



Borough of Tamworth

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

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PLANNING COMMITTEE

10 January 2022

Dear Councillor

A meeting of the Planning Committee will be held in **Council Chamber, Marmion House, Lichfield Street, Tamworth, B79 7BZ on Tuesday, 18th January, 2022 at 6.00 pm.** Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, consisting of a stylized 'A' followed by a long horizontal line that tapers to a point on the right.

Chief Executive

A G E N D A

NON CONFIDENTIAL

- 1 Apologies for Absence**
- 2 Minutes of the Previous Meeting (Pages 5 - 18)**
- 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 (Pages 19 - 32)

Summary of Applications received:

Application no: 0324/2021

Development: Outline application (all matters reserved) for 14 Dwellings, including affordable housing and public open space

Location: Land North of Overwoods Road, Hockley, Tamworth

5 Appeal Information (Pages 33 - 34)

(For Information)

Access arrangements

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

Filming of Meetings

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

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

FAQs

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

To Councillors: J Chesworth, M Bailey, D Box, 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 7th DECEMBER 2021

PRESENT: Councillor J Chesworth (Chair), Councillors D Box, J Harper, T Jay, D Maycock, K Norchi, S Pritchard, R Rogers and J Wade

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

Apologies received from: Councillor(s) M Bailey, S Goodall and M J Greatorex

41 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M Bailey, S Goodall and M Greatorex

42 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 2nd November 2021 were approved and signed as a correct record after the following clarifications were discussed (marked in yellow) and agreed on application 0069/2020.

Proposed Site Plan 330 **P05**

Proposed Site Sections 331 **P01**

Block A 341 **P03** Proposed Elevations

Con 3. The ancillary trade counter in Travis Perkins shall occupy no more than 25% of the floor space, including mezzanine, of the unit for retail sales purposes."

Con 7. No development shall commence (excluding demolition) 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.

Con 11. Notwithstanding the details provided No development shall commence (excluding demolition) 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:

Con 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. **P05**, shall be installed and retained for the lifetime of the development.

Con 24. Prior to occupation, the accesses to the site, as shown on Drg. No.0330 Rev. **P-05** within the limits of the public highway, will be provided.

Con 27. The garden centre as shown on Drawing Number 330 Revision **P05** hereby approved shall be occupied solely in connection with, and ancillary to the existing business operating from Unit B and shall not be sold off, sub-let or used as a separate business premises.

Con 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 **P05** hereby approved shall not be used for the storage, display or sale of anything whatsoever.

(Moved by Councillor J Chesworth and seconded by Councillor S Pritchard)

43 DECLARATIONS OF INTEREST

The Chair confirmed that Committee Members had received a dispensation for application 0334/2021 as the land will come under the future ownership of Tamworth Borough Council.

Councillor T Jay declared an interest as a County Councillor and would leave the meeting before the discussion of application 0334/2021

44 APPLICATIONS FOR CONSIDERATION

Application Number 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

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

45 APPLICATION NUMBER: 0337/2020 SANDY HILL BUSINESS PARK, SANDY WAY AMINGTON INDUSTRIAL ESTATE

Application Number: 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,

RESOLVED: That Committee

Approved the application subject to conditions and s.106 regarding Framework travel plan monitoring contribution

(Moved by Councillor T Jay and seconded by Councillor S Pritchard)

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: In the interests of highway safety and in accordance policy EN5 and SU2 of the Tamworth Local Plan 2006-2031

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.

Informative 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
 - 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.
Our records and ecological survey results indicate that European

Protected Species (bats and great crested newts) are likely to be present.

46 APPLICATION NUMBER: 0334/2021 TAMWORTH DAY CARE CENTRE, HOCKLEY ROAD, WILNECOTE

Councillor T Jay left the meeting.

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

RESOLVED That Committee

Approved 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

(Moved by Councillor D Maycock and seconded by Councillor S Pritchard)

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

JMS CO2133808-101 P3

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.

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

4. 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.
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.

5. 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.

6. 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.

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.

7. 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.

8. 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) 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.

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 point, 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 the road and be capable of safely accommodating a refuse vehicle.

