



PLANNING COMMITTEE

28th August 2024

Tuesday, 3rd September, 2024, 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

4a. 0261/2022 Appeal Update Report (Pages 3 - 64)

(Report of the Assistant Director, Growth and Regeneration)

Application Ref: 0261/2022

Proposal: Proposed conversion of and extensions to existing 5-storey former Police Station building (including demolition of single storey elements /outbuildings) to form 54 residential units

Location: Police Station Spinning School Lane Tamworth B79 7BB

Yours faithfully

S.C.U

Chief Executive

To Councillors: L Wood, C Adams, M Clarke, R Claymore, G Coates, D Foster,
R Kingstone, K Norchi, P Pallett, L Smith, S Smith, M Summers and
P Turner.

PLANNING COMMITTEE

3rd SEPTEMBER 2024

APPEAL UPDATE

0261/2022

**Police Station Spinning School Lane Tamworth
B79 7BB**

**Proposed conversion of and extensions to
existing 5-storey former Police Station building
(including demolition of single storey elements
/outbuildings) to form 54 residential units**

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

1. Introduction

- 1.1 This report is to provide an update to members of the appeal against refusal of planning permission reference 0261/2022.
- 1.2 This application relates to the conversion of the former police station on Spinning School Lane into 54 apartments. Various extensions and alterations were also proposed to the building along with associated landscaping and car parking areas.
- 1.3 The application was reported to planning committee on December 5th 2023 with an officer recommendation to approve, subject to conditions, the committee report can be found at Appendix A.
- 1.4 Members at this planning committee however refused the application against this recommendation on the following grounds:
 - Shortfall in parking spaces
 - Shortfall in internal space standards of some of the apartments
 - Shortfall of open space and outside areas
 - Compliance of housing mix not meeting standards

2. Appeal Details

- 2.1 As a result of this decision, the applicant appealed the decision and a hearing was held on 11th June 2024 with the Planning Inspectorate.
- 2.2 To support this decision an appeal statement was produced based on the reasons for refusal with information provided at committee and our information as evidence. Members were asked for assistance with this and one planning committee member came forward with some first hand concern over how having a lack of parking spaces could create issues. There was also an opinion that by decreasing the number of flats this would help in alleviating the concerns raised above. This appeal statement can be found at Appendix B.
- 2.3 The hearing went well with good discussions between Tamworth Borough Council and the Appellant and their experts about the various reasons for refusal and how each of the issues raised would have an implication on providing a scheme that members were not satisfied with. There was discussion on the Section 106 and a site visit was undertaken.
- 2.4 The appellant also confirmed that they would be asking for costs as they considered the council acted unreasonably in refusing the application.

3. Appeal Decision

- 3.1 Both the appeal and costs decision were issued on 31st July 2024. This is less than the average amount of weeks the Planning Inspectorate are currently taking with decisions overall.
- 3.2 Both the appeal and cost award were allowed and therefore the application was approved and the council ordered to pay for the appellant's costs. The appeal decision can be seen at Appendix C and the costs decision Appendix D.
- 3.3. This report provides some the critical information that officers feel members should be aware of in light of this decision.

4. Reason 1 – Parking Spaces

- 4.1 The Inspector noted that there was no objection from the Staffordshire County Council highways department, should members feel that a reason go against this then this needs to be set out clearly.
- 4.2 The Inspector found that through his observations in the late evening and at various times during the day, there were a number of parking spaces available.

4.3 It was not enough for us to say that plans to regenerate the car parks in the future would prevent car parks to be used for the development proposed.

4.4 Better evidence is therefore required should this argument be levelled in future.

5. Reason 2 – Living Conditions

5.1 Both the reasons for refusal on having too many small flats and amenity space were captured in this section of the appeal decision.

5.2 In regard to space standards within the units, this has direct consequences for how officers view the Technical Space Standards¹. According to the inspector, we should only rely on them when they are referenced in the local plan and as we have no reference then we should have not done so for the purposes this decision.

5.3 Notwithstanding this, the inspector viewed the deficiency of 0.3m as ‘small’ and therefore this an interesting point of reference when such queries happen again.

5.4 In terms of open space, the walking distance to a number of open space areas was held to be acceptable to compensate for not all the amenity space required by policy be met by this application.

6. Reason 3 – Housing Mix

6.1 There was an estate agent at the hearing who re-confirmed the position that was given to support the original application that there is no need for three bedroom apartments in Tamworth for this development.

6.2 This was considered to be appropriate evidence and with no significant evidence to the contrary given by members and officers asking for more formal accounts, the Inspector agreed that the proposed mix of 91% two bedrooms apartments was acceptable on this original evidence.

7. Costs Decision

7.1 The decision to allow full costs was allowed. This full amount is never given by the Inspector but for the council and the appellant to negotiate on. It is likely to be around £11-£15k.

7.2 Cost decisions are based on whether the council acted unreasonably in refusing the application and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The full decision can be seen at Appendix D but the following breaks down some of the points.

7.3 The Inspector states that the Planning Committee is not bound to accept the recommendation of its officers, provided they produce evidence to substantiate its contrary decision.

7.4.1 Car parking

The Council departed from the response by the Highway Authority that the proposed provision was acceptable, but in its reasoning, the Council have not taken account of the highly accessible location of the appeal site, where easy access by walking and cycling to town centre services and public transport connections exist.

7.4.2 SU2 of the Tamworth Local Plan is quite clear that ‘development with **lower levels of parking provision** may be acceptable in locations that are highly accessible by walking, cycling and public transport, including Tamworth’s network of centres.’ Members are therefore asked to remember this

¹ <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

when a development is put forward with parking numbers that are lower than what is required Appendix C of the Local Plan.

7.4.3 At the hearing, officers tried to convince the Inspector that the parking pressures are different at night but his evidence and the lack of ours on this and potential redevelopment of public car parks was vague and was not supported by any further detail.

7.5.1 *Other issues*

Despite originally stating there was a lack of parks and open space areas within close proximity to the site., it was later accepted at the hearing that a number of open space areas are in easy walking distance of the appeal site, despite not being perhaps of the highest quality e.g. the cemetery at St. Editha's Church.

7.5.2 There was no full harm explained in terms of the shortfall of internal space of a small number of flats and on mix, it was adjudged that the council failed to provide any compelling evidence contrary to the submissions by the estate agent representing the appellant on the lack of need for three-bedroom units in the town centre area.

7.6 The refusal reasons have not been substantiated and the lack of objective analysis is unreasonable behaviour.

8. Recommendations

8.1 Members of the committee have the ability to overturn an officer recommendation. However, any contrary decision must be made on sound planning reasons and reasonable in all other respects.

8.2 At the time of the meeting, the discussions about parking standards did not factor in the considerations of the sustainable location allowing for lesser parking to be acceptable in line with SU2 of the Local Plan.

8.3 Officers were reminded of this but the colloquial evidence of parking shortfalls at night and the difficulties that some people might have in parking in their allocated spaces was given without significant evidence.

8.4 The other matters were quickly discussed again without the evidence required to make a robust decision. Despite asking for assistance from members, no real evidence came forward and therefore supporting these assertions was very difficult for officers to produce statements.

8.5 Should there be future concern over various issues it is recommended that members should consider deferring the application so either more research can be done by the local planning authority or the applicant can potentially bolster their submission with extra research to satisfy members that concerns have been addressed.

8.6 In the future, we will look at producing further advice on what happens when recommendations are taken contrary to officer advice. It has been difficult trying to form arguments without clear direction from members on how support to these points.

8.7 Finally, it is the desire of officers that members of the planning committee speak to us before any committee meeting if they have concerns about various aspects of an application. We are more than happy to talk through proposals and attempt to satisfy any concerns you may have. If there are significant concerns that come forwards before a meeting, it is entirely appropriate to remove an application from the committee agenda in advance.



Borough of Tamworth

Marmion House,
Lichfield Street, Tamworth,
Staffordshire B79 7BZ.

Enquiries: 01827 709 709
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PLANNING COMMITTEE

27 November 2023

Dear Councillor

A meeting of the Planning Committee will be held in **Town Hall, Market Street, Tamworth on Tuesday, 5th December, 2023 at 6.00 pm**. Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, consisting of stylized initials and a long horizontal stroke.

Chief Executive

A G E N D A

NON CONFIDENTIAL

- 1 Apologies for Absence**
- 2 Minutes of the Previous Meeting (Pages 5 - 8)**
- 3 Declarations of Interest**

To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.

When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.

Under Section 33(2) of the Localism Act 2011, the act permits an authority to grant a dispensation from either or both of the restrictions not to participate and / or vote on a matter in which they have a pecuniary interest. Planning Committee Members have received a dispensation for applications relating to the Future High Street Project for a period of two years starting from 7th July 2022 until 7th July 2024.

4 Appointment of the Vice-Chair

5 Applications for Consideration

Summary of Applications received:

(Reports of the Assistant Director Growth and Regeneration)

a 0241/2018 Land North of Browns Lane, Tamworth (Pages 9 - 16)

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*

b 0261/2022 Former Police Station Committee Report (Pages 17 - 36)

Application Number: 0261/2022

Development: Conversion of and extension to existing five storey former Police Station building to form 54 residential units

*Location: Former Police Station, Spinning School Lane,
Tamworth, B79 7BB*

Access arrangements

If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail democratic-services@tamworth.gov.uk. We can then endeavour to ensure that any particular requirements you may have are catered for.

Filming of Meetings

The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found [here](#) for further information.

If a member of the public is particularly concerned about accidental filming, please contact a member of Democratic Services before selecting a seat

FAQs

For further information about the Council's Committee arrangements please see the FAQ page [here](#)

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

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MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON 7th NOVEMBER 2023

PRESENT: Councillor T Clements (Chair), Councillors C Adams, G Coates, D Cook, A Cooper, P Thompson, P Thurgood, J Wadrup and L Wood

The following officers were in attendance: Hargit Gill (Legal Advisor) Glen Baker-Adams (Team Leader - Development Manager), Tracey Pointon (Legal Admin & Democratic Services Manager) and Laura Sandland (Democratic and Executive Support Officer)

Guests: Mark Evans (Staffordshire Highways) Jo Barnes (Staffordshire Highways)

12 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Claymore, J Jones, R Kingstone and D Maycock.

13 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 3rd October 2023 were approved and signed as a correct record.

(Moved by Councillor G Coates and seconded by Councillor P Thurgood)

14 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

15 APPLICATIONS FOR CONSIDERATION

15.1 0278/2023 Anker Valley Playing Pitches

Application 0278/2023

Proposal Installation of a 3G synthetic pitch with sports lighting, perimeter fencing, storage container and access path

Site Address Anker Valley Recreation Grounds, Moor Lane, Amington,

Tamworth Staffordshire B77 3AX

Planning Officers and Staffordshire County Council Highways, responded to the issues and questions raised.

Resolved

Approval subject to conditions

A vote to approve was unanimous

Conditions/Reasons

1. The development shall commence within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall only be carried out in accordance with the application form, drawings MCA-MUK-3013-09, MCA-MUK-3013-10 Rev B; MCA-MUK3013-02 Rev E and MCA-MUK3013-11 and the 'Proposed Materials' report by McArdle unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt

3. The development hereby permitted shall be operated only in accordance with the approved Noise Management Plan Rev A – 11/10/2023.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development to conform to policy EN5 Design of New Development of the Tamworth Borough Council Local Plan 2006-2031 and paragraphs 183-188 of the National Planning Policy Framework 2021.

4. The use of the 3G pitch and the lighting hereby permitted must only be used between 0800 and 2200 Monday to Friday and 0900 to 2200 Saturday, Sunday and Bank holidays.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development to conform to policy EN5 Design of New Development of the Tamworth

Borough Council Local Plan 2006-2031 and paragraphs 183-188 of the National Planning Policy Framework 2021.

5. No whistle or other such audible device shall be used on or in association with the use of the Artificial Grass Pitch hereby approved outside the hours 0900 and 2100 hours Monday to Friday, 0900 and 1730 Saturdays and 0900 and 1600 Sundays and Bank Holidays.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development to conform to policy EN5 Design of New Development of the Tamworth Borough Council Local Plan 2006-2031 and paragraphs 183-188 of the National Planning Policy Framework 2021.

6. The proposed fencing is to be maintained to the specifications detailed in document 'DUO 8 SPORTS Double Wire Mesh Fencing System' for the lifetime of the development. This includes the use of Neoprene washers that must also be utilised in all bolt hole locations for panels. Any faults or maintenance issues are to be reported to the Local Planning Authority within 14 days of the faults being identified.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development to conform to policy EN5 Design of New Development of the Tamworth Borough Council Local Plan 2006-2031 and paragraphs 183-188 of the National Planning Policy Framework 2021.

7. All on site trees shall be suitably protected with fencing in full accordance with BS 5837:2012 with no works within the root protection area.

Reason: To conform to policy EN4 of the Tamworth Local Plan 2006-31.

