



Borough of Tamworth

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PLANNING COMMITTEE

30 January 2023

Dear Councillor

A meeting of the Planning Committee will be held in **Town Hall, Market Street, Tamworth on Tuesday, 7th February, 2023 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 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.

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.

3 Applications for Consideration

Summary of Applications received:

a 0206/2021 - 1 Bonehill Road, Tamworth, B78 3HQ (Pages 5 - 22)

(Report of the Assistant Director, Regeneration and Growth)

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

b 0324/2022 - 96 Greenheart, Amington, Tamworth, B77 4NQ (Pages 23 - 32)

(Report of the Assistant Director, Regeneration and Growth)

Application no: 0324/2022

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

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

c 0379/2022 - The Three Tuns, 15 Lichfield Street, Tamworth, B79 7QD (Pages 33 - 44)

(Report of the Assistant Director, Regeneration and Growth)

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

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: 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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PLANNING COMMITTEE

7th FEBRUARY 2023

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION



Application Number: 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

1 Introduction

- 1.1. The application site extends to approximately 0.322 hectares and is triangular in shape located to the south west of the town centre, outside the town centre boundary identified within the Tamworth Local Plan 2006-2031.
- 1.2. The site is bound by Bonehill Road to the south and west, with the existing primarily two storey residential development at High Broom Court and along Bonehill Road itself. The existing Beefeater public house and hotel are located to the south west with Ventura Park located further to the south of the site.
- 1.3. Lady Meadow, a significant area of open space and functioning flood plain lies to the north, beyond an existing flood defence bund which forms the northern boundary of the site. Further to the north lies the confluence of the Rivers Anker and Tame, the Lady Bridge and Tamworth Castle. The site was last used as a vehicle repair garage site operated by Tamworth Co-operative and is comprised of simple industrial buildings. The river Anker, Fazeley Road, the leisure area (bowling alley) and Castle Grounds lie beyond.
- 1.4. This application is the resubmission of one which was withdrawn on the 11th June 2020. The amendments to the previously refused application (0067/2020) include the reduction from 35 apartments to 11 semi-detached houses.
- 1.5. A previous application for commercial units and apartments proposed the erection of a three/four storey building on the site fronting Bonehill Road but this was not implemented.
- 1.6. The adjacent site was recently proposed for offices and later approved for nine dwellings, which are currently well under construction.
- 1.7. Vehicular access to the site is proposed from Bonehill Road, with a car parking located within the site of 23 car parking spaces in total. The proposal will also have the potential to also provide cycle storage facilities.
- 1.8. The site is allocated for development in Tamworth Local Plan reference 591 and 593.
- 1.9. The following documents have been submitted in support of the application (all are available for inspection on the council's website at <https://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>):
 - Design and Access Statement;
 - Heritage Statement;
 - Extended Phase 1 Habitat Survey;
 - Desk Study Contamination Appraisal;
 - Viability assessment

2 Policy.

National Policies

NPPF 2021

NPPG 2014 –

National Design Guide 2021

Local Plan Policies

SS1 - The Spatial Strategy for Tamworth
SS2 – Presumption in Favour of Sustainable Development
HG1 – Housing
HG4 – Affordable Housing
HG5 – Housing Mix
HG6 – Housing Density
EN4 – Protecting and Enhancing Biodiversity
EN5 – Design and New Development
EN6 – Protecting the Historic Environment
SU1 - Sustainable Transport Network
SU2 – Delivering Sustainable Transport
SU4 - Flood Risk and Water Management
SU5 – Pollution, Ground Conditions and Minerals and Soils
IM1 – Infrastructure and Developer Contributions
Appendix A – Housing Trajectory
Appendix C – Car Parking Standard

3. Planning History

T16131	Demolition of all existing properties, re-alignment of Bonehill Road, erection of supermarket, petrol filling station and licenced premises including parking for 755 cars
T23062	Illuminated totem sign
T23185	Erect additional workshops
0448/2001	15m slimline monopole, 3 antenna, 4 dishes, radio equipment housing and associated equipment by Orange PCS LTD
0249/2006	Advertisement consent
T01639	Renewal of outline for Crown Garage, Bonehill Road.
0067/2020	Demolition of existing buildings, construction of 35 no. apartments, associated parking and access

4. Consultation Responses

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>

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.

- 4.1 Staffordshire County Council (Flood Risk Management) – Lead Local Flood Authority LLFA
Following the requirement to demonstrate that there is a sufficient safe means of disposing of surface water and that the site is safe for the 1:100 year plus climate change storm event, and that the flood risk to any third party is not increased as a result of the proposed development, and following various further submissions, Staffordshire County Council Flood Risk Management position is as follows:

We have reviewed the most recent documents and now are in a position to remove our objections providing the following planning conditions are applied. The proposed development will only be acceptable if planning conditions are imposed (listed at the bottom of this report).

- 4.2 Strategic Planning and Development Service
Housing Allocation
The subject development site falls within a larger plot of land allocated for housing under Policy HG1, as designated on the supplementary Policies Map. On this basis, there is no strategic objection to the principle of the proposal.

Affordable Housing

As the amended plans propose to deliver 10 or more dwellings, there would be a requirement to provide on-site affordable housing in line with policy HG4 (Affordable Housing). Under such policy stipulations, we should expect to see a minimum of 20% affordable housing on site, unless it can be demonstrated through an independent assessment that such requirement would equal unviability. As per the previous policy consultation response, it still appears unclear whether any affordable housing has been proposed.

Dwelling Mix

The following breakdown of units are required to evidence compliance with Policy HG5 (Dwelling Mix). A subject site comparison has also been provided:

Unit Size	Policy HG5 Requirement (% of Total Dwellings on Site)	Application proposal	% of Total Dwellings on Site
1 bedroom	4%	0 units	0%
2 bedroom	42%	2 units	18%
3 bedroom	39%	8 units	73%
4 bedroom	15%	1 units	9%

It should be noted the difficulty of meeting the requirements of Policy HG5 in regards to smaller developments such as this. The dwelling mix outlined above represents non-compliance with Policy HG5. Notwithstanding, deviation from the requirements of Policy HG5 may be considered acceptable, if the applicant can appropriately justify the proposed dwelling mix.

Therefore, some further justification may be required in this case, although it should be noted that the development proposes the delivery of predominantly 2 and 3 bed dwellings, where the majority of Tamworth's need has been identified.

Dwelling Density

The site area stated in the application is 0.3233ha, which gives a net developable area of 0.3233ha according to the thresholds outlined in the introductory guidance to Policy HG6 (Housing Density). The site is located in close proximity to the designated Town Centre area, and as such, should provide a minimum density of 40 dwellings per hectare (dph) in order to comply with Policy HG6, where viable and appropriate to the local context and character. The amended 11 units on site provide the proposed development with a lower density of 34 dph, which does not satisfy the requirements of Policy HG6. However, flexibility will be acceptable on smaller sites such as this, provided there is justification for the below minimum density. It should be noted that at 34 dph, it is above the minimum density required in areas which are not within or close to the town centre.

Open Space

The subject site is bordered to the north by designated open space (Policies Map), the protection of which must be ensured in accordance with Policy EN3 (Open Space and Green Belt and Blue Links).

Further Policy Considerations

The site is nearby to a Grade II Listed Building and two Scheduled Monuments – the implications of both should be considered in line with, but not limited to, Policy EN6 (Protecting the Historic Environment) and Policy EN5 (Design of New Development). It should be further noted that its proximity to the Tamworth Town Centre Conservation Area should be considered under Policy EN4 (Protecting and Enhancing Biodiversity) to ensure that development presents no adverse impacts.

CIL Liability

Under the parameters set out in the CIL Charging Schedule (adopted August 2018), residential schemes proposing greater than 11 units are liable for a CIL charge of £35 per sqm. The exact total charge would be subject to the gross internal floorspace created by the development.

4.3

Heritage England

The department do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

4.4 Staffordshire County Council Archaeology

Previous advice (dated 25/5/21) remains valid in that after reviewing the proposals against the information held by the Staffordshire Historic Environment Record (HER), including the Tamworth Historic Environment Character Assessment and an archaeological desk-based assessment prepared in support of a previous proposed development at this site, we note that there is some potential for groundworks within the proposed development site to impact upon archaeology of prehistoric, early medieval or medieval date, which has the potential to provide us with an understanding of the development of this area of Tamworth during those periods.

Archaeological Interest

The site forms part of the Tamworth Historic Environment Character Zone 9 (TMHECZ 9 Tame Valley, Tamworth) which identifies that there is a high potential for below ground archaeological remains to survive within the river valley. With this in mind the proposal site lies close to the floodplain of the Rivers Tame and Anker and close to their confluence which lies approximately 100m to the northeast of the site. Previous archaeological work associated with the construction of flood defences along the River Tame (to the west of Tamworth) identified evidence for late prehistoric activity in the form of a burnt mound and at least one enclosure. Similar evidence for late prehistoric activity within river valleys has been recovered along the Rivers Trent and Dove and on the Meece Brook. The confluence of the Rivers Trent and Tame appears to have particularly attracted prehistoric attention and there is evidence from elsewhere in the country to support the view that such locations were important to groups at this period. Finally, there remains the potential for early medieval and medieval activity without the bounds of the town and possibly associated with industrial practices. Where evidence for activity is present there may also be the potential for the survival of paleoenvironmental remains particularly where the water table survives at a relatively high level.

Taking the above into account and being mindful that there is known ground disturbance and made ground on the site, we are of the opinion that there is still some potential for significant archaeology to be encountered during groundworks associated with the scheme. As these are likely to have been disturbed or truncated by later development, and may perhaps exist as 'islands' between made ground or later disturbance, it is highly unlikely that any remains encountered would be considered to be of national significance and, as such, any mitigation which may be required could be addressed through a condition of any planning consent granted.

