



Borough of Tamworth

Marmion House,
Lichfield Street, Tamworth,
Staffordshire B79 7BZ.

Enquiries: 01827 709 709
Facsimile: 01827 709 271

PLANNING COMMITTEE

27 November 2023

Dear Councillor

A meeting of the Planning Committee will be held in **Town Hall, Market Street, Tamworth on Tuesday, 5th December, 2023 at 6.00 pm**. Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, appearing to be 'A. B.', followed by a long horizontal line extending to the right.

Chief Executive

A G E N D A

NON CONFIDENTIAL

- 1 Apologies for Absence**
- 2 Minutes of the Previous Meeting (Pages 5 - 8)**
- 3 Declarations of Interest**

To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.

When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.

Under Section 33(2) of the Localism Act 2011, the act permits an authority to grant a dispensation from either or both of the restrictions not to participate and / or vote on a matter in which they have a pecuniary interest. Planning Committee Members have received a dispensation for applications relating to the Future High Street Project for a period of two years starting from 7th July 2022 until 7th July 2024.

4 Appointment of the Vice-Chair

5 Applications for Consideration

Summary of Applications received:

(Reports of the Assistant Director Growth and Regeneration)

a 0241/2018 Land North of Browns Lane, Tamworth (Pages 9 - 16)

Application Reference: 0241/2018

Proposal: Outline application for up to 210 dwellings, public open space, landscaping, sustainable urban drainage and associated infrastructure. All matters reserved except access.

*Location: Land North of Browns Lane Tamworth
Staffordshire B79 8TA*

b 0261/2022 Former Police Station Committee Report (Pages 17 - 36)

Application Number: 0261/2022

Development: Conversion of and extension to existing five storey former Police Station building to form 54 residential units

*Location: Former Police Station, Spinning School Lane,
Tamworth, B79 7BB*

Access arrangements

If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail democratic-services@tamworth.gov.uk. We can then endeavour to ensure that any particular requirements you may have are catered for.

Filming of Meetings

The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found [here](#) for further information.

If a member of the public is particularly concerned about accidental filming, please contact a member of Democratic Services before selecting a seat

FAQs

For further information about the Council's Committee arrangements please see the FAQ page [here](#)

To Councillors: M Bailey, C Adams, R Claymore, G Coates, D Cook, A Cooper, J Jones, D Maycock, P Thompson, P Thurgood, J Wadrup and L Wood

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MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON 7th NOVEMBER 2023

PRESENT: Councillor T Clements (Chair), Councillors C Adams, G Coates, D Cook, A Cooper, P Thompson, P Thurgood, J Wadrup and L Wood

The following officers were in attendance: Hargit Gill (Legal Advisor) Glen Baker-Adams (Team Leader - Development Manager), Tracey Pointon (Legal Admin & Democratic Services Manager) and Laura Sandland (Democratic and Executive Support Officer)

Guests: Mark Evans (Staffordshire Highways) Jo Barnes (Staffordshire Highways)

12 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Claymore, J Jones, R Kingstone and D Maycock.

13 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 3rd October 2023 were approved and signed as a correct record.

(Moved by Councillor G Coates and seconded by Councillor P Thurgood)

14 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

15 APPLICATIONS FOR CONSIDERATION

15.1 0278/2023 Anker Valley Playing Pitches

Application 0278/2023

Proposal Installation of a 3G synthetic pitch with sports lighting, perimeter fencing, storage container and access path

Site Address Anker Valley Recreation Grounds, Moor Lane, Amington,

Tamworth Staffordshire B77 3AX

Planning Officers and Staffordshire County Council Highways, responded to the issues and questions raised.

Resolved

Approval subject to conditions

A vote to approve was unanimous

Conditions/Reasons

1. The development shall commence within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall only be carried out in accordance with the application form, drawings MCA-MUK-3013-09, MCA-MUK-3013-10 Rev B; MCA-MUK3013-02 Rev E and MCA-MUK3013-11 and the 'Proposed Materials' report by McArdle unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt

3. The development hereby permitted shall be operated only in accordance with the approved Noise Management Plan Rev A – 11/10/2023.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development to conform to policy EN5 Design of New Development of the Tamworth Borough Council Local Plan 2006-2031 and paragraphs 183-188 of the National Planning Policy Framework 2021.

4. The use of the 3G pitch and the lighting hereby permitted must only be used between 0800 and 2200 Monday to Friday and 0900 to 2200 Saturday, Sunday and Bank holidays.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development to conform to policy EN5 Design of New Development of the Tamworth

Borough Council Local Plan 2006-2031 and paragraphs 183-188 of the National Planning Policy Framework 2021.

5. No whistle or other such audible device shall be used on or in association with the use of the Artificial Grass Pitch hereby approved outside the hours 0900 and 2100 hours Monday to Friday, 0900 and 1730 Saturdays and 0900 and 1600 Sundays and Bank Holidays.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development to conform to policy EN5 Design of New Development of the Tamworth Borough Council Local Plan 2006-2031 and paragraphs 183-188 of the National Planning Policy Framework 2021.

6. The proposed fencing is to be maintained to the specifications detailed in document 'DUO 8 SPORTS Double Wire Mesh Fencing System' for the lifetime of the development. This includes the use of Neoprene washers that must also be utilised in all bolt hole locations for panels. Any faults or maintenance issues are to be reported to the Local Planning Authority within 14 days of the faults being identified.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development to conform to policy EN5 Design of New Development of the Tamworth Borough Council Local Plan 2006-2031 and paragraphs 183-188 of the National Planning Policy Framework 2021.

7. All on site trees shall be suitably protected with fencing in full accordance with BS 5837:2012 with no works within the root protection area.

Reason: To conform to policy EN4 of the Tamworth Local Plan 2006-31.

Chair

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PLANNING COMMITTEE

5th DECEMBER 2023

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

Application Reference	0241/2018
Proposal	Outline application for up to 210 dwellings, public open space, landscaping, sustainable urban drainage and associated infrastructure. All matters reserved except access.
Site Address	Land North of Browns Lane Tamworth Staffordshire B79 8TA
Case Officer	Glen Baker-Adams
Recommendation	Planning Committee

1. Refuse to grant planning permission

1. Introduction

- 1.1 This application is an application for residential development with most of the site within the administrative boundary of Lichfield District Council. The below image shows the extent to which the site is within the boundary of Tamworth Borough Council.



- 1.2 The area of development within the Tamworth Borough Boundary is the proposed main pedestrian and vehicle access road of a distance of approximately 85m in length with landscaping at either side.
- 1.3 The application is reported to committee as this relates to a major development and concerns another local authority area for multiple dwellings. Despite being within mainly the boundaries of Lichfield District Council, the development if approved by them could have significant impact for Tamworth.
- 1.4 Since the original submission, amendments to the scheme within Lichfield District Council's area have been submitted including having a housing mix of 100% affordable units and indicative layout alterations. No changes to the development within the Tamworth boundary have been made.

- 1.5 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.
- 1.6 This has been done through regular contact with the planning applications team leader and there position has remained to **refuse** the application. A copy of their report can be found at appendix 1. For Tamworth Borough Council, our decision should only relate to the land in their jurisdiction which has been done here.
- 1.7 From the majority of other decisions made in other areas, they will consider the whole scheme in principle with both councils planning policies as material considerations but will make the decision in relation to whether specifically the development on their own land is acceptable with reference to the wider scheme.
- 1.8 By virtue of it only being the access that falls into Tamworth's administrative boundary this report focuses on the principle of the development, Highway infrastructure, road safety issues 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 Lichfield District Council and a copy of the committee report for their application can be found at appendix 2.

1.36 SITE AND DEVLEOPMENT PROPOSALS

- 1.3.1 The entire site is approximately 12.65 hectares, with 0.24 hectares being in Tamworth's boundary and extends from Main Road towards Wiggington Road to the east towards the railway line. Browns Lane is located to the south with residential properties at either side of the proposed access. The site is two arable fields and therefore greenfield land and falls within the administrative area of Lichfield District Council. The portion of greenfield that adjoins Browns Lane is with the administrative area of Tamworth Borough Council.

