

# **PLANNING COMMITTEE**

**2<sup>nd</sup> JULY 2024**

## **APPLICATION FOR CONSIDERATION**

**REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION**

<b>Application Reference</b>	0133/2024
<b>Proposal</b>	Proposed new shopfront and associated works
<b>Site Address</b>	12 - 13 Market Street Tamworth B79 7LU
<b>Case Officer</b>	Debbie Hall
<b>Recommendation</b>	Approve subject to Conditions

## 1. Introduction

1.1 This planning application for a proposed new shopfront and associated works.

1.2 It has been reported to Planning Committee as the application relates to the Future High Streets Programme of works that is currently ongoing in the town centre.

1.3 The following lists the proposed works for the proposed shopfront of the newly constructed building at 12-13 Market Street:

- Install new DSD (double sliding door) with single sliding automatic door and fixed panel and SAS (safety activation system). Frames to match RAL 7026.
- Install shopfront glass panels. Glass panels to be P5A rating. Aluminium window frames to match RAL 7026.
- Install new stall riser to shopfront made of brickwork, finished with timber panels with mouldings decorated to match RAL 7026.
- Install new Alucubond panel to ATM side, to match RAL 7031, with new security wall behind. Allow to cut out section to install External ATM.
- Install new external ATM unit (SelfServ 84 [Ext.], CEN III, 4 High Security Enclosure) with plinth and associated works.
- Install new masonry wall to existing middle column, finished with timber panels with mouldings decorated to match RAL 7026.
- Install new post box, post box number to be grey.
- Install new bulkhead to house recess over door heater.

### Location Plan



## 2. **Policies**

### 2.1 **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 Shop Frontages  
EN5 – Design and New Development  
EN6 – Protecting the Historic Environment  
SU1 - Sustainable Transport Network  
SU2 – Delivering Sustainable Transport

### 2.2 Supplementary Planning Documents

**Design SPD**

### 2.3 National Planning Policy

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

### 2.4 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

## 3. **Relevant Site History**

0134/2024	Installation of various internally illuminated and non-illuminated signage to front elevation
T14915	Change Of Use To Tea Rooms
T16038	Change Of Use To Retail
T19313	Change Of Use Of Part Of Ground Floor To Coffee Shop
0688/2003	Change of use from A1 to A3 for part of ground floor
0222/2022	Replacement shop front and windows, demolition and replacement of single storey rear extension, installation of plant and associated works.
0365/2022	Alterations to proposed works (proposed non-material amendment of 0222/2022)
0202/2023	Discharge of conditions : 3 (external materials) 5 (construction environmental and transport management plan) of application 0222/2022
0273/2023	Demolition and replacement of 12-13 Market Street including replacement of single storey rear extension, new plant and associated works
0316/2023	Discharge of conditions :4 (external materials and joinery) of application 0273/2023

## 3. **Consultation Responses**

3.1 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>

The consultation responses comments are précised if conditions are proposed these are included within the conditions at the end of the report unless stated otherwise.

## **Tamworth Borough Council Consultees**

3.1.1 *Tamworth Borough Council Environmental Protection*  
Comments yet to be received (expiry date 22/06/2024)

3.1.2 *Tamworth Borough Council Conservation Officer*  
No objections

## **Statutory Consultees**

3.1.3 *Historic England*  
Comments yet to be received (expiry date 22/06/2024)

## **Other Consultees**

3.1.4 Staffordshire Police – advice given

## **4. Additional Representations**

4.1 As part of the consultation process adjacent residents were notified. A press notice was published on 06/06/2024 and site notices were erected on 31/05/2024. 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 No comments have been received.

## **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 The key issues to be considered at this stage are

- Principle
- Character and Appearance
- Heritage
- Amenity
- Community Infrastructure Levy

6.1 Principle

6.1.1 The Tamworth Local Plan 2006-2031 (LP) was adopted in February 2016. The most up to date national planning guidance which relates specifically to town centre developments are contained in the recently adopted Local Plan Policies. As well as the local there is guidance within the National Planning Policy Framework and its practice guidance (NPPF).

