

**(3) Application No: PAP/2018/0755**

**Land to east of Former Tamworth Golf Course, North of Tamworth Road - B5000 and west of M42, Alvecote,**

**Outline application - Demolition of all existing buildings and construction of up to 1540 dwellings (including a 100 bed unit extra care home) a community hub (up to 2,250m<sup>2</sup> of gross floorspace for use class A1-A5, B1a-B1b, D1 and D2) a two form entry primary school, the provision of green infrastructure comprising playing fields and sports pavilion, formal and informal open space, children's play areas, woodland planting and habitat creation, allotments, walking and cycling routes, sustainable drainage infrastructure, vehicular access and landscaping, for**

**Hallam Land Management Ltd**

**Introduction**

The receipt of this application was reported to the Board many months ago and notwithstanding the lapse of time, there has been considerable progress made in understanding the various impacts of the proposal from the perspective of a number of consultation bodies. They have all had to be considered by the applicant and by officers in order to provide Members with a comprehensive view.

The previous report - at Appendix A – referred to a number of procedural matters in its Introduction and because of the scale of the proposal and its potential impacts beyond the Borough, the Board agreed to the recommendation therein that progress reports should be brought back to the Board and that there be ongoing consultation with the Tamworth Borough Council.

The substantive delay since that initial report has been due to gathering together the various consultation responses in order to try and ensure that those from neighbouring Agencies and Authorities were in agreement and because of the delays in progressing the Examination into the emerging Local Plan. For instance, in respect of the former reason, it is important that associated infrastructure and highway impacts are co-ordinated between the respective Authorities. In respect of the second, Members will know that the majority of the application site is one that is allocated for residential development in that emerging Plan. Officers now consider that it is opportune to bring Members up to date and so to outline in general terms where progress has been made and where there are still differences to resolve.

The Observations section of the previous report highlighted a number of key matters and thus it is proposed to follow that outline for this current report.

**Changes in Material Planning Considerations**

Before doing so Members should be aware that there have been changes to some of the material planning considerations that affect this proposal.

The National Planning Policy Framework – (the “NPPF”) - was updated in February 2019. The final determination report will therefore outline the weight that is to be given to this when the application is referred to the Board for a decision.

The Council’s emerging Local Plan was submitted in March 2018 and the Examination in Public took place in the Autumn of 2018 and the Spring of 2019. The Inspector requested significant additional evidence and information as a consequence of his assessment of the overall soundness of the draft Plan. In the main this focussed on the clarity needed to deliver major transport infrastructure enhancements to the A5 in order to provide the extra capacity needed to accommodate the growth being proposed in the draft Plan. That additional evidence and information has now been submitted and is the subject of further public consultation. It is anticipated that a further round of Hearings will take place in October with Main Modifications published soon afterwards. If this is the case, then the policies in that Plan as it may be modified, will carry greater weight than at the time of Submission of the draft Plan.

There has been no further change in the status of the adopted Tamworth Local Plan.

The phased residential development on the former Tamworth golf course immediately to the west of the application continues.

Phase 2B of the HS2 railway line remains as a material planning consideration.

## **Observations**

### **a) The Allocation – H 13**

The land to the west of Robeys Lane remains as a proposed housing allocation in the emerging Local Plan as identified as site H13 for 1270 dwellings. This proposal was debated at the recent Examination Hearings and proposed Main Modifications to the Plan are anticipated at the end of the year. At the present time the allocation remains as a material planning consideration.

### **b) The Meaningful Gap**

The Meaningful Gap already carries full weight as it is identified in the Core Strategy of 2014 – Policy NW19. The Emerging Plan sought to define the Gap geographically and this was the subject of discussion at the Examination Hearings. The outcome of those Hearings in respect of the extent of the Gap is still awaited. At present the land within the application site on the east side of Robeys Lane is within the Gap as identified in the emerging Plan.

### **c) Highway Impacts**

There are three highway authorities involved in this application – the Warwickshire and Staffordshire County Councils and Highways England. The three Authorities have worked together in order to understand the impacts arising from the levels of traffic to be generated by the development. As a consequence, they have agreed the modelling to be used as well as the particular existing traffic junctions that would be put under pressure. Their consultation responses are thus consistent and neither objects to the application subject to conditions and a number of off-site mitigation measures. There is no objection from the two County Authorities to the two proposed access points into the site from the B5000 or to the illustrative layout put forward in the Master Plan. Staffordshire has agreed

that junction enhancements at the two roundabouts to the west of the site on the B5000 in Tamworth are needed in order to provide easier access into the routes leading south on to the A5. Warwickshire has requested contributions towards traffic signalisation at the B5000/Market Street/Bridge Street junction in Polesworth as well as requesting better cycle and pedestrian links to the Polesworth Schools and to the Birch Coppice Estate. Additional bus stops on the B5000 and enabling bus route extensions through the new development site are also fully supported by both County Highway Authorities.

Highways England has not objected and neither has it requested any off-site enhancements

Notwithstanding this agreement between the three highway authorities, Officers have taken up three matters with the Warwickshire County Council. These are:

- The first is a series of issues to do with the northern end of Robey's Lane and its continuation over the canal and rail bridges through Alvecote. Both Warwickshire and Staffordshire County Councils agree that additional traffic arising from the development is most unlikely to use this route as the greater "desire" route is into Tamworth and /or to the A5 and the M42 – in other words to the south. They therefore both consider that the existing traffic lights here at the bridges will be adequate to control increased flows and that through monitoring, the timing of those lights may have to be extended in order to act as a deterrent. Clearly the opportunity for physical road improvements here is virtually non-existent and thus the traffic light control is the only measure that is being suggested to mitigate additional traffic – in other words it can be used to deliberately add in significant delay. Officers are currently discussing this in more detail with the County Council. The reason for this is to establish whether the modelling undertaken has underestimated the amount of traffic that will want to travel north from the application site to the A453, to Junction 11 of the M42 and thus to the M1. Additionally, the new employment site at Junction 11 should be factored into that modelling.
- Secondly, there is concern about the three canal bridges in Polesworth – at the Tamworth Road, Grendon Road and Market Street. These are narrow and have noticeable vertical alignments. They presently act as "pinch-points". However, there is very little if any room for their widening or re-alignment. Moreover, they are all non-designated local heritage assets. Officers are in discussion with the County Council as to how to deal with these features.
- Finally, officers are looking to the County Council to give greater clarity to its request for footpath and cycleway improvements in order to provide sustainable and safer routes to local schools as well as to similar links to the residential development now underway on the site of the former Tamworth golf course.

Officers will provide more information on these three matters when the case is reported for determination.

#### **d) Schools and Health Facilities**

The Warwickshire and Staffordshire County Councils acting as the Local Education Authorities have agreed a Statement of Common Ground in respect of assessing the

education requirements arising from this substantial residential development. In short, they agree that the provision of a two-form entry primary school with early years provision, in the first phase of the development at the southern end of the application site and delivered by the developer would be supported, in lieu of primary school contributions. Members will be aware that a primary school was also included in first phases of the former Tamworth golf course site which is located closer to the northern portion of the current application site. In respect of Secondary and post-16 provision, the contributions would be directed primarily to the Warwickshire County Council for improvements at Polesworth School with sufficient monitoring written into any Agreement such that contributions could be redirected to Staffordshire secondary schools.

Officers will be meeting County Council representatives in order to ensure that the early provision of the Primary School in the first phase, if the application is approved, is fully resourced.

Similarly, the Warwickshire North and the South Staffs CCG's have agreed a level of contribution which they will then be used to enhance and improve existing facilities. The George Eliot NHS Trust has also requested a contribution. No other NHS Trust has done so. It is understood that the lack of response from other Trusts follows a similar pattern for residential planning applications in Tamworth.

#### **e) Recreation/ Open Space**

Members will have seen from the illustrative Master Plan – Appendix B - that there is a substantial amount of recreational, play areas, amenity areas, woodlands and allotments all included in the overall proposal. Indeed, this amounts to just over 50% of the total application site. This now includes additional land that has been added since the original submission in order to accord with the Council's adopted guidelines and requirements. All parties agreed that this provision should be made on-site rather than there being contributions to enhance existing provision. Sport England does not object given the compliance with the Council's overall published strategy.

There will however need to be a contribution to indoor sports provision. In this regard a figure has been agreed in line with the Council's adopted Guidelines. However, the Tamworth Borough Council has also requested a contribution as it considers that some of the "indoor" provision may be better used in the town. Officers are presently reviewing the position, both to seek a solution and in order to ensure that there is no double-counting in the respective contribution requests.

#### **f) Affordable Housing**

Similarly, in respect of affordable housing provision, there has been a request from the Tamworth Borough Council that any new housing approved here should in the main, accommodate affordable housing needs arising from Tamworth's local requirements. Further discussion between relevant officers continues. However, the overall provision of affordable housing for the whole site is yet to be determined. Relevant Development Plan policy will require 40% provision, but the applicant has indicated at submission that this could not be achieved. He submitted a Viability Appraisal with the application but this was in the knowledge that this would need revision, as he did not know the final level of contributions that would be sought either in a Section 106 Planning Agreement, or the costs involved with off-site highway improvements under Agreements made under the Highways Act. That initial Appraisal is being reviewed and once updated and submitted, it will be referred to the District Valuer ("DV") for scrutiny. Members will be aware that

because of the scale of this proposal and the length of its “build-out” period, the DV will be requested to review the applicant’s appraisal with monitoring reviews in place to assess values at appropriate phases in the course of completing the development.

The issue of affordable provision also needs to be seen in the context of the recent Government proposals for “First Homes” which has been out for consultation in the last few months. This widens the range of such provision. As yet, as explained above, the applicant has not put forward an affordable housing “package” and once known, this will be subject to further discussion with relevant officers both here and in Tamworth.

#### **g) Alvecote Wood**

There has been a significant amount of concern expressed about the impact of the proposals on the Ancient Woodlands of Alvecote and Betty’s Wood just beyond the eastern edge of the application site. The Wood fronts Robeys Lane. The overriding concern here is about the potential impact on the bio-diversity value of these designated assets from trespass – either human or by dogs and cats. Officers have been involved with the owner of the Woods, the applicant and the Warwickshire Wildlife Trust in order to establish what can be done in the event of a grant of planning permission. Because of the scale of the overall proposal there would be “space” within the application site to provide a substantial landscaped buffer zone on the west side of Robey’s Lane. This buffer of around 90 metres (including Robeys Lane) is shown on the Master Plan at Appendix B and would be in excess of national guidance. This particular area could be the subject of a planting and management plan agreed with the respective Wildlife Agencies in order to ensure that there is no trans-boundary ecological impact and that appropriate natural barriers are included so as to restrict trespass.

