

PLANNING COMMITTEE

2nd November 2021

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION



Application Number: 0017/2021
Development: Proposed dwelling with integral garage and associated parking
Location: 16 Wigginton Road, Tamworth, B79 8RH

1. Introduction

- 1.1. This application is called in to Planning Committee by Councillor Pritchard due to the scale of objection regarding impact on amenity of neighbours.
- 1.2. Attached is the report in the format of a delegated report for a single detached dwelling within the garden of a detached property at 16 Wigginton Road.

2. Consultation Responses/ Representations

- 2.1 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.

Minor Dwellings Delegated Report

Application Number	0017/2021
Site Location	16 Wigginton Road, Tamworth, B79 8RH
Development Description	Proposed dwelling with integral garage and associated parking
Consultation Expiry Date	30 July 2021
Application Expiry Date	05 July 2021
Site History	T10386 Reconstruction of existing garage at 16 Wigginton Road.
Relevant Planning Policy & Guidance	<p>National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG) Adopted Tamworth Local Plan 2006-2031</p> <ul style="list-style-type: none"> • SS1 - <i>The Spatial Strategy for Tamworth</i> • SS2 – <i>Presumption in Favour of Sustainable Development</i> • HG1 – <i>Housing</i> • HG4 – <i>Affordable Housing</i> • HG5 – <i>Housing Mix</i> • HG6 – <i>Housing Density</i> • EN3 <i>Open Space and Green and Blue Links</i> • EN4 <i>Protecting and Enhancing Biodiversity</i> • EN5 <i>(Design of New Development)</i> • EN6 <i>Protecting the Historic Environment</i> • SU2 <i>Delivering Sustainable Transport</i> • IM1 – <i>Infrastructure and Developer Contributions</i> • <i>Appendix C – Car Parking Standard</i>

	<ul style="list-style-type: none"> • <i>Supplementary Planning Document (SPD) Tamworth Design Guidance. July 2019</i>
<p>Consultation Responses</p>	<ul style="list-style-type: none"> • County Archaeologist Comments (dated 30/07/2021) no objections subject to conditions. • County Highways (dated 08.02.2021) – the submitted application fails to provide sufficient off-highway parking, recommend refusal. • County Highways (Amended Plans) – (dated 29.07.2021) No objections subject to conditions • Historic England (dated 01.07.2021) - no comments • TBC Conservation Officer (received 13.05.2021) - In my view the development of the site to the north for a dwelling would not alter the setting of the chapel in any notable way and certainly not be harmful to its special significance as a listed building. The desirable objective described within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would be achieved. • Severn Trent Water (received 05.02.2021) – no objections, no conditions to be applied. • Joint Waste Services (received 18.01.2021) – no objections.
<p>Representation Responses</p>	<p>Adjoining properties were consulted and the following objections were received; (Received 15.07.2021, 18.07.2021 x 2, 29.07.2021, 30.07.2021 x 2)</p> <ul style="list-style-type: none"> • inappropriate, • insensitive, • detracts from the setting of the chapel, • overlooking church/loss of privacy for congregation, • loss of view, overcrowding chapel, • too large and obtrusive/dominating, should be bungalow, • applicants have played down impact in Heritage Statement, • archaeological watching brief required • difficulties/disturbance during construction • inadequate historic survey, • traffic/highway safety, • no BRE report, • increased need for artificial light in neighbouring properties adds household expense and increased carbon footprint, • impact on health and standard of living due to loss of light, • nuisance under law of tort, • proposed building not energy efficient, • impact on neighbours garden and amenity, • impact on street scene, • loss of privacy, • overbearing, • overshadowing, • loss of privacy, • proposed dwelling should be 3 bed and rotated 180 degrees, • fails 25 degree and 45 degree rule, • visual amenity, • impact on air flows and smells, • loss of hedgerows, • no tree and hedgerow survey, • increased street activity and general disturbance, • damage setting of listed building, • not in keeping, • irreversible damage to chapel, • issues with accuracy of boundary, • loss of light leading to nuisance, grievance • lack of amenity,

