

PAP/2018/0755

FREETHS

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07 May 2024

Our Ref: MBA/2003/88110008/3/HBH

Dear Jeff,

APPLICATION REFERENCE PAP/2018/0755
LAND TO THE EAST OF FORMER TAMWORTH GOLF COURSE, NORTH OF TAMWORTH ROAD
(B5000) AND WEST OF M42, ALVECOTE



I refer to the above planning application and our on-going discussions.

1. As you are aware Hallam Land Management Ltd ("HLM"), as Applicant, as been preparing a revised submission in respect to the above application. I write to formally submit the revised scheme package, which follows extensive discussions, principally regarding the extent of proposed development, and minimising development within the 'Strategic Gap'. This letter explains the scope of the proposed changes and provides a summary assessment of the revised proposals.

Background

2. In summary terms, the application has been amended to remove all built development from land east of Robey's Lane, with the exception of the access roundabout and a proposed link road. This has had a number of consequential effects, including a revision to the site area and a reduction in the overall quantum of development.
3. The description of development is:

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

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4. The key changes are summarised in the table below:

	Original Scheme (ES based on 1700 dwellings) December 2018	Amended Scheme 6186-L-04Y 6186-L-12Z April 2024	Difference
Site Size	96ha	73.8ha	-22.2ha
Residential Units	Up to 1540 (inc 100 beds Extra Care)	1370 (inc 100 beds Extra Care)	-170 dwellings
Community Hub	Up to 2,250	Up 2,250	-
Primary School	2ha	2.2ha	+ 0.2ha
Green Infrastructure	50ha	34.28ha	-15.72ha

5. The principles of the illustrative layout, remain largely the same in that the scheme is set within extensive green infrastructure. The revisions now however concentrate all built development (with exception of the access/link road) west of Robey's Lane. The community hub, extra care facility (up to 100 beds) and primary school (two-form entry) all remain part of the scheme, with the primary school relocated, west of Robey's Lane. Whilst the majority of green infrastructure has been removed from land east of Robey's Lane, a generous structural planting buffer to the immediate south of Alvecote Wood remains, given the previous proposal, and the recognition that it is sensitive asset. Sport pitches provision has been relocated to the south of the revised site (west of Robeys Lane), informed by discussions with NWBC Leisure and Sport England.
6. The original scheme proposed vehicular access points at three locations, which were numerically identified on the submitted Parameters Plan. These were as follows:
- 1 – A proposed four arm roundabout onto the B5000 opposite Chiltern Road. This will be the principal access to the site.
 - 2 – A traffic signalised T junction between Robey's Lane and the B5000, to the west of access 1, with access into the site, immediately north of Priory Farm
 - 3 - A T 'priority' junction when approaching from the north along Robey's Lane, allowing access either west or east into the site.
7. All three access points remain as part of the scheme. The design of access 1 remains unchanged, however, it now facilitates a much shorter link road to access the land west of Robey's Lane. This creates two additional accesses, across Robey's Lane just north of access 2. These additional accesses have been named 'access 3a and 3b' respectively on the revised parameters plan. There has consistently been a requirement from the highway authority (Warwickshire County Council) for two separate access points onto the B5000 and this additional 'cross-over' of Robey's Lane facilitates this highways objective, whilst removing the need to build further into the Strategic Gap. 3b will be the principal route and 3a achieves the objectives of an emergency access. Although the positions of access 2 and

access 3a/3b are close together, the internal layout will be arranged so that access 1 remains the principal access point and that in the event of emergency there will remain an alternative route onto the B5000.

8. What was formerly access 3 on the original scheme has now been renamed 'access 4' and the design of this junction has changed to reflect that it will no longer connect to land east of Robey's Lane. This access will connect the development to allow vehicular access from the north (Alvecote/Shuttington). As per the original scheme, a section of Robey's Lane, between access points 3a and 4 will be non-vehicular and will be a pedestrian and cycle route only.
9. The original application was accompanied by an Environmental Impact Assessment and an Environmental Statement addendum was submitted in 2021 in respect of ecology and heritage matters. The extent of the changes to the scheme, including the revision to the site area, necessitated a further ES addendum. The ES addendum ("ESA2024) submitted with this revisions package is comprehensive, whereby all chapters have been reviewed and re-appraised against the amended scheme. The environmental 'effects' have then been compared to the original submission. The revised proposed development does not create any significant effects, bar the loss of best, most versatile agricultural land, and the ESA2024 generally accords with the conclusions of the original ES. In respect to the loss of agricultural land, whilst this is a 'significant' effect, this is not considered to be reason to withhold permission. The amount of BMV land lost has reduced through the amendments. The vast majority of the land, is within the site allocated for residential development. NWBC's housing delivery objectives are highly unlikely to be met without loss of similar land.

