

**PLANNING COMMITTEE**

**7<sup>th</sup> MARCH 2023**

**APPLICATION FOR CONSIDERATION**

**UPDATE REPORT**

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



**Application Number:** 0206/2021

**Development:** Full application for the demolition of existing buildings, construction of 11 no. dwellings, associated parking and access

**Location:** Former co-op Garage, Bonehill Road, Tamworth, Tamworth B78 3JJ

## 1 Introduction

- 1.1 This is a supplementary report following the deferral of this application at the committee of 7<sup>th</sup> February 2023.
- 1.2 Members agreed to defer the application for consideration only so as to allow a re-consultation with neighbours following an error on the stated address of the application. As a result of this, letters have been sent to these neighbours and new site notice erected. All consultee responses have been reviewed and has held as accurate. No additional public comments have been made at the time of writing this report.
- 1.3 The deferral has also allowed for changes to the report to include the verbal updates given at the meeting such as a requirement for boundary treatments in the landscaping condition and changing a condition given by the LLFA to reflect the order they are to be prescribed on the decision notice.
- 1.4 The application site extends to approximately 0.322 hectares and is triangular in shape located to the south west of the town centre, outside the town centre boundary identified within the Tamworth Local Plan 2006-2031.
- 1.5 The site is bound by Bonehill Road to the south and west, with the existing primarily two storey residential development at High Broom Court and along Bonehill Road itself. The existing Beefeater public house and hotel are located to the south west with Ventura Park located further to the south of the site.
- 1.6 Lady Meadow, a significant area of open space and functioning flood plain lies to the north, beyond an existing flood defence bund which forms the northern boundary of the site. Further to the north lies the confluence of the Rivers Anker and Tame, the Lady Bridge and Tamworth Castle. The site was last used as a vehicle repair garage site operated by Tamworth Co-operative and is comprised of simple industrial buildings. The river Anker, Fazeley Road, the leisure area (bowling alley) and Castle Grounds lie beyond.
- 1.7 This application is the resubmission of one which was withdrawn on the 11<sup>th</sup> June 2020. The amendments to the previously refused application (0067/2020) include the reduction from 35 apartments to 11 semi-detached houses.
- 1.8 A previous application for commercial units and apartments proposed the erection of a three/four storey building on the site fronting Bonehill Road but this was not implemented.
- 1.9 The adjacent site was recently proposed for offices and later approved for nine dwellings, which are currently well under construction.
- 1.10 Vehicular access to the site is proposed from Bonehill Road, with a car parking located within the site of 23 car parking spaces in total. The proposal will also have the potential to also provide cycle storage facilities.
- 1.11 The site is allocated for development in Tamworth Local Plan reference 591 and 593.
- 1.12 The following documents have been submitted in support of the application (all are available for inspection on the council's website at <https://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>):
  - Design and Access Statement;
  - Heritage Statement;

- Extended Phase 1 Habitat Survey;
- Desk Study Contamination Appraisal;
- Viability assessment

## 2 **Policy.**

### National Policies

NPPF 2021  
 NPPG 2014 –  
 National Design Guide 2021

### 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  
 EN4 – Protecting and Enhancing Biodiversity  
 EN5 – Design and New Development  
 EN6 – Protecting the Historic Environment  
 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

## 3. **Planning History**

T16131	Demolition of all existing properties, re-alignment of Bonehill Road, erection of supermarket, petrol filling station and licenced premises including parking for 755 cars
T23062	Illuminated totem sign
T23185	Erect additional workshops
0448/2001	15m slimline monopole, 3 antenna, 4 dishes, radio equipment housing and associated equipment by Orange PCS LTD
0249/2006	Advertisement consent
T01639	Renewal of outline for Crown Garage, Bonehill Road.
0067/2020	Demolition of existing buildings, construction of 35 no. apartments, associated parking and access

## 4. **Consultation Responses**

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.

- 4.1 Staffordshire County Council (Flood Risk Management) – Lead Local Flood Authority LLFA  
 Following the requirement to demonstrate that there is a sufficient safe means of disposing of surface water and that the site is safe for the 1:100 year plus climate change storm event, and that the flood risk to any third party is not increased as a result of the proposed development, and

following various further submissions, Staffordshire County Council Flood Risk Management position is as follows:

We have reviewed the most recent documents and now are in a position to remove our objections providing the following planning conditions are applied. The proposed development will only be acceptable if planning conditions are imposed (listed at the bottom of this report).

#### 4.2 Strategic Planning and Development Service

##### *Housing Allocation*

The subject development site falls within a larger plot of land allocated for housing under Policy HG1, as designated on the supplementary Policies Map. On this basis, there is no strategic objection to the principle of the proposal.

##### *Affordable Housing*

As the amended plans propose to deliver 10 or more dwellings, there would be a requirement to provide on-site affordable housing in line with policy HG4 (Affordable Housing). Under such policy stipulations, we should expect to see a minimum of 20% affordable housing on site, unless it can be demonstrated through an independent assessment that such requirement would equal unviability. As per the previous policy consultation response, it still appears unclear whether any affordable housing has been proposed.

