

# **PLANNING COMMITTEE**

**8<sup>th</sup> June 2021**

## **APPLICATION FOR CONSIDERATION**

**REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION**



**Application Number:** 0051/2021

**Development:** Demolition of Existing Warehouse Building & Erection of New Warehouse with Associated Service Yard and Car Parking

**Location:** 24 Kepler, Lichfield Road Industrial Estate, TAMWORTH, B79 7XE

## 1. Introduction

- 1.1. The site lies within the Lichfield Road Employment Area, one of the adopted Local Plan Strategic Employment Areas and is allocated for employment (B1 (b, c), B2 and B8) use under policy EC7. The site covers an area of approximately 0.38 hectares of brownfield land, on which an industrial unit is proposed to be demolished and replaced.
- 1.2. The proposal is for the demolition of the existing warehouse and the redevelopment of a new warehouse, (Use Classes E (Industrial Processes) B2 (General Industry) and B8 (Storage and Distribution) of approximately 1115m<sup>2</sup> gross external area and measuring 29 x 54.5m.
- 1.3. The site is located on the eastern side of Mariner, which comprises existing industrial and business units which are located within Strategic Employment Area E1. The site is bound by the West Coast railway line to the east, industrial and commercial units to the north and south, and to the west by further units that front onto Mariner.
- 1.4. The development will have access to Kepler from Mariner, the spine road through the industrial estate. Parking provision within the site includes 18 standard spaces, 1 disabled space and 3 secure and sheltered cycle storage spaces.
- 1.5. The application is supported by the following reports:
  - Planning Statement
  - Design and Access Statement
  - Flood Risk Assessment
  - Transport Assessment
  - Ecological and Biodiversity Assessment
  - Tree Survey

## 2. Policies

### 2.1 Local Plan Policies

Adopted Tamworth Local Plan 2006-2031

- SS1 - The Spatial Strategy for Tamworth
- SS2 – Presumption in Favour of Sustainable Development
- EC7 - Strategic Employment Areas
- EN4 - Protecting and Enhancing Biodiversity
- EN5 - Design of New Development
- SU1 - Sustainable Transport Network
- SU2 – Delivering Sustainable Transport
- SU4 – Flood Risk and Water Management
- IM1 – Infrastructure and Developer Contributions
- Appendix C – Car Parking Standard

### 2.2 National Policies

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

## 3. Relevant Site History

T11478	CONSTRUCTION OF ESTATE ROAD, SEWERS ETC.
T15222	EIGHT SINGLE STOREY LIGHT INDUSTRIAL UNITS
T15720	16 INDUSTRIAL UNITS AND 1 WAREHOUSE
T15858	SINGLE STOREY WAREHOUSE UNIT WITH INTEGRAL OFFICES, CAR PARKING AND MANOEUVRING AREAS
0518/2005	Erection of 2.4m high fence around land plus alteration to existing road access
T00131	Road and sewer details in connection with proposed industrial development

### **3. Consultation Responses**

3.1 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. 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](http://www.tamworth.gov.uk).

3.2 Staffordshire County Council Highways  
No objections subject to conditions

3.3 LLFA  
No objections subject to conditions

3.4 Severn Trent Water  
No objection subject to conditions

4.4 County Ecology  
No objection subject to conditions

4.5 Tamworth Borough Council – Tree Officer  
No objections

4.6 Tamworth Borough Council – Environmental Health  
No objections

4.7 Tamworth Borough Council – Policy  
No objection

4.8 Cadent Gas  
No objection

4.9 Staffordshire Fire and Rescue  
Notes/ Conditions

4.10 Staffordshire Police  
Notes/ Conditions

### **4. Additional Representations**

4.1 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](http://www.tamworth.gov.uk). One objection has been received making the following points in respect of the application:

- Grass border to be maintained.
- Potholes repaired

## **5. Equality and Human Rights Implications**

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

## **6. Planning Considerations**

- 6.1 The main issues for consideration in determining the acceptability of the proposed development are considered to be;
- Principle of development
  - Highway safety
  - Siting and Visual Amenity
  - Flood risk and Drainage
  - Trees and Ecology
  - Other considerations;

