



**Borough of Tamworth**

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

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## **PLANNING COMMITTEE**

29 November 2021

Dear Councillor

A meeting of the Planning Committee will be held in **Council Chamber, Marmion House, Lichfield Street, Tamworth, B79 7BZ on Tuesday, 7th December, 2021 at 6.00 pm.** Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, consisting of a stylized name followed by a long horizontal line.

**Chief Executive**

### **A G E N D A**

#### **NON CONFIDENTIAL**

- 1 Apologies for Absence**
- 2 Minutes of the Previous Meeting (Pages 5 - 20)**
- 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.*

#### **4 Applications for Consideration**

*Summary of Applications received;*

**a Application Number: 0337/2020 Sandy Hill Business Park, Sandy Way Amington Industrial Estate (Pages 21 - 34)**

*(Report of Assistant Director - Growth & Regeneration)*

*Application no: 0337/2020*

*Development: Construction of new 2 storey office building with associated multi storey car park*

*Location: Sandy Hill Business Park, Sandy Way Amington Industrial Estate, Tamworth, B77 4DU*

**b Application Number: 0334/2021 Tamworth Day Care Centre, Hockley Road, Wilnecote (Pages 35 - 50)**

*(Report of the Assistant Director Regeneration & Growth)*

*Application Number: 0334/2021*

*Development: Change of use of existing building to Residential Use for 16 dwellings and the provision of 8 new build dwellings*

*Location: Tamworth Day Care Centre, Hockley Road, Wilnecote, Tamworth, B77 5EB*

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#### **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](mailto: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: J Chesworth, M Bailey, D Box, P Brindley, S Goodall, M J Greatorex,  
J Harper, T Jay, D Maycock, K Norchi, S Pritchard, R Rogers and  
J Wade

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

**PRESENT:** Councillor J Chesworth (Chair), Councillors M Bailey (Vice-Chair), P Brindley, S Goodall, M J Greatorex, J Harper, T Jay, D Maycock, K Norchi, S Pritchard and R Rogers

The following officers were in attendance: Sally Price (Senior Planning Officer), Richard Powell (Planning Policy and Delivery Team Leader), Debbie Hall (Planning Officer) and Tracey Pointon (Legal Admin & Democratic Services Manager)

### **37 APOLOGIES FOR ABSENCE**

No apologies for absence were received

### **38 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 5<sup>th</sup> October 2021 were approved and signed as a correct record.

*(Moved by Councillor S Goodall and seconded by Councillor P Brindley)*

### **39 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

### **40 APPLICATIONS FOR CONSIDERATION**

#### **40.1 Application 0017/2021 16 Wigginton Road**

**Application Number:** 0017/2021

**Development:** Proposed dwelling with integral garage and associated parking

**Location:** 16 Wigginton Road, Tamworth, B79 8RH

**RESOLVED:** Refused – Reason outlined below.

## Reason for Refusal

The scale, bulk and massing of the proposed dwelling combined with its siting would create harm to the significance of the Grade 11\* Listed building known as Spital Chapel of St James, and a designated heritage asset. The proposed development would also hinder appreciation of its significance by altering the significant relationship of the chapel to its surroundings and adversely affect its setting. The proposed works would therefore result in material harm to the Grade II\* listed building and its setting contrary to policy EN6: Protecting the Historic Environment, as set out in the Tamworth Local Plan 2006-2031, the provisions of chapter 16, Conserving and enhancing the historic environment, of the National Planning Policy Framework (NPPF) 2021, and sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

*(Moved by Councillor J Chesworth and seconded by Councillor J Harper)*

### 40.2 **Application No. 0069/2020 Central England Co-Operative Supermarket, Brent, Wilnecote, Tamworth, B77 5DL**

**Application Number: 0069/2020**

**Development:**

Demolition and site clearance of Co-Operative superstore (former Use Class A1) and car park, to facilitate a mixed-use development comprising of retail foodstore and non-food retail (5,240m<sup>2</sup>), two central retail units (222m<sup>2</sup>) (Use Class E) and drive thru restaurant/takeaway (Sui generis) (413m<sup>2</sup>), builders merchant (sui generis) for the display, sale and storage of building timber and plumbing supplies, plant and tool hire, including outside display and storage area along with storage racking, B1/E(g)(iii) and B8 including ancillary trade counters and offices (1,912m<sup>2</sup>), and associated car parking, pedestrian and vehicular accesses, landscaping and associated works.

**Location:** Central England Co-Operative Supermarket, Brent, Wilnecote, Tamworth, B77 5DL

**RESOLVED:** That committee

- a. Granted delegated authority to the Head of Planning 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 following condition(s):

**Conditions/Reasons:**

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To conform 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 be carried out in accordance with plan(s)/drawing(s):

DRAWING TITLE	DWG No	REVISION
Site Location Plan	100	P01
Existing Site Plan	101	P02
Existing Site Sections	103	P01
Proposed Site Plan	330	P03
Proposed Site Sections	331	P00
Ground Floor Plan, Unit A	332	P00
Roof Plan, Unit A	333	P01
Elevations, Units A	334	P01
Ground Floor Plan, Unit B	335	P00
Roof Plan, Unit B	336	P00
Elevations, Unit B	337	P00
Ground Floor Plan, Block A	338	P00
First Floor Plan, Block A	339	P00
Roof Plan, Block A	340	P00
Elevations, Block A	341	P00
Block B Drawings	342	P00
Drive Thru A Drawings	343	P01
Drive Thru B Drawings	344	P01
TRO Plan, Brent and Forties	NMT-BWB-HGN-XX-DR-TR-114-S2	P02
Proposed Signalised Pedestrian Crossing Point	NMT-BWB-HML-XX-DR-TR-101-S2	P04
Vehicle Tracking Assessment	NWT-BWB-HGN-XX-DR-TR-110	P05
Vehicle Tracking Assessment	NWT-BWB-HGN-XX-DR-TR-110	P06

**Site Location Plan 100 P01**

**Existing Site Plan 101 P02**

**Existing Site Sections 103 P01**

**Proposed Site Plan 330 P04**

**Proposed Site Sections 331**

**P00 Ground Floor Plan,**

**Unit A 332 P00 Roof Plan,**

**Unit A 333 P01 Elevations,**

**Units A 334 P01 Ground Floor Plan 4**

**Unit B 335 P00 Roof Plan**

**Unit B 336 P00 Elevations**

**Unit B 337 P00 Ground Floor Plan**

**Block A 338 P02 Ground Floor Plan,**

**Block A 339 P01 Upper Floor Plan,**

**Block A 340 P01 Roof Plan**

**Block A 341 P01 Proposed Elevations**

**Block A 341 P02 Proposed Elevations (Rendered)**

Block A 0346 P00 Proposed Storage (Rendered)

Block B Drawings 342 P00

Drive Thru A Drawings 343 P02

Drive Thru B Drawings 344 P01

TRO Plan Brent and Forties NMT-BWB-HGN-XX-DR-TR-114-S2 P02  
 Proposed Signalised Pedestrian Crossing Point NMT-BWB-HML-XX-DR-TR-101-S2 P03  
 Vehicle Tracking Assessment NWT-BWB-HGN-XX-DR-TR-110 P05  
 Vehicle Tracking Assessment NWT-BWB-HGN-XX-DR-TR-110 P06  
 Vehicle Tracking Travis Perkins NMT-BWB-GEN-XX-DR-TR-117 P02  
 Action Travel Connections NMT-BWB-HGN-XX-DR-TR-116 P02  
 Proposed Access Arrangements NWT-BWB-HGN-XX-DR-TR-103 P03

Unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt and in the interests of achieving sustainable development

3. The ancillary trade counters in Travis Perkins shall occupy no more than 25% of the floor space of each unit for retail sales purposes.

Reason: To protect the vibrancy and vitality of Tamworth town centre to comply with policy EC1 of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework (as amended) 2019

4. The scheme hereby permitted and shown in Drawing Number 330 Revision P03, shall only operate between the hours detailed below:

Unit	Opening hours
Lidl Food & B&M	Monday – Saturday 07:00 – 22:00 Sunday 10:00 – 17:00
Travis Perkins Unit	Monday – Saturday 06.30 – 20:00 Sunday 09:00 – 17:00
Drive-Thru Starbucks/KFC	Monday – Saturday 06:00 – 00:00 Sunday 06:00 – 00:00
A1 Retail Units	Saturday 06:00 – 22:00 Sunday 06:00 – 18:00

Reason: To safeguard the amenities of nearby occupiers, in accordance with policy EN5 of the Tamworth Borough Council Local Plan 2006-2031.

5. Notwithstanding the details provided, prior to the occupation of any unit hereby approved a scheme of hard (including details of all boundary treatment) and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard landscaping shall be carried out in accordance with the approved details prior to occupation of each respective unit, whilst all planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of each respective unit or the completion of the development, whichever is the sooner; 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 EN4 of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework (as amended) 2019.

6. All site works must comply with recommendations R1, R5, R6 and R7 of the submitted Preliminary Ecological Appraisal (Middlemarch Environmental, November 2019).

Reason: To protect and enhance biodiversity in accordance with policy EN4 of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework (2019).

7. **No development shall commence** until details of biodiversity enhancement measures, including x4 bat boxes suitable for crevice-dwelling bats of wood-concrete composition to be installed on the new buildings to the east and west side of the site have been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented as approved and retained thereafter.

*Reason: To protect and enhance biodiversity in accordance with policy EN4 of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework*

8. **No development shall commence** until an in-depth method statement regarding tree protection is submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented as approved and retained for the duration of the construction works.

