

**Anna Miller**

Assistant Director (Growth and Regeneration)



Application number : 0041/2024  
Please ask for : Andrew Davies 01827 709283  
E-mail : [planningadmin@tamworth.gov.uk](mailto:planningadmin@tamworth.gov.uk)

Bailey Design Limited  
43A Mitchells Court  
Lower Gungate  
Tamworth  
B79 7AS

16 August 2024

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990**

**Reference: 0041/2024**

**Variation of condition: 4 (vehicle weight) of application 0550/2021**

**1 Doriscroft, Dog Lane, Amington, Tamworth, B77 4AH**

I enclose the decision notice in respect of the above application under the Town and Country Planning Act 1990.

Your attention is directed to the conditions/reasons stated on the attached decision notice.

Yours faithfully

*Andrew Davies*

Planning Officer

# DECISION NOTICE

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

## **GRANT OF PLANNING PERMISSION**

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**Reference: 0041/2024**

**Variation of condition: 4 (vehicle weight) of application 0550/2021**

**1 Doriscroft, Dog Lane, Amington, Tamworth, B77 4AH**

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**Tamworth Borough Council GRANT PLANNING PERMISSION for the above development subject to the following conditions: -**

1. The development shall be started within three years from the date of the decision relating to planning application 0550/2021 (11 April 2022).

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).

2. The development hereby permitted shall only be carried out in accordance with the application form, the supporting documents and drawing number[s]: 9671.02A Site Survey, 9671.03B Site Layout, 9671.04D Proposed Plans and Elevations and 9671.05B Proposed Street Scenes (all dated 25.01.22) unless otherwise agreed in writing by the Local Planning Authority

Reason: To define the approval.

3. Prior to the commencement of the development hereby approved details of all materials to be used in the construction of the external surfaces of the development

shall be submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure a satisfactory external appearance to the development in accordance with policy EN5: Design of New Development as set out in the Tamworth Local Plan 2006-2031.

- 4 Prior to commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide details of site compound, temporary buildings, parking of vehicles; provision of wheel wash facilities; restrictions on times of deliveries to not before 0900 and not after 1600; use of banksmen for entry and exit for vehicles; restrictions on maximum vehicle length of not more than 9m and weight limitations of not more than 18 tonnes gross vehicle weight for all vehicles except for concrete delivery vehicles which would be permitted a maximum gross vehicle weight of 26 tonnes.

Reason: In the interests of highway safety and neighbour amenity, to comply with the objectives of Paragraphs 110 to 113 of the NPPF July 2021 and with Tamworth Local Plan 2006-2031, Policies EN5 Design of New Development and SU2 Sustainable Transport.

- 5 Prior to commencement a scheme to deal with contamination of land, controlled waters and/or ground gas shall be submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

- a. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human

health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites - Code of Practice.

b. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.

c. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any ongoing monitoring should also be outlined.

d. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the local planning authority.

e. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development/the development being brought into use. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

f. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the local

planning authority.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Tamworth Local Plan 2006-31 Policy SU5 Pollution, Ground Conditions and Minerals and Soils

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6. Prior to commencement a scheme of intrusive investigations shall be carried out to establish the risks posed to the development by past coal mining activity, and any remediation works and / or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented in full in order to ensure safety and stability of the development. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: to ensure the safety and stability of the development in respect of historic coal workings in accordance with Tamworth Local Plan 2006-31 Policy SU5 Pollution, Ground Conditions and Minerals and Soils

7 Prior to first occupation of the development, a signed statement or declaration by a suitably competent person, confirming that the site is safe, or has been made safe and stable for the development to go ahead, shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by historic coal mining activity.

Reason: to ensure the safety and stability of the development in respect of historic coal workings in accordance with Tamworth Local Plan 2006-31 Policy SU5

Pollution, Ground Conditions and Minerals and Soils.

- 8 Prior to commencement a statement to demonstrate that any construction operations within 15m of the canal will not impose additional loading on the canal bank and adversely affect its stability or structural integrity must be agreed in writing by the Local Planning Authority. The statement shall include cross sections of the proposal in relation to the canal bank, details of foundations and means of monitoring for canal bank instability.

Reason in the interests of protecting the structural integrity of the Coventry Canal in accordance with Tamworth Local Plan 2006-31 Policy EN3 Open Space and Green and Blue Links.

- 9 Prior to commencement a detailed scheme for the disposal of surface and foul water from the development, with no discharge into the Coventry Canal shall be agreed in writing by the Local Planning Authority.

Reason: To ensure that drainage proposals are sustainable and comply with Tamworth Local Plan 2006-31 Policy SU4 Flood Risk and Water Management.

- 10 Prior to the commencement of the development hereby approved details of all materials to be used in the construction of the external surfaces of the development shall be submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure a satisfactory external appearance to the development in accordance with policy EN5: Design of New Development as set out in the Tamworth Local Plan 2006-2031.



