



Borough of Tamworth

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

Enquiries: 01827 709 709
Facsimile: 01827 709 271

PLANNING COMMITTEE

26 May 2022

Dear Councillor

A meeting of the Planning Committee will be held in **Town Hall, Market Street, Tamworth on Tuesday, 7th June, 2022 at 6.00 pm.** Members of the Committee are requested to attend.

Yours faithfully

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

Chief Executive

A G E N D A

NON CONFIDENTIAL

- 1 Apologies for Absence**
- 2 Appointment of Vice-Chair**
- 3 Minutes of the Previous Meeting (Pages 5 - 14)**
- 4 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.

5 Applications for Consideration

Summary of Applications received:

a Planning Application /0222/2022 - 12-13 Market Street (Pages 15 - 26)

Application no: 0222/2022

Development: Replacement shop front and windows, demolition and replacement of single storey rear extension, installation of plant and associated works.

Location: 12-13 Market Street, Tamworth, B79 7LU

b Planning Application 0324-2021 Overwoods Road Update Report (Pages 27 - 44)

Application no: 0324-2021

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

Location: Land North of Overwoods Road, Hockley, Tamworth

c Planning Application 0011-2022 3 Mickleton (Pages 45 - 50)

Application no: 0011-2022

Development: Change of use from C3 dwelling to C1 boarding/guest house (retrospective)

Location: 3 Mickleton, Stonydelph, Tamworth, B77 4QY

d Planning Application: 0175-2022 Beyer Close, Tamworth (Pages 51 - 56)

Application no: 0175-2022

Development: Erection of a first storey side and single storey rear extension

Location: 23 Beyer Close, Glascote, Tamworth, B77 2DP

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: R Ford, D Box, R Claymore, A Cooper, S Daniels, S Goodall, J Harper, J Jones, D Maycock, R Rogers, S Smith, M Summers and J Wade

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MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON 5th APRIL 2022

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

The following officers were in attendance: : Pardip Sharma (Planning Solicitor), Anna Miller (Assistant Director – Growth & Regeneration), Glen Baker-Adams (Team Leader - Development Manager), Debbie Hall (Planning Officer) and Tracey Pinton (Legal Admin & Democratic Services Manager) and Mark Evans (Highways South Staffs County Council)

52 APOLOGIES FOR ABSENCE

There were no apologies for absence

53 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 18th January 2022 were approved and signed as a correct record.

(Moved by Councillor S Goodall and seconded by Councillor J Harper)

54 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

55 APPLICATIONS FOR CONSIDERATION

56 APPLICATION NUMBER: 0117/2022 LOCATION: 16 WIGGINTON ROAD, TAMWORTH, STAFFORDSHIRE, B79 8RH

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

RESOLVED

Refused – Reason outlined below.

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

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

57 APPLICATION NUMBER: 0272/2021 LOCATION: LAND AT DOSTHILL ROAD, TAMWORTH

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

Recommendation: The Committee Approved 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
(Moved by Councillor R Ford and seconded by Councillor S Goodall)

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 P

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

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 30% 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 30% 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 30% 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.

14. REASON: To prevent the increased risk of flooding having regard to Tamworth Local Plan Policies SU4 and the National Planning Policy Framework. 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 and for the future maintenance of the on-site sustainable drainage in accordance with policy EN5: Design of New developments and SU4 Flood Risk and Water Management as set out in the Tamworth Local Plan 2006-2031.

(Moved by Councillor R Ford and seconded by Councillor S Goodall)

Chair

PLANNING COMMITTEE

7th June 2022

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION



Application Number: 0222/2022

Development: Replacement shop front and windows, demolition and replacement of single storey rear extension, installation of plant and associated works.

Location: 12-13 Market Street, Tamworth, B79 7LU

1. Introduction/ Proposals

- 1.1. These proposals are for the external alterations and refurbishment of 12-13 Market Street, which is one of the sites identified within the Future High Streets ('FHSF') Masterplan. The existing buildings at 12-13 Market Street are 'locally listed' as being of local townscape or historic interest. They comprise a pair of Georgian buildings dating from the mid to late 18th Century that contribute to the historic street scene fronting Market Street and its setting within the Tamworth Town Centre Conservation Area.
- 1.2. The application proposes the refurbishment and alteration of the buildings to provide a redesigned replacement shop front and windows and alterations to the rear. The development will retain and refurbish the original Georgian buildings while allowing their conversion to suit continued use which meets current and future needs. This includes the demolition to the rear of a poor-quality 20th century extension and its replacement with a new single storey extension.
- 1.3. Internal works are part of the project involving removal of steels and removal of the second floor and raising of the first floors including historic timberwork and remaining chimney breasts at first and second floors. However, these do not require planning permission and are not therefore considered here.
- 1.4. The main street side elevation presents a late-twentieth century shop front on the ground floor with a pair of recessed front doors each partially glazed and both with over-lights. These are between large paned glass windows. Stall risers sit below the shop windows and above is a broad fascia, all painted black with white frame to the windows. Simple twentieth century brick piers frame the shopfront at either end. The first floor has four timber windows, designed to look like a sash window. The wall is plastered and painted. The front has a smooth moulded cornice underneath a red tiled roof with two evenly spaced hipped gabled dormer casement windows. A simple central red brick chimney stack is on the east side.
- 1.5. The rear has two gable ends on the upper floor and is plastered or painted brick. On the ground floor, half of the building has a single storey extension of painted or plastered brick. A modern timber set of steps and walkway to the west is attached to the main building and provides access to the extension's flat roof for fire escape. Each gable end has a uPVC window and a further two on the first floor and an external glazed door, and a timber framed six-light window. The centre of the gable has a steel ladder to the second floor. The extension has two doors along the west side.
- 1.6. There is no change of use proposed as the former use as retail and café, together with potential future use as a bank or building society all fall within Use Class E that now combines retail and office uses, and the proposals, therefore, allow for a range of potential uses considered acceptable in policy terms within the town centre. In this case, the intention is that the buildings are proposed to be occupied by the Nationwide Building Society to maintain their presence in the heart of the town centre.
- 1.7. 12-13 Market Street, is one of the sites identified within the Future High Streets ('FHSF') Masterplan. The refurbishment of the buildings are an integral part of the objectives to enhance the environment and viability of the town centre. The works to the premises represent one of the essential first phases in delivering the objectives of the Castle Gateway within the Masterplan. The proposals allow for the existing Nationwide to be relocated to the application site, allowing the enhancement of the Castle Gateway and other elements of the masterplan to come forwards. The application, therefore, supports the wider objectives of the Masterplan.

- 1.8. The planning application comprises of the application forms and following documents:
- 1:1250 Location Plan;
 - Existing and Proposed Site/Block Plan;
 - Existing and Proposed Elevations;
 - Existing and Proposed Sections;
 - Planning Statement;
 - Design and Access Statement;
 - Heritage Statement;
 - Outline Construction and Environment Management Plan (CEMP);
 - Outline Construction and Transport Management Plan (CTMP);
 - Acoustic Report.