Chair

DRAFT

PLANNING COMMITTEE

0324/2021

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION



Application Number: 0324/2021

Development: Outline application (all matters reserved) for 14 Dwellings, including affordable housing and public open space

Location: Land North of Overwoods Road, Hockley, Tamworth

1. Introduction

- 1.1. This application is for outline planning permission which considers the general principles of how a site can be developed. All other matters including access, appearance, landscaping, layout and scale are reserved and will be considered, if this outline application is approved, through the submission of one or more reserved matters applications.
- 1.2. The proposal demonstrates the land to be used for residential purposes with an indicative layout showing 14 dwellings including affordable units. The plan suggests a vehicle access to the south off Overwoods Road and pedestrian link to the north connecting into Teign and the wider neighbouring Tamar Road residential estate.
- 1.3. The site is located in the south eastern corner of the Borough, close to the boundary with North Warwickshire Borough Council. Whilst this is not a cross boundary application, given the close proximity to the boundary, NWBC have been consulted and at their request Warwickshire County Council (Highways) have also been consulted.
- 1.4. The site has no formal allocation within the adopted Tamworth Local Plan and is currently a vacant grass field bordered with mature trees and vegetation. It is surrounded by existing residential properties, including older terraced properties on Overwoods Road, 1980's residential development (Tamar Road) and a more recent smaller development of 29 properties to the east (Swallowhurst) which was granted permission in 2014 and completed recently.
- 1.5. There is an existing large electricity pylon on the land and overhead cables running the length of the site. This is a significant restriction to the site as essential infrastructure and any development will need to be designed around this and any wayleaves that are likely to be in place on behalf of the statutory undertaker. Western Power have been consulted as part of this application process.

2. Policies

2.1 Local Plan Policies

SS1 - The Spatial Strategy for Tamworth
SS2 – Presumption in Favour of Sustainable Development
HG1 – Housing
HG4 – Affordable Housing
HG6 – Housing Density
EN3 – Open Space and Green and Blue Links
EN4 – Protecting and Enhancing Biodiversity
SU4 – Flood Risk and Water Management
IM1 – Infrastructure and Developer Contributions

Tamworth Design: Supplementary Planning Document Adopted July 2019
Planning Obligations: Supplementary Planning Document Adopted August 2018

2.2 National Policies

National Planning Policy Framework
Planning Practice Guidance

3. Relevant Site History

None

4. Consultation Responses

- 4.1. The following is a summary of the received consultation responses. The full responses are available [online](#), if conditions are suggested within a response these will be considered, and if appropriate included within the conditions at the end of this report.

North Warwickshire Borough Council

No objection in principle subject to consulting Warwickshire County Council for highways matters regarding proposed traffic lights at the junction of Overwoods Road with Trinity Road and HS2 because of the proximity of phase 2B.

Tamworth Borough Council (Environmental Health)

No objections from contamination or noise subject to adequate glazing and insulation being used.

Tamworth Borough Council (Waste Services)

A suitable bin collection point (BCP) may be required with due consideration to the distance from the residents' properties (maximum of 30m) and the main highway. The BCP can be a simple paved area but it must be sufficient to accommodate 3 x 240l bins for every property served by the private drive and be adjacent to the adopted highway to ensure an efficient refuse/recycling operation takes place.

British Pipeline Agency

No objections as not affected by the proposed development

Tamworth Borough Council (Development Plans)

No objections to principle of development, subject to compliance with Policy HG4 (affordable housing) and HG6 (Housing Density). The proposal will be liable for Community Infrastructure Levy at £35.00 per square metre of floorspace.

Severn Trent Water

No objections to the proposal subject to the inclusion of a condition requiring drainage plans to be submitted prior to commencement of development and the scheme will be implemented in accordance with those details prior to first use.

Staffordshire County Council (Schools Organisation)

This proposal would not result in an education contribution it is therefore acceptable in planning terms; there are projected to be sufficient number of school places to mitigate the impact of this development at both primary and secondary levels of education.

Western Power Distribution

No objection in principle. Although concerns with the position of attenuation pond directly underneath the overhead lines. No building to be within 15m (horizontally) of the tower position and no planting of trees throughout the route which could grow into the safety zone, no excavation within 5m of any tower leg at a greater depth than 1m.

Staffordshire County Council (Highways)

Initial response dated 3rd August 2021, requested further information with regard to access rights, adoption of road and improved footways, most of which has been confirmed that would be reviewed further at reserved matters stage. However, a further plan showing that

the required visibility splays could be achieved to also indicate whether trees would need to be removed.

The response dated 18th October 2021, which recommend refusal because of lack of information regarding the proposed visibility splays. A topographical survey was requested. Tamworth Borough Council received a plan showing the topographical survey on the 16th December and a consultation request was made to the highways department on the same day. They responded confirming that the revised plan submitted which showed the visibility splays at the proposed site access location on a base plan utilising topographical survey data is considered adequate to address the concerns raised and highlights the need to remove a tree to the south-east of the site access to achieve the requisite visibility splays.

High Speed 2

Concern that no reference has been made to HS2, even though previous comments have been provided. The primary concern is the impact of noise on the proposed site from the construction of HS2 phase 2b.

Whilst they have no objection in principle to the proposed development due to the close proximity of the site to HS2 line of route associated issues of sound noise and vibration mainly during the construction phase they have requested an informative to be included on any decision notice.

