



Appeal Decision

Hearing held on 11 June 2024

Site visit made on 11 June 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2024

Appeal Ref: APP/Z3445/W/24/3340508

Police Station, Spinning School Lane, Tamworth, Staffordshire B79 7BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Steve McQuaker (Tommac Building Services Ltd) against the decision of Tamworth Borough Council.
 - The application Ref is 0261/2022.
 - The development proposed is the conversion of and extensions to existing 5 storey former Police Station building (including demolition of single storey elements/outbuildings) to form 54 residential units.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed conversion of and extensions to existing 5-storey former Police Station building (including demolition of single storey elements /outbuildings) to form 54 residential units at Police Station, Spinning School Lane, Tamworth, Staffordshire B79 7BB in accordance with the terms of the application, Ref 0261/2022, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Steve McQuaker (Tommac Building Services Ltd) against Tamworth Borough Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - a) the effect of the proposed development on highway safety in relation to the proposed car parking provision,
 - b) whether the development would provide satisfactory accommodation for its future occupiers with regards to internal space standards and amenity space provision, and
 - c) whether the proposed development would deliver an adequate mix of homes.

Reasons

Highway Safety

4. Policy SU2 of the Tamworth Borough Council Local Plan 2006-2031 (Local Plan) requires development proposals to make adequate provision for parking in accordance with the parking standards set out in Appendix C of the Local Plan. For the appeal development, a total of 68 spaces would be required, but the proposal would only provide 40 car parking spaces.
5. Local Plan Policy SU2 does however set out that lower levels of parking provision may be acceptable in highly accessible locations, including Tamworth's network of centres. The appeal site is situated in an area where a range of goods and services within Tamworth town centre are accessible on foot, as are various public transport connections. A significant level of cycle parking provision, totalling space for 54 bicycles is also proposed to be provided on site. As such, despite the shortfall in parking provision having regard to the parking standards in Appendix C of the Local Plan, there would be opportunities for accessing a range of services and facilities without the need for travel by private car.
6. There are a number of public car parks in the immediate vicinity of the site which could be utilised if so required. The Council has indicated that parking availability in surface level car parks is at a premium at night, but from my observations in the late evening and at various times during the day, there were a number of parking spaces available. As such, if there was increased parking demand beyond the on-site parking spaces proposed, then this could be accommodated by such public car parks where long stay annual permits are available. The Council has referenced regeneration plans in the town centre, which is said would include the re-development of its car parks. Limited details have been provided on this and it was confirmed that such regeneration plans are at an early stage. Consequently, such parking provision would be available for the foreseeable future, and future regeneration plans would consider the levels of parking availability in the town centre area.
7. Given the availability of such parking, and the on-street parking restrictions that are in place in the area around the appeal site, I do not consider that the proposal would have an adverse impact on on-street parking. In this regard, I note the absence of an objection from Staffordshire County Council as Highway Authority.
8. I therefore conclude that the proposal would not have detrimental impact on highway safety, with regards to car parking provision. As such, it would not conflict with Local Plan Policy SU2, which seeks, amongst other matters, to grant permission for development that would ensure adequate highway safety. There would also be no conflict with Paragraph 115 of the National Planning Policy Framework (Framework), which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Living Conditions – Future Occupiers

9. Five of the proposed flats would not meet the minimum space standards, in terms of the total internal floorspace set out in the Technical housing standards

- nationally described space standards (NDSS). Although the Council seeks development to aspire to the standards set out in NDSS, the Planning Practice Guidance (PPG) states¹ that LPA's who require an internal space standard should only do so by reference in their Local Plan. Although being referred to in the Tamworth Design Supplementary Planning Document (SPD), the Council's Local Plan does not however reference the NDSS.
10. In any event, the shortfall in the internal floor area of 0.3sqm against the NDSS is small, and the submitted floor plans of the flats concerned demonstrate that the layout and space of each unit would provide future occupiers with satisfactory internal living standards.
 11. The proposed development would be deficient in its provision of outdoor space when considering the external space standards set out in the SPD. The document however states that these are recommended standards, and future occupants of the development would have access to a number of terraces in the proposed development totalling around 276sqm in area. Some of the flats would benefit from private balconies, and although these are limited in size, they would nevertheless provide occupants of those units with usable amenity space.
 12. The appeal site is also within easy walking distance of a number of open space areas which would supplement the on-site amenity space provision by providing outdoor recreation opportunities for future occupants of the flats. The combined provision therefore would provide future occupiers with a good level of outdoor amenity space for sitting out, socialising as well as for recreation.
 13. Accordingly, I conclude that the proposed development would provide satisfactory accommodation for its future occupiers with regard to internal space standards and amenity space provision. As such, it would comply with Policy EN5 of the Local Plan which seeks, amongst other matters, the provision of usable open space. It would also be compliant with the Framework insofar as it seeks a high standard of amenity for existing and future users. Whilst the development may not meet certain recommended guidance set out in the SPD, it would not be contrary to its aims, which seeks the provision of useable private amenity space.

