



Borough of Tamworth

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PLANNING COMMITTEE

9 January 2023

Dear Councillor

A meeting of the Planning Committee will be held in **Town Hall, Market Street, Tamworth on Tuesday, 17th January, 2023 at 6.00 pm.** Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, consisting of a stylized 'A' followed by a long horizontal line that tapers to a point.

Chief Executive

A G E N D A

NON CONFIDENTIAL

- 1 Apologies for Absence**
- 2 Minutes of the Previous Meeting (Pages 5 - 8)**
- 3 Declarations of Interest**

To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.

When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.

Under Section 33(2) of the Localism Act 2011, the act permits an authority to grant a dispensation from either or both of the restrictions not to participate and / or vote on a matter in which they have a pecuniary interest. Planning Committee Members have received a dispensation for applications relating to the Future High Street Project for a period of two years starting from 7th July 2022 until 7th July 2024.

4 Applications for Consideration

Summary of Applications received:

a 0179/2022 Land off Coton Lane Committee Report (Pages 9 - 38)
(Report of the Assistant Director, Regeneration and Growth)

Application no: 0179/2022

Development: Full planning application for residential development (Class C3) for 59 dwellings with vehicular access point onto Coton Lane, public open space, drainage and associated infrastructure.

Location: Land off Coton Lane, Tamworth

b 0414/2022 Middle Entry Committee Report (Pages 39 - 66)

(Report of the Assistant Director, Regeneration and Growth)

Application no: 0414/2022

Development: Removal of existing glazed roof, demolition of projecting canopies and first floor gantries; Erection of replacement brick facades, paving and drainage; Demolition of No. 9 Middle Entry and 18, 18a and 19 Market Street and Nos 20, 20a and 21 George Street and redevelopment to provide a flexible, multi-use building (Class E) with hard and soft landscaping, forming a public square with associated street furniture, drainage and associated works

Location: 17, 18, 18a & 19 Market Street, 1-9 & 12-20 Middle Entry, 20, 20a & 21 George Street, Tamworth

Access arrangements

If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail democratic-services@tamworth.gov.uk. We can then endeavour to ensure that any particular requirements you may have are catered for.

Filming of Meetings

The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found [here](#) for further information.

If a member of the public is particularly concerned about accidental filming, please contact a member of Democratic Services before selecting a seat

FAQs

For further information about the Council's Committee arrangements please see the FAQ page [here](#)

To Councillors: A Cooper, D Box, R Claymore, S Daniels, S Goodall, J Harper, J Jones, D Maycock, B Price, S Smith, M Summers and P Thurgood

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MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON 6th DECEMBER 2022

PRESENT: Councillor R Ford (Chair), Councillors R Claymore, S Daniels, S Goodall, J Harper, D Maycock, B Price, S Smith, M Summers and P Thurgood

The following officers were in attendance: Jane Cotton (Planning Solicitor) Glen Baker-Adams (Team Leader - Development Manager), Tracey Pointon (Legal Admin & Democratic Services Manager) and Debbie Hall (Planning Officer)

15 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor A Cooper and D Box

16 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 4th October 2022 were approved as a correct record.

(Moved by Councillor S Goodall and seconded by Councillor J Harper)

17 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

The Chair informed the Committee that as Councillor B Price was a new member of the Planning Committee and had not received training he would only be observing at this committee and not asking questions or voting on the application.

18 APPLICATIONS FOR CONSIDERATION

18.1 0417/2022 Clifford Close, Tamworth

Application Number: 0417/2022

Development: Erection of a two-bedroom bungalow

Location: The Orchard, 9 Clifford Close, Glascote, Tamworth, B77
2DD

The Chair read out a statement from Councillor J Wade in support of the application.

The applicant Mrs Williams spoke in favour of the application

Members debated the Application at Length and the Development Management Officer and legal Officer responded to questions and queries raised. Members accepted that the current proposal was in breach of the current Local Plan policies identified in the recommend reasons for refusal but on advice requested that a note to Applicant be included in the Decision Notice

Note

The Tamworth Borough Council planning team will continue to work with the applicants in the form of providing suitable pre-application responses in line with government guidance and the National Planning Policy Framework paragraphs 39 to 44 with a view to achieving a positive outcome subject to compliance with relevant planning policy.

RESOLVED: The committee refused the application

*(Moved by Councillor S Goodall and seconded by
Councillor D Maycock)*

Reasons

1. The proposed development by virtue of its scale would appear discordant and disproportionately small and narrow within the street scene and therefore would not be in keeping with the pattern of development in the locality and as a result would be contrary to policy EN5 of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework (NPPF).
2. The development by virtue of its under provision of amenity space and internal floor area would not comply with the Tamworth Design SPD and is therefore contrary to policy EN5 of the Tamworth Local Plan 2006-2031 and NPPF.
3. The application fails to provide sufficient information on providing any biodiversity net gain and therefore it is considered that the proposal would not comply with policy EN4 of the Tamworth Local Plan 2006-2031 and the NPPF paragraph 174d).

19 APPEAL SUMMARY - NOVEMBER 2022

Appeal Decisions

Application Number **0529/2021**

Change of use from single dwelling to 4no studio apartments including two storey and single storey rear extensions. - 16 Heath Street, Tamworth

B79 7JH

Application Number 0024/2022

Change of use of an existing tattoo studio (Sui Generis) to residential (C3), creation of an additional dwelling unit, demolition of an existing garage and the erection of a detached 1-bedroom bungalow, with associated off street parking and external amenity space. - Champion Tattoo, 15 Tamworth Road, Amington, TAMWORTH, B77 3BS

Application Number 0352/2021

Construction of 2 pairs of semi-detached dwellings with frontage parking. - Land adjacent 15 Romney, Belgrave, Tamworth B77 2NH

Resolved: For information only

Chair

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PLANNING COMMITTEE

17th January 2023

APPLICATION FOR CONSIDERATION

0179/2022

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION



Application Number: 0179/2022

Development: Full planning application for residential development (Class C3) for 59 dwellings with vehicular access point onto Coton Lane, public open space, drainage and associated infrastructure.

Location: Land at Coton Lane, TAMWORTH

1. Introduction

1.1. This application is for full planning permission on land north off Coton Lane for a total of 59 dwellings in a mix of 2, 3 and 4 bedrooms. The application has been supported by a number of reports including:

- 26807_08_020_02.2 Refuse Vehicle Tracking
- 26807_08_020_02.3 Refuse Vehicle Tracking
- 26807_08_020_02.4 Internal Visibility Splays
- 26807_08_020_02.5 Proposed Traffic Management Scheme
- 26807_08_020_02.1 Rev F Refuse Vehicle Tracking
- 26807-01-FRA-01-D Flood Risk Assessment
- 26807-CALC-0102 Design Calculations Sheet
- BG21.313 Coton Lane, Tamworth Geophysical Report
- 26807-08-Transport Assessment REV C
- TAMW-SS-001rev.E - Street Scenes
- TAMW-PL-001 Planning Layout-REV W – COLOUR
- BG21.313.3 Coton Lane, Tamworth Masterplan REV 8
- TAMW-MP-001 Materials Plan Revision E
- BG21.313.3-BRGR-ZZ-ZZ-DR-L-00001 Landscape Masterplan
- BG21.313 Landscape Strategy REV2
- AV22/ASK/0-002 Rev B Planning Sheet – Elevations
- Darley-Det-Sheet 0-001 C+- Planning Floor Plans
- Design and Access Statement with Adendums
- BG21.313.2 Ecological Impact Assessment June 2022
- Avant Group England 2022 – SAP Calculations Specification under Part L1A 2013 – Rev A
- 26807-04-LR-02 Statistical Assessment
- 26807-04-GI-01 REV A Phase II Ground Investigation Report
- BG21.313.2 Archaeological Desk Based Assessment
- 008318 Energy Statement
- 26807-04-AQA-02 REV A Air Quality Assessment
- A001256 Noise Survey
- OIA-22416-22-84 Rev A IDOM Preliminary Odour Impact Assessment March 2022
- SOIA-22416A-22-213 Supplementary Odour Impact Assessment June 2022
- L-22416-22-835-KRJ Response to EHO comments on Odour Assessment
- 26807-04-AQA-01 REV A Waste Audit and Management Strategy
- Planning Statement, March 2022

1.2 The site itself comprises approximately 2.5ha of countryside with a railway line running along the western edge and caravan storage facility to the north and sewage treatment works beyond this. To the eastern side is 'Outfall Works Cottage', a single detached residential property. The site is bisected from the south west corner to the north west corner by an electricity line and pylon which itself is located centrally in the site.

1.3 The site is visible from Coton Lane being below ground level with a semi-mature hedgeline giving some visual obscurity from the roadside.

1.4 The site falls away slightly from west to east when viewed from the existing access onto Coton Lane.

- 1.5 This existing access point is located to the right hand southern corner with a double entry metalled gate.
- 1.6 Some of the site is located in flood zone 2 and benefits from existing flood defences.
- 1.7 There are no listed buildings or other heritage assets within the vicinity of the site. There is however a possibility of archaeological remains present. The closest heritage asset is Comberford Hall, located approximately 775m north of the site off Hallfields Drive.
- 1.8 The site is not allocated for development of any kind within the adopted Tamworth Local Plan 2006-31
- 1.9 The application has been amended on numerous occasions in attempt to improve the design of the scheme through layout and arrangement changes. Attempts have also been made to reduce amenity issues for potential occupiers due to the proximity of the site to the railway, pylon and water treatment works.

2. Policies

2.1 Local Plan Policies

SS1 - The Spatial Strategy for Tamworth
 SS2 – Presumption in Favour of Sustainable Development
 HG1 – Housing
 HG4 – Affordable Housing
 HG5 – Housing Mix
 HG6 – Housing Density
 EN3 – Open Space and Green and Blue Links
 EN4 – Protecting and Enhancing Biodiversity
 EN5 – Design of New Development
 SU2 – Delivering Sustainable Transport
 SU4 – Flood Risk and Water Management
 IM1 – Infrastructure and Developer Contributions
 Appendix C Car parking Standards

Supplementary Planning Documents

Tamworth Design: Supplementary Planning Document Adopted July 2019
 Planning Obligations: Supplementary Planning Document Adopted August 2018

2.2 National Policies

National Planning Policy Framework 2021
 Planning Practice Guidance 2014
 National Design Guide 2021

3. Relevant Site History

3.1 No site history

4. Consultation Responses

- 4.1. The following is a summary of the received consultation responses. The full responses are available [online](#), if conditions are suggested within a response these will be considered, and if appropriate included within the conditions at the end of this report.

Staffordshire County Council Highways

Please note that this response encapsulates some of the history of the discussions and subsequent proposal amendments between the highways authority and agent to allow for a final formal response to be given.

Proposed Highway related works

All plots are provided with off-road car parking and a garden shed. Plots 1, 2, 20, 52 and 53 also shown to have a separate garage, the internal dimensions of which are approximately 3m x 6m. House Types Darley, Oakwood and Wentbridge are shown to have an integrated garage with approximate internal dimensions as follows: Darley – 3m x 6m; Oakwood – 2.4m x 4.7m; and Wentbridge 2.5m x 4.6m. The proposed site layout is shown on Drawings TAWM-PL-001 W Planning Layout and TAWM-PL-001C W Planning Layout COLOUR.

A new vehicular access to the application site is proposed in the form of a bell-mouth junction from Coton Lane, comprising a 5.5m wide carriageway with 8m kerb radii. The site access is proposed to be located opposite Fontenaye Road, forming a crossroads arrangement with Fontenaye Road and Coton Lane. The existing dropped crossing vehicular access to the application site from Coton Lane, located in the south-eastern corner of the application site, would be made redundant with full height kerbs and verge reinstated. The proposed site access arrangements are demonstrated on Drawing 26807_08_020_02.1 H Access Design.

A 2m wide footway is proposed on the north-eastern side of the access which continues through the application site to the last turning head, with a section also provided along the site frontage to the northeast of the site access. A 3m wide shared foot/ cycleway is proposed on the south-western side of the access which continues into the application site, through the proposed POS; a section of 3m wide foot/ cycleway is also proposed along the site frontage to the south-west of the site access. A 2m wide footway is proposed to connect to either end of the 3m wide foot/ cycleway within the application site.

Dropped kerb crossings with tactile paving are proposed at the site access to aid crossing of the site access, and either side of the site access to aid crossing Coton Lane. Dropped kerb crossings with tactile paving are proposed within the application site to aid crossing the internal estate road along pedestrian desire lines connecting the residential dwellings with the POS.

An extension to the traffic calming scheme along Coton Lane, consented as part of the Coton House Farm, Coton Lane development (Ref. 0020/2019), is proposed. This would extend the extent of speed cushions provided along Coton Lane from its junction with Mariner up to the relatively new residential development built-out under planning permission Ref. 0027/2017 Land off Coton Lane, Tamworth (170 dwellings). The extent of the traffic calming scheme is demonstrated on drawing 26807_08_020_02.5 C Proposed Traffic Management Scheme.

Real Time Passenger Information is proposed to be provided at the bus stop on Fontenaye Road which would be secured via a S106 contribution to be agreed at a late date.

Review of Planning Application Documents

The planning application has been supported by a suite of documents including site layout plans, a Transport Assessment and Design and Access Statement. An initial review of the planning application documents raised several queries and further details were requested to address the concerns raised. Subsequently, several revisions of the application plans and documents have been submitted by the applicant to address these concerns which have been discussed in turn below.

Site access and traffic management scheme

Insufficient information had been provided regarding the gradients proposed along the site access road where it would connect with the adopted highway. This was a concern due to the level differences between Coton Lane and the internal area within the application site which could have an impact on forward visibility and internal speeds. The applicant has provided a street scenes plan (Drawing TAMW-SS-001 E Proposed Street Scenes) which has addressed this concern and shows that the gradient at the site access would be in line with adoptable standards (5% or 1:20). Any further checks required regarding levels would be subject to the technical approvals process.

The site access design drawing did not show the highway extents or was reflected incorrectly on some drawings. This information was required to check visibility splays of 2.4m x 120m from the proposed site access were achievable within the adopted highway and land under the control of the applicant. The extent of the adopted highway was also queried as some drawings showed land under the control of Network Rail penetrating the site access whereas others did not. The latest version of the site access design drawing (Drawing 26807_08_020_02.1 H Access Design) provides the highway extents and shows that the requisite visibility splays are achievable within the adopted highway. The extent of the Network Rail land queried is now understood to be highway maintainable

at public expense.

The extent of the proposed traffic calming scheme along Coton Lane was not clear. It was difficult to see how the proposed scheme tied in with the consented scheme as part of the Coton House Farm, Coton Lane development (Ref. 0020/2019). Following further amendments, a revised plan (Drawing 26807_08_020_02.5 C Proposed Traffic Management Scheme) demonstrating the extent of the proposed traffic calming scheme was considered acceptable.

A Stage 1 Road Safety Audit of the proposed site access arrangements was undertaken which was supported by a Designer's Response. The responses provided by the applicant to the Stage 1 Road Safety Audit were considered acceptable.

Adoptable areas and internal layout

A series of comments were provided on the internal site layout as sections proposed were not in line with adoptable standards. The extents of the internal layout to be put forward for adoption had not been clearly shown/ demarcated with driveways and private pedestrian paths shown within areas likely to be put forward adoption. Adequate forward visibility and visibility splays of 2.4m x 25m from the proposed private drives were not sufficiently demonstrated.

A private drive was proposed to spur off the site access road to the west. This had a substandard carriageway width with no footways and was proposed to serve 13 dwellings. A pedestrian path was also proposed at the end of the private drive, routeing through the POS. Refuse vehicle tracking provided demonstrated that the refuse vehicle could not safely negotiate the proposed layout of this private drive. The applicant suggested that the proposed layout was reflective of a Mews Court arrangement; however, this was not considered acceptable due to the proposed pedestrian link which would direct pedestrians into the carriageway. Subsequently, a section of this private drive was proposed to be put forward as adoptable highway with the carriageway width increased to 5m and turning head facility lengthened and widened to better accommodate a large refuse vehicle. A 2m wide footway is proposed on the southern side of the carriageway with a section provided on the northern side providing connectivity with the proposed play area and POS. Pedestrian crossing facilities comprising dropped kerbs with tactile paving will be provided to aid safer crossing of this section of the internal road layout.

The proposed site layout plan (Drawing TAWM-PL-001 W Planning Layout) now demonstrates the internal road layout, apart from private drives, is in line with adoptable standards with a 5m/ 5.5m wide carriageway and footways at least 2m wide where required. Where residential dwellings are not provided on both sides of the carriageway a 2m wide footway is provided adjacent to the dwellings with a 1m wide service strip on the opposite side of the carriageway. Demarcation of the end of the proposed adoptable highway has now been shown on the site layout plan. A plan indicating the extent of the areas proposed for adoption has also been provided (Drawing 26807_08_020_03 Adoptable Areas Plan).

Drawing 26807_08_020_02.4 F Internal Visibility Splays now demonstrates that adequate forward visibility within the internal site layout and visibility splays from private drives can be achieved. Where the visibility requirements pass through areas such as POS, these sections would be put forward for adoption by the Highway Authority.

Speed reducing measures are required on the internal road layout to encourage lower vehicle speeds. The approximate locations of where such measures are proposed to be provided are indicated on Drawing 26807_08_020_03 Adoptable Areas Plan. The form and final locations of the internal speed reducing measures would be subject to the technical approvals process.

A Traffic Regulation Order (TRO) to restrict on-street car parking at the site access junction and around the bend in proximity to Plot 58. The proposed TRO is supported by the Highway Authority as it is not uncommon for households to own more than two cars, and where tandem parking is provided, residents sometimes park one car on the drive and one on the highway for ease of access. The TRO would help alleviate on-street parking at least in proximity to the site access and where forward visibility is required.

Gated maintenance access

The proposed access to the Severn Trent Water foul pumping station located in proximity to Plot 50 required gates to be set back at least 5m from the back of the carriageway to allow vehicles to pull off the highway before the gates are opened, to avoid blocking the turning head. This has been

addressed on the latest version of the proposed site layout plan (Drawing TAWM-PL-001 W Planning Layout).

Refuse vehicle swept path analysis

Swept path analysis using a large refuse vehicle had only been provided for the site access; however, this was also required for the internal road layout to demonstrate that a large refuse vehicle could safely access the site in forward gear, turn around within the site and egress in forward gear.

The subsequent swept path analysis showed that a refuse vehicle would not be able to safely negotiate the internal layout, especially the proposed private drive with spurred off to the west of the site access road. There were areas where the wheels would overrun kerbs and impact the back edge of kerbing in the turning heads which would lead to damage in the adoptable highway from repeat impacts.

The internal road layout has been amended to accommodate a large refuse vehicle. Refuse vehicle swept paths demonstrated on Drawings 26807_08_020_02.2 H Refuse Vehicle Tracking and 26807_08_020_02.3 E Refuse Vehicle Tracking are considered acceptable.

Pedestrian and cycle routes

The locations of pedestrian crossings proposed at the site access did not appear to be on desire lines with no pedestrian crossings proposed within the internal layout. Pedestrian crossings were required within the application site to aid crossing of the internal estate road, namely by those that required the use of mobility aids and people pushing buggies, and to provide pedestrian connectivity between the residential dwellings and the POS. The proposed path through the POS was requested to be at least 3m wide so that it could be used as a shared foot/ cycleway, with the proposed section of 3m wide shared foot/ cycleway at the site access extending into the site and connecting to the path through the POS.

