



Borough of Tamworth

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

Enquiries: 01827 709 709  
Facsimile: 01827 709 271

## PLANNING COMMITTEE

28 November 2022

Dear Councillor

A meeting of the Planning Committee will be held in **Town Hall, Market Street, Tamworth on Tuesday, 6th December, 2022 at 6.00 pm.** Members of the Committee are requested to attend.

Yours faithfully

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

**Chief Executive**

### A G E N D A

### NON CONFIDENTIAL

- 1 **Apologies for Absence**
- 2 **Minutes of the Previous Meeting (Pages 5 - 16)**
- 3 **Declarations of Interest**

*To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.*

*When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.*

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

*Summary of Applications received:*

**a 0417/2022 Clifford Close, Tamworth** (Pages 17 - 24)

*Application no:0417/2022*

*Development: Erection of a two bedroom bungalow*

*Location: The Orchard, 9 Clifford Close, Glascote, Tamworth, B77 2DD*

#### **5 Appeal Summary - November 2022** (Pages 25 - 26)

*(Information only)*

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#### **Access arrangements**

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

#### **Filming of Meetings**

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

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

#### **FAQs**

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

To Councillors: R Ford, A Cooper, D Box, R Claymore, S Daniels, S Goodall, J Harper,  
J Jones, D Maycock, B Price, S Smith, M Summers and P Thurgood

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## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON 4th OCTOBER 2022**

**PRESENT:** Councillor R Ford (Chair), Councillors A Cooper (Vice-Chair), D Box, R Claymore, S Goodall, J Harper, D Maycock, S Smith, M Summers and P Thurgood

The following officers were in attendance: Jane Cotton (Planning Solicitor) Anna Miller (Assistant Director – Growth & Regeneration), Sally Price (Senior Planning Officer), Debbie Hall (Planning Officer) and Tracey Pointon (Legal Admin & Democratic Services Manager)

### **10 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor B Price

### **11 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 11<sup>th</sup> July 2022 were approved and signed as a correct record.

*(Moved by Councillor S Goodall and seconded by Councillor A Cooper)*

### **12 DECLARATIONS OF INTEREST**

The Chair confirmed that under Section 33(2) of the Localism Act 2011, the act permits an authority to grant a dispensation from either or both of the restrictions not to participate and / or vote on a matter in which they have a pecuniary interest. Planning Committee Members have received a dispensation for applications relating to the Future High Street Project for a period of two years starting from 7th July 2022 until 7th July 2024. This was relevant to Item 4a on the Agenda.

Councillor J Harper declared a non-pecuniary interest in the applications 0308/2022 and 0309/2022 as a member of the masonic Lodge

Councillor D Maycock declared a non-pecuniary interest in the applications 0308/2022 and 0309/2022

Councillor M Summers declared a non-pecuniary interest in the applications 0308/2022 and 0309/2022

At the request of the Chair the Planning Solicitor gave advice to Members on interests in relation to items 4b and 4c on the Agenda

### 13 APPLICATIONS FOR CONSIDERATION

#### 14 0262/2022 CO-OP DEPARTMENT STORE, 5 COLEHILL TAMWORTH - REDEVELOPMENT TO PROVIDE NEW COLLEGE BUILDINGS

Application Number: 0262/2022

Development: Redevelopment to provide a new 4 storey college building (Class F) with associated servicing and plant

Location: Co-op Department Store, 5 Colehill, Tamworth, B79 7HA

Steven Fidgett - Agent and Peter Marsh – Agent spoke in support of the Application

RESOLVED: Subject to the following changes to conditions  
Condition 2 Drawings List to be inserted  
Condition 9, drainage to be deleted – repetition of condition 10  
Condition 18, cycle storage to be deleted – repetition of condition 16.

The Committee approved, subject to conditions below and subject to the prior completion of a s106 Obligation and grant delegated authority to the Assistant Director Growth and Regeneration to conclude negotiations on and complete an agreement under section 106 of the Town and Country Planning Act 1990 so to secure the planning obligations outlined in this report.