	<ul style="list-style-type: none"> • destruction of the enjoyment of our home and garden, • loss of winter sunlight, • sits forward of building line impacting on front windows and garden, • risk to overhead connection to BT network, • loss of light to garden including greenhouse, patios, hot tub, fruit trees and lawns, • damp walls, • colder house, • poorer energy efficiency, • reduced quality of life, • extended frost pocket damaging bricks, • poorer ventilation, • deprived of light and air enjoyed since 1950's, • atmospheric pollutants, • smells and fumes causing disturbance and nuisance, • parking noise, • adversely effect visual amenity, • damage to hedge and trees during construction, • should be 10 to 12 metres away but is only 8, • impact on mental health, • restrictive covenant, • Contrary to the Design SPD. <p>Amended plans – (received 08.09.2021 x 2) comments unchanged.</p> <p>2nd Amended plans (received 20.10.2021) – All previous comments have been resubmitted. Additional points include; concerns regarding possible redesign in future if amended scheme were to be submitted, chimney should not have been included as log burners not environmentally friendly, access is over footpath near a school, no charging points for electric vehicles are included, boundary dispute, increase need for NHS services, loss of feeding ground and habitat for amphibians and hedgehogs.</p> <p>Those points raised that are material to the process are considered below. Other comments such as potential future planning applications and the restrictive covenant are not material planning considerations and cannot be considered as part of this application process.</p>
Planning Consideration	
Principle of Development	<p>The starting point in determining the acceptability of development proposals is the Local Plan, where the policies are consistent with the NPPF. Policy SS1 - The Spatial Strategy for Tamworth is to provide development in the most accessible and sustainable locations and SS2 – Presumption in Favour of Sustainable Development, states that proposals that accord with the local plan are sustainable and will be approved without delay. Policy HG1 is the most relevant local policy in assessing residential development within the Borough which supports residential development within the urban area of the Borough. These are considered to reflect the presumption in favour of sustainable development contained within the NPPF because development within the urban area of Tamworth is in general terms sustainable. This is as a result of access to sustainable modes of transport and access to relevant services and amenities within the Borough. Therefore it is considered that the above policies are consistent with the NPPF. The application site is located wholly within the urban area of Tamworth, as defined on the proposals map. The site itself is located within walking distance of local shopping facilities, schools and is in close proximity to local public transport routes. The site is therefore appropriate in terms of sustainability policy guidelines and acceptable in principle.</p>
Character & Appearance	<p>The appearance of a development is a material planning consideration and in general terms the design of a proposal should not adversely impact on the character and appearance of the wider street scene</p> <p>Policy EN5 – Design and New Development states that developments should be of a</p>