Staffordshire County Council (Local Lead Flood)

No objection subject to a planning condition requiring surface water drainage designs to be submitted and approved prior to the commencement of development.

Staffordshire County Council (Ecology)

The County Ecologist has raised concern with a potential for biodiversity net loss. However it is possible this could be mitigated against. A number of prior to commencement conditions have been recommended regarding further information on how to achieve biodiversity net gain. The conditions request the submission of a reptile survey, the requirement for an ecologist to be present when trees removed, boundary treatment details showing wildlife gaps, external lighting and further detail on the installation of bat & bird boxes integrated into the properties.

Tamworth Borough Council (Tree Officer)

The design of the site appears to demonstrate avoiding the impact of existing trees as much as possible. However, depending on the location of the access road T6, T7 and T8 of TPO No 4 2019 could be effected. A Pre-Commencement condition is needed for root protection areas and no dig/no vehicle zone to avoid compaction and fencing off trees during construction.

Further consultation took place when it was identified that T8 of TPO No 4 would need to be removed. The Tree Officer confirmed no objection to the removal of the tree to gain the required visibility splays. The removal will not have an overly significant impact on the surroundings. Ideally a similar species tree would be planted within the site at a more suitable location to offset the removal.

- 4.1.2 Warwickshire County Council (Highways) and the Strategic Housing Manager at Tamworth Borough Council have been consulted on this application, but no responses have been received within the 28 days consultation or up to the publication of this report.

4.2 Additional Representations (Public)

As part of the consultation process 40 adjacent residents have been notified as well as a press notice in the Tamworth Herald (dated 22nd July 2021) and 2 site notices were displayed, one on

Overwoods Road near the existing terrace properties and one in Teign near the proposed pedestrian link.

Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view [online](#):

Supporting Comments:

Supportive of scheme as pleased to see intention to keep trees and hedge at the boundary.

Objections/Concerns:

Concerns with proposed access close to existing access of Tamar Road
Concerns with “chipping away at the edge of Countryside” and only supportive if all houses are aimed as first time buyers with price tags under £200k
Impact on privacy through overlooking
Security over new footpath
Negative impact on property value
Negative impact on ecology/wildlife/protected species
Access to existing septic tanks still required via existing track alongside properties Overwoods Road
No footpath for past cottage, and no clear views for traffic.
Climate change impacts by losing green space
Increase in traffic on road used by speeding motorist additional access may cause safety issue
Typical of Tamworth “build build build”
Concerns of loss of privacy
Impact on mental health through loss of green space
Impact on loss of light to existing properties
Impact on doctors and dentist and schools capacity
Affordable housing and flats not suitable for the area
No more houses are needed
House prices to decrease
Dosthill cannot cope with more new houses
Existing infrastructure power/water not sufficient for more building
For once can planning department just consider the environment because at this rate Tamworth, Kingsbury, Woodend and Atherstone will be connected.
Too much impact on property on Overwoods Road

Those points raised that are material to the process are considered below. Other points such as impacts on privacy, overlooking and separation distances will be considered in more detail at the reserved matters stage, when the required detail is provided. Other comments such as impact on property value, setting house prices etc are not material planning considerations and cannot be considered as part of this application process.

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 exercise 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 and will be reviewed further as part of the reserved matters applications.

6. Planning Considerations

- 6.1 The key issues to be considered at this stage are:

- Principle
- Reserved Matters
- Affordable Housing
- Housing Density
- Open Space
- Biodiversity/Trees
- Highways
- Other Matters

6.2 Principle

- 6.2.1 As this submission is for outline planning approval it only considers the general principles of how a site can be developed, further reserved matters application(s) will consider the finer detail. The starting point in determining the acceptability of any development proposal is the Local Plan, where the policies are consistent with the NPPF. Policy HG1 is the most relevant local policy in assessing a residential development within the Borough. This policy supports residential schemes within the urban area of the Borough, in particular schemes well served with public transport, pedestrian and cycle links, with a mix of well-designed dwellings of the right size and affordability. The application suggests that the site can accommodate up to 14 dwellings, 3 of which would be affordable units, a scheme for the provision of more than 10 dwellings is considered a major development therefore a number of wider policies including HG4 and HG6 will also apply.
- 6.2.2 The site itself has no strategic designation in the adopted Local Plan, therefore there is no immediate restriction preventing this land from being brought forward for a sustainable form of development in accordance with the Policy SS2 (Presumption in favour of sustainable development). Subject to compliance with other relevant local plan policies and the NPPF where decision makers at every level should seek to approve applications without delay, for sustainable development.
- 6.2.3 Policy SS1 states that over the life of the Plan 4,425 dwellings will be built in Tamworth, this sets the annual housing requirement to be a minimum of 177 dwellings each year. The current figure in the latest published monitoring report for our five-year supply is 8.6 years; the actual figure is likely to be higher than this, although not published currently because of delays caused by the Covid-19 Pandemic. It is important to remember that this is a minimum target. Some public objections have stated that no more houses are needed in Tamworth. Overall, the Local Plan identifies a housing shortfall with neighbouring authorities assisting Tamworth in meeting its housing need. Therefore, this demonstrates that Tamworth still has the need for housing. The current high supply figure is because the Sustainable Urban Extensions (SUE's), as identified within policy HG2, are currently being developed simultaneously, making up most of the anticipated 4,425 of the plan requirement. This application would not result in Tamworth delivering houses beyond the plan requirement, to refuse an application based on the current supply rate would be contrary to the Local Plan and goes against the requirements of the NPPF and the Governments objective of significantly boosting the supply of homes.
- 6.2.4 One major physical constraint exists on the site, which is a large electricity pylon with overhead cables. The application and the consultation response has confirmed an easement on the pylon and cables which cannot be developed for buildings – although open space could be acceptable. This constraint will need to be taken into account in more detail at the reserved matters stage but is likely to impact on the net developable area.