*(Moved by Councillor M Summers and seconded by Councillor A Cooper)*

#### Conditions/Reasons

##### Time

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

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

##### Plans

**Compliance**

2. The development hereby permitted shall be carried out in accordance with plan(s)/drawing(s):

SSC ACG XX 00 DR A 2050 - Ground Floor Plan - GA 1:100 A0 P1 P2

SSC ACG XX 01 DR A 2051 - First Floor Plan - GA 1:100 A0 P1 P2

SSC ACG XX 02 DR A 2052 - Second Floor Plan - GA 1:100 A0 P1 P2

SSC ACG XX 03 DR A 2053 - Third Floor Plan - GA 1:100 A0 P1 P2

SSC ACG XX RF DR A 2054 - Roof Access Plan - GA 1:100 A0 P1 P2

SSC ACG XX B1 DR A 2055 - Lower Ground Floor Plan - GA 1:100 A0 P1 P2

SSC ACG XX RF DR A 2056 - Roof Floor Plan - GA 1:100 A0 P1 P2

SSC ACG XX ZZ DR A 4050 - GA Elevations - North & South 1:100 A0 P1 P2

SSC ACG XX ZZ DR A 4051 - GA Elevations - East & West 1:100 A0 P1 P2

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

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

**Materials-Details**

3. 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.

Full details of all external materials;

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.

**Archaeology**

4. 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. B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A). C) The development shall not be occupied until the site investigation and post excavation 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".

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.

**Noise**

5. 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.

Reason

In the interests of amenity, in accordance with local planning policy EN5 of the Tamworth Borough Council Local Plan 2006-2031.

6. No work, no construction site machinery or plant shall be operated, no process shall be carried out, and no construction related deliveries taken at or dispatched from the site except between the hours of 8am-6pm Monday to Friday and 8am-1pm Saturday and not at any time on Sundays, Bank or Public Holidays

Reason: In the interests of amenity, in accordance with local planning policy EN5 of the Tamworth Borough Council Local Plan 2006-2031.

**Dust**

7. The development shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full.

Reason: In the interests of amenity, in accordance with local planning policy EN5 of the Tamworth Borough Council Local Plan 2006-2031.



## Contaminated Land

8. The recommendations of South Staffordshire Geotechnical design report July 2022 2118-A2S-XX-XX-RP-Y-0002-00 should be implemented. The specification of new water supply pipes installed as part of the proposed development should be agreed with the utility provider. PE specification pipework may not be acceptable.

Site-won soils are suitable for re-use within the proposed development without additional chemical testing. However, if import of soils and aggregates is required from off-site then only suitable materials should be incorporated into the permanent works.

No waste materials should be imported, and it may be required to develop a Materials Management Plan (MMP) in accordance A watching brief for unexpected contamination should be implemented during the groundworks.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with local planning policy SU5 of the Tamworth Borough Council Local Plan 2006-2031 and paragraphs 178 and 179 of the National Planning Policy Framework.

## Drainage

9. The development hereby permitted shall not be commenced until such time as a scheme to demonstrate satisfactory surface water drainage systems has been submitted to, and approved in writing by, the local planning authority. This should demonstrate:
- Submission of a full and completely satisfactory CCTV condition survey report of the surface water drainage system, particularly of all existing assets to be utilised. All significant defects with a grade defect above 2 will need to be appropriately rectified or remedied and satisfactory evidence of this remediation submitted
  - Surface water drainage system(s) designed in accordance with the Non-Statutory Technical Standards for sustainable drainage systems, (SuDS), (DEFRA, March 2015).
  - Sustainable Drainage Systems designed in full accordance with the Staffordshire County Council SuDs Handbook
  - Limiting the surface water run-off generated by all storm events up to, and including the 1 in 100 year plus 40% (for climate change) event, to 2 l/s.
  - Provision of adequate attenuation flood storage on the site to a 1 in 100 year plus 40% climate change return period standard in full accordance with the requirements specified in 'Science Report Sc030219 Rainfall Management for Developments'.
  - Detailed design (plans, network details and calculations), in support of any surface water drainage scheme including details of any

attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 40% (climate change), return period, critical duration storms.

