

PLANNING COMMITTEE

8th OCTOBER 2024

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

Application Reference 0561/2018

Proposal Demolition of all existing buildings and construction of residential dwellings including extra care/care facility; a community hub comprising Use Classes E(a)-(f) &(g) (i) and (ii) F2 (a) and (b), drinking establishment and hot food takeaway uses, a primary school, the comprising playing fields and sports pavilion, formal and informal open space, children's play area, woodland planting and habitat creation, allotments, walking and cycling routes, sustainable drainage infrastructure, vehicular access and landscaping (Cross-boundary application with North Warwickshire Borough Council).

Site Address Land to the East of the Former Tamworth Golf Course Site, North of Tamworth Road (B5000) and West of the M42

Case Officer Glen Baker-Adams

Recommendation Planning Committee

1. Grant planning permission

1. Introduction

- 1.1 This application is for a mixed use development of 1370 dwellings (including an extra care facility of 100 beds) predominately residential development, with most of the site within the administrative boundary of North Warwickshire District Council. The blue line below shows the Tamworth boundary.



The area of development within the Tamworth Borough Boundary is the proposed main pedestrian and vehicle access road off Robeys Lane with small elements of landscaping off the B5000.

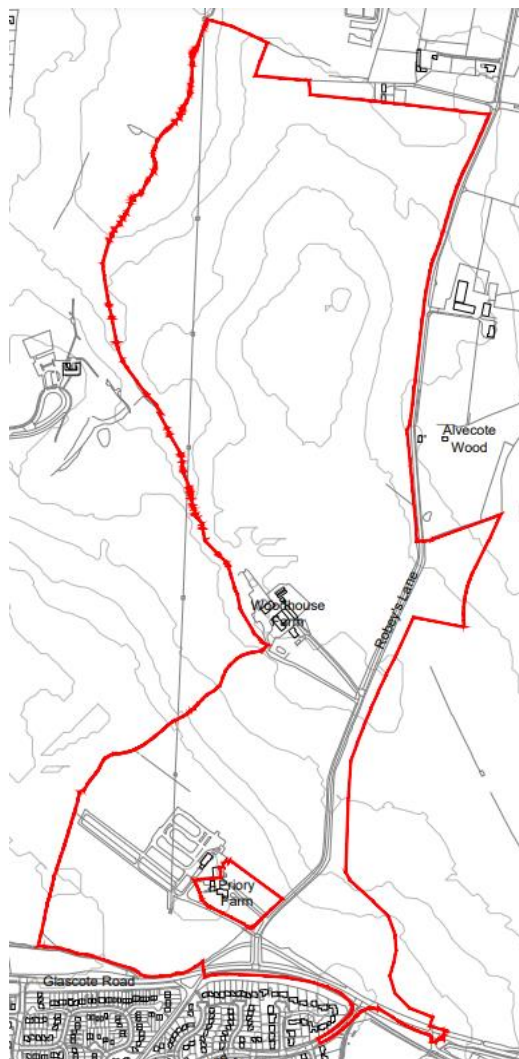
- 1.2 The application is reported to committee as this relates to a major development and adjoins another local authority area for multiple dwellings, infrastructure and significant areas of open space. Despite being within mainly the boundaries of North Warwickshire District Council, the development now approved by them could have significant impact for Tamworth's residents, environment and infrastructure.
- 1.3 Legal advice has been obtained on how to deal with cross-boundary applications such as this. The Planning Practice Guidance¹ stating 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 council then needs to co-operate on the agreement to ensure that the recommendation is the same.
- 1.4 This has been done through regular contact with the head of development control team leader at North Warwickshire District Council and their position has been to **approve** the application at their Planning Board on 2nd September. At Tamworth Borough Council, our decision should only relate to the land in our administrative area which is the basis of this committee report.
- 1.5 By way of a summary of the considerations of North Warwickshire District Council, the application is within a strategic housing allocation defined by Policies LP37 and H5 of the North Warwickshire Local Plan adopted in 2021. This allocation is for a minimum of 1270 dwellings and the proposal is for 1370, including a 100 bed care home. The North Warwickshire Local Plan is up-to-date and thus carries full weight. As a consequence, the delivery of housing on this strategic housing allocation is of substantial weight to North Warwickshire in meeting its Development Plan housing requirements.
- 1.6 Whilst the proportion of the application site that is outside of the allocation is relatively small (c.10%), it is located in the Strategic Gap – a strategic spatial planning policy in North Warwickshire Local Plan. The purpose of this Gap is to "maintain the separate identity of Tamworth and Polesworth with Dordon; 'in order to prevent their coalescence". There are no new buildings proposed on this land, but there is a link road proposed in order to implement the primary access into the allocated land from the B5000.
- 1.7 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 the Tamworth Borough Council local authority administrative area. North Warwickshire District Council approved the application on 2nd September 2024. Updates are to follow on further details of the section 106 agreement.
- 1.8 SITE AND DEVELOPMENT PROPOSALS
- 1.9 The entire site is approximately 73.8 hectares in total. The site adjoins the ongoing development by Redrow Homes on the former Tamworth golf course to the west, Alvecote Marina to the north. Robeys Lane runs north to the south at the eastern edge with residential development over the Tamworth/Glascote Road to the south. The site itself is predominately fields, with intervening uses including Daytona Outdoor Go-Karting and a storage unit facility. The site is not within greenbelt nor are there any historic assets within the site boundaries. The closest heritage assets are the remains of Alvecote Priory and Alvecote priory and Alvecote itself approximately 380m away to the north.