	<p>scale, layout form and massing which conserves or enhances the setting of development and utilize materials and overall detailed design which conserves or enhances the context of the development. Proposals should respect and where appropriate reflect existing local architectural and historic characteristics but without ruling out innovative or contemporary design which is still sympathetic to the valued characteristics of an area.</p> <p>The site forms part of the rear garden of 16 Wigginton Road. The site starts part way along the rear garden of 16 Wigginton Road and finishes when the garden meets Ashby Road. There is a grade II* listed Chapel and 9 Ashby Road on the south west side of the site, to the north east is 23 Ashby Road and to the north west is 16 Wigginton Road. The site is characteristic of a mature residential suburban garden.</p> <p>It is proposed to build a 4 bedroomed 2 storey detached house on the far end of the garden of number 16 Wigginton Road. The house would measure approximately 12m deep, 13m wide and 7.45m in height. There would be hipped roofs with projecting forward gables and a single storey element at the rear with a flat roof and a roof lantern. The dwelling would feature an open plan kitchen dining living room, a front room and a double garage at ground floor. At first floor there would be 4 bedrooms with a main bathroom and one en-suite. There would be a drive to the front of the property with parking for a further 2 cars. The garden to the rear would be L shaped. The front of the property would face onto Ashby Road and the site would be accessed from an existing access off Ashby Road. Full details for materials can be required to be submitted for prior approval through a suitably worded condition on any planning permission granted.</p> <p>The proposed dwelling would be viewed within the setting of Ashby Road. The design of the proposed dwelling would fit well with the early 20th century domestic revival style as seen on Ashby Road, with similar features such as arch headed windows and projecting forward gables. The proposed dwelling is similar in scale to the other properties along the street and is set appropriately within the building line. Overall it is considered that the design is acceptable and the proposed dwelling is in keeping with the scale, layout, form and massing of the local area. Therefore the proposed development complies with Local Plan Policy EN6 with regards to character and appearance.</p>
<p>Amenity of neighbouring properties</p>	<p>Policy EN5 – Design and New Development states that developments will be expected to minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land. Such impacts may include loss of light, privacy or security or unacceptable noise, pollution, flooding or sense of enclosure.</p> <p>The neighbours to the site feel very strongly that the impact on their amenity will be significant to such an extent that they will suffer health implications and a reduced quality of life. The likely impacts will be greatest for 23 Ashby Road which has a number of small side windows facing the site. The proposed dwelling is located to the south of 23 Ashby Road which will therefore experience some loss of light to the side windows of the lounge, dining room and 2 upstairs bedrooms.</p> <p>However the proposed dwelling is not perfectly parallel with the side wall of 23 Ashby Road and there is 9m between the existing and the proposed properties. There is a mature hedge and tall plants on the boundary between the two which already shade the side windows and provide screening for 23 Ashby Road. In addition the principle windows to the rooms in 23 Ashby Road are to the front and the rear.</p> <p>A number of changes were made to the plan to reduce the impact on 23 Ashby Road; the finished floor levels were reduced, the roof was hipped where previously it was gable ends and the footprint moved further away. Given all the considerations above it is considered that the loss of light is not significant enough to justify refusing the application.</p> <p>Neighbour comments make reference to the 25 and 45 degree rule not being by the development in relation to the side windows however this rule is generally applied to the principle windows of adjacent properties not side windows. Reference is also made to there being no BRE report submitted with the application. This was not requested on this occasion as the proposed development met the parameters set out in the SPD and the Local Plan. The impact in terms of smells, air flows, building damage and parking noise is</p>

	<p>unlikely to be significant given the 9m distance and the mature hedgerow between the proposed property and the neighbouring property.</p> <p>Comments have also been received from representatives of the Chapel with regards to impact on visual amenity, loss of privacy and the proposed dwelling being overbearing. (Heritage impact is considered below). It is appreciated that the proposed dwelling would be a new and large feature in the landscape which will be visible to the congregation as they are arriving and leaving the chapel. However the rear of the proposed dwelling is not directly facing the chapel and therefore there will be no loss of privacy. The visual impact will be limited as the proposed dwelling is at a greater than 90 degree angle to the chapel and sits 10m away. There will be limited view of the proposed dwelling from inside the chapel especially given the mature hedgerow between. A condition to protect the existing mature hedgerow and the removal of permitted development rights will ensure that the existing boundary treatments will be retained and the proposed dwelling is retained at the scale as proposed in the submitted plans.</p> <p>Overall whilst it is accepted that there will be some impact on neighbour amenity it is not considered to be significant enough to justify refusal and therefore the proposal complies with Local Plan Policy EN5 with regards to impact on neighbour amenity.</p>
<p>Supplementary Planning Document</p>	<p>Tamworth Borough Council has a Supplementary Planning Document (SPD) entitled Tamworth Design Guidance. This can be viewed on our website: http://www.tamworth.gov.uk/supplementary-planning-documents</p> <p>The contents of the SPD have substantial weight when considering this application in accordance with paragraph 134 of the National Planning Policy Framework. SPD add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.</p> <p>Paragraphs 4.35 of the SPD recommends that garden lengths should be 10.5m and paragraph 4.72 recommends an area of 90sqm. Paragraph 4.71 recommends using the 'Technical Housing Standards – Nationally Described Space Standard, (DCLG 2015)' for guidance on Gross Internal Area (GIA) which suggests a 4 bed 7 person dwelling should be a minimum of 115sqm. In this instance the garden length, garden area and GIA are 13m, 176sqm and 187sqm respectively. The proposed dwelling complies with the recommended measurements contained in the SPD for garden length and area, and GIA. The SPD also recommends a minimum distance of 21m between the rear facing habitable windows. Not all of the garden measures 10.5m as the garden is L shaped however where the garden is shorter there is still the recommended 21m between rear facing windows at first floor level. Overall it is considered that the proposed development complies with the Design SPD.</p> <p>Because of the loss of light one neighbour has made the case that the proposed development is contrary to the SPD. Paragraphs 4.36 to 4.41 (Light Angles) deal with loss of light and the 45 degree rule however in this instance the loss of light will be to secondary smaller windows not the principle glazed openings to a habitable.</p>
<p>Highway Safety</p>	<p>Policy SU2 and EN5 require development proposals to have particular regard to highway safety, service requirements and the capacity of the local road network and the adopted parking standards set out in Appendix C of the Local Plan. County Highways objected to the originally submitted plan due the lack of parking however amended plans were submitted which addressed this issue. Appendix C recommends 3 parking spaces for a 4 bedroom property. The proposed property includes 2 parking space in the garage and 2 on the drive. No concerns were expressed by County Highways with regards to highway safety. Therefore the proposed development complies with Local Plan Policy SU2 and EN5 with regards to parking and highway safety.</p>

