

PLANNING COMMITTEE

6th AUGUST 2024

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

Application Reference 0163/2023

Proposal Outline Application with full details of access (with matters reserved for landscape, scale, layout and appearance) for development comprising up to 23,000 sqm(GEA) of flexible use classes E (g) (ii) E (g) (iii) B2 and/or B8 with associated car parking and works

Site Address Land at Tamworth Road Dosthill B77 1QL

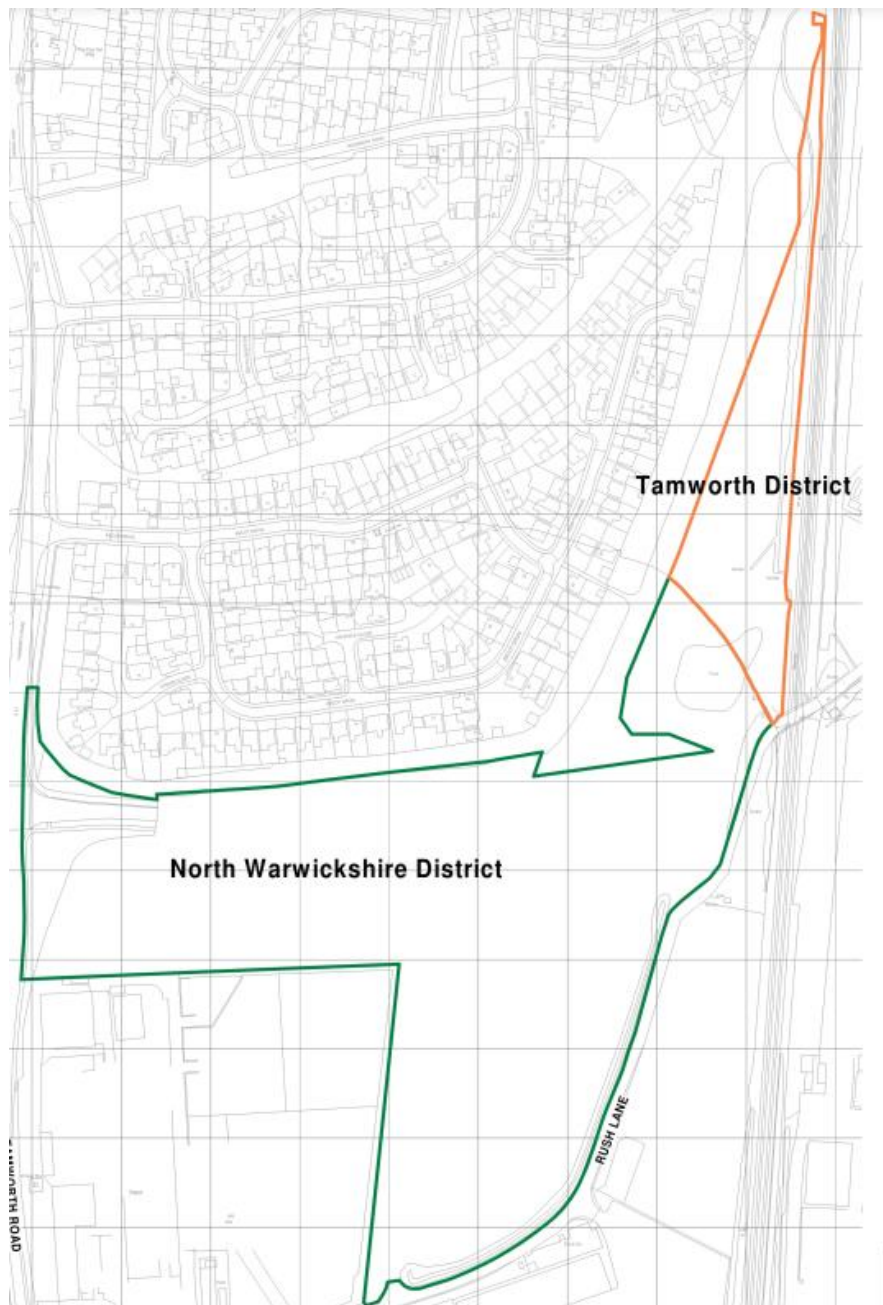
Case Officer Glen Baker-Adams

Recommendation Planning Committee

1. Grant planning permission

1. Introduction

- 1.1 This application is for up to 23,000 sqm(GEA) of flexible use classes E (g) (ii) E (g) (iii) B2 and/or B8 with associated car parking and works, with most of the site within the administrative boundary of North Warwickshire District Council. The below image shows the extent to which the site is within the boundary of Tamworth Borough Council.



