

PLANNING COMMITTEE

02/03/2021

APPLICATION FOR CONSIDERATION

0428/2020

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

Tamworth
Borough Council

Application Number: 0428/2020

Development: Proposed construction of 4No. Employment units (one building) for use within use class E (industrial process) B2 (general industry) B8 (storage and distribution) and associated infrastructure.

Location: Land off Sandy Way, Amington , Tamworth

1. Description of Proposal and Site

- 1.1 The site forms part of the adopted Local Plan employment land allocations EMP10 and EMP30 for uses falling within Classes B1 (b, c), B2 and B8 of the Town and Country Planning (use classes) Order 1987. The application site comprises an area of approximately 2.489 acres and is defined as brownfield land by virtue of its historic use. The site previously accommodated industrial units, which have since been demolished. The site has been left to green over and is secured by palisade fencing.
- 1.2 The site is situated towards the western edge of the Sandy Way Strategic Employment Area (Area 3). The wider area is host to a range of industrial/warehouse units and commercial enterprises, as well as office buildings. Further west of the site are residential properties, which occupy a slightly elevated position due to the changing topography and to the north, east and south are other strategic employment areas. The area is also conveniently located a short distance from the B5000 and to the north-west of Junction 10 of the M42. The site is rectangular in shape and would be accessed via Sandy Way, which defines its eastern boundary and forms a junction with an existing access and car park to an adjacent commercial unit.
- 1.3 The scheme proposes the erection of No.4 employment units housed within a single building. The building would have a floor area of 4683sqm. The building would measure 11.9 metres to the ridge and 6 metres to the haunch, with a footprint of 37.35 metres in width, by 125.4 metres in length. The building would accommodate an office and reception areas, along with warehouse space. HGV access would be gained from the north eastern side of the building (facing Sandy Way). 69 standard parking spaces would be provided along with 6 disabled bays and 20 secure and sheltered cycle storage spaces.
- 1.4 A flexible approach has been applied for in regards to the uses, meaning that the units could be used for uses falling within either one of, or a combination of Classes, E, (Industrial Processes) B2 (General Industry) and B8 (Storage and Distribution).
- 1.5 The application is supported by the following reports:
- Planning Statement
 - Design and Access Statement
 - Drainage Details
 - Air/Odour Details
 - Transport Assessment
 - Heritage Statement
 - Ecological and Biodiversity Assessment
 - External Lighting Details
 - Noise Details
 - Coal Mining Report

2.0 Policies

Adopted Tamworth Local Plan 2006-2031

- *SS1 - The Spatial Strategy for Tamworth*
- *SS2 – Presumption in Favour of Sustainable Development*
- *EC6 – Sustainable Economic Growth*
- *EC7 - Strategic Employment Areas*
- *EN4 - Protecting and Enhancing Biodiversity*
- *EN5 - Design of New Development*
- *SU1 - Sustainable Transport Network*
- *SU2 – Delivering Sustainable Transport*
- *SU3 – Climate Change and Mitigation*
- *SU4 – Flood Risk and Water Management*
- *SU5 - Pollution, Ground Conditions and Minerals and Soils*
- *IM1 – Infrastructure and Developer Contributions*
- *Appendix C – Car Parking Standard*

National Planning Policy Framework (NPPF)

Chapter 2 – Achieving Sustainable Development

Chapter 4 – Decision-making

Chapter 6 – Building a strong, competitive economy

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

National Planning Policy Guidance (NPPG)

3.0 Site History

0003/2007 – Demolition of existing industrial units

4.0 Consultation Responses

Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at www.tamworth.gov.uk.

