



Borough of Tamworth

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PLANNING COMMITTEE

17 April 2023

Dear Councillor

A meeting of the Planning Committee will be held in **Town Hall, Market Street, Tamworth on Tuesday, 25th April, 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 on the right.

Chief Executive

A G E N D A

NON CONFIDENTIAL

- 1 Apologies for Absence**
- 2 Appointment of Vice Chair**
- 3 Minutes of the Previous Meeting (Pages 5 - 10)**
- 4 Declarations of Interest**

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

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

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.

5 Applications for Consideration

Summary of Applications received:

a 0072/2023 - 7E Claymore, Tamworth (Pages 11 - 18)

(Report of the Assistant Director, Regeneration and Growth)

Application no: 0072/2023

Proposal: Erection of a single storey rear extension (Use Class B8)

Location: 7E Claymore, Tame Valley Industrial Estate, Wilnecote, Tamworth, B77 5DQ

6 Appeal Information (Pages 19 - 22)

(Information only)

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, P Thompson and P Thurgood

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

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

The following officers were in attendance: Jane Cotton, Legal Advisor Glen Baker-Adams (Team Leader - Development Manager) and Tracey Pointon (Legal Admin & Democratic Services Manager)

27 APOLOGIES FOR ABSENCE

There were no apologies for absence. Councillor S Daniels arrived at 18.03 whilst the application for consideration was being presented, so was unable to vote on the application 0206/2021

28 MINUTES OF THE PREVIOUS MEETING

The minutes of the meetings held on 17th January 2023 and 7th February 2023 were approved and signed as a correct record.

(Moved by Councillor S Goodall and seconded by Councillor B Price)

29 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

30 APPLICATIONS FOR CONSIDERATION

31 0206/2021 - FORMER CO-OP GARAGE, BONEHILL ROAD, TAMWORTH, B78 3JJ

Application Number: 0206/2021

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

Location: Former co-op Garage, Bonehill Road, Tamworth, Tamworth B78 3JJ

RESOLVED:

1. Approved application subject to conditions and subject to the prior approval of a S.106 Agreement for reduced education contributions.
2. Approved Payment of CIL

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

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_ Elevationsunless 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 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 5 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. This landscaping plan should also include details of proposed boundary treatments used in the development.

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

Chair

PLANNING COMMITTEE

25th April 2023

APPLICATION FOR CONSIDERATION

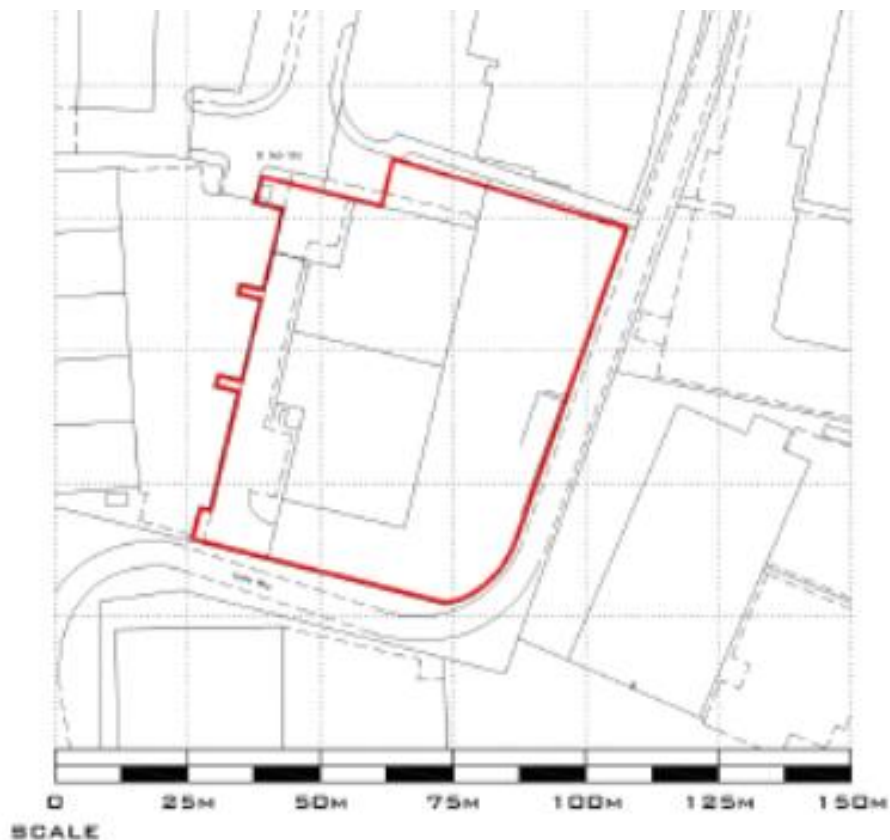
REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