2. Legislation and Policies

2.1. Planning (Listed Buildings and Conservation Areas) Act 1990

2.2. National Policies:

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

2.3. Local Plan Policies:

Adopted Tamworth Local Plan 2006-2031

- SS1 - *The Spatial Strategy for Tamworth*
- SS2 – *Presumption in Favour of Sustainable Development*
- EC1- *Hierarchy of Centres for Town Centre Uses*
- EC2- *Supporting Investment in Tamworth Town Centre'*
- EN5 - *Design of 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

2.4. Other Policy/ Guidance:

- Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment: English Heritage (2008)
- Historic Environment Good Practice Advice Notes 2, and 3: Historic England (2015)
- Town Centre Conservation Area Appraisal
- Town Centre Conservation Area Management Plan Update 2016
- Tamworth Design SPD July 2019

3. Relevant Site History

UK	T02027	REFURBISHING EXISTING RETAIL STORE, AMENDMENTS TO SHOP FRONT, REMOVAL OF EXISTING FASCIA SIGN.
UK	T03054	THE HOLDING OF A MARKET ON TUESDAY OF EACH WEEK
UK	T14915	CHANGE OF USE TO TEA ROOMS
UK	T15999	REFURBISHMENT OF PREMISES AND NEW SHOPFRONT
UK	T16031	SHOP FASCIA SIGN
UK	T16038	CHANGE OF USE TO RETAIL
UK	T19313	CHANGE OF USE OF PART OF GROUND FLOOR TO COFFEE SHOP
F	0560/2002	Sites for licensed street trading
F	0688/2003	Change of use from A1 to A3 for part of ground floor
F	0047/2008	Permission to consider use of highways for street cafe trading subject to restrictions and regulations imposed in Staffs County Council control of commercial obstruction in highway

4. Consultation Responses

4.1. **TBC Conservation Officer**

No objections subject to conditions:

The application site is located within the Tamworth Conservation Area

The application site is within the setting of designated heritage assets

Comments

I saw an earlier proposal for the shopfront and made some observations regarding the doorway and balanced frontage. The suggestions made have been incorporated into this final scheme, and I make no objection to the principle of the replacement shopfront. Positive elements are the recessed doorway and regular rhythm of the windows. It is a shame that the doorway could not be positioned centrally, but I understand the reasons for this.

The repair to the front elevation brickwork may allow for alternative repair options to be proposed once the existing covering is removed. There is evidence that the lintels remain, and that the windows were slightly longer, which may be an option for floor to ceiling windows to be installed on the first floor.

I make no objection nor comment to the proposals for alterations to the rear elevation. I can only open the first page of documents on the website, so I am unable to confirm if window, door and shopfront profiles have been submitted – if not, I suggest they are conditioned, including stall riser detailing and paint colour.

4.2. **TBC Environmental Health Officer**

No objection subject to condition

Environmental Protection have the following comments to make on this consultation.

Condition:

No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition are submitted to and approved in writing by the Local Planning Authority. The rating level of the sound emitted from the site shall not exceed 44dBA between 0700 and 2300 hours and 40 dBA at all other times. The sound levels shall be determined by measurement or calculation at the noise sensitive receivers with all machinery operating at design duty. The measurement and/or calculations and assessment shall be made according to BC 4142:2014+A1:2019. Approved details shall be implemented prior to occupation/use of the development and thereafter be permanently retained.

4.3. **TBC Town Centre/Tourism Team**

No objection

With regards application 0222/2022, the Economic Development and Regeneration Service at Tamworth Borough Council fully supports these plans.

The building is currently and has been for a number of years, vacant, and sits in a prime area of the Town Centre. The shape, condition and multi level aspect of the building are awkward and as such it has been difficult to attract appropriate end users, due to the wider implications of resolving these issues.

This application represents an excellent opportunity to bring back into economic use an attractive building in a street of similar properties. In turn by unlocking this site, for development, it allows the building over the road to be demolished enabling a greater view of the Castle Grounds / The Town Hall and celebrates the historical architecture surrounding the Castle Walls and former gatehouse. This in turn should create a more attractive street scene that will attract other users and uses.

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

4.5.

5. Publicity and Additional Representations

- 5.1. As part of the consultation process adjacent residents were notified and a press notice and site notices were erected. No comments received.

6. Equality and Human Rights Implications

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

7. Planning Considerations

- 7.1. The key issues to be considered at this stage are:
- Principle
 - Character & Appearance
 - Historic Environment – Consideration of harm to the character and appearance of the conservation area and the significance of the surrounding listed buildings
 - Noise and Disturbance
 - Construction Management

Principle

- 7.2. The proposals are related to a town centre use that does not require planning permission. This complies with Tamworth Local Plan Policy EC1 'Hierarchy of Centres for Town Centre Uses' that defines the hierarchy for the location of development involving town centre uses, prioritising Tamworth Town Centre as the key focal point where development including retail, services and leisure uses should be concentrated.
- 7.3. Policy EC2 'Supporting Investment in Tamworth Town Centre' specifically relates to development in the Town Centre. The policy states that "the regeneration and economic development of the town centre is seen as a key Council objective and driver to the wider regeneration of Tamworth." The policy outlines the importance in the protection and enhancement of heritage assets within the town, stating that they "assist in defining Tamworth's unique streetscape, fostering local distinctiveness and preserving local character." Clearly the proposals aim to improve a heritage asset.
- 7.4. Chapter 6 of the National Planning Policy Framework 2021 (NPPF) focuses on building a strong, competitive economy. Paragraph 81 elaborates that "*significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*"
- 7.5. Chapter 7 aims to ensure the vitality of town centres outlining that planning policies and decisions should support the growth, management and adaptation of town centres given their importance to local communities.
- 7.6. It is noted that the Council's Economic Development and Regeneration Service at Tamworth Borough Council fully supports the plans, noting that the building is currently vacant and has been for a number of years, and sits in a prime area of the Town Centre. The shape, condition and multi-level aspect of the building are awkward and as such it has been difficult to attract appropriate end users, due to the wider implications of resolving these issues. This application represents an excellent opportunity to bring back into economic use an attractive building in a street of similar properties.

- 7.7. It is also of note that in turn by unlocking this site for development, it allows the Future High Streets project to progress. The existing building society opposite can be demolished enabling a greater view of the Castle Grounds. This in turn should create a more attractive street scene that will attract other users and uses.
- 7.8. The application relates solely to the external physical works and no change of use is proposed. Although internal conversion works are also being undertaken, these do not require planning consent. The proposals are therefore fully supported by the policies above for an appropriate town centre use.

