

PLANNING COMMITTEE

7 FEBRUARY 2023

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION



Application Number: 0379/2022

Development: Change of use from public house (sui generis) to 2 x retail units (Class E) at ground floor and 3 x apartments (Class C3) at first floor; erection of side and rear extensions and creation of external amenity space.

Location: The Three Tuns, 15 Lichfield Street, Tamworth, B79 7QD

1. Introduction

1.1 This application for the change of use from a former public house to 2x retail units at ground floor and 3x two bedroom apartments at first floor including the erection of side and rear extensions and creation of external amenity space. The application was called in to the Planning Committee by Councillor John Harper on 12 October 2022

1.2 Cllr Harper provided the following reasons for call in of the application:

The property stands on or very near the site of Tamworth's former 17th Century Staffordshire Town Hall. Important archaeological evidence may still exist of this important but unknown building. The property is a prominent building on the periphery of the town centre conservation area and must continue to harmonise with surrounding properties. The change of use will require major structural alterations to the building. The building was constructed in 1937 to a neo-Georgian design that reflected existing buildings in Lichfield Street. The ground floor has already been gutted and a large section of the roof and a rear wall has been removed. This has been done without the approval of the planning authority and prior to the application being submitted.

1.3 Since submission the proposal has evolved, in part due to the observations from Cllr Harper and additional information has been provided by the applicant along with changes to the proposal and further consideration of the heritage aspects of the site.

1.4 Maintenance work that was being conducted by the owner following a period of the building standing idle and being subjected to vandalism and illegal uses was made safe and subsequently halted by the applicant with the site left secured.

1.5 The principal changes to the scheme since its submission have been the removal of a hot food takeaway element to the proposal, a reduction in the number of proposed apartments from four to three to physically reflect the local heritage within the design and the introduction of external amenity space for future residents. An additional consultation exercise was undertaken as a result of these changes between 14th and 28th November 2022.

Location Plan



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
HG5 – Housing Mix
HG6 – Housing Density
EC1 – Hierarchy of Centres for Town Centre Uses
EC2 – Supporting Investment in Tamworth Town Centre
EN4 – Protecting and Enhancing Biodiversity
EN5 – Design and New Development
SU1 - Sustainable Transport Network
SU2 – Delivering Sustainable Transport
IM1 – Infrastructure and Developer Contributions
Appendix A – Housing Trajectory
Appendix C – Car Parking Standard

3. **Relevant Site History**

T20759	Site a set of three containers for collecting waste, glass bottles and jars, on the rear car park
T21019	Lounge and kitchen extension to the side and games room extension to the rear
T21732	New toilet facilities
T21738	Detached garage
T23711	Extension to provide additional living accommodation at first floor
0339/2010	Construction of smoke shelter; erection of metal rail fence to forecourt; erection of metal rail fence to the left hand side of the premises

3. **Consultation Responses**

3.1 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>

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.

Joint Waste Service – no objections, waste management requirements identified.

Staffordshire County Council Highways – no objection subject to conditions

Staffordshire County Council Historic Environment Team – no objection subject to conditions

Staffordshire County Council Lead Local Flood Authority – no objection due to the scale of the development

Staffordshire Fire and Rescue – no objections, fire safety advice provided

Staffordshire Police – no objections, crime prevention advice provided

Tamworth Borough Council Conservation Officer – no objections

Tamworth Borough Council Environmental Protection – no objection subject to conditions

Tamworth Borough Council Strategic Planning – no objection subject to the application meeting the requirements of the Local Plan

4. **Additional Representations**

4.1 As part of the consultation process adjacent residents were notified, a press notice was published 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 <https://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>

4.2 One member of the public responded describing the proposal as over development of the site with inadequate car parking and suggesting that the inclusion of a hot food takeaway was inappropriate.

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

The key issues to be considered at this stage are

- Principle
- Character and Appearance
- Highway Safety
- Heritage
- Amenity

6.1 Principle

6.1.1 The Tamworth Local Plan 2006-2031 (LP) was adopted in February 2016. In addition to the local plan there is guidance within the National Planning Policy Framework (NPPF) and the accompanying Planning Practice Guidance (PPG). The starting point in determining the acceptability of development proposals however is the Local Plan, where the policies are considered 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.

