



## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON 2nd MARCH 2021**

**PRESENT:** Councillor P Thurgood (Chair), Councillors M Bailey (Vice-Chair), P Brindley, J Chesworth, C Cooke, M J Greatorex, R Kingstone, K Norchi, M Oates, S Pritchard, P Standen and M Summers

The following officers were in attendance: Manjit Dhillon (Planning Solicitor), Eleanor Overton (Head of Planning), Andrew Brough (Planning Officer), Tracey Pointon (Legal Admin & Democratic Services Manager), Jodie Small (Legal, Democratic and Corporate Support Assistant) and Adam Deakin (Technical Infrastructure Engineer)

Apologies received from: Councillor(s) T Jay

### **19 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 19<sup>th</sup> January 2021 were approved and signed as a correct record.

*(Moved by Councillor M Oates and seconded by Councillor P Brindley)*

### **20 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

### **21 APPLICATIONS FOR CONSIDERATION**

#### **21.1 Golf Course update report ref:0471/2019**

#### **Update Note: 0471/2019 (re-plan of the Golf Course SUE)**

Application 0471/2019 was originally considered by the Planning Committee on the 9th June 2020. During this meeting it was resolved to approve the application subject to the recommended conditions and a legal agreement to tie the application (0471/2019) to the original outline planning approval for the wider site (0088/2015). The purpose of the suggested legal agreement was to ensure that the original developer contributions sought would be applicable to the current scheme. However, as this application comprises of a new, full planning application for the erection of N.13 dwellings, it must be assessed as such. There are no provisions available to secure developer contributions relating to a historic

application, to be tied to a new planning application on the same site. Furthermore, during the intervening period between the original outline application and the application subject of this report, there have been various changes in planning policy, which may have altered the level/type of contributions sought.

On account of this, it has been necessary to undertake a re-consultation and re-assessment of this planning application, to determine the required level of developer contributions.

This update note should be read in conjunction with the main report and recommended conditions (appendix 1)

## Planning Considerations

The detailed planning considerations applicable to this application have been previously considered, as set out within the main report at appendix 1 and have been resolved as acceptable. The only consideration to be updated within this report is that of Developer Contributions.

## Developer Contributions and Obligations

Policy IM1 of the LP states that planning permission will only be granted if it is supported by appropriate infrastructure at a timely stage. The Policy continues, identifying when specific contributions will be requested, what is required across the Borough and how funds will be spent. The Policy also outlines criteria (a – g) which identify strategic infrastructure requirements.

When considering whether or not to request a developer contribution there are applicable legal tests which must be met, identifying the circumstances in which a s106 agreement can be utilised. These tests are set out in regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010, as amended (and within paragraph 56 of the NPPF).

The contributions sought must address the specific impacts brought about by the new development. To ensure this, contribution requests must meet the following tests, they must be:

- 1 Necessary to make the development acceptable in planning terms
- 2 Directly related to the development; and
- 3 Fairly and reasonably related in scale and kind to the development.

All consultees have been re-consulted to determine whether any additional developer contributions/obligations would be necessary. Based on the re-consultation, the following developer contributions have been requested:-

- Schools Organisation contribution – **£54,743.52**
- CIL – circa **£67,000** (based on £35 per sqm)

The Education request has been justified on the basis of the changed size of the dwellings proposed, in that this application has substituted the smaller flats (approved under the original outline application) for larger family sized homes, therefore resulting in a likely increase in the demand for school places.

In regards to the CIL contribution sought, this reflects an update in Policy since the original decision on the outline application was made. The Council now have an adopted CIL charging schedule and on the basis of this, the referenced contribution is sought.

The contributions sought within this update note would only relate to this application and would not be in addition to the contributions secured via the outline S106 agreement. The applicant would have the choice over which consent to implement, however developer contributions would be necessary regardless of whether the original Reserved Matters consent, or this application was to be implemented.

This full application would be subject to a separate S106 agreement to secure the developer contributions identified.

