

# **PLANNING COMMITTEE**

**0324/2021**

## **APPLICATION FOR CONSIDERATION**

**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 application is for outline planning permission which considers the general principles of how a site can be developed. All other matters including access, appearance, landscaping, layout and scale are reserved and will be considered, if this outline application is approved, through the submission of one or more reserved matters applications.
- 1.2. The proposal demonstrates the land to be used for residential purposes with an indicative layout showing 14 dwellings including affordable units. The plan suggests a vehicle access to the south off Overwoods Road and pedestrian link to the north connecting into Teign and the wider neighbouring Tamar Road residential estate.
- 1.3. The site is located in the south eastern corner of the Borough, close to the boundary with North Warwickshire Borough Council. Whilst this is not a cross boundary application, given the close proximity to the boundary, NWBC have been consulted and at their request Warwickshire County Council (Highways) have also been consulted.
- 1.4. The site has no formal allocation within the adopted Tamworth Local Plan and is currently a vacant grass field bordered with mature trees and vegetation. It is surrounded by existing residential properties, including older terraced properties on Overwoods Road, 1980's residential development (Tamar Road) and a more recent smaller development of 29 properties to the east (Swallowhurst) which was granted permission in 2014 and completed recently.
- 1.5. There is an existing large electricity pylon on the land and overhead cables running the length of the site. This is a significant restriction to the site as essential infrastructure and any development will need to be designed around this and any wayleaves that are likely to be in place on behalf of the statutory undertaker. Western Power have been consulted as part of this application process.

## 2. Policies

### 2.1 Local Plan Policies

SS1 - The Spatial Strategy for Tamworth  
 SS2 – Presumption in Favour of Sustainable Development  
 HG1 – Housing  
 HG4 – Affordable Housing  
 HG6 – Housing Density  
 EN3 – Open Space and Green and Blue Links  
 EN4 – Protecting and Enhancing Biodiversity  
 SU4 – Flood Risk and Water Management  
 IM1 – Infrastructure and Developer Contributions

Tamworth Design: Supplementary Planning Document Adopted July 2019  
 Planning Obligations: Supplementary Planning Document Adopted August 2018

### 2.2 National Policies

National Planning Policy Framework  
 Planning Practice Guidance

## 3. Relevant Site History

None

## 4. Consultation Responses

- 4.1. The following is a summary of the received consultation responses. The full responses are available [online](#), if conditions are suggested within a response these will be considered, and if appropriate included within the conditions at the end of this report.

### North Warwickshire Borough Council

No objection in principle subject to consulting Warwickshire County Council for highways matters regarding proposed traffic lights at the junction of Overwoods Road with Trinity Road and HS2 because of the proximity of phase 2B.

### Tamworth Borough Council (Environmental Health)

No objections from contamination or noise subject to adequate glazing and insulation being used.

### Tamworth Borough Council (Waste Services)

A suitable bin collection point (BCP) may be required with due consideration to the distance from the residents' properties (maximum of 30m) and the main highway. The BCP can be a simple paved area but it must be sufficient to accommodate 3 x 240l bins for every property served by the private drive and be adjacent to the adopted highway to ensure an efficient refuse/recycling operation takes place.

### British Pipeline Agency

No objections as not affected by the proposed development

### Tamworth Borough Council (Development Plans)

No objections to principle of development, subject to compliance with Policy HG4 (affordable housing) and HG6 (Housing Density). The proposal will be liable for Community Infrastructure Levy at £35.00 per square metre of floorspace.

### Severn Trent Water

No objections to the proposal subject to the inclusion of a condition requiring drainage plans to be submitted prior to commencement of development and the scheme will be implemented in accordance with those details prior to first use.

### Staffordshire County Council (Schools Organisation)

This proposal would not result in an education contribution it is therefore acceptable in planning terms; there are projected to be sufficient number of school places to mitigate the impact of this development at both primary and secondary levels of education.

### Western Power Distribution

No objection in principle. Although concerns with the position of attenuation pond directly underneath the overhead lines. No building to be within 15m (horizontally) of the tower position and no planting of trees throughout the route which could grow into the safety zone, no excavation within 5m of any tower leg at a greater depth than 1m.

