

PLANNING COMMITTEE

8th OCTOBER 2024

APPLICATION FOR CONSIDERATION

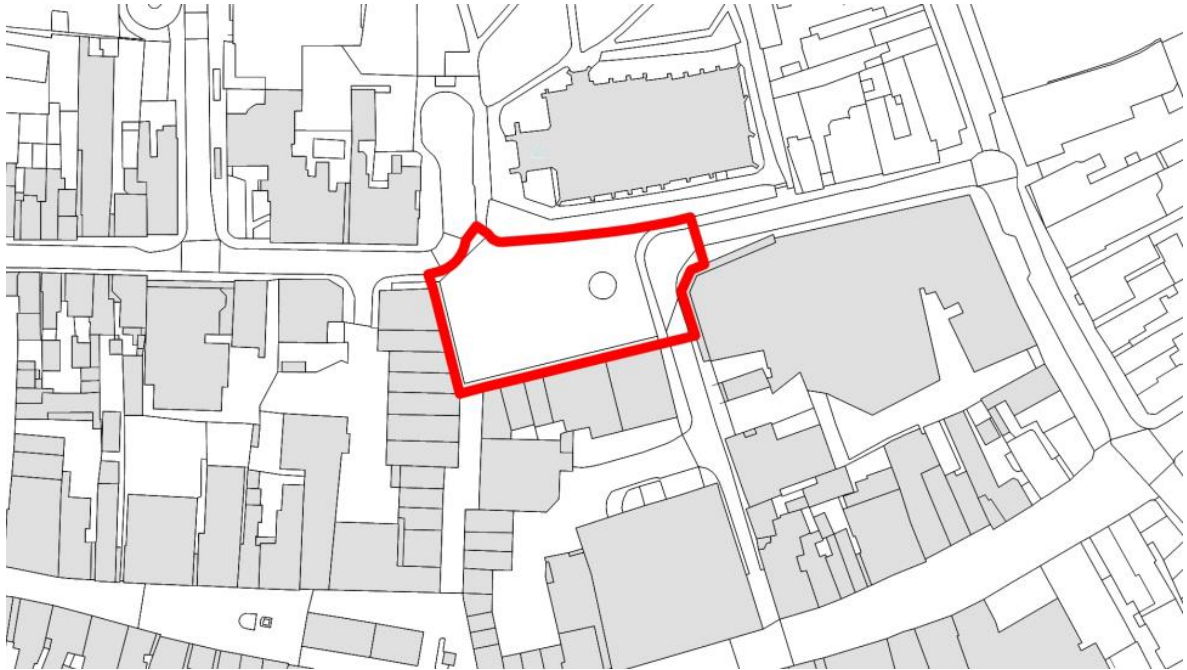
REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

Application Reference	0032/2023
Proposal	Removal of existing steps and installation of replacement paving, installation of benches, raingarden and drainage works; removal of two trees and planting of six replacement trees; realignment of vehicular access on College Lane.
Site Address	St Editha's Square Church Street Tamworth B79 7DA
Case Officer	Glen Baker-Adams
Recommendation	Approve subject to Conditions

1. **Introduction**

- 1.1 This planning application for several elements of improvement works at St. Editha's Square in Tamworth town centre.
- 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 individual components of this development:
 - Steps and existing red and grey paving removed, replaced with decorative paving
 - Existing trees removed and suitable tree planting in other locations
 - Installation of two benches
 - Replacement security bollards
 - Installation of Sheffield cycle loops
 - Lighting columns installed and strip lighting beneath benches
 - Enhancement of the Colin Grazier war memorial
 - Installation of raingarden which includes an attenuation tank
 - Repaving of College Lane

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

None

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
- 3.1.3 *Tamworth Planning Policy and Delivery*
No objections

Staffordshire County Council Consultees

- 3.1.3 *Environment Specialist (Archaeology)*
No objections subject to conditions
- 3.1.4 *Landscape Specialist*
General advice

Other Consultees

- 3.1.5 *Cadant Gas*
Advice given

4. Additional Representations

- 4.1 As part of the consultation process adjacent residents were notified. A press notice was published on 9th February 2023 and site notices were erected on 8th February 2023. 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 One comment was received showing concern relating to the tree replacement scheme and some general concerns about design of the entire Tamworth redevelopment.

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
- Highways

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. There is also guidance within the National Planning Policy Framework (NPPF) and its practice guidance.

