

# **PLANNING COMMITTEE**

**0324/2021**

## **APPLICATION FOR CONSIDERATION**

### **UPDATE REPORT**

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



<b>Application Number:</b>	<b>0324/2021</b>
<b>Development:</b>	<b>Outline application (all matters reserved) for 14 Dwellings, including affordable housing and public open space</b>
<b>Location:</b>	<b>Land North of Overwoods Road, Hockley, Tamworth</b>

## **1. Introduction**

- 1.1. This is a supplementary report following the deferral of this application at the committee of January 18<sup>th</sup> 2022.
- 1.2. Members agreed to defer the application for consideration only so as to allow further information regarding ecological impacts to be obtained. The previous conditions sought to deal with areas of ecology by way of conditions requiring requisite future surveys. However, given the ecology issues raised by members it was considered that the required further surveys are brought forward and the findings of the ecology conservation survey's report be brought back to the Committee to assist with the determination of the application.
- 1.3. As a result of this, a reptile survey has been completed confirming that no such lifeform were found. As a result, standard mitigation measures have been suggested should be followed which can be secured by way of condition. The further ecology information obtained to date that no demonstrable harm to ecology with regards to the trees and their potential to support roostings bats will arise from the proposed development and therefore the proposal continues to accord with policy EN5 of the Local Plan.
- 1.4. Along with ecology matters, since the application was discussed at Planning Committee in January, there has also been change relating to First Homes. These are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes.
- 1.5. All the other considerations remain the same as the previous report which is attached to this supplementary report

## **2. Policies**

### 2.1 Local Plan Policies

HG4 – Affordable Housing  
EN4 – Protecting and Enhancing Biodiversity

### 2.2 National Policies

National Planning Policy Framework  
Planning Practice Guidance

## **3. Planning Considerations**

### **3.1 Affordable Housing**

- 3.1.1 Policy HG4 requires that any new residential developments involving 10 or more dwellings are to provide at least 20% on site affordable units. The application proposes 14 dwellings, 3 of which are suggested as affordable units totalling 21% affordable units which is compliant with policy HG4.
- 3.1.2 There are no changes in the percentage of affordable homes but there will now be a change in the types of affordable housing. The breakdown will be as follows:  
Total dwellings = 14  
20% affordable requirement = 2.8 (so 3)

10% affordable sale element = 1.4 (so 1?)

5% First Homes requirement (25% of 20% overall affordable element) = 0.7 (so 1)

The First Homes requirement takes up all of the affordable sale element, leaving 2 units to be secured in line with the mix in HG4, which prioritises affordable rental.

## 3.2 Biodiversity/Trees

3.2.1 The site has no statutory biodiversity designation but impact on biodiversity has been a keen point of objection from members of the public over the loss of the grassland area with alleged high levels of biodiversity. The application includes a Preliminary Ecological Appraisal with Preliminary Roost Assessment, which recommends further survey work in particular to determine the presence/absence of reptiles at the site and roosting bats.

3.2.2 The Borough Council originally consulted with the principal ecologist at Staffordshire County Council on the submitted reports first submitted with the application. The response was generally in support of the submitted documents and their recommendations. It is clear that the development would increase built development and hardstanding and therefore would initially trigger a small net loss to biodiversity, which is contrary to paragraphs 174 and 180 of the NPPF. However, this impact can be mitigated against. Subject to the findings of the further surveys which would need to detail appropriate mitigation measures. The response includes recommended conditions some of which, such as details for boundary treatments and external lighting, are for the reserved matters stage.

3.2.3 The application was originally deferred due to the absence of surveys relating to ecology. As a result of this, the applicant completed reptile surveys where no such lifeform was discovered. A number of mitigation measures have been requested which include delaying the works until various times in the year and will be dealt with by way of planning conditions through mitigation measures to be submitted before the work starts. This information is all contained within the published report on the council website. Finally, a letter confirming the trees identified as having potential for bats are proposed to be retained has also been included on the council website for public consumption. With all this now confirmed, it is considered the proposal will continue to comply with Policy EN4 of the Local Plan and relevant paragraphs of the NPPF.

## 4. Conditions

4.1 The planning conditions will be amended as per the following:

### 4.1.1 Condition 4

The development hereby approved (other than reserved matters) shall be carried out in accordance with the application form, the supporting letter, site location plan BIR.5397-002- 01, Illustrative Masterplan BIR.5397-003-01, Design and Access Statement, Flood Risk Statement & Surface Water Drainage Strategy, Drainage Operation & Maintenance Manual and the Preliminary Ecological Appraisal with Preliminary Roost Assessment dated June 2021 and Reptile Report (FPCR, May 2022 Section 5 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the approval.

### 4.1.2 Condition 6

Prior to the commencement of the development, details of biodiversity enhancement measures including reptile habitat compensation and enhancement measures (see Reptile Survey, FPCR, May 2022, Section 5), 4 number integrated bat tubes or bat boxes within the new buildings and details of the type and location of biodiversity enhancement measures including 1 group of 3 number swift boxes and 2 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 throughout the life of the development.

Reason: In the interests of biodiversity conservation in accordance with the provisions of the NPPF and Policy EN4 of the Tamworth Local Plan 2006-2031.

#### 4.1.3 Condition 13

No trees are to be removed unless an ecologist is present to maintain a watching brief regard bats. Any Tree works must follow measures set out in the FPCR, Trees with Potential for Roosting Bats (March 2022).

Reason: In the interests of biodiversity conservation and protection of Protected Species in accordance with the provisions of the NPPF and Policy EN4 of the Tamworth Local Plan 2006-2031.

#### 4.2 There are no conditions to change in relation to affordable housing.