##### *Dwelling Mix*

The following breakdown of units are required to evidence compliance with Policy HG5 (Dwelling Mix). A subject site comparison has also been provided:

<b>Unit Size</b>	<b>Policy HG5 Requirement (% of Total Dwellings on Site)</b>	<b>Application proposal</b>	<b>% of Total Dwellings on Site</b>
1 bedroom	4%	0 units	0%
2 bedroom	42%	2 units	18%
3 bedroom	39%	8 units	73%
4 bedroom	15%	1 units	9%

It should be noted the difficulty of meeting the requirements of Policy HG5 in regards to smaller developments such as this. The dwelling mix outlined above represents non-compliance with Policy HG5. Notwithstanding, deviation from the requirements of Policy HG5 may be considered acceptable, if the applicant can appropriately justify the proposed dwelling mix.

Therefore, some further justification may be required in this case, although it should be noted that the development proposes the delivery of predominantly 2 and 3 bed dwellings, where the majority of Tamworth's need has been identified.

##### *Dwelling Density*

The site area stated in the application is 0.3233ha, which gives a net developable area of 0.3233ha according to the thresholds outlined in the introductory guidance to Policy HG6 (Housing Density). The site is located in close proximity to the designated Town Centre area, and as such, should provide a minimum density of 40 dwellings per hectare (dph) in order to comply with Policy HG6, where viable and appropriate to the local context and character. The amended 11 units on site provide the proposed development with a lower density of 34 dph, which does not satisfy the requirements of Policy HG6. However, flexibility will be acceptable on smaller sites such as this, provided there is justification for the below minimum density. It should be noted that at 34 dph, it is above the minimum density required in areas which are not within or close to the town centre.

##### *Open Space*

The subject site is bordered to the north by designated open space (Policies Map), the protection of which must be ensured in accordance with Policy EN3 (Open Space and Green Belt and Blue Links).

##### *Further Policy Considerations*

The site is nearby to a Grade II Listed Building and two Scheduled Monuments – the implications of both should be considered in line with, but not limited to, Policy EN6 (Protecting the Historic Environment) and Policy EN5 (Design of New Development). It should be further noted that its proximity to the Tamworth Town Centre Conservation Area should be considered under Policy EN4 (Protecting and Enhancing Biodiversity) to ensure that development presents no adverse impacts.

#### *CIL Liability*

Under the parameters set out in the CIL Charging Schedule (adopted August 2018), residential schemes proposing greater than 11 units are liable for a CIL charge of £35 per sqm. The exact total charge would be subject to the gross internal floorspace created by the development.

#### 4.3 Heritage England

The department do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

#### 4.4 Staffordshire County Council Archaeology

Previous advice (dated 25/5/21) remains valid in that after reviewing the proposals against the information held by the Staffordshire Historic Environment Record (HER), including the Tamworth Historic Environment Character Assessment and an archaeological desk-based assessment prepared in support of a previous proposed development at this site, we note that there is some potential for groundworks within the proposed development site to impact upon archaeology of prehistoric, early medieval or medieval date, which has the potential to provide us with an understanding of the development of this area of Tamworth during those periods.

#### *Archaeological Interest*

The site forms part of the Tamworth Historic Environment Character Zone 9 (TMHECZ 9 Tame Valley, Tamworth) which identifies that there is a high potential for below ground archaeological remains to survive within the river valley. With this in mind the proposal site lies close to the floodplain of the Rivers Tame and Anker and close to their confluence which lies approximately 100m to the northeast of the site. Previous archaeological work associated with the construction of flood defences along the River Tame (to the west of Tamworth) identified evidence for late prehistoric activity in the form of a burnt mound and at least one enclosure. Similar evidence for late prehistoric activity within river valleys has been recovered along the Rivers Trent and Dove and on the Meece Brook. The confluence of the Rivers Trent and Tame appears to have particularly attracted prehistoric attention and there is evidence from elsewhere in the country to support the view that such locations were important to groups at this period. Finally, there remains the potential for early medieval and medieval activity without the bounds of the town and possibly associated with industrial practices. Where evidence for activity is present there may also be the potential for the survival of paleoenvironmental remains particularly where the water table survives at a relatively high level.

Taking the above into account and being mindful that there is known ground disturbance and made ground on the site, we are of the opinion that there is still some potential for significant archaeology to be encountered during groundworks associated with the scheme. As these are likely to have been disturbed or truncated by later development, and may perhaps exist as 'islands' between made ground or later disturbance, it is highly unlikely that any remains encountered would be considered to be of national significance and, as such, any mitigation which may be required could be addressed through a condition of any planning consent granted.

#### *Recommendations*

NPPF (2019) paragraph 199 states that '...they [Local Planning Authorities] should also require developers to record and advance understanding of significance of any heritage asset to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.' It is considered that in this instance proportional mitigation would best take the form of evaluation trial trenching (location and extent to be agreed with this office). This evaluation should aim to establish the presence of archaeological deposits, their significance, nature, form and date and the results will inform any future phases of archaeological mitigation which may include archaeological excavation or an archaeological watching brief on subsequent groundworks. Such recording should be undertaken by a suitably experienced organisation or historic environment specialist(s) working to the relevant Chartered Institute for Archaeologists standard and guidance and their Code of Conduct. The evaluation should be programmed at as early a stage as possible upon consent being granted to the scheme to

allow for further mitigation to be designed and implemented if required. We recommend the standard condition as prescribed below.