*Reason: To protect and enhance biodiversity in accordance with policy EN4 of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework (2019).*

9. **No development shall commence** (excluding demolition) until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

*Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with policy SU5 of the Tamworth Borough Council Local Plan 2006-2031 and paragraphs 178 and 179 of the National Planning Policy Framework.*

10. Where the findings of the intrusive site investigations (required by condition 9) identify that coal mining legacy on the site poses a risk to surface stability, **no**

**development shall commence** until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

*Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with policy SU5 of the Tamworth Borough Council Local Plan 2006-2031 and paragraphs 178 and 179 of the National Planning Policy Framework.*

11. Notwithstanding the details provided **No development shall commence** until a detailed surface and foul 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 and Severn Trent Water. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- a.) Surface water drainage system(s) designed in accordance with the non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- b.) Provision of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- c.) 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 inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- d.) Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- e.) 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.

*Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface and foul water from the site in accordance with policy SU4 and SU5 of the Tamworth Borough Council Local Plan 2006-2031 and with paragraph 163 of the National Planning Policy Framework (2019).*

12. **No development shall commence** until a remediation strategy which includes the following components to address the risks associated with contamination of the site shall be submitted to, and approved in writing by, the Local Planning Authority:

- a.) A preliminary risk assessment which has identified:
  - i.) all previous uses
  - ii.) potential contaminants associated with those uses

- iii.) a conceptual model of the site indicating sources, pathways and receptors
- iv.) potentially unacceptable risks arising from contamination at the site.
- b.) A site investigation scheme, based on (a.) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c.) The results of the site investigation and the detailed risk assessment referred to in (b.) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d.) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

*Reason: Due to the potential for contamination to be present on the site as indicated by the preliminary risk assessment included within the 'Preliminary Risk Assessment for a Site on Ninian Way, Wilnecote, Tamworth' (DTS Raueburn Limited, June 2017). Any contamination present has the potential to impact on the 'Controlled Waters' receptors of groundwater in the underlying Secondary Aquifers and local surface water features. The extent of any contamination and significance to these receptors should be assessed to determine the need for remedial actions. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).*

13. No occupation of any part of the development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

*Reason: To ensure that any remedial works required as an outcome of the site investigation and risk assessment are completed to a satisfactory standard. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by*

*unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).*

14. The scheme shall be implemented in accordance with the approved details in condition 13 before the development is first brought into use.

*Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with policy SU4 of the Tamworth Borough Council Local Plan 2006-2031 and with paragraph 163 of the National Planning Policy Framework (2019).*

15. **No development shall commence** until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

a.) A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model, and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.

b.) A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.

c.) A remediation scheme detailing how the remediation will be undertaken, what methods will be used, and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any ongoing monitoring should also be outlined.

d.) 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 the Tamworth Borough Council Local Plan 2006-2031*

16. Prior to occupation, a validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted to, and approved in writing by, the Local Planning Authority. Details of any post-remedial

sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

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

17. 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 the Tamworth Borough Council Local Plan 2006-2031*

18. The development hereby permitted shall be serviced using the principles as set out in the submitted Service Management Plan (ref: NWT-BWB-GEN-XX-RP-TR-0005-TN V2) for the lifetime of the development and shall only be amended unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of pedestrian and highway safety in accordance with policy SU2 of the Tamworth Borough Council Local Plan 2006-2031.*

19. **No development shall commence** until a Construction Management Plan is submitted to, and approved in writing by, the Local Planning Authority. The submitted Construction Management Plan shall provide the following details:

- a.) The routing of construction vehicles to and from the site including measures to mitigate the impact on the local highway network.
- b.) Parking facilities for vehicles of site personnel, operatives and visitors;
- c.) Arrangements for the loading and unloading of plant and materials;
- d.) Site working times and times of deliveries to the site
- e.) Areas of storage for plant and materials used during the construction of the proposed development;
- f.) Measures, including designated wheel cleaning areas, to prevent the deposition of deleterious material on the public highway during the construction of the proposed development.

The Construction Management Plan shall be adhered to for the duration of the demolition and construction phase.

*Reason: To avoid indiscriminate parking and obstruction of the highway In the interests of pedestrian and highway safety in accordance with policy SU2 of the Tamworth Borough Council Local Plan 2006-2031*

20. Prior to occupation, the off-site traffic management scheme comprising of double yellow lines on Brent and Forties, as broadly indicated on submitted Drg. No.NWT-BWB-HGNXX-DR-TR-114 S2 Rev. P02, shall be implemented.

*Reason: In the interests of pedestrian and highway safety in accordance with policy SU2 of the Tamworth Borough Council Local Plan 2006-2031.*

21. Prior to occupation, the extension to the existing shared use footway/cycleway, as broadly indicated on submitted Drg. No. NWT-BWB-HML-XX-DR-TR-101 S2 Rev. P4, will be provided and shall thereafter be retained for the lifetime of the development.

*Reason: In the interests of pedestrian and highway safety and to encourage the use of sustainable modes of transport in accordance with policy SU2 of the Tamworth Borough Council Local Plan 2006-2031.*

22. Prior to occupation, details of the upgrading of two existing bus stops on Ninian Way will be submitted to, and approved in writing by, the Local Planning Authority and shall thereafter constructed in accordance with the approved drawings prior to first occupation.

*Reason: In the interests of pedestrian and highway safety and to encourage the use of sustainable modes of transport in accordance with policy SU2 of the Tamworth Borough Council Local Plan 2006-2031.*

23. Prior to occupation of the the Travis Perkins Unit, the northern and southern drive throughs, Unit A, Unit B and the garden centre, the associated cycle spaces and cycle lockers, as indicated on submitted Drg. No.15029-330 Rev. P03, shall be installed and retained for the lifetime of the development.

*Reason: In the interests of pedestrian and highway safety and to encourage the use of sustainable modes of transport in accordance with policy SU2 of the Tamworth Borough Council Local Plan 2006-2031.*

24. Prior to occupation, the accesses to the site, as shown on Drg. No.0330 Rev. P-03 within the limits of the public highway, will be provided.

*Reason: In the interests of highway safety and to comply with SCC Highway Authority requirements for access and in accordance with policy SU2 of the Tamworth Borough Council Local Plan 2006-2031.*

25. Prior to occupation, any lengths of existing site accesses, which shall include the access crossing between the site and carriageway edge, made redundant as a consequence of the development hereby permitted will be permanently closed with the access crossing reinstated as verge/footway.

*Reason: To avoid the proliferation of redundant accesses in accordance with policy SU2 of the Tamworth Borough Council Local Plan 2006-2031.*

26.) Prior to occupation, the associated parking areas, indicated on submitted Drgs. No.NWT-BWB-HGN-XX-DR-TR-110 S2 Rev. P06 and NWT-BWB-HGN-XX-DR-TR-110 S2 Rev. P5, shall be provided with the parking bays clearly delineated and thereafter retained at all times for their designated purpose.

*Reason: In the interests of pedestrian and highway safety accordance with policies EN5 and SU2 and Appendix C of the Tamworth Borough Council Local Plan 2006-2031.*

27. The garden centre as shown on Drawing Number 330 Revision P03 hereby approved shall be occupied solely in connection with, and ancillary to the existing business operating from Unit B (as shown on Drawing Number 330 Revision P03) and shall not be sold off, sub-let or used as a separate business premises.

*Reason: To protect the vibrancy and vitality of Tamworth town centre to comply with policy EC1 of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework (as amended) 2019.*

28. The open land within the curtilage of the site generally and within the curtilage of individual units as shown on Drawing Number 330 Revision P03 hereby approved shall not be used for the storage, display or sale of anything whatsoever.

*Reason: In the interests of the visual amenities of the area and the openness of the land and to protect the vibrancy and vitality of Tamworth town centre to comply with policies EC1 and EN5 of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework (as amended) 2019.*

29. Notwithstanding the details provided, 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 in accordance with policy EN5 of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework (as amended) 2019.*

**30. No development, including preparatory works, shall commence** until details of the finished floor levels of the buildings hereby approved, and of the proposed ground levels of the site relative to the finished floor levels and adjoining land levels, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be supplemented with locations, cross-sections and appearance of any retaining features required to facilitate the proposed levels. The development shall be constructed in accordance with the approved details.

*Reason: To protect the amenities of adjoining properties and the appearance of the area generally, recognising that site levels across the site as a whole are crucial to establishing infrastructure routing/positions in accordance with policy EN5 of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework (as amended) 2019.*

### **Informative Notes:**

#### Ecology:

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS):

- 1.) Deliberate capture or killing or injuring of an EPS

- 2.) Deliberate taking or destroying of EPS eggs
- 3.) Deliberate disturbance of a EPS including, in particular, any disturbance which is likely:
  - a.) To impair their ability:
    - i.) To survive, to breed or reproduce, or to rear or nurture their young, or
    - ii.) In the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - b.) To affect significantly the local distribution or abundance of the species to which they belong.
- 4.) Damage or destruction of an EPS breeding site or resting place.

#### Ecology:

The applicant/developer is advised of the requirement to secure a Natural England Licence before commencing development.

#### Flood Risk:

The Environment Agency (EA) advises that the applicant/developer should:

- a.) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- b.) Refer to the Environment Agency (EA) document 'Guiding Principles for Land Contamination' for the type of information that the EA required in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, such as human health.
- c.) Refer to the EA's 'Groundwater Protection: Principles and Practice' (GP3) document, available from [www.gov.uk](http://www.gov.uk). This sets out the EA's position on a wide range of activities and developments, including:
  - i.) Waste management
  - ii.) Discharge of liquid effluents
  - iii.) Land contamination
  - iv.) Ground source heat pumps
  - v.) Drainage
  - vi.) Storage of pollutants and hazardous substances
  - vii.) Management of groundwater resourcesAll precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant/developer should refer to guidance available on the EA's website ([www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)).
- d.) Refer to the EA website: [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency) for more information.