- A satisfactory proposed final site levels plan, as well as a detailed pipe and manhole levels plan, indicating all appropriate cover levels and invert levels is to be submitted and approved.
- Details of the proposed rainwater harvesting system and its explicit relationship with the attenuation crate, particularly levels.
- Plans illustrating the flooded areas and flow paths in the event of exceedance of the drainage system.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water systems shall be maintained and managed for the lifetime of the development.
- Provision of an acceptable Construction Surface Water Management Plan or Construction Environment Plan for surface water drainage to ensure that surface water systems shall be maintained and managed during demolition and construction phases.
- Confirmation of which responsible body will maintain the surface water system over the lifetime of the development according to an acceptable maintenance schedule.
- Evidence of agreement between the applicant and Severn Trent Water Plc to discharge into the Surface Water Sewerage system.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

## Highways

10. Notwithstanding the submitted details, the development hereby permitted shall not be commenced until details of any works within the adopted highway have first been submitted to and approved in writing by the Local Planning Authority, which shall thereafter be constructed in accordance with the approved details.

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

11. The development hereby permitted shall not be commenced until details of structural surveys undertaken to determine the impact of any required excavation activities on or next to the adopted highway have first been submitted to and approved in writing by the Local Planning Authority. Any excavation activities shall thereafter be carried out in accordance with details agreed in writing with the Local Planning Authority.

Reason In the interests of pedestrian and highway safety accordance with

policies EN5 and SU2 and Appendix C of the Tamworth Borough Council Local Plan 2006-2031.

12. The development hereby permitted shall not be commenced until highway rights have been extinguished for the area of land shown in dark purple on submitted plan Drawing No. 2022/6546/001 P3 Boundary Overlay Plan.

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

13. Notwithstanding the submitted details, the development hereby permitted shall not be commenced until details of replacement street lighting have first been submitted to and agreed in writing by the Local Planning Authority. The replacement streetlighting shall thereafter be delivered in accordance with the approved details.

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

14. Notwithstanding the submitted details, no phase of the development shall take place, including any demolition or excavation works, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be adhered to throughout the construction period. The Construction Management Plan shall include: -  
Details of construction access - Arrangements for the parking of site operatives and visitors - Location of the contractors compounds, cabins and materials storage areas - Construction hours - Delivery hours and routeing - Recorded daily inspections of the private road/ adopted highway leading to the site access - Measures to remove mud or debris carried onto the private road/ adopted highway - Agent contact details.

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

15. Notwithstanding the submitted details, the development hereby permitted shall not be brought into use until full details of safe, secure and weatherproof cycle parking, changing and locker facilities for staff and students, have first been submitted to and approved in writing by the Local Planning Authority. The cycle parking, changing and locker facilities shall be constructed in accordance with the approved details and thereafter be retained for the life of the development.

Reason: In the interests of pedestrian and highway safety accordance with

policies EN5 and SU2 and Appendix C of the Tamworth Borough Council Local Plan 2006-2031.

16. Upon commencement of the development the Travel Plan (Final Rev A, dated 16/09/2022) shall be implemented and monitored accordingly to the targets and timescales contained therein.

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

#### 14.1 0308/2022 Masonic Rooms (FULL)

Councillors J Harper, D Maycock and M Summers left the meeting at 19.30 as they had declared non pecuniary interest on application 0308/2022

Application Number: 0308/2022

Development: Erection of a single storey side and rear extension to a Grade II listed building

Location: 29 Lichfield Street, Tamworth, B79 7QE

RESOLVED: Subject to the addition of conditions 5 & 6

Approved subject to Conditions  
(Moved by Councillor R Ford and seconded by Councillor A Cooper)

#### Conditions/Reasons

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 only be carried out in accordance with the application form and drawings: 012205/1 and 012205/2 dated January 2022 and unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the approval.

3. If during the works contamination is encountered which

has not previously been identified, then the contamination shall be fully assessed, and an appropriate remediation scheme submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with local planning policy SU5 Pollution, Ground Conditions and Minerals and Soils.