Chair

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PLANNING COMMITTEE

5th DECEMBER 2023

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

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.
Site Address	Land North of Browns Lane Tamworth Staffordshire B79 8TA
Case Officer	Glen Baker-Adams
Recommendation	Planning Committee

1. Refuse to grant planning permission

1. Introduction

- 1.1 This application is an application for residential development with most of the site within the administrative boundary of Lichfield District Council. The below image shows the extent to which the site is within the boundary of Tamworth Borough Council.



- 1.2 The area of development within the Tamworth Borough Boundary is the proposed main pedestrian and vehicle access road of a distance of approximately 85m in length with landscaping at either side.
- 1.3 The application is reported to committee as this relates to a major development and concerns another local authority area for multiple dwellings. Despite being within mainly the boundaries of Lichfield District Council, the development if approved by them could have significant impact for Tamworth.
- 1.4 Since the original submission, amendments to the scheme within Lichfield District Council's area have been submitted including having a housing mix of 100% affordable units and indicative layout alterations. No changes to the development within the Tamworth boundary have been made.

- 1.5 Legal advice has been obtained on how to deal with cross-boundary applications such as this. The Planning Practice Guidance ¹stating that two identical applications should be made to each LPA which has taken place here. The government's suggestion is then to use Section 101(1) of the LGA 1972 for the "lead" council to delegate the decision making to the second council. Each councils then needs to co-operate on the agreement to ensure there are identical planning conditions and that the recommendation is the same.
- 1.6 This has been done through regular contact with the planning applications team leader and there position has remained to **refuse** the application. A copy of their report can be found at appendix 1. For Tamworth Borough Council, our decision should only relate to the land in their jurisdiction which has been done here.
- 1.7 From the majority of other decisions made in other areas, they will consider the whole scheme in principle with both councils planning policies as material considerations but will make the decision in relation to whether specifically the development on their own land is acceptable with reference to the wider scheme.
- 1.8 By virtue of it only being the access that falls into Tamworth's administrative boundary this report focuses on the principle of the development, Highway infrastructure, road safety issues and design. In addressing these issues this report seeks to assess the application in its entirety whilst also advising Members clearly regarding those parts of the application site and proposal over which they have jurisdiction. Advice is also provided on which planning policies apply and are therefore to be considered by Members in determining that part of the scheme in their local authority administrative area. Other issues will be lead on and assessed by Lichfield District Council and a copy of the committee report for their application can be found at appendix 2.

1.36 SITE AND DEVLEOPMENT PROPOSALS

- 1.3.1 The entire site is approximately 12.65 hectares, with 0.24 hectares being in Tamworth's boundary and extends from Main Road towards Wiggington Road to the east towards the railway line. Browns Lane is located to the south with residential properties at either side of the proposed access. The site is two arable fields and therefore greenfield land and falls within the administrative area of Lichfield District Council. The portion of greenfield that adjoins Browns Lane is with the administrative area of Tamworth Borough Council.

APPLICATION PROPOSAL

The application is for development of the site for 210 dwellings, all of which would be classed as affordable.² The planning application is submitted in outline with all matters reserved for subsequent approval other than the principal means of vehicular access to the Site, which are submitted in detail. Matters of appearance, layout, scale, and the detailed landscaping of the Site are to be the subject of subsequent reserved matters submission.

An indicative layout has been provided along with a landscape and visual assessment, statement of community involvement, noise assessment, transport report and preliminary ecological appraisal. Due to discussions with Lichfield, later information has been submitted including an updated masterplan with housing focussed on the eastern side and data to support why a 100% affordable scheme should be supported in lieu of the shortage in both Tamworth and Lichfield.

For Tamworth specifically, the site is confined to the access which would be for both vehicles and pedestrians. Landscaping has been indicated at either side, with more along the western edge.

¹ <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#land-falling-within-two-or-more>

² Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the definitions in the NPPF Annex 2 Glossary.

Location Plan



2. Policies

2.1 Local Plan Policies

- SS1 The Spatial Strategy for Tamworth
 - SS2 Presumption in Favour of Sustainable Development
 - HG1 Housing
 - HG4 Affordable Housing
 - HG5 Housing Mix
 - HG6 Housing Density
 - EC2 Supporting Investment in Tamworth Town Centre
 - EN3 Open Space and Green and Blue Links
 - EN4 Protecting and Enhancing Biodiversity
 - EN5 Design and New Development
 - EN6 Protecting the Historic Environment
 - SU1 Sustainable Transport Network
 - SU2 Delivering Sustainable Transport
 - SU3 Climate Change Mitigation
 - SU4 Flood Risk and Water Management
 - SU5 Pollution, Ground Conditions and Minerals and Soils
 - IM1 Infrastructure and Developer Contributions
- Appendix A – Housing Trajectory
Appendix C – Car Parking Standard

2.2 Supplementary Planning Documents

Design SPD

2.3 National Planning Policy

- National Planning Policy Framework 2021
- National Planning Practice Guidance 2014-

3. Relevant Site History

None

4. Consultation Responses

- 4.1 Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at <http://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>

The consultation responses comments are précised if conditions are proposed these are included within the conditions at the end of the report unless stated otherwise.

Tamworth Borough Council Consultees

4.1.1 *Tamworth Borough Council Development Plans*

Note the arguments put forward by the applicant in relation to the need for affordable housing within both Tamworth Borough and Lichfield District.

The applicant argues that there is a significant need for affordable housing within Tamworth, and that this should be given very significant weight in decision making on their application. This argument hinges on a need of 170 affordable dwellings per annum in Tamworth, derived from the 2019 Housing and Economic Development Needs Assessment. It should be noted that this document is now over four years old and does not currently inform any policies of an emerging local plan. The current annual target for affordable housing, as set out in policy HG4 of the adopted local plan, is 40 per annum.

This number was arrived at through a combination of a needs assessment, and an assessment of viability of the plan as a whole. Since the adoption of the plan in 2016, delivery against this target has been consistently good and, without reading the specific details of each case, it would appear that this is a different scenario to the appeal examples given. We would therefore disagree with the applicant's assertions that there is a significant shortfall in affordable housing delivery and that the fact that the scheme would be 100% affordable housing should be given very significant weight.

Additionally, we also have concerns that a 100% affordable scheme would be eligible for relief from the Community Infrastructure Levy, which would mean that there are no funds available to mitigate the impact of the additional pressure on infrastructure within Tamworth Borough that a 210 dwelling scheme on the border would generate.

4.1.2 *Tamworth Borough Council Environmental Protection*

No objections

4.1.3 *Tamworth Borough Council Waste Management*

Guidance on bin provision should the development be approved

Staffordshire County Council Consultees

4.1.4 *Staffordshire County Council Highways*

No objection subject to conditions

4.1.5 *Staffordshire County Council Education*

This application has been reviewed in respect of education contributions necessary to mitigate the impact on education from the development given that the application is undetermined and revised costings were last provided on 23rd March 2022 (a copy of the email is attached for reference).

Education contribution of £1,879,056 (index linked from the date of this response) to be sought from the developer to mitigate the impact on education from the development and would be acceptable from an education perspective subject to a S106 agreement which meets this requirement.

65 Primary School places
65 x £17,450= £1,134,250

23 High School places
31 x £24,026 = £744,806

Total request = **£1,879,056**

- 4.1.6 *Staffordshire County Council Archaeology*
No objection subject to conditions
- 4.1.7 *Staffordshire County Council Rights of Way*
No comment
- 4.1.8 *Staffordshire County Council Flood Risk Officer*
No objection subject to conditions

Others

- 4.1.9 *Severn Trent Water*
No objection subject to conditions

5. Additional Representations

- 5.1 As part of the consultation process adjacent residents were notified. Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at <http://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>.
- 5.2 At the time of writing, 33 letters of objection have been received from 33 different households. An objection has also received from Cllr Robert Pritchard, former deputy leader of the council and Cllr Richard Kingstone.
- 5.3 The objections received are many and mainly concern the traffic generation impacts the new housing could create. Additional planning concerns also related to the infrastructure pressures the location of the access and the impacts of construction traffic to build the houses. The loss of wildlife and impact to walkers has also been cited.

6. Equality and Human Rights Implications

- 6.1 Due regard, where relevant, has been taken to the Tamworth Borough Council's equality duty as contained within the Equalities Act 2010. The authority has had due regard to the public sector equality duty (PSED). Under section 149 of the Equality Act 2010, a public authority must in the exercised of its functions, have due regard to the interests and needs of those sharing the protected characteristics under the Act, such as age, gender, disability and race. This proposal has no impact on such protected characteristics.
- 6.2 There may be implications under Article 8 and Article 1 of the First Protocol of the Human Rights Act, regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.

7. Planning Considerations

The key issues to be considered at this stage are

- Principle
- Design/Character and Appearance
- Highway Safety

Again, it is important to note that these considerations are those within the specific area of Tamworth Borough Council.

7.1 Principle

- 6.1.1 The Tamworth Local Plan 2006-2031 (LP) was adopted in February 2016. In addition to the local plan there is guidance within the National Planning Policy Framework (NPPF) and the accompanying Planning Practice Guidance (PPG). The starting point in determining the

acceptability of development proposals is the Local Plan, where the policies are considered consistent with the NPPF. Policy SS1 The Spatial Strategy for Tamworth is to provide development in the most accessible and sustainable locations and SS2 Presumption in Favour of Sustainable Development, states that proposals that accord with the local plan are sustainable and will be approved without delay.

7.1.2 The development proposed within the boundary of Tamworth is an access road for both pedestrians and vehicles if connected to an acceptable development would be acceptable in principle of the housing development.

7.1.3 The larger housing development however is not supported by Lichfield District Council and therefore as a result approving an access road to a development not approved would have issues on character.

7.2 Character and Appearance

7.2.1 The appearance of a development is a material planning consideration and in general terms the design of a proposal should not adversely impact on the character and appearance of the wider street scene.

7.2.2 Policy EN5 Design and New Development states that developments should be of a scale, layout form and massing which conserves or enhances the setting of development and utilize materials and overall detailed design which conserves or enhances the context of the development. Proposals should respect and where appropriate reflect existing local architectural and historic characteristics but without ruling out innovative or contemporary design which is still sympathetic to the valued characteristics of an area.

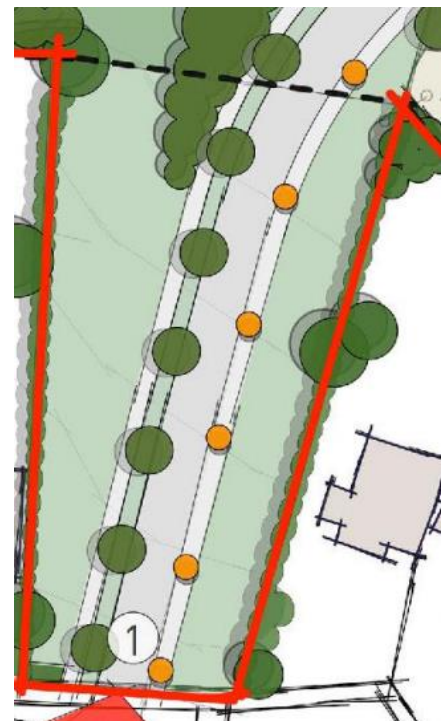
7.2.3 The appreciation of character and appearance is a significant part of recent planning reform and, with the introduction of the National Design Guide, remains a very important consideration of planning applications.

7.2.4 The proposed access road will be located between 68 and 60 Browns Lane. There is an existing dropped kerb access to the application site from Browns Lane, which cuts across a wide section of verge before crossing the tarmac footway. There was historically a gated vehicular access to the site; however, the gate is no longer present and there is little evidence that the access is used by vehicles.

7.2.5 The proposed access would allow both vehicles and pedestrians to travel safely with provision for landscaping either side.

7.2.6 As the proposal is both functional with suitable provision for soft landscaping, it is considered it would meet the standards of design required for such an access.

7.2.7 Despite in isolation it would be an acceptable form of development, if approved and Lichfield refuse the larger housing scheme would create an discordant form of development and therefore not in compliance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031 and the NPPF.



7.3 Highway Safety

7.3.1 Tamworth Local Plan policy EN5 (h) states that new developments will be expected to pay particular regard to highway safety and servicing requirements, the capacity of the local road network and the adopted parking standards set out in Appendix C. In addition, policy SU2 also states planning permission should only be granted where development would ensure adequate highway safety,

suitable access for all people and where feasible reduce the impact of travel up on the environment. Planning permission will be refused where travel to and from the development would be likely to cause harmful levels of pollution, highway safety or capacity impacts.

- 7.3.2 The application has been through a number of consultation exercises with Staffordshire County Council highways who have confirmed that the final iteration of the plans it is not considered that the development proposals would have an adverse impact on the surrounding highway network or on highway safety.
- 7.3.3 For the interest of members, the applicant/ agent have engaged with Staffordshire County Council highways department 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.
- 7.3.4 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.
- 7.3.5 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.
- 7.3.4 As a result therefore the development is considered in accordance with Policy SU2 Sustainable Transport of the Tamworth local Plan 2006-2031 and the National Planning Policy Framework.