6.1.2 Policy EC1 Hierarchy of Centres for Town Centre Uses and Policy EC2 – Supporting investment in Tamworth Town Centre are both considered relevant to this application. The inclusion of two retail units within the scheme, introduces an element of development which is supported by EC1 as being an appropriate use for the Town Centre. Policy EC2 states that “the Council will work in partnership with businesses and landowners to revitalise Tamworth Town Centre and attract visitors. In accordance with the Council and its partners key objectives, the town centre will be promoted as Tamworth's preferred location for the development of town centre uses along with higher density, high quality residential developments.” The proposed mixed use within the boundary of the town centre of appropriate uses and a modestly scaled but high quality residential development would fulfil both of those objectives. Furthermore, EC2 states that “Development within the town centre and appropriate edge of centre locations should protect and enhance its historic character.” The proposed development has evolved since its submission to fulfil that requirement by seeking to better reflect the heritage of the locality in which it would be set, though the adoption of a more sympathetic frontage. The proposal therefore complies with policy EC2 of the Tamworth Local Plan 2006-31.

- 6.1.3 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 proposed development located within the urban area of Tamworth, is in the Town Centre area within a reasonable distance of local facilities and as such would be considered to be a sustainable form of development. Tamworth Strategic Planning indicated in its response to the second consultation that, although it is difficult to apply Policy HG5 Housing Mix to small developments such as this, the inclusion of fewer yet larger apartments is preferable, with two bed dwellings making up a considerable proportion of overall housing demand in the Borough. This relates to the Housing and Economic Development Need Assessment (2019). The proposal therefore complies with policy HG1 of the Tamworth Local Plan 2006-31.
- 6.1.4 The retail element of this proposal is applied for under its current land use classification of Class E. It should be noted that Class E is a wide ranging use class introduced in 2020 that encompasses commercial, business and services use including retail, restaurants, professional services, non-residential daycare services, fitness related services and others as defined by the Town and Country Planning (Use Classes) Order 1987 as amended in September 2020. Although the units are intended for retail use, other uses within Class E would also be possible under such an approval.
- 6.1.5 The proposed development is therefore considered to be in compliance with key policies of the Tamworth Local Plan 2006-2031 and in principle an acceptable form of development for the location subject to meeting the design requirements of the Local Plan.

6.2 Character and Appearance

- 6.2.1 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.
- 6.2.2 Policy EN5 Design and New Development states that developments should be of a 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.
- 6.2.3 The appreciation of character and appearance is a significant part of recent planning reform and, with the introduction of the National Design Guide, remains a very important consideration of planning applications.
- 6.2.1 The site is located on the junction of Lichfield Street and Balfour, on a corner plot with the original building set back from Lichfield Street by some 10m and with the flank wall hard against the footway to its western elevation on Balfour. The site lies opposite historic buildings now in differing uses along the northern part of Lichfield Street and is to its south and east dominated by the nearby residential tower blocks and their associated car parking.
- 6.2.2 The host building is a former public house, built in the late nineteenth century and subsequently extended and altered on numerous occasions. The brick and render appearance of the building has degraded over time since its cessation of use as a public house. At the time of the application being submitted the applicant was undertaking works to improve the structure which resulted in a number of later additions to the building being removed. That work was halted following an intervention by the Planning Enforcement Officer and has not resumed since.
- 6.2.3 To the front of the existing building is an area of grass and hardstanding that is surrounded by metal railings dating from 2010/2011. To the rear is an area of hardstanding that has been used as car parking which is bordered by Balfour to the west and on the southern and eastern sides by the concrete walls of the car parking associated with the nearby residential tower blocks.