4.1 Staffordshire County Council Highways

No objection subject to conditions

4.2 LLFA

No objection subject to conditions

4.4 Cadent Gas

No objection

4.5 Severn Trent Water

No objection subject to conditions

4.6 County Ecology

No objection subject to conditions

4.7 Tamworth Borough Council – Tree Officer

No objections

4.8 Tamworth Borough Council – Environmental Health

No objections

4.9 Tamworth Borough Council – Policy

No objection

4.10 Coal Authority

No objections

5.0 Additional Representations

5.1 As part of the consultation process adjacent residents were notified and a press notice and site notices were erected. Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at www.tamworth.gov.uk. Three objections have been received making the following points in respect of the application:

- Operating hours are 24/7 and the potential noise impact on surrounding residential properties
- The traffic noise associated with HGV operations
- No details submitted with the application to indicate who the end users would be
- The presence of other vacant units within the surrounding area

6.0 Equality Implications and Human Rights Implications

6.1 Due regard, where relevant, has been taken to the Tamworth Borough Council's equality duty as contained within the Equalities Act 2010. The authority has had due regard to the public sector equality duty (PSED). Under section 149 of the Equality Act 2010, a public authority must in the exercised of its functions, have due regard to the interests and needs of those sharing the protected characteristics under the Act, such as age, gender, disability and race. This proposal would have no significant 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 of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. These issues have been taken into account in the determination of this application.

7.0 Planning Considerations

7.1 Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Principle of development
- Highway safety
- Landscaping and Ecology
- Impact on neighbouring properties
- Siting and Design of the proposed development;
- Drainage and Floodrisk; and
- Other considerations

7.2 *Principle*

7.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material planning consideration. Both the Local Plan (LP) and the NPPF contain a presumption in favour of sustainable development.

Policy SS2 (presumption in favour of sustainable development) of the LP makes reference to the presumption contained within para 11 of the NPPF, which states:-

Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

7.2.2 The adopted Tamworth Local Plan 2006-2031 (LP) is the starting point in assessing the acceptability of this planning application. The Spatial Strategy (SS1) initially identifies a need for the provision of 32ha of new employment land within Tamworth, however the Policy continues that only 18ha of this need will be deliverable within the Borough, with the remaining requirement to be delivered within adjoining administrative areas. Policy EC6 allocates sites within new employment areas to cater for the identified, deliverable need of 18ha of employment land. It is considered imperative that these sites are able to deliver the maximum quantum of development to achieve the needs identified.

7.2.3 As previously detailed, the application site comprises of an allocated employment site, which extends the Sandy Way Employment Area (E3). Policy EC6 allocates sites for employment uses falling within classes (B1 (b or c), B2 and B8 of the Use Classes Order. Delivery of this site therefore plays an important role in ensuring the provision of economic priorities for the Borough. Table 4.3 under EC6 sets out guidance in respect of each of the allocations. Since the allocation of the site and indeed the adoption of the Local Plan, the Use Classes Order (which assigns development to specific classes of use) has been updated by Government. As set out within the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (introduced on 20th July 2020, and effective from 1st September 2020), various Classes of the Order have been amalgamated into Use Class E. Class E (commercial, business and service) includes retail, restaurant, office, financial/professional services, indoor sports, medical and nursery, research and development and industrial uses along with 'any other services which it is appropriate to provide in a commercial, business or service locality'.

7.2.4 Whilst the proposal could comprise of Use Class E (Industrial Processes) development, which is not specifically defined within the LP Policy, the specified component use (industrial processes) would be similar in terms of its composition, function and impact to those uses defined, and on this basis, subject to a condition restricting the use to the component use applied for, the development would be compliant with the intent of the Policy. Advice from Counsel has been sought on the acceptability of the proposed restrictive condition and it has been confirmed that on the basis of the circumstances it would be reasonable and necessary to impose such. The condition has also been discussed with the applicant, who has agreed to its imposition. Policy EC6 subsequently continues, setting out that consideration should be given to the potential for improvements to pedestrian, cycle and bus links on the site.

7.2.5 In regards to economic impacts more generally, the NPPF at para 80 sets out that:- *Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*

7.2.6 In this instance the sites allocation clearly indicates that the principle of the employment use, subject to the specified condition would be acceptable in principle. In this regard the proposal would be compliant with Policy SS1 and EC6 of the adopted Local Plan.

