



TOWN AND COUNTRY PLANNING ACT 1990

**STATEMENT OF CASE OF
THE LOCAL PLANNING AUTHORITY**

PLANNING APPEAL BY TOMMAC BUILDING SERVICES LIMITED

AGAINST THE REFUSAL OF FULL PLANNING APPLICATION FOR:

**Conversion of and extension to existing five storey former police station building to
form 54 residential units**

**FORMER POLICE STATION, SPINNING SCHOOL LANE, TAMWORTH
B79 7**

LOCAL PLANNING AUTHORITY REFERENCE: 0261/2022

PLANNING INSPECTORATE REFERENCE: APP/Z3445/W/24/3340508

MAY 2024

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1. INTRODUCTION

- 1.1 This Statement, along with the committee minutes at Appendix 1, sets out Tamworth Borough Council's full Statement of Case in relation to the appeal against refusal of the full planning application for the conversion of and extension to an existing five storey former police station building to form 54 residential units at the former police station on Spinning School Lane, Tamworth.
- 1.2. The application was recommended for approval by planning officers however this decision was overturned by members at the planning committee meeting of 5th December 2023.
- 1.3 The reasons for refusal are as follows:

1. The proposed development, in providing 28 car parking spaces less than the 68 required for 54 Self-contained flats/apartments fails to meet the parking standards as detailed in Appendix C of the Tamworth Local Plan 2006-31. No survey work or other such substantial information has been submitted to justify the non-compliance with these Local Plan car parking standards.

The proposed development is also deficient in the provision of private outdoor space in accordance with paragraph 4.76 of the Tamworth Design SPD 2019. The guidance states that for a development containing 54 apartments, 354 square metres of private outdoor space should be provided and with a shortfall of 78 square metres fails to comply with Local Plan policy EN5 Design of New Development of the Tamworth Local Plan 2006-31. No survey work or other such substantial information has been submitted to justify the non-compliance with the recommended standard for private outdoor space.

Furthermore, the proposed development fails to comply with paragraph 4.71 which encourages applicants to aspire to the space standards set out within 'Technical Housing Standards – Nationally Described Space Standard (DCLG 2015).

These deficiencies outlined above represents overdevelopment of the site.

2. Local Plan policy HG5 Housing Mix of the Tamworth Local Plan requires the provision of one, two, three and four bed units to reflect local needs. The absence of three and four bed units within the proposed scheme represents a significant under supply of those sized units, especially with regards to three bed units where 39 percent of the total are needed. Furthermore, the proposed mix included an oversupply of one and two bed units, particularly in relation to two bed units where 42 percent is required by the policy compared to the 91 percent proposed. No robust evidence has been supplied to provide justification that an alternative mix is acceptable, the proposal is therefore considered to be contrary to policy HG5 Housing Mix of the Tamworth Local Plan 2006-31.
- 1.4 This appeal statements seeks to present evidence on the considerations that members felt important enough to go against the advice of planning officers in this instance.

2. STATEMENT OF CASE OF THE LOCAL PLANNING AUTHORITY

2.1 This section will be supported by referring to the separate reasons for refusal.

Reason 1 – Failure to provide the required parking numbers required by Appendix C of the Tamworth Local Plan

2.2 Appendix C of the Tamworth Local Plan states the following parking numbers should be provided for various developments types:

Development Type	Requirement
Residential C3. Self-contained flats/apartments	Residents: 1 space per flat Visitors: 1 space per 4 flats

2.3 The proposed parking for this development provides 40 spaces which therefore means a deficiency of 28 or 41% against these standards.

2.4 The subtext to this policy states the objectives of having these standards which is to ensure parked vehicles do not become either a safety hazard or environmental nuisance.

2.5 This was adjudged to be a real concern if the deficiency of parking was to be accepted at this site. Members had real concern that allowing such a deficient number of parking would have capacity issues for the other parking areas in Tamworth and around the site which is heavily restricted by Traffic Regulation Orders.

2.5 Furthermore, the amount of parking in Tamworth town centre has been observed to be at a premium at night when those that live in the surrounding area are at home and people are using the services in the town centre. As a result, there is a concern that without sufficient parking provided for by new developments issues elsewhere for local residents may result which would compromise their own amenity and related social issues.

2.6 In addition to this, the regeneration of Tamworth town centre includes the re-development of its car parks, which will further reduce the capacity and availability in the immediate vicinity of the police station site. Whilst timescales for regeneration have yet to be set, the Borough Council's regeneration team are currently assembling land and undertaking some initial enabling works in and around Spinning School Lane.

2.7 In summary, despite the lack of objection from the Staffordshire County Council highways department, there are still local issues that generated the reasons for refusal being given.

Provision of outdoor space contrary to the Design SPD.

2.6 Paragraph 4.76 of the Tamworth SPD states it is recommended that a minimum of 5 sqm 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 sqm for each additional occupant.

2.7 The proposed private outdoor space with this development is 276m² and therefore is deficient by 78m² against these standards.