Recommendations

NPPF (2019) paragraph 199 states that '...they [Local Planning Authorities] should also require developers to record and advance understanding of significance of any heritage asset to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.' It is considered that in this instance proportional mitigation would best take the form of evaluation trial trenching (location and extent to be agreed with this office). This evaluation should aim to establish the presence of archaeological deposits, their significance, nature, form and date and the results will inform any future phases of archaeological mitigation which may include archaeological excavation or an archaeological watching brief on subsequent groundworks. Such recording should be undertaken by a suitably experienced organisation or historic environment specialist(s) working to the relevant Chartered Institute for Archaeologists standard and guidance and their Code of Conduct. The evaluation should be programmed at as early a stage as possible upon consent being granted to the scheme to allow for further mitigation to be designed and implemented if required. We recommend the standard condition as prescribed below.

4.5 Conservation Officer

The proposal this time is for residential development of three storey dwellings (with the second floor within the roof slopes and lit via dormer windows).

There are a number of heritage assets nearby including the Tamworth Conservation Area, Tamworth Castle (site includes multiple listings including two at Grade I with further grade II elements, also a SAM) and the Lady Bridge (grade II).

These two listed heritage assets in particular are relevant both because of their relative proximity to the site but also their inter-relationship. Castles are often built in positions both defensible (in this case on high ground partly defended by the river) but also as vantage points, not to be aware of advancing armies but also for general surveillance of comings and goings. A point above a river crossing would facilitate such an oversight of local traffic. Whilst the Lady Bridge today is a 19th

century replacement it does follow the same alignment as a medieval predecessor and as such it does have that historic association with the castle which is still legible in views today.

In views from the castle the site has a backdrop of existing 3 storey development (including true three storey elements). In my view the development of the site in the way suggested would have no notable impact on the setting of these heritage assets, their inter-relationship or their contribution to the character and appearance of the conservation area, it would simply bring the nearest point of development slightly closer, and slightly lower, having little overall impact upon the contribution which setting makes to significance.

Much of the design is 'safe', relatively sympathetic to local character and unlikely to be controversial or objectionable but not particularly exciting either. The choice of materials is currently left vague in terms of precise detail and the only element I would express concern about is the proposed use of concrete plain tiles. All of the other materials, including timber for windows, could achieve a quality and traditional appearance, it seems to make little apparent sense as to why the roofscape, especially as elevated positions within the town will feature the roofscape more prominently.

I would suggest facing and roofing materials conditions, perhaps highlighting that the condition is notwithstanding the proposed roofing material. We should also condition boundary treatments, at present these are given only as 'various'.

Subject to those conditions I would be happy that the proposal would 'preserve' the special significance of nearby listed buildings insofar as their significance is derived from or informed by their settings, as is described as a 'desirable' objective within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and also the setting of the conservation area as a heritage asset.

4.6 Environment Agency

We have no objections to the proposals subject to the inclusion of the following conditions:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is 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.

4.7 Severn Trent Water

Severn Trent Water advise that there is a public 300mm combined water sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is **vital** therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

4.8 Staffordshire County Council Ecology

The previous response (June 2021) raised concerns about the proximity of the houses in the north-west part of the site to the floodplain which is a wildlife corridor. The amended plans remove built development in this part of the site and provide screen planting. There is now satisfaction with the layout and consider that buildings are sufficiently far from the floodplain so as not to require the lighting condition previously suggested, although it would be welcomed if external lighting could comply with best practice for wildlife.

Conclusions and recommendations

If minded to approve, conditions are recommended:

1. Precautionary measures for avoidance of harm to wildlife set out in section 4.3b of the submitted Preliminary Ecological Appraisal (Dr S Bodnar, June 2019 (amended)) must be followed in full.
2. Tree protection in line with BS 5837, or as specified by the LPA arboricultural advisor.
3. Details to be submitted for approval of 6 (number) swift bricks or boxes to be installed on the north elevation of the buildings towards the floodplain (plots 9 and 10) in groups of 3.
4. Submission of landscaping plan that includes native species, adds screening to the north boundary with the floodplain

4.9 Tamworth Borough Council Waste Services

Unadopted roads/drives cannot be accessed by a collection vehicle if they are not constructed to an adoptable standard.

The inclusion of a bin collection point is noted. A suitable bin collection point (BCP) should give 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.

4.10 Tamworth Staffordshire Environmental Protection Officer

I have read this application and I am satisfied that the Ground Investigation report from Benchmark and the amended testing recommendations from Druk Ltd, are suitable criteria for this development. Environmental Protection has no further comments to add.

4.11 Staffordshire County Council Highways

Comments on Information Submitted; The applicant has submitted a revised External Works and Site Layout Plan 9263.101 Revision C which shows a reduction in the number of dwellings from 13no to 11no.

It is noted that there is still no bin collection point for Plots 1-4 however the tarmac adjacent to the entrance could be utilised for this.

Recommendations:

There are no objections on highway grounds to this proposal subject to conditions listed at the bottom of the report.

4.12 Staffordshire County Council Education

The planning application would result in an education contribution of **£46,124** (index linked) to be sought from the developer to mitigate the impact on education from the development and would be acceptable from an education perspective subject to a S106 agreement which meets this requirement.

The majority of Staffordshire schools include residence in the school's catchment area as a high priority within their admission arrangements. Even where this is not the case schools still give high priority to children who live in the local area. The location of a housing development in relation to schools in the local area is taken into consideration when assessing the mitigation required for education provision.

Based on the location of the proposed development we have considered the impact on school places at the following school(s)/planning areas:

Millfield Primary School
Moorgate Primary Academy
Landau Forte Academy, QEMS
Tamworth North High School Planning Area

To understand the impact of this development on education infrastructure analysis has been undertaken using:

- Pupil Number on Roll;

- Net capacity/funding agreement of the schools;
- Pupil projections which include committed developments

In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 13 dwellings would require 4 primary school places and 2 secondary school places. These are based on a pupil product ratio (PPR) 0.045 per dwelling per year group for primary and a pupil product ratio (PPR) 0.03 per dwelling per year group for secondary. Using 7 year groups for Primary, 5 for secondary and 1 for Post 16 places. Where appropriate all 1 bedroom dwellings have been deducted from the dwellings numbers in line with our Staffordshire Education Infrastructure Contributions Policy.

There are projected to be an insufficient number of school places in the local area to mitigate the impact of this development at secondary phase of education. In respect of primary there are limited places at the catchment and the closest schools to the development but an education contribution will not be required for primary phase.

The secondary school education contribution has been calculated as follows:

£23,062 (Cost multiplier) x 2 (number of places required for development) = £46,124

Please note that we reserve the right to amend the use and the amount of the requested education contributions should circumstances materially change from this analysis to the point that the use(s) of the education contributions are finalised within the S106 Agreement.

Based on an agreed set of standard triggers the size of this development will necessitate payment of the education contribution on or before commencement.

4.13 Valuation Office Agency – 30th November 2022

The application with regards to full planning policy requirement comprising 20% Affordable Housing (2 no. Affordable units), Policy-Compliant Section 106 Contributions of £46,124 and a CIL Charge of £36,610 is not viable.

Through gradual reduction of policy contributions it is my considered and independent opinion that: A partially compliant scheme, reflecting zero Affordable Housing, a Section 106 Contribution in the maximum sum of £10,200 and a CIL Charge of £36,610 is considered viable.

Additional Representations

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.

No representations have been made.

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.

5.2.1 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 it is considered that the Application process and this report is compliant with the Human Rights Act..

6 **Planning Considerations**

The key issues to be considered at this stage are:

- Principle of Development and Housing Policy
- Affordable Housing, Mix and Density
- Layout scale and design
- Heritage
- Amenity
- Flood Risk
- Highways
- Biodiversity/Ecology
- Planning obligations – Education contributions

6.1 Principle of Development and Housing Policy

6.1.1 The current Tamworth Local Plan 2006-2031 (LP) is the starting point in assessing the acceptability of planning applications in accordance with Planning Section 38 (6) of the Act. The proposed development is comprised of residential development and in this respect the most relevant policies in terms of determining the principle of developing the site as proposed are considered to be Policies SS1, HG1, HG4, HG5, HG6, EN4, EN5 and EN6.

6.1.2 The application seeks permission for the erection of 11 dwelling units where the site is allocated for residential development under Policy HG1 and therefore in principle the development of the site for housing is considered to be acceptable.

6.1.3 The most relevant local planning policies are:

- Policy SS1: The Spatial Strategy for Tamworth – this policy seeks to direct development to the most accessible and sustainable locations to meet housing and employment needs whilst safeguarding natural and built assets.
- Policy SS2: Presumption in Favour of Sustainable Development - this policy notes that any proposals that demonstrate that they are in accordance with the plan and are sustainable will be approved without delay.

6.1.4 The site is situated close to the town centre, is in a sustainable location for new development with convenient access to a range of community facilities and has been allocated for housing development by Policy HG1. It is therefore considered that these proposals are, in principle, an acceptable and sustainable form of development that relates to the development of an allocated housing site, providing new housing development within a sustainable location (as required by Policy SS1). Furthermore, the proposed development also makes use of a redundant brownfield site and as such is consistent with the advice in NPPF, which supports amongst other things the Government's aims to boost the supply of housing (paragraph 59) and expects applications to be determined in accordance with the Development Plan (paragraph 47).

6.2 Affordable Housing, Mix and Density

6.2.1 Affordable Housing Policy HG4: Affordable Housing - this policy notes that unless it can be shown to be unviable, new residential developments providing 10 or more dwellings should provide 20% of affordable dwellings on site. The provision of affordable dwellings is a requirement of Policy HG4 and the site should provide for 20% affordable units on site, the applicant has indicated that the contamination of the site makes provision of 2 dwellings unviable and have submitted a viability assessment.

6.2.2 A full viability assessment has been undertaken by Highgate Land and Development which in turn has been assessed by the District Valuers Office, concluding that the scheme would only be viable without additional affordable housing contributions.

Mix

The table below provides the mix showing mainly 3 bedroomed units.