7.3 Highways Issues, including, car parking access and impact on highway network

7.3.1 Policy SU1 of the LP seeks to ease and improve the quality of access within the Borough through a range of policy criteria (a – i) of specific relevant to this application criterion i) requires improvements and traffic management measures as required to mitigate the impact of development traffic, with the Policy continuing to state that contributions towards infrastructure will be required where proportionate and necessary. In addition, Policy SU2 of the LP requires development to be accessible by walking, cycling, and public transport... and that planning permission should only be granted where development would ensure adequate highway safety, suitable access for all. The Policy continues that Planning Permission will be refused where travel to and from the development would be likely to cause harmful levels of pollution, highway safety or capacity issues. In regards to new roads, design advice is provided, in that they should result in a high quality public realm and finally a section on parking requirements is included, supplemented by Appendix C.

The NPPF at para 108 states that:- *in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

And para 109 continues that:- Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.3.2 County Highways have been consulted on the application and have recommended approval subject to a number of conditions. The application sites benefits from a central location and is easily accessible by a range of sustainable modes of transport and is well served by pedestrian, cycle and bus connections. The proposed access junction off Sandy Way would be upgraded, through a minor rearrangement of the existing access point. This would not only improve access for HGV traffic but also benefit existing users of the adjacent unit. In terms of parking provision, the proposed level of parking would be consistent with adopted SCC guidance (on the basis of the land use variants applied for) and would include disabled and HGV parking. Furthermore, it has been demonstrated that highway impacts associated with the development would not have an unacceptable impact on the surrounding highway network, with significant reserve capacity for the Use Classes applied for by this application.

7.3.3 The conditions sought by Staffordshire County Council Highways, include:

- Provision of parking/turning areas to be provided prior to occupation
- Provision of cycle/pedestrian facilities
- Construction Management Plan

7.3.4 In addition to the above, County Highways have suggested a condition requiring the continuation of a single yellow line across the closed access point. This has been justified as a measure to prevent vehicle parking in this location. On the basis of the evidence provided however, it is considered that this would not be necessary to mitigate impacts of the proposed development, but would be used as a measure to remedy an existing problem. Furthermore, County Highways have concluded that the level of parking provision proposed would be acceptable and so would not exacerbate on street demand. An existing issue cannot be resolved through the imposition of a planning condition. Therefore, this condition (relating to the inclusion of a TRO) is not deemed to be necessary or reasonable and would fail the applicable legal tests.

7.3.5 County Highways have also requested a pre-commencement condition requiring the submission of details of secure lockers for employee cycle equipment and a further condition has been included to ensure that secure and sheltered cycle storage is provided. The inclusion of the pre-commencement condition relating to employee storage provision is not considered necessary in ensuring that the proposed development is acceptable. This condition would not therefore meet the necessary tests and as such an informative to the applicant will be included as an alternative.

7.3.6 Notwithstanding the above, the proposed development has been deemed acceptable in regards to highway issues, the proposal would provide a safe access, would not harm pedestrian or highway safety and would provide an appropriate number and mix of parking spaces for the Use Classes sought. The proposed development is therefore compliant with Policies EN5 and SU2 of the Local Plan and in this regard would be acceptable.

7.4 Ecology and biodiversity

7.4.1. Policy EN4 of the LP states that development should not result in a net loss of biodiversity by ensuring that where harm to biodiversity is unavoidable and it has been demonstrated that no alternative sites are suitable, development is adequately mitigated or as a last resort, compensated for. In regards to landscape related matters the Policy suggests that developments should incorporate planting of native trees, where appropriate. The NPPF at para 170 advises that a) sites of biodiversity should be protected and enhanced in a manner commensurate with their statutory status or identified quality within the development plan and at d) suggests that impacts on biodiversity should be minimised and that net gains for biodiversity should be achieved. Para 175 of the NPPF advises that when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

In terms of Policy EN4, the application site is not a designated statutory site, however over time, as the site has not been maintained and has been left to green over, self-setting vegetation has colonised and so its biodiversity value has increased. It is recognised within the supporting reports that the newly created habitats are of relatively poor quality, however it remains important that the development would not result in a net loss for biodiversity. Various documents have been provided with the application, including ecological assessments and a detailed landscaping plan. County Ecology has considered the content of these and has deemed them acceptable.

