

## **PLANNING COMMITTEE**

**14<sup>th</sup> JANUARY 2025**

## **APPLICATION FOR CONSIDERATION**

**REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION**

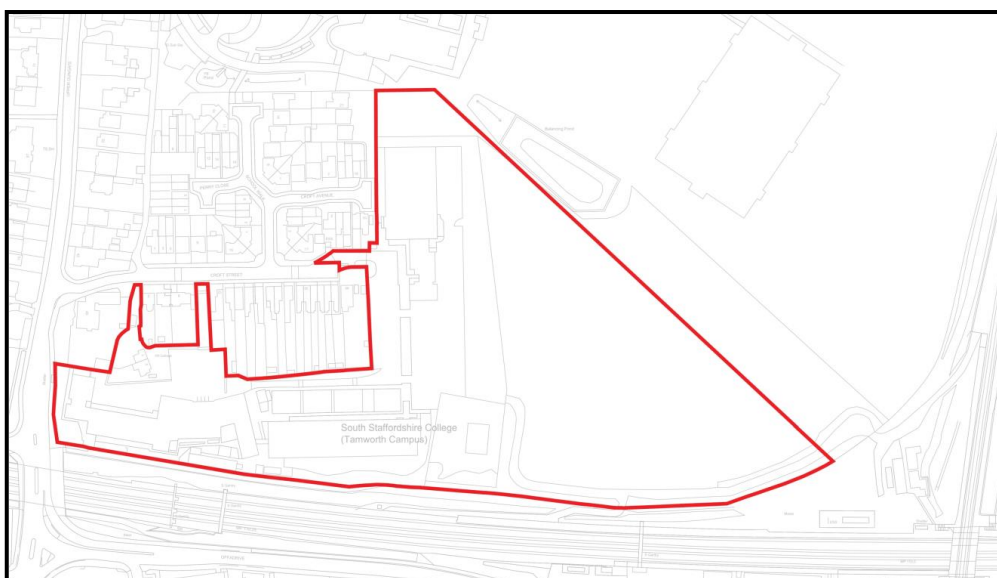
<b>Application Reference</b>	0363/2023
<b>Proposal</b>	Outline application (access sought) - Construction of up to 123 new homes (including 20% affordable), an 80-bed care home, access, public open space, landscaping, attenuation basin and associated infrastructure
<b>Site Address</b>	Tamworth and Lichfield College, Croft Street, Tamworth, Staffordshire B79 8AE
<b>Case Officer</b>	Glen Baker-Adams
<b>Recommendation</b>	<ol style="list-style-type: none"> <li>1. Agree the reasons for approval set out in this report; and</li> <li>2. Resolve to grant planning permission where relevant and delegate authority to the Assistant Director - 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.</li> <li>3. Delegate authority to the development management team leader to issue permission once either: <ul style="list-style-type: none"> <li>• the Secretary of State has indicated they do not intend to issue a direction requiring the grant of planning permission to be delayed until she has decided whether or not to call-in the application,</li> <li>• or the 21-day period has lapsed from the request given</li> </ul> </li> </ol>

**1. Introduction**

- 1.1 This application is for outline permission for up to 123 new homes, an 80-bed care home, public open space, landscaping, attenuation basin and associated infrastructure.
- 1.2 Permission is also sought for access which would utilise the existing college entrance and exit points off Croft Street with modifications to facilitate the residential use proposed.
- 1.3 The application is reported to committee due to it being a major application. A major application is one which is for the provision of 10 dwellings or more or a site area of over 0.5 hectare and the number of dwellings is not known.

**1.4 SITE PROPOSALS**

Location Plan



## Indicative Layout



## 2. **Policies**

### 2.1 Local Plan Policies

SS1	The Spatial Strategy for Tamworth
SS2	Presumption in Favour of Sustainable Development
HG1	Housing
EN4	Protecting and Enhancing Biodiversity
EN5	Design and New Development
SU2	Delivering Sustainable Transport
SU3	Climate Change Mitigation
SU4	Flood Risk and Water Management
SU6	Community Facilities
SU7	Sport and Recreation.
IM1	Infrastructure and Developer Contributions
Appendix A	Housing Trajectory
Appendix C	Car Parking Standard

### 2.2 Supplementary Planning Documents

[Design SPD](#)

[Planning Obligations SPD](#)

### 2.3 National Planning Policy

[National Planning Policy Framework 2024](#)

[National Design Guide 2021](#)

[National Planning Practice Guidance 2024-](#)

### 3. **Relevant Site History**

Reference	Description	Decision	Date
0299/2000	Residential development of educational site	Refusal	01/11/2000
0053/2001	Residential development	Approval	21/11/2001
0367/2023	Demolition of all existing buildings	Approval	09/08/2024