Unit Size	Policy Requirement (% of Total Dwellings on Site)	Application proposal	% of Total Dwellings on Site
1 bedroom	4%	0 units	0%
2 bedroom	42%	2 units	18%
3 bedroom	39%	8 units	73%
4 bedroom	15%	1 units	9%

6.2.3 The dwelling mix outlined above represents non-compliance with Policy HG5 as there are more three bedroom units proposed than desired in policy terms. Despite this, deviation from the requirements of Policy HG5 may be considered acceptable. The proposal provides does still however provide an appropriate number of smaller dwelling units in what is considered to be a sustainable location, where larger family size units would be inappropriate and therefore taken in the round, the proposal would conform to policy HG5

Density

6.2.4 Policy HG6: Housing Density - this policy requires that new housing residential development within or in close proximity to centres to achieve a density of 40 dwellings per hectare. The amended 11 units on site provides a lower density of 34 dph, which does not satisfy the requirements of Policy HG6. However, being that the proposal is close to the town centre and the context for the site e.g. being small and adjacent to open spaces and a green gap with the town centre, makes the lower density acceptable in planning terms. and would satisfy the objectives of Policy HG1 & Policy HG6 of the Tamworth Local Plan 2006-31.

6.3 Layout scale and design

6.3.1 The site is both prominent and sensitive due to being close to wide open spaces and close to heritage assets and as such the design and scale of the development needs to be carefully considered. The design principles for new developments are set out in Policies EN5 and EN6, with the overall requirement that proposals are of a high quality and enhance their setting with particular regard had to scale, form, height, massing, detailing and impacts on heritage assets.

6.3.2 Policy EN5: Design of New Development - this policy seeks to ensure that new development is of a high quality design, and amongst other things it requires new development to:

- respect and where appropriate reflect existing local architectural and historic characteristics.
- take into account the impact of the proposal on the significance of heritage assets.
- be of a scale, layout, form and massing which conserves or enhances the setting of the development.
- utilise materials and overall detailed design which conserves or enhances the context of the development.
- minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land.
- incorporate landscaping appropriate to the site, using native species wherever possible.

6.3.3 The revised proposals indicate a more traditional form of development using brick and tiles with dormer features and parapet walls to the gable ends which will ensure a traditional design. The majority of the scheme being a traditional red brick, the roofscape will incorporate pitched roofs finished with grey plain tiles. The proposal will create a traditional design that is in keeping with the surrounding area and typically matches the traditional terraces on Bonehill Road, High Broom Court, Lady Meadow Close and Fazeley Road.

6.3.4 The prominent and sensitive location although outside the Town Centre Conservation Area provides the opportunity for a gateway design that is in keeping with the traditional vernacular of the area. The design does this by echoing the surrounding development with a conventional yet classic design. The site is visible from Lady Bridge and Lady Meadow (which contains a well used public

footpath) to the north and Bonehill Road to the south. The site is allocated within Policy HG1 for residential development, which encourages 'small scale conservation development' for the site but this should not be seen as restricting the development of the site to a low scale heritage development especially as contemporary design is supported by Policy EN5 providing it remains sympathetic to the characteristics of an area.

- 6.3.5 The proposal satisfies the need to present an active frontage to Bonehill Road (to the south), and to the north, and east. The rear would be partly screened by the existing 1.4m high flood defence bund. The applicant has undertaken detailed analysis of the site and its surroundings from a number of viewpoints. Whilst the buildings would be visible from long distances the traditional approach to the design of the building would enable it to assimilate into the existing area which would result in a visually cohesive scheme when viewed from a distance.
- 6.3.6 The height of the dwellings to the ridge, is similar in height to the ridge line of the nearby modern 3 storey development on the corner of Bonehill Road and Fazeley road. In context the building would be of a similar scale to the traditional Victorian terrace opposite but would be separated by Bonehill Road itself and the existing trees to the front of the site and so would not be read in direct visual context and due to the mix of architectural style in the immediate vicinity it is considered that the proposal would sit comfortably in its context.
- 6.3.7 Overall the design of the scheme is considered to work successfully on the site. and will assimilate successfully with the adjacent approved scheme. It is however, considered necessary to condition the material and detailing of the building to ensure that a high quality development is delivered. It is also recommended that permitted development rights for extensions are removed in order that these can be controlled and do not impact on the overall design ethos of the dwellings.
- 6.3.8 Whilst the overall design and appearance of the proposed units has had regard to the objectives of Policy EN5, there is a considerable variety of architectural styles and housing types along Bonehill Road, primarily late 20th century housing. Given this lack of uniformity and lack of any locally distinct architectural or historic characteristics, the developers have adopted a traditional approach to the design and appearance of the proposed residential units to be finished in brick and tiles, the specific details of which can be agreed by a condition, to provide a distinctive new development that will contribute positively to the local sense of place. As a result, the proposal would accord with policy EN5 of the Tamworth Local Plan 2006-31.
- 6.3.9 The proposed scheme is considered to be a well designed addition to the varied townscape of Tamworth, which will echo the existing architectural expression of the area, creating a high quality and attractive development which allows for much needed residential development set in an attractive landscape setting complying with the requirements of the NPPF, and LP Policies HG1 and EN5.
- 6.4 Amenity
- 6.4.1 The Environmental Protection Officer has checked the areas that will be allocated for the new build and excavation; and can find no recorded risk of contaminated land at these locations.
- 6.4.2 Regarding noise; as long as good specification sound insulation is applied to the new build aspect facing Hockley Road and the same with the conversion of the existing building, as in the main this is a residential area with no major heavy traffic using this road, then it should not be necessary to request either contamination or noise reports for this application.
- 6.4.3 As regards impact on neighbouring amenity the scheme meets with required standards as regards distances between windows and provision of amenity areas in compliance with the SPD Tamworth Design guidance and policy EN5 of the Tamworth Local Plan 2006-2031.
- 6.5 Heritage
- 6.5.1 Policy EN6: Protecting the Historic Environment - this policy requires that new development is supported by an assessment of its impact on heritage assets and their setting, but it also notes that the Council will support proposals that promote the use of vacant and underused historic buildings including necessary and minor changes.

- 6.5.2 In considering the potential impact of a development on designated heritage assets, the NPPF recognises that the significance of a designated heritage asset (such as a listed building or a conservation area) can be harmed or lost through the alteration or destruction of the asset, or by development within its setting, and any harm to or loss of significance requires a clear and convincing justification (paragraph. 200).
- 6.5.3 The application has been the subject of a detailed heritage assessment, which assesses the impact of the proposals on the Castle, St Editha's Church, Lady Bridge and the Town Centre Conservation Area in accordance with Historic England's guidance. The setting of this group of historic assets allows the layout of the Castle and its hinterland (including the town centre), to be appreciated in the context of the natural topography of the area with the Castle located on higher ground with the river flood plain below and it's importance is very much about how the town was defended. The fact that there are many detracting recent buildings in the area does not detract from the current experience of the Caste and town. It is considered that the proposals which are relatively small (due to the land levels), distant, and screened in part by existing trees would have a neutral impact on the setting of these assets, a conclusion which is supported by SCC.
- 6.5.4 Overall, due to the visual separation of the site from the higher level castle and conservation area it is considered that the site can be developed in a traditional classical style without any substantial harm coming to the setting of the Town Centre Conservation Area and specifically the scheduled Castle. Indeed with a suitably designed scheme it is likely that the setting of the area would be enhanced and thus complies with the requirements of the NPPF and Policy EN6 of the Tamworth Local Plan and the Council's duty under the Act.
- 6.5.5 Therefore, in weighing this application that directly affects designated heritage assets, a balanced judgement has been made regarding the scale of any harm or loss and the significance of the heritage asset. It is concluded that the harm is limited and the benefits of the re-use would outweigh any harm, in compliance with the NPPF and policy EN6 of the Tamworth Local Plan 2006-2031.
- 6.5.6 The Council's Conservation Officer advises that: The changes have proposed a more sympathetic design and palette of materials which will sit more comfortably within the surrounding streetscape. I would suggest conditions covering facing and roofing materials to ensure that what is selected is reasonable comfortable in its surrounding context but beyond that I would be of the view that these revisions would sit more comfortably alongside the listed buildings on the site and within the streetscene. As such I would not object to the proposals on the basis of the revised plans now submitted. the site is not near to the conservation area boundary and I am not of the view that there would be any impact on the setting of the conservation area as a heritage asset.

6.6 Flood Risk

- 6.6.1 Proximity to both the River Tame and is flood plain is a key issue. Whilst insufficient information was initially submitted, further details have been requested and submitted. It is expected that details can be accepted subject to a condition regarding final details as indicated below.

Flood Risk has been assessed and further information and flood modelling submitted to satisfy the Local Lead Flood Authority (LLFA) and the Environment Agency (EA) subject to a number of conditions as set out below. Both the E A and LLFA consider the scheme to be acceptable with suitable conditions.

6.7 Highways

- 6.7.1 Tamworth Local Plan policy EN5h 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. In addition, policy SU2 also states planning permission should only be granted where development would ensure adequate highway safety, suitable access for all people and where feasible reduce the impact of travel up on the environment. Planning permission will be refused where travel to and from the development would be likely to cause harmful levels of pollution, highway safety or capacity impacts. Appendix C of the Local plan sets out local parking standards, and for 4-bed dwellings it recommends 3 spaces per dwelling and

for. This proposal makes provision for some 23 car parking spaces within the site to accord with the Local Plan's parking standards.

6.7.2 The site is close to the town centre and is well served by public transport and it is therefore considered that the proposed development can provide an acceptable level of parking that will not result in off-site parking to the detriment of local highway safety. The Staffordshire County Council Highways department have no objections and therefore be built in accordance with Policy SU2 Sustainable Transport; Appendix C of the Tamworth local Plan 2006-2031 and the National Planning Policy Framework.

6.8 Ecology

6.8.1 Policy EN4 in the of the adopted Local Plan follows NPPF (paragraph 174 and 80) guidance in stating: "Non-designated sites, including the canal and river networks that provide the opportunity for habitat enrichment to create more robust and functional ecological units will be safeguarded, particularly if they form part of a green or blue link, including links to the wider green infrastructure network outside Tamworth." and "Development will be supported that preserves designated biodiversity and geodiversity sites,... maintains the favourable conservation status of populations of protected species and incorporates existing landscape features. Development should not result in a net loss of biodiversity by ensuring that where harm to biodiversity is unavoidable and it has been demonstrated that no alternative sites are suitable, development is adequately mitigated or as a last resort, compensated for; otherwise planning permission should be refused. Development should create and reinforce links between semi-natural habitats, including habitats beyond the Tamworth boundary."