7.4.2 Various biodiversity enhancements have been illustrated and detailed on the amended landscaping plan, and on the basis of these, it is considered that the quality of the ecosystem would be improved and that there would be no net loss of biodiversity.

7.4.3 Conditions will be imposed to secure the proposed enhancements along with the recommendations suggested by the County Ecologist. These include that the removal of vegetation only be carried out at certain times of the year (outside of the nesting season) and that prior to the removal of vegetation, investigations are undertaken to establish the presence of native species, including hedgehogs.

7.4.4 Subject to the recommendations within the ecology report and the suggested conditions it is not considered that the proposal would result in a materially harmful impact in terms of ecology or biodiversity. In relation to landscaping, similarly, subject to the recommended conditions, the natural environment and character of the area would be preserved and enhanced. As a result, the proposal would be compliant with Policy EN4 of the Local Plan and the relevant paragraphs of the NPPF.

7.5 Impact on the amenity of neighbouring properties

7.5.1 Criterion g of Policy EN5 of the LP seeks to minimise or mitigate environmental impacts for the benefits of the existing and future occupiers of adjacent land. Notable impacts identified include loss of light, privacy or security, unacceptable noise, pollution and flooding and a sense of enclosure and Criterion e of Para 170 of the NPPF states that LPA's should:- prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

7.5.2 The proposal would lead to the redevelopment of a site that is allocated for employment use within the Local Plan and of a site that has previously been developed for and used for industrial purposes. The site is bordered by residential properties to the west. Paragraph 180 of the NPPF outlines the need to consider the impact of noise resulting from new development on health, quality of life and areas of tranquillity. It also indicates the need to consider measures, including the use of conditions,

to minimise noise and mitigate against the impact from it. However, para 183 does make it clear that:

The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

- 7.5.2 In this instance a noise assessment has been submitted with the application which assesses the potential impact of noise on surrounding residential properties. This assessment concludes that the full application would have a minimal impact on the neighbouring properties. Currently, the ambient noise levels from the surrounding area would be consistent with those of the proposed new building and this has taken place over a considerable time. Therefore, on the basis of the historic and existing uses within and surrounding the site, it is not considered that the noise levels generated would result in an unacceptable level of harm. Environmental Health have stated that the proposed development would not have any substantial impact in terms of residential amenity and are satisfied that the provision of boundary treatments and the proposed insulation would be sufficient to mitigate any associated impacts.
- 7.5.3 Lighting details have been submitted with the application and have been assessed by Environmental Health. Due to the positioning, amount and type of proposed lighting, Environmental Health have determined that there would be no significant impacts caused to the amenity of neighbouring properties.
- 7.5.4 Overall, Environmental Health consider that the proposed development would not have a materially harmful impact on the amenity of adjacent residential properties in terms of noise, ground contamination or light pollution and are satisfied that the scheme complies with Policy EN5 of the Local Plan.
- 7.5.5 By virtue of the position, design and distance of the proposed building from the properties to the west, there would be no harmful impacts caused on grounds of overlooking, overshadowing/loss of light and the proposal would not be overbearing. The proposed development is therefore deemed to be acceptable in this regard and compliant with Policy EN5.