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

APPLICATION PROPOSAL

- 1.10 The application is for development of the site for 1,370 dwellings, with 30% being affordable.² Additional buildings proposed include a community hub of 2.250m², primary school and green infrastructure totalling 34.28 hectares. The planning application is submitted in outline with all matters reserved for subsequent approval other than the means of access to the site, which are submitted in detail. Matters of appearance, layout, scale, and the detailed landscaping of the Site are to be the subject of subsequent reserved matters submission.
- 1.11 An indicative layout has been provided along with a design and access statement, foul and water utilities assessment, water management strategy, market research report, Transport Report, Travel Plan, Noise Assessment, Bat Survey, Tree Survey, Great Crested Newt Report, Guidance Outdoor Sport and Play, Health Impact Assessment, Soils Agricultural Quality Report, Health Impact Assessment, Flood Risk Assessment, Geophysical Survey Report, Geo Environmental Phase 1 Assessment, Landscape & Visual Impact Assessment and Heritage Statement. Due to the size of the site, an Environmental Impact Assessment was also completed.
- 1.12 The access details have been provided in full and reviewed by relevant highways officers at both Staffordshire and Warwickshire County Councils. For Tamworth specifically, the site is confined to the access which would be for both vehicles and pedestrians off Robeys Lane with smaller elements of landscaping off the B5000.

Location Plan



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.

2. Policies

2.1 Local Plan Policies

- SS1 The Spatial Strategy for Tamworth
- SS2 Presumption in Favour of Sustainable Development
- EN5 Design and New Development
- SU1 Sustainable Transport Network
- SU2 Delivering Sustainable Transport

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*
No objection
- 4.1.2 *Tamworth Borough Council Environmental Protection*
No objection
- 4.1.3 *Tamworth Borough Council Waste Management*
No objection

Staffordshire County Council Consultees

- 4.1.4 *Staffordshire County Council Highways*
No objection subject to conditions
- 4.1.5 *Staffordshire County Council Education*
No objection subject to S106 payment
- 4.1.6 *Staffordshire County Council Ecology*
Requirements for further information on whether the watercourse will be retained/enhanced and clarification regarding allotment provision.
- 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 *Highways England*
No objection subject to conditions

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, seven letters of objection have been received from seven different households.
- 5.3 The planning related objections received concern:
- Traffic issues from the B5000
 - The increased amount of housing near to HS2 causing noise pollution for these residents
 - Ecology issues
 - Impacts on Alvecote Wood
 - Constraints on education capacity
- 5.4 Much of the concern raised in objections is in relation to the larger site that North Warwickshire District Council have considered. A summary however of the responses to those given in response to Tamworth Borough Council's consultation exercise is provided at section 7.5 of this report.