#### **h) Wider Context**

Given the two substantial housing allocations in the Emerging Local Plan in this part of the Borough - H13 as here for 1270 dwellings and H7 on the east side of Polesworth and Dordon for 2000 dwellings – Members are reminded of the Infrastructure Delivery Plan that runs alongside the Emerging Plan. This has been prepared in partnership with a wide number of Agencies in order to establish the starting point for considering levels of new infrastructure necessary to deliver all of the proposals in the Local Plan. It was submitted to the Secretary of State with the Emerging Local Plan. In this way, there is a co-ordinated approach to overall infrastructure delivery. As such the various matters raised above are all in-line with that Delivery Plan and they do not prejudice the level or scope of provision for the remaining allocated site H7.

#### **Recommendation**

That the report be noted and a that further report be referred to the Board to outline progress on the matters raised prior to determination.

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## APPENDIX A

### General Development Applications

(#) Application No: PAP/2018/0755

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### Hallam Land Management Ltd

#### Introduction

Members have been familiar with this proposal for a little while now given the residential allocation of the majority of the site in the Submitted Local Plan; the presentations given to Members, the community consultation events and the submission of an earlier application for 500 dwellings on one part of the current site.

This report therefore formally records receipt of the application and provides a description of the site and surroundings as well as a summary of the proposals. It will also outline the relevant parts of the Development Plan together with other material planning considerations.

Before doing so, there are a number of procedural matters that need to be set out.

Firstly, part of the site is within the administrative area of Tamworth Borough Council in order to accommodate the proposed vehicular access into the site – the land south of the B5000 at Chiltern Road. An appropriate planning application has been submitted to that Authority. Additionally that Council has been formally consulted on the substantive application submitted to this Council. There will therefore have to be coordination between the two Authorities in respect of procedures and timetabling. Members will be kept informed as matters progress.

Secondly, this application has been submitted during the Examination in Public for the Council's Submitted Local Plan for North Warwickshire. That Examination is continuing and is anticipated to be finished prior to the determination of this application. Members are aware that the weight to be given to this emerging Plan will be strengthened as it continues its course. The Inspector's findings may therefore become a material planning consideration in the determination of the application.

Thirdly, this application is accompanied by an Environmental Statement. This is available to view on the Council's website. It contains the applicant's supporting documentation as well as identifying impacts – adverse as well as beneficial – such that mitigation measures can be recommended where appropriate. This is a substantial document and Members are invited to study this in order to better understand the applicant's case.

Fourthly, the scale of the proposal and its location means that both the Warwickshire County Council and the Staffordshire County Council will have significant interests in the proposal. This will extend from them acting as Highway Authorities, as well as to their role as Education and Public Health Authorities. It is anticipated that there will be co-ordinated and agreed positions in respect of their assessments of the proposal and their potential requests for the delivery of appropriate infrastructure.

Fifthly, this leads to the position, that should the proposal be supported, to a significant role for the content of a Section 106 Agreement in order to deliver appropriate co-ordinated infrastructure.

Sixthly, officers will be asking the applicant whether the current outstanding application for 500 dwellings is now to be withdrawn.

Finally, because of the matters raised above, it is likely that progress reports may need to be brought to the Board in advance of a full determination report.

### **The Site**

This is 96 hectares of mainly arable land sited north of the B5000 Tamworth Road, east of the former Tamworth Golf Course and west of the M42 Motorway. It extends north to the Alvecote Marina. Robey's Lane divides the site into two main parcels. Roughly one third is to the east and this comprises agricultural land within three fields, the largest of which abuts the B5000. The remaining two-thirds is to the west where the site is predominantly agricultural land, but it also includes the Daytona Go-Kart track as well as the house and range of buildings at Woodhouse Farm. The house known as Priory Farm to the immediate east of the go kart track is excluded from the site. The site does include land south of the B5000 around the junction of Chiltern Road with the B5000.

The site is gently undulating with the highest points being at its southern end – e.g. the go kart track with a level of 110m AOD. It then has a slight drop in the centre of the site before rising again to 100m AOD in its north western corner.

The site as a whole is open in character with the large fields, little hedgerow cover and a small number of trees. There are however stronger hedgerows bounding Robey's Lane along its southern section and along the B5000 northern frontage. There are tree belts along the B5000, around Priory Farm, along a water course bounding the western edge of the site and towards the northern edge of the site approaching the Alvecote Marina.

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To the west of the site was the site of the former Tamworth golf course but this is now being residentially developed in a series of phases amounting to 1100 houses. A primary school and a community centre are also to be provided. The more established residential areas of Tamworth are then to the immediate west. To the south of the B5000 is the residential area of Stonydelph in Tamworth which extends up to Chiltern Road. Beyond are the North Warwickshire Recreation Ground and a small collection of houses between the B5000 and the line of the former Tamworth Road, before the B5000 passes over the M42.

To the east of the site is open agricultural land up to the M42 and beyond, this extends up to the western edge of Polesworth. To the immediate east of Robey's Lane towards the northern half of the site is Alvecote Wood which a designated Ancient Woodland.

To the north are the Alvecote Marina; the west coast main railway line, the Coventry Canal, the Alvecote Pools SSSI, Alvecote Priory and the village of Alvecote.

The nearest local centre to the site is Stonydelph – 1.1km – which contains a range of facilities including a retail convenience store, a doctor's surgery, a fish and chip as well as a community hall. There are two existing primary schools here – Stonydelph and Three Peaks (1.4 and 1.6km distant). The closest Secondary Schools are at the Landau Forte Academy in Amington and at Polesworth School – both around 2.2 kilometres distant. There is also a surgery a Dordon and both Polesworth and Dordon have a range of local services and facilities.

In respect of public transport provision, Arriva's 65 bus service operates hourly along the B5000 linking Tamworth and Nuneaton. There is a bus stop at the Recreation Ground referred to above. Tamworth has a train station with national and regional connections.

For convenience, the application site is illustrated at Appendix A.

### **The Proposals**

In overall terms the application seeks outline planning permission for up to 1450 dwellings plus a range of associated facilities and green/open space infrastructure. All matters except for access arrangements are to be reserved for further consideration.

The applicant refers to two phases – phase one being that part of the site to the east of Robey's Lane and the second being the larger part of the site to the west. An illustrative Masterplan provides the framework for the two phases. The majority of the development – some 1300 of the units – would be to the west of Robey's Lane in Phase Two. This would include the extra care home and the community hub. That possible uses within the hub could include a mix of uses – retail, financial services, café/restaurants, takeaways, a nursery and places of worship. To the east of Robey's Lane and in the first phase would be the balance of the houses, 150, the primary school and its playing field and a number of other open space uses – playing fields, allotments, children's play areas and structural landscaping.

In terms of the housing provision then a mix of housing is proposed: 2% being one bedroomed, 20% with two bedrooms, 42% with three, 24% with four and 6% being five bedroom properties. The balance is taken up with the extra care facility. An overall 20% affordable provision is being proposed – excluding the care home number. The applicant has submitted a Viability report to justify this level of provision.

There are two vehicular accesses proposed into the site – both off the B5000. The principal access takes the form of a new four-arm roundabout junction providing access to and from the B5000 and linking with Chiltern Road. The second access onto the B5000 is through a signalised “T” junction where Robey’s Lane meets the B5000. It would continue a short distance north and then divert to the north of Priory Farm such that it serves the southern half of the Phase Two development. It would connect with the access from the new roundabout running through Phase One to meet about half way along Robey’s Lane. The existing section of Robey’s Lane between the two link points would become a pedestrian/cycle way. North of this the existing Robey’s Lane would remain in order to provide access to Alvecote and the north. There would be opportunities for pedestrian and cycle connections towards the west into the residential developments under construction on the former golf course site.

The illustrative Masterplan is included at Appendix B.

In preparing the application, the applicant has undertaken a range of community consultations. There have been three joint presentations to Members of both Councils. The two central issues raised were traffic impacts and infrastructure provision. Additionally the applicants have undertaken two public consultations- one in Polesworth and the second in Tamworth. The main issues raised were the matter of principle; traffic impacts, infrastructure provision, the impact on the Meaningful Gap between Tamworth, Polesworth and Dordon, the mix of housing, schools and recreational facilities.

As indicated above the applicant has submitted an Environmental Statement. It is not proposed to itemise all of the chapters in that document. However he has prepared a Planning Statement in which there are summaries of these chapters. The relevant part of that Statement is attached at Appendix C. It also provides a useful summary of the applicant’s case – note that the Appendices to the Statement are not attached. Members are advised to review the main Environmental Statement in order to better understand the applicant’s full case.

## **Background**

There are outstanding outline planning applications for up to 500 dwellings with associated infrastructure lodged with the Council and the Tamworth Borough Council, on the Phase One land. Access is proposed from the B5000 incorporating the same roundabout access as described above.

Planning permission for the residential redevelopment of the former Tamworth golf course by up to 1100 houses was granted in 2016 by the Tamworth Borough Council. Reserved matters are now being dealt with such that over 725 of these have now been approved in detail and work is well underway on the initial phases. The Section 106 Agreement accompanying the outline for this development requires the

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early provision of a primary school and the arrangements for the delivery of the community centre through Tamworth Borough Council.

The Go-Kart track referred to above is a lawful use.

Buildings at Woodhouse Farm benefit from planning permissions for commercial uses. The small triangle of land between the southern end of the site and the B5000 beyond the existing karting track has the benefit of a planning permission for new commercial buildings.

### **The Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation), NW16 (Green Infrastructure), NW19 (Polesworth and Dordon), NW21 (Transport) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 – HSG3 (Housing Outside of Development Boundaries), HSG 4 (Densities), ENV4 (Trees and Hedgerows), ENV9 (Air Quality), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation) and ENV16 (Listed Buildings)

### **Other Material Planning Considerations**

The National Planning Policy Framework 2018 – (the “NPPF”)

The Submitted Local Plan for North Warwickshire 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP5 (Meaningful Gap), LP6 (Amount of Development), LP7 (Housing Development), LP8 (Windfall Allowance), LP9 (Affordable Housing Provision), LP14 (Natural Environment), LP25 (Historic Environment), LP16 (Nature Conservation), LP17 (Green Infrastructure), LP24 (Recreational Provision), LP25 (Transport), LP28 (Strategic Road Improvements), LP29 (Walking and Cycling), LP31 (Development Considerations), LP32 (Built Form), LP35 (Water Management), LP36 (Parking), LP37 (Renewable Energy), LP38 (Information and Communication Technologies) and LP39 (Housing Allocations)

The Affordable Housing SPD 2008

Affordable Housing Addendum 2010

Strategic Housing Land Availability 2016

Coventry and Warwickshire Joint Green Belt Study 2016

North Warwickshire Level 1 Strategic Flood Risk Assessment (2008 and 2013 update)

Landscape Character Assessment 2010

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North Warwickshire Archaeological Assessment 2010

North Warwickshire Playing Pitch Strategy 2017

North Warwickshire Open Space, Sport and Recreation SPD 2017

Assessment of the Meaningful Gap 2018

North Warwickshire Greenspace Strategy 2017

### **Observations**

Clearly a proposal of this scale raises a whole raft of issues both detailed and otherwise. In order to assist Members, the following broad headings will need to be explored during the course of dealing with the application and ultimately in its determination.