### 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 Development Plans*  
No objection subject to conditions
- 3.1.2 *Tamworth Borough Council Environmental Health*  
No objection subject to conditions
- 3.1.3 *Tamworth Borough Council Joint Waste Services*  
Guidance on bin provision

#### **Staffordshire County Council Consultees**

- 3.1.4 *Staffordshire County Council Highways*  
No objection subject to conditions
- 3.1.5 *Staffordshire County Council Lead Local Flood Authority*  
No objection subject to conditions
- 3.1.6 *Staffordshire County Council Education*  
No objection subject to financial contributions
- 3.1.7 *Staffordshire County Council Ecology*  
No objection subject to conditions

#### **Statutory Consultees**

- 3.1.8 *Sports England*  
Objection – the development fails to meet exemptions within policy
- 3.1.9 *Active Travel England (ATE)*  
No objection subject to conditions
- 3.1.10 *National Rail*  
No objection subject to conditions

#### **Others**

- 3.1.11 *Severn Trent Water*  
No objection subject to condition

3.1.12 *Staffordshire Police*  
Guidance Notes on application

#### **4. Additional Representations**

4.1 As part of the consultation process adjacent residents were notified. A press notice was published on 21<sup>st</sup> December 2023 and site notices were posted on 31<sup>st</sup> January 2024. 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 25 letters of objection were received from 25 different households. A summary of their objections is listed below. These are planning related objections:

- Traffic issues
- Air Pollution from increased traffic.
- Infrastructure pressures including doctors surgeries
- Amenity concerns with the height of proposed buildings

#### **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 paid 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 Access
- Sustainable Travel
- Sports Pitches
- Drainage and Flood Risk
- Ecology
- Amenity
- Developer Contributions and Infrastructure/facilities

##### **6.1 Principle**

6.1.1 The Tamworth Borough Council Local Plan 2006-2031 (the local plan) was adopted in February 2016. As well as the local plan there are statements of national policy within the National Planning Policy Framework (NPPF) and guidance within 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 application is located within the urban area of Tamworth with public transport hubs very close to the site. The site is not allocated for development, however on account of its location being considered very sustainable for additional housing growth it would accord with policy SS1 and SS2 of the local plan and therefore in principle be an acceptable form of development for the location subject to meeting other requirements of the Local Plan.
- 6.1.3 Policy SU3 Climate Change Mitigation states where appropriate proposals for new development will be expected to demonstrate how they will address the causes of climate change and limit greenhouse gas emissions with an aspiration of achieving zero carbon development through a number of things. This includes relevant to this application promoting effective and efficient use of land, ensuring development is located in accessible locations which promote the use of sustainable modes of transport. A neighbour objection was received in relation to potential pollution issues created by additional traffic in the local area caused by the development. Whilst this development would increase private car usage, it is hoped that the evolution of electric vehicles coupled with the availability of sustainable transport measures in very close proximity will not create harmful levels of pollution. Any future reserved matters application will ensure suitable electric charging points and other measures are provided to reduce carbon emissions in the local area.
- 6.1.4 Tamworth Local Plan 2006-31 policy SU6 states a network of high quality, well designed and accessible facilities will be provided across Tamworth to serve local needs. Where increased need is attributed to new development, contributions will be required in accordance with policy IM1 Infrastructure and Developer Contributions. The proposal will be doing this and confirmed through the production of a section 106 agreement.
- 6.1.5 Tamworth Local Plan 2006-31 policy HG1 states that 'within Tamworth a net increase of at least 4,425 dwellings will be delivered within the plan period. As a further update to this, the new NPPF includes a new standard method for calculating housing need that suggests that our housing going forward is significantly higher than in the current adopted plan. The proposed development will enable the council to make a significant contribution towards this requirement through delivery on a brownfield site in a suitable location will conform to policy HG1 and the NPPF.
- 6.1.6 The NPPF recognised that local authorities need to provide mixed tenure sites which include housing designed for specific groups such as older people's housing and therefore by proposing an 80 bed care home the development would accord with such an aim.
- 6.1.7 A previous application reference 0367/2023 was granted for demolition of the school buildings where this development would be located. As a result, this would be a brownfield site ready for appropriate development and a housing scheme and care home would meet wider objectives of boosting housing numbers in a very sustainable location.

## 6.2 **Character and Appearance**

- 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 current planning policy and, with the National Design Guide, remains a very important consideration of planning applications.
- 6.2.4 The application is submitted for outline consent with the only consideration being for access and principle. Notwithstanding this, the application has been supported by a number of plans and documents showing how the development could be designed to meet the relevant policies.