#### 4.5 Conservation Officer

The proposal this time is for residential development of three storey dwellings (with the second floor within the roof slopes and lit via dormer windows).

There are a number of heritage assets nearby including the Tamworth Conservation Area, Tamworth Castle (site includes multiple listings including two at Grade I with further grade II elements, also a SAM) and the Lady Bridge (grade II).

These two listed heritage assets in particular are relevant both because of their relative proximity to the site but also their inter-relationship. Castles are often built in positions both defensible (in this case on high ground partly defended by the river) but also as vantage points, not to be aware of advancing armies but also for general surveillance of comings and goings. A point above a river crossing would facilitate such an oversight of local traffic. Whilst the Lady Bridge today is a 19<sup>th</sup> century replacement it does follow the same alignment as a medieval predecessor and as such it does have that historic association with the castle which is still legible in views today.

In views from the castle the site has a backdrop of existing 3 storey development (including true three storey elements). In my view the development of the site in the way suggested would have no notable impact on the setting of these heritage assets, their inter-relationship or their contribution to the character and appearance of the conservation area, it would simply bring the nearest point of development slightly closer, and slightly lower, having little overall impact upon the contribution which setting makes to significance.

Much of the design is 'safe', relatively sympathetic to local character and unlikely to be controversial or objectionable but not particularly exciting either. The choice of materials is currently left vague in terms of precise detail and the only element I would express concern about is the proposed use of concrete plain tiles. All of the other materials, including timber for windows, could achieve a quality and traditional appearance, it seems to make little apparent sense as to why the roofscape, especially as elevated positions within the town will feature the roofscape more prominently.

I would suggest facing and roofing materials conditions, perhaps highlighting that the condition is notwithstanding the proposed roofing material. We should also condition boundary treatments, at present these are given only as 'various'.

Subject to those conditions I would be happy that the proposal would 'preserve' the special significance of nearby listed buildings insofar as their significance is derived from or informed by their settings, as is described as a 'desirable' objective within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and also the setting of the conservation area as a heritage asset.

#### 4.6 Environment Agency

We have no objections to the proposals subject to the inclusion of the following conditions:

- 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. This is 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.

#### 4.7 Severn Trent Water

Severn Trent Water advise that there is a public 300mm combined water sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact 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, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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.

4.8 Staffordshire County Council Ecology

The previous response (June 2021) raised concerns about the proximity of the houses in the north-west part of the site to the floodplain which is a wildlife corridor. The amended plans remove built development in this part of the site and provide screen planting. There is now satisfaction with the layout and consider that buildings are sufficiently far from the floodplain so as not to require the lighting condition previously suggested, although it would be welcomed if external lighting could comply with best practice for wildlife.

*Conclusions and recommendations*

If minded to approve, conditions are recommended:

1. Precautionary measures for avoidance of harm to wildlife set out in section 4.3b of the submitted Preliminary Ecological Appraisal (Dr S Bodnar, June 2019 (amended)) must be followed in full.
2. Tree protection in line with BS 5837, or as specified by the LPA arboricultural advisor.
3. Details to be submitted for approval of 6 (number) swift bricks or boxes to be installed on the north elevation of the buildings towards the floodplain (plots 9 and 10) in groups of 3.
4. Submission of landscaping plan that includes native species, adds screening to the north boundary with the floodplain

4.9 Tamworth Borough Council Waste Services

Unadopted roads/drives cannot be accessed by a collection vehicle if they are not constructed to an adoptable standard.

The inclusion of a bin collection point is noted. A suitable bin collection point (BCP) should give 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.

4.10 Tamworth Staffordshire Environmental Protection Officer

I have read this application and I am satisfied that the Ground Investigation report from Benchmark and the amended testing recommendations from Druk Ltd, are suitable criteria for this development. Environmental Protection has no further comments to add.

4.11 Staffordshire County Council Highways

Comments on Information Submitted; The applicant has submitted a revised External Works and Site Layout Plan 9263.101 Revision C which shows a reduction in the number of dwellings from 13no to 11no.

It is noted that there is still no bin collection point for Plots 1-4 however the tarmac adjacent to the entrance could be utilised for this.

*Recommendations:*

There are no objections on highway grounds to this proposal subject to conditions listed at the bottom of the report.

4.12 Staffordshire County Council Education

The planning application would result in an education contribution of **£46,124** (index linked) to be sought from the developer to mitigate the impact on education from the development and would be acceptable from an education perspective subject to a S106 agreement which meets this requirement.

The majority of Staffordshire schools include residence in the school's catchment area as a high priority within their admission arrangements. Even where this is not the case schools still give high priority to children who live in the local area. The location of a housing development in relation to schools in the local area is taken into consideration when assessing the mitigation required for education provision.