The principle of supporting the proposal or not is the crucial issue. On the one side of the balance is the fact that the site is not recognised by the settlement hierarchy in the adopted Core Strategy. On the other hand the greater part of the site is however identified as a housing site in the Submitted Local Plan – Site H13. That Plan is currently at Examination in Public and the weight to be given to it will increase as it progresses through that Examination. However the final balance will also be influenced by other factors. Firstly, Members will know that through the Daw Mill appeal, the development boundaries of the Core Strategy were found to be “out-of-date” and thus the terms of the NPPF come into the balance whereby sustainable development should be approved unless there is significant demonstrable harm. Secondly the matters of the Council’s housing land supply will need to be considered.

The second broad area to consider will be the impact of the development on the Meaningful Gap. This is introduced in the Core Strategy at Policy NW19, which explains its planning purpose. Its geographic definition however is identified in the Submitted Local Plan and is the subject of a number of representations, to be discussed in the continuing Examination. Part of the application site – the whole of phase One - is in this identified area.

The principle of the main access location into the development is also an issue. This is because the primary access proposed – the roundabout at Chiltern Road – leads to development within the Meaningful Gap – 150 houses and the primary school. The issue here is whether this arrangement is the only means of access available to facilitate and implement the whole development, or whether alternatives can be found to do the same, without requiring development within the Meaningful Gap.

Highway impacts over the whole of the local and wider highway network will be a major issue. That network will include access into the centres of Tamworth as well as through Polesworth and Dordon. There are also concerns about routes through Stonydelph to the A5 and Junction 10 of the M42; those through Amington in Tamworth and also through the closest North Warwickshire villages of Alvecote and Shuttington.

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The affordable housing provision is below the Core Strategy requirement of 40% and the equivalent in the Submitted Plan – also 40%. Clearly this will need to be examined to see if the viability report is sufficiently robust to evidence the lower provision.

Additionally the implementation and management of the care home will need to be resolved.

The scale of the proposal will require an understanding of the impacts on existing services – particularly Schools and health facilities but also on the emergency services and established recreation facilities. The advice and guidance of the appropriate infrastructure Agencies will thus need to be coordinated and understood.

Other impacts will need to be evaluated such as whether there would be harm to heritage and ecological interests. The latter will be a significant issue given the presence of Alvecote Wood which adjoins the site and the Alvecote Pools SSSI.

There is a substantial amount of open space and green infrastructure included in the proposals. The Board will need to understand and to have confidence that, should the development be supported, this would be enabled not only in full, but that it is maintained in perpetuity as the development matures.

Consideration of all of these issues has led the applicant to submit his Illustrative Master Plan for the development. Members too will need to understand how this has been arrived at and whether it does adequately mitigate adverse impacts and lead to sustainable development.

#### **Recommendation**

That the receipt of the application be noted and that officers, in collaboration with colleagues in the Tamworth Borough Council be requested to provide progress reports and that if appropriate, the applicant be invited to meet representatives of the Board and Tamworth Members as the application proceeds

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## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

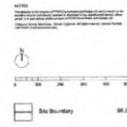
Planning Application No: PAP/2018/0755

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21/12/18

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

Appendix A



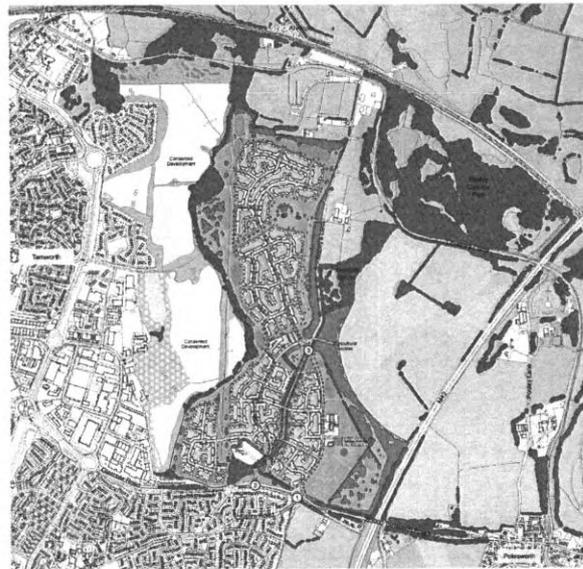
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21 DEC 2018  
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Hudson Land Management  
Land to the East of the Former Tamworth Golf Course  
Tamworth

**SITE LOCATION PLAN**

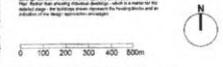
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Appendix B



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- Site Boundary
  - Residential
  - Primary School
  - Extra Care Care Home
  - Community Hub
  - Proposed Primary Point of Access
  - Proposed Secondary Point of Access
  - Proposed Access with Ribby's Lane
  - Indicative Blue Route
  - Potential Blue Gate
  - Green Infrastructure
  - Existing Vegetation
  - Structural Planting including New Vegetation
  - Play Area
  - Abutments
  - Changing Pavilion
  - Community Orchard
  - Sports Pitches
  - Drainage Basins
  - New Multi-Purpose Recreational Routes
  - Section of Ribby's Lane for Pedestrian/Cycle Access Only

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**INDICATIVE LAYOUT**

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**5. PLANNING HISTORY AND COMMUNITY CONSULTATION****Planning History**

- 5.1. In May 2017 the Applicant submitted a planning application (PAP/2017/0257) to NWBC for 500 dwellings with associated green infrastructure, sustainable drainage and vehicular access. This comprised land to the east of Robey's Lane only (Phase 1). A duplicate application was also submitted to TBC for the reasons set out in Section 3. Both applications remain undetermined.
- 5.2. Prior to the submission of PAP/2017/0257, a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011 was sought in April 2016 and provided by the LPA in May 2016 confirming that an EIA was required for the Phase 1 application.
- 5.3. Scoping Opinions for the ES this application were sought and provided in September 2017 and March 2018 under the 2017 Regulations.
- 5.4. Although not related to the site itself, it is relevant to reference the permission at the Former Tamworth Golf Course. This was granted outline permission (ref :0088/2015) in January 2016 by the neighbouring planning authority, Tamworth Borough Council, for the demolition of clubhouse and construction of up to 1,100 dwellings, primary school, local community centre, parking, green infrastructure comprising community woodland, extension to local nature reserve, formal and informal open spaces, footpaths, cycleways, water areas (including a sustainable urban drainage system), landscaping and vehicular access.
- 5.5. Subsequent reserved matters approval has been granted, initially for 218 dwellings (reference: 0136/2016); a further 254 dwellings (reference: 0400/2016) and in June 2018 for 252 dwellings (0129/2018), meaning a total of 724 dwellings have been approved in detail at the time of writing.
- 5.6. The Section 106 Agreement that was completed with the outline planning permission on the golf course site details the delivery of key infrastructure associated with the permission. Of particular note is the requirement for the provision of the primary school which is due to be provided within 24 months of commencement or before the commencement of the 250<sup>th</sup> dwelling. The local centre delivery is set out in Schedule 9 of the Agreement and confirms that once remediation has been undertaken and within a period of 5 years of the commencement date, the owner

will transfer the land to Tamworth Borough Council. The Borough Council is then obligated to provide the local centre within a period of 5 years.

**Community Consultation**

- 5.7. In preparing this planning application the Applicant has engaged with a range of stakeholders in formulating the proposals and has undertaken a series of meetings and consultation events.

Presentation to Local Ward Members

- 5.8. Presentations to the elected local ward councillors of both NWBC and TBC were undertaken on 5 and 26 March 2018, with a further 'update' presentation on 8 October 2018. The presentations explained the key elements of the scheme, the policy background and strategy for infrastructure. There was then an opportunity for members to have question and answer sessions with the Development Team. The presentations were well attended with member representatives from both Council's together with lead officers from both LPA's.
- 5.9. The key issues raised at both presentations and from members of both Council's were traffic, both in terms of scope of assessment and impact, and infrastructure provision.
- 5.10. The Development Team explained that the scope of the Transport Assessment had been derived from discussions with the two local highway authorities, Warwickshire County Council and Staffordshire County Council, together with Highways England.
- 5.11. Strong concern was expressed by Tamworth members in particular that the scope of the junctions to be assessed did not extend sufficiently west and that key junctions were not being assessed. Post the presentation and through officers, the Applicant was supplied with alternative junctions that Tamworth members considered should form part of the assessment. The submitted TA appraises each of these additional junctions but found that the impact would be so limited that they did not warrant further modelling assessment.
- 5.12. In respect of traffic impact the TA has identified that improvement works will be required at both the Pennine Way/Sandy and Glascote Rd/Mercian Way junctions. This mitigation will ensure that the development has an acceptable traffic impact.
- 5.13. The delivery of infrastructure, specifically relating to education and health is recognised to be a key issue for a development of the size proposed. A clear strategy

in respect of primary school provision has been established with delivery of a new school on site. The scheme will also make a financial contribution towards secondary school places derived from the development. Whilst members wanted more information on the specific schools that would potentially accommodate new pupils, the local education authorities are undertaking work on how to accommodate children from all emerging NWLP development and so are currently unable to be specific on this. This issue will therefore be resolved during the course of the application and any Section 106 Agreement will need to be clear on where any contribution will be spent.

- 5.14. It was explained to members that two forms of 'Health' contributions have been requested from the Primary Trust and the George Eliot Trust. Similarly to the education contribution, at present the health authorities have not determined the exact location of where the Primary Trust contribution would be allocated. This will again be determined during the course of the application.

Public Consultation Events

Tamworth Bowls Club – 20 March 2018 4-8pm

Tithe Barn, Polesworth – 21 March 2018 4-8pm

- 5.15. Public consultation events were arranged to exhibit the development proposals, explain the content and rationale of the scheme and to take questions from members of the public.
- 5.16. The above events were advertised through the following methods:
- Approx 2220 leaflets hand delivered to local residents' addresses. The industrial estate to the east of Sandy Way were not individually leafleted due to the potential difficulty of delivering to such addresses, though notices were erected.
  - Advertisement in Tamworth Herald and Nuneaton News & on Tamworth Herald online
  - Posters displayed at the following venues: Polesworth Memorial Hall, Polesworth Co-op, Polesworth Sports and Social Club, Polesworth Library, Polesworth Baptist Church, G&J Chesters Newsagents, Dordon Village Hall and Polesworth Parish Council.
  - An email was sent to all North Warwickshire and Tamworth Ward Councillors

- An email was sent to the parish councils of Polesworth, Dordon and Shuttington and Alvecote.

