of the District through the Lichfield Local Plan Strategy and the Local Plan Allocations Document. The policies in these documents cover a period up to 2029 and provide a clear framework to guide sustainable growth and the management of change, thereby following the Governments presumption in favour of sustainable development.

- 11.14 Lichfield District Council can demonstrate a healthy 5-year housing land supply, as set out above and as such policies contained within the Local Plan can be considered as up to date.
- 11.15 It is noted that the level of growth proposed by this application would equate to an additional 210 units (or 18%) of growth in excess of the 1,165 dwellings which were allocated to the North of Tamworth through the Local Plan Allocations document and in accordance with Core Policy 1 and Core Policy 6. Both Core Policy 6 and Policy North of Tamworth make allocations through the proper planning making processes, identifying land for development through the Local Plan Allocations document using current information gathered by, and in conjunction with the local community. The land falls outside of the development allocation and is not allocated for development within the 'Made' Neighbourhood Plan.
- 11.16 Whilst it is acknowledged that the housing numbers set out in the Local Plan are only approximate, the proposed development would represent a significant increase in residential development in this area, well in excess of that envisaged through the Local Plan. This level of growth would be contrary to the adopted spatial plan. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. Planning Practice Guidance states that a material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.
- 11.17 Development beyond settlement boundaries or remaining rural areas beyond strategic housing allocations should only be permitted if the exceptions for residential development are met, as set out in Policy CP6 of the Local Plan Strategy. The exceptions include infill development, affordable housing delivered through rural exception sites, changes of use/ conversion schemes, small scale development supported by the Local Plan Allocations Document or a Neighbourhood Plan or agricultural/ forestry workers dwellings. Development which would conflict with and undermine the strategy of an approved development plan and the National Planning Policy Framework when read as a whole, would in planning terms, be harmful.
- 11.18 It is noted that the scheme would provide for 100% affordable housing, which the applicant has confirmed would be secured by condition and legal agreement. The provision of affordable housing can be afforded weight as a material planning consideration. However, in the context of affordable housing delivery within the District, where the housing supply is robust, it is considered that limited weight can be attached to this. Furthermore, it is noted that the identified need for affordable housing in this locality is significantly less than the number of dwellings proposed. This may result in affordable properties coming forward which are not needed. The Councils housing team have confirmed that whilst there are 409 people listed on the Lichfield Housing Register, only 14 people have identified that Wiggington as their first area of preference. Tamworth Borough Council have been approached to enable Officers to identify if there is a significant need for affordable housing in this location from their records. Whilst they have confirmed the number of people on their housing register seeking an affordable home, they were unable to provide specific localised data. It is noted that Tamworth have a 10.5 year housing land supply, indicating that they are delivering the requirements of their adopted local plan. As such, there is limited evidence to suggest that 210 affordable properties are specifically required in this location.
- 11.19 The proposals also reduce the area between the established built-form of the Northern Tamworth border and the village of Wiggington, in conflict with the specific requirements of Policy W1 of the Wiggington, Hopwas and Comberford Neighbourhood Plan. The associated

impacts on the Wiggington Conservation Area are discussed in more detail in the heritage section of this report.

- 11.20 The housing mix as revised and set out on the submitted sketch layout would comply with the requirements of policy H1. It can be concluded in this respect that a suitable housing mix could be secured through the necessary reserved matters applications.
- 11.21 It is therefore concluded that, due to the location of the site, beyond any defined settlement boundary and the level of growth in the adjacent Land North of Tamworth Strategy Development Allocation already being achieved, that this proposal is contrary to Policies CP1, CP3 and CP6 of the Local Plan Strategy and the aims of paragraph 11 of the framework. Whilst the provision of affordable housing should be given appropriate weight in the planning balance, it is the view of Officers that the delivery of affordable housing in this location would not outweigh the conflict with the spatial strategy for new housing set out in the local plan. The proposed further development of housing in this area is unjustified and represents a significant departure from the Local Plan Strategy.