The site access drawing has been updated (Drawing 26807_08_020_02.1 H Access Design) to show acceptable pedestrian crossing locations at the site access, with proposed pedestrian crossing locations within the application site shown on Drawing 26807_08_020_03 Adoptable Areas Plan. The final locations of the pedestrian crossings would be subject to the technical approvals process. The proposed site layout plan (Drawing TAWM-PL-001 W Planning Layout) also now shows the path through the POS as a 3m wide shared foot/ cycleway. Ideally this path would be put forward for adoption however, this has not been indicated on Drawing 26807_08_020_03 Adoptable Areas Plan. Despite this however, the CHA are accepting of this information.

Private drives and aisle widths

The widths of some private drives were found to be substandard (less than 4.2m wide) with the aisle spacing behind car parking areas also found to be substandard (less than 6m wide). The proposed alignment of some private drives appeared to direct vehicles towards footways which was not acceptable.

The proposed site layout plan (Drawing TAWM-PL-001 W Planning Layout) now demonstrates all private drives are at least 4.2m wide, and the aisle spacing behind car parking areas are 6m wide which is considered acceptable.

Parking and boundary treatments

The length of tandem car parking spaces was considered inadequate with insufficient space allowed for two vehicles to park without over-hanging the adjacent footway/ carriageway. Some driveways were also considered to be sub-standard, especially where one or both sides were hard bound, for example, where they were located between two dwellings. It was suggested a minimum length of 10m should be provided for driveways where the car parking was proposed to be in tandem, or 11m where the tandem parking is located in front of a garage to enable the garage door to open without the need to first move parked vehicles. Where driveways were between hard boundaries, they were required to be at least 3.2m wide if serving a single dwelling or at least 5m wide if serving two dwellings. These dimensions would help provide sufficient space to open car doors. Where a driveway is provided in front of a garage for parking a single vehicle, the depth should be a minimum of 6m to allow garage doors to be opened without the need to first move parked vehicles. Following a series of revisions, the driveways were considered to be in accordance with the recommended dimensions.

Integrated garages were found to have sub-standard internal dimensions making it difficult to utilise the garage as a car parking space. The integrated garage associated with House Type Oakwood is approximately 2.4m x 4.7m and the integrated garage associated with House Type Wentbridge is approximately 2.5m x 4.6m. These dimensions are smaller than a standard car parking space which is 2.4m x 4.8m. As the garages have hard boundaries it is extremely unlikely that these could be used as a car parking space for a typical sized family car. The location of the garage door on House Type Oakwood is also poorly located and would likely require the driveway in front of the garage to be clear of any parked cars if it were to be used for parking a car. For both of these House Types, car parking within the curtilage of the plot was in line with local car parking standards and therefore was considered acceptable.

The integrated garage associated with House Type Darley was also found to be sub-standard with the internal dimensions measuring approximately 2.7m x 5m. As this sufficient car parking was not available within the curtilage of the plots, a revised floor plan for this House Type was submitted demonstrating internal garage dimensions of 3m x 6m which was considered acceptable.

Transport Assessment

The applicant's transport consultant engaged in pre-application highways discussions with the highway authority and through that process the key data requirements for the Transport Assessment had been agreed including vehicular trip rates, distribution and assignment. Initially the proposed development was for up to 71 dwellings, this was then revised down to 67 dwellings as part of the initial planning application submission and then further to 59 dwellings as part of the most recent submission. For the current level of development proposed, a Transport Assessment would not be required, instead a Transport Statement would be sufficient. Notwithstanding this, the applicant's transport consultants have provided an updated Transport Assessment (dated December 2022) which addressed queries relating to the suitability of the baseline surveys; calculations to determine the network peak hours; traffic growth factors; and junction geometry used to inform the traffic modelling.

The proposed development is anticipated to generate 37 two-way vehicle trips in the morning peak hour and 33 two-way vehicle trips in the evening peak hour. Junction capacity assessments of the proposed site access in a crossroad arrangement with Coton Lane and Fontenaye Road were undertaken using Junctions 9 transport modelling software for a forecast year of 2029. The forecast year of 2029 was requested to align with the assessments of committed developments within the surrounding area. The outputs of the modelling showed that the proposed crossroad junction is anticipated to operate well within capacity with no significant impacts on queuing or delay.

An audit of safe walking routes to Coton Green Primary School and The Rawlett School was also requested to form part of the Transport Assessment. This audit did not need to be a formal audit but should include a review of the existing conditions of the footways and crossing facilities between the site and the schools and identify any constraints or where improvements may be required. The Transport Assessment was updated to include the audit of walking routes to the schools and the existing pedestrian infrastructure, in addition to the infrastructure improvements proposed as part of the proposed development were considered acceptable.

RECOMMENDATION

Following the reviewing of the initially submitted application documents, amended plans and additional information, it is **not considered** that the development proposals would have an adverse impact on the surrounding highway network or on highway safety and therefore there is **no objection** to the proposed application subject to conditions.

Staffordshire Ecology

Final response dated 11th July concluded that following a request for further information on great crested newts (GCN), foraging bats and reptiles, and on net gain to biodiversity. This information has now been provided satisfactorily.

Regarding net gain to biodiversity, the submitted report and biodiversity metric conclude that, with the proposed retained and created habitats, there will be a net gain to biodiversity. The ecological Impact Assessment concluded that protection of breeding birds, hedgehog, badger, reptiles and amphibians could be covered by Reasonable Avoidance Measures and pre-commencement site checks. These should all be included in a Construction Environmental Management Plan, for which I have suggested a condition.

All final developed landscaped site and internal boundary structures (fences, walls etc.) should be designed and constructed so that they do not seal to the ground continuously and stop the movement and dispersal of wildlife, notably hedgehogs. Boundaries should have 130mm by 130mm holes at ground level at least every 10m running length or should not seal to the ground at all between posts with a 120mm gap from fence base to ground. External lighting should be installed on buildings and / or access routes and /or exterior spaces (patios etc) so that residents can safely access houses and gardens and so as to prevent poor-quality floodlighting etc., being retrofitted on occupancy which then disturbs bat flight routes. I have suggested a condition for this; the applicant should ensure a contour diagram is included that demonstrates minimal levels of lighting on receptor habitats. As a result of this, conditional approval was recommended.

Initial Response dated 25/04/2022 stated that the site comprises approximately 2.5 ha, of which most is poor semi-improved grassland and the remainder is scrub / mixed habitats. The PEA concludes that:

'These habitats are not listed as local or national habitat of principle importance, as such their loss is not considered to result in a significant negative effect... the mature scattered trees and native species poor hedgerow are of higher value with native species poor hedgerow listed as a LBAP. These habitats should be retained where possible and post construction enhancement of these habitats and the additional green space proposed to the west of the site is recommended to achieve a biodiversity net gain'.

However, the grassland and scrub habitats still have an ecological function, and the current proposals would shift the balance on site to predominantly built development and hardstanding. This clearly represents a net loss to biodiversity, contrary to NPPF 174 and 180, which does not seem to be mitigated onsite. A solution to this would be for the applicant should indicate how off-site compensation will be achieved, preferably through habitat improvements elsewhere in the north of Tamworth.

The application site is in an amber Impact Risk Zone (IRZ) for Great Crested Newt, and as such further surveys and / or a certificate of participation in the District Level Licence Scheme will be needed.

All final developed landscaped site and internal boundary structures (fences, walls etc.) should be designed and constructed so that they do not seal to the ground continuously and stop the movement and dispersal of wildlife, notably hedgehogs. Boundaries should have 130mm by 130mm holes at ground level at least every 10m running length or should not seal to the ground at all between posts with a 120mm gap from fence base to ground.

External lighting should be installed on buildings and / or access routes and /or exterior spaces (patios etc) so that residents can safely access houses and gardens and so as to prevent poor-quality floodlighting etc., being retrofitted on occupancy which then disturbs bat flight routes. I have suggested a condition for this; the applicant should ensure a contour diagram is included that demonstrates minimal levels of lighting on receptor habitats.

Further information is required:

1. Applicant to provide information on how no net loss (and preferably net gain) to biodiversity will be achieved. The Defra biodiversity metric (v3) should be used to determine whether mitigation or compensation is adequate.
2. Further surveys for foraging bats, great crested newts, reptiles as specified in the Preliminary Ecological Appraisal

Environment Agency

Final comments received 25/10/2022 stated that since the previous advice of 5th September 2022 the Flood Risk Assessment (FRA) has been updated. This has sought to address surface drainage concerns presumably raised by the LLFA, and to reflect an updated layout.

The above changes do not change our position with regards to required finished floor levels and as such an updated version of the original condition.

Initial comments 05/09/2022

In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

Overcoming the objection

Flood Risk Assessment dated March 2022 undertaken by Mewies Engineering Consultants dated March 2022 has been reviewed. The FRA has not established the flood extent across the site satisfactorily. Although, there is the drawing in Appendix B with a yellow line indicating the flood envelope and showing that the development is located outside of this envelope, we require that a more definitive drawing is submitted. We require that the 1 in 100 year plus climate change flood extent is more accurately defined and a layout drawing should be overlain on to the topographical survey to demonstrate that the development is located outside of the flood plain. We are unable to view the appendices in the FRA as these are scanned in and consequently the finer detail is blurred.

Staffordshire County Lead Local Flood Authority

Final comments received 02/11/2022 concluded that the proposed development will only be acceptable if the following measures as detailed in the Flood Risk Assessment and Drainage Strategy and other associated planning documents, submitted with this application are implemented and secured by way of a planning condition on any planning permission

Initial Comments received 28/04/2022

We recommend that planning permission is not granted on the following grounds. If you are minded to approve the application contrary to this advice, we request that you contact us again to allow further discussion.

The applicant has discounted infiltration / soak-away-to-ground as a primary means of surface water discharge for the proposed development. However according to the data presented, the LLFA has no evidence of satisfactory infiltration testing to validate this strategy.

In the presented Flood Risk Assessment (FRA) document, and drainage plan a CCTV survey is proposed as a next-step action. However, in order to identify and confirm the condition of any existing drainage assets or watercourse, that are to be incorporated into, or utilised by the development including those downstream that may be discharged into, a full and complete CCTV survey of these assets and watercourses should be presented to the LLFA for our review at this current Full Planning Application stage

Can the applicant explore other methods of surface water discharge than a pumped system. Gravity connections should be considered, and the above mentioned CCTV survey may provide evidence in support of these.

The detailed drainage plan submitted by the applicant in the presented Flood Risk Assessment is not adequately annotated. All pipes, nodes / manholes and attenuation structures should be satisfactorily labelled. All pipe diameters, gradients/slopes, lengths, falls/drops should be fully noted. Cover and invert levels of manholes should also be referenced. This is so they can be cross-referenced with the hydraulic modelling calculations (MicroDrainage).

Amongst other technical details still required to sufficiently assess the surface water issues on site.

Staffordshire County Council (School Organisation)

Amended received 16th November 2022 (based on unit reductions)

This amended application reduces the planned number of dwellings and our response reflects this as well as changes to our building cost multipliers since our previous response dated 19 April 2022.

Planning application would result in an education contribution of £547,784 (index linked from the date of this response) to be sought from the developer to mitigate the impact on education from the development and would be acceptable from an education perspective subject to a S106 agreement which meets this requirement.

The response is based on the information contained within the planning application which details a dwelling mix of: 24 two bedroom, 28 three bedroom and 7 four bedroom dwellings.

The project to provide the additional places required has not yet been fully determined and therefore the contribution has been calculated utilising the latest cost multipliers.

Primary school education contribution

(£17,450) Cost multiplier x (19) number of places required for development = £331,550

Secondary school education contribution

(24,026) Cost multiplier x (9) number of places required for development = £216,234

Based on an agreed set of standard triggers the size of this development will necessitate payment of the education contribution at the following points:

50% on commencement of the development

50% on commencement of 50% of the development

Staffordshire and Stoke Clinical Commissioning Group (CCG)

Amended comments received 23rd November 2022 revised this contribution to **£38,350** owing to the reduction in numbers proposed.

Comments received 27th May 2022

Having reviewed the submission details and after considering key facets associated with practices that fall within influencing distance of this site (those practices with a catchment that covers the application site) the CCG is requesting a contribution which would support the development of primary care services in the Mercian PCN. With this contribution paid, the development is supported by the Staffordshire And Stoke Clinical Commissioning Group.

The outputs are derived from the Department for Health guidance 'Health Building Note 11-01:Facilities for Primary and Community Care Services', which provides best practice guidance on the delivery of new healthcare buildings and adaptation and extension of existing facilities. It is applicable to a range of building types including GP premises, Health centres, Primary care centres and Urgent care centres.

The development site falls within the contract catchments Aldergate Medical Practice (approximately 13,660 patients), Hollies Medical Centre (approximately 15,775 patients), Laurel House Surgery (approximately 12,763 patients) and Riverside Surgery (approximately 1,992 patients). It is confirmed that all practices have a shortfall of both GIA and clinical rooms to serve the existing patient population and that infrastructure changes are required at a PCN level to address these shortfalls in order to provide integrated and high-quality primary care services for a growing patient population.

Whilst the request made herein is related in scale to the proposed development, it is evident that there is an existing deficiency in terms of both physical GIA and clinical rooms to serve this area and therefore the trigger for payment requested in this case is reflective of the need to address such pressure at the earliest opportunity.

The sum (**£43,459**) requested has been tailored to the level of development sought and it is requested that payment is to be released upon commencement of development in this case and that such payment should be index linked to the Construction Tender Price Indices (TPIs).

Staffordshire County Council (Archaeology)

Comments received 30th March 2022

This application has been reviewed against the information held by the Staffordshire Historic Environment Record (HER) and an Archaeological Deskbased Assessment (ADBA) submitted in support of the application. The ADBA, which has been supported by a full HER search and a review of readily available background information, such as historic mapping, has been produced in line with the relevant Chartered Institute for Archaeologists' Standard and Guidance and provides a very

useful understanding of the developmental history of the application site and its archaeological potential based on our current knowledge of the archaeological resource in the wider area. This info will not be repeated in detail here, but, whilst there are no known archaeological features within the application site, there is clear archaeological potential, particularly relating to the prehistoric and Romano British periods in the area.

The conclusions in the ADBA that further investigation would be required to better understand and characterise potential remains is supported. As such, it is advised that an archaeological evaluation be undertaken which will aim to establish the survival, nature, extent, character and significance of archaeological remains within the application site. The evaluation, which should comprise a geophysical survey followed by a programme of archaeological trial trenching (the scope of which to be determined based on the results of the geophysical survey), should be undertaken sufficiently in advance of works commencing in order to allow the results of this work to inform the need for and extent of any further archaeological mitigation.

This approach is in line with NPPF paragraph 194, which requires applicants to describe the significance of any heritage assets and the potential impact of any proposed development upon them. It is also supported by NPPF paragraph 205 which states that ‘...they [Local Planning Authorities] should also require developers to record and advance understanding of significance of any heritage asset to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible’. The evaluation should be undertaken by a suitably experienced archaeologist(s) working to the Chartered Institute for Archaeologists ‘Code of Conduct’ and the relevant standards and guidance (2014). The geophysical survey should be carried out in line with the Written Scheme of Investigation (WSI) submitted in support of the application, whilst the subsequent trial trenching will require a separate WSI to be approved by this office in advance of intrusive archaeological works commencing.

Provided that this is followed, the Staffordshire County Council Archaeology team have no objections to the proposal subject to conditions.

TBC Environmental Protection

Comments were received 2nd December 2022 finding the submitted **odour** assessment underestimates the odour residents would experience for the following reasons:

- a) The close proximity of odour sources to receptors;
- b) The wind distribution . The proposed development is south of the wastewater treatment facility, the assessment only managed to capture wind blowing from the north to the proposed site of development for only part of one of the assessment days.
- c) The proposed area of development appears to be located at the south of the waste water works and running east to west as a result airflow along the valley maybe more frequent and as such increase the risk of impact within the development area;
- d) The configuration of the wastewater treatment works i.e. it consists of open treatment processes with the potential to release odour at low level (height) .

The distance between the existing works and nearest receptors, and the lack of historical complaints (there are very few dwellings nearby) is not sufficient justification to support the findings of the Odour Assessment and would have concerns about this.

Revised comments on 11th July 2022 have reviewed the updated **noise reports** and confirmed they are acceptable and have no objections subject to conditions.

The proposed noise attenuation barrier must be kept in good condition for the lifetime of the houses which could be conditioned if the application is approved.

With regards to contamination, 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.

Additional conditions on hours of construction and dust control measures have been requested.

Original comments received on 27th April 2022 showed concern over the conclusions of the noise report with the acoustic fencing not providing the required level of noise attenuation required due to the exceptional high background level day and night.

External Design Consultant

Final comments of 30th October 2022

Relationship with the open space

The revised layout to the north of the pylon, encompassing plots 51-53 now facing towards the open space, feels much more successful in offering some positive relationship and direct natural surveillance. The length of side boundary (to plot 54) is now much reduced, which provides a stronger edge to the space in general.

Layout and Highways

I note the introduction of a 25m forward visibility onto the corner in front of plot 57. Figure 7.16 in Manual for Streets highlights the correlation between visibility and vehicle speed; increased forward visibility naturally leads to greater speed of traffic. Given how few houses are served beyond this corner it feels difficult to justify the need for this feature. The rear of plot 51 will form part of the streetscene and this needs to be considered. The plots at the entrance have been removed and I do believe this is positive, helping to organise some of the play to this corner along with some strong landscaping.

The boundary treatment for side boundaries facing into the public realm should be a 1.8m wall with appropriate detailing (tile crease etc) and this should apply to plots 54 (for example) and both the side and rear of plot 51

Parking

There remains an extensive amount of forecourt parking, dictated by the plan form that positions the plots very close together. As before, a more varied approach would help but this solution would require a loss of units to enable parking to the side. Achieving this in one area of the plan would be of great benefit as the challenge of extensive forecourt parking (hard surfacing/view of cars and a loss of boundary treatment) is that it is magnified across the proposal.

Landscape might also offer a solution to reducing the impact of forecourt parking. The proposals show a series of trees within the parking, though further detail is still needed to ensure that these will be protected and maintained. The landscape approach could go further, however, to introduce more hedges between parking bays should space be found.

Consider how the impact of forecourt parking might be mitigated. This could involve reorganisation to introduce side parking in some part of the plan. Alternatively, further consideration of the landscape to explore how hedges might break up the areas of parking to soften the impact within the streetscene.

Architecture and form

The proposals involve the introduction of standard housetypes. They are arranged in some groups, however, which is positive in terms of offering some legibility. Plot 42 has been amended to match its neighbour, which helps the natural flow as the development responds to and follows the topography.

Revision T of the layout, along with accompanying streetscene drawings, includes the addition of chimneys at various locations across the development. This is welcome and will help to provide some articulation to the roofscape and visual interest.

Summary conclusion

The proposals respond much better to the central green space and there is an improved level of surveillance.

The density of development still results in the majority of plots being organised tightly together, which necessitates forecourt parking that still dominates.

Revised comments of 17th October 2022

Relationship with the open space

The revised layout to the north of the pylon, encompassing plots 51-53 now facing towards the open space, feels much more successful in offering some positive relationship and direct natural surveillance. The length of side boundary (to plot 54) is now much reduced, which provides a stronger edge to the space in general.

Layout and highways

I note the introduction of a 25m forward visibility onto the corner in front of plot 57.

Figure 7.16 in Manual for Streets highlights the correlation between visibility and vehicle speed; increased forward visibility naturally leads to greater speed of traffic. Given how few houses are served beyond this corner it feels difficult to justify the need for this feature.

The rear of plot 51 will form part of the streetscene and this needs to be considered. The plots at the entrance have been removed and I do believe this is positive, helping to organise some of the play to this corner along with some strong landscaping.