- 2.8 National Planning Policy Framework Paragraph 135f) states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, **with a high standard of amenity for existing and future users**. A development that provides enough amenity space is considered a fundamental part of this need for promoting health and wellbeing and high standard of amenity.
- 2.9 Therefore, the failure to provide the required amenity space is considered a significant policy conflict when considering the importance of providing this amenity space. Whilst Tamworth town centre does have parks and open space, there is a lack of this within close proximity to the site. There is therefore an even more important requirement to ensure the development itself provides sufficient space for the potential occupiers to experience the benefits of outdoor space and members saw this as another reason to refuse the application.

Reason 2 - Housing mix not in compliance with HG5 of the Tamworth Local Plan

- 2.10 Policy HG5 Housing Mix of the Tamworth Local Plan provides a specific mix of housing required for new housing in the local authority area. The table below states this breakdown:

Sized units	New Housing Requirement
1 bedroom	4%
2 bedroom	42%
3 bedroom	39%
4 bedroom or more	15%

- 2.11 The proposed development provides the following against the council's requirements:

Sized units	New Housing Requirement	Application Proposal	%
1 bedroom	4%	5	9
2 bedroom	42%	49	91
3 bedroom	39%	0	0
4 bedroom or more	15%	0	0

- 2.12 The above table at 2.11 shows a very significant departure from the requirements of policy HG5. HG5 also states that where it is demonstrated that where it is not feasible or viable to achieve this, an alternative mix will be acceptable that matches local needs as far as possible.
- 2.13 To support an alternative mix of housing, quality evidence would therefore be needed to justify this. The only data given by the applicants however was an estate agent commenting that they believe three of four beds would not be suited or saleable at the site. Whilst this estate agent has only ever seen a limited number of three and four bedroom apartments, this does not mean that there is not a demand and arguably could actually mean that there is a need for them locally. Members are right to challenge this and therefore this forms the final reason to refuse.

3. COMMENTS ON THE APPELLANT'S STATEMENT OF CASE

Parking Numbers

- 3.1 The appellants statement of case makes reference to policy SU2 and the acceptance of lower parking standards where more sustainable modes of transport are easily accessible.
- 3.2 Whilst this is accepted as the policy wording, councillors saw there was a lack of bespoke evidence to support the reduced numbers parking being proposed. Policy SU2 states that 'A Transport Assessment and comprehensive Travel Plan must accompany all major development proposals as set out in Appendix E' and no such statement or assessments have been provided in this instance. Notwithstanding the reference to the absence of these specific documents, more locally specific evidence to support the assertion that the shortfall in parking would not impact on highway safety or cause an environmental nuisance was not forthcoming.
- 3.3 The approach taken by Staffordshire County Council Highways was considered too reliant on national standards. Members took their assessment from site specific information.

Amenity Space

- 3.3 On this issue, the appellants statement makes reference to the shortfall of outdoor amenity space of 78sqm relative to the recommended standard contained in the Design SPD. The statement goes on to comment that this shortfall is being met by the balconies and the basement gym.
- 3.4 However, as the balconies do not meet the requirements stated in paragraph 4.76 of the Design SPD, that the smallest dimension is not less than 1.5sqm, they cannot be taken into consideration in these calculations. Furthermore, the balconies are associated with individual units and not accessible for general use and therefore only benefit the individuals living in these units. The basement gym is not an outdoor facility and this cannot be taken into consideration in the calculation of outdoor amenity space. As a result, there is still considered a marked shortfall in the amenity space provided.
- 3.5 The appellants statement makes reference to the internal space standards not being adopted but these are contained within the Design SPD. The final paragraph of Policy EN5 states that 'Further detailed design guidance will be set out within the Design Supplementary Planning Document.'
- 3.6 Paragraph 139 of the NPPF states that Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides (our emphasis) and codes. Whilst Nationally Described Technical Housing Standards are not specifically outlined in the Tamworth Local Plan, the Design SPD is referenced, and by association is a document to be considered in the planning balance.

Housing Mix

On this final issue, the appellant in their statement makes reference to the supporting evidence provided by a local estate agent which makes the case that three and four bed apartments would not be viable in a location such as the appeal site.

The sole statement provided is considered opinion, with the absent of facts or strong research, representing the view of only one individual. Whilst this evidence was presented within the committee report the Councillors took the view that this overall non-compliance was unacceptable.

4. CONCLUSIONS

- 4.1 The LPA acknowledges that the proposal would deliver benefits as highlighted in the committee report and therefore did recommend that the application be approved as per the reasons stated,
- 4.2 However, in this instance members decided that there were compelling reasons to determine that the application did not meet various local plan policies and therefore refused the application.
- 4.3 This statement sets out these reasons in full and therefore feel the appellant has both underestimated the harm that would be caused by the proposed development and underestimated the degree of impact of those issues that have been acknowledged.

5. CONDITIONS

- 5.1 As required by the letter of the Planning Inspectorate dated 28 March 2024, the recommended conditions should the appeal be allowed can be found on the separate Word document with this statement.

6. APPENDICES

- 6.1 Minutes of the committee meeting of 5th December 2023
- 6.2 Link to the video recording of the meeting (1h34m for when debate into decision takes place).
<https://www.youtube.com/watch?v=417iyyq2xME&feature=youtu.be>
- 6.3 Planning committee report of 5th December 2023 (Page 18-36)
- 6.4 Tamworth Borough Local Plan 2006-31.
https://www.tamworth.gov.uk/sites/default/files/planning_docs/Local-Plan-2006-2031.pdf

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