



Borough of Tamworth

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

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PLANNING COMMITTEE

28 March 2022

Dear Councillor

A meeting of the Planning Committee will be held in **Council Chamber, Marmion House, Lichfield Street, Tamworth, B79 7BZ on Tuesday, 5th April, 2022 at 6.00 pm.** Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, consisting of stylized initials and a long horizontal line extending to the right.

Chief Executive

A G E N D A

NON CONFIDENTIAL

- 1 Apologies for Absence**
- 2 Minutes of the Previous Meeting (Pages 5 - 6)**
- 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: 0117/2022 Location: 16 Wigginton Road, Tamworth, Staffordshire, B79 8RH (Pages 7 - 16)**

(Report of the Assistant Director – Growth & Regeneration)

Application no: 0117/2022

Development: Re-Submission of Planning Application 0017/2021 :
Proposed dwelling with detached garage and associated parking

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

- b Application Number: 0272/2021 Location: Land at Dosthill Road, TAMWORTH (Pages 17 - 34)**

(Report of the Assistant Director – Growth & Regeneration)

Application Number: 0272/2021

Development: Full application for the construction of 37no. dwellings and associated works, accessed from Dosthill Road.

Location: Land at Dosthill Road, TAMWORTH

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, C Cooke, R Ford, S Goodall,
M J Greatorex, J Harper, 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 18th JANUARY 2022

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

The following officers were in attendance: Pardip Sharma (Planning Solicitor), Sally Price (Senior Planning Officer), Ryan Lee Wilkes (Planning Officer (Enforcement)) and Tracey Pointon (Legal Admin & Democratic Services Manager)

The meeting was delayed due to technical issues. The meeting started at 18.37

47 APOLOGIES FOR ABSENCE

There were no apologies for absence

48 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 7th December 2021 were approved and signed as a correct record.

(Moved by Councillor J Harper and seconded by Councillor D Maycock)

49 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

50 APPLICATIONS FOR CONSIDERATION

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

The following motion was moved
That the Committee

Approve Subject to Conditions & Section 106 Legal Agreement requiring 20% on site affordable housing and Open space maintained in perpetuity

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

There were five votes for and seven votes against. The motion was not carried

A second motion was moved

RESOLVED: That the application be deferred for consideration so that further information regarding ecological impacts can be obtained and the required further surveys are bought forward and the findings of the ecology conservation survey's report be bought back to the Committee to assist with the determination of the application.

(Moved by Councillor M Bailey and seconded by Councillor J Wade)

The motion was moved and voted on and there were six votes for and six votes against. The Chair used his casting vote and the motion was carried.

51 APPEAL INFORMATION

Appeal Decisions

Application Number 0258/2021

Freestanding 48-sheet sized digital LED advertising unit mounted on a single column - grass verge on Anker Drive

Application Number 0277/2021

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

Application Number 0138/2021

Rear extension over existing ground floor, change of use to Sui Generis, House of Multiple Occupancy - 235 Glascombe Road

RESOLVED: For information only

Chair

PLANNING COMMITTEE

0117/2022

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION



Application Number:	0117/2022
Development:	Re-Submission of Planning Application 0017/2021 : Proposed dwelling with detached garage and associated parking
Location:	16 Wigginton Road, Tamworth, Staffordshire, B79 8RH

1. Introduction

1.1. This application has been called to Planning Committee by the local Councillor due to unresolved issues regarding the impact the proposed building would have on the neighbouring Grade II listed Spital Chapel. The Councillor has stated that the Spital Chapel is a building of great significance to Tamworth history and a call in is therefore justified on these grounds.

1.2. This application is a resubmission of planning Application 0017/2021 which was refused at the November 2021 Planning Committee for the following reason;

The scale, bulk and massing of the proposed dwelling combined with its siting would create harm to the significance of the Grade II 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.*

1.3 Numerous changes have been made to the scheme in comparison to application 0017/2021. This includes the integral garage removal from within the main house and replaced with a separate double garage to the front of the dwelling. This has allowed the width of the dwelling to be reduced and the distance between the chapel and the dwelling to be increased.

1.4 A Heritage Statement and a Design and Access statement have been submitted with this planning application.

2. Policies

2.1 Tamworth Local Plan (2006-2031) Policies

SS1 - The Spatial Strategy for Tamworth
SS2 – Presumption in Favour of Sustainable Development
HG1 – Housing
EN4 – Protecting and Enhancing Biodiversity
EN5 – Design and New Development
EN6 – Protecting the Historic Environment
SU1 - Sustainable Transport Network
SU2 – Delivering Sustainable Transport
IM1 – Infrastructure and Developer Contributions
Appendix C – Car Parking Standard

2.2 Supplementary Planning Documents

Tamworth Design Supplementary Planning Document (SPD) 2019

2.3 National Planning Policy

National Design Guide 2021
National Planning Policy Framework (NPPF) 2021
Planning Practice Guidance (PPG) 2021

3. Relevant Site History

T10386	Reconstruction of existing garage at 16 Wigginton Road. (approved)
0017/2021	Proposed dwelling with integral garage and associated parking (refused)

3. Consultation Responses

3.1 Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at www.tamworth.gov.uk

TBC Environmental Protection (received 25/02/2022) – no objections.
TBC Joint Waste Services (received 18/02/2022) – no objections
TBC Conservation Officer (received 16/03/2022) – no objections subject to conditions
TBC Strategic Planning and Development Service (expired – no response
TBC Tree Officer (received 23/03/2022) – no objections
TBC Strategic Housing (expired 13/03/2022) – no response
SCC Highways (received 10/03/2022) – no objections subject to conditions
SCC Archaeology (received 28/02/2022) – no objections subject to conditions.
Historic England (received 22/02/2022) - no comments
Society for the Protection of Ancient Buildings (expired 13/03/2022) – no response

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

4. Additional Representations

4.1 As part of the consultation process adjacent residents were notified and a press notice 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.

4.2 Adjoining properties were consulted and 15 neighbour comments have been received (dated 14/03/2022, 15/03/2022 x 6, 17/03/2022 x 2, 18/03/2022 x 5 and 25/04/2022). Comments;

- damages the setting of the Spital Chapel,
- Chapel a much needed historical landmark
- there's no need for the building,
- not add to beauty of area
- Damage/destroy ancient field setting
- Contrary to section 3.35 and 4.27 of Tamworth Local Plan
- Covenant
- out of character
- overlooking,
- disruption during construction.
- 'Looks awful'
- 'Flabbergasted that this rare and ancient legacy of the capital of Mercia might be allowed to be abused through this inappropriate planning application'
- Loss of peace and quiet to chapel grounds
- Inaccuracies on plans and in application form
- Lack of information, omissions and illegible plans
- Doesn't sustain or enhance the significance of this designated heritage asset
- Potential damage to trees and hedges
- No soil assessment/clay soil/soil compaction likely
- Impact on/Loss of habitat for protected species
- Smells from waste bins
- Tunnelling and increased wind noise
- Loss of light and increased use of energy in having to use artificial light
- Overbearing/depressing outlook
- Impact on quality of life, and health and well-being
- Impact on highway safety especially in relation to school
- Impact of proposed garage should it be reinstated

- Noise from parking cars
- A number of photos and plans have been submitted to support comments

4.3 Tamworth and District Civic Society have commented on the application and have stated that they object to the proposal. They cite the impact on the Spital Chapel as the reasons for their objections stating that the proposed house detracts from the setting of the chapel and will cause further crowding. Furthermore, it is an invasion of privacy for the congregation as the chapel is a regularly used and valued community building. It is stated that a single storey bungalow would be more appropriate and that an archaeological watching brief is necessary.