#### Drainage:

Severn Trent Water advise that there may be a public sewer located within the application site. Although statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects



both the public sewer and the building. Please note that there is no guarantee that you will be able to build over, or close to, any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to, or divert, Severn Trent Water assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is **vital** therefore that the applicant/developer contacts Severn Trent Water at the earliest opportunity to discuss the implications of Severn Trent Water assets crossing the site. Failure to do so could significantly affect the costs and timescales of the project if it transpires diversionary works need to be carried out by Severn Trent Water.

### Highways

The proposed traffic management scheme referred to in the conditions requires a Traffic Regulation Order (TRO) to provide safe off-site mitigating works. The recommendation of approval by SCC Highways Authority should not be construed as though the County Council is prejudging the outcome of the Order making process. The applicant/developer should note that the Order will be made on behalf of the applicant/developer by Staffordshire County Council at the applicant/developer's expense and has to be secured before development commences, as it is a mitigating measure associated with the proposed development. In case the Order is not already being processed, the applicant/developer is requested to contact <https://www.staffordshire.gov.uk/Highways/TRO/Overview.aspx> with immediate effect to enable the Order to be secured at the earliest convenience to avoid delays to implementation of the planning consent. Please note that there are no guarantees that the Order will be successful.

### Highways

Conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant/developer 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 (nmu@staffordshire.gov.uk). The applicant/developer 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/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

### Cadent Gas

Before carrying out any work the applicant/developer must:

- Note the presence of an Above Ground Installation (AGI) in proximity to the site. You must ensure that you have been contacted by Cadent and/or National Grid prior to undertaking any works within 10m of this site.
- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or

wayleaves). If the works are in the road or footpath, the relevant Local Authority should be contacted.

- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 'Avoiding Danger from Underground Services' and GS6 'Avoidance of Danger from Overhead Electric Power Lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>.

In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on

It was noted during the meeting that there had been an error within the report and the date this application was approved was 1<sup>st</sup> December 2020 no 2021

*(Moved by Councilor T Jay and seconded by Councilor S Goodall)*

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Chair

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**PLANNING COMMITTEE**

**7<sup>th</sup> December 2021**

**APPLICATION FOR CONSIDERATION**

**REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION**



<b>Application Number:</b>	<b>0337/2020</b>
<b>Development:</b>	<b>Construction of new 2 storey office building with associated multi storey car park</b>
<b>Location:</b>	<b>Sandy Hill Business Park, Sandy Way Amington Industrial Estate, Tamworth, B77 4DU,</b>

**1. Introduction**

- 1.1 Sandy Hill Business Park was previously a depot owned by Tamworth Borough Council which was sold several years ago. The site currently comprises two office units and 4 commercial buildings located around the entrance from Sandy Way. A masterplan was prepared as part of the original scheme indicating a further unit as now proposed.
- 1.2 Access is from Sandy Way and the initial scheme incorporated a gateway comprising storage and security buildings. Sandy Way acts as a spine road which serves Amington Industrial Estate. It lies approximately 2 miles east of Tamworth town centre and has links to A5 and M42 as well as good access to local bus services.
- 1.3 A public footpath (T95) lies adjacent to the site boundary to the north and a vehicle access on the western boundary provides emergency and construction vehicle access leading to Eagle Drive.
- 1.4 The rear boundary of the complex where offices have been built backs onto the former golf course and site for a proposed local centre. Other boundaries link to existing established commercial developments and bowling club to the west, and existing vegetation around the perimeter, with a mature oak in the centre of the site and within the application site.
- 1.5 The application is for the construction of a new two storey office building with associated multi-storey car park. There is currently no end user for the development and therefore this a speculative build. The proposed office building is 1,254 square metres in an L shape configuration and of a design similar to existing offices in brick walls with tiled hipped roof. The multi storey car park is set within the site slope and will accommodate 118 spaces with 2no. disabled spaces have been provided on the ground floor.

**1. Policies**

2.1 National Policies

National Planning Policy Framework (NPPF) 2021  
National Planning Policy Guidance (NPPG)

2.2 Local Plan Policies

SS1 - The Spatial Strategy for Tamworth  
SS2 – Presumption in Favour of Sustainable Development  
EC1 (Hierarchy of Centres for Town Centre Uses)  
EC6 – Sustainable Economic Growth

EN4 – Protecting and Enhancing Biodiversity  
EN5 – Design and New Development  
SU1 - Sustainable Transport Network  
SU2 – Delivering Sustainable Transport  
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. Relevant Site History

UK	T16085	EXTENSION OF AMBER CLOSE, PROVISION OF FOUL AND SURFACE WATER DRAINAGE, REGRADING WORKS AND LANDSCAPING FOR FUTURE INDUSTRIAL PURPOSES
UK	T16923	NEW PRODUCTION FACILITY WITH ASSOCIATED OFFICES
O	0041/2001	Business (B1) and general industrial (B2) uses
A	0441/2001	Freestanding sign
F	0657/2003	Ground formation works and levelling to provide plateaus and construction of new access road, footpath diversion
F	0840/2003	Erection of Lutze Building (Unit A) and two industrial/office units with associated car parking, security and plant rooms, fencing to frontage
A	0144/2005	Advertisement consent
F	0368/2005	Construction of Care Home and associated works
F	0183/2006	Proposed two storey office building with associated car parking and chiller/bin store building
O	0561/2006	Proposed care home, including new access and other associated works
F	0481/2007	Variation of condition 2 of planning permission 0183/2006 to read: The development hereby permitted shall only be carried out in accordance with the application form, supporting letter and drawing numbers 5531/13D, 11G, 12H, 01 and 05
O	0096/2009	Construction of B1(a) (b) (c) development and associated works
DISCON	0254/2011	Application to discharge conditions 3 (car parking) and 12 (Travel Plan) of planning permission 0183/2006
VARCON	0263/2011	Application to vary conditions 6 (landscaping), 9 (lighting), 10 (materials) and 11 (bin store) of planning permission 0183/2006 to remove requirement to discharge prior to commencement
DISCON	0201/2021	Discharge of conditions relating to planning permission 0428/2020 : Condition 4(materials)

## 3. Consultation Responses

- 4.1 Staffordshire County Council Highways  
No objections subject to conditions and s.106 agreement
- 4.2 LLFA  
No objections subject to conditions, following submission of further details
- 4.3 Severn Trent Water  
No objection subject to conditions
- 4.4 County Ecology  
No objection subject to conditions
- 4.5 Tamworth Borough Council – Environmental Health  
No objections
- 4.6 Tamworth Borough Council – Policy  
No objection following justification
- 4.7 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. 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>

#### 4.8 Additional Representations

As part of the consultation process adjacent residents were notified and a press notice and site notices were erected. In this instance no representations were received.

#### 5. Equality and Human Rights Implications

5.1 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.

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

6.1 The key issues to be considered at this stage are

- Principle of development / Economic role;
- Design and layout
- Highway safety
- Flood Risk
- Ecology
- Section 106

#### **Principle of Development**

6.2 The Tamworth Local Plan 2006-2031 (LP) was adopted in February 2016. As well as the local plan there is guidance within the National Planning Policy Framework

6.3 The proposal is for the development of an office building consisting of 1,254sqm of B1 (a) floor space. The site of the proposed development is allocated (EMP26) in the adopted local plan for employment use and so policy EC6 (Sustainable Economic Growth) applies.

6.4 Policy EC6 allocates land for employment uses, and these uses are classes as B1 (b, c), B2 and B8 of the use classes order (prior to its most recent amendments). Policy EC6 also states that the location of new office development (B1a) will be in line with policy EC1 (Hierarchy of Centres for Town Centre Uses). There are therefore two strategic policy issues with the proposal as it currently stands.

6.5 Firstly, as the proposal is for the development of B1 (a) office floorspace, which means that the proposed development is not of a use considered to be acceptable on an employment site and therefore not policy compliant. The second issue relates to policy EC1 and the requirement for office developments to be delivered in accordance with the 'main town centre uses' hierarchy. Where development involving a town centre use is proposed outside of the town, local and neighbourhood centres, it must demonstrate compliance with the four criteria set out within the policy.

6.6 Therefore some further justification would be required to demonstrate compliance with those four criteria, and in particular a sequential test would be required to demonstrate that there is not a suitable available location within the town centre.