- 6.1.2 12-13 Market Street is within the Tamworth Town Centre and therefore Local Plan policies EC2 Supporting Investment in Tamworth Town Centre and EC3 Primary and Secondary Shop Frontages are relevant to this application. The site is located within a secondary shop frontage. EC2 also 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.” Clearly the proposals aim to improve a heritage asset.
- 6.1.3 The site is a locally listed building located within the Tamworth Town Conservation Area and within the setting of numerous listed buildings. The proposal is therefore required to comply with Local Plan policy EN6 Protecting the Historic Environment.
- 6.1.4 Chapter 6 of the National Planning Policy Framework 2021 (NPPF) focuses on building a strong, competitive economy. Paragraph 81 elaborates 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.”
- 6.1.5 Chapter 7 aims to ensure the vitality of town centres outlining that planning policies and decisions should support the growth, management and adaptation of town centres given their importance to local communities.
- 6.1.6 The application relates solely to the external physical works and no change of use is proposed. Although internal conversion works are also being undertaken, these do not require planning consent. The proposals are therefore fully supported by the policies above for an appropriate town centre use.
- 6.2 Heritage
- 6.2.1 12-13 Market Place is a locally listed building located within the Tamworth Town Conservation Area and within the setting of numerous listed buildings. The Local List Report (2018) entry dates the building from the mid-late 18th century and describes it as “a two storey stuccoed brick building, originally two buildings. Four bays wide, 6/6 sashes to 1st floor, pitched roof fronting Market Square with 2 dormer windows with hipped rooves. Two recessed doors, late 20th Century shop front.” The Report then summarises that the “building has good historic detailing and is an early building which lies in a prominent position along the main shopping street of Tamworth overlooking the Market Square and Town Hall. The building is of a scale which has presence within the street scene and provides a strong contribution to the historic street scene.”
- 6.2.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Act states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.2.3 Section 16 of the National Planning Policy Framework (NPPF) (2023) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 6.2.4 Paragraph 205 of the NPPF states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
- 6.2.5 The Planning Practice Guide (PPG) and Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changes to the historic environment.

6.2.6 Policy EN6 of the Tamworth Local Plan (TLP) (2016) seeks to protect the historic environment of the Borough and sets out the Council's approach to development affecting designated and non-designated heritage assets. Where sites are located within conservation areas proposals are required to pay particular attention to a number of aspects listed within the policy. The policy also states that the Council will support proposals that promote the use of vacant, under-used historic buildings, including necessary and appropriate minor changes that involve sensitive adaptation and minimal disturbance. 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.

6.2.7 To aid in the assessment of this, the Tamworth Borough Council conservation officer has been consulted and provided the following analysis:

*It is considered that the proposed shopfront has a generally well-balanced appearance designed to suit the function of the new operator. Despite there being clearly functional and modern aspects to the shopfront design to suit the new operator, it is considered that it demonstrates some components of a traditional design including the balance provided by the central pilaster, the proportions of the large glazing panels and fanlights, and the moulding details to the timber panelled stallrisers and pilasters. The fascia panel and fixed sign are of a proportionate scale to the wider shopfront and do not overly dominate the frontage with advertisements.*

*The lettering and logos for the proposed advertisements would be visually acceptable in terms of imaging and fonts and the colours proposed for the main components of the shopfront are considered to have muted tones and reflect traditional characteristics. The proposal would not result in an over-proliferation of signs upon the building. Whilst the advertisement arrangements for previous operators of the building included no form of illumination, the proposed internal illumination for the lettering of the fascia signage and within the fixed sign is clearly focused to a small area on the frontage only where the illumination is required and is therefore considered to have no significant adverse effect upon the amenities of the area, including the wider Tamworth Town Conservation Area.*