Character and appearance

- 7.9. Tamworth Local Plan Policy EN5 – Design and New Development, states that developments should be of a scale, layout form and massing which conserves or enhances the setting of development and utilize materials and overall detailed design which conserves or enhances the context of the development. Proposals should respect and where appropriate reflect existing local architectural and historic characteristics but without ruling out innovative or contemporary design which is still sympathetic to the valued characteristics of an area.
- 7.10. Policy EN6 – Protecting the Historic Environment indicates that the proposed development should enhance or preserve the area as a whole:

Development that affects designated heritage assets including conservation areas, listed buildings, scheduled monuments and non-designated heritage assets including locally listed buildings and undesignated archaeology, will be required to assess the impact of the development on the asset through a heritage statement and statement of significance and clearly demonstrate how the significance, including its setting, will be protected, conserved and, where possible, enhanced. Where sites are located in a conservation area or an area of high archaeological potential, particularly the historic town centre core, the Council's Conservation Officer and Staffordshire County Council Environment Team (Historic Environment) should be consulted at an early stage. Proposals will be required to pay particular attention to: a) the scale, form, height, massing, detailing and materials of the development, the existing buildings and physical context to which it relates. b) historically significant boundaries, street layouts, open spaces, landscape features and structures identified in the conservation area appraisals including walls, railings, street furniture and paved surfaces. c) important views of listed buildings, scheduled monuments and historic townscape as identified in the conservation area appraisals..... The Council will support proposals that promote the use of vacant, under-used historic buildings, including necessary and appropriate minor changes that involve sensitive adaptation and minimal disturbance. Non-designated assets, including local listing and archaeology, will be a material consideration in determining planning applications, with weight given to their significance and contribution to their environment. The Council will support the conservation and enhancement of locally listed buildings and will review the local list in consultation with the public.

- 7.11. The works to Nos. 12-13 Market Street are listed above and essentially comprise of retention of the façade but with a redesigned conservation shopfront, retention of the roof, new windows to the rear elevation and a replacement single storey extension to the rear of the property.
- 7.12. The proposal will not have a significant impact on the character and appearance of this locality for the following reasons:
- The proposed development is largely for internal alterations to the locally listed building that do not require planning permission. The alterations for consideration are outlined above, whilst materials and joinery details of the new windows still need to be submitted and this will be conditioned, however the principle of the new frontage and windows have been assessed by the Conservation Officer and has expressed no objection to this element which will improve its appearance within the street.
 - No aspect of the proposed development will harm the historic environment and the Conservation Officer has expressed that she has no objection to any element of the proposed alterations. The proposed development is therefore considered to be acceptable and is compliant with Policies EN5 and EN6 of the Local Plan.

- Materials and details such as the finished colours and render to be used will be conditioned and will be dealt with via a further discharge planning application.

Historic Environment - Consideration of harm to the character and appearance of the conservation area and the significance of the surrounding listed buildings

- 7.13. The impact on heritage is focused mainly on the designated heritage assets of the Tamworth Town Conservation Area and the Grade II* and II listed buildings in the building's setting, and to the non-designated locally listed building itself.
- 7.14. In determining any planning application on heritage matters, special attention shall be paid to the desirability of preserving listed buildings and preserving or enhancing the character or appearance of conservation areas as set out in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.15. In addition, for the determination of planning applications affecting heritage assets Chapter 16 of the NPPF 2021 supports the conservation and enhancement of historic environments where paragraphs 127 and 184-202 are relevant. In particular, paragraph 189 highlights the importance of conservation, stating that historic and heritage assets are "an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."
- 7.16. All significant elements that make up the historic environment are termed heritage assets, defined as 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest'. They include 'designated assets', such as listed buildings or conservation areas, 'non-designated assets', such as locally listed buildings, (as in the application site) or those features which are of heritage value. The setting of a heritage asset provides its physical context, reflecting the townscape or landscape character around it. It can contribute both positively or negatively to the significance of a site and can provide evidence of the historic context of a place.
- 7.17. The policies within the NPPF emphasise the need for assessing the significance of heritage assets and their setting in order to fully understand the historic environment and inform suitable design proposals for change to significant buildings. The document also requires that the impact of development proposals which affect heritage assets is assessed.
- 7.18. The site is located on one of the medieval streets of Tamworth to the north-west of the Town Hall. The pedestrianised streets which go either side of the Town Hall create a triangular open area which forms the buildings' immediate setting. This includes a Grade II listed 1853 statue of Sir Robert Peel.
- 7.19. The application site is located between No.11 Market Street, Tamworth Toolbox, which is a two-storey brick building of similar age and No.14 which is a vacant 20th century brick fronted shop of one storey with a flat roof and fully glazed ground floor shop windows.
- 7.20. The proposals for the site at 12 and 13 Market Street include the removal of the current shop front. This is a late 20th century shopfront that replaced earlier versions. Its removal therefore has a negligible impact on the character of the building and the Conservation Area. The replacement shopfront has been designed to be a traditional timber shopfront in an historic style, with stall riser, fascia, flanking pilasters and corbels, and glazing subdivided by timber mullions. The shopfront will integrate with the character of surrounding historic buildings, such as Nos. 26-30 on the south side of Market Street that also have either historic shopfronts or modern shopfronts in a traditional design. This will enhance the coherency of the marketplace and have some beneficial impact.
- 7.21. As Nos. 12-13 Market Street is a locally listed building, within the Tamworth Conservation Area and in the setting of other listed buildings, the impact of any proposed development needs to be assessed. The significance of the buildings and their setting within the Conservation Area are detailed within the supporting Heritage Statement. Significance is 'an understanding of what makes a place special'. The statement also assesses the contribution to the setting of nearby listed buildings and considers the impact of the development proposed on both the conservation area and the listed buildings and other heritage assets. It concludes that the overall impact of the proposed works is positive and that the application proposals accord with the requirement to preserve or

enhance the character and appearance of the conservation area and the settings of the relevant heritage assets.

