PLANNING COMMITTEE

9th September 2014

SCHEDULE OF APPLICATIONS

REPORT OF THE DIRECTOR (COMMUNITIES, PLANNING & PARTNERSHIPS)

Tamworth Borough Council
BOROUGH OF TAMWORTH

PLANNING COMMITTEE

SCHEDULE OF APPLICATIONS

9th September 2014

A  Reports for Consideration  3
B  Appeals Received  0
C  Appeal Decisions  0
D  Consultations  0
E  High Court Challenges  0

BACKGROUND PAPERS

Tamworth Local Plan 2001 - 2011

All other documents referred to in individual reports
SUMMARY OF PLANNING APPLICATIONS FOR DETERMINATION

Part A

Reports for consideration

Application Number: 0105/2014

Development: Development of up to 535 dwellings, primary school, open space, landscaping, balancing ponds, access, footpaths, cycleways and associated infrastructure (all existing structures demolished)

Location: Land south of Ashby Road (Anker Valley) Tamworth

Target Date: 12/09/2014

Recommendation Approval subject to the conditions outlined below and the applicants entering into a suitable Section 106 Agreement in accordance with the requirements outlined in this report. Powers to be delegated to Officers to continue to negotiate the detailed terms of the Section 106 Agreement in order to maximise the contributions from the developers on this site for the benefit of the Borough.

If the terms of the Section 106 Agreement have not been agreed by the 9th November 2014 then powers are delegated to Officers to refuse permission based on the unacceptability of the development without the required contributions and undertakings as outlined in this report.

Application Numbers: 0196/2014 & 0203/2014

Development: Proposed restoration of the historic fabric, undertake internal alterations and add an extension to the rear and north side of the existing building.

Location: Assembly Rooms, Corporation Street, Tamworth

Target Dates: 07/08/2014

Recommendations 0196/2014 Approval with conditions.

0203/2014 Consent with conditions

(Note: As per the requirements of Section 82 of the Act and Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990, the General Development Procedure Order 1995, and Circular 01/2001 as amended by Circular 02/2009 English Heritage have been consulted on this application.

Currently only interim comments have been formally received from English Heritage. However, English Heritage have been involved in the detailed discussions that have resulted in the application before this committee, and members will be advised of their formal comments and recommendation by way of an update to this report. The Council is authorised to determine this application if it complies with the recommendation received from English Heritage. However, if members resolve to go against the recommendation of English Heritage then this application is required to be made to the Secretary of State for formal determination.)
1 Introduction

1.1 The application site is one which members will be aware of having been allocated for residential development within the last two adopted Local Plans (approximately 15 years), and this allocation is proposed to be carried forward within the Draft Local Plan.

1.2 Members will be aware that Lichfield District Council (LDC) planning committee resolved to grant planning permission for 165 dwellings at Browns Lane in March 2014. However, the Section 106 Agreement and its detailed contents have yet to be resolved and so the decision has not yet been formally issued.

1.3 In addition, members were advised at the committee meeting on the 15th July that an application had been submitted to LDC on land to the north of Ashby Road (Arkall Farm) on the opposite side of Ashby Road from this current application for the construction of up to 1000 homes, primary school, local centre, public open space, landscaping and associated infrastructure. The Council have written to LDC objecting to this application on the basis of the likely transport impacts that would result. It is understood that this application is due to be determined by LDC later this September.

2 Site and Surroundings

2.1 The site is comprised of 32.82 ha of mainly agricultural land to the north east of Tamworth town centre. The site is bound to the north by Ashby Road, with the agricultural land at Arkall Farm beyond, and to the west by the Birmingham to Derby railway line, beyond which lies the 1960s/1970s Perrycrofts estate. Beyond the eastern boundary of the site lie agricultural fields towards Amington Hall and its conservation area, the south eastern boundary follows the River Anker with the Warwickshire Moor Local Nature Reserve beyond. The southern boundary of the site falls short of the railway station, with a single agricultural field separating the site from the West Coast railway, the railway station and Station Fields Mobile Home Park.

2.2 The site is characterised by arable farmland, generally sloping in an easterly direction from the north eastern part of the site towards the functional floodplain adjacent to the River Anker. The former Ashlands Farm (now demolished) occupies a central part of the site. A small section of a former railway bridge and embankment remains to the south east of the site. The agricultural fields which give the site its character are bound in the main by hedgerows and fencing.

2.3 A public footpath runs close to the eastern boundary of the site linking the town centre to Amington Hall Farm and the countryside beyond.

3 Proposal

3.1 This outline application is for the erection of 535 dwellings to the south of Ashby Road and forms a strategic urban extension to Tamworth. The development includes the provision of a primary school, open space and landscaping (including balancing ponds and SUDS), access, footpaths, cycleways and a pedestrian/cycle bridge over the Birmingham to Derby railway line.

3.2 The application also seeks approval of the means of access from Ashby Road with the layout, scale, appearance, landscaping, and internal access arrangements reserved for future reserved matters approval.
3.3 An indicative masterplan has been submitted in support of the application which shows the anticipated site layout through the development of land use, movement, landscape, drainage and urban form concepts. These concepts look to provide a wide green corridor along the River Anker and utilise the landscape topography to provide structured landscaping throughout the site including retention of hedgerows and those biodiversity rich areas to the east of the site.

3.4 The application includes the following provisions / financial commitments submitted during the consideration of the application following the receipt of consultation responses:

- 20% affordable homes (107 out of a total of 535)
- £402,000 contribution towards the Tamworth Integrated Transport Strategy
- Land for a primary school and £3,750,000 to finance the building of the school
- £1,702,707 contribution towards secondary and sixth form school places
- £440,000 contribution towards the provision of sports facilities within the Borough
- Management of the on-site open space and SUDS in perpetuity
- The provision of a pedestrian/cycle bridge across the Derby to Birmingham railway line
- Widening of the Coton Lane junction (identified within the Transport Assessment)

3.5 It is anticipated that the development would be delivered at a rate of 50 dwellings per year over the next 10 years, with the houses nearest Ashby Road being developed first, and gradually extended southwards.

3.6 The application is supported by an Environmental Statement (ES) (which includes assessments of planning policy, socio economics, landscape character and visual resources, ecology and nature conservation, tree survey, cultural heritage and archaeology, agriculture and soil resources, ground conditions, hydrology, land contamination, noise and vibration, air quality and dust, flooding, hydrology, drainage and water resources, artificial lighting, traffic and transport, service and infrastructure, and cumulative impacts), a planning statement, design and access statement, energy and sustainability assessment, transport assessment (which has been amended and supplemented since the first submission of the application), travel plan, open space and playing fields assessment, heritage assessment, affordable housing statement, viability appraisal, statement of community involvement, and proposed heads of terms for a section 106 agreement. These documents are available to view at www.tamworth.gov.uk

4 Key Issues

4.1 The key issues in determining the acceptability of the development proposal are considered to be:

- Planning policy and the principle of development; and
- Highway matters;

5 Conclusion

5.1 The application seeks outline consent for the erection of 535 dwellings, which in principle is considered to be acceptable as the site is allocated under Policy HSG4 of the Local Plan for residential development, and as proposed within draft Local Plan Policy SP6. The delivery of new housing developments to meet local need and demand and the maintenance of a 5 year housing land supply are key components in achieving sustainable development, and as such the principle of developing the site is supported by the NPPF.

5.2 The impact of the development on the local highway network is key to determining whether the impact of the development at the scale proposed is acceptable. Following detailed consideration of the application by the County Highway Authority it is considered that the transport package proposed by the applicant including a pedestrian footbridge / cycleway over the Derby to Birmingham railway line and measures to increase the number of people travelling by bus, rail, cycle and walking in order to lower the percentage of car driver trips would limit the significant impacts of the development on the highway network. Consequently it is considered that the proposal would comply with Policy HSG4 of the Local Plan and the provisions of the NPPF.

5.3 It is acknowledged that the infrastructure requirements as part of the delivery of the site including the delivery of the footbridge over the Derby to Birmingham railway line, the provision of a site for a primary school and financial contributions towards the erection of a primary school and improved
secondary education facilities and contributions towards the improvement of the highway network are significant and have impacted on the overall viability of the scheme. This in turn has impacted on the percentage of affordable dwellings achieved and the overall mix of dwelling types. It is considered that the proposed affordable dwellings and mix of housing types strikes an acceptable balance between the infrastructure requirements of the site and the housing needs of the borough and thus compiles with provisions of the NPPF, and the most up to date evidence in the form of the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) as carried forward in Draft Local Plan Policies CP4 and CP5.

5.4 The matter of access is the only reserved matter to be considered at this stage, with only the point of access to the site considered in detail. Other matters of accessibility to and within the site for vehicles, cycles and pedestrians will be covered at the reserved matters stage in addition to the site layout, scale, landscaping and appearance of the development. Subject to conditions covering the provision of an illustrative masterplan and design code, landscape strategy, detailed phasing plan for the development, archaeology, contamination, noise, drainage and flooding, and ecological and biological matters the development is considered to comply with the principles of the NPPF, Tamworth Local Plan 2001-2011 Policies HSG4, HSG5, HSG11, ENV7, ENV8, ENV9, ENV14, ENV18, ENV19, TRA3, HSG5 and HSG11, and Draft Local Plan Policy SP6.

**Recommendation**

1. Approval subject to the conditions outlined below and the applicants entering into a suitable Section 106 Agreement in accordance with the requirements outlined in this report. Powers to be delegated to Officers to continue to negotiate the detailed terms of the Section 106 Agreement in order to maximise the contributions from the developers on this site for the benefit of the Borough.

2. If the terms of the Section 106 Agreement have not been agreed by the 9th November 2014 then powers are delegated to Officers to refuse permission based on the unacceptability of the development without the required contributions and undertakings as outlined in this report.
6 Relevant Site History

6.1 Planning permission was refused and dismissed at appeal in 1995 for the development of the site for a mix of residential and employment used under reference T21904. The appeal was dismissed on the grounds that brownfield sites within the Borough should be developed prior to greenfield sites.

7 The Development Plan

7.1 The adopted Local Plan

Policy TRA8: Transport Proposals

It is proposed that the following schemes be carried out within the Plan period in order to cater for existing and forecast transportation needs of the Borough.

a. Dosthill Bypass  
b. Amington Link Phase 2  
c. Anker Valley Link  
d. Dosthill Railway Station  
e. Additional parking at Wilnecote Railway Station

Policy HSG4: Anker Valley – Strategic Housing Proposal

The provision of 800 dwellings in the Anker Valley is subject to:

i) Proposals for the provision of the Anker Valley Link  
ii) Proposals for the satisfactory improvement and highway management of the Ashby Road and associated highways  
iii) Proposals for the satisfactory disposal of foul and surface water drainage  
iv) The provision of a new primary / junior school and a contribution to secondary school facilities to serve the area  
v) Proposals for the provision of open space and public access to the floodplain of the River Anker  
vii) The provision of affordable housing in line with the requirements of Policy HSG12  
viii) The provision of a local centre

The Borough Council will apply planning conditions and/or require a planning obligation to secure the provision of off-site works and contributions towards the provision of facilities.

Policy ENV18: Anker Valley Public Access Area

The Borough Council will seek the provision of a low maintenance public access area within the Anker Valley, in conjunction with other uses, where the principle of providing and protecting habitats prevail.

7.2 The draft Local Plan

Policy SP6 (Strategic Urban Extensions)

a) Anker Valley

- Anker Valley is located on agricultural land and will form an urban extension to the north of the borough. Although physically separated by the rail network from the town it should be well connected to Tamworth Town Centre and Tamworth Railway Station. It will provide at least 500 new dwellings and associated infrastructure as detailed below.  
- The development should minimise any visual impact on the nearby Amington Hall Estate Conservation Area.  
- Make use of and improve existing rights of way to the town centre and train station.  
- Create pedestrian and cycle access to the existing urban areas, running east to west.
• On-site open space and green links to the Warwickshire Moor Local Nature Reserve and the wider green infrastructure network, making use of the existing public footpath network.

Required Infrastructure:

• A local convenience store
• A new primary school or a significant contribution and land to facilitate development
• A contribution to secondary education provision

Where appropriate all sustainable urban extensions should:

i. Encourage the co-location of any required community infrastructure, retail or services to form a new neighbourhood centre. All new infrastructure should be easily accessible by foot, cycle and other sustainable modes of transport.

ii. Be well connected internally and to the adjacent urban areas, the town centre, employment areas and green infrastructure by means of walking, cycling, green linkages and sustainable transport. This will help to maximise both internal trips and sustainable travel whilst mitigating the traffic impacts of the proposal on the strategic and local road network.

iii. Ensure that the development is of a high quality, sustainable and inclusive design and that the layout reflects the requirements of Policy CP11.

iv. Protect, utilise and enhance existing and provide additional green and blue infrastructure linkages to the adjacent and surrounding green space and waterscape networks and the urban area.

v. Create appropriate new habitats and links to existing sites of high biodiversity value.

vi. Create integrated, distinctive neighbourhoods to meet the needs of the community including young and older persons and families to ensure social cohesion.

vii. To reduce the risk of flooding and to contribute towards water management objectives, opportunities for the inclusion of Sustainable Urban Drainage Systems (SUDS) will be sought.

Policy CP4 (Affordable Housing)

Unless demonstrated to be unviable, the Council will require:

a) New residential development involving 7 or more dwellings (gross) to provide a target of 20% affordable dwellings on site

d) For on site provision a mix of 25% Intermediate Tenure and 75% Rented which should be split between Social Rented and Affordable Rented as specified in the evidence base

f) A range of sizes of residential dwellings to be provided to meet local requirements

g) A range of housing to meet the needs of older persons, persons with disabilities and those with special needs where there is a proven need and demand.

Affordable housing units should be well designed and blend in well with the rest of the development to promote cohesion within the community.

Policy CP5 (Housing Types)

In granting planning permission for residential development, housing size, type and mix that reflect local needs based upon the evidence set out in the latest Housing Needs Survey, will be secured. Proposals for housing development should achieve the following mix of units;

• 4% of new housing will be 1 bedroom sized units
• 42% of new housing will be 2 bedroom sized units
• 39% of new housing will be 3 bedroom sized units
• 15% of new housing will be 4 bedroom or more sized units

Where it is demonstrated that this is not feasible or viable, an alternative mix will be acceptable that matches local needs as far as possible.
Policy CP6 (Housing Density)

New residential development, whilst making the efficient and effective use of land, will enhance the character and quality of the area it is located in. Where viable and appropriate to the local context and character it will be expected to achieve the following densities:

a) Within or in close proximity to the town centre, Local and Neighbourhood centres or at sustainable transport hubs a density of 40 dwellings per hectare.

b) Away from these locations but within the urban area, a density of between 30 and 40 dwellings per hectare.

8 Consultation Responses

8.1 Tamworth Borough Council – Development Plan Manager

The comments generally outline the contents of the NPPF, detailing the need to balance the economic, social and environmental impacts of the application.

National policy

Reference is given to paragraph 32 of the NPPF relating to highway safety which requires decision makers to take account of whether

‘the opportunities for sustainable transport modes have been taken up… depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’.

Paragraphs 47 and 50 set out the need for local authorities to meet future housing needs based on demographic and market trends and the needs of all of the community, with an aim of significantly boosting housing supply.

Paragraphs 56 to 68 of the NPPF provide guidance on achieving high quality design in new development and this is further explained within the Planning Practice Guidance.

Saved Local Plan Policies:

Policies HSG4 and TRA8 of the adopted local plan relate specifically to the development of Anker Valley and are therefore central to the determination of this application.

In accordance with the requirements of the NPPF (para 215) it is considered that there is a degree of consistency between these policies and the overall emphasis of the NPPF. Policy HSG4 supports sustainable transport, encourages a mix of uses within the development and ensures a supply of homes through large-scale planned development.

The capacity of the Anker Valley allocation contained in the adopted Local Plan is 800 dwellings and also requires the delivery of the Anker Valley Link Road (AVLR) (through policy TRA8). The JCT and BWB transport capacity study reports (detailed within the main report) identify that the delivery of the AVLR would render the development of this site unviable. Therefore it cannot be expected for the adopted Local Plan allocation to deliver the AVLR as originally intended and consequently the capacity of the site needs to be reduced in line with the capacity of the surrounding road network.

Draft Local Plan

The draft Local Plan (dLP) has recently been through a public consultation (between 31\textsuperscript{st} March 2014 and 12\textsuperscript{th} May 2014) and is based on the most up-to-date evidence. As such, some weight can be attached to its policies. The following policies are considered to be the most relevant in the determination of this application.
Policy SP6 of the dLP allocates land at Anker Valley for 500 dwellings and associated infrastructure in-line with creating a sustainable urban extension. The infrastructure requirements have been attained by working with infrastructure providers, in particular county council highways and education teams to ensure the delivery of this allocation and the necessary infrastructure. The application proposes the land for a primary school, including a contribution towards the building of the school and a contribution towards secondary education. The submitted masterplan also includes an area identified for a local convenience store. As a result the proposal is in general conformity with the policy.

The other most relevant policies within the dLP relate to affordable housing and the delivery of housing types within Policy CP4 and CP5 quoted above.