8 Conclusion

- 8.1 This application relates to a larger scheme of housing development proposed within the boundary of Lichfield District Council for up to 210 dwellings. The development within the boundary of Tamworth relates to the main road and pedestrian access to this proposed development.
- 8.2 The application proposal if approved would permit an access road to an unapproved development resulting in a road to nowhere and therefore out character with the surrounding area contrary to policy EN5 of the Tamworth Local Plan 2006-31 and the NPPF.

9 Recommendation

Refusal for the reason below

Reasons

The area of the site within the boundary of Tamworth Borough Council is connected to a wider development which is not allocated for development. Approving this part of the development when Lichfield are minded to refuse their application would potentially permit an access road to a development site with no planning permission. The development therefore would be out of character with the surrounding area and not conform to Tamworth Borough Council Policy EN5 and the NPPF.

Note to applicant

Should the wider housing application be approved in Lichfield District Council, this information will be relayed to members where a new consideration for the proposal may need to be made.

PLANNING COMMITTEE

5th DECEMBER 2023

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

Application Reference	0261/2022
Proposal	Conversion of and extension to existing five storey former Police Station building to form 54 residential units
Site Address	Former Police Station, Spinning School Lane, Tamworth, B79 7BB
Case Officer	Debbie Hall
Recommendation	<ol style="list-style-type: none"> 1. Agree the reasons for approval set out in this report; and 2. Resolve to grant planning permission subject to the imposition of the Community Infrastructure Levy where relevant and delegate authority to the Assistant Director of Growth and Regeneration to finalise the wording of the conditions and draft legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) based on [the Heads of Terms identified and the conditions listed in Section 8 of this report.

1. Introduction

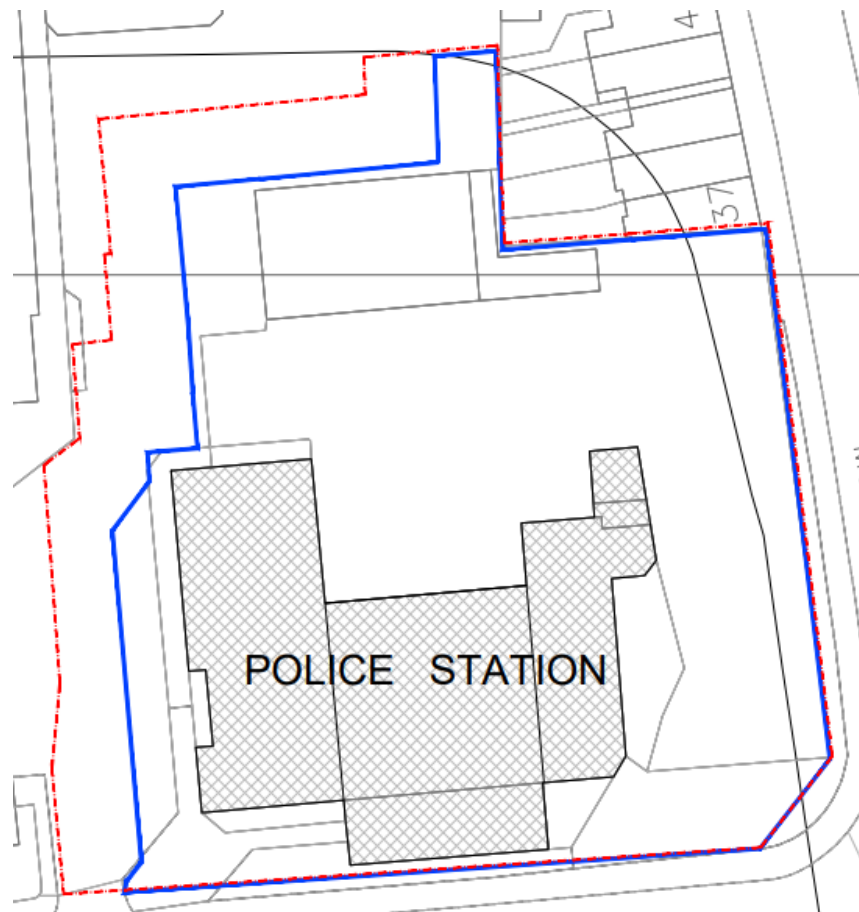
- 1.1 This application is for the conversion and extension of a former police station north of Spinning School Lane, Tamworth. Two existing outbuildings within the curtilage of the police station are also proposed to be demolished to accommodate the extensions.
- 1.2 The application is reported to committee due to it being a major planning application.
- 1.3 The application site is located at the junction between Spinning School Lane and Marmion Street, on the northeast side of Tamworth town centre. The Police Station was in use until around May 2019, when Staffordshire Constabulary vacated the premises and moved to a new, purpose-built facility in the Belgrave area of the town. The site total area is 0.31 hectares.
- 1.4 It is proposed to convert the existing building and to construct a four storey extension to the east and west to accommodate 54 new residential units. The extension to the east would form a reverse 'L' shape measuring approximately 23m at the widest part, 43.5m deep, a height of 15m (excluding the fifth floor) and 8.7m where it meets the existing dwellings on Marmion Street. The extension to the west would measure approximately 12.5m wide and 29m deep and have a height of 14m except on the norther most end where it drops to a height of 11m.
- 1.5 There are two existing access points to the development site, on Spinning School Lane and Marmion Street. The access off Spinning School Lane will be retained and the access from Marmion Street will be closed and the footway would be reinstated as shown on the submitted drawings.
- 1.6 Since the original submission, the plans have been amended and additional information has been provided by the applicant as a result of design concerns and consideration of wider heritage and ecology aspects of the site including the submission of a heritage statement and bat survey. Updated information has also been provided in respect to surface water flooding matters.
- 1.7 The site is part of an allocated housing site in the Tamworth Local Plan 2006-31 reference 507, 508 and 509. The allocation description confirms the site is located on brownfield land in the town centre and contains an archaeological scheduled ancient monument (Saxon Defences) which should be protected and conserved.
- 1.8 The allocation also states that any development proposal should include:
 - Flood Risk Assessment (greater than 1 ha in Flood Zone 1)
 - Replacement or retention of the youth centre and multi use games area
 - Early discussions with Conservation Officer, Staffordshire County Council Environmental Services and Historic England (Scheduled monument; Extensive Urban Survey Historic Urban Character Area 4: Lower Gungate and Spinning School Lane)
 - A desk based archaeological assessment undertaken by an appropriately qualified professional and if required , a field based archaeological assessment, also undertaken by an

appropriate qualified professional. If loss, wholly or in part, of archaeological remains is unavoidable, appropriate recording should take place and all records should be added to the Historic Environment Record, in a timely manner.

- 1.9 The principal changes to the scheme since the original submission have included a reduction in the number of units from 62 to 54, changes to the brick type chosen from buff to red, the addition of terracotta cladding and the introduction of three outdoor terraces. An additional consultation exercise was undertaken between 20th January and 3rd February 2023 as a result of those changes.

- SITE PROPOSALS

Location Plan



2. Policies

2.1 Local Plan Policies

- SS1 The Spatial Strategy for Tamworth
- SS2 Presumption in Favour of Sustainable Development
- HG1 Housing
- HG4 Affordable Housing
- HG5 Housing Mix
- HG6 Housing Density
- EC2 Supporting Investment in Tamworth Town Centre
- EN3 Open Space and Green and Blue Links
- EN4 Protecting and Enhancing Biodiversity
- EN5 Design and New Development
- EN6 Protecting the Historic Environment
- SU1 Sustainable Transport Network

SU2 Delivering Sustainable Transport
SU3 Climate Change Mitigation
SU4 Flood Risk and Water Management
SU5 Pollution, Ground Conditions and Minerals and Soils
IM1 Infrastructure and Developer Contributions
Appendix A – Housing Trajectory
Appendix C – Car Parking Standard

2.2 Supplementary Planning Documents and Other Local Guidance

Design SPD
Planning Obligations SPD
The Introduction of First Homes
Housing and Economic Development Need Assessment
Albert Road/Victoria Street Conservation Area Appraisal
Tamworth Town Centre Conservation Area Appraisal

2.3 National Planning Policy

National Planning Policy Framework 2021
National Design Guide 2021
National Planning Practice Guidance 2014-

3. **Relevant Site History**

No relevant site history

3. **Consultation Responses**

3.1 Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at <http://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>

The consultation responses comments are précised if conditions are proposed these are included within the conditions at the end of the report unless stated otherwise.

Tamworth Borough Council Consultees

3.1.1 *Tamworth Borough Council Planning Policy and Delivery Officer*
No objections subject to S106 regarding affordable homes

Tamworth Borough Council Conservation Officer
No objections

Tamworth Borough Council Environmental Protection Officer
No objections subject to conditions
Later considerations of the roof terraces proposed that are considered close to existing residential properties and therefore an acoustic barrier has been included as part of the proposals.

Tamworth Borough Council Tree Officer
No objections

Tamworth Borough Council Strategic Housing Officer
No response

Tamworth Borough Council Joint Waste Services Officer
No objections subject to compliance with specifications provided.

Staffordshire County Council Consultees

3.1.2 *Staffordshire County Council Highways Authority*
No objections subject to conditions

Staffordshire County Council Environment Specialist (Archaeology)
No objections subject to conditions

Staffordshire County Council Schools Organisation Team
No objections subject to S106 contributions

Staffordshire County Council Lead Local Flood Authority
No objections subject to conditions

Staffordshire County Council Strategic Property Unit
No objection

Statutory Consultees

3.1.3 *Environment Agency*
No comments

Historic England
No objections subject to conditions/further work

Severn Trent Water
No objections

Staffordshire Police
No objections (guidance and recommendations given)

Staffordshire Fire and Rescue
Advice given.

Staffordshire and Stoke-on-Trent Integrated Care Board
No objections subject to payment of Section 106 contributions

Others

3.1.4 *Design Officer*
Commentary on proposals

4. Additional Representations

4.1 As part of the consultation process adjacent residents were notified. A press notice was published on 2nd June 2022 and site notices were erected on 26th May 2022. Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at <http://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>.

4.2 Two neighbouring properties responded objecting to the proposal on the grounds that they would experience a loss of privacy and light, and that the traffic and noise would impact on the enjoyment of their property.

5. Equality and Human Rights Implications

5.1 Due regard, where relevant, has been given to the Tamworth Borough Council's equality duty as contained within the Equalities Act 2010. The authority has had due regard to the public sector equality duty (PSED). Under section 149 of the Equality Act 2010, a public authority must in the exercised of its functions, have due regard to the interests and needs of those sharing the protected characteristics under the Act, such as age, gender, disability and race. This proposal has no impact on such protected characteristics.

5.2 There may be implications under Article 8 and Article 1 of the First Protocol of the Human Rights Act, regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.

6. Planning Considerations

The key issues to be considered at this stage are:

- Principle
- Character and Appearance
- Highway Safety and Parking
- Heritage and Archaeology
- Amenity
- Ecology
- Contamination
- Flooding and Drainage
- Housing Density
- Housing Mix
- Affordable Housing

6.1 Principle

6.1.1 The Tamworth Borough Local Plan 2006-2031 (the local plan) was adopted in February 2016. In addition to the local plan there is guidance within the National Planning Policy Framework (NPPF) and the accompanying Planning Practice Guidance (PPG). The starting point in determining the acceptability of development proposals is the Local Plan, where the policies are considered consistent with the NPPF. Policy SS1 The Spatial Strategy for Tamworth is to provide development in the most accessible and sustainable locations and SS2 Presumption in Favour of Sustainable Development, states that proposals that accord with the local plan are sustainable and will be approved without delay.

6.1.2 The former Police Station, is allocated for housing in the Tamworth Local Plan 2006-2031, reference numbers 507, 508 and 509 at policy HG1. The principle of developing housing in this location is therefore established and acceptable, subject to compliance with the other policies in the plan.

6.1.3 The allocation includes a number of requirements that the development proposal should include, such as a Flood Risk Assessment, an archaeological Assessment and early discussions with the Conservation Officer, Staffordshire County Council Environmental Services and Historic England, and these are considered in the relevant sections of this report.

6.1.4 The proposed development is therefore considered to be in compliance with relevant policies of the Tamworth Local Plan 2006-2031 and in principle an acceptable form of development for the location subject to meeting other requirements of the Local Plan.

6.2 Character and Appearance

Policy Context

6.2.1 The appearance of a development is a material planning consideration and in general terms the design of a proposal should not adversely impact on the character and appearance of the wider street scene.

6.2.2 Policy EN5 Design and New Development states that developments should be of a scale, layout form and massing which conserves or enhances the setting of development and utilise materials and overall detailed design which conserves or enhances the context of the development. Proposals should respect and where appropriate reflect existing local architectural and historic characteristics

but without ruling out innovative or contemporary design which is still sympathetic to the valued characteristics of an area.

- 6.2.3 The appreciation of character and appearance is a significant part of recent planning reform and, with the introduction of the National Design Guide, remains a very important consideration of planning applications.
- 6.2.4 The application is for the conversion of the existing building and extending the structure compared to demolition. This has been considered a more sustainable method of development but as a result there is notably only so much that can be achieved to improve the current appearance which is somewhat dated. This is mainly due to the overly concrete façade and thick, linear blue windows and otherwise simplistic appearance.