- 6.7 A sequential test report has now been finalised and shows that there are no opportunities within the town centre. The report identifies 6 sites within the town centre that are essentially too small or not readily available and 2 sites within the Council's Gungate redevelopment area. The report states that the sites are capable of accommodating a development of the size sought though site dimensions might require some flexibility to building design. Car parking and landscaping provision would, however, be inadequate though public transport in this town centre location is available. The developer is seeking to construct a Grade A office building, similar in quality to the town's other four Grade A buildings at Sandy Hill Business Park and Centurion Court and the likely occupier will demand both adequate car parking and extensive high quality landscaping.
- 6.9 In addition, the agent has provided further justification would be required to demonstrate why it would be appropriate on the allocated employment site. In the first instance the site is part of a larger existing office development granted in 2005 for which a master plan indicates further office development, albeit prior to the current local plan. The scheme follows the pattern established at outline but is a full application rather than reserved matters due to the overall timeframe.
- 6.10 With regard to the employment use the bulk of the development to the south of the site is known as Tamworth Business Park and existing neighbouring developments such as Mercury Park and Fairway Court are exclusively office units. Sandy Hill Business Park already has two existing office buildings each around 1000 sq.m which offer alternative accommodation to the existing stock which are generally fairly small self-contained single occupancy units. The applicants state that they are committed to providing high quality commercial developments located almost exclusively in the Borough of Tamworth. They have been unable to secure sites in the town centre of sufficient size for office development and associated parking (as indicated in a sequential test report) and as a consequence built two landmark office buildings at Junction 10 (M42) Centurion Court which provide an attractive gateway to the Borough instead of the commercial sheds originally designated for that site. The office accommodation is a significant income generator to the Borough as well as attracting high levels of employment as opposed to more distribution units.
- 6.11 Chapter 2 of the NPPF highlights the need for the planning system to support sustainable economic growth with notable references to job creation and prosperity. Chapter 6 of the NPPF sets out that planning should proactively drive and support sustainable economic development, it outlines that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In this case the economic benefit includes both temporary economic benefits and permanent benefits. In terms of temporary economic benefits the development of the land at Sandy Hill Way would generate a number of jobs and the proposed development would create gross value added to the local economy.
- 6.12 Overall therefore the sequential test concludes that there are no other suitable sites within the town centre and clear benefits to the economy of providing offices in the location proposed amongst other offices and within a commercial environment. However, since it is concluded that the proposal is not strictly policy compliant, as it does not comply with the definition of employment uses in policy EC6, further advertising as a departure from the local plan is required. Any representations that raise further material considerations can be reported verbally to Members.

### **Design**

- 6.13 The Council's Local Plan Policy EN5 requires a positive and considered approach to design, with new developments expected to be of a scale, layout, and form and massing which conserves or enhances the setting of the development. The site is at an elevated location on Sandy Hill Way, and the proposed building will be set back from the highway, and not prominent from the main road. It would be seen along with the backdrop of the other commercial and industrial buildings within the area.
- 6.14 The development site like the surrounding area around Sandy Way to the north, east and south of the site includes a mix of office buildings, industrial units and distribution units. It includes a number of mixed buildings in its design and age. In terms of design, Policy EN5 sets out criteria to be taken into consideration, these include design and materials appropriate to the location, active frontages/outward facing, and mitigation of impacts on neighbouring uses, highway safety and landscaping. The building has been designed to provide a modern and in keeping office building in a modern design with glazed areas along the principal elevation. Architectural detailing has been

incorporated into the principal elevation by the use of different materials to break up the massing of the building. The proposed office building is 1254 square metres in an L shape configuration and of a design similar to existing offices in brick walls with tiled hipped roof. The multi storey car park is set within the site slope and will accommodate 118 spaces (with 2no. disabled spaces have been provided on the ground floor).

- 6.15 The use of dark grey interlocking tiles on the substantial pitched roof and buff bricks with powder coated aluminium windows doors and fascias and guttering's in dark grey colours would result in a modern office unit that is in keeping with its surroundings. As this follows the same design principles and palette of materials as the existing units it is considered that it would result in a high quality building that would enhance the character and appearance of the street scene and the surrounding area. The main building is 2 storey in height and the adjacent car park is split level in 2 and a half storeys with 2 staircase towers. The development is outward facing and would be set against the backdrop of the existing estate.
- 6.16 The building would be set back within the complex and would incorporate frontage parking with associated landscaping to break up the massing of the development and to enhance the character and appearance of the site and street scene.
- 6.17 In addition, the development provides appropriate soft and hard landscaping, and appropriately designed lighting. The proposal provides a degree of landscaping to the front to help assimilate the scheme into the area.

### Highways

- 6.18 Reference should be made to Policy SU1 Sustainable Transport Network, which contains transport measures to improve the local transport infrastructure. Policy SU2 Delivering Sustainable Transport reinforces the need for the site to be accessible by walking, cycling and public transport with a high quality of design expected for new roads.
- 6.19 County Highways have concluded that the development can be permitted with conditions. The site is well located for access using sustainable modes, with excellent pedestrian and cycle connections to the local area, and bus services to a range of destinations. In terms of parking provision, the proposed levels of parking are consistent with adopted SCC guidance and includes disabled parking. It is demonstrated that development traffic impacts are acceptable on the surrounding highway network.
- 6.20 There are no objections on Highway grounds to the proposed development subject to conditions and S106.  
The conditions sought by Staffordshire County Council Highways, include
- Provision of parking/turning areas to be provided prior to occupation  
Height restrictions and swept path details for the multi-storey car park
  - Provision of cycle stores
  - Construction Management Plan  
Travel Plan setting out proposals (including a timetable) to promote travel by sustainable modes and subsequent monitoring of the plan

This is on the assumption that the developer enters into a Section 106 Agreement to secure the following:

- A Framework Travel Plan including a contribution towards the monitoring of the plan of £12,320.

- 6.21 The proposed development has been deemed acceptable by County Highways, it would not harm pedestrian or highway safety and the Use Classes that have been applied for are in-line with the off street parking provision set out by Appendix C of the Local Plan. The proposed development is compliant with Policies EN5 and SU2 of the Local Plan, as such the proposed development is considered to be acceptable.

## **Flooding and Drainage**

- 6.22 As part of the application process, Staffordshire County Council Local Lead Flood Authority (LLFA) and Severn Trent have been consulted over the proposed development. The application site is not located within a Flood Zone as identified on the Environment Agency's mapping system, and the application is supported by a drainage report that has demonstrated that the development would not be subject to flood risks. The proposed scheme on this site does not pose any increased flood risk to the site itself or adjacent developments and is not susceptible to flooding by other techniques. Both the LLFA and Severn Trent have expressed no objection to the proposed development subject to a pre-commencement conditions regarding water quality and disposal of foul and surface water flows which has been placed on this decision, together with a note regarding management and maintenance. The proposed development is therefore compliant with Policy SU4 of the Local Plan and as such is deemed to be acceptable.

## **Ecology and biodiversity**

- 6.23 Policy EN4 in the of the adopted Local Plan follows NPPF guidance in stating: "Non-designated sites, including the canal and river networks that provide the opportunity for habitat enrichment to create more robust and functional ecological units will be safeguarded, particularly if they form part of a green or blue link, including links to the wider green infrastructure network outside Tamworth." and "Development will be supported that preserves designated biodiversity and geodiversity sites,....., 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. Development should create and reinforce links between semi-natural habitats, including habitats beyond the Tamworth boundary."
- 6.24 The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended); along with the Protection of Badgers Act 1992, provide the main framework for protection of species. In addition to planning policy requirements, the LPA needs to be assured that this legislation will not be contravened due to planning consent. In addition to these provisions, section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Section 41 refers to a list of habitats and species of principal importance to which this duty applies.
- 6.25 In terms of Policy EN4 Protecting and Enhancing Biodiversity, the site is not designated of national or local importance. It is essential that development does not result in a net loss of biodiversity. The applicant has provided ecological assessment and detailed landscaping plan, these have been assessed by County Ecology and have been deemed to be acceptable. Conditions are suggested for bird boxes, bat boxes and submission of landscape plan.
- 6.26 Currently the site comprises about 0.4 hectares of semi-improved grassland, swamp, scrub and trees. These habitats have an ecological function and they provide a degree of ecological connectivity. The current proposals would increase built development and hardstanding. This clearly represents a small net loss to biodiversity, contrary to NPPF 170 and 175, which could be mitigated onsite by landscape design that maximises opportunities for wildlife. Otherwise a solution to this would be for the applicant to indicate how off-site compensation will be achieved, preferably through habitat improvements elsewhere in the area.
- 6.27 The Preliminary Ecological Appraisal acknowledges the loss of habitat, however due to the quality of the biodiversity that would be lost as a result of the development and the quality and diversity of the proposed landscaping to be incorporated on site, this would maximise opportunities for wildlife and result in a gain of a higher quality ecosystem. The proposed development is therefore compliant with Policy EN4 of the Local Plan and is therefore acceptable.
- 6.28 Your officers would therefore recommend the following conditions with regards to specific ecology matters as recommended by the County Ecologist.
- retention of mature oak tree
  - Sensitive lighting to protect bat foraging routes.