- 7.22. The re-use of historic buildings is strongly supported by heritage policy and guidance, which under the terms of the NPPF must be accorded substantial weight in any decision. Paragraph 197 states: *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*
- 7.23. Tamworth Borough Council's Local List summarises the significance of Nos. 12-13 Market Street: *"The building has good historic detailing and is an early building which lies in a prominent position along the main shopping street of Tamworth overlooking the Market Square and Town Hall. The building is of a scale which has presence within the street scene and provides a strong contribution to the historic street scene."*
- 7.24. As the building is not statutorily listed, there is no requirement to preserve the building, although preserving or enhancing the character of the conservation area is necessary. The proposed new shopfront and windows to the frontage will be in suitable traditional materials and of a more traditional design than the existing and as such will enhance the character of the building. The internal works have no impact and at the rear the new windows and replacement extension will serve to enhance the building and although not in view of the street, they will enhance character in the conservation area generally and tidy up a currently vacant site.
- 7.25. The submitted heritage statement in its section on significance describes Nos. 12-13 Market Street *is an example of a late-eighteenth century building which has likely been in commercial use since at least 1790 and probably much earlier, with domestic quarters above. The burgage plot form demonstrates earlier medieval town layout. The original internal structure survives in part and what remains illustrates how the building was constructed and laid out, with an interesting, mirrored layout of two properties. The upper floors retain several historic features.*
- 7.26. The rear elevation has modern deteriorating render, inappropriate uPVC windows and unsympathetic additions such as the fire escape and ladder. All these unsympathetic additions and the uPVC windows will be removed. The two second floor windows and the modern first floor door will be removed and rendered over, while other first floor windows will be replaced with new timber window frames. Two new windows to the same design will also be added on the left-hand side of the first floor and one on the right-hand side of the ground floor. The replacement timber frames to the existing windows will be a great improvement to the aesthetic appearance of the building, with the façade also being improved in terms of its decorative condition. These changes to the rear elevation will therefore have a low beneficial impact on the character of the locally listed building and Conservation Area.
- 7.27. The current rear extension is entirely modern, except for the east wall. The east wall is retained, and the rest is demolished. The new rear extension will be wider than the existing, but this has already been widened in the past and the passageway beside it and yard beyond is retained, ensuring the historic burgage plot is not completely infilled to the rear of the main building. Red brick is used as the wall material, which is more in-keeping with the typical materials of the Conservation Area than the current render. The extension will be an improvement in quality than the current range.
- 7.28. Using established methods for assessing significance, the statement suggests that these elements of significance have **medium** value overall. The aesthetic value of the building has been diluted through changes over time, with the front elevation having low value, the rear elevation neutral to detrimental, the internal ground floor detrimental value and the internal upper floors low to medium value.
- 7.29. The proposed scheme is therefore concluded to cause 'less than substantial' harm to the character and appearance of the conservation area. Paragraph 194 of the NPPF requires 'clear and convincing' justification for any harm caused with great weight given to the asset's conservation. - Paragraph 196 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 7.30. The above specified policies of the Local Plan and accompanying guidance also seek to preserve the character and appearance of the streetscape and ensure design and materials are appropriate for the historic environment.
- 7.31. The Conservation Officer was consulted to assess the potential impact of the alterations on the historic environment and proximity to other listed buildings. The Conservation Officer has stated she has no objections to the proposed development subject to additional information being submitted in respect of details and materials. The additional information will be provided via a pre-commencement condition.
- 7.32. The main harm caused as a result of the development is the (removal of internal walls), extension and the insertion of shopfront and new windows in a locally listed building. The proposed development has been assessed by the Conservation Officer, who has no objections, and I am satisfied that the scheme would go some way to preserving elements of architectural and historic interest and be in accordance with the requirements of Section 16 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy EN6 of the Local Plan. The proposed development will generate less than substantial harm to the listed building with substantial benefits in commercial re-use. Therefore, the proposed development is deemed to be acceptable.
- 7.33. Overall, the external changes to the front elevation will serve to give the building a more attractive historic character that better blends with other historic buildings on the marketplace, as well as providing more suitable conservation materials that will ensure the long-term condition of the building. The changes will have an overall beneficial impact on the locally listed building, Conservation Area and listed buildings within the setting of the site.
- 7.34. The alterations to refurbish Nos. 12-13 Market Street will have some beneficial impact on the external character of the locally listed building, on the setting of the adjacent listed buildings and on the character and appearance of the Tamworth Town Conservation Area. Though there is some removal of historic fabric, the changes will allow the building to have a sustainable future and be brought into good condition. The external changes to the rear improve the currently unattractive rear elevation and extension, while the alterations proposed for the front elevation are sympathetically designed with a new traditional timber framed shop front, timber sash or casement windows and re-rendering in lime mortar. These are all features which are typical of historic buildings within the Conservation Area. Their improvement in appearance and quality will therefore enhance the character of the Conservation Area and the setting of the listed buildings in the vicinity.
- 7.35. In addition, Tamworth Local Plan Policy EN6 supports proposals that promote the use of vacant, under-used historic buildings, including necessary and appropriate changes. The occupation of the building also supports the objectives of the Conservation Area Management Statement 2016 which identifies the negative impact that long term vacancy can have on the condition of a heritage asset.

Noise and Disturbance

- 7.36. Given the nature of the intended use as a building society, there are no impacts associated with the use that are likely to give rise to adverse environmental effects.
- 7.37. The only issue requiring assessment in this regard is the future installation of replacement rooftop plant on the rear single storey extension. This is on an area of flat roof defined in the application plans and it not likely therefore, to have any visual or other impact on the wider town centre or street scene.
- 7.38. In order to ensure that such plant does not have an adverse impact on the local noise environment for nearby residential uses identified to the rear on Church Street and further along Market Street, an acoustic assessment has been carried out and forms part of the application documents. This has assessed existing background noise levels at day and night-time and has recommended noise levels based on these background noise levels which can be secured by planning condition. This will ensure that there is no material adverse impact on the local noise environment or sensitive receptors.
- 7.39. The Environmental Health Officer has no objections subject to a condition requiring details of any plant and machinery to be approved prior to occupation or use, which would not therefore prevent refurbishment works commencing first and is in accordance with policy EN5: Design of New Development as set out in the Tamworth Local Plan 2006-2031.

7.40. Construction and refurbishment works have the potential if unmitigated, to impact on the amenities of adjacent business occupiers and local residents. Hence, a range of measures are proposed based on well recognised methods, to ensure that during construction the environmental and amenity impacts of the works are managed and minimised. The application is supported by a Framework Construction Environmental Management Plan (CEMP) and Framework Construction Transport Management Plan (CTMP). The approved contractor who carries out the work on the site will be required to prepare a detailed CEMP and CTMP under the general terms of the submitted document, in order to ensure that environmental impacts during construction are minimised. This includes elements such as working hours. A condition is therefore added below.

8. Conclusion

- 8.1. The alterations to refurbish Nos. 12-13 Market Street will have a beneficial impact on the external character of the locally listed building, on the setting of the adjacent listed buildings and on the character and appearance of the Tamworth Town Conservation Area. Though there is some loss of historic fabric, the changes will allow the building to have a sustainable future and be brought into good condition. The external changes to the rear improve the currently unattractive rear elevation and extension, while the alterations proposed for the front elevation are sympathetically designed with a new traditional timber framed shop front, timber sash or casement windows and re-rendering in lime mortar. These are all features which are typical of historic buildings within the Conservation Area. Their improvement in appearance and quality will therefore enhance the character of the Conservation Area and the setting of the listed buildings in the vicinity.
- 8.2. In addition, the improvements will bring a vacant building back into a sustainable use appropriate to the town centre, whilst any harm to the amenities of any residential properties from noise and disturbance can be suitably mitigated with appropriate conditions applied.
- 8.3. . The proposed development will generate less than substantial harm to the locally listed building and Conservation Area, with substantial benefits in sympathetic refurbishment and commercial re-use.

9. Recommendation

Approval subject to conditions

Conditions / Reasons

1. Start of development

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. Compliance with plans/approval

The development hereby approved shall only be carried out in accordance with the application form, the supporting letter and drawing numbers

1400 - E GF

1401 - E 1ST

1402 - E2ND

1403 – EROOF

1410 - E SECTION

1420 - E ELEVATIONS

1430 – D GF

1431 - D 1ST

1432 - D2ND

1433- DROOF

1440 – D SECTION

1450 - D ELEVATIONS

1460 - Site Location Plan

1461 – Site Block Plan

2400 - P GF
2401 - P 1ST
2402 - P 2ND
2403 - P ROOF
2410 – P SECTION
2420 - P ELEVATIONS

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

3. Materials-Details

Prior to the commencement of the proposed works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity, unless further consent in writing is given by the Local Planning Authority.

- i) Full details of all external materials;
- ii) Full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20, of all external joinery including fenestration and doors and proposed exterior finish;
- iii) Full details of render
- iv) Full details of rainwater goods, their materials, colour and designs.

