

NON-CONFIDENTIAL



Borough of Tamworth

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PLANNING COMMITTEE

23 August 2024

Dear Councillor

A meeting of the Planning Committee will be held in **Town Hall, Market Street, Tamworth on Tuesday, 3rd September, 2024 at 6.00 pm**. Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, appearing to read 'S. C. V.'.

Chief Executive

AGENDA

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

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

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

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 5th August 2024 until 5th August 2026.

4 Updates to Committee from Planning Officers

a 0261/2022 Appeal Update Report (Pages 11 - 14)

(Report of the Assistant Director, Growth and Regeneration)

Application Ref: 0261/2022

Proposal: Proposed conversion of and extensions to existing 5-storey former Police Station building (including demolition of single storey elements /outbuildings) to form 54 residential units

Location: Police Station, Spinning School Lane, Tamworth, B79 7BB

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: L Wood, C Adams, M Clarke, R Claymore, G Coates, D Foster,
R Kingstone, K Norchi, P Pallett, L Smith, S Smith, M Summers and
P Turner

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MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON 6th AUGUST 2024

PRESENT: Councillor L Wood (Chair), Councillors M Clarke, D Foster (Vice-Chair), R Kingstone, K Norchi, P Pallett, L Smith, S Smith, M Summers and P Turner

The following officers were in attendance: Stuart Evans (Legal Advisor) Anna Miller (Assistant Director – Growth & Regeneration), Glen Baker-Adams (Team Leader - Development Manager), Debbie Hall (Planning Officer), Tracey Pointon (Legal Admin & Democratic Services Manager) and Laura Sandland (Democratic and Executive Support Officer)

13 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor C Adams, R Claymore and G Coates

14 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 2nd July 2024 were approved and signed as a correct record

(Moved by Councillor L Smith and seconded by Councillor P Turner)

15 DECLARATIONS OF INTEREST

The Chair confirmed that under Section 33(2) of the Localism Act 2011, the act permits an authority to grant a dispensation from either or both of the restrictions not to participate and / or vote on a matter in which they have a pecuniary interest. Planning Committee Members have received a further dispensation for applications relating to the Future High Street Project for a period of two years starting from 5th August 2024 to 5th August 2026

Councillor Richard Kingstone declared an interest on application 20240367/2023 South Staffs Council, due to opinions expressed on this application

16 APPLICATIONS FOR CONSIDERATION

16.1 0133-2024 Update Report

Application No. 0133/2024

Proposal Proposed new shopfront and associated works
Location 12 - 13 Market Street Tamworth B79 7LU

RESOLVED: That the Committee

Approved permission based on revised plans for the proposal submitted post the original recommendation to approve.

(Moved by Councillor L Smith and seconded by Councillor M

Clarke)

16.2 0134-2024 12-13 Market Street

Application No. 0134/2024

Proposal Installation of various externally illuminated and non-illuminated signage to front elevation

Location 12 – 13 Market Street

RESOLVED: That the committee

Approved the application subject to conditions

(Moved by Councillor L Smith and seconded by Councillor M Clarke)

Conditions / Reasons

This consent is for a period of five years.

Reason: The local planning authority are only prepared to grant a temporary consent in order that the impact on amenity can be re-assessed after a period of 5 years this being in accordance with desire to create a high quality environment as set out in policy EN5: Design in New development as set out in the adopted Tamworth Local Plan 2006-2031.

2.The consent hereby permitted shall only be carried out in accordance with the application form and the Lighting Assessment received on 09/07/2024 and drawings: 'TYPICAL EXTERNAL ILLUMINATION LIGHTING SETUP', 'Heritage Wordmark & Letter sets – Single Line Options', 'Sign XX – Window Graphics', ATM.ET Rev A and PR.00.E1 Rev A received 09/07/2024 and 'Heritage (Illuminated) Projecting Sign Rev B' received 11/07/2024 and b90f/uk/1104720/1486893 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the permission.