Parking

There remains an extensive amount of forecourt parking, dictated by the plan form that positions the plots very close together.

As before, a more varied approach would help but this solution would require a loss of units to enable parking to the side. Achieving this in one area of the plan would be of great benefit as the challenge of extensive forecourt parking (hard surfacing/view of cars and a loss of boundary treatment) is that it is magnified across the proposal.

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Consider how the impact of forecourt parking might be mitigated.

This could involve reorganisation to introduce side parking in some part of the plan. Alternatively, further consideration of the landscape to explore how hedges might break up the areas of parking to soften the impact within the streetscene.

Summary conclusion

The proposals respond much better to the central green space and there is an improved level of surveillance.

The density of development still results in the majority of plots being organised tightly together, which necessitates forecourt parking that still dominates.

Revised comments of 25th September 2022

Layout, pylon and easement

The pylon and associated easement creates a real challenge for the development. While there is some merit in the suggestion that there is an opportunity to create some meaningful landscape within this area, for it to feel and operate as a Village Green there needs to be a greater relationship between the surrounding buildings to achieve this.

The Briefing Note cites Overwoods Road as an example of a recent approval locally. Although only discernible on plan the key difference here is the direct relationship created between the buildings and the space with the plots framing and overlooking the space between them.

The interrelationship between the buildings and the space is critical to the success of the scheme and it is disappointing that the layout has not altered to any great degree since the previous comments. The northern side in particular fails to create a meaningful relationship with the open spaces by virtue of being gable on, resulting in limited plots being able to offer surveillance and an extent of side/rear boundary directly facing the space.

While I acknowledge that plot 56 faces directly to a portion of the open space, in itself this feels insufficient and I am conscious that in any case the active windows at ground floor for both this plot and plot 67 are set behind the hedge illustrated. Plot 56 in addition also presents an awkward blank gable to the remainder of the street, sitting forward of plot 57.

I still feel that positioning the LEAP within this zone is not the best approach and am not wholly convinced by the argument for not positioning it at the entrance. Plots 11-14 remain a concern for the reasons previously outlined. This is a prominent location on arrival into the development – arguably the most important as it helps define the sense of arrival – and one half of the elevation will be an exposed rear elevation. It remains unclear how this area will be dealt with.

The additional challenge for these maisonette properties is that they do not appear to have any private garden space

As previously stated, the success of the public open space rests upon a strong relationship between the buildings and the space to ensure there is good natural surveillance and overlooking of it. The example from Overwoods Road demonstrates such an approach, with development clearly addressing and facing onto the open space.

Further consideration needs to be given to how to address this, particularly on the northern side of the space where the boundary is uneven and there is only limited surveillance.

Plots 11-14 do not work as they fail to address the entrance well by virtue of needing to orientate in every direction. I still maintain this could be a more preferable location for the LEAP, perhaps tightening up the space in other areas

Elevational approach

On streetscene A-A it feels awkward that plot 47 suddenly steps up and it would feel more in keeping with the topography if it mirrored the adjoining housetype.

The streetscenes do highlight the need for some chimneys to help articulate the roofscape and break down the extent of ridge.

There is some repetition of housetype in certain areas, together with consistency of materials, which is positive. The exception is the run between plots 32-47 where there is a significant amount of variation.

Grouping of materials could still be improved and utilised to enhance legibility. Plot 31, for example, feels like quite an important building and more could be made of it given its location at the end of the main vista.

A series of identifiers – such as a string course and approach to roof form as two examples – could still be used to tie the different housetypes together and reinforce some identity.

Parking

Taking 'frontage parking' and 'frontage parking with integral garage' together there is an extensive amount of forecourt parking throughout.

As before a more varied approach would help support the reinforcement of a street hierarchy as this one approach tends to dominate. It also, in passing, illustrates that there is quite a lot of development as the plots are tightly arranged and a solution with parking to the side (and therefore more generous spacing) has not been employed.

The introduction of trees into the forecourt areas does offer some respite, but the approach is limited and itself fraught with maintenance challenges unless these areas are brought within a management company agreement. Extensive use of forecourt parking also severely limits (or more probably negates) the ability to introduce any front boundary treatment.

As before, parking to the side would also allow some tightening of streets, which would also assist the hierarchy.

Consideration of a greater range of parking options that would help reduce the prominence of vehicles within the streetscene. Further deliberation on how to make the endpoint of the spine road

(the view between plots 42/48) more attractive and less car dominated.

Summary conclusion

This remains a really challenging site.

As before, responding to the central green space is essential and further consideration should be given to how the buildings frame it.

Further consideration should also be given to creating a better relationship between streets, hierarchy and parking arrangements.

Original comments of 9th August 2022

This is an extremely challenging, constrained, and compromised site, set alongside the railway line, adjacent to a caravan park and sewage treatment farm and with a large HV pylon line running diagonally across it.

In some ways the design team has done quite a job in fitting a residential scheme onto this parcel, but several challenges remain that would need to be addressed for this to be a successful proposal in design terms.

In passing I would highlight that the planning layout and the landscape proposals indicate a different approach in a few areas on the plan. I have assumed the planning layout is the most up to date for the purposes of these comments.

The pylon and easement

Addressing what feels like the 'elephant in the room' from the outset, this is a dominating feature across the landscape and within the proposals that in all probability will have a divisive nature on how the place works and operates.

I understand the rationale for placing the LEAP within this zone beneath the pylons, but it may not completely be an environment that parents may be content to let their children play in.

A further significant challenge – and something that reinforces the somewhat sterilised nature of the centre of this site – is the inability to get any trees within this zone. There are strict regulations preventing planting and a real danger, consequently, that this may truly feel like a 'no man's land' as a result

The planning layout and landscape proposals seem to suggest a slightly different approach for the central space; the landscape plans indicate a straight path across the space, whereas the other layout suggests the LEAP across the point.

Species rich grassland is a good choice (of limited options) and it will be quite a challenge to make this feel like an interesting and successful space.

Layout

Associated with the point above, the associated challenge concerns how to respond to the surrounding neighbours and just as importantly how to shape the central space.

To the north the properties back on to the boundary with the caravan park, as is the case with the railway line, and these feel reasonable approaches.

Plots 1-2 face the entrance to the site, while 3-10 are orientated towards the open space and in so doing turn away from Coton Lane, but this is equally valid due to the change of levels that exists. By contrast, plots 14-18 'face' Coton Lane, with parking to the side and a rear parking courtyard. I will refer to parking later, but as a general comment there is a strong likelihood with these properties that the rear will become and function as the front as this will become the more likely arrival point for residents. This is more likely as there is no footpath on Coton Lane on this side of the road.

There are further challenges in seeking to face in multiple directions.

Plots 11-14 occupy an important position at the entrance to the site, but this very position demands

that they are almost an island within the scheme as they almost don't have a rear, needing to face every which way. The team has sought to address this, commendably, but the result is a 'push me – pull you' type arrangement where one half of the maisonette block faces towards the open space and the other half in the opposite direction. Completing the circle, the doors are on the east and west sides.

The added complication is in understanding what the boundary treatment is; the layout resulting in plot 14 at ground floor having its bedroom facing the entrance road and alongside the car parking.

To the north there are some long extents of side boundary that for the edge to the open space, most notably the side to plots 56 and 67 to the north. While efforts have been made to soften these with hedgerows, the fact remains that these will be blank elevations and boundaries that will have limited or no natural surveillance across the open space.

Some detail of what is taking place between Coton Lane and the rear of plots along this road would be useful. While it is outside the RLB it would be good to understand what the intention is, both for the boundary itself and any potential landscaping that may be introduced to form a buffer.

The pylon easement does make it next to impossible to offer the sort of intimate surveillance that feels necessary across such a large swathe of open space. The uneven building line along both 'dead' boundaries also compounds the challenge by offering more secluded spots than one would wish to see.

While clearly the pylon is not the view that anyone wants, the public open space is and its success depends upon a strong relationship between the buildings and the space to ensure there is good natural surveillance and overlooking of it. More needs to be done to achieve this.

I understand why plots 11-14 are there as they are 'developable', but I do think it raises additional questions.

This might be a more preferable location for the LEAP, so that it is not sat underneath the pylon, while also still giving the opportunity for some substantial trees. The DAS refers to the first junction within the site being a 'nodal space' and this would assist in reinforcing that.

Elevational approach

Nevertheless, I think it is important to understand how these will work together to make a place and a series of streets.

The pack I have includes the Birkdale/Airedale and Darley. Of these it is questionable what they have in common as they do appear very different; one is quite traditional in form with a front projecting gable and the other has a hipped roof.

Grouping of housetypes together within the street could be considered slightly further, to avoid the disposition seeming too random. Variation (in housetype or with a change of material) should be used to accentuate difference – the end of a street for example.

While there is, as articulated in the DAS, quite a variety of different characters present in the surrounding locality this is an opportunity to offer some coherence for this development.

A series of identifiers – such as a string course and approach to roof form as two examples – could be used to tie the different housetypes together and offer some identity.

Parking

There is quite a large amount of forecourt parking throughout and this needs careful handling to ensure that it doesn't dominate. This has implications in limiting or removing the ability to have front gardens, and in the capacity to tighten streets up as the houses must sit further back to accommodate vehicles.

A more varied approach may also help to reinforce a street hierarchy. There are obvious space implications to having parking to the side, but it may allow plots to move forward, creating more generous back gardens as well as front garden spaces.

The sharp junction within the spine road (which may be an issue for highways) highlights that there will be a long view of the car parking to plot 42-48, which forms an end vista for this section of road.

Consideration of a greater range of parking options that would help reduce the prominence of vehicles within the streetscene. Further deliberation on how to make the endpoint of the spine road (the view between plots 42/48) more attractive and less car dominated.

Summary conclusion

This is a really challenging site with a whole series of physical, visual, and possibly sensory constraints in it.

Responding to these is a real challenge and making sense of the central green space and making it work successfully is critical. Due to the constraints, it will be an empty space, so how buildings shape it is paramount.

Further work could be undertaken to address this, and to consider how to create a better relationship between streets, hierarchy and parking arrangements.

Tamworth Borough Council (Planning Policy and Delivery) 21st April 2022 (Based on original scheme)

Principle of Residential Development

The subject land appears to be currently used for agricultural purposes and is not allocated for any specific purpose in the Policies Map. On this basis, we have no strategic objection to the overarching principle of residential development on the site, subject to compliance with the wider policies of the Local Plan.

Notwithstanding, it should be noted that at present we have a healthy 5-year supply of housing land. On such grounds, there is not a pressing need for housing that could be used as a justification for accepting a lower standard of design or other material considerations

Affordable Housing (Policy HG4)

The submitted documents detail plans to deliver 14 affordable dwellings on site, equating to approximately 20.9% of the overall housing provision. Under Policy HG4 (Affordable Housing), developments that involve the construction of 10 or more dwellings are required to deliver 20% as affordable tenures. The 14 affordable dwellings proposed are therefore acceptable in policy terms.

The submitted Planning Statement notes that the tenure of the proposed affordable housing will be confirmed as part of the consideration of the application. In view of this, it should be noted at this stage that the applicant will be required to deliver First Homes as part of the subject scheme. Any provision of First Homes should be implemented in line with published Council guidance, which can be found at <https://www.tamworth.gov.uk/local-plan>.

In line with the above guidance, we would expect to see the 14 affordable dwellings apportioned as follows:

- The delivery of 4 First Homes
- The delivery of 3 Affordable Home Ownership tenures
- The remaining 7 affordable dwellings delivered as Affordable Rented tenures, split between social and affordable rent.

Housing Mix (Policy HG5)

The following breakdown of units are required to evidence compliance with Policy HG5 (Housing Mix). A subject site comparison has been provided below for reference.

Unit Size	Policy HG5 Requirement (% of Total dwellings on Site)	Proposal	% of dwellings on site	Difference
2 Bedroom	42%	27 units	40.3%	-1.7%
3 Bedroom	39%	31 units	46.3%	+7.3%
4 Bedroom	15%	9 units	13.4%	-1.6%

The proposed delivery of dwellings on site fall short in reflecting the housing mix preferred by Policy HG5, as demonstrated above. Notably, the mix demonstrates an over provision of three-bed properties and an absolute absence of one-bed dwellings. Notwithstanding, such policy preferences should be considered the starting point from which the most suitable dwelling mix can be determined. On this basis, deviation from the requirements of Policy HG5 may be considered acceptable, subject to the presence of an appropriate justification. In this case, given the identified

variation, we would expect to see reasoning as to why the requirements of Policy HG5 cannot be achieved, and why the proposed alternative is more appropriate for this particular site.

In relation to the above, it should also be noted that the proposed dwelling mix also fails to reflect the more recent housing evidence outlined in the Housing and Economic Needs Development Assessment (2019)

Housing Density (Policy HG6)

The site area submitted in the application form is 2.48ha, which gives a 60% net developable area of 1.488ha under the guidelines of Policy HG6. The proposed construction of 67 dwellings on site would provide a density of approximately 45 dwellings per hectare, which is in line with the minimum density requirements of Policy HG6.

Notwithstanding, a density of 45dph does suggest quite an intensive development for the peripheral location of the site. Whilst we would not refuse an application on the basis of too many dwellings, higher density developments must typically be well-designed in order to compensate for greater density. This should be judged against the criteria outlined in the adopted Design SPD and the wider policies of the Local Plan.

Summary

The proposal relates to the construction of 67 residential dwellings on unallocated agricultural land. As noted above, we have no strategic objection to the overarching principle of residential development on the site. However, the proposed dwelling mix does not reflect either the requirements of Policy HG5 or more recent evidence contained within the Housing Economic Development Needs Assessment (2019). We would require justification as to why the mix outlined in Policy HG5 cannot be met, and why the alternative mix proposed by the applicants would be more appropriate for the specific site.

Supplementary to the requirements outlined above, the proposal must also be able to demonstrate compliance with the wider policies of the Local Plan in order to be deemed acceptable.

Joint Waste Services

Unadopted roads/drives cannot be accessed by a collection vehicle if they are not constructed to an adoptable standard. Therefore a suitable bin collection point (BCP) may be required. The BCP can be a simple paved area but it must be sufficient to accommodate 3 x 240l bins and 1 x recycling bag for every property served by the private drive and be adjacent to the adopted highway to ensure an efficient refuse/recycling operation takes place. The inclusion of these in the plans is noted.

Severn Trent Water

Received 4th April 2022

No objections to the proposals subject to the inclusion of the following condition:

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and

The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution

4.2 Additional Representations (Public)

As part of the consultation process 37 adjacent residents have been notified as well as a press notice in the Tamworth Herald (dated 7th April 2022) and a site notice displayed at the entrance with Coton Lane.

Objections/Concerns:

Those points raised that are material to the process are considered below. Other comments such as impact on property value, setting house prices etc are not material planning considerations and cannot be considered as part of this application process.

Transport/Road Issues

By far the largest issue identified was how the development would create further congestion to an already worsening situation.

Next to this was the problems posed by how the site access proposed safety issues being so close to the junction with Fontenaye Road.

Health Issues

Close proximity to sewage works

Drainage and Flooding Issues

Hill above railway on undefended flood land

Possible flooding problems on the lower level of the development.

Wildlife

Countryside incursion will destroy wildlife with no mitigation proposed to address this.

Infrastructure Pressures

Many had concerns relating to the how the development would cause further strain on hospital/surgery places, school places and overall infrastructure in the local area.

Amenity

Health implications of proposed residents living close to the pylon, railway, sewage and general noise from the road.

Along with the individual responses, a petition was received by the council using the online platform www.change.org. On this, 760 signatures were received with comments attached making comments as above.

5. Equality and Human Rights Implications

- 5.1 Due regard, where relevant, has been taken to the Tamworth Borough Council's equality duty as contained within the Equalities Act 2010. The authority has had due regard to the public sector equality duty (PSED). Under section 149 of the Equality Act 2010, a public authority must in the exercise of its functions, have due regard to the interests and needs of those sharing the protected characteristics under the Act, such as age, gender, disability and race. This proposal has no impact on such protected characteristics.
- 5.2 There may be implications under Article 8 and Article 1 of the First Protocol of the Human Rights Act, regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.

6. Planning Considerations

- 6.1 The key issues to be considered at this stage are:
- Principle
 - Character and Design
 - Amenity for current and potential occupiers
 - Affordable Housing
 - Housing Mix
 - Housing Density
 - Open Space
 - Biodiversity
 - Trees
 - Noise and Pollution
 - Highways

- Drainage
- Other Matters

6.2 Principle

- 6.2.1 The site is not allocated for residential development in the adopted Tamworth Local Plan. This however does mean that residential development cannot be considered acceptable but does however require a detailed assessment of relevant policy to be considered.
- 6.2.2 As per the comments made by the Tamworth Borough Council Planning Policy and Delivery and department, there is no strategic objection to the overarching principle of residential development on the site, subject to compliance with the wider policies of the Local Plan
- 6.2.3 They have however further commented that there is a well in excess of five-year supply of housing land currently in the borough where there is no pressing need for housing that could be used as a justification for accepting a lower standard of design or other material considerations.
- 6.2.4 Considering the location is a sustainable one, close to key amenities the principle of residential development in this location is acceptable.
- 6.2.5 The applicant has provided justification for further acceptance making the following points:
- Recent evidence has confirmed that Tamworth should be supplying approximately 105 new affordable homes per annum (gross) to 2036. This is higher than the current requirement within the Local Plan. The most recent publicly available evidence sets out that the Council have not managed to achieve this between 2016 – 2019 (44, 101 and 77 delivered)
 - The site has no strategic designation which prevents development coming forward. We note that Policy HG1, which sets out where housing is acceptable in principle, states that at least 4,425 dwellings will be delivered over the Plan Period (our emphasis). This figure should not be taken as a minimum, clearly evidence by the wording of the policy, and the fact the Government is seeking to 'significantly boost the supply of homes' (NPPF Para 60)
 - The fact the Council can achieve a five year housing land supply does not change that the supply of housing should be boosted, and it is clear the Council were expecting windfall sites to be delivered given Policy HG1 seeks for c. 50% of the housing to be delivered this way (i.e. outside of the SUEs)
 - It is also worth noting that the Council has exported an element of its needs to neighbouring authorities. This demonstrates that there is a need in Tamworth, and it stands to reason that this should be provided as close to the need as possible, to ensure sustainable development.
 - Beyond this, the current five year housing land supply is predicated largely on the delivery of the large SUEs, and the Council have acknowledged that the level of supply will drop as these are built out.
 - The existing Statements of Common Ground with LDC and NWBC also require update given there has been an amendment housing requirement figures. The unmet need of Birmingham will also need to be taken into account going forward
 - The Site will also deliver much needed affordable housing, which the latest evidence shows the Council is failing to provide for against evidenced need. This benefit should not be ignored.
 - The Local Plan is more than five years old, and the Council have confirmed that a complete review should be undertaken, with many policies either being requiring wholesale change, or modification in line with NPPF Para 11 where relevant policies are out of date, the proposed should be assessed against the NPPF, which seeks to support housing in sustainable locations
 - Further, the most up to date evidence sets out that the Council is failing to provide for the evidenced amount of affordable housing.
 - The above approach was taken by the Council in approving an application for housing on an unallocated Site at Land North of Overwoods Road, Hockley (Ref No. 0324/2021)
- 6.2.6 The council will respond to these points in the concluding sections towards the end of the report but feel in the main we do not disagree with a lot of these points.