Application Reference	0072/2023
Proposal	Erection of a single storey rear extension (Use Class B8)
Site Address	7E Claymore, Tame Valley Industrial Estate, Wilnecote, Tamworth, B77 5DQ
Case Officer	Debbie Hall
Recommendation	Approve subject to conditions

1. Introduction

- 1.1 This application is for the Erection of a single storey rear extension at 7E Claymore, Tame Valley Industrial Estate, Wilnecote, Tamworth, B77 5DQ.
- 1.2 The application is reported to committee due to it being a major application . A major application is one which is for the the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more.
- 1.3 It is proposed to erect a single storey rear extension to the existing industrial unit. The additional floorspace created by this proosal would be of 1078 square metres. The proposed extension would measure approximately 26m deep and 46.5m wide with a dual pitched roof, 6.5m to the eaves and 8.3m to the ridge. Access is east off Claymore, at the bottom of the bellmouth of the Cul-de-Sac. The site is located within a Strategic Employment Area as defined in the adopted local plan.

Location Plan



2. Policies

2.1 Local Plan Policies

SS1 - The Spatial Strategy for Tamworth

SS2 – Presumption in Favour of Sustainable Development
 EC7 – Strategic Employment Areas
 EN5 – Design and New Development
 SU1 - Sustainable Transport Network
 SU2 – Delivering Sustainable Transport
 SU4 – Flood Risk and Water Management
 SU5 – Pollution, Ground Conditions and Minerals and Soils
 Appendix C – Car Parking Standard

2.2 Supplementary Planning Documents

[Design SPD July 2019](#)

2.3 National Planning Policy

[National Planning Policy Framework 2021](#)
[National Design Guide 2021](#)
[National Planning Practice \(Guidance \) 2014-](#)

3. **Relevant Site History**

T10542	Car testing and tyre and exhaust fitting
T11271	Light industrial units
T11552	Landscaping and drainage at industrial units
T16226	Erection of factory for the manufacture of ice cream, together with dry store, cold store, office and maintenance facilities
T18898	Development for B1, B2 and N8 uses, including part of site for mobile concrete pumping depot
T19167	Development for B1, B2 and B8 uses, including part (approx. 50%) of site for mobile concrete pumping depot

4. **Consultation Responses**

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

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.

Tamworth Borough Council Consultees

4.1.1 *Tamworth Borough Council Development Plans*
 No objection

4.1.2 *Tamworth Borough Council Environmental Protection*
 No objections subject to conditions

Staffordshire County Council Consultees

4.1.3 *Staffordshire County Council Highways*
 No objections subject to conditions

Staffordshire County Council Lead Local Flood Authority
 No comments

Statutory Consultees

4.1.4 *The Coal Authority*
 No objections subject to conditions

5. Additional Representations

- 5.1 As part of the consultation process, adjacent properties were notified. A press notice was published on 9th March 2023 and site notices were erected on 15th March 2023. No neighbour responses were received.

6. Equality and Human Rights Implications

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

7. Planning Considerations

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

- Principle
- Character and Appearance
- Highway Safety
- Contaminated Land and Ground Conditions
- Flooding
- Neighbour Amenity

7.1 Principle

- 7.1.1 The Tamworth Borough Council Local Plan 2006-2031 (the local plan) was adopted in February 2016. The most up to date national planning guidance which relates specifically to economic development are contained in the recently adopted Local Plan Policies. As well as the local guidance there is guidance within the National Planning Policy Framework and its practice guidance (NPPF).