6.8.2 The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended); along with the Protection of Badgers Act 1992, provide the main framework for protection of species. In addition to planning policy requirements, the LPA needs to be assured that this legislation will not be contravened due to planning consent. In addition to these provisions, section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Section 41 refers to a list of habitats and species of principal importance to which this duty applies. In this case the County Ecologist considers the scheme to be acceptable subject to conditions and therefore the proposals would comply with policy EN4 as indicated.

6.8.3 With regards to net gain, the proposals are located on a brownfield site where there is likely to be very limited suitable habitats for wildlife. The proposed areas of landscaping should open the site to potentially more wildlife than is currently present. The applicant in their submitted ecology report also points to 12 measures that will aid in providing net gain on the site.

6.8.3 As a result of this therefore the proposal is considered to accord with EN4 Protecting and Enhancing Biodiversity and the NPPF.

6.9 Planning Obligations

6.9.1 *Staffordshire CC Education*

The County Education Authority have identified that the development could result in the requirement for 4 primary school places and 2 secondary school places. Education contributions for providing secondary school infrastructure are currently sought through the CIL mechanism, however, S106 contributions are still being requested to deliver the necessary primary infrastructure. It is noted that Staffordshire County Council can now require education financial contributions for residential developments of less than 10 dwellings where their co-location with other sites requires examination of the cumulative impact. This is required where small residential schemes are tied to or located adjacent to major housing developments.

6.9.2 Tamworth Borough Council have also requested a CIL payment of £x and affordable housing units to be provided as part of a Section 106 agreement with this education contribution.

6.9.2 Planning Practice Guidance Paragraph: 007 Reference ID: 10-007 states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. NPPF paragraph 58 reinforces that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case,

including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

- 6.9.3 The applicant has made it clear that they are not able to afford the affordable housing units and the amount requested by the education authority as a result of mainly dealing with the contamination on site. To support this, a viability assessment has been submitted and reviewed by the valuation office as stated above. As a result of this and considering the guidance the council feels this is justified and agreed that the contribution of £10,200.00 towards education places and nil affordable units and on accounts this being an acceptable mechanism of reducing contributions, the proposal is considered policy compliant in this regard.

7 Conclusion

- 7.1 The application seeks permission for the erection of 11 dwellings on land that is allocated for residential development under Policy HG1 and therefore in principle the development of the site for housing is considered to be acceptable. The proposal provides for the provision of 11 two bedroom dwellings, which whilst not in accordance with the provisions of Policy HG5 of the Local Plan would provide an appropriate number of smaller dwelling units in what is considered to be a sustainable location, where larger family size units would be less appropriate in this location.
- 7.2 Whilst there is a requirement for affordable dwellings under Policy HG4 , the applicant has indicated that the contamination of the site makes provision of two affordable dwellings unviable. A viability assessment has been submitted, the results of which have been independently reviewed concluding that affordable housing cannot be delivered on the site and therefore the proposal complies with policy HG4.
- 7.2 The proposed buildings are considered to be well-designed additions to the varied townscape of Tamworth, which will complement the existing vernacular of the area, creating a high quality and attractive development which allows for much needed residential development set in an attractive landscape setting.
- 7.3 As the site is located in close proximity to the Town Centre Conservation Area, and it's associated buildings including Tamworth Castle, special regard needs to be had for the setting of this area. It is considered that the traditional design will ensure that the site has due regard to the castle and conservation area.. Furthermore, the well-designed scheme is considered to enhance the setting of this area and thus comply with the requirements of the NPPF and Policy EN6 of the Tamworth Local Plan and the Council's duty under the Act.
- 7.4 Proximity to both the River Tame and is flood plain is a key issue. Flood Risk has been assessed and further information and flood modelling submitted to satisfy the Local Lead Flood Authority (LLFA) and the Environment Agency (EA) subject to a number of conditions as set out below would not increase flood risk.
- 7.5 In addition, the proposal is not considered to impact detrimentally on highway safety with access to public transport, cycle and walking routes and subject to conditions would comply with policy SU2 and NPPF.
- 7.6 Over all, the development is therefore considered to comply with the requirements of the NPPF, Polices HG1, HG4, HG5, EN5, EN6, SU1, SU2 and IM1 of the Tamworth Local Plan 2006-2031, and the relevant material considerations identified within this report.
- 7.7 Planning obligations are required for Education contributions of £10, 200 to be secured via a s.106 agreement.

CIL contributions would also be payable.

The site is situated in a sustainable location for new development with convenient access to a range of community facilities, and has been allocated for housing development by Policy HG1. It is therefore considered that these proposals are, in principle, an acceptable and sustainable form of development that relates to the development of an allocated housing site, providing new housing within a sustainable location (as required by Policy SS1). Furthermore, the proposed development

also makes use of a redundant brownfield site and as such is consistent with the advice in NPPF; supporting amongst other things the Government's aims to boost the supply of housing (paragraph 59) and expects applications to be determined in accordance with the Development Plan (paragraph 47).

Heritage issues have been addressed and the scheme is considered to create no significant harm to heritage assets on the site and in the surrounding area. The design of the new buildings have been subject to amendments as suggested by the Conservation Officer and now considered to provide high quality design as required by policy EN5 of the Tamworth Local Plan 2006-31.

Highways and drainage matters have been addressed and are acceptable subject to final agreement of conditions, and other conditions relating to tree protection and ecology.

Therefore, the scheme complies with the policies above of Tamworth Local Plan 2006-2031 and National Planning Policy Framework.

8 **Recommendation**

- | |
|--|
| 1. Approval subject to S.106 Agreement for reduced education contributions |
| 2. Payment of CIL |

Conditions / Reasons

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

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

2. The development hereby approved shall only be carried out in accordance with:

- Site Survey and Location Plan Ref 9263.100
- External Works and Site Layout Plan Ref 9263.101
- Proposed elevations Plots 1, 2 3 and 4 Ref 9263.102C
- Proposed elevations Plots 5, 6 and 7 Ref 9263.103B
- Proposed elevations Plots 8,9,10 and 11 Ref 9263.104C
- Proposed Steet Scenes Ref 9263.105A
- Elevations_Sections as Proposed 2 of 3
- Elevations_Sections as Proposed 3 of 3
- Proposed Plans_ Elevations

unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the approval.

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

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

4. The proposed car and cycle parking, accesses and circulation areas as shown on the approved plan Drawing Number 9263.101 REV C shall be sustainably drained, hard surfaced in a bound material and marked out prior to the first occupation of the building hereby permitted. Thereafter these parking and circulation areas shall be retained in accordance with the approved plans for the lifetime of the development.

Reason: In the interests of highway safety and in accordance with the objectives and policies contained within the NPPF and policy SU2: of the Tamworth Local Plan 2006-2031.

5. The development permitted by this planning permission shall only be carried out in accordance in accordance with the Staffordshire SuDS Handbook with the approved Flood Risk Assessment and Drainage Strategy (07.06.22, CO21/384/10, Rev E, SuDS Strategy Report, Former Co-op MOT Centre, 1 Bonehill Road, Tamworth/ JMS Engineers) and the following measures detailed within the FRA, which shall be provided in full prior to the occupation of the development and thereafter retained in full for the lifetime of the development :

- Limiting the surface water run-off generated by the 100yr + 40% climate change critical storm so that it will not exceed 3.5l/s and not increase the risk of flooding off-site.
- Provision of 34.3m³ attenuation flood storage on the site to a 1 in 100yr + 40% climate change standard with 300mm freeboard.
- Finished floor levels are set to 60.4m AOD in line with Environment Agency recommendations.
- Provision of 4 levels of treatment for surface water including permeable paving, attenuation pond, smart gully adaptors providing water treatment and an oil interceptor.
- The management and maintenance of the private drainage network and SuDS features (including the replacement of any drainage infrastructure) will be under the responsibility of a management company.
- The attenuation pond and permeable paving features will be lined.
- No loading on the proposed combined pipe diversion through the site.

Reason: To reduce the impact of flooding and to protect water quality on the proposed development and future occupants. To ensure lifetime maintenance of the system to prevent flooding issues and in accordance with SU4 Flood Risk and Water Management of the Tamworth Local Plan 2006-31.

6. The development hereby permitted shall not be commenced until such time that the following additional details have been incorporated in the scheme approved under Condition 1 has been submitted to, and approved in writing by, the local planning authority.
- Provision of a finalised management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. Details of the maintenance arrangements should be provided, to include a schedule of activities with frequencies, together with the name and contact details of the party or parties responsible for ongoing maintenance.
 - Provision of the name and contact details of the party or parties responsible for the construction phase maintenance strategy.
 - Provision of drawings showing the location, dimensions, and levels of emergency overflows for piped and storage features.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure the long term management and maintenance of the SuDS infrastructure and in accordance with SU4 Flood Risk and Water Management of the Tamworth Local Plan 2006-31.

7. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and The drainage works shall be provided in full 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.

8. 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 part (A).of this condition.

C) 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 part (A) above of this condition 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 the site does not harm archaeological remains in accordance with EN6 of the Tamworth Local Plan 2006-31 and paragraph 200 of the NPPF.

9. Precautionary measures for avoidance of harm to wildlife set out in section 4.3b of the submitted Preliminary Ecological Appraisal (Dr S Bodnar, June 2019 (amended)) must be followed in full which include:

- Tree protection in line with BS 5837, or as specified by the LPA arboricultural advisor.
- Details to be submitted for approval of 6 (number) swift bricks or boxes to be installed on the north elevation of the buildings towards the floodplain (plots 9 and 10) in groups of 3.
- Submission of landscaping plan that includes native species, adds screening to the north boundary with the floodplain

Reason: To protect ecological interests that may exist on the site in accordance with EN4 Protecting and Enhancing Biodiversity and the NPPF.

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 and that the development shall be implemented in accordance with the approved landscaping scheme and retained thereafter throughout the life of the development.

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

11. 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.

12. No development falling within Part 1 Class A to E 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 without Planning Permission on application first being granted by the Council

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.

13. The integral garages must be used for the parking of motor vehicles and cycles incidental to the residential use of each dwelling and for no other purpose and to retain them for this purpose for the lifetime of the development.

Reason: To comply with Policy SU2 of the Tamworth Borough Council Local Plan 2006 -2031 and the NPPF.