6.3 Character and Design

- 6.3.1 Throughout the adopted Tamworth Local Plan 2006-31 there is frequent reference to securing high quality in development decisions. This includes policy SS1 The Spatial Strategy for Tamworth; HG1 Housing and in all specific areas of targeted housing need e.g. HG2 Sustainable Urban Extensions.
- 6.3.2 Perhaps most relevant is the specific reference to high quality design at Policy EN5 which applies to all new developments. This states that high quality buildings and places will be achieved across Tamworth. Furthermore, it states poor design or design that fails to take the opportunities available to improve the character and quality of an area and the way it functions will be refused. New developments will be expected to (relevant to this development):
- a) Respect and where appropriate reflect existing local architectural and historic characteristics but without ruling out innovative or contemporary design which is still sympathetic to the valued characteristics of an area.
 - b) Be of a scale, layout, form and massing which conserves or enhances the setting of the development.
 - c) Utilise materials and overall detailed design which conserves or enhances the context of the development.
 - d) Be outward facing with active frontages which incorporate landscaping and boundary treatments appropriate to the local context.
 - e) Be legible and allow users to navigate the area with ease by providing landmark buildings at key locations and a choice of routes to walk, cycle or drive along.
 - f) Minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land. Such impacts may include loss of light, privacy or security or unacceptable noise, pollution, flooding or sense of enclosure.
 - g) Pay particular regard to highway safety and servicing requirements, the capacity of the local road network and the adopted parking standards set out in Appendix C.
 - h) Incorporate landscaping appropriate to the site, using native species wherever possible.
 - i) Maximise health benefits through the incorporation of usable open space and footpaths and links to the wider green infrastructure network, in accordance with Policy EN3.
- 6.3.3 The constant reference to high quality design is one which is considered consistent with the requirements of the National Planning Policy Framework at paragraphs 126, 128 and throughout paragraph 12. At paragraph 134 of the NPPF and in Tamworth Local Plan Policy EN5 it recognises that development that is not well designed should be refused.
- 6.3.4 In October 2019 the then Ministry of Housing, Communities and Local Government produced the National Design Guide which seeks to help inform development proposals and their assessment by local planning authorities.
- 6.3.5 As a result of all this aforementioned policy and guidance, it is therefore crucial for the council to carefully consider all development proposals and whether they demonstrate this high quality of design. The commentary below therefore seeks to provide an analysis of the proposal and how it is adjudged to perform in terms of delivering in these aims.

Context

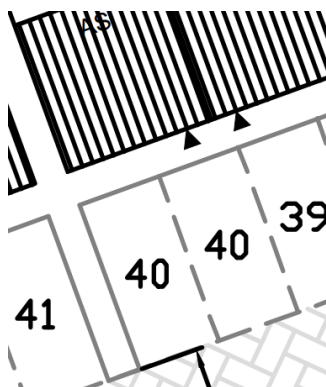
- 6.3.2 The site, whilst being adjacent to a sole residential property would be viewed as an individual housing estate off Coton Lane. Over the years, Tamworth's housing in close proximity to this site, especially around Coton Green Primary School in particular, has developed a distinct settlement pattern. As a result, the proposed development of relatively smaller housing numbers bound strongly with existing uses and infrastructure would be visually very different to what is currently present in the immediate area.
- 6.3.3 As a result, it is essential therefore that the design of this new housing development is of high quality to those who see it, how it presents in the landscape and for those who eventually live here. The emphasis on improving design is well documented in central Government policy, appeal

decisions and wider commentary which the Council fully endorses and therefore a very meticulous approach to this has been given for this proposal. This is especially more prudent as owing to the council's very healthy housing supply at present giving us comfort that we are sufficiently providing enough housing for Tamworth and its neighbouring authorities.

- 6.3.4 Despite requesting a number of amendments, the proposal in its final iteration lacks a number of aspects to be considered good enough to override our more than acceptable housing provision. The environmental context also presents a number of challenges to the living environment which do not tally with being one in which creates 'a high standard of amenity for... future users'.¹

Layout

- 6.3.5 The layout of the site is naturally split into two halves to cater for the stand-off distances from the electricity pylon which runs through the site. This immediately causes severance which whilst features such as paths and the main road can produce transient connection, the built form reads as two very separate areas which does not create a well designed proposal.
- 6.3.6 Local plan policy EN5 e) states that development should be outward facing and therefore having the houses facing inwards along Coton Lane does not fully represent a policy compliant development. The agent has argued that this has been done to both provide natural surveillance and prevent housing fronting onto an embankment with revisions in the design and access statement to further justify this. Whilst this might be the case, it is considered that improvements could be made to avoid this and still achieve an outward facing proposal similar to housing developments along Coton Lane which create a more welcome environment.
- 6.3.7 Better attempts from the original submission have been made to provide linkages from one side to the other but again it is difficult to look past how the pylon makes this scheme a very disjointed form of development which is not required.
- 6.3.8 Plots 12-15 continue to propose parking at the rear of properties, plots 21, 51, 57 parking is located in an awkward/unsecure location compared to the house itself and there are some parking spaces which straddle into neighbouring properties.



Other issues:

- 6.3.9 Other issues include:
- Rear/side parking areas which do not create surveillance
 - Lack of trees along the road to create a pleasing environment along a large stretch of hard surface.
 - The SUDs are unimaginative; simply a balancing pond which when one considers some of the measures that are pointed to in guidance such as the National Design Guide ² there are others that could be used that create a better design response.
 - The two smaller roads to the north east of the site just create closed roads which have no connection to the rest of the site
 - The site entrance is not particularly overly welcoming, greeted with built form right on the boundary

¹ NPPF, paragraph 130 f).

² Page 29 of the National Design Guide

- Questionable amount of parking for visitors/residents to prevent pavement parking which is unsightly
- House types and designs not particularly inspiring – lack decorative features

6.3.10 This list is not exhaustive and it is the view that should it be taken to a design review panel (which has been suggested but not taken up by the applicant) there would be other issues that would need to be addressed.

6.3.11 The applicant has stated that some of the issues could be addressed by condition such as imaginative play space however to really provide an appreciation for high quality design this information should be given up front so a full consideration can be made.

6.3.12 Attempts to resolve a lot of the concerns including numerous layout changes and propose a number of 'zones' to create interesting landscape features including a sport zone; wildflower area and wetland zone around the drainage pond.

6.3.13 In summary, this site will be read as very much independent of what is located around the area so there is opportunity for a 'showcase' proposal to fully demonstrate how development can become better designed for all those who eventually will live in this community and see it as they enter from Lichfield or from the train. As proposed however, it reads very much as a standard housing estate with a lack of high quality that is so important in current planning decision making. Therefore the proposal conflicts with EN5 of the Tamworth Local Plan and chapter 12 of the NPPF.

6.4 Amenity for current and potential occupiers

6.4.1 Tamworth local plan policy EN5 g) states that new developments will be expected to g) Minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land. Paragraph 130 of the NPPF further reinforces this, stating that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The Design SPD provides guidance on how these amenity considerations are to be made using adopted measurements.

6.4.2 *Current Neighbouring Occupiers*

The only residential property close to the site is Outfall Works Cottage to the east of the site. This property is however located sufficiently always from the side of proposed plot 16 to the left and therefore considered to not be significantly impacted by this property in terms of being overbearing or causing a loss of privacy (see image below showing this relationship).



6.4.3 *Potential Occupiers*

The site is recognised to be located adjacent to uses that could cause noise and disturbance for those would occupy the site on completion. Such uses include the sewage works to the north, the major railway line to the west and the busy Coton Lane to the south. The pylon too also creates noise, especially in winter/wet months when they can crackle caused when there's a change from

the normal conditions of a power line's insulators enabling the electric current to partially conduct along it or through the surrounding air to earth.

- 6.4.4 The local authority has consulted with the council's environmental health department and attempted to consult National Grid on any particular issues however this has not been fruitful. As a result, their guidance has been observed¹ which states that 15m clearance should be given has been adhered to be the latest layout proposed.
- 6.4.5 As a result of satisfactory reporting and contamination reports, the proposal should be satisfactory in terms of noise from neighbouring uses subject to conditions.
- 6.4.6 In terms of odour, the agent has stated the Preliminary OIA sets out a comprehensive qualitative risk assessment which considers a number of factors including the proximity of the proposed receptors to the source, the processes undertaken at the works and the effectiveness of the odour pathway (including consideration of wind conditions at the site).
- 6.4.7 The reason that the surveys do not capture wind blowing from sewage works towards the subject site is that such conditions (where wind is blowing from the north towards the south) are very uncommon as demonstrated on the wind rose enclosed as Figure 1 in the Preliminary OIA report. Monitoring the forecast on a daily basis for a number of weeks (with a view to undertaking the surveys) confirmed that such conditions were rare. The only opportunity when wind was forecast from the north for a short period was on 28th May. This which was actually a Saturday but the site was visited on this day due to the difficulties experienced capturing such conditions. Despite best efforts to align with the forecast, conditions encountered on site do not always accord with what is predicted. Wind also does not blow consistently from the same direction and the direction often varies over the 5 minute survey period. The directions quoted on the survey sheet were 'typical' for the sampling period but wind would have been experienced from other wind directions as well.
- 6.4.8 During the three odour surveys it was more typical for wind to be blowing from the northwest (towards the adjacent housing development). An off-site observation point was therefore located at the closest point to the sewage works within the adjacent development. The odour at the off-site observation point was noted to be stronger than at the subject site on all occasions indicating that odours are stronger at locations directly downwind of the sewage works. Whilst the uncommon occurrence of wind blowing from the north poses difficulties in capturing worst-case conditions for the purpose of site surveys, the fact that the subject site is upwind of the sewage works for the vast majority of the year is a key factor in the assessment of pathway effectiveness which concludes (in the OIA) that there is a low risk of adverse odour effects at the subject site arising from operation of the sewage works.
- 6.4.9 Both the Preliminary and Supplementary OIAs present the findings of a number of assessment tools as recommended in the IAQM guidance. The overall conclusion of 'no likely significant effects' draws together the findings of all assessment tools and is not reliant on individual factors.
- 6.4.10 National Planning Practice Guidance ³ states that assessments should 'be proportionate to the nature and scale of development proposed and the level of concern'. The IAQM odour guidance reinforces this stating that the selection of the number and type of assessment tools should be based on the potential of the proposed development to experience adverse odour effects. The potential for adverse odour effects itself requires some initial assessment or professional judgement.
- 6.4.11 As the comprehensive qualitative risk assessment, on-site odour surveys and review of complaints history (as presented within the preliminary and supplementary OIAs) all indicate a low risk of odour effects, it is not considered necessary or proportionate to undertake detailed dispersion modelling. Dispersion modelling itself is an inherently uncertain process in its attempt to simulate the complex atmospheric parameters that influence the behaviour of gaseous substances emitted into the atmosphere by means of a series of simplified mathematical equations and formulae. The IAQM

³ <https://www.gov.uk/guidance/air-quality--3>

guidance states that 'where the assessment is of an existing activity or process, empirical observations will usually be possible of what is happening on the ground: considerable weight should normally be given to the observational findings of community-based tools (complaints analysis, community surveys and odour diaries) and sensory assessments (such as sniff tests)'. It goes on to state that 'despite the understandable perception that the subjective nature of the sniff test is somehow inaccurate or imprecise, such extended surveys can arguably provide some of the best evidence on odour impact out of all the tools at our disposal'. The use of qualitative and observational techniques rather than dispersion modelling in this case should not therefore be assumed to be an inferior standard of assessment.

6.4.12 As a result of this despite the concerned levelled by the TBC environmental protection team, it is considered that the proposal would be acceptable in terms of amenity of the potential occupiers and would comply with policy EN5 of the Tamworth Local Plan 2006-31.

6.5 Affordable Housing

6.5.1 Policy HG4 requires that any new residential developments involving 10 or more dwellings are to provide at least 20% on site affordable units. The application proposes 59 dwellings following amendments to the layout, 12 of which are suggested as affordable units totalling 21% affordable units with at tenure split to be agreed which is compliant with policy HG4. of the Tamworth Local Plan 2006-2031.

6.5.2 A section 106 legal agreement will be required to ensure the affordable units are delivered in accordance with Policy IM1 (infrastructure and developer contributions), and if the committee approve the application this will be subject to a section 106 agreement securing the affordable housing units.

6.6 Housing Mix

6.6.1 Tamworth Local Plan Policy HG5 states that the following housing mix for the **total** dwellings should be required for housing development such as that proposed with this application:

- 42% of new housing will be 2 bedroom sized units
- 39% of new housing will be 3 bedroom sized units
- 15% of new housing will be 4 bedroom or more sized units

6.6.2 There has been concern raised by the policy team that the proposed mix of housing is not fully in accordance with what the council require. However, whilst there may be a discrepancy against these requirements it is the overarching planning view that the mix still provides for smaller units of accommodation which are most in demand and therefore could not substantiate a refusal on these grounds.

6.7 Housing Density

6.7.1 Policy HG6 considers housing density and states that new residential developments will make efficient and effective use of land, whilst enhancing the character and quality of the area it is located in. 30 units per hectare is required to be policy compliant.

6.7.2 Density of housing was originally an issue for the Council's Planning Policy team and does need addressing as part of wider design related concerns.

6.8 Open Space

6.8.1 Local Plan Policy EN3 and the Design Guide SPD require that new housing developments should provide on site open space at a standard of 2.43Ha per 1000 people. Utilising this guidance, the proposed development would be required to include approximately 0.37ha of open space on site.

- 6.8.2 The proposals here provide two play spaces with elements of landscaping:
- Tree buffer along the western edge with the railway
 - Undeveloped land underneath the pylon and its wires
 - Areas to the front of some dwellings with trees
 - Small parcel of green space forwarded of plots 15's parking spaces.
 - Small parcel of green space to the side of plot 28
- 6.8.3 The application has also been supported by a landscaping which there are some slight discrepancies between this and the final proposed layout.
- 6.8.4 Policy EN3 Open Space and Green and Blue Links state that open space should be multi-functional and contribute to a range of objectives including increasing biodiversity, connecting habitats, healthy living, leisure and tourism, enhancing landscape character and helping to mitigate climate change.
- 6.8.5 The proposals show that that the housing development would be within 400m of accessible high quality open space. In addition, this policy also states that any new on-site open space should incorporate existing landscape features of value and provide links for biodiversity, cycling and walking to the wider green and blue infrastructure network within, and where appropriate, outside of Tamworth. There is some areas of concern that the proposals do not do this to their full potential however on balance there is considered to be a reasonable approach to this and further conditions could be applied to ensure true open space enhancements could be made.
- 6.8.6 If approved the areas of landscaping would be secured by condition and management of this would be left for a management company agreed within any section 106. This would include the balancing pond located in the southwest corner and acoustic fence alongside the railway line.
- 6.9 **Biodiversity**
- 6.9.1 Policy EN4 states that development should incorporate planting of native tree species where appropriate to the site. Development that would involve the removal of any tree, woodland or hedgerow, which contributes significantly to its setting, local landscape character or its surroundings, will be resisted unless the wider benefits of the development are sufficient to offset the loss and cannot be avoided by appropriate siting or design. Where removal is justified and unavoidable, suitable and appropriate mitigation planting will be required to off set the loss of these features.
- 6.9.2 The application has been supported by a Preliminary Ecological Appraisal (PEA) and Ecological Mitigation and Enhancement Strategy from reputable consultants. The PEA identifies several existing ecological constraints to development, including the presence of Dunnock and House Sparrow and a potential for hedgehogs. A number of suitable mitigation and compensatory measures have been included such as bird and bat boxes, new landscape planting and careful consideration of a timetable of works. An updated metric to reflect the changed numbers of dwellings illustrates that there will be a net loss for biodiversity. In order to offset this loss, a financial contribution has been committed by the applicants of an amount to be agreed to improve the biodiversity on a suitable receptor to ensure that the proposal fully complies with Local Plan Policy EN4 (Protecting and Enhancing Biodiversity) and the NPPF. Therefore, the proposals comply with policy EN4 of the Tamworth Local Plan 2006-2031
- 6.8 **Noise and Pollution**
- 6.8.1 Policy SU5 - Pollution, Ground Conditions and Minerals and Soils states that development should manage the risk of air, light, noise, or water pollution and land instability. Relevant reports proportionate to the scale of the development will be required to assess pollution levels and mitigation measures where a risk is identified.

- 6.8.2 There are a number of environmental constraints that could cause noise that would have amenity impacts to those who would live in this location. To this extent, reports have been produced by the applicant and reviewed by the Council's Environmental protection team.
- 6.8.3 Initial comments returned did not consider that the proposed acoustic barrier adjacent to the railway line would provide sufficient protection from noise and therefore further justification and technical data was requested which was produced in a timely manner. As a result, the environmental protection officer has since removed their objection on this. They have also observed the other noise and odour reports submitted with the application and deemed these acceptable subject to conditions.
- 6.8.3 The scheme is therefore considered to comply with the requirements of policy SU5 of Tamworth Local Plan 2006-2031.

6.9 Highways

- 6.9.1 The applicants have continued work directly with the County Highways Authority following the original submission to provide additional information to completely satisfy their requirements. To this end, the Highway Authority is now in a position to produce final comments based on the information submitted by the applicant.

The revised Transport Assessment, associated tracking, layout and other plans and drawings have demonstrated that the proposed scheme will provide the required parking for residents and visitors, a safe access from the entrance off Coton Lane.

It is noted that there is a number of objections on highway grounds including the volume of transport that would be created to serve the housing and the proposed access off Fontenaye Road. This has been carefully inspected by the County Highways Authority as a result of the submitted technical data with a close consideration of the national and local policy approach to considering this information. As a result of the data supplied however, it is considered that there would not be a severe impact upon highway safety in accordance with NPPF paragraph 111 and the proposal would also comply with policy SU2 of the Tamworth Local Plan 2006-2031.

6.10 Drainage and Surface Water Flooding

- 6.10.1 Following amendments to drainage proposals, Severn Trent Water and the Lead Local Flood Authority have requested 'prior to commencement' conditions to demonstrate suitable drainage for foul and surface water in accordance with Policy SU4, which requires any major development to demonstrate that there is adequate wastewater infrastructure in place to serve the development.

Therefore, the proposals comply with policy SU4 of the Tamworth Local Plan 2006-2031

6.11 Other Matters

- 6.11.1 As a result of consultation, Staffordshire County Council Highways, the Education Authority and Highways Authority have requested financial contributions.
- 6.11.2 These contributions have been reviewed in compliance with the relevant CIL regulations it is considered they are CIL compliant, and they are also agreed as acceptable by the applicants to mitigate against the impacts of the development.
- 6.11.3 Given that the application is proposed for more than three new dwellings the development will trigger a Community Infrastructure Levy (CIL) payment if the development is commenced. CIL is a tariff upon development, which local authorities can charge in order to raise funds to contribute to the delivery of new infrastructure, which arises as a result of development in an area. A CIL charge will apply to all relevant applications determined on or after **1st August 2018** (including those successful on appeal and those where a resolution to grant has been made but a S106 agreement has yet to be finalised). The CIL Charging Schedule confirms a payment of £35 per square metre for

residential developments of 11 units or more. A relief could apply to the 12 affordable/social units on the site; this is subject to a formal application process outside of the planning application consideration.