- 7.1.2 The principle of expanding the current building with additional floorspace for existing B8 use is supported, provided that the proposed development promotes the role and performance of the strategic employment area under the guidance outlined in Policy EC7. Policy EC7 states:
Planning permission should be granted for B1 (b,c), B2 and B8 uses on the network of strategic employment areas identified on the Policies Map. The expansion of any existing business within these use classes will be supported, provided it promotes and supports the role and performance of the employment area in meeting the strategic economic objectives of the plan and the wider objectives of sub-regional economic partnerships.

- 7.1.3 As the proposed extension is for a B8 Storage and Distribution use it is supported in principle subject to compliance with other local and national planning policy which is responded to below:

7.2 Character and Appearance

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

- 7.2.2 The site is an existing industrial unit is located on Claymore in the Tame Valley Industrial Estate. It is surrounded by other industrial buildings with parking areas and small areas of landscaping.
- 7.2.3 The proposed extension would measure approximately 26m deep and 46.5m wide with a dual pitched roof, 6.5m to the eaves and 8.3m to the ridge.
- 7.2.4 At the same roofline height as the original building with similar roof profile , the proposal would replicate the existing building and together with materials to match the development is considered to be visually acceptable. The extension of similar heights too, also makes for an acceptable massing against the other structures in the immediate vicinity. Furthermore, the siting would sit in between two existing buildings and therefore well screened from public view.
- 7.2.5 The proposal will not have a significant impact on the character and appearance of this locality for the following reasons:
- Its scale, design and materials are sympathetic to the existing building
 - It relates well to its surroundings
 - Its siting would not significantly impact on the street scene
- 7.2.6 The character and appearance of the proposed development would therefore sit well within the street scene and is considered to be in compliance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031, the NPPF and National Design Guide.
- 7.3 Highway Safety
- 7.3.1 Policies SU2 and EN5 require development proposals to have particular regard to highway safety, service requirements and the capacity of the local road network and the adopted parking standards set out in Appendix C of the Local Plan.
- 7.3.2 There are two existing vehicular accesses to the application site from Claymore. The access directly south off Claymore comprises a staff/visitor access and a gated access which leads to the rear car park and goods out. The eastern access directly off Claymore is gated.
- 7.3.3 No changes are proposed to the two existing accesses. Goods inwards will be from the eastern access and goods out from the southern access.
- 7.3.4 Track runs have been submitted which adequate show the intended HGVs using the site can leave the site in a forward gear, the safest method of leaving the site.
- 7.3.5 16 parking spaces are to be provided which include two for visitors and an additional two disabled parking spaces. This quantum meets the parking standards contained in Appendix C for B8 developments which requires 1 space per 80 square metres of floor space.
- 7.3.6 As a result of the compliant access arrangements and parking numbers, the impact of the proposed development on parking and highway safety would therefore be acceptable and is considered to be in compliance with Policy SU2 Delivering Sustainable Transport, relevant references at EN5 and Appendix C of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework.
- 7.4 Contaminated Land and Ground Conditions
- 7.4.1 Policy SU5 Pollution, Ground Conditions and Minerals and Soils states that development should manage the risk of air, light, noise, ground or water pollution and land instability and that Planning permission will be refused for any proposal where pollution would pose an unacceptable risk to public health, quality of life or the environment which is not mitigated.
- 7.4.2 The land has been identified as potentially contaminated, within the 250m buffer zone of a historical landfill sites. Tamworth Borough Council Environmental Protection officers and have requested a contaminated land survey prior to the commencement of development through a relevant condition to protect the health of future occupiers of the site from any possible effects of contamination. This has been agreed by the developer to be produced before development commences on site and is conditioned.