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
- Character and Appearance
- Amenity of Neighbouring Properties
- Impact on Historic Asset
- Amenity of Neighbouring Properties
- Design SPD
- Highway Safety and Parking
- Archaeological Implications
- Trees and Biodiversity
- Flooding
- Contaminated Land
- Affordable Housing, Mix and Density
- Strategic Issues
- Community Infrastructure Levy (CIL)

6.1 Principle

6.1.1 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) and the accompanying Planning Practice Guidance (PPG). The starting point in determining the acceptability of development proposals is the Local Plan, where the policies are considered consistent with the NPPF. Policy SS1 The Spatial Strategy for Tamworth is to provide development in the most accessible and sustainable locations and SS2 Presumption in Favour of Sustainable Development, states that proposals that accord with the local plan are sustainable and will be approved without delay. Policy HG1 is the most relevant local policy in assessing residential development within the Borough which supports residential development within the urban area of the Borough. These are considered to reflect the presumption in favour of sustainable development contained within the NPPF because development within the urban area of Tamworth is in general terms sustainable. This is as a result of access to sustainable modes of transport and access to relevant services and amenities within the Borough. Therefore, it is considered that the above policies are consistent with the NPPF. The application site is located wholly within the urban area of Tamworth, as defined on the proposals map. The site itself is located within walking distance of local shopping facilities, schools and is in close proximity to local public transport routes. The site is therefore appropriate in terms of sustainability policy guidelines and is acceptable in principle.

6.2 Character and Appearance

- 6.2.1 The appearance of a development is a material planning consideration and in general terms the design of a proposal should not adversely impact on the character and appearance of the wider street scene.
- 6.2.2 Policy EN5 Design and New Development states that developments should be of a scale, layout form and massing which conserves or enhances the setting of development and utilize materials and overall detailed design which conserves or enhances the context of the development. Proposals should respect and where appropriate reflect existing local architectural and historic characteristics but without ruling out innovative or contemporary design which is still sympathetic to the valued characteristics of an area.
- 6.2.3 The full appreciation of character and appearance is a significant part of planning reform and, with the introduction of the National Design Guide, remains a very important consideration of planning applications.
- 6.2.4 The site forms part of the rear garden of 16 Wigginton Road. The site starts part way along the rear garden of 16 Wigginton Road and finishes when the garden meets Ashby Road. There is a grade II* listed Chapel and 9 Ashby Road on the south west side of the site, to the north east is 23 Ashby Road and to the north west is 16 Wigginton Road. The site is characteristic of a mature residential suburban garden. The houses along this strip of Ashby Road are elevated relative to the highway by approximately 1m.
- 6.2.5 It is proposed to build a four bedroomed two storey detached house on the far end of the garden of number 16 Wigginton Road. The house would measure approximately 9.2m deep, 11.5m wide and 7.6m in height. There would be hipped roofs with projecting forward gables. The dwelling would feature an open plan kitchen dining living room, a lounge, a WC and a study at ground floor. At first floor there would be 4 bedrooms with a main bathroom and one en-suite. To the front of the property there would be a drive with parking for 4 cars. The garden to the rear would be L shaped. The front of the property would face onto Ashby Road and the site would be accessed from an existing access off Ashby Road. Full details for materials can be required to be submitted for prior approval through a suitably worded condition on any planning permission granted.
- 6.2.6 The proposed dwelling would be viewed within the setting of Ashby Road. The design of the proposed dwelling would fit well with the early 20th century domestic revival style as seen on Ashby Road, with similar features such as arch headed windows and projecting forward gables. The proposed dwelling is similar in scale to the other properties along the street and the main dwelling is set appropriately within the building line.
- 6.2.7 As originally submitted the design included a double garage to the front of the property. The garage was considered to be overall bulky and that it would be forward of the building line along the street. Therefore, the agent was advised that this should be removed from the drawing and amended plans were submitted accordingly.
- 6.2.8 It is considered that the design is acceptable and the proposed dwelling is in keeping with the scale, layout, form and massing of the local area. Therefore, the proposed development complies with Local Plan Policy EN6 with regards to character and appearance.

6.3 Impact on Historic Assets

- 6.3.1 Local Plan Policy EN6 states that where proposals affect designated heritage assets including conservation areas, listed buildings, scheduled monuments and non-designated heritage asset it should be clearly demonstrate how the significance, including its setting, will be protected, conserved and, where possible, enhanced.
- 6.3.2 The site is located immediately adjacent a grade II* listed chapel. The building is a 12th century Chantry Chapel, later converted to agricultural use following the reformation, identified as 'in ruins' on c. 1900 OS mapping, before being restored and re-consecrated as a church again in 1914. That story in itself (a chapel surviving the reformation, becoming a farm building, falling into ruin and ultimately being re-consecrated as a church again in the 20th century) is an incredibly rare occurrence.

- 6.3.3 Architecturally the building retains some historic features internally from the 16th and 17th century as well as elements of its external appearance as a medieval chapel, although at least one entire wall was rebuilt prior to its re-consecration. Its significance is heavily historical and related to surviving elements of fabric, however it is not a prominent building within the public realm and none of the structures with which it was once associated have survived. Even the farm it served as a barn for is long gone (previous agricultural buildings existed to south and west). Instead, the chapel sits hidden away amongst early to mid-20th century housing accessed off of a small pedestrian link through between Ashby Road and Wigginton Road. The historic story, its rare survival and its surviving fabric are the key elements of its special significance and there is little remaining in terms of its setting which contribute to its significance or an understanding of its significance.
- 6.3.4 The conservation officer has been consulted on this proposal and has commented that the concealed location of the chapel is a positive element of its current setting, and this will remain unchanged as a result of the proposed development. It is stated that the soft landscaping is an important element of the setting, and this should remain unchanged in the curtilage and directly adjacent to the curtilage of the Listed Building. Furthermore, the use of a natural clay tile, and a condition for facing materials to be agreed prior to construction are recommended.
- 6.3.5 Comments have been submitted by neighbours expressing concern with regards to the impact on the setting of the Chapel however the Conservation Officer takes the view that the proposed development of the site for a dwelling would result in less than substantial harm (low) to the significance of the Listed Building. Therefore, the desirable objective described within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would be achieved.
- 6.3.6 Furthermore Historic England have been consulted on the proposal and they have stated they do not wish to offer any comments on the application which suggests they do not have significant reservations about the proposal.
- 6.3.7 As far as changes to the scheme are concerned, the scale of the proposed dwelling has been reduced, particularly in relation to the Chapel. Whereas previously the side of the proposed house was located 10m from the chapel it is now located 11.5m away. In addition, the height of the property on the side closest to the chapel has been reduced from 6.3m to 7.5m.
- 6.3.8 It should be noted that Tamworth Borough Council have recently appointed a new Conservation Officer therefore a second heritage specialist has arrived at the same conclusion as the first. Overall it is considered that the proposed development complies fully with Local Plan Policy EN6.
- 6.4 Amenity of neighbouring properties
- 6.4.1 Policy EN5 – Design and New Development states that developments will be expected to minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land. Such impacts may include loss of light, privacy or security or unacceptable noise, pollution, flooding or sense of enclosure.
- 6.4.2 The likely impacts will be greatest for 23 Ashby Road which has a number of small side windows facing the site. The proposed dwelling is located to the south of 23 Ashby Road which will therefore experience some loss of light to the side windows of the lounge, dining room and 2 upstairs bedrooms.
- 6.4.3 However the proposed dwelling is not perfectly parallel with the side wall of 23 Ashby Road and there is 8.5m (previously 9m) between the existing and the proposed properties. There is a mature hedge and tall plants on the boundary between the two which already shade the side windows and provide screening for 23 Ashby Road. In addition, the principle windows to the rooms in 23 Ashby Road are to the front and the rear. Given all the considerations above it is considered that the loss of light is not significant enough to justify refusing the application.
- 6.4.4 With regards to loss of privacy there are no side windows proposed that might lead to overlooking and the building is orientated such that the front and rear windows are at least 21m from that of neighbouring properties. In addition, there are substantial mature hedgerows that help to maintain privacy between the proposed dwelling and its neighbours.