### Staffordshire County Council (Highways)

Initial response dated 3<sup>rd</sup> August 2021, requested further information with regard to access rights, adoption of road and improved footways, most of which has been confirmed that would be reviewed further at reserved matters stage. However, a further plan showing that

the required visibility splays could be achieved to also indicate whether trees would need to be removed.

The response dated 18<sup>th</sup> October 2021, which recommend refusal because of lack of information regarding the proposed visibility splays. A topographical survey was requested. Tamworth Borough Council received a plan showing the topographical survey on the 16<sup>th</sup> December and a consultation request was made to the highways department on the same day. They responded confirming that the revised plan submitted which showed the visibility splays at the proposed site access location on a base plan utilising topographical survey data is considered adequate to address the concerns raised and highlights the need to remove a tree to the south-east of the site access to achieve the requisite visibility splays.

#### High Speed 2

Concern that no reference has been made to HS2, even though previous comments have been provided. The primary concern is the impact of noise on the proposed site from the construction of HS2 phase 2b.

Whilst they have no objection in principle to the proposed development due to the close proximity of the site to HS2 line of route associated issues of sound noise and vibration mainly during the construction phase they have requested an informative to be included on any decision notice.

#### Staffordshire County Council (Local Lead Flood)

No objection subject to a planning condition requiring surface water drainage designs to be submitted and approved prior to the commencement of development.

#### Staffordshire County Council (Ecology)

The County Ecologist has raised concern with a potential for biodiversity net loss. However it is possible this could be mitigated against. A number of prior to commencement conditions have been recommended regarding further information on how to achieve biodiversity net gain. The conditions request the submission of a reptile survey, the requirement for an ecologist to be present when trees removed, boundary treatment details showing wildlife gaps, external lighting and further detail on the installation of bat & bird boxes integrated into the properties.

#### Tamworth Borough Council (Tree Officer)

The design of the site appears to demonstrate avoiding the impact of existing trees as much as possible. However, depending on the location of the access road T6, T7 and T8 of TPO No 4 2019 could be effected. A Pre-Commencement condition is needed for root protection areas and no dig/no vehicle zone to avoid compaction and fencing off trees during construction.

Further consultation took place when it was identified that T8 of TPO No 4 would need to be removed. The Tree Officer confirmed no objection to the removal of the tree to gain the required visibility splays. The removal will not have an overly significant impact on the surroundings. Ideally a similar species tree would be planted within the site at a more suitable location to offset the removal.

- 4.1.2 Warwickshire County Council (Highways) and the Strategic Housing Manager at Tamworth Borough Council have been consulted on this application, but no responses have been received within the 28 days consultation or up to the publication of this report.

#### **4.2 Additional Representations (Public)**

As part of the consultation process 40 adjacent residents have been notified as well as a press notice in the Tamworth Herald (dated 22<sup>nd</sup> July 2021) and 2 site notices were displayed, one on

Overwoods Road near the existing terrace properties and one in Teign near the proposed pedestrian link.

Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view [online](#):

#### Supporting Comments:

Supportive of scheme as pleased to see intention to keep trees and hedge at the boundary.

#### Objections/Concerns:

Concerns with proposed access close to existing access of Tamar Road  
Concerns with “chipping away at the edge of Countryside” and only supportive if all houses are aimed as first time buyers with price tags under £200k  
Impact on privacy through overlooking  
Security over new footpath  
Negative impact on property value  
Negative impact on ecology/wildlife/protected species  
Access to existing septic tanks still required via existing track alongside properties Overwoods Road  
No footpath for past cottage, and no clear views for traffic.  
Climate change impacts by losing green space  
Increase in traffic on road used by speeding motorist additional access may cause safety issue  
Typical of Tamworth “build build build”  
Concerns of loss of privacy  
Impact on mental health through loss of green space  
Impact on loss of light to existing properties  
Impact on doctors and dentist and schools capacity  
Affordable housing and flats not suitable for the area  
No more houses are needed  
House prices to decrease  
Dosthill cannot cope with more new houses  
Existing infrastructure power/water not sufficient for more building  
For once can planning department just consider the environment because at this rate Tamworth, Kingsbury, Woodend and Atherstone will be connected.  
Too much impact on property on Overwoods Road

Those points raised that are material to the process are considered below. Other points such as impacts on privacy, overlooking and separation distances will be considered in more detail at the reserved matters stage, when the required detail is provided. Other comments such as impact on property value, setting house prices etc are not material planning considerations and cannot be considered as part of this application process.