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

4. Noise

No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition are submitted to and approved in writing by the Local Planning Authority. The rating level of the sound emitted from the site shall not exceed 44dBA between 0700 and 2300 hours and 40 dBA at all other times. The sound levels shall be determined by measurement or calculation at the noise sensitive receivers with all machinery operating at design duty. The measurement and/or calculations and assessment shall be made according to BC 4142:2014+A1:2019. Approved details shall be implemented prior to occupation/use of the development and thereafter be permanently retained.

Reason: In the interests of residential amenity in accordance with policy EN5: Design of New Development as set out in the Tamworth Local Plan 2006-2031.

5. Construction Vehicles

Before development commences a Construction Environmental Management Plan (CEMP) and Construction Transport Management Plan (CTMP) shall be submitted to and approved by the Local Planning Authority. The CEMP and CTMP thereafter approved shall be adhered to for the complete duration of the construction programme.

Reason: in the interests of amenity and highway safety in accordance with Policy EN5:Design of New Development and Policy SU2: Delivering Sustainable Transport as set out in the Tamworth Local Plan 2006-2031.

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PLANNING COMMITTEE

0324/2021

APPLICATION FOR CONSIDERATION

UPDATE REPORT

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION



Application Number: 0324/2021

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

Location: Land North of Overwoods Road, Hockley, Tamworth

1. Introduction

- 1.1. This is a supplementary report following the deferral of this application at the committee of January 18th 2022.
- 1.2. Members agreed to defer the application for consideration only so as to allow further information regarding ecological impacts to be obtained. The previous conditions sought to deal with areas of ecology by way of conditions requiring requisite future surveys. However, given the ecology issues raised by members it was considered that the required further surveys are brought forward and the findings of the ecology conservation survey's report be brought back to the Committee to assist with the determination of the application.
- 1.3. As a result of this, a reptile survey has been completed confirming that no such lifeform were found. As a result, standard mitigation measures have been suggested should be followed which can be secured by way of condition. The further ecology information obtained to date that no demonstrable harm to ecology with regards to the trees and their potential to support roostings bats will arise from the proposed development and therefore the proposal continues to accord with policy EN5 of the Local Plan.
- 1.4. Along with ecology matters, since the application was discussed at Planning Committee in January, there has also been change relating to First Homes. These are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes.
- 1.5. All the other considerations remain the same as the previous report which is attached to this supplementary report

2. Policies

2.1 Local Plan Policies

HG4 – Affordable Housing
EN4 – Protecting and Enhancing Biodiversity

2.2 National Policies

National Planning Policy Framework
Planning Practice Guidance

3. Planning Considerations

3.1 Affordable Housing

- 3.1.1 Policy HG4 requires that any new residential developments involving 10 or more dwellings are to provide at least 20% on site affordable units. The application proposes 14 dwellings, 3 of which are suggested as affordable units totalling 21% affordable units which is compliant with policy HG4.
- 3.1.2 There are no changes in the percentage of affordable homes but there will now be a change in the types of affordable housing. The breakdown will be as follows:
Total dwellings = 14
20% affordable requirement = 2.8 (so 3)

10% affordable sale element = 1.4 (so 1?)

5% First Homes requirement (25% of 20% overall affordable element) = 0.7 (so 1)

The First Homes requirement takes up all of the affordable sale element, leaving 2 units to be secured in line with the mix in HG4, which prioritises affordable rental.

3.2 Biodiversity/Trees

- 3.2.1 The site has no statutory biodiversity designation but impact on biodiversity has been a keen point of objection from members of the public over the loss of the grassland area with alleged high levels of biodiversity. The application includes a Preliminary Ecological Appraisal with Preliminary Roost Assessment, which recommends further survey work in particular to determine the presence/absence of reptiles at the site and roosting bats.
- 3.2.2 The Borough Council originally consulted with the principal ecologist at Staffordshire County Council on the submitted reports first submitted with the application. The response was generally in support of the submitted documents and their recommendations. It is clear that the development would increase built development and hardstanding and therefore would initially trigger a small net loss to biodiversity, which is contrary to paragraphs 174 and 180 of the NPPF. However, this impact can be mitigated against. Subject to the findings of the further surveys which would need to detail appropriate mitigation measures. The response includes recommended conditions some of which, such as details for boundary treatments and external lighting, are for the reserved matters stage.
- 3.3.3 The application was originally deferred due to the absence of surveys relating to ecology. As a result of this, the applicant completed reptile surveys where no such lifeform was discovered. A number of mitigation measures have been requested which include delaying the works until various times in the year and will be dealt with by way of planning conditions through mitigation measures to be submitted before the work starts. This information is all contained within the published report on the council website. Finally, a letter confirming the trees identified as having potential for bats are proposed to be retained has also been included on the council website for public consumption. With all this now confirmed, it is considered the proposal will continue to comply with Policy EN4 of the Local Plan and relevant paragraphs of the NPPF.

4. Conditions

- 4.1 The planning conditions will be amended as per the following:
- 4.1.1 Condition 4
- The development hereby approved (other than reserved matters) shall be carried out in accordance with the application form, the supporting letter, site location plan BIR.5397-002- 01, Illustrative Masterplan BIR.5397-003-01, Design and Access Statement, Flood Risk Statement & Surface Water Drainage Strategy, Drainage Operation & Maintenance Manual and the Preliminary Ecological Appraisal with Preliminary Roost Assessment dated June 2021 and Reptile Report (FPCR, May 2022 Section 5 unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To define the approval.
- 4.1.2 Condition 6
- Prior to the commencement of the development, details of biodiversity enhancement measures including reptile habitat compensation and enhancement measures (see Reptile Survey, FPCR, May 2022, Section 5), 4 number integrated bat tubes or bat boxes within the new buildings and details of the type and location of biodiversity enhancement measures including 1 group of 3 number swift boxes and 2 number house sparrow terraces on or integrated into north or east facing brickwork of the new buildings shall be submitted to and approved in writing by the Local Planning Authority. The approved

measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter throughout the life of the development.

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

4.1.3 Condition 13

No trees are to be removed unless an ecologist is present to maintain a watching brief regard bats. Any Tree works must follow measures set out in the FPCR, Trees with Potential for Roosting Bats (March 2022).