- 7.4.3 In addition, the application site lies within the boundary of a site from which coal has been removed by surface mining methods and therefore this application is accompanied by a Coal Mining Risk Assessment report (G23029) prepared by GeolInvestigate Ltd, dated 27th February 2023. The report has been based upon a review of coal mining and geological information and identifies a risk to the site from potential shallow mine workings.
- 7.4.4 With regards to surface mining recorded on site, the report author comments that opencast abandonment plans from the Coal Authority show that the proposed extension to the warehouse building lie east of the opencast excavation area and subsequent high wall. The report confirms the warehouse building and proposed extension lie on undisturbed ground in terms of surface mining.
- 7.4.5 Recommendations are made for ground investigations to be carried out on the site in order to establish the extent of any unrecorded shallow mine workings and to inform any remedial works and mitigation measures needed to ensure the site is safe and stable. The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present.
- 7.4.6 The Coal Authority have been consulted on this application and have made a number of recommendations in terms of conditions to be complied with prior to the commencement of development.
- 7.4.7 With the imposition of these conditions, the impact of the proposed development on contaminated land and ground conditions would therefore be acceptable and is considered to be in compliance with local plan Policy SU5 Pollution, Ground Conditions and Minerals and Soils and the NPPF.
- 7.5 Flooding
- 7.5.1 Policy SU4 Flood Risk and Water Management states that all new development, including regeneration proposals, will need to demonstrate that there is no increased risk of flooding to existing properties and shall seek to improve existing flood risk management.
- 7.5.2 The site is located within an Environment Agency flood zone 1 and therefore has a very low probability of flooding from rivers and a very low risk of surface water flooding. Being a major development there is a duty to consult the Lead Local Flood Authority (LLFA) who have echoed these opinions.
- 7.5.3 The impact of the proposed development on flooding would therefore be acceptable and is considered to be in compliance with local plan Policy SU4 Flood Risk and Water Management and the NPPF.
- 7.6 Neighbour Amenity
- 7.6.1 Policy EN5 Design of New Development states that developments will be expected to minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land. Such impacts may include loss of light, privacy or security or unacceptable noise, pollution, flooding or sense of enclosure.
- 7.6.2 The site is surrounded on all sides by other commercial and industrial development and therefore it is unlikely that there would be an impact on any residential properties.
- 7.6.3 The proposed use of the extension continues to the B8 as per the existing site and therefore it is considered there will be no additional noise issues compared to what currently takes place on site. No objections have been submitted from owners or occupiers of neighbouring commercial properties.
- 7.6.4 The impact of the proposed development on neighbour amenity would therefore be acceptable and is considered to be in compliance with local plan Policy EN5 Design of New Development and the NPPF.

8 Conclusion

- 8.1 The application for consideration is the erection of a single storey rear extension to an existing industrial building off Claymore on the Tame Valley Industrial Estate.
- 8.2 The proposed extension is acceptable in principle and is considered to be of an acceptable design which will not have a detrimental impact upon the street scene or wider character of the area. The proposed on-site parking situation and access arrangements are considered acceptable and will not cause significant harm to highway safety. There are no flooding nor amenity concerns with relevant conditions added in relation to contaminated land and ground stability. The application is recommended for approval subject to conditions.

9 Recommendation

- 9.1 Approval subject to conditions

Conditions and 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 the application form, the supporting letter and drawing numbers 1223 03, 1223 04 and 60617627-XX-DR-SK-002 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the approval.
3. Prior to the development being brought into use, the parking and maneuvering areas broadly indicated on submitted plan 60617627-XX-DR-SK-002 shall be completed and surfaced in a porous bound material, with car parking spaces clearly delineated, which shall thereafter be retained and maintained for the life of the development.

Reason: In the interest of highway safety and in accordance with Policy SU2 Sustainable Transport of the Tamworth Local Plan 2006-2031.
4. No Development shall commence until 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 otherwise first agreed by the local planning authority in writing:
 - a) 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
 - b) 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.
 - c) 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.

- d) 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.
- e) Not to occupy of the development or bring it into first use until the following has first been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning authority. The 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 and in accordance with the Scheme approved pursuant to this condition 4 and for the avoidance of doubt including details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria, 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 paragraphs 183 and 184 of the National Planning Policy Framework and policy SU5 of the Tamworth Local Plan 2006-2031.

- 5. No development shall commence until a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity including any remediation works and/or mitigation measures to address land instability arising from coal mining legacy as may be necessary, has been submitted to and approved in writing by the Local Planning authority, the Approved scheme shall be implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason; The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and policy SU5 of the Tamworth Local Plan 2006-2031.

- 6. Unless otherwise agreed in writing by the Local Planning Authority not to either occupy the development or otherwise bring it into use until the Scheme approved in condition 5 has been provided in full and a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development has been submitted to and approved by the Local Planning Authority. For the avoidance of doubt This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and policy SU5 of the Tamworth Local Plan 2006-2031.