- 5.17. A plan showing the area of local residents consulted, together with a copy of the newspaper advertisement, the poster and the email/letter sent to ward councillors and the parish council is contained within **Appendix A**.

Summary of Comments

- 5.18. A total of 130 people attended the two events, with 71 attending the exhibition in Tamworth and 59 the event in Polesworth. A total of 17 feedback sheets were either deposited at the event or provided through the comments facility hosted on the website of FPCR Environment and Design Ltd. These are provided at **Appendix B**.

The main comments received were as follows:

- **Principle of Housing** - From the feedback sheets only 5 out of 17 respondents supported the principle of housing. Many of the visitors to the event explained that it wasn't the housing per se which was objectionable but the absence of infrastructure to sustain it.
- **Traffic** – the largest concern regarding the scheme is traffic. Residents are concerned that the large scale of the scheme will inevitably exacerbate existing problems with the B5000 and Pennine Way in particular, with other impacts on the A5 and the M42 junction. Several suggestions of having direct access onto M42.
- **Infrastructure** – the provision of schools, doctors, shops, dentists, leisure facilities were all identified by residents as being critical to any housing scheme. There remains significant concern that the existing facilities are unable to cope with the additional housing planned on this site and other sites.
- **Meaningful Gap** – as with the 'Phase 1' application there was concern expressed regarding building in the proposed Meaningful Gap. Some residents acknowledged the improvement in setting the built development further west, but they commented that this does not overcome the principle or eroding the space between Tamworth and Polesworth.
- **Mix of Housing** – residents expressed a desire for affordable housing and housing suitable for first time buyers and the elderly. Bungalows are

desirable and generally people felt 2/3 bedroom properties were most required.

- **Primary school** – most respondents to the feedback forms and verbal feedback supported the provision of a primary school on the site.
- **Open Space/Sports Facilities** - Some support, though others felt that the provision was insufficient or that it should be provided elsewhere such as Polesworth.

- 5.19. The principal objections were traffic impact and infrastructure. The suggestion of a direct junction off the M42 is not supported by Highways England and is not a realistic alternative. The 'response' to the issues concerning traffic and infrastructure are set out in the Planning Appraisal section of this statement, where all of the other issues raised are also addressed.

**6. PLANNING POLICY**

- 6.1. The Development Plan comprises the North Warwickshire Core Strategy (2014) and the Local Plan (2006). The new Development Plan was initially being created on a two tier system with the Site Allocations and Development Management Policies forming part of the Plan. However, NWBC announced that the new Local Plan will be merged into a single document to take account of greater development requirements. The new Local Plan was submitted to the Secretary of State for examination in March 2018. However, at present the Development Plan for the determination of planning applications will remain to be the Core Strategy and 2006 Local Plan.
- 6.2. This section identifies the key local and national planning policy and also the emerging policy from the Draft Local Plan. Appendix 4.1 of the ES contains a summary of all of the relevant policies within the North Warwickshire Core Strategy (2014), the North Warwickshire Local Plan (2006), and the Submission Draft North Warwickshire Local Plan (2017). Section 8 of this Statement appraises how the proposed development performs against the relevant local and national planning policy and other material considerations. Below are listed the main policies, both local and national, which are relevant to the proposed development.

Core Strategy (2014)

- 6.3. The relevant policies of the Core Strategy are as follows:
- Policy NW1 – Sustainable Development
  - Policy NW2 – Settlement Hierarchy
  - Policy NW4 - Housing Development
  - Policy NW5 – Split of Housing Numbers Policy
  - Policy NW6 – Affordable Housing
  - Policy NW10 – Development Considerations
  - Policy NW11 – Renewable Energy Efficiency
  - Policy NW12 – Quality of Development
  - Policy NW13 – Natural Environment
  - Policy NW14 – Historic Environment
  - Policy NW15 – Nature Conservation
  - Policy NW16 – Green Infrastructure
  - Policy NW19 – Polesworth and Dordon
  - Policy NW21 – Transport
  - Policy NW22 – Infrastructure

Local Plan (2006)

6.4. Appendix B of the adopted Core Strategy explains that many of the policies of the Local Plan are replaced by the Core Strategy. However, a number of Saved Local Plan policies survive. The relevant policies are as follows:

- Policy HS3G – Housing Outside of Development Boundaries
- Policy HSG4 - Densities
- Policy ENV4 – Trees and Hedgerows
- Policy ENV9 – Air Quality
- Policy ENV12 – Urban Design
- Policy ENV13 – Building Design
- Policy ENV14 – Access Design
- Policy ENV15 – Heritage Conservation, Enhancement and Interpretation
- Policy ENV16 - Listed Buildings, Non Listed Buildings of Local Historic Value and Sites of Archaeological Importance

National Planning Policy Framework (NPPF - 2018)

6.5. A key material consideration in the determination of the application is the NPPF. The NPPF was revised in 2018 and it is against this latest version that the application is appraised. The main relevant policies, by reference to their paragraph numbers are listed below:

- Paragraph 8 – Achieving Sustainable Development
- Paragraph 11 – Presumption in Favour of Sustainable Development
- Paragraph 59, 64, & 73 – Delivering a Sufficient Supply of Homes
- Paragraphs 91-92, & 94-95 – Promoting Healthy and Safe Communities
- Paragraphs 102-103 & 108-111 – Promoting Sustainable Transport
- Paragraphs 117-118 & 122-123 – Making Effective Use of Land
- Paragraphs 124, 127 & 128 – Achieving Well-Designed Places
- Paragraphs 148 150, 155, 163 and 165– Meeting the Challenge of Climate Change, Flooding and Coastal Change.
- Paragraphs 170, 175, 178, 180 and 181 – Conserving and Enhancing the Natural Environment
- Paragraphs 189-190, 192 and 196 - Conserving and Enhancing the Historic Environment

Emerging North Warwickshire Local Plan (2017)

- 6.6. The NWLP will replace the Core Strategy, incorporating some amendments and will include site allocations and development management policies to provide a new Local Plan for the period up to 2033. The NWLP was submitted for examination in March 2018 and at the time of writing the initial strategic hearing sessions are envisaged for July 2018, although this is not confirmed and may be subject to change.
- 6.7. Paragraph 48 of the NPPF sets out the weight that should be given to relevant policies in emerging plans. The relevant policies are as follows:
- Policy LP1 – Sustainable Development
  - Policy LP2 – Settlement Hierarchy
  - Policy LP5 – Meaningful Gap
  - Policy LP6 – Amount of Development
  - Policy LP7 – Housing Development
  - Policy LP8 – Windfall Allowance
  - Policy LP9 – Affordable Housing Provision
  - Policy LP14 - Natural Environment
  - Policy LP15 - Historic Environment
  - Policy LP16 - Nature Conservation
  - Policy LP17 – Green Infrastructure
  - Policy LP24 – Recreational Provision
  - Policy LP25 – Transport Assessment
  - Policy LP28 – Strategic Road Improvements
  - Policy LP29 – Walking and Cycling
  - Policy LP31 – Development Considerations
  - Policy LP32 – Built Form
  - Policy LP35 – Water Management
  - Policy LP36 – Parking
  - Policy LP37 – Renewable Energy and Energy Efficiency
  - Policy LP38 – Information and Communication Technologies
  - Policy LP39 – Housing Allocations
- 6.8. In some instances policies are largely carried forward from those included within the adopted core strategy. However, altered policies in relation to housing requirement,

Planning Statement  
Hallam Land Management Ltd  
Land to the East of Tamworth Golf Course

**FREETHS**

distribution, strategic policies (such as the MG) and allocations have been not been subject to examination and therefore at the time of writing should be afforded limited weight.

**7. FIVE YEAR HOUSING SUPPLY**

Introduction

- 7.1. The latest five year housing land supply report ("FYHLSR") is for the period up to 31 March 2018 and concludes that NWBC had a housing supply of 4.8 years.
- 7.2. Prior to the publication of the above figure in June 2018, an Inspector for a recent appeal (3189584) for 70 dwellings at a site in Ansley the decision of which is attached as **Appendix C** did not deem it necessary to come to a conclusion on housing land supply<sup>1</sup>. The principal reason for this is the Secretary of State decision in March 2018 at land at Daw Mill Colliery, Daw Mill Lane, Arley (Appeal ref: 3149827). In this decision the SoS determined that Policy NW2 of the Core Strategy which relates to settlement hierarchy is out of date, in in agreement with the conclusions of the Appeal Inspector<sup>2</sup>. On this basis the Anstey Inspector came to the conclusion that as NW2 is out of date, the tilted balance of Paragraph 11 of the NPPF is in any event engaged. This position equally applies to this application.
- 7.3. Notwithstanding the above position, the LPA has now confirmed they are unable to demonstrate a five year housing supply.

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<sup>1</sup> Paragraph 14

<sup>2</sup> Paragraph 27/IR376

**8. PLANNING APPRAISAL**

- 8.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point for establishing whether the principle of development is acceptable is therefore the adopted Core Strategy and the Saved Policies of the Local Plan.

**The Principle**

- 8.2. Policy NW2 of the Core Strategy sets out the settlement hierarchy and the site falls within category 5, 'outside of the above settlements' (referring to the named settlements of the policy). The site therefore sits in open countryside and only permits development either necessary for agriculture, forestry or other uses that require a rural location or small scale affordable housing. The application scheme meets none of these requirements and so there is a conflict with Policy NW2 of the Core Strategy. Equally Saved Policy HSG3 of the Local Plan deals with housing outside settlement boundaries and has similar restrictions to Policy NW2 on types of permitted development. The proposal is therefore contrary to Policy HSG3.
- 8.3. Paragraph 11 of the NPPF, specifically footnote 7, confirms that relevant policies for the supply of housing should not be considered up-to-date if the LPA is unable to demonstrate a five year housing supply.
- 8.4. As demonstrated in section 7 the LPA is unable to provide a five year housing supply and furthermore Policy NW2 has been deemed out of date by the Secretary of State. The LPA's housing supply policies should not be considered up-to-date and accordingly the presumption in favour of sustainable development and the 'tilted balance' is engaged.
- 8.5. The most pertinent Development Plan policies which directly affect housing supply in this case are policies NW2, NW4 and NW5 of the Core Strategy and Saved policy HS3G of the Local Plan.
- 8.6. Policies NW2 and NW5 direct and distribute development around the borough based on the settlement hierarchy and are underpinned by sustainability credentials. The Inspector in the 2017 Ansley appeal decision, applied moderate weight to these policies. Whilst this is noted, it is submitted that the emerging Local Plan is catering for a higher number of dwellings and is introducing an alternative tier into the

settlement hierarchy through Policy LP2 with category 2 being "settlements adjoining the outer boundary of the Borough". The emerging NWLP has not been subject to examination and therefore new policies not brought forward from the Core Strategy should only be capable of limited weight. However, in accordance with the thrust of the SoS decision (Appeal decision 3149827), it is considered that both NW2 and NW5 should be given limited weight.