- 6.4.5 The proposed building being overbearing is unlikely to be an issue for the adjacent building 23 Ashby Road as number 23 is taller and set at an elevated position relative to the application site. 9 Ashby Road on the opposite side is also taller and far enough away that overbearing will not be an issue.
- 6.4. Environmental Protection have been consulted on this proposal and have stated that a noise survey is not needed due to the location being in a residential environment and the main road being some distance away from the proposed dwelling. These comments are subject to good quality glazing and fittings being installed. It is not expected that there will be issues with security, pollution or flooding.
- 6.4. Overall whilst it is accepted that there will be some impact on neighbour amenity it is not considered to be significant enough to justify refusal and therefore the proposal complies with Local Plan Policy EN5 with regards to impact on neighbour amenity.
- 6.5 Design SPD
- 6.5.1 Tamworth Borough Council has a Supplementary Planning Document (SPD) entitled Tamworth Design Guidance which was published in 2019 and contains guidance relevant to this application.
- 6.5.2 The contents of the SPD have substantial weight when considering this application in accordance with paragraph 134 of the National Planning Policy Framework. SPD add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.
- 6.5.3 Paragraphs 4.35 of the SPD recommends that garden lengths should be 10.5m and paragraph 4.72 recommends an area of 90sqm. Paragraph 4.71 recommends using the 'Technical Housing Standards – Nationally Described Space Standard, (DCLG 2015)' for guidance on Gross Internal Area (GIA) which suggests a 4 bed 7-person dwelling should be a minimum of 115sqm. In this instance the garden length, garden area and GIA are 13m, 195sqm and 140sqm respectively. The proposed dwelling complies with the recommended measurements contained in the SPD for garden length and area, and GIA. The SPD also recommends a minimum distance of 21m between the rear facing habitable windows. Not all of the garden measures 10.5m as the garden is L shaped however where the garden is shorter there is still the recommended 21m between rear facing windows at first floor level. Overall, it is considered that the proposed development complies with the Design SPD.
- 6.5.4 One neighbour has made the case that the proposed development is contrary to the SPD due to the loss of light to windows on the side of their property. Paragraphs 4.36 to 4.41 (Light Angles) deal with loss of light and the 45 degree rule however in this instance the loss of light will be to secondary smaller windows not the principle glazed openings to a habitable room.
- 7.5 Highways Safety and Parking
- 7.5.1 Policy SU2 and EN5 require development proposals to have particular regard to highway safety, service requirements and the capacity of the local road network and the adopted parking standards set out in Appendix C of the Local Plan.
- 7.5.2 Ashby Road (B5493) is a B classified 30mph speed road which benefits from street lighting. It lies approximately 1 mile north of Tamworth Town Centre and less than 2 miles north of A5. The entrance to Landau Forte Academy QEMS is approximately 45 yards north east of the proposal and has associated 'school keep clear' zig zag lines extending opposite the front of the property, there are also 'no waiting at any time' restrictions (double yellow lines) fronting the property. Pedestrian access to Spital Chapel of St James runs north west of the property boundary from Ashby Road and Wiggington Road and is accessed via a gate. This is locked except during services (Sundays 10:30 & 17:00) and occasional ceremonies (weddings, baptisms and funerals).
- 7.5.3 The property will utilise the existing access off Ashby Road which is of adequate width and has sufficient visibility splays. The proposed property includes 2 parking space in the garage and 2 on the drive which meets Tamworth Borough Council's parking standards for 4 bed dwellings. No concerns were expressed by County Highways with regards to highway safety subject to a parking and turning condition. Therefore, the proposed development complies with Local Plan Policy SU2 and EN5 with regards to parking and highway safety.

7.6 Archaeological Implications

7.6.1 Policy EN6 Protecting the Historic Environment states that where archaeology may be lost through development, there will be a requirement for archaeological recording to be undertaken by an appropriate professional and entered in the Historic Environment Record.

7.6.2 County Archaeology were consulted on this application and raised no objections to the proposal subject to a condition requiring a watching brief and post-fieldwork reporting. Their comments note that the chapel and the site sit in different but adjacent character areas. With regards to the character area in which the chapel sits the historic mapping suggests that the chapel was surrounded by fields, although cautions that there remains the medium potential for unknown archaeological deposits within this particular character area, particularly associated with the chapel and possible suburban growth and contraction. The area in which the site lies ascribes a low archaeological potential for this character zone, but the need for further research or archaeological recording/mitigation work to help better understand this is not discounted.

7.6.3 It is considered that subject to the application of archaeological conditions the proposed development complies with Local Plan Policy EN6 with regards to archaeology.

7.7 Trees and Biodiversity

7.7.1 Policy EN4 – Protecting and Enhancing Biodiversity requires development to incorporate the planting of native tree species where appropriate to the site and states that developments that would involve the removal of any tree, woodland or hedgerow, which contributes significantly to its setting, local landscape character or its surroundings, will be resisted unless the wider benefits of the development are sufficient to offset the loss and cannot be avoided by appropriate siting or design. Where removal is justified and unavoidable, suitable and appropriate mitigation planting will be required to offset the loss of these features.

7.7.2 A survey of the site shows a sycamore tree to the south of the site and that tree is retained on the proposed plan. There is an 'area of dense overgrowth' shown on the survey which appears to have been removed on the proposed plan. However, on visual inspection of the site this appears to be general overgrown domestic garden plants not worthy of protection. The existing mature hedgerows are proposed to be retained and a condition requiring the approval of boundary treatments would serve to protect those existing boundary treatments, especially on the side of the chapel where they contribute to the setting of the listed building.

7.7.3 The Tree Officer has been consulted on this application and has stated that following an inspection of the site there are no concerns on the impact on trees. It is stated that within the proposed development area there are a few regeneration/self-set ash trees which are all small and not of significance, and otherwise there are briars and the hedge line. The tree officer recommends that the hedge, which is substantial, is left as intact as possible and should not be heavily reduced/shaped, so as to not affect the water content within the footings area due to the shrinkable clay ground.

7.7.4 It is considered that the proposed development complies with Local Plan Policy EN4 subject to a condition regarding the approval of boundary treatments.

7.8 Flooding

7.8.1 The site is not in an environment agency flood zone and is designated 'very low risk' for surface water flooding therefore flooding is not an issue at this site.

7.9 Contaminated Land

7.9.1 Environmental Protection have been consulted on this proposal and have stated that they have no concerns with regards to contaminated land.

7.10 Affordable Housing, Mix and Density

7.10.1 Local Plan policy HG4 Affordable Housing makes reference to affordable housing provision/contributions for development of 10 or more houses and 3 to 9 houses. In addition, policy

HG5 Housing Mix talks about the percentage of 1, 2, 3 and 4 bedroom sized units which should be provided on a site for housing development unless justified otherwise. Finally HG6 recommends a housing density of between 30 and 40 dwellings per hectare. As this proposal is for one dwelling it is considered that HG4, 5 and 6 are not applicable.

7.11 Strategic Issues

Strategic Planning and Development Services were consulted on this application and could see no strategic objection to the principle of the proposal stating that 'The proposal appears to relate to the construction of an individual dwelling on a site which is not allocated for any specific purpose in the Local Plan'.

