

PLANNING COMMITTEE

6th AUGUST 2024

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

Application Reference	0134/2024
Proposal	Installation of various externally illuminated and non-illuminated signage to front elevation
Site Address	12 - 13 Market Street Tamworth B79 7LU
Case officer	Debbie Hall
Recommendation	Approve subject to Conditions

1. Introduction

- 1.1 This advert consent application is for the installation of various externally illuminated and non-illuminated signage to the front elevation.
- 1.2 It has been reported to Planning Committee as the application relates to wider developments under the Future High Streets work that is currently ongoing in the town centre.
- 1.5 The following lists the proposed adverts for the proposed shopfront of the newly constructed building at 12-13 Market Street:
- New fascia panel in blue and new 1no. 290 mm logo height with metal heritage lettering and logo. Logo and lettering to be externally illuminated by trough light.
 - New 500mm externally illuminated hanging heritage sign.
 - New 1no. ATM non-illuminated tablet and decals.
 - New safety manifestation to door.
 - New statutory signage (internal paper leaflets).

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

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 Guidance

- Institution of Lighting Engineers Technical Report No 5-3rd Edition (2001)
- 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**

0133/2024	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*
No objections

3.1.2 *Tamworth Borough Council Conservation Officer*
No objections

Statutory Consultees

3.1.4 *Historic England*
No comments received.

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 from neighbours, or in response to the site notice or press notice.

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
- Visual Amenity
- Heritage
- Public & Highway Safety

6.2 Principle

6.2.1 Paragraph 141 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

6.2.2 The Planning Practice Guidance defines amenity as the effect on visual amenity in the immediate neighbourhood of an advertisement, where residents or passers-by will be aware of the advertisement. It goes on to state that in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.

- 6.2.3 Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that the factors for consideration relevant to public safety include;
- (i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
 - (iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 6.3 Visual Amenity
- 6.3.1 General design and amenity policies include Local Plan Policy EN5 and the provisions of the NPPF. The general requirement of these policies is that new development achieves a high standard of design, informed by an analysis of the site and its surroundings. This involves an assessment of existing development in close proximity and an assessment of the impact of the proposals on the character and appearance of the area and on the building itself.
- 6.3.2 Policy EN5 of the Tamworth Local Plan 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.
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 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.
- 6.3.4 The proposed frontage consists of two large bays separated by a central pilaster. The right-hand side bay consists of full width fan light windows above a large shopfront window and sliding door. The left-hand side bay consists of a large shopfront window with fan light windows above this and a large blank panel surrounding an ATM machine. A fascia panel and stall riser extend along the full width of the frontage (in the case of the stallriser this is along the full width other than for the door). Advertisement is proposed upon the fascia panel with centrally placed lettering and a single fixed projecting sign on the right-hand side, both of which would be externally illuminated and consist of the current corporate style lettering and colours (white and red). The pilaster and stallrisers would be finished in timber panels with a moulding detail, with the window and door frames, fascia panel, fixed sign and ATM panel being of modern materials including aluminium. The colours for these elements of the shopfront would be dark blue and grey.
- 6.3.5 The main proposals relate to various externally illuminated and non-illuminated signage to the front elevation. The fascia sign would measure 0.758m in height and 8.591m in width and the logo and text would be externally illuminated with a trough light. The fascia sign is to be made from aluminium with red and white lettering and logo with a blue background. The hanging sign would be 0.5m in height and 0.5m in width and would feature the red logo on a blue background. This would also be externally illuminated with trough lighting. The proposed ATM would also include instructional and directional signs with no illumination. The safety manifestation refers to a 50mm diameter double

dotted line in white frosted vinyl internally applied to the window. The statutory signage would instructional details such as the opening times applied adjacent the entrance. The levels of illumination are within the scope of the guidance at 250 cd/m².

- 6.3.6 The advertisements are proportionate to the building in which they are to be affixed and in terms of number within acceptable limits considering similar bank uses within the town. The method of illumination will also respect the conservation area. When applying the general principles of EN5 on design therefore, it is considered the proposal would accord with this policy and the relevant design paragraphs in chapter 12 of the NPPF.