- Precautionary measures to prevent accidental harm to protected species during development.
- Biodiversity enhancements including: planting with native nectar rich and berry bearing tree, shrub and plant species; bat hibernacula; wildflower hedgerow edge mix seeding; bird and bat boxes incorporated within or on the new buildings or other built fabric, wildflower seeding areas (flowering lawn areas)
- Sensitive lighting to protect bat foraging routes.
- precautions outlined in Preliminary Ecological Appraisal (Dr S Bodnar, August 2020) 4.3b Precautionary Measures During Development (pp26-35)

## **7 Conclusion**

- 7.1 The site represents a key component of the recently adopted Tamworth Local Plan 2006 – 2031 being an allocated site that provides employment development in a sustainable location. Conditions will be imposed to ensure delivery of the uses specified within the plan. Most importantly significant weight should be attributed to fact the proposal is an allocated employment site within the adopted Tamworth Local Plan and government guidance indicates the need for sustainable economic growth.
- 7.2 As regards the hierarchy of town centre uses, a sequential test demonstrates that there are no suitable sites. In addition it is a material consideration that the site forms part of an earlier masterplan for 4 office buildings, albeit prior to adoption of the current plan.
- 7.3 From a design and street scene impact again there would be no significant impact and the scheme is therefore deemed to be acceptable, in compliance with policy EN5 of the local plan.
- 7.4 The access arrangements to the site proposed meet the aspirations of Staffordshire County Council. They ensure a safe arrangement to access the site in accordance with the latest government guidance. The off street parking provision has also been deemed acceptable by Highways and would not result in an increase of on street parking. Highway and pedestrian safety as such would not be harmed as a result of the proposed development.
- 7.5 The proposal would ensure the protection of landscape features and would also result in no loss of biodiversity within the site. Therefore the proposed development would not result in a net loss in biodiversity and is considered acceptable.
- 7.6 With regards to flood risk and drainage, there is a neutral impact and the proposed development is compliant with Policy SU4 of the Local Plan, the proposed development would not increase flood risk within the site or the surrounding areas.
- 7.7 From an economic perspective the proposal would provide much needed employment to which weight should be attributed. Therefore, on balance it is considered that overall the proposal's allocation holds significant weight in the planning balance, with positive benefits and limited harm which means that the proposal is therefore recommended for approval.
- 7.8 However, since it is concluded that the proposal is not strictly policy compliant, as it does not comply with the definition of employment uses in policy EC6, further advertising as a departure from the local plan is required. Any representations that raise further material considerations can be reported verbally to Members.

## **8 Recommendation**

Approval subject to conditions and s.106 regarding Framework travel plan monitoring contribution
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## **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 following drawing numbers unless otherwise agreed in writing by the Local Planning Authority.

7726_100	Location plan
7726_150F	Proposed site plan
7726_250, 7726_251B, 7726_252A	Proposed floor plans
7726_450B, 7726_451, 7726_452	Proposed elevations
7140_265	Proposed plans multi-storey car park
7140_450, 7140_451	Proposed elevations multi-storey car park
RAB2655L/001	Plan view of surface water drainage
RAB2655L/002	Typical details

Reason: To define the approval.

3. The use of the site shall not commence until the car parking areas hereby approved have been surfaced and drained in accordance with details submitted to and approved by the Local Planning Authority and such areas shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate provision is made for the parking of vehicles clear of the highway in the interests of highway safety and in accordance policy EN5 Design of New development and Appendix C (parking standards) as set out in Tamworth Local Plan 2006-2031.

4. Notwithstanding any details shown on the approved plans no development shall be commenced until details indicating the following have been submitted to and approved in writing by the Local Planning Authority:

- details of the height restrictions which will be in place within the multi-storey car park;
- a swept path analysis demonstrating that a large car can safely access and egress the multi storey car park including the ramps between levels;
- details of a re-located secure and weatherproof cycle parking facility within the curtilage of the site. This shall include the quantity of cycle parking available.

Reason: In the interests of highway safety and in accordance policy EN5 Design of New development and Appendix C (parking standards) as set out in Tamworth Local Plan 2006-2031.

5. The parking areas shall thereafter be carried out in accordance with the approved details and be completed prior to first occupation. All car parking spaces shall be surfaced in a bound and porous material and be clearly delineated and shall thereafter be retained as such for the lifetime of the development.

Reason: To ensure that adequate provision is made for the parking of vehicles clear of the highway in the interests of highway safety and in accordance policy EN5 Design of New development and Appendix C (parking standards) as set out in Tamworth Local Plan 2006-2031.

6. Before the development hereby permitted is occupied, a Travel Plan shall be submitted to and approved in writing by the County Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the County Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in

that plan unless otherwise agreed in writing by the County Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary date of the planning consent to the County Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.

Reason: To ensure that adequate provision is made for promoting sustainable transport measures in the interests of highway safety and in accordance policy EN5 Design of New development and Appendix C (parking standards) as set out in Tamworth Local Plan 2006-2031.

7. No development (including demolition) shall take place until a Highways Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The statement shall provide for:-

- A site compound with associated temporary buildings
- The parking of vehicles of site operatives and visitors
- Times of deliveries including details of loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Duration of works
- Wheel wash facilities
- Appropriate routing agreement using the most appropriate access route

Reason:

8. No development shall take place on the site until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate all existing trees and hedgerows on the site and indicate those to be retained, together with the measures to be adopted to protect them during the course of the development and that the development shall be implemented in accordance with the approved landscaping scheme and retained thereafter throughout the life of the development.

Reason: In the interests of the setting and visual appearance of the development and in accordance with policies EN4: Protecting and Enhancing Biodiversity and EN5: Design of New development as set out in the Tamworth Local Plan 2006-2031.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the setting and visual appearance of the development, and in compliance with policies EN4: Protecting and Enhancing Biodiversity and EN5: Design of New development as set out in the Tamworth Local Plan 2006-2031.

10. 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 and the development shall be carried out in accordance with the approved details.

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.

11. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority,

and the scheme shall be implemented in accordance with the approved details before the development is first brought into use. Details shall include provision of supporting information to demonstrate that sufficient water quality measures have been incorporated into the design for all sources of runoff in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria, and details of parties responsible for ongoing maintenance.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution. In accordance with policy SU2: Flood Risk and Water Management as set out in Tamworth Local Plan 2006-2031.

12. An external lighting scheme should be installed, designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals *Guidance Note 08/18 Bats and artificial lighting in the UK* and submitted for approval prior to commencement, including a lighting contour plan that demonstrates there will be minimal impact on receptor habitats such as trees and hedges and the development carried out in accordance with the approved scheme and retained thereafter throughout the life of the development.

Reason: In the interests of the setting and visual appearance of the development in accordance with policy EN4: Protecting and Enhancing Biodiversity as set out in the Tamworth Local Plan 2006-2031.

13. Prior to commencement of any site works, a Tree Protection Plan should be submitted for approval, which should be compliant with BS 5837:2012: Trees in relation to design, demolition and construction and the Development implemented in accordance with the approved Plan.

Reason: In the interests of the setting and visual appearance of the development in accordance with policy EN4: Protecting and Enhancing Biodiversity as set out in the Tamworth Local Plan 2006-2031.

14. All site clearance and construction works must proceed in accordance with measures detailed in the Preliminary Ecological Appraisal (Dr S Bodnar, August 2020) *4.3b Precautionary Measures During Development* (pp26-35).

Reason: In the interests of the setting and visual appearance of the development in accordance with policy EN4: Protecting and Enhancing Biodiversity as set out in the Tamworth Local Plan 2006-2031.

15. 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: In the interests of the setting and visual appearance of the development in accordance with policy EN4: Protecting and Enhancing Biodiversity as set out in the Tamworth Local Plan 2006-2031.

16. Prior to the commencement of the development, details of the type and location of biodiversity enhancement measures including 3 number house sparrow terraces on or integrated into north- or east- facing brickwork of the new 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: In the interests of the setting and visual appearance of the development in accordance with policy EN4: Protecting and Enhancing Biodiversity as set out in the Tamworth Local Plan 2006-2031.

17. Prior to the commencement of the development, details of biodiversity enhancement measures including 2 number integrated bat tubes or bat boxes within the new building, 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: In the interests of the setting and visual appearance of the development in accordance with policy EN4: Protecting and Enhancing Biodiversity as set out in the Tamworth Local Plan 2006-2031.

18. Prior to the commencement of the development, a landscaping plan that mitigates for habitats that will be lost by providing sources of nectar and fruit for wildlife shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of the setting and visual appearance of the development in accordance with policy EN4: Protecting and Enhancing Biodiversity as set out in the Tamworth Local Plan 2006-2031.

#### Notes

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

#### Annex

##### Ecology

European Protected Species (to include in Committee/Delegated reports as an Annex, not on Decision Notices)

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely to impair their ability –
  - a.



- i. to survive, to breed or reproduce, or to rear or nurture their young, or
- ii. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
- b. to affect significantly the local distribution or abundance of the species to which they belong.
- 4. Damage or destruction of an EPS breeding site or resting place.

Our records and ecological survey results indicate that European Protected Species (bats and great crested newts) are likely to be present.

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**PLANNING COMMITTEE**

**7<sup>th</sup> December 2021**

**APPLICATION FOR CONSIDERATION**

**REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION**



<b>Application Number:</b>	<b>0334/2021</b>
<b>Development:</b>	<b>Change of use of existing building to Residential Use for 16 dwellings and the provision of 8 new build dwellings</b>
<b>Location:</b>	<b>Tamworth Day Care Centre, Hockley Road, Wilnecote, Tamworth, B77 5EB</b>