### **6.2 Principle of development**

- 6.2.1 The starting point in determining the acceptability of development proposals is the Local Plan (LP), where the policies are consistent with the NPPF, and any other material considerations in accordance with planning law (which includes the guidance contained within the NPPF and the Local Plan and the evidence that supports it). The Tamworth Local Plan 2006-2031 (LP) was adopted in February 2016 and is based on the most up-to-date evidence. Substantial weight can be attributed to the policies within the LP and the evidence which underpins it, unless there are material considerations indicate otherwise.
- 6.2.2 These policies are articulated initially in the Spatial Strategy SS1 stating that the Councils special strategy is to provide development in the most accessible and sustainable locations including employment areas.
- 6.2.3 In principle, the demolition of the existing warehouse to facilitate the provision of a new warehouse is considered acceptable. The proposal is located within the existing Lichfield Road Employment Area, which is one of the strategic employment areas within Tamworth. The proposal would facilitate the demolition of an existing warehouse, to provide a new, larger warehouse. Policy EC7 Strategic Employment Areas states that 'the expansion of any existing business within these use classes (B1 (B,C), B2 and B8) will be supported, provided it promotes and supports the role and performance of the employment area in meeting the strategic economic objectives of the plan and wider objectives of sub-regional economic partnerships.' As the proposal is for the expansion of an existing warehouse unit, it therefore accords with policy EC7.

### **6.3 Highway Safety**

- 6.3.1 Policy SU1 Sustainable Transport Network, which contains transport measures to improve the local transport infrastructure. Policy SU2 Delivering Sustainable Transport reinforces the need for the site to be accessible by walking, cycling and public transport with a high quality of design expected for new roads.
- 6.3.2 Appendix C of the Local Plan details that B8 warehouses should provide 1 parking space per 80sqm of development. Turning areas would also need to be demonstrated on a plan, as well as for HGVs.

6.3.3 Staffordshire County Council Highways have concluded that the development can be permitted with conditions. The site is well located for access using sustainable modes, with excellent pedestrian and cycle connections to the local area, and bus services to a range of destinations.

In terms of parking provision, the proposed levels of parking are consistent with adopted SCC guidance for both land use variants and includes disabled and HGV parking. It is demonstrated that development traffic impacts are acceptable on the surrounding highway network, with significant reserve capacity for the Use Classes that have been applied for by this application.

6.3.4 A condition has been included to ensure that secure and sheltered cycle storage is provided. As such the inclusion of a pre-commencement condition to seek the provision of secure storage is not necessary for the proposed development to be deemed acceptable. This condition requested by Highways does not meet the tests and as such an informative to the applicant will be included, however as mentioned the development would be deemed acceptable without the inclusion of this condition.

6.3.5 The proposed development has been deemed acceptable by County Highways, it would not harm pedestrian or highway safety and the Use Classes that have been applied for are in-line with the off street parking provision set out by Appendix C of the Local Plan. The proposed development is compliant with Policies EN5 and SU2 of the Local Plan, as such the proposed development is deemed to be acceptable.

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

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

#### 6.4 Design and Impact upon Visual Amenity

6.4.1 The Council's Local Plan Policy EN5 requires a positive and considered approach to design, with new developments expected to be of a scale, layout, form and massing which conserves or enhances the setting of the development. In terms of visual amenity, the proposed scheme is not considered to have a significant or detrimental impact. The proposed warehouse is a replacement of an existing warehouse (albeit larger). The proposed warehouse would not appear incongruous or out of scale with the site, or surrounding development and the proposal would not have a significant impact upon the character or appearance of the area in suitable materials. The proposal is therefore considered to accord with policy EN5.

#### 6.5 Trees and Ecology

6.5.1 Policy EN4 Protecting and Enhancing Biodiversity relates to the proposal. Paragraph 2 of the policy 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: otherwise planning permission should be refused.' Paragraph 170(d) of the National Planning Policy Framework (NPPF) 2019 goes further in that it requires impacts on biodiversity from developments to be minimised and provide a net gain for biodiversity.

6.5.2 The proposal site lies adjacent to a watercourse and part of the site to be developed currently has semi-mature trees and dense ground cover on it. Both the watercourse and tree/scrub land will have a biodiversity value, which could be affected significantly by the development. The proposed plans show all but 3 trees will be retained within the boundary of the site. An Ecological Survey was carried out to show how any biodiversity losses are at least avoided, reduced and/or mitigated.