Affordable housing is currently sought on developments in Tamworth of over 14 dwellings at a proportion of 30%. In the future, the lower target as detailed above will be likely to be adopted. Notwithstanding this, the information provided by the applicant initially suggested that a 30% figure is likely to be achievable and should be sought with a lower figure only being considered acceptable if it is proven that 30% would render the development unviable. Having considered the viability information, testing and consideration of different scenarios the revised proposal is for the provision of 20% affordable dwellings on the site on a 60% affordable rented 40% shared ownership split, which is considered acceptable by the Development Plan Manager.

In addition to the above comments on the level of affordable housing, an assessment has been undertaken as to how the dwelling sizes would impact on the viability and ultimately the deliverability of the scheme. The following mix is currently proposed:

- 1.3% 1 bedroom sized units
- 27.4% 2 bedroom units
- 33.5% 3 bedroom units
- 28.7% 4 bedroom units
- 9.1% 5 bedroom units

The proposed mix is considered by the Development Plan Manager (and Head of Strategic Housing) to represent a reasonable balance which will ensure the delivery of the scheme and 20% affordable dwellings on site, and generally complies with the most up to date evidence as far as is possible.

_Five Year Housing Supply_

The NPPF requires Councils to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. In addition to this, the Council must allow for a 5% or 20% buffer of additional supply in this period, to ensure that there is a readily available supply of suitable sites for housing. The 5% or 20% buffer is determined upon past completion rates, currently the past completions rates are good for Tamworth and so a 5% buffer is being used. Without a 5 year housing supply adopted planning policy for housing cannot be considered up to date. Without the benefit of housing policy the Council would have reduced range of policies to use in determining applications for housing development, and have little control over the locations of new developments.

The dLP sets out an overall housing need for 6,250 (250pa) homes from 2006 to 2031. Taking into consideration that 2,000 dwellings will need to be delivered outside of the borough the housing requirement for development within the boundary of Tamworth is 4,250 (170pa). As of the 1st April 2013, the residual under supply in Tamworth from previous years of delivery was 0 dwellings at 170dpa, or 403 dwellings at 250pa. Based upon a 5 year supply target of 170dpa with a 5% buffer, the council has a 5 year land supply. The Anker Valley strategic housing site contributes significantly towards the 5 year land supply and this is an important consideration in the determination of this application.

_Sports Specific comments_

The Sport England Facilities Calculator used by Sport England identified a need for 0.3 of a swimming pool lane at a cost of £186,326 and 0.4 badminton courts of a sports hall at a cost of £218,399.
These facility requirements are based on the data that Sport England has and do not take into account the Tamworth Joint Indoor/Outdoor Sports Strategy. However, these requirements appear to be in line with the identified needs for a multi purpose indoor sports facility that would include a swimming pool and an artificial grass pitch (AGP).

The request from Sport England for a contribution of £440,000 needs to be added into the other contributions and infrastructure requirements that are expected and it is for the developer/applicant to undertake a viability exercise to demonstrate what is feasible for a development of 535 dwellings.

Conclusion

Overall, it is considered that the broad principle of residential development in this location is acceptable and the proposal would provide a large strategic housing site which would contribute significantly towards the Council meeting its five year housing supply and should be supported. However, a detailed assessment of the impacts of the development including highway capacity need to be carefully considered.

8.2 Tamworth Borough Council – Conservation Officer

The application site is located to the south of Ashby Road, east of the Birmingham to Derby railway line where it would form an extension to the urban area. It forms part of a longstanding local plan allocation that has been carried over from the adopted Tamworth Local Plan 2001-2011.

The Amington Hall Estate Conservation Area lies to the east of the application site and is unique in the borough for its semi-rural setting, separation from the urban area and the long distance views to the south, south east and south west to the surrounding countryside. The sense of separation from the urban area is very important. The conservation area also contains the Grade II listed Amington Old Hall (also known as Amington Hall Farm), Grade II* Amington Hall and surrounding 19th century parkland. The boundaries are based on the 1927 estate boundary.

There are no objections to the outline application, it is a long standing allocated local plan housing site. It is, however, crucial that the visual impact on the conservation area in terms of views from the conservation area are minimised. Existing biodiversity features should be protected and the eastern edge of the development should be heavily planted to integrate it into the landscape and reduce visual impact on the conservation area. Noise impacts from the development should also be minimised.

8.3 Tamworth Borough Council – Housing Strategy

The Council initially supported the provision of 30% affordable housing on this site, which would have equated to 160 affordable dwellings. However, following the viability work undertaken the provision of 20% affordable dwellings (107 dwellings in total on the basis that 535 dwellings are delivered) is now proposed.

The ideal tenure mix for the affordable dwellings would be: 50% for social rent, 25% affordable rent and 25% shared ownership sale. The scheme as revised is proposed with 60% of the affordable dwellings provided as affordable rent and 40% as shared ownership. In line with evidence and analysis of the Housing Register and updated housing needs data, the Council would seek to ensure that the affordable housing provision on this site was predominately 2 and 3 bed provision (with some limited 1 bed provision to reflect current national policy) to reflect the need for affordable (i.e. rented) family accommodation in the Borough. The application proposes 87% of the affordable dwellings as 2 or 3 bed dwellings, with 6.5% 1 bed. The Head of Strategic Housing is generally content with the revised housing mix proposed (detailed above) although there is some concern that too many 4 bedroom + dwellings are proposed.

8.4 Tamworth Borough Council – Environmental Protection

Environmental Protection have reviewed the proposal and the technical information submitted by the developer, particularly the noise assessment and contaminated land report. They are satisfied with the proposals detailed in the reports that have been undertaken in accordance with national guidance. However, this is subject to the undertaking of more intrusive site investigations from a contaminated land point of view and a condition to this effect is recommended.
It is recommended that, in order to ensure that new residents are protected from excessive noise particularly those properties in close proximity to Ashby Road and the railway line a condition requiring the submission of a noise assessment is necessary to ensure that any mitigation required is appropriate and well considered in order to protect the amenities of any new residents.

In terms of construction noise and dust the development would be acceptable if the mitigation details outlined in the ES are undertaken, which should also be conditioned.

8.5 Tamworth Borough Council – Open Spaces (Street Scene)

At the current time Street Scene would not wish to adopt either the open space or the SUDS within the development. However, should there be a political desire to do so consideration must be given to the long term associated costs. In particular management of the SUDS, a 10 year maintenance period would not be acceptable and a long term sustainable financial contribution would need to be secured.

Consideration should be given to the public right of way which passes through the site and how this would be enhanced and protected, also the associated footbridge will require suitable enhancement for the increased usage and footfall. In respect of the proposed play facilities, ideally if the open space is to be adopted we would be looking for one central area rather than smaller play areas.

At the detailed stage a more detailed plan of the site detailing trees and hedgerows to be retained/removed, confirmation that those to be retained are adequately protected during site works would be required and confirmation that replacement trees will be planted for any trees removed.

Street Scene would like to see the meadows adjacent to the river retained as such, and not included in the formally maintained open space provision. Should outline permission be granted there would need to be further comments on a detailed landscaping scheme.

8.6 Joint Waste Services

Comments that the Joint Waste Service is an edge of curtilage collection service and all bins will need to be presented at the edge of the highway for emptying. Each house will need facilities for the storage of 3 wheeled bins. The commercial element will need to securely contained, and transferred to a suitably licensed person.

It is also noted that the waste service does not take vehicles on to private roads or courtyards. Any road surfaces should be designed to be of sufficient hardiness to accommodate a 32 tonne vehicle, with a pull distance of no greater than 10m for workers.

8.7 Staffordshire County Council – The Highway Authority

Anker Valley is a strategic development site intended to assist Tamworth Borough Council with meeting its future housing supply needs. The site has been identified for a number of years and has therefore been allocated in subsequent Local Plans. The Tamworth Local Plan 2001-2011 allocates the site for 800 units.

A key section of the local network is the Upper Gungate/Aldergate Corridor which consists of sections of the A513 and B5493 from the Ashby Road/Comberford Road/Upper Gungate junction (Fountains junction) to the Lichfield Street/Silver Street/Church Street/Aldergate junction in Tamworth, Staffordshire. This section of the network is a key commuter route and also serves primary and secondary schools plus Tamworth College. It is congested at peak times, particularly in the morning between 0800 and 0900 hours and would be directly impacted by traffic from the development.

JCT Consultancy produced a report dated February 2013 which proposed improvements to optimise the operational capacity of the corridor, through road widening within the highway boundary and Co-ordination of traffic signals. After implementation along with an additional 535 dwellings the levels of congestion will not be significantly increased from today’s levels and road safety will not be compromised.
In September 2013 BWB Consultants were jointly commissioned by Tamworth, Lichfield and Staffordshire County Councils to undertake a further study.

Four transport packages, compiled to have a contrasting emphasis in terms of transport delivery were evaluated to see if a development of up to 2400 homes, 1400 in Anker Valley and 1000 in Lichfield could be made acceptable. The packages were

1. Do –Nothing.
2. Highway Improvements Package – including the AVLR and capacity improvements to upper Gungate.
3. Demand Management Package – essentially pedestrian, cycling and public transport improvements.
4. A combination of 2 and 3.

Improvements to the Upper Gungate Corridor were considered committed for this study, because the County Council secured local pinch point funding in 2013 to implement them and help release housing in Anker Valley. At the time of writing, these works are being delivered and will be fully operational by April 2015.

The BWB study concluded that a transport strategy consisting of both highway and sustainable transport improvements (including the AVLR) could release 1,350 homes in Anker Valley, but that this was unlikely to be financially viable without significant public investment. Without additional highway capacity (the AVLR), the Anker Valley site could only be developed for up to 700 homes; this figure being dependent on enhancing travel planning at Landau Forte and South Staffordshire Colleges to create 'capacity headroom' in the Upper Gungate Corridor. Further work was recommended to support these conclusions, most notably, survey work to validate residential trip rates and routings and the need to apply 2011 Census JTW data, once it becomes available (to check modal split and likely routing). Although in a limited format this information is available.

Since the JCT and BWB reports a development off Browns Lane for 165 dwellings has a resolution to grant which will be issued by Lichfield District Council with currently an application lodged with Tamworth for the access onto Manston View which I understand remains unresolved. Therefore the capacity on the network with these two developments will be reached.

As part of the reports supporting this application WSP have produced an additional technical note dated August 2014 this sets out the transport package of measures that were indicated in the BWB report which can be introduced to increase the level of development from 535 dwellings up to 700 dwellings.

The package of measures identified in the BWB report are indicated to cost in the region of £4m, this includes the footbridge across the Birmingham to Derby railway line although the development will be providing this as part of the mitigation works. Having accepted the BWB recommendations in 2014, the County Council submitted a successful bid to the Department for Transport (Access to Jobs Training and Services in Tamworth) for £985,000 of Local Sustainable Transport Revenue Funding (for 15/16) supporting capital interventions of around £2M and a further £1M local authority revenue support in the period to 2021. It is expected that LGF capital funding will be available from 16/17. The focus of the bid is to help increase the numbers of people travelling by bus, rail, cycle and walk in Tamworth and lower the percentage of car driver trips. The Upper Gungate Corridor was included within the scope of the project and as it carries significant education and commuter traffic, will directly benefit from our projects.

Therefore the County Council are satisfied that with the package of measures notably the Upper Gungate corridor improvements the additional package of funding streams indicated above along with the developers mitigation the Anker Valley development is acceptable in Highway terms and meets paragraph 32 of the NPPF which states;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
In addition, conditions are recommended requiring the submission and approval of details of the primary and secondary accesses, details of the pedestrian footbridge/cycleway and its timing for delivery, and the submission and approval of a construction management plan.

8.8 Highways Agency

Following an initial 3 month holding direction, due to a lack of information provided in relation to trip distribution and assignment methodology, and accident analysis, the Highways Agency have removed their objection following work undertaken by the applicant.

The submitted information includes an assessment of the likely impact of the development on the A5 Stonydelph junction, which demonstrates to the satisfaction of the Highways Agency that the development is unlikely to adversely affect the safety and free flow of this junction.

8.9 Staffordshire Fire and Rescue

No objections to the principle of developing the site, but note that appropriate supplies of water should be provided at the site for fire fighting and vehicle access. Access should be given to within 45m of any point within the property, need to be able to accommodate the weight of a fire engine of 17800kg. In addition, Staffordshire Fire and Rescue strongly recommend the provision of sprinkler systems within dwellings and commercial premises.

8.10 Staffordshire County Council – Flood Risk

The current situation is that the statutory consultee for surface water and drainage is still the Environment Agency according to NPPF. As DEFRA have not yet enacted the part of the Floods and Water Management Act that would create us as SUDS Approving Body, we are still not assessing, approving or adopting SUDS systems at this time.

8.11 Staffordshire County Council – School Organisation Team (SO)

New residential development in this location would place significant pressure on primary education infrastructure. They note that in relation to this site, the planning application includes provision of a new primary school within the development site.

To mitigate the impact of a development of up to 535 dwellings in this area, a new 1 form entry primary school will be necessary, to be provided on land within the development site. SO have been that a new school of this size would be expected to cost in the region of £4million, excluding the acquisition of the necessary land and any necessary works such as land restoration or demolition, highways works, utility upgrades/diversions, or dealing with major ecological or archaeological issues.

The primary school is necessary to accommodate the children generated by the Anker Valley development, which is expected to generate around 25 pupils per school year group. In terms of school organisation, this would necessitate a 1 form entry primary school. However, mathematically, it would be possible to organise this number of pupils into 6 classrooms although SO would not open a new primary school on this basis. SO would expect the applicant to provide all of the necessary infrastructure for a 1 form entry primary school and only 6 of the 7 classrooms required, which would be the number needed to accommodate the level of development proposed. SO would provide the additional classroom and associated ancillary accommodation required for a 1 form entry primary school. So the required contribution would be £3.75 million (£4million less the cost of 1 classroom £250,000). The contribution would be required prior to commencement of the development to allow SO to commence preparations for the delivery of the new school. They would also require very early access to the site which is appropriately prepared to allow build to commence, although the education contribution could be split (with some payment required up front), and the school built in phases in line with the build rate of the development. In either scenario, the school would need to be ready to open prior to any occupation of the development to ensure that there were school places available for any children moving into the development. It can take 2 ½ years to complete build of a new school (assuming the land is accessible).

In terms of secondary school provision, the development is located in the catchment area of The Rawlett Academy. The Academy is projected to have insufficient places available to accommodate the number of children that would be generated by this development. However, there is projected to
be some limited capacity across Tamworth secondary schools as a whole. Therefore similar to the primary school requirements, a contribution would be necessary to provide 84 additional secondary school places and 17 sixth form places or a contribution of £1,396,248 for secondary school places and £306,459 for sixth form places.

This gives a total request of the land for the primary school and £5,452,707 towards the provision of appropriate education provision to serve the development to be secured through a Section 106 legal agreement.

8.12 Staffordshire County Council – Environmental Advice

Ecology: The proposal appears to take account of the local ecology and on site interest and provides a buffer between the residential areas and the Warwickshire Moor Local Nature Reserve whilst bringing potential to enhance ecological connectivity through the provision of complimentary habitats. The key to successful delivery will be habitat design and the implementation of appropriate management. Conditions should be applied to outline consents to secure the protection of existing habitats and species and the water environments during any site preparation, access and construction works, and a lighting scheme that minimises impact on bats and other wildlife in accordance with the submitted surveys.

Landscape: The landscape character of the area is the ‘Lowland Village Farlands in the Mease Lowlands’ within the Staffordshire landscape Assessment 2001. This area has the objective of landscape enhancement, which indicates a high to medium landscape quality. The Borough Council is advised to assess the likely landscape impacts of this proposal in detail.

Rights of Way; Any proposals to divert a public right of way should be discussed with County Council Rights of Way Team at an early stage.

8.13 Staffordshire County Council – Archaeology

Whilst there are no designated or undesignated heritage assets recorded within the site, there are several undesignated sites and ‘find spots’ recorded on the Historic Environment Record. This indicates that the sites lies within Tamworth’s medieval and post medieval hinterlands, whilst there is little evidence of activity other than agriculture there remains the potential for unreported remains to be on the site.

Evidence of similar sites within the Rivers Dove, Trent and Tame has uncovered evidence of late prehistoric and Romano-British activity. Due to the scale of the development and the demonstrable archaeological potential it is recommended that a staged evaluation is undertaken to determine the archaeological potential and significance across the site and a condition is recommended to that effect.

8.14 Lichfield District Council – Planning Policy

LDC consider that the site is in a sustainable location, would create a new sustainable community, is a deliverable scheme and complies with the policies and core land use planning principles of the NPPF.

Local Plan Policy HSG4 is noted, but LDC consider that the policy could be considered ‘out of date’ for the purposes of paragraph 14 of the NPPF, with reduced weight due to significant changes in policy and evidence since it was adopted.

It is noted that Policy SP6 (of the draft Local Plan) allocates Anker Valley for at least 500 dwellings but it is LDC’s view that only limited weight can be afforded to this policy at this stage of the emerging plan preparation.

The emerging Lichfield District Local Plan: Strategy identifies a Broad Development Location (BDL) to the north of Tamworth, stating that this will deliver approximately 1,000 dwellings by 2029, including 500 to meet Tamworth’s housing needs. The plan acknowledges that the phasing of the development in this location is important as it will be dependent on the delivery of necessary infrastructure. The emerging plan is at an advanced stage of production, in the Inspectors’ ‘Initial Findings’ in September 2013 the Inspector came to the view that this allocation is soundly based.
LDC therefore considers that the North of Tamworth Policy should be afforded considerable weight and there are no objections to the development.