<p>Impact on Heritage Asset</p>	<p>Local Plan Policy EN6 states that where proposals affect designated heritage assets including conservation areas, listed buildings, scheduled monuments and non-designated heritage asset it should be clearly demonstrate how the significance, including its setting, will be protected, conserved and, where possible, enhanced.</p> <p>The site is located immediately adjacent a grade II* listed chapel. The TBC Conservation Officer has been consulted on this planning application. The building is a 12th century Chantry Chapel, later converted to agricultural use following the reformation, identified as 'in ruins' on c. 1900 OS mapping, before being restored and re-consecrated as a church again in 1914. That story in and of itself (a chapel surviving the reformation, becoming a farm building, falling into ruin and ultimately being re-consecrated as a church again in the 20th century) is an incredibly rare occurrence.</p> <p>Architecturally the building retains some historic features internally from the 16th and 17th century as well as elements of its external appearance as a medieval chapel, although at least one entire wall was rebuilt prior to its re-consecration. Its significance is heavily historical and related to surviving elements of fabric, however it is not a prominent building within the public realm and none of the structures with which it was once associated have survived, even the farm it served as a barn for is long gone (previous agricultural buildings existed to south and west) and instead the chapel sits hidden away amongst early to mid-20th century housing accessed off of a small pedestrian link through between Ashby Road and Wigginton Road. The historic story, its rare survival and its surviving fabric are the key elements of its special significance and there is little remaining in terms of its setting which contribute to its significance or an understanding of its significance.</p> <p>Comments have been submitted expressing concern with regards to the impact on the setting of the Chapel however the Conservation Officer takes the view that the development of the site for a dwelling would not alter the setting of the chapel in any notable way and certainly not be harmful to its special significance as a listed building. In addition the desirable objective described within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would be achieved. Therefore the proposed development complies with Local Plan Policy EN6.</p>
<p>Archaeological Implications</p>	<p>Policy EN6 Protecting the Historic Environment states that where archaeology may be lost through development, there will be a requirement for archaeological recording to be undertaken by an appropriate professional and entered in the Historic Environment Record. County Archaeology were consulted on this application and raised no objections to the proposal subject to a condition requiring a watching brief and post-fieldwork reporting. Their comments note that the chapel and the site sit in different but adjacent character areas. With regards to the character area in which the chapel sits the historic mapping suggests that the chapel was surrounded by fields, although cautions that there remains the medium potential for unknown archaeological deposits within this particular character area, particularly associated with the chapel and possible suburban growth and contraction. The area in which the site lies ascribes a low archaeological potential for this character zone, but the need for further research or archaeological recording/mitigation work to help better understand this is not discounted. It is considered that subject to the application of archaeological conditions the proposed development complies with Local Plan Policy EN6 with regards to archaeology.</p>
<p>Trees and Biodiversity</p>	<p>Policy EN4 – Protecting and Enhancing Biodiversity requires development to incorporate the planting of native tree species where appropriate to the site and states that developments that would involve the removal of any tree, woodland or hedgerow, which contributes significantly to its setting, local landscape character or its surroundings, will be resisted unless the wider benefits of the development are sufficient to offset the loss and cannot be avoided by appropriate siting or design. Where removal is justified and unavoidable, suitable and appropriate mitigation planting will be required to offset the loss of these features.</p> <p>A number of neighbours have commented on the lack of a tree survey and the potential loss of hedgerows as a result of the development. A survey of the site shows a sycamore tree to the south of the site and that tree is retained on the proposed plan. There is an 'area of dense overgrowth' shown on the survey which appears to have been removed on</p>

