

Update Note: 0471/2019 (re-plan of the Golf Course SUE)

Background

Application 0471/2019 was originally considered by the Planning Committee on the 9th June 2020. During this meeting it was resolved to approve the application subject to the recommended conditions and a legal agreement to tie the application (0471/2019) to the original outline planning approval for the wider site (0088/2015). The purpose of the suggested legal agreement was to ensure that the original developer contributions sought would be applicable to the current scheme. However, as this application comprises of a new, full planning application for the erection of N.13 dwellings, it must be assessed as such. There are no provisions available to secure developer contributions relating to a historic application, to be tied to a new planning application on the same site. Furthermore, during the intervening period between the original outline application and the application subject of this report, there have been various changes in planning policy, which may have altered the level/type of contributions sought.

On account of this, it has been necessary to undertake a re-consultation and re-assessment of this planning application, to determine the required level of developer contributions.

This update note should be read in conjunction with the main report and recommended conditions (appendix 1)

Consultation Responses

- Schools Organisation – No objection subject to S106
- Fire Service – No objection
- Severn Trent – No objection
- North Warwickshire Borough Council – No objection
- Police – No objection
- Staffordshire Wildlife – No objection
- County Ecology – No objection
- County Highways – No objection
- Tree Officer – No objection
- Waste Services – No objection
- Policy – No objection

Planning Considerations

The detailed planning considerations applicable to this application have been previously considered, as set out within the main report at appendix 1 and have been resolved as acceptable. The only consideration to be updated within this report is that of Developer Contributions.

Developer Contributions and Obligations

Policy IM1 of the LP states that planning permission will only be granted if it is supported by appropriate infrastructure at a timely stage. The Policy continues, identifying when specific contributions will be requested, what is required across the Borough and how funds will be spent. The Policy also outlines criteria (a – g) which identify strategic infrastructure requirements.

When considering whether or not to request a developer contribution there are applicable legal tests which must be met, identifying the circumstances in which a s106 agreement can be utilised. These tests are set out in regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010, as amended (and within paragraph 56 of the NPPF).

The contributions sought must address the specific impacts brought about by the new development. To ensure this, contribution requests must meet the following tests, they must be:

1. Necessary to make the development acceptable in planning terms

2. Directly related to the development; and
3. Fairly and reasonably related in scale and kind to the development.

All consultees have been re-consulted to determine whether any additional developer contributions/obligations would be necessary. Based on the re-consultation, the following developer contributions have been requested:-

- Schools Organisation contribution – **£54,743.52**
- CIL – circa **£67,000** (based on £34 per sqm)

The Education request has been justified on the basis of the changed size of the dwellings proposed, in that this application has substituted the smaller flats (approved under the original outline application) for larger family sized homes, therefore resulting in a likely increase in the demand for school places.

In regards to the CIL contribution sought, this reflects an update in Policy since the original decision on the outline application was made. The Council now have an adopted CIL charging schedule and on the basis of this, the referenced contribution is sought.

The contributions sought within this update note would only relate to this application and would not be in addition to the contributions secured via the outline S106 agreement. The applicant would have the choice over which consent to implement, however developer contributions would be necessary regardless of whether the original Reserved Matters consent, or this application was to be implemented.

This full application would be subject to a separate S106 agreement to secure the developer contributions identified.

As previously mentioned, there have been no amendments to the proposed development since the application was last brought before Planning Committee, the only matter to consider is that concerning developer contributions/obligations.

In this case it is considered that the contributions requested would meet the identified tests and therefore can be secured by way of a legal agreement. The proposal is thus compliant with policy IM1 of the Local Plan and the section 106 guidance.

Conclusion

On the basis of the content of the appraisal (as set out within the report at appendix 1), the submitted application documents, suggested conditions and planning obligations it is considered that the development would be acceptable and in accordance with the adopted Tamworth Local Plan 2006-2031 and the National Planning Policy Framework 2019 (as amended).

Recommendation

- A. Grant delegated authority to the Assistant Director - Growth and Regeneration to conclude negotiations on and complete an agreement under section 106 of the Town and Country Planning Act 1990 so to secure the planning obligations outlined in this report; and
- B. Subject to A, Approve the application subject to the condition(s) as outlined within the main report at appendix 1.

