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# Statement of Common Ground Addendum

between

Summix BLT Developments Limited

and

Lichfield District Council

and

Tamworth Borough Council

regarding

Land North of Browns Lane, Tamworth

APP/K3415/W/24/3340089 (Appeal A)

APP/Z3445/W/24/3340094 (Appeal B)

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## 1. INTRODUCTION

- 1.1 This Statement of Common Ground Addendum (“SoCGA”) has been drafted by Marrons on behalf of Summix BLT Developments Limited (“the Appellant”) and agreed by the local planning authorities, Lichfield District Council and Tamworth Borough Council. It follows the agreement of the original SoCGs between the Appellant and each respective local planning authority and the Case Management Conference (CMC) with the Planning Inspector on 17<sup>th</sup> May 2024.
- 1.2 At the CMC it was agreed further focused work would be undertaken by the parties in the lead up to the Inquiry to include the agreement of a SoCGA, which deals with housing land supply, heritage and planning conditions. Following its confirmation at the CMC that that Lichfield District Council is not pursuing a design case, the SoCGA also reflect that latest position.

## 2. FIVE YEAR HOUSING LAND SUPPLY

### **Lichfield District Council**

- 2.1 The latest five year housing land supply assessment for Lichfield District Council was published in July 2023 as sets out the position as at 1<sup>st</sup> April 2023 for the five year period between 2023/24 and 2027/28 concluding that 9.5 years of general housing land supply can be demonstrated. Insofar as the assessment relates to the supply of land for housing generally, the Appellant does not dispute this figure and agrees it for the purposes of this appeal.

### **Tamworth Borough Council**

- 2.2 The latest five year housing land supply assessment for Tamworth Borough Council is undated and covers the five year period between 2022 and 2027. It concludes a supply of five year supply of 10.5 years for housing generally can be demonstrated. Insofar as the assessment relates to the supply of land for housing generally, the Appellant does not dispute this figure and agrees it for the purposes of this appeal.

### 3. DESIGN

- 3.1 The Appellant and both Councils agree that design is not a matter in dispute given that the applications have been made in outline with all matters reserved apart from access. Design matters can be dealt with at Reserved Matters stage and via the draft planning condition for a site-wide masterplan.

## 4. HERITAGE

- 4.1 A topic-specific Statement of Common Ground by Pegasus relating to heritage is appended at Appendix 1 of this Statement of Common Ground Addendum. This is agreed by the Appellant and each Council.

## 5. PLANNING CONDITIONS

- 5.1 A draft schedule of Planning Conditions forms Appendix 2 to this SoCGA. These are agreed between the Appellant and each Council.

## 6. DECLARATION


### Signed on behalf of Lichfield District Council:

Signature:.....*Kerry Challoner*.....

Name:.....Kerry Challoner.....

Date:.....03 June 2024.....

### Signed on behalf of Tamworth Borough Council:


Signature: 

Name: Glen Baker-Adams

Date: 03/06/2024



**Signed on behalf of the Appellant:**

Signature: 

Name: Brian Mullin

Date: 3<sup>rd</sup> June 2024

## **APPENDIX 1: Heritage Statement of Common Ground**

# Statement of Common Ground.




## Lichfield District Council and Pegasus Group.

Pegasus Group on behalf of Summix BLT Developments Ltd and Platform Housing Group.

Land North of Browns Lane, Tamworth.

3<sup>rd</sup> June 2024: | Pegasus Ref: P24-0348

Author: GS

<p><b>Signed:</b></p> 	<p><b>Signed:</b></p> 
<p><b>Name: Simon Roper-Pressdee</b></p>	<p><b>Name: Gail Stoten</b></p>
<p><b>On behalf of: Lichfield District Council</b></p>	<p><b>On behalf of: Pegasus Group (acting on behalf of Summix BLT Developments Ltd and Platform Housing Group)</b></p>
<p><b>Date: 3<sup>rd</sup> June 2024</b></p>	<p><b>Date: 3<sup>rd</sup> June 2024</b></p>
<p><b>Signed:</b> </p>	
<p><b>Name: Glen Baker-Adams</b></p>	
<p><b>On behalf of: Tamworth Borough Council</b></p>	
<p><b>Date: 3<sup>rd</sup> June 2024</b></p>	



## Document Management.

Version	Date	Author
I	03/06/24	GS



## **1. Introduction**

- 1.1. This Statement of Common Ground (SoCG) is agreed between Gail Stoten (for Summix BLT Developments Ltd and Platform Housing Group; the Appellants) and Lichfield District Council, and relates to applications Tamworth 0241/2018 and Lichfield 18/00840/OUTMEI.
- 1.2. This Statement of Common Ground relates to Heritage.