12. Design and Impact on Heritage Assets

- 12.1 The NPPF (Section 12) advises that “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people” and that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
- 12.2 The NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
 - establish a strong sense of place;
 - create and sustain an appropriate mix;
 - respond to local character and history, and reflect local surroundings and materials;
 - create safe and accessible environments; and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 12.3 The National Planning Practice Guidance has recently been amended to state that, “the design process continues after the granting of permission, and it is important that design quality is not diminished as a permission is implemented”. In addition, the recently published National Model Design Code sets out clear design parameters to help local authorities and communities decide what good quality design looks like in their area.
- 12.4 The National Model Design Code advises that, “*In the absence of local design guidance, local planning authorities will be expected to defer to the National Design Guide, National Model Design Code and Manual for Streets which can be used as material considerations in planning decisions. This supports an aspiration to establish a default for local design principles and settings as part of forthcoming planning reforms that lead to well designed and beautiful places and buildings*”. The Council does not, as yet, have a local design guide and therefore the above noted documents are important resources for securing good quality design.
- 12.5 Core Policy 3 and Policy BE1 of the Local Plan Strategy advises that new development should provide an explanation of how the built form will respond to the topography of the site and maintain long distance countryside views and the need for a landscape framework that integrates the development within the landscape. Furthermore, there is a requirement to show how the scheme proposes to provide new homes and buildings of a high quality, inspired by the character and existing architectural design (vernacular) of the District.

- 12.6 Core Policy 14: Built and Historic Environment sets out that the significance of designated heritage assets and their settings will be conserved and enhanced and given the highest level of protection. Policy BE2: Heritage Assets of the Local Plan Allocations document sets out that development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset (including non-designated heritage assets) or its setting.
- 12.7 Policy WHC 3 of the Wiggington, Hopwas and Comberford Neighbourhood Plan confirms that new development throughout the Plan Area should protect assets of the historic environment and enhance and reinforce those characteristics, qualities and features that contribute to the local distinctiveness of the Plan Area's environment. In particular, new development should be of a scale, mass and built form that responds to the characteristics of the site and its surroundings, care should be taken to ensure that building(s) height, scale, and form, including the roofline, do not disrupt the visual amenities of the street scene and impact on any significant wider landscape views. Policy W1 states that there shall be no coalescence of any development north of Tamworth with Wiggington and separation of new development should have regard to the need to maintain the visual separation and Conservation Area setting of Wiggington Village.
- 12.8 Policy W1 is specific to Wiggington and sets out that there shall be no coalescence of any development north of Tamworth with Wiggington and separation of new development should have regard to the need to maintain the visual separation and Conservation Area setting of Wiggington Village. Any new development must present a screen of trees and shrubs to the village view by new planting where necessary.

Assessment

- 12.9 As described in the 'Proposal' section of this report, the application is made in outline, with an illustrative master plan showing how the resultant development could appear. Matters relating to appearance, the layout of the site, landscaping and the scale and height of any buildings are reserved for subsequent approval and as such, are not for full determination at this time. Notwithstanding this, the proposal would represent a significant number of dwellings and built form located in open countryside, beyond the edge of existing development on the Northern edge of Tamworth. Whilst it is noted that appropriate landscaping may provide mitigation, this would be insufficient to screen the wider landscape impacts of further encroachment into the countryside and infilling the area between the village of Wiggington and the Tamworth urban areas from the proposed quantum of development. In principle, the landscape impacts associated with the development and the encroachment of land between Tamworth and the village of Wiggington would fail to meet with the design and appearance related policies contained within both the Local Plan Strategy and the Neighbourhood Plan.
- 12.10 In terms of impacts upon heritage, the application is supported by a Heritage Statement which has been updated during the course of the application. As set out above, the proposals would extend the northern edge of Tamworth much closer to the village of Wiggington, of which the historic part is a designated Conservation Area. It is considered that the proposed development would cause harm to the significance of the Conservation Area by virtue of causing detriment to its setting, in particular with views in and out which make a positive contribution to the setting. The latest submissions by the applicant in October 2023 provide for a revised sketch layout, however this fails to address the harm that the additional built form would cause to the setting of the Wiggington Conservation Area. The Conservation Officer has advised that this harm should be given significant weight in the assessment of the application. In line with the requirements of the NPPF, this harm must therefore be weighed against the public benefits of the proposal, including securing the optimum viable use of the land.

