

Planning and Development Board – Supplementary Report

2 September 2024

PAP/2018/0755

Land to the east of the former Tamworth Golf course, north of Tamworth Road – B5000 and west of M42, Alvecote for

Hallam Land Management Ltd

1. Introduction

- 1.1 This application is included on the Agenda for the Boards' 2nd September meeting.
- 1.2 It indicates that the final consultation response from the Warwickshire County Council as Highway Authority was still awaited at the time of publication of the report. The recommendation reflects this position.
- 1.3 That response has now been received and with the agreement of the Chairman, this Supplementary Report has been prepared for circulation, rather than have the matter tabled on the evening of the Meeting.
- 1.4 This County's response has also been forwarded to the applicant.
- 1.5 Members are reminded that any contributions to be included within a Section 106 Agreement have to meet the statutory tests already outlined in para 10.5 of the main report. They will not be repeated here. Additionally, there are no trigger points identified below for the payment of the contributions. These will need defining at a later date.
- 1.6 In order to update Members, the main report refers to the application that was submitted to the Tamworth Borough Council being reported to that Council's Planning Committee on 3 September. As it happens this will not be the case, as it has now been referred to an October meeting.

2. The Highway Authority Response

a) Access Details

- 2.1 As anticipated in the main report, the Warwickshire County Council as Highway Authority has formally responded with no objection in principle, subject to conditions and planning obligations.
- 2.2 The application in front of Members is in outline, but access details have been submitted. The Highway Authority has no objection to the latest amendments made to these details. There are exact design specification matters to be

dealt with, but these would be resolved by the Highway Authority at the technical approval stage under the Highways Act 1980. The plan numbers as submitted can thus be approved from a planning perspective.

b) Wider Highway Impacts

- 2.3 The key highway issues however relate to the impact on the wider highway network, and it is these that have been highlighted by the objectors and which are referred to in the main report – paras 9.21 to 9.28, with the main ones in para 9.27.
- 2.4 It is noteworthy that the County Council has not included a request for contributions for improvements to the A5. This in any event, would not have been compliant with the statutory tests, as National Highways – the responsible highway authority for the A5 – has itself not objected to the proposal and neither has it requested any contribution. Additionally, the housing allocation at H5 was included in the adopted Local Plan at its Examination, on the grounds that any improvements and funding was committed by the appropriate Government Departments.
- 2.5 It is also noticeable that the County Council is no longer suggesting that the canal bridges in Polesworth be improved so as to increase capacity. As such no contribution is now sought.
- 2.6 However, it is still requesting that there should be a contribution for mitigating impacts at the Market Street/Tamworth Road/ Bridge Street junction in the centre of Polesworth. This would contribute towards the installation of traffic signals at this junction. The contribution sought is £751,800. This figure is less than that highlighted in para 10.25 of the main report. This is due to the reduction in houses being proposed; the County Council now having a firmer idea of costs and recognition that the H4 residential allocation at Dordon will also have an impact here. The new figure is thus proportionate to the total cost of the scheme, taking account the size of the proposal and that the H4 residential allocation at Dordon should also make a contribution. It was concluded that this contribution was compliant with the appropriate Section 106 “tests” in para 10.26 of the main report and this still remains the case.
- 2.7 The County Council does however refer to the situation at Alvecote in light of the concerns raised by residents here and in Shuttington. It is recommending that annual monitoring surveys are carried out. If traffic is found to significantly increase, then the County Council is saying that the signal timings/length of cycle for the existing traffic lights here can be re-calibrated, so as to discourage traffic from using this route. As a consequence, a contribution is sought of £20,000 to cover ten annual surveys following occupation of the 100th dwelling, and an additional £2,500 to re-calibrate the signals if appropriate. This is considered to accord with the statutory tests. It is directly

related to mitigating potential traffic impacts arising from the development, thus according with Local Plan policies LP1, LP23 and LP29(6) and it is reasonable in that it reflects the current costs of these surveys over a period of time that would match the “build-out” of the site over time, as well as the cost of re-calibration.

