

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.