7.6 Siting and Design of the proposed development

- 7.6.1 An important consideration in determining the acceptability of the proposal are impacts of the proposed design on the character and appearance of the site and the surrounding area.
- 7.6.2 The importance of design is highlighted in policy EN5 of the LP. This seeks to ensure that high quality buildings and places are achieved across Tamworth and includes specific criteria (a – j) to ensure such. The criteria seeks to specify requirements relating to architectural style, mass, layout and scale, materials and landscaping, the incorporation of active frontages and measures to aid legibility, minimise or mitigate environmental impacts, pay regard to highways safety and secure health benefits.
- 7.6.3 Furthermore, para 124 of the NPPF sets out that: - *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*
- 7.6.4 The site occupies a prominent position on Sandy Way and whilst the proposed building would be set back from the highway, by virtue of its scale, it would remain visible from the main road. It would be viewed against the backdrop of the existing commercial and industrial buildings within employment area E3, which would help mitigate its impact and assimilate it within its setting. The building would have a width of 37.35 metres and would be some 125.4 metres in length, running parallel with Sandy Way.
- 7.6.2 The area is characterised by a mix of office buildings, industrial units and distribution units of varying design and age. Some buildings are dated and in need of replacement and refurbishment, and

others such as those directly to the south have been recently constructed, which has enhanced the appearance of the estate. The proposed building has been designed to provide a modern adaptation on an historic industrial building and as a result of its design and massing would be in keeping with surrounding developments. The building would have a barrelled roof, HGV access doors and glazed areas to provide interest and breaks in the elevations. Architectural detailing has been incorporated within the principal elevation through the use of an alternative pallet of materials, which would also assist in breaking up the massing of the building. The use of cladding and the proposed colours would result in a modern industrial unit, appropriate for its setting that would enhance the character and appearance of the street scene and the wider area. In addition, to ensure the sustainability and viability of the strategic employment areas, new development should provide appropriate soft and hard landscaping, and appropriately designed lighting. The roof of this building would incorporate large roof light sections that would reduce the need for internal lighting and would therefore enhance the environmental credentials of the unit. The proposal would also provide various hard and soft landscape measure that would help soften the appearance of the scheme whilst also assimilating it within its setting.

- 7.6.3 The design solution proposed would improve the appearance of this part of Sandy Way and would have a positive impact on and enhance its built character. In this regard the development is considered to comply with the requirements of policy EN5 of the Local Plan along with the intentions of Chapter 12 of the NPPF.

7.7 Flood Risk / Drainage

- 7.7.1 Policy SU4 of the LP states that all new developments including regeneration proposals, will need to demonstrate that there is no increased risk of flooding...and shall seek to improve existing flood risk management. The Policy continues that all development will be expected to incorporate appropriate Sustainable Urban Drainage Techniques (SUDS) that will manage flow rates on site, limit surface water runoff discharge rates and limit or avoid the connection of surface water discharge into the combined sewer network. The Policy further requires that development should not have an adverse impact on water quality and that major development should demonstrate that there is adequate wastewater infrastructure in place to serve the development. The NPPF at para 163 advises that LPA's should ensure that flood risk is not increased elsewhere and c) that SUDS are incorporated unless there is clear evidence that this would be inappropriate.

- 7.7.2 As part of the application process, Staffordshire County Council Lead Local Flood Authority (LLFA) and Severn Trent Water have been consulted. The application site is not located within a Flood Zone as identified on the Environment Agency's mapping system, however the application has been supported by a drainage report, which demonstrates that the development would not be subject to flood risks. It has been further confirmed that the proposed scheme would not pose any increased flood risk to the site itself or adjacent developments and would not be susceptible to flooding by other techniques. The consultation response from the LLFA requested a pre-commencement planning condition to secure further details of the drainage strategy, to deal with surface water. This is a standard condition for developments of this nature and scale and as such is appropriate to be imposed. Both the LLFA and Severn Trent have expressed no objection to the proposed development subject to this pre-commencement condition and the developer has also agreed to its imposition, due to its pre-commencement trigger. Subject to the imposition of the suggested condition, the proposed development would be compliant with Policy SU4 of the Local Plan and as such is deemed to be acceptable in this regard.