As previously mentioned, there have been no amendments to the proposed development since the application was last brought before Planning Committee, the only matter to consider is that concerning developer contributions/obligations.

In this case it is considered that the contributions requested would meet the identified tests and therefore can be secured by way of a legal agreement. The proposal is thus compliant with policy IM1 of the Local Plan and the section 106 guidance.

## **Conclusion**

On the basis of the content of the appraisal (as set out within the report at appendix 1), the submitted application documents, suggested conditions and planning obligations it is considered that the development would be acceptable and in accordance with the adopted Tamworth Local Plan 2006-2031 and the National Planning Policy Framework 2019 (as amended).

**RESOLVED** That Committee,

- A** Granted delegated authority to the Assistant Director - Growth and Regeneration to conclude negotiations on and complete an agreement under section 106 of the Town and Country Planning Act 1990 so to secure the planning obligations outlined in this report; and
- B** Subject to A, Approved the application subject to the condition(s) as outlined within the main report at appendix 1 which are outlined below

**Conditions / Reasons**

- 1 The development shall be started within three years of the date of this permission.

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

- 2 The development hereby approved shall only be carried out in accordance with the following drawings and documents.

Location Plan	1671-08-02-820
Finished Floor Levels	1671-08-02-822A
Materials	1671-08-02-811A
Site Plan	1671-08-02-800A
Coloured Site Plan	1671-08-02-800A
Street Scenes	1671-08-02-816A
Sections	1671-08-02-817A
Enclosures	1671-08-02-821A
Floor Plans and Elevations	House Types B18;C16;C20;C21;D1;D2;D3;E1;E2

Reason: To define this permission

- 3 Prior to the occupation of any permitted dwelling the parking and turning areas for that dwelling shall be provided. The parking and turning areas shall thereafter be retained at all times for their designated purposes.

Reason: In the interests of Highway Safety as recommended by the Highway Authority in accordance with Policies EN5 and SU2 of the Tamworth Local Plan 2006-2031

- 4 All planting, seeding or turfing comprised in the approved details of landscaping and boundary treatment approved shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants

which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the setting and visual appearance of the development, and in accordance with Policy EN5 Tamworth Local Plan 2006-2031.

- 5 Notwithstanding the provisions of Class A of Schedule 2 Part 2 of the

Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), no walls, fences or other means of enclosure shall be erected forward of the principal elevations of dwellings, or boundary walls or fences to those dwellings, except as authorised under the submitted application, without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: In order to maintain the character of streets and public spaces as secured under the plans hereby approved in accordance with Policy EN5 Tamworth Local Plan 2006-2031.

- 6 Notwithstanding the provisions of Class A,B,C,D and E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), the garages indicated on the approved plans shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

Reason: In the interests of Highway Safety as recommended by the Highway Authority in accordance with Policies EN5 and SU2 of the Tamworth Local Plan 2006-20

*(Moved by Councillor M Summers and seconded by Councillor M Oates)*

**21.2 Sandy Way Application**

**Application Number** 0428/2020

**Development** Proposed construction of 4No. Employment units (one building) for use within use class E (industrial process) B2 (general industry) B8 (storage and distribution) and associated infrastructure

**Location** Land off Sandy Way, Amington , Tamworth

**RESOLVED** Approved subject to the conditions outlined below in accordance with the requirements outlined in the report.

**Conditions / Reasons**

- 1 The development shall be started within three years of the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 2 The development hereby approved shall only be carried out in

accordance with the application form, the supporting letter and drawing numbers:

P401	Site Plan
P400 Rev K	Proposed Site Plan
P402	Site Location Plan
P403 Rev D	Boundary Treatments Plan
P404 Rev D	Surface Treatments
P405 Rev D	Bins and Cycle Hoop Plan
LL1127/001	Lighting Details
P100 Rev B	Floor Plans and Elevations
KL-469-001 Rev P2	Landscape Plan

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

**CONDITIONS to be complied with PRIOR to the commencement of development hereby approved**

- 3 No development shall begin until the following elements of a surface water drainage design have been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design should be in accordance with the main principles within the Flood Risk Assessment and Drainage Strategy (ref: 62830, 16-09-20, PRK UK Ltd). The design must demonstrate:

- Surface water drainage system(s) designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015).
- SuDS design to provide adequate water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on 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. Plans should be adequately labelled to enable comparison with the calculations (e.g. MH and pipe refs).
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Plans to include FFLs, CLs, relevant GLs and flow arrows.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development. To include the name and contact details of the party responsible.