8.15 Sport England

Sport England originally objected to the application based on the lack of provision of sports facilities within the application site. Within their comments they identify a need for 0.3 of a swimming pool lane at a cost of £186,326 and 0.4 badminton courts of a sports hall at a cost of £218,399 were identified, giving a sports contribution of £440,000.

Clearly the required contributions need to ensure that new development and contributions are provided in accordance with the needs and standards in Tamworth. In this instance discussions have taken place with Sport England that a reasonable split for the total contribution would be a 50:50 split between a contribution towards a new leisure centre and artificial grass pitches. This contribution would reflect the demand evidence provided via the Sports Facility Calculator, the applicant’s have accepted a contribution of £440,000 which equates to £822 per dwelling.

The most recent comments received from Sport England note that, whilst a more substantial contribution than outlined above may be justified on the basis of need in Tamworth, the Council will need to make a judgement taking in to account the competing factors and the viability of the scheme and Sport England would accept that judgement where it is justified.

A contribution towards delivering the sports facilities identified in Tamworth’s Joint Indoor and Outdoor Sports Strategy is provided within the suite of contributions, which will help to meet the needs identified within Tamworth’s emerging infrastructure delivery plan.

8.16 Network Rail

Network Rail has no objections to the provision of a footbridge across the Birmingham to Derby railway line, subject to the relevant approvals and the submission and approval of the detailed design of the bridge.

Other than the footbridge there should be no encroachment on to Network Rail land. The footpath link shown between the development and the railway station is only partially shown on the plans. The link from the development to the station is not attractive for pedestrians as it runs beneath Bridge No.79 (West Coast Mainline). Any improvements should be carried out at the applicant or Council’s expense and to Network Rail’s approval.

In addition the following issues have been raised:

- there shall be no scaffolding within 10m of the railway boundary,
- no buildings shall be erected within 2m of the railway boundary,
- the developer shall provide details of excavation works within 10m of the railway boundary,
- the developer should erect a trespass proof fence adjacent to the railway boundary,
- no construction work should effect the railway operation,
- all surface water is to be directed away from the railway,
- that lighting must not interfere with the signing or signalling apparatus of the railway, and
- the developer should be aware of the noise and vibration caused by trains and its impact on residential properties.

Conditions are recommended relating to fencing, the submission of a risk assessment before any vibro-impact works are undertaken on site, and the submission and approval of drainage and earthwork details. In addition, due to the detail of the comments submitted by Network Rail a copy of their response is recommended to be attached to the permission.

8.17 Environment Agency

The site, located to the north of Tamworth, is currently comprised of agricultural fields. The site has undergone very limited development; a farmhouse was present in the northern part of the site until the mid 2000s when it was demolished and cleared from the site. A railway cutting and embankment bisected the site, the railway itself was dismantled prior to 1885. The cutting is recorded as a historical landfill site as it was backfilled with household and agricultural waste prior to 1964.
The site has been the subject of a geo-environmental desk study carried out by WSP Environmental Ltd (report ref. 00038574-001-R01, dated 5th June 2013). This has confirmed the anticipated ground conditions and historical site use, highlighting the potential presence of Made Ground under the former farm buildings and within the historical landfill site in the former railway cutting.

The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted then conditions would be necessary to ensure that development meets the requirements of the NPPF. Conditions are therefore recommended in relation to complying with the Flood Risk Assessment, the submission of a surface water drainage scheme of sufficient capacity to demonstrate that the surface water run-off generated up to and including 1 in 100 year critical storm is limited to the greenfield run-off rate (including 30% increase in peak rainfall intensity to account for climate change). The undertaking of a remediation strategy for dealing with contaminated land, and a condition relating to the management of the landscaping.

8.18 Severn Trent Water

No objection subject to the imposition of a condition requiring the submission of drainage plans for the disposal of surface and foul water.

8.19 Natural England

No objection to the application based on its impact on the close by Alvecote Pools Site of Special Scientific Interest (SSSI). Natural England (NE) are satisfied that if the development is carried out in accordance with the details of the application, the SSSI does not represent a constraint to the development.

NE expect the Council to consider other possible impacts on local sites (biodiversity and geodiversity), local landscape character, local or national biodiversity priority habitats and species. Following the comments received from the County Ecologist and an assessment of the standing advice provided by NE, the surveys undertaken and mitigation proposed the development is considered to comply with the NE standing advice. In addition, the mitigation proposed is considered to result in an enhancement in the biodiversity value of the site, when considering the primarily arable agricultural nature of the site currently.

8.20 National Grid

Note that there is National Grid apparatus in the vicinity of the site and that the contractor carrying out works should contact National Grid before any works are carried out to ensure any apparatus is not affected by any of the proposed works.

8.21 Ramblers Association

Following initial contact no detailed response has been received.

8.22 English Heritage

Comment that the application should be determined in accordance with national and local policy guidance.

9 Additional Representations

A total of 15 letters of representation have been received on the application, the salient points raised are summarised as follows:

9.1 Traffic and Transport

- Concern regarding the infrastructure of the traffic network.
- Whilst there seem to be pathways for pedestrians and cyclists there are no extra routes for 500+ homes which could generate and equal amount of traffic on the only route in to the town centre via Fountains Junction.
- The Planning Committee need to consider this ‘ticking time bomb’ before there is a repeat of Ventura Park at peak times.
- The random traffic surveys do not give true picture of the problem.
- The other improvements due to the sixth form centre have doubled journey time to work. 750 vehicles are due to the educational establishments. This development could generate this amount again and if Arkle Farm is approved by Lichfield we could be looking at 1500+ cars. This is not going to solve the problem that there are 3 major routes in to Tamworth merging in to 1 – Upper Gungate.
- It would be prudent to delay any planning decisions until the road improvements have been done and then reassessed.
- A new access should be provided at Station Fields for pedestrians and vehicles.
- Concern at the Integrated Transport Strategy; The provision of a filter to Comberford Road will do little to help the flow of traffic.
- The survey was undertaken when QEMS children were on holiday, so the data is invalid.
- The proposal does not include a link road.
- Unacceptable congestion on the Ashby Road corridor, there should be a relief road. Cost should not override the needs of current and future residents.
- Up to an additional 300 car journeys to Rawlett will put pressure on the Browns Lane/Gillway Lane Corridor.
- Savilles (Barwoods) comment on the need to ensure that the means of access to the site and the Barwood’s development north of Ashby Road is compatible and the relationship between the two schemes is properly considered.
- The number of properties proposed will result in a volume of traffic which neither the current or proposed surrounding road structure will be capable of carrying.
- A further 700 cars would be unacceptable.
- Developments in this area should not be allowed unless developers are prepared to fund the building of a new road network. Making changes to Fountains junction will not alleviate the congestion suffered on this road at peak times. Going ahead with any development without a by-pass is unthinkable.
- The use of Perrycrofts estate to assess the peak hour traffic is inappropriate as the age demographics are different to future occupiers of the site. The estate is occupied by many retired residents (demonstrated by the number that use the No 2 bus). Use of the Doulton Housing Estate off Marlborough Way would be more appropriate.
- The Anker Valley Link Road is essential to support the future developments that may come forward in Tamworth. As identified in the BWB report to build more than 700 houses the Anker Valley Link Road will have to come forward.
- The issue of pedestrian access via Ashby Road and the railway station has not been adequately addressed by WSP.

9.2 The Footbridge

- The footbridge will have a massive impact on the Perrycrofts estate. The area is one of the quietest, safest places in Tamworth with low crime rates, no vandalism, no anti-social behaviour issues there should be no access to other people.
- Community safety for the residents of Perrycrofts has been totally dismissed as detailed in the statement of community involvement.
- The footbridge will result in a risk that crime and anti-social behaviour within the estate will increase and also give rise to a justifiable public perception of such a risk which will be harmful to the existing residents. A breach of duty under Section 17 of the Crime and Disorder Act 1998.
- No need to disturb existing residents by connecting a separate community.
- Of the three options presented in the BWB report for a pedestrian bridge Option 1 (on to Ashby Road) is the most appropriate. This would allow connection to Arkall Farm, green infrastructure and could be linked to any future traffic lights that may be installed on Ashby Road. This would have benefits in terms of access to services to future residents of Anker Valley and Arkall Farm.
- Trees would need to be removed to facilitate the bridge on both sides of the railway, which will lose landscape features which will reduce the visual impact of the development from Perrycrofts.
- Increase the risk of crime on the Perrycrofts estate.
9.3 Other

- Loss of green belt.
- Flooding issues.
- New residents at Cedar Park have concerns about the build quality of this Bellway development.
- Impact on privacy where dwellings are built on the opposite side of the railway to Farm Close.
- Add to the amount of surface water which can not be absorbed in to the ground leading to an increase in flooding.
- Additional pressure on waste services which will increase carbon footprint.
- There are insufficient employment opportunities in Tamworth to sustain an increase in the number of dwellings.
- If a school is not provided the 160 pupils will have to go to another school and cause congestion in other areas where the schools have no capacity.
- There is concern that vital infrastructure will not be in place if the development is phased.
- Limited pedestrian access to the site, the Ashby Road bridge is narrow meaning new residents will rely on cars.
- This application should not be viewed in isolation from the Lichfield development at Manston View.
- The number of properties will result in an increase in population to which neither the existing or proposed infrastructure (health, education, emergency services etc) will be capable of providing an acceptable or safe level of service.
- No justification or demand for a development of such magnitude.
- After the flooding problems this year building on the flood plain should be a warning.
- If the secondary education is to be provided at Rawletts not QUEMS, the shortest safe route to school would be via the Ashby Road.

9.4 Petition

A petition has been received signed by 44 residents at Stationfields, the petition raises the following concerns:

- Concern at an increase in users of the footpath including bikers:
- As the new residents will be encouraged to walk in to town, how many will walk though the estate? With no footpaths people take their life in to their own hands:
- We understand that £100,000 has been allocated to making the right of way larger and brighter. We are already well illuminated by the railway station, with no sound barriers. We are pestered by train spotters and fishermen in the summer, what will happen to our quiet piece of life once this takes place?

All neighbour and consultation responses received are available to view at www.tamworth.gov.uk

10 Planning Considerations

10.1 Principle of Development

The site has been allocated as a sustainable urban extension in the last two local plans, and a similar policy is proposed to be carried forward within the dLP.

Saved Local Plan Policies

The Tamworth Local Plan 2001-2011 was adopted in July 2006 and under the provisions of the Planning and Compulsory Purchase Act 2004, the policies remained in force for three years. The Secretary of State has now confirmed which policies are saved beyond this date, which include Policies HSG4 and TRA8 quoted above, which relate specifically to development at Anker Valley.

It is considered that there is a degree of consistency between these policies and the general thrust of the NPPF. It is therefore considered that these policies still carry weight and are central in the determination of the acceptability of this application. Policy HSG4 supports sustainable transport, encourages a mix of uses within the development and would ensure the delivery of homes through a necessary large-scale planned development.
This is of particular relevance to Tamworth as it is a borough with few opportunities for expansion. It is constrained by a tight administrative boundary, environmental constraints such as the flood plain, greenbelt in the south of the borough and infrastructure constraints all contribute to limiting the range of sites for development and their capacity. For that reason the borough is dependant on urban extensions to meet the vast proportion of its immediate and future housing needs.

The capacity of the Anker Valley allocation within Policy HSG4 is identified as 800 dwellings and the policy requires the delivery of the AVLR, as identified within Policy TRA8. Following the gathering of new evidence to substantiate the housing allocations within the dLP a number of reports have been commissioned by the Council and its partners. These are the JCT and BWB reports (outlined below) from which it is now clear that the AVLR would render the development of this site unviable without significant public subsidy. Therefore, it can not be expected for the adopted Local Plan allocation to deliver the AVLR, and the elements of the adopted local plan policies relating to the AVLR need to be discounted.

It needs to be accepted that the capacity of the site will be reduced as a result of the non provision of the AVLR, from the original allocation of 800, unless additional measures can be introduced to manage vehicle use along the Gungate/Ashby Road corridor. These measures will be needed in order for the development of the site to meet the requirements of criterion ii of Policy HSG4. Generally the principle of developing the site for housing is compliant with adopted local plan policy HSG4 subject to the detailed criterion (with the exception of i and vii, as Policy HSG 12 which was not saved) being considered in detail below.

Draft Local Plan

The Draft Local Plan (dLP) has recently been through public consultation (31st March 2014 – 12th May 2014) and is based on the most up to date evidence available. As such some, albeit limited weight can be attached to the policies within it.

To address the Anker Valley site and allocation the Council proposed to prepare a spatial framework and master plan for Anker Valley. As part of this work a steering group has been established to oversee the production of the spatial framework and masterplan. One of the key areas of work to undertake in the early stages of the master planning process was to assess different possible sustainable transport packages for Anker Valley. This work looked at the viability of vehicular and pedestrian and cycleway routes to link the site to Tamworth town centre. As a result of this work the dLP allocates land at Anker Valley for 500 dwellings and associated infrastructure in-line with creating a sustainable urban extension; such as a primary school, public transport links, pedestrian and cycle access to the town centre and train station. These requirements have been attained by working with infrastructure providers, in particular county council highways and education teams. To ensure the delivery of this allocation and the necessary infrastructure the development must be of a viable size.

National Planning Policy Framework

The NPPF sets out the governments planning policies for achieving sustainable development which has replaced previous guidance notes and policy statements. Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development. Paragraphs 6-10 provide more detail on sustainable development and highlight the importance of balancing economic, social and environmental elements. Paragraph 6 advises that the purpose of the planning system is to contribute to the achievements of sustainable development. The policies in paragraphs 18-219, taken as a whole, constitute the government’s view of what sustainable development in England means in practice for the planning system.

Paragraph 10 advises that decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas. Paragraph 17 outlines the 12 core planning principles that should underpin both plan making and decision taking, and as such are relevant to this application. Para 52 acknowledges that the delivery of new homes can sometimes be best achieved though planning for larger scale developments.

Paragraph 215 of the NPPF indicates that due weight should be given to relevant policies in existing plans, such as the adopted Tamworth Local Plan, according to their degree of consistency with the NPPF as detailed above.
The NPPF (Para 47) requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. This strategic site contributes significantly towards the Borough meeting its 5 year housing land supply and is an important consideration in determining this application in order to ensure Tamworth has the supply of housing to meet its needs. There is a significant danger that if this application were to be refused, the Council would be unable to demonstrate a 5 year housing land supply and as such would have little or no control over the locations for new housing development as local plan policies relating to new housing development are considered out of date if the Council is unable to demonstrate a 5 year housing supply.

**Policy Conclusion**

The application is considered to be acceptable in principle as the site is allocated under Policy HSG4 of the Local Plan for residential development, and within draft Local Plan Policy SP6. The delivery of new housing developments to meet local need and demand and the maintenance of a 5 year housing land supply are key components in achieving sustainable development, and as such the principle of developing the site is supported by the NPPF.

10.2 Highway Matters

The application is supported by a detailed Transport Assessment (TA), which has been supplemented by two technical notes prepared by WSP. The following section of the report will deal with highway capacity of the area north of Tamworth, and also technical highway safety matters relating to surrounding junctions, vehicular access, and consideration of the sustainability of the development.

**Highway Capacity**

In response to residents concerns about the level of congestion on the highway network in the north of the town and the need for future development in this area coupled with the fact that the Anker Valley allocation had not come forward within the local plan period, Staffordshire County Council commissioned JCT to examine the Gungate and Fountains junction corridor. This is the transport corridor to which the Ashby Road feeds into to the north of Tamworth. It is the only transport corridor into the town from the north and is subject to high levels of congestion at peak times.

The capacity of this corridor is key to the delivery of new housing to the north of Tamworth, and has been carefully considered by the County Highway Authority which is set out above within their consultation response. It is considered that the transport package proposed by the applicant including a pedestrian footbridge / cycleway over the Derby to Birmingham railway line and financial contributions towards the Upper Gungate corridor improvements, which includes measures to increase the number of people travelling by bus, rail, cycle and walking in order to lower the percentage of car driver trips coupled with additional funding as detailed above would limit the significant impacts of the development on the highway network. As such the proposed development is considered to comply with Policy HSG4 of the Local Plan and the provisions of the NPPF in so far as the impact of the development on the highway network would not be severe.

**Impact on the existing network**

With regards to the impact of the additional traffic generated by the proposal on the local highway network, the applicant has undertaken an assessment to consider the impact of the development on the local highway network. This involved assessments of 9 vehicular junctions within the northern area of Tamworth:

**Site Access Junctions**

1. Ashby Road / North eastern site access; and
2. Ashby Road / South western site access.

**Off-site Junctions**

3. Ashby Road / Browns Lane;
4. Main Road / Browns Lane / Wigginton Road / Gillway Lane;
5. Comberford Road / Gillway Lane / Coton Lane;
6. Comberford Road / Wigginton Road / Ashby Road / Upper Gungate;
7. Upper Gungate / Salters Lane / Offa Drive / Aldergate;
8. Aldergate / Albert Road / Lower Gungate / Hospital Street; and
9. Railway Station / Stationfields / Saxon Drive / Albert Road / Offa Drive.