## **2. Areas of Agreement**

2.1. It is agreed that:

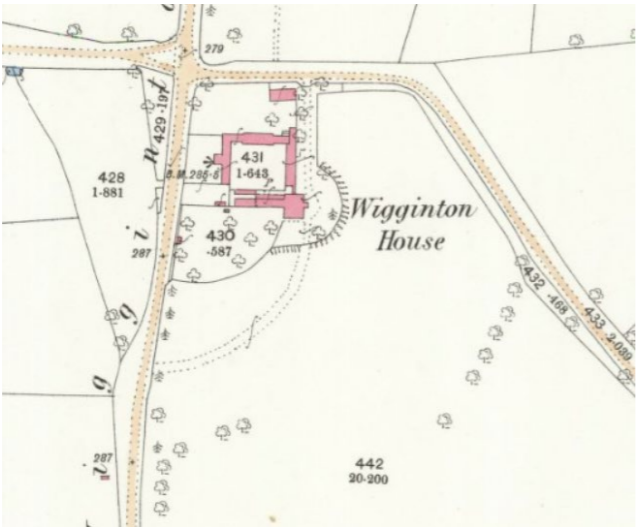
- The harm to the heritage significance of Wigginton Conservation Area, which would occur through a change within its setting, would be less than substantial.
- The harm to the heritage significance of the Wigginton Conservation Area would be moderate at most on the less than substantial scale. The LPA consider the harm to be moderate less than substantial harm, the Appellants consider it to be at the lower end of the less than substantial harm spectrum.
- Due to some degree of less than substantial harm being identified, there is a requirement to consider this in the planning balance.
- Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 would not be offended.
- No harm would be caused to the intrinsic heritage significance of any Listed buildings in their own right. As such, Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 would not be offended.


## **3. Matters in Dispute**


- 3.1. The key area of disagreement in terms of heritage is the level of any harm to the heritage significance of Wigginton Conservation Area. The LPA primarily consider the harm should be considered as a binary test, or otherwise that the harm to be moderate less than substantial harm, the Appellants consider it to be at the lower end of the less than substantial harm spectrum.