APPLICATION PROPOSAL

The application is for development of the site for 210 dwellings, all of which would be classed as affordable.² The planning application is submitted in outline with all matters reserved for subsequent approval other than the principal means of vehicular 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.

An indicative layout has been provided along with a landscape and visual assessment, statement of community involvement, noise assessment, transport report and preliminary ecological appraisal. Due to discussions with Lichfield, later information has been submitted including an updated masterplan with housing focussed on the eastern side and data to support why a 100% affordable scheme should be supported in lieu of the shortage in both Tamworth and Lichfield.

For Tamworth specifically, the site is confined to the access which would be for both vehicles and pedestrians. Landscaping has been indicated at either side, with more along the western edge.

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

² Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the definitions in the NPPF Annex 2 Glossary.

Location Plan



2. Policies

2.1 Local Plan Policies

- SS1 The Spatial Strategy for Tamworth
 - SS2 Presumption in Favour of Sustainable Development
 - HG1 Housing
 - HG4 Affordable Housing
 - HG5 Housing Mix
 - HG6 Housing Density
 - EC2 Supporting Investment in Tamworth Town Centre
 - EN3 Open Space and Green and Blue Links
 - EN4 Protecting and Enhancing Biodiversity
 - EN5 Design and New Development
 - EN6 Protecting the Historic Environment
 - SU1 Sustainable Transport Network
 - SU2 Delivering Sustainable Transport
 - SU3 Climate Change Mitigation
 - 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

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

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 Development Plans*

Note the arguments put forward by the applicant in relation to the need for affordable housing within both Tamworth Borough and Lichfield District.

The applicant argues that there is a significant need for affordable housing within Tamworth, and that this should be given very significant weight in decision making on their application. This argument hinges on a need of 170 affordable dwellings per annum in Tamworth, derived from the 2019 Housing and Economic Development Needs Assessment. It should be noted that this document is now over four years old and does not currently inform any policies of an emerging local plan. The current annual target for affordable housing, as set out in policy HG4 of the adopted local plan, is 40 per annum.

This number was arrived at through a combination of a needs assessment, and an assessment of viability of the plan as a whole. Since the adoption of the plan in 2016, delivery against this target has been consistently good and, without reading the specific details of each case, it would appear that this is a different scenario to the appeal examples given. We would therefore disagree with the applicant's assertions that there is a significant shortfall in affordable housing delivery and that the fact that the scheme would be 100% affordable housing should be given very significant weight.

Additionally, we also have concerns that a 100% affordable scheme would be eligible for relief from the Community Infrastructure Levy, which would mean that there are no funds available to mitigate the impact of the additional pressure on infrastructure within Tamworth Borough that a 210 dwelling scheme on the border would generate.

4.1.2 *Tamworth Borough Council Environmental Protection*

No objections

4.1.3 *Tamworth Borough Council Waste Management*

Guidance on bin provision should the development be approved

Staffordshire County Council Consultees

4.1.4 *Staffordshire County Council Highways*

No objection subject to conditions

4.1.5 *Staffordshire County Council Education*

This application has been reviewed in respect of education contributions necessary to mitigate the impact on education from the development given that the application is undetermined and revised costings were last provided on 23rd March 2022 (a copy of the email is attached for reference).

Education contribution of Â£1,879,056 (index linked from the date of this response) 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.

65 Primary School places
65 x £17,450= £1,134,250

23 High School places
31 x £24,026 = £744,806

Total request = **£1,879,056**

- 4.1.6 *Staffordshire County Council Archaeology*
No objection subject to conditions
- 4.1.7 *Staffordshire County Council Rights of Way*
No comment
- 4.1.8 *Staffordshire County Council Flood Risk Officer*
No objection subject to conditions

Others

- 4.1.9 *Severn Trent Water*
No objection subject to conditions

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, 33 letters of objection have been received from 33 different households. An objection has also received from Cllr Robert Pritchard, former deputy leader of the council and Cllr Richard Kingstone.
- 5.3 The objections received are many and mainly concern the traffic generation impacts the new housing could create. Additional planning concerns also related to the infrastructure pressures the location of the access and the impacts of construction traffic to build the houses. The loss of wildlife and impact to walkers has also been cited.

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
- Highway Safety

Again, it is important to note that these considerations are those within the specific area of Tamworth 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 access road for both pedestrians and vehicles if connected to an acceptable development would be acceptable in principle of the housing development.

7.1.3 The larger housing development however is not supported by Lichfield District Council and therefore as a result approving an access road to a development not approved would have issues on character.

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.

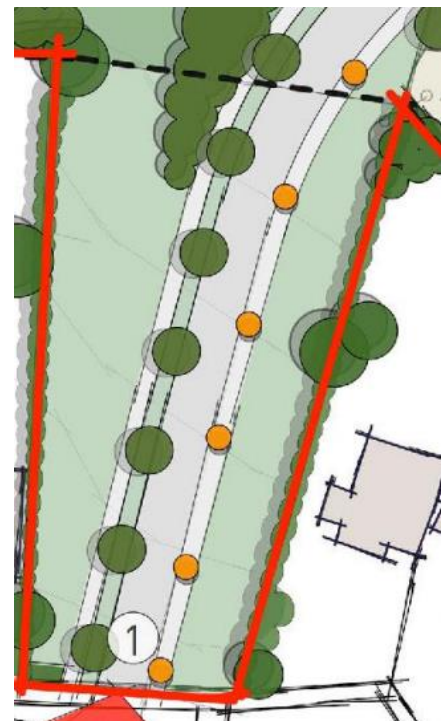
7.2.3 The appreciation of character and appearance is a significant part of recent planning reform and, with the introduction of the National Design Guide, remains a very important consideration of planning applications.

7.2.4 The proposed access road will be located between 68 and 60 Browns Lane. There is an existing dropped kerb access to the application site from Browns Lane, which cuts across a wide section of verge before crossing the tarmac footway. There was historically a gated vehicular access to the site; however, the gate is no longer present and there is little evidence that the access is used by vehicles.

7.2.5 The proposed access would allow both vehicles and pedestrians to travel safely with provision for landscaping either side.

7.2.6 As the proposal is both functional with suitable provision for soft landscaping, it is considered it would meet the standards of design required for such an access.

7.2.7 Despite in isolation it would be an acceptable form of development, if approved and Lichfield refuse the larger housing scheme would create an discordant form of development and therefore not in compliance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031 and the NPPF.



7.3 Highway Safety

7.3.1 Tamworth 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.

- 7.3.2 The application has been through a number of consultation exercises with Staffordshire County Council highways who have confirmed that the final iteration of the plans it is not considered that the development proposals would have an adverse impact on the surrounding highway network or on highway safety.
- 7.3.3 For the interest of members, the applicant/ agent have engaged with Staffordshire County Council highways department to revise the development proposal, in order to achieve a scheme that can be supported on access and highways safety related grounds. Additional information has been provided which concludes that the impact on the local road network would not, in their view, be severe if the proposed package of mitigation is provided. Such mitigation would be delivered by the developer via the Highways Act as part of a S278 agreement.
- 7.3.4 Updated plans and information in relation to the proposed access have been provided, which have addressed the initial concerns raised by the County Highway Authority. The overall volume of collisions on Browns Lane itself does not suggest there are any existing safety problems that would be exacerbated by the proposed development. In terms of the impact on the wider road network, including the Upper Gungate corridor.
- 7.3.5 It is considered that appropriate mitigation can be secured, which will mitigate the impacts of this proposed development. Traffic flows have been given consideration in relation to committed development in the vicinity of the application site including approved development at Arkall Farm, and its associated monitor and manage approach to mitigating impacts on the local highway network. The County Highways team have concluded that sufficient information has been provided to conclude that there would not be a severe impact on the Local Highway Network as a result of this development. Conditions are recommended by Highways Officers which would include the securing of the necessary off site highway improvement works prior to the first occupation of the development.
- 7.3.4 As a result therefore the development is considered in accordance with Policy SU2 Sustainable Transport of the Tamworth local Plan 2006-2031 and the National Planning Policy Framework.