*For the above reasons it is considered the proposal would be compatible with the significance of the locally listed building 12-13 Market Street, preserve the character and appearance and thus significance of the Tamworth Town Centre, and ensure there are no adverse effects upon the significance of nearby listed buildings which include the grade II\* Town Hall and grade II Statue of Sir Robert Peel due to the proposal being an appropriate presence within their setting. The proposal would therefore comply with policies EN5 and EN6 of the TLP, section 16 of the NPPF and the statutory duties of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

6.2.8 The analysis above shows that an appropriate development is proposed for this location that would meet the requirements of policy EN6 of the Tamworth Local Plan and statutory duty under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 6.3 Design

6.3.1 Policy EN5 of the TLP seeks to guide the design of new development within the Borough. It states that high quality buildings and places will be achieved across Tamworth with particular attention paid to the enhancement of the town centre and conservation areas. Poor design or design that fails to take the opportunities available to improve the character and quality of an area and the way it functions will be refused.

6.3.2 New developments will be expected to (those considered relevant to this proposal are listed):

- a. Respect and where appropriate reflect existing local architectural and historic characteristics but without ruling out innovative or contemporary design which is still sympathetic to the valued characteristics of an area.
- b. Take into account the impact of the proposal on the significance of heritage assets.
- c. Be of a scale, layout, form and massing which conserves or enhances the setting of the development.
- d. Utilise materials and overall detailed design which conserves or enhances the context of the development.

- e. Be outward facing with active frontages which incorporate landscaping and boundary treatments appropriate to the local context.

6.3.3 The front elevation approved under reference 0273/2023 allowed for a standardised shopfront design at ground floor, whilst this proposal is designed to operate functionally for the new commercial operator Nationwide.

6.3.4 Approval has been granted (reference 0273/2023) for the reconstruction of the building which includes the reinstatement of historic detailing and features across its front elevation, in particular above ground floor level. Implementation of this approval would result in a form of enhancement to the character and appearance of the building and continue to ensure it makes a positive contribution to the character and appearance and thus significance of the Tamworth Town Conservation Area.

6.3.5 When applying the general principles of EN5 on design, it is considered the proposal would accord with this policy and the relevant design paragraphs in chapter 12 of the NPPF.

#### 6.4 Amenity

6.4.1 Policy EN5 – Design and New Development states that developments will be expected to 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.

6.4.2 Given the nature of the intended use as a building society, there are no impacts associated with the use that are likely to give rise to adverse environmental impacts.

6.4.3 Environmental Protection have been consulted on this proposal and the deadline for comments had not passed when this report has been written, however their views will be provided to councillors at committee.

#### 6.5 Community Infrastructure Levy

6.5.1 Tamworth Borough Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 17th July 2018 which came into force for applications determined after 1st August 2018. A CIL charge may apply to this application. If applicable, this would involve a monetary sum payable prior to commencement of development. Further information regarding our CIL Charging Schedule is available on the Council's website at [www.tamworth.gov.uk/cil](http://www.tamworth.gov.uk/cil).

### 7 **Conclusion**

A new shopfront and associated works are proposed as part of the redevelopment of 12-13 Market Street and the wider Future High Street Project of works for Tamworth town centre. The proposed development is acceptable in principle and is of an acceptable design which will not have a detrimental impact upon 12-13 Market Street, the setting of the adjacent listed buildings or the wider Tamworth Town Conservation Area. There are no identified impacts on neighbour amenity. Any later comments from Tamworth Borough Council environmental protection remain outstanding. The application is recommended for approval subject to conditions.

### 8 **Recommendation**

Approve with conditions

#### **Conditions / Reasons**

1. The development shall be started within three years from the date of this decision. Reason: In compliance with Section 92 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 only be carried out in accordance with the application form, the supporting letter and drawings: PR.00.E1, EX.00.E1 and b90f/uk/1104720/1486893 unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To define the permission.