7 Conclusion

- 7.1 The site is one that is not allocated for development. It does however lie close to existing built form and is reasonably close to public transport connections and two miles to the town centre and ten-minute walk to a local store making it a reasonably sustainable location for housing and therefore acceptable in principle.
- 7.2 We welcome the fact the proposal will provide policy compliant affordable housing and contributions for schools, healthcare provision and highways. The proposal however must also deliver on being well designed if we are to create the very sustainable development so required in planning decisions and stated in both local and national policy and guidance.
- 7.3 The applicant has notably worked hard to make various changes in response to a number of specific design related issues. They have produced design and access statement addendums to give justification for various responses all with a high level of detail.
- 7.4 Nonetheless, the pylon represents a real challenge in creating a truly highly designed scheme. It means that the site is in effect cut into two sides which does not make for a cohesive place. Living so close to this large piece of infrastructure too will be very oppressive and not create a high quality living environment.
- 7.5 We have also identified a number of issues at 6.3.9 that also do not fully provide a well designed scheme that meets design policy that does not outweigh the above benefits.
- 7.3 National Planning Policy Framework paragraph 134 states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'. Whilst the applicant feels that have achieved this, it is the opinion that the high bar has not been achieved. As a result the proposal fails to comply with EN5 of the Tamworth Local Plan 2006-31 and the NPPF.

8 Recommendation

Refusal

Reason

National Planning Policy Framework paragraph 134 states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'. The proposed development, by virtue of its poor design is not considered to reflect these high ambitions required by local and national policy. Such elements of the proposed development includes:

- Having a poor split layout and general arrangement in relation to the electricity pylon which bisects the site.
- The proposed contrived and awkward parking arrangements for the potential users of some of the dwellings.
- Providing an unwelcoming site entrance for what is a large housing estate.
- A lack of attractive roads and connections through the site.
- Proposing a unimaginative response to the main sustainable drainage feature.

As a result therefore, the development is considered to not comply with relevant local and national policy. Furthermore, the council is also able to demonstrate more than five-year supply of housing land and therefore no overly pressing requirement for further homes in excess of the requirements set out in policy HG1. The proposal therefore is in conflict with policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031 and National Planning Policy Framework paragraph 134.

ⁱ <https://www.nationalgrid.com/electricity-transmission/document/130626/download>

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PLANNING COMMITTEE

17th January 2023

APPLICATION FOR CONSIDERATION

0414/2022

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION



Application Number: 0414/2022

Development: Removal of existing glazed roof, demolition of projecting canopies and first floor gantries; Erection of replacement brick facades, paving and drainage; Demolition of No. 9 Middle Entry and 18, 18a and 19 Market Street and Nos 20, 20a and 21 George Street and redevelopment to provide a flexible, multi-use building (Class E) with hard and soft landscaping, forming a public square with associated street furniture, drainage and associated works

Location: 17,18,18a & 19 Market Street, 1-9 & 12-20 Middle Entry, 20,20a & 21 George Street, Tamworth

1. **Introduction**

- 1.1. Planning permission is sought to provide a flexible, multi-use building (Class E) together with hard and soft landscaping to form a new public square and associated demolition of buildings in Middle Entry as part of the Council's Future High Street Fund project.
- 1.2. The site is mainly within the ownership of the Borough Council and external areas are under control by the Staffordshire County Council Highway Authority.
- 1.3. Although this is minor development (257sqm) that falls below the size thresholds for major schemes, this application is brought before the Committee due to its connection with the council's Future High Streets Masterplan, where the renewal of the buildings are an integral part of the objectives to enhance the environment and viability of the town centre. As such it provides the key to other developments within a wider scheme.
- 1.4. The proposals allow for the demolition and replacement of shop units and opening up of the public area in front, enhancing Castle Gateway and other elements of the masterplan to come forward. It will support the wider objectives of the wider Masterplan.
- 1.5. The proposals are:
- To remove the current glazed roof and two first floor bridges over the central passageway which runs from the Market Place to St. Editha's Square,
 - Installation of new fire space access,
 - Rebuilding of the southern range of shops on the Market Place and George Street with a new 'Flex Building' (so called due to the flexible uses within Use Class E of the Use Classes Order that are encouraged to use these spaces).
 - Public realm improvements including redesigned public space that links the new Flex Building to the Town Hall Square.
- 1.6. Further details of the development are outlined within the submitted planning statement, heritage statement, architectural and landscaping plans and Design and Access Statement.

Location and existing site and buildings

- 1.7. Middle Entry is located in the centre of Tamworth town centre, with St. Editha's Square and Church to the north, and the Market Place and Town Hall to the south. On the east side of the Market Place is George Street, while Market Street leads off to the west. To the south of Market Street are Tamworth Castle and its historic grounds.
- 1.8. Middle Entry was created in the 1970s following the demolition of medieval buildings on Church Street, Market Place and George Street. St Edithas square itself has brick paving serving regular markets and public events, dominated by St. Editha's Church. To the east of the square the Co-operative department store has recently been approved for a new South Staffordshire College building. To the south, the Middle Entry buildings line the north and east sides of the historic marketplace. The centre of this space is dominated by the eighteenth-century Town Hall, which is

two storeys, in red brick with timber casement windows and, at the west end, an open area on the ground floor, surrounded by an arcade of stone columns. The cupola on the roof of the Town Hall is a distinctive townscape feature. Other buildings around the marketplace, along Market Street and George Street, are 2-3 storeys, with shops on the ground floor. Many are historic, with Georgian style facades. Directly south of the southern exit to the Middle Entry passageway is the stone Halifax bank, with Classical detailing. There have also been many replacement buildings along these roads in the late-twentieth century with less rich architectural detail than the historic buildings. South of Market Street is the Castle grounds public park accessed across a timber bridge over the ruins of a thirteenth century gatehouse. The gardens are an attractive green space, with lawns and flower beds leading down to the River Anker. The main feature of this space is Tamworth Castle, set on a mound to the west.

Proposals

Middle Entry

- 1.9. The existing glazed roof and brick clad first floor link blocks at either end of the pedestrian route will be removed to open up the interior of Middle Entry making this a fully external street. The existing Middle Entry commercial units are level access and are accessed from Market Street to the south and St Editha's Square from the north. This access is to be retained throughout Middle Entry. A capping system will be applied at parapet level to protect the façade from weather ingress. Where the north and south first floor link bridges are removed, remedial works will be carried out to each side of the bridges and new brickwork facades will be introduced, changing former internal walls into new external walls. New drainage works will also be installed beneath the paving that enable the removal of the glazed canopy. Localised repairs will be undertaken on adjacent existing buildings where the canopy is removed. The current 'Middle Entry' signage at each end of the pedestrian walkway is to be removed as part of the works. Further details of the removal works and the timings that they are undertaken to reduce any disruption to trade are outlined within the supporting Framework Demolition Method Statement.
- 1.10. **Flexible Multi-Use Building** – The existing shops at Nos. 9 Middle Entry and 18-19 Market Street and Nos. 20-21 George Street to the south of Middle Entry are to be demolished. These form a range of modern buildings of no architectural merit which detract from the character and setting of the space around the Town Hall. A total of 538 sqm (GIA) will be demolished. A single storey Flexible Multi-Use Building (the 'Flex' building), of 257sqm (GIA) will be redeveloped on the demolished site. The proposed Flex building facade is proposed to be formed out of brick with a series of arched openings providing access into each commercial unit from street level.
- 1.11. Each unit entrance features glazed curtain walling with integrated glazed doors with space for signage above each unit. The unit will open up directly on the new public square. The new 'Flex' building will create a series of flexible retail 'pods', (some with catering capacity) plus a small kiosk containing a management office, and toilets. The intention is for the space to meet the demands of smaller business operators and the proposed plans show a layout of 7.no individual units. This space can be adapted to accommodate different users and activities including market, retail, leisure and event space within use class E¹.
- 1.12. To the rear of properties to the east, new access ladders will be installed to the rear of the Flex building to the roof of Middle Entry for maintenance. Servicing will be from the rear service yards as per the existing situation accessible from College Lane. Although Market Street is pedestrianised throughout the core hours of the day, vehicle access is permitted for loading only at certain intervals. As such, the deliveries to the units can also take place directly, from their frontage with Market Street, at the permitted times. As there is a reduction in overall floorspace and as this is a highly accessible town centre site, no car parking is proposed and visitors will be expected to use existing town centre car parks and public transport, walking and cycling. The scheme includes cycle provision with 5 no. cycle hoops (10 spaces) initially situated to the north of the Town Hall, although relocated in amended details.
- 1.13. **Market Square** - A new landscaped area of public realm will occupy the space between Flex and the Town Hall. The landscaping will enclose the Town Hall and extend through Middle Entry. Whilst this Planning Application only includes this specific boundary, the landscaping concept will connect other Future High Street sites within future applications, creating a cohesive public realm amongst

¹ <https://www.planningportal.co.uk/permission/common-projects/change-of-use/use-classes>

the new developments within the town centre. Within Middle Entry, it is proposed to resurface the walkway with sandstone and granite pavers that feature an overlapping 'rug style' detail. This surface treatment and detailing will extend into the public square area by the Town Hall. There are two trees on site which are of little importance arboriculturally, being in a poor condition and poorly located. These will therefore, be removed and replaced with additional planting that is specifically designed for the proposed landscape scheme and will be set within appropriately sized planters to ensure long term health. Trees will be planted in raised planters and low level planting beds throughout the site and a net increase in tree cover is proposed. By the Town Hall there will be a planter bed comprising low level shrubs and vegetation. Trees have been avoided here as to not detract from the setting of the Town Hall itself. Illuminated step units have been incorporated to the scheme to accommodate for the change in levels at the south-eastern side of the site. East of the Town Hall is a new square, which is defined by surface paving treatment and planters lining the boundary. This area will be suitable for events and public gatherings. Public realm works will include new lighting, litter bins, street furniture and materials and anti-terrorism measures.

- 1.14. The site features constraints of nearby listed buildings including the Town Hall (Grade II*) St. Editha's Church (grade I), other neighbouring grade II listed buildings; a conservation area; St. Editha's Church and Church Street Character Area; archaeological remains with potential archaeological interest below site; and is within a shopping area & primary shopping frontage.
- 1.15. The main considerations include the sensitive historic site context in combination with a highly prominent location in Tamworth; the wider context of the planned regeneration of the town centre – (within the Future High Streets Fund Regeneration Scheme); the opportunities to support town centre renewal and the opportunity for a building that responds positively and flexibly to multiple uses.

2. Legislation and Policies

Planning (Listed Buildings and Conservation Areas) Act 1990

2.1 National Policies:

National Planning Policy Framework (NPPF) 2021
 National Design Guide 2019
 National Planning Policy Guidance (NPPG)

2.2 Local Plan Policies:

SS1 - The Spatial Strategy for Tamworth
 SS2 - Presumption in Favour of Sustainable Development
 EC1 – Hierarchy of Centres for Town Centre Uses
 EC2 – Supporting Investment in Tamworth Town Centre
 EC3 – Primary and Secondary Frontages
 EN5 - Design and New Development
 EN6 - Protecting the Historic Environment
 SU2 - Delivering Sustainable Transport
 SU3 – Sustainable Design
 SU4 - Flood Risk and Water Management
 SU5 - Pollution, Ground Conditions and Minerals and Soils
 IM1 - Infrastructure and Developer Contributions
 Appendix C - Car Parking Standard

2.3 Other Policy/ Guidance:

- Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment: English Heritage (2008)
- Historic Environment Good Practice Advice Notes 2, and 3: Historic England (2015)
- Town Centre Conservation Area Appraisal
- Town Centre Conservation Area Management Plan Update 2016
- Tamworth Design Supplementary Planning Documents July 2019

3. **Relevant Site History**

- 3.1. There have been a significant number and variety of applications related to signage, external changes and uses on the site, which reflect minor changes over time. There are no significant or recent applications relating to the way in which the land is used.

4. **Consultation Responses**

- 4.1. The consultation responses comments are précised and if conditions are proposed these are included within the conditions at the end of the report unless stated otherwise. Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at <http://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>

4.2. **TBC Conservation Officer**

I do not object to the principle of the development, nor the required demolition to facilitate the proposal.

With regards to the new build, I accept that the proposal aims to remove a negative elevation within the setting of the Listed Building, currently a prominent building in the street scene. Therefore, I do not object to the proposal's architectural style. I would prefer to see a lighter weight infill panel to the arches – ideally fully glazed, or per the examples in the Design Statement. The proposed elevation almost negates the arch shape by infilling with brick panels and installing a very ordinary set of doors, diluting the architectural purpose and flare.

I would prefer to see a muted brick type, rather than a red brick in this setting. The tonal range of the public realm and the materials of the new building should compliment the setting, and not compete for attention in the setting, taking into account the dark and creamy tones of the Listed Buildings. I would prefer a similar outcome, as per one of the examples in the Design Statement, conditioned for examples to be provided and seen on site. Note the recessed infill panel also on these examples, which I consider to be a positive design solution.

Public Realm

I make the following observations and request change to:

- No street furniture to be positioned within close proximity to the Town Hall Building – requires repositioning of cycle racks and bins. Remove all clutter close to Listed Building and allow it to be the focal point.
- Concerns regarding the placement of two rows of tree trees in close proximity to the Town Hall Building. I suggest these are omitted or alternative location suggested. Object to the north row of trees.
- The planter and contemporary stone bench to the east of the Town Hall... I'm concerned about the planter close to the Listed Building – what are the dimensions and position? I would prefer clear visuals to the entire building – full height, all corners, without interrupted view. If the new items are deemed acceptable, they should be the same width of the historic building, rather than wider.
- The arrangement 'turns its back' on the Listed Building, and directs activity in to the new open space, rather than making the Historic Asset the focal point. Could the seating and planting be arranged to direct attention to the Historic Buildings – the Town Hall and Bank? All the focus is on 'new build'.
- Please keep a simple palette of materials and shapes – I agree with the rectangular form, as it replicates the linear shape of the Town Hall. There are lots of examples of tiling and paving in the Public Realm Design Statement, but I am not 100% sure what the final material and design is(?)

4.3. **TBC Planning Policy and Delivery Team**

From a strategic policy perspective, our comments on the above proposal are in specific relation to the proposed new multi-use building, known as the Flex Building.

Policy EC1 (Hierarchy of Centres for Town Centre Uses)

The subject site is located within the designated town centre boundary, as identified on the Policies Map which accompanies the Local Plan. As such, Policy EC1 applies.

As an E Class use, the replacement building would be of a similar use to the existing units, and one which is complementary to the town centre location. On such grounds, we would have no strategic objection to the principle of the proposal, provided the development could also demonstrate compliance with the wider policies of the Local Plan.

Policy EC2 (Supporting Investment in Tamworth Town Centre)

Under Policy EC2, we would support investment within this area, and would positively receive a development that would attract a greater footfall of visitors into this area. Policy EC2 is also supportive of developments that would contribute to the future role and viability of the town centre.

Policy EC3 (Primary and Secondary Frontages)

The existing units located along Market Street and George Street all fall within the designated 'primary frontages', as spatially mapped in Policy EC3. However, this policy is no longer in line with the NPPF, and as such, the requirements of Policy EC3 should not carry any significant weight in regard to this application.

There is no strategic objection to the principle of the proposal and recognise the benefits that the development would bring to the town centre area. Notwithstanding, the proposal must be able to demonstrate compliance with the wider policies of the Local Plan in order to be deemed acceptable.

4.4. TBC Environmental Health Officer

Recommendation: Approval with conditions - A review of historic, contaminated land, landfill, coal fields & other relevant maps was undertaken. Relevant legislation was considered and is acceptable with noise, dust, time, vibration & contaminated land conditions, listed below.

4.5. TBC Town Centre/Tourism Team

This application represents a significant improvement and enhancement of the Town Centre environment, removing poor quality, dated existing properties and replacing them with a new facility that has been identified as in need by local businesses and people. The new building will increase the quality and public realm space around the Town Hall, making it more attractive to users. The new build will allow a diversification of uses away from the current offer, allowing new businesses to start and grow at low risks, proving demand to current and potential Town Centre users

4.6. Staffordshire County Council Highways

Traffic Impact

On review of the submitted Transport Statement Document ref 2022/6820/TS01, dated October 2022, it is accepted that while the proposal is intended to increase footfall and dwell time within the Town Centre, the proposed net reduction of existing retail space and enhancements of public realm are not considered to generate a material increase of new vehicular trips to the town centre and surrounding area.

Parking Provision

The proposed multi-use building will provide an overall reduction in floor space compared to the existing building layout and will remain a car-free development. As the building is located within the Town centre with good links to sustainable transport and public car parks, no vehicle parking provision being provided on site raises no material highway safety concern.

The Transport Statement submitted states that cycle parking provision for 10 cycles will be provided within Market Street, as indicated on the submitted drawings, which would primarily accommodate the demands of staff at the proposed retail units. The Highway Authority are content for cycle parking to be provided within Market Street to encourage sustainable modes of transport and for use of the general public within the Town Centre. However additional secure and weatherproof cycle parking must also be provided within land under the applicants control to

encourage staff associated to the new multi-use building to travel to work via sustainable mode of transport.

While Tamworth Borough Council have no adopted cycle parking standards, it is acknowledged that reasonable levels of weatherproof and secure cycle parking should be provided to support development within the Adopted Local Plan. The Highway Authority would therefore recommend that a minimum of 1 no. secure and weatherproof cycle parking space is provided per retail unit.

Travel Plan

A Workplace Travel Plan Doc ref. 2022/6820/TP01, prepared by RGP Consulting dated October 2022 has been submitted to support the proposed flexible retail building. The aims, objectives and targets set out within the document appear appropriate to encourage staff to travel to and from the site via a sustainable means of transport. The Highway Authority will require a S.106 financial contribution is secured towards monitoring the approved Travel Plan for a 5-year period from commencement of use.

Enhancement to Sustainable Travel Links

While it is acknowledged that the development is situated within a Town Centre location with good sustainable links to public transport. Staffordshire County Council have previously advised that walking and cycling enhancement would be required to support regeneration of the Town centre secured through the Future High Streets Fund as the proposals would generate additional footfall within the locality. Improvement of sustainable travel links between the Town centre and Tamworth Railway Station have also been identified within SCC Tamworth Borough Integrated Transport Strategy dated 2015-2031 which include Market Street and George Street.

While a Travel Plan has been submitted to support the proposed Multi-use building and additional cycle parking proposed within the Market Street forming part of the proposed public square, no enhancement to walking and cycling Infrastructure has been put forward.

The Pedestrian Zone within the Town Centre does not permit cyclists therefore the Middle Entry Shopping Centre is not accessible by cycle unless cyclists' dismount. To enhance accessibility to the site via cycle and promote sustainable travel links it is recommended that the 'Pedestrian Zone' is upgraded to a 'Pedestrian and Cycle Zone' with any necessary cycling infrastructure works implemented and Traffic Regulation Order amended.

The Highway Authority would therefore require an off-site highway scheme is secured via planning condition to enhance cycle connectivity within the town centre as outlined above. As the scheme will require works to be undertaken within the public Highway, A Highway Works Agreement will need to be obtained by the applicant. Amendment to the Traffic Regulation Order can be dealt with under the Highway Works Agreement and would be fully funded by the applicant.

Development works at Middle Entry

Middle Entry is an unclassified pedestrianized covered walkway maintained by the Highway Authority and provides a connection between Edith Square and Market Street. The proposed removal of the glazed roof and demolition of projecting canopies to create a traditional pedestrianised street raises no highway safety concern subject to the street being sufficiently lit, drained and surfaced to the Highway Authorities approval.

As the development works will require works to be undertaken within the public highway, a Highway Works Agreement will need to be obtained by the applicant which will involve the vetting of the detailed scheme to ensure it meets the highway authority's requirements. The Highway Authority are therefore content to deal with the submission of detailed design information as a condition of consent.

Middle Entry is not currently included within the limits of the existing Pedestrian Zone Traffic Regulation Order. The proposed alterations to Middle Entry and public square will enhance the connection between Market Street and Edith Square for pedestrians and cyclists therefore it is essential that the limits of the existing Pedestrian Zone (and proposed upgrade to accommodate cyclists) are revised to reflect the change in the layout of the public highway. Changes to the existing Pedestrian zone limits and supporting Traffic Regulation Order will therefore need to be secured via planning condition

Development works associated to the Demolition of No. 9 Middle Entry and 18,18a and 19 Market Street and Nos 20,20a and 21 George Street and erection a new flexible, multi-use building.