Information item

1 Introduction

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

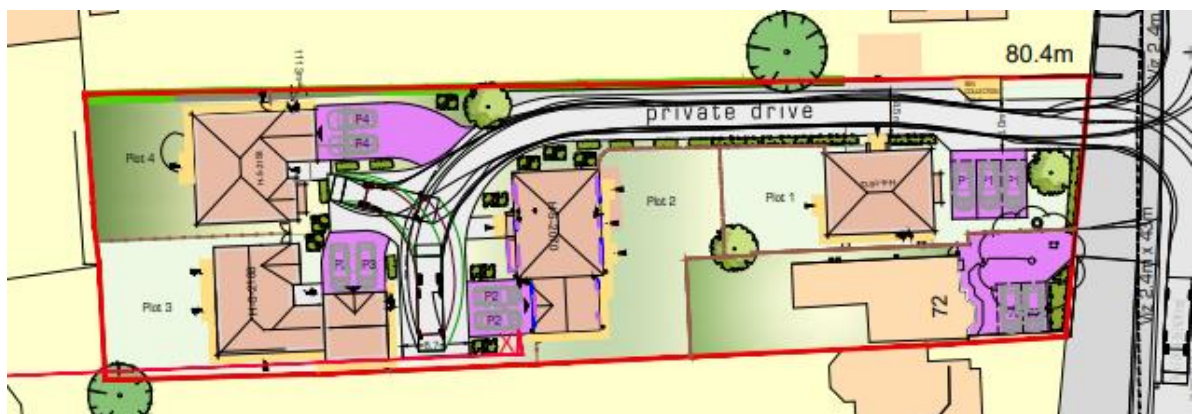
Reference	Address	Description
0022/2022	72 Dosthill Road Tamworth B77 1JB	Erection of No.4 dwellings with associated parking and external amenity space to the side and rear of 72 Dosthill Road.
0159/2022	Kings Gambit Tamworth Staffordshire B77 4AN	Erection of a bungalow and associated parking
0011/2022	3 Mickleton Tamworth B77 4QY	Change of use C3 (Dwellinghouse) to C1 (Guest house accommodation)
0117/2022	16 Wigginton Road Tamworth B79 8RH	Erection of a dwelling and associated parking

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

2 Appeals

0022/2022

- 2.1 This application was refused on 25th May 2022. The application was for full planning permission for the erection of four dwellings.



- 2.2 An appeal was submitted to the Planning Inspectorate reference APP/Z3445/W/22/3302539 and was considered by an inspector appointed by the Secretary of State. An appeal decision dated 9th February 2023 was received by the Council confirming that the appeal had been **dismissed**, therefore the application remains refused

- 2.3 The initial reasons for refusal were on the impact on the character of the area, proposing an inappropriate housing mix and not providing a net gain towards ecology.

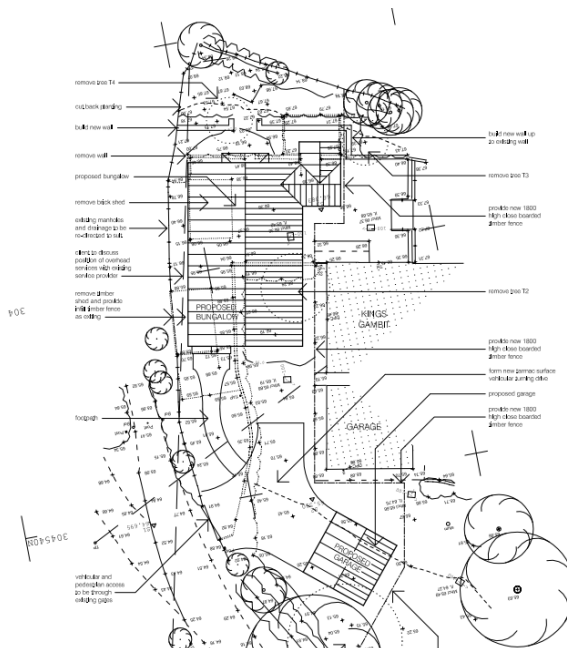
2.4 The application was dismissed on the sole reason that the development would not create the desired mix of housing. The council position was that 42% of new housing should be two bedroom units, 39% should be 3 bedroom units and 15% should be four or more bedroom units. The application comprises entirely four and five bedroom units which would be in stark contrast to what is required locally and therefore the application would conflict with Policy HG5 of the Local Plan which seeks to ensure that the size and type of proposed housing development addresses local needs. Also, although it could be said to make efficient use of the land, it fails to take into account the identified need for different types of housing as required in paragraph 124. a) of the National Planning Policy Framework.