6.3 Reserved Matters

- 6.3.1 This application is for outline planning approval with all other matters reserved for future application(s) known as reserved matters. For clarity, a brief description of each of the reserved matters is below and confirms that these matters will be subject to further consideration at a later stage.
- **'Access'** – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

- **'Appearance'** – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- **'Landscaping'** – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- **'Layout'** – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- **'Scale'** – the height, width and length of each building proposed within the development in relation to its surroundings.

6.4 Affordable Housing

- 6.4.1 Policy HG4 requires that any new residential developments involving 10 or more dwellings are to provide at least 20% on site affordable units. The application proposes 14 dwellings, 3 of which are suggested as affordable units totalling 21% affordable units which is compliant with policy HG4.
- 6.4.2 Within the planning statement it is detailed that 2 of the affordable units are to be affordable rent and 1 unit as shared ownership. As this particular site benefited from significant pre-application advice and is likely to be determined prior to the 28th March 2022, the First Homes requirement will not apply. A section 106 legal agreement will be required to ensure the affordable units are delivered in accordance with Policy IM1 (infrastructure and developer contributions), and if the committee approve the application this will be subject to a section 106 agreement securing the affordable housing units.

6.5 Housing Density

- 6.5.1 Policy HG6 considers housing density and states that new residential developments will make efficient and effective use of land, whilst enhancing the character and quality of the area it is located in. As the site is located away from the Town Centre, local and neighbourhood centres and the Wilnecote Regeneration Corridor but still within the urban area a minimum density of between 30 and 40 dwellings per hectare is required. Given the site is at the very edges of the Borough and opposite areas of Green Belt to the south of the site, it is therefore considered that a lower density in line with the policy would be acceptable and in keeping with some of the surrounding residential developments.
- 6.5.2 The policy states that the net developable area is 80% for a site sizes between 0.4 to 2 hectares this site area is 0.7 hectares. Using the calculation on net developable area as follows:

Site Area (**0.7h**) x Net Developable Area (**80%**) = 0.56h (Developable Site Area)

then

No of dwellings (14) / Development Site Area (0.56h) = **25 dwellings per hectare** (dph)

However, this calculation does not take into account any constraints on the site. As mentioned an electric pylon and overhead cables are present, and an easement exists (approximately 30m) which prevents a proportion of the land from being built upon. The applicant has calculated the actual developable area removing the land constrained by the pylon and cables, which results in density of 32dph. Therefore, this is compliant with policy HG6.

There is insufficient information to show whether the proposal will be compliant with Policy HG5 with regard to housing mix. However, this will be considered further at the reserved matters stage and any subsequent applications should aim to follow the mix as detailed within the policy.