6.5.3 Currently the site comprises approximately 0.4 ha, of which around .02 ha is built and hardstanding and the remainder is mainly woodland. The submitted Ecological Impact Assessment (EclA) concludes that these habitats are 'nationally and locally common', however these habitats still have an ecological function. The current proposals would shift the balance on site to predominantly built development and hardstanding. This represents a net loss to biodiversity of 2 habitat units, contrary to NPPF 170 and 175, which will not be adequately mitigated onsite. A solution to this would be for the applicant to indicate how off-site compensation will be achieved, preferably through habitat

improvements elsewhere in Tamworth and therefore further information is required to provide information on how no net loss (and preferably net gain) to biodiversity will be achieved.

6.5.4 If minded to approve, conditions are recommended:

- 1 No vegetation clearance to take place between May 1st and end September.
- 2 Details to be submitted for approval of type and location of two bird boxes and two bat boxes to be installed on site.
- 3 No lighting to be installed on the western side of the site. If such lighting is required then a lighting plan must be submitted for approval, accompanied by a contour diagram that demonstrates minimal effects on habitats (watercourse and trees.)

6.5.5 Having considered the Ecological response I am satisfied that conditions listed would address the issues raised.

6.5.6 Tamworth Borough Council's tree officer does not object to the proposed development, although the developer will need to undertake some replanting to the area of a minimum of 5 trees. She also advises on the need to condition a Tree Protection plan and method statement for the retained trees.

## 6.6 Flood Risk and Drainage

6.6.1 The site is located in Flood Zone 2 and Flood Zone 3. Therefore, a Flood Risk Assessment was submitted and a series of addendums provided to confirm whether flooding would be an issue for the proposed development. With regards to flood risk and drainage, subject to detailed conditions, there is a neutral impact and the proposed development is compliant with Policy SU4 of the Local Plan, the proposed development would not increase flood risk within the site or the surrounding areas.

6.6.2 **The Environment Agency** were reconsulted on the addendum (WIE17715-101-R-6-1-3-FRA\_Addendum) to the formerly submitted FRA (Flood Risk Assessment). In summary they state that the Coton defences defend the development site from the risk of flooding from the River Tame for a 100yr Climate Change event. The primary risk to this site is from the drainage channel that runs along the western boundary of the site. Historically, flooding has occurred when there has been heavy rainfall over this area, rather than when the Tame is high. Due to the industrial nature of the area, quite a lot of debris and litter ends up in the channel. It therefore is important that the channel is properly maintained.

The surface water flood mapping for this area suggests that the site will not flood from the channel for the 30yr or 100yr events but blockages could cause flooding of the site and that is primarily what has caused incidents in this area in the past.

They are therefore reassured that the site will be protected against flooding from reservoirs and Main Rivers.

6.6.3 **Staffordshire County Council Lead Local Flood Authority (LLFA)** have commented extensively during the course of the application and requested further information. They now recommend approval subject to conditions which have been formulated in conjunction with the agents following discussions and submission of further technical details which are considered to be acceptable in accordance with drainage policies.

1. Before the development hereby permitted is first brought into use a Flood Evacuation Plan shall be submitted to and approved by the Local Planning Authority.  
Reason: To ensure that adequate precautions are in place to safe guard the occupants should a flood event occur.
2. Before the development hereby permitted is first brought into use a Management and Maintenance Plan for surface water drainage system shall be submitted to and approved by the Local Planning Authority. Thereafter the system shall be maintained in accordance with the approved plan.  
Reason: To ensure the surface water system is maintained and managed for the lifetime of the development.
3. Before the commencement of the development hereby granted a schedule of improvement works to the ordinary water course abutting the west of the site shall be submitted to and approved by the Local Planning Authority. The improvement works so approved shall be implemented in full prior to the development progressing beyond oversite. The submitted

details shall include a schedule of activities together with an accompanying plan and photographs detailing the proposed removal of excessive undergrowth, fallen tree members, or other obstructions and general litter.

This requirement shall apply to the east bank of the water course up to its centre line, for the length of the abutting development boundary.

Thereafter the liability for maintenance of the water course shall revert to that under common law Riparian Rights.

Reason: To ensure that the water course is in a reasonable state of repair at the commencement of the development.