## 1. Introduction

- 1.1. This is a scheme for the refurbishment and re-use of the former Tamworth Day Centre and its associated grounds for a 100% social housing scheme in association with Tamworth Borough Council. The proposal involves the conversion of the former school building to provide 16 new residential units, comprising of eight, 1-bed suites and eight, 2-bed suites and for the erection of two, three-storey modular units to provide 6 bedsits to the north of the existing building, and for 2 detached, three-storey, four-bed houses on the open frontage off Hockley Road.
- 1.2. The applicant has entered a legal agreement to secure the site from Staffordshire County Council to procure a development that will provide housing for Tamworth Borough Council Housing Department's current needs. The local authority currently has a shortfall of dwelling types within the borough and the applicant has been in close discussions with the Housing Department since late 2019. It has been identified that single parent families or single persons requiring support are predominantly on the authority's current waiting list for accommodation. Both parties have been working closely in developing a brief that endeavours to bridge a shortfall of dwelling types the authority seeks.
- 1.3. The application site is located within a predominantly residential area on the eastern side of Hockley Road, with a secondary frontage to New Road. It is set to the rear of existing residential properties fronting onto Hockley Road and Tinkers Green Road/New Road, with the Wilnecote Youth Centre off New Road lying to the east, and to the north of the site are the playing fields of Wilnecote School. The building which is the subject of this application is the former Tamworth Day Centre, which is one of two former 19th century school buildings which are of some local historic interest. The building is currently vacant and although in a good condition, it is at some risk from vandalism and general deterioration. It is also unlikely to be used again as a school, the purpose for which it was originally built, and is now in need of a sustainable and beneficial new use.
- 1.4. The former Day Centre consists of a single-storey detached building, built of brick with a plain clay tile roof. The building has a roughly H-shaped plan form, its two principal wings being aligned north-south, and internally they are divided into a series of small to medium sized rooms served by an internal corridor with a large hall at the centre of the building reflecting its original use and historic development as a school. Although the historic plan form of the original school is still evident, there appears to be no surviving fixtures and fittings relating to its original use.
- 1.5. The site has a relatively open frontage and principal vehicular access to Hockley Road and this serves the areas of hardstanding (the former schoolyard) that surround the building and which presently serves as car parking. There is also a secondary frontage and access to New Road.
- 1.6. It is proposed to introduce a number of small landscaped amenity areas within the site for the shared use of the occupants of the proposed flats.
- 1.7. A one-way traffic system is was originally proposed within the site, with entry to the site by the access off Hockley Road with an exit onto New Road, however this has been amended in consultation with County Highways, and provision will be made for 35 car parking spaces within the site with cycle and bin storage also being provided.

## 2. Policies

2.1. National Planning Policy Framework (NPPF)

2.2. Tamworth Local Plan 2006-2031 Adopted February 2016

SS1 -- The Spatial Strategy for Tamworth  
SS2 – Presumption in Favour of Sustainable Development  
HG1 – Housing  
HG2 – Sustainable Urban Extensions  
HG4 – Affordable Housing  
HG5 – Housing Mix  
HG6 – Housing Density  
EN4 – Protecting and Enhancing Biodiversity  
EN5 – Design and New Development  
EN6 - Protecting the Historic Environment  
SU1 - Sustainable Transport Network  
SU2 – Delivering Sustainable Transport  
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

## 3. Relevant Site History

UK	T19323	ERECTION OF VEHICULAR CANOPY TO ENTRANCE
UK	T21467	VEHICULAR ACCESS
UK	T22117	GARAGE AND STORE EXTENSION
F	0047/2002	Palisade fencing and gates 2.1m high to front and side

## 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>
- 4.2. 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.
- 4.3. TBC Strategic Planning and Development  
No objections
- 4.4. Joint Waste Services  
Details of requirements provided – note added
- 4.5. Staffordshire County Council (Local Lead Flood Authority)  
Require further details – condition added
- 4.6. Staffordshire County Council (Highways)  
No objection subject to condition

4.7. TBC Conservation Officer

No objection subject to conditions

4.8. Staffordshire Police Architectural Liaison Officer

No objection

4.9. Staffordshire Fire And Rescue

4.10. No Objection

4.11. TBC Environmental Protection Officer

No objection subject to conditions

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

**5. Additional Representations**

- 5.1. As part of the consultation process adjacent residents were notified and a press notice and site notices were erected. Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at [www.tamworth.gov.uk](http://www.tamworth.gov.uk).
- 5.2. Neighbours were notified and site and press notices displayed. 5 letters were received regarding requests for further details. One respondent questions what provision has been made for car-parking for residents and visitors in view of the existing parking problems seen on Hockley Road?
- 5.3. Other matters raised were general parking issues, retention of heritage, overlooking, design of new buildings.
- 5.4. In addition comments were received from Tamworth and District Civic Society requiring retention of the adjacent school which is to remain but not part of this scheme.

**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**

- 7.1. These proposals seek to promote a positive re-use of the former school building, a building with some local historic interest, and to build new residential development units within its grounds to maximise the use of the site. Having regard to the planning policies set out above the main issues in this case are considered to be:
- Principle
  - Housing – density, mix and affordable housing provision
  - Design and Character
  - Heritage - impact on the setting of the Manor House, a Grade II listed building

- Highways and parking
- Trees and ecology

- **Principle**

- 7.2. The Tamworth Local Plan 2006-2031 (LP) was adopted in February 2016. As well as the local plan there is guidance within the National Planning Policy Framework (NPPF).
- 7.3. The most relevant local planning policies are:
- Policy SS1: The Spatial Strategy for Tamworth – this policy seeks to direct development to the most accessible and sustainable locations to meet housing and employment needs whilst safeguarding natural and built assets.
  - Policy SS2: Presumption in Favour of Sustainable Development - this policy notes that any proposals that demonstrate that they are in accordance with the plan and are sustainable will be approved without delay.
- NPPF paragraph 118 supports the development of under-used buildings, especially if this would help to meet identified housing needs, and these proposals are supported by a number of local planning policies.
- 7.4. The site is situated within Wilnecote close to a local neighbourhood centre, is in a sustainable location for new development with convenient access to a range of community facilities, and has been allocated for housing development by Policy HG1. It is therefore considered that these proposals are, in principle, an acceptable and sustainable form of development that relates to the development of an allocated housing site, providing new housing development within a sustainable location (as required by Policy SS1). Furthermore, the proposed development also makes use of a redundant brownfield site and as such is consistent with the advice in NPPF, which supports amongst other things the Government's aims to boost the supply of housing (paragraph 59) and expects applications to be determined in accordance with the Development Plan (paragraph 47).

- **Housing**

- 7.5. Paragraph 59 of the NPPF states that it is the Government's objective to boost the supply of housing, and planning policies are expected to identify a sufficient supply and mix of sites (para. 67), recognising that small and medium sized sites can make an important contribution to meeting the housing requirement of an area (para. 68). The NPPF also recognises that planning decisions should promote the effective use of land in meeting the need for new housing (para. 117), by giving substantial weight to the value of using suitable brownfield land within settlements for homes and supporting the development of under-utilised land and buildings [para. 118(c) & (d)].
- 7.6. Policy HG1: Housing - this policy allocates new sites for housing and it includes the former Staffordshire County Council Care Home off New Road (Site Ref. No. 488). In support of the housing allocation the Local Plan notes that:
- the site is located on brownfield land and contains a youth centre and public sector offices, housed in unlisted former school buildings, which are included in the Historic Environment Record.
  - the local area contains a mix of housing styles at low to medium density.
  - the site is near to Grade II listed buildings and the Wilnecote Conservation Area.
  - there is potential for below ground archaeological deposits relating to the Watling Street Roman road and the medieval and later settlement of Wilnecote.
  - the site is adjacent to a school playing field which should be protected.
  - highway access could be taken from New Road or Hockley Road.
  - any development proposal should include a drainage investigation.
- 7.7. Affordable Housing Policy HG4: Affordable Housing - this policy notes that unless it can be shown to be unviable, new residential developments providing 10 or more dwellings should provide 20% of affordable dwellings on site. The scheme proposes 100% affordable units. This would need to be secured via a section 106 agreement to ensure that the dwellings remain affordable in perpetuity. Even though the dwellings would be in control of the Council and partner organisations, there are subsequent mechanisms such as Right to Buy whereby the dwellings would be under separate ownership in due course.

- 7.8. Policy HG5: Housing Mix - this policy requires that new housing development should provide a mix of housing sizes and types, as outlined by the policy, which reflect local needs.
- 7.9. The proposed mix of house type proposed for this site has been determined by the affordable/social housing requirements of Tamworth Borough Council, and whilst these proposals seek to provide a greater proportion of smaller units than is recommended by Policy HG5 the Council's Housing Officers have suggested that there is a higher waiting list demand for one bed properties, hence the bias towards single bed units. It is therefore considered that whilst these proposals are not fully in accordance with the Council's indicative housing mix they will meet an identified local housing need and satisfy the objectives of Policy HG5 & Policy HG4.
- 7.10. Details of the Housing Units within the Proposed Development  
 1-bed 4% 14 58%  
 2-bed 42% 8 34%  
 3-bed 39% 0 0%  
 4-bed 15% 2 8%
- 7.11. Policy HG6: Housing Density - this policy requires that new housing residential development within or in close proximity to local and neighbourhood centres and the Wilnecote Regeneration Corridor to achieve a density of 40 dwellings per hectare, although a lower density will be accepted where that would prevent significant negative impacts to the historic environment.
- 7.12. Policy HG1 also supports new development that takes the opportunity to maximise the effective use of brownfield land in sustainable locations and Policy HG6 seeks to secure a density of 40 dwellings per hectare on sites in close proximity to local and neighbourhood centres.
- 7.13. In this case given the overall nature and scope of this development, combining both the conversion of the existing building and erection of new build units will maximise the use of the overall site, resulting in a development of 22 new residential units, which on a site of 3400m<sup>2</sup> secures a density in excess of 40 dwellings per hectare that will satisfy the objectives of Policy HG1 & Policy HG6.

- **Design and character**

- 7.14. Policy EN5: Design of New Development - this policy seeks to ensure that new development is of a high quality design, and amongst other things it requires new development to:
- respect and where appropriate reflect existing local architectural and historic characteristics.
  - take into account the impact of the proposal on the significance of heritage assets.
  - be of a scale, layout, form and massing which conserves or enhances the setting of the development.
  - utilise materials and overall detailed design which conserves or enhances the context of the development.
  - minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land.
  - incorporate landscaping appropriate to the site, using native species wherever possible.
- 7.15. The main building is existing and there are few external changes, which are acceptable. The new build elements comprise a modern approach to the rear block and more traditional design of 2 detached dwellings to the Hockley Road frontage. This has been altered during the process in consultation with the Council's Conservation Officer who considered a more traditional design to be more suited to the frontage.
- 7.16. The plans endeavour to follow the original floor plan of the school, such that each classroom is to be used as a self-contained suite, and to take advantage of the height of the building it is proposed to insert an internal floor. The proposed internal works will remove modern fittings and fixtures, which are relatively modern they have no historic or



architectural interest. No significant changes are proposed to the external appearance of the building, although it is proposed to add new rooflights to the principal roof slopes and where necessary replace, and possibly enlarge, existing windows.