2.5 **Department Response**

The council is disappointed that the reasons relating to biodiversity and design were not considered to be unacceptable by the inspector. However, on accounts of the mix not being in accordance with local plan policy we are however happy that this is a valid reason to refuse an application and will look to ensure remains a strong requirement of all applications.

0159/2022

2.6 This application was refused on 10th June 2022. The application was for the erection of a single dwelling, in this case a bungalow. A detached garage was also part of the proposals located to the front of the dwelling.



2.7 An appeal was submitted to the Planning Inspectorate reference APP/Z3445/W/22/3306079 and was considered by an inspector appointed by the Secretary of State. An appeal decision dated 23rd February 2023 was received by the Council confirming that the appeal had been **dismissed**, therefore the application remains refused.

2.8 The reason given that the proposal would consequently harm the spacious character of the site and its contribution to the wider street scene along Hodge Lane. It would therefore conflict with Policies EN4 and EN5 of the Tamworth Borough Council Local Plan 2006-2031 (the TLP, February 2016) which, collectively and amongst other matters, expect developments to be of a high quality design that respects local architectural characteristics, they also seek to resist the loss of trees that contribute significantly to their surroundings. The proposal would also conflict with Paragraph 130 of the National Planning Policy Framework which requires developments to be sympathetic to the local character and maintain a strong sense of place. It would also conflict with the guidance set out within the Design Supplementary Planning Document (the DSPD) regarding the protection of trees.

2.9 There was also a secondary reason relating to overlooking of the proposed dwelling and a lack of outlook from its bedrooms. Issues of biodiversity however could be overcome by conditions.

2.9 **Department Response**

For this application, we are very happy that concerns of design and amenity as recommended were agreed by the inspector and ensure a similar view is taken on applications like this where a single dwelling is proposed close to an existing property.

0011/2022

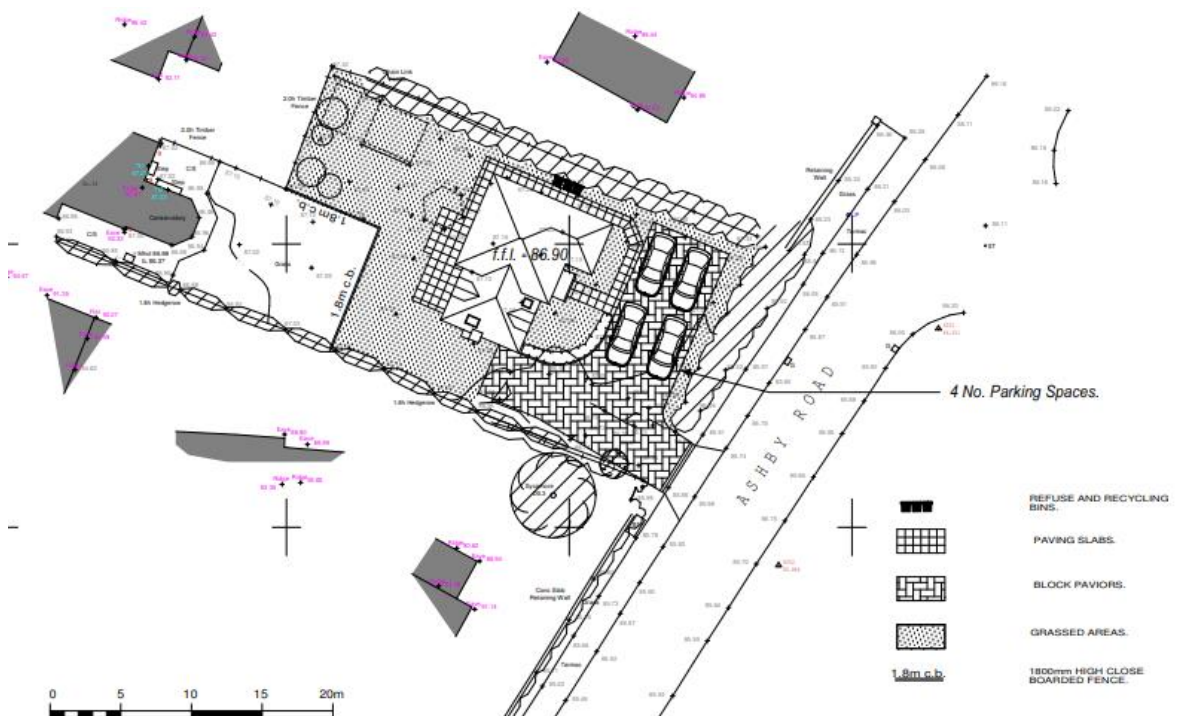
- 2.9 The application was refused on 16th June 2022. The application was for the change of use from a residential property with a use class of C3 to a guest house C2.
- 2.10 Members may recall discussing this application on 7th June 2022 when the proposal was discussed at committee.
- 2.11 An appeal was submitted to the Planning Inspectorate reference APP/Z3445/W/22/3306268 and was considered by an inspector appointed by the Secretary of State. An appeal decision dated 21st February 2023 was received by the Council confirming that the appeal had been **dismissed**, therefore the application remains refused.
- 2.11 The reason was that given the close nature of the dwellings surrounding the appeal site, its use as a holiday home intensifies the potential for unacceptable levels of noise and disturbance. Therefore, the development unacceptably harms the living conditions of neighbouring occupiers and conflicts with Policy EN5 of the Tamworth Borough Council Local Plan 2006-2031, and in particular point (g) which requires developments to minimise or mitigate unacceptable levels of noise for the benefit of neighbouring occupiers. The proposal would also conflict with Paragraph 130(f) of the National Planning Policy Framework which seeks to promote health and well-being, including a high standard of amenity.