- 12.11 In terms of public benefits, none have been identified which would outweigh the harm to the setting of the Wiggington Conservation Area. Whilst the delivery of affordable housing may be considered a benefit, there is insufficient evidence to suggest that the level of affordable housing in this location is required. In the absence of evidence, there is no reason to consider that the necessary affordable housing requirements of both Lichfield District and Tamworth Borough cannot be located in more appropriate brownfield locations within defined settlement boundaries in accordance with adopted local plans. In terms of overall housing delivery, it is noted that Lichfield District can demonstrate a strong delivery of housing with a 9.5 year housing land supply. Tamworth Borough Council confirm on their website that they can demonstrate a 10.5 year housing land supply, against their local plan which was adopted in 2016. New housing within Lichfield District is located in accordance with a defined spatial strategy set out in the Local Plan. This site is not allocated within the Local Plan as set out above. In this case, the harm identified to the heritage assets associated within the scheme is not considered to be outweighed by public benefits. In heritage terms, the scheme is considered to be unacceptable in this regard.

13. Residential amenity

- 13.1 The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. The Council's Sustainable Design SPD contains guidance detailing appropriate space around dwelling standards. These standards establish a minimum distance of 21 metres to separate principle habitable windows and that there should be at least 6 metres between a principal window and private neighbouring residential amenity space.
- 13.2 The SPD also requires that in order to prevent any overbearing impact upon residents, that there should be a minimum of 13 metres between the rear elevation and the blank wall of any proposed dwelling. Finally, the SPD identifies that for 1 or 2 bedroom dwellings, a minimum garden size of 45m² should be provided, for 3 or 4 bed 65m² and for 5 bedroom dwellings 100m². All gardens should have a minimum length of 10m.

Assessment

- 13.3 This application is made in outline with matters of layout reserved for future consideration. To ensure that the above requirements are achieved a condition requiring a Design Code for the development could be conditioned to agree the need to agree spaces around dwelling standard. Similarly, the impacts on existing neighbouring residential dwellings would also be given full and thorough consideration at the necessary reserved matters stage, should the proposals be deemed to be acceptable in principle and on all other matters.

14. Access and highway safety

- 14.1 Policy ST1 'Sustainable Travel' sets out that the Council will seek to secure sustainable travel patterns through a number of measures, including only permitting traffic generating development where it is or can be made compatible with the existing transport infrastructure. The access and egress onto the public highway and maintaining highway safety are factors which should be given consideration.
- 14.2 Policy ST2 'Parking Provision' sets out a requirement for parking provision to serve new developments which is expanded upon with specific requirements in the Sustainable Design SPD. Policy ST2 also sets out a requirement for weatherproof cycle storage. The Sustainable Design SPD sets out the following the maximum parking standards for new dwellings which for 3 and 4 bed should have two spaces per dwelling, 2 bed homes require 1 space.
- 14.3 Policy BE1 of the Lichfield District Local Plan Strategy 2008-2029 seeks to protect existing amenity of residents by avoiding development which causes disturbance through