7.8 Other considerations

- 7.8.1 Historic Environment – The application was submitted with an accompanying Heritage Statement to assess the potential impact on listed and historic buildings within the area. The site does not sit immediately adjacent to a listed building and as such would not harm the setting of any listed buildings or heritage assets. The Conservation Officer was consulted as part of the application process and has expressed no objection to the proposed development. Due to the setting of the site, the proposed development would relate well to its surroundings and is therefore appropriate for this location. The proposed development is therefore compliant with Policy EN6 of the Local Plan and is therefore deemed to be acceptable.

- 7.8.2 *Economic Impact* - Chapter 2 of the NPPF highlights the need for the planning system to support sustainable economic growth with notable references to job creation and prosperity. Chapter 6 of the NPPF sets out that planning should proactively drive and support sustainable economic development, it outlines that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 7.8.3 In this case the economic benefits includes both temporary economic benefits and permanent benefits. In terms of temporary economic benefits the development of the land at Sandy Way would generate a number of jobs and the proposed development would create gross value added to the local economy. The permanent economic benefits would include a large number of jobs which will contribute gross value added to the Tamworth economy via spin off benefits. Not only that the skills development and training element of the proposal is important too to the local economy.
- 7.8.4 *Efficient use of Land* – The Council aims to support the redevelopment of brownfield sites through bringing them back into a viable use. This approach is supported by para 117 of the NPPF which states that planning policies and decisions should promote the effective use of land in meeting the need for homes and other uses and para 118 c) identifies that:- substantial weight should be attributed to the value of using suitable brownfield land within settlements for homes and other identified needs, and decisions should support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. The application site constitutes a previously developed site (brownfield land) and this alone is considered as favourable to the alternative of developing a greenfield site and so should be attributed weight.
- 7.8.5 *CIL* - As per the requirement of Regulation 122 of The Community Infrastructure Levy Regulations 2010 (CIL) it is considered that the requirements are necessary in order to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to the development as determined through the consultations undertaken.
- 7.8.6 *Other issues raised within the letters of representation* – it has been stated that there are no details submitted with the application to indicate who the end users would be. In response, no details in this regard are required, as the planning application process assesses the general acceptability of the use (s) applied for as oppose to the acceptability of a specified end user. Concerns have also been raised that there are other vacant units within the surrounding area. Whilst this may be the case, the application has to be determined on the basis of the details provided and the merits of the specific case. As discussed within the main body of the report, the application site is considered to comprise of brownfield land, for which there is considerable support to re-develop and bring back into a viable economic use.

8.1 Conclusion

- 8.1.1 Firstly and most importantly significant weight should be attributed to fact the proposal is an allocated employment site within the adopted Tamworth Local Plan and both local and national guidance indicates the need for sustainable economic growth. In terms of highway safety, the access arrangements meet the aspirations of Staffordshire County Highways and would ensure a safe arrangement in accordance with the latest government guidance. The off street parking provision has also been deemed acceptable and would not exacerbate on street parking. Furthermore the site would be situated in a sustainable location with good access to a range of alternative modes of transport to the car. Impacts on residential amenity have been assessed and Environmental Health have expressed no objection to the proposed development subject to the imposition of conditions. The design of building is considered to result in a modern adaptation of an historic commercial building and through the use of architectural detailing and a varied pallet of materials and colours, the proposal would be in keeping with and would enhance the character and appearance of the locality. The proposal would ensure the protection of ecological and landscape features and would also result in biodiversity enhancements. With regards to flood risk and drainage, there is a neutral impact and the proposed development would not increase flood risk within the site or the surrounding areas. The development would provide much needed employment, resulting in a range of economic benefits and would also result in the remediation and re-development of a brownfield site.
- 8.1.2 On balance, and on the basis of the content of this appraisal and the submitted application documents and suggested conditions 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).

9.0 Recommendation

1. Approval subject to the conditions outlined below in accordance with the requirements outlined in this report.

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 application form, the supporting letter and drawing numbers:

P401	Site Plan
P400 Rev K	Proposed Site Plan
P402	Site Location Plan
P403 Rev D	Boundary Treatments Plan
P404 Rev D	Surface Treatments
P405 Rev D	Bins and Cycle Hoop Plan
LL1127/001	Lighting Details
P100 Rev B	Floor Plans and Elevations
KL-469-001 Rev P2	Landscape Plan

Unless otherwise agreed in writing by the Local Planning Authority. Reason: To define the approval.