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
- Section 106 contributions
- Other matters raised in objections

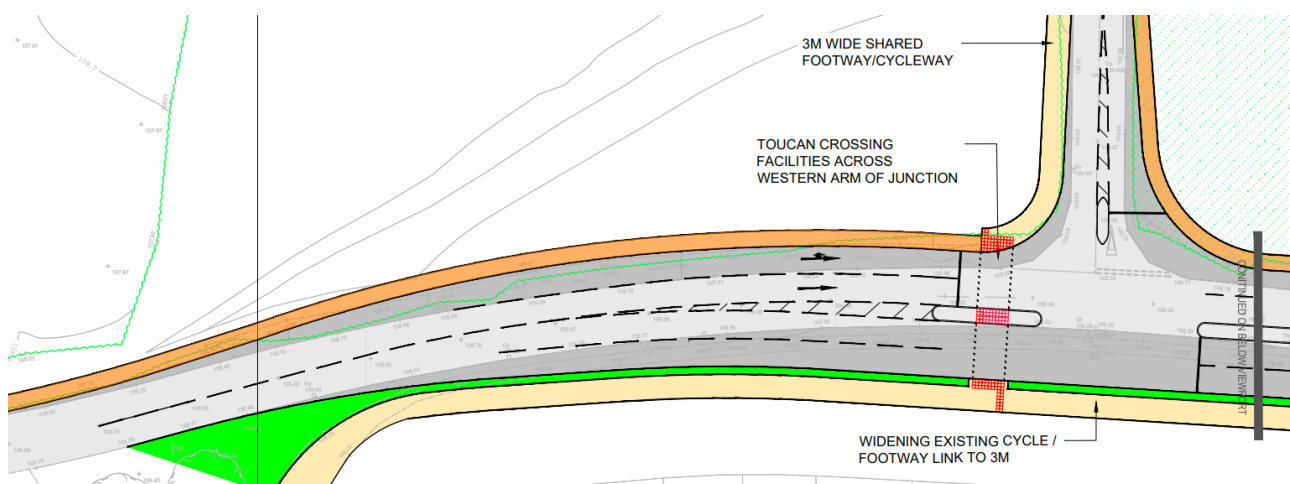
Again, it is important to note that these considerations are those within the specific area of Tamworth Borough Council.

7.1 Principle

- 7.1.1 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 suitably facilitates a development with an access road for both pedestrians and vehicles.
- 7.1.3 The larger development it connects to is fully supported by North Warwickshire Borough Council and has been approved by this local authority. It would therefore be considered unreasonable to refuse the access to this without sound planning basis. As a result, in principle the application is accepted. Appendix A is the full report presented to North Warwickshire planning committee members.

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 area of development located in Tamworth's administrative boundary is the access into the site from the south along with highway upgrade works.



- 7.2.5 This suggests a proposal that would be similar to many such schemes and widen the existing cycle/footway to accommodate the increased traffic and footfall to the site. Along Robeys Lane itself, a 3m wide shared foot/cycle way will be provided which would be visually acceptable and 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 original application was submitted in 2018 and that was the base-line used by the respective Highway Authorities. At that time there were no subsequent objections from the Authorities, This base-line has had to be updated due to the passage of time and new assessments have necessarily had to be undertaken in light of this and given the changes to the original proposal as now.
- 7.3.3 All three Highway Authorities; Warwickshire County Council; Staffordshire County Councils and National Highways. Each have worked together to provide a comprehensive view of the proposals when considering the passage of time and new completed developments, new commitments and any new allocations. Their consultation responses remain consistent and there is still no objection from any of the three Authorities, subject to conditions and to a number of off-site mitigation measures.
- 7.3.4 There will need to be further details provided on the access but this will be suitably conditioned to ensure it meets final approval by the relevant agencies.
- 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.

7.4 Section 106 contributions

The majority of the section 106 contributions will benefit those who live in the North Warwickshire administrative area. This a consequence of having most of the site in this area. The specific contributions are as follows:

- Affordable housing (30%)
- Education £12,285,036 (primary) and £6,670,656 (secondary). Primary and Secondary places mitigated in full.
- Health £1,419,738.
- Leisure £1,696,229
- Public Transport £1,575,000
- Sustainable Travel provision £50 per dwelling
- Libraries £27,798
- Market Street/Tamworth Rd/Bridge St junction upgrade £751,800
- Highways monitoring (vehicles going north to Alvecote and any recalibration of signals)

S106 will also secure delivery of sports hub and green infrastructure and obligations around the local centre.

