

## **PLANNING COMMITTEE**

**5<sup>th</sup> June 2024**

## **APPLICATION FOR CONSIDERATION**

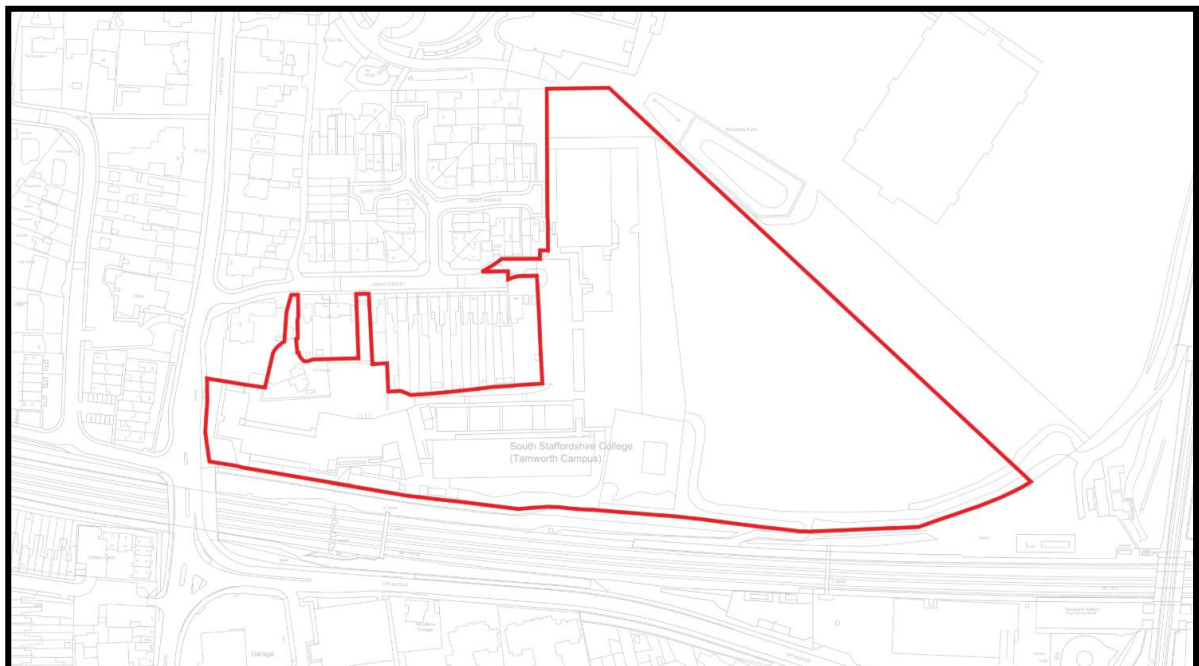
**REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION**

<b>Application Reference</b>	0367/2023
<b>Proposal</b>	Demolition of all existing buildings
<b>Site Address</b>	Tamworth and Lichfield College Croft Street Tamworth Staffordshire B79 8AE
<b>Case Officer</b>	Glen Baker-Adams
<b>Recommendation</b>	<ol style="list-style-type: none"><li>1. Agree the reasons for approval set out in this report; and</li><li>2. Resolve to grant planning permission subject to conditions listed in Section 8 of this report.</li></ol>

## 1. Introduction

- 1.1 This application is for demolition of all the existing buildings associated with South Staffordshire College off Croft Street, Tamworth.
- 1.2 There are a total of six buildings that will be demolished. An area at the rear of the site will be provided for waste material where it is intended to remove or keep on site material that could be used for building in the future.
- 1.3 As the college site is being developed in Tamworth Town centre, there is no longer a requirement for this site off Croft Street. Planning permission being obtained for the demolition only will provide the criteria for the procurement of a future contractor based on the planning approval.
- 1.4 The extent of demolition and the area for this waste material has been shown on plan reference B049849-TTE-00-XX-DR-C-003-P01.
- 1.5 The works are associated with the development of the site is subject to a separate application reference 0363/2023 which will be determined at a later date.