8 Conclusion

- 8.1 This application relates to a larger scheme of housing development proposed within the boundary of Lichfield District Council for up to 210 dwellings. The development within the boundary of Tamworth relates to the main road and pedestrian access to this proposed development.
- 8.2 The application proposal if approved would permit an access road to an unapproved development resulting in a road to nowhere and therefore out character with the surrounding area contrary to policy EN5 of the Tamworth Local Plan 2006-31 and the NPPF.

9 Recommendation

Refusal for the reason below

Reasons

The area of the site within the boundary of Tamworth Borough Council is connected to a wider development which is not allocated for development. Approving this part of the development when Lichfield are minded to refuse their application would potentially permit an access road to a development site with no planning permission. The development therefore would be out of character with the surrounding area and not conform to Tamworth Borough Council Policy EN5 and the NPPF.

Note to applicant

Should the wider housing application be approved in Lichfield District Council, this information will be relayed to members where a new consideration for the proposal may need to be made.

PLANNING COMMITTEE

5th DECEMBER 2023

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

Application Reference	0261/2022
Proposal	Conversion of and extension to existing five storey former Police Station building to form 54 residential units
Site Address	Former Police Station, Spinning School Lane, Tamworth, B79 7BB
Case Officer	Debbie Hall
Recommendation	<ol style="list-style-type: none"> 1. Agree the reasons for approval set out in this report; and 2. Resolve to grant planning permission subject to the imposition of the Community Infrastructure Levy where relevant and delegate authority to the Assistant Director of Growth and Regeneration to finalise the wording of the conditions and draft legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) based on [the Heads of Terms identified and the conditions listed in Section 8 of this report.

1. Introduction

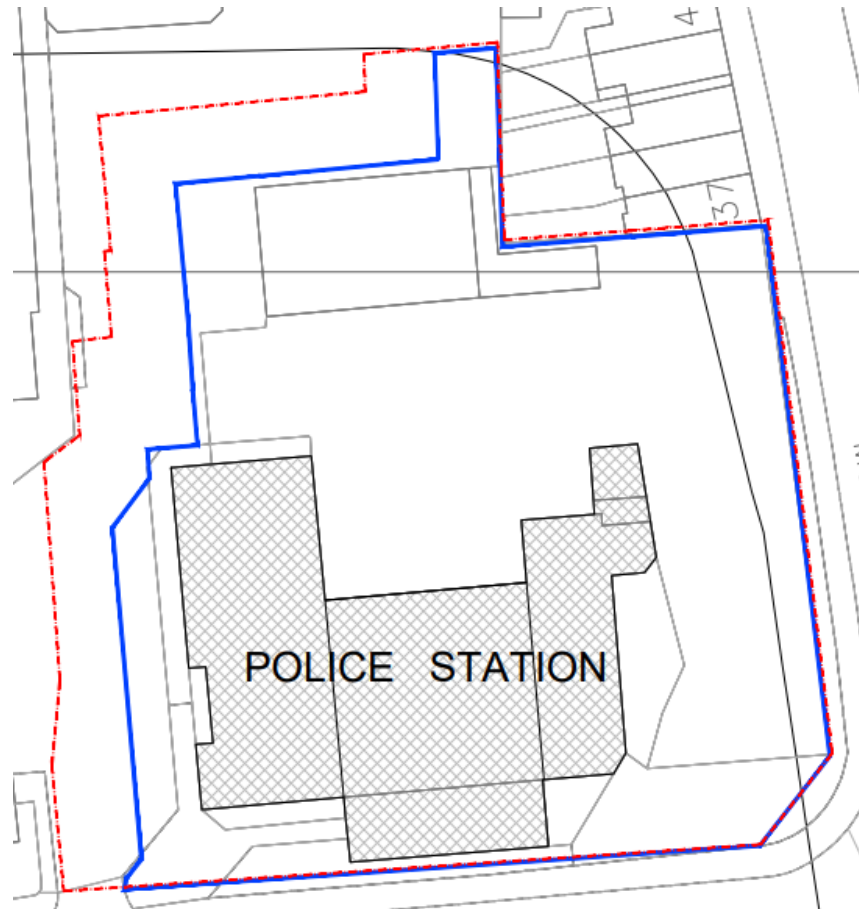
- 1.1 This application is for the conversion and extension of a former police station north of Spinning School Lane, Tamworth. Two existing outbuildings within the curtilage of the police station are also proposed to be demolished to accommodate the extensions.
- 1.2 The application is reported to committee due to it being a major planning application.
- 1.3 The application site is located at the junction between Spinning School Lane and Marmion Street, on the northeast side of Tamworth town centre. The Police Station was in use until around May 2019, when Staffordshire Constabulary vacated the premises and moved to a new, purpose-built facility in the Belgrave area of the town. The site total area is 0.31 hectares.
- 1.4 It is proposed to convert the existing building and to construct a four storey extension to the east and west to accommodate 54 new residential units. The extension to the east would form a reverse 'L' shape measuring approximately 23m at the widest part, 43.5m deep, a height of 15m (excluding the fifth floor) and 8.7m where it meets the existing dwellings on Marmion Street. The extension to the west would measure approximately 12.5m wide and 29m deep and have a height of 14m except on the norther most end where it drops to a height of 11m.
- 1.5 There are two existing access points to the development site, on Spinning School Lane and Marmion Street. The access off Spinning School Lane will be retained and the access from Marmion Street will be closed and the footway would be reinstated as shown on the submitted drawings.
- 1.6 Since the original submission, the plans have been amended and additional information has been provided by the applicant as a result of design concerns and consideration of wider heritage and ecology aspects of the site including the submission of a heritage statement and bat survey. Updated information has also been provided in respect to surface water flooding matters.
- 1.7 The site is part of an allocated housing site in the Tamworth Local Plan 2006-31 reference 507, 508 and 509. The allocation description confirms the site is located on brownfield land in the town centre and contains an archaeological scheduled ancient monument (Saxon Defences) which should be protected and conserved.
- 1.8 The allocation also states that any development proposal should include:
 - Flood Risk Assessment (greater than 1 ha in Flood Zone 1)
 - Replacement or retention of the youth centre and multi use games area
 - Early discussions with Conservation Officer, Staffordshire County Council Environmental Services and Historic England (Scheduled monument; Extensive Urban Survey Historic Urban Character Area 4: Lower Gungate and Spinning School Lane)
 - A desk based archaeological assessment undertaken by an appropriately qualified professional and if required , a field based archaeological assessment, also undertaken by an

appropriate qualified professional. If loss, wholly or in part, of archaeological remains is unavoidable, appropriate recording should take place and all records should be added to the Historic Environment Record, in a timely manner.

- 1.9 The principal changes to the scheme since the original submission have included a reduction in the number of units from 62 to 54, changes to the brick type chosen from buff to red, the addition of terracotta cladding and the introduction of three outdoor terraces. An additional consultation exercise was undertaken between 20th January and 3rd February 2023 as a result of those changes.