- 8.7. A similar logic applies to Policy NW4 which defines the overall housing requirement. This again should only limited weight, given that the emerging Local Plan is a) committing to a higher OAN figure and accommodating requirement from the CWHMA and b) that NWBC has undertaken to accommodate 3,790 dwellings from the GBSBCHMA, albeit subject to infrastructure testing. In short the housing requirement figure is set to change by a highly significant and challenging amount.
- 8.8. Policy HSG3 dates from the Local Plan (2006) and relates to development needs prior to the Core Strategy or the original NPPF(2012). Whilst the purpose of the policy, to protect countryside, clearly retains some value given, its age it should be afforded very limited weight.
- 8.9. In applying the above judgements on the weight that should be afforded to the local plan policies, it is clear that the extent of the shortfall of housing supply is significant. Whilst the LPA are in the process of coming forward with a new Local Plan, it is still to be examined and therefore the 'remedy' is some way off coming to fruition.

The Meaningful Gap

- 8.10. Policy NW19 relates to the MG. The portion of the site to the east of Robey's Lane is contained within the MG and this is proposed for approx 240 dwellings, a primary school, and a range of green infrastructure.
- 8.11. The MG policy is different to the policies appraised above which explicitly deal with housing supply in terms of quantum and distribution or are directly restrictive. The MG policy states that any development to the west of Polesworth and Dordon must respect the separate identities of Polesworth, Dordon and Tamworth and must maintain a meaningful gap between them. The policy does not seek to define the extent of the gap and any area of search to which development may be acceptable. Indeed the Inspector's report for the Core Strategy<sup>3</sup> advises that the policy enables

<sup>3</sup> Issue 2 Page 5 Para 21.

flexibility and the exploration of options through the Site Allocations DPD (albeit, that this will be now replaced by the emerging NWLP). The policy also identifies that the broad location of growth will be to the south and east of the settlements (Polesworth and Dordon).

- 8.12. The purpose of Policy NW19 is relatively simple in that it directs the area of growth to the south and east of Polesworth and Dordon, seeks to protect the identities of Polesworth, Dordon and Tamworth and maintain a meaningful gap between these settlements. It is considered that the absence of a five year housing supply should significantly reduce the weight given to this policy in the decision making process.
- 8.13. In addition, the emerging Local Plan seeks to propose 1270 dwellings on part of the application site, to the west of Robey's Lane land, adjoining Tamworth's administrative boundary. There has therefore been a shift in the broad location of housing in this particular area, with the emerging Local Plan acknowledging that land to the south and east of Polesworth is no longer the sole focus of significant development.
- 8.14. The emerging NWLP contains Policy LP5 which effectively would replace Policy NW19 and this i) proposes a defined MG as set out on the Proposals Map ; ii) repeats the requirement of NW19 that any development must respect the separate identities of Polesworth and Dordon and Tamworth and maintain a MG between them and iii) requires that all new development within this gap should be small in scale and not intrude visually into the gap or physically reduce the size of the gap. In summary the differences therefore are that the MG is defined, the emphasis on significant development to the south and east of Polesworth and Dordon is removed and a requirement for any development within the gap to be 'small' is introduced.
- 8.15. The definition of the area forming the proposed MG had been established prior to the consultation on the Draft Local Plan which began in November 2016. The MG was first subject to a consultation between 29 January to 12 March 2015. This proposed a MG based on an exercise which divided land which conceivably could be considered within the Gap into 'Areas' and identified which areas were and were not proposed to form part of the Gap. The consultation made it clear that the MG would be given weight as policy from the decision at Committee to consult on its scope (January 2015). Based on this original consultation the land subject to this application was in land covered by Areas 3, 4 and 5 and all were proposed to form

part of the MG. An objection was submitted against the proposed MG on the following principle grounds:

- There is no justification for a specific Meaningful Gap Policy
- The adoption of the Meaningful Gap Assessment as policy compromises the emerging Site Allocations process and undermines the emerging Local Plan.
- Notwithstanding the principle objection and without prejudice, the methodology of the Assessment is significantly flawed. Substantial and overriding weight is given to landscape considerations without the required evidence in the form of a full landscape assessment.
- Consequently the landscape and overall conclusions of the Assessment are also flawed and it is recommended that Areas 3 and 4 are removed from the proposed Meaningful Gap.

- 8.16. A copy of the objection, together with the accompanying Landscape Appraisal from FPCR is provided at **Appendix D**.
- 8.17. Following NWBC's consideration of the consultation responses, they published a new report in August 2015 which omitted Areas 4 and 5 from the MG. The area to the east of Robey's Lane, Phase 1, which forms part of Area 3, remained in the MG. It is the August 2015 definition of the MG on which the emerging NWBC and Policy LP5 is based. This was carried forward to the submission draft consultation which was supplemented by a further evidence document entitled "*Assessment of the Value of the Meaningful Gap* (January 2018)."
- 8.18. Firstly, the weight that should be given to the definition of the MG under Policy LP5 is very limited. The policy is subject to a number of strong objections and the consultation on which it was based was flawed for two key reasons. Firstly, the MG boundary was formed in advance of identifying any potential sites for development to meet the Plan's housing requirement. Such an assessment should have been undertaken in parallel with potential identification of sites. Secondly it was heavily reliant on landscape judgements which were not reached with the benefit of appropriate landscape evidence. This was clearly an issue of concern for the Inspector in the appeal decision (3136495) in November 2016 concerning Land to the East of the M42 (Junction 10), of which the Meaningful Gap was a principal issue. The Inspector is critical of the Council's evidence base for the Meaningful Gap judgements, commenting that there is a lack of *'qualitative assessment of how the*

*character of the area would change or how it would be perceived from any locally important viewpoints". A copy of this appeal decision is contained in **Appendix E**.*

- 8.19. The Submission Draft Local Plan consultation that ran from November 2017 to January 2018 was extended to March 2018 to allow supplementary documents to be considered, including the Assessment of the Value of the Meaningful Gap. However, this document continues to fail to assess the credentials of the MG objectively and in an evidenced based manner. A copy of the Applicant's objection to the MG Policy is contained in **Appendix F**.
- 8.20. The evidence behind defining Area 4 (Phase 2/land west of Robey's Lane) within the MG was clearly flawed and was quickly rectified, however Area 3, including the portion of the application site to the east of Robey's Lane (Phase 1) remains in the MG.
- 8.21. Chapter 10 of the ES and the accompanying Landscape and Visual Impact Assessment (LVIA), deals with the issue of the MG in detail. The first important point of note is that this application is significantly different to application PAP/2017/0257, in that the extent of the residential development has been pulled further west to align with the existing settlement pattern of Stoneydolph to the south. The residential area east of Robey's Lane accounts for just 6.7ha of a total of 30ha in this portion of the site. The illustrative masterplan demonstrates a logical relationship with existing built development and provides a variety of open space between the residential element of the scheme and the eastern boundary.
- 8.22. In summary the development of this site would be observed as a component of the built up area of Tamworth and there would remain an ample distance between the proposed development and the built up areas of Polesworth and Dordon to protect identities of settlements and maintain a MG
- 8.23. There are a number of features that would help maintain a MG. Firstly, the M42 acts as a definitive physical barrier which separates the settlements of Tamworth and Polesworth. Further major infrastructure is planned on the east of the M42 with the planned route of HS2. The HS2 infrastructure will also act as a deterrent/barrier from development creep from the east.

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<sup>4</sup> Paragraph 26 - 3136495

- 8.24. The illustrative masterplan demonstrates that a significant area of structural planting is proposed along the eastern and northern eastern boundaries of the site and this will join up to Alvecote Wood. This will form a comprehensive and sensitive landscaped edge to the development. This coupled with the additional buffer of the playing pitches and the alignment with built development to the south will further reduce any perception of settlement identities being threatened. The LVIA confirms that the Meaningful Gap is not a landscape quality designation and yet landscape value appears at the heart of the reason why the site is proposed to be included in the Meaningful Gap. The LVIA comments that *"The site is not subject to any landscape designation contains no significant or rare landscape features and displays no marked sense of scenic quality. It is not particularly tranquil, performs no public recreational function, and has no known cultural associations."*<sup>45</sup>
- 8.25. The overall conclusion within the ES on landscape effects is that the development in the longer term will have a **Moderate/Minor Adverse** impact on landscape character and this is not deemed to be 'significant'. In this context and having regard for the wider conclusions of the LVIA, it is considered that landscape character should not be a legitimate reason for inclusion of the site within the MG and furthermore development of the site poses no unacceptable harm to either landscape or the concept of a MG. It is therefore submitted that compliance is achieved with Policy NW19 of the Core Strategy.

Summary of the Principle of Development

- 8.26. It is accepted that the site sits outside of settlement boundaries and therefore there is conflict with Policy NW2 of the Core Strategy and Policy HSG3 of the Local Plan. However, these policies are out of date both by the virtue of the wider development needs emerging through the NWLP and the constraints that these policies would place on this and the absence of a five year housing supply. They therefore should be attributed limited weight. Whilst on a site of this size, there is inevitably some harm caused to the open countryside, we submit that this is significantly outweighed by the number of benefits that the scheme will generate.
- 8.27. In addition we submit that Policy NW19 should also be given reduced weight in the planning balance by reason of the absence of a five year housing supply, but notwithstanding this, we submit that the application site should not be within any

<sup>45</sup> Para 10.4.75 - LVIA Appendix 10.1 of ES

defined MG and the scheme poses no harm to its objectives of respecting settlement identity and retaining a MG.

8.28. A key part of the pre-application consultation process was explaining why the development site is required to be extended beyond that proposed for allocation, to include land east of Robey's Lane (Phase 1). There are a number of reasons why this is necessary and these are set out below:

- The Phase 1 land is required to deliver the most appropriate vehicular access and to ensure early delivery of housing and infrastructure on the site.
- The emerging NWLP site allocation proposes access via the FTGC. This involves third party land, the detailed residential layouts for the FTGC make no provision for a major access to be taken through their site and there are a range of ecological and ground level constraints.
- Alternative access points onto B5000 either technically constrained in relation to proximity to Robey's Lane junction or if utilising Robey's Lane significantly changes the character of the southern part of this lane through the size of roundabout required.
- Fundamentally the Highway Authority requires two access points and two entirely separate access points could not be achieved with the extent of the allocation as proposed.
- The go kart business remains in operation and is a later Phase of development. In practice a developer will not want to commence development adjacent to an existing noisy use and the development needs to be phased to accommodate this.
- Without the principal access being east of Robey's Lane, as proposed, there is a significant risk that development will be delayed and will not achieve the number of dwellings required in the Plan period.

