

ADDENDUM TO PLANNING STATEMENT

TO ACCOMPANY AN OUTLINE PLANNING APPLICATION

(18/00840/OUTMEI – LICHFIELD DC) AND (0241/2018 TAMWORTH BC)

FOR:

“UP TO 210 DWELLINGS, PUBLIC OPEN SPACE, LANDSCAPING, SUSTAINABLE

URBAN DRAINAGE, AND ASSOCIATED INFRASTRUCTURE- ALL MATTERS

RESERVED EXCEPT ACCESS”

ON LAND AT BROWNS LANE, TAMWORTH

ON BEHALF OF:

SUMMIX BLT DEVELOPMENTS LLP

OCTOBER 2023



1. INTRODUCTION

- 1.1 This Addendum to the submitted Planning Statement has been prepared in relation to a planning application submitted to Lichfield District Council (LDC) (18/00840/OUTMEI) and Tamworth Borough Council (TBC) (0241/2018) by the applicant (Summix BLT Developments LLP) on land at Browns Lane, Tamworth.
- 1.2 The application was submitted by Framptons as the agent for the applicant but that has now changed, as of 1st February 2021, and the agent for the application is now Summix Planning Limited. Summix BLT Developments LLP is one of the group of companies owned by Summix Capital Limited.
- 1.3 The application was validated on 31st May 2018 and is described as an outline application for “UP TO 210 DWELLINGS, PUBLIC OPEN SPACE, LANDSCAPING, SUSTAINABLE URBAN DRAINAGE, AND ASSOCIATED INFRASTRUCTURE- ALL MATTERS RESERVED EXCEPT ACCESS”.
- 1.4 The applicant has recently been in contact with the Platform Housing Group (a Registered Provider of affordable housing) as a prospective purchaser and further to these discussions and liaison with LDC and TBC, the scheme is now revised, whereby 100% of the dwellings will be affordable.
- 1.5 This change does not give rise to a change in the description of the development as the tenure of the dwellings will be controlled by planning condition and/or planning obligation.

- 1.6 LDC, within whose administrative area the majority of the application lies, had prepared a committee report to determine the application in February 2023. However, determination of the application was deferred due to receipt of a legal opinion from a third-party objector, Barwood Development, essentially questioning the appropriateness of Staffordshire County Council as Highway Authority (SCC) having no objection to the Summix applications. SCC continue to maintain their position in October 2023. TBC have yet to prepare and publish a report for consideration by their planning committee.
- 1.7 As noted above, Summix now wish to progress a 100% affordable housing scheme with the Platform Housing Group (PHG). Background information on PHG is attached as **Appendix 1**.
- 1.8 The remainder of this Addendum to submitted Planning Statement provides an assessment of the planning balance in the context of this change in the proposal.

2. PLANNING POLICY ASSESSMENT

The Development Plan

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that the determination of planning applications should be made in accordance with the Development Plan unless Material Considerations indicate otherwise.

Lichfield District Council Local Plan Strategy 2015

- 2.2 The Lichfield District Council Local Plan Strategy 2008-2029 was adopted in February 2015.
- 2.3 In terms of the assessment of the application in the February 2023 committee report, LDC notes that the application site is not allocated for development and is located outside of any defined settlement boundaries within the adopted Lichfield Local Plan Strategy. Furthermore, the level of housing growth from this development would be contrary to the spatial strategy as set out in the adopted Local Plan Strategy which seeks to concentrate a proportionate level of growth to the North of Tamworth in line with the settlement hierarchy of approximately 1,000 units.
- 2.4 Whilst the housing figure is an approximate, the Council considers it important to maintain the general thrust of the adopted Local Plan Strategy. To date the current committed development and completions in this location equates to 1,165 units and the Council considers that an additional 210 units would result in an alteration to the proportionate level of growth set out within the adopted Local Plan. Consequently, the Council considers the proposed scheme of development is contrary to the spatial plan for new housing and requirements set out in policies CP1 (The Spatial Strategy), CP6 (Housing Delivery), Policy Rural 1: Rural Areas of the Local Plan Strategy 2015, Policy NT1 (North of Tamworth Housing Land Allocations) of the Local Plan Allocations Document.