- SITE PROPOSALS

Location Plan



2. Policies

2.1 Local Plan Policies

- SS1 The Spatial Strategy for Tamworth
- SS2 Presumption in Favour of Sustainable Development
- HG1 Housing
- HG4 Affordable Housing
- HG5 Housing Mix
- HG6 Housing Density
- EC2 Supporting Investment in Tamworth Town Centre
- EN3 Open Space and Green and Blue Links
- EN4 Protecting and Enhancing Biodiversity
- EN5 Design and New Development
- EN6 Protecting the Historic Environment
- SU1 Sustainable Transport Network

SU2 Delivering Sustainable Transport
SU3 Climate Change Mitigation
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

2.2 Supplementary Planning Documents and Other Local Guidance

Design SPD
Planning Obligations SPD
The Introduction of First Homes
Housing and Economic Development Need Assessment
Albert Road/Victoria Street Conservation Area Appraisal
Tamworth Town Centre Conservation Area Appraisal

2.3 National Planning Policy

National Planning Policy Framework 2021
National Design Guide 2021
National Planning Practice Guidance 2014-

3. **Relevant Site History**

No relevant site history

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

3.1.1 *Tamworth Borough Council Planning Policy and Delivery Officer*
No objections subject to S106 regarding affordable homes

Tamworth Borough Council Conservation Officer
No objections

Tamworth Borough Council Environmental Protection Officer
No objections subject to conditions
Later considerations of the roof terraces proposed that are considered close to existing residential properties and therefore an acoustic barrier has been included as part of the proposals.

Tamworth Borough Council Tree Officer
No objections

Tamworth Borough Council Strategic Housing Officer
No response

Tamworth Borough Council Joint Waste Services Officer
No objections subject to compliance with specifications provided.

Staffordshire County Council Consultees

3.1.2 *Staffordshire County Council Highways Authority*
No objections subject to conditions

Staffordshire County Council Environment Specialist (Archaeology)
No objections subject to conditions

Staffordshire County Council Schools Organisation Team
No objections subject to S106 contributions

Staffordshire County Council Lead Local Flood Authority
No objections subject to conditions

Staffordshire County Council Strategic Property Unit
No objection

Statutory Consultees

3.1.3 *Environment Agency*
No comments

Historic England
No objections subject to conditions/further work

Severn Trent Water
No objections

Staffordshire Police
No objections (guidance and recommendations given)

Staffordshire Fire and Rescue
Advice given.

Staffordshire and Stoke-on-Trent Integrated Care Board
No objections subject to payment of Section 106 contributions

Others

3.1.4 *Design Officer*
Commentary on proposals

4. Additional Representations

4.1 As part of the consultation process adjacent residents were notified. A press notice was published on 2nd June 2022 and site notices were erected on 26th May 2022. 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 Two neighbouring properties responded objecting to the proposal on the grounds that they would experience a loss of privacy and light, and that the traffic and noise would impact on the enjoyment of their property.

5. Equality and Human Rights Implications

5.1 Due regard, where relevant, has been given 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 and Parking
- Heritage and Archaeology
- Amenity
- Ecology
- Contamination
- Flooding and Drainage
- Housing Density
- Housing Mix
- Affordable Housing

6.1 Principle

- 6.1.1 The Tamworth Borough Local Plan 2006-2031 (the local plan) 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.
- 6.1.2 The former Police Station, is allocated for housing in the Tamworth Local Plan 2006-2031, reference numbers 507, 508 and 509 at policy HG1. The principle of developing housing in this location is therefore established and acceptable, subject to compliance with the other policies in the plan.
- 6.1.3 The allocation includes a number of requirements that the development proposal should include, such as a Flood Risk Assessment, an archaeological Assessment and early discussions with the Conservation Officer, Staffordshire County Council Environmental Services and Historic England, and these are considered in the relevant sections of this report.
- 6.1.4 The proposed development is therefore considered to be in compliance with relevant policies of the Tamworth 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

Policy Context

- 6.2.1 The appearance of a development is a material planning consideration and in general terms the design of a proposal should not adversely impact on the character and appearance of the wider street scene.
- 6.2.2 Policy EN5 Design and New Development states that developments should be of a scale, layout form and massing which conserves or enhances the setting of development and utilise materials and overall detailed design which conserves or enhances the context of the development. Proposals should respect and where appropriate reflect existing local architectural and historic characteristics

but without ruling out innovative or contemporary design which is still sympathetic to the valued characteristics of an area.

- 6.2.3 The appreciation of character and appearance is a significant part of recent planning reform and, with the introduction of the National Design Guide, remains a very important consideration of planning applications.
- 6.2.4 The application is for the conversion of the existing building and extending the structure compared to demolition. This has been considered a more sustainable method of development but as a result there is notably only so much that can be achieved to improve the current appearance which is somewhat dated. This is mainly due to the overly concrete façade and thick, linear blue windows and otherwise simplistic appearance.

Site Context

- 6.2.5 The application site is located on the junction between Spinning School Lane and Marmion Street, on the north east side of Tamworth town centre, and extends to approximately 0.31 hectares. The Police Station was in use until around May 2019, when Staffordshire Constabulary vacated the premises and moved to a new, purpose-built facility in the Belgrave area of the town.
- 6.2.6 The main building is set along floor floors with the front of the building facing Spinning School Lane. Four vertical concrete columns support three floors above which are faced in a pebbledash faced concrete and powder coated blue frame windows of a very uniform appearance. Each elevation looks the same apart from the ground floor entrance at Spinning School Lane which has entrance steps and recessed front doors. On either side of the front are two single storey buildings of brick.
- 6.2.7 The building is surrounded by hard surfaced parking areas. The only natural features within the site are the two trees on the corner where Spinning School Lane and Marmion Street meet.
- 6.2.8 Adjacent the northeast corner of the site are a row of traditional rendered terraced properties, to the east and south are surface car parks, to the west is the magistrates court and to the north is a youth centre and car park.
- 6.2.9 The site is located approximately 250 metres northeast of the centre of the town. Marmion Street car park is located to the east, Spinning School Lane car park to the south, vacant Magistrates court to the west and numbers 38-41 Marmion Street terraced residential properties.

Proposals

- 6.2.10 It is proposed to convert the existing building and to construct a four storey extension to the east and west to accommodate 54 new residential units. The extension to the east would form a reverse 'L' shape measuring approximately 23m at the widest part, 43.5m deep, a height of 15m (excluding the fifth floor) and 8.7m where it meets the existing dwellings on Marmion Street. The extension to the west would measure approximately 12.5m wide and 29m deep and have a height of 14m except on the norther most end where it drops to a height of 11m.
- 6.2.11 The proposal for 54 self contained flats each contain a lounge/kitchen, a bathroom, a store containing a washing machine and one or two bedrooms, some with an ensuite to the main bedroom.
- 6.2.12 Externally the site would include parking for 40 vehicles including two disabled spaces, cycle parking for 12 bicycles, a bin store and soft landscaping/planting around the building and within the car parking area. There are three external terraces proposed on the second and third floors to provide amenity space for the occupants.

The proposal includes a basement level which would accommodate cycle parking and a gym.

- 6.2.13 The predominant finishing material would be red brick with terracotta panelling recessed between windows, around the outdoor terraces and at fourth floor on the east facing elevation. The outward facing elevations would also include a 'picture frame' feature constructed from powder coated aluminium in dark grey.

Design Review

- 6.2.14 The council has consulted with an external design consultant to review the plans to ensure that the proposals fully reflect the high ambitions of local and national policy on design. Details set out in the following paragraphs reflects two independent design reviews.