- 6.2.4 The proposed development includes the extension of the original pub building to the rear and the side at ground and first floor level, along with the introduction of a projecting retail frontage in place of the existing public house frontage, introducing a significantly greater element of glazing to the front elevation. The front elevation glazing and entrances to the two retail units, the smaller of the two with a floor area of 72 square metres of retail floorspace within the side extension and the larger with 151 square metres of retail floorspace in the original building. The glazing across the two shop frontages would extend across approximately 10m for the larger unit and 4.5m for the smaller unit with a double glazed door at the centre of each shop front.
- 6.2.5 The proposed two storey side elevation to the eastern side of the building would be set in the space between the existing building and the wall of the adjacent car park and would be 6m wide. The side extension would be on the same alignment as the front elevation at ground floor level and would be set back to the first floor level with a mono-pitch roof structure above the front elevation at ground floor level to enhance the appearance of the frontages of the two retail units. The first floor side extension would be set back by 1m from the front elevation and along with the rear extension would have a hipped roof structure reflecting the existing roof that would have a ridge reduction of 0.5m, thereby giving a subservient appearance to that of the original building.
- 6.2.5 The rear part of the extension would also be two storey and would tie into the side extension with a complex triple hipped roof arrangement to its southern elevation. In addition, there would be a ground floor extension on the western part of the site to the rear of the original building to provide space for the larger of the two retail units above which a roof terrace was requested and agreed to by the agent to provide external amenity space for the three proposed first floor apartments. The amenity space would be bounded by a waist height balustrade inset by 1m from the western and southern edges of the building. Glazed with obscure panels to enhance privacy, the proposed roof terrace amenity space which would be accessible only to residents of the three apartments would also have an element of landscaping.
- 6.2.6 With regard to fenestration of the building, the proposal includes retail windows to the ground floor of the original building and the side extension which are designed to have a Georgian type appearance to mimic those of some of the neighbouring buildings on Lichfield Street. The first floor of the side extension would have two windows at the front of a similar style to the existing front first floor windows of the original building and five similar windows to the side, symmetrically arranged with the outer windows being three panes in width and the three inner windows each being of two panes width. To the rear elevation there would be four equally sized windows to the rear of Apartment 3 and a fifth narrower window but otherwise of the same style serving the first floor landing access to the apartments. At first floor level the western elevation of the rear extension would have a French window arrangement on to the roof terrace and a second window overlooking the roof terrace to provide natural light into the landing.
- 6.2.6 The two retail units would have customer access at the front elevation and would each have staff and delivery access from the car park to the rear. In addition, there would be a separate doorway at the rear leading to internal stairs to the apartments at the first floor and doorways to both an internal bin store and an internal cycle store for residents' use. The rear elevation would also have one ground floor office window overlooking the car park.
- 6.2.7 Although materials have been proposed to largely match the existing, it is considered appropriate that a condition be imposed to seek the submission to and agreement of the council to all external materials prior to commencement of development.
- 6.2.8 The scheme is proposed to include an element of tree planting to the rear parking area and landscaping within the roof terrace. It is considered therefore that a landscaping scheme is appropriate and should be conditioned.
- 6.2.9 It is considered that the character and appearance of the proposed design has been formulated to take on board the Council's design requirements that the proposed extensions be subservient to the original building, that they reflect the historical character and that they respond well to the character of the locality. The proposed shop frontages are intended to mimic those of other much older retail premises on Lichfield Street and the proposed roof terrace with its glazed balustrade, reflects the appearance of the balconies on the nearby tower blocks which dominate the locality. Consequently, the proposed development's appearance would bridge the key elements of the surrounding locality and much improve what is currently a disused and deteriorating building. The character and appearance of the proposed development would therefore sit well within the streetscene and is

considered to be in compliance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031.

6.3 Highway Safety

- 6.3.1 Tamworth Local Plan policy EN5h) states that new developments will be expected to pay particular regard to highway safety and servicing requirements, the capacity of the local road network and the adopted parking standards set out in Appendix C. In addition, policy SU2 also states planning permission should only be granted where development would ensure adequate highway safety, suitable access for all people and where feasible reduce the impact of travel up on the environment. Planning permission will be refused where travel to and from the development would be likely to cause harmful levels of pollution, highway safety or capacity impacts.
- 6.3.2 The highway safety aspects of this application relate to car parking provision, delivery and service vehicle access and the potential impacts of traffic related to the development on the adjacent highways.
- 6.3.3 Vehicular access would be from the existing accesses to the front and to the side from Lichfield and Balfour respectively. The submitted amended drawings indicate 3 parking spaces for residents use, internal parking for three cycles for use by residents, one parking space per retail unit and one visitor space. Servicing of the two retail units would take place in the rear car park where there is sufficient room for vehicles to manoeuvre. Two additional car parking spaces are proposed to the front of the building off Lichfield Street which would be available for customer use.
- 6.3.4 Staffordshire County Council Highways (SCCH) was consulted upon the proposal and following a discussion with the Agent on 20 December 2022, have concluded that the proposal is acceptable in highway safety terms, subject to conditions. SCCH has determined that the town centre location is sustainable in transport terms and that the proposed parking and servicing arrangements are acceptable. SCCH has requested a condition that prior to bringing the development into use, the parking, servicing and turning areas as submitted are completed.
- 6.3.5 The provision of adequate car parking spaces, cycle parking provision and servicing facilities, combined with the sustainable location, means that the proposed development is considered to be a sustainable form of development in accordance with Policy SU2 Sustainable Transport and Appendix C of the Tamworth local Plan 2006-2031.