### Location Plan



## 2. **Policies**

### 2.1 **Local Plan Policies**

- SS2 Presumption in Favour of Sustainable Development
- EN4 Protecting and Enhancing Biodiversity
- EN5 Design and New Development
- SU2 Delivering Sustainable Transport
- SU3 Climate Change Mitigation

### 2.2 National Planning Policy

- [National Planning Policy Framework 2023](#)
- [National Planning Practice Guidance 2014-](#)

## 3. **Relevant Site History**

Reference	Description	Decision	Date
0363/2023	Outline application (access sought) - Construction of Up to 123 new homes (including 20% affordable), an 80-bed care home, access, public open space, landscaping, attenuation basin and associated infrastructure	Pending Consideration	TBC – estimated July 2024

Over its history, various extensions and alterations have been determined. The planning database contains the full details of these.

## 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.

### **Tamworth Borough Council Consultees**

- 3.2.1 Environmental Protection – no objections

### **Staffordshire County Council Consultees**

- 3.3.1 Highways – no objections subject to conditions
- 3.3.2 Archaeology – no objections subject to the applicant being made clear that should the demolition of buildings commence prior to the archaeological evaluation under 0363/2023, the site should be left clear of debris/ stockpiled material to enable the trenching to be completed.

### **Statutory Consultees**

- 3.4.1 Network Rail – No objections subject to following details of Asset Protection standards and guidance on operating procedures close to railway infrastructure.

#### **4. Additional Representations**

- 4.1 As part of the consultation process adjacent occupiers of residential properties were notified. A press notice was published and two site notices were erected near the site on Croft Street and Croft Avenue. Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at <http://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>.
- 4.2 Three letters of objection were received with planning related objections on the grounds of traffic concerns and capacity issues over local facilities. No concerns were raised in relation to the demolition only which is the subject of this application.

#### **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
- Amenity
- Ecology

##### **6.1 Principle**

- 6.1.1 The Tamworth Borough Council Local Plan 2006-2031 (the local plan) was adopted in February 2016. As well as the local plan the National Planning Policy Framework (NPPF) and the accompanying Planning Practice Guidance (PPG) sets out the Government's planning policies for England and how these should be applied. The starting point in determining the acceptability of development proposals 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. The local plan strategy continues to maximise development on brownfield sites and therefore facilitating this through the demolition of existing buildings with this application will fulfil this aim.
- 6.1.2 Homes England are securing planning consent for the demolition of South Staffordshire College's, Croft Street campus separately the residential development of the site. This will provide the criteria for the procurement of a future contractor based on the planning approval. It is intended to progress the demolition upon the College's relocation to Tamworth Town Centre.
- 6.1.3 The demolition of the existing buildings aims to facilitate the further development of the college site which is part of a separate application.
- 6.1.4 The new college is being built in the town centre as part of the council's Future High Street scheme.

6.1.5 Without prejudice to the final decision, the demolition of a site of buildings which are surplus to requirements on a brownfield site would be acceptable in principle, paving the way for a suitable development in this location.

6.1.6 The proposed development is therefore considered to be in compliance with key policies of the Tamworth Borough Council Local Plan 2006-2031 and in principle an acceptable form of development for the location subject to meeting other 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 of 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.

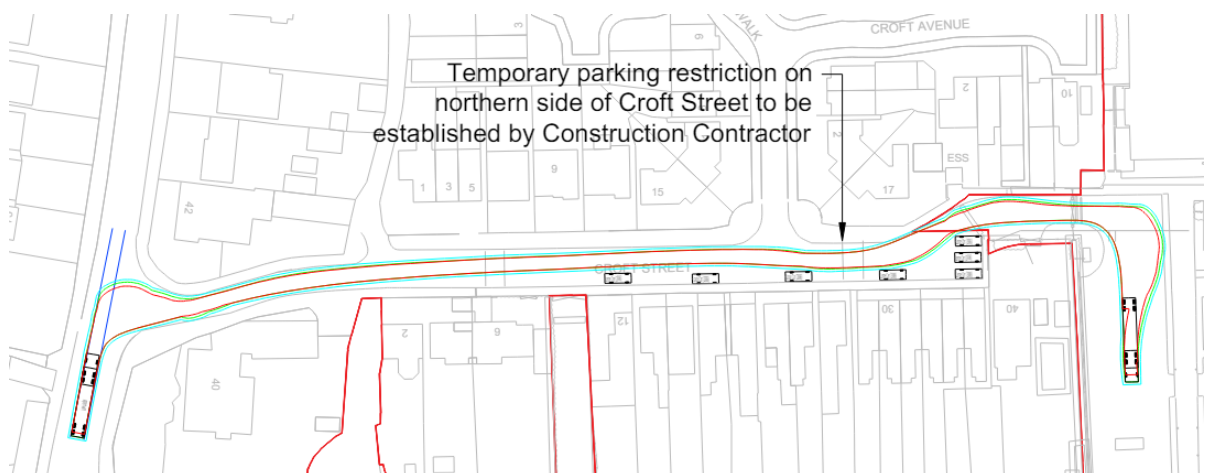
6.2.3 The site would be cleared in readiness of future development. Naturally, the clearance of buildings would change the nature of the site but not to a degree that would harm the area. Material would be suitably stored in one single centralised location away from residential properties and the public realm.