- 6.2.5 The immediate area to the west of the site is existing residential properties arranged around relatively short estate roads which is akin to the proposed layout and therefore meeting the requirements of developments being reflective of local styles as set out in policy EN5.
- 6.2.6 Towards the southern edge of the site where the development abuts the railway line, there is a well landscaped pedestrian route enabling attractive routes to the rear of the site.
- 6.2.7 Within the site itself there are a number of areas of public open space including a large space in the middle for play and recreation.
- 6.2.8 It is therefore adjudged should the parameters and indicative layout be implemented, the application would 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

- 6.3.1 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.
- 6.3.2 The application proposes a main two-way access off Croft Street with pedestrian footways on either side of the carriageway as per drawing Site Access B030155-TTE-00-XX-PL-D-011 Revision 5. Improvement proposed to egress is also proposed on this plan that will facilitate access for emergency vehicles. The pedestrian footway shown for the left turn from the egress is shown as 1.8m.
- 6.3.3 To ensure these meet relevant standards, a road safety audit has been undertaken and informed by additional traffic generation data. This shows a reduction in the morning and afternoon (college peak) and a slight increase in the PM peak from when it was in use a college.
- 6.3.4 Whilst it is recognised that there would be a slight increase in traffic in the afternoons, the data suggests this would not raise severe highways issues and therefore in compliance with the requirements both local plan and NPPF policies.
- 6.3.5 Staffordshire County Council Highways was 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.
- 6.3.6 The provision of adequate 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 local plan and the National Planning Policy Framework.

### 6.4 Sustainable Travel

- 6.4.1 Local Plan Policy SU2 Delivering Sustainable Transport states that development should be accessible by walking, cycling and public transport and proposals should prioritise access by these modes of transport above the private car. 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.
- 6.4.2 In order to aid in this assessment, Active Travel England have been consulted. This is government body part of the Department for Transport who to seek to 'ensure new infrastructure and developments are designed with active travel at the forefront.' A number of recommendations have been given to further ensure the development meets these objectives.



- 6.4.3 The applicants welcome the recommendations and noted that the proposals have a lower traffic generation than the equivalent trip generation of 150 dwellings. They maintain also that the site is also in a highly accessible location, with active travel infrastructure and services. The proposals enhance pedestrian and cycle connectivity further and LHA has identified short and medium term enhancements which, when delivered will further improve pedestrian and cycle trips to the town centre.
- 6.4.4 Being that a lot of the detail is reserved for further application, revised consideration of this will be obtained at a later stage. The development proposals will therefore meet policy SU2 should the recommendations be adopted into the final layout.

## 6.5 **Playing Pitches**

- 6.5.1 Local plan policy SU7 Sports and Recreation states the Council will support a network of good quality sport and recreation facilities that meet the needs of Tamworth's current and future population and this will be achieved by, amongst other things, protecting and enhancing existing sport and recreational facilities. The policy states that sport and recreation facilities should not be built on unless any loss is compensated by the provision of an equal or higher quantity and standard of facility and in an accessible location or the development is for alternative sports and recreation provision, the needs for which are clearly set out in the Sports Strategy Update.
- 6.5.2 NPPF paragraph 104 states that existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 6.5.3 The application proposes development on the playing pitches that were used by the college only. As a result of this development, the council is required to consult with Sport England; the government department that seek to promote physical activity and recognise that playing fields play a significant part in this. The organisation will only support development on playing field if it meets one of five exceptions:
1. A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.
  2. The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.
  3. The proposed development affects only land incapable of forming part of a playing pitch and does not:
    - reduce the size of any playing pitch;
    - result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
    - reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
    - result in the loss of other sporting provision or ancillary facilities on the site; or
    - prejudice the use of any part of a playing field and any of its playing pitches.
  4. The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:
    - of equivalent or better quality, and
    - of equivalent or greater quantity, and
    - in a suitable location, and
    - subject to equivalent or better accessibility and management arrangements.