## 4. Agreed Statements of Significance

4.1. The following table is agreed with regards to the Listed buildings in the vicinity.

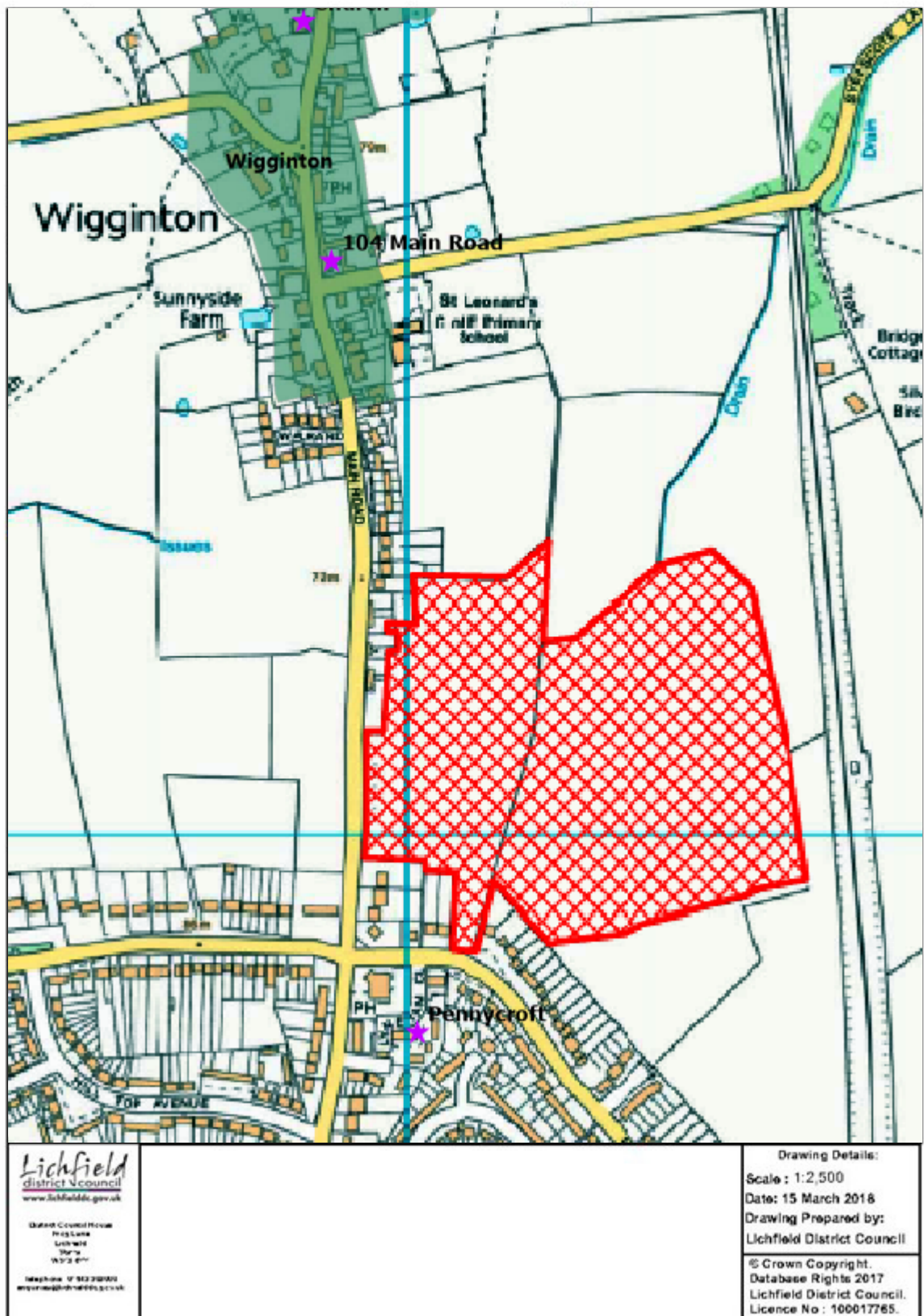
Listed Building	Description	Contribution to significance through setting	Contribution of site	Impact
Perrycrofts Grade II Listed	<p>Perrycrofts is a house of c. 1810 which has now been converted to flats. It is of three storeys and built of brick with a hipped roof. It has a Doric porch, and the windows have flat brick arches. The interior has an open well staircase.</p> <p>Previously called Wigginton House, it had designed views eastwards and south, over parkland, facilitated by terrace or ha-ha. Service ranges and/or farm buildings lay to the north and west.</p>  <p>Today, the ancillary ranges have been demolished and the house lies surrounded by modern development, including a modern residential range attached to the west.</p> <p>As a Grade II Listed building, Perrycrofts is a designated heritage asset of less than the highest level of significance, as defined by the NPPF.</p>	<p>Due to the complete change of context including demolition of ancillary structures, development of parkland, and the change of use of the asset, setting makes a very small contribution to the significance of the asset through setting.</p> <p>This contribution is limited to close range views from the modern context in which the architectural interest of the asset can be appreciated and understood.</p>	<p>The site does not contribute to the heritage significance of the asset through setting.</p>	<p>No impact will be caused to the heritage significance of the asset through changes in setting.</p>