unreasonable traffic generation, noise, light, dust, fumes or other disturbance. The National Planning Policy Framework sets out in paragraph 111 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 14.4 During the course of the application, additional information has been provided by the applicant in relation to Highways impacts arising from the proposal.
- 14.5 The Wiggington, Hopwas and Comberford Neighbourhood Plan makes reference to traffic along local roads, including the impacts on the village of Wiggington as being a major concern to local residents. Policy W4 requires suitable off-road parking to be provided in new developments where there is a potential to increase the number of vehicles in the village.
- 14.6 During the course of the application, additional information in relation to the highways impacts of the proposal have been provided. In particular, an updated Transport Assessment, visibility splays, vehicle tracking, traffic flow diagrams, junction capacity assessments and an assessment in relation to committed development on the nearby Gungate corridor have been submitted. The forecasts of the submitted information reflect adjacent committed residential developments and their associated impacts until 2029. An updated design for a traffic mitigation scheme along the Gungate Corridor has been provided. It is noted that the County Highway Authority initially objected to the proposals on the basis that further justification was required with regards to the transport assessment, Transport Environmental Statement and the travel plan.

Assessment

- 14.7 Throughout the application process the applicant/ agent have engaged with the Highways team at Staffordshire County Council to revise the development proposal, in order to achieve a scheme that can be supported on access and highways safety related grounds. Additional information has been provided which concludes that the impact on the local road network would not, in their view, be severe if the proposed package of mitigation is provided. Such mitigation would be delivered by the developer via the Highways Act as part of a S278 agreement.
- 14.8 Updated plans and information in relation to the proposed access have been provided, which have addressed the initial concerns raised by the County Highway Authority. The overall volume of collisions on Browns Lane itself does not suggest there are any existing safety problems that would be exacerbated by the proposed development. In terms of the impact on the wider road network, including the Upper Gungate corridor which is located within the Borough of Tamworth, Staffordshire County Highways Officers have fully assessed the submissions. It is considered that appropriate mitigation can be secured, which will mitigate the impacts of this proposed development. Traffic flows have been given consideration in relation to committed development in the vicinity of the application site including approved development at Arkall Farm, and its associated monitor and manage approach to mitigating impacts on the local highway network. The County Highways team have concluded that sufficient information has been provided to conclude that there would not be a severe impact on the Local Highway Network as a result of this development. Conditions are recommended by Highways Officers which would include the securing of the necessary off site highway improvement works prior to the first occupation of the development.
- 14.9 In April 2022, the position of the County Highway Authority has been challenged by representatives of the Arkall Farm Development who are concerned that there is a fundamental highways impact arising from this proposal which could prejudice the delivery of the committed planning consent at Arkall Farm for 1000 houses. The consent for Arkall Farm is subject to a monitor and manage approach to traffic mitigation, which is assessed at different phases during the delivery of the development. A number of conditions allow flexibility in the delivery of highway improvements to support the 1000 dwellings granted

consent, which is assessed at the point of the delivery or occupation of 200, 300 and 500 dwelling houses. Currently, the development is in its early stages, with less than 300 dwellings being constructed and occupied. Notwithstanding this, there is a clear commitment to deliver all 1000 houses on Arkall Farm site. The validity of the information submitted (and upon which the Highways Authority have provided a consultation response on) and the need for further Environmental Impact Assessments have been raised as fundamental issues.