- 2.8 The County Council has re-iterated its request for public transport enhancements but has reduced its figure to £1,515,000 over five years rather than £1,575,000 as recorded in para 10.22 of the main report. It still remains compliant with the appropriate tests. The bus shelter position in para 10.24 remains but it is not considered that any on-going maintenance of these should fall on the applicant as these would be highway structures on highway land. If the applicant wishes to enter into a “bond” arrangement with the County Council as part of the necessary Highway Agreement, then that is a matter for him.
- 2.9 The County Council has repeated its request for enhancements for pedestrian and cycle links to the Birch Coppice Business Park particularly as there is no direct bus link and the Park being some 3.3 km distant. It refers to the Warwickshire County Council Local Cycling and Walking Infrastructure Plan 2024 and specifically to the current bridle path running south from Birchmoor to the A5 and Birch Coppice. It requests £200,000 to upgrade this route for joint pedestrian and cycle use. It is acknowledged that this route has been recognised in an up-to-date Plan that is now a material planning consideration. The issue however is whether the request is a directly related to mitigating an identified adverse impact caused by the proposed development. It is considered not, as there is no analysis by the County Council to show how this route might be directly used by residents of the new development, or to the scale of that use. It is considered that the request is desirable, rather than being essential to mitigate an identified impact. As such it is not considered to accord with the “tests”.
- 2.10 The County Council has also raised the connected matter of enhanced and safe links to schools. To this end it supports the pedestrian crossing over the B500 in the vicinity of the two proposed junctions here. It also accepts that this would be included in the highway works to be agreed under Section 278 of the Highways Act and not through a Section 106 Planning Agreement. It also recommends that there be non-vehicular links to the adjoining new development in Tamworth in order to gain access to the new Primary School there. This can be taken forward through an addition to the recommended conditions 8 and 17 in the main report. There is also reference to the provision of a safe walking/cycle route to Polesworth School although this is not taken forward as a formal request because of the present uncertainty over the future of Secondary provision as outlined in paras 10.6 to 10.13 of the main report and because of the potential provision of an alternative – namely school bus provision. The County Council does however indicate that the implementation

of any such scheme can be dealt with under a Section 278 Highways Agreement.

- 2.11 The County Council has asked for a Framework Travel Plan to be part of a Section 106 Agreement. This would include the measures already identified in para 10.28 of the main report and be expanded to include measures such as temporary free bus passes. It could also be expanded to include the need to review and to assess the need for a safe pedestrian/cycle route into Polesworth and identifying an appropriate trigger for completion of that assessment and the means by which it would be implemented.

c) Conditions

- 2.12 The County Council is recommending a number of conditions. These do include a number of “trigger” points because of the need to mitigate adverse highway impacts as the development is “built-out”. The Applicant has reviewed the draft schedule suggested by the County Council and his comments have been taken account of in preparing the list below.

2.13 The suggested conditions to be included would be:

- i) No development shall commence, including any site clearance, until:
- a) A Road Safety Audit Brief has been submitted to and approved in writing by the Local Planning Authority for the B5000/Robey’s Lane junction, and
 - b) A Stage One Road Safety Audit Report and Designer’s Response (including Appendix D) for the B5000/Robeys Lane junction has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road and highway safety at this junction.

- ii) Access for vehicles/cycles and pedestrians to Phase One of the development from Robeys Lane shall be in general accordance with plan number 15596-WIE-HGN-ZZ-DR-C-950106RevPO4 (subject to the Stage One Road Safety Audit in condition One) and plan number 15596-WIE-HGN-ZZ-DR-C-950109 rev PO2.

Reason: In the interests of highway safety.