## **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 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.
- 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 and will be reviewed further as part of the reserved matters applications.

## **6. Planning Considerations**

- 6.1 The key issues to be considered at this stage are:

- Principle
- Reserved Matters
- Affordable Housing
- Housing Density
- Open Space
- Biodiversity/Trees
- Highways
- Other Matters

## 6.2 Principle

- 6.2.1 As this submission is for outline planning approval it only considers the general principles of how a site can be developed, further reserved matters application(s) will consider the finer detail. The starting point in determining the acceptability of any development proposal is the Local Plan, where the policies are consistent with the NPPF. Policy HG1 is the most relevant local policy in assessing a residential development within the Borough. This policy supports residential schemes within the urban area of the Borough, in particular schemes well served with public transport, pedestrian and cycle links, with a mix of well-designed dwellings of the right size and affordability. The application suggests that the site can accommodate up to 14 dwellings, 3 of which would be affordable units, a scheme for the provision of more than 10 dwellings is considered a major development therefore a number of wider policies including HG4 and HG6 will also apply.
- 6.2.2 The site itself has no strategic designation in the adopted Local Plan, therefore there is no immediate restriction preventing this land from being brought forward for a sustainable form of development in accordance with the Policy SS2 (Presumption in favour of sustainable development). Subject to compliance with other relevant local plan policies and the NPPF where decision makers at every level should seek to approve applications without delay, for sustainable development.
- 6.2.3 Policy SS1 states that over the life of the Plan 4,425 dwellings will be built in Tamworth, this sets the annual housing requirement to be a minimum of 177 dwellings each year. The current figure in the latest published monitoring report for our five-year supply is 8.6 years; the actual figure is likely to be higher than this, although not published currently because of delays caused by the Covid-19 Pandemic. It is important to remember that this is a minimum target. Some public objections have stated that no more houses are needed in Tamworth. Overall, the Local Plan identifies a housing shortfall with neighbouring authorities assisting Tamworth in meeting its housing need. Therefore, this demonstrates that Tamworth still has the need for housing. The current high supply figure is because the Sustainable Urban Extensions (SUE's), as identified within policy HG2, are currently being developed simultaneously, making up most of the anticipated 4,425 of the plan requirement. This application would not result in Tamworth delivering houses beyond the plan requirement, to refuse an application based on the current supply rate would be contrary to the Local Plan and goes against the requirements of the NPPF and the Governments objective of significantly boosting the supply of homes.
- 6.2.4 One major physical constraint exists on the site, which is a large electricity pylon with overhead cables. The application and the consultation response has confirmed an easement on the pylon and cables which cannot be developed for buildings – although open space could be acceptable. This constraint will need to be taken into account in more detail at the reserved matters stage but is likely to impact on the net developable area.

## 6.3 Reserved Matters

- 6.3.1 This application is for outline planning approval with all other matters reserved for future application(s) known as reserved matters. For clarity, a brief description of each of the reserved matters is below and confirms that these matters will be subject to further consideration at a later stage.
- **'Access'** – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

- **'Appearance'** – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- **'Landscaping'** – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- **'Layout'** – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- **'Scale'** – the height, width and length of each building proposed within the development in relation to its surroundings.

#### 6.4 Affordable Housing

- 6.4.1 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.
- 6.4.2 Within the planning statement it is detailed that 2 of the affordable units are to be affordable rent and 1 unit as shared ownership. As this particular site benefited from significant pre-application advice and is likely to be determined prior to the 28<sup>th</sup> March 2022, the First Homes requirement will not apply. A section 106 legal agreement will be required to ensure the affordable units are delivered in accordance with Policy IM1 (infrastructure and developer contributions), and if the committee approve the application this will be subject to a section 106 agreement securing the affordable housing units.