Notes to applicant

The following link provides an overview of the permissions and licences required for undertaking work on or adjacent to the adopted highway:

<https://www.staffordshire.gov.uk/Highways/licences/Overview.aspx>.

Staffordshire County Council as Highway Authority would not formally adopt the proposed development, however, the development will require approval under Section 7 of the Staffordshire Act 1983. This Form X does not constitute a detailed design check. The applicant is requested to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

It will, therefore, be necessary for maintenance/management arrangements for the access road and internal layout to be submitted to the Highway Authority with a view to securing an exemption under Section 219 of the Highways Act 1980. Although the road layout will not be to adoptable standard, the roadways within the site will still need to be constructed to be 'fit for purpose'.

PLANNING COMMITTEE

7 FEBRUARY 2023

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

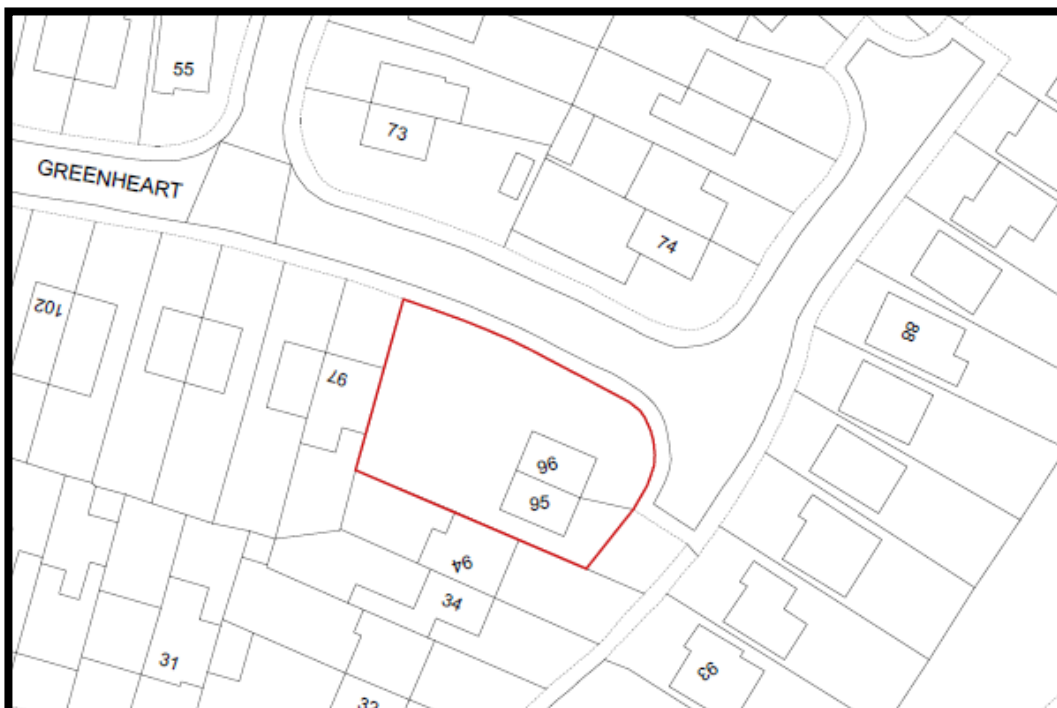


Application Number: 0324/2022
Development: Erection of a 2 bedroom detached dwelling (re-submission of 0013/2022)
Location: 96 Greenheart, Amington, Tamworth, B77 4NQ

1. Introduction

- 1.1. This application was called in to Planning Committee by Cllr Wade, Ward Councillor for the site on 29 August 2022 following objections raised to him by neighbours regarding parking, character and appearance and potential amenity impacts to 97 Greenheart.
- 1.2. It is for the development of a single two bedroom (originally submitted as a three bedroom) detached dwelling on land currently in use as rear gardens to two adjoining semi detached properties under the same ownership. The proposed dwelling would front onto Greenheart adjacent to number 97.
- 1.3. The application is a resubmission of an earlier delegated application, reference 0013/2022 for a three bedroom dwelling on the site which was refused by virtue of its design, position and orientation relative to adjacent properties would not be in keeping with the overall character and appearance of the streetscene and local area and its location and orientation in relation to 97 Greenheart would impact unduly upon the amenity of this property.
- 1.4. This application is a re-submission to address the previous reasons for refusal and is a significantly different scheme to that which preceded it. Further evolution of the proposal since its submission, saw the scheme being subject of a second consultation exercise between 3rd and 17th November 2022. Following the second consultation period, it was noted that the floor areas proposed were lower than those specified nationally for a three bedroom dwelling and the applicant chose to continue with the application as a two bedroom dwelling. This was considered acceptable without the need for a third consultation exercise due to the external dimensions of the proposed dwelling not having changed since the second consultation and the car parking requirements being the same for both two and three bedroom dwellings.

Location Plan



2. **Policies**

2.1 Local Plan Policies

SS1 - The Spatial Strategy for Tamworth
SS2 – Presumption in Favour of Sustainable Development
HG1 – Housing
EN5 – Design and New Development
SU1 - Sustainable Transport Network
SU2 – Delivering Sustainable Transport
SU5 – Pollution, Ground Conditions and Minerals and Soils
Appendix A – Housing Trajectory
Appendix C – Car Parking Standard

3. **Relevant Site History**

T02300	Residential development.
T21131	Conservatory
T00862	Erection of 174 detached and semi-detached houses
0013/2022	Erection of a three bedroom detached dwelling and associated works at 95 & 96 Greenheart.

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>

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.

Joint Waste Services – Provision must be made for 3 x 240l wheeled bins and a recycling bag

Staffordshire County Council Highways – no objection subject to conditions

Tamworth Borough Council – Environmental Protection – a contaminated land survey should be undertaken prior to commencement of construction with an approved management plan in the event that land contamination is discovered. Also, that due to the residential nature of the surroundings a construction management plan seeking to minimise noise and disturbance should be agreed prior to commencement.

4. **Additional Representations**

4.1 As part of the consultation process adjacent residents were notified by letter. Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at www.tamworth.gov.uk.

4.2 There were two periods of public consultation, the original ran from 25 July 2022 to 22 August 2022 and the second following submission of significant revisions to the scheme between 3 November 2022 and 17 November 2022.

4.3 There were in total across the two consultation periods 34 emails of objection received from 29 separate objectors from 22 separate addresses of which four objections came in response to the second round of consultation. The objections generally covered similar themes, with traffic impacts and car parking being the most prevalent topics raised. A frequently cited reason for referring to potential parking and traffic related concerns was parking associated with a nearby school and some dwellings more locally to the site being considered to have inadequate parking at present due to drivers parking vehicles on Greenheart. The concerns raised however were generally not specific to the proposal. Other topics raised were drainage related, stating that there had been drainage problems associated with the site area and nearby gardens in the past and that development could

exacerbate those issues. Some objectors suggested that the site was not large enough for the proposed development and that proximity to other dwellings was an issue.

- 4.4 The closest adjacent neighbour raised numerous issues including all of those previously mentioned, concerns over loss of privacy, the proposal being overbearing, loss of light to a first floor landing window and removal of trees being contrary to tree preservation orders. It was noted that seven of the other objectors made reference to concerns that would otherwise be unique to the closest adjacent neighbour.

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 proposed development of a two bedroom dwelling at 96 Greenheart raises the following key considerations:
- Principle
 - Character and Appearance
 - Neighbour Amenity
 - Highway Safety
 - Other Issues

6.1 Principle

- 6.1.1 The Tamworth Local Plan 2006-2031 (LP) was adopted in February 2016. As well as the local plan there is guidance within the National Planning Policy Framework (NPPF) and the accompanying Planning Practice Guidance (PPG). The starting point in determining the acceptability of development proposals is the Local Plan, where the policies are considered consistent with the NPPF. Policy SS1 The Spatial Strategy for Tamworth is to provide development in the most accessible and sustainable locations and SS2 Presumption in Favour of Sustainable Development, states that proposals that accord with the local plan are sustainable and will be approved without delay. Policy HG1 is the most relevant local policy in assessing residential development within the Borough which supports residential development within the urban area of the Borough. These are considered to reflect the presumption in favour of sustainable development contained within the NPPF because development within the urban area of Tamworth is in general terms sustainable. This is as a result of access to sustainable modes of transport and access to relevant services and amenities within the Borough. Therefore, it is considered that the above policies are consistent with the NPPF. The proposed development located within the urban area of Tamworth, in an existing residential area would be within a reasonable distance of local facilities and as such would in principle be considered to be a sustainable form of development.
- 6.1.2 Tamworth Borough Council Strategic Planning noted in its response that as an individual dwelling upon residential curtilage, which is not allocated for any particular purpose in the Local Plan, that it would have no strategic objection to the residential principle of the proposal. Notwithstanding, the development must be able to demonstrate compliance with the wider policies of the Local Plan in order to be deemed acceptable.
- 6.1.3 Local Plan policy HG4 Affordable Housing makes reference to affordable housing provision/contributions for development of 10 or more houses and 3 to 9 houses. In addition, policy

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

6.1.4 The proposed application for a single two bedroom dwelling, whilst not necessary to achieve the Borough's housing targets, would make a positive contribution to providing additional housing in a sustainable location of a size that is in demand within Tamworth.

6.1.5 The original planning approval for the development now known as Greenheart had conditions imposed that restrict permitted development rights. The two conditions concerned restrict permitted development under Part 1 Classes A, D, E, F and G of the General Permitted Development (England) Order 2015 and remove the right to construct walls, fences and other structures to the front of properties on Greenheart without planning permission. Should the proposal be approved, it would therefore be appropriate to impose conditions with the same effect to the proposed development.

6.1.6 The proposal would therefore be considered acceptable in principle subject to it complying with other relevant parts of the Tamworth Local Plan 2006-2031, the National Planning Policy Framework and the Design Supplementary Planning Guidance.

6.2 Character and Appearance

6.2.1 The appearance of a development is a material planning consideration and in general terms the design of a proposal should not adversely impact on the character and appearance of the wider street scene.