6.4 Heritage

- 6.4.1 Tamworth Local Plan policy EN6 Protecting the Historic Environment states that proposals will be required to pay particular attention to:
- a) The scale, form, height, massing, detailing and materials of the development, the existing buildings and physical context to which it relates.
 - b) Historically significant boundaries, street layouts, open spaces, landscape features and structures identified in the conservation area appraisals including walls, railings, street furniture and paved surfaces.
 - c) Important views of listed buildings, scheduled monuments and historic townscape as identified in the conservation area appraisals.
- 6.4.2 The proposed development sits just outside of the Tamworth Town Centre Conservation Area. The existing building is not a nationally or a locally listed building and following a period of formal disuse and unauthorised and illegal use during 2021, it was in poor condition in heritage terms when acquired by the current owner.
- 6.4.3 The site is understood to sit at least partly on a mediaeval town hall site and very close to Anglo Saxon / Norman former town walls. Consequently, there is the possibility that archaeological remains could be uncovered in any excavation permitted on the site and therefore Staffordshire County Council Historic Environment Team (SCCHET) were consulted upon the application.
- 6.4.4 SCCHET recommend that, should permission be granted, an archaeological watching brief be carried out during any substantial groundworks associated with the development. This would include any foundation trenches, drainage and service runs or the removal of the extant concrete slab. The

watching brief should be scalable to a strip, map and sample excavation should significant archaeological remains be observed during the archaeological monitoring works.

- 6.4.5 The use of archaeological watching briefs, is supported by NPPF (2021) para 205. The works should be undertaken by an appropriately experienced archaeologist working to the requirements of a brief prepared by SCCHET (or approved Written Scheme of Investigation (WSI), the Chartered Institute for Archaeologists (CIfA) Code of Conduct and to a level commensurate with the relevant CIfA Standards and Guidance.
- 6.4.6 With respect to the proposals' possible impacts upon the Town Centre Conservation Area and nearby listed buildings, SCCHET recommended consulting the Tamworth Borough Council Conservation Officer upon the proposal.
- 6.4.7 The Conservation Officer has considered the proposal and has commented that due to the proposal site being outside of the Conservation Area and not involving a listed building that she has no objection to the proposal.
- 6.4.8 Following early concerns about the design of the proposal, the frontage of the proposed development has been amended to better reflect the design of nearby shop units on Lichfield Street. It is considered that with the design amendments and the undertaking of a conditioned watching archaeological brief, that both the setting of the proposal adjacent to part of the Town Centre Conservation Area and its impact upon below ground local historical evidence are acceptable. The proposal is therefore considered to be in accordance with Policy EN6 Preserving the Historic Environment of the Tamworth Local Plan 2006-2031.

6.5 **Amenity**

- 6.5.1 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.
- 6.5.2 The proposal to extend the former Three Tuns public house, is at a site which does not have any adjoining neighbours, The majority of the nearby buildings are commercial buildings or in one case a car park. There are significant numbers of people living within a relatively short distance due to the site's proximity to Strode House and Weymouth House tower blocks which are both approximately 25m away at their nearest points.
- 6.5.3 The nature of the development is such that there would be no possibility of overlooking, loss of privacy or a sense of the development being overbearing to the nearest neighbouring residents.
- 6.5.4 With respect to internal floor areas and residential amenity it is noted that the three proposed apartments have gross internal floor areas of 71.8, 76.6 and 87.2 square metres respectively. The nationally described space standards published by Government in 2015 stipulate 70 square metres as a minimum gross internal floor area for a two bedroom single storey dwelling with four occupants. The smallest of the three flats exceeds that by 2.5% and the largest by 16.7%.
- 6.5.5 The provision of an external amenity space in the form of a roof terrace above the flat roofed ground floor extension would give a shared external space for the residents of the three apartments of 67 square metres which is a positive aspect of the scheme as the Design Supplementary Planning Document, recommends the provision of a minimum of only 18 square metres of external amenity space for residents of 3 flats, assuming three residents per dwelling. At 67 square metres, the area provided would be significantly in excess of the recommended minimum and would provide for a viable communal area which would be landscaped for added amenity value.
- 6.5.6 Tamworth Borough Council Environmental Protection in its consultation response has sought a condition to ensure that the proposal is acceptable to local residents in minimising impacts during construction by limiting site operating times. It has also sought conditions relating to noise insulation within the three apartments and limitations on external lighting so as to minimise impacts upon neighbour amenity.