5. The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

- 6.5.4 Sports England therefore originally objected to the application due to the application proposing not enough information in the submission to demonstrate that the playing field site (not just the current pitch marked out) is surplus to requirement through the submission of an assessment (Exception E1) and no replacement playing field provision is proposed which is of at least equivalent quality and quantity (Exception E4).
- 6.5.5 As a response to the objection over the loss of the pitches as part of this development, the applicants have since submitted a Playing Pitch Mitigation Statement (PPMS), which states that the existing playing pitch is not and has never been publicly accessible and is only associated with the use of the site as a college. It goes on to state that the retention of this playing pitch is not compatible with the comprehensive redevelopment of the site. The PPMS highlights that through discussions with officers there can be improvements to existing pitches, particularly as there are no options available for new sports pitch provision within the Borough.
- 6.5.6 However, there are existing pitches that could be improved to increase provision with the most suitable identified being the Rene Road playing field. The PPMS proposes mitigation at Rene Road, informed by a Pitch Power Report for the site, with quality improvements for both pitches stated to effectively double the capacity of the site by enabling them to be used twice per week (Saturdays and Sundays) rather than just the current once per week.
- 6.5.7 Sport England were consulted on the proposed mitigation scheme at Rene Road as set out in the PPMS and made the following comments. The proposed mitigation at Rene Road Playing Field site relates to qualitative improvements to existing playing pitches for a period of 10 years, as such no quantitative replacement provision is proposed. The applicant has not sought to demonstrate that the playing field site is surplus to requirement and given the presence of shortfalls in Tamworth, which will still be present following the mitigation, it is considered that Sport England Exception Policy E1 is not met. In terms of the mitigation the monies will only secure enhanced maintenance regimes for a period of 10 years, after this the pitch quality could potentially drop back down to poor quality thus the mitigation would not be in perpetuity as stated by the applicant.
- 6.5.8 As a result, Sport England consider the applicant has not demonstrated that the playing field site (not just the current pitch marked out) is surplus to requirement through the submission of an assessment (Exception E1) and no replacement playing field provision is proposed which is of at least equivalent quality and quantity (Exception E4). Sport England therefore maintain an objection to the proposed development. The improvements to the Rene Road playing pitches are qualitative as they improve the quality but argued there is also a quantitative benefit as it would also increase the number of days it can be used.
- 6.5.9 The council recognise this, however do feel that the Rene Road site does offers suitable mitigation and the development of homes on this land will meet other housing related policies. Policy SU7 states that sport facilities should not be built on unless *any loss is compensated by the provision of an equal or higher quantity and standard of facility and in an accessible location*. Rene Road pitches are approximately 1km from the development site off an existing public road and therefore an accessible location. The use of them will be available to all compared to the playing pitches on the existing application site that were only for school use which therefore will increase quantity. As a result, the development would on balance accord with policy SU7 of the Tamworth Local Plan 2006-31.
- 6.5.10 In instances where Sports England continue to object to a planning application, there is a requirement to advise the Secretary of State for the Ministry of Housing, Communities & Local Government. Following the decision, the Planning Casework Unit will be contacted in writing and then a decision will be made whether it will be 'called in'.

## 6.5 Drainage and Flood Risk

- 6.5.1 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. In addition, all developments will be expected to incorporate appropriate Sustainable Drainage techniques that will manage flow routes on site, limit surface water run off discharge rates to the pre-development condition and limit or avoid the connection of surface water discharge into the combined sewer network. Sustainable drainage should be considered at an early stage of the design process and be clearly demonstrated and evidenced within the information accompanying planning applications. Development should capitalise on opportunities for incorporating accessible green infrastructure, replicating natural systems and improving biodiversity with SuDS. The NPPF also endorses this approach stating at paragraph 181d) development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate.
- 6.5.2 The development site is in flood zone 1 and therefore has a low chance of fluvial flooding however does have a risk relating to surface water flooding. As a result, a number of measures are proposed to alleviate this including a SuDs basin in the south east corner of the development site.
- 6.5.3 To help inform the responses, the Lead Local Flood Authority have been consulted and give their acceptance to the proposals. There are still a number of details that are required to ensure the site can be suitably drained and managed along with further details that would come forward in a subsequent reserved matters application and therefore this positive recommendation includes a number of pre-commencement conditions which the applicant has agreed to. As a result the development would accord to SU4 Flood Risk and Water Management.

## 6.5 Ecology

- 6.5.1 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.
- 6.5.2 The development is supported by a number of documents including a preliminary ecological assessment and Biodiversity Net Gain Assessment. These documents have been provided to Staffordshire County Council for comment who agree with their contents but still request additional information to be provided as part of a reserved matters application. This will also be done through a set of pre-commencement conditions which again the applicant has agreed to.
- 6.5.3 As a result the proposal is therefore considered to be in accordance with local plan policy EN4 Protecting and Enhancing Biodiversity and the National Planning Policy Framework.

## 6.5 Amenity

- 6.5.1 Policy EN5 – Design and New Development 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 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.
- 6.5.2 In order to aid assessment in this, the Tamworth Design SPD whilst mainly applying to residential extensions, specifies various measurements to neighbouring boundaries, walls and boundaries to ensure amenity is protected.

#### *Current occupiers*

- 6.5.3 The indicative layout shows that the proposed dwellings would meet the required distances to ensure that there are no concerns of overlooking/privacy or of being overbearing. Objectors to the proposal have considered the heights of some of the buildings proposed, with particular reference to the care home. Again, the layout suggests that the heights would not create a significant impact against relevant standards and would be given a detailed consideration through a reserved matters application.

#### *Potential occupiers*

- 6.5.4 Whilst indicative, the layout shows that each house would have the required amount of amenity space. Any future reserved matters application would check the internal layout of the houses to ensure these meet relevant guidance on these considerations.
- 6.5.5 As a result the proposal is therefore considered to be in accordance with Policy EN5 Design and New Development of the local plan and the National Planning Policy Framework.