Mix of Homes

14. The appeal proposal would predominantly provide 2-bedroom flats, with a small number of 1-bedroom units. This mix, along with the lack of 3- or 4-bedroom units would not meet the housing mix required by Policy HG5 of the Local Plan. This policy does however allow, where it is not feasible or viable, for an alternative mix where it matches local needs as far as possible.
15. The Housing and Economic Development Needs Assessment (HEDNA) identifies the greatest need across Tamworth is for 2 and 3 bed units, although in the Town Centre area, the appellant's evidence sets out that 3-bedroom units are not feasible. As well as the lack of three-bedroom units being constructed or coming to the market for sale in the Town Centre, the evidence put forward at the hearing was that as well as such supply factors, almost all the registered interested in apartments was from those looking for either 1- or 2-bedroom

¹ Paragraph: 018 Reference ID: 56-018-20150327

units. Although this evidence is from one estate agent, I have been provided with no substantive reason to disagree with this position. The proposal, therefore, 91% of which would be for two-bedroom units where there is an overriding need for this size of accommodation, would match local needs as far as possible.

16. To conclude, the proposal would provide an adequate mix of homes and as such, would comply with Local Plan Policy HG5 which requires housing sizes and types that reflect local needs.

Other Matters

17. Representations have been made by neighbouring residential occupiers relating to the loss of light and privacy from the appeal development. The proposed development would have a two storey form closest to the neighbouring terrace on Marmion Street, and having regard to its scale and positioning relative to the nearby windows and the gardens of neighbouring residential properties, it would not result in an unacceptable loss of light. The separation distance between windows of the proposed development and neighbouring residential properties would also not give rise to harmful overlooking.
18. I have taken into account other matters raised, including noise and disturbance during the construction phase, but this would be for a temporary period. The Council's decision does not raise any adverse impacts arising from traffic noise and I have no reason to disagree.
19. The appellant has submitted a Section 106 agreement providing healthcare, education, open space contributions as well as affordable housing. This obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Conditions

20. I have considered the conditions suggested by the Council and consultees, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended those suggested as appropriate.
21. I have attached a materials condition and a condition in relation to landscaping in the interests of the character and appearance of the area. A condition requiring a construction and environmental management plan is required in the interests of highway safety, and a condition relating to a written scheme of archaeological investigation to ensure such features and remains are adequately recorded. A scheme for sound insulation and also schemes to deal with asbestos and dust are needed in the interests of living conditions for future occupiers and for the health of site workers. A condition is also needed requiring a detailed surface water drainage scheme to prevent flooding. It is essential for these conditions to be pre-commencement conditions to ensure the satisfactory appearance of the development, to prevent adverse impacts on the highway and archaeological remains, as well as ensuring there are no adverse effects arising on living conditions/human health or by reason of flooding.
22. Conditions requiring the provision of car and cycle parking and the closure of the Marmion Street access are required in the interests of highway safety and to encourage the use of a sustainable means of travel. Conditions are also

necessary to limit the timing of construction and other works, for the provision of a lighting scheme in the interests of the living conditions of nearby residential occupiers.

23. A number of conditions are proposed to secure biodiversity enhancements, as well as conditions to protect bats and nesting birds. A condition relating to contamination is needed to protect the health of future occupants of the development.

Conclusion

24. The proposed development would accord with the development plan as a whole and there are no other considerations that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 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
- 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. The development shall not be carried out other than in accordance with the approved materials.
- 4) (A) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme' (A)) 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.

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

(B) 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 this condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

- 5) Prior to the commencement of development, a scheme of hard and soft landscaping (including the roof terraces) 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.
- 6) Marmion Street access will be closed and the footway to be reinstated as shown on Site Layout Proposed Drawing No. SK01 Revision F prior to the first occupation of the development hereby approved.
- 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.
- 8) Notwithstanding plans as submitted, 54 secure and covered cycle parking spaces and shall be provided before first occupation of the development hereby approved.
- 9) The development shall not be started until a construction and environmental management plan is provided and approved by the Local Planning Authority identifying:
 - 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.

The development shall thereafter be implemented in accordance with the approved details.

- 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. ATIK nightclub needs to be 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 LAm_{ax} (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).

- 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:
0800 and 1800 Monday to Friday
0800 and 1300 Saturday
No work shall be completed on Sundays, Bank or Public Holidays
- 12) Prior to the installation of any external lighting, a lighting scheme which is compliant with the Institution of Lighting Engineers Guidance Note on Light Pollution dated 2021 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and retained as such thereafter.
- 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. The development shall be completed in accordance with the appropriate remediation scheme.
- 14) Prior to the commencement of development, a scheme specifying the provisions to be made to control dust emanating from the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be implemented in full.
- 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. The agreed scheme shall then be implemented in full.
- 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.
- 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.
- 18) 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.

- 19) Prior to its installation/construction, 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.
- 20) Prior to its installation/construction, details of the type and location of biodiversity enhancement measures including three groups of three swift boxes and five 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.
- 21) Prior to its installation/construction, 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.

End of Conditions

APPEARANCES

FOR THE APPELLANT:

Rob Duncan	Rob Duncan Planning Consultancy
Mike Nesbitt	Architecture Design Development Ltd
Jack Cole	Taylor Cole Estate Agents

FOR THE LOCAL PLANNING AUTHORITY:

Glen Baker-Adams	Tamworth Borough Council
Debbie Hall	Tamworth Borough Council

INTERESTED PARTIES:

Huw Loxton	Local Resident
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