The area of development within the Tamworth Borough Boundary is part of a site of county biological importance.

- 1.2 The application is reported to committee as this relates to a major development and adjoins another local authority area for industrial and business units and areas for ecology. Despite being within mainly the boundaries of North Warwickshire District Council, the development if approved by them could have significant impact for Tamworth.
- 1.3 Legal advice has been obtained on how to deal with cross-boundary applications such as this. The Planning Practice Guidance ¹stating that two identical applications should be made to each LPA which has taken place here. The government's suggestion is then to use Section 101(1) of the LGA 1972 for the "lead" council to delegate the decision making to the second council. Each councils then needs to co-operate on the agreement to ensure there are identical planning conditions and that the recommendation is the same.
- 1.4 This has been done through regular contact with the head of development control team leader and there position has remained to **approve** the application. For Tamworth Borough Council, our decision should only relate to the land in their jurisdiction which has been done here.
- 1.5 A different application was refused in December 2023 for Browns Lane (0241/2018) where this scenario presented itself in that we made a decision the same as what Lichfield District Council did based on the elements within our administrative boundary.
- 1.6 By way of summary of the consideration of North Warwickshire District Council, land the subject of this application has the benefit of an extant lawful industrial use. As a result therefore, the principle of such development on the site is acceptable to the council. Ther other material considerations have confirmed that the proposal meets the requirements of their local plan policy and NPPF.
- 1.7 By virtue of it only being an area of undeveloped land allocated for ecology safeguarding purposes that falls into Tamworth's administrative boundary, this report focuses on the principle of the development, ecology and design. In addressing these issues this report seeks to assess the application in its entirety whilst also advising Members clearly regarding those parts of the application site and proposal over which they have jurisdiction. Advice is also provided on which planning policies apply and are therefore to be considered by Members in determining that part of the scheme in their local authority administrative area. Other issues will be lead on and assessed by North Warwickshire District Council. Unfortunately, there will be not enough time to provide a hard copy of their committee report before the meeting but a verbal update will be given.