7.12 Community Infrastructure Levy (CIL)

- 7.12.1 Tamworth Borough Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 17th July 2018 which came into force for applications determined after 1st August 2018. A CIL charge may apply to this application. If applicable, this would involve a monetary sum payable prior to commencement of development. Further information regarding our CIL Charging Schedule is available on the Council's website.

7 **Conclusion**

- 7.1 In an attempt to overcome the previous reason for refusal the applicant has resubmitted an applications that reduces the width of the dwelling by 2.5m and increases the distance from the chapel by 1.5m. The proposal is to build a 4 bedroom house at the rear of the garden of 16 Wigginton Road. The proposal comprises a sustainable form of development which is acceptable in principle. It provides a high quality design with minimal acceptable impact on neighbour amenity. The proposed development complies with the Design SPD and is acceptable in terms of highway safety and parking. It will not be harmful to the special significance of the adjacent listed chapel and the existing trees and hedgerows worthy of retention will be retained. The proposal accords with Tamworth Local Plan Policies SS1, SS2, HG1, EN4, EN5, EN6, SU2 and Appendix C, and the National Planning Policy Framework. In the light of all of the above considerations it is recommended that the proposed development be approved subject to conditions and payment of the CIL charge if applicable.

8 **Recommendation**

- | |
|--|
| 1. Approval subject to 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 permitted shall only be carried out in accordance with the application form and drawing numbers (job number) 9649.03 rev C dated Feb 22 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the permission.

3. Prior to the commencement of development details of all walls, fences and other means of enclosure shall be submitted to and approved by the Local Planning Authority in writing and such walls, fences and other means of enclosure as approved by the Local Planning Authority shall be erected prior to the occupation of the dwellings to which they relate and retained throughout the life of the Development.

Reason: In the interests of the visual appearance of the development and to secure the privacy of the residents in accordance with policy EN5: Design of New Development as set out in the Tamworth Local Plan 2006-2031.

4. Prior to the commencement of the development hereby 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. Thereafter 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.

5. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ("the Scheme") shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication. The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved. The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason; To comply with Tamworth Borough Council Local Plan 2006 -2031 policy EN6 Protecting to Historic Environment.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no development permitted by Part 1 of Schedule 2 to the Order shall be carried out to the building without the express permission of the planning authority

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.

7. The development hereby permitted shall not be brought into use until the access and parking area have been provided in a bound and porous material in accordance with the approved Drawing No.9649.02 Revision C 'Site Layout Plans & Elevations' and shall thereafter be retained for the lifetime of the development.

Reasons; To comply with the objectives and policies contained within the NPPF paragraph 109, to comply with Tamworth Borough Council Local Plan 2006 -2031, Policy SU2 and in the interests of highway safety.

PLANNING COMMITTEE

0272/2021

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION



Application Number: 0272/2021

Development: Full application for the construction of 37no. dwellings and associated works, accessed from Dosthill Road.

Location: Land at Dosthill Road, TAMWORTH

1. Introduction

1.1. This application is for full planning permission on land off Dosthill Road and Watling Street for a total of 37 dwellings in a mix of 2, 3 and 4 bedrooms. The application has been supported by a number of reports including:

- Ecological Mitigation and Enhancement strategy
- Biodiversity metric
- Preliminary Ecology appraisal
- Arboricultural Impact assessment
- Coal mining risk assessment
- External finishes layout
- Existing vs Proposed Earthworks Strategy
- M42960-JNP-66-XX-RP-T-1001 Transport Assessment
- Flood Risk Assessment (M42960-JNP-X-XX RP-C-1000 D – dated February 2022),
- Drainage Strategy (M42960-JNP-92-XX-DR-D7002 Rev. P06)
- Noise Assessment
- Planning Design and Access Statement
- Phase 1 Contamination Risk Assessment
- Phase 2 Site Investigation 2020
- Topographical Survey
- Supporting plans and drawings including:
 - External Finishes Layout
 - FINISHES SCHEDULES
 - Landscaping Layout
 - Planning Layout
 - Planning Layout - Garden Areas
 - Proposed Access Arrangement
 - Site Access SPA - Refuse Vehicle

1.2 The site itself comprises approximately 1.025ha of brownfield land with trees and hedgerows on the border with Watling Street to the north and Dosthill Road to the west with hedgerow along its southern boundary adjacent to Cottage Farm Road. Fencing makes up the adjacent boundary to Spring Tree Rest Care Home. The site is vacant and for a number of years it has remained derelict, having an unkept and unsightly appearance.

1.3 There is a gentle slope across the site with a fall in levels northwards towards Watling Street.

1.4 Adjacent land uses include residential properties and Wilnecote Railway station in the south east corner.

1.5 The site is in Flood Zone 1, giving it less than 1 in 1,000 annual probability of flooding.

1.6 There are no listed buildings or other heritage assets within the vicinity of the site. There is however a possibility of archaeological remains.

1.7 The site is allocated for residential development within the adopted Tamworth Local Plan, under site reference HG1 as part of the site number 343 and 344 'Land off Cottage Farm Road and derelict buildings south of B5404'.

1.8 This policy characterises the area and suggests that the site could with the potential for mixed use housing and retail or employment redevelopment be accessible by the rail station. It also requires

the submission of any application to contain various reports such as a noise and coal mining risk assessment which the application does as per the above list at 1.1

1.9 The site is also one of several 'Regeneration Priority Areas' at policy HG3 of the Tamworth Local Plan. Specifically the 'Wilnecote Regeneration Corridor' will seek to *'enhance the roadside environment or improve Wilnecote Rail Station and its access by bus or active travel will be supported. The Council will actively support mixed use and high density development and adopt a flexible approach to land uses where they will contribute to regeneration. Proposals that include housing, commercial or community facilities or a mix of these uses will be supported where a number of criteria are met'*.

1.10 The application has been amended to respond to layout issues and potential impact upon amenity due to dwelling and garden sizes below standard, and dwellings located too close to the main road. This has subsequently reduced the dwellings proposed from 40 to 37.

2. Policies

2.1 Local Plan Policies

SS1 - The Spatial Strategy for Tamworth
 SS2 – Presumption in Favour of Sustainable Development
 HG1 – Housing
 HG3 – Regeneration Priority Areas
 HG4 – Affordable Housing
 HG5 – Housing Mix
 HG6 – Housing Density
 EN3 – Open Space and Green and Blue Links
 EN4 – Protecting and Enhancing Biodiversity
 SU2
 SU4 – Flood Risk and Water Management
 IM1 – Infrastructure and Developer Contributions
 Appendix C Car parking Standard

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
 National Design Guide

3. Relevant Site History

T19918	Vehicle Sales Lot/Premises
0033/1999	Change of Use from residential to Class A1 (Retail)
0311/2001	Refurbishment of number 435 Watling Street to form restaurant and 2 flats over. Demolition of 451 & 453 and construction of 4 offices with 7 flats over. Refurbishment of 457 Watling Street to comprise ground floor shop with 1 flat over. Formation of a new point of access between 435 and 451 Watling St. Closure of existing access between 453 and 457 Watling Street. Layout of car parking to rear and landscaping.
0221/2006	Variation of condition to read 'The development shall be started within six years of the date of this permission'
0551/2007	Renewal of 0311/2001 (0221/2006) (Refurbishment of 435 Watling Street to form restaurant and 2 flats over. Demolition of 451&453 and construction of 4 offices with 7 flats over. Refurbishment of 457 Watling Street to comprise ground floor shop with 1 flat over. Formation of new point of access between 435 and 451 Watling St. Closure of existing access between 453 and 457 Watling Street. Layout of car parking to rear and landscaping)
T02901	A shoe repairing business at 453A Watling Street, Two Gates.
T00468	Vacant premises formerly trading as two gates cafe - convert to private taxi hire

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.