- 7.17. The scheme also proposes to build two detached, three-storey, four-bed houses on the open frontage off Hockley Road, having a ground floor plan of some 9.75m max x 12.75m max and roof height of some 9.75m, with private amenity space to the rear of the houses for the use of the future occupiers of the proposed dwellings.
- 7.18. The proposed dwellings will infill the present open break between the existing frontage development and will stand forward of the neighbouring semi-detached houses at nos. 79 & 81, Hockley Road, although consideration has been given to the siting and design of these units in order to preserve most of the existing brick boundary wall across the front of the site and to avoid harming the residential amenities of the neighbouring property. There has been consideration on the proposed building position related to the perceived street building line. Given the stark set back of No's 79/81 compared to No.75 & No.77, it was considered more appropriate to set out the proposed pair of dwellings in a more respectful setting in such close proximity to No.79. In order to give a consistent scale and setting to the street scene, the proposed building is set out approximately 2.5m forward of the street building line of No.79/81.
- 7.19. The final element proposes to build a further two, three-storey modular units of similar size within the grounds to the north of the former school building that will provide 6 self-contained bedsits. The design has altered to comply with suggested changes from the Conservation Officer to be more appropriate to the overall setting and height.
- 7.20. Whilst the overall design and appearance of the proposed modular units has had regard to the objectives of Policy EN5, there is a considerable variety of architectural styles and housing types along Hockley Road, primarily late 20th century housing. Given this lack of uniformity and lack of any locally distinct architectural or historic characteristics, the developers have adopted a contemporary approach to the design and appearance of the proposed residential units utilising a modular build system to be finished in a zinc coated cladding, the specific details of which can be agreed by a condition, to provide a distinctive new development that will contribute positively to the local sense of place.

- **Amenity**

- 7.21. The Environmental Protection Officer has checked the areas that will be allocated for the new build and excavation; and can find no recorded risk of contaminated land at these locations.
- 7.22. Regarding noise; as long as good specification sound insulation is applied to the new build aspect facing Hockley Road and the same with the conversion of the existing building, as in the main this is a residential area with no major heavy traffic using this road, then it should not be necessary to request either contamination or noise reports for this application.
- 7.23. As regards impact on neighbouring amenity the scheme meets with required standards as regards distances between windows and provision of amenity areas in compliance with the SPD Tamworth Design guidance and policy EN5 of the Tamworth Local Plan 2006-2031.

- **Heritage matters**

- 7.24. Policy EN6: Protecting the Historic Environment - this policy requires that new development is supported by an assessment of its impact on heritage assets and their setting, but it also notes that the Council will support proposals that promote the use of vacant and underused historic buildings including necessary and minor changes.
- 7.25. In considering the potential impact of a development on designated heritage assets, the NPPF recognises that the significance of a designated heritage asset (such as a listed building or a conservation area) can be harmed or lost through the alteration or destruction

of the asset, or by development within its setting, and any harm to or loss of significance requires a clear and convincing justification [para. 194].

- 7.26. The specific policy guidance relating to non-designated heritage assets is set out in paragraph 197 of the NPPF, and this states:  
*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*
- 7.27. The submitted heritage assessment has used Historic England's Heritage List and the Staffordshire Historic Environment Record (HER). The Grade II listed building, the Manor House, is situated on the western side of Hockley Road opposite the application site. The list description notes that this property is a house, dated to c1770 with early 19th century alterations, built of brick with tile roofs. The list description notes that the property is now sub-divided into flats, although it would now appear to be used as an adult day care centre.
- 7.28. There are two further Grade II listed buildings off Hockley Road: Manor Farmhouse, a former 17th century farmstead, and no. 139, Hockley Road, a 16th century timber framed house, some 175m to the south of the site. Given the relative distance between these listed buildings and the application site and the intervening development the proposed development will not affect the setting of these two listed buildings
- 7.29. As regards the former schools, although not listed, both of the former school buildings off New Road are recorded on the HER. The HER notes that the building now proposed for re-use is the larger of the two schools and it was built c.1877 as a public elementary school (HER ref. 57860). The school building on the neighbouring site was built c.1877 as a public elementary (infants) school (HER ref. 57861). The HER notes that the schools were designed in the Queen Anne style by the nationally significant architect Basil Champneys who worked in a variety of styles including Arts and Crafts, Gothic and Queen Anne, of which he was a key proponent. The HER also references feature tall mullion and transom windows which rise above the roofline, and also the central, hexagonal bellcote above the hall, which also served as a ventilation shaft. It notes that whilst some of these windows survive intact, others have been partially or fully boarded and some have been replaced with uPVC double-glazing.
- 7.30. The HER also points out that the two school buildings were assessed by Historic England in June 2016 in consideration of whether they would be appropriate for designation as a listed building. The assessment concluded that the schools would not be recommended for listing for the following reasons:
- architectural interest: although originally designed by Basil Champneys, and with a characterful west wing featuring cusped gables with oculi and cupola, it is a modest example of his work and does not exhibit the same level of architectural distinction and quality as his better-known commissions;
  - degree of survival: both the junior and infant school have been considerably extended with alterations to the plan form and historic fabric. It is not considered to be a well-preserved example of a 19th century board school.
- 7.31. In the Assessment of Significance, whilst it has been established that the building lacks the necessary heritage interest to be considered as a listed building, it is of some local architectural and historic interest and can reasonably be regarded as a non-designated heritage asset (NDHA), having an archaeological interest, providing evidence of the historic development of Wilnecote and the provision of new facilities to serve the local community; an architectural interest, particularly in respect of its built fabric and surviving historic plan form; and a local historic interest, given its associations with the architect Basil Champneys. It is therefore considered that the significance of this NDHA lies in its archaeological, architectural and historic interest and in order to protect its heritage interest, and overall significance, any proposals should seek to ensure that these elements are not harmed or lost.
- 7.32. The building is not particularly prominent in the Hockley Road streetscene being screened by the existing frontage development and the surroundings in which it can be experienced

(its setting) are quite limited. However, it is a distinctive building that makes a significant contribution to the local community and the local sense of place. It is considered that as the proposals will have very little impact on the external appearance of the buildings or their site, they will not adversely affect the surroundings in which the building can be experienced.

7.33. Therefore, in weighing this application that directly affects a non-designated heritage assets, a balanced judgement has been made regarding the scale of any harm or loss and the significance of the heritage asset. It is concluded that the harm is limited and the benefits of the re-use would outweigh any harm, in compliance with the NPPF and policy EN6 of the Tamworth Local Plan 2006-2031.

7.34. The Council's Conservation Officer advises that: The changes relate to the two new build blocks and have proposed a more sympathetic design and palette of materials which will sit more comfortably within the surrounding streetscape, particularly the example positioned near the Hockley Road frontage. I would suggest conditions covering facing and roofing materials to ensure that what is selected is reasonable comfortable in its surrounding context but beyond that I would be of the view that these revisions would sit more comfortably alongside the locally listed buildings on the site and within the streetscene of Hockley Road. As such I would not object to the proposals on the basis of the revised plans now submitted. As previously mentioned the site is not near to the conservation area boundary and I am not of the view that there would be any impact on the setting of the conservation area as a heritage asset.

- **Drainage**

7.35. A drainage strategy was requested by the LLFA which requires:

- Surface water drainage system(s) designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015).
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus climate change in accordance with the guidance in the SCC SUDS Handbook.
- Provision of surface water runoff attenuation storage.
- 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. To include as a minimum, the 1:1, 1:2, 1:30, 1:100 and 1:100+ (40%) climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.

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.

- Provision of supporting information to demonstrate that sufficient water quality measures have been incorporated into the design. This should be in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.
- Evidence of compliance with the principles of the drainage hierarchy, as described in Part H of the Building Regulations. If applicable, evidence of infiltration testing in accordance with BRE365 should be provided. If discharge is proposed to a surface water sewer then evidence should be provided regarding permission to connect.
- Finished flood levels need to be set at an appropriate level above ground levels

7.36. Whilst insufficient information was initially submitted, further details have been requested and submitted. It is expected that details can be accepted subject to a condition regarding final details as indicated below.

- **Highways**

7.37. Appendix C sets out local parking standards, and for 4-bed dwellings it recommends 3 spaces per dwelling and for self-contained flats/apartments it recommends 1 space for each flat with 1 space per 4 flats for visitors although there is also an allowance for the standards to be applied in a positive and flexible manner as an aid to development. This proposal makes provision for some 39 communal car parking spaces within the site to

accord with the Local Plan's parking standards. This number has been increased through negotiations and whilst parking standards should be applied flexibly in this case the likely low levels of car ownership of the future occupants of the proposed units is not considered a reason to make an allowance for a reduction in the levels of car parking, as ownership may change in future.

7.38. It is noted that the site is close to a local centre and is well served by public transport and it is therefore considered that the proposed development can provide an acceptable level of parking that will not result in off-site parking to the detriment of local highway safety.