The existing service yard (maintained at public expense) served from College Lane to the rear of the existing shops affected by the proposals will be slightly reduced in size to accommodate for the new flexible, multi-use building. Swept path analysis undertaken within the existing and proposed service yard (Drawing ref. 2022/6820/002 Rev P2 & 2022/6820/003) demonstrates no material change to the way in which a variety of delivery vehicles enter and exit the site on College Lane therefore raises no operational and safety concerns.

The proposed alterations to the service yard as a result of the development will require a scheme of offsite Highways Works to be undertaken to ensure the amended service yard is provided in accordance with Staffordshire County Council requirements. It is also noted that an existing Street Lighting Column, Unit ref.015, is located within the area of land to be stopped up and developed upon therefore the Street light and associated Electrical apparatus will need to be relocated and considered as part of the off-site highway scheme.

As the service yard is dedicated as public highway the proposals will require a section of highway to be stopped up via Section 247 of the Town and Country Planning Act 1990 prior to building works to the Multi-use building commencing. It is recommended that the applicant does not submit a Stopping Up application to the Department for Transport until Technical Review associated to the Highway Works Agreement has concluded the extents of highway to be stopped up and relocation of highway assets. The Highway Stopping up Plan submitted therefore may be subject to change.

As Market Street is a Pedestrian Zone with Loading permitted on certain days and times, servicing of the new shop frontage would also be available from Market Street as currently proposed. However, this is not ideal due to the proposed layout of the proposed public square and difficulty in getting close to proposed shop frontages. The Highway Authority would therefore recommend that all loading and unloading operations associated to servicing of the proposed multi-use building are entirely accommodated with the College Lane Service Yard unless otherwise agreed in writing.

The proposed multi-use building is intended to front onto the proposed public square with direct access provided for pedestrians. Access to shop frontages is available by a vast array of steps to the south with 'at grade' access also available to the west. The Highway Authority in the first instance would require that any doors that front onto the public highway to the front or rear of the new multi-use building open inwardly so not to cause a hazard to users and obstruct movement of non-motorised users.

While it is acknowledged that 'at grade' access is available to the south of the new multi-use building, the main point of access to shop frontages is via the proposed illuminated steps which is not of an inclusive design. As the applicant intends for the entire extents of the proposed Public Square to form part of the adopted highway, the inclusion of the illuminated steps within the proposed public square raises concern in terms of whether its function benefits all users and meets the Highway Authorities Adoption criteria.

The highway Authority has an obligation to ensure that disabled people play a full part in benefiting from and shaping an inclusive environment under the Disability Discrimination Act 2005. The Highway Authority would therefore recommend the inclusion of the illuminated steps are scaled back and a more inclusive design is promoted to benefit all users.

The Highway Authority are unlikely to formally adopt the illuminated steps for this reason as well as Safety and maintenance concerns.

Creation of a new public square within Market Street and George Street

The proposed creation of the Public Square and associated Public Realm works within Market Square and George Street are acceptable in principle subject to submission of detailed design information. As the development works are situated within the Public Highway, the applicant must obtain a Highway Works Agreement from the Highway Authority which will include a detailed design review of the scheme.

The Highway Authority would highlight that the palette of material stated within the Hard Landscape proposals have raised some concern from a maintenance and safety perspective therefore the

specification of materials will need to be discussed in detail between the applicant and Highway Authority and agreed as part of the Highway Works Agreement. I would also state that any non-standard material implemented as part of the Public realm works is likely to generate a commuted lump sum due to the enhanced cost to the Highway Authority to maintain the bespoke material for its serviceable life.

It is expected that as a result of 18, 18a and 19 Market Street and Nos 20, 20a and 21 George Street being demolished and new multi-use building being built in a set-back position along with the creation of public square, that alterations to the highway boundary would be required to establish a clearly identifiable boundary between areas of the land to be maintained by the Highway Authority and Tamworth borough council as land owner. The applicant has since provided additional information to suggest the entirety of the public square form part of the adopted highway network up to the proposed shop frontages however due to concerns raised in regard to inclusivity, drainage, and future maintenance regime it is likely that the upper terrace and illuminated steps would not meet the Highway Adoption Criteria. Proposed details of future maintenance arrangements for both highway and private areas will need to be discussed in detail as part of the highway works agreement and agreed.

It is evident on review of the submitted drawings that no consideration has been given to the location of existing Street Lighting Assets, Electronic Bus Information Totems and Street Furniture within the application boundary that will need to be removed/relocated and reinstated to accommodate for the proposed development Layout. Detailed survey of existing highway assets and proposed relocation/removal of assets including any associated electrical works will need to be submitted to the Highway Authority for approval. Submission of detail design information would also need to include how the Public Square and adjacent areas will be satisfactorily lit and drained.

Surface Water Drainage Strategy

A desk top Sustainable Urban Drainage Systems and Foul Drainage Strategy Statement prepared by McBains, document ref. 61775 FB MCB XX XX RP C 00001 S2 Revision P2, has been undertaken to support the submission.

The Surface Water Drainage Strategy for the proposed Multi use Building and Middle Entry (Catchment 1 and 3) consists of a positive drainage system which will discharge to the public sewer in George Street via an attenuation feature and a vortex control manhole. Attenuation is intended to be designed to accommodate the 1 in 100-year storm event + 40% allowance for climate change and flow rate is to be restricted to 2 l/s before being discharged to the public sewer. An Attenuation Tank is proposed to be located within the upper terrace area of the public square adjacent to shop frontages and it is stated that Tamworth Borough Council as Landowner will be responsible for the maintenance of the SuDS feature. A sloping roof to the rear of the new building (Catchment 5) will require surface water to be discharged to the public sewer within the Service Yard with no attenuation proposed.

The upper terrace area consists of 0.0137 ha of impermeable area (catchment 2), surface water is intended to be captured via a number of proposed linear drains situated at the top of the steps and discharged into new proposed planters (Rainwater Harvesting) with any overflow will be conveyed by a proposed rodding eye into a manhole chamber before being discharged to the public sewer. Part of Catchment 2 includes existing highway land that is not proposed to be stopped up.

Surface water run off within the remainder of the public square and public realm works in Market Square and George Street (Catchment 4) intends to be managed via the existing highway drainage system. I would note that part of catchment 4 includes part of the public square and illuminated steps which do not currently form part of the public highway. I would highlight that only surface water from the public highway is permitted to enter the Highway Drainage system.

The Highway Authority would raise a few concerns which will need to be addressed at detailed design stage of the proposals.

- The placement of an Attenuation Tank and Rain Harvesting Planter Drainage forming part of a private drainage system associated to Catchment 1 and 2 located within the terraced and stepped section of the proposed public square would not meet the Highway Authorities adoption criteria therefore unlikely to be adopted by the Highway Authority.

- The Highway drainage system is only permitted to accept surface water run-off from the highway catchment. The Catchments outlined will therefore need to be revised to take this fundamental principle into consideration.
- Middle Entry forms part of the adopted highway therefore surface water run off within Catchment 3 will need to be entirely accommodated within the highway drainage system and kept separate from the proposed private drainage system as currently outlined. This may require capacity of the Highway Drainage system to be improved in accordance with current highway design standards.

The Highway Authority are content to deal with this matter as a condition of consent.

Construction and Demolition Management Plan

A Framework Demolition Method Statement prepared by Union 4 Planning and Outline Construction Management Plan prepared by RGP Consulting Engineering has been provided to support the planning application. The principle of the documents provided appear robust and set out how the temporary construction phase of the development will be managed and impact minimised. Once a works contractor is appointed a detailed Demolition Method Statement and Construction Management Plan will be provided. The Highway Authority would therefore ask that once the works contractors is appointed a detailed Construction Management Plan and Demolition method Statement is submitted to the LPA/LHA for approval.

RECOMMENDATIONS:

Accordingly, we have no objection subject to conditions and appropriate S.106 financial Contribution.

4.7. **Lead Local Flood Authority Planning**

We note that the site location is at risk of 1 in 1000 year surface water flooding and has 2 reported flooding hotspots within 200 metres.

There will be no significant change to the impermeable area and so little change to the surface water runoff generated by the site. The Flood Team have no further comments to offer on this application.

4.8. **Historic England**

Advises that we seek views of our specialist Conservation advisor and County Archaeologist

4.9. **Rural County (Environmental Advice) Staffordshire County Council**

Recommendations: there is potential for groundworks within the application site to impact upon below ground archaeology associated with the development of the area from the early medieval period onwards. With regards to the below ground archaeological potential, it is recommended that, should permission be granted, an archaeological watching brief be carried out during all groundworks associated with the development. In addition, given the proximity of the proposals to nearby listed buildings and the Tamworth Town Centre Conservation Area, I am happy to defer to the knowledge and experience of your Conservation Officer colleague with regards to the appropriateness of the proposals in this context.

4.10. **Cadent Gas**

Note required into the Decision Notice regarding gas apparatus.

4.11. **Publicity**

4.12. As part of the consultation process adjacent residents were notified and a press notice and site notices were erected. No comments received to date.

5. **Equality and Human Rights Implications**

- 5.1. Due regard, where relevant, has been taken to the Tamworth Borough Council's equality duty as contained within the Equalities Act 2010. The authority has had due regard to the public sector equality duty (PSED). Under section 149 of the Equality Act 2010, a public authority must in the exercised of its functions, have due regard to the interests and needs of those sharing the protected characteristics under the Act, such as age, gender, disability and race. This proposal has no impact on such protected characteristics.
- 5.2. There may be implications under Article 8 and Article 1 of the First Protocol of the Human Rights Act, regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.

6. Planning Considerations

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material planning consideration. Both the Local Plan (LP) and the NPPF contain a presumption in favour of sustainable development.

The key issues to be considered at this stage, in no particular order, are

- Principle
- Design
- Heritage
- Highway Matters
- Noise
- Drainage
- Planning Obligations

6.2. Principle

- 6.2.1. The Tamworth Borough Council Local Plan 2006-2031 was adopted on 23rd February 2016 and is the starting point in assessing the acceptability of this planning application. Policy SS1: The Spatial Strategy for Tamworth seeks to provide development in the most accessible and sustainable locations, including within and around the town centre. The application seeks to deliver significant development in the centre of the town therefore the application complies with the principles of SS1. Policy SS2: Presumption in Favour of Sustainable Development, seeks to ensure that proposals for development are in accordance with the Local Plan and are sustainable in terms of economic social and environmental credentials. The application for replacement retail/commercial units in the town centre which includes good environmental design, promotes sustainable travel and contributes towards, revitalising the town centre, complies with the policy.
- 6.2.2. Policy EC1: Hierarchy of Centres for Town Centre Uses, defines the hierarchy for the location of development involving town centre uses, prioritising Tamworth Town Centre as the key focal point where development including retail, services and leisure uses should be concentrated. The application is located within the heart of the town in the town centre and seeks to deliver uses which will support the vitality of the town centre in the future.
- 6.2.3. The proposed development would fall within Use Class E (Commercial, Business and Service) of the Town and Country Planning Use Classes Order 2021. Use Class E Planning broadly incorporates the previous A1, A2, A3, B1, and part of both D1 and D2 uses and creates a more flexible use, generally incorporating:
the display or retail sale of goods, sale of food and drink (where consumption is mostly undertaken on the premises), and for the provision of services principally to visiting members of the public, including financial or professional services, or any other services which it is appropriate to provide in a commercial, business or service locality, indoor sport, recreation or fitness, provision of medical or health services, principally to visiting members of the public, a creche, day nursery or day centre, offices to carry out any operational or administrative functions, research and development of products or processes, or any industrial process, which can be carried out in any

residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

- 6.2.4. The key benefit is that it facilitates a variety of uses within a single use class and therefore without the need for planning permission for a change of use. The proposal includes 'main town centre uses' that would therefore be acceptable uses within the town centre and would comply with Local Plan policy EC1.
- 6.2.5. Policy EC2: Supporting Investment in Tamworth Town Centre specifically relates to development in the Town Centre. The policy states that "*the regeneration and economic development of the town centre is seen as a key Council objective and driver to the wider regeneration of Tamworth.*" The policy outlines the importance in the protection and enhancement of heritage assets within the town, stating that they "*assist in defining Tamworth's unique streetscape, fostering local distinctiveness and preserving local character.*" The application seeks to deliver significant investment in the town centre that will generate footfall and spend. The delivery of a regenerated site into a flexible/multi-use building will generate confidence by other investors to improve the town centre. The application will in effect be a catalyst for future long-term investment into the town centre which will halt its decline. The design and character of the new units has been determined by understanding the context within which it sits, the heritage that surrounds it and enhancing the public realm. The conservation officer has no objections to the scheme (as rereferred to below) and as such the application complies with policy EC2.
- 6.2.6. The site is located within the primary shopping area and is identified as primary frontage on the Polices Map accompanying the Local Plan. Policy EC3 refers to Primary and Secondary Frontages and so the proposal would comply with policy EC3. It is however worth noting that the requirement to define primary and secondary frontages was included in the 2012 version of the NPPF but was removed in 2019 in favour of a more flexible approach that can "respond to rapid changes in the retail and leisure industries". The Use Classes Order 2021 also follows a similar flexible approach. Policy EC3 therefore carries little weight in the decision-making process.
- 6.2.7. Policy EC5 'Culture and Tourism' looks to build upon the strength and potential of Tamworth's tourism sector, which owes much to its history and setting and is focussed on the town centre.
- 6.2.8. In national guidance paragraph 7 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 6.2.9. Chapter 7 covers the vitality of town centres where paragraph 81 supports economic growth, outlining that "planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt" and that "...Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development." Paragraph 86 states that Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. In addition Chapter 8 concerns the promotion of healthy and safe communities.
- 6.2.10. The proposal would broadly comply with policies SS1, SS2, EC1, EC2, and EC5 of the Local Plan. The proposal accords with the three overarching objectives of the NPPF and Tamworth Local Plan and the need to secure additional vitality and regeneration in town centres in response to the changing economic trends. The application accords with this approach and delivers sustainable development that will have positive social, economic and environmental outcomes for the town and the community.
- 6.2.11. Apart from policy EC3 as indicated, the local plan policies are broadly in compliance with the policies of the NPPF and there are no other material considerations to indicate that the Local Plan policies should not be complied with. The principle of the proposed development on this site is therefore considered acceptable.

6.3. **Design**

- 6.3.1. Policy EN5: Design and New Development, states that developments should be of a scale, layout form and massing which conserves or enhances the setting of development and utilize materials and overall detailed design which conserves or enhances the context of the development. Proposals should respect and where appropriate reflect existing local architectural and historic characteristics but without ruling out innovative or contemporary design which is still sympathetic to the valued characteristics of an area.
- 6.3.2. Tamworth Design: Supplementary Planning Document July 2019, gives general guidance on design and sustainable design matters.
- 6.3.3. NPPF section 12, Achieving well-designed places states that Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 126 focuses on design of new developments: “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 134 states that *significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*
- 6.3.4. The appearance of Middle Entry and the surrounding public realm can be said to be detrimental to the streetscape and the quality of the town centre within the Conservation Area. The 1960s Middle Entry building itself possesses no historic or architectural value. The visual connections between Editha’s Square and Market Place are severed due to the canopy and first floor link blocks above each end of Middle Entry which severs views of the sky and St Editha’s Church. The removal of the glazing, first floor link and canopies of Middle Entry will improve visibility through the site and open up views through to St Editha’s Church and Square to the north and through to Market Street and George Street to the south. This will provide greater opportunity to read the town centre and see the landmarks from key viewpoints. The works will also remove brick plinths and other features which detract from the usability of the space and provide better connected levels across the space to enable improved accessibility and flexible use.
- 6.3.5. The submitted statements state that the Flex building will be single storey, with large arched openings that will present an attractive new facade to the enlarged public realm by the Town Hall, with local materials and a form that is both more intricate and reflective of the town’s history. The glazed entrances of the units will create a welcoming atmosphere and will create a positive connection between the proposed Flex building and the new public square.
- 6.3.6. The Flex building will utilise red brick work applied with a flemish bond. The choice of materials reflects the prominent historic buildings present in the town centre. The Conservation Officer would prefer to see a muted brick type, rather than a red brick in this setting and . The agents response is to use a red brick mix that will have variation in colour and texture like traditional brickwork, but the detailing and design language of the elevations offers a modern interpretation. However, a condition requires samples of materials to be submitted, as requested by the Conservation Officer, for final agreement.
- 6.3.7. It is considered that the proposed works will remove elements regarded as detrimental on the character and setting of the town centre and Conservation Area, providing a high-quality, beautiful building and surrounding public realm. The proposals represent a significant enhancement in the overall design of the area, therefore are considered consistent with NPPF Chapter 12, local plan policy EN5 and EN6, and Tamworth Borough Council’s Design SPD (July 2019).
- 6.3.8. Amendments to design have been undertaken as a result of consultation with the applicant and as a result of discussions with the conservation officer and planning officers. Discussion and consultation has led to revisions to the façade and resulted in improvements so that the building is

more sympathetic to the Town Hall arches, while details of materials are requested by condition, together with all hard and soft landscaping details.

Public realm

- 6.3.9. The building has been designed to present a comfortable sense of proportion in key views within the town centre to present a varied and interesting form. The footprint of the proposed building is similar in scale to the existing but adds frontage space and an inverted building line.
- 6.3.10. The design approach is a contemporary reflection of the heritage of Tamworth, providing a modern building for flexible uses within, but acknowledging and respecting the traditional materials, detailing and form of traditional buildings that characterise the town centre. This is explained fully in the design and access statement which sets out the design principles, features, layout and choice of materials. The overall approach has been to design a modern and functional building that opens up a public space but preserves and enhances the historical location of the site. The town hall would remain dominant in this space whilst the scheme would enhance the existing heritage assets as referenced below within the heritage section.
- 6.3.11. The site includes open areas in front and is tightly constrained at the edges of the building. However some of the visuals show changes to the square including paving, seating and various street furniture. These are indicative and a condition will refer to precise details and positions of street furniture and hard and soft landscaping materials. This will connect with a separate scheme which is currently under preparation and will come forward as a separate application in due course.
- 6.3.12. The Conservation Officer raises some issues regarding the positioning of planters etc, however such final details can be agreed by conditions, such as repositioning of cycle racks and bins, to allow the Town hall to be the focal point. Also two rows of trees in close proximity to the Town Hall Building have been agreed to be omitted, as suggested. The planter and contemporary stone bench to the east of the Town Hall is confirmed can be omitted and replaced with a continuation of the paving in this area. The contemporary bench is a key feature/design element as a method of providing continuity between the FLEX and the wider public realm improvement piece, but again final details can be agreed by condition and so arranged to direct attention to the historic Town Hall and Bank. She requests to keep a simple palette of materials and shapes. the submitted Hard Landscape Design shows the spatial distribution of materials throughout the scheme and specifies the actual material palette alongside example images, however a condition regarding final details is included below

6.4. Heritage

- 6.4.1. In respect of the Historic Environment, the submitted heritage assessment gives consideration of harm to the character and appearance of the conservation area and the significance of the surrounding listed and locally listed buildings. The application site is located within the Town Centre Conservation Area and within close proximity of several designated heritage assets. Careful consideration of the impact of the proposal upon the historic environment is therefore required.
- 6.4.2. The impact on heritage is focused mainly on the designated heritage assets of the Town Centre Conservation Area and the Grade I, II* and II listed buildings and their setting. In determining any planning application on heritage matters, special attention shall be paid to the desirability of preserving listed buildings and preserving or enhancing the character or appearance of conservation areas as set out in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The overarching duty set out in the Act is to **preserve or enhance** the historic or architectural character or appearance of the conservation area. The statutory definition of a conservation area is an 'area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'.
- 6.4.3. In addition, for the determination of planning applications affecting heritage assets Chapter 16 of the National Planning Policy Framework (NPPF) 2021 supports the conservation and enhancement of historic environments where paragraphs 127 and 184-202 are relevant. In particular, paragraph 189 highlights the importance of conservation, stating that historic and heritage assets are "an irreplaceable resource, and should be conserved in a manner appropriate

to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.” The policies within the NPPF emphasise the need for assessing the significance of heritage assets and their setting in order to fully understand the historic environment and inform suitable design proposals for change to significant buildings. The document also requires that the impact of development proposals which affect heritage assets is assessed.

