

PLANNING COMMITTEE

7th December 2021

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION



Application Number:	0337/2020
Development:	Construction of new 2 storey office building with associated multi storey car park
Location:	Sandy Hill Business Park, Sandy Way Amington Industrial Estate, Tamworth, B77 4DU,

1. Introduction

- 1.1 Sandy Hill Business Park was previously a depot owned by Tamworth Borough Council which was sold several years ago. The site currently comprises two office units and 4 commercial buildings located around the entrance from Sandy Way. A masterplan was prepared as part of the original scheme indicating a further unit as now proposed.
- 1.2 Access is from Sandy Way and the initial scheme incorporated a gateway comprising storage and security buildings. Sandy Way acts as a spine road which serves Amington Industrial Estate. It lies approximately 2 miles east of Tamworth town centre and has links to A5 and M42 as well as good access to local bus services.
- 1.3 A public footpath (T95) lies adjacent to the site boundary to the north and a vehicle access on the western boundary provides emergency and construction vehicle access leading to Eagle Drive.
- 1.4 The rear boundary of the complex where offices have been built backs onto the former golf course and site for a proposed local centre. Other boundaries link to existing established commercial developments and bowling club to the west, and existing vegetation around the perimeter, with a mature oak in the centre of the site and within the application site.
- 1.5 The application is for the construction of a new two storey office building with associated multi-storey car park. There is currently no end user for the development and therefore this a speculative build. The proposed office building is 1,254 square metres in an L shape configuration and of a design similar to existing offices in brick walls with tiled hipped roof. The multi storey car park is set within the site slope and will accommodate 118 spaces with 2no. disabled spaces have been provided on the ground floor.

1. Policies

2.1 National Policies

National Planning Policy Framework (NPPF) 2021
National Planning Policy Guidance (NPPG)

2.2 Local Plan Policies

SS1 - The Spatial Strategy for Tamworth
SS2 – Presumption in Favour of Sustainable Development
EC1 (Hierarchy of Centres for Town Centre Uses)
EC6 – Sustainable Economic Growth

EN4 – Protecting and Enhancing Biodiversity
EN5 – Design and New Development
SU1 - Sustainable Transport Network
SU2 – Delivering Sustainable Transport
SU4 - Flood Risk and Water Management
SU5 – Pollution, Ground Conditions and Minerals and Soils
IM1 – Infrastructure and Developer Contributions
Appendix A – Housing Trajectory
Appendix C – Car Parking Standard

2. Relevant Site History

UK	T16085	EXTENSION OF AMBER CLOSE, PROVISION OF FOUL AND SURFACE WATER DRAINAGE, REGRADING WORKS AND LANDSCAPING FOR FUTURE INDUSTRIAL PURPOSES
UK	T16923	NEW PRODUCTION FACILITY WITH ASSOCIATED OFFICES
O	0041/2001	Business (B1) and general industrial (B2) uses
A	0441/2001	Freestanding sign
F	0657/2003	Ground formation works and levelling to provide plateaus and construction of new access road, footpath diversion
F	0840/2003	Erection of Lutze Building (Unit A) and two industrial/office units with associated car parking, security and plant rooms, fencing to frontage
A	0144/2005	Advertisement consent
F	0368/2005	Construction of Care Home and associated works
F	0183/2006	Proposed two storey office building with associated car parking and chiller/bin store building
O	0561/2006	Proposed care home, including new access and other associated works
F	0481/2007	Variation of condition 2 of planning permission 0183/2006 to read: The development hereby permitted shall only be carried out in accordance with the application form, supporting letter and drawing numbers 5531/13D, 11G, 12H, 01 and 05
O	0096/2009	Construction of B1(a) (b) (c) development and associated works
DISCON	0254/2011	Application to discharge conditions 3 (car parking) and 12 (Travel Plan) of planning permission 0183/2006
VARCON	0263/2011	Application to vary conditions 6 (landscaping), 9 (lighting), 10 (materials) and 11 (bin store) of planning permission 0183/2006 to remove requirement to discharge prior to commencement
DISCON	0201/2021	Discharge of conditions relating to planning permission 0428/2020 : Condition 4(materials)

3. Consultation Responses

- 4.1 Staffordshire County Council Highways
No objections subject to conditions and s.106 agreement
- 4.2 LLFA
No objections subject to conditions, following submission of further details
- 4.3 Severn Trent Water
No objection subject to conditions
- 4.4 County Ecology
No objection subject to conditions
- 4.5 Tamworth Borough Council – Environmental Health
No objections
- 4.6 Tamworth Borough Council – Policy
No objection following justification
- 4.7 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
<http://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>

4.8 Additional Representations

As part of the consultation process adjacent residents were notified and a press notice and site notices were erected. In this instance no representations were received.