	the proposed plan. However on visual inspection of the site this appears to be general overgrown domestic garden plants not worthy of protection. The existing mature hedgerows are proposed to be retained and a condition requiring the approval of boundary treatments would serve to protect those existing boundary treatments, especially on the side of the chapel where they contribute to the setting of the listed building. Therefore the proposed development complies with Local Plan Policy EN4 subject to a condition regarding the approval of boundary treatments.
Flooding	The site is not in an environment agency flood zone and is designated 'very low risk' for surface water flooding therefore flooding is not an issue at this site.
Community Infrastructure Levy [CIL]	Tamworth Borough Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 17 th July 2018 which came into force for applications determined after 1 st August 2018. A CIL charge may apply to this application. If applicable, this would involve a monetary sum payable prior to commencement of development. Further information regarding our CIL Charging Schedule is available on the Council's website at www.tamworth.gov.uk/cil
Affordable Housing and Housing Mix	Local Plan policy HG4 Affordable Housing makes reference to affordable housing provision/contributions for development of 10 or more houses and 3 to 9 houses. Policy HG5 Housing Mix talks about the percentage of 1, 2, 3 and 4 bedroom sized units which should be provided on a site for housing development unless justified otherwise. As this proposal is for one dwelling it is considered that HG4 and 5 are not applicable.
National Planning Policy Framework [NPPF]	Paragraph 38 of the NPPF states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
Other Considerations	
Environmental Impact Assessment [EIA]	This application has been screened in accordance with the EIA Regulations and it is considered that an EIA is not required.
Human Rights Act	<p>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 exercise 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.</p> <p>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.</p>
Crime & Disorder Act	It is considered that the proposal does not raise any crime and disorder implications
Equalities Act	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 exercise 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.
Other Considerations	There are no other material considerations
Conclusion	It is proposed to build a 4 bedroom house at the rear of the garden of 16 Wigginton Road. The proposal comprises a sustainable form of development which is acceptable in principle. It provides a high quality design with minimal acceptable impact on neighbour amenity. The proposed development complies with the Design SPD and is acceptable in terms of highway safety and parking. It will not be harmful to the special significance of the adjacent listed chapel and the existing trees and hedgerows worthy of retention will be retained. The proposal accords with Tamworth Local Plan Policies SS1, SS2, HG1, HG4, HG5, EN4, EN5, EN6, SU2 and the National Planning Policy Framework. In the light of all of the above considerations it is recommended that the proposed development be approved subject to conditions and payment of the CIL charge if applicable.
Recommendation	Approve subject to conditions
Conditions	<ol style="list-style-type: none"> 1. The development shall be started within three years from the date of this decision. Reason: In compliance with Section 92 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 permitted shall only be carried out in accordance with the application form, the supporting letter and drawing number (job number) 9649.02 revC dated Dec 20 unless otherwise agreed in writing by the Local Planning Authority. Reason: To define the permission. 3. Prior to the commencement of development details of all walls, fences and other means of enclosure shall be submitted to and approved by the Local Planning Authority in writing and such walls, fences and other means of enclosure as approved by the Local Planning Authority shall be erected prior to the occupation of the dwellings to which they relate. Reason: In the interests of the visual appearance of the development and to secure the privacy of the residents in accordance with policy EN5: Design of New Development as set out in the Tamworth Local Plan 2006-2031. 4. Prior to the commencement of the development hereby approved details of all materials to be used in the construction of the external surfaces of the development shall be submitted to and approved by the Local Planning Authority in writing. Reason: To ensure a satisfactory external appearance to the development in accordance with policy EN5: Design of New Development as set out in the Tamworth Local Plan 2006-2031. 5. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ("the Scheme") shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication. The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved. The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason; To comply with Tamworth Borough Council Local Plan 2006 -2031 policy EN6 Protecting to Historic Environment.