PLANNING COMMITTEE

9th June 2020

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION



Application Number: 0471/2019

Development: Erection of 13 new dwellings (re-plan of previously approved Phase 3 development 0129/2018)

Location: Former Municipal Golf Course, Eagle Drive, Amington, TAMWORTH, B77 4EG

1. Introduction

- 1.1. Outline planning permission was granted subject to a s.106 agreement in January 2016 for 1100 dwellings and associated facilities. Reserved matters applications were subsequently approved for phases 1 and 2 and phase 3, application 0129/2018 was approved for 252 dwellings.
- 1.2. This application proposes a re-plan of a small part of phase 3 which currently has approval for 22 dwellings. The changes comprise substituting the Chartwell apartment block of 15 apartments and 7 detached dwellings for a scheme of 13 dwellings). This section of the site is located to the northern side of the site adjacent to the approved nature reserve.
- 1.3. There will be no loss of affordable properties but there will be a change in the housing mix provided within this phase of the development that differs from the requirements of policy HG5. A condition of the outline states that each phase and the overall development are required to meet the mix unless agreed in writing with the Local Planning Authority.
- 1.4. The site currently benefits from planning permission for 7 houses and 15 apartments,. The proposal shows a net reduction of 9 dwellings and needs to be considered in the context of the surrounding development which is under construction and the extant consent for 22 dwellings and balanced against the requirement to provide an appropriate mix across the whole of the development.

2. Local Plan Policies

SS1 - The Spatial Strategy for Tamworth
SS2 – Presumption in Favour of Sustainable Development
HG1 – Housing
HG2 – Sustainable Urban Extensions
HG4 – Affordable Housing
HG5 – Housing Mix
HG6 – Housing Density
EN5 – Design and New Development
IM1 – Infrastructure and Developer Contributions
Appendix A – Housing Trajectory
Appendix C – Car Parking Standard

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

3. Relevant Site History

0381/2017	Discharge of Conditions relating to outline planning permission 0088/2015: Conditions 1 & 2 [Reserved Matters approval]; Condition 3 [commencement date]; Condition 13 [drainage]; Condition 14 [surface water]; Condition 17 [Site Investigation Survey]; Condition 21 Landscape Management plan]; Condition 22 [Construction Management plan]; Condition 25 [finished site and ground floor levels]; Condition 28 [storage of refuse]; Condition 29 [Noise Survey]; Condition 32 [Travel Plan]; Condition 33 [site access]; Condition 34 [pedestrian crossing];
-----------	---

	Condition 35 [relocation of bus stops]; Condition 36 [footway improvements]; Condition 37 [improvements at Glascote Road/Mercian Way roundabout]; Condition 41 internal road access]
0521/2019	Non-Material Amendment relating to Reserved Matters application 0129/2018 - substitution of house type B13 to B18 on plots 764-767, 769, 770, 775, 776, 785, 786, 795, 796, 839, 840, 843 and 844
0088/2015	Outline application for the demolition of clubhouse and construction of up to 1100 dwellings, primary school, local centre, parking, comprehensive green infrastructure comprising community woodland, community park, extension to local nature reserve, formal and informal open spaces, footpaths, cycleways, water areas (including enhancement to existing ponds and creating a sustainable urban drainage system), landscaping and vehicular access
0086/2016	Discharge of conditions 6 (Design Code), 7 (Landscape Strategy), 8 (Phasing Plan), 9 (Tree Removal/Protection Plan), 10 (Foul & Surface Water Drainage) and 11 (S.U.D.S) of planning permission 0088/2015
0202/2016	Discharge of condition 15 [Ecological Enhancement Strategy] of Planning Permission 0088/2015
0305/2016	Discharge of condition 6 of Planning Application 0136/2016 [cycle storage facilities]
0315/2016	Discharge of Conditions of Planning Application 0088/2015: Condition 17 [land contamination]; Condition 21 [landscape management] and Condition 28 [refuse storage facilities]
0343/2016	Discharge of conditions of Planning Application 0088/2015: 13 [drainage plans]; 14 surface water drainage design]; 18 [Written Scheme of Investigation]; 24 [design of Public Open Space]; 26 [hard and soft landscaping] and 27 [lighting scheme].
0091/2017	Discharge of conditions 19 (no build zones) of planning permission 0088/2015
0153/2017	Non material amendment to application 0136/2016 to allow for additional window on gable end of plot 53 only (house type C1)
0154/2017	Non material amendment to application 0400/2016 to allow for additional windows on the gable end of Apartments A4 & B10 (plots 367-372) and House Type C1 (plots 445 - 569)
0321/2017	Discharge of condition 16 of planning permission 0088/2015 [invertebrate survey]
0334/2017	Non-material amendment to substitute brick types on plots 70 to 102
0376/2017	Discharge of Condition 6 [lighting and security of proposed apartments] and Condition 7 [cycle storage facilities] relating to Planning Permission 0400/2016
0387/2017	Reserved matters application for the construction of 269 dwellings and associated landscaping and public open space
0129/2018	Reserved matters application for the construction of 252 dwellings and associated landscaping and open space [Resubmission of application 0387/2017]
0376/2018	Discharge of Conditions relating to Planning Permission 0088/2015: Condition 1 [Reserved Matters approval]; Condition 2 [Reserved Matters time limit submission]; Condition 17 [site investigation]; Condition 21 [Landscape Management Plan]; Condition 24 [Public Open Space]; Condition 28 [storage of refuse]; Condition 31 [Sustainable Drainage System] and Condition 41 [internal access arrangements]