### **6.5 Developer Contributions and Infrastructure/facilities**

- 6.5.1 Local plan Policy IM1 states planning permission for new development will only be granted if it is supported by appropriate infrastructure at a timely stage. Developer contributions will be sought where needs arise as a result of new development.
- 6.5.2 A request for funding towards primary education provision was received from Staffordshire County Council. Staffordshire and Stoke on Trent Integrated Care Board (ICB) has also requested a financial contribution for use at an existing GP surgery and/or to develop alternative primary/community healthcare infrastructure that will be directly impacted due to the increase in population linked to this housing development. Finally, the Staffordshire County Council highways department have requested £10,000 for monitoring of travel plans.

#### *Education provision*

- 6.5.3 The primary school education contribution has been calculated as follows:  
£18,648 (cost multiplier) x 28 (number of places required for the development) = £522,144.

The secondary school education contribution has been calculated as follows:  
Cost multiplier (£25,648.00) x number of places required for development (14) = £359,072.00

**Total - £881,216.00**

#### *Health Care*

- 6.5.4 Staffordshire and Stoke-on-Trent Integrated Care Board (ICB) requests a contribution of **£127,626.00** that would be targeted towards supporting the future adaptation/refurbishment/expansion/development of premises across the Mercian PCN in alignment with strategic estates planning, which will enable the ICB to work towards the aim of tackling inequalities in outcomes, experience, and access for patients.

#### *Staffordshire County Council Highways*

- 6.5.5 In order to monitor the travel plan requested by Staffordshire County Council highways, a fee of **£10,000**. This is a standard contribution to be applied on all development which the applicant has agreed to.

## **7 Conclusion**

- 7.1 The proposal is for the erection of up to 123 dwellings and an 80 bedroom care home with associated infrastructure including open space and sustainable drainage systems. The application will be sited on a brownfield site as approval has been obtained already for the demolition of all the existing buildings as the college moves to the new building in Tamworth town centre. As a result, the redevelopment would meet relevant brownfield policies and create additional housing in a very sustainable location close to transport hubs and within walking distance to the town centre.

- 7.2 The planning is in outline with only the principle and access for determination however the layout drawing and supporting documents show a well-designed scheme that can be developed and the planning department will work to ensure this is carried through for any subsequent reserved matters application.
- 7.3 Sport England maintains an objection to the proposals but in this instance it is considered that the proposed planned upgrades to the Rene Road playing pitches offer appropriate mitigation for the loss of a playing pitch. The playing pitches upgraded will be able for public use compared to the existing private use of the pitches on the application site for the school use only therefore increasing quantity. Upgrades to these pitches to relevant standards will invariably improve quality of these. Should members agree with the recommendation this application will be referred to the Secretary of State to assess whether they wish to determine the proposals in line with legislation.
- 7.4 Key considerations are the principle, highways and access, biodiversity, development on playing pitches, ecology and amenity. In each case it is considered that the proposal has, with conditions where necessary, met the policy requirements established by the Tamworth Borough Council Local Plan 2006-2031. It is recommended therefore that the proposal is approved subject to conditions.

## **8 Recommendation**

8.1 Approval subject to the below conditions:

1. Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall begin not later than whichever is the later of the following dates:
  - a) Four years from the date of this permission; or
  - b) Two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved

REASON: To prevent the unnecessary accumulation of unimplemented permissions, to encourage early implementation in accordance with paragraph 81 of the National Planning Policy Framework and to enable the District Planning Authority to review the consent if a further application is made.

2. Detailed plans and particulars of the proposed development shall be submitted to and approved in writing by the District Planning Authority and shall show;
  - a) Layout of the development
  - b) Scale of the development
  - c) Appearance of the development;
  - d) A landscaping scheme including details of any existing trees and shrubs to be retained; new planting including plant type, size, quantities and locations; other surface treatments; fencing and boundary treatments; any changes in levels; the position of service and/or drainage runs

REASON: To secure the satisfactory development of the site and in the interest of visual amenity.

3. The Development hereby approved shall be built in strict accordance with the following approved plans;
  - a) Location Plan
  - b) Site Access plan B030155 TTE 00 XX PL D 011 P05
  - c) PLAN Access and Movement Parameter Plan 91311103
  - d) PLAN Building Heights Parameter Plan 9131-1102
  - e) PLAN Land Use Parameter Plan 91311101

REASON: For the avoidance of doubt.

4. This permission does not grant or imply approval to the site layout as indicated on the illustrative drawings submitted with the planning permission.

REASON: For the avoidance of doubt and because the Borough Planning Authority wishes to give further consideration to a detailed proposed layout.

5. This permission shall convey approval to the erection of a maximum of 123 residential units and an 80 bedroom care home only.

REASON: For the avoidance of doubt.

6. The development hereby approved shall provide for a mix of both market and affordable housing, taking into account the District Council's Housing Mix and Affordable Housing Supplementary Planning Document, the latest Strategic Housing Market Assessment, and any other evidence of local need. The Housing Mix shall be submitted to and approved in writing by the District Planning Authority as part of any reserved matters application and shall be shown on a 'Housing Mix' plan.