- iii) Access for vehicles/cycles and pedestrians to Phases Two and Three of the development from the B5000 Tamworth Road shall be in general accordance with drawing numbers 15596-WIE-HGN-ZZ-DR-C-950107revPO4; 15596-WIE-HGN-ZZ-DR-C-950101 REvPO3 and 15596-WIE-HGN-ZZ-DR-C- 950103Rev PO2.

Reason: In the interests of highway safety.

- iv) The development shall not be occupied until the B5000/Robeys Lane signalised junction shown on plan number 15596-WIE-HGN-ZZ-DR-C-950106REvPO4 has been implemented in full and available for the public to use, unless an alternative junction design is first submitted to and approved in writing by the Local Planning Authority. Any alternative junction design shall be accompanied by a revised assessment of capacity modelling at this junction. No structure, tree or shrub shall be erected, planted or retained within the approved visibility splays exceeding 0.6 metres in height above the level of the public highway carriageway.
Reason: In the interests of highway safety
- v) No development shall be occupied until a safe and suitable pedestrian connection is provided to the existing adopted footway network.
Reason: In the interests of highway safety
- vi) There shall be no occupation of the development until such time as details have been submitted to and approved in writing for the location and specification of two bus stops on the B5000 together with a timetable for their implementation. For the avoidance of doubt any dwelling within Phase One of the development should be within 400 metres walking distance of these bus stops. The implementation of these bus stops shall then be undertaken wholly in accordance with the details as approved.
Reason: In the interests of promoting sustainable travel
- vii) For the avoidance of doubt, an emergency access shall be provided within Phase One that connects with the existing adopted highway network before the occupation of 200 dwellings in this phase, and it shall remain in perpetuity.
Reason: In the interests of highway safety
- viii) There shall be no occupation of any dwelling until details have been submitted to and approved in writing by the Local Planning Authority for the alteration of the length of Robeys Lane shown on indicative plan number 6186-L-04-RevY at, and between "3A", "3B" and "4" to a designated foot/cycle/equestrian/emergency route. The approved details shall then be fully implemented in accordance with the approved phasing details.
Reason: In the interests of highway safety and to promote sustainable development.
- ix) There shall be no occupation of any dwelling until details have been submitted to and approved in writing by the Local Planning Authority in respect of the phasing of on-site highway infrastructure including:
 - a) Site Access Junctions and Spine Road (1, 2, 3A,3B and 4 as shown on 6186-L- 04 Rev Y).

- b) Active travel connections to the adjoining residential development to the west of the site.
- c) Temporary construction access points
- d) A school safety Zone
- e) Bus routes within the site
- f) Bus stop locations
- g) A timetable/phasing for bus provision entering the site.
- h) The frequency of these services
- i) The Community hub/Local centre
- j) Sports pitches and pavilion

Reason: In the interests of highway safety and to promote sustainable development.

- x) The construction of all estate roads serving the development, including footways, cycleways and verges shall not be constructed other than in accordance with the standard specification of the Highway Authority.

Reason: In the interests of highway safety

2.14 Because of the late receipt of the County Council's response and the need to publish this Supplementary Report, officers are aware that there is some overlap between these highway conditions and the more general schedule of conditions already recommended in the Main Report. Moreover, there is considered to be some ambiguity in the wording of a number of the suggested highway conditions. As a consequence, recommendation (v) of the main report is the appropriate safeguard here.

3. Conclusions

3.1 At the present time it is considered that taking the main report and this Supplementary report together, the recommendations of the main report can be updated. For instance, numbers (i) and (iv) can be removed. In particular, it is known that the applicant has been reviewing the Section 106 matters and thus that opportunity should be afforded to him. The recommendation at (iii) thus remains.

Recommendation

That the Council is minded to **GRANT** planning permission for the amended proposals subject to:

- i) The completion of a Section 106 Agreement to include the matters outlined in this report together with the main report, but that
- ii) The final Heads of Terms of this Agreement be referred back to the Board following further discussion with the applicant, and
- iii) That the final schedule of planning conditions be delegated to the Head of Development Control.