Design Considerations

- 6.2.15 The proposals represent a significant increase in the footprint of the building, especially in terms of what will be apparent and experienced from both Spinning School Lane and Marmion Street. The original proposals required a broader relationship of the building with its surroundings and this has been taken on board with the final proposals.
- 6.2.16 The proposed building changes on the southern elevation with Spinning School Lane (front entrance) would see a change in visual emphasis from horizontal with the removal of the existing brush concrete clad base floors to vertical replacing these with silver colour powder-coated aluminium cladding and aluminium windows with grey tinted glass.
- 6.2.17 The extensions off both the east and west elevations would see a more 'simple' arrangement of uniform windows say for a centralised block of units that would have glass balconies to form what has been labelled a 'picture frame' feature to draw interest to the scheme. Both the east and west elevations would also have roof top balconies and on the east elevation there is a drop in height further still to better tie in with the properties along Marmion Street.
- 6.2.18 The latest proposals have seen alterations to the massing. At the prominent corner at the junction of Spinning School Lane and Marmion Street, the uppermost floor removal of a flat and the introduction of an external amenity space. This is also repeated on the western elevation. On Marmion Street the upper floor is treated in a different material. The relationship between the proposals and the adjacent properties on Marmion Street feels much more appropriate and less dominant. The materials have been changed to red brick on this side which is better suited to the area and breaks up this massing further still.
- 6.2.19 The proposals have some profiling to the landscape surrounding the building, offering a more sympathetic interface and improved visual interest, which is particularly evident along Marmion Street.
- 6.2.20 Materials will be conditioned to ensure the finished proposal is reflective of the high standards of design required.
- 6.2.21 The development represents a significant improvement to the current quality of building. The current building represents quite a stark feature along Spinning School Lane and whilst not an area of particular high visual amenity value, it does nothing to improve the quality of this part of Tamworth. The final proposals however do present a more simplified and modern design which would mainly see the removal of the mass of concrete that adorns the sides of the building. The fenestration is broken up and the replacement materials give the building a more modern appearance.
- 6.2.22 The extensions are subordinate to the main building and especially along Marmion Street where it meets the several existing white rendered properties there is a sympathetic relationship between new and old form which is acceptable. Overall the changes have been well worked within the constraints of the existing building with the addition of sympathetic additions to the building, removing the dated outbuildings on site at present.
- 6.2.23 The character and appearance of the proposed development would therefore enhance the quality of the streetscene and is considered to be in compliance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031, the NPPF and National Design Guide.

6.3 Highway Safety and Parking

- 6.3.1 Tamworth Local Plan policy EN5h) states that new developments will be expected to pay particular regard to highway safety and servicing requirements, the capacity of the local road network and the adopted parking standards set out in Appendix C. In addition, policy SU2 also states planning

permission should only be granted where development would ensure adequate highway safety, suitable access for all people and where feasible reduce the impact of travel up on the environment. Planning permission will be refused where travel to and from the development would be likely to cause harmful levels of pollution, highway safety or capacity impacts.

- 6.3.2 There are two existing access points to the development site, on Spinning School Lane and Marmion Street. The access of Spinning School Lane will be retained and the access from Marion Street will be closed and the footway would be reinstated as shown on the submitted drawings.
- 6.3.3 It is proposed to provide 40 car parking spaces and cycle parking for 54 bicycles. Vehicle parking is located alongside the west side of the building, within the courtyard and on the youth centre carpark where that car park is owned by the applicant. Cycle parking facilities are provided within the secure rear courtyard, in the Southeast corner, under a proprietary clear polycarbonate shelter. Additional secure cycle storage for residents would be available in the basement.
- 6.3.4 Appendix C states that parking for self-contained flats/apartments should have one space per flat and visitor spaces at one space per four flats therefore there would be a shortfall of 28 spaces.
- 6.3.5 Policy SU2 states that development with such 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. Therefore, on account of the site being located in central Tamworth and by definition one of the most sustainable locations within the borough with easily accessible access to the railway station and bus services, the proposed parking is acceptable, and it is the ambition most occupants will rely on using these methods of transport for access. Should a private car be required there are also parking options available within the nearby surface car parks and therefore the development would accord with SU2 of the Tamworth Local Plan and National Planning Policy Framework.
- 6.3.6 There are outstanding issues with access to the site from Spinning School Lane due to the access being outside of the applicant's ownership however this does not preclude the planning application from being approved as this is a legal matter as opposed to being a material planning matter.
- 6.3.7 Staffordshire County Council Highways (SCCH) have been consulted upon the proposal and concluded that the proposal is acceptable in highway safety terms, subject to conditions listed at the bottom of the report. SCCH has determined that the level of parking proposed, whilst not in line with the guidance contained in Appendix C, is acceptable.
- 6.3.8 The provision of sufficient car parking spaces, cycle parking provision and servicing facilities, combined with the sustainable location, means that the proposed development is considered to be a sustainable form of development in accordance with Policy SU2 Sustainable Transport; Appendix C of the Tamworth local Plan 2006-2031 and the National Planning Policy Framework.

6.4 Heritage

- 6.4.1 Tamworth Local Plan policy EN6 Protecting the Historic Environment states that proposals will be required to pay particular attention to:
- The scale, form, height, massing, detailing and materials of the development, the existing buildings and physical context to which it relates.
 - Historically significant boundaries, street layouts, open spaces, landscape features and structures identified in the conservation area appraisals including walls, railings, street furniture and paved surfaces.
 - Important views of listed buildings, scheduled monuments and historic townscape as identified in the conservation area appraisals.
- 6.4.2 The proposed development is located outside of the Tamworth Town and Albert Road/Victoria Street Conservation Areas however the building would be visible from these heritage assets. There are no listed buildings immediately adjacent the proposed development.
- 6.4.3 The northern end of the application site extends into a scheduled monument related to the buried archaeological remains of Tamworth's Saxon and medieval defences (List Entry No. 1006088). Proposed works in this area include demolition of existing buildings, hard landscaping, new parking, a bin store, new fencing and drainage works. These works would all require Scheduled Monument Consent (SMC).

- 6.4.4 Staffordshire County Council Historic Environment Team (SCCHET) recommended that, should permission be granted, an archaeological watching brief be carried out during any substantial groundworks associated with the development. This would include any foundation trenches, drainage and service runs or the removal of the extant concrete slab. The watching brief should be scalable to a strip, map and sample excavation should significant archaeological remains be observed during the archaeological monitoring works.
- 6.4.5 The use of archaeological watching briefs, is supported by NPPF (2021) para 205. The works should be undertaken by an appropriately experienced archaeologist working to the requirements of a brief prepared by SCCHET (or approved Written Scheme of Investigation (WSI), the Chartered Institute for Archaeologists (CIfA) Code of Conduct and to a level commensurate with the relevant CIfA Standards and Guidance. This has been agreed by the applicant and a suitably worded condition has been applied.
- 6.4.6 The application site is of no heritage interest and as such makes no direct contribution to the significance of the conservation area and given its considerable mass and bulk and poor appearance the former Police Station is a poor visual presence within the wider setting of this designated heritage asset. As such the application site is identified as an enhancement site upon the Proposals and Recommendation Plan (1b) contained within the Tamworth Town Conservation Area Appraisal (TTCAA).

The alterations to the existing building will modernise and improve its visual appearance, and the extensions to the building are of an appropriate siting, scale, form and construction materials. The proposed redevelopment would improve the character and appearance of the site and reinstate an active frontage to the street scene, so consequently the proposal would result in an enhancement to the wider setting of the Tamworth Town Conservation Area.

- 6.4.7 A Heritage Statement has been submitted with this application which states that the Conservation Area appraisal of the Tamworth Victoria Road/Albert Road Conservation Area singles out the existing structure as having a negative impact on the setting of the Conservation Area. The proposed changes, by improving the visual impact of the structure and bringing life and activity back to an empty corner, will enhance the setting of the Conservation Areas.
- 6.4.8 The new development would change the setting of the scheduled monument, however it is considered by Historic England this unlikely to result in harm to its significance. There is a potential that groundworks could impact buried remains within the scheduled area, resulting in some harm. This requires clarification and further assessment. Mitigation may be needed, which could include design changes. These are considered however to be suitably managed through the Scheduled Monument Consent (SMC) process.
- 6.4.9 As a result the proposal is therefore considered to be in accordance with Policy EN6 Preserving the Historic Environment of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework.

6.5 **Amenity**

- 6.5.1 Policy EN5 – Design and New Development of the Tamworth Local Plan 2006-31 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 also 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. Both existing (current) and potential occupiers are considered below.

Current occupiers – those living within close proximity to the development site.