7 **Conclusion**

- 7.1 The proposal for change of use from public house (sui generis) to 2 x retail units (Class E) at ground floor and 3 x apartments (Class C3) at first floor; erection of side and rear extensions and creation of external amenity space has been considered fully following two periods of public consultation and evolution of the original scheme to what is proposed today.
- 7.2 Key considerations have included design, heritage, highway safety and amenity aspects. In each case it is considered that the proposal has, with conditions where necessary, met or exceeded the policy requirements established by the Tamworth Local Plan 2006-2031 and the interests of consultees. It is recommended therefore that the proposal is approved subject to conditions.

8 **Recommendation**

- | |
|-----------------------------|
| 1. Approval with conditions |
|-----------------------------|

Conditions / Reasons

1. The development shall be commenced 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 drawings BDBC/22/104-01c and BDBC/22/104-02F as submitted on 21 December 2022, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To define the permission
3. 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 and the NPPF.
4. 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.

B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).

C) 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 under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured."

Reason: In the interests of protecting potential archaeological remains and to accord with EN6 of the Tamworth Local Plan 2006-31 and the NPPF.
5. Prior to the commencement of development, a scheme of hard and soft landscaping (including the roof terrace) shall be submitted to and approved in writing by the Local Planning Authority. All hard landscaping shall be carried out in accordance with the approved details prior to first occupation of the approved dwellings, whilst all planting comprised in the approved scheme shall be carried out prior to completion of the development; and any plants which within a period of five years (ten years in the case of trees) 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 similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the visual setting of the development and the surrounding area in accordance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031 and the NPPF.

6. Prior to commencement of development an external lighting scheme should be submitted to and approved in writing by the Local Planning Authority to comply with the Institution of Lighting Engineers Guidance Note on Light Pollution dated 2021. It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential light pollution caused by glare and spillage. If any residential properties are affected by any lighting used, then the developer or operator must take steps to remedy as soon as practicable, as any continued intrusion could be subject to EPA 1990 - Statutory Nuisance legislation.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031 and the NPPF.

7. The development hereby approved should not be brought into use until the parking, servicing and turning areas have been provided in accordance with the approved plan.
Reason: In the interests of highway safety and in accordance with Policy SU2 Sustainable Transport of the Tamworth Local Plan 2006-2031 and the NPPF.

Reason: In the interests of highway safety and to comply with SU2 of the Tamworth Local Plan 2006-31 and the NPPF.

8. No work completed, no construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of 8am-6pm Monday to Friday and 8am-1pm Saturday and not at any time on Sundays, Bank or Public Holidays

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy and in accordance with the provisions of Circular 11/95 and in accordance with Policy EN5 Design of New Development of The Tamworth Local Plan 2006-2031 and the NPPF.

9. Prior to first occupation of the dwellings, the applicant shall submit to the Local Planning Authority confirmation that the following maximum noise exposure criteria has been achieved:

- Bedrooms - 35 dB LAeq (16 hrs) (0700 hrs – 2300 hrs)
- Bedrooms - 30 dB LAeq (8 hrs) (2300 hrs – 0700 hrs)
- Bedrooms - 45 dB LAmx (2300 hrs – 0700 hrs)
- Living rooms - 35 dB LAeq (16 hrs) (0700 hrs – 2300 hrs)

If it is necessary to have the windows shut to achieve these levels the development should have ventilation measures to achieve the required levels and when ventilation is operational (i.e. trickle vents open or mechanical ventilation running).

Reason: Due to the proximity of the approved Class C3 apartments to the approved Class E uses and the town centre location, this condition is required to protect residents of the dwellings from excessive noise, in accordance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031 and the NPPF.

10. Following completion of the development, no deliveries to the hereby approved Class E premises shall be conducted outside the hours of 07:30 - 20:00 Mondays to Fridays and 08:30 - 12:30 Saturday and Sunday.

Reason: In the interests of the amenities of the nearby residential properties as recommended in the NPPF and in accordance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031 and the NPPF.

This page is intentionally left blank