#### **Sustainability**

8.29. It has been established that the presumption in favour of sustainable development against the 'tilted balance' in favour of development in paragraph 14 of the Framework is engaged. This next section of the Planning Appraisal looks at the sustainability of the site in relation to its location and access to services. It is recognised that sustainability for the purposes of the paragraph 14 definition takes a much wider scope and this is summarised in the 'Planning Balance'.

- 8.30. The site is considered to be within a sustainable location, situated on the edge of an urban area of Tamworth. The key components to determine whether a site is sustainable in location terms is access to a wide range of services and facilities by methods of public transport, walking and cycling.
- 8.31. Firstly, the scheme proposes a wide range of facilities and services as part of the proposed development. A community hub will be delivered that can accommodate retail, a food/drink offer, together with other community uses and is proposed in the heart of the development. The scheme will also provide a two-form entry primary school and it is envisaged that this will be delivered after the first 150 dwellings.
- 8.32. It is acknowledged that delivery of service and facilities will take time, albeit that the primary school is identified for early delivery and in the interim future residents may need to rely on existing facilities.
- 8.33. The ES contains a local facilities plan for both Tamworth and Polesworth respectively. It is anticipated that for local services the main focus of direction for future residents is likely to be the Stoneydelph area and in time, the local centre approved as part of the FTGC development.
- 8.34. The Stoneydelph local centre is approximately 0.65 miles from the application site and offers a range of local shops and facilities, including a convenience store, which service day to day needs. The distance is above the desirable distance of 400m to local facilities but nonetheless is within a distance that is convenient for pedestrians to access the local centre from the site. Chiltern Drive joins up to a dedicated pedestrian and cycle route which runs to the south of the local centre and provides an attractive walking/cycling environment to access facilities.
- 8.35. In respect of education facilities, the nearest primary schools are Stoneydelph Primary School and Three Peaks Primary School at 1.4km and 1.7km respectively from the site. At these distances, walking is still realistic, in the case of the Stoneydelph Primary School in particular. Beyond the first few years of the development it is evident that children will attend the proposed on-site primary school and so convenient and safe walking and cycling routes to the school will be secured in the long term.
- 8.36. With regards to secondary education it is commonplace to travel greater distances to access schools. However, the facilities plans and the TA record that there are two secondary schools within 2.2km of the site. Walking, cycling and public transport are

alternatives to the private car in accessing these schools and therefore these are sustainably accessible.

- 8.37. Access to public transport is very convenient with bus stops outside of the site's southern boundary on Tamworth Road. The No.65 operated by Arriva provides two buses an hour into Tamworth and from the Polesworth Sports Ground stop (opposite the site) journey times are 20 minutes . In addition Tamworth train station is a strategic location, providing regular journeys to London Euston, Birmingham, Nottingham, Derby and Stafford. This provides genuine sustainable transport choices for people seeking to access employment.
- 8.38. It has been demonstrated that the development site is within an accessible location for a range of services and facilities. The provision of facilities and services will increase as the development progresses in line with the submitted Phasing Plan. The proposal therefore accords with the sustainability objectives of Policy NW10 of the Core Strategy and the NPPF.

**Layout/Masterplanning**

- 8.39. The indicative masterplan provides the framework for the development of the site and is based on a green infrastructure led scheme which will create a highly attractive environment.
- 8.40. The residential element of the scheme is provided over 40.6ha and would represent a net density of circa 38 dwellings per hectare. This density is considered to strike the appropriate balance between the character of the site on the edge of an urban area and making the best use of land. The density must also be assessed in the context that the residential development will sit within a site that provides 50ha of green infrastructure. The masterplan layout is based on an irregular grid pattern structure that provides legibility but variety, and allows integration of both open space within the residential heart of the scheme but also on the periphery of the built environment. The children's play space sits centrally within the masterplan, sited within a large area of open space and accessible to all residents.
- 8.41. In respect of dwelling types, it is intended to provide a range of 1-5 bed dwellings with an indicative mix as follows:
- 1 bed – 25 (1.5%)
  - 2 bed – 300 (19.5%)
  - 3 bed – 650 (42%)

- 4 bed – 370 (24%)
- 5 bed – 95 (6%)
- Extra Care – 100 (6%)
- Total: 1540

- 8.42. The above mix, whilst being indicative and therefore flexible and capable of change, embraces the requirement to provide a genuine mix of housing which will help meet the housing requirement of the area.
- 8.43. The Design and Access Statement details the evolution of the design and the placemaking objectives in detail. Drawings and diagrams are provided demonstrating street hierarchies and patterns of development, together with key design principles for the different types of streets envisaged. In short the D&A Statement provides a well thought out framework that will enable the delivery of a characterful development.
- 8.44. The D&A Statement also confirms that the scheme will largely be two-storey dwellings, with some limited use of two and a half storeys and a maximum residential building height of 10.5m (apart from the extra care home which will be 12m).
- 8.45. The green infrastructure provides a variety of different forms of open space including a zone for new woodland and structural planting on the eastern boundary of the site, providing a buffer to Alvecote Wood. Formal playing pitches, including a pavilion for changing facilities is proposed to the east of Robey's Lane and children's play equipment is distributed throughout the layout. Green Infrastructure penetrates throughout the layout which will help deliver an attractive living environment.
- 8.46. In summary it is submitted that the indicative site layout and masterplanning principles of the development demonstrate that a high quality and varied scheme can be delivered on this site. The scheme will provide a diverse range of housing types and sizes and the development will successfully integrate with the extensive green infrastructure proposed on the site. Accordingly the proposal is considered to meet the relevant criteria of Policy NW10 and NW12 of the Core Strategy and Policy ENV12 of the adopted Local Plan.

**Access and Traffic Generation**

- 8.47. It is proposed to access the site from Tamworth Road (B5000), utilising two separate junctions. The principal access is proposed on the Site Access Design drawing CIV15596/06/001/A05. This shows a four arm roundabout positioned to link up the B5000 and Chiltern Road to the south, entering into the Phase 1 portion of site, east of Robey's Lane. The carriageway width of the site access will be 6.75m and will include 3m wide footway/cycleways either side of the carriageway.
- 8.48. The second access point is shown on drawing CIV15596/06/001/A02 and is a signalised junction between the B5000 and Robey's Lane. This involves accommodating a footway/cycleway for a short section of Robey's Lane before it turns west into the site, north of Priory Farm.
- 8.49. A third access is proposed to link Phase 1 and Phase 2 of the site together, across Robey's Lane and this is shown on drawing on drawing WIE/15569/06/017/A01
- 8.50. The Transport and Access Chapter of the ES (chapter 5) and the accompanying Transport Assessment (TA) set out in detail the traffic impact of the development. The scope of this has been agreed with Warwickshire County Council, Staffordshire County Council and Highways England. The TA utilises the Paramics Model used in the preparation of the emerging NWLP and an extended assessment has been agreed for junctions beyond the scope of Paramics, within Staffordshire.
- 8.51. The TA identifies that there will need to be works undertaken at two junctions to improve their capacity. These are the Pennine Way/Sandy Lane junction and the Glascoate Road/Mercian Way roundabout (also identified for improvement in the Strategic Transport Assessment), both of which are to the west of the development site within Tamworth. A junction improvement for Pennine Way/Sandy Lane has been prepared and is proposed in the TA<sup>6</sup>. With respect to Glascoate Rd/Mercian Way, a committed scheme for improvement from WCC is shown in the TA<sup>7</sup> and it is envisaged that a proportionate financial contribution will be provided to assist with delivery of this.
- 8.52. Once mitigation has been delivered the ES Chapter concludes a **Negligible** impact. The proposal does not create any severe transport impacts and therefore in

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<sup>6</sup> Appendix L  
<sup>7</sup> Appendix M

accordance with Paragraph 109 of the NPPF the proposal is acceptable in transport terms.

**Noise**

- 8.53. ES Chapter 6 assesses the noise impacts of the development analysing the road traffic noise, construction noise, plant noise from the proposal on existing receptors and further analysing noise from existing sources to new residents from the scheme.
- 8.54. The overall conclusions of the ES chapter is that the noise effects from traffic generation for existing residents will be **Minor Adverse** at worst for nearby dwellings in the short term, reducing to **Negligible** in the long term.
- 8.55. In respect of noise from construction the impact is considered to be at worst **Minor Adverse** and by its nature such impact will be temporary. In terms of impacts on residents of the proposed dwellings, the scheme has been assessed with regards to traffic noise (including the M42) and the go-kart track, which is envisaged as a later phase of development. Noise from both sources will be mitigated as an inherent part of the layout and design of the scheme and consequently a suitable environment will be provided for future residents. The significance of the effect of noise is considered to be **Negligible**.

**Ecology**

- 8.56. The site does not form part of any International, National or Locally designated ecological sites. To the north of the site is Alvecote Pools Site of Specific Scientific Interest (SSSI) which is considered of National value. Alvecote Wood, which is adjacent to the site boundary and FTGC local wildlife site are of County level value. The ecological assessments undertake a comprehensive overview of the impact on designated sites, habitats and flora, arboricultural features and protected species.
- 8.57. No direct impacts to the features of interest of the SSSI are predicted as a consequence of the application and equally it is considered unlikely that the features of value within the SSSI will be affected by construction noise. The residual impact on Alvecote Wood is concluded as **Negligible** in the ES given the sensitive site design including the buffering from development and the complementary extension of woodland as part of the masterplan.
- 8.58. In terms of protected species the residual impacts are listed for each species and against each potential effect. Impacts on Badgers, Great Crested Newts and Bats

are largely assessed as **Negligible**, though there are instances with both species of **Minor Beneficial** impacts through the creation of new habitat.

- 8.59. In respect of breeding birds the impact is considered to be **Minor Adverse** for arable farmland birds.
- 8.60. In summary no significant impacts are predicted to occur to designated sites, habitats and flora, arboricultural features or protected species. Indeed there are predicted to be some local minor benefits. The scheme is considered to comply with the requirements of Policy NW15 of the Core Strategy, Policy ENV4 of the adopted Local Plan and Paragraph 175 of the NPPF.

#### **Air Quality**

- 8.61. The impact of the scheme on Air Quality has been assessed as part of the ES (Chapter 8). The chapter sets out the UK Air Quality Objectives and Pollutants and undertakes an assessment based on the proposed development and other committed development (including FTGC ).
- 8.62. The assessment appraises a range of existing and proposed receptor locations against a number of scenarios and the results conclude that subject to suitable mitigation, the residual impacts of both the construction and operational phase would be **Negligible** and therefore not significant.