3. (i). No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (ii) No advertisement shall be sited or displayed so as to -
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle
- (iii) Any advertisement displayed, and any site used for the display for advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the Town and Country Planning (Control of Advertisement) Regulations 2007.

16.3 0163-2023 Tamworth Road, Dosthill

Application No. 0163/2023

Proposal Outline Application with full details of access (with matters reserved for landscape, scale, layout and appearance) for development comprising up to 23,000 sqm(GEA) of flexible use classes E (g) (ii) E (g) (iii) B2 and/or B8 with associated car parking and works

Location Land at Tamworth Road Dosthill B77 1QL

Henry Courtier, Agent, spoke in favour of the application

Officers presented the item and responded to issues and questions raised, including:

Is there a need for a mining risk assessment? No objection received from any statutory authorities.

Members

RESOLVED: That the Committee

Approved subject to conditions

(Moved by Councillor L Smith and seconded by Councillor

D Foster)

Conditions

1. No development shall commence on site until details of the appearance, including materials, landscaping, layout and scale (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to accord with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The development hereby approved shall commence prior to the expiration of two years from the date of approval of the last of the reserved matters to be approved. Applications for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

- The Site Location Plan - 23008/SGP/ZZ/ZZ/DR/A/131000 P2 received on 2/5/23.
- The Parameters Plan - 23008/SGP/ZZ/ZZ/DR/A/001001 P7 received on 15/5/24.
- The Green Infrastructure Plan - P23/0345/EN/0007/C/GI/1 received on 15/5/24.
- Existing Site Access - 70102401/SK/002 Rev A received on 20/2/14.
- Existing site access swept path analysis 16.5m artic 701102401/ATR/001Rev B received on 20/2/24.
- The Framework Travel Plan prepared by WSP received on 3/8/23 referenced 70102401/001.

REASON: For the avoidance of doubt and to ensure that the proposed development is carried out as approved

16.4 0367-2023 South Staffs College

Application Reference 0367/2023

Proposal	Demolition of all existing buildings
Site Address	South Staffordshire College Croft Street Tamworth Staffordshire B79 8AE

This is a supplementary report following the deferral of the original planning application at the committee of 5th June 2024. Members agreed to defer the application for consideration only so as to allow further information regarding highways impacts to be obtained. The previous application was considered to suitably deal with these issues reporting that the plans submitted show that safe entrance and exit can be achieved for vehicles that are likely to carry out the work. A temporary parking restriction will also be imposed to allow this to occur safely. Since this meeting, Staffordshire County Council have provided additional information on the consultation response. This can be found at appendix A. All the other considerations remain the same as the previous report which is attached to this supplementary report.

The Officer presented the report.

Brendan Dale, Agent spoke in favour of the application

Officers presented the item and responded to issues and questions raised, including:

Clarified that the additional information on the consultation response from Staffordshire County Council was received on 10th July and not on 7th February (date had not changed from original report) and this information was not available before June's planning meeting and includes the additional condition.

As the Capacity Planning been updated since 2018 does it include the 1,000 homes already built on the Ashby Road? This is a demolition management plan; the application is determined on how much traffic does the demolition of the buildings generate. As an operational site the College generates traffic this will be considerably less whilst its being demolished. Why are the 8 conditions not referenced in the report being discussed tonight. The Planning officer confirmed the application came back for the deferral reasons

A discussion took place around the traffic management plan and whether sections of the Road should include 20-mile hour speed limit restrictions specifically on Croft Street and the one-way system and on the A513 Upper Gungate

The following motion was moved

The Traffic Management Plan should be brought to the earliest planning committee for review with the potential to include the 20mph speed restrictions for review and feedback by members.

(Moved by Councillor S Smith and seconded by Councillor P Turner)

Following votes

2 votes for

5 against

1 abstention

The motion was not approved.

RESOLVED: That the Committee

Approved planning permission with the conditions in the previous report and additional condition.

