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# **Statement of Common Ground**

Between

Summix BLT Developments Limited

and

Tamworth Borough Council

**Land North of Browns Lane, Tamworth**

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## 1. INTRODUCTION

- 1.1 This Statement of Common Ground ("SoCG") has been drafted by Marrons on behalf of Summix BLT Developments Limited ("the Appellant") and agreed by the local planning authority, Tamworth Borough Council ("the LPA"). It relates to outline planning application reference 0241/2018 for the following development:

**"Outline application for up to 210 dwellings, public open space, landscaping, sustainable urban drainage, access, and associated infrastructure. (All matters reserved except access)."**

- 1.2 This SoCG has been prepared in accordance with the online Procedural Guide for Planning Appeals.
- 1.3 The purpose of the SoCG is to identify the areas where the principal parties (the Appellant and the LPA) are in agreement and to narrow down the issues that remain in dispute. This will allow the Public Inquiry to focus on the most pertinent issues.

## **2. APPEAL SITE AND SURROUNDING AREA**

- 2.1 The Appeal Site is identified in the Site Location Plan [400] submitted with the outline planning application edged in red.
- 2.2 The Appeal Site is currently accessed off Browns Lane which lies to the south. The Appeal Site itself extends to circa 12.65 hectares and consists of two medium sized fields of a broadly regular shape, which are in arable use.
- 2.3 Levels across the site reflect the generally sloping landform north of Tamworth ranging from circa +80m AOD adjacent to the south-west boundary to circa +70m AOD in the north-east corner of the Appeal Site.
- 2.4 The south/south-west boundary of the Appeal Site lies adjacent to the existing urban edge of Tamworth, which comprises modern two storey dwellings along Browns Lane and a recently constructed development to the south-east.
- 2.5 Beyond the eastern boundary of the Appeal Site lies a railway line beyond which, to the east, lies a consolidated pattern of recently constructed residential development associated with Arkall Farm.
- 2.6 To the Appeal Site's western extent lies Main Road; the northern section of the western boundary is adjacent to several properties on the southern edge of Wigginton village. Field hedges define the northern and north-eastern boundaries of the Appeal Site.
- 2.7 Further beyond the northern boundary of the Appeal Site lies a number of gently undulating agricultural fields and the main part of Wigginton village.
- 2.8 An existing Public Right of Way crosses the westernmost field of the Appeal Site on a north/south axis.
- 2.9 The Appeal Site straddles the administrative boundaries of Tamworth Borough Council and Lichfield District Council.

### **3. PLANNING HISTORY AND BACKGROUND TO THE APPEAL**

3.1 The Appellant and Local Planning Authority (LPA) agree that there is no relevant planning history.

3.2 The planning application which forms the subject of this appeal was received by the LPA on 2<sup>nd</sup> August 2017 and was validated 31<sup>st</sup> May 2018. Planning permission was refused by way of a Decision Notice dated 5<sup>th</sup> December 2023.

3.3 The Reason for Refusal was as follows:

- 1. The area of the site within the boundary of Tamworth Borough Council is connected to a wider development which is not allocated for development. Approving this part of the development where Lichfield refuse their application would potentially permit an access road to a development site with no planning permission. The development therefore would be out of character with the surrounding area and not conform to the Tamworth Borough Council Policy EN5 or the NPPF.**

## 4. THE APPEAL PROPOSALS

- 4.1 The Appellant seeks outline planning permission with all matters reserved except for access for the erection of up to 210 dwellings alongside public open space, landscaping, sustainable urban drainage, access and associated infrastructure ("the Appeal Proposal").
- 4.2 Only a small portion of the Appeal Site's area lies within Tamworth, comprising the proposed access.
- 4.3 The site access arrangements for which approval is sought are illustrated on submitted drawing reference JS32-4320-PS-001.
- 4.4 In addition to the proposed site access works, the Appeal Proposal will deliver off-site highway works along the Gungate Corridor. These off-site highway works are shown on the following drawings:
- **GG-LE-HAD-OF-DR-CE-100-S2-A1-RevD - Overview Layout [614]**
  - **GG-LE-HAD-OF-DR-CE-101-S2-A1-RevD - General Arrangement [615]**
  - **GG-LE-HAD-OF-DR-CE-121-S2-A1-RevC - Vehicle Tracking [616]**
- 4.5 The submitted Development Parameter Plan drawing reference DPP.01 [635] shows the disposition of the proposed developable area and green spaces across the Appeal Site, as well as the key features of the Appeal Proposal. The Development Parameter Plan secures substantial public open space and green infrastructure planting to the western and northern portion of the Appeal Site.
- 4.6 The Appellant and LPA agree that should the Inspector be minded to allow the appeal and grant planning permission, that a planning condition should be imposed to require the Appeal Proposal to be carried in broad accordance with the Development Parameter Plan.
- 4.7 The Sketch Layout drawing reference SKL 01 is submitted for illustrative purposes only and demonstrates how 210 dwellings could be accommodated on the Appeal Site in an acceptable manner.
- 4.8 The Appellant and LPA agree that the Appeal Proposal is for 100% affordable housing and that this will be secured by way of Section 106 agreement.

## **5. RELEVANT DEVELOPMENT PLAN POLICIES**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 In this case, the relevant part of the Development Plan for Tamworth Borough is the Tamworth Borough Council Local Plan (2016).
- 5.3 The Appellant and LPA agree that the most important Development Plan policies for determination of this appeal insofar as it relates to the Borough of Tamworth are:

### **Tamworth Borough Council Local Plan (2016)**

- **Policy EN5 (Design and New Development)**

## 6. MATTERS AGREED

- 6.1 This section sets out the matters on which both parties agree and therefore the following matters are not considered to be an issue for this appeal, except where otherwise stated.
- 6.2 As set out in the LPA's Reason for Refusal, Lichfield District Council (LDC) refused planning permission for the Appeal Proposal in its administrative area (reference 18/00840/OUTMEI). Accordingly, Tamworth Borough Council could not approve the planning application in its administrative area, which could have had the effect of permitting an access to a residential development where that residential development would not come forward. It is on this point that the LPA's sole Reason for Refusal is based.
- 6.3 The Appellant and LPA agree that the matters of agreement and disagreement between for the purposes of both appeals are set out in the separate draft SoCG (**Appendix 1**) between LDC and the Appellant. The matters of disagreement between the Appellant and LDC, as set out within the corresponding draft SoCG between these parties, will inform the substantive issues to be determined by the Planning Inspector in respect of the Appeal Proposal.
- 6.4 The Appellant and LPA agree that for the purposes of the application falling within Tamworth Borough Council (reference 0241/2018), should the Inspector be minded to allow the appeal [ref: APP/K3415/W/24/3340089] against LDC's refusal of planning permission, that the appeal against Tamworth Borough Council's refusal [ref: APP/Z3445/W/24/3340094] should also succeed, as the rationale for the LPA's sole Reason for Refusal would fall away.
- 6.5 In the scenario that the appeal against LDC's refusal of planning permission succeeds, the Appellant and LPA agree no conflict would arise between the Appeal Proposal and with Tamworth Borough Local Plan (2016) Policy EN5 or with any other policy of the Development Plan.



## **7. MATTERS OF DISAGREEMENT**

7.1 There are no matters of disagreement.

**8. DECLARATION**

The contents of this document are agreed for the purposes of the Public Inquiry, commencing 2 <sup>nd</sup> July 2024 pursuant to appeal reference APP/Z3445/W/24/3340094	
Signed on behalf of the Appellant:	Signed on behalf of Tamworth Borough Council:
Signed .....	Signed .....
Date .....	Date .....