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

4.2 There are no conditions to change in relation to affordable housing.

PLANNING COMMITTEE

0324/2021

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION



Application Number:	0324/2021
Development:	Outline application (all matters reserved) for 14 Dwellings, including affordable housing and public open space
Location:	Land North of Overwoods Road, Hockley, Tamworth

1. Introduction

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

2. Policies

2.1 Local Plan Policies

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

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

2.2 National Policies

National Planning Policy Framework
 Planning Practice Guidance

3. Relevant Site History

None

4. Consultation Responses

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

North Warwickshire Borough Council

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

Tamworth Borough Council (Environmental Health)

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

Tamworth Borough Council (Waste Services)

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

British Pipeline Agency

No objections as not affected by the proposed development

Tamworth Borough Council (Development Plans)

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

Severn Trent Water

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

Staffordshire County Council (Schools Organisation)

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

Western Power Distribution

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

Staffordshire County Council (Highways)

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

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

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

High Speed 2

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

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

Staffordshire County Council (Local Lead Flood)

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

Staffordshire County Council (Ecology)

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

Tamworth Borough Council (Tree Officer)

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

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

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

4.2 Additional Representations (Public)

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

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

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

Supporting Comments:

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

Objections/Concerns:

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

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

5. Equality and Human Rights Implications

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

6. Planning Considerations

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

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

6.2 Principle

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

6.3 Reserved Matters

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

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

6.4 **Affordable Housing**

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

6.5 **Housing Density**

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

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

then

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

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

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

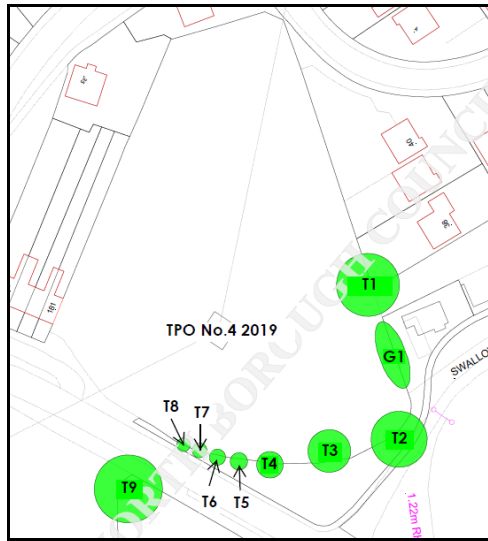
6.6 Open Space

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

6.7 Biodiversity/Trees

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

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



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

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

6.8 Highways

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

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

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

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

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

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

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

6.9 Other Matters

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

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

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

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

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

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

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

7 Conclusion

7.1 The proposal for outline planning approval with all matters reserved comprises a sustainable form of development, on land not allocated within the adopted Local Plan. The proposal demonstrates a residential scheme the principle of which accords with policies SS1, SS2, HG1, HG4, HG6, EN3, EN4 and IM1 of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework.

7.2 On balance, in light of the above considerations of the application and its supporting documentation and the conditions detailed below, it is recommended that the proposed development be approved subject to conditions and a Section 106 Legal Agreement with regard to the affordable housing provision.

7.3 If the committee are in agreement with the recommendation, then a grant of delegated authority to the Assistant Director of Growth and Regeneration is requested to conclude negotiations and complete the related section 106 legal agreement.

8 Recommendation

Approve Subject to Conditions & Section 106 Legal Agreement requiring

20% on site affordable housing
Open space maintained in perpetuity

Conditions / Reasons

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

those details that have been approved.

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

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

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

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

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

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

Reason: To define the approval.

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

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

6. Prior to the commencement of the development, details of biodiversity enhancement measures including 4 number integrated bat tubes or bat boxes within the new buildings and details of the type and location of biodiversity enhancement measures including 1 group of 3 number swift boxes and 2 number house sparrow terraces on or integrated into north or east facing brickwork of the new buildings shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter throughout the life of the development.

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

7. Prior to the commencement of development, an external lighting scheme should be installed, designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK, including a lighting contour plan that demonstrates there will be minimal impact on receptor habitats such as hedges shall be submitted and approved in writing by the Local Planning Authority.

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

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

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

permission to discharge.

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

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

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

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

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

10. Prior to the commencement of development, a detailed tree survey report, showing root protection areas, no dig zones and no parking/vehicle zones will be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate all existing trees and hedgerows on the site and indicate those to be retained, together with the measures to be adopted to protect them during the course of the development. The development shall at all times be carried out in accordance with the approved scheme.

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

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

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

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

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

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

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

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

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

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

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

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

PLANNING COMMITTEE

7 JUNE 2022

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION



Application Number:	0011/2022
Development:	Change of use from C3 dwelling to C1 boarding/guest house (retrospective)
Location:	3 Mickleton, Stonydelph, Tamworth, B77 4QY

1. Introduction

- 1.1. This application was requested to be called in by Cllr S Doyle (Stonydelph) by email on 23 February 2022 citing the following concerns:
- Issues raised by local Residents already occurring in around the Property;
 - As a result there has been a relatively high number of complaints / objections by surrounding Residents
 - Also the current Local Plan does not cover this particular item, making a decision difficult to reach, so would benefit from a review by Peers and decision take in Committee
 - Also it would appear that there has been an issue in contacting the Residents that are most effected by this application and have not had time to respond
- 1.2. This is a retrospective application for the change of use of 3 Mickleton, Stonydelph, Tamworth, B77 4QY from use class C3 (Residential dwelling) to use class C1 (Hotel including guest house). It does not include any physical alteration of the property.
- 1.3. The dwelling has been in use without planning consent previously being sought as a guest house, marketed through AirBnB since January 2020. The use of this dwelling as a guest house was first brought to the Council planning enforcement officer's attention in July 2020. Following further complaints, the applicant was informed that a planning application had to be submitted, or to revert to C3 dwelling use. Failure to do any of these options would result in formal enforcement action being taken.
- 1.4. The property is located at 3 Mickleton, a residential cul de sac within Stonydelph, comprised mainly of four bedroom detached properties. The location is such that it backs on to Marsett and following receipt of the application seven neighbouring properties on Mickleton and Marsett were advised by consultation letter of the proposal.
- 1.5. The property remains advertised on the AirBnB website as being a four bedroom detached house with a self check in process and rules in respect of the use of the facility, check in after 1500, check out at 1100, no smoking, no pets, no parties or events and no shoes in the house. Until recently it was advertised as having a capacity of ten guests. It is now advertised as having a capacity of six guests.

2. Policies

2.1 Local Plan 2006-2031 Policies

SS1 - The Spatial Strategy for Tamworth
SS2 – Presumption in Favour of Sustainable Development
EC5 – Culture and Tourism
EN5 - Design of New Development
SU2 – Delivering Sustainable Transport
SU5 - Pollution, Ground Conditions, and Minerals and Soils
Appendix C – Car Parking Standard

3. Relevant Site History

T22220	CONSTRUCTION OF 60 DETACHED DWELLINGS AND ANCILLARY SITEWORKS.
T22617	ERECTION OF 60 DETACHED HOUSES AND ASSOCIATED ROADS, SEWERS AND OPEN SPACE
T22636	ERECTION OF 60 DETACHED HOUSES AND ASSOCIATED ROADS, SEWERS AND OPEN SPACE
T22637	ERECTION OF 60 DETACHED HOUSES AND ASSOCIATED ROADS, SEWERS AND OPEN SPACE

4. Consultation Responses

- 4.1 Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at <http://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>
- 4.2 Tamworth Borough Council Environmental Protection: - noted that with the exception of one complaint received, (referred to in the application; Complaint regarding 'Hen Party' July 2020), there have been no other recorded complaints.

They have advised that the 'measures now in place', listed on page one of the Planning Statement submitted, become conditions of operation to be included in the permission if granted.