Each junction assessment was based on the following scenarios:

- 2014 AM and PM Base (off-site junctions only);
- 2024 AM and PM Base (off-site junctions only);
- 2024 AM and PM Base + Proposed Development; and
- 2024 AM and PM Base + Proposed Development + Land North of Browns Lane (sensitivity test).

The submitted transport assessment concludes that the majority of the junctions with the exception of 5, 6 and 7 would be able to operate within capacity for all of the scenarios considered. The capacity analysis identified that junction 5 detailed above would require the introduction of a second lane on the Coton Lane approach to the junction, which would cost in the region of £100,000 and is proposed to be secured by way of a Section 106 agreement.

In terms of the impact of the development on Junctions 6 and 7 detailed above, the required works at these junctions are those identified within the JCT report, and the works at junction 6 are currently underway. As part of the package of transport works in this area of Tamworth Staffordshire County Council have prepared the Tamworth Integrated Transport Strategy, which includes the required mitigation to these junctions. The applicant has agreed to provide an appropriate contribution towards this overall strategy of £402,000. This financial contribution towards the improvements has been calculated from the shortfall in funding for the works to the Upper Gungate corridor, and will also provide financial assistance to the overall Tamworth Integrated Transport Strategy which includes sustainable measures to reduce traffic impacts on the highway network and promote sustainable travel behaviours. This includes improvements to the No 2 bus service, and extending pedestrian/cycle links in to the town centre (footbridge over the Birmingham to Derby railway line) to enhance links to the train station, town centre and education facilities.

As a result the Highway Authority has taken the view that this contribution in addition to the other highway works identified above would constitute suitable mitigation on the existing highway network for this development. This contribution would be secured by a Section 106 Agreement.

Proposed Vehicular Access

Vehicular access to the site is proposed from Ashby Road (B5493), with two access points proposed. The primary site access is proposed as a roundabout to the north of the site, with a secondary access proposed as a priority junction proposed further to the west along Ashby Road.

Adequate visibility for vehicles has been demonstrated to the satisfaction of the County Highway Authority, and swept path analysis has been provided to demonstrate that the primary site access (roundabout) can be used by 16.5m articulated lorries, busses and refuse vehicles.

In general the proposed access points in to the site are considered to be acceptable, subject to the submission of precise (construction) details of the works, so on a technical highway safety issue there is no objection to the development in terms of providing a safe vehicular access in to the site.

Sustainable Transport

The NPPF requires that consideration should be given to the opportunities for sustainable transport modes; that safe and suitable access to a development site can be achieved for all people; and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development as required by Policy HSG4 of the LP and Policy SP6 of the dLP.

The indicative layout of the site proposes a main street / spine road through the site, with a principal pedestrian access linking the network of footpath and footways to green spaces, the existing...
footpath network to the south of the site (to the town centre and train station) and the proposed footpath link across the railway line.

The provision and delivery of the pedestrian footbridge/cycleway over the Derby to Birmingham railway line is key to ensuring that the site is accessible by foot and cycle, to ensure that residents of the development site can safely access local amenities including schools. The timing of the delivery of the bridge is also a key consideration and its early delivery is proposed to be secured by condition.

It is noteworthy that the site is linked to the town centre to the south of the site by an existing footpath that extends under the cross country railway line, however, this footpath is known to flood, and is restrictive in its width and attractiveness and thus can not be relied on to be available for use all year round. The existing footpath along the Ashby Road bridge is significantly substandard to expect its use by any occupiers of the development.

The submitted transport assessment (and addendums) and the outline travel plan also includes the following measures to promote sustainable travel:

- The provision of appropriate space for the storage of cycle equipment;
- Residents will be provided with travel information packs, to inform, promote and encourage the use of the sustainable options available;
- Funding for one appropriate public transport one-week travel ticket per household; and;
- The provision of personal travel planning advice to all residents on site.

The transport assessment has assessed the site in terms of its sustainability relative to walking and cycle links, and alternative modes of transport to the private car within the vicinity, with particular emphasis on the accessibility of the site to the town centre and train station. The site is in close proximity to bus stops within PerryCrofts Crescent and on Ashby Road, which is served by the existing route of the No2 bus service which runs a regular circular service from Gillway to the town centre. Tamworth train station is located approximately 2km to the south east of the site, which is considered to be a 10 minute cycle or 15 minute walk which is considered to be an appropriate distance to expect some use of the station by proposed residents for medium to long distance travel e.g. commuting or leisure trips. The high level of train use is evident in the proportion of existing residents within the locality using the train and bus services for regular travel (as detailed in the 2001 census).

There are existing footways and footpaths within close proximity of the site which provide pedestrian access to various local services and amenities including schools and health facilities, within 20 minute walking distance. There are no national cycle routes in the area of the site although there are some dedicated cycle routes. Consequently given the sustainable transport methods available in the area, it is considered that this development is in a reasonably sustainable location, with some local amenities within a reasonable walking distance of the site. In addition the proposal includes the provision of a convenience store in addition to a primary school which will help to internalise trips within the site and minimise traffic impacts on the strategic highway network.

The site is located in close proximity and generally well related to existing residential areas, and education facilities of the Borough. Good access is available to a wide range of facilities in Tamworth for retail, cultural activities, leisure and employment. There is easy access beyond Tamworth to the railway network and national road network.

The site provides good access to the open countryside and would provide improved access for existing residents to the River Anker and public footpaths around the site and beyond. It is proposed to divert the existing public right of way, which crosses the south eastern edge of the site to a new route along the river side. The County Council Rights of Way Officer considers that the diversion would provide a section of attractive river walking which will provide a link close to the Central Rivers area. In order to ensure that the footpath is accessible all year round it may be necessary to raise the footpath above the flood level. The precise detail of the footpath links will form part of the Master Plan and reserved matters considerations to ensure good connectivity.

In terms of the technical highway safety and feasibility i.e. the vehicular access to the site and the accessible nature of the site, it is considered that, subject to appropriate conditions and mitigation
works that could be secured through a Section 106 agreement, that the development is acceptable in highways safety terms.

The development makes good use of and improves existing rights of way, and it creates pedestrian and cycle access to the existing urban areas running east to west.

Whilst only at the outline stage the indicative masterplan shows the development to be well connected internally, to help maximise internal trips, and helping to minimise traffic impacts on the strategic highway network.

Overall the development is considered to comply with the highway requirements of Policy HSG4 of the adopted local plan, Policy SP6 of the dLP and the provisions of the NPPF.

10.3 Housing Provision

The NPPF sets out that, local planning authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. The most recent local evidence in the form of the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) identified a significant need within the Borough for 2-3 bedroom dwellings more specifically:

- 4% of new housing will be 1 bedroom sized units
- 42% of new housing will be 2 bedroom sized units
- 39% of new housing will be 3 bedroom sized units
- 15% of new housing will be 4 bedroom or more sized units

This mix of housing as outlined within the policy response above has been carried though into the dLP as policy CP5 Housing Types quoted above. In addition, Policy CP4 Affordable Housing (also quoted above) is also based on the same evidence and provides the most up to date evidence based on a whole plan viability assessment.

Both policies (CP4 and CP5), acknowledge that the viability of schemes is key to the delivery of new housing and caveat that where it is demonstrated that the mix as identified in the policy or level of affordable dwellings is not feasible or viable, that alternative housing types and affordable provision that matches the affordable need as far as possible would be acceptable. The National Planning Guidance (NPG) acknowledges that where the deliverability of developments is compromised by the scale of planning obligations and other costs it may be that the level of affordable housing may need to be reduced as these contributions are often the largest single item sought on housing developments.

Following detailed viability work, taking in to account the financial, and infrastructure requirements of the development it is evident that the originally proposed mix and level of affordable housing proposed (30%) would render the development unviable. In order to reach a position which would deliver an alternative housing mix that broadly meets the housing needs of the Borough and provides much needed affordable dwellings a number of mixes of dwelling types and scenarios were considered under the guidance of the Development Plan Manager and the Head of Strategic Housing. This has included assessing the priorities of the Borough, which in addition to ensuring the delivery of new homes has involved a compromise on both the percentage of affordable dwellings and the housing mix.

The following overall mix is now proposed as part of the application:

- 1.3% 1 bedroom sized units
- 27.4% 2 bedroom units
- 33.5% 3 bedroom units
- 28.7% 4 bedroom units
- 9.1% 5 bedroom units

This proposed mix would allow the delivery of 20% of the dwellings on site to be affordable dwellings, and is considered to represent a reasonable balance which will ensure the delivery of the scheme providing a reasonable mix of much needed 2 and three bedroom dwellings. A total of 107
affordable dwellings are proposed at the following mix which is more consistent with the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) and the requirements of dLP Policy CP5 as set out below:

- 6.5% 1 bedroom units
- 57% 2 bedroom units
- 30% 3 bedroom units
- 6.5% 4 bedroom units

Whilst the ideal tenure mix of 50% for social rent, 25% affordable rent and 25% shared ownership sale is preferable and compliant with the housing needs. Due to viability concerns the scheme is proposed at 60% affordable rent and 40% shared ownership.

It is acknowledged that ideally a need compliant housing mix and level of affordable dwellings would be provided. However, the current mix and level of affordable housing proposes is considered to be acceptable when considering the need to strike a balance between the competing financial constraints of the development.

Whilst the overall density of the site would be considered in detail at the reserved matters stage the submitted Design and Access Statement indicates that the average density across the site would be 30 dwellings per hectare (not considering the areas of landscaping), which is considered to result in an appropriate density that would result in an efficient use of the site and would be not be too densely developed to have a detrimental impact on the character of this urban edge site.

In general the proposed housing provision when considering the mix and affordable housing provision are considered to broadly comply with the requirements of the NPPF to meet the housing needs of the Borough, as identified within Policies CP4, CP5 and CP6 of the dLP.

### 10.4 Design and Impact on Character and Appearance of the Area

The application has been submitted in outline and the only matters for consideration in the determination of this application (other than the principle of development considered above) relates to the point of access to the site, which is considered within the highway matters section above. For clarity a brief description of each of the reserved matters is provided below;

**Layout;** The way in which buildings, routes and open spaces are provided and their relationship to areas outside the development.

**Scale;** The height, width and length of each building.

**Appearance;** The external built form of the development, the aspects of the development which determine the visual impression the development makes.

**Access;** Covers access to the site and circulation within the site for vehicles, pedestrians and cyclists and how these fit into the surrounding network.

**Landscaping;** Details the treatment of public and private space through hard and soft measures including SUDS (trees, hedges, fences and walls etc.)

A formal assessment of the layout, scale, appearance, internal access, and landscaping would need to be undertaken at the time of a future application for the approval of the detailed reserved matters. Whilst the requirement to submit the approximate location of buildings, routes and open spaces, and the upper and lower limits of the height, width and length of each building has been removed from the DMPO 2010, the application is accompanied by an illustrative masterplan and a Design and Access Statement. The Design and Access Statement and ES identify 12 key master planning principles that have been adopted in developing the project:

- Ensure that the new development responds to its context and setting;
- Locate open space along the River Anker corridor (incorporating the existing public right of way), around the highest parts of the site to the north east and to the boundary of the site with the open countryside to the north east;
- Provide a buffer between the site and the adjacent rural landscape;
• Locate the built development alongside the existing urban edge of Tamworth;
• Deliver residential development that relates to adjacent residential areas;
• Retain an open character to the River Anker, and create a linear park that offers strong connections between Tamworth centre and the open countryside beyond;
• Ensure that the built development is contained within a perimeter and site-wide network of landscape including new greenspace, structural planting and habitat creation;
• Conserve, protect and enhance important landscape and ecological features within the site;
• Create a green infrastructure framework that comprises retained habitats, new habitat creation, open space, and new informal walking and cycling routes with connections to the existing provision;
• Deliver accessible area of new recreational open space for the new community;
• Devise a sustainable urban drainage strategy that attenuates surface water run-off;
• Support and improve connectivity between the site and the surrounding area via new or improved walking and cycling routes.

The application site is located in the Mease Lowlands Regional Character Area, as identified in the Supplementary Planning Guidance to the 1996-2011 Staffordshire Structure Plan, “Planning for Landscape Change”. This identifies the area as a gently rolling landscape of shallow valleys. Extensive open farmland areas within a strong pattern of cultivated fields bound by hedgerows. Natural England set out within the NCA (National Character Area) the need to protect and manage rivers, and their associated habitats in addition to providing better access for urban populations to green infrastructure within developments and take opportunities to generally improve access to green spaces which is provided within the development.

The visibility of the site and its setting within the landscape, need to be considered and the ES submitted includes visual impact assessment (which is considered in detail below). To the north the visibility of the site will be primarily restricted to the Ashby Road, as further to the north the land levels and existing trees and hedges would screen the proposed development from the majority of views. To the east lie Amington Hall and its conservation area, which itself is generally screened from a view of the development as a result of the existing blocks of woodland and generally high hedges, trees and the topography screen the development from prominence in views form the east in general and more importantly from the conservation area.

The well vegetated embankments of the West Coast railway line abut the western boundary of the site with the Perrycrofts residential estate beyond. This existing vegetation and sloping land towards the River Anker would effectively screen the development from this existing residential area. The site will be visible from the south as now the roofline of the Perrycrofts estate are, but this visibility is not considered to be significant due to the views generally being long distance helped by existing vegetation to the south of the site including Warwickshire Moor Local Nature Reserve and the variations in topography.

Whilst the development is proposed within the open countryside, it is considered that the site is such that it can be developed for residential purposes without significantly harming the openness of the north of Tamworth, particularly as the application proposes landscape enhancement measures including a landscape buffer to the north and east of the site, and along the River Anker. The long standing allocation of the site for residential development accepts that the development will result in some change to the landscape and whilst the development due to its size would change the character and appearance of the area, this impact subject to suitable design would not warrant the refusal of this application.

The plans that support the illustrative masterplan (the Design and Access Statement) sets out a concept rational for the development of the site and includes an analysis of local area character areas, which is primarily an assessment of the nearby villages of Harlaston, Wigginton and Newton Regis. This develops through an assessment of the topography of the site, access and movement strategy for pedestrians and vehicles, provides some information on the arrangement of development blocks and street patterns which include areas for SUDS and linked open spaces. The proposals generally following well known urban design principles to provide the following: Defined character areas; Focal points and key spaces; Gateway and key buildings; Active frontages; Space typologies; Block principles; Traffic calming measures and principles.

In terms of the proposed building types further analysis would be required, as part of the master planning exercise and design code (that would be considered at the reserved matters stage). The
scale of building form is proposed as a mix of 2 and 2 ½ storey dwellings with a limited number of 3 storey dwellings at the Ashby Road end of the site.

The use of a design code has been agreed by the applicant in order to help steer the overall design quality of the development, and create greater certainty for all about the outcomes of future submissions. The use of design codes is encouraged by the NPPF to ensure the delivery of high quality design outcomes. The intention is that the design code should be in place to help guide the design of each of the respective reserved matters phases and for this reason a condition is recommended that requires the design code to be submitted and agreed in writing prior to the submission of the first reserved matters application. Each reserved matters application will then be required to demonstrate how their proposals accord with the agreed design code.

Overall the works undertaken so far in terms of the design and layout of the site are generally positive, and subject to them being built upon through the use of tools such as a design code and masterplan the design of the development should be appropriate for the context of the site. But this will need to be carefully considered at the detailed design stage in order to comply with Policy SP6 of the dLP.

10.5 Open Space and Sports Provision

The adopted SPD’s on Planning Obligations and Open Space require that new residential developments for over 42 people should provide open space on site, with a standard of 2.43 ha required per 1000 population. It is anticipated that the development would generate a population of around 2250, which would result in a requirement for the provision of 5.47ha. The application proposes the provision of a total of 13.73ha of open space within the application site. However, it noteworthy that 6.45ha of the open space is located within the floodplain as part of a river park, within which the SUDS and diverted right of way is proposed. Whilst not fixed at this stage the illustrative plan demonstrates that a number of structured open spaces are proposed within the site and along existing hedgerow boundaries, at key spaces and as part of the proposed SUDS. Overall the indicative plans demonstrate that there is sufficient scope to provide a suitable amount and range of open spaces within the site.

Following discussions with the Councils Street Scene Department, due to the increasing cost of maintaining open spaces, and in this particular instance the provision of substantial SUDS which form part of the open space network, the Council would not seek to adopt the Open Space. Instead the applicant will be required to establish a maintenance company to maintain the open space. This will be secured via a S106 agreement. At the detailed design stage the input of the Street Scene Department will be considered as part of the design and location and sizes of open spaces within the site.

As detailed above Sport England have commented on this application and currently object as the site does not include any formal sports provision. Following detailed discussions with Sport England it is considered that the payment of a financial contribution (outlined to be £440,000) within the formal response would in part remove their objection to the scheme. However, provision is needed to ensure that contribution would be spent on sport to meet the right needs, in the right location, in accordance with the evidence base.

The main needs identified within Tamworth are for the provision of a new leisure centre and the provision of artificial grass pitches (AGP). The applicant’s have accepted a contribution of £440,000 which equates to £822 per dwelling. The most recent comments received form Sport England, note that whilst a more substantial contribution than outlined above may be justified on the basis of need in Tamworth, the Council will need to make a judgement taking in to account the competing factors and the viability of the scheme and Sport England would accept that judgement where it is justified. This would need to include a commitment from the Council to spend the sports contribution on sports facilities in accordance with the priorities of the Sports Strategy which in this case would be for the provision of a 50:50 split for the contribution between the provision of a new leisure centre and AGP. The final wording and payment timings would be agreed and secured though a Section 106 Agreement.