Based on the location of the proposed development we have considered the impact on school places at the following school(s)/planning areas:

Millfield Primary School  
Moorgate Primary Academy  
Landau Forte Academy, QEMS  
Tamworth North High School Planning Area

To understand the impact of this development on education infrastructure analysis has been undertaken using:

- Pupil Number on Roll;
- Net capacity/funding agreement of the schools;
- Pupil projections which include committed developments

In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 13 dwellings would require 4 primary school places and 2 secondary school places. These are based on a pupil product ratio (PPR) 0.045 per dwelling per year group for primary and a pupil product ratio (PPR) 0.03 per dwelling per year group for secondary. Using 7 year groups for Primary, 5 for secondary and 1 for Post 16 places. Where appropriate all 1 bedroom dwellings have been deducted from the dwellings numbers in line with our Staffordshire Education Infrastructure Contributions Policy.

There are projected to be an insufficient number of school places in the local area to mitigate the impact of this development at secondary phase of education. In respect of primary there are limited places at the catchment and the closest schools to the development but an education contribution will not be required for primary phase.

**The secondary school education contribution has been calculated as follows:**  
£23,062 (Cost multiplier) x 2 (number of places required for development) = £46,124

Please note that we reserve the right to amend the use and the amount of the requested education contributions should circumstances materially change from this analysis to the point that the use(s) of the education contributions are finalised within the S106 Agreement.

Based on an agreed set of standard triggers the size of this development will necessitate payment of the education contribution on or before commencement.

#### 4.13 Valuation Office Agency – 30<sup>th</sup> November 2022

The application with regards to full planning policy requirement comprising 20% Affordable Housing (2 no. Affordable units), Policy-Compliant Section 106 Contributions of £46,124 and a CIL Charge of £36,610 is not viable.

Through gradual reduction of policy contributions it is my considered and independent opinion that: A partially compliant scheme, reflecting zero Affordable Housing, a Section 106 Contribution in the maximum sum of £10,200 and a CIL Charge of £36,610 is considered viable.

#### **Additional Representations**

As part of the consultation process adjacent residents were notified and a press notice and site notices were erected.

Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at [www.tamworth.gov.uk](http://www.tamworth.gov.uk).

No representations have been made.



## 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.
- 5.2.1 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 it is considered that the Application process and this report is compliant with the Human Rights Act..

## 6 **Planning Considerations**

The key issues to be considered at this stage are:

- Principle of Development and Housing Policy
- Affordable Housing, Mix and Density
- Layout scale and design
- Heritage
- Amenity
- Flood Risk
- Highways
- Biodiversity/Ecology
- Planning obligations – Education contributions

### 6.1 Principle of Development and Housing Policy

6.1.1 The current Tamworth Local Plan 2006-2031 (LP) is the starting point in assessing the acceptability of planning applications in accordance with Planning Section 38 (6) of the Act. The proposed development is comprised of residential development and in this respect the most relevant policies in terms of determining the principle of developing the site as proposed are considered to be Policies SS1, HG1, HG4, HG5, HG6, EN4, EN5 and EN6.

6.1.2 The application seeks permission for the erection of 11 dwelling units where the site is allocated for residential development under Policy HG1 and therefore in principle the development of the site for housing is considered to be acceptable.

6.1.3 The most relevant local planning policies are:

- Policy SS1: The Spatial Strategy for Tamworth – this policy seeks to direct development to the most accessible and sustainable locations to meet housing and employment needs whilst safeguarding natural and built assets.
- Policy SS2: Presumption in Favour of Sustainable Development - this policy notes that any proposals that demonstrate that they are in accordance with the plan and are sustainable will be approved without delay.

6.1.4 The site is situated close to the town centre, is in a sustainable location for new development with convenient access to a range of community facilities and has been allocated for housing development by Policy HG1. It is therefore considered that these proposals are, in principle, an acceptable and sustainable form of development that relates to the development of an allocated housing site, providing new housing development within a sustainable location (as required by Policy SS1). Furthermore, the proposed development also makes use of a redundant brownfield site and as such is consistent with the advice in NPPF, which supports amongst other things the Government's aims to boost the supply of housing (paragraph 59) and expects applications to be determined in accordance with the Development Plan (paragraph 47).

## 6.2 Affordable Housing, Mix and Density

- 6.2.1 Affordable Housing Policy HG4: Affordable Housing - this policy notes that unless it can be shown to be unviable, new residential developments providing 10 or more dwellings should provide 20% of affordable dwellings on site. The provision of affordable dwellings is a requirement of Policy HG4 and the site should provide for 20% affordable units on site, the applicant has indicated that the contamination of the site makes provision of 2 dwellings unviable and have submitted a viability assessment.
- 6.2.2 A full viability assessment has been undertaken by Highgate Land and Development which in turn has been assessed by the District Valuers Office, concluding that the scheme would only be viable without additional affordable housing contributions.

### Mix

The table below provides the mix showing mainly 3 bedroomed units.