5. Additional Representations

- 5.1 As part of the consultation process adjacent residents were notified by letter.
- 5.2. A total of fifteen letters of objection have been received in respect of this application and 3 letters in support of the proposal. The letters of support are from local businesses which provide services to the applicant at the property and from a resident of Marsett which overlooks the site.
- 5.3 The letters of objection have raised concerns about the continued use of the property as an AirBnB property due to allegations of various forms of anti-social behaviour by guests and concerns over car parking. The anti-social behaviour allegations largely relate to excessive noise within and external to the property. The consistency of topics raised by objectors from properties surrounding the dwelling has been notable and would suggest that the concerns raised are widely shared locally.

6. Equality and Human Rights Implications

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

7. Planning Considerations

The key issues to be considered at this stage are

- Principle of the proposed change of use
- Amenity impact of the proposed development
- Parking considerations

7.1. Principle of the proposed change of use

- 7.1.1 Changing use between use classes is an established form of development and in the case of the proposed change from C3 Dwelling House to C1 Hotel and guest house is not allowed for by means of permitted development rights and therefore is subject to a planning application. Policy SS2 Presumption in favour of sustainable development states that *“any proposals for development that are in accordance with policies in this plan and are sustainable will be granted planning permission without delay”*.
- 7.1.2 The General Permitted Development Order makes provision for changes of use as forms of permitted development from C3 to C4 which would permit a maximum occupancy of 6 residents in a house of multiple occupation. There is no limit to the number of occupiers within C3 use which is normally regarded as being for a single household.
- 7.1.2 Policy EC5 Culture and Tourism states that planning applications which deliver a vibrant cultural and tourism economy which will help improve the quality of life of residents and visitors will be supported. As a result of this, there is a principle of acceptance for increasing the quantity of short-term accommodation for visitors to the area.
- 7.1.2 Policy EN5 Design of New Development is relevant to this application in respect of noise and car parking. Part G of the policy states, “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.” Part H of the policy states, “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.
- 7.1.2 Whilst the principle of residential use is acceptable; a C1 use has further considerations beyond a single dwelling as indicated below.

7.2 Amenity Impact of the Proposed Development

- 7.2.1 The change of use of 3 Mickleton from C3 to C1 has already been implemented without approval and the amenity outcomes for residents surrounding the dwelling have been articulated by objectors. The amenity impacts have generally arisen from some guests behaving in a manner which has caused disturbance to neighbours or by neighbours being impeded by car parking associated with the property.
- 7.2.2 On the one occasion reported to Tamworth Borough Council Environmental Protection in July 2020 and from the previously unreported events where parties have been held that have resulted, that disturbance to neighbours has occurred and remains an ongoing concern. The amenity concerns are therefore not due to physical development but how the dwelling has been used. Key factors in this have been the advertising of the property as being suitable for ten guests and the use of the integral garage as a games room. Advertising the property in such a way has emphasised its appeal to users who seek a property for a large number.
- 7.2.3 Consequently the use of the property by large groups of up to ten people for leisure purposes, particularly when groups are external to the property or within the integral garage that will have lower levels of sound proofing than the main part of the dwelling has had amenity impacts on neighbours.
- 7.2.4 When considering the original issues posed by the change of use, the applicant has been asked to make a number of concessions and measures to reduce the potential impact on amenity this use may have. This includes:
- Ensuring the maximum number of guests permitted is to not exceed six at any one time.
 - The requirement of the applicant to keep a register of all guests accommodated and make it available following any reasonable request from the Local Planning Authority
 - Ensure the garage is to be retained as a garage and made available at all times to guests for the parking of a car

As a result of these measures, it is considered that the quality of life of residents would be improved if the amenity impacts of the proposal were reduced to a level that could be thought of as being not

dis-similar to the level of impact that the site would have in its current use class designation of C3 residential dwelling, the measures above seek to do this.

In conclusion, subject to the imposition of robust conditions to mitigate the concerns raised the proposal will not have a significant impact upon residential amenity and conform to policies EC5 and EN5 of the Tamworth Local Plan and the National Planning Policy Framework. The conditions will provide for better management of the site overall.

7.3 Parking

7.3.1 Tamworth Local Plan Policy EN5 h) states that new developments will be expected to pay particular regard to highway safety and servicing requirements, the capacity of the local road network and the adopted parking standards set out in Appendix C. This is also reinforced in policy SU2 Delivering Sustainable Transport.

7.3.2 Appendix C of the Tamworth Local Plan states that for a C1 (hotel) use there should be spaces at a rate of 1 per bedroom. Therefore, for a property with four bedrooms this should provide four spaces.

7.3.3 Within the garage, one space at measurements of 3m x 6m internally (thereby complying with current Design Supplementary Planning Document guidance) and two externally in front of the garage are provided with this proposal.

7.3.2 Originally, it had only the two external car park spaces available to guests as the garage has been in use as a games room. The applicant has stated in the supporting statement to withdraw use of the garage as a games room and instead make it available for guest parking. The removal of the use of garage for any purpose other than the parking of cars will facilitate the parking of three cars at the property.

7.3.3 Although 3 Mickleton has four bedrooms, three of which are classed by the applicant as double rooms and the fourth as a single room, there are only three car park spaces practically available at the property.

7.3.4 The capacity of six guests would still enable the property to be let out to users but would address the majority of concerns raised by neighbours about anti-social behaviour stemming from use by large groups and excessive car parking as the maximum number of cars anticipated would be restricted compared to previous activity on site.

7.3.6 Whilst the proposal would not meet the parking standards, the deficiency of one on site (which could be accommodated on the unrestricted parking nearby) is considered not have a severe impact upon highway safety. As a result of this, the proposal would accord with EN5 of the Tamworth Local Plan and the NPPF.

8 Conclusion

8.1 The proposed retrospective change of use from C3 residential dwelling to C1 guest house does not benefit from any permitted development rights and therefore requires planning permission to be undertaken. The proposed change of use has the potential if allowed to do so to create significant amenity issues for the residents around the property but this can be mitigated by the imposition of planning conditions as set out below.

8.2 The change of use of residential dwellings to hotels is well established in the Borough and is considered to meet the policy ambitions of encouraging visitors to the town with the economic benefits that this can generate to the local area.

8.2 There is scope to permit the application without creating undue levels of amenity impact in accordance with Policy EN5 Design of New Development and Policy SU2 Sustainable Transport of the Tamworth Local Plan through restricting the maximum number of guests to a level that would not be dissimilar to a potential household in size and other uses as set out in Class C1 as set out above. These uncontrolled uses could equally impact on local amenity issues.

8.3 The considerations are finely balanced and it is proposed therefore with the stringent measures in place controlled by conditions, the application is recommended for approval.

8 Recommendation

Approval with conditions

Conditions / Reasons

- 1 The development hereby permitted shall only be carried out in accordance with the application form and Location Plan serial number 107904 submitted unless otherwise agreed in writing by the Local Planning Authority.
Reason: To define the permission.
- 2 The maximum number of guests permitted at the dwelling is to not exceed six at any one time throughout the life of the development
Reason: To minimise harm to neighbor amenity in compliance with Policy EN5 Design of New Development and Policy SU2 Sustainable Transport of the Tamworth Local Plan 2006-31.
- 3 A written register must be kept of all guests accommodated and make it available following a reasonable request from the Local Planning Authority, to ensure compliance with the maximum permitted number of guests
Reason: To minimise harm to neighbor amenity in compliance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-31.
4. The garage is to be retained for the purposes of a garage only and no other use shall be permitted in the garage and it shall be made available at all times to guests for the parking of a car, for the lifetime of the development.
Reason: In the interests of ensuring sustainable parking in accordance with Policy SU2 Sustainable Transport and in minimizing harm to neighbor amenity in accordance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-31.