REASON: To provide the appropriate quantity and mix of housing to meet the needs of the Borough's current and future populations, and in accordance with Policy HG5 of the Tamworth Borough Council Local Plan 2006-31.

7. No above ground construction shall commence until details of all external materials have been submitted to and approved in writing by the District Planning Authority. The development shall be built in accordance with the approved materials.

REASON: To ensure that the District Planning Authority can exercise proper control over the materials used and the appearance of the development, in the interests of visual amenity

8. No development shall commence until full details of the existing and proposed site levels and finished floor levels of the buildings have been submitted to and approved in writing by the District Planning Authority. The development shall be implemented in accordance with the approved site levels and finished floor levels.

REASON: In the interests of the visual and the residential amenity of future occupiers of the site.

9. The development hereby permitted shall not be commenced until such time as a fully detailed development scheme Drainage Strategy has been submitted to, and approved in writing by, the local planning authority. This submitted Drainage Strategy shall accord with the details outlined in Tetra Tech's Preliminary Drainage Strategy – Ref No. B031799-TTE-XX-XX-RP-C-00510 - Revision Status - S4 - Dated 29/10/2024. 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).
- Sustainable Drainage Systems designed in full accordance with the Staffordshire County Council SuDS Handbook, and all relevant policies and standards within.
- Limiting the surface water run-off generated by all storm events up to, and including the 1 in 100 year plus 40% (for climate change) rainfall event to 33 l/s (for the western drainage catchment).
- As a proportion of the site is proposed to be drained by soakaway-to-ground, full and complete infiltration testing is to be carried out. This is to be in full accordance with BRE 365 best practice guidance, in order to confirm the viability of infiltration in this area of the proposed development. A testing report and log document, demonstrating complete concordance with BRE 365 best practice guidance, is to be submitted for review by the LLFA to demonstrate that
- infiltration via soakaway is a viable means of surface water discharge and that satisfactory infiltration rates have been proven and evidenced.
- Provision of adequate attenuation surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- The incorporation of adequate surface water treatment in accordance with CIRIA C753 – The Simple Index Approach, to mitigate water quality pollution.
- 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 year, 1 in 100 year and 1 in 100 year plus 40% (climate change) return periods.

- 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 STW ownership.
- Plans illustrating flooded areas and flow paths in the event of 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 any managed for the lifetime of the development.
- Provision of a satisfactory Construction Environment Management, or Construction Surface Water Management Plan detailing that measures will be in place to appropriately manage surface water runoff flows and mitigate against pollution (e.g. sediment mobilisation), and flood risk from inception of any site activities through to project completion- from which time the above referenced Management and Maintenance Plan will take full effect.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

10. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing reference B030155 TTE 00 XX PL D 011 P05 have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework.

11. Notwithstanding details contained within the approved documents, no dwellings hereby permitted shall be occupied across the development site until parking and turning areas have been provided and implemented in accordance with the approved details. The parking and turning areas shall be available for use and retained thereafter.

REASON: In the interests of highway safety and to conform to EN5 and SU2 of the Tamworth Local Plan 2006-31.

12. No dwelling shall be occupied until such time as the associated driveway has been surfaced in a bound material and sustainably drained in accordance with details to be agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and to conform to EN5 and SU2 of the Tamworth Local Plan 2006-31.

13. Notwithstanding details contained within the approved documents, prior to the commencement of development under any reserved matters consent hereby permitted, a Construction and Environmental Management Plan relating to
- a) Construction access,
  - b) Hours of construction,
  - c) Routing of HGV's,
  - d) Delivery times
  - e) Location of the contractors compounds cabins, material storage areas and contractors parking
  - f) Scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash.
  - g) Method of demolition and restoration of the site.

The development shall thereafter be carried out in accordance with the approved details and be retained thereafter.

REASON: In the interests of highway safety and to conform to EN5 and SU2 of the Tamworth Local Plan 2006-31.

14. The development hereby permitted shall be carried out in accordance with the submitted Biodiversity Net Gain Assessment prepared by WSP and dated December 2023.

REASON: In the interests of biodiversity and the protection and enhancement of habitats and to conform to policy EN4 of the Tamworth Local Plan 2006-31.

15. Notwithstanding the details contained within the approved documents, prior to occupation of dwellings under reserved matters consent, a Landscape and Habitat Management Plan for that reserved matters consent to include details of;
- a) Accordance with the principle Biodiversity Impact Assessment;
  - b) Planting and maintenance of all new planting;
  - c) Species used and sourcing of plants;
  - d) Invasive plant species eradication and biosecurity for invasive plant species;
  - e) Habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement;
  - f) Provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles, hedgehog shelters and passes); and
  - g) Programme of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter

REASON: In the interests of biodiversity and the protection and enhancement of habitats and to conform to policy EN4 of the Tamworth Local Plan 2006-31.