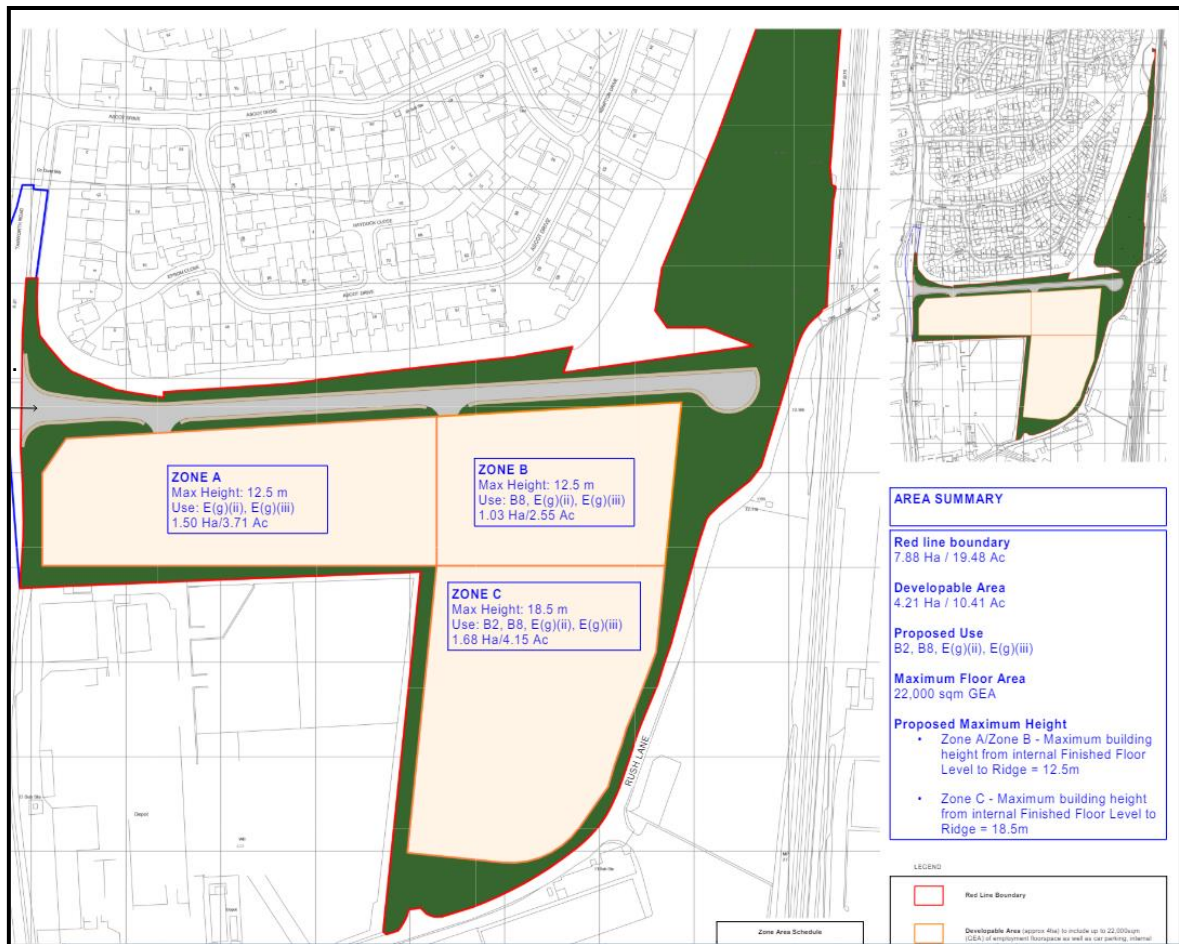
2. SITE AND DEVLEOPMENT PROPOSALS

- 2.1 The entire site is approximately 7.88 hectares in total. The site adjoins a large Hünnebeck site and Tamworth Road itself to the south west, existing residential development on Ascot Drive to the north to the north. The railway line runs north to the south at the eastern edge. The site itself is a former landfill and mineral extraction site. Since the end of this activities in the 1990s the site has become scrubland, vegetation and trees. Some of the denser trees are located within the Tamworth administrative area.

APPLICATION PROPOSAL

- 2.2 The application is for development of the site for various buildings to facilitate mainly industrial and storage use. This also extends to office use for either the research and development of products or processes, or any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

¹ <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#land-falling-within-two-or-more>



- 2.3 The planning application is submitted in outline with all matters reserved for subsequent approval other than the means of access to the Site, which are submitted in detail. Matters of appearance, layout, scale, and the detailed landscaping of the Site are to be the subject of subsequent reserved matters submission.
- 2.4 An indicative layout has been provided along with a design and access statement, Air Quality Assessment, Arboricultural Report, Archaeological Report, BREEAM Assessment, Energy and Sustainability Statement, Preliminary Geo Environ & Coal Mining Assessment, Statement of Community Involvement, Noise Assessment, Flood Risk Assessment, Transport Report, Travel Plan, Utility report, External Lighting Statement and Landscaping proposals.

Location Plan



2. Policies

2.1 Local Plan Policies

- SS1 The Spatial Strategy for Tamworth
- EN4 Protecting and Enhancing Biodiversity
- EN5 Design and New Development
- IM1 Infrastructure and Developer Contributions

2.2 Supplementary Planning Documents

Design SPD

2.3 National Planning Policy

National Planning Policy Framework 2021
National Planning Practice Guidance 2014-

3. Relevant Site History

None in Tamworth however North Warwickshire planning reference OAP/1994/0232 and reserved matters application PAP/2008/0088 are approvals that mean the principle of development is acceptable.

4. Consultation Responses

- 4.1 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

- 4.1.1 *Tamworth Borough Council Environmental Protection*
No objections

Staffordshire County Council Consultees

- 4.1.4 *Staffordshire County Council Highways*
No objections
- 4.1.5 *Staffordshire County Council Archaeology*
No objections
- 4.1.6 *Staffordshire County Council Landscape Officer*
Recommendations on further landscaping for future reserved matters applications

Others

- 4.1.9 *Warwickshire County Council Highways*
No objection subject to conditions
- 4.1.10 *National Rail*
No objection subject to conditions
- 4.1.11 *Environment Agency*
No objection subject to conditions
- 4.1.11 *Staffordshire Fire and Rescue*
Recommendation to include Automatic Suppression Systems
- 4.1.12 *Coal Authority*
Substantive Concern as no Coal Mining Risk Assessment provided.

5. Additional Representations

- 5.1 As part of the consultation process adjacent residents were notified. 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>.
- 5.2 At the time of writing, six letters of objection have been received from six different households.
- 5.3 The planning related objections received concern:
- Noise impacts of the units and construction
 - Excess traffic that will occur on high street and nearby roads
 - Pollution concerns that could impact wildlife
 - Provision of suitable ecology measures including swift nest bricks
- 5.4 Non planning issues provided include:
- The application would de-value property value

- The development could become an area for ASB due to location away from police station

6. Equality and Human Rights Implications

- 6.1 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.
- 6.2 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.