0445/2018	Discharge of Conditions relating to Phase 3 of planning permission 0088/2015: Condition 3 - commencement of development; Condition 12 - re-survey of badgers; Condition 13 - drainage of foul sewage; Condition 14 - of surface water; Condition 23 - Construction Environmental Management Plan; Condition 25 - ground levels; Condition 26 - hard and soft landscaping and Condition 29 - noise survey
0016/2019	Discharge of Conditions relating to planning permission 0129/2018: Condition 6 (refuse, cycle store, lighting and security details to apartments) and Condition 7 (surface water drainage)
0081/2019	Discharge of conditions relating to planning permission 0088/2015: condition 12 (updated badger survey with Phase 4 application), condition 17 (geotechnical and geoenvironmental survey) and condition 27 (lighting plans)
0294/2019	Non-material amendment to planning permission 0129/2018 to allow for alterations to layout of plots 834-844 due to changes in levels and amended landscaping mixes
0436/2019	Discharge of Conditions relating to Planning Permission 0088/2015: Condition 20 (British Pipelines Agency), Condition 22 (Construction Management Plan - Phase 3) & Condition 31 (SUDS Scheme)

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>

3.2 Staffordshire County Council - Lead Local Flood Authority

No objection

3.3 Staffordshire County Council Highways

No objections subject to conditions requiring the provision of the parking and turning areas for the individual dwellings.

3.4 Tamworth Borough Council – Development Plan

No objection to the development

Approved mix includes 15 2-bed apartments that are proposed to be removed. Their new proposed mix is 0% 1-bed; 15% 2-bed, 26% 3-bed and 62% 4-beds+. This is clearly some way from the mix required by policy HG5 (Housing Mix) however as it is part of a much larger development, that can be taken into consideration. The proposal appears to alter the existing approved phase 3 of the development by reducing the overall number of dwellings by 9 and generating an overall mix of:

2% 1-bed; 37% 2-bed; 39% 3-bed; 22% 4-bed

This does have the effect of moving the housing mix of the phase slightly further from the mix set out in policy HG5; however, as this again forms part of a much larger development, we would have no significant objections to the proposal provided that the opportunity still exists to ensure that the overall development meets the requirements of the policy. As a standalone application that would be some way off the policy mix, but as pointed out in their supporting info, in the context of the wider site, they have an opportunity to ensure the overall site is policy compliant through the remaining phases. The same applies to the density and affordable housing. As a standalone application they are below what we would expect to see, but provided the development as a whole remains compliant, I would not have an issue with it.

It would be liable for CIL at the £35 per sqm rate.

3.5 Staffordshire Police Authority

Supports layout that is outward looking. Attention to design of boundaries, footpath surveillance, access gates, fencing, lighting, location of utility metres and landscaping required. 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. **Additional Representations**

4.1 As part of the consultation process adjacent residents were notified and a press notice and site notices were erected. No responses were received as a result of neighbour consultation or publicity.

5. **Equality and Human Rights Implications**

5.1 Due regard, where relevant, has been taken 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.

5.2 There may be implications under Article 8 and Article 1 of the First Protocol of the Human Rights Act, regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.

6. **Planning Considerations**

6.1 The key issues to be considered at this stage are

- Principle
- Conformity with existing permission
- Housing mix and affordability
- Appearance and scale
- Impact on residential amenity
- Section 106 requirements

Principle

6.3 The Tamworth Borough Council Local Plan 2006-2031 (the Local Plan) was adopted in February 2016. Policy SS1 of the Local Plan gives the spatial strategy to provide development in the most accessible and sustainable locations to meet housing and employment needs whilst safeguarding natural and built assets, and policy SS2 requires any proposals that are sustainable and in accordance with the plan should be approved without delay. As well as the Local Plan there is guidance within the National Planning Policy Framework and its practice guidance (NPPF). This application is a full planning application and as such the first issue to consider is whether the principle of residential development is acceptable. The site is within an allocated housing site with approved outline and reserved matters applications and therefore the principle is acceptable for residential development subject to the other considerations detailed below.