- 6.5.2 The proposal is located adjacent a row of terrace properties on Marmion Street, and Albert Road beyond, but is otherwise surrounded by community uses and surface car parks. The Tamworth Design SPD states that two storey (or higher) extensions should not encroach into an area measured by drawing a 60 degree angle from the mid-point of a neighbour's window or door opening. A plan has been submitted showing the proposed extension relative to the existing dwellings and the extension would not encroach into the 60 degree zone. There would likely be

some loss of light to the rear gardens of the adjacent terraces on Marmion Street however this is not considered to be so significant as to warrant a recommendation for refusal. Furthermore, amended plans were submitted which reduced the height of the extension to two storeys where it meets the row of terraces on Marmion Street in order to reduce the sense of overbearing.

6.6.3 Where the extension has been reduced in height an outdoor terrace is proposed. To protect the privacy of the neighbouring property, in relation to this outdoor terrace, a 1.8m high balustrade with opaque glass is proposed for a length of 5.8m on the north west corner of the terrace is proposed.

6.5.4 The Tamworth Design SPD states that for dwellings of three (or more) storeys, a minimum distance of 30 metres between the rear windows of habitable rooms within opposing dwellings and the rear extremities of any extension will need to be maintained. There are some residential properties on Albert Rd the rear of which would be facing the windows of the north facing elevation to the proposed development. The distance between the windows to the north facing elevation and the rear of the residential properties on Albert Road measures approximately 50m. Owing to the distances to boundaries there would be no significant issues relating to overlooking, loss of privacy or a sense of the development being overbearing to the neighbouring residents on Albert Road.

Potential occupiers

6.5.5 In order to guide whether a unit of accommodation would be acceptable to a potential occupier, consideration should be given to the amount of space provided within a unit. The nationally described space standards published by Government in 2015 are as follows;

1-bed (2-person) Flat 50m²

2-bed (3-person) Flat - 61m²

2-bed (4-person) Flat - 70m²

49 of the 54 residential units have a gross internal floor areas which meet the nationally described space standard.

The other five units have a shortfall of 0.3 square metres.

6.5.6 Within the Tamworth Design SPD, it states that the Council would encourage applicants to aspire to the space standards set out within 'Technical Housing Standards – Nationally Described Space Standard, (DCLG 2015).

6.5.7 When considering the relatively small quantity of the units that are under the desired amount of internal floor space and the amount by which they are deficient, this is considered acceptable. Within the Design Supplementary Planning Document, the technical space standards are *encouraged* and therefore not mandatory. The existing building has a number of built constraints so when taking this into consideration the proposed development is acceptable.

6.5.8 Potential occupiers should also have sufficient residential amenity space. The Tamworth Design SPD recommends that a minimum of 5 square metres of private outdoor space, where the smallest dimension is not less than 1.5m, is provided for 1 or 2 person flats, plus an extra 1 square metre for each additional occupant. On this basis in order to comply with the Design SPD the total amenity space required to be delivered equates to 354 square metres.

6.5.9 A total of 276msq of outdoor communal amenity space is provided in the form a three roof top terraces. The provision of external amenity space falls short of the standard recommended in the Design SPD by 78 square metres. The balconies have been excluded from this calculation as the smallest dimension is less than 1.5m and the proposed basement gym has also being excluded being indoors. These spaces will however make a positive contribution to the spaces available for recreation within the development. Given the town centre location, in walking distance to the castle grounds and playground, it is considered that the shortfall in amenity space is not significant enough to justify a recommendation for refusal. There is also balconies provided with together with the total amount of amenity space provided would give a quantum of amenity space in line with the SPD.

6.5.10 The introduction of light wells will provide a valuable source of natural light into internal areas.

6.5.11 Environmental Protection have been consulted on this scheme and have no objections subject to the inclusion of conditions relating to noise, light and dust to protect the amenity of people living and working nearby and the future occupants.

6.5.12 As a result the proposal is therefore considered to not be in accordance with EN5 Design and New Development of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework. However, given the small scale of the discrepancy with regards to the floorspace and the site being located walking distance to the castle grounds and playground, on balance noncompliance is deemed to be acceptable in this case.

6.6 Ecology

6.6.1 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.

6.6.2 Paragraph 180 of the NPPF states that 180. When determining planning applications, local planning authorities should conserve or enhance biodiversity and biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.

6.6.3 The site currently consists largely of either buildings or hard landscaping with the only natural features worthy of note within the site are the two trees on the corner of Spinning School Lane and Marmion Street. It is proposed to demolish some of the existing building and outbuildings which are potential habitats for bats. A Phase I Bat survey has been submitted at the request of Staffordshire County Council Ecology with the report stating that there is no evidence of bats within any part of the proposed development. Notwithstanding this, conditions relating to development being carried out carefully with the expectation that bats may be found installing a bat box will be applied.

6.6.4 With regards to providing a net gain of ecology, there is nothing in legislation or policy to provide this and therefore improvements to the small area of scrub and trees at the front and any of the other measures highlighted in the county ecologist's commentary including bat/bird boxes would meet guidance on this.

6.6.5 Whilst the existing trees are not to be retained, soft landscaping is proposed as part of the redevelopment of the site and this will make a positive contribution to the natural features in the locality. As a result the proposal is therefore considered to be in accordance with Policy EN4 Protecting and Enhancing Biodiversity of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework.

6.7 Contamination

6.7.1 Policy SU5 Pollution, Ground Conditions and Minerals and Soils states that development should manage the risk of air, light, noise, ground or water pollution and land instability and that Planning permission will be refused for any proposal where pollution would pose an unacceptable risk to public health, quality of life or the environment which is not mitigated.

6.7.2 Being a brownfield site, there is potential for the presence of contaminated land and therefore there will be a condition applied stating that should any contamination be encountered a full assessment is required, and an appropriate remediation scheme submitted to and approved in writing by the local planning authority. Furthermore, a scheme specifying the provisions to be made to control dust emanating from the site and to deal with the management and/or safe disposal of asbestos is required. Environmental Protection have also been consulted on this proposal and have reviewed technical information sent by the developer. As a result the development would accord with policy SU5 of the Tamworth Local Plan 2006-31 and the National Planning Policy Framework.

6.8 Flooding and Drainage

6.8.1 Policy SU4 Flood Risk and Water Management states that all new development, including regeneration proposals, will need to demonstrate that there is no increased risk of flooding to existing properties and shall seek to improve existing flood risk management.

- 6.8.2 The site is within flood zone 1 and has a low probability of flooding from rivers and a very low risk from surface water flooding, although Marmion Street (bordering the site), is indicated as being at risk of surface water flooding (it intersects the 1 in 30 year surface water flooding zone).
- 6.8.3 Foul sewage is to discharge to the public combined sewer, and surface water is to discharge to the public surface water sewer at a restricted discharge rate of 5 litres/second. Severn Trent Water have been consulted on this and accept these flows as soakaways are not feasible for this site. The Environment Agency declined to comment stating that it was outside of their remit.
- 6.8.4 The Lead Local Flood Authority (LLFA) were consulted a number of times with updated flood risk data and following submission of satisfactory information the LLFA are now satisfied with the information provided and have no objections subject to a pre commencement condition.

6.9 Affordable Housing

- 6.9.1 Policy HG4 states that unless demonstrated to be unviable through an independent assessment by a suitably qualified person, the Council will require new residential development involving 10 or more dwellings (gross) to provide a target of 20% affordable dwellings on site. Therefore as a development of 54 dwellings 11 affordable units should be provided on site.
- 6.9.2 The affordable housing tenure mix is required to be in line with the guidance contained in 'The Introduction of First Homes'. In line with this guidance and policy HG4, it is expected to see the 11 affordable dwellings apportioned as follows:
 - The delivery of three First Homes
 - The delivery of three Affordable Home Ownership tenures
 - The remaining five affordable dwellings delivered as affordable rented tenures, split between social and affordable rent
- 6.9.3 The applicant has agreed to provide this on site provision subject to identifying a suitable housing association.
- 6.9.4 By providing the level of affordable housing in line with the current need, the development would conform to policy HG4 of the Tamworth Local Plan 2006-31.