Staffordshire County Council Highways

The site was visited on 23/06/2021 & 20/10/2021.

The proposed development is construction of 40No.dwellings and associated works, accessed from Dosthill Road. The proposed development is on the eastern side of Dosthill Road (A51) that is subject to a 30mph speed limit at this location. Current records show that there were not any Personal Injury Collisions on Dosthill Road (A51) within 43 metres either side of the proposed access point for the previous five years.

In close proximity to the site are bus stops on the western and eastern side of Dosthill Road (A51) which augment the site's sustainability credentials.

The site was subject to a pre-application enquiry. In responding the Highway Authority advised that any future formal planning application should be supported by a Transport Assessment. This was on the basis of potential impact on the local highway network, particularly the signalised Dosthill Road/Watling Street/Tamworth Road junction to the north. The Highway Authority received a consultation on this site on 11/06/2021. With regard to the submitted Transport Assessment advice from the Lighting and ITS Section was sought in respect of the micromodelling of the Dosthill Road/Watling Street/Tamworth Road signalised junction. The ITS Unit highlighted concerns with the micro-modelling of this junction and following discussions with the

Applicant's Transport Consultant these concerns were eventually satisfactorily addressed.

The revised Transport Assessment was included in submitted documents when the Highway Authority was reconsulted on 26/10/2021.

Vehicular parking provision throughout the site is acceptable to the Highway Authority.

Due to the foregoing the Highway Authority accepts the proposal and recommends various conditions

16/02/2022

Further comments have been received following the revisions to the layout which states that vehicular parking provision throughout the site has been checked and is acceptable to the Highway Authority.

Staffordshire Ecology 17/02/2022

Recent aerial photos show some substantial tree cover, and the ecology report refers to 'recently cleared land'. The submitted metric does not allow for loss of this cover and therefore falls considerably short of providing adequate mitigation / compensation for habitats lost. Even without allowing for loss of mature trees and scrub the metric shows a net loss.

Hedge planting is suggested as compensation, but linear habitats such as hedges are not acceptable as compensation for loss of areas of habitat. The net loss to biodiversity, contrary to NPPF 174 and 180, is therefore unlikely to be mitigated onsite. 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 Dosthill / Two Gates area. Habitat units should be based on 'vegetated garden' not 'bare ground' to allow for the loss of trees and scrub.

Hedgehog access through fences is shown, as are bird and bat box enhancements. These are satisfactory.

Staffordshire County Lead Local Flood Authority

Comments received 19/07/2021;

'The submitted information does not provide sufficient information to fully demonstrate that the proposed development will meet the technical standards for SuDS. We would recommend that the planning permission is not granted until this has been adequately addressed. Specifically:

1. Proposed SuDS Design

The proposed SuDS design considers online oversized pipes and geocellular storage. The FRA indicates that consideration of permeable paving may be made at the detailed design stage. Since this is an application for full planning, we will need to see the final detailed design at this planning stage, which should incorporate all the proposed SuDS elements.

2. Site Investigation

The Site Investigation report indicates that shallow groundwater has been recorded throughout parts of the site. Whilst a table of results has been included within the report, the Appendices are missing which demonstrate the location of the trial pits. Please provide copies of the Appendices associated with the Site Investigation Report.'

Amended drainage details were submitted and following this the LLFA have revised their comments in response to amended information being submitted:

The proposed development will only be acceptable if the following measure(s) as detailed in the Flood Risk Assessment (M42960-JNP-X-XX RP-C-1000 D – dated February 2022), Drainage Strategy (M42960-JNP-92- XX-DR-D7002 Rev. P06) submitted with this application, and other measures as specified on conditions (included at the bottom of this report) are implemented and secured by way of a planning permission on any planning permission.

Staffordshire County Council (School Organisation)

Comments received on 02/07/2021 state that the planning application would not result in an education contribution and is therefore acceptable from an education perspective.

Staffordshire County Council (Archaeology)

Comments received from the Historic Environment Team (dated 2nd July 2021) states that the conclusions of the submitted Archaeology and Built Heritage Statement (ABHS) is generally supported but is at odds with the Tamworth Extensive Urban Survey. The comments conclude that there is some potential for the proposals to impact upon buried archaeological features. Therefore a pre-commencement condition is recommended which requires a programme of archaeological works to be undertaken.

TBC Environmental Protection

Environmental Protection have reviewed the proposal and technical information sent by the developer, particularly the noise assessment and contaminated land reports.

The noise assessment, (Enviro-noise), recommends mitigating measures for attenuation of road traffic noise and rail noise.

The contamination report, (Discovery Phase2), recommends mitigating measures for detected contamination hot spots within the site.

The team are satisfied with the proposed mitigation measures detailed in the reports for the developer and that currently the land has some old structures and items to be remediated on the site.

Air quality considerations; The site is likely to have a vehicle throughput of approximately 80 vehicles, maximum and with the use of the Dosthill Road, (A51) and Watling Street, (former A5), the traffic from the new development will be unlikely to increase air pollution for the area. However, less than 20m from the new entrance and at a location on High Street near to the School; Environmental Protection does have monitoring points and these will be used to assess any particular impact within the locality, as the ongoing monitoring strategy for Tamworth'

No further comments on amended plans

Tamworth Borough Council (Development Plans)

The following summary has been taken from the comments submitted by Planning Policy and Delivery (dated 16/06/2021);

'The proposal would involve a residential development on a site that is allocated for housing in the adopted local plan as well as being a regeneration priority area. The proposed development appears to provide an appropriate proportion of affordable housing and a mix of property sizes that is consistent with the identified needs of the borough. We would therefore have no strategic objection to the proposal.'

Following the reduction in dwelling numbers, the comments remain identical.

Joint Waste Services

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 and return them as soon as possible after emptying. Where the roads are unadopted/there are private drives consideration may need to be given for the provision of a bin collection point. A bin collection point can be a simple paved areas but must be sufficient to accommodate 3 x 240l bins for each property served by the private drive. It must be adjacent to the highway and must be designed to prevent it's used as an extra car parking space.

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.

Gas and Electricity Service Provider

Comments received from Cadent state that there is no record of apparatus in the immediate vicinity of the site and that Cadent and National Grid therefore have no objection to the proposed activities. And a note is added below

4.2 Additional Representations (Public)

As part of the consultation process 53 adjacent residents have been notified as well as a press notice in the Tamworth Herald (dated 17th June 2021) and site notices were displayed.

In addition comments were received from Tamworth and District Civic Society. The civic society welcome the development in so far as it will tidy up a site which has been allowed to fall into a state of disrepair. However they have concerns about the impact on an already busy junction at the Two Gates Traffic Lights. They also make reference to this area being an air-pollution blackspot. They note that the site has been referred to as brownfield in certain places and would like to point out that the site is largely greenfield

Objections/Concerns:

Highway safety
Traffic survey conducted in lockdown
Noise pollution
Light pollution
Air pollution
Access for emergency vehicles
Suggestions for an alternative access
Unsafe access (with reference to 2006 SPG)
Loss of privacy
Overlooking

Those points raised that are material to the process are considered below. 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.