(Moved by Councillor S Smith and seconded by Councillor P Pallett)

Additional condition

Prior to the commencement of development a Traffic Management Plan shall be submitted to and approved by the local planning authority. The Traffic Management Plan shall be adhered to for the lifetime of the demolition works.

Reason: In the interests of highway safety, residential amenity and to accord with policy SU2 of the Tamworth Local Plan 2006-31.

17 UPDATES TO COMMITTEE FROM PLANNING OFFICERS

Appeal for the Police Station re-development of Police Station on Spinning School Lane for 54 apartments.

The application was rejected for the following reasons:
Shortfall in parking spaces

Shortfall in internal space standards of some of the apartments

Shortfall of open space and outside areas

Compliance of housing mix not meeting standards

The Inspectorate considered the argument not strong enough and approved the development. Costs were awarded to the applicant. Details will be brought to a future committee for discussion.

Chair

PLANNING COMMITTEE

3rd SEPTEMBER 2024

APPEAL UPDATE

0261/2022

**Police Station Spinning School Lane Tamworth
B79 7BB**

**Proposed conversion of and extensions to
existing 5-storey former Police Station building
(including demolition of single storey elements
/outbuildings) to form 54 residential units**

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

1. Introduction

- 1.1 This report is to provide an update to members of the appeal against refusal of planning permission reference 0261/2022.
- 1.2 This application relates to the conversion of the former police station on Spinning School Lane into 54 apartments. Various extensions and alterations were also proposed to the building along with associated landscaping and car parking areas.
- 1.3 The application was reported to planning committee on December 5th 2023 with an officer recommendation to approve, subject to conditions, the committee report can be found at Appendix A.
- 1.4 Members at this planning committee however refused the application against this recommendation on the following grounds:
 - Shortfall in parking spaces
 - Shortfall in internal space standards of some of the apartments
 - Shortfall of open space and outside areas
 - Compliance of housing mix not meeting standards

2. Appeal Details

- 2.1 As a result of this decision, the applicant appealed the decision and a hearing was held on 11th June 2024 with the Planning Inspectorate.
- 2.2 To support this decision an appeal statement was produced based on the reasons for refusal with information provided at committee and our information as evidence. Members were asked for assistance with this and one planning committee member came forward with some first hand concern over how having a lack of parking spaces could create issues. There was also an opinion that by decreasing the number of flats this would help in alleviating the concerns raised above. This appeal statement can be found at Appendix B.
- 2.3 The hearing went well with good discussions between Tamworth Borough Council and the Appellant and their experts about the various reasons for refusal and how each of the issues raised would have an implication on providing a scheme that members were not satisfied with. There was discussion on the Section 106 and a site visit was undertaken.
- 2.4 The appellant also confirmed that they would be asking for costs as they considered the council acted unreasonably in refusing the application.

3. Appeal Decision

- 3.1 Both the appeal and costs decision were issued on 31st July 2024. This is less than the average amount of weeks the Planning Inspectorate are currently taking with decisions overall.
- 3.2 Both the appeal and cost award were allowed and therefore the application was approved and the council ordered to pay for the appellant's costs. The appeal decision can be seen at Appendix C and the costs decision Appendix D.
- 3.3. This report provides some the critical information that officers feel members should be aware of in light of this decision.

4. Reason 1 – Parking Spaces

- 4.1 The Inspector noted that there was no objection from the Staffordshire County Council highways department, should members feel that a reason go against this then this needs to be set out clearly.
- 4.2 The Inspector found that through his observations in the late evening and at various times during the day, there were a number of parking spaces available.

4.3 It was not enough for us to say that plans to regenerate the car parks in the future would prevent car parks to be used for the development proposed.

4.4 Better evidence is therefore required should this argument be levelled in future.

5. Reason 2 – Living Conditions

5.1 Both the reasons for refusal on having too many small flats and amenity space were captured in this section of the appeal decision.

5.2 In regard to space standards within the units, this has direct consequences for how officers view the Technical Space Standards¹. According to the inspector, we should only rely on them when they are referenced in the local plan and as we have no reference then we should have not done so for the purposes this decision.