Scope of Revisions Package

10. The revision package comprises the following plans/documents:
 - Site Location Plan – 6186-L-09 Rev F (supersedes Rev D)
 - Parameters Plan – 6186-L-12 Rev Z (supersedes Rev C)
 - Indicative Layout – 6186-L-04 Rev Y (supersedes Rev J)
 - Phasing Plan – 6186-L-17 (supersedes 6186-L-13B)
 - Environmental Statement Addendum
 - Volume 1 – Environmental Statement
 - Volume 2 - Appendices
 - Volume 3 – Figures
 - Non-Technical Summary
 - Planning Statement Update (this letter)
 - Design and Access Statement Addendum (April 2024)
 - Biodiversity Net Gain Report and Metric Calculation (April 2024)
 - Arboricultural Assessment (April 2024)

Planning Policy Assessment

11. We have concentrated this appraisal on the key issues related to principle and infrastructure and do not propose to revisit technical issues, which are covered in the supporting documentation.

12. Section 38 (6) of the Planning and Compulsory Act 2004, requires all planning decisions to be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle

13. The Development Plan comprises the adopted North Warwickshire Local Plan (2021). The vast majority of the Site is allocated for residential development in the Local Plan under Policy LP37 (allocation H5). The extent of the allocation is restricted to land west of Robey's Lane and allocates land primarily for residential development (approximately 1270 dwellings). The policy requirements are set out below. The masterplan (illustrative layout) has been subject to extensive discussion with NWBC. We briefly comment against each criteria:

"Prior to development taking place a Master Plan must be agreed by the Borough Council. Development will then take place in accordance with the agreed Master Plan. The Master Plan will include:

- *impacts on the scheduled monument to be considered and taken into account in the design and form of the future development;*

As per the original scheme, the illustrative layout provides a significant landscape buffer to the scheduled monument and the heritage assessment within the ESA2024 (and previous assessments) do not identify any harm.

- *a mixture of house types which will include housing for the elderly and for young people as well as an area for self-build;*

The scheme includes an extra care facility (100 beds) and conditions can be applied to secure specialised housing and self build.

- *health and education facilities in terms of land and financial contributions;*

Land is provided for a two-form entry primary school. Whilst on site health provision has not been requested by consultees, the scope of the community hub would allow for health/medical facilities, if required. Contributions to both education and health will form part of the S.106 package.

- *the delivery of accessible public open space within the site linking with adjoining developments, including pedestrian and cycle route access to the Coventry Canal and open space proposed to the north of the Golf Course site;*

The scheme will deliver circa 34ha of Green Infrastructure, including varying forms of open space and sports provision. The illustrative layout allows for pedestrian and cycle connections to the adjacent residential development. Direct connection to Coventry Canal is not possible, as the extent of the allocation does not extend sufficient northwards and any works within the public highway would require extensive vegetation removal.

- *the provision of a significant landscaped buffer along the site boundary with Robey's Lane with particular attention given to the proximity with, and potential impact on,*

Alvecote Wood, Alvecote Priory and Alvecote Pools, respectively an ancient woodland, scheduled monument and Site of Special Scientific Interest.

Although the allocation will result in some contextual change, development should, as far as practicable, ensure that those assets are preserved or enhanced in line with policy LP15.”

The illustrative layout incorporates the required landscape buffer along Robey's Lane and goes further, extending significantly to the south of Alvecote Wood.