16. A) 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 (A). 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: In the interests of protecting archaeological interests and to conform to policy EN6 of the Tamworth Local Plan 2006-31.

17. Notwithstanding the details contained within the approved documents, prior to commencement of development under any reserved matters consent, an external lighting scheme designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK and including;
- a) Lighting contour plan demonstrating minimal impact on receptor habitats such as trees, shrubs and landscape planting;
  - b) Site-wide integration measures; and
  - c) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

REASON: In the interests of biodiversity and the protection and enhancement of habitats and to conform to policy EN4 of the Tamworth Local Plan 2006-31.

18. Notwithstanding the details contained within the approved documents, prior to occupation of dwellings on the site, details of biodiversity enhancement measures to include;
- a) Five groups of three swift boxes on or integrated into north or east facing brickwork of the new buildings;
  - b) Ten house sparrow terraces on or integrated into north or east facing brickwork of the new buildings; and
  - c) boundary fence details for gardens that include gaps of minimum 130mm square at ground level at least every 10m running length or that do not seal to the ground at all between posts with a 120mm gap from fence base to ground.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.



REASON: In the interests of biodiversity and the protection and enhancement of habitats and to conform to policy EN4 of the Tamworth Local Plan 2006-31.

19. Notwithstanding the details contained within the approved documents, prior to commencement of development under any reserved matters consent, a Method Statement for the protection of species to include;  
Measures for the protection of nesting birds, hedgehogs, reptiles and badgers;  
Details of a role for an on-site ecologist; and  
If trees TN3 and TN10 (ref. Preliminary Ecological Appraisal (Tetra Tech, May 2023)) are to be removed, details of a soft felling technique which must be used

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

REASON: In the interests of biodiversity and the protection and enhancement of habitats and to conform to policy EN4 of the Tamworth Local Plan 2006-31.

20. Notwithstanding details contained within the approved documents, prior to commencement of development under any reserved matters consent, a plan showing a buffer of 30m from the badger sett shall be submitted to and approved in writing by the Local Planning Authority. The buffer shall be implemented with no heavy machinery and vegetation clearance being operated within this area thereafter.

REASON: In the interests of biodiversity and the protection and enhancement of habitats and to conform to policy EN4 of the Tamworth Local Plan 2006-31.

21. Notwithstanding the details contained within the approved documents, prior to commencement of development under any reserved matters consent, a Remediation Statement Scheme to include;  
Post demolition and remediation supplementary site investigation as detailed in section '8.0 Conclusions' of the supplied Remediation Strategy (784-B031799).

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

REASON: To ensure the site is suitable for its intended use and to protect the quality of the water.

22. Notwithstanding details contained within the approved documents, in the event that any phase of future development requires land remediation agreed through an approved method statement;
  - a) Upon completion of the remediation a report shall be submitted to the Local Planning Authority providing verification that the required works regarding contamination have been carried out in accordance with the approved method statement; and
  - b) Post remediation sampling and monitoring which shall be included in the report to demonstrate that the required remediation has been fully met. Any future monitoring proposals and reporting shall also be detailed in the report.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors

23. Notwithstanding details contained within the approved documents, no soil or soil forming materials is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. Should importation of soil be required, a suitable methodology for testing this material including;
  - a) Details of sampling frequency;
  - b) Details of testing schedules;
  - c) Criteria against which the analytical results will be assessed (as determined by the risk assessment); and
  - d) Source material information

Shall be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors

24. No work completed, no 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 8am-6pm Monday to Friday and 8am-1pm Saturday and not at any time on Sundays, Bank or Public Holidays

REASON: To protect the health of site workers, neighbours, offsite receptors, and future occupiers of the site, in accordance with EN5 of the Tamworth Local Plan.

25. Notwithstanding the details contained within the approved documents, prior to commencement of development under any reserved matters consent, a Method Statement and Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. Shall be submitted to Network Raik for review and agreement.

REASON: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway. To prevent any piling works and vibration from de-stabilising or impacting the railway.

26. Notwithstanding the details contained within the approved documents, no dwellings hereby permitted shall be occupied across the development site until details of a suitable trespass proof fence have been the Local Planning Authority and Network Rail for agreement.

REASON: To protect the adjacent railway from unauthorised access

27. Notwithstanding details contained within the approved documents, no dwellings hereby permitted shall be occupied across the development site until a suitable trespass proof fence adjacent to the boundary with the railway is implemented. The boundary fencing shall be retained thereafter.

REASON: To protect the adjacent railway from unauthorised access

28. Notwithstanding details contained within the approved documents, no scaffolding works shall take place within 10m of the railway boundary without prior details having been submitted to the Local Planning Authority and Network Rail and approved in writing.

REASON: In the interests of protecting the railway and its boundary from over-sailing scaffolding.