- 14.10 The County Highway Authority have been informed of the challenge, as set out above, and have reiterated their position in detail. They note that, the proposal has been assessed on the grounds of its impact along with committed development of up to 300 dwellings from the 1000 permitted at Arkall Farm. The evidence concludes that the proposals, along with 300 dwellings at Arkall Farm and the package of off-site highway works to be delivered by the applicant along the Gungate corridor (to be secured by S278 Highway Works Agreement (design and build) and S106 (programme of delivery)) would result in a nil detriment to baseline traffic conditions in the locality. Whilst they acknowledge that there is a commitment to deliver a further 700 houses on the Arkall Farm site, any mitigation necessary would be captured in the relevant discharges of condition necessary to allow the Arkall Farm development to proceed and the operation of the monitor and manage strategy.
- 14.11 Given the scope of the proposals and the information already provided, it is not considered that a further revised Environmental Impact Assessment is necessary. The updated chapters of the EIA recognise that 1000 homes are committed at Arkall Farm and considers their cumulative potential effect on the environment. This approach to the EIA is justified because there is no equivalent environmental 'monitor and manage' strategy at Arkall and nor is it suggested that the proposal would achieve environmental 'nil-detriment' with the proposals and only 300 dwellings at Arkall Farm (such as with traffic impact). The developer has therefore accepted that the EIA must consider the combined full effect of the proposal and Arkall Farm.
- 14.12 The Council have considered the Arkall Farm developers concerns and the detailed response of the County Highway Authority whose views as a statutory consultee should be given 'great weight' as set out in case law (Shadwell Estates Ltd. v Breckland DC [2013] EWHC 12). This approach is considered to be reasonable given the Secretary of State decision to approve the Arkall Farm development with a staged monitor and manage approach to traffic mitigation and resolving conflicts on the local highway network. Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The proposed development is considered, in relation to surrounding committed developments to not result in an unacceptable impact and it can be concluded that the proposals would therefore not result in a severe detrimental impact upon the highway network.
- 14.13 In terms of parking provision within the site, this would be assessed as part of the necessary reserved matters application. The requirements of the Sustainable Development SPD which specified parking requirements based on the number of bedrooms proposed within each dwellings would be given full consideration at this stage to ensure there is no harm to the surrounding highway network. A Travel Plan has been submitted, which seeks to reduce the number of single occupancy car trips through a package of measures, including improved public transport information, residential welcome packs and bus/ train taster tickets. The travel plan is considered to be acceptable and should be monitored for a period of 5 years. Monitoring would be carried out by the County Highway Authority with a fee to be paid by the developer through a S106 agreement.
- 14.14 Following the receipt of the professional County Highways advice it would however be considered unreasonable to suggest that the scheme of development would be unacceptable on highway related grounds having no technical evidence to the contrary and the need to give 'great weight' to a statutory consultee's detailed response (as per the Shadwell Estates

Caselaw set out above). The development proposal is therefore considered to be acceptable on highway grounds. As such, the development would be in accordance with the requirements of the Development Plan and NPPF, in this regard.

15. Impact on trees

- 15.1 Policy NR4 of the Local Plan Strategy states that Lichfield District's trees, woodland and hedgerows are important visual and ecological assets in our towns, villages and countryside. In order to retain and provide local distinctiveness in the landscape, trees, veteran trees, woodland, ancient woodland, and hedgerows, are of particular significance. Trees and woodland will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. Policy NR4 is supported by the Councils Tree's, Landscaping & Development SPD.
- 15.2 Policy WHC2 of the Wiggington, Hopwas and Comberford Neighbourhood Plan sets out that all existing trees and hedges are an integral part of the character of the Neighbourhood Plan area and shall be retained wherever possible and where removal is justified the impact of removal shall be mitigated against by the provision of additional appropriate planting. Policy W1 requires any new development to present a screen of trees and shrubs to the village view by new planting where necessary.

Assessment

- 15.3 The Councils Arboriculture team has advised that although the proposal is outline with all other matters reserved, the scale/ density of the proposal will impact on the scope/ disposition of structural landscaping able to be accommodated within any eventual layout. As per paragraph 131 of the NPPF, planning policy and decisions should ensure that all streets are tree lined. In order to be sustainable and to maintain the integrity of any scheme, trees will need to be planted in areas that are not part of land conveyed into private ownership. It is noted that the proposals do not involve the removal of any protected trees. Notwithstanding the request for further information in relation to landscaping and tree planting, details of landscaping have been reserved for a later stage and, would be assessed on their merits in line with the requirements of National and Local Planning policies. Green Infrastructure detail, along with the tree planting requirements set out in the Neighbourhood Plan can be secured through a masterplan for the site, which could be secured by an appropriately worded condition. In terms of arboricultural impacts, the scheme at this outline stage, subject to conditions, is considered to be acceptable.

