



# DECISION NOTICE

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2015**

## **GRANT OF OUTLINE PLANNING PERMISSION**

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**Reference: 0111/2015**

**Comprehensive redevelopment consisting of the erection of up to 44 residential (Class C3) dwelling units, retail (Class A1) unit of up to 381 m2 gross and associated car parking, and means of access with all other matters reserved**

**Land at Kerria Centre, Kerria Road, Amington, Tamworth. B77 4EW**

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**Tamworth Borough Council GRANT OUTLINE PLANNING PERMISSION for the above development for the following reason(s):-**

The application seeks outline planning consent for the demolition of the existing 1.06 Ha site which will result in the loss of 36 flats, a community centre known as 'Amington One Stop' and 5 No. small shop units. The area will be redeveloped to provide up to 44 residential dwellings (net gain of 8 units) and a retail store (A1 use class) up to 381 sqm.

The development is acceptable in principle under Tamworth Local Plan Policy HSG5. The main consideration associated with the principle of the development relates to the application not seeking to re-provide the 'Amington One Stop' community centre. As such there is a degree of conflict with Emerging Policy SU6 Community Facilities. The main argument is whether providing more affordable housing should be given greater priority than re-providing equivalent community facilities. Naturally Tamworth Housing Strategy would wish to provide more affordable housing than is apparent on site at present in order to make the case for the re-development as a whole. There is also a minimum size

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Marmion House,  
Lichfield Street,  
Tamworth,  
Staffs B79 7BZ.

Enquiries: 01827 709709  
Facsimile: 01827 709271



requirement for a commercially viable retail unit. Weighing these factors in conjunction with the evidence presented regarding commuting to the Kerria Community Centre and the amount of relocated community groups already having taken place, Officers are satisfied there is a reasoned justification behind the proposals which offset the conflict with the emerging policy relating to the retention of community facilities.

The Development provides 80% affordable housing, well above the required figure of 30%. The development density exceeds the minimum requirements within the emerging policies and the housing mix proposed is considered acceptable.

The mitigation outlined in the bat report sets out appropriate mitigation to reduce the risk of killing or injuring bats and to ensure favourable conservation status is maintained in the local area. As the roost is only a few individuals of a species common to Tamworth, it is considered the mitigation set out would be sufficient to meet Natural England's ecological test for granting of a license. In terms of the further derogation tests, Officers are satisfied there are substantive wider public benefits to justify the risks from the works proposed and that there are no satisfactory alternatives to the demolition of the on-site buildings. As such Officers consider there is reasonable certainty that the required protected species license would be granted.

In terms of wider ecological implications, the ecological report concludes that subject to ecological enhancement measures such as the provision of bat boxes, bird boxes and soft landscaping from native species, it is considered sufficient mitigation can be provided to offset the impacts caused by the development. Conditions will secure the provision of a formal ecological enhancement strategy for the site.

Taking into account all of the above matters and those raised in the submitted representations, for the above reasons the application is considered to comply with Tamworth Local Plan Policies TRA3, ENV7, ENV8, ENV9, ENV14, ENV19, Policies HG3 and EC4 of the Emerging Local Plan and Paragraph 7 of the NPPF.

**and subject to the following conditions:-**

1. Application for the approval of all reserved matters shall be made to the Borough Council within three years of the date of this permission.

Reason: In compliance with Section 92 of the Town and Country Planning Act 1990

Marmion House,  
Lichfield Street,  
Tamworth,  
Staffs B79 7BZ.

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( as amended by the Planning and Compulsory Purchase Act 2004).

2. The development shall be begun within two years from the date of the final approval of the reserved matters.

Reason: In compliance with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. Approval of the details of the siting, design and external appearance of the buildings, the means of access within the site and the landscaping of the site, herein after called the reserved matters, shall be obtained from the Local Planning Authority before any part of the development is commenced.

Reason: The application is for outline planning permission and the matters stated have been reserved for subsequent approval in accordance with Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. Prior to the construction phase of the development hereby approved details of the foul and surface water drainage shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure that sustainable drainage provision is made for the development in accordance with paragraph 94 of the National Planning Policy Framework.