Site Context

- 6.2.5 The application site is located on the junction between Spinning School Lane and Marmion Street, on the north east side of Tamworth town centre, and extends to approximately 0.31 hectares. The Police Station was in use until around May 2019, when Staffordshire Constabulary vacated the premises and moved to a new, purpose-built facility in the Belgrave area of the town.
- 6.2.6 The main building is set along floor floors with the front of the building facing Spinning School Lane. Four vertical concrete columns support three floors above which are faced in a pebbledash faced concrete and powder coated blue frame windows of a very uniform appearance. Each elevation looks the same apart from the ground floor entrance at Spinning School Lane which has entrance steps and recessed front doors. On either side of the front are two single storey buildings of brick.
- 6.2.7 The building is surrounded by hard surfaced parking areas. The only natural features within the site are the two trees on the corner where Spinning School Lane and Marmion Street meet.
- 6.2.8 Adjacent the northeast corner of the site are a row of traditional rendered terraced properties, to the east and south are surface car parks, to the west is the magistrates court and to the north is a youth centre and car park.
- 6.2.9 The site is located approximately 250 metres northeast of the centre of the town. Marmion Street car park is located to the east, Spinning School Lane car park to the south, vacant Magistrates court to the west and numbers 38-41 Marmion Street terraced residential properties.

Proposals

- 6.2.10 It is proposed to convert the existing building and to construct a four storey extension to the east and west to accommodate 54 new residential units. The extension to the east would form a reverse 'L' shape measuring approximately 23m at the widest part, 43.5m deep, a height of 15m (excluding the fifth floor) and 8.7m where it meets the existing dwellings on Marmion Street. The extension to the west would measure approximately 12.5m wide and 29m deep and have a height of 14m except on the norther most end where it drops to a height of 11m.
- 6.2.11 The proposal for 54 self contained flats each contain a lounge/kitchen, a bathroom, a store containing a washing machine and one or two bedrooms, some with an ensuite to the main bedroom.
- 6.2.12 Externally the site would include parking for 40 vehicles including two disabled spaces, cycle parking for 12 bicycles, a bin store and soft landscaping/planting around the building and within the car parking area. There are three external terraces proposed on the second and third floors to provide amenity space for the occupants.

The proposal includes a basement level which would accommodate cycle parking and a gym.

- 6.2.13 The predominant finishing material would be red brick with terracotta panelling recessed between windows, around the outdoor terraces and at fourth floor on the east facing elevation. The outward facing elevations would also include a 'picture frame' feature constructed from powder coated aluminium in dark grey.

Design Review

- 6.2.14 The council has consulted with an external design consultant to review the plans to ensure that the proposals fully reflect the high ambitions of local and national policy on design. Details set out in the following paragraphs reflects two independent design reviews.

Design Considerations

- 6.2.15 The proposals represent a significant increase in the footprint of the building, especially in terms of what will be apparent and experienced from both Spinning School Lane and Marmion Street. The original proposals required a broader relationship of the building with its surroundings and this has been taken on board with the final proposals.
- 6.2.16 The proposed building changes on the southern elevation with Spinning School Lane (front entrance) would see a change in visual emphasis from horizontal with the removal of the existing brush concrete clad base floors to vertical replacing these with silver colour powder-coated aluminium cladding and aluminium windows with grey tinted glass.
- 6.2.17 The extensions off both the east and west elevations would see a more 'simple' arrangement of uniform windows say for a centralised block of units that would have glass balconies to form what has been labelled a 'picture frame' feature to draw interest to the scheme. Both the east and west elevations would also have roof top balconies and on the east elevation there is a drop in height further still to better tie in with the properties along Marmion Street.
- 6.2.18 The latest proposals have seen alterations to the massing. At the prominent corner at the junction of Spinning School Lane and Marmion Street, the uppermost floor removal of a flat and the introduction of an external amenity space. This is also repeated on the western elevation. On Marmion Street the upper floor is treated in a different material. The relationship between the proposals and the adjacent properties on Marmion Street feels much more appropriate and less dominant. The materials have been changed to red brick on this side which is better suited to the area and breaks up this massing further still.
- 6.2.19 The proposals have some profiling to the landscape surrounding the building, offering a more sympathetic interface and improved visual interest, which is particularly evident along Marmion Street.
- 6.2.20 Materials will be conditioned to ensure the finished proposal is reflective of the high standards of design required.
- 6.2.21 The development represents a significant improvement to the current quality of building. The current building represents quite a stark feature along Spinning School Lane and whilst not an area of particular high visual amenity value, it does nothing to improve the quality of this part of Tamworth. The final proposals however do present a more simplified and modern design which would mainly see the removal of the mass of concrete that adorns the sides of the building. The fenestration is broken up and the replacement materials give the building a more modern appearance.
- 6.2.22 The extensions are subordinate to the main building and especially along Marmion Street where it meets the several existing white rendered properties there is a sympathetic relationship between new and old form which is acceptable. Overall the changes have been well worked within the constraints of the existing building with the addition of sympathetic additions to the building, removing the dated outbuildings on site at present.
- 6.2.23 The character and appearance of the proposed development would therefore enhance the quality of the streetscene and is considered to be in compliance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031, the NPPF and National Design Guide.

6.3 Highway Safety and Parking

- 6.3.1 Tamworth Local Plan policy EN5h) states that new developments will be expected to pay particular regard to highway safety and servicing requirements, the capacity of the local road network and the adopted parking standards set out in Appendix C. In addition, policy SU2 also states planning

permission should only be granted where development would ensure adequate highway safety, suitable access for all people and where feasible reduce the impact of travel up on the environment. Planning permission will be refused where travel to and from the development would be likely to cause harmful levels of pollution, highway safety or capacity impacts.

- 6.3.2 There are two existing access points to the development site, on Spinning School Lane and Marmion Street. The access of Spinning School Lane will be retained and the access from Marion Street will be closed and the footway would be reinstated as shown on the submitted drawings.
- 6.3.3 It is proposed to provide 40 car parking spaces and cycle parking for 54 bicycles. Vehicle parking is located alongside the west side of the building, within the courtyard and on the youth centre carpark where that car park is owned by the applicant. Cycle parking facilities are provided within the secure rear courtyard, in the Southeast corner, under a proprietary clear polycarbonate shelter. Additional secure cycle storage for residents would be available in the basement.
- 6.3.4 Appendix C states that parking for self-contained flats/apartments should have one space per flat and visitor spaces at one space per four flats therefore there would be a shortfall of 28 spaces.
- 6.3.5 Policy SU2 states that development with such lower levels of parking provision may be acceptable in locations that are highly accessible by walking, cycling and public transport, including Tamworth's network of centres. Therefore, on account of the site being located in central Tamworth and by definition one of the most sustainable locations within the borough with easily accessible access to the railway station and bus services, the proposed parking is acceptable, and it is the ambition most occupants will rely on using these methods of transport for access. Should a private car be required there are also parking options available within the nearby surface car parks and therefore the development would accord with SU2 of the Tamworth Local Plan and National Planning Policy Framework.
- 6.3.6 There are outstanding issues with access to the site from Spinning School Lane due to the access being outside of the applicant's ownership however this does not preclude the planning application from being approved as this is a legal matter as opposed to being a material planning matter.
- 6.3.7 Staffordshire County Council Highways (SCCH) have been consulted upon the proposal and concluded that the proposal is acceptable in highway safety terms, subject to conditions listed at the bottom of the report. SCCH has determined that the level of parking proposed, whilst not in line with the guidance contained in Appendix C, is acceptable.
- 6.3.8 The provision of sufficient car parking spaces, cycle parking provision and servicing facilities, combined with the sustainable location, means that the proposed development is considered to be a sustainable form of development in accordance with Policy SU2 Sustainable Transport; Appendix C of the Tamworth local Plan 2006-2031 and the National Planning Policy Framework.

6.4 Heritage

- 6.4.1 Tamworth Local Plan policy EN6 Protecting the Historic Environment states that proposals will be required to pay particular attention to:
- a) The scale, form, height, massing, detailing and materials of the development, the existing buildings and physical context to which it relates.
 - b) Historically significant boundaries, street layouts, open spaces, landscape features and structures identified in the conservation area appraisals including walls, railings, street furniture and paved surfaces.
 - c) Important views of listed buildings, scheduled monuments and historic townscape as identified in the conservation area appraisals.
- 6.4.2 The proposed development is located outside of the Tamworth Town and Albert Road/Victoria Street Conservation Areas however the building would be visible from these heritage assets. There are no listed buildings immediately adjacent the proposed development.
- 6.4.3 The northern end of the application site extends into a scheduled monument related to the buried archaeological remains of Tamworth's Saxon and medieval defences (List Entry No. 1006088). Proposed works in this area include demolition of existing buildings, hard landscaping, new parking, a bin store, new fencing and drainage works. These works would all require Scheduled Monument Consent (SMC).

- 6.4.4 Staffordshire County Council Historic Environment Team (SCCHET) recommended that, should permission be granted, an archaeological watching brief be carried out during any substantial groundworks associated with the development. This would include any foundation trenches, drainage and service runs or the removal of the extant concrete slab. The watching brief should be scalable to a strip, map and sample excavation should significant archaeological remains be observed during the archaeological monitoring works.
- 6.4.5 The use of archaeological watching briefs, is supported by NPPF (2021) para 205. The works should be undertaken by an appropriately experienced archaeologist working to the requirements of a brief prepared by SCCHET (or approved Written Scheme of Investigation (WSI), the Chartered Institute for Archaeologists (CIfA) Code of Conduct and to a level commensurate with the relevant CIfA Standards and Guidance. This has been agreed by the applicant and a suitably worded condition has been applied.
- 6.4.6 The application site is of no heritage interest and as such makes no direct contribution to the significance of the conservation area and given its considerable mass and bulk and poor appearance the former Police Station is a poor visual presence within the wider setting of this designated heritage asset. As such the application site is identified as an enhancement site upon the Proposals and Recommendation Plan (1b) contained within the Tamworth Town Conservation Area Appraisal (TTCAA).

The alterations to the existing building will modernise and improve its visual appearance, and the extensions to the building are of an appropriate siting, scale, form and construction materials. The proposed redevelopment would improve the character and appearance of the site and reinstate an active frontage to the street scene, so consequently the proposal would result in an enhancement to the wider setting of the Tamworth Town Conservation Area.

- 6.4.7 A Heritage Statement has been submitted with this application which states that the Conservation Area appraisal of the Tamworth Victoria Road/Albert Road Conservation Area singles out the existing structure as having a negative impact on the setting of the Conservation Area. The proposed changes, by improving the visual impact of the structure and bringing life and activity back to an empty corner, will enhance the setting of the Conservation Areas.
- 6.4.8 The new development would change the setting of the scheduled monument, however it is considered by Historic England this unlikely to result in harm to its significance. There is a potential that groundworks could impact buried remains within the scheduled area, resulting in some harm. This requires clarification and further assessment. Mitigation may be needed, which could include design changes. These are considered however to be suitably managed through the Scheduled Monument Consent (SMC) process.
- 6.4.9 As a result the proposal is therefore considered to be in accordance with Policy EN6 Preserving the Historic Environment of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework.

6.5 Amenity

- 6.5.1 Policy EN5 – Design and New Development of the Tamworth Local Plan 2006-31 states that developments will be expected to minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land. Such impacts may include loss of light, privacy or security or unacceptable noise, pollution, flooding or sense of enclosure. NPPF also paragraph 130 f) also states that planning decisions should ensure that developments create places... with a high standard of amenity for existing and future users. Both existing (current) and potential occupiers are considered below.

Current occupiers – those living within close proximity to the development site.

- 6.5.2 The proposal is located adjacent a row of terrace properties on Marmion Street, and Albert Road beyond, but is otherwise surrounded by community uses and surface car parks. The Tamworth Design SPD states that two storey (or higher) extensions should not encroach into an area measured by drawing a 60 degree angle from the mid-point of a neighbour's window or door opening. A plan has been submitted showing the proposed extension relative to the existing dwellings and the extension would not encroach into the 60 degree zone. There would likely be

some loss of light to the rear gardens of the adjacent terraces on Marmion Street however this is not considered to be so significant as to warrant a recommendation for refusal. Furthermore, amended plans were submitted which reduced the height of the extension to two storeys where it meets the row of terraces on Marmion Street in order to reduce the sense of overbearing.

6.6.3 Where the extension has been reduced in height an outdoor terrace is proposed. To protect the privacy of the neighbouring property, in relation to this outdoor terrace, a 1.8m high balustrade with opaque glass is proposed for a length of 5.8m on the north west corner of the terrace is proposed.

6.5.4 The Tamworth Design SPD states that for dwellings of three (or more) storeys, a minimum distance of 30 metres between the rear windows of habitable rooms within opposing dwellings and the rear extremities of any extension will need to be maintained. There are some residential properties on Albert Rd the rear of which would be facing the windows of the north facing elevation to the proposed development. The distance between the windows to the north facing elevation and the rear of the residential properties on Albert Road measures approximately 50m. Owing to the distances to boundaries there would be no significant issues relating to overlooking, loss of privacy or a sense of the development being overbearing to the neighbouring residents on Albert Road.