#### 6.5 Housing Density

- 6.5.1 Policy HG6 considers housing density and states that new residential developments will make efficient and effective use of land, whilst enhancing the character and quality of the area it is located in. As the site is located away from the Town Centre, local and neighbourhood centres and the Wilnecote Regeneration Corridor but still within the urban area a minimum density of between 30 and 40 dwellings per hectare is required. Given the site is at the very edges of the Borough and opposite areas of Green Belt to the south of the site, it is therefore considered that a lower density in line with the policy would be acceptable and in keeping with some of the surrounding residential developments.
- 6.5.2 The policy states that the net developable area is 80% for a site sizes between 0.4 to 2 hectares this site area is 0.7 hectares. Using the calculation on net developable area as follows:

Site Area (**0.7h**) x Net Developable Area (**80%**) = 0.56h (Developable Site Area)

then

No of dwellings (14) / Development Site Area (0.56h) = **25 dwellings per hectare** (dph)

However, this calculation does not take into account any constraints on the site. As mentioned an electric pylon and overhead cables are present, and an easement exists (approximately 30m) which prevents a proportion of the land from being built upon. The applicant has calculated the actual developable area removing the land constrained by the pylon and cables, which results in density of 32dph. Therefore, this is compliant with policy HG6.

There is insufficient information to show whether the proposal will be compliant with Policy HG5 with regard to housing mix. However, this will be considered further at the reserved matters stage and any subsequent applications should aim to follow the mix as detailed within the policy.

## 6.6 Open Space

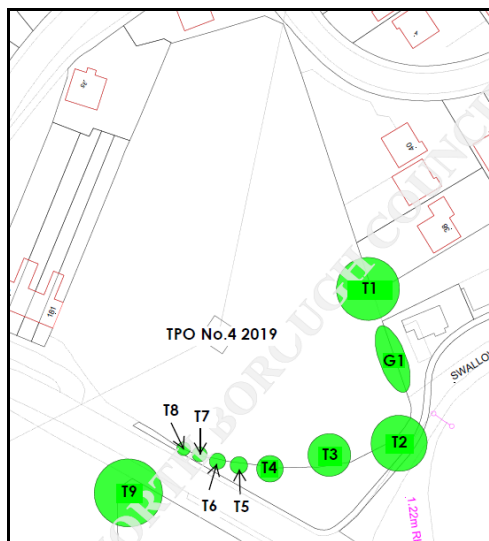
- 6.6.1 The proposed Illustrative Masterplan shows a new area of on-site public open space of 0.24ha could be achieved. The indicative layout showing the proposed dwellings to the east and west of the site overlooking the central spine open space area, utilising the area restricted by the easement for the electricity pylon demonstrating a logical approach to use of land restricted for any other form of built development. The application states that many of the boundary trees are to be retained, although there will be small loss of existing vegetation along Overwoods Road to accommodate the new vehicular access, including the loss of one protected tree, the amount of works will depend on the required visibility splay and will need to be considered further at reserved matters stage. As stated in the policy private management scheme for future open space maintenance are now encouraged, as the Council are unlikely to adopt any further areas of open space. The open space provision is in accordance with Policy EN3, which requires new on site open space should be using a standard of 2.43 hectare per 1000 population.
- 6.6.2 Furthermore, this policy seeks to incorporate existing landscaping features, and provide links for biodiversity, cycling and walking to the wider green and blue infrastructure. The plan shows a footpath running through the central open space connecting to the northern residential development (Tamar Road). This provides an additional pedestrian and cycle link to the wider network including Freasley Lane, leading to the nearby Kettlebrook Local Nature Reserve and access to the existing public transport network serving the existing residential developments.
- 6.6.3 With regard to the design of open space, this will be considered further at the reserved matters stage. However, it is noteworthy at this stage that Western Power have advised that any attenuation feature pond directly underneath the overhead lines may cause issues for wildlife trying to land on the pond and bird strikes could cause power cuts to the area. Furthermore, no planting of trees throughout the route which could potentially grow into the safety zones. The section 106 agreement will need to ensure that the Open Space is maintained in perpetuity via a management company.

