



MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON 7th FEBRUARY 2023

PRESENT: Councillors A Cooper (Vice-Chair), D Box, S Goodall, J Harper, J Jones, D Maycock, B Price, S Smith, M Summers and P Thurgood

The following officers were in attendance: Jane Cotton, Legal Advisor, Glen Baker-Adams (Team Leader - Development Manager), Richard Powell (Planning Policy and Delivery Team Leader), Andrew Davies (Planning Officer) and Tracey Pounton (Legal Admin & Democratic Services Manager)

24 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor S Daniels

25 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

26 APPLICATIONS FOR CONSIDERATION

26.1 0206/2021 - 1 Bonehill Road, Tamworth, B78 3HQ

Application no: 0206/2021

Development: Full application for the demolition of existing buildings, construction of 11 no. dwellings, associated parking and access

Location: 1 Bonehill Road, Tamworth, B78 3HQ

The Team Leader- Development Management presented the report.

Councillor Thurgood asked for clarification on the site and address. He had visited 1 Bonehill Road and this did not appear to be the application site. As no further information was available the Legal Advisor stated that if there were two properties both with the postal address of 1 Bonehill Road this could have lead to

confusion over which was the Application site. If as a result someone may have not have engaged with the consultation process and so did not make comments or object to the application and was prejudiced as a result, it could lead to any decision by the Planning Committee being susceptible to legal challenge or complaint. She advised the Application be deferred to avoid this. The Legal Advisor advised that the item is deferred until the address as been clarified.

RESOLVED: That the application be deferred, whist clarification was sought on the numbering of the properties.

(Moved by Councillor S Goodall and seconded by Councillor P Thurgood)

26.2 0324/2022 - 96 Greenheart, Amington, Tamworth, B77 4NQ

Application no: 0324/2022

Development: Erection of a 2 bedroom detached dwelling (re-submission of 0013/2022)

Location: 96 Greenheart, Amington, Tamworth, B77 4NQ

The Chair read out a statement from Councillor J Wade against the application
The Agent Keith Dodd spoke in support of the application
Carol Knibb spoke as an objector to the application

Members debated the Application at Length and the Development Management Officer and Legal Officer responded to questions and queries raised.

A motion to refuse the application was moved and seconded on the grounds of flooding and as follows:

The scale and visual impact of the proposed dwelling being a detached property amongst a group of semi-detached dwellings would be of a scale, layout and form which would be detrimental to this part of Greenheart and would be detrimental through the reduction of openness of this part of Greenheart. The proposal would therefore be contrary to Policy EC5(c) of the Tamworth Local Plan 2006-31 and the National Planning Policy Framework.

On advice of the Mover and seconder Committee agreed to remove flooding as a reason to refuse.

RESOLVED: The Committee refused the application.

(Moved by Councillor M Summers and seconded by Councillor S Goodall)

26.3 0379/2022 - The Three Tuns, 15 Lichfield Street, Tamworth, B79 7QD

Application no: 0379/2022

Development: Change of use from public house (sui generis) to 2 x retail units (Class E) at ground floor and 3 x apartments (Class C3) at first floor; erection of side and rear extensions and creation of external amenity space.)

Location: The Three Tuns, 15 Lichfield Street, Tamworth, B79 7QD

The Agent Daljit Bharya spoke in support of the application.

A Member asked that the Heritage Committee be re-instated, and also to look at extending the conservation area. Members were advised on the statutory process for extending the conservation area but that this and the reinstatement of the Heritage Committee was not a matter on the Agenda and before the Planning Committee.

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RESOLVED: The Committee approved the application subject to the following conditions -

Conditions/Reasons

1. The development shall be commenced within three years of the date of this permission.

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

2. The development hereby permitted shall only be carried out in accordance with the application form and drawings BDBC/22/104-01c and BDBC/22/104-02F as submitted on 21 December 2022, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the permission

3. Prior to the commencement of the development hereby approved details of all materials to be used in the construction of the external surfaces of the development shall be submitted to and approved by the Local Planning Authority in writing.

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 and the NPPF

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).

Reason: In the interests of protecting potential archaeological remains and

to accord with EN6 of the Tamworth Local Plan 2006-31 and the NPPF.

5. Prior to the commencement of development, a scheme of hard and soft landscaping (including the roof terrace) shall be submitted to and approved in writing by the Local Planning Authority. All hard landscaping shall be carried out in accordance with the approved details prior to first occupation of the approved dwellings, whilst all planting comprised in the approved scheme shall be carried out prior to completion of the development; and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the visual setting of the development and the surrounding area in accordance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006- 2031 and the NPPF.

6. Prior to commencement of development an external lighting scheme should be submitted to and approved in writing by the Local Planning Authority to comply with the Institution of Lighting Engineers Guidance Note on Light Pollution dated 2021. It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential light pollution caused by glare and spillage. If any residential properties are affected by any lighting used, then the developer or operator must take steps to remedy as soon as practicable, as any continued intrusion could be subject to EPA 1990 - Statutory Nuisance legislation.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031 and the NPPF.

7. The development hereby approved should not be brought into use until the parking, servicing and turning areas have been provided in accordance with the approved plan. Reason: In the interests of highway safety and in accordance with Policy SU2 Sustainable Transport of the Tamworth Local Plan 2006-2031 and the NPPF.

Reason: In the interests of highway safety and to comply with SU2 of the Tamworth Local Plan 2006-31 and the NPPF.

8. No work completed, 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: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy and in accordance with the provisions of Circular 11/95 and in accordance with Policy EN5 Design of New Development of The Tamworth Local Plan 2006-2031 and the NPPF.

9. Prior to first occupation of the dwellings, the applicant shall submit to the Local Planning Authority confirmation that the following maximum noise exposure criteria has been achieved: • Bedrooms - 35 dB LAeq (16 hrs) (0700 hrs – 2300 hrs) • Bedrooms - 30 dB LAeq (8 hrs) (2300 hrs – 0700 hrs) • Bedrooms - 45 dB LAmax (2300 hrs – 0700 hrs) • Living rooms - 35 dB LAeq (16 hrs) (0700 hrs – 2300 hrs) If it is necessary to have the windows shut to achieve these levels the development should have ventilation measures to achieve the required levels and when ventilation is operational (i.e. trickle vents open or mechanical ventilation running).

Reason: Due to the proximity of the approved Class C3 apartments to the approved Class E uses and the town centre location, this condition is required to protect residents of the dwellings from excessive noise, in accordance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031 and the NPPF.

10. Following completion of the development, no deliveries to the hereby approved Class E premises shall be conducted outside the hours of 07:30 - 20:00 Mondays to Fridays and 08:30 - 12:30 Saturday and Sunday.

Reason: In the interests of the amenities of the nearby residential properties as recommended in the NPPF and in accordance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031 and the NPPF.

(Moved by Councillor S Goodall and seconded by Councillor M Summers)

Chair