Listed Building	Description	Contribution to significance through setting	Contribution of site	Impact
<p>St Leonards Church</p> <p>Grade II Listed</p>	<p>St Leonards Church was constructed in 1777, in red brick, with additions of a north aisle in 1830 and a chancel and vestry in 1861-2. The interior has two massive Tuscan columns supporting the west turret, and cast iron columns between the nave and the aisle, also supporting the north gallery.</p> <p>Historically, it sat in a graveyard area, with a sizeable vicarage to the south-west, road to the east and ranges of building of Manor House Farm to the north.</p>  <p>As a Grade II Listed building, it is a designated heritage asset of less than the highest level of significance, as defined by the NPPF.</p>	<p>The elements of the setting of the asset which contribute to its significance through setting comprise:</p> <ul style="list-style-type: none"> <li>• The graveyard in which it sits, which it is functionally related to and from where it is best appreciated and understood.</li> <li>• The former vicarage to the south-west.</li> <li>• The settlement the asset serves, including St Leonard’s School.</li> </ul>	<p>The site does not contribute to the heritage significance of the asset through setting.</p>	<p>No impact will be caused to the heritage significance of the asset through changes in setting.</p>

Listed Building	Description	Contribution to significance through setting	Contribution of site	Impact
<p>104 Main Road</p>	<p>104 Main Street is a late 18<sup>th</sup>-century red brick house of two storeys plus attic, constructed in red brick. Its windows have segmental heads, and the dormers of the attic are hipped.</p> <p>Mapping of c. 1900 suggests it may once have housed the Post Office.</p>  <p>This mapping also shows ranges of ancillary buildings to the east and north. These buildings appear to survive, or have been rebuilt in a similar style.</p> <p>The building faces west onto Main Road, behind a narrow gravelled garden area, enclosed by a low wall. A further garden area lies to the south, but the rear appears to be a parking yard area, reflecting a historic yard area.</p> <p>The extent of the historic land holding is not known.</p> <p>As a Grade II Listed building, the building is a designated heritage asset of less than the highest level of significance, as defined by the NPPF.</p>	<p>The elements of the setting of the asset which contribute to its significance through setting comprise:</p> <ul style="list-style-type: none"> <li>• The ancillary buildings in converted or possibly rebuilt form.</li> <li>• The rear yard area, which reflects a historic yard area.</li> <li>• The associated garden areas.</li> <li>• Main Road, onto which the asset faces, and from where the architectural interest of its primary façade can be understood.</li> <li>• The historic core of settlement within which it lies.</li> </ul>	<p>The site is not anticipated to be visible from the asset or its immediate surrounds.</p> <p>The site does not directly contribute to the heritage significance of the asset through setting.</p>	<p>No impact will be caused to the heritage significance of the asset through changes in setting.</p>



APPENDIX 1 - MAP SHOWING CONSERVATION AREA AND LISTED BUILDINGS



**Town & Country Planning Act 1990 (as amended)**  
**Planning and Compulsory Purchase Act 2004**

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## APPENDIX 2: DRAFT CONDITIONS

## **Suggested Conditions**

### Reason 1

An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

### Reason 2

No development shall take place until plans and particulars of the layout, scale and appearance of the buildings to be erected and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details that have been approved in writing by the Local Planning Authority.

### Reason 3

The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last reserved matter(s) to be approved.

### Reason 4

The development authorised by this permission shall be carried out in complete accordance with the following approved plans and details except insofar as may be otherwise required by other conditions to which this permission is subject.

- 1:7500 Location Plan dated as received 07 June 2018
- Proposed Parameter Plan dated as received 31 October 2023.

### Reason 5

Prior to the submission of any reserved matters application in relation to the proposed development hereby approved, a Masterplan shall be submitted to and approved in writing by the Local Planning Authority. The submitted Masterplan shall include the following: • Movement Framework; • Connections within the development and to the surrounding area for all modes of transport; • Connection through the site for all modes; • Street layout and character including measures to restrain the speeds of vehicles to 20mph; • Parking strategy including the provision of safe, secure and weatherproof cycle storage facilities for all uses on the site including cycle parking in POS/ play areas; • Consideration of residential dwellings' distance to bus stops; • Development Phasing. • The layout of the public open space, including pathways and benches • Refuse Strategy. The development shall thereafter be built in accordance with the approved Masterplan.

### Reason 6

Before the development hereby approved is commenced, a noise survey to demonstrate that the proposed dwellings will be protected from noise from the railway shall be submitted to and approved in writing by the Local Planning Authority. The approved survey shall include a scheme of noise protection where necessary which shall thereafter be implemented before the development is first occupied. The approved measures shall thereafter be maintained for the life of the development.