6.2.2 Policy EN5 Design and New Development states that developments should be of a scale, layout form and massing which conserves or enhances the setting of development and utilize materials and overall detailed design which conserves or enhances the context of the development. Proposals should respect and where appropriate reflect existing local architectural and historic characteristics but without ruling out innovative or contemporary design which is still sympathetic to the valued characteristics of an area.

6.2.3 The appreciation of character and appearance is a significant part of planning reform and, with the introduction of the National Design Guide, remains a very important consideration of planning applications.

6.2.4 The original version of this application for a three bedroom dwelling was significantly different to the preceding application 0013/2022 which had been refused. The principal reasons for refusal of 0013/2022 related to the design not being in keeping with other dwellings in the locality and the positioning and scale of the proposed dwelling having adverse effects upon the adjacent 97 Greenheart.

6.2.5 By contrast this application proposes a dwelling that is of a design that much better accords with the existing dwellings in that portion of Greenheart and shares common features. It must be noted that as a detached dwelling it would be different to the existing properties that are largely of semidetached type, however the commonalities are such that it would not appear out of place. Over the course of the application process the scheme has evolved further, with numerous changes including a reduction in the number of bedrooms.

6.2.6 The amended scheme for this application, now to be determined is for a two bedroom detached dwelling on the same front and rear alignments as 97 and 99 Greenheart. Located in the western part of what is currently garden area to 95 and 96 Greenheart, the proposed dwelling would have a bay window and doorway at ground floor level to the front with a full width mono-pitch porch above. At first floor level there would be two windows serving the front bedroom. There would be no side windows at the ground floor and only a single side window to the eastern elevation at first floor level. The rear elevation would have a centrally located French window with side panels at ground floor level and an obscure glazed bathroom and a clear bedroom window at first floor level. The pitched roof would mimic those of adjacent dwellings.

6.2.7 At 71.6 sqm gross internal floor area, the proposal exceeds the minimum floorspace requirement of 70sqm for a two bedroom, three person two storey dwelling as established by the Department for

Communities and Local Government in the 2015 document Technical Housing Standards – Nationally described space standards.

- 6.2.8 The proposed dwelling would have an acceptable relationship with the surrounding properties in that its position would not result in significant overlooking of properties nor result in it being overbearing, instead it would take up a position that ties into the existing row of properties from 97 Greenheart westwards.
- 6.2.9 The materials proposed to be used in the development have not been fully identified, with only bricks to match those of the existing numbers 95 and 96 identified. It is appropriate therefore that should the application be approved, an external materials condition is imposed which would require the Council's agreement to all external materials, prior to the commencement of development.
- 6.2.10 The proposed development would undoubtedly reduce some of the sense of openness in the immediate vicinity, however the setback from the road, sharing the existing building line of neighbouring dwellings in that row would in all likelihood not result in a sense of overdevelopment or overcrowding in that part of Greenheart.
- 6.2.11 The external areas of the proposed dwelling and the remaining garden areas of the existing 95 and 96 Greenheart when assessed against the Design Supplementary Planning Guidance indicate that the gardens would comply with that guidance. Paragraph 4.72 of the guidance states that "The Council would encourage applicants to seek to achieve minimum external amenity space standards for new dwellings as follows: 2 person dwelling 45 sqm, 3 person dwelling 60 sqm and 4 person dwelling 75 sqm." The approximate garden areas proposed would be 106 sqm for the new dwelling, 60 sqm for 95 Greenheart and 68sqm for 96 Greenheart, which would exceed the guidance for 3 person dwellings.
- 6.2.12 The amended proposal is considered to respond well to the character of the locality and would comply with the Tamworth Borough Council Design Supplementary Planning Document and therefore comprise an acceptable form of development in terms of its character and appearance.

6.3 Neighbour Amenity

- 6.3.1 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.
- 6.3.2 The proposed development would be sited within the area originally set out as rear garden space to 95 and 96 Greenheart. To the rear it would face over the rear gardens of 93 and 94 Greenheart and would sit adjacent to the eastern elevation of 97 Greenheart.
- 6.3.3 Considerations of neighbour amenity include whether a proposal would be overbearing to neighbours, whether it would have an undue impact upon light amenity and whether it would introduce concerns regarding loss of privacy and overlooking. In this particular case the principal neighbour amenity concerns have related to overlooking of the rear gardens of 94 Greenheart and the various aspects of the relationship with 97 Greenheart.
- 6.3.4 With respect to overlooking of 94 Greenheart it is important to note that the only window which would afford any degree of overlooking is a relatively modest bedroom window on the western half of the proposed dwelling which means that views directly from that window would be only across the deepest part of the rear garden to 94 Greenheart and across the gardens beyond. The other first floor rear window would be a bathroom window and therefore of obscured glazing minimising any opportunity for overlooking or loss of privacy. With regard to overlooking of 97 Greenheart from the rear, that would be even less likely as the rear bedroom window would not directly overlook the rear of 97 Greenheart which would be at least two metres to its side.
- 6.3.5 With respect to light amenity the proposed dwelling located to the west of 95 and 96 Greenheart would have minimal impact upon the light amenity enjoyed by those dwellings other than perhaps briefly in winter evenings when they may be shadowed slightly earlier than they would be at present by 97 Greenheart. The relationship with 97 Greenheart is such that located to the east of that property the proposed dwelling would have some impact on any windows to the eastern elevation of 97 Greenheart. There is one such window, a landing window at first floor level which would be

separated from the flank wall of the proposed dwelling by the width of 97 Greenheart's garage plus approximately one metre a total distance of just under four metres. Consequently whilst there would be an impact upon light amenity to that window it would not be very significant. Furthermore, as landings are not considered to be habitable rooms they are excluded from light amenity consideration as set out in the Design Supplementary Planning Document.

6.4 Highway Safety

6.4.1 With respect to this application, the primary aspect of highway safety consideration is that of car parking provision. Appendix C of the Tamworth Borough Council Local Plan 2006-2031 requires that newbuild or extended two and three bedroom dwellings provide two car park spaces of at least 2.4m x 4.8m dimensions. The proposed new dwelling would have two such car park spaces side by side within the front garden and as such would comply with Appendix C. Of the other two dwellings associated with this development, number 95 Greenheart already provides two appropriate car park spaces. 96 Greenheart, which currently has a car park space where the proposed new dwelling's spaces would be is proposed to have two spaces provided facing perpendicular to the northern flank of that house on to the main part of Greenheart. Through those two elements of off street car parking space provision the proposal would comply with Appendix C of the Local Plan

6.4.2 Staffordshire County Council Highways have been consulted upon the proposal and commented as follows:

"The proposal includes parking for the existing dwellings which are located within the existing curtilages of those properties. The access to the parking for number 96 is accessed from a proposed access that is closer to the junction than would normally be acceptable however on its own it is my understanding that the construction of this access would not normally require planning permission and it would therefore seem unreasonable to object to the development on those grounds. The issue with the access is with vehicles turning left into the road with restricted visibility of vehicles using the access but as that is a short cul-de-sac it would add to the unreasonableness of any objection. The parking for the proposed dwelling would appear to be from an existing access but in any event its construction would not result in a reduction in highway safety. It is therefore recommended that if the application is to be approved it be subject to the following condition:"

Before any part of the development hereby authorised is brought into beneficial use the car parking spaces shown on the approved plans shall be laid out, constructed, hard surfaced and drained to ensure no surface water runs onto the highway and once occupied shall be maintained as such thereafter."

6.4.3 Multiple objections have cited car parking as a major issue of concern to residents, however in most cases the concern has referenced short term car parking associated with a school which is located some 250m away from the proposed site. The proposal would introduce additional car parking demand, however it would also provide the required amount of off street car parking provision to satisfy that demand and in the case of the existing 96 Greenheart would provide one additional car park space than is provided today.

6.4.4 In light of the additional off street car parking provision, the fact that the majority of objections to car parking in the street were based on activity not associated with the proposed dwelling and the conditional acceptance of Staffordshire County Council Highways of the proposal, it is considered to be compliant with the Local Plan 2006-2031 and acceptable in highway safety terms.

6.5 Other Issues

6.5.1 Concerns were raised over drainage issues experienced with persistent damp problems to the side of number 97's garage wall that partly forms the boundary between 96 and 97 Greenheart. It is considered that the proposed dwelling having suitable drainage associated with it to remove surface water on that part of the site, combined with the installation of additional soakaway provision elsewhere on the site could result in a marked improvement of the current drainage situation that would actually be to the advantage of neighbouring properties.

6.5.2 A further concern raised was that there are two trees on the site which would have to be removed for the development to go ahead. It was suggested that the tree to the front of the site, facing onto Greenheart was protected by a Tree Preservation Order. Upon investigation, it was noted that the

site does indeed fall within an area identified under Tree Preservation Order Number 1 of 1972 as Area 11 in which Oak and Thorn trees are to be protected. The Tamworth Borough Council Tree Officer visited the site on 21 November and has advised that the trees on the site are of the species Hornbeam and Silver Birch and are therefore not covered by the Tree Preservation Order. Consequently, their removal would be acceptable.

7 Conclusion

- 7.1 The proposed development has been amended to reflect compliance as far as is possible with all aspects of the Design SPD and exceeds minimum requirements for internal space standards. Its external character and appearance is such that whilst it is not identical to the existing dwellings within Greenheart it can be considered to be in accordance with Policy EN5 Design of New Development which requires that new developments respect and where appropriate reflect local architectural and historic characteristics.
- 7.2 Notwithstanding the objections received, the proposal would be largely in character with the locality and would not be expected to be detrimental to neighbour amenity, nor would it be expected to adversely affect highway safety.
- 7.4 In conclusion therefore it is considered that the proposed development would be an acceptable form of development that would comply with the Tamworth Local Plan 2006-2031 and the NPPF and is recommended for approval with conditions.

8 Recommendation

Approval with conditions

Conditions / Reasons

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall only be carried out in accordance with the application form and drawings: 003 submitted 25 July 2022, 001 (submitted 11 January 2023) 002 (submitted 11 January 2022) and 004 (submitted 11 January 2023) 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.
4. Prior to the commencement of development a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.

A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.

A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any ongoing monitoring should also be outlined.

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

A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development/the development being brought into use. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Policy SU5 x of the Tamworth Local Plan 2006-2031

5. The windows in the flank walls and the bathroom window shall be glazed only in obscure glass of at least Pilkington Scale Level 3.