Potential occupiers

6.5.5 In order to guide whether a unit of accommodation would be acceptable to a potential occupier, consideration should be given to the amount of space provided within a unit. The nationally described space standards published by Government in 2015 are as follows;

1-bed (2-person) Flat 50m²

2-bed (3-person) Flat - 61m²

2-bed (4-person) Flat - 70m²

49 of the 54 residential units have a gross internal floor areas which meet the nationally described space standard.

The other five units have a shortfall of 0.3 square metres.

6.5.6 Within the Tamworth Design SPD, it states that the Council would encourage applicants to aspire to the space standards set out within 'Technical Housing Standards – Nationally Described Space Standard, (DCLG 2015).

6.5.7 When considering the relatively small quantity of the units that are under the desired amount of internal floor space and the amount by which they are deficient, this is considered acceptable. Within the Design Supplementary Planning Document, the technical space standards are *encouraged* and therefore not mandatory. The existing building has a number of built constraints so when taking this into consideration the proposed development is acceptable.

6.5.8 Potential occupiers should also have sufficient residential amenity space. The Tamworth Design SPD recommends that a minimum of 5 square metres of private outdoor space, where the smallest dimension is not less than 1.5m, is provided for 1 or 2 person flats, plus an extra 1 square metre for each additional occupant. On this basis in order to comply with the Design SPD the total amenity space required to be delivered equates to 354 square metres.

6.5.9 A total of 276msq of outdoor communal amenity space is provided in the form a three roof top terraces. The provision of external amenity space falls short of the standard recommended in the Design SPD by 78 square metres. The balconies have been excluded from this calculation as the smallest dimension is less than 1.5m and the proposed basement gym has also being excluded being indoors. These spaces will however make a positive contribution to the spaces available for recreation within the development. Given the town centre location, in walking distance to the castle grounds and playground, it is considered that the shortfall in amenity space is not significant enough to justify a recommendation for refusal. There is also balconies provided with together with the total amount of amenity space provided would give a quantum of amenity space in line with the SPD.

6.5.10 The introduction of light wells will provide a valuable source of natural light into internal areas.

6.5.11 Environmental Protection have been consulted on this scheme and have no objections subject to the inclusion of conditions relating to noise, light and dust to protect the amenity of people living and working nearby and the future occupants.

6.5.12 As a result the proposal is therefore considered to not be in accordance with EN5 Design and New Development of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework. However, given the small scale of the discrepancy with regards to the floorspace and the site being located walking distance to the castle grounds and playground, on balance noncompliance is deemed to be acceptable in this case.

6.6 Ecology

6.6.1 Policy EN4 Protecting and Enhancing Biodiversity states development will be required to demonstrate appropriate mitigation to ensure no negative impact. In addition, development will be supported that preserves designated biodiversity maintains the favourable conservation status of populations of protected species and incorporates existing landscape features. Development should not result in a net loss of biodiversity by ensuring that where harm to biodiversity is unavoidable and it has been demonstrated that no alternative sites are suitable, development is adequately mitigated or as a last resort, compensated for; otherwise planning permission should be refused.

6.6.2 Paragraph 180 of the NPPF states that 180. When determining planning applications, local planning authorities should conserve or enhance biodiversity and biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.

6.6.3 The site currently consists largely of either buildings or hard landscaping with the only natural features worthy of note within the site are the two trees on the corner of Spinning School Lane and Marmion Street. It is proposed to demolish some of the existing building and outbuildings which are potential habitats for bats. A Phase I Bat survey has been submitted at the request of Staffordshire County Council Ecology with the report stating that there is no evidence of bats within any part of the proposed development. Notwithstanding this, conditions relating to development being carried out carefully with the expectation that bats may be found installing a bat box will be applied.

6.6.4 With regards to providing a net gain of ecology, there is nothing in legislation or policy to provide this and therefore improvements to the small area of scrub and trees at the front and any of the other measures highlighted in the county ecologist's commentary including bat/bird boxes would meet guidance on this.

6.6.5 Whilst the existing trees are not to be retained, soft landscaping is proposed as part of the redevelopment of the site and this will make a positive contribution to the natural features in the locality. As a result the proposal is therefore considered to be in accordance with Policy EN4 Protecting and Enhancing Biodiversity of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework.

6.7 Contamination

6.7.1 Policy SU5 Pollution, Ground Conditions and Minerals and Soils states that development should manage the risk of air, light, noise, ground or water pollution and land instability and that Planning permission will be refused for any proposal where pollution would pose an unacceptable risk to public health, quality of life or the environment which is not mitigated.

6.7.2 Being a brownfield site, there is potential for the presence of contaminated land and therefore there will be a condition applied stating that should any contamination be encountered a full assessment is required, and an appropriate remediation scheme submitted to and approved in writing by the local planning authority. Furthermore, a scheme specifying the provisions to be made to control dust emanating from the site and to deal with the management and/or safe disposal of asbestos is required. Environmental Protection have also been consulted on this proposal and have reviewed technical information sent by the developer. As a result the development would accord with policy SU5 of the Tamworth Local Plan 2006-31 and the National Planning Policy Framework.

6.8 Flooding and Drainage

6.8.1 Policy SU4 Flood Risk and Water Management states that all new development, including regeneration proposals, will need to demonstrate that there is no increased risk of flooding to existing properties and shall seek to improve existing flood risk management.

- 6.8.2 The site is within flood zone 1 and has a low probability of flooding from rivers and a very low risk from surface water flooding, although Marmion Street (bordering the site), is indicated as being at risk of surface water flooding (it intersects the 1 in 30 year surface water flooding zone).
- 6.8.3 Foul sewage is to discharge to the public combined sewer, and surface water is to discharge to the public surface water sewer at a restricted discharge rate of 5 litres/second. Severn Trent Water have been consulted on this and accept these flows as soakaways are not feasible for this site. The Environment Agency declined to comment stating that it was outside of their remit.
- 6.8.4 The Lead Local Flood Authority (LLFA) were consulted a number of times with updated flood risk data and following submission of satisfactory information the LLFA are now satisfied with the information provided and have no objections subject to a pre commencement condition.

6.9 Affordable Housing

- 6.9.1 Policy HG4 states that unless demonstrated to be unviable through an independent assessment by a suitably qualified person, the Council will require new residential development involving 10 or more dwellings (gross) to provide a target of 20% affordable dwellings on site. Therefore as a development of 54 dwellings 11 affordable units should be provided on site.
- 6.9.2 The affordable housing tenure mix is required to be in line with the guidance contained in 'The Introduction of First Homes'. In line with this guidance and policy HG4, it is expected to see the 11 affordable dwellings apportioned as follows:
 - The delivery of three First Homes
 - The delivery of three Affordable Home Ownership tenures
 - The remaining five affordable dwellings delivered as affordable rented tenures, split between social and affordable rent
- 6.9.3 The applicant has agreed to provide this on site provision subject to identifying a suitable housing association.
- 6.9.4 By providing the level of affordable housing in line with the current need, the development would conform to policy HG4 of the Tamworth Local Plan 2006-31.

6.10 Housing Mix

- 6.10.1 Policy HG5 Housing Mix states that in granting planning permission for residential development, housing sizes and types that reflect local needs will be secured. The table below shows the policy requirement in terms of housing mix compared to that of the proposed development.

Unit Size	Policy HG5 Requirement	Amended Proposal	% of Total Dwellings on Site
1 bed	4%	5 units	9%
2 bed	42%	49 units	91%
3 bed	39%	0 units	0%
4 bed	15%	0 units	0%

- 6.10.2 The development would predominantly involve the delivery of two bed units. Although these, alongside three bed units, are identified in the 2019 Housing and Employment Needs Assessment (HEDNA) as being collectively in the greatest need across Tamworth, the proposal does fall short in reflecting the dwelling mix preferred by Policy HG5.
- 6.10.3 Generally, Policy HG5 should be considered a starting point from which the most site-appropriate mix can be determined, and any significant deviation appropriately justified. In this case, supporting information has been provided that references the town centre location and the saleability of particular dwelling sizes in this area. Provided by the local estate agent, the information details why

both three and four beds would not be suitable for either the location or the site, and why the alternative mix is more appropriate. Whilst the proposed housing mix does not comply with policy HG5, given the overriding need for two beds identified and the advice of the local estate agents of the lack of market for three or four bedroom flats and evidence in the 2019 HEDNA the proposed housing mix is considered to be acceptable.

6.11 Housing Density

- 6.11.1 Policy HG6 Housing Density states that new residential development will make efficient and effective use of land, while enhancing the character and quality of the area it is located in. Where viable and appropriate to the local context and character it will be expected to achieve a density of 40 dwellings per hectare or greater.
- 6.11.2 The site has a net developable area of 0.3125ha according to the thresholds set out in the supporting text of Policy HG6. Based on 54 dwellings on site this would provide the development with a density of approximately 172.8 dwellings per ha, which exceeds the minimum density requirement of 40 dwellings per hectare and is therefore compliant with Policy HG6 of the Tamworth Local Plan 2006-31.

6.12. Open Space

- 6.12.1 Policy EN3 states that all new housing development should be within 400m of accessible high quality open space as defined in the Open Space Review 2012. New on-site open space should be provided where this is not the case using a standard of 2.43 hectares per 1000 population as a guide. Where it is not appropriate to create new on-site open space, all new housing developments should contribute towards improving the quality and accessibility of nearby off-site open spaces. This would be spent on open space and recreation projects identified in the Infrastructure Delivery Plan 2018.
- 6.12.2 In terms of open space within 400m of the site, there is only one in the form of the graveyard around St. Editha's Parish Church. This is however classed as lower quality amenity space and mainly in graveyard use so not suitable for wide recreation use.
- 6.12.3 In this instance, as it is not possible for the scheme to include open space that fully accords with the policy and given the limited land available, a financial contribution has been requested. The Planning Obligations SPD states that a contribution of £660 per 1 or 2 bed dwelling should be made where open space cannot be accommodated within the site. It is proposed to build 54 flats which equates to a contribution of £35,640. This would be secured via a section 106 agreement in order for the proposal to comply with policy EN3 of the Tamworth Local Plan 2006-31.

7 Conclusion

- 7.1 The proposal is for the conversion and extension to the former police station off Spinning School Lane, Tamworth including the demolition of the single storey buildings attached to the east and west of the main building and the outbuildings, to form 54 residential units.
- 7.2 The scheme is acknowledged to not fully accord with the parking standards in Appendix C of the Local Plan, however Policy SU2 states that development with lower levels of parking provision may be acceptable in locations that are highly accessible by walking, cycling and public transport, including Tamworth's network of centres. Therefore, on account of the site being located in central Tamworth and by definition one of the most sustainable locations within the borough with easily accessible access to the railway station, bus services the deficiencies are acceptable, and it is the ambition most occupants will rely on using these methods of transport for access. Should a private car be required there are parking options available and therefore the development would accord with SU2 of the Tamworth Local Plan and National Planning Policy Framework.
- 7.3 It has also been recognised that the proposal is also deficient in external private amenity space. However, as these standards are encouraged and not mandatory and with the balconies with the provision given in the application meeting the quantum the shortfall is acceptable in this instance.

- 7.4 With regards to internal space standard deficiencies identified, again the technical space standards are not mandatory and a significant amount of the units will meet or exceed these. Those that are deficient are not by a significant quantum to be a substantive refusal reason.
- 7.5 All the above considerations of principle, character and appearance, highway safety and parking, heritage and archaeology, amenity, ecology, contamination, flooding and drainage, housing mix, housing density, affordable housing, open space have been considered acceptable. In each case it is considered that the proposal has, with conditions where, necessary, met or exceeded the policy requirements established by the Tamworth Local Plan 2006-2031 and the interests of consultees.
- 7.6 The development seeks to provide section 106 contributions for the education requirements, health care provision, open space and affordable units in line with local plan policy which all provide benefits to local infrastructure.

8 Recommendation

Approval subject to S106, CIL contribution and the below conditions

Section 106 to be produced for the following contributions:

- a) £429,932 for Education
- b) £35,100 for Local Healthcare Provision
- c) Contribution towards open space
1 or 2 bed dwelling - £660 per dwelling - totaling £35,640
- d) Affordable homes as follows;
 - The delivery of 3 First Homes
 - The delivery of 3 Affordable Home Ownership tenures
 - The remaining 5 affordable dwellings delivered as affordable rented tenures, split between social and affordable rent.

CIL contribution approximately £194,173.51.