5. At the reserved matters stage a report shall be provided which assesses the noise implications for dwellings which have the potential to be affected through the operation of the proposed supermarket. The assessment shall take account of the proximity of dwellings to the supermarket, disturbance through visiting customers and their vehicles and deliveries. The assessment shall consider the need to provide adequate ventilation, which may be by mechanical or passive means and the assessment shall put forward mitigation measures to achieve the following criteria with the ventilation operating or the windows partially open:

|              |   |
|--------------|---|
| Bedrooms     | 30 dB LAeq (15 Minutes) (2300 hrs - 0700 hrs) |
| Living rooms | 35 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs) |
| Bedrooms     | 45 dB LAmax (2300 hrs - 0700 hrs)             |

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Before the development is occupied the living environment within affected dwellings shall be validated by a competent person and a validation report shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of ensuring a reasonable living environment for prospective residents with regards traffic and rail noise in accordance with NPPF Para 7.

6. Prior to the commencement of the development (including on-site clearance or demolition), a formal ecological mitigation strategy to minimise the impacts upon protected species and habitat and provide enhancements shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved strategy shall be adhered to during the course of and following completion of the development.

Reason: In the interests of minimising the impacts upon protected species and habitats and in order to provide enhancements and biodiversity offsetting in accordance with NPPF paragraphs 118.

7. Prior to any works affecting building B4 or B4A (and specifically demolition), a Natural England Bat license shall be approved and evidence submitted to the Local Planning Authority. Thereafter on site working practices shall be in strict accordance with the license and shall accord with recommendations set out within the submitted Ecological Report including the necessary steps with regard to managing the presence of Invasive Japanese Rose.

Reason: In order to ensure known protected species are not injured or killed during the demolition process and in order to comply with the Wildlife and Countryside Act 1981 in accordance with Tamworth Local Plan Policy ENV8.

8. Notwithstanding the submitted tree survey and indicative layouts, a formal tree survey, impact assessment and protection strategy tailored to the proposed reserved matters layout shall be submitted at the 'Layout' Reserved Matter stage.

Reason: In the interests of protecting on site trees worthy of retention in accordance with Tamworth Local Plan Policy ENV9.

9. The development hereby permitted shall not be commenced until such time as the details of a satisfactory surface water design has been submitted to and approved in writing by, the Local Planning Authority.

Marmion House,  
Lichfield Street,  
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Facsimile: 01827 709271



"Limiting the surface water run-off generated by the site so that it will not exceed 71 l/s and not increase the risk of flooding off-site".

"Provision of approximately 132 cubic meters of attenuation flood storage on the site to a 100yr + Climate Change standard".

"British Geological Survey maps of the area suggest soakaways may work on site. So there should be a proper investigation, through soakaway tests, of the site before it is assumed discharge will be to local public sewers".

"Further design should also demonstrate how residual flood events will be steered away from proposed buildings in a controlled fashion".

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development, adjacent property and future occupants.

10. The development hereby permitted shall not be commenced until such time as the details of a satisfactory surface water design has been submitted to and approved in writing by, the Local Planning Authority:

"Limiting the surface water run-off generated by the site so that it will not exceed 94 l/s and not increase the risk of flooding off-site".

"Provision of approximately 370 cubic meters of attenuation flood storage on the site to a 100yr + Climate Change standard".

"British Geological Survey maps of the area suggest soakaways may work on site. So there should be a proper investigation, through soakaway tests, of the site before it is assumed discharge will be to local public sewers".

"Further design should also demonstrate how residual flood events will be steered away from proposed buildings in a controlled fashion".

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local

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planning authority.

Reason: To reduce the risk of flooding to the proposed development, adjacent property and future occupants.

11. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and

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decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

12. The housing mix hereby permitted shall be broadly in accordance with that set out within the table on Page 13 of the submitted Planning Statement dated as received on 19 March 2015.

Reason: In order to ensure a mix of housing proportionate to and representative of the housing need within the Borough in accordance with Emerging Tamworth Local Plan Policy HG5.

