

PLANNING COMMITTEE

3rd SEPTEMBER 2024

APPEAL UPDATE

0261/2022

**Police Station Spinning School Lane Tamworth
B79 7BB**

**Proposed conversion of and extensions to
existing 5-storey former Police Station building
(including demolition of single storey elements
/outbuildings) to form 54 residential units**

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

1. Introduction

- 1.1 This report is to provide an update to members of the appeal against refusal of planning permission reference 0261/2022.
- 1.2 This application relates to the conversion of the former police station on Spinning School Lane into 54 apartments. Various extensions and alterations were also proposed to the building along with associated landscaping and car parking areas.
- 1.3 The application was reported to planning committee on December 5th 2023 with an officer recommendation to approve, subject to conditions, the committee report can be found at Appendix A.
- 1.4 Members at this planning committee however refused the application against this recommendation on the following grounds:
 - Shortfall in parking spaces
 - Shortfall in internal space standards of some of the apartments
 - Shortfall of open space and outside areas
 - Compliance of housing mix not meeting standards

2. Appeal Details

- 2.1 As a result of this decision, the applicant appealed the decision and a hearing was held on 11th June 2024 with the Planning Inspectorate.
- 2.2 To support this decision an appeal statement was produced based on the reasons for refusal with information provided at committee and our information as evidence. Members were asked for assistance with this and one planning committee member came forward with some first hand concern over how having a lack of parking spaces could create issues. There was also an opinion that by decreasing the number of flats this would help in alleviating the concerns raised above. This appeal statement can be found at Appendix B.
- 2.3 The hearing went well with good discussions between Tamworth Borough Council and the Appellant and their experts about the various reasons for refusal and how each of the issues raised would have an implication on providing a scheme that members were not satisfied with. There was discussion on the Section 106 and a site visit was undertaken.
- 2.4 The appellant also confirmed that they would be asking for costs as they considered the council acted unreasonably in refusing the application.

3. Appeal Decision

- 3.1 Both the appeal and costs decision were issued on 31st July 2024. This is less than the average amount of weeks the Planning Inspectorate are currently taking with decisions overall.
- 3.2 Both the appeal and cost award were allowed and therefore the application was approved and the council ordered to pay for the appellant's costs. The appeal decision can be seen at Appendix C and the costs decision Appendix D.
- 3.3. This report provides some the critical information that officers feel members should be aware of in light of this decision.

4. Reason 1 – Parking Spaces

- 4.1 The Inspector noted that there was no objection from the Staffordshire County Council highways department, should members feel that a reason go against this then this needs to be set out clearly.
- 4.2 The Inspector found that through his observations in the late evening and at various times during the day, there were a number of parking spaces available.

4.3 It was not enough for us to say that plans to regenerate the car parks in the future would prevent car parks to be used for the development proposed.

4.4 Better evidence is therefore required should this argument be levelled in future.

5. Reason 2 – Living Conditions

5.1 Both the reasons for refusal on having too many small flats and amenity space were captured in this section of the appeal decision.

5.2 In regard to space standards within the units, this has direct consequences for how officers view the Technical Space Standards¹. According to the inspector, we should only rely on them when they are referenced in the local plan and as we have no reference then we should have not done so for the purposes this decision.

5.3 Notwithstanding this, the inspector viewed the deficiency of 0.3m as ‘small’ and therefore this an interesting point of reference when such queries happen again.

5.4 In terms of open space, the walking distance to a number of open space areas was held to be acceptable to compensate for not all the amenity space required by policy be met by this application.

6. Reason 3 – Housing Mix

6.1 There was an estate agent at the hearing who re-confirmed the position that was given to support the original application that there is no need for three bedroom apartments in Tamworth for this development.

6.2 This was considered to be appropriate evidence and with no significant evidence to the contrary given by members and officers asking for more formal accounts, the Inspector agreed that the proposed mix of 91% two bedrooms apartments was acceptable on this original evidence.

7. Costs Decision

7.1 The decision to allow full costs was allowed. This full amount is never given by the Inspector but for the council and the appellant to negotiate on. It is likely to be around £11-£15k.

7.2 Cost decisions are based on whether the council acted unreasonably in refusing the application and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The full decision can be seen at Appendix D but the following breaks down some of the points.

7.3 The Inspector states that the Planning Committee is not bound to accept the recommendation of its officers, provided they produce evidence to substantiate its contrary decision.

7.4.1 Car parking

The Council departed from the response by the Highway Authority that the proposed provision was acceptable, but in its reasoning, the Council have not taken account of the highly accessible location of the appeal site, where easy access by walking and cycling to town centre services and public transport connections exist.

7.4.2 SU2 of the Tamworth Local Plan is quite clear that ‘development with **lower levels of parking provision** may be acceptable in locations that are highly accessible by walking, cycling and public transport, including Tamworth’s network of centres.’ Members are therefore asked to remember this

¹ <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

when a development is put forward with parking numbers that are lower than what is required Appendix C of the Local Plan.

7.4.3 At the hearing, officers tried to convince the Inspector that the parking pressures are different at night but his evidence and the lack of ours on this and potential redevelopment of public car parks was vague and was not supported by any further detail.

7.5.1 *Other issues*

Despite originally stating there was a lack of parks and open space areas within close proximity to the site., it was later accepted at the hearing that a number of open space areas are in easy walking distance of the appeal site, despite not being perhaps of the highest quality e.g. the cemetery at St. Editha's Church.

7.5.2 There was no full harm explained in terms of the shortfall of internal space of a small number of flats and on mix, it was adjudged that the council failed to provide any compelling evidence contrary to the submissions by the estate agent representing the appellant on the lack of need for three-bedroom units in the town centre area.

7.6 The refusal reasons have not been substantiated and the lack of objective analysis is unreasonable behaviour.

8. Recommendations

8.1 Members of the committee have the ability to overturn an officer recommendation. However, any contrary decision must be made on sound planning reasons and reasonable in all other respects.

8.2 At the time of the meeting, the discussions about parking standards did not factor in the considerations of the sustainable location allowing for lesser parking to be acceptable in line with SU2 of the Local Plan.

8.3 Officers were reminded of this but the colloquial evidence of parking shortfalls at night and the difficulties that some people might have in parking in their allocated spaces was given without significant evidence.

8.4 The other matters were quickly discussed again without the evidence required to make a robust decision. Despite asking for assistance from members, no real evidence came forward and therefore supporting these assertions was very difficult for officers to produce statements.

8.5 Should there be future concern over various issues it is recommended that members should consider deferring the application so either more research can be done by the local planning authority or the applicant can potentially bolster their submission with extra research to satisfy members that concerns have been addressed.

8.6 In the future, we will look at producing further advice on what happens when recommendations are taken contrary to officer advice. It has been difficult trying to form arguments without clear direction from members on how support to these points.

8.7 Finally, it is the desire of officers that members of the planning committee speak to us before any committee meeting if they have concerns about various aspects of an application. We are more than happy to talk through proposals and attempt to satisfy any concerns you may have. If there are significant concerns that come forwards before a meeting, it is entirely appropriate to remove an application from the committee agenda in advance.