### Reason 7

Before the development hereby approved is commenced above damp proof course samples and details of all materials to be used externally ensuring the product name and manufacturer is provided (including details of coursing of brickwork, rendering finish and roof tiles) have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

#### Reason 8

Before the development hereby approved is commenced, the detailed drainage design to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to its first occupation.

#### Reason 9

Before the development hereby approved is commenced, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP shall include details relating to construction access, hours of construction, delivery times and the location of the contractor's compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of noise, vibration, dust and mud from construction activities including the provision of a vehicle wheel wash. The development shall only be undertaken in strict accordance with the approved details of the CEMP for the duration of the construction programme.

#### Reason 10

Before the development hereby approved is commenced details of the following shall be submitted to and approved in writing by the Local Planning Authority, which shall thereafter be implemented in accordance with the approved details:

- Layout of site including disposition of buildings and provision of adequate parking, turning and servicing within the site curtilage;
- Vehicular visibility splays from the proposed access points and driveways within the development;
- Means of surface water drainage from all areas intended to remain in private ownership;
- Surfacing materials;
- Full road construction including longitudinal sections and a satisfactory means of draining roads to an acceptable drainage outfall.

#### Reason 11

Before the development hereby approved is commenced full details of the proposed bus stop infrastructure improvements for the bus stop closest to the site on Browns Lane shall have first been submitted to and approved in writing by the Local Planning Authority, which shall thereafter be implemented in accordance with the approved details.

#### Reason 12

The proposed site access from Browns Lane shall be completed within the limits of the public highway broadly in accordance with approved Plan J32-4320-PS-001. The visibility splays of 2.4m x 53m shall be kept free of all obstructions to visibility with nothing placed or allowed to remain forward of the visibility splays over a height of 0.6m above the adjacent

carriageway level. The access and visibility splays are then to be retained for the life of the development.

#### Reason 13

The development hereby permitted shall not be occupied until the off-site highway improvements to the Upper Gungate corridor, broadly in accordance with approved Plan GG-LE-HAD-OF-DR-CE-SK06 Rev A, have been implemented.

#### Reason 14

Before the development hereby approved is commenced, the application site shall be subject to a detailed scheme for the investigation and recording of any contamination of the site and a report shall be submitted to and approved in writing by the Local Planning Authority. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used. The approved remediation scheme shall thereafter be completed and a validation report submitted to and approved in writing by the Local Planning Authority within 1 month of the approved remediation being completed, unless otherwise agreed in writing by the Local Planning Authority.

#### Reason 15

Before the development hereby approved is commenced a scheme of biodiversity enhancement to indicate 20% gain on site from the baseline set out within the submitted documents (Biodiversity Net Gain Update reports dated as received 11 April 2023) shall be provided and agreed in writing by the Local Planning Authority. The Enhancement measures shall be provided prior to the first occupation of the dwellings hereby approved and retained for the lifetime of the development.

#### Reason 16

Prior to the first occupation of any of the residential units hereby granted permission a scheme of cycle storage facilities to serve each dwelling shall be submitted to and agreed in writing by the local planning authority. Each dwelling shall be provided with cycle storage in accordance with the approved details and they shall be thereafter retained for the life of the development.

#### Reason 17

Before installation on site, an external lighting strategy shall be submitted to and approved in writing by, the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the approved details and shall be maintained thereafter in accordance with these details. The approved details shall be implemented as approved prior to the first occupation of the development.

#### Reason 18

The details required under condition 2 above shall include details showing the existing and proposed land levels of the site including site sections and the finished floor levels, ridge and eaves heights of all proposed buildings with reference to the finished floor levels, ridge and eaves heights of neighbouring buildings. The development shall be undertaken in strict accordance with the approved details.

#### Reason 19

If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise first agreed in writing with the Local Planning Authority) shall be carried out until a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A, and appropriate remediation proposals has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

#### Reason 20

All planting, seeding or turfing shown on the details of landscaping required under condition 2 shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

#### Reason 21

Any scheme of walling and fencing approved as part of the landscaping scheme required by Condition 2 above shall be completed prior to the development first being brought into use.