4. Before the commencement of the development hereby granted progresses beyond oversite, full details of the means of surface water disposal shall be submitted to and approved by the Local Planning Authority. Details so approved shall be implemented in full before the development hereby permitted is first brought into use.

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 sufficient water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.

Mitigation indices are to exceed pollution indices for all sources of runoff. Car parking areas to feature permeable paving.

- Limiting the discharge rate generated by all rainfall events up to 100 year plus climate change in accordance with the guidance in the SCC SUDS Handbook. Provision of surface water runoff attenuation storage to achieve the limited discharge.

- 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, to include as a minimum the 100-year plus 40% climate change and the 30-year return periods. Submerged outfall to be assumed for the downstream boundary condition in the calculations, to represent high levels in the receiving watercourse. Confirmation of a flap valve on the outlet.

- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.

- Details of the flood resilient design to be provided, based on the assumption that the building may flood to low levels.

Reason: To ensure that the site is adequately drained, to avoid pollution, and prevent increased risk of flooding.

## 6.7 Other Matters

- 6.7.1 **Cadent Gas (National Grid)** advise on affected Apparatus that has been identified as being in the vicinity of proposed works is:

- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)
- Electricity Transmission overhead lines
- Above ground electricity sites and installations

A series of guidance notes are given in respect of health and safety and will be appended to the permission if approved.

- 6.7.2 **Staffordshire Fire and Rescue** and **Staffordshire Police** have responded with guidance notes for safety purposes and will be appended to the permission if approved.

- 6.7.3 **Tamworth Borough Council Environmental Protection** have no comments relating to the proposed development and there are no issues in relation to noise.

- 6.7.4 Neighbouring occupier has raised concerns about maintenance of the verges and repairing potholes on the site. These are general ongoing maintenance issues which have been brought to the attention of the agent.

## 7 Conclusion

- 7.1 The site is on an existing strategic employment site that provides employment development in a sustainable location of the adopted Tamworth Local Plan 2006 – 2031 and government guidance indicates the need for sustainable economic growth.
- 7.2 The off street parking provision has been deemed acceptable by Highways and would not result in an increase of on street parking. Highway and pedestrian safety as such would not be harmed as a result of the proposed development.
- 7.3 The design is in keeping with surrounding industrial units and there would be no significant impact on the street scene, therefore in accordance with policy EN5 of the Local Plan.
- 7.4 With regards to flood risk and drainage, subject to detailed conditions, there is a neutral impact and the proposed development is compliant with Policy SU4 of the Local Plan, the proposed development would not increase flood risk within the site or the surrounding areas.
- 7.5 The proposal would ensure the protection of ecological features. Therefore the proposed development would not result in a net loss in biodiversity and is deemed to be acceptable.
- 7.6 Overall the scheme for a replacement larger building would have positive benefits and limited harm in accordance with policies and the proposal is therefore recommended for approval.

## 8 Recommendation

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| 1. Approval Subject to Conditions |
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### 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:

RLTAM BBA Z0 XX DR A 1002	Existing Site Plan
RLTAM BBA Z0 XX DR A 1005	Proposed Site Layout
RLTAM BBA ZZ XX GF A 2002	Ground Floor GA plan
RLTAM BBA ZZ XX DR A 3001	Elevations Plan
RLTAM BBA ZZ XX DR A 3001	Elevations Sheet 2
RLTAM BBA Z0 XX DR A 4001	Sections
RLTAM BBA Z0 01 DR A 2003	Mezzanine
RLTAM BBA Z0 XX VS A 0002	3D

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. Before the commencement of the development hereby granted a schedule of improvement works to the ordinary water course abutting the west of the site shall be submitted to and approved by the Local Planning Authority. The improvement works so approved shall be implemented in full prior to the development progressing beyond oversite.  
The submitted details shall include a schedule of activities together with an accompanying plan and photographs detailing the proposed removal of excessive undergrowth, fallen tree members, or other obstructions and general litter.

This requirement shall apply to the east bank of the water course up to its centre line, for the length of the abutting development boundary.

Thereafter the liability for maintenance of the water course shall revert to that under common law Riparian Rights.

Reason: To ensure that the water course is in a reasonable state of repair at the commencement of the development.

4. Before the commencement of the development hereby granted progresses beyond oversight, full details of the means of surface water disposal shall be submitted to and approved by the Local Planning Authority. Details so approved shall be implemented in full before the development hereby permitted is first brought into use.