CONDITIONS to be complied with PRIOR to the commencement of development hereby approved

3. No development shall begin until the following elements of a surface water drainage design have been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design should be in accordance with the main principles within the Flood Risk Assessment and Drainage Strategy (ref: 62830, 16-09-20, PRK UK Ltd). The design must demonstrate:
 - Surface water drainage system(s) designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015).
 - SuDS design to provide adequate water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.
 - Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations. Plans should be adequately labelled to enable comparison with the calculations (e.g. MH and pipe refs).
 - Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Plans to include FFLs, CLs, relevant GLs and flow arrows.
 - Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development. To include the name and contact details of the party responsible.

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development and to ensure adequate pollution control measures are in place.

Prior to use/other CONDITIONS to be complied with:

4. Prior to their incorporation in to the building(s) hereby approved, details and/or samples of the facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved facing materials. Reason: In the visual interest of the building(s) and the surrounding area.
5. The development hereby permitted shall not be brought into use until the existing access to the site has been upgraded and constructed in accordance with the details as shown on submitted Drg. No.P400 Rev. K. The layout of the access shall be retained as such thereafter. Reason: To protect pedestrian and highway safety in accordance with Policy SU2 of the Local Plan.
6. The development hereby permitted shall not be brought into use until the parking, turning and servicing areas have been provided in accordance with the details as shown on submitted Drg. No.No.P400 Rev. K and the parking bays shall be clearly delineated. The parking, turning and servicing areas shall remain free from obstruction and shall be retained for their intended use thereafter. Reason: To protect pedestrian and highway safety in accordance with Policy SU2 of the Local Plan.
7. The development hereby permitted shall not be brought into use until the proposed cycle parking facilities as indicated on submitted Drg. No's. P400 Rev. K & P405 Rev. D have been installed. These facilities shall subsequently be retained thereafter. Reason: To encourage alternative, more sustainable modes of transport in accordance with Policy SU2 of the Local Plan.

All other CONDITIONS to be complied with:

8. The submitted Construction Management Plan hereby approved shall be adhered to for the duration of the construction phase of the developer hereby approved. Reason: To protect pedestrian and highway safety in accordance with Policy SU2 of the Local Plan.
9. All approved biodiversity enhancements including planting, seeding or turfing comprised in the approved details of soft landscaping and biodiversity enhancements shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the completion of the development, whichever is the sooner; the biodiversity enhancements shall be retained as approved thereafter and any plants which within a period of five years (ten years in the case of trees) from the completion of the phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation. Reasons: In the interests of the setting and visual appearance of the development and to ensure biodiversity enhancements 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 and provisions of the NPPF.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, or any order revoking and re-enacting that Order with or without modification, the 4 new units hereby approved shall be used only for B2, B8 and E (Light Industrial) uses of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order revoking and re-enacting that Order with or without modification, and for no other purpose in Class E of the schedule to that Order. Reason: To protect highway safety and the vitality of Tamworth Town Centre in accordance with Policies EN5 and EC2 of the Local Plan respectively.
11. No removal of trees, hedges and shrubs, shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has first been submitted to and approved in writing by the Local Planning Authority. No trees, hedges and shrubs shall be removed between 1st March and 31st August inclusive other than in accordance with the approved bird nesting protection scheme. Reason: To protect the health and wellbeing of biodiversity within the site in accordance with Policy EN4 of the Local Plan.
12. Prior to the removal of any vegetation, any low-growing plants should be searched by hand. Any piles of wood, brash and rubble within the working area must be dismantled by hand. Where it is not essential to remove potential hedgehog refuges in order to undertake the works, these must be left undisturbed. Reason: To protect the health and wellbeing of biodiversity within the site in accordance with Policy EN4 of the Local Plan.