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development and to ensure adequate pollution control measures are in place

**Prior to use/other CONDITIONS to be complied with:**

- 4 Prior to their incorporation in to the building(s) hereby approved, details and/or samples of the facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved facing materials. Reason: In the visual interest of the building(s) and the surrounding area.
- 5 The development hereby permitted shall not be brought into use until the existing access to the site has been upgraded and constructed in accordance with the details as shown on submitted Drg. No.P400 Rev. K. The layout of the access shall be retained as such thereafter. Reason: To protect pedestrian and highway safety in accordance with Policy SU2 of the Local Plan.
- 6 The development hereby permitted shall not be brought into use until the parking, turning and servicing areas have been provided in accordance with the details as shown on submitted Drg. No.No.P400 Rev. K and the parking bays shall be clearly delineated. The parking, turning and servicing areas shall remain free from obstruction and shall be retained for their intended use thereafter. Reason: To protect pedestrian and highway safety in accordance with Policy SU2 of the Local Plan.
- 7 The development hereby permitted shall not be brought into use until the proposed cycle parking facilities as indicated on submitted Drg. No's. P400 Rev. K & P405 Rev. D have been installed. These facilities shall subsequently be retained thereafter. Reason: To encourage alternative, more sustainable modes of transport in accordance with Policy SU2 of the Local Plan.

**All other CONDITIONS to be complied with:**

- 8 The submitted Construction Management Plan hereby approved shall be adhered to for the duration of the construction phase of the developer hereby approved. Reason: To protect pedestrian and highway safety in accordance with Policy SU2 of the Local Plan.
- 9 All approved biodiversity enhancements including planting, seeding or turfing comprised in the approved details of soft landscaping and biodiversity enhancements shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the completion of the development, whichever is the sooner; the biodiversity enhancements shall be retained as approved thereafter and any plants which within a period of five years (ten years in the

case of trees) from the completion of the phase 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. Reasons: In the interests of the setting and visual appearance of the development and to ensure biodiversity enhancements in compliance with policies EN4: Protecting and Enhancing Biodiversity and EN5: Design of New development as set out in the Tamworth Local Plan 2006-2031 and provisions of the NPPF.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, or any order revoking and re-enacting that Order with or without modification, the 4 new units hereby approved shall be used only for B2, B8 and E (Light Industrial) uses of the Town and Country Planning (Use Classes) Order 2015, as amended, or any order revoking and re-enacting that Order with or without modification, and for no other purpose in Class E of the schedule to that Order. Reason: To protect highway safety and the vitality of Tamworth Town Centre in accordance with Policies EN5 and EC2 of the Local Plan respectively.
- 11 No removal of trees, hedges and shrubs, shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has first been submitted to and approved in writing by the Local Planning Authority. No trees, hedges and shrubs shall be removed between 1st March and 31st August inclusive other than in accordance with the approved bird nesting protection scheme. Reason: To protect the health and wellbeing of biodiversity within the site in accordance with Policy EN4 of the Local Plan.
- 12 Prior to the removal of any vegetation, any low-growing plants should be searched by hand. Any piles of wood, brash and rubble within the working area must be dismantled by hand. Where it is not essential to remove potential hedgehog refuges in order to undertake the works, these must be left undisturbed. Reason: To protect the health and wellbeing of biodiversity within the site in accordance with Policy EN4 of the Local Plan.

*(Moved by Councillor P Standen and seconded by Councillor J Chesworth)*

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Chair