## 6.7 Biodiversity/Trees

- 6.7.1 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.
- 6.7.2 The Borough Council has consulted with the principal ecologist at Staffordshire County Council on the submitted reports. The response is 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. However, conditions for additional surveys and biodiversity enhancement measures will be included and in doing so the proposal is considered to comply with the relevant paragraphs of the NPPF and Policy EN4 of the Local Plan.
- 6.7.3 There are a number of protected trees on the southern and eastern boundary of the site, protected by TPO No 4 2019. They are located away from the indicative access being under the overhead cables. However, it is possible that some of them may be located in the visibility splay. Therefore, the



tree officer has requested a pre-commencement condition showing the root protection areas and no-dig construction zones and protective fencing. However, further consideration will need to be given to the impact on the tree(s) once plans showing the visibility splays have been provided and indeed at the reserved matters stage. The following plan from TPO No 4 2019 shows the location of the protected trees and marks the centre point of the overhead lines, the tree most likely affected will be T8 to T4:



T1 of TPO No 4 2019 is also of particular importance to retain as number of trees have been identified in the accompanying ecology survey. The survey states *“further survey work to be required if T2 (as identified on the plan with the survey, considered to be T1 of the above plan) to hold moderate potential to support roosting bats is to be impacted by the development proposals. A further two trees are identified in the survey which are not protected by the Preservation Order.*

The removal of these protected trees will be avoided as much as possible where removal is justified and unavoidable, suitable and appropriate mitigating planting will be required to offset the loss of these features. Since the submission of further plans regarding the access, it confirms that T8 will need to be removed to meet the necessary visibility splays. The tree officer has raised no objection to its removal subject to replacement tree(s) being planted within the site. Any mitigation planting will need to be mindful of the advice provided by Western Power with regard to the species and location so not to interfere with the onsite electricity infrastructure. Subject to suitable mitigation, the development will be in accordance with Policy EN4 of the Local Plan.

## 6.8 Highways

6.8.1 Staffordshire County Council highways have raised a number of concerns primarily around the vehicular access to the site, even though access is a reserved matter. The likely access point will be onto Overwoods Road where the speed limit is 30mph. However, it is very close to where the speed limit increases to 50mph and therefore it is likely that vehicles would be travelling above 30mph when passing the proposed access point to the site. Highways have requested the applicant to demonstrate that visibility splays from the access junction of 2.4m x 160m can be achieved, as they have concerns that existing trees to be retained may have an impact, which may lead to some trees needing to be removed.

6.8.2 Highways have also raised matters relating to a ransom strip where the proposed pedestrian link to Teign is located as the land is believed to be under the ownership of the County Council. An existing access track to be integrated into the site serving the existing terrace properties on Overwoods Road and highway adoption/difference in the hierarchy of internal roads. These are reserved matters, except the ransom strip and the existing access track, which are private matters to resolve outside the application process. The Planning Statement states: *“181 Overwoods Road currently benefits from an existing vehicular track which provides rear access, the proposal will not affect this access which runs outside of but along the end of the application site.”*

6.8.3 Following a further consultation with Staffordshire County Highways regarding submitted amended plan, which identified the access, protected trees and a submitted speed survey, further concerns, were raised, primarily regarding the impact of existing trees on the proposed visibility splay. At the County Councils request, the applicant subsequently commissioned a speed survey and found that the 85th percentile speeds in proximity to the proposed site access location were 40.9mph eastbound and 34.7mph westbound (weekday average). These speeds would require visibility splays of 2.4m x 107m and 2.4m x 83m, respectively. A revised plan was submitted by the applicant demonstrating the calculated visibility splays could be achieved (westbound visibility splay provided was 2.4m x 82m as requested based on an 85<sup>th</sup> percentile speed of 34.6mph taken from the 7-day average). However, as the base-mapping layer used was OS mapping data, it was considered by the County Council that the plan did not accurately plot the locations of the trees and therefore the plan did not sufficiently demonstrate that the required visibility splays could be achieved at the proposed site access location. At this point, the County Council recommended that the application should be refused based on insufficient information at the time. Although this recommendation did not prejudice consideration of a further application or additional information, being submitted later that demonstrates:

1. A revised plan based on a topographical survey demonstrating visibility splays of 2.4m x 107m and 2.4m x 83m to the west and east of the site access, respectively, taken from the centre of the proposed site access location.