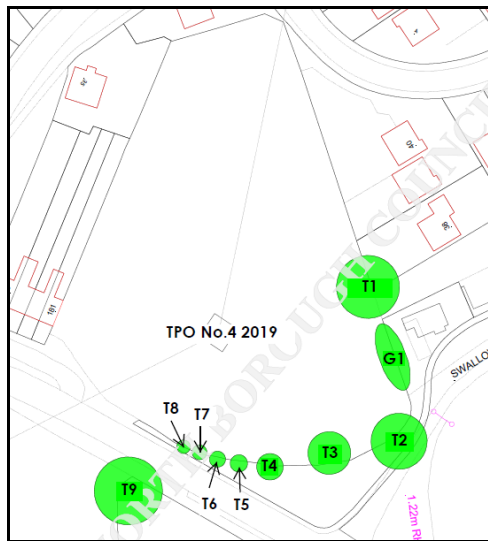
6.6 Open Space

- 6.6.1 The proposed Illustrative Masterplan shows a new area of on-site public open space of 0.24ha could be achieved. The indicative layout showing the proposed dwellings to the east and west of the site overlooking the central spine open space area, utilising the area restricted by the easement for the electricity pylon demonstrating a logical approach to use of land restricted for any other form of built development. The application states that many of the boundary trees are to be retained, although there will be small loss of existing vegetation along Overwoods Road to accommodate the new vehicular access, including the loss of one protected tree, the amount of works will depend on the required visibility splay and will need to be considered further at reserved matters stage. As stated in the policy private management scheme for future open space maintenance are now encouraged, as the Council are unlikely to adopt any further areas of open space. The open space provision is in accordance with Policy EN3, which requires new on site open space should be using a standard of 2.43 hectare per 1000 population.
- 6.6.2 Furthermore, this policy seeks to incorporate existing landscaping features, and provide links for biodiversity, cycling and walking to the wider green and blue infrastructure. The plan shows a footpath running through the central open space connecting to the northern residential development (Tamar Road). This provides an additional pedestrian and cycle link to the wider network including Freasley Lane, leading to the nearby Kettlebrook Local Nature Reserve and access to the existing public transport network serving the existing residential developments.
- 6.6.3 With regard to the design of open space, this will be considered further at the reserved matters stage. However, it is noteworthy at this stage that Western Power have advised that any attenuation feature pond directly underneath the overhead lines may cause issues for wildlife trying to land on the pond and bird strikes could cause power cuts to the area. Furthermore, no planting of trees throughout the route which could potentially grow into the safety zones. The section 106 agreement will need to ensure that the Open Space is maintained in perpetuity via a management company.

6.7 Biodiversity/Trees

- 6.7.1 The site has no statutory biodiversity designation but impact on biodiversity has been a keen point of objection from members of the public over the loss of the grassland area with alleged high levels of biodiversity. The application includes a Preliminary Ecological Appraisal with Preliminary Roost Assessment, which recommends further survey work in particular to determine the presence/absence of reptiles at the site and roosting bats.
- 6.7.2 The Borough Council has consulted with the principal ecologist at Staffordshire County Council on the submitted reports. The response is generally in support of the submitted documents and their recommendations. It is clear that the development would increase built development and hardstanding and therefore would initially trigger a small net loss to biodiversity, which is contrary to paragraphs 174 and 180 of the NPPF. However, this impact can be mitigated against. Subject to the findings of the further surveys which would need to detail appropriate mitigation measures. The response includes recommended conditions some of which, such as details for boundary treatments and external lighting, are for the reserved matters stage. However, conditions for additional surveys and biodiversity enhancement measures will be included and in doing so the proposal is considered to comply with the relevant paragraphs of the NPPF and Policy EN4 of the Local Plan.
- 6.7.3 There are a number of protected trees on the southern and eastern boundary of the site, protected by TPO No 4 2019. They are located away from the indicative access being under the overhead cables. However, it is possible that some of them may be located in the visibility splay. Therefore, the

tree officer has requested a pre-commencement condition showing the root protection areas and no-dig construction zones and protective fencing. However, further consideration will need to be given to the impact on the tree(s) once plans showing the visibility splays have been provided and indeed at the reserved matters stage. The following plan from TPO No 4 2019 shows the location of the protected trees and marks the centre point of the overhead lines, the tree most likely affected will be T8 to T4:



T1 of TPO No 4 2019 is also of particular importance to retain as number of trees have been identified in the accompanying ecology survey. The survey states *“further survey work to be required if T2 (as identified on the plan with the survey, considered to be T1 of the above plan) to hold moderate potential to support roosting bats is to be impacted by the development proposals. A further two trees are identified in the survey which are not protected by the Preservation Order.*

The removal of these protected trees will be avoided as much as possible where removal is justified and unavoidable, suitable and appropriate mitigating planting will be required to offset the loss of these features. Since the submission of further plans regarding the access, it confirms that T8 will need to be removed to meet the necessary visibility splays. The tree officer has raised no objection to its removal subject to replacement tree(s) being planted within the site. Any mitigation planting will need to be mindful of the advice provided by Western Power with regard to the species and location so not to interfere with the onsite electricity infrastructure. Subject to suitable mitigation, the development will be in accordance with Policy EN4 of the Local Plan.

6.8 Highways

6.8.1 Staffordshire County Council highways have raised a number of concerns primarily around the vehicular access to the site, even though access is a reserved matter. The likely access point will be onto Overwoods Road where the speed limit is 30mph. However, it is very close to where the speed limit increases to 50mph and therefore it is likely that vehicles would be travelling above 30mph when passing the proposed access point to the site. Highways have requested the applicant to demonstrate that visibility splays from the access junction of 2.4m x 160m can be achieved, as they have concerns that existing trees to be retained may have an impact, which may lead to some trees needing to be removed.