6. Planning Considerations

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

- Principle
- Character and Design
- Amenity for current and potential occupiers
- Affordable Housing
- Housing Mix
- Housing Density
- Open Space
- Biodiversity
- Trees
- Noise and Pollution
- Highways
- Drainage
- Other Matters

6.2 Principle

- 6.2.1 The site allocated for residential development in the adopted Tamworth Local Plan. As a result of this, it is considered there is broad acceptability for the development subject to the criteria within this specific part of the local plan.
- 6.2.2 Specifically, policy HG1 states that within Tamworth a net increase of at least 4,425 dwellings will be delivered within the plan period. Within this policy, there are specific numbered sites included, one of which includes this at numbers 343 and 344.
- 6.2.3 Within this policy, it also states the Council will secure high quality housing development that contributes to creating inclusive and safe mixed communities and reducing health inequalities, well served by public transport, pedestrian and cycle links. This will be achieved by requiring a mix of well-designed dwellings of the right size and affordability and will be supported by services, facilities and infrastructure to meet community needs. Specific responses to this will be addressed in the design section.

6.3 Character and Design

- 6.3.1 Policy EN5 of the Tamworth Local Plan states that high quality buildings and places will be achieved across Tamworth. Furthermore, it states poor design or design that fails to take the opportunities

available to improve the character and quality of an area and the way it functions will be refused. It New developments will be expected to (relevant to this development):

- a) Respect and where appropriate reflect existing local architectural and historic characteristics but without ruling out innovative or contemporary design which is still sympathetic to the valued characteristics of an area.
- b) Be of a scale, layout, form and massing which conserves or enhances the setting of the development.
- c) Utilise materials and overall detailed design which conserves or enhances the context of the development.
- d) Be outward facing with active frontages which incorporate landscaping and boundary treatments appropriate to the local context.
- e) Be legible and allow users to navigate the area with ease by providing landmark buildings at key locations and a choice of routes to walk, cycle or drive along.
- f) Minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land. Such impacts may include loss of light, privacy or security or unacceptable noise, pollution, flooding or sense of enclosure.
- g) Pay particular regard to highway safety and servicing requirements, the capacity of the local road network and the adopted parking standards set out in Appendix C.
- h) Incorporate landscaping appropriate to the site, using native species wherever possible.
- i) Maximise health benefits through the incorporation of usable open space and footpaths and links to the wider green infrastructure network, in accordance with Policy EN3.

6.3.2 The site lies in a very built-up area of Tamworth, within the suburb of Two Gates where there are similar areas of residential properties of the same types being proposed with this application.

6.3.3 Landscaping details have been provided and will be conditioned, with the proposal expected to maintain and enhance all existing boundaries to the site. The landscaping plans provided propose a number of trees and an expanse of green space at the site entrance off Dosthill Road. New infill planting is also proposed in areas where the existing hedgerow is not as mature, to reduce any loss of privacy impacts and provide screening between the site and existing dwellings.

6.3.4 With regards to materials, no details have been provided and therefore this will be conditioned to ensure the appropriate choices are made in this regard to reflect the character of the area which is predominately made from red brick and tile. The indicated elements of the houses including headers and sills are considered good design elements.

6.3.5 A mix of road surface for the roads and driveways are proposed. The house designs are traditional and uniform throughout the site, with pitched and gabled roofs, with dwellings grouped into pairs of semis, small terraces of three and orientated at various angles to each other to protect neighbouring amenity. The overall design is considered acceptable and in keeping with the surrounding built up area by virtue of the design of dwellings, layout and orientation of dwellings and amenity space. The added condition on materials proposed will further ensure the development blends into the locality well.

6.3.6 The design of the proposals incorporating hipped roofs and overall ridge heights has sought to limit the visual impact of development within the local area. The proposal also includes planting along the northern boundary with Watling Street which is intended to screen the development from north to south.

6.3.7 In summary, it is judged that the proposal offers a housing development which incorporates reduced acceptable ridge heights and provides additional infrastructure planting to mitigate any adverse visual impacts, particularly when viewed from the north. The current land is rather upkept and for many years has remained overgrown with extensive vegetation and rubbish. The development will clear this up and improve the visual quality of this part of Tamworth.

6.4 **Amenity for current and potential occupiers**

6.4.1 Tamworth local plan policy EN5 g) states that new developments will be expected to g) Minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land. Paragraph 130 of the NPPF further reinforces this, stating that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high

standard of amenity for existing and future users. The Design SPD provides guidance on how these amenity considerations are to be made using adopted measurements.

6.4.2 In response a full assessment has been made in respect of this and it has been confirmed that the proposed gardens meet relevant standards, neighbouring properties are the appropriate distance away e.g. 21m windows to neighbouring windows and appropriate fencing and boundaries have been incorporated to satisfactorily screen the development. The layout changes have also meant that a more acceptable relationship from the care home has been achieved.

6.4.3 There is a particularly large conifer hedge along the northern boundary of number 25 Dosthill Road. Whilst this remains a significant natural element in the landscape it does have the potential to impact upon the amenity of those who would be proposed to live in plots 1-5. In order to address this, the agent has agreed to a condition which would require works to this conifer to reduce its impact upon these properties. This will be included on the decision as what is known as a Grampian condition which prevents the start of a development until off-site works have been completed on land not controlled by the applicant. As a result of this and the aforementioned conditions, the development would now comply with EN5 of the Tamworth Local Plan 2006-31.

6.5 Affordable Housing

6.5.1 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 37 dwellings following amendments to the layout, 8 of which are suggested as affordable units totalling 21% affordable units which is compliant with policy HG4. of the Tamworth Local Plan 2006-2031

6.5.2 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.

6.6 Housing Mix

6.6.1 Tamworth Local Plan Policy HG5 states that the following housing mix for the **total** dwellings should be required for housing development such as that proposed with this application:

- 4% of new housing will be 1 bedroom sized units
- 42% of new housing will be 2 bedroom sized units
- 39% of new housing will be 3 bedroom sized units
- 15% of new housing will be 4 bedroom or more sized units

The mix proposed for this application is as follows:

- 0% of new housing will be 1 bedroom sized units
- 35% of new housing will be 2 bedroom sized units
- 49% of new housing will be 3 bedroom sized units
- 16% of new housing will be 4 bedroom or more sized units

6.6.2 As confirmed by the policy team, the proposal continues to be broadly in line with the mix outlined in Policy HG5, with the exception of there being an over provision of 3-beds, and an under provision of 1 and 2-beds. Generally, the mix outlined above should be considered a starting point with any subsequent variation appropriately justified. However, it is acknowledged that more recent evidence from the Housing and Economic Development Need Assessment (2019) identifies two and three-bedroomed dwellings to be in greatest demand across the Borough. As a combination of two and three-bedroomed units make up the majority of provision (84%) there is no significant concern with this difference and therefore the proposal is considered to conform to policy HG5 of the Tamworth Local Plan 2006-31.

6.7 Housing Density

- 6.7.1 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.
- 6.7.2 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 40 dwellings per hectare is required. Given the site is away from the town centre, it is therefore considered that a lower density in line with the policy would be acceptable and in keeping with similar residential developments. Therefore the proposals comply with policy HG6 of the Tamworth Local Plan 2006-2031

6.8 Open Space

- 6.8.1 Local Plan Policy EN3 and the Design Guide SPD require that new housing developments should provide on site open space at a standard of 2.43Ha per 1000 people. Utilising this guidance, the proposed development would be required to include approximately 0.37ha of open space on site.
- 6.8.2 In order to achieve the housing density required at policy HG6, this desired quantum of open space is not possible. A significant provision of open space is located at Dosthill Park 650m away along with an area off Grazier Avenue and small parcels less than 400m away from the site. As a result of this it is considered that the incidental parts of green space in and around the plots managed by a reputable company are acceptable, providing green relief from the built form and on balance represents an acceptable form of development in compliance with relevant policies. Therefore the proposals comply with policy HG6 of the Tamworth Local Plan 2006-2031.