- 2.5 LDC’s assessment was undertaken on the basis that the site would provide for market housing with a policy compliant level of affordable housing.
- 2.6 In this context, to develop the application site as originally proposed would be contrary to Policies CP1, CP6 and Policy Rural Area 1 of the Local Plan. Whilst the Framework recognises that the planning system should be genuinely plan led, in this instance it is important to determine whether the aims of the spatial strategy regarding accessibility and protection of the countryside contained in the development plan would be unacceptably harmed and therefore any harm caused by the conflict with the development plan as a whole would be very limited.
- 2.7 Planning law requires that applications be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the applicant submits that the delivery of the site for 100% affordable housing would be a very significant benefit and therefore on a straightforward development plan balance, the provision of the affordable housing proposed is a significant material consideration which, in this instance, outweighs the development plan
- 2.8 Accordingly, in the current circumstances, the applicant requests that LDC update its policy assessment in the context of a scheme which provides for 100% affordable housing.
- 2.9 PHG has commissioned Ridge to undertake a review of anticipated undersupply of affordable dwellings against recognised need in Tamworth and Borough and Lichfield District Council areas. A copy of the report dated October 2023 is attached as **Appendix 2**.
- 2.10 The Ridge report notes that the Local Plan contains a SWOT table which identified “a lack of affordable housing within all areas of the district” as a weakness in Lichfield District (page 17).
- 2.11 Further, this Local Plan emphasises the importance of affordable housing in the area explaining that *“in terms of affordability, the ratio of income to house prices is amongst the highest in Staffordshire. Although there are significant variations in affordability within the District, there*

is a need for more affordable housing in all areas, to serve the needs of Lichfield, Burntwood and rural parts of the District where high house prices and limited availability are significant” (Para 2.20). It goes on to say, “residents have a strong sense of pride in, and loyalty to, the District but many have to leave in pursuit of more affordable housing or in search of employment” (Para 4.13).

2.12 **Policy H2** concerns the provision of affordable homes and states that:

“The District Council is committed to improving housing affordability in Lichfield District. On qualifying sites, the District Council will be seeking a target of up to 40% of new dwellings (including conversions) to be provided as affordable housing.

The overall delivery of affordable housing in the District during the plan period will be related to the ability to deliver in the market conditions that prevail at the time a planning application is made. The District Council will vary this percentage in line with a model of dynamic viability. The levels will be reviewed annually informed by the following factors:

- *Market land values;*
- *House prices; and*
- *Index of building costs.*

The thresholds upon which affordable housing provision will be sought are:

- *In Lichfield City and Burntwood, affordable housing will be required on housing developments for 15 or more dwellings or sites of 0.5ha or more in size and in accordance with nationally set thresholds.*

- *Outside these two main urban areas, affordable housing will be required on housing developments in line with nationally set thresholds.*

Affordable housing may be in the form of social rent, affordable rent, intermediate or a mix of tenures. The District Council will normally require at least 65% of the affordable housing on a site to be social rented managed by a registered provider; the precise proportions will be agreed with the District Council having regard to housing needs within the locality of the development and the economic viability of a scheme.

Affordable housing should be provided on site and only in very exceptional circumstances will contributions in lieu, that are broadly equivalent in value to on-site provision, be acceptable.

A flexible approach on thresholds, proportions, tenure, size and type will be taken on a scheme by scheme basis to reflect housing needs in the locality and to ensure scheme viability, subject to an open book approach by developers. Where the flexible approach cannot deliver a viable scheme due to site specific exceptional circumstances, reconsideration of the percentage of affordable housing to be delivered will be undertaken on a scheme by scheme basis.

The District Council will require developments to incorporate and suitably integrate affordable and market housing with a consistent standard of quality design and public spaces, to create mixed and sustainable communities.

Outside of Lichfield and Burntwood, housing development, in addition of those allocated within the Local Plan, will be supported on small rural exception sites, where affordable homes can be delivered to meet the needs of local people from within the SHMA sub-

area where there is no conflict with other Local Plan policies and the following criteria are met:

- *The majority of the homes provided are affordable;*
- *The site is adjacent to existing village settlement boundaries;*
- *A housing need has been identified in the parish, or in one or more of the adjacent parishes, for the type and scale of development proposed;*
- *The proposed development is considered suitable by virtue of its size and scale in relation to an existing settlement and its services, and its proximity to public transport links and key infrastructure; and*
- *The initial and subsequent occupancy of affordable homes is controlled through planning conditions and legal agreements, as appropriate, to ensure that the accommodation remains available in perpetuity to local people in affordable housing need.”*

Tamworth Borough Council Local Plan 2016

2.13 The Tamworth Borough Council Local Plan 2006-2031 was adopted in February 2016.

2.14 **Policy HG4** concerns Affordable Housing and states that:

“The provision of at least 1,000 affordable housing units over the Plan period will be sought, approximately 40 per annum. The provision of affordable housing to meet local needs will be maximised through working in partnership with relevant organisations.

The release and development for affordable housing of Council, Registered Provider and other public bodies' surplus land holdings will be sought.