6.4.4. Also relevant is Local Plan policy EN6 – Protecting the Historic Environment, which indicates that the proposal should enhance or preserve the area as a whole.

“Development that affects designated heritage assets including conservation areas, listed buildings, scheduled monuments and non-designated heritage assets including locally listed buildings and undesignated archaeology, will be required to assess the impact of the development on the asset through a heritage statement and statement of significance and clearly demonstrate how the significance, including its setting, will be protected, conserved and, where possible, enhanced”.

6.4.5. Where sites are located in a conservation area or an area of high archaeological potential, particularly the historic town centre core, the Council’s Conservation Officer and Staffordshire County Council Environment Team (Historic Environment) should be consulted at an early stage. Proposals will be required to pay particular attention to:

- the scale, form, height, massing, detailing and materials of the development, the existing buildings and physical context to which it relates.
- historically significant boundaries, street layouts, open spaces, landscape features and structures identified in the conservation area appraisals including walls, railings, street furniture and paved surfaces.
- important views of listed buildings, scheduled monuments and historic townscape as identified in the conservation area appraisals...

6.4.6. Policy EN5 – Design and New Development states that developments should be of a scale, layout form and massing which conserves or enhances the setting of development and utilize materials and overall detailed design which conserves or enhances the context of the development. Proposals should respect and where appropriate reflect existing local architectural and historic characteristics but without ruling out innovative or contemporary design which is still sympathetic to the valued characteristics of an area.

6.4.7. The Town Centre Area appraisals are also relevant. The 2007 and 2017 Tamworth Town Centre Conservation Area appraisals both mention the proposal site as a negative feature within the Conservation Area and one that should seek to be improved. The 2017 document suggests that new development should respond and consolidate historic character- it also requires a specific design solution for each site to include careful use of materials and detailing, to maintain important views of listed building and open spaces, to strengthen any frontage where it has become fragmented, that foundations should take into account potential for below ground remains, to be informed by desk based archaeological assessment and fieldwork if necessary, and to take the opportunity to restore and enhance heritage assets. The appraisal also highlights the area as one of opportunity for the sympathetic redevelopment of Middle Entry & St. Editha’s Square.

6.4.8. A detailed Heritage Statement has been submitted to accompany the planning application, prepared by specialist heritage consultants which gives a detailed background context to the site and description of its character including heritage assets affected by the proposals, Conservation Area, Grade 1 listed St Editha’s Church and Town Hall and other listed buildings, and history and development of the building and how the town centre has evolved over time.

6.4.9. These heritage assets are assessed in terms of significance as advised in the NPPF and other guidance, and an impact assessment gives an assessment of appropriateness of the design in relation to the heritage values of the heritage assets within its setting. Any mitigation measures to reduce harm to heritage is also identified. Therefore, it is considered that the requirements of the relevant section of Policy EN6 of the Tamworth Local Plan and paragraph 202 of the NPPF have been met. The assessment as required by the local planning authority has been undertaken in the body of these comments meeting the requirements of paragraphs 199-202 of the NPPF.

Significance of the application site and its setting

- 6.4.10. In heritage terms, significance has been defined as ‘The value of a heritage asset to this and future generations because of its heritage interest’ and as ‘The sum of cultural and natural heritage values of a place’. What this largely equates to is that significance is an understanding of what makes a place special. Therefore, the following assessment of significance is intended to form the foundation for understanding the heritage values of the heritage assets within its setting. The NPPF defines significance as the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, artistic, architectural or historic. Historic England’s guidance Conservation Principles (2008) has also introduced the heritage values of evidential (see archaeological in terms of the NPPF), aesthetic (see artistic and architectural in terms of the NPPF) and communal (which is a component of historic interest).
- 6.4.11. The assessment of significance is based on the characteristics of ‘heritage values’ as expressed by Historic England in Conservation Principles (2008), which defines value as ‘an aspect of worth or importance...attached by people to qualities of place’ and separates heritage values into four categories:
- **Evidential:** The potential of a place to yield evidence about past human activity.
 - **Historical:** The ways in which past people, events and aspects of life can be connected through a place to the present. This can be both illustrative and associative.
 - **Aesthetic:** The ways in which people draw sensory and intellectual stimulation from a place.
 - **Communal:** The meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.
- 6.4.12. A summary of the history of Tamworth and the application site is provided within the Heritage Impact Assessment. Overall, it is considered that the application site is of **neutral evidential value**. there is a good potential for early medieval deposits to survive relating to the Mercian and burh phases of occupation within and around the proposed site.
- 6.4.13. The site has **low historic value** given the entire rebuilding of the area, with just the reference to the historic passageway and street pattern remaining to give some idea of the historic street layout.
- 6.4.14. The modern buildings are unattractive with varied shopfronts of little coherence and some garish signage. The massing of the buildings is at odds with the traditional buildings in their setting, which are generally broken up into two-three storeys, regular bays with windows and have rich architectural details. The expansive brick surfacing to the Market Place and George Street, with no defining pavement, is dated, bland and does not enhance the setting of the adjacent historic buildings. The setting to the north at St. Editha’s Square also has a poor public realm and bland late-twentieth century buildings. As such, there is **detrimental aesthetic value** of the Middle Entry buildings on the character of Tamworth town centre and the adjacent historic buildings.
- 6.4.15. The Middle Entry buildings have some communal value as shops and a public thoroughfare from Market Street to St. Editha’s Square. However, this is very limited and does not relate specifically to heritage. Therefore these have **neutral communal value**.
- 6.4.16. Therefore, the assessment meets with policy EN6 Protecting the Historic Environment, and the requirements of the NPPF chapter 16, paragraph 195.

Impact Assessment

- 6.4.17. Paragraph 200 of the NPPF states: *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.* The heritage statement refers to the four elements of the scheme and heritage impact on each:
- The removal of first floor bridges and glazed roof within the Middle Entry shopping arcade.**
- 6.4.18. The first floor bridges and glazed roof within the Middle Entry passageway are part of the late-twentieth century building which is detrimental to the character of the neighbouring listed buildings and the Conservation Area. The bridges and glazed roof also block views between the Market Place and St. Editha’s Square. Their removal will open up views to the tower of St. Editha’s Church

from the south and provide a much better visual connection between key historic buildings in the town centre. This will have a **high beneficial impact**.

The demolition of No. 6 Middle Entry and Nos. 18-22 George Street.

6.4.19. The current range on the corner of the Market Place and George Street is detrimental to the heritage assets in the setting in terms of its design, massing and inconsistent shop front design. The demolition of this building will have a **high beneficial impact** on the aesthetic character of the setting.

6.4.20. **The construction of a new range of units: the 'Flex Building'.**

The footprint of the proposed Flex Building will be constructed on an inverted L-shape compared with the current arrangement, in order to open up a wider landscaped area to the east of the Town Hall. The current footprint sits along the line of former buildings established several hundreds of years ago and therefore the alteration of the footprint does mean the historic illustrative value of the older street pattern will be eroded with a moderate adverse impact. However, the massing of the current buildings had already removed any trace of medieval burgage plot layouts and the public benefits of an expanded and improved Market Place, as well as the improved design of the replacement building will outweigh this negative impact.

6.4.21. The proposed building will provide seven flexible/multi-use units. The height of the building will be lower than the existing, helping to reduce the dominance of the structure compared with the current overpowering building. This, together with the greater level of 'breathing room' between the building and the Town Hall because of the altered footprint, means the building will be of an approachable scale that will fit much better with the scale of historic buildings within the town centre, as well as allowing the Town Hall to be appreciated as a key central feature. The massing of the proposed building when compared with the existing will have a moderate beneficial impact.

6.4.22. The design of the building's facades is broken up with shop doors set within a series of archways. This provides a regular rhythm which reflects the archways which form the arcade to the ground floor of the adjacent Town Hall, as well as being reminiscent of the tighter pattern of plot widths of surviving and former medieval burgage plots in the town centre. The building is constructed with a red brick façade, appropriate within Tamworth as a common local material. Brick pilasters with plinths separate each bay. There is a brick string course and cornice at the top of the building, a brick arch over each bay and herringbone brickwork either side of each shop door. The herringbone brickwork reflects older examples of this pattern seen within the medieval castle walls. These details provide interest and quality of design, ensuring that the monolithic effect of blank brick walls, which is one of the main detrimental features of the current building, is not repeated. The design of the proposed building will have a **high beneficial impact** on the setting of the neighbouring listed buildings and the Conservation Area.

The landscaping of a new pedestrian area of Market Place

6.4.23. New landscaping is proposed around the Town Hall and to the newly opened up space to its east. there will be a raised terrace outside the Flex Building, accessed up steps. The current red brick paving is expansive and lacks interest. Its removal will have a moderate beneficial impact on the setting. The proposals for the new landscaping are based on textiles, which is an interesting reference to the historic textile manufacturing industry in Tamworth in the eighteenth and nineteenth century. The design is for a series of interlocking geometric 'rugs' formed from a variety of paving materials, including sandstone, granite and clay pavers. Large contemporary benches will be included within the design. Additionally, there will be raised beds containing plants and several new trees. All these elements will be of high quality and will provide a setting to the heritage assets which is much improved in terms of aesthetics compared to the current situation. The design will encourage activity and has an improved sense of place. The proposed landscaping will have a **high beneficial impact** on the setting of the neighbouring listed buildings and the Conservation Area, as well as enhanced communal value as an improved place for people to spend time in and enjoy.

Impact Assessment conclusions

6.4.24 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The submitted heritage statement has determined the value of the heritage assets and as a

result of this, an understanding of the level of harm has been established, considered to be 'less than substantial'.

- 6.4.25 Despite some negative heritage impact of the existing building, the current detrimental building and replacement with one of a high-quality design that better reflects the scale and materiality of the traditional buildings in its setting, as well as a much-improved landscaping scheme, will overall have a **high beneficial impact** on the setting of neighbouring heritage assets and the Conservation Area in which the site lies. The Grade II* listed Town Hall in particular will benefit from increased space around it and an enhanced sense of place, with improved visual connection to St. Editha's through the removal of the first floor bridges and glazed roof. The proposal would result in the replacement of the modern shop units which are a modern addition that has a 'low' rated contribution to the historic fabric.
- 6.4.26 Therefore the benefits would outweigh any harm identified to heritage assets and accord with the requirements of the NPPF as well as policy EN6.
- 6.4.27 By virtue of the appropriate scale, form, height, massing, design, detailing and materials of the proposed new building, it is considered that it will sit comfortably within the historic townscape of the Tamworth Conservation Area and the setting of listed and locally listed buildings and the scheduled monument Tamworth Castle, and thus it complies with Policy EN6 of the Tamworth Local Plan and section 16 of the NPPF and meet the statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Archaeology

- 6.4.25 Policy EN6, Protecting the Historic Environment, refers to the need for archaeological assessment: Where potential for archaeology exists, the heritage statement should incorporate an archaeological desk-based assessment that evaluates surviving above and below ground archaeological remains and where necessary, a field-based evaluation by an appropriate professional. An appropriate mitigation strategy will also be required, where necessary. Where archaeology may be lost through development, *there will be a requirement for archaeological recording to be undertaken by an appropriate professional and entered in the Historic Environment Record.*
- 6.4.24. Staffordshire County Council Heritage Environment Team have advised in respect of archaeology that there is a good potential for early medieval deposits to survive relating to the Mercian and burh phases of occupation within and around the proposed site. A large post-medieval town drain runs through the site and it is likely that survival of early medieval remains onwards are present beneath the areas of recent development. there is potential for groundworks within the site to impact upon below ground archaeology associated with the development of the area from the early medieval period onwards.
- 6.4.25. As such it is recommended that during the construction process any areas of excavation of existing ground should occur under an archaeological watching brief which is requested by condition as below The assessment is therefore in compliance with Policy EN6, Protecting the Historic Environment, of the Tamworth Borough Council Local Plan 2006-2031.

Heritage conclusion

- 6.4.26. The proposal would result in the replacement of the modern block which is itself a modern addition that has a 'low' rated contribution to the historic fabric. The submitted heritage statement has determined the value of the heritage assets and as a result of this, an understanding of the level of harm has been established, considered to be 'less than substantial', and therefore planning consent should only be approved where public benefits can be identified. A robust justification has been provided and together with the public realm, the new high-quality structure will both preserve and enhance the Town Centre Conservation Area. The benefits would outweigh any harm identified to heritage assets and therefore accord with NPPF and policy EN6.
- 6.4.27. Heritage advisors, including the Council's Conservation Officer, and County Archaeology advisor confirm that the scheme overall is acceptable subject to conditions as indicated. Comments made in relation to the public realm are noted and will be controlled by conditions requiring full details of materials, hard and soft landscaping and street furniture.

6.4.28. Overall, it is considered that the proposal would be in accordance with Policy EN6 of the Tamworth Borough Council Local Plan and section 16 of the NPPF and meet the statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

6.5. Highways

6.5.1. Policy SU2 Delivering Sustainable Transport, states that Development should be accessible by walking, cycling and public transport and proposals should prioritise access by these modes of transport above the private car. Planning permission should only be granted where development would ensure adequate highway safety, suitable access for all people and where feasible reduce the impact of travel up on the environment. A Transport Assessment and comprehensive Travel Plan must accompany all major development proposals as set out in Appendix E, and the Council will require the provision of sufficient, safe, weatherproof, convenient and secure cycle parking within developments to assist in promoting cycle use where viable and appropriate.

6.5.2. The National Planning Policy Framework (NPPF) encourages the location of development likely to generate significant trips to town centre locations where a greater choice of public transport options is available, as part of the commitment to sustainable forms of development. This encourages walking, cycling and public transport over use of the private car. It states that all developments which will generate significant amounts of movement should be required to provide a Travel Plan (Paragraph 113). The application submission includes a transport statement and travel plan as required by policy. Local Plan Policy SU2 aligns with this guidance, highlighting those developments should be accessible by all forms of transport to reduce pollution, manage highway safety and road capacity.

6.5.3. Whilst cycle storage is proposed within the square, The County Council state that additional secure and weatherproof cycle parking must also be provided within land under the applicants control to encourage staff associated to the new multi-use building to travel to work via sustainable mode of transport. The Highway Authority would therefore recommend that a minimum of 1 no. secure and weatherproof cycle parking space is provided per retail unit. As there is limited space available for a cycle shelter, the applicant can provide cycle hooks for each unit, details of which are required in a condition below.

6.5.4. In addition, A Workplace Travel Plan, has been submitted to support the proposed flexible retail building. The Highway Authority have requested a S.106 financial contribution is secured towards monitoring the approved Travel Plan for a 5-year period from commencement of use.

6.5.5. However, whilst the Council fully supports sustainable transport, this proposal is neither a major application or a development that would generate significant movements over and above existing. The highway authority confirms in its response to this is that *it is accepted that while the proposal is intended to increase footfall and dwell time within the Town Centre, the proposed net reduction of existing retail space and enhancements of public realm are not considered to generate a material increase of new vehicular trips to the town centre and surrounding area, and also notes that The proposed multi-use building will provide an overall reduction in floor space compared to the existing building layout and will remain a car-free development.*

6.5.6. Despite the response, the council maintain its position that this requirement is not reasonable when considering the scale of the application.

6.5.7. The County also refer to cycling provision and general highway matters that are not considered to be part of the scheme. *To enhance accessibility to the site via cycle and promote sustainable travel links it is recommended that the 'Pedestrian Zone' is upgraded to a 'Pedestrian and Cycle Zone' with any necessary cycling infrastructure works implemented and Traffic Regulation Order amended. The Highway Authority would therefore require an off-site highway scheme is secured via planning condition to enhance cycle connectivity within the town centre as outlined above. As the scheme will require works to be undertaken within the public Highway, A Highway Works Agreement will need to be obtained by the applicant. Amendment to the Traffic Regulation Order can be dealt with under the Highway Works Agreement and would be fully funded by the applicant.*

- 6.5.8. It is therefore considered that the proposed condition in this respect is not included or required as these matters are to be dealt with separately, beyond the scope of this application.
- 6.5.9. As regards the proposed alterations to the service yard as a result of the development, this will require a scheme of offsite Highways Works to be undertaken to ensure the amended service yard is provided in accordance with Staffordshire County Council requirements. It is also noted that an existing Street Lighting Column is located within the area of land to be stopped up and developed upon therefore the Street light and associated Electrical apparatus will need to be relocated and considered as part of the off-site highway scheme. As the service yard is dedicated as public highway the proposals will require a section of highway to be stopped up via Section 247 of the Town and Country Planning Act 1990 prior to building works to the multi-use building commencing. Although the highway authority has recommended that the applicant does not submit a Stopping Up application to the Department for Transport until Technical Review associated to the Highway Works Agreement has concluded the extents of highway to be stopped up, and relocation of highway assets, this has in fact now been submitted and is currently under consultation.
- 6.5.10. In addition, the Highway Authority would recommend that all loading and unloading operations associated to servicing of the proposed multi-use building are entirely accommodated with the College Lane Service Yard unless otherwise agreed in writing. The Highway Authority would require that any doors that front onto the public highway to the front or rear of the new multi-use building open inwardly so not to cause a hazard to users and obstruct movement of non-motorised users.
- 6.5.11. The highway Authority has an obligation to ensure that disabled people play a full part in benefiting from and shaping an inclusive environment under the Disability Discrimination Act 2005. The Highway Authority would therefore recommend the inclusion of the illuminated steps are scaled back and a more inclusive design is promoted to benefit all users. The Highway Authority are unlikely to formally adopt the illuminated steps for this reason as well as Safety and maintenance concerns. This can be agreed as part of the adoption process and the suggested condition is not considered necessary.
- 6.5.12. The proposed creation of the Public Square and associated Public Realm works within Market Square and George Street are acceptable in principle subject to submission of detailed design information. As the development works are situated within the Public Highway, in order to secure their completion, the applicant will need to obtain a Highway Works Agreement from the Highway Authority which will include a detailed design review of the scheme. Proposed details of future maintenance arrangements for both highway and private areas will need to be discussed in detail as part of the highway works agreement and any agreed scheme secured by condition. A detailed survey of existing highway assets and proposed relocation/removal of assets including any associated electrical works will need to be submitted as part the approval process for any scheme. Submission of detail design information would also need to include how the Public Square and adjacent areas will be satisfactorily lit and drained.
- 6.5.13. As regards the Surface Water Drainage Strategy, a desk top Sustainable Urban Drainage Systems and Foul Drainage Strategy has been undertaken to support the submission. The Highway Authority would raise a few concerns which will need to be addressed at detailed design stage of the proposals. The Highway Authority are content to deal with this matter as a condition of consent as indicated below.
- 6.5.14. As regards the Construction and Demolition Management Plan, the Highway Authority would require a detailed Construction Management Plan and Demolition method Statement is submitted to the LPA in consultation with the LHA for approval, via a condition.
- 6.5.15. Overall it is concluded that highway matters, such as interaction with highway boundary and repositioned or new street furniture, drainage strategy and illumination of the steps, can be dealt with satisfactorily by adding appropriate conditions and then by the applicant entering into appropriate agreements with the LHA. Whilst a travel plan is provided, monitoring is not considered necessary due to the reduced scale of the floorspace within the same use class and highly sustainable position of the site. Highways officers are also in negotiations to secure a stopping up order on land within their ownership.