Conditions / Reasons

1. The development shall commence within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall only be carried out in accordance with the application form and drawings;

L01 Rev B Site Location Plan received 15th November 2023
 SK01 Rev F Site Layout Proposed received 14th March 2023
 SK02 Rev A Basement Plan Proposed received 20th February 2023
 SK03 Rev F Ground Floor Plan Proposed received 14th March 2023
 SK04 Rev C First Floor Plan Proposed received 10th January 2023
 SK05 Rev D Second Floor Plan Proposed received 24th November 2023
 SK06 Rev C Third Floor Plan Proposed received 10th January 2023
 SK07 Rev C Fourth Floor/Roof Plan Proposed received 10th January 2023
 SK09 Rev F Elevations South + East Proposed received 24th November 2023
 SK10 Rev F Elevations North + West Proposed received 24th November 2023
 SK11 Rev D Elevations East + West (Courtyard) Proposed received 24th November 2023
 SK13 Rev A Bin Store Details received 2nd March 2023
 SK14 Site Layout – Proposed Surfacing + Exceedance Flow Plan
 SuDS for Pollution Mitigation – Former Police Station, Tamworth
 Figure 1B Rev B Surface Water Drainage Plan by LK Consult
 Figure 1 Standard Details Drainage 1 by LK Consult
 Figure 2 Drainage Standard Details 2 by Lk Consult
 Phase 1 Bat Survey by Ridgeway Ecology Ltd dated 5th June 2023

Reason: To define the permission

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

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

4. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication.

b) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition.

c) The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To enable potential archaeological remains and features to be adequately recorded, in the interests of cultural heritage and in accordance with policy EN6: Protecting the Historic Environment of the Tamworth Local Plan 2006-2031.

5. Prior to the commencement of development, a scheme of hard and soft landscaping (including the roof terrace) shall be submitted to and approved in writing by the Local Planning Authority. This landscaping scheme **must show a net gain of ecology**. In addition, all hard landscaping shall be carried out in accordance with the approved details prior to first occupation of the approved dwellings, whilst all planting comprised in the approved scheme shall be carried out prior to completion of the development; and any plants which within a period of five years (ten years in the case of trees) 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 similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the visual setting of the development and the surrounding area in accordance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031.

6. Marmion Street access will be closed and the footway to be reinstated as shown on Site Layout Proposed Drawing No. SK01 Revision D before occupation.

Reason: In the interests of highway safety and in accordance with Policy SU2 Sustainable Transport of the Tamworth Local Plan 2006-2031.

7. Notwithstanding plans as submitted car parking shall be provided as shown on Site Layout Proposed Drawing No. SK01 Revision F and shall be 2.4m X 4.8m each space and disabled spaces shall be 3.6m x 6m each space before occupation.

Reason: In the interests of highway safety and in accordance with Policy SU2 Sustainable Transport of the Tamworth Local Plan 2006-2031.

8. Notwithstanding plans as submitted 54 cycle parking shall be secure and covered and shall be provided before occupation.

Reason: In the interests of highway safety and in accordance with Policy SU2 Sustainable Transport of the Tamworth Local Plan 2006-2031.

9. The development shall not be started until a construction and environmental management plan is provided and approved by the local planning authority.
 - Routing of construction vehicles to and from the site

- Arrangements for the parking of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Construction hours
- Measures to remove mud or debris carried onto the highway
- Wheel washing facilities.

Reason: In the interests of highway safety and in accordance with Policy SU2 Sustainable Transport of the Tamworth Local Plan 2006-2031.

10. Prior to the commencement of development, a scheme of sound insulation shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed following the completion of a noise survey undertaken by a competent person. EP has concerns over the southwest corner of the development, as this is closest to the ATIK nightclub. I would like to see this referenced and accounted for in the scheme of sound. On completion of construction but prior to occupation of the dwellings, the applicant shall ensure that they can achieve the following criteria:
- Bedroom 35 dB LAeq (16 hrs) (0700 hrs to 2300 hrs)
 - Bedrooms 30 dB LAeq (8 hrs) (2300 hrs to 0700 hrs)
 - Bedrooms 45 dB LAmx (2300 hrs to 0700 hrs)
 - Living rooms 35 dB LAeq (16 hrs) (0700 hrs to 2300 hrs)

If it is necessary to have the windows shut to achieve these levels the development should have ventilation measures to achieve the required levels and when ventilation is operational (i.e. trickle vents open or mechanical ventilation running).

Reason: Achieve the above acoustic criteria to protect the health of future occupiers and to comply with policy EN5 of Tamworth Local Plan 2006-2031.

11. No work will be completed, construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on Saturday and not at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy and in accordance with the provisions of Circular 11/95 and to comply with policy EN5 of Tamworth Local Plan 2006-2031.

12. The lighting scheme should comply with the Institution of Lighting Engineers Guidance Note on Light Pollution dated 2021. It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage. If any residential properties are affected by any lighting used, then the developer or operator must take steps to remedy as soon as practicable, as any continued intrusion could be subject to EPA 1990 - Statutory Nuisance legislation.

Reason: To safeguard the amenities of neighbouring dwellings and to comply with policy EN5 of Tamworth Local Plan 2006-2031.

13. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed, and an appropriate remediation scheme submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy SU5 of Tamworth Local Plan 2006-2031

14. Prior to the commencement of development, a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, to comply with policy EN5 of Tamworth Local Plan 2006-2031.

15. Prior to the commencement of development, a scheme to deal with the management and/or safe disposal of asbestos and asbestos containing materials has been submitted to and approved in

writing by the local planning authority. The scheme shall include details of, where necessary, an asbestos identification survey by a qualified contractor, measures to be adopted to protect human health and the preferred asbestos disposal route, unless the local planning authority dispenses with any such requirement specifically in writing.

Reason: To protect the health of site workers and future occupiers of the site, and to comply with policy SU5 of the Tamworth Local Plan 2006-2031.

16. Prior to the commencement of development, a fully detailed surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
- Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), (DEFRA, March 2015), and;
 - Surface water drainage system(s) designed in full accordance with all standards and other criteria within the Staffordshire County Council Flood Risk Management Team (LLFA), SuDS Handbook.
 - Limiting any surface water discharge from the site generated by all equivalent return period critical duration storms events, up to and including the 1 in 100 plus 40% (for climate change), return period, so that this does not exceed 5 l/s, site – in full accordance with the Non-Statutory Technical Standards for SuDS and the SSC SuDs Handbook).
 - Provision of adequate surface water attenuation storage in accordance with the requirements of ‘Science Report SC030219 Rainfall Runoff Management for Developments’
 - Ground investigation and soak-away (infiltration), testing in full accordance with BRE 365 best practice to corroborate or reject the viability of utilising infiltration as a means surface water discharge.
 - The incorporation of adequate surface water treatment in accordance with CIRIA C753 – particularly, the Simple Index Approach, to mitigate surface water quality pollution and maintain water quality.
 - Detailed design (plans, network details and calculations), in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations, inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30, 1 in 100 year, and 1 in 100 year plus 40% (a climate change allowance), return periods, critical duration storms only.
 - Formal (Section 106), agreement with Severn Trent Water (Plc), that confirms surface water discharge is to be accepted into the proposed downstream network that falls under Severn Trent Water (STW), ownership.
 - Plans illustrating flooded areas and flow paths in the event of any exceedance of the drainage system.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water systems shall be maintained and managed for the lifetime of the development.
- Provision of an adequate and satisfactory Construction Environment Management Plan or Construction Surface Water Management Plan.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure lifetime maintenance of the system to prevent flooding issue. To comply with policy SU4 of the Tamworth Local Plan 2006-2031.

17. All work must be carried out carefully with the expectation that bats may be found. If bats are observed within the building or tree at any time work must cease immediately and Natural England or the ecologist for this project must be contacted for advice.

Reason: To protect bats and to comply with policy EN4 of the Tamworth Local Plan 2006-2031.

18. Detailed landscape plan to be submitted that achieves biodiversity net gain.

Reason: To protect biodiversity and comply with policy EN4 of the Tamworth Local Plan 2006-2031 and paragraph 179 of the NPPF.

19. Removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season (1st March to end August.) If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or

nest-building birds are present. If any nesting birds are present, then the vegetation or buildings shall not be removed until the fledglings have left the nest.

Reason: To protect birds and with policy EN4 of the Tamworth Local Plan 2006-2031.

20. Prior to the commencement of the development, details of biodiversity enhancement measures including 10 number integrated bat tubes or bat boxes within the building, located as described in the Phase 1 Bat Survey (Ridgeway Ecology, June 2023) Section 5, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.

Reason: To provide habitats for bats and to comply with policy EN4 of the Tamworth Local Plan 2006-2031.

21. Prior to the commencement of the development, details of the type and location of biodiversity enhancement measures including 3 groups of 3 number swift boxes and 5 number house sparrow terraces on or integrated into north- or east- facing brickwork of the buildings shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.

Reason: To provide habitats for birds and to comply with policy EN4 of the Tamworth Local Plan 2006-2031.

22. Prior to the commencement of the development, details of biodiversity enhancement measures including 3 number invertebrate houses (bug hotels), located near soft landscape planting, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into landscaping and be fully constructed prior to occupation of the buildings and retained as such thereafter.

Reason: To provide habitats for invertebrate and to comply with policy EN4 of the Tamworth Local Plan 2006-2031.

23. Prior to occupation of the buildings, submission of ecology sign-off report confirming locations and installation of enhancement measures detailed in conditions 4-6.

Reason: To protect biodiversity and to comply with policy EN4 of the Tamworth Local Plan 2006-2031.

Informative Notes to Applicant

Severn Trent Water

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contact our Development Services Team (Tel: 0800 707 6600).

Discharge of Conditions

The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £116. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in kind when programming development.

Highways Authority

Condition 6 requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (trafficanetwork@staffordshire.gov.uk). The applicant is advised to begin this process

well in advance of any works taking place in order to meet any potential timescales.
<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>

Protected Wildlife

Nesting birds, bats, owls and other wildlife, their roosts and their access to roosts, are protected under the Wildlife and Countryside Act 1981. Should any protected bird species be present in the buildings affected by this application, any works should be performed outside the bird nesting season. Should bats, owls or other species be present in the buildings affected by this application, the applicant should contact Natural England.

Staffordshire County Council ownership issues

It is advised the applicant liaises with Staffordshire County Council regarding the site being accessed via Staffordshire County Council Title and barrier system and being subject to a Right of Way previously used by the Police Station (which was not for the proposed intensification of the site). Initial advice states that this would form part of a unilateral undertaking be included in the application to address the right of way over County Title and use of the SCC owned barrier. For further guidance it is advised contact is made with Dorothy Butcher on (01785) 277540 or via email dorothy.butcher@staffordshire.gov.uk and Paul Causer on 07813 990 234 paul.causer@staffordshire.gov.uk.



TOWN AND COUNTRY PLANNING ACT 1990

**STATEMENT OF CASE OF
THE LOCAL PLANNING AUTHORITY**

PLANNING APPEAL BY TOMMAC BUILDING SERVICES LIMITED

AGAINST THE REFUSAL OF FULL PLANNING APPLICATION FOR:

**Conversion of and extension to existing five storey former police station building to
form 54 residential units**

**FORMER POLICE STATION, SPINNING SCHOOL LANE, TAMWORTH
B79 7**

LOCAL PLANNING AUTHORITY REFERENCE: 0261/2022

PLANNING INSPECTORATE REFERENCE: APP/Z3445/W/24/3340508

MAY 2024

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1. INTRODUCTION

- 1.1 This Statement, along with the committee minutes at Appendix 1, sets out Tamworth Borough Council's full Statement of Case in relation to the appeal against refusal of the full planning application for the conversion of and extension to an existing five storey former police station building to form 54 residential units at the former police station on Spinning School Lane, Tamworth.
- 1.2. The application was recommended for approval by planning officers however this decision was overturned by members at the planning committee meeting of 5th December 2023.
- 1.3 The reasons for refusal are as follows:

1. The proposed development, in providing 28 car parking spaces less than the 68 required for 54 Self-contained flats/apartments fails to meet the parking standards as detailed in Appendix C of the Tamworth Local Plan 2006-31. No survey work or other such substantial information has been submitted to justify the non-compliance with these Local Plan car parking standards.

The proposed development is also deficient in the provision of private outdoor space in accordance with paragraph 4.76 of the Tamworth Design SPD 2019. The guidance states that for a development containing 54 apartments, 354 square metres of private outdoor space should be provided and with a shortfall of 78 square metres fails to comply with Local Plan policy EN5 Design of New Development of the Tamworth Local Plan 2006-31. No survey work or other such substantial information has been submitted to justify the non-compliance with the recommended standard for private outdoor space.

Furthermore, the proposed development fails to comply with paragraph 4.71 which encourages applicants to aspire to the space standards set out within 'Technical Housing Standards – Nationally Described Space Standard (DCLG 2015).

These deficiencies outlined above represents overdevelopment of the site.

2. Local Plan policy HG5 Housing Mix of the Tamworth Local Plan requires the provision of one, two, three and four bed units to reflect local needs. The absence of three and four bed units within the proposed scheme represents a significant under supply of those sized units, especially with regards to three bed units where 39 percent of the total are needed. Furthermore, the proposed mix included an oversupply of one and two bed units, particularly in relation to two bed units where 42 percent is required by the policy compared to the 91 percent proposed. No robust evidence has been supplied to provide justification that an alternative mix is acceptable, the proposal is therefore considered to be contrary to policy HG5 Housing Mix of the Tamworth Local Plan 2006-31.
- 1.4 This appeal statements seeks to present evidence on the considerations that members felt important enough to go against the advice of planning officers in this instance.