6.2.4 The character and appearance of the proposed development would not affect the streetscene and is considered to be in compliance with Policy EN5 Design of New Development of the Tamworth Borough Council Local Plan 2006-2031.

## 6.3 Highway Safety

6.3.1 Local plan policy EN5 (h) 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 To support the highway considerations, a demolition works document and plan has been produced showing the movements of vehicles that are likely to be needed for this work.



Additional information has also been included which confirms:

- 40 x 8-wheeler wagon movements to remove scrap metal, timber and non-recyclable materials.
- This is on the basis that the car park tar macadam is left in situ and will not need to be removed from site and that all other materials e.g. concrete and brick is crushed and retained on site.

Further information shall be provided if these are required to be removed – providing numbers and type of vehicles.

This information has been observed as satisfactory by the Staffordshire County Council highways team with enough room located to accommodate these movements.

As a result it is considered the application will be in accordance with Policy SU2 Sustainable Transport; Appendix C of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework.

## **6.4 Amenity**

6.4.1 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. NPPF paragraph 130 f) also states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

6.4.2 The application seeks demolition of the existing buildings so as a result there would be no new development, therefore no significant amenity impacts. Naturally, the works to facilitate this work, it may cause some disturbance and therefore ensure that the works however are conducted in a controlled manner and not create issues to those living and working locally, a construction method statement will need to be submitted outlining measures including hours of operation and reducing dust which may be created in the cause of this demolition. This has been conditioned.

6.4.3 The application was also considered by our Environmental protection team who observed there were no significant concerns with the works.

6.4.4 As a result the proposal is therefore considered to be in accordance with Policy EN5 Design of New Development of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework.

## **6.5 Ecology**

6.5.1 Policy EN4 – Protecting and Enhancing Biodiversity states development will be required to demonstrate appropriate mitigation to ensure no negative impact. In addition, development will be supported that preserves designated biodiversity, 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.

6.5.2 The application has been supported by both a Preliminary Ecological Appraisal (Tetra Tech, May 2023) and Biodiversity Net Gain Assessment (WSP, December 2023). These documents have been subject to scrutiny by the ecology team at Staffordshire County Council who have confirmed that on site there are potential presence of great crested newts, bats and hedgehogs. As a result of this and the need to provide measures to protect these assets a number of further reporting is needed which will be a requirement of the accompanying outline application. Relevant to this application, demolition could cause issues for bats and a relevant condition has been included at section 8.

6.5.3 As a result the proposal is therefore considered to be in accordance with Policy EN4 Protecting and Enhancing Biodiversity of the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework.

## **7 Conclusion**

- 7.1 The proposal is for the demolition of all the buildings associated with the current South Staffordshire College site off Croft Street. As a result of a new college being built in the town centre, the current campus buildings will be no longer required.
- 7.2 The demolition application is required to provide the criteria for the procurement of a future contractor based on the planning approval.
- 7.3 Suitable documentation has been provided to demonstrate that there would be no significant highway issues, amenity concerns and with accurate conditions; ecological interests will be suitably monitored with mitigation measures provided.
- 7.3 In each of the policy areas considered, the proposal has, with conditions where necessary, met or exceeded the policy requirements established by the Tamworth Borough Council Local Plan 2006-2031 and the interests of consultees. It is recommended therefore that the proposal is approved subject to conditions.