10.6 Education

Discussions with the County Council School Organisation (as detailed above), have raised a number of issues in respect of education provision to the north of Tamworth and that new
development within this area would place significant pressure on primary education infrastructure. A development of this size necessitates the need for the provision of a new primary school within the development site itself, and the site masterplan includes a site for the delivery of a new primary school.

The development is expected to generate approximately 25 pupils per school year group, which itself could be justified to provide all of the infrastructure for 6 of 7 classrooms for a 1 form entry primary school. The total cost of delivering a new primary school is considered to be in the region of £4 million excluding the acquisition of the necessary land and any necessary works such as land restoration or demolition, highways works, and utility upgrades/diversions. The required primary contribution (including the land of 1.1ha with an option of a further 0.3 ha) would be £3.75 million, a reduction of £250,000 as the cost of 1 classroom would be provided by the County Council. The County Council have indicated that they would require the contribution phased with early payment and access to the site necessary, although some phasing to allow the school to be built in phases would be acceptable.

In terms of secondary education, the development is located in the catchment area of The Rawlett Academy. The Academy is projected to have insufficient places available to accommodate the number of children that would be generated by this development. However, there is projected to be some capacity within Tamworth secondary schools to accommodate this development.

Consequently the Local Education Authority has requested a contribution to fund 84 additional secondary school places and 17 sixth form places or a contribution of £1,396,248 for secondary school places and £306,459 for sixth form places.

The overall contribution requested by the County Council current stands at £3.75 million for primary provision, £1,396,248 for secondary provision, and £306,459 for sixth form places a total of £5,452,707. Discussions are ongoing between the applicants and the County Council regarding the level and timing of the contributions. The final agreed figure and timing of can be adequately secured via a Section 106 Agreement.

10.7 Environmental Impact Assessment

The application is accompanied by an Environmental Statement (ES) which provides a detailed assessment of various issues in accordance with the Environmental Impact Assessment Regulations. The section below contains a summary of the conclusions, including the likely impacts, the proposed mitigations works and assessment of the impacts.

EIA – Socio Economics

The ES comments that the development would generate a significant amount of construction-related employment, estimating that each home built creates 1.5 direct full time equivalent jobs. The development would also generate additional local spending in the area, during the construction phase.

The ES states that there would be positive effects in the provision of new housing, including affordable housing. The development would generate increased demand on education and health facilities requiring additional facilities to be provided in the area. The new resident population would result in an increase in household spending in Tamworth in the region of £6m per annum, having a long term benefit to the local economy. The inclusion of high quality private sector housing is expected to attract an affluent population and therefore reduce deprivation in the area as a whole. The increased natural surveillance from new development is expected to reduce the risk of crime.

The area will provide improved access to the countryside for new and existing residents alike helping to improve the health of the local population. Consideration of the impact of the development on education facilities, open space and housing are considered above.

EIA – Landscape Character and Visual Resources

The ES considers that changing the site from agricultural land on the urban edge of Tamworth to a residential site with interspersed open spaces is expected to have a minor adverse effect on the landscape character of the site. Whilst the view from some surrounding points will be adversely
affected immediately after construction, though the loss of sections of hedgerows, the loss of agricultural land and the introduction of built development in a countryside setting.

The ES notes that views towards the site from the west and south are restricted by vegetation and existing development, with the rising topography helping to restrict visibility from the north. There are available views of the site from the certain areas to the east although these view points are again restricted by land levels and vegetation. The site would also be visible in longer distance views from the residential areas to the south although the ES considers that there is likely to be little discernable change in the view.

Analysis of the impact of the development on key visual receptors concludes that the visual effects of the development are primarily at a short distance, and are generally of a minor to moderate or moderate adverse significance and primarily restricted to Ashby Road adjoining the site and along the existing public right of way though the site. The report concludes that key design considerations to minimise visual impact will include creation of meadow grassland to the north east, additional structural planting towards existing vegetation in the eastern corner of the site, the introduction of tree planting, and the creation of species rich grassland corridors and wetland around the SUDS. Improvements are also anticipated through increasing accessibility to public open space and the riverside, and ensuring that lighting is designed to best practice to minimise light pollution.

**EIA – Ecology and Nature Conservation**

The ES sets out that there are no statutorily designated protected areas on or near the application site. There are however, a number of non-statutory sites within 1km of the site, these include the Warwickshire Moor Local Nature Reserve, River Anker Biodiversity Alert Site, Broad Meadow Local Nature Reserve, Bole Bridge Local Nature Reserve, and Brindley Drive Local Nature Reserve. The proposed development will not have significant impacts on any of these sites.

The ES includes a desk-based study exercise of assessing existing ecological information including previous surveys submitted with previous planning applications, a series of field surveys were undertaken; including an Extended Phase 1 habitat survey, breeding birds survey, bat activity and root assessment survey, reptile presence / absence surveys, water vole / otter survey, and badger survey.

No evidence of any active badger setts were observed on-site during the various surveys of the site, although a long since disused sett, comprising two entrances full of leaf and woody debris were discovered. In the absence of any active setts and the low levels of activity recorded observed the development is not considered to result in any adverse harm to any local badger groups as significant foraging habitat exists within the local area.

Low levels of bat activity were identified across the site, with no roosts found but three trees were identified as having the potential to support roosts. However, no works are proposed to these trees and they are to be retained as part of the wider landscape strategy for the site. Whilst there would be likely to be some minor adverse impact on bats as a result of the loss of small sections of hedgerow but new structural planting would result in an overall beneficial effect on bats as a result of the development.

A total of 41 different bird species were recorded during the site surveys undertaken on three occasions in April and May 2013. The main area of the site of the greatest value to breeding birds is the corridor of the River Anker, with Moorhens, Canada Geese and Mallard recorded due to the marginal vegetation and wetland habitat. This provides opportunities for breeding and a route for passage on the River Trent, this area of the site is to be retained as part of the development. Overall however, due to the intensively farmed nature of the part of the site to be developed there are generally few opportunities for nesting birds with any negative impacts restricted to the site specific level with any displaced species likely to find adequate habitats close to the site. In addition, new habitats would be created in the landscaped areas, with bird boxes provided throughout the development site. Overall the ES concludes that the impact on breeding birds would have a minor beneficial impact on the general species assemblage of the site. In addition, the potential impact on nesting birds will be minimised through removal of trees and shrubs in September to February, outside the main bird nesting season where possible.

No great crested newts, reptiles or invertebrates were identified within the vicinity of the site during the site surveys. No water voles or otters were found within the site during the surveys, and the
most likely foraging habitats within the site are at the edge of the River Anker, which are to be retained and enhanced.

Consultation responses have been received from Natural England, and Staffordshire County Council Ecology. Natural England comment that they have no objection to the proposal on the basis of the impact of the development on the Alvecote Pools Site of Special Scientific Interest (SSSI). In addition they comment on the need to ensure that the development complies with the Natural England standing advice.

The County’s ecologist is satisfied that the survey work completed is sufficient to inform the decision making process, and note that the key to successful delivery will be habitat design and the securing of suitable implementation and management though suitable conditions.

The Environment Agency has also recommended the imposition of a condition requiring a long term management plan for the open spaces and SUDS, which are considered appropriate.

In accordance with comments received from the Council’s Tree Officer more detailed plans of the trees and hedgerows will be required detailing the trees and hedgerows to be retained/removed, including confirmation that those to be retained are adequately protected during site works, and that replacements are planted for any trees removed. As the precise siting of the proposed footbridge has not been determined it can not be established if any trees will be lost as a result of the footbridge. It is therefore considered that subject to the above being met within reserved matters application/s, and through conditions, the proposal would be acceptable with regard to the protection of trees, hedgerows and woodlands.

The assessment recommends mitigation to minimise the impact of the development on local biodiversity. The mitigation proposed within the ES includes enhancement and management of the of the River Anker habitats, hedgerows within the site, and the provision of SUDS and attenuation ponds will enhance ecological diversity. Overall it is considered subject to the conditions proposed including the submission of an Ecological/Habitat Management Plan (to include a long term management plans for the SUDS features) and a Construction Method Statement that the impact of the development on ecology will be acceptable and comply with the provisions of the development plan and the relevant habitats legislation.

**EIA - Cultural Heritage and Archaeology**

There are a number of listed buildings, a scheduled ancient monument, 3 conservation areas and a registered park within 1km of the site. However, in the context of the site the grade II* listed Amington Hall, Amington Hall Conservation Area, and Amington Hall Registered Park all to the north east are the physical features which will be sensitive to the proposed development.

The application proposes the retention and provision of open spaces at the highest visible points of the site and along the eastern edge of the site which are considered to adequately screen the nearby heritage assets to the east, and as such the ES considers that the impact of the development on heritage assets is negligible.

Whilst there are no known archaeological remains within the site, the County Council’s Archaeology section has commented on the potential for the site to support unknown archaeological remains as the site lies within Tamworth’s medieval and post-medieval hinterlands. Members may be aware the development of similar sites in close proximity to local rivers which have uncovered evidence of prehistoric activity. Given the scale of the development and the demonstrable archaeological potential, it is recommended that a staged evaluation is undertaken to determine the archaeological potential and significance across the site. It is therefore considered that subject to an ecological evaluation being implemented through conditions, the proposal would comply with the relevant policy and guidance relating to heritage assets.

**EIA Agriculture and Soil Resources**

The ES identifies the majority of the site (25.3ha) as being classified as grade 3b agricultural land with a smaller proportion (4.2 ha) grade 3a. Grade 3b agricultural land is considered to be of moderate quality, with 3a a higher grade of land. Where significant development is considered necessary and proposed on agricultural land poorer quality land should (such as grade 3b) should be used in preference to higher quality land. The soil within the area is comprised of clay loam and
sandy silt loam topsoils, the ES identifies that the soil would be protected during construction and re-used in the detailed design of gardens, landscaped areas and green infrastructure throughout the site.

The site forms part of a larger agricultural land holding incorporating land at Windmill Farm and Comberford. Overall the loss of this agricultural land whilst it can not be mitigated for by providing new agricultural land is considered to have a negligible to minor adverse impact. The loss of this agricultural land is not considered to be a significant loss and as such should not impact upon the determination of this application. However, a Soil Resources Plan needs to be developed to ensure the appropriate use of existing soil currently within the site as identified within the ES.

EIA – Land Quality

The ES sets out that due to the site having previously used agricultural purposes, with evidence of a dismantled railway evident across the site and some localised land fill to the north western corner of the site, overall there is considered to be limited potential sources of ground contamination.

The ES explains that a desk top assessment and conceptual site model were developed. They consider that whilst the findings of the reports undertaken identify little cause for concern intrusive ground investigations are required to provide a good overall understanding of the site conditions. These investigations will develop a suitable mitigation strategy for the site which will be developed to protect both human health and the water environment. Environmental Protection and the Environment Agency having reviewed the submitted information are satisfied that subject to conditions requiring a remediation strategy to be developed for dealing with contaminated land the site can be developed without any harm to human health.

Overall subject to conditions to ensure that development of the site is not impacted upon by existing ground conditions or contamination the development is considered acceptable in terms of assessing the likely impact from ground conditions.

EIA – Flooding, Hydrology, Drainage, and Water Resources

In addition to the ES the application is supported by a Flood Risk Assessment (FRA). The application site is located within Flood Zones 1, 2 and 3. Flood Zones 2 and 3 are associated with the River Anker which forms the eastern boundary of the application site. The site itself slopes from Ashby Road towards the River Anker, and all of the proposed built development of the site is located within Flood Zone 1, which has a less than 1 in 100 year chance of flooding with the built development proposed with finished floor levels 600mm above the level of a 1 in 100 year flood. The submitted FRA examines potential sources of flood risk from a number of sources; fluvial, pluvial (surface water run-off), groundwater and sewers and sets out the proposed drainage strategy for the site.

The FRA contains a drainage strategy which seeks to provide basin storage for surface water within the site before discharging in to the River Anker. Before the surface water reaches the basins various forms of SUDS will be provided in the form of swales, ditches and porous paving. SUDS will be utilised to provide storage and also to direct surface water flows throughout the site, which are detailed on the indicative masterplan to be sited along roads and open spaces towards the attenuation basins to the east of the site, with swales and other infiltration type SUDS utilised where ground conditions allow.

The Environment Agency has no objections in principle, to the proposed development but recommends conditions regarding

- compliance with the FRA,
- the submission of a surface water drainage scheme of sufficient capacity to demonstrate that the surface water run-off generated up to and including 1 in 100 year critical storm is limited to the greenfield run-off rate (including 30% increase in peak rainfall intensity to account for climate change) and
- the undertaking of a remediation strategy for dealing with contaminated land, and a condition relating to the management of the landscaping.

It is noted that several local residents have highlighted problems with the foul water system and sewage disposal in the area. The FRA confirms that Severn Trent Water currently have insufficient
capacity to allow a connection to the existing system, however, given the responses of the statutory water bodies, and the option for a pumping station to be provided within the site, it is considered that this matter can be addressed by appropriate conditions and as a consequence there would not be an increased risk of flooding and adequate drainage can be accommodated. This would ensure that the development complies with criterion iii of Policy HSG4 of the adopted Local Plan and SP6 of the dLP.

**EIA – Air Quality and Dust**

The ES sets out that the assessment undertaken and identifies the baseline conditions using locally available data. The main influence on local air quality in the area is likely to be the emissions from local road transport. It is noted that the site is in very close proximity to the Birmingham to Derby railway line, however, the detailed assessment of these emissions is not considered appropriate when considering the guidance provided by DEFRA due to the low background NO2 concentrations of the site.

The assessment considers the impact of the construction phase of the development on nearby residential properties. During construction the ES identifies that measures will be put in place to minimise the generation of dust and particulates both from the site and from vehicles along construction routes in to and out of the site. The Environmental Protection team note that the impact of the construction phase would be adequately mitigated against providing the measures outlined within the ES are implemented.

The ES identifies that the increase in vehicle movements resulting from both the construction and operational phases of the development due to construction traffic and increased traffic flows. Using the traffic modelling and air quality dispersion models the development is expected to cause only a negligible increase in air pollutants at sensitive receptors along the road network.

**EIA – Noise and Vibration**

The ES sets out that the main current source of noise to the proposed development site is from traffic on the surrounding road network and train line to the west, with the main source of vibration being the train movements on the adjacent line. A noise survey has been undertaken and the results incorporated in to the ES.

The ES identifies that the construction phase though traffic and the use of heavy plant activity will be likely to generate noise and vibrations, which could impact on nearby residents. However, the adoption of a Construction Environmental Management Plan and a considered approach to development would help to minimise the impacts of the construction phase, and also take account of the impact of any construction works on the railway as identified by Network Rail.

The main noise source once the site is operational would be from the school. However, this would be of no more significance than within any existing residential area and the detailed design of the school would ensure that suitable noise insulation and siting of play area would ensure that any noise would be minimised.

The comments from Environmental Protection state that they have no objections in principle to the findings of the assessment but recommend that a detailed noise assessment is conditioned to ensure that the development would meet the necessary noise levels both internally and within private gardens. Subject to the imposition of such a condition the development will not result in a development that would provide unacceptable living environments for existing or proposed residents sufficient to warrant refusal of the application.

**EIA – Artificial Lighting**

Daytime and nighttime surveys of the site and surroundings were undertaken at 14 sites as part of the ES. The development has the potential to result in an increase in light spillage to existing residents, road users, users of the public footpaths, and train drivers. An increase of nighttime light could also change the nighttime environment for local residents.

It is acknowledged that there will be some permanent impact as a result of the development particularly on the nearby residential dwellings, particularly those on Ashby Road, Arkall Close, Perrycrofts Crescent, Farm Close, Henley Close and Stationfields Park Homes. However, during the
construction phase the ES considers that suitable mitigation to be identified within the Construction Environmental Management Plan (CEMP) to ensure that any impact of lighting areas of the development such as construction sites or car parks would be of minor negative or negligible significance, secured through appropriate siting and directing of lighting.

The main impact of the operational phase of the development would be from use of the highway, street lighting, and proposed shop. The impact of these would be minimised through the submission of lighting design scheme for the site, which would help to ensure that any glare is minimised resulting in a negligible or minor negative impact from the development. This is also true of the impact of the development on road users, users of the footpath network and train drivers. At nighttime the impact of the development would be greater due to the currently unlit nature of the site, this unavoidable, permanent and long term effect can be mitigated against and would not be of sufficient harm to warrant refusal of the application.

EIA – Services and Infrastructure

The applicants have undertaken various forms of consultation with local utility companies, clearly the site would need to provide suitable local connections to services including gas, electricity and water. Western Power identify that the existing system would not have sufficient capacity to accommodate the proposed development and a new connection to the Tamworth Town Primary Substation would be required and three new substations would be required within the site. The provision of water and sewerage is considered above. Overall the impact of the development on local services both during construction and once operational is considered to be negligible.

EIA – Cumulative effects

The ES concludes that the impact of this application has been considered including the impacts of the Browns Lane development, and none of the cumulative impacts with the exception of the traffic and transport impacts (covered in the Highway Safety section of this report) are likely to result in a negligible or minor adverse impacts therefore no significant cumulative effects are anticipated. There is a proposed major development to the north of the Ashby Road, and it will be for those proposals to consider the cumulative effects of their development in addition to this application within any submitted EIA.