#### **Heritage**

- 8.63. There are no designated heritage assets within the site or immediately adjacent to it. Polesworth conservation area is located approximately 900m to the east of the site. There is an scheduled ancient monument, Alvecote Priory and dovecote, to the north of the site. The heritage chapter assesses a range of designated and non-designated heritage assets within its study area.
- 8.64. No heritage assets are recorded on the site and potential for unrecorded assets is considered to be at most low. No adverse impact on the setting of any surrounding heritage assets has been identified and in all cases the site is substantively screened by topography, woodland or buildings. The only potential effect identified as 'significant' with the development is the potential for truncation or removal of unrecorded archaeological features. However, a geo-physical survey has been undertaken and the archaeological potential is considered to be low. Further evaluation phases may comprise field-walking and/or trial trenching and appropriate

mitigation could be put in place in the unlikely event of finding any interest of value.  
This could be secured by an appropriately worded condition.

- 8.65. The residual impact of the construction phase is considered to be **Negligible** which is not significant in terms of EIA regulations. No operational impacts have been identified with the proposed development.
- 8.66. The proposed scheme complies with the requirements of Policy NW14 of the Core Strategy, Policies ENV15 and ENV16 of the adopted Local Plan and the relevant paragraphs of the Historic Environment chapter of the NPPF.

#### **Landscape and Visual Impact**

- 8.67. The impact on landscape has already been covered in part in the assessment of the Meaningful Gap. In brief Chapter 10 of the ES analyses the impact of the development on the landscape character and a range of visual receptors.
- 8.68. At the operational stage of development, following completion, at all levels bar the site and its immediate context the impact is assessed **Minor Adverse or Negligible** at completion, reducing to Negligible by Year 15 as the benefits of the green infrastructure prosper.
- 8.69. At site level, the 'on completion' stage of the scheme would result in a **Moderate Adverse** landscape effect. However such effects would reduce in the longer term and the residual landscape effects would lessen to **Moderate-Minor Adverse**. This is not considered significant in EIA terms.
- 8.70. From a visual perspective, very few receptors of high sensitivity would be affected. Marked adverse effects would be limited to visual receptors that are localised to the site and whilst there would be a level of change and effect for these localised receptors (which vary between 'High' and 'Low' at the operational stage), this is moderated by the existing presence and visibility of built and urban features that are often discernible within the context of the site. The ES assesses each visual receptor in turn and this is not repeated here.
- 8.71. For all visual receptors, it is judged that the level of adverse effects would lessen in the longer term on account of the scheme's perimeter landscape framework that would filter and 'soften' views of the built form and assist in assimilating the proposed development into the landscape. In conclusion, it is assessed that the proposed development would not result in any unacceptable long-term landscape and visual

effects. The proposal is therefore considered to comply with the aims of Policy NW13 of the Core Strategy.

#### **Flooding and Drainage**

- 8.72. The site is located wholly in Flood Zone 1 (the area of least flood risk) and hence mitigation is not considered necessary. A Sustainable Drainage Statement has been produced to support the planning application at this location. This details the proposed surface water drainage strategy for the site.
- 8.73. It is proposed that surface water runoff from the site is limited to the greenfield runoff rate. This approach seeks to mimic the site's natural drainage regime, minimising the impact on the wider catchment. Water will be attenuated at the site prior to discharge using sustainable urban drainage systems, with storage provided up to the 1 in 100 year plus climate change event. A 40% climate change allowance is to be provided at the site. Limiting runoff from the site, and accommodating it on-site up to the aforementioned event, provides betterment over the current drainage regime.
- 8.74. During the construction phase the impact on the water environment is considered **Negligible**. In the operational phase the proposed development will remain in Flood Zone 1, hence the impact on flood flows is considered to be **negligible**. The surface water drainage strategy proposed will limit runoff at the site to the greenfield rate, and provide attenuation up to the 1 in 100 year plus climate change event. This will have a **minor beneficial** impact by reducing runoff to the surrounding area and providing water quality improvements. The scheme complies with the requirements of Policy NW10 of the Core Strategy and Paragraphs 155 and 163 of the NPPF.

#### **Geology and Contamination**

- 8.75. The geology and contamination chapter is supported by a Geo-Environmental Desk Study. The chapter confirms that following implementation of the mitigation measures, the risk to construction workers from contamination is **Negligible**. Equally the risk to the underlying Secondary A Aquifer and nearby surface water receptors is considered to be **Negligible**.
- 8.76. During the operational phase of development the chapter concludes that following the incorporation of appropriate gas protection measures into building design the risk of gas build-up following gas migration into buildings will render the risk

**Negligible.** Where present, impermeable surfaces and use of capping material will reduce the likelihood of exposure to soil-borne contamination by future on-site residents and the risk from such contamination is therefore considered **Negligible**.

- 8.77. The integration of a suitable surface water drainage scheme will reduce the risk to the Secondary A Aquifer and nearby surface waters and the risk from contamination is considered **Negligible**. In conclusion, it is clear from the assessment that there is no significant impact from contamination as a consequence of the development and the proposal complies with Policy NW10 of the Core Strategy.

**Best and Most Versatile Agricultural Land**

- 8.78. Paragraph 170 of the NPPF requires that LPAs take into account the economic and other benefits of the best and most versatile agricultural land.
- 8.79. Chapter 15 of the ES analyses this issue and identifies The agricultural land at the site is predominantly of subgrade 3a quality (72%), with 20% at grade 3b and 8% non-agricultural. The scheme would result in the loss of 68ha of best and most versatile (BMV) land and this is judged as a **Moderate Adverse** impact, which is classed as significant. It should be noted that Grade 3a land is judged as markedly less significant than Grades 1 and 2, of which the site contains neither of these classifications. There is no mitigation for such a loss, ie: once its lost it cannot be replaced, but this must be understood in its wider context.
- 8.80. Appendix 15.2 of the ES assesses agricultural land on a wider scale across the district. Land across the Borough, surveyed by the former Ministry of Agriculture, Fisheries, and Food (MAFF), was shown to have a similar composition of land grades to the application site with 66% classified as BMV land. In summary therefore it is considered unlikely that an area of land similar to the size proposed for development could be identified that does not include BMV land. On this basis and having regard to the significant positive impact that this development would have on housing supply, it is concluded that the impact on BMV land is acceptable.

**Amenity**

- 8.81. The application is submitted in outline and so a detailed appraisal of amenity impacts for future residents is not possible at this stage. However, it is clear from the masterplan that the scheme would create a landscape led development which would meet the needs of future residents.

- 8.82. The D&A details how a high quality designed scheme will be delivered which integrates open space into the housing layout providing an attractive living environment. In summary the scheme provides the framework to ensure that future residents will have a high degree of amenity.

**9. AFFORDABLE HOUSING STATEMENT**

- 9.1. The current policy requirement for affordable housing is defined by Policy NW6 of the Core Strategy which states that on greenfield sites provision of 40% shall be provided subject to viability. The policy explains a target affordable housing tenure mix of 85% affordable rent and 15% suitable intermediate tenure should be provided wherever practicable. The Affordable Housing SPD (2008, updated in 2015) provides more detailed guidance.
- 9.2. The emerging policy (LP9) in the draft Local Plan takes the same approach in terms of requirement (40%) but confirms that compliance with the policy can be achieved through either on-site provision or a financial contribution. The policy contains the same mechanism for challenging provision on viability grounds. The supporting text also introduces that a minimum of 20% of the affordable housing element will be delivered through starter homes.
- 9.3. The application is supported by a comprehensive viability appraisal which examines the viability of providing the policy required 40% of affordable housing. This returns a negative residual land value and is therefore not viable. The viability report concludes that affordable housing of 20% is viable and therefore this level of affordable housing is proposed as part of the application. This amounts to 308 affordable units. As a comparison the adjoining FTGC site also secured 20% affordable housing as part of its planning permission.
- 9.4. Initial discussions have been held with NWBC's Housing Strategy Department on the mix of affordable units and this is likely to follow the tenure split required by policy. In respect of size of units, it is understood that highest demand is for smaller units of two bedrooms or under and this is where the majority of provision will be concentrated. There will however be a mix of provision across 1-4 bedroom sized dwellings.
- 9.5. The exact composition of the affordable housing will be subject to discussion with officers during the application once there is greater certainty on agreement of the principles of the viability appraisal.

**10. OPEN SPACE STATEMENT**

- 10.1. The ES contains a chapter on open space (chapter 16). The Green Space Strategy (2017) ("GSS"), Playing Pitch Strategy ("PPS") and Planning Obligations for Open Space, Sport and Recreation SPD ("OSSR SPD") have been reviewed in detail as part of this assessment, together with the corresponding evidence reports for Tamworth Borough Council.
- 10.2. This statement summarises the policy requirements and the open space and playing pitches proposed as part of the development. It also briefly deals with the potential requirement for a leisure contribution.
- 10.3. The ES at table 16.5 details the open space requirements by typology identified in the GSS, based on 1700 dwellings, the quantum tested in the ES. The application itself is for a maximum quantum of 1540 dwellings and so the requirement will be less than stated in the ES.
- 10.4. Of a total site area of 96ha, the parameters plan demonstrates that a total of 50ha will be provided as 'green infrastructure'. Some of this area includes items excluded from the SPD definition and when SUDS (2.5ha), zones for structural planting (13.1ha), existing vegetation (4.5ha) and footway and cycleways (1.7ha) are removed this figure, this reduces to 28.2ha. A sport pitches provision of 3.9ha, subject to assessment below, reduces the total to 24.3ha of open space under the SPD definition. This amounts to 25% of the site, which in isolation far exceeds the typical 14% of the site being given over to open space as set in the OSSR SPD.
- 10.5. The proposed scheme provides a variety of the different typologies of open space identified in GSS. In regards to natural and semi-natural green space and amenity space the masterplan provides 13.3ha and 9.5ha respectively. This is significantly in excess of the requirement of the OSSR SPD, which based upon the population of a 1540 dwelling scheme equates to 6.62ha for natural and semi-natural green space and 2.2ha of amenity green space.
- 10.6. The proposed development includes provision for two Neighbourhood Equipped Areas of Play ("NEAP") and two Local Equipped Areas of Play ("LEAP") as part of the scheme. Figure 16.2 of the ES shows that the proposed position of these play areas will be within the required 400m walking distance from any proposed dwelling for a LEAP and within 1000m for a NEAP, as prescribed by the GSS. The southern

NEAP will also include facilities for older children in the form of multi use games area (MUGA).