2. STATEMENT OF CASE OF THE LOCAL PLANNING AUTHORITY

2.1 This section will be supported by referring to the separate reasons for refusal.

Reason 1 – Failure to provide the required parking numbers required by Appendix C of the Tamworth Local Plan

2.2 Appendix C of the Tamworth Local Plan states the following parking numbers should be provided for various developments types:

Development Type	Requirement
Residential C3. Self-contained flats/apartments	Residents: 1 space per flat Visitors: 1 space per 4 flats

2.3 The proposed parking for this development provides 40 spaces which therefore means a deficiency of 28 or 41% against these standards.

2.4 The subtext to this policy states the objectives of having these standards which is to ensure parked vehicles do not become either a safety hazard or environmental nuisance.

2.5 This was adjudged to be a real concern if the deficiency of parking was to be accepted at this site. Members had real concern that allowing such a deficient number of parking would have capacity issues for the other parking areas in Tamworth and around the site which is heavily restricted by Traffic Regulation Orders.

2.5 Furthermore, the amount of parking in Tamworth town centre has been observed to be at a premium at night when those that live in the surrounding area are at home and people are using the services in the town centre. As a result, there is a concern that without sufficient parking provided for by new developments issues elsewhere for local residents may result which would compromise their own amenity and related social issues.

2.6 In addition to this, the regeneration of Tamworth town centre includes the re-development of its car parks, which will further reduce the capacity and availability in the immediate vicinity of the police station site. Whilst timescales for regeneration have yet to be set, the Borough Council's regeneration team are currently assembling land and undertaking some initial enabling works in and around Spinning School Lane.

2.7 In summary, despite the lack of objection from the Staffordshire County Council highways department, there are still local issues that generated the reasons for refusal being given.

Provision of outdoor space contrary to the Design SPD.

2.6 Paragraph 4.76 of the Tamworth SPD states it is recommended that a minimum of 5 sqm of private outdoor space, where the smallest dimension is not less than 1.5m, is provided for 1 or 2 person flats, plus an extra 1 sqm for each additional occupant.

2.7 The proposed private outdoor space with this development is 276m² and therefore is deficient by 78m² against these standards.

- 2.8 National Planning Policy Framework Paragraph 135f) states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, **with a high standard of amenity for existing and future users**. A development that provides enough amenity space is considered a fundamental part of this need for promoting health and wellbeing and high standard of amenity.
- 2.9 Therefore, the failure to provide the required amenity space is considered a significant policy conflict when considering the importance of providing this amenity space. Whilst Tamworth town centre does have parks and open space, there is a lack of this within close proximity to the site. There is therefore an even more important requirement to ensure the development itself provides sufficient space for the potential occupiers to experience the benefits of outdoor space and members saw this as another reason to refuse the application.

Reason 2 - Housing mix not in compliance with HG5 of the Tamworth Local Plan

- 2.10 Policy HG5 Housing Mix of the Tamworth Local Plan provides a specific mix of housing required for new housing in the local authority area. The table below states this breakdown:

Sized units	New Housing Requirement
1 bedroom	4%
2 bedroom	42%
3 bedroom	39%
4 bedroom or more	15%

- 2.11 The proposed development provides the following against the council's requirements:

Sized units	New Housing Requirement	Application Proposal	%
1 bedroom	4%	5	9
2 bedroom	42%	49	91
3 bedroom	39%	0	0
4 bedroom or more	15%	0	0

- 2.12 The above table at 2.11 shows a very significant departure from the requirements of policy HG5. HG5 also states that where it is demonstrated that where it is not feasible or viable to achieve this, an alternative mix will be acceptable that matches local needs as far as possible.
- 2.13 To support an alternative mix of housing, quality evidence would therefore be needed to justify this. The only data given by the applicants however was an estate agent commenting that they believe three of four beds would not be suited or saleable at the site. Whilst this estate agent has only ever seen a limited number of three and four bedroom apartments, this does not mean that there is not a demand and arguably could actually mean that there is a need for them locally. Members are right to challenge this and therefore this forms the final reason to refuse.

3. COMMENTS ON THE APPELLANT'S STATEMENT OF CASE

Parking Numbers

- 3.1 The appellants statement of case makes reference to policy SU2 and the acceptance of lower parking standards where more sustainable modes of transport are easily accessible.
- 3.2 Whilst this is accepted as the policy wording, councillors saw there was a lack of bespoke evidence to support the reduced numbers parking being proposed. Policy SU2 states that 'A Transport Assessment and comprehensive Travel Plan must accompany all major development proposals as set out in Appendix E' and no such statement or assessments have been provided in this instance. Notwithstanding the reference to the absence of these specific documents, more locally specific evidence to support the assertion that the shortfall in parking would not impact on highway safety or cause an environmental nuisance was not forthcoming.
- 3.3 The approach taken by Staffordshire County Council Highways was considered too reliant on national standards. Members took their assessment from site specific information.

Amenity Space

- 3.3 On this issue, the appellants statement makes reference to the shortfall of outdoor amenity space of 78sqm relative to the recommended standard contained in the Design SPD. The statement goes on to comment that this shortfall is being met by the balconies and the basement gym.
- 3.4 However, as the balconies do not meet the requirements stated in paragraph 4.76 of the Design SPD, that the smallest dimension is not less than 1.5sqm, they cannot be taken into consideration in these calculations. Furthermore, the balconies are associated with individual units and not accessible for general use and therefore only benefit the individuals living in these units. The basement gym is not an outdoor facility and this cannot be taken into consideration in the calculation of outdoor amenity space. As a result, there is still considered a marked shortfall in the amenity space provided.
- 3.5 The appellants statement makes reference to the internal space standards not being adopted but these are contained within the Design SPD. The final paragraph of Policy EN5 states that 'Further detailed design guidance will be set out within the Design Supplementary Planning Document.'
- 3.6 Paragraph 139 of the NPPF states that Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides (our emphasis) and codes. Whilst Nationally Described Technical Housing Standards are not specifically outlined in the Tamworth Local Plan, the Design SPD is referenced, and by association is a document to be considered in the planning balance.

Housing Mix

On this final issue, the appellant in their statement makes reference to the supporting evidence provided by a local estate agent which makes the case that three and four bed apartments would not be viable in a location such as the appeal site.

The sole statement provided is considered opinion, with the absent of facts or strong research, representing the view of only one individual. Whilst this evidence was presented within the committee report the Councillors took the view that this overall non-compliance was unacceptable.

4. CONCLUSIONS

- 4.1 The LPA acknowledges that the proposal would deliver benefits as highlighted in the committee report and therefore did recommend that the application be approved as per the reasons stated,
- 4.2 However, in this instance members decided that there were compelling reasons to determine that the application did not meet various local plan policies and therefore refused the application.
- 4.3 This statement sets out these reasons in full and therefore feel the appellant has both underestimated the harm that would be caused by the proposed development and underestimated the degree of impact of those issues that have been acknowledged.

5. CONDITIONS

- 5.1 As required by the letter of the Planning Inspectorate dated 28 March 2024, the recommended conditions should the appeal be allowed can be found on the separate Word document with this statement.

6. APPENDICES

- 6.1 Minutes of the committee meeting of 5th December 2023
- 6.2 Link to the video recording of the meeting (1h34m for when debate into decision takes place).
<https://www.youtube.com/watch?v=417iyyq2xME&feature=youtu.be>
- 6.3 Planning committee report of 5th December 2023 (Page 18-36)
- 6.4 Tamworth Borough Local Plan 2006-31.
https://www.tamworth.gov.uk/sites/default/files/planning_docs/Local-Plan-2006-2031.pdf

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Appeal Decision

Hearing held on 11 June 2024

Site visit made on 11 June 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2024

Appeal Ref: APP/Z3445/W/24/3340508

Police Station, Spinning School Lane, Tamworth, Staffordshire B79 7BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Steve McQuaker (Tommac Building Services Ltd) against the decision of Tamworth Borough Council.
 - The application Ref is 0261/2022.
 - The development proposed is the conversion of and extensions to existing 5 storey former Police Station building (including demolition of single storey elements/outbuildings) to form 54 residential units.
-

Decision

1. The appeal is allowed and planning permission is granted for the proposed conversion of and extensions to existing 5-storey former Police Station building (including demolition of single storey elements /outbuildings) to form 54 residential units at Police Station, Spinning School Lane, Tamworth, Staffordshire B79 7BB in accordance with the terms of the application, Ref 0261/2022, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Steve McQuaker (Tommac Building Services Ltd) against Tamworth Borough Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - a) the effect of the proposed development on highway safety in relation to the proposed car parking provision,
 - b) whether the development would provide satisfactory accommodation for its future occupiers with regards to internal space standards and amenity space provision, and
 - c) whether the proposed development would deliver an adequate mix of homes.

Reasons

Highway Safety

4. Policy SU2 of the Tamworth Borough Council Local Plan 2006-2031 (Local Plan) requires development proposals to make adequate provision for parking in accordance with the parking standards set out in Appendix C of the Local Plan. For the appeal development, a total of 68 spaces would be required, but the proposal would only provide 40 car parking spaces.
5. Local Plan Policy SU2 does however set out that lower levels of parking provision may be acceptable in highly accessible locations, including Tamworth's network of centres. The appeal site is situated in an area where a range of goods and services within Tamworth town centre are accessible on foot, as are various public transport connections. A significant level of cycle parking provision, totalling space for 54 bicycles is also proposed to be provided on site. As such, despite the shortfall in parking provision having regard to the parking standards in Appendix C of the Local Plan, there would be opportunities for accessing a range of services and facilities without the need for travel by private car.
6. There are a number of public car parks in the immediate vicinity of the site which could be utilised if so required. The Council has indicated that parking availability in surface level car parks is at a premium at night, but from my observations in the late evening and at various times during the day, there were a number of parking spaces available. As such, if there was increased parking demand beyond the on-site parking spaces proposed, then this could be accommodated by such public car parks where long stay annual permits are available. The Council has referenced regeneration plans in the town centre, which is said would include the re-development of its car parks. Limited details have been provided on this and it was confirmed that such regeneration plans are at an early stage. Consequently, such parking provision would be available for the foreseeable future, and future regeneration plans would consider the levels of parking availability in the town centre area.
7. Given the availability of such parking, and the on-street parking restrictions that are in place in the area around the appeal site, I do not consider that the proposal would have an adverse impact on on-street parking. In this regard, I note the absence of an objection from Staffordshire County Council as Highway Authority.
8. I therefore conclude that the proposal would not have detrimental impact on highway safety, with regards to car parking provision. As such, it would not conflict with Local Plan Policy SU2, which seeks, amongst other matters, to grant permission for development that would ensure adequate highway safety. There would also be no conflict with Paragraph 115 of the National Planning Policy Framework (Framework), which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Living Conditions – Future Occupiers

9. Five of the proposed flats would not meet the minimum space standards, in terms of the total internal floorspace set out in the Technical housing standards

- nationally described space standards (NDSS). Although the Council seeks development to aspire to the standards set out in NDSS, the Planning Practice Guidance (PPG) states¹ that LPA's who require an internal space standard should only do so by reference in their Local Plan. Although being referred to in the Tamworth Design Supplementary Planning Document (SPD), the Council's Local Plan does not however reference the NDSS.
10. In any event, the shortfall in the internal floor area of 0.3sqm against the NDSS is small, and the submitted floor plans of the flats concerned demonstrate that the layout and space of each unit would provide future occupiers with satisfactory internal living standards.
 11. The proposed development would be deficient in its provision of outdoor space when considering the external space standards set out in the SPD. The document however states that these are recommended standards, and future occupants of the development would have access to a number of terraces in the proposed development totalling around 276sqm in area. Some of the flats would benefit from private balconies, and although these are limited in size, they would nevertheless provide occupants of those units with usable amenity space.
 12. The appeal site is also within easy walking distance of a number of open space areas which would supplement the on-site amenity space provision by providing outdoor recreation opportunities for future occupants of the flats. The combined provision therefore would provide future occupiers with a good level of outdoor amenity space for sitting out, socialising as well as for recreation.
 13. Accordingly, I conclude that the proposed development would provide satisfactory accommodation for its future occupiers with regard to internal space standards and amenity space provision. As such, it would comply with Policy EN5 of the Local Plan which seeks, amongst other matters, the provision of usable open space. It would also be compliant with the Framework insofar as it seeks a high standard of amenity for existing and future users. Whilst the development may not meet certain recommended guidance set out in the SPD, it would not be contrary to its aims, which seeks the provision of useable private amenity space.