Conformity with Existing permission

- 6.4 Planning permission for dwellings has been granted both in outline and in reserved matters and this is a re-plan of a relatively small section of the site due to marketing. In terms of massing the replacement dwellings are similar in scale as the approved dwellings, whilst the apartment block has been removed completely and replaced with detached dwellings of similar design to the approved dwellings. Overall, the density of the scheme is still within the parameters of the original masterplan which indicated that the development would achieve 30 dwellings per hectare.
- 6.5 The proposals are considered to be consistent with the original approved scheme and layout. The quality of the layout overall is considered to be acceptable and accord with the overarching principles of providing good design and accord with the aims of Local Plan Policies HG2, HG6 and EN5.

Housing Mix

- 6.6 Local Plan policy HG5 (Housing Mix) requires that in granting planning permission for residential development, housing sizes and types that reflect local needs will be secured and sets out the required mix of sizes for all residential development as follows:

Table 1 : Local Plan Requirement

1 bed units	4%
2 bed units	42%
3 bed units	39%
4 + bed units	15%

Table 2 : Approved phase 3

1 bed units	2%
2 bed units	41%
3 bed units	38%
4 + bed units	19%

Table 3 ; Mix of the 13 being applied for

1 bed units	0%
2 bed units (2 units)	15%
3 bed units (3 unit)	23%
4 + bed units (8 units)	62%

Table 4 : Mix of phase 3 overall if changes applied

1 bed units	2%
2 bed units (-13 units)	37%
3 bed units (-2 unit)	39%
4 + bed units (+6 units)	22%

The proposed mix is predominantly 3 and 4 bedroom dwellings as shown in table 3 which deviates away from the Local Plan requirement. However the development forms part of a larger existing permitted development, and so the proposal would not seek to meet the Local Plan mix on its own. Having reviewed the existing approved mix for phase 3 (shown in table 2, which also deviates from policy HG5 requirements), the proposed re-plan would see the overall loss of 9 dwellings with **13 fewer 2 bedroom units** and **2 fewer 3 bedroom units**, but a **gain of 6 no. 4 or 5 bedroom units**. The proposed change would therefore lead to the overall mix for phase 3 moving away from the mix set out in policy HG5 as shown in table 4. However it is considered that this deficiency can be balanced with a greater provision of 2 bed dwellings in phase 4 to ensure that the site as a whole complies with policy HG5.

Affordable Housing

- 6.7 Policy HG4 requires 20% of affordable dwellings to be provided on site. There is an overall reduction of dwellings on this phase from 252 to 243, however no affordable dwellings have been removed from the phase. A reduction of one dwelling will be made at a future phase to ensure the proportion across the development as a whole remains at 20%, which is therefore policy compliant.

Appearance and Scale

- 6.8 The dwellings proposed are of a suburban design, with small variations throughout the defined character areas (as outlined above). The adjacent residential developments of the Borough have little architectural expression with which to guide the design of the development and consequently, the proposed dwellings will have to create its own character and identity.
- 6.9 The individual dwellings proposed are pleasant, with a variety of detailing and individual elements of design. This includes the use of simple projections of structure such as bay windows and small gables and variations to the frontage design is to achieve relief to the dwellings elevations which is aided by the provision of door and window reveals. The building materials and details will vary in different areas of the site however an overall pallet of primarily red brick will tie the development together and provide visual variation.
- 6.10 The proposed amendments accord to the agreed design code, and the Arts and Crafts style has been echoed in the amended design. In terms of scale the dwellings are considered to be

appropriate. The proposal provides “on plot” landscaping, which is consistent with the original layout and provides a well-designed high quality layout.