- 11 Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, proposed finished floor levels or contours, means of enclosure, vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structure (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services, etc). Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.'

Reason: To ensure a satisfactory external appearance to the development in accordance with policy EN5: Design of New Development as set out in the Tamworth Local Plan 2006-2031.

- 12 Prior to commencement of development, a statement shall be submitted to the Local Planning Authority for approval, including a plan demonstrating that the increased gross vehicle weight of 26 tonnes will not have an adverse impact on any Severn Trent assets at the site and on any part of Dog Lane and ensuring that any necessary works to mitigate any risk to those assets are carried out throughout the construction period.

Reason: To ensure the integrity of the Severn Trent Water assets on the site and

within Dog Lane in accordance with Policy SU4 Flood risk and Water management of the Tamworth Local Plan 2006-2031.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the [dwellings hereby permitted shall not be enlarged, extended or altered, and no buildings, gates, walls, fences or other means of enclosure (except as authorised by this permission or allowed by any condition attached thereto) shall be erected on the site without the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the proximity to existing features on or adjacent to the site, and the effect upon neighbouring properties and/or the street scene in compliance with Tamworth Local Plan 2006-31 Policy EN5 Design of New Development.

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



Glen Baker-Adams

Development Management Team Leader

16 August 2024



**You are advised of the following matters:** in dealing with the application, and further to pre-application advice where that has been given, the Local Planning Authority has positively sought to determine the application in a timely fashion and so promote the delivery of sustainable development in the Borough. Where practicable, feasible and necessary, and irrespective of the above decision, officers have made proactive attempts to find solutions to identified issues or to improve the quality of the development through negotiation with applicants and/or their nominated representatives, in order to foster the delivery of sustainable development and objectives of the Development Plan.

**Changes in intention:** any deviation from the approved plans/drawings and/or details should be discussed with the Local Planning Authority in advance. This includes circumstances where the applicant/developer subsequently identifies inaccuracies with the approved documents or conflict with other regulatory requirements. A formal application to amend the proposals or secure a revised permission may be necessary. Failure to secure necessary approval may result in the commencement of enforcement proceedings.

**Scope of this decision:** this is a planning decision notice which, unless expressly applied for and stated in the description of development above, conveys no decision of associated planning consent (such as listed building or advertisement consent); nor does it convey a decision under, or override, supersede or negate, any other legislation or the need to comply with restrictive covenants under Civil Law. In particular the necessary approval under the Building Regulations and the Public Health Acts must be obtained before the carrying out of building works. Where the adopted highway, including verges and pavements, is to be altered, the Local Highway Authority (Staffordshire County Council) should be contacted to establish its requirements.

**Your Rights of Appeal Explained**

If the applicant is aggrieved by the decision of the Borough Council in respect of:-

- (a) refusal of planning application; or
- (b) the granting of permission subject to conditions

an appeal may be made to the Planning Inspectorate. The time periods for making an appeal vary according to the type of application and are set out in the table below.

Type of application	Time period to appeal
Householder	12 weeks* (see over)
Minor Commercial Application	12 weeks
Advertisement Consent	8 weeks
Tree Preservation Order	28 days
Listed Building / Conservation Area Consent	6 months
Lawful Development Certificate	6 months
All other cases	6 months

**Please note that the time period starts from the date on the decision notice.**

If the applicant wishes to exercise the right of appeal, forms are available from:

Initial Appeals  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN  
Tel: 0303 444 5000  
E-mail: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)  
Online: [www.planningportal.gov.uk/planning/appeals/online/makeanappeal](http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal)

\*Householder development

Appeals must be made within **12 weeks** of the date of the decision notice, and must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, alternatively an appeal can be submitted online at [www.planningportal.gov.uk/planning/appeals/online/makeanappeal](http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal)

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in given notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any direction given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

What to submit (with any appeal)

The appeal form should be returned to the **Planning Inspectorate**, along with the following:

- (a) the application made to the Borough Council;
- (b) all plans, drawings and documents sent to the Borough Council in connection with the application;
- (c) all correspondence with the authority relating to the application;
- (d) any notices or any certificates provided to the authority in accordance with the provisions of a development order made under S65 of the Act;
- (e) any other plans or drawings relating to the application which were not sent to the authority;
- (f) a copy of the decision notice;
- (g) if the appeal relates to an application for approval of reserved matters, the application for outlined planning permission, the plans submitted with that application and the outline planning permission granted.

The applicant must also send a copy of the notice of appeal and any plans or drawings mentioned in (e) above to the Borough Council. These must be sent the same day that the appeal is sent to the Planning Inspectorate.

An explanatory booklet should be sent to you from the Planning Inspectorate. If you have any queries regarding the appeal process, please contact the Planning Inspectorate (contact details overleaf).

Relevant legislation

Town and Country Planning Act 1990, Section 78  
Town and Country Planning Act 1990, Section 195  
Planning (Listed Building and Conservation Areas) Act 1990, Section 20  
Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Section 78  
Town & Country Planning (Development Management Procedure) Order