Mix of Homes

14. The appeal proposal would predominantly provide 2-bedroom flats, with a small number of 1-bedroom units. This mix, along with the lack of 3- or 4-bedroom units would not meet the housing mix required by Policy HG5 of the Local Plan. This policy does however allow, where it is not feasible or viable, for an alternative mix where it matches local needs as far as possible.
15. The Housing and Economic Development Needs Assessment (HEDNA) identifies the greatest need across Tamworth is for 2 and 3 bed units, although in the Town Centre area, the appellant's evidence sets out that 3-bedroom units are not feasible. As well as the lack of three-bedroom units being constructed or coming to the market for sale in the Town Centre, the evidence put forward at the hearing was that as well as such supply factors, almost all the registered interested in apartments was from those looking for either 1- or 2-bedroom

¹ Paragraph: 018 Reference ID: 56-018-20150327

units. Although this evidence is from one estate agent, I have been provided with no substantive reason to disagree with this position. The proposal, therefore, 91% of which would be for two-bedroom units where there is an overriding need for this size of accommodation, would match local needs as far as possible.

16. To conclude, the proposal would provide an adequate mix of homes and as such, would comply with Local Plan Policy HG5 which requires housing sizes and types that reflect local needs.

Other Matters

17. Representations have been made by neighbouring residential occupiers relating to the loss of light and privacy from the appeal development. The proposed development would have a two storey form closest to the neighbouring terrace on Marmion Street, and having regard to its scale and positioning relative to the nearby windows and the gardens of neighbouring residential properties, it would not result in an unacceptable loss of light. The separation distance between windows of the proposed development and neighbouring residential properties would also not give rise to harmful overlooking.
18. I have taken into account other matters raised, including noise and disturbance during the construction phase, but this would be for a temporary period. The Council's decision does not raise any adverse impacts arising from traffic noise and I have no reason to disagree.
19. The appellant has submitted a Section 106 agreement providing healthcare, education, open space contributions as well as affordable housing. This obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Conditions

20. I have considered the conditions suggested by the Council and consultees, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended those suggested as appropriate.
21. I have attached a materials condition and a condition in relation to landscaping in the interests of the character and appearance of the area. A condition requiring a construction and environmental management plan is required in the interests of highway safety, and a condition relating to a written scheme of archaeological investigation to ensure such features and remains are adequately recorded. A scheme for sound insulation and also schemes to deal with asbestos and dust are needed in the interests of living conditions for future occupiers and for the health of site workers. A condition is also needed requiring a detailed surface water drainage scheme to prevent flooding. It is essential for these conditions to be pre-commencement conditions to ensure the satisfactory appearance of the development, to prevent adverse impacts on the highway and archaeological remains, as well as ensuring there are no adverse effects arising on living conditions/human health or by reason of flooding.
22. Conditions requiring the provision of car and cycle parking and the closure of the Marmion Street access are required in the interests of highway safety and to encourage the use of a sustainable means of travel. Conditions are also

necessary to limit the timing of construction and other works, for the provision of a lighting scheme in the interests of the living conditions of nearby residential occupiers.

23. A number of conditions are proposed to secure biodiversity enhancements, as well as conditions to protect bats and nesting birds. A condition relating to contamination is needed to protect the health of future occupants of the development.

Conclusion

24. The proposed development would accord with the development plan as a whole and there are no other considerations that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - L01 Rev B Site Location Plan received 15th November 2023
 - SK01 Rev F Site Layout Proposed received 14th March 2023
 - SK02 Rev A Basement Plan Proposed received 20th February 2023
 - SK03 Rev F Ground Floor Plan Proposed received 14th March 2023
 - SK04 Rev C First Floor Plan Proposed received 10th January 2023
 - SK05 Rev D Second Floor Plan Proposed received 24th November 2023
 - SK06 Rev C Third Floor Plan Proposed received 10th January 2023
 - SK07 Rev C Fourth Floor/Roof Plan Proposed received 10th January 2023
 - SK09 Rev F Elevations South + East Proposed received 24th November 2023
 - SK10 Rev F Elevations North + West Proposed received 24th November 2023
 - SK11 Rev D Elevations East + West (Courtyard) Proposed received 24th November 2023
 - SK13 Rev A Bin Store Details received 2nd March 2023
 - SK14 Site Layout – Proposed Surfacing + Exceedance Flow Plan
 - SuDS for Pollution Mitigation – Former Police Station, Tamworth
 - Figure 1B Rev B Surface Water Drainage Plan by LK Consult
 - Figure 1 Standard Details Drainage 1 by LK Consult
 - Figure 2 Drainage Standard Details 2 by Lk Consult
 - Phase 1 Bat Survey by Ridgeway Ecology Ltd dated 5th June 2023
- 3) Prior to the commencement of the development hereby approved details of all materials to be used in the construction of the external surfaces of the development shall be submitted to and approved by the Local Planning Authority in writing. The development shall not be carried out other than in accordance with the approved materials.
- 4) (A) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme' (A)) shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication.

The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition.

(B) The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under this condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

- 5) Prior to the commencement of development, a scheme of hard and soft landscaping (including the roof terraces) shall be submitted to and approved in writing by the Local Planning Authority. This landscaping scheme must show a net gain of ecology. In addition, all hard landscaping shall be carried out in accordance with the approved details prior to first occupation of the approved dwellings, whilst all planting comprised in the approved scheme shall be carried out prior to completion of the development; and any plants which within a period of five years (ten years in the case of trees) 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 similar size and species and thereafter retained for at least the same period.
- 6) Marmion Street access will be closed and the footway to be reinstated as shown on Site Layout Proposed Drawing No. SK01 Revision F prior to the first occupation of the development hereby approved.
- 7) Notwithstanding plans as submitted, car parking shall be provided as shown on Site Layout Proposed Drawing No. SK01 Revision F and shall be 2.4m X 4.8m each space and disabled spaces shall be 3.6m x 6m each space before occupation.
- 8) Notwithstanding plans as submitted, 54 secure and covered cycle parking spaces and shall be provided before first occupation of the development hereby approved.
- 9) The development shall not be started until a construction and environmental management plan is provided and approved by the Local Planning Authority identifying:
 - Routing of construction vehicles to and from the site
 - Arrangements for the parking of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Construction hours
 - Measures to remove mud or debris carried onto the highway
 - Wheel washing facilities.

The development shall thereafter be implemented in accordance with the approved details.

- 10) Prior to the commencement of development, a scheme of sound insulation shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed following the completion of a noise survey undertaken by a competent person. ATIK nightclub needs to be referenced and accounted for in the scheme of sound. On completion of construction but prior to occupation of the

dwellings, the applicant shall ensure that they can achieve the following criteria:

- Bedroom 35 dB LAeq (16 hrs) (0700 hrs to 2300 hrs)
- Bedrooms 30 dB LAeq (8 hrs) (2300 hrs to 0700 hrs)
- Bedrooms 45 dB LAm_{ax} (2300 hrs to 0700 hrs)
- Living rooms 35 dB LAeq (16 hrs) (0700 hrs to 2300 hrs)

If it is necessary to have the windows shut to achieve these levels the development should have ventilation measures to achieve the required levels and when ventilation is operational (i.e. trickle vents open or mechanical ventilation running).

- 11) No work will be completed, construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of:
0800 and 1800 Monday to Friday
0800 and 1300 Saturday
No work shall be completed on Sundays, Bank or Public Holidays
- 12) Prior to the installation of any external lighting, a lighting scheme which is compliant with the Institution of Lighting Engineers Guidance Note on Light Pollution dated 2021 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and retained as such thereafter.
- 13) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed, and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the appropriate remediation scheme.
- 14) Prior to the commencement of development, a scheme specifying the provisions to be made to control dust emanating from the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be implemented in full.
- 15) Prior to the commencement of development, a scheme to deal with the management and/or safe disposal of asbestos and asbestos containing materials has been submitted to and approved in writing by the local planning authority. The scheme shall include details of, where necessary, an asbestos identification survey by a qualified contractor, measures to be adopted to protect human health and the preferred asbestos disposal route. The agreed scheme shall then be implemented in full.
- 16) Prior to the commencement of development, a fully detailed surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), (DEFRA, March 2015), and;
 - Surface water drainage system(s) designed in full accordance with all standards and other criteria within the Staffordshire County Council Flood Risk Management Team (LLFA), SuDS Handbook.
 - Limiting any surface water discharge from the site generated by all equivalent return period critical duration storms events, up to and including the 1 in 100 plus 40% (for climate change), return period, so that this does not exceed 5 l/s, site – in full accordance with the Non-Statutory Technical Standards for SuDS and the SSC SuDS Handbook).
 - Provision of adequate surface water attenuation storage in accordance with the requirements of 'Science Report SC030219 Rainfall Runoff Management for Developments'
 - Ground investigation and soak-away (infiltration), testing in full accordance with BRE 365 best practice to corroborate or reject the viability of utilising infiltration as a means surface water discharge.
 - The incorporation of adequate surface water treatment in accordance with CIRIA C753 – particularly, the Simple Index Approach, to mitigate surface water quality pollution and maintain water quality.
 - Detailed design (plans, network details and calculations), in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations, inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30, 1 in 100 year, and 1 in 100 year plus 40% (a climate change allowance), return periods, critical duration storms only.
 - Formal (Section 106), agreement with Severn Trent Water (Plc), that confirms surface water discharge is to be accepted into the proposed downstream network that falls under Severn Trent Water (STW), ownership.
 - Plans illustrating flooded areas and flow paths in the event of any exceedance of the drainage system.
 - Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water systems shall be maintained and managed for the lifetime of the development.
 - Provision of an adequate and satisfactory Construction Environment Management Plan or Construction Surface Water Management Plan.
- 17) All work must be carried out carefully with the expectation that bats may be found. If bats are observed within the building or tree at any time work must cease immediately and Natural England or the ecologist for this project must be contacted for advice.
- 18) Removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season (1st March to end August.) If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no

nesting or nest-building birds are present. If any nesting birds are present, then the vegetation or buildings shall not be removed until the fledglings have left the nest.

- 19) Prior to its installation/construction, details of biodiversity enhancement measures including 10 number integrated bat tubes or bat boxes within the building, located as described in the Phase 1 Bat Survey (Ridgeway Ecology, June 2023) Section 5, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.
- 20) Prior to its installation/construction, details of the type and location of biodiversity enhancement measures including three groups of three swift boxes and five number house sparrow terraces on or integrated into north- or east- facing brickwork of the buildings shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.
- 21) Prior to its installation/construction, details of biodiversity enhancement measures including 3 number invertebrate houses (bug hotels), located near soft landscape planting, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into landscaping and be fully constructed prior to occupation of the buildings and retained as such thereafter.

End of Conditions

APPEARANCES

FOR THE APPELLANT:

Rob Duncan	Rob Duncan Planning Consultancy
Mike Nesbitt	Architecture Design Development Ltd
Jack Cole	Taylor Cole Estate Agents

FOR THE LOCAL PLANNING AUTHORITY:

Glen Baker-Adams	Tamworth Borough Council
Debbie Hall	Tamworth Borough Council

INTERESTED PARTIES:

Huw Loxton	Local Resident
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Costs Decision

Hearing held on 11 June 2024

Site visit made on 11 June 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2024

Costs application in relation to Appeal Ref: APP/Z3445/W/24/3340508 Police Station, Spinning School Lane, Tamworth, Staffordshire B79 7BB

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Steve McQuaker (Tommac Building Services Ltd) for a full award of costs against Tamworth Borough Council.
 - The appeal was against the refusal of planning permission for the proposed conversion of and extensions to existing 5 storey former Police Station building (including demolition of single storey elements/outbuildings) to form 54 residential units.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant's submission relies on the Committee of the Council determining the planning application by failing to accept the Planning Officer's recommendation. In doing so, the applicant has set out that the Council has prevented or delayed development which should have been permitted and have made vague, generalised or inaccurate assertions about a proposal's impact.
4. The Planning Committee is not bound to accept the recommendation of its officers, provided they produce evidence to substantiate its contrary decision. In relation to car parking, the Council departed from the response by the Highway Authority that the proposed provision was acceptable, but in its reasoning, the Council have not taken account of the highly accessible location of the appeal site, where easy access by walking and cycling to town centre services and public transport connections exist. The Council's reference to re-development of public car parks was vague and was not supported by any further detail. As such, the Council has failed to sufficiently justify this aspect of the refusal.
5. The Council's refusal also referred to the shortfall in private outdoor amenity space, but on this, the Council's reasoning in its Statement of Case refers to a lack of parks and open space areas within close proximity to the site. It was however accepted at the hearing that a number of open space areas are in easy walking distance of the appeal site. Furthermore, in relation to minimum space standards, the Council has not explained the harm that would arise by

the small shortfall in the size of a number of flats. In relation to the proposed mix of residential units, the Council has failed to provide any compelling evidence contrary to the submissions by the estate agent representing the appellant on the lack of need for three-bedroom units in the town centre area. The refusal reasons have not been substantiated and the lack of objective analysis is unreasonable behaviour.

6. These factors constitute unreasonable behaviour and has resulted in the applicant having to provide evidence by pursuing this appeal and thereby incurring unnecessary and wasted expense.

Conclusion

7. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Tamworth Borough Council shall pay to Mr Steve McQuaker (Tommac Building Services Ltd), the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed. The applicant is now invited to submit to Tamworth Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

F Rafiq

INSPECTOR