6.8.2 Highways have also raised matters relating to a ransom strip where the proposed pedestrian link to Teign is located as the land is believed to be under the ownership of the County Council. An existing access track to be integrated into the site serving the existing terrace properties on Overwoods Road and highway adoption/difference in the hierarchy of internal roads. These are reserved matters, except the ransom strip and the existing access track, which are private matters to resolve outside the application process. The Planning Statement states: *“181 Overwoods Road currently benefits from an existing vehicular track which provides rear access, the proposal will not affect this access which runs outside of but along the end of the application site.”*

6.8.3 Following a further consultation with Staffordshire County Highways regarding submitted amended plan, which identified the access, protected trees and a submitted speed survey, further concerns, were raised, primarily regarding the impact of existing trees on the proposed visibility splay. At the County Councils request, the applicant subsequently commissioned a speed survey and found that the 85th percentile speeds in proximity to the proposed site access location were 40.9mph eastbound and 34.7mph westbound (weekday average). These speeds would require visibility splays of 2.4m x 107m and 2.4m x 83m, respectively. A revised plan was submitted by the applicant demonstrating the calculated visibility splays could be achieved (westbound visibility splay provided was 2.4m x 82m as requested based on an 85th percentile speed of 34.6mph taken from the 7-day average). However, as the base-mapping layer used was OS mapping data, it was considered by the County Council that the plan did not accurately plot the locations of the trees and therefore the plan did not sufficiently demonstrate that the required visibility splays could be achieved at the proposed site access location. At this point, the County Council recommended that the application should be refused based on insufficient information at the time. Although this recommendation did not prejudice consideration of a further application or additional information, being submitted later that demonstrates:

1. A revised plan based on a topographical survey demonstrating visibility splays of 2.4m x 107m and 2.4m x 83m to the west and east of the site access, respectively, taken from the centre of the proposed site access location.

6.8.4 At this time, concern was raised as to the need of this further detailed information, which would normally be submitted at the reserved matters stage. Furthermore, it appeared more likely that a suitable access visibility splay could be achieved, although likely to result in the loss of a small number of protected trees. This is not ideal; however, suitable mitigation measures such as replacement and/or additional planting would be required to compensate for the loss of any protected trees. This is considered a more reasonable approach to achieve the required splays, as it was not impossible to meet highways requirements when compared to if a permanent building prevent the required splays from being achieved.

6.8.5 An amended plan (SK02 Rev C) including a topographical survey was received on the 16th December 2021, which identified that at least one of the protected trees (T8 Acer as marked on the plan) would need to be removed to meet the visibility splay requirements. On the same day, a consultation request was sent to the County Highways department. A further request was also made to the Borough council's tree officer who raised no objection to the removal of one protected acer tree.

6.8.6 The latest consultation response from the County Council highways department, dated the 7th January 2022, raises no objections to the proposed development subject to one further pre-commencement condition and an informative. The revised plan with the topographical information is considered adequate to address the previous concerns raised and confirms the need to remove a tree to the south-east of the site access to achieve the requisite visibility splays.

6.9 Other Matters

6.9.1 Severn Trent Water and the Lead Local Flood Authority have requested 'prior to commencement' conditions to demonstrate suitable drainage for foul and surface water in accordance with Policy SU4, which requires any major development to demonstrate that there is adequate wastewater infrastructure in place to serve the development. Although the application is a major proposal the site is within Flood Zone 1 and less than a hectare, therefore a site-specific flood risk assessment for consultation with the Environment Agency is not required.

6.9.2 Whilst the contents of the adopted Design SPD will be considered further at the reserved matters stage, it is important that the applicant review the contents in particular the residential developments (Paragraphs 4.70 – 4.85) to help guide the reserved matters submission. The SPD will assist with separation distances from proposed and existing dwellings, internal space standards and private open space requirements for the proposed dwellings. To follow the guidance within the SPD will assist the scheme in meeting the aspirations of Policy EN5 of the Local Plan.

- 6.9.3 Given that the proposal is currently at the early stages of the planning process it is the ideal time for potential developers to consider climate change mitigation measures in accordance with Policy SU3. The policy states that new developments will be expected to demonstrate how they will address the causes of climate change and limit greenhouse gas emission with an aspiration of achieving zero carbon development through various methods. However, this particular policy has lower weight than the NPPF, which has been updated earlier this year. Paragraphs 157 states that:

In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

Appendix B of the Design SPD can also be used to help guide developments with climate change considerations.