6.10 Housing Mix

- 6.10.1 Policy HG5 Housing Mix states that in granting planning permission for residential development, housing sizes and types that reflect local needs will be secured. The table below shows the policy requirement in terms of housing mix compared to that of the proposed development.

Unit Size	Policy HG5 Requirement	Amended Proposal	% of Total Dwellings on Site
1 bed	4%	5 units	9%
2 bed	42%	49 units	91%
3 bed	39%	0 units	0%
4 bed	15%	0 units	0%

- 6.10.2 The development would predominantly involve the delivery of two bed units. Although these, alongside three bed units, are identified in the 2019 Housing and Employment Needs Assessment (HEDNA) as being collectively in the greatest need across Tamworth, the proposal does fall short in reflecting the dwelling mix preferred by Policy HG5.
- 6.10.3 Generally, Policy HG5 should be considered a starting point from which the most site-appropriate mix can be determined, and any significant deviation appropriately justified. In this case, supporting information has been provided that references the town centre location and the saleability of particular dwelling sizes in this area. Provided by the local estate agent, the information details why

both three and four beds would not be suitable for either the location or the site, and why the alternative mix is more appropriate. Whilst the proposed housing mix does not comply with policy HG5, given the overriding need for two beds identified and the advice of the local estate agents of the lack of market for three or four bedroom flats and evidence in the 2019 HEDNA the proposed housing mix is considered to be acceptable.

6.11 Housing Density

- 6.11.1 Policy HG6 Housing Density states that new residential development will make efficient and effective use of land, while enhancing the character and quality of the area it is located in. Where viable and appropriate to the local context and character it will be expected to achieve a density of 40 dwellings per hectare or greater.
- 6.11.2 The site has a net developable area of 0.3125ha according to the thresholds set out in the supporting text of Policy HG6. Based on 54 dwellings on site this would provide the development with a density of approximately 172.8 dwellings per ha, which exceeds the minimum density requirement of 40 dwellings per hectare and is therefore compliant with Policy HG6 of the Tamworth Local Plan 2006-31.

6.12. Open Space

- 6.12.1 Policy EN3 states that all new housing development should be within 400m of accessible high quality open space as defined in the Open Space Review 2012. New on-site open space should be provided where this is not the case using a standard of 2.43 hectares per 1000 population as a guide. Where it is not appropriate to create new on-site open space, all new housing developments should contribute towards improving the quality and accessibility of nearby off-site open spaces. This would be spent on open space and recreation projects identified in the Infrastructure Delivery Plan 2018.
- 6.12.2 In terms of open space within 400m of the site, there is only one in the form of the graveyard around St. Editha's Parish Church. This is however classed as lower quality amenity space and mainly in graveyard use so not suitable for wide recreation use.
- 6.12.3 In this instance, as it is not possible for the scheme to include open space that fully accords with the policy and given the limited land available, a financial contribution has been requested. The Planning Obligations SPD states that a contribution of £660 per 1 or 2 bed dwelling should be made where open space cannot be accommodated within the site. It is proposed to build 54 flats which equates to a contribution of £35,640. This would be secured via a section 106 agreement in order for the proposal to comply with policy EN3 of the Tamworth Local Plan 2006-31.

7 Conclusion

- 7.1 The proposal is for the conversion and extension to the former police station off Spinning School Lane, Tamworth including the demolition of the single storey buildings attached to the east and west of the main building and the outbuildings, to form 54 residential units.
- 7.2 The scheme is acknowledged to not fully accord with the parking standards in Appendix C of the Local Plan, however Policy SU2 states 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. Therefore, on account of the site being located in central Tamworth and by definition one of the most sustainable locations within the borough with easily accessible access to the railway station, bus services the deficiencies are acceptable, and it is the ambition most occupants will rely on using these methods of transport for access. Should a private car be required there are parking options available and therefore the development would accord with SU2 of the Tamworth Local Plan and National Planning Policy Framework.
- 7.3 It has also been recognised that the proposal is also deficient in external private amenity space. However, as these standards are encouraged and not mandatory and with the balconies with the provision given in the application meeting the quantum the shortfall is acceptable in this instance.

- 7.4 With regards to internal space standard deficiencies identified, again the technical space standards are not mandatory and a significant amount of the units will meet or exceed these. Those that are deficient are not by a significant quantum to be a substantive refusal reason.
- 7.5 All the above considerations of principle, character and appearance, highway safety and parking, heritage and archaeology, amenity, ecology, contamination, flooding and drainage, housing mix, housing density, affordable housing, open space have been considered acceptable. In each case it is considered that the proposal has, with conditions where, necessary, met or exceeded the policy requirements established by the Tamworth Local Plan 2006-2031 and the interests of consultees.
- 7.6 The development seeks to provide section 106 contributions for the education requirements, health care provision, open space and affordable units in line with local plan policy which all provide benefits to local infrastructure.

8 Recommendation

Approval subject to S106, CIL contribution and the below conditions

Section 106 to be produced for the following contributions:

- a) £429,932 for Education
- b) £35,100 for Local Healthcare Provision
- c) Contribution towards open space
1 or 2 bed dwelling - £660 per dwelling - totaling £35,640
- d) Affordable homes as follows;
 - The delivery of 3 First Homes
 - The delivery of 3 Affordable Home Ownership tenures
 - The remaining 5 affordable dwellings delivered as affordable rented tenures, split between social and affordable rent.

CIL contribution approximately £194,173.51.

Conditions / Reasons

1. The development shall commence within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall only be carried out in accordance with the application form and drawings;

L01 Rev B Site Location Plan received 15th November 2023
 SK01 Rev F Site Layout Proposed received 14th March 2023
 SK02 Rev A Basement Plan Proposed received 20th February 2023
 SK03 Rev F Ground Floor Plan Proposed received 14th March 2023
 SK04 Rev C First Floor Plan Proposed received 10th January 2023
 SK05 Rev D Second Floor Plan Proposed received 24th November 2023
 SK06 Rev C Third Floor Plan Proposed received 10th January 2023
 SK07 Rev C Fourth Floor/Roof Plan Proposed received 10th January 2023
 SK09 Rev F Elevations South + East Proposed received 24th November 2023
 SK10 Rev F Elevations North + West Proposed received 24th November 2023
 SK11 Rev D Elevations East + West (Courtyard) Proposed received 24th November 2023
 SK13 Rev A Bin Store Details received 2nd March 2023
 SK14 Site Layout – Proposed Surfacing + Exceedance Flow Plan
 SuDS for Pollution Mitigation – Former Police Station, Tamworth
 Figure 1B Rev B Surface Water Drainage Plan by LK Consult
 Figure 1 Standard Details Drainage 1 by LK Consult
 Figure 2 Drainage Standard Details 2 by Lk Consult
 Phase 1 Bat Survey by Ridgeway Ecology Ltd dated 5th June 2023

Reason: To define the permission

3. Prior to the commencement of the development hereby approved details of all materials to be used in the construction of the external surfaces of the development shall be submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure a satisfactory external appearance to the development in accordance with policy EN5: Design of New Development as set out in the Tamworth Local Plan 2006-2031.

4. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication.

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

c) The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To enable potential archaeological remains and features to be adequately recorded, in the interests of cultural heritage and in accordance with policy EN6: Protecting the Historic Environment of the Tamworth Local Plan 2006-2031.

5. Prior to the commencement of development, a scheme of hard and soft landscaping (including the roof terrace) shall be submitted to and approved in writing by the Local Planning Authority. This landscaping scheme **must show a net gain of ecology**. In addition, all hard landscaping shall be carried out in accordance with the approved details prior to first occupation of the approved dwellings, whilst all planting comprised in the approved scheme shall be carried out prior to completion of the development; and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

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

6. Marmion Street access will be closed and the footway to be reinstated as shown on Site Layout Proposed Drawing No. SK01 Revision D before occupation.

Reason: In the interests of highway safety and in accordance with Policy SU2 Sustainable Transport of the Tamworth Local Plan 2006-2031.