6.

No development falling within Part (1) Class (A, AA, B, C, D, E, F, G) and Part (2) Class (A, C) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) shall be carried out.

Reason: In order for the Local Planning Authority to consider future proposals in the interests of the character and appearance of the area in accordance with policy EN5: Design of New developments as set out in the Tamworth Local Plan 2006-2031.

7.

The development hereby permitted shall not be brought into use until the access and parking area have been provided in a bound and porous material in accordance with the approved Drawing No.

9649.02 Revision C 'Site Layout Plans & Elevations' and shall thereafter be retained for the lifetime of the development.

Reasons; To comply with the objectives and policies contained within the NPPF paragraph 109, to comply with Tamworth Borough Council Local Plan 2006 -2031, Policy SU2 and in the interests of highway safety.

Informative

The Written Scheme of Investigation (WSI) identified in condition 5 above should consider all appropriate aspects of archaeological work including post excavation and reporting. Any subsequent archaeological mitigation must be the focus of a separate WSI produced after the evaluation stage (should this be employed) following detailed discussions with the LPA's archaeological advisor.

Notes

The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £116. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in kind when programming development.

The new access shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application Form. Please complete and send to the address indicated on the application Form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require exemption under Section 219 of the Highways Act 1980. The road will remain private in perpetuity and must be maintained by a maintenance management company. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

Before commencing any works to trees, please note that, under the provisions of the Wildlife & Countryside Act of 1981, between the months of MARCH to AUGUST, no works should be undertaken to trees which would result in disturbance or loss of habitat of nesting birds. Contravention of the Act is a criminal offence. It should also be noted that bats and their habitats are protected by law and again, NO works should be undertaken to trees without seeking specialist advice.

Prior to the occupation of the approved dwellings, please contact our Street Name &

Numbering officer to discuss the allocation of a new address on 01827 709284 or via email to planningadmin@tamworth.gov.uk.

Please be advised that Tamworth Borough Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 17th July 2018. A CIL charge will apply to all relevant applications determined on or after the 1st August 2018. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.tamworth.gov.uk/cil.

8 **Recommendation**

1. Approval subject to the following conditions

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 permitted shall only be carried out in accordance with the application form and drawing numbers (job number) 9649.02 rev C dated Dec 20 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the permission.
3. Prior to the commencement of development details of all walls, fences and other means of enclosure shall be submitted to and approved by the Local Planning Authority in writing and such walls, fences and other means of enclosure as approved by the Local Planning Authority shall be erected prior to the occupation of the dwellings to which they relate.

Reason: In the interests of the visual appearance of the development and to secure the privacy of the residents in accordance with policy EN5: Design of New Development as set out in the Tamworth Local Plan 2006-2031.
4. Prior to the commencement of the development hereby approved details of all materials to be used in the construction of the external surfaces of the development shall be submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure a satisfactory external appearance to the development in accordance with policy EN5: Design of New Development as set out in the Tamworth Local Plan 2006-2031.
5. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ("the Scheme") shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication. The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved. The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved and the provision made for analysis, publication and dissemination of the results and archive deposition has been

secured.

Reason; To comply with Tamworth Borough Council Local Plan 2006 -2031 policy EN6 Protecting to Historic Environment.

- 6 No development falling within Part (1) Class (A, AA, B, C, D, E, F, G) and Part (2) Class (A, C) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) shall be carried out.

Reason: In order for the Local Planning Authority to consider future proposals in the interests of the character and appearance of the area in accordance with policy EN5: Design of New developments as set out in the Tamworth Local Plan 2006-2031.

7. The development hereby permitted shall not be brought into use until the access and parking area have been provided in a bound and porous material in accordance with the approved Drawing No.9649.02 Revision C 'Site Layout Plans & Elevations' and shall thereafter be retained for the lifetime of the development.

Reasons; To comply with the objectives and policies contained within the NPPF paragraph 109, to comply with Tamworth Borough Council Local Plan 2006 -2031, Policy SU2 and in the interests of highway safety.