## **8 Recommendation**

Approval subject to the following conditions:

1. The development shall be commenced within five 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:

- Demolition Method Statement 784-B049849-REV4
- Site Location 784-B049849-001
- Constraints and Requirements 784-B049849-002
- Post Demolition Plan 784-B049849-003
- Archaeological and Heritage Desk-Based Assessment 784-B031799
- Geophysical Survey 40573
- Remediation Strategy 784-B031799
- Drainage Plan General Arrangement GA-B031799-TTE-XX-XX-DR-C-2510-P02
- Drainage Plan General Arrangement GA-B031799-TTE-XX-XX-DR-C-2511-P02
- Drainage Plan General Arrangement GA-B031799-TTE-XX-XX-DR-C-2512-P02
- Drainage Plan General Arrangement GA-B031799-TTE-XX-XX-DR-C-2513-P02
- Drainage Plan General Arrangement GA-B031799-TTE-XX-XX-DR-C-2514-P02
- Drainage Strategy B031799-TTE-XX-XX-RP-C-00510P02
- Flood Risk Assessment 784-B31799
- Asbestos Removal and Demolition Works document 784-B049849 Revision C04.

Reason: To define the permission.

3. Prior to the commencement of development a plan detailing if additional material is to be removed from site before any works at that stage is carried out. The development hereby permitted shall be conducted in accordance with the submitted details unless approved in writing by the local planning authority.

Reason: To ensure that there is suitable highway considerations given for these extra movements having regard to policy SU2 of the Tamworth Local Plan 2006-31.

4. Notwithstanding the details contained within the approved documents, prior to commencement of development, a Bat Emergence Survey shall be submitted to the local authority that includes;
  - a) Categorisation of bat roosts present on the site (including bat species, population numbers and entry and exit points); and
  - b) To be conducted outside of daylight hours at dusk and dawn.

Subject to the findings of the Bat Emergence Survey, a Bat Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

### **Notes to applicant**

#### *Network Rail*

The applicant is drawn to the Network Rail's Asset Protection document

#### *Further Information*

##### *Measurements to railway tracks and railway boundary*

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones, vegetation) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

##### *Obligations*

Properties adjoining or in the vicinity of the railway are frequently the subject of obligations, rights, exceptions and reservations for the benefit of Network Rail's land and railway. The applicant must review the title to their property to see whether any such obligations etc exist and ensure that there is no non-compliance or breaches of them or any interference with or obstruction of Network Rail's rights and reservations. If the proposed development would not comply with or would breach any of the terms of the conveyance, the developer must revise his proposals.

##### *RAMS*

The developer is to submit directly to Network Rail asset protection, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.

##### *Fail Safe Use of Crane and Plant*

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of



overhead electrical equipment or supports. With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by Network Rail prior to implementation.

Please see links to guidance for tower crane and mobile cranes adjacent to the railway to be flagged up to the developer/applicant.

<https://www.cpa.uk.net/downloads/80/CPA-CIG-Mobile-Cranes-Alongside-Railways-181201.pdf>

<https://www.cpa.uk.net/safety-and-technical-publications/tower-crane-guidance>

### *Encroachment*

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.

All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.

Buildings, windows and structures must not over-sail Network Rail air-space/boundary.

Any future maintenance must be conducted solely within the applicant's land ownership.

Rainwater goods must not discharge towards or over the railway boundary

Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.

Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

### *Access to Railway*

All roads, paths or ways providing access to any part of the railway undertaker's land both temporary and permanent, must remain open and unblocked (24/7, 365 Å– around the clock) both during construction works and as a permanent arrangement.

The proposal must not encroach onto any Network Rail access road, paths or ways of access to any part of Network Rail land. This also includes emergency vehicles ability to access and exit Network Rail land.

The proposal construction works must not prevent Network Rail from accessing its land.

### *Demolition*

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building(s), due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Review of the method statement will be undertaken by the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence. Network Rail would like to add that the applicant is strongly recommended to employ companies to demolish buildings / structures belonging to the National Federation of Demolition Contractors. This will ensure that all demolition works are carried out to professional standards and the company itself will also include liability insurance as part of its service.

### *BAPA (Basic Asset Protection Agreement)*

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by

Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

All new enquiries will need to be submitted via the Asset Protection and Optimisation - Customer Portal

Link to ASPRO ACE Portal ASPRO Network Rail Implementation ([oraclecloud.com](https://oraclecloud.com))

From there, the client can create an account and submit their enquiry. Enquiry will then be assigned to one of the Asset Protection team to progress. The assigned team member will then be in a position to review and comment on any submissions from the outside party.

No works are to commence until with agreed Network Rail. Early engagement with Network Rail is strongly recommended.