10.8 Planning Obligations

As detailed above there are a number of financial contributions and obligations that are required in order to make the development acceptable in planning terms and the Section 106 agreement needs to include the following provisions, which have been agreed though an assessment of the viability of the scheme:

- 20% affordable homes (107 as a total of 535)
- £402,000 contribution towards the Tamworth Integrated Transport Strategy
- Land for a primary school and £3,750,000 to finance the building of the school
- £1,702,707 contribution towards secondary and sixth form school places
- £440,000 contribution towards the provision of sports facilities within the Borough
- Management of the on-site open space and SUDS in perpetuity
- The provision of a pedestrian/cycle bridge across the Birmingham to Derby railway line
- Widening of the Coton Lane junction (identified within the Transport Assessment)

It is considered that the above Section 106 Agreement heads of terms appropriately address the issues identified in the report. However, as the detailed cost of the development continue to be determined in detail Officers will continue to negotiate the terms of the Section 106 Agreement to ensure that the best contributions are achieved for Tamworth. One key consideration will be the timing of the financial payments, and the future proofing of the agreement so that in the event that economic circumstances change the development will secure best deal for Tamworth especially as the applicant has set out that they envisage the development taking 10 years to complete at approximately 50 dwellings constructed per annum.

A clause will be included in the S106 agreement to allow the Council the discretion to require the reassessment of the viability appraisal if the development is not completed within a prescribed
timescale in order to give the Council the ability to secure additional financial contributions and/or affordable housing if profit has increased.

10.9 **Other Issues**

*Impact on Residential Amenity*

Whilst the detailed layout of the site and house types have not been submitted for consideration some local residents have raised objections regarding the impact of the development on the privacy of residents, the impact of increased use of the public footpath though Stationfields, and the impact of the proposed footbridge across the Birmingham to Derby railway line on the amenity of the residents of the Perrycrofts estate, with particular concerns raised about the increase in crime and the impact on community safety.

In terms of the impact of the development on the privacy of residents, concern was raised about overlooking across the railway line. It is considered that sufficient separation distances exist between the site and the nearest dwellings to the west, and the layout of the site will be assessed having regard to the issues of neighbouring amenity and the protection of privacy. It is considered that any impacts can adequately be addressed at the reserved matters stage.

However, a noticeable increase in pedestrian movements both to the south of the site via the existing footpath network and across the proposed footbridge would have some impact on the quality of life and general amenity of residents who presently live in the area. However, the layout of the existing Perrycrofts estate is such that the roads create the pedestrian desire lines, which are shared with vehicles and cycles alike, which creates surveillance by usage. In addition, the existing dwellings in the estate generally front on to the main routes though the estate so whilst the new bridge would result in an increase in use the routes are generally well overlooked which reduces the opportunity for crime. The routes within the estate are provided on wide footways with the dwellings generally set back from the footpath with large front gardens, which reduces any direct impact due to an increase in use of the existing footpath network.

In terms of the impact on Stationfields, concern has been raised due to the likely increase in use of the footpath, and the impact of increased lighting on the amenity of the existing residents. It is worthwhile noting that there are no restrictions on the use of public footpaths but it is accepted that the development would result in an increase in use of the footpath. Again the existing boundary treatments and overlooking of the existing homes within the Stationfields development would be sufficient to help accommodate the likely increase in pedestrian movements. The application does not include the provision of additional lighting within Stationfields and the use of motorbikes on public footpaths is not permitted.

Overall, whilst the proposed development would result in an increase in use of the surrounding areas, through increased pedestrians and cyclists this is not considered to result in a significant loss of amenity for existing residents that would warrant refusal of this application.

11 **Conclusion**

11.1 The application seeks outline consent for the erection of 535 dwellings, which in principle is considered to be acceptable as the site is allocated under Policy HSG4 of the Local Plan for residential development, and as proposed within draft Local Plan Policy SP6. The delivery of new housing developments to meet local need and demand and the maintenance of a 5 year housing land supply are key components in achieving sustainable development, and as such the principle of developing the site is supported by the NPPF.

11.2 The impact of the development on the local highway network is key to determining whether the impact of the development at the scale proposed is acceptable. Following detailed consideration of the application by the County Highway Authority it is considered that the transport package proposed by the applicant including a pedestrian footbridge / cycleway over the Derby to Birmingham railway line and measures to increase the number of people travelling by bus, rail, cycle and walking in order to lower the percentage of car driver trips would limit the significant impacts of the development on the highway network. Consequently it is considered that the proposal would comply with Policy HSG4 of the Local Plan and the provisions of the NPPF.
11.3 It is acknowledged that the infrastructure requirements as part of the delivery of the site including the delivery of the footbridge over the Derby to Birmingham railway line, the provision of a site for a primary school and financial contributions towards the erection of a primary school and improved secondary education facilities and contributions towards the improvement of the highway network are significant and have impacted on the overall viability of the scheme. This in turn has impacted on the percentage of affordable dwellings achieved and the overall mix of dwelling types. It is considered that the proposed affordable dwellings and mix of housing types strikes an acceptable balance between the infrastructure requirements of the site and the housing needs of the borough and thus complies with provisions of the NPPF, and the most up to date evidence in the form of the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) as carried forward in Draft Local Plan Policies CP4 and CP5.

11.4 The matter of access is the only reserved matter to be considered at this stage, with only the point of access to the site considered in detail. Other matters of accessibility to and within the site for vehicles, cycles and pedestrians will be covered at the reserved matters stage in addition to the site layout, scale, landscaping and appearance of the development. Subject to conditions covering the provision of an illustrative masterplan and design code, landscape strategy, detailed phasing plan for the development, archaeology, contamination, noise, drainage and flooding, and ecological and biological matters the development is considered to comply with the principles of the NPPF, Tamworth Local Plan 2001-2011 Policies HSG4, HSG5, HSG11, ENV7, ENV8, ENV9, ENV14, ENV18, ENV19, TRA3, HSG5 and HSG11, and Draft Local Plan Policy SP6.
Conditions / Reasons

1. Details of the layout, scale, appearance, landscaping, and internal site access details, (hereafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details that have been approved. Reason: This application is in outline and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

2. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last reserved matter(s) to be approved. Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The development hereby approved shall only be carried out in accordance with the application form, site boundary plan RG-M-01 Revision D and Environmental Statement March 2014 (incorporating identified mitigation) unless otherwise agreed in writing by the Local Planning Authority.

The following plans have been submitted as indicative only:

Design & Access Statement (March 2014)
Application Masterplan RG-M-12 Revision D
Parameters Plan Land Use – with Flood Zones RG-M-07 Revision G
Parameters Plan Access and Circulation RG-M-08 Revision F
Parameters Plan Landscape and Open Space RG-M-09 Revision E
Parameters Plan Building Heights RG-M-10 Revision D

Reason: To define the approval.

5. There shall be maintained at all times an illustrative master plan for the whole of the development site, based upon the illustrative masterplan submitted with the outline planning application (Drawing Number RG-M-12 Revision D), which shall be updated from time to time as each application for approval of reserved matters in respect of each phase of development is submitted. The masterplan shall show the general disposition of buildings/dwellings and uses around the site consistent with the approved plans, number and mix of dwellings, and shall show the relationship between completed development, the phase in respect of which reserved matters are submitted and the remainder of the site. Reason: In order to maintain a satisfactory illustrative masterplan to ensure a comprehensive development of the site in accordance with the provisions of the NPPF.

6. Prior to the submission of the first reserved matters application, a design code covering the whole of the application site (which is informed by the illustrative masterplan & design and access statement) shall be submitted to and approved in writing by the Local Planning Authority. The Design Code should set out clearly and concisely the principles for:

- Block layouts and massing, building frontages and set backs.
- Street hierarchy and design (including materials, plans showing the typical arrangement of street trees / features and below-ground utilities, and cross-sections showing the relationship with adjacent buildings or spaces).
- Parking solutions (e.g. in curtilage, on street, parking courts).
- Building types (e.g. town houses, semi-detached, commercial blocks, mixed-use blocks).
- Strategies to achieve active building frontages facing streets and open spaces (including street level entrances and windows).
- Block densities and building heights.
- Function and design of open spaces and landscaping (including boundary treatments and typical materials, planting, play equipment and other features).
- Boundary treatments.
- Lighting.
- Sustainability including energy efficiency, drainage and waste strategies and building performance.
Landmark buildings / structures, vistas and key corners within the site.

Applications for approval of reserved matters shall demonstrate that the development is in conformity with the approved design code. Reason: In order to ensure a high quality sustainable development that accords with the illustrative masterplan and the approved plans to secure the satisfactory development of the application site in accordance with the provisions of the NPPF.

7. Prior to the submission of the first reserved matters application a landscape strategy for the whole of the application site shall be submitted to and agreed in writing with the Local Planning Authority. The landscape strategy shall establish the principles for landscaping for housing blocks, roads, open spaces, river frontages, and other public spaces consistent with the design code. The landscape strategy shall also make provision for suitable biodiversity enhancement measures consistent with the ecological enhancement strategy. Each phase of reserved matters shall demonstrate that the development is in conformity with the approved landscape strategy and shall be implemented in accordance with the approved details. Reason: To ensure a high quality sustainable development of the application site in accordance with the provisions of the NPPF.

8. Prior to the submission of the first reserved matters application, a detailed phasing plan for the construction and implementation of the development hereby approved that demonstrates which elements of proposed infrastructure (including public open space, roads, and footpaths) are to be provided within each phase of development shall be submitted and approved in writing by the Local Planning Authority. This phasing plan shall be in general conformity with the illustrative masterplan and approved plans, which shall be updated as necessary at each reserved matters phase of development to reflect any changes agreed to the illustrative masterplan. The development shall be implemented in accordance with the approved details. Reason: To ensure that the proposed phasing of development and delivery of the proposed infrastructure is completed in accordance with illustrative masterplan and approved plans to provide a high quality sustainable development of the application site in accordance with the provisions of the NPPF.

9. No phase of the development shall commence until a written scheme of investigation (‘the scheme’) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication. The scheme shall thereafter be implemented in full in accordance with the approved details. Reason: There is demonstrable potential for archaeological remains to exist within the site and an appropriate investigation is required in order to assess this potential, in accordance with the provisions of the NPPF.

10. No development shall commence until a full scheme of works, for the provision of a pedestrian footbridge / cycleway across the Birmingham to Derby railway line within the zone as indicated on the Application Master Plan (RG-M-12 Revision D) has been submitted to and approved in writing by the local planning authority. The scheme of works shall include details of the timing of construction, levels and sections, surfacing materials, boundary treatments, landscaping, lighting and furniture, and if necessary details of temporary safe access to the bridge, and shall demonstrate conformity to the design code and landscape strategy. The approved bridge shall be implemented in accordance with the agreed timing of construction. Reason: To ensure the provision of an accessible development in accordance with the illustrative masterplan and to ensure the satisfactory and high quality sustainable development of the application site in accordance with the provisions of the NPPF.

11. No development shall commence until precise details of the Primary access works as broadly indicated on Drawing Number SK-001 Rev A which shall include a pedestrian link between the site access and the existing footway on Ashby Road in a south westerly direction has been submitted to and approved in writing by the Local Planning Authority. The highway works shall thereafter be constructed in accordance with the approved plans. Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with Policies TRA3 and HSG4 of the Tamworth Local Plan 2001-2011.

12. No development shall commence until precise details of the Secondary access as broadly indicated on Drawing Number SK-001 Rev A has been submitted to and approved in writing by the Local Planning Authority. The highway works shall thereafter be constructed in accordance with the approved details prior to the completion of the 250th dwelling or otherwise agreed with the Local Planning Authority. Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with Policies TRA3 and HSG4 of the Tamworth Local Plan 2001-2011.
13. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year (with a 30% increase in peak rainfall intensity to account for the effects of climate change) critical storm is limited to the equivalent Greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason: As recommended by the Environment Agency to reduce the risk flooding elsewhere, to limit the rate of surface water discharge from the developed site and reduce flood risk elsewhere, and to prevent flooding by ensuring satisfactory disposal of surface water from the site in accordance with the provisions of the NPPF.

14. No phase of the development shall commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site for that phase has been submitted and approved in writing by the Local Planning Authority:

1. A site investigation scheme, based on the geo-environmental desk study carried out by WSP Environmental Ltd (report ref. 00038574-001-R01, dated 5th June 2013), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. Reason: As recommended by Environmental Protection and the Environment Agency to protect the quality of ‘Controlled Waters’ receptors and human health in the vicinity of the site in accordance with the provisions of the NPPF.

15. No phase of the development shall commence until a detailed vibration assessment for that phase has been submitted and approved in writing by the Local Planning Authority. This assessment shall include an assessment of the vibration from construction activities associated with the proposed development affecting the adjacent railway, including a risk assessment and method statement and full details of any mitigation required. The development shall thereafter be undertaken in accordance with the approved details. Reason: As recommended by Network Rail in the interests of the safety of the railway network in accordance with the provisions of the NPPF.

16. No development shall commence until an Ecological Enhancement Strategy (EES) based on the recommendations contained within the Environmental Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include the use and planting of the SUDS, provision of integral nest boxes and roost units for birds and bats, rainwater harvesting, pervious paving, bio-filtration systems and attenuation ponds. The EES shall be consistent with the Design Code and the Landscape Strategy and shall include details of the proposals for long term management of newly created habitats and other features. Each phase of the development shall thereafter be implemented in accordance with the approved details. Reason: In order to safeguard the nature conservation value of the site in accordance with the provisions of the NPPF.
17. No phase of the development shall take place until a Landscape Management Plan (LMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas including SUDS (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved. Reason: To ensure appropriately designed open spaces are provided and in the interests of the protection of existing wildlife and their habitats, and to enhance the nature conservation value of the site in accordance with the NPPF.

18. No phase of the development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by the Local Planning Authority for that phase of development. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- 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.
- Pedestrian and cyclist protection.
- Proposed temporary traffic restrictions.
- Arrangements for turning vehicles.
- Noise control devices (silencers, SMART reversing alarms etc).
- Delivery routing and hours.
- The erection and maintenance of security hoarding.
- Wheel washing facilities and methods of prevention of mud being carried onto the highway.
- Measures to control the emission of dust and dirt during construction.
- Measures to control the emission of noise during construction.
- A scheme for the recycling/disposing of waste resulting from demolition and construction works.
- Measures to control the impact of lighting during construction.

The development shall be implemented in accordance with the approved details. Reason: In the interests of the amenity of the area and as recommended by the Highway Agency and the Highway Authority to ensure the A5 Trunk Road / M42 Motorway and local highway network continues to serve their purpose as part of the transport system in accordance with Section 10 (2) of the Highways Act 1980 and Policies TRA3 and HSG5 of the Tamworth Local Plan 2001-2011.

19. No phase of the development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority for that phase. The plan shall include:

- An appropriate scale plan showing "Wildlife Protection Zones" where construction activities are restricted and where protective measures will be installed or implemented.
- Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction.
- A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed.
- Provision for any additional survey work required due to a significant period of time having elapsed between the approval of consent and commencement of works within that phase of the development.

The development shall be implemented in accordance with the approved details. Reason: In the interests of nature conservation in accordance with the provisions of the NPPF.

20. No phase of the development (other than site demolition, ground remediation and site preparation works) shall commence until details of the design of any public open space within that phase, including details of layout, surfaces, landscaping, boundary treatment, furniture, and play equipment for that phase has been submitted and approved in writing by the Local Planning Authority. The details shall demonstrate conformity to the approved design code and landscape strategy. The public open space shall be laid out and be available for use prior to the occupation of the penultimate dwelling within that phase. Reason: In order to secure a high quality sustainable development of the application site in accordance with the provisions of the NPPF.
21. No phase of the development (other than site demolition, ground remediation and site preparation works) shall take place until details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings within that phase have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform. The development shall be implemented in accordance with the approved details. Reason: In order to secure the satisfactory development of the application site in accordance with the provisions of the NPPF.

22. No phase of the development (other than site demolition, ground remediation and site preparation works) shall take place until full details of both hard and soft landscape works for that phase has been submitted and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-

- Proposed finished levels or contours;
- Means of enclosure (boundary treatments);
- Car parking layouts;
- Other vehicle and pedestrian access and circulation areas;
- Hard surfacing and paving materials;
- Minor structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- Proposed and existing functional services above and below ground (e.g. drainage power, Communications cables, pipelines etc. indicating lines, manholes, supports.);
- Fully annotated planting plans to a scale 1:100, showing locations of individually planted trees, areas of woodland, shrubs, hedges, bulbs, and areas of grass.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority. Any trees or shrubs which, within a period of five years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species. Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with the provisions of the NPPF.

23. No phase of the development (other than site demolition, ground remediation and site preparation works) shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling(s) approved within that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. Reason: In order to secure the satisfactory development of the application site in accordance with the provisions of the NPPF.

24. No phase of the development (other than site demolition, ground remediation and site preparation works) shall take place until a detailed lighting scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate and details of the lighting fittings including: colour, watts and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained for the life of the development. Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with the provisions of the NPPF.