6.5.16. There are no objections on Highway grounds to the proposed development subject to conditions being included on any approval and the developer then entering into separate highway agreements directly with the LHA.

6.5.17. In light of the above information and assessments, the proposals are considered acceptable from a highways and transport perspective and are in accordance with national and local transport planning policies and guidance, in particular policy SU2 of the Tamworth Local Plan 2006-2031.

6.6. **Drainage**

6.6.1. Policy SU4 (Flood Risk and Water Management) requires all development to demonstrate that there is no increased risk of flooding to existing properties and to seek to improve existing flood risk management. Proposals are also expected to incorporate appropriate Sustainable Urban Drainage (SUDS) techniques to manage flow routes on site and limit surface water run-off and discharge to the sewer network.

6.6.2. As regards the Surface Water Drainage Strategy, a desk top Sustainable Urban Drainage Systems and Foul Drainage Strategy has been undertaken to support the submission.

6.6.3. The Lead Local Flood Authority (LLFA) have considered the proposal and provided the Staffordshire County Council Flood Risk Management position. They have no objections and proposed no conditions. It is therefore considered that that proposal would comply with policy SU4 of the Tamworth Local Plan 2006-2031.

Noise, Dust and Contamination etc

6.6.4. Policy EN5, Design of New Development states that proposals should g) Minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land. Such impacts may include loss of light, privacy or security or unacceptable noise, pollution, flooding or sense of enclosure

6.6.5. Regard should also be given to the relevant part of the National Planning Policy Framework (NPPF) including Chapter 12 - Achieving well-designed places and Chapter 15 - Conserving and enhancing the natural environment, as well as Circular 11/95 regarding conditions and relevant standards BS10175:2011 and BS 5228

6.6.6. A review of historic, contaminated land, landfill, coal fields & other relevant maps was undertaken. Relevant legislation was considered. The relevant reports were reviewed by TBC Environmental Protection who have concluded that the proposals are acceptable subject to conditions as indicated at the end of this report regarding hours of construction activity in respect of noise, a scheme of dust control measures, and adherence to the demolition method statement and . Construction Management Plan, and implementing the recommendations of the Phase 1 Geoenvironmental Site Assessment.

6.6.7. Therefore the proposal would comply with policy EN5 and policy SU5 of the Tamworth Local Plan 2006-2031.

Planning obligations

6.6.8. Policy IM1 (Infrastructure and developer contributions) states that new development will only be granted if it is supported by appropriate infrastructure at a timely stage, and that developer contributions will be sought where needs arise as a result of new development.

6.6.9. As referenced above, a Travel Plan fee is requested by the County Council to support the developer's Travel Plan Coordinator and audit annual monitoring reports to ensure the Travel Plan outcomes are being achieved. However, it is concluded that whilst a travel plan is provided, monitoring is not considered necessary due to the reduced scale of the floorspace within the same use class and highly sustainable position of the site. No further planning obligations are required in relation to the proposal.

6.6.10. The Community Infrastructure Levy (CIL) was adopted in August 2018 and since that point developments that are liable for CIL have been subject to the charging schedule. The proposed

development would not be liable for CIL as no additional floorspace is created. The total CIL liability for the proposed development would therefore be £0 the proposal would therefore comply with policy IM1 of the Tamworth Local Plan 2006-2031.

7. Planning Balance and Conclusion

- 7.1. Tamworth has a rich history going back many centuries. The town centre is structured around four historic streets: George Street, Market Street, Church Street and Colehill. Historic maps show a tightly knit town centre of long and narrow burgage plots orientated north-south between Church Street to the north and George Street and Market Street to the south. Whilst the principal historic landmarks of the Norman Castle, the Town Hall and St. Editha's Church remain, the physical and visual connections have been substantially eroded and the continuity of the historic fabric has been lost. The development of the town centre that has taken place over the years, alongside changes in the way people shop and choose to spend their time, have led to a significant decline in the quality of retail activity within the town centre, and with that a more general decline in the vibrancy and character of the town centre with many shops now vacant. Middle Entry is a shopping centre in the heart of Tamworth. It was built in the 1970s, replacing buildings on the Market Place, George Street and Church Street. Plans are to remove the current glazed roof and two first floor bridges over the central passageway which runs from the Market Place to St. Editha's Square, installation of new fire space access, plus the rebuilding of the southern range of shops on the Market Place and George Street with a new Flex Building. The scheme also includes public realm improvements with a redesigned public space that links the new Flex Building to the Town Hall Square.
- 7.2. The proposal accords with the three overarching objectives of the NPPF and Tamworth Local Plan and the need to secure additional vitality and regeneration in town centres in response to the changing economic trends. The application accords with this approach and delivers sustainable development that will have positive social, economic and environmental outcomes for the town and the community.
- 7.3. The application proposals comprise works to Middle Entry, and retail units at Market Street and George Street, together with the related public realm that better connects Middle Entry to the Town Hall and to St Editha's Square. The application comprises a key part of the FHSF works to enhance the character and appearance of the town centre and improve long term economic vitality. These works will establish better visual and permeable links to the historic landmarks within Tamworth Town Centre Conservation Area and enhance the existing retail and public realm offering. They are both respectful of the setting of key heritage assets such as the Town Hall and nearby listed buildings, while creating a new area of public square which can support a variety of activities and forms an important meeting point at a key location within the town.
- 7.4. The works to Middle Entry will open up the shopping centre, affording greater sightlines to historic landmarks, providing additional space for the Flex building and more public realm by the Town Hall.
- 7.5. The Flex building will provide flexible space, with short term lease units for use by the local businesses, acting as an incubator and business development space, adding a unique offering to the town centre while releasing pressure off the existing retail units. It forms an essential and innovative link between the new South Staffordshire College, Enterprise Centre and other business support initiatives to foster local skills and talent and new business start-ups, while adding vitality and a unique attraction to the town centre.
- 7.6. The proposals will redevelop a central building in the town centre and create public realm which will enable positive changes to the economic, social and environmental landscape of the town. This is a central link that will support the bringing forward of the related proposals for St Editha's Square and Castle Gateway in the near future and the restoration of Market Street buildings. For the above reasons, it may be concluded that the proposed works included within this submission accord with planning policy and represent sustainable development.
- 7.7. It is concluded that the proposed development accords with the development plan and represents sustainable development in accordance with policy SS1 and SS2 that should be permitted in accordance with paragraph 11 of the NPPF.

- 7.8. The principle of redevelopment of the site for is consistent with policy EC1, and EC2 in that it is a use identified as suitable for the town centre location. The proposed new building is considered to be respectful and in keeping with the previous retail use of the site and architectural and historic qualities of the nearby listed buildings, and together with the high-quality contemporary design and palette of materials a strong case is made for supporting the scheme in accordance with policies EN5 and EN6 of the Tamworth Borough Council Local Plan 2006-2031.
- 7.9. The application is accompanied by a detailed Heritage Impact Assessment which has input to the design of the proposals and considers the significance and wider heritage impact of the application scheme in accordance with the NPPF and statutory requirement. This concludes that Middle Entry and the surrounding public realm in its current state negatively impacts on the prevailing character of Tamworth Town Centre Conservation Area and detracts from the nationally listed heritage assets in close proximity, particularly the Town Hall.
- 7.10. The Tamworth Borough Council Conservation Area Character Appraisal (June 2007) and Tamworth Borough Council Town Centre Draft Conservation Area Management Plan (March 2017) do not see Middle Entry or the public realm favourably from a historic standpoint. The Appraisal (June 2007) views the 1960s buildings in the town centre as degradation on the medieval town. It highlights that the “long” and “featureless” eastern elevation of Middle Entry “does not enhance the view to the east end of Market Street”. It also suggests that the public realm is not a place where people will want to linger, and that the landscaping and surrounding environment could be much further improved. The proposed works will remove the key elements that currently detract from the historic environment. Further, they bring forward a set of proposals that enhance the setting and the historic environment and improve legibility and connectivity between the key landmarks and public spaces, improving the wider experience of the Town Centre Conservation Area and its legibility.
- 7.11. It is concluded therefore, that the proposals align with NPPF Chapter 16, Local Plan Policy EN5 and EN6. This application proposes the demolition of a modern shopping block and replacement with a new purpose-built multi use facility. In conjunction with other redevelopments and enhancements as part of the Future High Streets project, this proposal will act as a catalyst for regeneration within Tamworth town centre and will set a precedent for future development in high quality design.
- 7.12. The submitted heritage statement has determined the value of the heritage assets and as a result of this, an understanding of the level of harm has been established, considered to be ‘less than substantial’, and therefore planning consent should only be approved where public benefits can be identified. A robust justification has been provided in the application submission. The benefits would outweigh any harm identified to heritage assets. Archaeology has been assessed and conditions will ensure that any future findings are properly managed and recorded and therefore accords with the requirement of the NPPF and policy EN6 of the local plan.
- 7.13. The site is in a highly sustainable location and the application is supported by a transport statement that concludes that the majority of users will travel by means other than the private car. Parking provision is neither provided nor required in a location where aspirations for the highest levels of walking and cycling are encouraged. Other highway matters, such as interaction with highway boundary and street furniture, can be dealt with satisfactorily by added appropriate conditions. A travel plan is provided, although monitoring is not considered necessary as the proposals replace an existing larger building as indicated. Overall this complies with policy SU2 of the Tamworth Borough Council Local Plan 2006-2031.
- 7.14. Drainage proposals are satisfactory and accord with policy SU4 of the Tamworth Borough Council Local Plan 2006-2031.
- 7.15. Noise and disturbance would not differ substantially from the previous retail use and contamination has been fully investigated with appropriate conditions added and accord with policy EN5 and SU5 of the Tamworth Borough Council Local Plan 2006-2031.
- 7.16. The scheme is a significant part of the Future High Street funding programme of enhancements to the town centre designed to structurally transform the built environment thus diversifying the towns offer to ensure that decline is halted and fortunes are turned around. There would be significant social, economic and environmental benefits for the town. The Town Centre has not seen

significant investment in buildings, both for new build or in terms of substantial reinvestment and repurposing in nearly 30 years since the completion of phase 2 of Ankerside. This development represents opportunity to remove an aesthetically poor building and replace it with one that will build vibrancy back into the town centre.

- 7.17. On the basis of the content of this appraisal and the submitted application documents and suggested conditions, it is considered that the development would be acceptable and in accordance with the adopted Tamworth the Tamworth Borough Council Local Plan 2006-2031 and the National Planning Policy Framework 2021.

8. Recommendation

Approval, subject to conditions

9. Conditions / Reasons

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 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 be carried out strictly in accordance with plan(s)/drawing(s):

241493-PUR-03-01-DR-A-1511 Existing First Floor Plan
241493-PUR-03-01-DR-A-1521 Existing First Floor
241493-PUR-03-01-DR-A-1561 First Floor Plan Demolitions
241493-PUR-03-01-DR-A-1571 First Floor Demolitions
241493-PUR-03-01-DR-A-2511 Proposed First Floor Plan
241493-PUR-03-01-DR-A-2522 Proposed Roof Plan
241493-PUR-03-GF-DR-A-1500 Existing Ground Floor Plan
241493-PUR-03-GF-DR-A-1510 Existing Ground Floor Plan
241493-PUR-03-GF-DR-A-1520 Existing Ground Floor
241493-PUR-03-GF-DR-A-1560 Ground Floor Plan Demolitions
241493-PUR-03-GF-DR-A-1570 Ground Floor Demolitions
241493-PUR-03-GF-DR-A-2500 Proposed Ground Floor Plan
241493-PUR-03-GF-DR-A-2510 Proposed Ground Floor Plan
241493-PUR-03-GF-DR-A-2520 Proposed Ground Floor
241493-PUR-03-RF-DR-A-1512 Existing Roof Plan
241493-PUR-03-RF-DR-A-1522 Existing Roof Plan
241493-PUR-03-RF-DR-A-1562 Roof Plan Demolitions
241493-PUR-03-RF-DR-A-1572 Roof Plan Demolitions
241493-PUR-03-RF-DR-A-2512 Proposed Roof Plan
241493-PUR-03-SL-DR-A-1005 Site Location Plan
241493-PUR-03-SL-DR-A-1007 Site Block Plan
241493-PUR-03-ZZ-DR-A-1505 Existing Elevations
241493-PUR-03-ZZ-DR-A-1515 Existing Elevations 1 of 2
241493-PUR-03-ZZ-DR-A-1516 Existing Elevations 2 of 2
241493-PUR-03-ZZ-DR-A-1525 Existing Elevations
241493-PUR-03-ZZ-DR-A-1565 Elevation Demolitions 1 of 2
241493-PUR-03-ZZ-DR-A-1566 Elevation Demolitions 2 of 2
241493-PUR-03-ZZ-DR-A-1575 Elevations Demolitions
241493-PUR-03-ZZ-DR-A-2505 Proposed Elevations
241493-PUR-03-ZZ-DR-A-2515 Proposed Elevations 1 of 2
241493-PUR-03-ZZ-DR-A-2516 Proposed Elevations 2 of 2
241493-PUR-03-ZZ-DR-A-2525 Proposed Elevations
TAM0704-02-20 Landscape Sections
TAM0704-02-401 Soft Landscape Proposals
TAM0704-02-101 Townhall Square General Arrangement

Unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt and in the interests of achieving sustainable development.

3. Prior to the commencement of the proposed works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity, unless further consent in writing is given by the Local Planning Authority.
 - Full details of all external materials;
 - Full details of depth of brickwork framing arched windows
 - Full details of rainwater goods, their materials, colour and designs.

Reason: To ensure a satisfactory external appearance to the development that preserves the significance of affected heritage assets and the amenities of the area, in accordance with policy EN5: Design of New Development as set out in the Tamworth Local Plan 2006-2031.

Archaeology

4. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication. B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A). C) The development shall not be occupied until the site investigation and post excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured".

Reason: To ensure a satisfactory external appearance to the development in accordance with policy EN5: Design of New Development and EN6: Protecting the Historic Environment as set out in the Tamworth Local Plan 2006-2031.

Noise

5. No work completed, no construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of 8am-6pm Monday to Friday and 8am-1pm Saturday and not at any time on Sundays, Bank or Public Holidays

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with the provisions of policy EN5: Design of New Development, of the Tamworth Local Plan 2006-2031 and the NPPG.

6. The procedures listed in the Demolition Method Statement & Construction Management Plan for the control of dust, noise, asbestos, and vibration should be implemented in full.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy and in accordance with the provisions of policy EN5: Design of New Development, of the Tamworth Local Plan 2006-2031 and the NPPG.

Contaminated Land

7. The recommendations of the Phase 1 Geoenvironmental Site Assessment shall be implemented in full.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with local planning policy SU5 of the Tamworth Borough Council Local Plan 2006-2031 and paragraphs 178 and 179 of the NPPF.

Highways

8. Prior to the commencement of works to the public realm a full detailed scheme of works to create the public square and public realm improvements within Market Street, George Street and Middle Entry as broadly outlined within the General Arrangement Plan, drawing ref. TAM0704-02-101 Rev C, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building occupied.

Reason: In the interest of highway safety and in accordance with policies EN5 and SU2 of the Tamworth Borough Council Local Plan 2006-2031.

9. Prior to the commencement of works to the public realm a detailed scheme of off-site highway works to amend the layout of the College Lane Service Yard to the east of the site including details of any surface treatments, kerbing, drainage, street lighting, utility diversions, Signing and Lining, Traffic Regulation Orders, and any other engineering works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to first occupation.

Reason: In the interests of highway safety and to provide a satisfactory means of access for Service / delivery vehicles in accordance with policies EN5 and SU2 of the Tamworth Borough Council Local Plan 2006-2031 and the NPPF.

10. Prior to the commencement of works to the public realm until a detailed surface water drainage strategy for all Highway and private contributing catchments within the development layout to a suitable means of outfall is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to first use of the development, or in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage of the site and in the interest of Highway Safety and in accordance with policies EN5 and SU2 of the Tamworth Borough Council Local Plan 2006-2031.

11. Prior to the commencement of works to the public realm a SUDS management plan for private drainage catchments which will include details on future management responsibilities, along with maintenance schedules for all SUDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS management plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding onto the adjacent Highway and in accordance with policies EN5 and SU4 of the Tamworth Borough Council Local Plan 2006-2031

12. No loading and unloading of vehicles associated to the servicing of the approved Multi-use Building shall take place on Market Street and George Street unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and in accordance with policies EN5 and SU2 of the Tamworth Borough Council Local Plan 2006-2031.

13. Any external doors situated to the front and rear of the Multi-use Building shall open inwardly only.

Reason: In the interest of highway safety and in accordance with policies EN5 and SU2 of the Tamworth Borough Council Local Plan 2006-2031.

14. Prior to the first occupation of the development secure and safe cycle parking facilities shall be provided for each unit within the multiuse building in accordance with a scheme that has first been submitted to, and approved in writing by, the Local Planning Authority. The approved facilities shall be retained in perpetuity.

Reason: In the interests of providing safe and secure cycle parking in accordance with the NPPF and policies EN5 and SU2 of the Tamworth Borough Council Local Plan 2006-2031.

15. Prior to the commencement of works to the public realm a detailed Construction Management Plan (CMP) and Demolition Method Statement prepared by the appointed contractor shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan and method statement shall include details relating to construction access, hours of construction, routing of HGV's,

delivery times and the location of the contractors' compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. It shall also include a method of demolition and restoration of the site. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

Reason: In order to minimise the impact of construction activity on the surrounding environment in accordance with section 11 of the NPPF and in accordance with policies EN5 and SU2 of the Tamworth Borough Council Local Plan 2006-2031.

16. Prior to the commencement of works to the public realm, excluding demolition works, a hard and soft landscaping scheme, including full details of paving and positions of street furniture, planters and cycle stands, shall be submitted to and approved in writing by the LPA, and thereafter maintained.

Reason: In the interests of the setting and visual appearance of the development, and in accordance with Policy EN5 Tamworth Local Plan 2006-2031

17. All planting, seeding or turfing comprised in the approved details of landscaping and boundary treatment approved shall be carried out in the first planting and seeding season following the occupation of the buildings 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 a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the setting and visual appearance of the development, and in accordance with Policy EN5 Tamworth Local Plan 2006-2031

Informative Notes:

Highways

1. A section of adopted highway (edged in blue) as detailed on the submitted Highway Overlay Plan, drawing ref.2022/6820/001 Rev P3, is intended to be developed upon therefore will need to be formally stopped up as public highway before any development commences on this area of the site. The developer will need to contact the Department for Transport to instigate the procedure for the land to be stopped up as adopted highway.
2. The applicant is advised to contact SCC Land Charges section for a certified adopted highway plan at land.charges@staffordshire.gov.uk and to obtain an approval in principle from the Highway Authority prior to commencing the stopping up process.
3. Prior to commencement of any development an existing lighting column will need to be relocated. Approval will be required from Staffordshire County Council and the applicant will be responsible for all relocation costs. Please contact the following for further information – lightingforstaffordshire@eonenergy.com
4. The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (trafficandnetwork@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.
5. <https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>
6. This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. The developer should be advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

Cadent Gas

7. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.
8. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions
9. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement. This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.