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 key issues to be considered at this stage are

- Principle of development / Economic role;
- Design and layout
- Highway safety
- Flood Risk
- Ecology
- Section 106

Principle of Development

6.2 The Tamworth Local Plan 2006-2031 (LP) was adopted in February 2016. As well as the local plan there is guidance within the National Planning Policy Framework

6.3 The proposal is for the development of an office building consisting of 1,254sqm of B1 (a) floor space. The site of the proposed development is allocated (EMP26) in the adopted local plan for employment use and so policy EC6 (Sustainable Economic Growth) applies.

6.4 Policy EC6 allocates land for employment uses, and these uses are classes as B1 (b, c), B2 and B8 of the use classes order (prior to its most recent amendments). Policy EC6 also states that the location of new office development (B1a) will be in line with policy EC1 (Hierarchy of Centres for Town Centre Uses). There are therefore two strategic policy issues with the proposal as it currently stands.

6.5 Firstly, as the proposal is for the development of B1 (a) office floorspace, which means that the proposed development is not of a use considered to be acceptable on an employment site and therefore not policy compliant. The second issue relates to policy EC1 and the requirement for office developments to be delivered in accordance with the 'main town centre uses' hierarchy. Where development involving a town centre use is proposed outside of the town, local and neighbourhood centres, it must demonstrate compliance with the four criteria set out within the policy.

6.6 Therefore some further justification would be required to demonstrate compliance with those four criteria, and in particular a sequential test would be required to demonstrate that there is not a suitable available location within the town centre.

- 6.7 A sequential test report has now been finalised and shows that there are no opportunities within the town centre. The report identifies 6 sites within the town centre that are essentially too small or not readily available and 2 sites within the Council's Gungate redevelopment area. The report states that the sites are capable of accommodating a development of the size sought though site dimensions might require some flexibility to building design. Car parking and landscaping provision would, however, be inadequate though public transport in this town centre location is available. The developer is seeking to construct a Grade A office building, similar in quality to the town's other four Grade A buildings at Sandy Hill Business Park and Centurion Court and the likely occupier will demand both adequate car parking and extensive high quality landscaping.
- 6.9 In addition, the agent has provided further justification would be required to demonstrate why it would be appropriate on the allocated employment site. In the first instance the site is part of a larger existing office development granted in 2005 for which a master plan indicates further office development, albeit prior to the current local plan. The scheme follows the pattern established at outline but is a full application rather than reserved matters due to the overall timeframe.
- 6.10 With regard to the employment use the bulk of the development to the south of the site is known as Tamworth Business Park and existing neighbouring developments such as Mercury Park and Fairway Court are exclusively office units. Sandy Hill Business Park already has two existing office buildings each around 1000 sq.m which offer alternative accommodation to the existing stock which are generally fairly small self-contained single occupancy units. The applicants state that they are committed to providing high quality commercial developments located almost exclusively in the Borough of Tamworth. They have been unable to secure sites in the town centre of sufficient size for office development and associated parking (as indicated in a sequential test report) and as a consequence built two landmark office buildings at Junction 10 (M42) Centurion Court which provide an attractive gateway to the Borough instead of the commercial sheds originally designated for that site. The office accommodation is a significant income generator to the Borough as well as attracting high levels of employment as opposed to more distribution units.
- 6.11 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. In this case the economic benefit includes both temporary economic benefits and permanent benefits. In terms of temporary economic benefits the development of the land at Sandy Hill Way would generate a number of jobs and the proposed development would create gross value added to the local economy.
- 6.12 Overall therefore the sequential test concludes that there are no other suitable sites within the town centre and clear benefits to the economy of providing offices in the location proposed amongst other offices and within a commercial environment. However, since it is concluded that the proposal is not strictly policy compliant, as it does not comply with the definition of employment uses in policy EC6, further advertising as a departure from the local plan is required. Any representations that raise further material considerations can be reported verbally to Members.

Design

- 6.13 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, and form and massing which conserves or enhances the setting of the development. The site is at an elevated location on Sandy Hill Way, and the proposed building will be set back from the highway, and not prominent from the main road. It would be seen along with the backdrop of the other commercial and industrial buildings within the area.
- 6.14 The development site like the surrounding area around Sandy Way to the north, east and south of the site includes a mix of office buildings, industrial units and distribution units. It includes a number of mixed buildings in its design and age. In terms of design, Policy EN5 sets out criteria to be taken into consideration, these include design and materials appropriate to the location, active frontages/outward facing, and mitigation of impacts on neighbouring uses, highway safety and landscaping. The building has been designed to provide a modern and in keeping office building in a modern design with glazed areas along the principal elevation. Architectural detailing has been

incorporated into the principal elevation by the use of different materials to break up the massing of the building. The proposed office building is 1254 square metres in an L shape configuration and of a design similar to existing offices in brick walls with tiled hipped roof. The multi storey car park is set within the site slope and will accommodate 118 spaces (with 2no. disabled spaces have been provided on the ground floor).