4. You must carry out any building work, operate site machinery or operate plant which can be heard at the boundary of the site only:
  - between 0800 and 1800 Monday to Friday;
  - between 0800 and 1300 on Saturday; and
  - not at all on Sundays, bank holidays and public holidays

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy EN5 Design of New Development.

5. Notwithstanding condition 2 above, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Tamworth Town Centre Conservation Area and to conform to policies EN5 and EN6 of Tamworth Local Plan 2006-31.

6. No development shall take place until a construction methodology has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the extension is constructed in a manner which protects the integrity and historic features of the listed building and to conform to policies EN5 and EN6 of Tamworth Local Plan 2006-31.

#### 14.2 **0309/2022 Masonic Rooms (LBC)**

Councillors J Harper, D Maycock and M Summers left the meeting at 19.30 as they had declared non pecuniary interest on application 0309/2022

Application Number: 0309/2022

Development: Erection of a single storey side and rear extension to a Grade II listed building

Location: 29 Lichfield Street, Tamworth, B79 7QE

Resolved: Subject to the addition of condition 4

Approved subject to Conditions

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

### Conditions/Reasons

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 approved shall only be carried out in accordance with the application form and drawings: 012205/1 and 012205/2 dated Jan'22 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the permission.

3. Notwithstanding condition 2 above, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Tamworth Town Centre Conservation Area and to conform to policies EN5 and EN6 of Tamworth Local Plan 2006-31.

4. No development shall take place until a construction

methodology has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the extension is constructed in a manner which protects the integrity and historic features of the listed building and to conform to policies EN5 and EN6 of Tamworth Local Plan 2006-31.

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**PLANNING COMMITTEE**

**6<sup>th</sup> December 2022**

**APPLICATION FOR CONSIDERATION**

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



**Application Number:** 0417/2022

**Development:** Erection of a two bedroom bungalow

**Location:** The Orchard, 9 Clifford Close, Glascote, Tamworth, B77 2DD, B77

## 1. Introduction

- 1.1 A planning application was received in 2021 for a single storey two bedroom dwelling on the side garden of The Orchard, 9 Clifford Close in Glascote. This application was withdrawn due to ownership issues with the site and because the applicants were advised that the likely outcome would be a refusal. This application was subsequently resubmitted in July 2022 and refused under delegated powers. Some minor changes were made to the scheme in comparison to the withdrawn scheme. The planning application subject of this report is a resubmission of the refused application however, the documents and plans submitted are identical to those submitted with the application previously refused.
- 1.2 The application site is approximately 228 square metres in area and to the east side of the host dwelling. The site is situated in an established residential area with bungalows on either side and beyond on Clifford Close. To the rear of the site is a piece of incidental open space isolated by the surrounding dwellings and on the opposite side of the road is a dense row of conifer trees beyond which are two storey semi-detached dwellings.
- 1.3 The dwelling would measure approximately 6m wide by 12m deep with a pitched roof 2.4m to the eaves and 4.1m to the ridge. The dwelling would include one window on the front elevation, two double full height patio doors at the rear, a front door, a window and a rooflight on the west facing side elevation and two windows and a rooflight on the east facing side elevation. A drive and access point has recently been created to the front of the site in advance of making this planning application. The proposed dwelling would include a lounge, kitchen, utility room, two double bedrooms and bathroom.
- 1.4 At pre-application stage the applicants were advised that the site was likely to be too small for a new dwelling and that there were concerns regarding design and layout and the limited amenity space that a small site such as this could accommodate.
- 1.5 This planning application has been called to committee by Councillor Wade for reasons as follows;
- ‘Tamworths emerging Local Plan shows a need for further housing in Tamworth and we have a duty to co-operate with LDC/NWBC to meet our need. This application offers up a new dwelling with minimal impact on infrastructure and neighbours. We need to support housing growth.’
- 1.6 The site is currently the subject of an enforcement case regarding a treehouse in the rear garden.