Unit Size	Policy Requirement (% of Total Dwellings on Site)	HG5	Application proposal	% of Total Dwellings on Site
1 bedroom	4%		0 units	0%
2 bedroom	42%		2 units	18%
3 bedroom	39%		8 units	73%
4 bedroom	15%		1 units	9%

- 6.2.3 The dwelling mix outlined above represents non-compliance with Policy HG5 as there are more three bedroom units proposed than desired in policy terms. Despite this, deviation from the requirements of Policy HG5 may be considered acceptable. The proposal provides does still however provide an appropriate number of smaller dwelling units in what is considered to be a sustainable location, where larger family size units would be inappropriate and therefore taken in the round, the proposal would conform to policy HG5

### Density

- 6.2.4 Policy HG6: Housing Density - this policy requires that new housing residential development within or in close proximity to centres to achieve a density of 40 dwellings per hectare. The amended 11 units on site provides a lower density of 34 dph, which does not satisfy the requirements of Policy HG6. However, being that the proposal is close to the town centre and the context for the site e.g. being small and adjacent to open spaces and a green gap with the town centre, makes the lower density acceptable in planning terms. and would satisfy the objectives of Policy HG1 & Policy HG6 of the Tamworth Local Plan 2006-31.

## 6.3 Layout scale and design

- 6.3.1 The site is both prominent and sensitive due to being close to wide open spaces and close to heritage assets and as such the design and scale of the development needs to be carefully considered. The design principles for new developments are set out in Policies EN5 and EN6, with the overall requirement that proposals are of a high quality and enhance their setting with particular regard had to scale, form, height, massing, detailing and impacts on heritage assets.
- 6.3.2 Policy EN5: Design of New Development - this policy seeks to ensure that new development is of a high quality design, and amongst other things it requires new development to:
- respect and where appropriate reflect existing local architectural and historic characteristics.
  - take into account the impact of the proposal on the significance of heritage assets.
  - be of a scale, layout, form and massing which conserves or enhances the setting of the development.

- utilise materials and overall detailed design which conserves or enhances the context of the development.
  - minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land.
  - incorporate landscaping appropriate to the site, using native species wherever possible.
- 6.3.3 The revised proposals indicate a more traditional form of development using brick and tiles with dormer features and parapet walls to the gable ends which will ensure a traditional design. The majority of the scheme being a traditional red brick, the roofscape will incorporate pitched roofs finished with grey plain tiles. The proposal will create a traditional design that is in keeping with the surrounding area and typically matches the traditional terraces on Bonehill Road, High Broom Court, Lady Meadow Close and Fazeley Road.
- 6.3.4 The prominent and sensitive location although outside the Town Centre Conservation Area provides the opportunity for a gateway design that is in keeping with the traditional vernacular of the area. The design does this by echoing the surrounding development with a conventional yet classic design. The site is visible from Lady Bridge and Lady Meadow (which contains a well used public footpath) to the north and Bonehill Road to the south. The site is allocated within Policy HG1 for residential development, which encourages 'small scale conservation development' for the site but this should not be seen as restricting the development of the site to a low scale heritage development especially as contemporary design is supported by Policy EN5 providing it remains sympathetic to the characteristics of an area.
- 6.3.5 The proposal satisfies the need to present an active frontage to Bonehill Road (to the south), and to the north, and east. The rear would be partly screened by the existing 1.4m high flood defence bund. The applicant has undertaken detailed analysis of the site and its surroundings from a number of viewpoints. Whilst the buildings would be visible from long distances the traditional approach to the design of the building would enable it to assimilate into the existing area which would result in a visually cohesive scheme when viewed from a distance.
- 6.3.6 The height of the dwellings to the ridge, is similar in height to the ridge line of the nearby modern 3 storey development on the corner of Bonehill Road and Fazeley road. In context the building would be of a similar scale to the traditional Victorian terrace opposite but would be separated by Bonehill Road itself and the existing trees to the front of the site and so would not be read in direct visual context and due to the mix of architectural style in the immediate vicinity it is considered that the proposal would sit comfortably in its context.
- 6.3.7 Overall the design of the scheme is considered to work successfully on the site. and will assimilate successfully with the adjacent approved scheme. It is however, considered necessary to condition the material and detailing of the building to ensure that a high quality development is delivered. It is also recommended that permitted development rights for extensions are removed in order that these can be controlled and do not impact on the overall design ethos of the dwellings.
- 6.3.8 Whilst the overall design and appearance of the proposed units has had regard to the objectives of Policy EN5, there is a considerable variety of architectural styles and housing types along Bonehill Road, primarily late 20th century housing. Given this lack of uniformity and lack of any locally distinct architectural or historic characteristics, the developers have adopted a traditional approach to the design and appearance of the proposed residential units to be finished in brick and tiles, the specific details of which can be agreed by a condition, to provide a distinctive new development that will contribute positively to the local sense of place. As a result, the proposal would accord with policy EN5 of the Tamworth Local Plan 2006-31.
- 6.3.9 The proposed scheme is considered to be a well designed addition to the varied townscape of Tamworth, which will echo the existing architectural expression of the area, creating a high quality and attractive development which allows for much needed residential development set in an attractive landscape setting complying with the requirements of the NPPF, and LP Policies HG1 and EN5.
- 6.4 Amenity