The application proposes buildings and uses that both Tamworth and North Warwickshire residents can enjoy. The proposed section 106 contribution will ensure that any infrastructure needs as a result of the development would be suitably catered for. Appendix B gives a through account of all the section 106 contributions and how they have been assessed as suitable for this development. The section 106 agreement will be produced and signed by North Warwickshire District Council.

7.5 Other matters raised in objections

Traffic issues from the B5000

All considerations of traffic generation and the full scheme is considered acceptable by Staffordshire County Council and Warwickshire County Council highways engineers with the possibility a non-signalised design proving acceptable for the Robeys Lane junction. No severe issues have been identified on the local highway network including the B5000 and as such the proposal conforms to SU2 of the Tamworth Local Plan 2006-31.

The increased amount of housing near to HS2 causing noise pollution for these residents

The HS2 rail line has been cancelled north of Birmingham and therefore will no longer be a consideration.

Ecology issues

The development will provide more than the required 10% net gain required by current standards even though the application was submitted before this percentage increase became mandatory.

Impacts on Alvecote Wood

The proposed development layout shows the potential location of the surface water drainage arrangements – on the western side of Robeys Lane beyond the new green barrier thus also expanding the physical distance between new development and Alvecote Wood. This buffer is welcomed by the Ecology team at Warwickshire CC and Wildlife Trust. Landscaping features including a further landscaping enhances the buffer towards this ancient woodland.

Constraints on education capacity

Apart from being the largest of the contributions requested, this is perhaps the most recognisable to the community as a whole and particularly to the new occupants of the proposed houses. The proposal includes the provision of a new 2 Form Entry Primary School on site. The Warwickshire and Staffordshire County Education Authorities have issued a joint response agreeing a value for an education contribution and how that is to be distributed locally. This has taken account of the current situation at the established schools in the locality of the application site, together with the fact that the new Primary School on the site of the former golf course to the west is now open, as well as through reference to updated Government guidance referred to in Section 8 above. Existing primary school provision comprises the two schools in Stoneydelph and the new one on the former Tamworth golf course together with Birchwood in Dordon and the Nethersole School in Polesworth. Both Education Authorities agree that there is very limited capacity across the whole range of these schools.

The view taken by both Education Authorities is thus that Polesworth School should have capacity for some pupils arising from this development. Warwickshire has put forward two scenarios to achieve this – increasing the capacity at Polesworth or delivering a new School elsewhere. A contribution of around £8.75 million is sought for the first option, with a contribution of almost £12 million for the second. In both cases, there is still an on-going discussion with the County Council as to what should finally be included in these contributions

In summary, there will be a range of both on site and off site contributions towards education that would conform to national and local policy.

Conclusion

- 8.1 This application is one which crosses boundaries with our neighbouring authority in North Warwickshire District Council. They have the determining powers for a large mixed use site allocated for development in their local plan for a comprehensive residential scheme with various other uses including a primary school, care home, sports pitches and a community hub. Significant areas of public open space, sustainable drainage and play spaces are also part of this scheme.
- 8.2 The part of the site within the administrative boundary of Tamworth Borough is very small in comparison; being limited to the access to Robeys Lane. Small elements of landscaping are also proposed but are again being of such minor detail, the impacts are considered very minor.
- 8.3 The access itself is proportionate and of a typical appearance and scale that would not significantly impact upon the character of the area. It provides suitable spacing to allow for both walking and cycling which assists in promoting sustainable travel, a significant objective of national and local planning policy and wider corporate objectives.

- 8.4 As a result of thorough consultation with the relevant highways authority, the application is deemed to be acceptable in terms of technical design.
- 8.5 The development will be providing a significant amount of contributions both financially and on site infrastructure.
- 8.5 and the proposal represents an acceptable form of development that exists within the administrative boundary of Tamworth Borough Council and the application is recommended for approval subject to conditions.

9 Recommendation

- 9.1 Approval subject to conditions

10 Conditions

- 1 Application for approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in accordance with the following approved plans and documents:
- a) The Site Location Plan numbered 6186/L/09F.
 - b) The Parameters Plan numbered 6186/L/12Z.
 - c) Access Plan numbers 15596/WIE/HGN/ZZ/DR/C/950106/P02; 950107/P03, 950101/P02, 950103/P02 and 950102/P02.