7.39. Amendments regarding access and circulation have been negotiated and are shown on updated drawing 211468-PL08revB, to address highway comments previously raised:

- Omitting the intent for Refuse Vehicles to enter and exit the site in a forward motion gear.
- Bin Store to northern courtyard omitted
- Communal Bin Store to the southern courtyard (off New Street) increased in capacity. (8No. 1100litre Eurobins)
- Cycle Shelter previously shown in southern courtyard, relocated to northern courtyard
- Dedicated Bin Store Area indicated for proposed dwellings off Hockley Road (4No 240litre Wheelie Bins)
- Vehicular access off Hockley Road widened on LHS upon entry to site, to protect existing tree roots on RHS
- Grass verge along Hockley Road altered to tarmacadam finish and dropped kerb length increase by approximately 1.5m
- Kerb Radii as previously shown omitted and splayed crossover shown for the avoidance of doubt
- Incoming gas main housing structure omitted to allow parking space substituted from opposing side
- Tandem parking to dwellings off Hockley Road retained to preserve garden wall for conservation requirements
- White lining shown to Hockley Road access to define 2 way access for the highway safety
- Dropped Kerbs to former access along New Street reduced to 1.8m in length
- Vehicular exit to New Street retained as existing to avoid extending parking restrictions and associated S106's that would be required for such changes
- Tracking layout for cars prepared by JMS to illustrate vehicular egress onto New St. compatible with proposed parking arrangement

7.40. Staffs CC Highways are in agreement with the changes made. The applicant has also provided a track run for a standard car to show two-way movement at the Hockley Road access which is acceptable to the Highway Authority who now recommend approval subject to a condition regarding access and surfacing of parking area as detailed below.

- **Trees and Ecology**

7.41. A tree within the highway fronting Hockley Road is to be retained but has resulted in minor alterations to the access to ensure its roots are protected. A condition is added to that effect.

7.42. Landscaping areas are indicated within the site and a condition requires full details for hard and soft landscaping.

7.43. The applicants have commissioned a preliminary roost assessment of the application site and within the limitations of the building, this initial survey has recorded no evidence of previous bat use, although it has recommended that further (dusk or dawn) bat surveys should be undertaken during the period May-August when bats are active in their summer roosts.

7.44. The report also noted that that there was no evidence of any other protected species within the site. It is therefore considered that with further assessments and a suitable mitigation strategy as recommended by the Ecolocation report, which can be agreed by condition, these proposals will not result in a net loss of biodiversity and consequently can accord with the objectives of Local Plan Policy EN4.

## **8. Conclusion**

- 8.1. The site is situated within Wilnecote close to a local neighbourhood centre, is in a sustainable location for new development with convenient access to a range of community facilities, and has been allocated for housing development by Policy HG1. It is therefore considered that these proposals are, in principle, an acceptable and sustainable form of development that relates to the development of an allocated housing site, providing new housing development within a sustainable location (as required by Policy SS1). Furthermore, the proposed development also makes use of a redundant brownfield site and as such is consistent with the advice in NPPF, which supports amongst other things the Government's aims to boost the supply of housing (paragraph 59) and expects applications to be determined in accordance with the Development Plan (paragraph 47).
- 8.2. Heritage issues have been addressed and the scheme is considered to create no harm to the significance of the heritage assets on the site and in the surrounding area. The design in relation to the existing building involves minimal changes that are acceptable and the new buildings have been subject to amendments as suggested by the Conservation Officer and now considered to provide high quality design as required by policy EN5 of the Tamworth Local Plan.
- 8.3. Highways and drainage matters have been addressed and are acceptable subject to final agreement of conditions, and other conditions relate to tree protection and ecology.
- 8.4. Therefore the scheme complies with the policies above of Tamworth Local Plan 2006-2031 and NPPF.

## **8 Recommendation**

1. Approval subject to the delivery of affordable housing in perpetuity in accordance with policy (HG4), either via a section 106 obligation or by a planning condition should this be deemed by the Assistant Director – Regeneration and Growth to be more appropriate (delegated authority to Assistant Director \_ Regeneration and Growth to be granted for the wording of any affordable housing condition) and the following conditions

### **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, site location plan:

211468-PL03 – Ground Floor Plan as Existing

211468-PL04 – Roof Plan as Existing

211468-PL05 – Elevations\_Sections as Existing 1 of 3

211468-PL06 – Elevations\_Sections as Existing 2 of 3

211468-PL07 – Elevations\_Sections as Existing 3 of 3

211468-PL08 – Site Plan as Proposed

211468-PL08C – Site Plan as Proposed

211468-PL9A – Ground Floor Plan as Proposed

211468-PL010A – First Floor Plan as Proposed

211468-PL011A – Roof Plan as Proposed

211468-PL012 – Elevations\_Sections as Proposed 1 of 3

211468-PL013A – Elevations\_Sections as Proposed 2 of 3

211468-PL014 – Elevations\_Sections as Proposed 3 of 3

211468-PL015A – Proposed Plans\_ Elevations to New Units along Hockley Road

211468-PL016A – Street Scene to Hockley Road

211468-PL017A – Proposed Plans\_ Elevations to New Units adjacent to School Access Lane

211468-PL018A – Street Scene along School Access Lane

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21-4232 Outline Drainage Scheme - Former Day Care Centre - Tamworth

21-4232 SK01 Outline Drainage Scheme

unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the approval.

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 and the development shall be carried out in accordance with the approved details.

4.

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.

5. The proposed car and cycle parking, accesses and circulation areas as shown on the approved plan Drawing Number 211468 Revision B shall be sustainably drained, hard surfaced in a bound material and marked out prior to the first occupation of the building hereby permitted. Thereafter these parking and circulation areas shall be retained in accordance with the approved plans for the lifetime of the development.

6. Reason: In the interests of highway safety and in accordance with the objectives and policies contained within the NPPF and policy SU2: of the Tamworth Local Plan 2006-

2031.

7. Prior to the commencement of development, drainage plans for the disposal of foul and surface water flows will be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Lead Flood Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution in accordance with the NPPF and Policy SU4 of the Tamworth Local Plan 2006 – 2031.

8. Prior to the commencement of development, a detailed tree survey report, showing root protection areas, no dig zones and no parking/vehicle zones will be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate all existing trees and hedgerows on the site and indicate those to be retained, together with the measures to be adopted to protect them during the course of the development and that the development shall be implemented in accordance with the approved landscaping scheme and retained thereafter throughout the life of the development.
- 9.

Reason: In the interests of the setting and visual appearance of the development and in accordance with policy EN4: Protecting and Enhancing Biodiversity of the Tamworth Local Plan 2006-2031.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the setting and visual appearance of the development, and in compliance with policies EN4: Protecting and Enhancing Biodiversity and EN5: Design of New development as set out in the Tamworth Local Plan 2006-2031.

11. No development falling within Part 1 Class A to E of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) shall be carried out.

Reason: In order for the Local Planning Authority to consider future proposals in the interests of the character and appearance of the area in accordance with policy EN5: Design of New developments as set out in the Tamworth Local Plan 2006-2031.

#### Notes

Please note that prior to the access off Hockley Road being widened you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk)) Vehicle access crossing (dropped kerb) - Staffordshire County Council The works required to reduce the access off New Road will require the relevant permit from our Network Management Section. Please note that prior to the reinstatement works taking place you require a Permit to Dig. Please contact Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, Stafford,

Staffordshire ST16 2DH or email [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk).

The following link provides an overview of the permissions and licences required for undertaking work on or adjacent to the adopted highway:

<https://www.staffordshire.gov.uk/Highways/licences/Overview.aspx>.

Staffordshire County Council as Highway Authority would not formally adopt the proposed development, however, the development will require approval under Section 7 of the Staffordshire Act 1983. This Form X does not constitute a detailed design check. The applicant is requested to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

It will, therefore, be necessary for maintenance/management arrangements for the access road and internal layout to be submitted to the Highway Authority with a view to securing an exemption under Section 219 of the Highways Act 1980. Although the road layout will not be to adoptable standard, the roadways within the site will still need to be constructed to be 'fit for purpose'.

**Waste:**

Developments of individual houses must include unobtrusive areas suitable to accommodating at least 3 x 240l wheeled bins.

The Joint Waste Service provides a kerbside collection service, therefore residents will be expected to present their bins at the nearest appropriate highway on collection days.

Unadopted roads/drives cannot be accessed by a collection vehicle if they are not constructed to an adoptable standard.

For each 6 apartments a bin store would be required to hold 1 x 1100l bins (or 3 x 360l bins) for refuse and the same amount for recycling as well as allowing space for any bulky items that residents may have booked in for collection. Bin capacity is increased incrementally as the number of apartments increases. A bin store should be positioned within a reasonable walking distance from the further apartment it serves and within 10m of the nearest kerbside or stopping point of the collection vehicle. Bin stores must allow room for filling and emptying and provide a clear space of 150mm between and around the containers. The minimum bin store area for 6 apartments would be 12 square metres and this would need to be increased on a pro rata basis for the 12 apartments. The bin store must be of adequate height to permit container lids to be fully opened and have lockable doors which are wide enough to allow easy manoeuvring of the bins when emptied and returned. Access to the bin store should be clear of obstructions and any paths to the collection point be free from kerbs, with dropped kerbs used at all points, and allow smooth passage for the container, with no steps or inclines more than 1:12. The path should be non-slip and wide enough to accommodate the bins and be of a hard-wearing surface to withstand the loading imposed. Where the bin store is off road, the drive must have a radius sufficient to turn into and out of the road and be capable of safely accommodating a refuse vehicle.





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