### Location Plan



## 2. **Policies**

### 2.1 Local Planning Policies

*Adopted Tamworth Local Plan 2006-2031*  
SS1 The Spatial Strategy for Tamworth  
SS2 Presumption in Favour of Sustainable Development  
HG1 Housing  
EN4 Protecting and Enhancing Biodiversity  
EN5 Design of New Development  
SU1 Sustainable Transport Network  
SU2 Delivering Sustainable Transport  
SU5 Pollution, Ground Conditions and Minerals and Soils  
IM1 Infrastructure and Developer Contributions  
Appendix A Housing Trajectory  
Appendix C Car Parking Standard  
Tamworth Design Supplementary Planning Document 2019  
Tamworth Borough Council's Community Infrastructure Levy (CIL)

### 2.2 National Planning Policies

National Planning Policy Framework 2019 (NPPF)  
National Planning Practice Guidance (NPPG)  
National Design Guide 2021  
National Model Design Code 2021

## 3. **Relevant Site History**

T13550	DEMOLITION OF BUNGALOW AND ERECTION OF 8 BUNGALOWS
T14014	DEMOLITION OF EXISTING BUNGALOW, CONSTRUCTION OF NEW ROAD AND 8 BUNGALOWS
T14729	8 BUNGALOWS, NEW ROAD AND SEWERS
0016/1999	3 Bedroom bungalow and associated garage
0397/2021	Construction of 2 bedroom bungalow
0330/2022	Erection of a Two Bedroom Bungalow (re-submission of 0397/2021)

Numbers 1 to 8 Clifford Close were approved in the mid 1980's however 9 Clifford Street was the result of a separate planning application in 1999 for a 3 bed bungalow in the rear garden of 8 Clifford Street.

## 3. **Consultation Responses**

### 3.1 Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at <http://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>

TBC Strategic Planning and Development Services (received 16/10/2022) – no objections subject to compliance with wider policies of Local Plan.

The Coal Authority (received 10/11/2022) – object on the grounds of inadequate information

Staffordshire County Highways (received 25/10/2022) – no objections subject to conditions

TBC Environmental Protection (received 28/10/2022) – no objections subject to a condition.

TBC Strategic Housing (expired 16/11/2022) – no response received

TBC Waste Management (received 25/10/2022) – no objection

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

## 4. **Additional Representations**

### 4.1 As part of the consultation process adjacent residents were notified. No neighbour comments had been received at the time of writing this report.

## **5. Equality and Human Rights Implications**

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

## **6. Planning Considerations**

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

- Principle
- Character and Appearance
- Amenity of Neighbouring Properties
- Supplementary Planning Document
- Highway Safety and Parking
- Biodiversity and Trees
- Community Infrastructure Levy

- 6.2 Principle

- 6.2.1 The starting point in determining the acceptability of development proposals is the Local Plan, where the policies are consistent with the NPPF. Policy SS1 The Spatial Strategy for Tamworth is to provide development in the most accessible and sustainable locations and SS2 Presumption in Favour of Sustainable Development, states that proposals that accord with the local plan are sustainable and will be approved without delay. Policy HG1 is the most relevant local policy in assessing residential development within the Borough which supports residential development within the urban area of the Borough. These are considered to reflect the presumption in favour of sustainable development contained within the NPPF because development within the urban area of Tamworth is in general terms sustainable. This is as a result of access to sustainable modes of transport and access to relevant services and amenities within the Borough. Therefore, it is considered that the above policies are consistent with the NPPF. The application site as defined on the proposals map is located wholly within the urban area of Tamworth.

- 6.2.2 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 Local Plan requires a net increase of 4,425 dwellings over the plan period 2006-2031. Despite past delivery rates being slightly behind target, the delivery rates have increased significantly, and it is still anticipated that the 4,425 dwellings will be delivered by 2031. The Council currently has a greater than five-year housing land supply meaning that there is not an urgent need for housing in the Borough at this time which might otherwise outweigh other policies contained within the Local Plan. In relation to policy HG1, because of having this healthy supply of housing there is no requirement to accept a lower standard of design.

- 6.3 Character and Appearance

- 6.3.1 The appearance of a development is a material planning consideration and in general terms the design of a proposal should not adversely impact on the character and appearance of the wider street scene
- 6.3.2 Policy EN5 – Design and New Development states that developments should be of a scale, layout form and massing which conserves or enhances the setting of development and utilize materials and overall detailed design which conserves or enhances the context of the development.