Reason: To preserve the privacy of the occupiers of the adjacent properties in accordance with policy EN5: Design of New developments as set out in the Tamworth Local Plan 2006-2031.

6. Before any part of the development hereby authorised is brought into beneficial use the car parking spaces shown on the approved plans shall be laid out, constructed, hard surfaced and drained to ensure no surface water runs onto the highway and once occupied shall be maintained as such thereafter.

Reason: In the interests of highway safety and in accordance with Policy SU2 Sustainable Transport of the Tamworth Local Plan 2006-2031.

7. 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

8. 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the dwelling hereby permitted shall not be enlarged, extended or altered, and no buildings, gates, walls, fences or other means of enclosure (except as authorised by this permission or allowed by any condition attached thereto) shall be erected on the site without the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the proximity to existing features on or adjacent to the site, and the effect upon neighbouring properties and/or the street scene in accordance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031.

10. Appropriate provision must be made for the storage of 3 x 240l wheeled bins and a recycling bag.
Reason: to ensure compliance with waste management requirements and Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031.

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PLANNING COMMITTEE

7 FEBRUARY 2023

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION



Application Number: 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

1. Introduction

1.1 This application for the change of use from a former public house to 2x retail units at ground floor and 3x two bedroom apartments at first floor including the erection of side and rear extensions and creation of external amenity space. The application was called in to the Planning Committee by Councillor John Harper on 12 October 2022

1.2 Cllr Harper provided the following reasons for call in of the application:

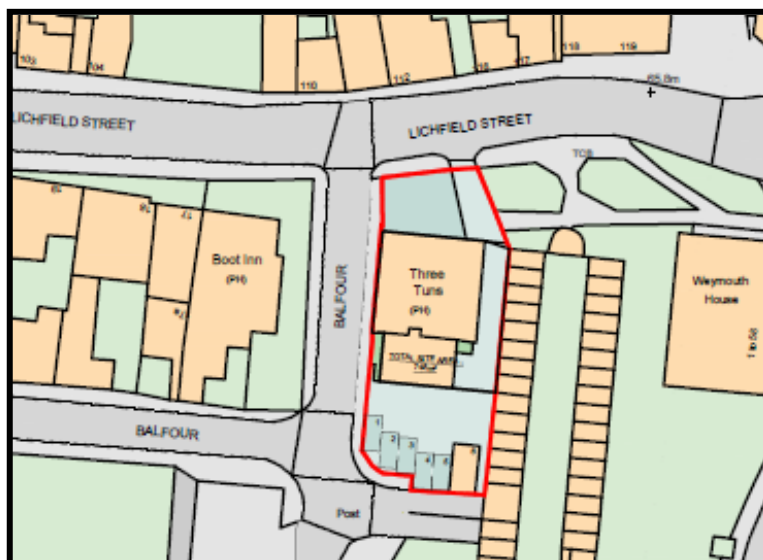
The property stands on or very near the site of Tamworth's former 17th Century Staffordshire Town Hall. Important archaeological evidence may still exist of this important but unknown building. The property is a prominent building on the periphery of the town centre conservation area and must continue to harmonise with surrounding properties. The change of use will require major structural alterations to the building. The building was constructed in 1937 to a neo-Georgian design that reflected existing buildings in Lichfield Street. The ground floor has already been gutted and a large section of the roof and a rear wall has been removed. This has been done without the approval of the planning authority and prior to the application being submitted.

1.3 Since submission the proposal has evolved, in part due to the observations from Cllr Harper and additional information has been provided by the applicant along with changes to the proposal and further consideration of the heritage aspects of the site.

1.4 Maintenance work that was being conducted by the owner following a period of the building standing idle and being subjected to vandalism and illegal uses was made safe and subsequently halted by the applicant with the site left secured.

1.5 The principal changes to the scheme since its submission have been the removal of a hot food takeaway element to the proposal, a reduction in the number of proposed apartments from four to three to physically reflect the local heritage within the design and the introduction of external amenity space for future residents. An additional consultation exercise was undertaken as a result of these changes between 14th and 28th November 2022.

Location Plan



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
HG5 – Housing Mix
HG6 – Housing Density
EC1 – Hierarchy of Centres for Town Centre Uses
EC2 – Supporting Investment in Tamworth Town Centre
EN4 – Protecting and Enhancing Biodiversity
EN5 – Design and New Development
SU1 - Sustainable Transport Network
SU2 – Delivering Sustainable Transport
IM1 – Infrastructure and Developer Contributions
Appendix A – Housing Trajectory
Appendix C – Car Parking Standard

3. **Relevant Site History**

T20759	Site a set of three containers for collecting waste, glass bottles and jars, on the rear car park
T21019	Lounge and kitchen extension to the side and games room extension to the rear
T21732	New toilet facilities
T21738	Detached garage
T23711	Extension to provide additional living accommodation at first floor
0339/2010	Construction of smoke shelter; erection of metal rail fence to forecourt; erection of metal rail fence to the left hand side of the premises

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>

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.

Joint Waste Service – no objections, waste management requirements identified.

Staffordshire County Council Highways – no objection subject to conditions

Staffordshire County Council Historic Environment Team – no objection subject to conditions

Staffordshire County Council Lead Local Flood Authority – no objection due to the scale of the development

Staffordshire Fire and Rescue – no objections, fire safety advice provided

Staffordshire Police – no objections, crime prevention advice provided

Tamworth Borough Council Conservation Officer – no objections

Tamworth Borough Council Environmental Protection – no objection subject to conditions

Tamworth Borough Council Strategic Planning – no objection subject to the application meeting the requirements of the Local Plan

4. **Additional Representations**

4.1 As part of the consultation process adjacent residents were notified, a press notice was published 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 <https://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>

4.2 One member of the public responded describing the proposal as over development of the site with inadequate car parking and suggesting that the inclusion of a hot food takeaway was inappropriate.

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

The key issues to be considered at this stage are

- Principle
- Character and Appearance
- Highway Safety
- Heritage
- Amenity

6.1 Principle

6.1.1 The Tamworth Local Plan 2006-2031 (LP) was adopted in February 2016. In addition to the local plan there is guidance within the National Planning Policy Framework (NPPF) and the accompanying Planning Practice Guidance (PPG). The starting point in determining the acceptability of development proposals however is the Local Plan, where the policies are considered consistent with the NPPF. Policy SS1 The Spatial Strategy for Tamworth is to provide development in the most accessible and sustainable locations and SS2 Presumption in Favour of Sustainable Development, states that proposals that accord with the local plan are sustainable and will be approved without delay.

6.1.2 Policy EC1 Hierarchy of Centres for Town Centre Uses and Policy EC2 – Supporting investment in Tamworth Town Centre are both considered relevant to this application. The inclusion of two retail units within the scheme, introduces an element of development which is supported by EC1 as being an appropriate use for the Town Centre. Policy EC2 states that “the Council will work in partnership with businesses and landowners to revitalise Tamworth Town Centre and attract visitors. In accordance with the Council and its partners key objectives, the town centre will be promoted as Tamworth's preferred location for the development of town centre uses along with higher density, high quality residential developments.” The proposed mixed use within the boundary of the town centre of appropriate uses and a modestly scaled but high quality residential development would fulfil both of those objectives. Furthermore, EC2 states that “Development within the town centre and appropriate edge of centre locations should protect and enhance its historic character.” The proposed development has evolved since its submission to fulfil that requirement by seeking to better reflect the heritage of the locality in which it would be set, though the adoption of a more sympathetic frontage. The proposal therefore complies with policy EC2 of the Tamworth Local Plan 2006-31.

- 6.1.3 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 proposed development located within the urban area of Tamworth, is in the Town Centre area within a reasonable distance of local facilities and as such would be considered to be a sustainable form of development. Tamworth Strategic Planning indicated in its response to the second consultation that, although it is difficult to apply Policy HG5 Housing Mix to small developments such as this, the inclusion of fewer yet larger apartments is preferable, with two bed dwellings making up a considerable proportion of overall housing demand in the Borough. This relates to the Housing and Economic Development Need Assessment (2019). The proposal therefore complies with policy HG1 of the Tamworth Local Plan 2006-31.
- 6.1.4 The retail element of this proposal is applied for under its current land use classification of Class E. It should be noted that Class E is a wide ranging use class introduced in 2020 that encompasses commercial, business and services use including retail, restaurants, professional services, non-residential daycare services, fitness related services and others as defined by the Town and Country Planning (Use Classes) Order 1987 as amended in September 2020. Although the units are intended for retail use, other uses within Class E would also be possible under such an approval.
- 6.1.5 The proposed development is therefore considered to be in compliance with key policies of the Tamworth Local Plan 2006-2031 and in principle an acceptable form of development for the location subject to meeting the design requirements of the Local Plan.

6.2 Character and Appearance

- 6.2.1 The appearance of a development is a material planning consideration and in general terms the design of a proposal should not adversely impact on the character and appearance of the wider street scene.
- 6.2.2 Policy EN5 Design and New Development states that developments should be of a scale, layout form and massing which conserves or enhances the setting of development and utilize materials and overall detailed design which conserves or enhances the context of the development. Proposals should respect and where appropriate reflect existing local architectural and historic characteristics but without ruling out innovative or contemporary design which is still sympathetic to the valued characteristics of an area.
- 6.2.3 The appreciation of character and appearance is a significant part of recent planning reform and, with the introduction of the National Design Guide, remains a very important consideration of planning applications.
- 6.2.1 The site is located on the junction of Lichfield Street and Balfour, on a corner plot with the original building set back from Lichfield Street by some 10m and with the flank wall hard against the footway to its western elevation on Balfour. The site lies opposite historic buildings now in differing uses along the northern part of Lichfield Street and is to its south and east dominated by the nearby residential tower blocks and their associated car parking.
- 6.2.2 The host building is a former public house, built in the late nineteenth century and subsequently extended and altered on numerous occasions. The brick and render appearance of the building has degraded over time since its cessation of use as a public house. At the time of the application being submitted the applicant was undertaking works to improve the structure which resulted in a number of later additions to the building being removed. That work was halted following an intervention by the Planning Enforcement Officer and has not resumed since.
- 6.2.3 To the front of the existing building is an area of grass and hardstanding that is surrounded by metal railings dating from 2010/2011. To the rear is an area of hardstanding that has been used as car parking which is bordered by Balfour to the west and on the southern and eastern sides by the concrete walls of the car parking associated with the nearby residential tower blocks.