16. Ecology

- 16.1 Core Policy 13 and Policy NR3 of the Local Plan Strategy states that development will only be permitted where it protects, enhances, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of the land and buildings minimises fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats (including links to habitats outside Lichfield District) and incorporates beneficial biodiversity and/or geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate.
- 16.2 Policies within the Local Plan Strategy are supplemented by the Biodiversity & Development Supplementary Planning Document. The requirement that all development within the Lichfield District achieve for a measurable net gain to biodiversity value is further detailed in paragraphs 6.30 and 6.33 of Biodiversity and Development SPD where a requirement of 20% above the biodiversity unit value of habitats lost is confirmed.

Assessment

- 16.3 The original application was supported by ecological surveys which were considered to be acceptable. An updated preliminary ecological appraisal was submitted following further surveys of the site carried out in September 2022. The Councils Ecology team have assessed the updated information and are satisfied with the methodology and the information provided in the ecological appraisal and consider that it is unlikely that the proposed works will impact on protected species. No further surveys would be required at this time, however the proposed mitigation and monitoring would need to be secured by appropriate conditions.
- 16.4 Turning to biodiversity net gain, which is a policy requirement as set out above. The Councils Ecology Team are now satisfied that the 20% net gain across the site can be achieved. It is noted that there is significant scope to create a net gain within the site, notably the areas of public open space and areas around the SUDs drainage basin would offer appropriate opportunities within the development, which would need to be evidenced at any reserved matters stage. In this respect, the proposals comply with the requirements of the Local Plan.

17. Drainage

- 17.1 The National Planning Policy Framework seeks to ensure that new development is not at risk from flooding nor increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding. Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS).

Assessment

- 17.2 The application site hereby under consideration is situated within Flood Zone 1 and as such there are no flooding related concerns in principle. The Lead Local Flood Authority and Severn Trent Water have raised no objections in principle, requiring drainage details to be submitted. Subject to details of drainage being secured by an appropriately worded planning condition, the development proposal is considered to be acceptable in this regard.

18. Planning Obligations

- 18.1 Under the provisions of Policy IP1 of the Local Plan Strategy, major new developments are required to make provisions for social/ community facilities, which must be commensurate to the scale and nature of the proposals. Such provision can be by way of direct on-site provision and/ or by a contribution made for the provision of facilities elsewhere.
- 18.2 The School Organisation at Staffordshire County Council have been consulted with regards to this development proposal. A total education provision request of £1,619,176.00 to deliver 65 primary school places and 23 secondary school places has been requested.
- 18.3 The Staffordshire Integrated Care Board have requested a sum of £136,498.00 to mitigate the healthcare infrastructure requirements arising from the development. This would be pooled to support the expansion of Aldergate Medical Practice, Laurel House Surgery, Hollies Medical Centre and Peel Medical Practice where there is a shortfall in clinical rooms to serve the development proposed.
- 18.4 A S106 agreement would be required to secure the above financial requirements along with the provision of affordable housing and the maintenance of any public open space as the Council would not adopt such facilities. Subject to compliance with the appropriate Schedule

of the S106 agreement, the development will comply with the requirements of the Development Plan and NPPF, in this regard. The applicant has provided written confirmation that they are willing to enter into a S106 agreement to secure the necessary obligations.

19. Other Issues

- 19.1 The Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (Statutory Instrument 2017 No. 571) (as amended) – the EIA Regulations – form part of the development management system in England. The EIA Regulations cover certain types of development which have the potential to give rise to significant effects on the environment. The EIA Regulations enable planning authorities to take account of the environmental implications of development in their decisions on planning applications.
- 19.2 In this case, an Environmental Statement has been provided, and recently relevant sections have been updated to reflect the committed development of 1000 dwellings at Arkall Farm which were granted consent by the Secretary of State following the submission of this planning application. The submissions have been subject to the necessary 30-day publicity period, which included consultation with statutory consultees. The Statement has been assessed and is considered to address the requirements of EIA regulations.

20. Human Rights

- 20.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy. Furthermore, the applicant has a right of appeal in accordance with Article 6.