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 sufficient water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.

Mitigation indices are to exceed pollution indices for all sources of runoff. Car parking areas to feature permeable paving.

- Limiting the discharge rate generated by all rainfall events up to 100 year plus climate change in accordance with the guidance in the SCC SUDS Handbook. Provision of surface water runoff attenuation storage to achieve the limited discharge.

- 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, to include as a minimum the 100-year plus 40% climate change and the 30-year return periods. Submerged outfall to be assumed for the downstream boundary condition in the calculations, to represent high levels in the receiving watercourse. Confirmation of a flap valve on the outlet.

- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.

- Details of the flood resilient design to be provided, based on the assumption that the building may flood to low levels.

Reason: To ensure that the site is adequately drained, to avoid pollution, and prevent increased risk of flooding.

5. A Tree Protection plan and method statement for the retained trees shall be submitted to and approved by the LPA before development commences.

Reasons: In the interests of the setting and visual appearance of the development, and in compliance with policies EN4: Protecting and Enhancing Biodiversity and EN5: Design of New development as set out in the Tamworth Local Plan 2006-2031 and provisions of the NPPF.

#### **Prior to use CONDITIONS to be complied with:**

6. The development hereby permitted shall not be brought into use until the parking, turning and servicing areas have been provided in accordance with submitted Drg. No RLTAM BBA Z0 XX DR A 1002, the subject of this consent, with the parking bays clearly delineated, which shall thereafter be retained at all times for their designated purposes. 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. RLTAM BBA Z0 XX DR A 1002 have been installed. Reason: To protect pedestrian and highway safety in accordance with Policy SU2 of the Local Plan.

8. Before the development hereby permitted is first brought into use a Flood Evacuation Plan shall be submitted to and approved by the Local Planning Authority. Reason: To ensure that adequate precautions are in place to safeguard the occupants should a flood event occur.

9. Before the development hereby permitted is first brought into use a Management and Maintenance Plan for surface water drainage system shall be submitted to and approved by the Local Planning Authority. Thereafter the system shall be maintained in accordance with the approved plan. Reason: To ensure the surface water system is maintained and managed for the lifetime of the development.

**All other CONDITIONS to be complied with:**

10. The submitted Construction Management Plan hereby approved shall be adhered to for the duration of the construction phase. Reason: To protect pedestrian and highway safety in accordance with Policy SU2 of the Local Plan.
11. Any planting which within a period of 5 years of implementation dies, is removed, or becomes seriously damaged or diseased shall be replaced during the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to a variation. Should replacement planting be necessary, the Local Planning Authority shall be notified in writing not less than 7 days prior to the replacement planting taking place. Notification shall include details of the problem with the implemented scheme and the specification and timing of the replacement planting. Reasons: In the interests of the setting and visual appearance of the development, and in compliance with policies EN4: Protecting and Enhancing Biodiversity and EN5: Design of New development as set out in the Tamworth Local Plan 2006-2031 and provisions of the NPPF.
12. The new unit hereby approved shall be used solely for the following Use Classes: Class E (Light Industrial), B2 (General Industry) and B8 (Storage and Distribution) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended by the Use Classes (amendment) Order 2020 or any provision equivalent to that Class in any statutory instrument revoking and re-enacting those Orders with or without modification). Reason: To protect highway safety and the vitality of Tamworth Town Centre in accordance with Policies EN5 and EC2 of the Local Plan respectively.
13. No vegetation clearance shall take place between May 1st and 30th September.  
Reason: To protect the health and wellbeing of biodiversity within the site in accordance with Policy EN4 of the Local Plan.
14. Details shall be submitted for approval of the type and location of two bird boxes and two bat boxes to be installed on site.  
Reason: To protect the health and wellbeing of biodiversity within the site in accordance with Policy EN4 of the Local Plan.
15. No lighting to be installed on the western side of the site. If such lighting is required then a lighting plan must be submitted for approval, accompanied by a contour diagram that demonstrates minimal effects on habitats (watercourse and trees.)  
Reason: To protect the health and wellbeing of biodiversity within the site in accordance with Policy EN4 of the Local Plan.

Notes:

Cadent Gas (National Grid)  
Staffordshire Fire and Rescue  
Staffordshire Police