- 10.7. The masterplan provides 0.5ha for allotments (including a community orchard). This is below the quantum required on a simple application of the SPD formula, which for 1540 dwellings is 0.73ha. However, the GSS identifies that the borough has an over-supply of allotments at present and therefore any additional demand is likely to be catered for in existing supply.
- 10.8. The only typology of open space identified within the GSS not provided on site is Parks and Gardens. However, the requirements of the SPD are not meant to be prescriptive so that each site has to provide the exact proportion of each different typology of open space. Further, to the north east of the site is Pooley Country Park which would fall within this category. Whilst pedestrian access is limited from the site, it nevertheless provides a local facility for residents of the development.
- 10.9. In respect of playing pitches, the PPS identifies that an additional 18 sports pitches (football, cricket, rugby and hockey) will be required to cater for development projected up to 2031. If you apply the requirement derived from the projected population of this proposed development, based on 1540 dwellings, this equates to a need for four sports pitches.
- 10.10. The masterplan proposes a total of seven pitches, comprising one adult football pitch, two mini soccer pitches (U9/U10) and two smaller mini soccer pitches (U7/U8) to the south of the NEAP and allotments. In addition two further mini soccer pitches (1 x U7/U8 and 1 x U9/U10) are proposed within the primary school site. A changing room facility will be provided as part of a pavilion.
- 10.11. The scheme therefore again out performs requirement. Should the LPA require a different mix of playing pitches, as currently the proposal is football orientated, this potentially could be accommodated.
- 10.12. One area that the scope of the ES chapter does not address was the leisure provision. The Leisure Facilities Strategy (2017) identifies requirement up to 2031 and amongst other matters highlights that a replacement of Polesworth Sports Centre is likely to be required, together with increased swimming pool capacity and fitness stations.

- 10.13. The OSSR SPD<sup>8</sup> undertakes an assessment of the proposed allocated sites in the emerging NWLP and how these could contribute to leisure provision. Part of the application site is identified in the form of 'Land to the West of Robey's Lane' and based on a proposed allocation of 1191 dwellings, then a calculation of £1,344,214 is derived based on meeting need for swimming pools, sports halls, fitness studios gyms and indoor bowls. The proposed allocation has increased to 1270 dwellings and the application proposes 1540 dwellings, so taking the latter (application) figure this would increase the contribution to £1,738,110. However, the SPD exercise in calculating how leisure facilities should be provided is a strategic overview looking at the borough as a whole. Whilst the Applicant is amenable in principle to paying a contribution towards such matters, this will need to be demonstrated to pass the CIL regulations and be considered within the spectrum of the viability case.
- 10.14. Overall it has been demonstrated that the proposed scheme delivers a high quality green infrastructure which will both create an attractive environment and provide significant opportunity for recreation and amenity enhancement. The scheme is therefore considered to comply with, and indeed exceed, the requirements of Policy NW16 of the Local Plan and the OSSR SPD.

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<sup>8</sup> Figure 9 P33

**11. SECTION 106 OBLIGATIONS (HEADS OF TERMS)**

- 11.1. It is anticipated that the following items will be required to be secured through a Section 106 Agreement:
- 11.2. **Affordable Housing** – the application as submitted proposes 20% affordable housing (308 dwellings) and is supported by a viability appraisal. Although discussions have commenced with the Council's housing officer, these will continue through the course of the application and the mix of tenure, type of dwellings and the trigger points for delivery will be secured through the Agreement.
- 11.3. **Education** – Based on the requirements of Warwickshire County Council the development would derive the following requirement for education places.
- Early years Education – 34 places
  - Primary Education – 233 places
  - Secondary Education – 167 places
  - Sixth Form Education – 33 places.
- 11.4. This is based on 1540 dwellings and so the final figures will be less based on the fact that no education facilities will be derived from the extra care home and a reduction should also be applied for the smaller sized dwellings.
- 11.5. A primary school is proposed on the eastern portion of the site and this will be a two-form entry school with capacity for 420 pupils. Discussions with the LPAs and local education authorities (LEAs) have indicated that this will be required as an early phase of the development and therefore, subject to confirmation of the funding mechanism, it is proposed to be delivered at 150 dwellings. It is understood that existing primary schools in Tamworth have capacity to absorb school places from this development for the first 150 dwellings. For early years provision discussions will be undertaken to ascertain whether the LEAs would require this as part of the proposed primary school, located elsewhere on the site (the scheme includes provision for unspecified D1 uses) or an off-site contribution.
- 11.6. With respect to the delivery of the primary school it is proposed that this will be on the basis of a contribution per place derived from the development. The phasing mechanisms for such payments will be negotiated with the LPA and LEAs.

- 11.7. Secondary school places will be created via a financial contribution. The Applicant has discussed with the LEAs the potential options for where additional capacity will be created to serve this development. A wider exercise to incorporate other Local Plan sites is being undertaken and so the LEAs have been unable to specify which schools may be expanded at this stage. However, it is envisaged that contributions will be directed to both Polesworth and Tamworth schools.
- 11.8. The financial contribution will therefore be calculated using WCC standard cost of place per education category. The trigger points for delivery will be negotiated with the LPAs and LEAs.
- 11.9. **Health** – Discussions with the George Eliot Trust and NHS England in respect of Primary Trust provision have derived that contributions will be required of £887,785.36 and £334,216.96 respectively (based on 1540 dwellings). The Applicant has sought information from NHS England (through North Staffordshire NHS) as to where any contribution for the Primary Trust will be directed. At this stage NS NHS are unable to confirm whether the monies will be used to extend existing facilities or contribute to a new facility, or its location. However, this will be resolved during the course of the application. The trigger points for payment will be subject to negotiation.
- 11.10. **Maintenance of Public Open Space** – The maintenance of all public open space within the scheme is proposed to be covered by a Management Company. The Section 106 will provide the details of this. The trigger points and provision of open space on the site is proposed to be secured by planning condition.
- 11.11. **Off Site Highway Works/Contributions** – There are two main junction improvements proposed as part of the application. These are Pennine Way/Sandy and Glascote Rd/Mercian Way. The requirement for these junction improvements could potentially be secured by condition and their trigger points will be discussed with the local highway authorities. However, in the case of the Glascote Rd/Mercian Way objection, the proposal is for this to be a contribution and so accordingly it will form part of the S.106.
- 11.12. **Travel Plan** – the requirements of the travel plan will be secured through the S.106.
- 11.13. **Other Contributions** – during the Phase 1 application contributions were requested from the Police and WCC Rights of Way. Assuming such contributions are again requested these will be considered on their merits based on evidence. As identified

in section 10, it is also anticipated that a leisure contribution will be sought by NWBC and the details of this will be subject to further discussion.

- 11.14. Importantly all contributions/requests will need to be demonstrated to be compliant with Regulations 122 and 123 of Community Infrastructure Regulations (as amended) and are subject to viability.

## 12. PLANNING BALANCE

12.1. It has been established that the policies governing housing supply are out of date and the LPA is unable to demonstrate a five year housing supply. Accordingly the proposal falls to be determined against the 'tilted balance' within Paragraph 11 of the NPPF which states that where policies are out of date, permission should be granted unless there any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies indicate development should be restricted.

12.2. There are a number of significant economic, social and environmental benefits associated with the scheme, which are set out below in their respective categories, recognising that they are not mutually exclusive.

### 12.3. Economic Benefits

- The construction of the scheme is anticipated to cost circa £215 million and will generate approximately 1850 full time construction jobs. In addition the House Builders Federation report (2015) estimates that for every 1 direct job created, the development supports 0.5 indirect jobs in the supply chain.
- 'Operational Phase ' jobs will also be created through the provision of businesses/services in the community hub and at the primary school. At the mix of uses are flexible at this stage it is difficult to quantify this benefit.
- The new additional spending capacity to the local economy from future residents
- New Homes Bonus

### 12.4. Social Benefits

- Delivery of 1540 dwellings, including provision of 20% affordable housing. The scheme will deliver a wide housing mix including elderly accommodation that will seek to address housing need both in the borough and beyond. This should be afforded substantial weight in the balance in both contributing to five year supply and continued supply in the emerging Plan period including assisting in meeting the 'aspirational' targets of the emerging Local Plan.

- Provision of a new primary school on the site which will have a capacity significantly in excess of the child places created by the development and thus will have wider benefits to the existing community.
- Framework for the provision of a high quality built environment that will provide a highly attractive living experience for future residents
- 50ha of green infrastructure which will provide a range of facilities for the enjoyment of both future residents and neighbouring existing residents including children's play facilities, sports pitches, allotments and other recreational open space.

**Environmental Benefits**

- The site is located within a sustainable location with walking and cycling opportunities and access to a strong public transport service.
- The ecological chapter of the ES has identified some net benefits from the scheme, at a local level, in respect of trees, hedgerows and some protected species.
- 50ha of green infrastructure, with the provision of an extensive woodland to adjoin Alvecote Wood is considered in particular to be a benefit.

- 12.5. In respect of adverse impacts, it is recognised that an intrusion into the countryside of this scale will bring about a level of harm. However, it is considered that this harm is very limited on the basis of the landscape features of the site, that the development would not erode any objectively assessed meaningful gap, and through the mitigating design features of the scheme including the high proportion of green infrastructure.
- 12.6. The development results in the loss of approx 68ha of BMV land and this is an 'adverse' impact. Although the ES identifies this as 'significant' this must be understood in the context of the fact the agricultural land profile across the borough is very similar to that of the application site. Accordingly, to achieve the level of housing required by the emerging NWLP some loss of BMV land is inevitable. This point is demonstrated by the proposed allocation of 66ha (69%) of the site which includes a high proportion of the BMV land.

**13. CONCLUSION**

- 13.1. The proposed development is contrary to Policy NW2 of the Core Strategy and Policy HSG3 of the adopted Local Plan. However, these housing policies are considered out of date and the LPA is unable to demonstrate a five year housing supply. The presumption in favour of sustainable development against the tilted balance of Paragraph 11 of the NPPF is therefore engaged.
- 13.2. The scheme would make a significant contribution towards housing supply, both in the immediate five years and beyond this, assisting in delivering the requirements of the emerging Local Plan.
- 13.3. The part of the site to the east of Robey's Lane is proposed as MG in the emerging NWLP but this is not justified by the LPA. Notwithstanding this the scheme has evolved from the Phase 1 submission to limit the extent of residential incursion to the east, so that it aligns with existing settlement pattern of Stoneydelph to the south. The submitted scheme would still maintain a MG and the Landscape chapter of the ES and the supplementary LVIA explains that the landscape character of the site is not of any significant value and cannot justify the inclusion of part of the site within the MG.
- 13.4. The ES which accompanies this application has identified a single residual 'significant' adverse impact through the loss of BMV land, which is unable to be mitigated. However, to achieve the LPA's housing requirement the loss of some BMV land is necessary and this is not considered to outweigh the beneficial impacts of the application, either in isolation or combined with the loss of open countryside.
- 13.5. On the contrary it is concluded that the benefits of the scheme far outweigh any adverse impacts and on this basis, and in accordance with paragraph 11 of the NPPF it is recommended that planning permission be granted for the development.