- 6.4.1 The Environmental Protection Officer has checked the submitted Ground Investigation report from Benchmark and the amended testing recommendations from Druk Ltd, considering them acceptable and are suitable criteria for this development.
- 6.4.2 With regards to the built form of development, the nearest residential properties off Bonehill Road to the south are located over the road and in excess of the measurements stipulated in the Tamworth Design SPD not cause a significant impact upon residential amenity.
- 6.4.3 As regards impact on neighbouring amenity the scheme meets with required standards as regards distances between windows and provision of amenity areas in compliance with the SPD Tamworth Design guidance and policy EN5 of the Tamworth Local Plan 2006-2031.
- 6.5 Heritage
- 6.5.1 Policy EN6: Protecting the Historic Environment - this policy requires that new development is supported by an assessment of its impact on heritage assets and their setting, but it also notes that the Council will support proposals that promote the use of vacant and underused historic buildings including necessary and minor changes.
- 6.5.2 In considering the potential impact of a development on designated heritage assets, the NPPF recognises that the significance of a designated heritage asset (such as a listed building or a conservation area) can be harmed or lost through the alteration or destruction of the asset, or by development within its setting, and any harm to or loss of significance requires a clear and convincing justification (paragraph. 200).
- 6.5.3 The application has been the subject of a detailed heritage assessment, which assesses the impact of the proposals on the Castle, St Editha's Church, Lady Bridge and the Town Centre Conservation Area in accordance with Historic England's guidance. The setting of this group of historic assets allows the layout of the Castle and its hinterland (including the town centre), to be appreciated in the context of the natural topography of the area with the Castle located on higher ground with the river flood plain below and it's importance is very much about how the town was defended. The fact that there are many detracting recent buildings in the area does not detract from the current experience of the Castle and town. It is considered that the proposals which are relatively small (due to the land levels), distant, and screened in part by existing trees would have a neutral impact on the setting of these assets, a conclusion which is supported by SCC.
- 6.5.4 Overall, due to the visual separation of the site from the higher level castle and conservation area it is considered that the site can be developed in a traditional classical style without any substantial harm coming to the setting of the Town Centre Conservation Area and specifically the scheduled Castle. Indeed with a suitably designed scheme it is likely that the setting of the area would be enhanced and thus complies with the requirements of the NPPF and Policy EN6 of the Tamworth Local Plan and the Council's duty under the Act.
- 6.5.5 Therefore, in weighing this application that directly affects designated heritage assets, a balanced judgement has been made regarding the scale of any harm or loss and the significance of the heritage asset. It is concluded that the harm is limited and the benefits of the re-use would outweigh any harm, in compliance with the NPPF and policy EN6 of the Tamworth Local Plan 2006-2031.
- 6.5.6 The Council's Conservation Officer advises that: The changes have proposed a more sympathetic design and palette of materials which will sit more comfortably within the surrounding streetscape. I would suggest conditions covering facing and roofing materials to ensure that what is selected is reasonable comfortable in its surrounding context but beyond that I would be of the view that these revisions would sit more comfortably alongside the listed buildings on the site and within the streetscene. As such I would not object to the proposals on the basis of the revised plans now submitted. the site is not near to the conservation area boundary and I am not of the view that there would be any impact on the setting of the conservation area as a heritage asset.
- 6.6 Flood Risk

- 6.6.1 Proximity to both the River Tame and its flood plain is a key issue. Whilst insufficient information was initially submitted, further details have been requested and submitted. It is expected that details can be accepted subject to a condition regarding final details as indicated below.

Flood Risk has been assessed and further information and flood modelling submitted to satisfy the Local Lead Flood Authority (LLFA) and the Environment Agency (EA) subject to a number of conditions as set out below. Both the EA and LLFA consider the scheme to be acceptable with suitable conditions.

## 6.7 Highways

- 6.7.1 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. Appendix C of the Local plan sets out local parking standards, and for 4-bed dwellings it recommends 3 spaces per dwelling and for. This proposal makes provision for some 23 car parking spaces within the site to accord with the Local Plan's parking standards.

- 6.7.2 The site is close to the town centre and is well served by public transport and it is therefore considered that the proposed development can provide an acceptable level of parking that will not result in off-site parking to the detriment of local highway safety. The Staffordshire County Council Highways department have no objections and therefore be built in accordance with Policy SU2 Sustainable Transport; Appendix C of the Tamworth local Plan 2006-2031 and the National Planning Policy Framework.

## 6.8 Ecology

- 6.8.1 Policy EN4 in the of the adopted Local Plan follows NPPF (paragraph 174 and 80) 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."

- 6.8.2 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. In this case the County Ecologist considers the scheme to be acceptable subject to conditions and therefore the proposals would comply with policy EN4 as indicated.

- 6.8.3 With regards to net gain, the proposals are located on a brownfield site where there is likely to be very limited suitable habitats for wildlife. The proposed areas of landscaping should open the site to potentially more wildlife than is currently present. The applicant in their submitted ecology report also points to 12 measures that will aid in providing net gain on the site.

- 6.8.3 As a result of this therefore the proposal is considered to accord with EN4 Protecting and Enhancing Biodiversity and the NPPF.