6.9 Biodiversity

- 6.9.1 Policy EN4 states that development should incorporate planting of native tree species where appropriate to the site. Development that would involve the removal of any tree, woodland or hedgerow, which contributes significantly to its setting, local landscape character or its surroundings, will be resisted unless the wider benefits of the development are sufficient to offset the loss and cannot be avoided by appropriate siting or design. Where removal is justified and unavoidable, suitable and appropriate mitigation planting will be required to offset the loss of these features.
- 6.9.2 The application has been supported by a Preliminary Ecological Appraisal (PEA) and Ecological Mitigation and Enhancement Strategy from reputable consultants. The PEA identifies several existing ecological constraints to development, including the presence of Dunnock and House Sparrow and a potential for hedgehogs. A number of suitable mitigation and compensatory measures have been included such as bird and bat boxes, new landscape planting and careful consideration of a timetable of works. An updated metric to reflect the changed numbers of dwellings illustrates that there will be a net loss for biodiversity. In order to offset this loss, a financial contribution of £30,000 has been committed by the applicants to improve the biodiversity on a suitable receptor to ensure that the proposal fully complies with Local Plan Policy EN4 (Protecting and Enhancing Biodiversity) and the NPPF. Therefore the proposals comply with policy EN4 of the Tamworth Local Plan 2006-2031

6.10 Trees

- 6.10.1 The consideration of trees are relevant at Local plan policy EN4, stating that Development should incorporate planting of native tree species where appropriate to the site. Development that would involve the removal of any tree, woodland or hedgerow which contributes significantly to its setting, local landscape character or its surroundings, will be resisted unless the wider benefits of the

development are sufficient to offset the loss and cannot be avoided by appropriate siting or design. Where removal is justified and unavoidable, suitable and appropriate mitigation planting will be required to offset the loss of these features. Within the NPPF at paragraph 131 as making an important contribution to the character and quality of urban environments, helping to mitigate and adapt to climate change. Trees should be incorporated in developments and appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

- 6.10.2 The application is supported by a comprehensive arboricultural Impact Assessment (AIA) which states that 7 individual trees and 3 groups of trees will be removed. All the trees are classified as being of low quality under British Standard BS 5837:2012. To facilitate the development, specifically a garage at plot 12, there will be some minor incursion into the Root Protection Area (RPA) of tree group G8 any roots encountered would be small diameter roots (<25mm) and therefore can be neatly pruned back. This will ensure that foreseeable damage does not occur to the trees during this phase of works.

A number of other recommendations have been made within the AIA which, when followed, result in the acceptability of the development in terms of arboriculture.

Finally, the proposed development incorporates incidental green infrastructure throughout the site, providing green linkages from the site access at the west of the site through to Watling Street to the north of the site.

The proposed development retains existing boundary trees and hedgerows, where possible, a detailed Landscape Strategy Plan is submitted in support of this application, depicting the species-specific planting proposed for the site.

Therefore the proposals comply with policy EN4 of the Tamworth Local Plan 2006-2031

6.8 Noise and Pollution

- 6.8.1 Policy SU5 - Pollution, Ground Conditions and Minerals and Soils states that development should manage the risk of air, light, noise, or water pollution and land instability. Relevant reports proportionate to the scale of the development will be required to assess pollution levels and mitigation measures where a risk is identified.

- 6.8.2 Various reports have been submitted and Environmental Protection have reviewed the proposal and technical information. The noise assessment, (Enviro-noise), recommends mitigating measures for attenuation of road traffic noise and rail noise.

The contamination report, (Discovery Phase2), recommends mitigating measures for detected contamination hot spots within the site.

He is satisfied with the proposed mitigation measures detailed in the reports for the developer and that currently the land has some old structures and items to be remediated on the site.

As regards Air quality considerations; the site is likely to have a vehicle throughput of approximately 80 vehicles, maximum and with the use of the Dosthill Road, (A51) and Watling Street, (former A5), the traffic from the new development will be unlikely to increase air pollution for the area. However, less than 20m from the new entrance and at a location on High Street near to the School; Environmental Protection does have monitoring points and these will be used to assess any particular impact within the locality, as the ongoing monitoring strategy for Tamworth' The scheme is therefore considered to comply with the requirements of policy SU5 of Tamworth Local Plan 2006-2031. Therefore the proposals comply with policy SU5 of the Tamworth Local Plan 2006-2031

6.9 Highways

- 6.9.1 The revised Transport Assessment was included in submitted documents when the Highway Authority was reconsulted on 26/10/2021.

Vehicular parking provision throughout the site is acceptable to the Highway Authority and would also comply with the parking standards within Appendix C of the Tamworth Local Plan 2006-31.

Due to the foregoing the Highway Authority accepts the proposal and recommends conditional approval. Therefore the proposals comply with policy SU2 of the Tamworth Local Plan 2006-2031

6.10 **Drainage and Surface Water Flooding**

- 6.10.1 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.

Therefore the proposals comply with policy SU4 of the Tamworth Local Plan 2006-2031

6.11 **Other Matters**

- 6.11.1 It is noted that there are a number of concerns from neighbouring residents over various matters in association with the housing development proposed.
- 6.11.2 Issues of a highway safety matter are mainly responded to at section 6.9 above. The CHA also confirm that the traffic survey data to support the application remains an accurate representation of traffic movements on the roads surrounding the site. They also feel the access proposed is safe and sufficient to provide the required visibility splays.
- 6.11.3 With regards to both noise, light and air pollution this again has been assessed by qualified officers from the council's environmental health team and have determined there to not be a significant issue caused by the development in this regard.
- 6.11.4 Amenity of residents has been raised from a number of residents. In order to guide an officer's assessment of this, the Design SPD provides the relevant measurements that need to be conformed to.
- 6.11.5 A full assessment of the site has been made and the development would not impinge on the distances within the guidance e.g. 21m from rear windows to prevent overlooking issues.
- 6.11.6 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 site is allocated for residential development within the Local Plan. Approving the scheme will therefore be consistent with planned housing growth for the borough and help to meet the demonstratable housing needs to 2031. It is judged to accord with all relevant policies including SS1, SS2, HG1, HG4, HG6, EN3, EN4 and IM1 of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework.
- 7.2 The public benefits of the development are of a large scale due to the scale of the proposal. The public benefits include social benefits of market and affordable housing, economic investment in the local area and improvements to biodiversity through an off-site financial contribution. There also will be the provision of additional planting on site.
- 7.3 A full, comprehensive review of the design of the proposal has been undertaken. As a result of this re-evaluation, the proposal has been amended to ensure the scheme is of the highest design quality whilst ensuring the amenity of those living nearby is not unduly compromised and the future

occupiers have sufficient garden sizes. As a result, the local planning authority are satisfied the development meets required local plan policies and consistent with those contained in national guidance.

- 7.4 Statutory consultees are satisfied that the development would not result in increased flood risk, adversely affect highway safety or ecological or archaeological interests. The development would safeguard the amenities of existing and future residents.
- 7.5 The application is therefore recommended for approval subject to conditions and S106 obligations outlined in the report. The recommendation has been made taking into account Paragraph 38 of the NPPF and the National Planning Practice Guidance.