13. At least 80% of the total number of dwellings hereby permitted shall be 'affordable' and shall remain so in perpetuity. 'Affordable' for the purposes of this condition shall mean properties available for social and/or affordable rent (the latter being rent charged at up to 80% of the market rent for such properties).

Reason: In order to formalize the affordable housing merits of the application in accordance with the submitted documentation as set out on page 24-25 of the Planning Statement dated as received 23 March 2015.

14. In principle the points of access into the development are approved by this consent, however full precise details shall be submitted with the 'Layout Reserved Matter'. In addition within the proposed layout there shall be no parking spaces or junctions within 15m of the public carriageway edge.

Reason: In order to clarify the extent of the approved access matter and prohibit car spaces in unsafe positions in accordance with Tamworth Local Plan Policy TRA3.

15. Notwithstanding the submitted details, prior to the commencement of the construction phase of the development full details of the relocated zebra crossing on shall be submitted to and agreed by the Local Planning Authority. Thereafter the crossing shall be relocated in accordance with timescales to also be submitted and agreed.

Reason: In the interests of ensuring a suitable siting in terms of highway safety and pedestrian integration with the proposed development.

16. Notwithstanding the submitted site plan, prior to the commencement of any construction full details of the proposed access points (including where applicable HGV tracked path analysis) shall be submitted to and agreed by the Local Planning

Marmion House,  
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Authority. Thereafter the approved access points shall be constructed in accordance with the approved details.

Reason: In the interests of ensuring safe and efficient access to the site in accordance with Tamworth Local Plan Policy TRA3.

17. Prior to the commencement of any construction, a formal Construction Management Plan (CMP) containing details of measures to ensure reasonable privacy to neighbouring properties during the construction process, operative parking, loading and unloading, storage of plant and materials and positioning of site welfare facilities shall be submitted to and agreed in writing by the Local Planning Authority. The approved CMP shall thereafter be implemented from the commencement of the construction phase of the development and adhered to for the complete duration of the construction programme.

Reason: In the interests of residential amenity and highway safety in accordance with Tamworth Local Plan 2001-2011 Policy TRA3 and NPPF Section 7.

18. The supermarket hereby permitted shall have an overall (gross) floor area of no more than 381sqm and no less than 300sqm (gross) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure no significant loss of retail floor area from within neighbourhood centre NC4 when contrasted against the scale of the last remaining A1 retail unit (408sqm gross) within the existing centre as per the requirements of Tamworth Local Plan Policy TCR13.

19. No more than 20 of the dwellings hereby permitted shall be occupied before the completion of the A1 supermarket hereby permitted.

Reason: In order to minimize the timescales within which local residents within the vicinity of the development will be left without a neighbourhood centre in accordance with Tamworth Local Plan TCR13.

20. The dwellings hereby permitted shall not be occupied until a scheme of open space enhancements or on site public realm improvements has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In compliance with Tamworth Planning Obligations SPD which requires proportionate contributions to open space or public realm improvements to offset

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increased use of such matters through the construction of the new dwellings.

This consent does not grant any other consent other than under Section 57 of the Town and Country Planning Act 1990.

**INFORMATIVE NOTE(S):**

1. The construction of the access and off-site highway works shall require a Major Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The website provides access link to a Major Works Information Pack and an application form. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Riverway, Stafford. ST16 3TJ (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk)) <http://www.staffordshire.gov.uk/transport/staffshighways/licences/>
2. The condition relating to the relocated pedestrian crossing will be subject to a RSA Stage 1 and 2.
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)
4. Western Power Distribution would advise that any/all work carried out in the vicinity of the equipment must be done so in accordance with HSG (47) - Avoiding Danger from Underground Services. If a disconnection or diversion is required, this must be applied for in the usual manner.

**John Gunn**  
Development Control Manager  
07 July 2015

Marmion House,  
Lichfield Street,  
Tamworth,  
Staffs B79 7BZ.

Enquiries: 01827 709709  
Facsimile: 01827 709271