6.8.4 At this time, concern was raised as to the need of this further detailed information, which would normally be submitted at the reserved matters stage. Furthermore, it appeared more likely that a suitable access visibility splay could be achieved, although likely to result in the loss of a small number of protected trees. This is not ideal; however, suitable mitigation measures such as replacement and/or additional planting would be required to compensate for the loss of any protected trees. This is considered a more reasonable approach to achieve the required splays, as it was not impossible to meet highways requirements when compared to if a permanent building prevent the required splays from being achieved.

6.8.5 An amended plan (SK02 Rev C) including a topographical survey was received on the 16<sup>th</sup> December 2021, which identified that at least one of the protected trees (T8 Acer as marked on the plan) would need to be removed to meet the visibility splay requirements. On the same day, a consultation request was sent to the County Highways department. A further request was also made to the Borough council's tree officer who raised no objection to the removal of one protected acer tree.

6.8.6 The latest consultation response from the County Council highways department, dated the 7<sup>th</sup> January 2022, raises no objections to the proposed development subject to one further pre-commencement condition and an informative. The revised plan with the topographical information is considered adequate to address the previous concerns raised and confirms the need to remove a tree to the south-east of the site access to achieve the requisite visibility splays.

## 6.9 Other Matters

6.9.1 Severn Trent Water and the Lead Local Flood Authority have requested 'prior to commencement' conditions to demonstrate suitable drainage for foul and surface water in accordance with Policy SU4, which requires any major development to demonstrate that there is adequate wastewater infrastructure in place to serve the development. Although the application is a major proposal the site is within Flood Zone 1 and less than a hectare, therefore a site-specific flood risk assessment for consultation with the Environment Agency is not required.

6.9.2 Whilst the contents of the adopted Design SPD will be considered further at the reserved matters stage, it is important that the applicant review the contents in particular the residential developments (Paragraphs 4.70 – 4.85) to help guide the reserved matters submission. The SPD will assist with separation distances from proposed and existing dwellings, internal space standards and private open space requirements for the proposed dwellings. To follow the guidance within the SPD will assist the scheme in meeting the aspirations of Policy EN5 of the Local Plan.

6.9.3 Given that the proposal is currently at the early stages of the planning process it is the ideal time for potential developers to consider climate change mitigation measures in accordance with Policy SU3. The policy states that new developments will be expected to demonstrate how they will address the causes of climate change and limit greenhouse gas emission with an aspiration of achieving zero carbon development through various methods. However, this particular policy has lower weight than the NPPF, which has been updated earlier this year. Paragraphs 157 states that:

*In determining planning applications, local planning authorities should expect new development to:*

*a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*

*b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

Appendix B of the Design SPD can also be used to help guide developments with climate change considerations.

6.9.4 Given that the application is proposed for more than 3 new dwellings the development will trigger a Community Infrastructure Levy (CIL) payment if the development is commenced subject to further reserved matters approvals. CIL is a tariff upon development, which local authorities can charge in order to raise funds to contribute to the delivery of new infrastructure, which arises as a result of development in an area. A CIL charge will apply to all relevant applications determined on or after **1<sup>st</sup> August 2018** (including those successful on appeal and those where a resolution to grant has been made but a S106 agreement has yet to be finalised. The CIL Charging Schedule confirms a payment of £35 per square metre for residential developments of 11 units or more. A relief could apply to the three affordable/social units on the site; this is subject to a formal application process outside of the planning application consideration.

## **7 Conclusion**

7.1 The proposal for outline planning approval with all matters reserved comprises a sustainable form of development, on land not allocated within the adopted Local Plan. The proposal demonstrates a residential scheme the principle of which accords with policies SS1, SS2, HG1, HG4, HG6, EN3, EN4 and IM1 of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework.

7.2 On balance, in light of the above considerations of the application and its supporting documentation and the conditions detailed below, it is recommended that the proposed development be approved subject to conditions and a Section 106 Legal Agreement with regard to the affordable housing provision.

7.3 If the committee are in agreement with the recommendation, then a grant of delegated authority to the Assistant Director of Growth and Regeneration is requested to conclude negotiations and complete the related section 106 legal agreement.