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
Ecology improvements of £30,000 to pay for off site ecology net gain.
Areas of incidental open space maintained in perpetuity by a suitable management company

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 permitted shall be carried out in accordance with the approved plans:

- DRT-PL-001-R Planning Layout
- DRT-PL-003-F Planning Layout-Garden Areas
- DRT-LL-001-K Landscaping Layout
- 7010 P02 Proposed Access Arrangement
- 7011 P02 Site Access SPA - Refuse Vehicle
- DRT-EF-001-I External Finishes Layout
- Existing vs Proposed Earthworks Strategy
- Proposed Dwelling Elevations
 - DRT-G-P/BAN-01 Rev A
 - DRT-G-P/NAT-01 Rev A
 - DRT-G-P/ADL-01 Rev A
 - DRT-G-P/ADL-02 Rev A
 - DRT-G-P/HOW-01 Rev A
 - DRT-G-P/MAH-01 Rev A
 - DRT-G-P/MAH-02 Rev A
 - DRT-G-P/TAT-01 Rev A
 - DRT-G-P/FAI-01 Rev A
 - DRT-G-P/FAI-02 ra
 - DRT-G-P/TH1-MX-01 ra
 - DRT-G-P/MAL-01 ra
 - DRT-G-P/MAL-02 ra
 - DRT-G-P/HEA-01 ra
 - DRT-G-P/GAR-01 ra

3. No above ground development shall commence on site until full details of all external materials have been submitted to and approved in writing by the Local Planning Authority. Information shall be submitted in the form of an External Materials Schedule. The Schedule shall include the following materials and information:

- a) Bricks, including brick bond and pointing and plinth bricks;
- b) Roof tiles;
- c) Fenestration materials and colours, including details of sills and lintels and inset
- d) Distance for fenestration and bricked-up openings. Style to be as per the approved
- e) Rainwater goods;
- f) Architectural detailing

Thereafter the development shall be carried out fully in accordance with the approved details and maintained throughout the life of the development .

REASON: In the interests of visual amenity and the character and appearance of the development and its surroundings and to accord with Tamworth Local Plan Policy EN5.

4. Prior to the commencement of any construction works, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, routing of HGV's, delivery times and the location of the contractor's compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust from construction activities including the provision of a vehicle wheel wash. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and to accord with Tamworth Local plan Policy SU2.

5. All planting, seeding and turfing comprised in the approved Landscape Plan shall be completed in the first planting and seeding season prior to, or immediately following, the first occupation of the building to which it relates. All hard landscaping comprised in the approved Landscape Scheme shall be completed prior to the first occupation of the building to which it relates.

All planting, seeding and turfing for the areas not within individual plots as comprised in the approved Landscape Scheme shall be completed in the first planting and seeding season prior to, or immediately following, first occupation of the last dwelling to be completed, or completion of the development, whichever is sooner. All hard landscaping not within individual plots as comprised in the approved Landscape Scheme shall be completed prior to the first occupation of the last dwelling to be completed, or completion of the development, whichever is sooner.

Any trees, shrubs, hedges or plants which, within a period of five years from their date of planting, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

REASON: To ensure the landscaping is implemented and maintained in the interests of the visual amenities of the development and its surroundings having regard to Tamworth Local Plan Policies HG3 and EN5, and the National Planning Policy Framework.

6. All development on site shall be in accordance with the mitigation measures as set out in the Ecological Mitigation and Enhancement Strategy and Preliminary Ecological Appraisal_1 - Focus Environmental Consultants, January 2022. Clearance of any vegetation on site shall take place outside of the bird nesting season - March to August.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Tamworth Local Plan Policy EN4 and the National Planning Policy Framework.

7. No dwelling hereby permitted shall be occupied until the parking area for that dwelling has been provided. The parking area shall thereafter be retained at all times for its designated purpose.

REASON: In the interests of highway safety and to comply with Tamworth Local Plan Policy SU2.

8. Where a private access falls toward the public highway a surface water drainage interceptor, connected to a surface water outfall, shall be provided across the access immediately to the rear of the highway boundary and maintained throughout the life of the development.

REASON: In the interests of highway safety and to comply with Tamworth Local Plan Policy SU2.

9. The development hereby permitted shall not be brought into use until the existing site access, which shall include the access crossing between the site and carriageway edge, made redundant as a consequence of the development hereby permitted is permanently closed and the access crossing reinstated as verge/footway.

REASON: To avoid the proliferation of redundant accesses and to comply with Tamworth Local Plan Policy SU2.

10. No dwelling hereby permitted without access to a garage shall be occupied until a secure weatherproof cycle storage facility has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the facility shall be retained throughout the life of the Development.

REASON: In the interests of site sustainability and to comply with Tamworth Local Plan Policy SU2.

11. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with approved details.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site having regard to Tamworth Local Plan Policy SU4 and the National Planning Policy Framework.

12. Prior to the first occupation of any of the dwellings hereby approved details of the long term maintenance of the surface water drainage system within the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the surface water drainage system shall be maintained in accordance with the approved details.

REASON: To establish a maintenance regime that may be monitored over time that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development having regard to Tamworth Local Plan Policy SU4 and the National Planning Policy Framework.

13. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA - M42960-JNP-X-XX-RP-C-1000 D – dated February 2022) and Drainage Strategy -M42960-JNP-92-XX-DR-D7002 Rev. P06) and the following mitigation measures detailed within, and other additional details noted in the below condition.

- Surface water drainage system(s) designed in accordance with the Non-Statutory technical standards for sustainable drainage systems (SuDS), (DEFRA, March 2015).
- Limiting the surface water runoff generated by the 1 in 100 year plus 40% climate change critical duration storm, so that it will not exceed 3.5 l/s and so that it will not increase the risk of flooding off-site.
- Provision of adequate attenuation flood storage on the site to a 1 in 100 year plus 40% climate change return period standard in full accordance with the requirements specified in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Detailed design (plans, network details and calculations), in support of any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations, inclusive of the 1 in 1 year, 1 in 2, 1 in 30 year, 1 in 100 year and 1 in 100 plus 40% climate change return periods.
- Formal (Section 106) agreement with Severn Trent Water (Plc) that surface water discharge is to be accepted into the proposed ownstream network that falls under STW ownership.
- Provision of appropriate and adequate surface water treatment in accordance with CIRIA C753.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system
- As attenuation tanks are proposed to be sited under the frontages of the individual properties:

- Restricted development covenant will be required 5m either side of the tank
- The covenant will need to be written into Land Registry and marked within the development plan
- A PCD sign will need to be erected near location of the tanks to ensure all owners / tenants of the
 - properties are aware of the tank (or similar) like you do for Fire Stop Valves
 - Confirmation of the load bearing weight for the tanks –this will need to be displayed and written into the deeds.
- The carrying forward of any existing or necessary sewer easements to protect drainage assets on site.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water systems shall be maintained and managed for the lifetime of the development. REASON: To prevent the increased risk of flooding having regard to Tamworth Local Plan Policies SU4 and the National Planning Policy Framework.

14. 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 NNPF and Policy SU4 of the Tamworth Local Plan 2006 – 2031.

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

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

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

The Written Scheme of Investigation (WSI)* identified in the condition above should consider all appropriate aspects of archaeological work including post excavation and reporting. Any subsequent archaeological mitigation must be the focus of a separate WSI produced after the evaluation stage and following detailed discussions with the LPA's archaeological advisor.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor. This would demonstrate compliance with EN6 of the Tamworth Local Plan and the National Planning Policy Framework.

16. Proposed dwellings 1-4 authorised by this permission, as shown on site plan reference DRT-PL-001-R Planning Layout, shall not be occupied until such time the local planning authority has approved in writing a full scheme being first submitted of works to reduce the height of the conifer hedge planting, immediately adjacent within the curtilage of 23 Dosthill Road The occupation of proposed dwellings 1-4 shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or on behalf of the local planning authority. Thereafter the conifer hedge planting shall be maintained at the height set out in the approved scheme throughout the life of the development

REASON: In the interests of amenity to the potential occupiers of these dwellings and to confirm to policy EN5 of the Tamworth Local Plan and the National Planning Policy Framework.

17. No development falling within Part 1 Class A or B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (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.

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