## 6.9 Planning Obligations

### 6.9.1 *Staffordshire CC Education*

The County Education Authority have identified that the development could result in the requirement for 4 primary school places and 2 secondary school places. Education contributions for providing secondary school infrastructure are currently sought through the CIL mechanism, however, S106 contributions are still being requested to deliver the necessary primary infrastructure. It is noted that Staffordshire County Council can now require education financial contributions for residential developments of less than 10 dwellings where their co-location with other sites requires examination of the cumulative impact. This is required where small residential schemes are tied to or located adjacent to major housing developments.

6.9.2 Tamworth Borough Council have also requested a CIL payment of £36,610 and affordable housing units to be provided as part of a Section 106 agreement with this education contribution.

6.9.2 Planning Practice Guidance Paragraph: 007 Reference ID: 10-007 states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. NPPF paragraph 58 reinforces that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

6.9.3 The applicant has made it clear that they are not able to afford the affordable housing units and the amount requested by the education authority as a result of mainly dealing with the contamination on site. To support this, a viability assessment has been submitted and reviewed by the valuation office as stated above. As a result of this and considering the guidance the council feels this is justified and agreed that the contribution of £10,200.00 towards education places and nil affordable units and on accounts this being an acceptable mechanism of reducing contributions, the proposal is considered policy compliant in this regard.

## 7 **Conclusion**

7.1 The application seeks permission for the erection of 11 dwellings on land that is allocated for residential development under Policy HG1 and therefore in principle the development of the site for housing is considered to be acceptable. The proposal provides for the provision of 11 two bedroom dwellings, which whilst not in accordance with the provisions of Policy HG5 of the Local Plan would provide an appropriate number of smaller dwelling units in what is considered to be a sustainable location, where larger family size units would be less appropriate in this location.

7.2 Whilst there is a requirement for affordable dwellings under Policy HG4 , the applicant has indicated that the contamination of the site makes provision of two affordable dwellings unviable. A viability assessment has been submitted, the results of which have been independently reviewed concluding that affordable housing cannot be delivered on the site and therefore the proposal complies with policy HG4.

7.2 The proposed buildings are considered to be well-designed additions to the varied townscape of Tamworth, which will complement the existing vernacular of the area, creating a high quality and attractive development which allows for much needed residential development set in an attractive landscape setting.

7.3 As the site is located in close proximity to the Town Centre Conservation Area, and it's associated buildings including Tamworth Castle, special regard needs to be had for the setting of this area. It is considered that the traditional design will ensure that the site has due regard to the castle and conservation area.. Furthermore, the well-designed scheme is considered to enhance the setting of this area and thus comply with the requirements of the NPPF and Policy EN6 of the Tamworth Local Plan and the Council's duty under the Act.

7.4 Proximity to both the River Tame and its flood plain is a key issue. Flood Risk has been assessed and further information and flood modelling submitted to satisfy the Local Lead Flood Authority

(LLFA) and the Environment Agency (EA) subject to a number of conditions as set out below would not increase flood risk.

- 7.5 In addition, the proposal is not considered to impact detrimentally on highway safety with access to public transport, cycle and walking routes and subject to conditions would comply with policy SU2 and NPPF.
- 7.6 Over all, the development is therefore considered to comply with the requirements of the NPPF, Policies HG1, HG4, HG5, EN5, EN6, SU1, SU2 and IM1 of the Tamworth Local Plan 2006-2031, and the relevant material considerations identified within this report.
- 7.7 Planning obligations are required for Education contributions of £10, 200 to be secured via a s.106 agreement.

CIL contributions would also be payable.

The site is situated in a sustainable location for new development with convenient access to a range of community facilities, and has been allocated for housing development by Policy HG1. It is therefore considered that these proposals are, in principle, an acceptable and sustainable form of development that relates to the development of an allocated housing site, providing new housing within a sustainable location (as required by Policy SS1). Furthermore, the proposed development also makes use of a redundant brownfield site and as such is consistent with the advice in NPPF; supporting amongst other things the Government's aims to boost the supply of housing (paragraph 59) and expects applications to be determined in accordance with the Development Plan (paragraph 47).

Heritage issues have been addressed and the scheme is considered to create no significant harm to heritage assets on the site and in the surrounding area. The design of the new buildings have been subject to amendments as suggested by the Conservation Officer and now considered to provide high quality design as required by policy EN5 of the Tamworth Local Plan 2006-31.

Highways and drainage matters have been addressed and are acceptable subject to final agreement of conditions, and other conditions relating to tree protection and ecology.

Therefore, the scheme complies with the policies above of Tamworth Local Plan 2006-2031 and National Planning Policy Framework.

## **8 Recommendation**

- |    |   |
|----|---|
| 1. | Approval subject to S.106 Agreement for reduced education contributions |
| 2. | Payment of CIL  |

### **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:
- Site Survey and Location Plan Ref 9263.100
  - External Works and Site Layout Plan Ref 9263.101
  - Proposed elevations Plots 1, 2 3 and 4 Ref 9263.102C
  - Proposed elevations Plots 5, 6 and 7 Ref 9263.103B
  - Proposed elevations Plots 8,9,10 and 11 Ref 9263.104C
  - Proposed Steet Scenes Ref 9263.105A
  - Elevations\_Sections as Proposed 2 of 3

- Elevations\_Sections as Proposed 3 of 3
- Proposed Plans\_ Elevations

unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the approval.