- 6.15 The use of dark grey interlocking tiles on the substantial pitched roof and buff bricks with powder coated aluminium windows doors and fascias and guttering's in dark grey colours would result in a modern office unit that is in keeping with its surroundings. As this follows the same design principles and palette of materials as the existing units it is considered that it would result in a high quality building that would enhance the character and appearance of the street scene and the surrounding area. The main building is 2 storey in height and the adjacent car park is split level in 2 and a half storeys with 2 staircase towers. The development is outward facing and would be set against the backdrop of the existing estate.
- 6.16 The building would be set back within the complex and would incorporate frontage parking with associated landscaping to break up the massing of the development and to enhance the character and appearance of the site and street scene.
- 6.17 In addition, the development provides appropriate soft and hard landscaping, and appropriately designed lighting. The proposal provides a degree of landscaping to the front to help assimilate the scheme into the area.

Highways

- 6.18 Reference should be made to 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.
- 6.19 County 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 and includes disabled parking. It is demonstrated that development traffic impacts are acceptable on the surrounding highway network.
- 6.20 There are no objections on Highway grounds to the proposed development subject to conditions and S106.
The conditions sought by Staffordshire County Council Highways, include
- Provision of parking/turning areas to be provided prior to occupation
Height restrictions and swept path details for the multi-storey car park
 - Provision of cycle stores
 - Construction Management Plan
Travel Plan setting out proposals (including a timetable) to promote travel by sustainable modes and subsequent monitoring of the plan

This is on the assumption that the developer enters into a Section 106 Agreement to secure the following:

- A Framework Travel Plan including a contribution towards the monitoring of the plan of £12,320.

- 6.21 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 considered to be acceptable.

Flooding and Drainage

- 6.22 As part of the application process, Staffordshire County Council Local Lead Flood Authority (LLFA) and Severn Trent have been consulted over the proposed development. The application site is not located within a Flood Zone as identified on the Environment Agency's mapping system, and the application is supported by a drainage report that has demonstrated that the development would not be subject to flood risks. The proposed scheme on this site does not pose any increased flood risk to the site itself or adjacent developments and is not susceptible to flooding by other techniques. Both the LLFA and Severn Trent have expressed no objection to the proposed development subject to a pre-commencement conditions regarding water quality and disposal of foul and surface water flows which has been placed on this decision, together with a note regarding management and maintenance. The proposed development is therefore compliant with Policy SU4 of the Local Plan and as such is deemed to be acceptable.

Ecology and biodiversity

- 6.23 Policy EN4 in the of the adopted Local Plan follows NPPF guidance in stating: "Non-designated sites, including the canal and river networks that provide the opportunity for habitat enrichment to create more robust and functional ecological units will be safeguarded, particularly if they form part of a green or blue link, including links to the wider green infrastructure network outside Tamworth." and "Development will be supported that preserves designated biodiversity and geodiversity sites,....., maintains the favourable conservation status of populations of protected species and incorporates existing landscape features. 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. Development should create and reinforce links between semi-natural habitats, including habitats beyond the Tamworth boundary."
- 6.24 The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended); along with the Protection of Badgers Act 1992, provide the main framework for protection of species. In addition to planning policy requirements, the LPA needs to be assured that this legislation will not be contravened due to planning consent. In addition to these provisions, section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Section 41 refers to a list of habitats and species of principal importance to which this duty applies.
- 6.25 In terms of Policy EN4 Protecting and Enhancing Biodiversity, the site is not designated of national or local importance. It is essential that development does not result in a net loss of biodiversity. The applicant has provided ecological assessment and detailed landscaping plan, these have been assessed by County Ecology and have been deemed to be acceptable. Conditions are suggested for bird boxes, bat boxes and submission of landscape plan.
- 6.26 Currently the site comprises about 0.4 hectares of semi-improved grassland, swamp, scrub and trees. These habitats have an ecological function and they provide a degree of ecological connectivity. The current proposals would increase built development and hardstanding. This clearly represents a small net loss to biodiversity, contrary to NPPF 170 and 175, which could be mitigated onsite by landscape design that maximises opportunities for wildlife. Otherwise a solution to this would be for the applicant to indicate how off-site compensation will be achieved, preferably through habitat improvements elsewhere in the area.
- 6.27 The Preliminary Ecological Appraisal acknowledges the loss of habitat, however due to the quality of the biodiversity that would be lost as a result of the development and the quality and diversity of the proposed landscaping to be incorporated on site, this would maximise opportunities for wildlife and result in a gain of a higher quality ecosystem. The proposed development is therefore compliant with Policy EN4 of the Local Plan and is therefore acceptable.
- 6.28 Your officers would therefore recommend the following conditions with regards to specific ecology matters as recommended by the County Ecologist.
- retention of mature oak tree
 - Sensitive lighting to protect bat foraging routes.