21. Conclusion

- 21.1 The proposed development has been revised during the course of the application submission in order to address highways and access related issues and relevant sections of the Environmental Impact Statement have been updated. The overall outline planning submission, with all matters reserved except for access, is considered to be unacceptable in principle in terms of the site not been an allocated housing site, and the reduction in countryside between the built form of Tamworth and the village of Wiggington. The proposal would fail to comply with the objectives of the Local Plan and results in less than substantial harm to the Wiggington Conservation Area, with insufficient public benefits to outweigh this.
- 21.2 The applicant has submitted additional information through an addendum to the Planning Statement, to confirm delivery of a 100% Affordable Housing Scheme. The applicant makes the case that the delivery of up to 210 Affordable Homes in this location should be given significant weight and that this would outweigh the proposals conflict with the adopted Local Plan and Neighbourhood Plan. Having considered the submitted information, which includes the Council's current housing land supply, recent delivery of a significant number of affordable homes and supply of affordable homes which are to be delivered in the short term, alongside the relatively limited need for affordable homes in the proximity of the proposed development (based upon the Council's affordable housing waiting lists) Officers remain of the view that the delivery of 210 affordable homes whilst clearly of weight is not sufficient to outweigh the harm, caused by conflict to the adopted development plan.

- 21.3 The applicant has agreed to s106 heads of terms to provide on site affordable housing and public open space along with the necessary financial contribution towards education requirements arising from the development.
- 21.4 Overall, the proposal fails to accord with relevant policies within the Development Plan and the National Planning Policy Framework, and therefore this application is recommended for refusal.

22. Recommendation : RECOMMENDATION: Refuse for the following reason(s):

1. The site is not allocated for development and is located outside of any defined settlement boundaries within the adopted Lichfield Local Plan Strategy. Furthermore, the level of housing growth from this development would be contrary to the spatial strategy as set out in the adopted Local Plan Strategy which seeks to concentrate a proportionate level of growth to the North of Tamworth in line with the settlement hierarchy of approximately 1,000 units. Whilst the housing figure is an approximate, it is considered important to maintain the general thrust of the adopted Local Plan Strategy. To date the current committed development and completions in this location equates to 1,165 units and it is considered that an additional 210 units would result in an alteration to the proportionate level of growth set out within the adopted Local Plan. Whilst the proposed housing would provide affordable units, there is no evidence to conclude that such housing is necessary in this location and could not be provided within more sustainable locations where there is an evidenced need. The proposed scheme of development is therefore contrary to the spatial plan for new housing and requirements set out in policies CP1 (The Spatial Strategy), CP3 (Delivering Sustainable Development), CP6 (Housing Delivery), Policy Rural 1: Rural Areas of the Local Plan Strategy 2015, Policy NT1 (North of Tamworth Housing Land Allocations) of the Local Plan Allocations Document and the National Planning Policy Framework.
2. The proposed development would extend the northern edge of Tamworth much closer to the village of Wigginton, of which the historic part is a designated Conservation Area. The proposed development would cause less than substantial harm to the significance of the Conservation Area by virtue of causing detriment to its setting, in particular with regard to views in and out of the Conservation Area, which make a positive contribution to its setting. None of the public benefits associated with the proposal would outweigh this harm. The proposals are therefore contrary to policies CP1 (Spatial Strategy), CP3 (Delivering Sustainable Development), CP14 (Our Built and Historic Environment), BE1 (High Quality Development) and NR5 (Natural and Historic Landscapes) of the Local Plan Strategy 2015, Policy BE2 (Heritage Assets) of the Local Plan Allocations Document, the Historic Environment SPD, the Sustainable Design SPD, Policies W1, WHC1 and WHC3 the Wigginton Hopwas & Comberford Neighbourhood Plan (2016) and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding, however, that it is an unsustainable form of development which conflicts with relevant development plan policies and material planning considerations including the National Planning Policy Framework. Although it has not been possible to approve this application, possible solutions were proactively considered in an attempt to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.