Proposals should respect and where appropriate reflect existing local architectural and historic characteristics but without ruling out innovative or contemporary design which is still sympathetic to the valued characteristics of an area.

- 6.3.3 The National Planning Policy Framework (NPPF) was published in July 2021 and is a material planning consideration in the determination of planning decisions. One of the core planning principles contained within the NPPF seeks to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.3.4 Paragraph 126 of the NPPF states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities..”
- 6.3.5 Paragraph 130 of the NPPF concentrates on guiding the overall quality of the area, good design, landscaping, layout, sympathetic to local character and history, including the surrounding built environment, establishing a strong sense of place by optimising the potential of the site and creating places that are safe, inclusive and accessible.
- 6.3.6 Paragraph 134 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 6.3.7 Design is subjective and open to interpretation and is often quoted as the art of making places for people, a process that is reliant on a number of different but mutually reinforcing objectives. Successful places constitute more than good architecture. It is important to understand the function of a place over time as well as the connections and spaces between buildings will affect the way a place ‘feels’.
- 6.3.8 The proposal to locate a dwelling in the side garden would be markedly different to the pattern of development in this locality; other dwellings having large plots with generous rear gardens and wide frontages addressing the street. The proposed bungalow would be viewed in the context of the bungalows along Clifford Close. Number 9 Clifford Close has a depth of approximately 23m and a width of 31m. Number 8 Clifford Close has a depth of approximately 48m and a width, where it meets the road, of 14m. Compare this to the proposed plot having an approximate width of 9.5m and a depth of 24m there would be quite a difference from those in the immediate area. Consequently, the dwelling would appear disproportionately small and narrow when viewed to the front elevation and lack the depth to be in keeping with the adjacent bungalows to the immediate east.
- 6.3.9 The proposal is to accommodate a new dwelling in the side garden of a house which itself has been built in the rear garden of another house. When The Orchard was approved a planning condition was applied stating that permitted development rights be removed in order to protect the character and appearance of the area. The inclusion of this condition suggests that the addition of further built structures within the site boundary are likely to represent over development of the site.
- 6.3.10 Furthermore, the design of the proposed dwelling is considered to be simplistic and lacking in interest in comparison to the other properties along the street with the front elevation featuring a wall with one window and a small element of building set back from the front and projecting out from the side. This is in contrast to the other bungalows along the street that feature multiple windows of differing styles, garages of varying sizes and a variety of set backs and steps forward in the front façade. This is likely a consequence of the constraints of the site in terms of size.
- 6.3.11 Overall it is considered that the proposal would be contrary to policy EN5 with regards to character and design.

#### 6.4 Amenity of Neighbouring Properties

- 6.4.1 Policy EN5 – Design and New Development states that developments will be expected to minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of

neighbouring land. Such impacts may include loss of light, privacy or security or unacceptable noise, pollution, flooding or sense of enclosure.

6.4.2 The proposed dwelling is single storey and orientated such that it sits between the existing dwellings at number 8 and 9 Clifford Close. Consequently, there would be an insignificant impact in terms of of the proposal creating a loss of light or being overbearing. Two side windows are proposed on the elevation facing number 8 however these could be obscure glazed to prevent any issue with loss of privacy. On the side facing 9 Orchard Close there is a window to the kitchen which if obscure glazed would limit the light into the room. Therefore a pre-commencement condition to submit boundary treatments for approval would be recommended in order to maintain privacy for the adjacent property.