2.12 **Departmental Response**

The department has taken on board the considerations made by the inspector and seek to take a wider view of these proposals as it was our recommendation that permission should be approved.

0117/2022

- 2.6 This application was refused on 11th April 2022. The application was for the erection of a new dwelling and associated parking.



- 2.7 An appeal was submitted to the Planning Inspectorate reference APP/Z3445/W/22/3298280 and was considered by an inspector appointed by the Secretary of State. An appeal decision dated 17th March 2023 was received by the Council confirming that the appeal had been **allowed**, therefore permission has been granted.
- 2.8 This application was determined at planning committee on 5th April 2022 where members refused the application against the advice of planning officers citing the following reason:

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

- 2.8 Despite these reasons, the inspector felt that there was no significant issue to these when considering the setting of the Chapel which is constrained to its immediate grounds, as opposed to any of the adjoining residential gardens/dwellings; this relationship would be unaffected by the development proposed. The inspector also reiterated the council's conservation officer's opinion that because of its concealed location, this is a positive element of its current setting and would remain unchanged by the development proposed. Moreover, Historic England, the Government's expert advisor on England's heritage, with a statutory role in the planning system, raised no objections. As a result, the development proposed would not result in any harm to the heritage significance of the listed Chapel, nor to any appreciation thereof. In conclusion, there would be no greater harm as a consequence of the development proposed. There would be no conflict, in this regard, with policy EN6 of the Tamworth Local Plan 2006- 2031, or Section 16 of the Framework, which together seek to protect such interests.
- 2.9 Concerns relating to the amenity of those living at 23 Ashby Road were raised separately but again the inspector felt that no material harm to the living conditions of the occupiers of this house as a consequence of the development proposed. There would be no conflict, in this regard, with policy EN5 of the Local Plan, which seeks to protect such interests, nor with the Council's Design SPD.
- 2.9 **Department Response**
The planning department wish to highlight that whilst members are permitted to go against the recommendation made by planning officers, good justification based on evidence will be required. Ideally this evidence would be the form of independent reports by relevant professionals. This is particularly important when engaged consultees have reported they have no concerns where members do have issues such as the case with this proposal.
- 2.10 As a result of this the inspector saw that this regard, that the development proposed would not result in any harm to the listed building subsequently allowed the appeal.

Recommendation

For Information only.