

Summary of Planning Proof of Evidence

Benjamin Ward BA MSc MRTPI

Land North of Browns Lane, Tamworth

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

APP/Z3445/W/24/334/0094 (Appeal B)

Town and Country Planning Act 1990

Conjoined Section 78 Appeal

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

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1. INTRODUCTION

- 1.1 My name is Benjamin Ward. I hold a Master of Science in Urban Regeneration. I am a Chartered Member of the Royal Town Planning Institute. I hold the position of Planning Director of Marrons, a firm of town planning consultants. I have worked within the town planning field for over ten years in various positions in local government and the private sector.
- 1.2 My Proof of Evidence examines planning matters, including compliance with the Development Plan, material considerations and the planning balance.

2. PLANNING EVIDENCE

- 2.1 My Proof of Evidence deals firstly with the matter of compliance of the Appeal Proposal with the Development Plan when read as a whole. It then considers whether there are material considerations which indicate that the decision in respect of this appeal should be decided other than in accordance with the Development Plan.
- 2.2 In considering the compliance of the scheme with the applicable planning policies of both Lichfield District Council and Tamworth Borough Council, I have focused upon those policies with which the Councils allege conflict. These broadly relate to matters of spatial strategy, heritage and coalescence (in the case of Lichfield District Council) and impact on character (in the case of Tamworth Borough Council).
- 2.3 Tamworth Borough Council's sole concern and reason for refusal is contingent upon Lichfield District Council's refusal of planning permission. It is alleged that a grant of planning permission from Tamworth Borough Council and not from Lichfield District Council could result in the construction of an access road for which there would be no development to serve with the consequence of an adverse impact on character. It is common ground between the Appellant and Tamworth Borough Council [CD 5.5] that should the Inspector be minded to allow the appeal against the decision of Lichfield District Council, the Borough Council's concern in this regard should fall away and the appeal in relation to

its decision should also succeed (i.e. Appeal B). No conflict would therefore arise in respect of Policy EN5 of the Tamworth Borough Council Local Plan (2016).

2.4 In relation to spatial strategy, Lichfield District Council alleges conflict with Core Policies 1 and 6 of the Local Plan Strategy (2015) (“LPS”), which deal with the spatial strategy and housing delivery, respectively.

2.5 The housing requirement identified at CP1 is appropriately expressed as a minimum. Accordingly, the provision of housing in excess of it does not breach CP1 in this respect.

2.6 The Appeal Site falls to be considered spatially as part of the Broad Development Location (BDL) identified to the North of Tamworth¹. It is physically and functionally well-related to Tamworth. Accordingly, the Appeal Proposal would follow the thrust of the spatial strategy embodied at CP1, which seeks to concentrate growth in and around urban locations in order to reduce the need to travel and make best use of existing services, facilities and infrastructure.

2.7 Lichfield District Council alleges that the Appeal Proposal would distort the spatial strategy in terms of the overall distribution of housing. I have demonstrated that with the Appeal Proposal, Tamworth’s proportion of growth

¹ Refer to paragraphs 2.26, 2.29 and 2.30 of my main Proof of Evidence

would remain broadly equivalent to comparable locations within the settlement hierarchy and there would be a broad trend of equivalence in the distribution of housing growth under the Development Plan².

2.8 Lichfield District Council's housing land supply evidence demonstrates that North of Tamworth will not deliver approximately 1,000 dwellings before the end of the Plan period, as envisaged by the LPS. Rather, a shortfall of approximately 164 dwellings against this figure would arise. The Broad Development Location to the North of Tamworth is required not only to meet the needs of Lichfield District, but also those of neighbouring Tamworth. The Appeal Proposal would help to accommodate this need sustainably, close to where it arises, ensuring that this key location for growth meets its housing apportionment under the Development Plan.

2.9 Lichfield District Council has alleged conflict with a range of policies dealing with matters of heritage and coalescence. In respect of heritage, it is common ground that less than substantial harm would arise to the setting of the Wigginton Conservation Area [CD 5.6]. On the evidence of Ms. Stoten [CD 7.3], the less than substantial harm would be at the lower end of that spectrum. Even so, that would still result in a degree of conflict with the relevant policies of the Development Plan which deal with heritage assets and their settings.

² Refer to paragraphs 2.35 and 2.36 as well as Table 1 of my main Proof of Evidence

2.10 As per the requirements of the National Planning Policy Framework (“the Framework”), I place great weight upon the less than substantial harm that would arise from the Appeal Proposal to the setting of the Wigginton Conservation Area. Following the Framework, the less than substantial harm arising must be weighed against the public benefits of the Appeal Proposal. In my Proof of Evidence, I have identified varied and weighty public benefits arising which I consider to outweigh the less than substantial harm to the setting of Wigginton Conservation Area³.

2.11 Lichfield District Council has alleged conflict with the policies of the Development Plan which address the requirement to retain the separate identities of Wigginton and Tamworth. Mr Atkin’s in his proof [CD 7.4] has demonstrated how the Appeal Proposal would in fact preserve the separation of these settlements. Accordingly, I identify no conflict with the relevant policies.

2.12 I conclude that the Appeal Proposal complies with the Development Plan read as a whole.

2.13 In the event that the Appeal Proposal is deemed to conflict with the Development Plan in terms of its provisions regarding the amount and distribution of housing,

³ Refer to paragraph 4.5 of my main Proof of Evidence

I have considered whether there are material considerations that warrant a decision other than in accordance with the Development Plan.

2.14 Mr Stacey’s proof [CD 7.2] indicates an acute and immediate need for affordable housing in the District of Lichfield and the Borough of Tamworth. The Appeal Proposal will deliver up to 210 affordable units in a sustainable location, adjacent to an urban area with confirmed unmet housing need, for both affordable housing and housing generally. Despite the datedness of the Development Plan’s strategic policies, which are based on housing needs evidence from 2012, plan-making in Lichfield has stalled meaning there will be little prospect of a plan-led solution to acute affordable housing needs in Lichfield District Council for the foreseeable future. Whilst Tamworth Borough Council is preparing a new local plan, it has long been recognised that Tamworth Borough Council due to its tightly drawn administrative boundaries cannot accommodate its own housing needs. In light of these factors, I give the benefits of the scheme’s contribution to addressing immediate and acute affordable housing needs **very substantial weight**.

2.15 The Appellant is working in partnership with Platform Housing Group (“Platform”). Platform is a well-known developer and provider of affordable homes in the region. Platform’s involvement in the scheme provides increased certainty around the timely delivery of these much-needed homes for

development. I give this increased certainty **substantial weight** in the planning balance.

2.16 I also consider the provision of 20% Biodiversity Net Gain and the economic benefits arising from the development to carry **substantial weight**.

2.17 There are other benefits of the Appeal Proposal to which I accord **moderate weight**:

- **Carbon Dioxide Emission Reductions**
- **Public Open Space**
- **Financial contributions toward social infrastructure**
- **Additional Council Tax Revenues**

2.18 As such, I consider that even if there was a conflict with the spatial strategy of the Development Plan with the result that the Appeal Proposal would fall into conflict with it, the benefits of the scheme are significant countervailing material considerations that warrant a decision other than in accordance with the Development Plan.