7. Planning Considerations

The key issues to be considered at this stage are

- Principle
- Design/Character and Appearance
- Ecology

Again, it is important to note that these considerations are those within the specific area of Tamworth Borough Council. All other considerations are the responsibility of North Warwickshire Borough Council.

7.1 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 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.
- 7.1.2 The development proposed within the boundary of Tamworth is an area of undeveloped land for the purposes of ecology. Management plans will come forward by later conditions to show how this area will be looked after to ensure that ecology is maintained.
- 7.1.3 The larger development it connects to is fully supported by North Warwickshire Borough Council and therefore it is considered unreasonable to refuse the access to this without sound planning basis. As a result, in principle the application is accepted.

7.2 Character and Appearance

- 7.2.1 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.
- 7.2.2 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.
- 7.2.3 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.
- 7.2.4 The site within the administrative boundary of Tamworth is shown in the adjacent image. The only works proposed on this part of the site will be enhancements to the existing landscaping features to improve the biodiversity and visual aesthetics.
- 7.2.5 As a result of this, the character of this area will remain natural and mostly undeveloped and therefore would harm the visual amenity of the local area. It would remain sympathetic and therefore comply with policy EN5 of the Tamworth Local Plan and NPPF.



7.3 Ecology

- 7.3.1 Policy EN4 of the Tamworth Local Plan 2006-31 states that development will be supported that preserves designated biodiversity and geodiversity sites and 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. NPPF paragraph 180 states planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 7.3.2 The proposed documents on the relevant ecology considerations has been independent reviewed by the Staffordshire ecologist. Additional information was requested as a result and provided but unfortunately no revised commentary has been made on this to date.
- 7.3.3 Notwithstanding this, the application site within Tamworth Borough Council's administrative boundary is predominately within the Site of County Biological Importance. This land falls outside of the "developable area" on the Parameters Plans and will not be subject of any built development. to be left undeveloped for the purposes of ecology.
- 7.3.4 A lot of the consideration of this application is based on an extant planning permission. That has been the position taken above when considering the principle of the proposal; the highway, landscape, visual impacts and matters to do with residential amenity. The same applies to biodiversity issues and there is an agreement for an appropriately worded condition as the land outside of the development areas and where there is the most significant bio-diversity interest is still land that is under his control. Furthermore, a Landscape Ecology Management Plan to cover the ongoing maintenance and enhancement of this land.

7.3.5 As a result of this, the development will conform to policy EN4 of the Tamworth Local Plan and the NPPF.

8 Conclusion

8.1 This application is one which crosses boundaries with our neighbouring authority in North Warwickshire District Council. They have the determining powers for quite a comprehensive industrial lead development with offices.

8.2 The part of the site within the administrative boundary of Tamworth Borough is contained to a parcel of land that would remain mainly undeveloped with no building works proposed. It would serve to improve the biodiversity in the local area .

8.3 Ecological comments have confirmed that there are a number of additional reporting duties for the *entire* site which will come forward as part of later submissions in which Tamworth Borough Council will work with North Warwickshire on.

8.4 As a result of thorough consultation with the relevant departments, the application is deemed to be acceptable in terms of technical design. Contribution requests have been requested and accepted.

8.5 As to not stifle the ambitious growth plans of the neighbouring authority and the acceptable form of development that exists within the administrative boundary of Tamworth Borough Council, the application is recommended for approval subject to conditions.

9 Recommendation

9.1 Approval subject to conditions

10 Conditions

1. No development shall commence on site until details of the appearance, including materials, landscaping, layout and scale (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to accord with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The development hereby approved shall commence prior to the expiration of two years from the date of approval of the last of the reserved matters to be approved. Applications for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

- The Site Location Plan - 23008/SGP/ZZ/ZZ/DR/A/131000 P2 received on 2/5/23.
- The Parameters Plan - 23008/SGP/ZZ/ZZ/DR/A/001001 P7 received on 15/5/24.
- The Green Infrastructure Plan - P23/0345/EN/0007/C/GI/1 received on 15/5/24.
- Existing Site Access - 70102401/SK/002 Rev A received on 20/2/14.
- Existing site access swept path analysis 16.5m artic 701102401/ATR/001Rev B received on 20/2/24.
- The Framework Travel Plan prepared by WSP received on 3/8/23 referenced 70102401/001.

REASON: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

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