14. Although the extent of the Site east of Robey's Lane has been significantly reduced, development in the form of access and a link road is still proposed. This sits within land within the 'Strategic Gap'. The requirement for two separate highway accesses to the B5000 has long been established via discussions with Warwickshire County Council and is accepted by NWBC. There is no opportunity to have two safe accesses within the confines of the southern boundary of the allocation (ie: west of Robey's Lane). The roundabout east of Robey's Lane is therefore a necessity.

15. Policy LP4 states:

“In order to maintain the separate identity of Tamworth and Polesworth with Dordon, a Strategic Gap is identified on the Policies Map in order to prevent their coalescence. Development proposals will not be permitted where they significantly adversely affect the distinctive, separate characters of Tamworth and Polesworth with Dordon. In assessing whether or not that would occur, consideration will be given to any effects in terms of the physical and visual separation between those settlements.”

16. The original application had significant level of development within the Strategic Gap, comprising circa 240 dwellings, access and distributor road, the primary school, sports pitches and other open space. Whilst this original proposal was submitted on the premise that the Strategic Gap could be protected through mitigation landscaping, the revised proposal is a substantial reduction in development, east of Robey's Lane. The presence of an access and link road will have no effect on coalescence and there is no harm to the separate characters of Tamworth and Polesworth. This particular issue has been subject to exhaustive discussions with officers and members and the revisions fully address this issue. The scheme complies with the requirements of LP4.

Affordable Housing & Infrastructure

17. During the course of the application, the Applicant submitted a Viability Assessment to determine the level of affordable housing. This was reviewed by the District Valuer, on behalf of NWBC, and it was agreed that an affordable housing provision of 30% was viable. Whilst this represents a reduction from the 40% required by policy LP9 on greenfield sites, this policy provides the scope for this to be reduced on viability grounds. Despite the reduction in development through the revised scheme, the Applicant is prepared to maintain the agreed position of 30% affordable housing.
18. The scope of the Section 106 contributions is included within the Viability Appraisal and within the Socio-economic chapter of the ESA2024. We expect that these contributions will be

carried forward into the Heads of Terms for the revised proposed development, subject to those that are required to be adjusted based on the number of dwellings proposed.

19. There are a number of contributions that have been requested during the course of the application, that are not CIL compliant. Regulation 122 (2) of The Community Infrastructure Levy Regulations 2010 (as amended) state:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
20. The Transport Assessment Addendum (appended to the ESA2024) at Section 8.2, sets out our detailed response to the various requests including the £9,950,718 requested from Warwickshire County Council as part of the 'recover and recycling strategy' for the A5 Housing Investment Grant. The TAA confirms that the level of traffic increase from the development, in respect of impact upon the A5 at Dordon, amounts to 0.46% across the morning and evening peak hours combined. This represents a minimal increase and therefore the principle of the request is not rooted in any justification of mitigating harm. It fails the test of being '*necessary to make the development acceptable in planning terms*'. Furthermore, WCC has provided no information on how the requested contribution has been calculated. However, it is evidently not '*fairly and reasonably related in scale and kind to the development*'. Notwithstanding that the request fails the CIL tests, a contribution of this size would have a substantial impact on the level of affordable housing that the scheme could provide. The Applicant cannot agree to this request.

Bio-diversity Net Gain

21. Although the application was submitted prior to the statutory provisions in respect of BNG coming into force, the Applicant has previously submitted a BNG report and metric as part of the development proposals. As a consequence of the revised site area and the amended scheme, this has been revisited and the updated assessment and metric identify a BNG of 16.43% (habitats units) and 68.47% (hedgerow units). This should be given significant weight in the planning balance and can be secured via suitable conditions/obligations.

Conclusion

22. This revision package follows effective collaborative discussions with NWBC in order to bring forward an allocated site in NWBC's local plan. It is noteworthy that NWBC's housing requirement is increasing in line with the trajectory set out in the table at paragraph 7.32 of the Local Plan and will see a step change from 2025/26 to 700 dwellings per annum. This site is key to the delivery of the housing requirements of the Local Plan and we look forward to the application being brought to Planning Committee in Summer 2024.

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Yours sincerely

Mark Bassett
Director
Please respond by e-mail where possible

cc: Glen Baker-Adams Development Management Tamworth Borough Council
(copied in respect of 'duplicate application' reference: 0561/2018)