5.3 Notwithstanding this, the inspector viewed the deficiency of 0.3m as ‘small’ and therefore this an interesting point of reference when such queries happen again.

5.4 In terms of open space, the walking distance to a number of open space areas was held to be acceptable to compensate for not all the amenity space required by policy be met by this application.

6. Reason 3 – Housing Mix

6.1 There was an estate agent at the hearing who re-confirmed the position that was given to support the original application that there is no need for three bedroom apartments in Tamworth for this development.

6.2 This was considered to be appropriate evidence and with no significant evidence to the contrary given by members and officers asking for more formal accounts, the Inspector agreed that the proposed mix of 91% two bedrooms apartments was acceptable on this original evidence.

7. Costs Decision

7.1 The decision to allow full costs was allowed. This full amount is never given by the Inspector but for the council and the appellant to negotiate on. It is likely to be around £11-£15k.

7.2 Cost decisions are based on whether the council acted unreasonably in refusing the application and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The full decision can be seen at Appendix D but the following breaks down some of the points.

7.3 The Inspector states that the Planning Committee is not bound to accept the recommendation of its officers, provided they produce evidence to substantiate its contrary decision.

7.4.1 Car parking

The Council departed from the response by the Highway Authority that the proposed provision was acceptable, but in its reasoning, the Council have not taken account of the highly accessible location of the appeal site, where easy access by walking and cycling to town centre services and public transport connections exist.

7.4.2 SU2 of the Tamworth Local Plan is quite clear that ‘development with **lower levels of parking provision** may be acceptable in locations that are highly accessible by walking, cycling and public transport, including Tamworth’s network of centres.’ Members are therefore asked to remember this

¹ <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

when a development is put forward with parking numbers that are lower than what is required Appendix C of the Local Plan.

7.4.3 At the hearing, officers tried to convince the Inspector that the parking pressures are different at night but his evidence and the lack of ours on this and potential redevelopment of public car parks was vague and was not supported by any further detail.

7.5.1 *Other issues*

Despite originally stating there was a lack of parks and open space areas within close proximity to the site., it was later accepted at the hearing that a number of open space areas are in easy walking distance of the appeal site, despite not being perhaps of the highest quality e.g. the cemetery at St. Editha's Church.

7.5.2 There was no full harm explained in terms of the shortfall of internal space of a small number of flats and on mix, it was adjudged that the council failed to provide any compelling evidence contrary to the submissions by the estate agent representing the appellant on the lack of need for three-bedroom units in the town centre area.

7.6 The refusal reasons have not been substantiated and the lack of objective analysis is unreasonable behaviour.

8. Recommendations

8.1 Members of the committee have the ability to overturn an officer recommendation. However, any contrary decision must be made on sound planning reasons and reasonable in all other respects.

8.2 At the time of the meeting, the discussions about parking standards did not factor in the considerations of the sustainable location allowing for lesser parking to be acceptable in line with SU2 of the Local Plan.

8.3 Officers were reminded of this but the colloquial evidence of parking shortfalls at night and the difficulties that some people might have in parking in their allocated spaces was given without significant evidence.

8.4 The other matters were quickly discussed again without the evidence required to make a robust decision. Despite asking for assistance from members, no real evidence came forward and therefore supporting these assertions was very difficult for officers to produce statements.

8.5 Should there be future concern over various issues it is recommended that members should consider deferring the application so either more research can be done by the local planning authority or the applicant can potentially bolster their submission with extra research to satisfy members that concerns have been addressed.

8.6 In the future, we will look at producing further advice on what happens when recommendations are taken contrary to officer advice. It has been difficult trying to form arguments without clear direction from members on how support to these points.

8.7 Finally, it is the desire of officers that members of the planning committee speak to us before any committee meeting if they have concerns about various aspects of an application. We are more than happy to talk through proposals and attempt to satisfy any concerns you may have. If there are significant concerns that come forwards before a meeting, it is entirely appropriate to remove an application from the committee agenda in advance.