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 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.

4. The proposed car and cycle parking, accesses and circulation areas as shown on the approved plan Drawing Number 9263.101 REV C shall be sustainably drained, hard surfaced in a bound material and marked out prior to the first occupation of the building hereby permitted. Thereafter these parking and circulation areas shall be retained in accordance with the approved plans for the lifetime of the development.

Reason: In the interests of highway safety and in accordance with the objectives and policies contained within the NPPF and policy SU2: of the Tamworth Local Plan 2006-2031.

5. The development permitted by this planning permission shall only be carried out in accordance in accordance with the Staffordshire SuDS Handbook with the approved Flood Risk Assessment and Drainage Strategy (07.06.22, CO21/384/10, Rev E, SuDS Strategy Report, Former Co-op MOT Centre, 1 Bonehill Road, Tamworth/ JMS Engineers) and the following measures detailed within the FRA, which shall be provided in full prior to the occupation of the development and thereafter retained in full for the lifetime of the development :

- Limiting the surface water run-off generated by the 100yr + 40% climate change critical storm so that it will not exceed 3.5l/s and not increase the risk of flooding off-site.
- Provision of 34.3m<sup>3</sup> attenuation flood storage on the site to a 1 in 100yr + 40% climate change standard with 300mm freeboard.
- Finished floor levels are set to 60.4m AOD in line with Environment Agency recommendations.
- Provision of 4 levels of treatment for surface water including permeable paving, attenuation pond, smart gully adaptors providing water treatment and an oil interceptor.
- The management and maintenance of the private drainage network and SuDS features (including the replacement of any drainage infrastructure) will be under the responsibility of a management company.
- The attenuation pond and permeable paving features will be lined.
- No loading on the proposed combined pipe diversion through the site.

Reason: To reduce the impact of flooding and to protect water quality on the proposed development and future occupants. To ensure lifetime maintenance of the system to prevent flooding issues and in accordance with SU4 Flood Risk and Water Management of the Tamworth Local Plan 2006-31.

6. The development hereby permitted shall not be commenced until such time that the following additional details have been incorporated in the scheme approved under Condition 5 has been submitted to, and approved in writing by, the local planning authority.
  - Provision of a finalised management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. Details of the maintenance arrangements should be provided, to include a schedule of activities with frequencies, together with the name and contact details of the party or parties responsible for ongoing maintenance.
  - Provision of the name and contact details of the party or parties responsible for the construction phase maintenance strategy.
  - Provision of drawings showing the location, dimensions, and levels of emergency overflows for piped and storage features.



The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure the long term management and maintenance of the SuDS infrastructure and in accordance with SU4 Flood Risk and Water Management of the Tamworth Local Plan 2006-31.

7. 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 drainage works shall be provided in full 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.

8. 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 part (A) of this condition.

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 part (A) above of this condition and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

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

Reason: To ensure the site does not harm archaeological remains in accordance with EN6 of the Tamworth Local Plan 2006-31 and paragraph 200 of the NPPF.

9. Precautionary measures for avoidance of harm to wildlife set out in section 4.3b of the submitted Preliminary Ecological Appraisal (Dr S Bodnar, June 2019 (amended)) must be followed in full which include:

- Tree protection in line with BS 5837, or as specified by the LPA arboricultural advisor.
- Details to be submitted for approval of 6 (number) swift bricks or boxes to be installed on the north elevation of the buildings towards the floodplain (plots 9 and 10) in groups of 3.
- Submission of landscaping plan that includes native species, adds screening to the north boundary with the floodplain. This landscaping plan should also include details of proposed boundary treatments used in the development.

Reason: To protect ecological interests that may exist on the site in accordance with EN4 Protecting and Enhancing Biodiversity and the NPPF.

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 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 policy EN4: Protecting and Enhancing Biodiversity of the Tamworth Local Plan 2006-2031.

11. 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.

12. No development falling within Part 1 Class A to E of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) shall be carried out without Planning Permission on application first being granted by the Council

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.

13. The integral garages must be used for the parking of motor vehicles and cycles incidental to the residential use of each dwelling and for no other purpose and to retain them for this purpose for the lifetime of the development.

Reason: To comply with Policy SU2 of the Tamworth Borough Council Local Plan 2006 -2031 and the NPPF.

#### **Notes to applicant**

The following link provides an overview of the permissions and licences required for undertaking work on or adjacent to the adopted highway:

<https://www.staffordshire.gov.uk/Highways/licences/Overview.aspx>.

Staffordshire County Council as Highway Authority would not formally adopt the proposed development, however, the development will require approval under Section 7 of the Staffordshire Act 1983. This Form X does not constitute a detailed design check. The applicant is requested to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

It will, therefore, be necessary for maintenance/management arrangements for the access road and internal layout to be submitted to the Highway Authority with a view to securing an exemption under Section 219 of the Highways Act 1980. Although the road layout will not be to adoptable standard, the roadways within the site will still need to be constructed to be 'fit for purpose'.