6.4 Heritage

- 6.4.1 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.”

- 6.4.2 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.

- 6.4.3 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.

- 6.4.4 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.”

- 6.4.5 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.

- 6.4.6 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.

- 6.4.5 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.

6.4.6 The analysis above shows and officer assessment 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.

6.5 Public & Highway Safety

6.5.1 Public safety, in respect of adverts relates to the impact an advert would have on the safe use and operation of any form of traffic or transport on land, water or air.

6.5.2 Staffordshire County Council Highways have provided the following standing advice. This standing advice is intended to provide LPA's with the advice they need to deal with simple applications without such applications being referred to the highway authority. These applications include some Advertising proposals under the Control of Advertisement Regulations.

6.5.3 Adverts should follow guidance in the Institution of Lighting Engineers Technical Report No.5 – 3rd Edition (2001) which is used to assess acceptable lighting levels and to calculate appropriate luminance limits for signs.

Curfew = the time after which stricter requirements (for the control of obtrusive light) will apply; often a condition of use of lighting applied by the local planning authority. If not otherwise stated - 23.00hrs is suggested.

Definition of Zones

E1	Intrinsically dark areas (e.g. National Parks, Areas of Outstanding Natural Beauty)
E2	Low district brightness areas (e.g. rural or small village)
E3	Medium district brightness areas (e.g. small town centres, urban locations)

E4	High district brightness areas (e.g. city and town centres with high levels of night time activity).
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There are only 2 sign areas ranges and the appropriate luminance levels (cd/m²) for each are as follows; -

Illuminated Area (m²)	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1000
Over 10.00	N/A	300	600	600

- 6.5.4 When granting consent for Illuminated signs it is necessary to impose constraints on luminance levels and the above table is to be used for setting limits. With externally illuminated signs it is necessary to ensure that luminaires are positioned such that the light source itself is not directly visible to user of the public highway.
- 6.5.5 Also, fascia and other forms of overhanging signs within pedestrianised or public footway/footpath areas, the following standard requirements shall be applied:
- The projection from the face of the building over the public highway shall not be within 600mm of any area used by vehicles;
 - There shall be a minimum 2.4m height clearance between the footway level and the underside of any projecting sign.
- 6.5.6 The Institution of Lighting Engineers Technical Report No.5 – 3rd Edition (2001) is used to assess acceptable lighting levels and to calculate appropriate luminance limits for signs. Due to the level of illumination at 250 (cd/m²) pedestrian and road users will not be affected due to glare of overtly bright signage or distraction.

7 Conclusion

- 7.1 The proposed advertisement is considered to be of an acceptable design which will not have a significant adverse impact upon visual amenity or the heritage asset. Consequently the application is recommended for approval

8 Recommendation

- 8.1 Approval subject to conditions

Conditions / Reasons

1. This consent is for a period of five years.

Reason: The local planning authority are only prepared to grant a temporary consent in order that the impact on amenity can be re-assessed after a period of 5 years this being in accordance with desire to create a high quality environment as set out in policy EN5: Design in New development as set out in the adopted Tamworth Local Plan 2006-2031.

2. The consent hereby permitted shall only be carried out in accordance with the application form and the Lighting Assessment received on 09/07/2024 and drawings: 'TYPICAL EXTERNAL ILLUMINATION LIGHTING SETUP', 'Heritage Wordmark & Letter sets – Single Line Options', 'Sign XX – Window Graphics', ATM.ET Rev A and PR.00.E1 Rev A received 09/07/2024 and 'Heritage (Illuminated) Projecting Sign Rev B' received 11/07/2024 and b90f/uk/1104720/1486893 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the permission.

3. (i). No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(ii) No advertisement shall be sited or displayed so as to -

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

(iii) Any advertisement displayed, and any site used for the display for advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the Town and Country Planning (Control of Advertisement) Regulations 2007.

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