25. No phase of the development (other than site demolition, ground remediation and site preparation works) shall take place until details of facilities for the storage of refuse within the curtilage of the dwelling(s) approved under this permission for that phase have been submitted to and approved in writing by the Local Planning Authority. The refuse facilities shall be provided in accordance with the approved details before the buildings are first occupied and thereafter maintained for the life of the development. Reason: In order to secure the satisfactory development of the application site in accordance with the provisions of the NPPF.
26. No phase of the development (other than site demolition, ground remediation and site preparation works) shall take place until a noise study has been undertaken to demonstrate that the proposed development within that phase is designed so that

- cumulative noise within habitable rooms does not exceed 35dB LAeq (16 hour) from 07:00 to 23:00 hours, 30dB LAeq (8 hour) from 23:00 to 07:00 hours, and 45 dB LAFmax from 23:00 to 07:00 for single sound events.
- cumulative noise at outdoor living areas (such as rear gardens), does not exceed 55 dB LAeq (16 hour).

The result of the study shall be submitted to an approved in writing by the Local Planning Authority, with the development implemented in accordance with the approved details including any mitigation measures required including any necessary ventilation measures. Reason: In order to safeguard the amenities of the occupiers of premises/dwellings within the development and in the vicinity of the site in accordance with the provisions of the NPPF.

27. No development (other than site demolition, ground remediation and site preparation works) shall take place until a strategy for the disposal of foul water arising from the site has been submitted to and approved in writing by the Local Planning Authority. Reason: In order to ensure that sufficient foul drainage is provided for the development in accordance with the provisions of the NPPF.

28. No phase of the development (other than site demolition, ground remediation and site preparation works) shall take place until a detailed scheme, in accordance with the broad strategy agreed under condition 27, for the disposal of foul water has been submitted to and approved in writing by the Local Planning Authority. Reason: In order to ensure that sufficient foul drainage is provided for the development in accordance with the provisions of the NPPF.

29. No more than 535 dwellings (within the C3 Use Class as defined in the Use Classes Order 1987, as amended) shall be constructed on the application site under this permission. Reason: In order to ensure that the highway capacity of the road network in the north of Tamworth remains at an acceptable level in accordance Policies HSG4 and the provisions of the NPPF.
Informative Notes

1. The applicant is advised to note and act upon as necessary the contents of the attached response from Network Rail dates the 23rd April 2014.

2. The applicant is advised to contact National Grid prior to carrying out any works on the site.

3. The applicant is advised to note that this consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

4. The conditions requiring off-site highway works shall require a Major Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Major Works Information Pack and an application form for the Major Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire ST16 2DH. (or email to nmu@staffordshire.gov.uk)

   http://www.staffordshire.gov.uk/transport/staffshighways/licences/

5. With reference to the provision of cycle storage at residential dwellings, if it is proposed to include this in garage space then the garage will need to have the minimum internal dimensions of 6.0m x 3.0m in order to be considered appropriate for the storage of a bicycle and motor car.

6. Condition 13 requires the submission of a surface water drainage scheme which should be guided by the approved Flood Risk Assessment (FRA) Land at Anker Valley, Tamworth (Dated 18/03/2014) Rev 2 and the following mitigation measures detailed within the FRA:

   - All built development will be located in Flood Zone 1 and finished floor levels will be set a minimum of 600mm above the 1 in 100 year flood level.
   - The surface water drainage strategy will comprise basin storage and surface water will be discharged to the River Anker at the equivalent Greenfield runoff rate up to the existing 1 in 100 year runoff rate. Upstream of the surface water attenuation basins, additional SUDS storage will be provided.
   - SUDS will be designed to accommodate the 1 in 100 year event (plus 30% increase in peak rainfall intensity to account for the impacts of climate change), with no additional increase in flows over the existing 1 in 100 year site discharge.
   - Basins will have 1:4 side slopes and be designed in accordance with the CIRIA SUDS manual.
   - Multi-stage controls (e.g. hydrobrakes) will be employed at the outlet from the basin(s), to ensure that the discharge from the site for the 1 in 1 year, 1 in 30 year and 1 in 100 year events will be maintained in line with existing Greenfield discharge rates of runoff.
   - The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
1. **Introduction**

1.1 The building is currently owned by Tamworth Borough Council, which is the reason for these applications being brought before the planning committee. Applications have been submitted for planning permission (0196/2014) and listed building consent (0203/2014), this report will cover both applications.

1.2 The proposals have arrived out of a desire to update the existing building and ensure that the building can meet the modern demands of an arts venue and ensure the building remains viable in to the future. The objectives of the application are outlined within the submission as being:

- **Conservation:** To deliver the conservation work needed to ensure the building remains suitable for purposes and a prominent feature within the town.
- **Community:** Continue to engage with the local community to develop and realise a range of new opportunities and activities for participation within the building.
- **Visitor Experience:** Interact with existing users to understand their needs and develop relationships with greater target audiences to transform the visitor experience.
- **Visitor Facilities:** Address the current unsuitable arrangement and provision of visitor facilities and provide an appropriate solution to accommodate the demands of all users of the building.
- **Heritage:** Give opportunities to deepen the understanding of the history of the building and its prominence within the town.
- **Image:** Raise the profile of Tamworth Assembly Rooms with local and other audiences.
- **Environment:** Ensure environmental good practice in carrying out the project.
- **Sustainable Legacy:** Secure a future for the building beyond the completion of the project.

1.3 Various public consultations have been undertaken regarding the future of the Assembly Rooms, with the initial stages informing the current application including the use of brick and the provision of a café / restaurant within the building. The latest consultation took place in March 2014, with general support for the use of large glazing areas and unanimous support for the reordering of the existing building including a new disabled access ramp.

2. **Site and Surroundings**

2.1 The Assembly Rooms are located on Corporation Street within the Town Centre Conservation Area. The building itself is Grade II Listed and was constructed in 1889 for the Tamworth Corporation as a theatre / public hall.

2.2 The building is highlighted in the 2007 conservation area appraisal as “an eye-catching building and certainly the one with the highest level of architectural merit and detailing”. It is a rare example of a complete Victorian assembly room that is still functioning in its original use.

2.3 There is a cluster of other important statutory and locally listed buildings, scheduled ancient monuments and important civic spaces in the vicinity of the application site. These include St
3. **Proposal**

3.1 The application comprises a number of elements comprised of: internal remodelling and alterations, demolition of and alterations to the existing southern single storey extension and the erection of a wrap around extension to the northern and eastern elevation. The proposals will provide a new café/bar to the south of the main auditorium, a mixed use space and studio within the new extension, and new and remodelled back of house facilities. The proposals for the building have been divided into two phases:

3.2 **Phase 1** comprises works to the front of house areas of the building. The layout of the existing building remains broadly the same, with the exception of the existing southern single storey side of the building where the toilets are to be replaced at the front of the building with a café/bar. This area is to be reconstructed in glazing with a brick surround with a ramp in front to allow disabled access to the main entrance of the building. The existing front doors are to be opened up with internal glazing, and new steps and railings are proposed to the main front of the building. These alterations would allow the front elevation to be opened up and interact with the street frontage giving an open face to Corporation Street.

3.3 **Phase 2** forms the most significant element of proposed development, which comes in the form of a new extension to provide a mixed use space and dedicated studio area. The extension wraps around the north and east faces of the building. The extension is set back from the Corporation Street elevation, and takes the form of a lightweight brick and glass structure with large glazed areas framed by brickwork. The proposal includes large glazed doors which would open out on to a proposed public square.

3.4 As the structure extends towards the church yard the form changes in to a larger translucent box for use as a studio space which would act as a focal point and ‘beacon’ attracting interest and people to this area of the town. The rear extension and alterations to the ‘back of house’ area will provide improved performer and staff facilities allowing for rear access direct to the stage from the rear of the building.

3.5 It is proposed that the building will be a focal point for the Cultural Quarter initiative which will involve public realm enhancements to the area between Corporation Street through St Editha’s Church Yard and Little Church Lane to Lower Gungate. However, these public realm improvements do not form part of this application.

3.6 The following information has been submitted in support of the application and these documents are available to view at www.tamworth.gov.uk:

- Planning Statement
- Design, Access and Justification Statement
- Bird and Bat Survey
- Heritage Impact Assessment
- Outline Schedule of Work
- Archaeological Desk-Based Assessment

4. **Key Issues**

4.1 The key issues in assessing the appropriateness of the proposed alterations and extensions to the Assembly Rooms are considered to be:

- Principle of development
- Impact of the development on the Assembly Rooms / Conservation Area
- Highway Safety / Accessibility

5. **Conclusion**

5.1 The proposed alterations to this grade II listed building, which include alterations to the existing southern single storey extension, the erection of a single storey side extension to the northern elevation of the building, and substantial internal alterations to facilitate the provision of a café and
multi-use areas are considered to preserve the significance of the building maintaining its grand presence within the street scene and conservation area.

5.2 The additional uses for the building are considered to be compatible with the existing uses within the town centre and will aid in the maintenance of a vital and viable town centre, through the increased use of a currently under utilised building, and the proposals will secure the long term future of this iconic building of the borough. Subject to conditions requiring the submission of further details of the proposed material specifications and parapet wall detail, the proposal would not detract from the amenity of town centre conservation area, the listed building to which the alterations and extensions are proposed. The development is therefore considered to comply with Tamworth Local Plan Policy ENV19, the provisions of the NPPF, and Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. **Recommendations**

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<td>0196/2014</td>
<td>Approval with conditions.</td>
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<tr>
<td>0203/2014</td>
<td>Consent with conditions</td>
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(Note: As per the requirements of Section 82 of the Act and Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990, the General Development Procedure Order 1995, and Circular 01/2001 as amended by Circular 02/2009 English Heritage have been consulted on this application.

Currently only interim comments have been formally received from English Heritage. However, English Heritage have been involved in the detailed discussions that have resulted in the application before this committee, and members will be advised of their formal comments and recommendation by way of an update to this report. The Council is authorised to determine this application if it complies with the recommendation received from English Heritage. However, if members resolve to go against the recommendation of English Heritage then this application is required to be made to the Secretary of State for formal determination).
7. Relevant Site History

7.1 None relevant to the current proposals.

8. Consultation Responses

8.1 Tamworth Borough Council – Conservation Officer

Comments generally on the contents of the NPPF, the adopted local plan and the draft local plan. It is acknowledged that there is a need for change for the building as its function as a theatre and arts venue is outdated and that improvements to the visitor and performer function are necessary if the building is to survive in to the future.

The Officer is supportive of the principle of the works, with the public benefits being substantial and will have the wider benefits of supporting investment in the town centre, culture and tourism. The project will form an important element of the Cultural Quarter and secure the long term future of the building.

It is considered that the relatively minor internal works are positive and unlikely to cause harm to the significance of the building. The re-built supper room extension will not have any additional impact on the building when compared to the current structure.

The revised plans received for the extension show a darker band of contrasting flooring around the base of the extension, which is considered to achieve the desire to ground the building. With regard to the single coloured brick. The revised details show the ceiling of the extension projecting below the level of the roofline, which will introduce a band of contrasting colour which will help to break up the brickwork and provide visual interest, which is considered to be an improvement to the design.

Of the three options have been put forward for the ramp, the first of which has effectively removed the dog leg of the previous design which is a vast improvement both visually and to avoid an awkward structure in front of the building. However, there are concerns about the visually imposing nature of the brick wall, with a preference for a lower brickwork with railings.

If approved conditions should be attached relating to the materials used and details of the pointing.

8.2 Southern Staffordshire Design Review Panel

Overall, the proposals are considered to represent a marked improvement to the building. The northern elements work well. However, the symmetry of the extension along the northern elevation with the main building are questioned as most people would encounter and experience the building from an angle and would not experience the building in true elevation form.

The feeling of openness and increased accessibility to the building was encouraged. The choice of brick frames was explored for the extension, with other options explored and discounted. The practicalities of providing glazing to the floor were discussed, which would be likely to be etched for health and safety reasons and the introduction of a threshold in different bricks was suggested in order signify the entrance of the building and remove the need for seamless paving between the building and the Cultural Quarter.

The narrowness of the pavement in front of the building was commented on, as was the choice of material for the balustrade as the use of brick could appear too heavy. However, it was acknowledged that this would not appear as prominent as first considered and would help to mask the change in levels between the new elements of the building. Alternatives such as railings and glass have been considered but discounted. The use of zinc or metal cladding should be considered.

The café use was seen as a positive, which could entice people in to the building. The amount of brick on the rear elevation was questioned but as this elevation would be less visible due to the existing boundary walls to the rear of the building, but the return of the studio space would be visible to draw people around the corner.

The maintenance of the first floor windows on the original building and the glazed link were questioned as was the potential need for future ventilation for the use of the café and glazed spaces. If so this should be considered at the planning stage.
8.3 **English Heritage**

No objection has been received to the principle of the proposed works including extending the building. However, there are concerns about the design of the extension and the access ramp.

As detailed above English Heritage have been consulted on the application and have been involved in the detailed consideration of the options put forward for the ramp, materials and form of the extension. Whist no formal response has been received on the revised plans at the most recent meeting to discuss the proposals it was considered on balance, taking all matters into consideration (including the need to accommodate disabled individuals, to avoid conflict with pedestrian movements on Corporation Street, and to produce a form of ramp of a mass that did not have an adverse impact on the character and appearance of the grade II listed building) that a single ramp constructed with a brick balustrade was the most appropriate option (Option 1).

However, English Heritage do have some concerns that main extension is too lightweight and simple when considered against the original building but their detailed comments to the revisions are yet to be received and will be reported to members by way of an update to this report.

8.4 **Conservation Area Advisory Committee (CAAC)**

Note that the quality of the work and attention to detail is important. There is some concern about the display of posters, and would not wish to see them displayed in the large glazed windows. Electronic displays should be used to avoid this issue.

8.5 **Staffordshire County Council - Archaeology**

The site lies within an area of high historic environment potential, within an area where there is evidence of significant medieval settlement. Taking into consideration the demonstrable archaeological potential, as noted in the archaeological desk-based assessment, it is advised that a staged programme of archaeological work be undertaken.

8.6 **Staffordshire County Council – The Highway Authority**

No objections to the proposed scheme subject to a number of conditions. These conditions require the submission and approval of a Service Vehicle Management Plan, Constrictions Management Plan, full construction details of the access ramp, and details of the replacement vehicular access and parking provision prior to the commencement of Phase 2 of the development.

8.7 **Joint Waste Services**

No objections to the scheme.

8.8 **Natural England**

No objection to the scheme but the scheme has not been assessed for its impact on protected species. This assessment should be undertaken in accordance with the Natural England Standing Advice, this assessment has been undertaken and covered later in this report.

8.9 **Staffordshire Police**

No objection to the scheme but direct the applicants to the secured by design website.

8.10 **Severn Trent Water**

No objection to the proposed development subject to the inclusion of a condition requiring the submission of a drainage scheme.

9 **Additional Representations**

9.1 Seven letter of representation has been received, which raised the following concerns:

- Concern from the Church about the use of the rear access due to increased congestion. This could cause issues at times of funerals etc.
- Object to the loss of disabled car parking, which is much needed.
- Absolutely shocking, no listed building should be defaced in this way. It will ruin the town centre and most other buildings of listed status will be subject to more hideous improvements.
- The style of the proposed structure is not in keeping with the character of the original building and would not add anything to the experience of patrons visiting the venue.
- Be careful as Tamworth has made some awful mistakes in the past. It does not fit in with the original building; in fact it looks hideous and will be another blot on Tamworth's landscape.
- The proposed 'car port' is a complete eyesore and has no design whatsoever. It should be extended in a way that blends with the original building and almost appear that it was built at the same time.
- Please do not approve this so many of the town’s irreplaceable building have been lost.

### 10 Planning Considerations

#### Principle of Development

10.1 There is strong policy support from the NPPF for enhancing and supporting the role of town centres as they are the heart of the local community. This is becoming increasingly important as the role and function of town centres change due to pressure from out of centre developments. This makes the role of Tamworth Town Centre as a leisure and community hub key to ensuring its vitality and viability.

10.2 The existing building welcomes over 22,000 visitors a year and hosts over 70 community and civic events alongside arts and education activities and is the focus of the town centre for many cultural related events. However, the existing building is limited in its ability to deliver a range of events and support community groups due to its age, quality of spaces and its grade II listing. Specific support for the expansion of the Assembly Rooms is identified within the emerging Local Plan at Policy CP3: Culture and Tourism, which seeks to safeguard existing cultural facilities ensuring that they are viable with the Assembly Rooms seen as the centre piece to the emerging Cultural Quarter.

10.3 A convincing case has been made for the alterations and extension to the building which is seen as important in order to provide more flexible public areas and studio space. In principle therefore it is accepted that alterations and extensions to the building are appropriate and justified in order to support this important community, cultural and heritage asset and secure its long term future.

10.4 However, it is necessary to consider whether the current alterations and extensions are appropriate on one of the most iconic buildings of Tamworth. It is important to ensure that an extension has a distinctive character of its own, is of high quality design and materials and minimises harm to significance of the main building listed building and these issues will be considered in detail below.

#### Design of the proposed development and impact on heritage assets

10.5 The general thrust of policy and guidance requires new development to respect, protect and enhance the locale and building to which they are proposed. An assessment of the development needs to be considered in the context of the design merits of the extensions and alterations to the building, and its impact on the heritage asset.