PLANNING COMMITTEE

7 JUNE 2022

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION



Application Number: 0175/2022
Development: Erection of a first storey side and single storey rear extension
Location: 23 Beyer Close, Glascote, Tamworth, B77 2DP

1. Introduction

- 1.1.1. The site is a semi-detached two storey dwelling on Beyer Close in Glascote. The site is adjacent to similarly styled dwellings. There is a slight increase along Beyer Close where number 23 is higher by a small amount compared to 21 Beyer Close.
- 1.1.2. It is proposed to erect a first storey side and a single storey rear extension. The rear extension would measure 5.3m deep and 6.4m wide, the full width of the rear of the dwelling. It would have a flat roof with a centrally located lantern light. The side extension would measure 2.7m wide and of the depth of the existing dwelling. The side extension would have a dual pitched roof orientied perpendicular to the existing roof. The first floor side extension would consist of an en-suite and main bathroom and a third bedroom. At ground floor the extension will provide space for a kitchen diner. It is also proposed to convert the garage to a hall toilet and utility. The dwelling is orientated such that the garden is south facing.
- 1.1.3. The application was called to committee by Cllr Peale on the grounds that the application does not have the necessary information and that the topography of the street raises additional issues in relation to amenity.

2. Policies

- 2.1 National Planning Policy Framework (NPPF)
National Design Guide
Planning Policy Guidance (PPG)

Adopted Tamworth Local Plan 2006-2031

SS1 The Spatial Strategy for Tamworth
SS2 Presumption in Favour of Sustainable Development
EN5 Design of New Development
SU2 Delivering Sustainable Transport
Appendix C Car Parking Standards
Tamworth Borough Council Design Supplementary Planning Document

3. Relevant Site History

T03889	CAR PORT
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3. Consultation Responses

- 3.1 None received at the time of writing this report

4. Additional Representations

- 4.1 As part of the consultation process adjacent residents were notified and a press notice and site notices were erected. Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at www.tamworth.gov.uk.

One neighbour objected (received 22/04/2022) – this was for a lack of information on drawings, how the proposal would be over-bearing, create a loss of light, drainage issues, the difference in levels and how the application as built could preclude neighbour from having extension.

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

- **Character and Appearance**

Policy EN5 Design of 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.

The plans as originally submitted included a set back of 300mm with no discernible set down. Amended plans were submitted for this scheme showing a set down and set back in order that the proposed extension would look subordinate to the host dwelling. Following the receipt of these amended plans it was considered that the design of the scheme was acceptable and would not cause any terracing effect within the street scene.

The proposal will not have a significant impact on the character and appearance of this locality for the following reasons;

1. Its scale, design and materials are sympathetic to the existing building
2. It relates well to its surroundings
3. Its siting would not significantly impact on the streetscene

Furthermore in accordance with the Tamworth Borough Councils Design Supplementary Planning Document. The proposal is considered to comply with section 4 (Development Guidance) in particular paragraphs 4.16 to 4.20 front extensions and 4.21 to 4.25 rear extensions. The extension is set down and back from the existing elevations, albeit not quite the full 1m that the SPD recommends. The width of the side extension is marginally greater than 50% of that of the original building however this is not considered to be a significant issue. Furthermore the rear extension meets the light angle guidance using the 45 degree test. This application is therefore compliant with Policy EN5 in relation to character and appearance.

- **Amenity of neighbouring properties**

Policy EN5 Design of 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.

The first floor extension along the side of the dwelling would be similar in line to the closest neighbour at number 21. Number 21 does not have any principal room windows in the side elevation and therefore any extension would not pose a significant overbearing impact. Bathroom windows are not principle windows and therefore not afforded the same protection than if this were a bedroom or living area.

There is unlikely to be a significant impact on the reasonable amenities of any of the adjacent residents through overshadowing, overbearing or loss of privacy, due to the gardens facing south and

the first floor being on the side of the dwelling in line with the neighbouring property. This application is therefore compliant with Policy EN5 in relation to the amenity of neighbouring properties.

- **Highway Safety**

Policies 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.

It is proposed to change what was a two bedroom dwelling to a three bedroom dwelling. The requirements with regards to parking within Appendix C are the same for a two bedroom as they are for a three bedroom dwelling. The proposal involves the conversion of the existing garage, however, two off street parking spaces can be accommodated to the front of the dwelling which means the highway policy requirements are met. This application is therefore compliant with Policies SU2 and EN5 in relation to highway safety and specifically parking standards.

The proposal will not have a significant impact on highway safety for following reasons;

- a. The property benefits from existing sufficient parking
- b. The proposal provides acceptable access/parking arrangements

- **Call-in Reasons**

The application has been called in for two reasons; 1) access to information and 2) topography. With regards the first point no lesser information has been made available for this application than is made available for most simple householder applications, albeit the drawings for this proposal are hand drawn whereas most submissions are computer drawn. Amended plans were submitted which are annotated with the measurements for the extension in an attempt to provide more information as it is accepted that even the best plans are difficult to measure on the website. In addition drainage details were included on the amended plans. Regardless, lack of access to information is not a material planning reasons to refuse an application.

With regards to the levels, there is a levels difference between the application site and ground floor level for the neighbour which will potentially worsen the sense of overbearing from the proposed extension however the difference in levels is small. The two storey side extension is orientated such that it is in line with the main part of the neighbouring property and, with the set down, would not be significantly greater in height than ridge height on the neighbouring property. A proportion of the single storey rear extension would be viewable above the fence from the neighbouring rear garden and as stated before the difference in levels would mean that a greater amount of that extension would be viewable than would otherwise have been the case if the levels were the same. However, even considering this, the impact on the neighbour in terms of a sense of overbearing would not be significant enough to refuse the planning application.

It is worthy of note that the neighbour has had a single storey rear extension themselves and therefore loss of light to rear habitable windows is not a consideration in line with the Design SPD paragraph 4.39 which states that only original principle rear windows to habitable rooms are to be protected. Nevertheless there is a garage width of space between the proposed rear extension and the rear extension on the neighbouring property and therefore there is unlikely to be any issues with loss of light.

7 **Conclusion**

The proposed development of side and rear extensions is considered to be of an acceptable design which would not have a significant adverse impact upon the character and appearance, neighbouring amenity or highway safety. Therefore, it is compliant with the relevant Local Plan policies and the Design SPD. Consequently, the application is recommended for approval.

8 **Recommendation**

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| 1. Approval with conditions |
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Conditions

1. The development shall be started within three years from the date of this decision.
Reason: In compliance 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 strictly carried out in accordance with the application form and drawings: Proposed side and rear extensions' Rev B dated 21/05/2022 and the location plan with unique plan reference b36c/uk/772683/1045134 unless otherwise agreed in writing by the Local Planning Authority.
Reason: To define the permission.

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