6.4.3 The proposal will not have a significant impact on the amenities of occupiers of neighbouring dwellings for the following reasons:

- Following the Building Research Establishment (BRE) daylight and sunlight tests, the proposal does not have an adverse effect on daylight and sunlight to neighbouring properties
- Due to the orientation of the proposal relative to neighbouring properties 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

6.5 Tamworth Design Supplementary Planning Document (SPD)

6.5.1 The contents of the SPD currently have significant weight when considering this application. The Design Guidance was adopted in July 2019, and significant weight is attributed to it in accordance with paragraph 134 of the National Planning Policy Framework. The NPPF states that SPDs adds further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

6.5.2 The layout of the proposed dwelling falls short of the guidance contained in the SPD on a number of counts. The layout appears to show two double bedrooms and therefore this proposed dwelling would be a two bed four-person dwelling. The SPD recommends a garden depth of 10.5m and an area of 75sqm and the proposed dwelling would have a garden depth of 7m and an area of 67sqm therefore falling short of the guidance. Furthermore, the recommended internal floor area is 70sqm and the proposed dwelling measures 57sqm in this regard. These shortfalls in space standards further demonstrate the constraints and limitations of the site in terms of size and supports the view that the site is too small to deliver a new dwelling of a scale in keeping with the setting.

6.5.3 In relation to this application the following elements are material:

- Paragraph 4.71 (Internal Space Standards)
- Paragraph 4.72 (Amenity Space)

6.6 Highway Safety and Parking

6.6.1 Policy SU2 and EN5 require development proposals to have particular regard to highway safety, service requirements and the capacity of the local road network and the adopted parking standards set out in Appendix C of the Local Plan.

6.6.2 The entrance and egress for the site is a recently created drive located on Clifford Close, an unclassified road with no pavement. County Highways have been consulted on this proposal and have confirmed that there are no concerns with regards to highway safety subject to a condition regarding delivery of the parking area in an appropriate material. Two car parking spaces are included within the boundary of the site which meets the requirements contained within Appendix C. Parking for the host dwelling will remain unchanged.

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

- The host property benefits from existing sufficient parking
- The proposal provides acceptable access and parking arrangements

## 6.7 Biodiversity and Trees

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

6.7.2 Paragraph 174d) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

6.7.3 It is proposed to build on an area which currently includes natural features including a mature hedgerow which is proposed to be removed. No information has been submitted with regards to biodiversity net gain and therefore it is considered that the proposed development does not comply with policy EN4 and NPPF paragraph 174d).

## 6.8 Community Infrastructure Levy

Tamworth Borough Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 17th July 2018 which came into force for applications determined after 1st August 2018. A CIL charge may apply to this application. If applicable, this would involve a monetary sum payable prior to commencement of development. A CIL Information Requirement Form has been submitted for assessment with this planning application.

## 7 **Conclusion**

7.1 It is proposed to construct a new dwelling on the garden area to the side of 9 Clifford Close. The proposed development would appear disproportionately small and narrow within the street scene and would not be in keeping with the pattern of development in the locality. Furthermore, the development would not comply with the Tamworth Design SPD in terms of amenity space and internal floor area and would represent over-development of the site. There is unlikely to be an impact on highway safety as a result of this development and insufficient information has been provided to demonstrate there will not be an impact on biodiversity. In the light of all of the above considerations it is recommended that the proposed development should be refused.

## 8 **Recommendation**

1. Refuse
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## **Reasons**

1. The proposed development by virtue of its scale would appear discordant and disproportionately small and narrow within the street scene and therefore would not be in keeping with the pattern of development in the locality and as a result would be contrary to policy EN5 of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework (NPPF).

2. The development by virtue of its under provision of amenity space and internal floor area would not comply with the Tamworth Design SPD and is therefore contrary to policy EN5 of the Tamworth Local Plan 2006-2031 and NPPF.
3. The application fails to provide sufficient information on providing any biodiversity net gain and therefore it is considered that the proposal would not comply with policy EN4 of the Tamworth Local Plan 2006-2031 and the NPPF paragraph 174d).

Plans Reference

This refusal relates to plan number 082201 dated Aug'22 received on 24/10/2022.



## Information item

### 1 Introduction

- 1.1 There have been a number of planning appeals determined over the last few months which would be useful to reflect upon:

<b>Tamworth Reference</b>	<b>Address</b>	<b>Description</b>
0529/2021	16 Heath Street, Tamworth B79 7JH	Change of use from single dwelling to 4no studio apartments including two storey and single storey rear extensions.
0024/2022	Champion Tattoo 15 Tamworth Road, Amington TAMWORTH B77 3BS	Change of use of an existing tattoo studio (Sui Generis) to residential (C3), creation of an additional dwelling unit, demolition of an existing garage and the erection of a detached 1-bedroom bungalow, with associated off street parking and external amenity space.
0352/2021	Land adjacent 15 Romney, Belgrave, Tamworth B77 2NH	Construction of 2 pairs of semi-detached dwellings with frontage parking.