10.6 The NPPF requires applications for development affecting heritage assets to be considered in terms of the significance, and whether any harm is substantial whilst also acknowledging that in order to secure the long term retention and viability of assets they need to be in viable use and if any harm is proposed public benefits should justify any harm. The main areas of significance of the Assembly Rooms are considered to be the following:

- Frontage: Considerable significance, containing a high level of symmetrical detailing in an Italianate style and when viewed from Corporation Street it is a strong compact presence in the street scene.
- Side elevations: Considerable significance, particularly due to the rows of high level windows.
- Foyer and Auditorium: Considerable significance because of its historic function as the main public entrance. The auditorium containing balcony, stage and proscenium arch are also classed as of considerable significance.
10.7 In order that the new additions to the building do not conceal or significantly impact on the historic fabric of the building, the extensions are proposed in a contemporary design using traditional materials to allow the new additions to complement the existing structure and retain its features of significance but also remaining legible as new elements to the building. The designs proposed aim to open up the building so that it appears more inviting to members of the public, with activities inside visible and inviting.

10.8 As detailed above within the description the proposed development has been divided into two distinct phases, the first primarily dealing with internal front of house alterations and the second with the side and rear extensions.

Phase 1

10.9 The three central solid timber doors to the main elevation are to be opened up with clear glazing behind to allow passers by a glimpse in to the main building, giving the building an open feel. In addition, it is proposed to extend and enlarge the steps to the front of the building with the addition of previously removed lighting columns. The existing first floor windows are to have the current black boarding removed to allow light to flood in to the main auditorium to allow its use during the day. These proposals internally to the building and alterations to the frontage are considered to be improvements to the existing building and will preserve and improve the significance of the frontage of the building.

10.10 The existing single storey extension to the south known as the ‘supper room’ is to be remodelled and with a café / bar proposed in the front portion of the building to replace the existing toilet block which itself would be relocated to the rear of this single storey extension. The frontage is proposed with large glazed openings to further open up the front elevation of the building to allow it to interact with the street and passers by.

10.11 A new disabled ramp is proposed in front of the southern extension to provide access for all. There has been some discussion about the position, design and materials for the ramp and three options for the design of the ramp have been considered.

10.12 Option 1: A single ramp resulting in a gradient of 1 in 10, which whilst not in line with current Building Regulations guidance would result in an improvement over the existing internal ramp gradient of 1 in 8.4. This proposal would not require the removal and relocation of the existing bus stop as sufficient space would exist between the ramp and bus stop. Following internal discussions with the Southern Staffordshire Building Control Partnership it is considered that this approach would be accepted due to the improvement over the existing situation and the constraints of the historic and listed nature of the building. In design terms this option is favoured, as a single ramp would be less of a significant structure within the street scene and not result in the requirement to move the existing bus stop or restrict pedestrian movements.

10.13 Option 2: This is the option originally submitted with the application, and proposed a dog-legged ramp at a gradient of 1 in 15 with an intermediate landing. This option would extend the ramp significantly in to the pavement and would result in a requirement to relocate the existing bus stop as a result due to insufficient pavement space being left for pedestrian movements. In addition, the dog leg would result in a more substantial ramp resulting in a more prominent ramp.

10.14 Option 3: Proposes a single ramp, similar to option 1 but includes raising and regarding the level of the footway adjacent to the ramp with 3 steps introduced to provide a gradient of 1 in 15. This proposal would provide a stepped footway, which is of concern due to the potential trip hazard created and also result in the requirement to relocate the existing bus stop.

10.15 In addition three options have been provided for the walling proposed to contain the ramp, as well as alternative materials such as stone or zinc. Alternative materials have been discounted as it was felt that these would isolate the ramp from the main building. The options for the ramp would be all brick, lower brick with a hand rail and a full transparent hand rail. It is considered by the architects that the railing options would result in the ramp becoming more dominant rather than blending in to the building, which would distort the symmetry created by the extensions. It was concluded that the full height brick option would be the most appropriate design solution as it would be read as part of the building and not a later addition.
Phase 2

10.16 The design of the proposed new side and rear extensions seek to ensure that the existing building remains the prominent focus within the street scene and the town centre. The northern single storey extension sits beneath the line of the first floor windows on the main building, which are one of the main features of significance of the building and their importance is acknowledged in the single storey nature of the extensions so as to not impact upon the overall main structure and features of the first floor of the main building. The extension sits as a lightweight structure framed in brick to compliment the existing structure, set back from the main face of the building to allow the extension to remain subservient but also allowing the extension to harmonise with the main building. The form of the extension is guided by the rhythm of the first floor of the main building but is expressed in a simpler form within brick piers and larger area of glazing, so as to not detract from the main building. This part of the extension is proposed to contain large glazed doors which would open up on to the proposed public space which would be delivered as part of the overall Cultural Quarter project.

10.17 Material alternatives were also considered for this new addition to the building, which comprised the use of glass, steel, and white render. The glazed option was discounted due to the desire to provide the extension with a link to the existing building which is provided through the use of a shared material i.e. brick, and as such the glazed structure was considered as an alien feature against the building. The use of white render was also discounted due to the likely dominance of a fully rendered structure.

10.18 The material detailing of the extension is of paramount importance to how successful the extension will appear, and there has been much discussion regarding the addition of plinths to the lower part of the extension, the capping options for the parapet and setting back of the brickwork. In order to ‘ground’ the extension discussion has centred around whether a plinth to the building should be provided however this addition is considered to alter the design extension substantially to its overall detriment. However, as a suggestion of the Southern Staffordshire Design Review Panel a brick threshold is now proposed between the brick piers to define the change between the internal and external spaces. This is considered to provide an addition to the scheme which helps to appropriately articulate the extension.

10.19 The height of the extension has been reduced to correspond with the height of the existing string course on the principal building, with a zinc cap proposed to the brickwork which would provide some relief to the brickwork and also provide some protection to the building. The capping and potential for the recessing of the brickwork has been the subject of some discussion, without a finite conclusion. To this end it is considered necessary to condition the final detail of the capping to ensure that all options have been appropriately considered.

10.20 A glazed panel is proposed between the main building and extension (also replicated to the remodelled southern side, as part of phase 1), with the aim of providing a visual separation between the new and old. The new elements when viewed as a whole give the building a symmetrical appearance, providing balance to the building when viewed from Corporation Street.

10.21 The new extension to the rear / side of the building takes a two storey form, albeit a low level two storey, corresponding with the level of the stage and the basement below replacing a number of lean-to extensions. The extension takes a very different form in this area with the first floor proposed as an illuminated translucent box. This will act as a beacon for pedestrians circulating in the area who can observe the movement of people within the studio through the translucent walls. This area of the building is independently accessible and also provides access to the staff area of the building via a concealed entrance in the brickwork.

10.22 To the rear of the building the extension is of a simpler design, primarily of brick construction with small glass windows to the changing areas, the access ramp to the rear car park is proposed with a zinc canopy. This area of the building will be partially visible but mainly blocked from further view by an existing brick wall which bounds St Editha’s church yard. The levels to the rear of the building are to be modified to ensure that access is achievable direct to the stage and performers area to the back of house.

10.23 Overall the proposed extension as revised is considered to represent a well considered and architecturally appropriate addition to the building, which subject to conditions relating to the finer detail of the brickwork and capping should supported.
The impact of the building on highway safety has been considered in the two phases of the proposed works as outlined above. Phase 1 does not propose the addition of any new structures to the building that would alter the vehicular access to either the side or rear of the building and as such would not impact on highway safety or access to existing parking areas. However, phase 1 does include the addition of a new disabled ramp in front of the remodelled southern part of the building.

The design merits of the proposed ramp are considered above, and the preferred option proposes a single ramp of a 1 in 10 gradient, but also allows for a gap of 1.885m between the ramp and the existing bus stop, which will ensure that there is sufficient safe pedestrian access along Corporation Street. This ramp whilst not strictly adhering to gradient standards would be an improvement over the existing situation resulting in improved facility to enable disabled access to the front of the building. Subject to the approval of the highway authority to allow the structure to be built partly within the highway boundary the provision of the ramp to the front of the building is considered appropriate. As this town centre site is tightly constrained it is considered necessary and appropriate for the applicant to provide a service vehicle management plan and construction management plans for Phases 1 and 2 of the development.

Phase 2 of the scheme proposes an extension to the building which will result in a requirement for a new vehicular access to be provided to the existing car parking area to the north, and the remodelling of the car parking layout to ensure that the existing disabled parking is relocated within this area.

It is noted that concerns have been raised about the impact of this proposal on the provision of disabled parking in this area and access to the parking area. The current application would not as detailed above result in the whole loss of the disabled parking area and a condition is recommended requiring the submission of details of the new vehicular access and marking out of a remodelled parking area before the commencement of Phase 2, which is considered an appropriate approach to securing appropriate facilities are maintained within the town centre.

However, it may be that future proposals for the Tamworth Creative Quarter (a planning application has not been submitted for these proposals) would require the relocation of these spaces in the future. This decision will be taken some time in the future when the full extent of the culture quarter proposals, including possible changes to the public realm, and taking in to account the potential loss of disabled spaces have been assessed.

Other Issues

Archaeology:

The application site lies within the bounds of both the early medieval burh (established by Aethelflaed in 913AD) and the later medieval town, and lies approximately 60m to the north west of the Grade I listed St Editha’s Church, which may have originated as a minster church by at least the 10th century. It has been suggested that the site of the church formed the focus of King Offa’s 9th century palace enclosure, within which the current site may also lie. The remains of possible early medieval buildings have been recovered during archaeological work just to the south east of the church. Tamworth continued to be a focus for commercial activities during the medieval period and was re-planned at some point after the Norman Conquest. This was possibly associated with the establishment of the castle and the laying out burgage plots typical of medieval towns. It is therefore important that the works for the proposed extensions are appropriately investigated on site during the works.

Protected Species:

A bat and bird survey has been submitted in support of the application, which concludes that there are no bats using the building as a place of shelter or any birds nesting in the building. The survey identifies mitigation for bats such as restrictions on floodlighting areas within the potential for bat roosting opportunities and provides a method of working to ensure that if any bats have taken residence in the intervening time between the survey and the works being carried out.
Waste and recycling:

10.31 Bin storage is provided within the rear parking area, which will ensure that the site is blocked from public view. The details provided are considered appropriate, a view confirmed by the Joint Waste Service.

Drainage:

10.32 No details of the proposed drainage of the site have been submitted in support of the application and as recommended by Severn Trent Water the provision of a suitable scheme is proposed to be secured by condition.

11 Conclusion

11.1 The proposed alterations to this grade II listed building, which include alterations to the existing southern single storey extension, the erection of a single storey side extension to the northern elevation of the building, and substantial internal alterations to facilitate the provision of a café and multi-use areas are overall considered to preserve the significance of the building maintaining its grand presence within the street scene and conservation area.

11.2 The additional uses for the building are considered to be compatible with the existing uses within the town centre and will aid in the maintenance of a vital and viable town centre, through the increased use of a currently under utilised building, and the proposals will secure the long term future of this iconic building of the borough. Subject to conditions requiring the submission of further details of the proposed material specifications and parapet wall detail, the proposal would not detract from the amenity of town centre conservation area, the listed building to which the alterations and extensions are proposed. The development is therefore considered to comply with Tamworth Local Plan Policy ENV19, the provisions of the NPPF, and Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conditions / Reasons

0196/2014 Planning permission

1. The development shall be started within three years of the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby approved shall only be carried out in accordance with the application form, Heritage Impact Assessment (May 2014), Outline Schedule of Works (May 2014), Bat and Bird Survey (9th September 2014) and the following drawing numbers:

6759/40 Revision A
6759/41 Revision A
6759/42 Revision B
6759/43 Revision B
6759/44 Revision B
6759/45 Revision C
6759/46 Revision C
6759/47 Revision B
6759/48 (Detailing the phasing of the development)
6759/50 Revision A
6759/52 Revision A
6759/53 Revision A

unless otherwise agreed in writing by the Local Planning Authority. Reason: To define the approval.
3. No development shall commence until a written scheme of archaeological investigation ("the Scheme") shall be submitted for the written approval of the District Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-exavocation reporting and appropriate publication. The Scheme shall thereafter be implemented in full in accordance with the approved plans. Reason: There is demonstrable potential for archaeological remains to exist within the site and an appropriate investigation is required in order to assess this potential, in accordance with the provisions of the NPPF.

4. Prior to the commencement of the development hereby approved details of all materials to be used in the construction of the external surfaces of the development shall be submitted to and approved by the Local Planning Authority in writing. Reason: To safeguard the character and appearance of this listed building and the Town Centre Conservation Area in accordance with the provisions of the NPPF.

5. Prior to the commencement of the development hereby approved details of the proposed bonding, pointing and mortar mix shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. Reason: To safeguard the character and appearance of this listed building and the Town Centre Conservation Area in accordance with the provisions of the NPPF.

6. Prior to the commencement of the development hereby approved precise details of the capping/parapet shall be submitted to and approved by the Local Planning Authority in writing. Reason: To safeguard the character and appearance of this listed building and the Town Centre Conservation Area in accordance with the provisions of the NPPF.

7. Prior to the commencement of the development hereby approved a Service Vehicle Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall detail the management of service vehicles for each phase of the development (Phase 1 and Phase 2) which shall thereafter be implemented in accordance with the approved details for each phase of the development. Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with Policy TRA3 of the Tamworth Local Plan 2001-2011 and the provisions of the NPPF.

8. Prior to the commencement of the development hereby approved a Construction Management Plan details shall be submitted to and approved in writing by the local planning authority. The plan shall detail the management of construction vehicles for each phase of the development (Phase 1 and Phase 2) which shall thereafter be implemented in accordance with the approved details upon the commencement of each phase of the development. Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with Policy TRA3 of the Tamworth Local Plan 2001-2011 and the provisions of the NPPF.

9. Prior to the commencement of development a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. Reason: To ensure that the site is provided with a satisfactory means of drainage in accordance with Tamworth Local Plan Policy ENV19.

10. Prior to the commencement of Phase 2 of the hereby approved development detailed on Drawing number 6759/48 details of the highway works for the alteration of the vehicular access arrangements to the parking/servicing area to the north of the development site shall be submitted to and approved in writing by the local planning authority. The highway works shall thereafter be provided in accordance with the approved details prior to the commencement of Phase 2 unless otherwise approved in writing by the local planning authority. Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with Policy TRA3 of the Tamworth Local Plan 2001-2011 and the provisions of the NPPF.

11. Prior to the commencement of development a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. Reason: To ensure that the site is provided with a satisfactory means of drainage in accordance with Tamworth Local Plan Policy ENV19.
Informative Note(s)

1. Condition 10 above requiring off-site highway works shall require a Minor Works Agreement with Staffordshire County Council and the applicant is requested to contact the County Council prior to the commencement of Phase 2 of the development. The link below provides a further link to a Minor Works Information Pack and an application form for a Minor Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council, Network Management Unit, c/o Wedgwood Building, Tipping Street, Stafford, ST16 2DH or email nm@staffordshire.gov.uk NMU Link - www.staffordshire.gov.uk/transport/staffshighways/licenses

2. Please note that prior to the commencement of any highway works the contractor requires a Permit to Dig. Please contact Staffordshire County Council, Network Management Unit, c/o Wedgwood Building, Tipping Street, Stafford, ST16 2DH or email nm@staffordshire.gov.uk NMU Link - www.staffordshire.gov.uk/transport/staffshighways/licenses

3. The construction of the ramp shall require a Section 50 Licence under the New Roads and Street works Act 1991 with Staffordshire County Council.

0203/2014 Listed building consent

1. The development shall be started within three years of the date of this consent. Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby granted consent shall only be carried out in accordance with the application form, Heritage Impact Assessment (May 2014), Outline Schedule of Works (May 2014), Bat and Bird Survey (9th September 2014) and the following drawing numbers:

   6759/40 Revision A
   6759/41 Revision A
   6759/42 Revision B
   6759/43 Revision B
   6759/44 Revision B
   6759/45 Revision C
   6759/46 Revision C
   6759/47 Revision B
   6759/48 (Detailing the phasing of the development)
   6759/50 Revision A
   6759/52 Revision A
   6759/53 Revision A

   unless otherwise agreed in writing by the Local Planning Authority. Reason: To define the approval.

3. No development shall commence until a written scheme of archaeological investigation (the Scheme) shall be submitted for the written approval of the District Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication. The Scheme shall thereafter be implemented in full in accordance with the approved plans. Reason: There is demonstrable potential for archaeological remains to exist within the site and an appropriate investigation is required in order to assess this potential, in accordance with the provisions of the NPPF

4. Prior to the commencement of the development hereby approved details of all materials to be used in the construction of the external surfaces of the development shall be submitted to and approved by the Local Planning Authority in writing. Reason: To safeguard the character and appearance of this listed building and the Town Centre Conservation Area in accordance with the provisions of the NPPF and Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. Prior to the commencement of the development hereby approved details of the proposed bonding, pointing and mortar mix shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. Reason: To safeguard the character and appearance of this listed building and the Town Centre Conservation Area in accordance with the provisions of the NPPF and Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Prior to the commencement of the development hereby approved precise details of the capping/parapet shall be submitted to and approved by the Local Planning Authority in writing. Reason: To safeguard the character and appearance of this listed building and the Town Centre Conservation Area in accordance with the provisions of the NPPF and Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.