- Precautionary measures to prevent accidental harm to protected species during development.
- Biodiversity enhancements including: planting with native nectar rich and berry bearing tree, shrub and plant species; bat hibernacula; wildflower hedgerow edge mix seeding; bird and bat boxes incorporated within or on the new buildings or other built fabric, wildflower seeding areas (flowering lawn areas)
- Sensitive lighting to protect bat foraging routes.
- precautions outlined in Preliminary Ecological Appraisal (Dr S Bodnar, August 2020) 4.3b Precautionary Measures During Development (pp26-35)

7 Conclusion

- 7.1 The site represents a key component of the recently adopted Tamworth Local Plan 2006 – 2031 being an allocated site that provides employment development in a sustainable location. Conditions will be imposed to ensure delivery of the uses specified within the plan. Most importantly significant weight should be attributed to fact the proposal is an allocated employment site within the adopted Tamworth Local Plan and government guidance indicates the need for sustainable economic growth.
- 7.2 As regards the hierarchy of town centre uses, a sequential test demonstrates that there are no suitable sites. In addition it is a material consideration that the site forms part of an earlier masterplan for 4 office buildings, albeit prior to adoption of the current plan.
- 7.3 From a design and street scene impact again there would be no significant impact and the scheme is therefore deemed to be acceptable, in compliance with policy EN5 of the local plan.
- 7.4 The access arrangements to the site proposed meet the aspirations of Staffordshire County Council. They ensure a safe arrangement to access the site in accordance with the latest government guidance. The off street parking provision has also 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.
- 7.5 The proposal would ensure the protection of landscape features and would also result in no loss of biodiversity within the site. Therefore the proposed development would not result in a net loss in biodiversity and is considered acceptable.
- 7.6 With regards to flood risk and drainage, 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.
- 7.7 From an economic perspective the proposal would provide much needed employment to which weight should be attributed. Therefore, on balance it is considered that overall the proposal's allocation holds significant weight in the planning balance, with positive benefits and limited harm which means that the proposal is therefore recommended for approval.
- 7.8 However, since it is concluded that the proposal is not strictly policy compliant, as it does not comply with the definition of employment uses in policy EC6, further advertising as a departure from the local plan is required. Any representations that raise further material considerations can be reported verbally to Members.

8 Recommendation

Approval subject to conditions and s.106 regarding Framework travel plan monitoring contribution
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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 following drawing numbers unless otherwise agreed in writing by the Local Planning Authority.

7726_100	Location plan
7726_150F	Proposed site plan
7726_250, 7726_251B, 7726_252A	Proposed floor plans
7726_450B, 7726_451, 7726_452	Proposed elevations
7140_265	Proposed plans multi-storey car park
7140_450, 7140_451	Proposed elevations multi-storey car park
RAB2655L/001	Plan view of surface water drainage
RAB2655L/002	Typical details

Reason: To define the approval.

3. The use of the site shall not commence until the car parking areas hereby approved have been surfaced and drained in accordance with details submitted to and approved by the Local Planning Authority and such areas shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate provision is made for the parking of vehicles clear of the highway in the interests of highway safety and in accordance policy EN5 Design of New development and Appendix C (parking standards) as set out in Tamworth Local Plan 2006-2031.

4. Notwithstanding any details shown on the approved plans no development shall be commenced until details indicating the following have been submitted to and approved in writing by the Local Planning Authority:

- details of the height restrictions which will be in place within the multi-storey car park;
- a swept path analysis demonstrating that a large car can safely access and egress the multi storey car park including the ramps between levels;
- details of a re-located secure and weatherproof cycle parking facility within the curtilage of the site. This shall include the quantity of cycle parking available.

Reason: In the interests of highway safety and in accordance policy EN5 Design of New development and Appendix C (parking standards) as set out in Tamworth Local Plan 2006-2031.

5. The parking areas shall thereafter be carried out in accordance with the approved details and be completed prior to first occupation. All car parking spaces shall be surfaced in a bound and porous material and be clearly delineated and shall thereafter be retained as such for the lifetime of the development.