29. Notwithstanding details contained within the approved documents, prior to commencement of development under any reserved matters consent, details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved in writing by the Local Planning Authority, and submitted to Network Rail.

REASON: To protect the adjacent railway and its boundary.

30. Notwithstanding details contained within the approved documents, prior to commencement of development under any reserved matters consent, details of vehicle safety protection measures along the boundary with the railway shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion.

- 36 Prior to the commencement of the proposed development, details of the glazing & mechanical ventilation specification, to be incorporated into the construction of the development to ensure that the noise levels detailed in the noise assessment accompanying the application 0363.2023 can be

achieved, shall be submitted to the Local Planning Authority for prior approval. Thereafter, the approved details shall be implemented in full prior to the development becoming occupied.

REASON: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from noise as described within paragraphs 183-188 of the National Planning Policy Framework 2024 and EN5 - 'Design of New Development' of the Tamworth Borough Council Local Plan 2006-2031.

### **Notes to Applicant**

#### *Staffordshire Police*

The applicant is advised to review the comments made by the Staffordshire Police Designing Out Crime Officer

#### *Severn Trent Water*

Their response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

We recommend the Developer/Applicant to make contact with STW and look to submit a Development Enquiry for this development site; this will discuss the drainage proposals for site, and if any issues, look to resolve them. It is best to visit our website: <https://www.stwater.co.uk/building-and-developing/overview/new-site-developments/developer-enquiries/> and follow the application form guidance to begin this process.

Please note if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within ten working days.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Planning Liaison Technician.

#### *Lichfield Joint Waste Services*

Developments of individual houses must include unobtrusive areas suitable to accommodating at least 3 x 240l wheeled bins and 1 x recycling sack.

The Joint Waste Service provides a kerbside collection service, therefore residents will be expected to present their bins/bags at the nearest appropriate highway on collection days and return them as soon as possible after emptying. Where the roads are unadopted/there are private drives consideration may need to be given for the provision of a bin collection point.

A bin collection point can be a simple paved areas but must be sufficient to accommodate 3 x 240l bins and 1 x sack for each property served by the private drive. It must be adjacent to the highway and must be designed to prevent it's use as an extra car parking space.

If apartments are proposed, for each 6 apartments in a block a bin store would be required to hold 1 x 1100l bins (or 3 x 360l bins) for refuse, 3 x 360l bins for paper and card and 3 x 360l for glass, cans and plastic, as well as allowing space for any bulky items that residents may have booked in for collection and any garden waste bins that have been subscribed by the residents. A bin store should be positioned within a reasonable walking distance from the furthest apartment it serves and within 10m of the nearest kerbside or stopping point of the collection vehicle.

Bin stores must allow room for filling and emptying and provide a clear space of 150mm between and around the containers. The minimum bin store area for 6 apartments would be 12 square metres and this would need to be increased on a pro rata basis. The bin store must be of adequate height to permit container lids to be fully opened and have lockable doors which are wide enough to allow easy manoeuvring of the bins when emptied and returned. Access to the bin store should be clear of obstructions and any paths to the collection point be free from kerbs, with dropped kerbs used at all point, and allow smooth passage for the container, with no steps or inclines more than 1:12.

The path should be non-slip and wide enough to accommodate the bins and be of a hard-wearing surface to withstand the loading imposed. Where the bin store is off road, the drive must have a radius sufficient to turn into and out of the road and be capable of safely accommodating a 32 tonne refuse vehicle. The care home would be classed as commercial, it is a legal requirement that commercial waste is securely contained in suitable and sufficient containers, cannot be vandalised, kicked over or interfered with and transferred to a suitable licenced person for transport and disposal. Provision must also be made to remove a stream of recycling material from their waste. Again the road surface should be sufficient to take a 32 tonne vehicle

and there should be sufficient room to allow safe access and egress for an RCV. The trade refuse/recycling collectors should have a pull distance of no greater than 10m.

### *Highways*

The conditions 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 ([highway.agreements@staffordshire.gov.uk](mailto:highway.agreements@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>

### *Environmental Health*

The site is known to be/suspected to be contaminated. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

The Local Planning Authority will determine the application on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II(a) of the environmental Protection Act 1990 and as such become an "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property, or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II(a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour, and fumes.

The applicant is advised that should there be a requirement as part of the remediation strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.

Tamworth Borough Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions. Further information regarding the requirements of Tamworth Borough Council can be obtained from Environmental Protection Team who can be contacted on 01827 709709/ [environmental-protection@tamworth.gov.uk](mailto:environmental-protection@tamworth.gov.uk)

### 8.2 Section 106 to be produced for the following contributions:

- a) £1,371,879.60 for Education
- b) £127,626.00for healthcare improvements
- c) £10,000 for Travel Plan Monitoring
- d) 20% affordable houses
- e) On-site open space and ongoing maintenance
- f) Mitigation of Renew Road playing pitches and ongoing management

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