- 6.9.4 Given that the application is proposed for more than 3 new dwellings the development will trigger a Community Infrastructure Levy (CIL) payment if the development is commenced subject to further reserved matters approvals. CIL is a tariff upon development, which local authorities can charge in order to raise funds to contribute to the delivery of new infrastructure, which arises as a result of development in an area. A CIL charge will apply to all relevant applications determined on or after **1st August 2018** (including those successful on appeal and those where a resolution to grant has been made but a S106 agreement has yet to be finalised. The CIL Charging Schedule confirms a payment of £35 per square metre for residential developments of 11 units or more. A relief could apply to the three affordable/social units on the site; this is subject to a formal application process outside of the planning application consideration.

7 Conclusion

- 7.1 The proposal for outline planning approval with all matters reserved comprises a sustainable form of development, on land not allocated within the adopted Local Plan. The proposal demonstrates a residential scheme the principle of which accords with policies SS1, SS2, HG1, HG4, HG6, EN3, EN4 and IM1 of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework.
- 7.2 On balance, in light of the above considerations of the application and its supporting documentation and the conditions detailed below, it is recommended that the proposed development be approved subject to conditions and a Section 106 Legal Agreement with regard to the affordable housing provision.
- 7.3 If the committee are in agreement with the recommendation, then a grant of delegated authority to the Assistant Director of Growth and Regeneration is requested to conclude negotiations and complete the related section 106 legal agreement.

8 Recommendation

Approve Subject to Conditions & Section 106 Legal Agreement requiring

- 20% on site affordable housing
- Open space maintained in perpetuity

Conditions / Reasons

1. Details of the Access, Appearance, Landscaping, Layout and Scale of the development, herein after called the reserved matters, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with

those details that have been approved.

Reason: The application is for outline planning permission and the matters stated have been reserved for subsequent approval by the Local Planning Authority

2. Application for the approval of all reserved matters shall be made to the Borough Council within three years of the date of this permission.

Reason: In compliance with Section 92 of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004).

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matter(s) to be approved.

Reason: To conform with section 92 (2b) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The development hereby approved (other than reserved matters) shall be carried out in accordance with the application form, the supporting letter, site location plan BIR.5397-002-01, Illustrative Masterplan BIR.5397-003-01, Design and Access Statement, Flood Risk Statement & Surface Water Drainage Strategy, Drainage Operation & Maintenance Manual and the Preliminary Ecological Appraisal with Preliminary Roost Assessment dated June 2021, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the approval.

5. Prior to the commencement of development INCLUDING SITE CLEARANCE or demolition of buildings, a reptile survey will be submitted and approved in writing by the Local Planning Authority. The survey must include any necessary avoidance, mitigation or enhancement measures written as method statements that will be carried out and the development shall be carried out in accordance with the approved survey.

Reason: In the interest of biodiversity conservation in accordance with the provisions of the NPPF and Policy EN4 of the Tamworth Local Plan 2006-2031

6. Prior to the commencement of the development, details of biodiversity enhancement measures including 4 number integrated bat tubes or bat boxes within the new buildings and details of the type and location of biodiversity enhancement measures including 1 group of 3 number swift boxes and 2 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 throughout the life of the development.

Reason: In the interests of biodiversity conservation in accordance with the provisions of the NPPF and Policy EN4 of the Tamworth Local Plan 2006-2031.

7. Prior to the commencement of development, 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, including a lighting contour plan that demonstrates there will be minimal impact on receptor habitats such as hedges shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of biodiversity conservation in accordance with the provisions of the NPPF and Policy EN4 of the Tamworth Local Plan 2006-2031.

8. Prior to the commencement of development, a surface water drainage design will be submitted to and approved in writing by the local planning authority, in consultation with the Lead Local Flood Authority. The drainage design will detail/include:

- A suitable means of discharge to the surface water sewer network, with proof of

permission to discharge.

- Ensure that the surface water discharge rates from the proposed development site are set to be no greater than the existing greenfield rates, for corresponding return periods.
- Ensure satisfactory storage and routing of surface water runoff generated from within the site with the 1 in 100 year plus climate change storm event and show where water will be safely stored and routed during exceedance events.
- Provide a maintenance schedule detailing evidence of who will be responsible for managing and maintaining the drainage infrastructure for the life of the development.

Thereafter the development shall be carried out in accordance with the scheme approved by the Council.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the impact of flooding on the proposed development and future occupants in accordance with the NPPF and Policy SU4 of the Tamworth Local Plan 2006 - 2031.

9. 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 Severn Trent Water. 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.

10. 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. The development shall at all times be carried out in accordance with the approved scheme.

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.