Reason: To ensure that adequate provision is made for the parking of vehicles clear of the highway in the interests of highway safety and in accordance policy EN5 Design of New development and Appendix C (parking standards) as set out in Tamworth Local Plan 2006-2031.

6. Before the development hereby permitted is occupied, a Travel Plan shall be submitted to and approved in writing by the County Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the County Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in

that plan unless otherwise agreed in writing by the County Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary date of the planning consent to the County Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.

Reason: To ensure that adequate provision is made for promoting sustainable transport measures in the interests of highway safety and in accordance policy EN5 Design of New development and Appendix C (parking standards) as set out in Tamworth Local Plan 2006-2031.

7. No development (including demolition) shall take place until a Highways Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The statement shall provide for:-

- A site compound with associated temporary buildings
- The parking of vehicles of site operatives and visitors
- Times of deliveries including details of loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Duration of works
- Wheel wash facilities
- Appropriate routing agreement using the most appropriate access route

Reason:

8. No development shall take place on the site until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate all existing trees and hedgerows on the site and indicate those to be retained, together with the measures to be adopted to protect them during the course of the development and that the development shall be implemented in accordance with the approved landscaping scheme and retained thereafter throughout the life of the development.

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

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

10. 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 and the development shall be carried out in accordance with the approved details.

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.

11. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority,

and the scheme shall be implemented in accordance with the approved details before the development is first brought into use. Details shall include provision of supporting information to demonstrate that sufficient water quality measures have been incorporated into the design for all sources of runoff in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria, and details of parties responsible for ongoing maintenance.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution. In accordance with policy SU2: Flood Risk and Water Management as set out in Tamworth Local Plan 2006-2031.

12. An external lighting scheme should be installed, designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals *Guidance Note 08/18 Bats and artificial lighting in the UK* and submitted for approval prior to commencement, including a lighting contour plan that demonstrates there will be minimal impact on receptor habitats such as trees and hedges and the development carried out in accordance with the approved scheme and retained thereafter throughout the life of the development.

Reason: In the interests of the setting and visual appearance of the development in accordance with policy EN4: Protecting and Enhancing Biodiversity as set out in the Tamworth Local Plan 2006-2031.

13. Prior to commencement of any site works, a Tree Protection Plan should be submitted for approval, which should be compliant with BS 5837:2012: Trees in relation to design, demolition and construction and the Development implemented in accordance with the approved Plan.

Reason: In the interests of the setting and visual appearance of the development in accordance with policy EN4: Protecting and Enhancing Biodiversity as set out in the Tamworth Local Plan 2006-2031.

14. All site clearance and construction works must proceed in accordance with measures detailed in the Preliminary Ecological Appraisal (Dr S Bodnar, August 2020) *4.3b Precautionary Measures During Development* (pp26-35).

Reason: In the interests of the setting and visual appearance of the development in accordance with policy EN4: Protecting and Enhancing Biodiversity as set out in the Tamworth Local Plan 2006-2031.

15. Removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season (1st March to end August.) If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation or buildings shall not be removed until the fledglings have left the nest.

Reason: In the interests of the setting and visual appearance of the development in accordance with policy EN4: Protecting and Enhancing Biodiversity as set out in the Tamworth Local Plan 2006-2031.

16. Prior to the commencement of the development, details of the type and location of biodiversity enhancement measures including 3 number house sparrow terraces on or integrated into north- or east- facing brickwork of the new buildings shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.

Reason: In the interests of the setting and visual appearance of the development in accordance with policy EN4: Protecting and Enhancing Biodiversity as set out in the Tamworth Local Plan 2006-2031.

17. Prior to the commencement of the development, details of biodiversity enhancement measures including 2 number integrated bat tubes or bat boxes within the new building, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be

incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.

Reason: In the interests of the setting and visual appearance of the development in accordance with policy EN4: Protecting and Enhancing Biodiversity as set out in the Tamworth Local Plan 2006-2031.

18. Prior to the commencement of the development, a landscaping plan that mitigates for habitats that will be lost by providing sources of nectar and fruit for wildlife shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of the setting and visual appearance of the development in accordance with policy EN4: Protecting and Enhancing Biodiversity as set out in the Tamworth Local Plan 2006-2031.

Notes

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Annex

Ecology

European Protected Species (to include in Committee/Delegated reports as an Annex, not on Decision Notices)

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely to impair their ability –
 - a.

- i. to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b. to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

Our records and ecological survey results indicate that European Protected Species (bats and great crested newts) are likely to be present.

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