Unless demonstrated to be unviable through an independent assessment by a suitably qualified person, the Council will require:

- a. new residential development involving 10 or more dwellings (gross) to provide a target of 20% affordable dwellings on site.*
- b. The Land North of Coton Lane (40 6) and Dunstall Lane sites allocated in Policies HG1 and HG2 will be expected to provide a target of 25% affordable dwellings on site.*
- c. new residential development involving 3 to 9 dwellings (gross) to provide a financial contribution through a Section 106 agreement, equivalent to a target of 20% on site affordable dwellings.*
- d. for on site provision a mix of 25% Intermediate Tenure and 75% Rented which should be split between Social Rented and Affordable Rented.*
- e. a range of sizes of residential dwellings to be provided to meet local requirements.*
- f. a range of housing to meet the needs of older persons, persons with disabilities and those with special needs where there is a proven need and demand.*
- g. affordable housing units to be well designed and blend in well with the rest of the development to promote cohesion within the community.*

The Council will monitor development activity, land values and market signals to ensure it adopts a flexible approach to negotiations to achieve the above targets. This monitoring will inform discussions over viability, local needs and where appropriate lead to a review of targets.”

National Planning Policy

National Planning Policy Framework

2.15 The National Planning Policy Framework was updated on 5 September 2023 and sets out the government’s planning policies for England and how these are expected to be applied.

2.16 **Paragraph 60** is clear that:

To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

2.17 **Paragraph 62** adds that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing

2.18 **Paragraph 63** adds that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site.

Other Matters

- 2.19 Other matters included in the February 2023 Committee report as proposed reasons for refusal included the following:

Impact on Setting of Wiggington Conservation Area

- 2.20 The Council contend that the proposed development would extend the northern edge of Tamworth much closer to the village of Wiggington, of which the historic part is a designated Conservation Area. The Council consider that proposed development would cause less than substantial harm to the significance of the Conservation Area by virtue of causing detriment to its setting, in particular with regard to views in and out of the Conservation Area, which make a positive contribution to its setting. The Council consider that none of the public benefits associated with the proposal would outweigh this harm.
- 2.21 A copy of an updated illustrative master plan and parameter plan are attached as **Appendices 3 and 4** respectively. These have been prepared with input from PHG. They demonstrate that the extent of built development is now more distant from the Wiggington Conservation Area than was previously propose. The development would form an extension of the existing development area on the northern edge of Tamworth (within Lichfield DC area) with the proposed open space to be located on the west and northern sides of the site providing an open buffer between the development and the settlement of Wigginton. The indicative layout plan shows how the site could possibly accommodate the amount of dwellings proposed and how the properties, open space and road networks could be laid out.
- 2.22 It is considered that the public benefits of the proposal including 100% affordable outweigh the less than substantial harm to the Wiggington Conservation Area.

Housing Mix

- 2.23 The Council contend that the indicative housing mix failed to comply with the requirements of Policy H1 (A Balanced Housing Market) of the Local Plan Strategy which seeks to address an imbalance of dwelling types within the District by providing a mix of property types and sizes to contribute towards the development of mixed and sustainable communities.
- 2.24 A scheme which comprises 100% affordable housing will comply with housing mix requirements of both LDC and TBC. The affordable housing provision will be controlled by way of a S106 obligation that meets the tests in NPPF.

Biodiversity Net Gain

- 2.25 The Council contend that It had not been demonstrated that a policy compliant net gain to biodiversity can be achieved from the proposals.
- 2.26 Subsequent to the production of the committee report in February 2023, an assessment of Biodiversity Net Gain was undertaken in April 2023 by Cotswold Ecology using the latest metric and submitted to the Council on 11th April 2023. The updated Bio-Diversity Net Gain calculation demonstrated that there is a gain and all trading rules have been satisfied whereby target levels of 10% have been exceeded.

3. Conclusions

3.1 The Ridge report attached as Appendix 2 identifies the annual need for affordable housing within the councils.

3.2 Chapter 4 of the Ridge report breaks down the committed sites contributing to affordable housing for both councils. It finds that Tamworth Borough Council have an anticipated affordable housing delivery of 249 over the next five-year period. It also finds that Lichfield District Council have an anticipated affordable housing delivery of 848 over the same period.

3.3 Chapter 5 assesses the committed sites statistics against the identified need, finding that the combined anticipated affordable housing delivery over the next five-year period for Tamworth and Lichfield is only 1,097 affordable dwellings, when compared to a need of 1950 affordable dwellings. **Therefore, there is a shortfall between anticipated supply and combined need of 853 dwellings, Tamworth Borough and Lichfield District Councils are only anticipated to deliver 56% of their combined affordable housing need over the next five-year period.**

3.4 It is therefore considered that the weight to be attributed to the affordable housing delivery of a 100% affordable scheme (up to 210 units) at Land North of Browns Lane Tamworth, and as in accordance with the inspectors rulings in appeal decisions in instances where it had been agreed that the local authority were unlikely to meet their affordable housing needs identified in chapter 2, **should be attributed very substantial weight in the planning balance and decision-making process.**

3.5 We submit that consideration of all other issues, including the extent to which such matters have been considered since February 2023, have been satisfactorily addressed and the planning balance lies in favour of a grant of planning permission.

3.5