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

### 2 Appeals

#### 0529/2021

- 2.1 This application was refused on 31<sup>st</sup> January 2022. The application was for full planning permission for the change of use of a single dwelling into four studio apartments. A two storey and single storey rear extension was also proposed.
- 2.2 An appeal was submitted to the Planning Inspectorate reference APP/Z3445/W/22/3300230 and was considered by an inspector appointed by the Secretary of State. An appeal decision dated 11<sup>th</sup> November 2022 was received by the Council confirming that the appeal had been **dismissed**, therefore the application remains refused
- 2.3 The reasons given included that due to the continuation of built form flush with the elevation fronting Dent Street, the extended frontage would cause harm to the prevailing positive character and appearance of the area.
- 2.4 In addition to these impacts on character, the inspector also felt that as the proposal would replace an existing single storey extension, given the overall height, cumulative projection and positioning, it would present a sizeable and overbearing structure along the shared boundary with No.14. This would result in an imposing and oppressive outlook when viewed from the rear facing windows of No.14.
- 2.5 **Department Response**  
It is pleasing to see that the Planning Inspectorate agree with our interpretation of the Design SPD when it relates to amenity loss of those living nearby. Design is also a fundamental issue with this proposal where again the inspector agreed with our decisions.

#### 0024/2022

- 2.6 This application was refused on 31<sup>st</sup> March 2022. The application was for Change of use of an existing tattoo studio (Sui Generis) to residential (C3), creation of an additional dwelling unit, demolition of an existing garage and the erection of a detached 1-bedroom bungalow, with associated off-street parking and external amenity space.

2.7 An appeal was submitted to the Planning Inspectorate reference APP/Z3445/W/22/3298697 and was considered by an inspector appointed by the Secretary of State. An appeal decision dated 2 November 2022 was received by the Council confirming that the appeal had been **dismissed** , therefore the application remains refused.

2.8 The reasons given were that given the size of the proposed dwellings, it would be a reasonable expectation that a private garden space of adequate size is provided for purposes such as sitting out and the drying of laundry. Even if the living conditions of the occupants would be acceptable in all other regards, in the absence of any useable private garden space the needs of the occupants of the development would not be met and therefore appropriate living conditions would not be provided for the future occupiers with regard to garden area.

2.9 **Department Response**

For this application, the lack of useable amenity space was considered the most important matter in agreeing with us and refusing the application. We welcome the agreement of this for this decision and hope we can extend the principles of this to other developments but remembering that each case will as ever

0352/2021

2.9 The application was refused on 5<sup>th</sup> November 2021. The application was for the erection of two pairs of semi-detached dwellings with frontage parking.

2.10 An appeal was submitted to the Planning Inspectorate reference APP/Z3445/W/22/3297985 and was considered by an inspector appointed by the Secretary of State. An appeal decision dated 5<sup>th</sup> November 2021 was received by the Council confirming that the appeal had been **dismissed**, therefore the application remains refused.

2.11 The reason given that the proposal did not meet all three of the criteria of EN3 where development is proposed on open space.

Proposals for development that would result in loss of open space or would adversely affect open space will not be permitted unless it can be demonstrated that:

- a) The strategic benefits of delivering the Local Plan outweigh the negative impact or loss.
- b) There remains access to good quality publicly accessible open space. Where alternative sites are not of good quality contributions to improving their quality will be expected.
- c) The integrity of the open space network and in particular its role in providing green links is maintained

Both criteria b) and c of the policy would be met and as for a) based on the evidence before the inspector the scheme would not deliver a strategic benefit that would outweigh the loss of the open space.

2.12 As the scheme fails to do this it would not comply with Policy EN3 of the Local Plan and with the absence of material considerations to outweigh the absence of compliance a dismissal of the appeal was given.

**Recommendation**

For Information only.