11. Prior to the commencement of development, full details of the following shall be submitted to and approved in writing by the Local Planning Authority, and shall thereafter be constructed in accordance with the approved details:

- Proposed access arrangement off Overwoods Road and internal street layout.
- Off-site highway works to include the provision of a continuous footway between the site access and Tamar Road and relocation of the speed limit sign away from the site access.
- Layout of site including disposition of buildings and provision of adequate parking, turning and servicing within the site curtilage.
- Vehicular visibility splays from the proposed access point and driveways within the development
- Swept path analysis of a large refuse vehicle demonstrating that the vehicle can

safely access the site in forward gear, turn around within the site and egress the site in forward gear.

- Surfacing materials (the parking and manoeuvring areas shall be completed and surfaced in a porous bound material);
- Full road construction including longitudinal sections and a satisfactory means of draining roads to an acceptable drainage outfall.
- Means of surface water drainage from all areas intended to remain in private ownership.
- Adequate safe, secure and covered cycle storage facilities.
- Species of trees and tree pits which are proposed to be located within or adjacent to areas to be put forward for adoption.
- Lighting scheme.

Reason: In the interests of highway safety and to conform with the requirements of policy SU2: Delivering Sustainable Transport as set out in the Tamworth Local Plan 2006-2031

12. 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.

13. No trees are to be removed unless an ecologist is present to maintain a watching brief regard bats. Any Tree works must follow measures set out in the Preliminary Ecological Appraisal with Preliminary Roost Assessment (Focus, June 2021) Section 1.3.

Reason: In the interests of biodiversity conservation and protection of Protected Species in accordance with the provisions of the NPPF and Policy EN4 of the Tamworth Local Plan 2006-2031.

14. No development falling within Part 1 Class A or B 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.

Information item

1 Introduction

- 1.1 Last calendar year a number of planning decisions have resulted in planning appeals which have since been determined and decisions are available under the relevant application numbers. These appeals relate to the following planning applications:

0258/2021 freestanding 48-sheet sized digital LED advertising unit mounted on a single column - grass verge on Anker Drive

0277/2021 freestanding 48-sheet sized digital LED advertising unit mounted on a single column - junction of Anker Drive and Peelers Way

0138/2021 rear extension over existing ground floor, change of use to Sui Generis, House of Multiple Occupancy - 235 Glascote Road

The planning Inspectorate has now determined these details and this report identifies the decisions and the key issues that arise from them.

2 Appeals

0258/2021

- 2.1 The application Ref 0258/2021, dated 20 May 2021, was refused by notice dated 15 July 2021. The application was for advertisement consent for a freestanding 48-sheet sized digital LED advertising unit mounted on a single column. The application site was adjacent the football clubs car park next to the grass verge on Anker Drive about 60m down from the roundabout and facing the southbound traffic.

- 2.2 An appeal was submitted to the Planning Inspectorate reference APP/Z3445/Z/21/3279234 and was considered by an inspector appointed by the Secretary of State. An appeal decision dated 7 December 2021 was received by the Council confirming that the appeal had been **dismissed**.

- 2.3 The reasons given that the proposal would not harmonise with the existing low-key advertising and would appear as an incongruous and dominating addition in its setting and that the proposed advertisement would have a harmful effect on the amenity of the area. (This is the second application of this type to be refused, the only difference being that the previous scheme involved a north facing rather than south facing sign. The previous scheme, in 2020, was also refused at appeal.)

0277/2021

- 2.4 The application Ref 0277/2021, dated 21 May 2021, was refused by notice dated 15 July 2021. The application was for advertisement consent for a freestanding 48-sheet sized digital LED advertising unit mounted on a single column. The application site was located in the football club carpark adjacent the roundabout at the junction of Anker Drive and Peelers Way.

- 2.5 An appeal was submitted to the Planning Inspectorate reference APP/Z3445/Z/21/3279237 and was considered by an inspector appointed by the Secretary of State. An appeal decision dated 7 December 2021 was received by the Council confirming that the appeal had been **dismissed**.

- 2.6 The reasons given that the expansive, discordant unit would unharmoniously contrast with the existing low-key form of advertising and therefore the proposed advertisement would have a harmful effect on the amenity of the area, and the character of the area would suffer as a result.

0138/2021

- 2.7 The application Ref 0138/2021, dated 4 March 2021, was refused by notice dated 14 April 2021. The application was for rear extension over existing ground floor, change of use to Sui Generis, House of Multiple Occupancy. The application site is 235 Glascote Road.
- 2.8 An appeal was submitted to the Planning Inspectorate reference APP/Z3445/W/21/3277872 and was considered by an inspector appointed by the Secretary of State. An appeal decision dated 15 December 2021 was received by the Council confirming that the appeal had been **dismissed**.
- 2.9 The reason given that the proposal would conflict with the Local Plan when taken as a whole and that there are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. Specifically the Appeal Inspector determined that the application would harm the character and appearance of the area.

Recommendation

For Information only.