## **8 Recommendation**

Approve Subject to Conditions & Section 106 Legal Agreement requiring

20% on site affordable housing  
Open space maintained in perpetuity

## **Conditions / Reasons**

1. Details of the Access, Appearance, Landscaping, Layout and Scale of the development, herein after called the reserved matters, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with

those details that have been approved.

Reason: The application is for outline planning permission and the matters stated have been reserved for subsequent approval by the Local Planning Authority

2. Application for the approval of all reserved matters shall be made to the Borough Council within three years of the date of this permission.

Reason: In compliance with Section 92 of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004).

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matter(s) to be approved.

Reason: To conform with section 92 (2b) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the approval.

5. Prior to the commencement of development INCLUDING SITE CLEARANCE or demolition of buildings, a reptile survey will be submitted and approved in writing by the Local Planning Authority. The survey must include any necessary avoidance, mitigation or enhancement measures written as method statements that will be carried out and the development shall be carried out in accordance with the approved survey.

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

6. Prior to the commencement of the development, details of biodiversity enhancement measures including 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.

7. Prior to the commencement of development, 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, including a lighting contour plan that demonstrates there will be minimal impact on receptor habitats such as hedges shall be submitted and approved in writing by the Local Planning Authority.

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.

8. Prior to the commencement of development, a surface water drainage design will be submitted to and approved in writing by the local planning authority, in consultation with the Lead Local Flood Authority. The drainage design will detail/include:

- A suitable means of discharge to the surface water sewer network, with proof of

permission to discharge.

- Ensure that the surface water discharge rates from the proposed development site are set to be no greater than the existing greenfield rates, for corresponding return periods.
- Ensure satisfactory storage and routing of surface water runoff generated from within the site with the 1 in 100 year plus climate change storm event and show where water will be safely stored and routed during exceedance events.
- Provide a maintenance schedule detailing evidence of who will be responsible for managing and maintaining the drainage infrastructure for the life of the development.

Thereafter the development shall be carried out in accordance with the scheme approved by the Council.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the impact of flooding on the proposed development and future occupants in accordance with the NPPF and Policy SU4 of the Tamworth Local Plan 2006 - 2031.

9. Prior to the commencement of development, drainage plans for the disposal of foul and surface water flows will be submitted to and approved in writing by the Local Planning Authority, in consultation with Severn Trent Water. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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 the NPPF and Policy SU4 of the Tamworth Local Plan 2006 – 2031.

10. Prior to the commencement of development, a detailed tree survey report, showing root protection areas, no dig zones and no parking/vehicle zones will be 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. The development shall at all times be carried out in accordance with the approved scheme.

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

11. Prior to the commencement of development, full details of the following shall be submitted to and approved in writing by the Local Planning Authority, and shall thereafter be constructed in accordance with the approved details:

- Proposed access arrangement off Overwoods Road and internal street layout.
- Off-site highway works to include the provision of a continuous footway between the site access and Tamar Road and relocation of the speed limit sign away from the site access.
- Layout of site including disposition of buildings and provision of adequate parking, turning and servicing within the site curtilage.
- Vehicular visibility splays from the proposed access point and driveways within the development
- Swept path analysis of a large refuse vehicle demonstrating that the vehicle can

safely access the site in forward gear, turn around within the site and egress the site in forward gear.

- Surfacing materials (the parking and manoeuvring areas shall be completed and surfaced in a porous bound material);
- Full road construction including longitudinal sections and a satisfactory means of draining roads to an acceptable drainage outfall.
- Means of surface water drainage from all areas intended to remain in private ownership.
- Adequate safe, secure and covered cycle storage facilities.
- Species of trees and tree pits which are proposed to be located within or adjacent to areas to be put forward for adoption.
- Lighting scheme.

Reason: In the interests of highway safety and to conform with the requirements of policy SU2: Delivering Sustainable Transport as set out in the Tamworth Local Plan 2006-2031

12. 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.

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 Preliminary Ecological Appraisal with Preliminary Roost Assessment (Focus, June 2021) Section 1.3.

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.

14. No development falling within Part 1 Class A or B 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.