7. Notwithstanding plans as submitted car parking shall be provided as shown on Site Layout Proposed Drawing No. SK01 Revision F and shall be 2.4m X 4.8m each space and disabled spaces shall be 3.6m x 6m each space before occupation.

Reason: In the interests of highway safety and in accordance with Policy SU2 Sustainable Transport of the Tamworth Local Plan 2006-2031.

8. Notwithstanding plans as submitted 54 cycle parking shall be secure and covered and shall be provided before occupation.

Reason: In the interests of highway safety and in accordance with Policy SU2 Sustainable Transport of the Tamworth Local Plan 2006-2031.

9. The development shall not be started until a construction and environmental management plan is provided and approved by the local planning authority.
 - Routing of construction vehicles to and from the site

- Arrangements for the parking of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Construction hours
- Measures to remove mud or debris carried onto the highway
- Wheel washing facilities.

Reason: In the interests of highway safety and in accordance with Policy SU2 Sustainable Transport of the Tamworth Local Plan 2006-2031.

10. Prior to the commencement of development, a scheme of sound insulation shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed following the completion of a noise survey undertaken by a competent person. EP has concerns over the southwest corner of the development, as this is closest to the ATIK nightclub. I would like to see this referenced and accounted for in the scheme of sound. On completion of construction but prior to occupation of the dwellings, the applicant shall ensure that they can achieve the following criteria:
- Bedroom 35 dB LAeq (16 hrs) (0700 hrs to 2300 hrs)
 - Bedrooms 30 dB LAeq (8 hrs) (2300 hrs to 0700 hrs)
 - Bedrooms 45 dB LAmx (2300 hrs to 0700 hrs)
 - Living rooms 35 dB LAeq (16 hrs) (0700 hrs to 2300 hrs)

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

Reason: Achieve the above acoustic criteria to protect the health of future occupiers and to comply with policy EN5 of Tamworth Local Plan 2006-2031.

11. No work will be completed, construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on Saturday and not at any time on Sundays, Bank or Public Holidays.

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

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

Reason: To safeguard the amenities of neighbouring dwellings and to comply with policy EN5 of Tamworth Local Plan 2006-2031.

13. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed, and an appropriate remediation scheme submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy SU5 of Tamworth Local Plan 2006-2031

14. Prior to the commencement of development, a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, to comply with policy EN5 of Tamworth Local Plan 2006-2031.

15. Prior to the commencement of development, a scheme to deal with the management and/or safe disposal of asbestos and asbestos containing materials has been submitted to and approved in

writing by the local planning authority. The scheme shall include details of, where necessary, an asbestos identification survey by a qualified contractor, measures to be adopted to protect human health and the preferred asbestos disposal route, unless the local planning authority dispenses with any such requirement specifically in writing.

Reason: To protect the health of site workers and future occupiers of the site, and to comply with policy SU5 of the Tamworth Local Plan 2006-2031.

16. Prior to the commencement of development, a fully detailed surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
- Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), (DEFRA, March 2015), and;
 - Surface water drainage system(s) designed in full accordance with all standards and other criteria within the Staffordshire County Council Flood Risk Management Team (LLFA), SuDS Handbook.
 - Limiting any surface water discharge from the site generated by all equivalent return period critical duration storms events, up to and including the 1 in 100 plus 40% (for climate change), return period, so that this does not exceed 5 l/s, site – in full accordance with the Non-Statutory Technical Standards for SuDS and the SSC SuDs Handbook).
 - Provision of adequate surface water attenuation storage in accordance with the requirements of ‘Science Report SC030219 Rainfall Runoff Management for Developments’
 - Ground investigation and soak-away (infiltration), testing in full accordance with BRE 365 best practice to corroborate or reject the viability of utilising infiltration as a means surface water discharge.
 - The incorporation of adequate surface water treatment in accordance with CIRIA C753 – particularly, the Simple Index Approach, to mitigate surface water quality pollution and maintain water quality.
 - Detailed design (plans, network details and calculations), in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations, inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30, 1 in 100 year, and 1 in 100 year plus 40% (a climate change allowance), return periods, critical duration storms only.
 - Formal (Section 106), agreement with Severn Trent Water (Plc), that confirms surface water discharge is to be accepted into the proposed downstream network that falls under Severn Trent Water (STW), ownership.
 - Plans illustrating flooded areas and flow paths in the event of any exceedance of the drainage system.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water systems shall be maintained and managed for the lifetime of the development.
- Provision of an adequate and satisfactory Construction Environment Management Plan or Construction Surface Water Management Plan.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure lifetime maintenance of the system to prevent flooding issue. To comply with policy SU4 of the Tamworth Local Plan 2006-2031.

17. All work must be carried out carefully with the expectation that bats may be found. If bats are observed within the building or tree at any time work must cease immediately and Natural England or the ecologist for this project must be contacted for advice.

Reason: To protect bats and to comply with policy EN4 of the Tamworth Local Plan 2006-2031.

18. Detailed landscape plan to be submitted that achieves biodiversity net gain.

Reason: To protect biodiversity and comply with policy EN4 of the Tamworth Local Plan 2006-2031 and paragraph 179 of the NPPF.

19. Removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season (1st March to end August.) If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or

nest-building birds are present. If any nesting birds are present, then the vegetation or buildings shall not be removed until the fledglings have left the nest.

Reason: To protect birds and with policy EN4 of the Tamworth Local Plan 2006-2031.

20. Prior to the commencement of the development, details of biodiversity enhancement measures including 10 number integrated bat tubes or bat boxes within the building, located as described in the Phase 1 Bat Survey (Ridgeway Ecology, June 2023) Section 5, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.

Reason: To provide habitats for bats and to comply with policy EN4 of the Tamworth Local Plan 2006-2031.

21. Prior to the commencement of the development, details of the type and location of biodiversity enhancement measures including 3 groups of 3 number swift boxes and 5 number house sparrow terraces on or integrated into north- or east- facing brickwork of the buildings shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.

Reason: To provide habitats for birds and to comply with policy EN4 of the Tamworth Local Plan 2006-2031.

22. Prior to the commencement of the development, details of biodiversity enhancement measures including 3 number invertebrate houses (bug hotels), located near soft landscape planting, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into landscaping and be fully constructed prior to occupation of the buildings and retained as such thereafter.

Reason: To provide habitats for invertebrate and to comply with policy EN4 of the Tamworth Local Plan 2006-2031.

23. Prior to occupation of the buildings, submission of ecology sign-off report confirming locations and installation of enhancement measures detailed in conditions 4-6.

Reason: To protect biodiversity and to comply with policy EN4 of the Tamworth Local Plan 2006-2031.

Informative Notes to Applicant

Severn Trent Water

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contact our Development Services Team (Tel: 0800 707 6600).

Discharge of Conditions

The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £116. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in kind when programming development.

Highways Authority

Condition 6 requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (trafficanetwork@staffordshire.gov.uk). The applicant is advised to begin this process

well in advance of any works taking place in order to meet any potential timescales.
<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>

Protected Wildlife

Nesting birds, bats, owls and other wildlife, their roosts and their access to roosts, are protected under the Wildlife and Countryside Act 1981. Should any protected bird species be present in the buildings affected by this application, any works should be performed outside the bird nesting season. Should bats, owls or other species be present in the buildings affected by this application, the applicant should contact Natural England.

Staffordshire County Council ownership issues

It is advised the applicant liaises with Staffordshire County Council regarding the site being accessed via Staffordshire County Council Title and barrier system and being subject to a Right of Way previously used by the Police Station (which was not for the proposed intensification of the site). Initial advice states that this would form part of a unilateral undertaking be included in the application to address the right of way over County Title and use of the SCC owned barrier. For further guidance it is advised contact is made with Dorothy Butcher on (01785) 277540 or via email dorothy.butcher@staffordshire.gov.uk and Paul Causer on 07813 990 234 paul.causer@staffordshire.gov.uk.