Impact on Residential Amenity

6.11 In terms of the individual dwellings, the spaces provided between them varies around the site but are considered to be appropriate and will ensure that private amenity spaces are provided and overlooking and indivisibility is minimised as far as possible. The garden sizes are considered to be proportionate to the range of house types they will serve and the detached garages where proposed are set back from the street-scene which will afford the dwellings more prominence and also provide for well-defined spaces in-between the dwellings and aid in creating the feeling of space. The following plots have been subject to amendments within this application:

- 755 – Substitution of 1 x 3 bedroom detached property for 2 x 2 bedroom semi-detached properties. There will be no change in the orientation of the properties and so there is no impact associated with overlooking or loss of privacy as a result of the change. There is also no impact on garden depth, separation distances or external amenity space as a result of the change. Parking standards have still been met as a result of the proposed changes.
- 747-749 – There will be no changes in the house types for this section of the re-plan, the three houses will be shuffled and so will be positioned in a different order; however there are no significant changes to this element. There will be no change in the orientation of the properties and so there is no impact associated with overlooking or loss of privacy as a result of the change. There is also no impact on garden depth, separation distances or external amenity space as a result of the change. Parking standards have still been met as a result of the proposed changes.
- 732-746 – Substitution of 15 x 2 bedroom apartments in a single apartment block with associated parking is to be replaced with 5 x 4 bedroom detached properties. Three of the properties will front onto the highway and two will be located behind (where the original car park was located) accessed via a private driveway. Each of the proposed new dwellings meets the required external amenity space standards, minimum separation distances and minimum parking requirements. There will be no impact on the amenity of surrounding properties as a result of the change. The alteration will lead to more open space and a reduction in the overall massing within this area of the site. It will lead to a lower density towards the edge of the development which is ultimately more appropriate in design and layout terms.
- 724 – Repositioning of the property where it has been moved forward by approximately 5m. This alteration has led to the external amenity space of surrounding properties being increased, whilst increasing the separation distances. There will be no impact associated with loss of light or loss of privacy associated with the repositioning of the plot.

6.12 Therefore; with the above assessment in mind, the proposal is still in line with Policy EN5 of the Local Plan. Therefore the proposal will not impact upon the amenity space of the properties involved, or the future neighbouring properties, and as such the alterations are deemed to be acceptable and policy compliant.

7 Conclusion

7.1 The proposal incorporates alterations to 22 previously approved plots within Phase 3 of the Golf Course development. All of the proposals protect the interests of neighbouring residents and the scheme does not harm the character of the area. On balance the proposed development is considered to accord with the relevant adopted Local Plan policies and in the absence of any other material considerations, the application is recommended for approval.

This accords with policies SS1, SS2, HG1, HG6, EN4, EN5, EN6, SU1, SU2, SU4, IM1 and Appendix C of the adopted Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework

- 7.2 The proposal is not compliant with Policy HG5 as the housing mix does not meet the required levels for this phase by reducing 15 no. 2 and 3 bed dwellings and adding 6 larger dwellings. However as there are future phases to be submitted, there will be additional opportunities to meet the required levels for the development as a whole and therefore the proposal is deemed to be acceptable.
- 7.3 The proposed new dwellings will be liable for CIL at a rate of £35 per square metre for all 13 of the units included as part of the re-plan.
- 7.4 Conditions are added below as previously given for other permissions within the development, except where these have been discharged.

8 Recommendation

1. Approval subject to conditions

Conditions / Reasons

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 the following drawings and documents.

Drawing(s) Reference(s)

Location Plan	1671-08-02-820
Finished Floor Levels	1671-08-02-822A
Materials	1671-08-02-811A
Site Plan	1671-08-02-800A
Coloured Site Plan	1671-08-02-800A
Street Scenes	1671-08-02-816A
Sections	1671-08-02-817A
Enclosures	1671-08-02-821A
Floor Plans and Elevations	House Types B18;C16;C20;C21;D1;D2;D3;E1;E2

Reason: To define this permission.

- 3. Prior to the occupation of any permitted dwelling the parking and turning areas for that dwelling shall be provided. The parking and turning areas shall thereafter be retained at all times for their designated purposes.

Reason: In the interests of Highway Safety as recommended by the Highway Authority in accordance with Policies EN5 and SU2 of the Tamworth Local Plan 2006-2031.

- 4. All planting, seeding or turfing comprised in the approved details of landscaping and boundary treatment approved 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 accordance with Policy EN5 Tamworth Local Plan 2006-2031.

5. Notwithstanding the provisions of Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), no walls, fences or other means of enclosure shall be erected forward of the principal elevations of dwellings, or boundary walls or fences to those dwellings, except as authorised under the submitted application, without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: In order to maintain the character of streets and public spaces as secured under the plans hereby approved in accordance with Policy EN5 Tamworth Local Plan 2006-2031.

6. Notwithstanding the provisions of Class A,B,C,D and E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), the garages indicated on the approved plans shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

Reason: In the interests of Highway Safety as recommended by the Highway Authority in accordance with Policies EN5 and SU2 of the Tamworth Local Plan 2006-2031.