- 6.2.4 The proposed development includes the extension of the original pub building to the rear and the side at ground and first floor level, along with the introduction of a projecting retail frontage in place of the existing public house frontage, introducing a significantly greater element of glazing to the front elevation. The front elevation glazing and entrances to the two retail units, the smaller of the two with a floor area of 72 square metres of retail floorspace within the side extension and the larger with 151 square metres of retail floorspace in the original building. The glazing across the two shop frontages would extend across approximately 10m for the larger unit and 4.5m for the smaller unit with a double glazed door at the centre of each shop front.
- 6.2.5 The proposed two storey side elevation to the eastern side of the building would be set in the space between the existing building and the wall of the adjacent car park and would be 6m wide. The side extension would be on the same alignment as the front elevation at ground floor level and would be set back to the first floor level with a mono-pitch roof structure above the front elevation at ground floor level to enhance the appearance of the frontages of the two retail units. The first floor side extension would be set back by 1m from the front elevation and along with the rear extension would have a hipped roof structure reflecting the existing roof that would have a ridge reduction of 0.5m, thereby giving a subservient appearance to that of the original building.
- 6.2.5 The rear part of the extension would also be two storey and would tie into the side extension with a complex triple hipped roof arrangement to its southern elevation. In addition, there would be a ground floor extension on the western part of the site to the rear of the original building to provide space for the larger of the two retail units above which a roof terrace was requested and agreed to by the agent to provide external amenity space for the three proposed first floor apartments. The amenity space would be bounded by a waist height balustrade inset by 1m from the western and southern edges of the building. Glazed with obscure panels to enhance privacy, the proposed roof terrace amenity space which would be accessible only to residents of the three apartments would also have an element of landscaping.
- 6.2.6 With regard to fenestration of the building, the proposal includes retail windows to the ground floor of the original building and the side extension which are designed to have a Georgian type appearance to mimic those of some of the neighbouring buildings on Lichfield Street. The first floor of the side extension would have two windows at the front of a similar style to the existing front first floor windows of the original building and five similar windows to the side, symmetrically arranged with the outer windows being three panes in width and the three inner windows each being of two panes width. To the rear elevation there would be four equally sized windows to the rear of Apartment 3 and a fifth narrower window but otherwise of the same style serving the first floor landing access to the apartments. At first floor level the western elevation of the rear extension would have a French window arrangement on to the roof terrace and a second window overlooking the roof terrace to provide natural light into the landing.
- 6.2.6 The two retail units would have customer access at the front elevation and would each have staff and delivery access from the car park to the rear. In addition, there would be a separate doorway at the rear leading to internal stairs to the apartments at the first floor and doorways to both an internal bin store and an internal cycle store for residents' use. The rear elevation would also have one ground floor office window overlooking the car park.
- 6.2.7 Although materials have been proposed to largely match the existing, it is considered appropriate that a condition be imposed to seek the submission to and agreement of the council to all external materials prior to commencement of development.
- 6.2.8 The scheme is proposed to include an element of tree planting to the rear parking area and landscaping within the roof terrace. It is considered therefore that a landscaping scheme is appropriate and should be conditioned.
- 6.2.9 It is considered that the character and appearance of the proposed design has been formulated to take on board the Council's design requirements that the proposed extensions be subservient to the original building, that they reflect the historical character and that they respond well to the character of the locality. The proposed shop frontages are intended to mimic those of other much older retail premises on Lichfield Street and the proposed roof terrace with its glazed balustrade, reflects the appearance of the balconies on the nearby tower blocks which dominate the locality. Consequently, the proposed development's appearance would bridge the key elements of the surrounding locality and much improve what is currently a disused and deteriorating building. The character and appearance of the proposed development would therefore sit well within the streetscene and is

considered to be in compliance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031.

6.3 Highway Safety

- 6.3.1 Tamworth Local Plan policy EN5h) 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. In addition, policy SU2 also states planning permission should only be granted where development would ensure adequate highway safety, suitable access for all people and where feasible reduce the impact of travel up on the environment. Planning permission will be refused where travel to and from the development would be likely to cause harmful levels of pollution, highway safety or capacity impacts.
- 6.3.2 The highway safety aspects of this application relate to car parking provision, delivery and service vehicle access and the potential impacts of traffic related to the development on the adjacent highways.
- 6.3.3 Vehicular access would be from the existing accesses to the front and to the side from Lichfield and Balfour respectively. The submitted amended drawings indicate 3 parking spaces for residents use, internal parking for three cycles for use by residents, one parking space per retail unit and one visitor space. Servicing of the two retail units would take place in the rear car park where there is sufficient room for vehicles to manoeuvre. Two additional car parking spaces are proposed to the front of the building off Lichfield Street which would be available for customer use.
- 6.3.4 Staffordshire County Council Highways (SCCH) was consulted upon the proposal and following a discussion with the Agent on 20 December 2022, have concluded that the proposal is acceptable in highway safety terms, subject to conditions. SCCH has determined that the town centre location is sustainable in transport terms and that the proposed parking and servicing arrangements are acceptable. SCCH has requested a condition that prior to bringing the development into use, the parking, servicing and turning areas as submitted are completed.
- 6.3.5 The provision of adequate car parking spaces, cycle parking provision and servicing facilities, combined with the sustainable location, means that the proposed development is considered to be a sustainable form of development in accordance with Policy SU2 Sustainable Transport and Appendix C of the Tamworth local Plan 2006-2031.

6.4 Heritage

- 6.4.1 Tamworth Local Plan policy EN6 Protecting the Historic Environment states that 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.
- 6.4.2 The proposed development sits just outside of the Tamworth Town Centre Conservation Area. The existing building is not a nationally or a locally listed building and following a period of formal disuse and unauthorised and illegal use during 2021, it was in poor condition in heritage terms when acquired by the current owner.
- 6.4.3 The site is understood to sit at least partly on a mediaeval town hall site and very close to Anglo Saxon / Norman former town walls. Consequently, there is the possibility that archaeological remains could be uncovered in any excavation permitted on the site and therefore Staffordshire County Council Historic Environment Team (SCCHET) were consulted upon the application.
- 6.4.4 SCCHET recommend that, should permission be granted, an archaeological watching brief be carried out during any substantial groundworks associated with the development. This would include any foundation trenches, drainage and service runs or the removal of the extant concrete slab. The

watching brief should be scalable to a strip, map and sample excavation should significant archaeological remains be observed during the archaeological monitoring works.

- 6.4.5 The use of archaeological watching briefs, is supported by NPPF (2021) para 205. The works should be undertaken by an appropriately experienced archaeologist working to the requirements of a brief prepared by SCCHET (or approved Written Scheme of Investigation (WSI), the Chartered Institute for Archaeologists (CIfA) Code of Conduct and to a level commensurate with the relevant CIfA Standards and Guidance.
- 6.4.6 With respect to the proposals' possible impacts upon the Town Centre Conservation Area and nearby listed buildings, SCCHET recommended consulting the Tamworth Borough Council Conservation Officer upon the proposal.
- 6.4.7 The Conservation Officer has considered the proposal and has commented that due to the proposal site being outside of the Conservation Area and not involving a listed building that she has no objection to the proposal.
- 6.4.8 Following early concerns about the design of the proposal, the frontage of the proposed development has been amended to better reflect the design of nearby shop units on Lichfield Street. It is considered that with the design amendments and the undertaking of a conditioned watching archaeological brief, that both the setting of the proposal adjacent to part of the Town Centre Conservation Area and its impact upon below ground local historical evidence are acceptable. The proposal is therefore considered to be in accordance with Policy EN6 Preserving the Historic Environment of the Tamworth Local Plan 2006-2031.

6.5 **Amenity**

- 6.5.1 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.
- 6.5.2 The proposal to extend the former Three Tuns public house, is at a site which does not have any adjoining neighbours, The majority of the nearby buildings are commercial buildings or in one case a car park. There are significant numbers of people living within a relatively short distance due to the site's proximity to Strode House and Weymouth House tower blocks which are both approximately 25m away at their nearest points.
- 6.5.3 The nature of the development is such that there would be no possibility of overlooking, loss of privacy or a sense of the development being overbearing to the nearest neighbouring residents.
- 6.5.4 With respect to internal floor areas and residential amenity it is noted that the three proposed apartments have gross internal floor areas of 71.8, 76.6 and 87.2 square metres respectively. The nationally described space standards published by Government in 2015 stipulate 70 square metres as a minimum gross internal floor area for a two bedroom single storey dwelling with four occupants. The smallest of the three flats exceeds that by 2.5% and the largest by 16.7%.
- 6.5.5 The provision of an external amenity space in the form of a roof terrace above the flat roofed ground floor extension would give a shared external space for the residents of the three apartments of 67 square metres which is a positive aspect of the scheme as the Design Supplementary Planning Document, recommends the provision of a minimum of only 18 square metres of external amenity space for residents of 3 flats, assuming three residents per dwelling. At 67 square metres, the area provided would be significantly in excess of the recommended minimum and would provide for a viable communal area which would be landscaped for added amenity value.
- 6.5.6 Tamworth Borough Council Environmental Protection in its consultation response has sought a condition to ensure that the proposal is acceptable to local residents in minimising impacts during construction by limiting site operating times. It has also sought conditions relating to noise insulation within the three apartments and limitations on external lighting so as to minimise impacts upon neighbour amenity.

7 **Conclusion**

- 7.1 The proposal for 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 has been considered fully following two periods of public consultation and evolution of the original scheme to what is proposed today.
- 7.2 Key considerations have included design, heritage, highway safety and amenity aspects. In each case it is considered that the proposal has, with conditions where necessary, met or exceeded the policy requirements established by the Tamworth Local Plan 2006-2031 and the interests of consultees. It is recommended therefore that the proposal is approved subject to conditions.

8 **Recommendation**

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| 1. Approval with conditions |
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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).

C) 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."

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 LAmx (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.

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