6.1.2 St. Editha's Square is within the Tamworth Town Centre and therefore Local Plan policy EC2 Supporting investment in Tamworth Town Centre is relevant to this application. EC2 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 is considered to conform squarely with this; seeking to enhance the heritage assets around this proposal including the grade I Church of St. Editha.

6.1.3 Furthermore, the site is located within the Tamworth Town Conservation Area and close to a number of listed buildings.

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." 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. The proposal being located in the town centre would align with these policies in the NPPF.

6.1.6 As a result, the proposal is deemed to be acceptable in principle and would accord with the policies EC2 and the NPPF.

6.2 Character and Design

6.2.1 Tamworth Local Plan policy EN5 Design of New Development states that high quality buildings and places will be achieved across Tamworth with particular attention paid to the enhancement of the town centre, conservation areas, the Sustainable Urban Extensions and Regeneration Priority 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. The NPPF at paragraph 116d) states that when considering proposals development should 'create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards'. Furthermore at paragraph 135 this is further reinforced in general terms stating 'developments should 'maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit'.

6.2.2 This particular proposal in the town centre is considered to provide this high quality place, being considered a more high quality space for people to enjoy a focal point in the town centre where a number of streets meet and close to important buildings. It will offer a suitable mix of both hard and soft landscaping features to soften its placement in what is quite a harsh environment with not a lot of green areas. Additional trees will be planted to further this green ambition with any existing trees will be replaced with more suitable ones at better places to allow this space to function both as a place of relaxation and retail with several market stall structures.

- 6.2.3 Materials chosen include sandstone paving, granite and steel bollards which will all require additional approval. However on the basis of the initial information given will be appropriate.
- 6.2.4 As a result of this the proposal is considered to accord with policy EN5 of the Tamworth Local Plan and NPPF.
- 6.3 Heritage
- 6.3.1 St. Editha's square is a focal point in the town centre of Tamworth. On the northern side there is the grade I Church of St. Editha and to the north west is the Colin Grazier Hotel and attached wall which is grade II.
- 6.3.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.
- 6.3.3 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.
- 6.3.4 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.
- 6.3.5 Planning officer assessment is that the proposal would add additional elements of soft landscaping to what is an area which is dominated by hard surfaces which does not particularly make for a pleasant environment to enjoy the historic context of the site.
- 6.3.6 To aid in the assessment of this, the Tamworth Borough Council conservation officer has also been consulted who considered that the application would preserve the grade I listed building (Church of St. Editha's) and character and appearance of the conservation area. This is by choosing suitable landscaping and features to respect the character of the area.
- 6.3.8 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.
- 6.4 Highways
- 6.4.1 Policy SU2 of the Tamworth Local Plan 2006-31 states new developments should provide active street front ages to create attractive and safe street environments. 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.
- 6.4.2 The application was initially considered by the Staffordshire CC highways department as requiring further detail over the whether the nearby road lighting assets are proposed to remain in situ or will be removed and replaced. Principle support was given to the proposed drainage strategy For maintenance purposes it was required that a clear highway delineation feature is retained with more of a clear indication of the existing Highway boundary and the intended physical delineation feature prescribed on the General Arrangement Plan. This information will also clearly indicate the scope of off-site highway works proposed and whether any creation or stopping up of highway is required.

- 6.4.3 In terms of any off-site Highway works, resurfacing materials proposed within the public highway is acceptable in principle subject to approval via the Highway Works Agreement Process. Any non-standard material implemented as part of the Public realm works may generate a commuted lump sum due to the enhanced cost to the Highway Authority to maintain the bespoke material for its serviceable life. The proposed replacement of the permanent and removable bollards require some further areas of clarification and therefore a condition has been applied to get this addressed.
- 6.4.4 On review of the revised General Arrangement Plan Rev D submitted, the application boundary has been revised and College Lane realignment and majority of resurfacing works have been scoped out of the proposal. Resurfacing materials proposed within the public highway (P02,P03 and P04) are acceptable in principle subject to Highway Agreement approval.
- 6.5.5 Proposed Vehicle Access to St. Editha's Square
On the existing vehicular access to St Editha's Square off College Lane (public highway) is proposed to be closed with the use of permanent bollards and relocated further south near to Middle Entry Walkway (public highway) which is over sailed by a low-level building canopy. The proposed relocated access will be restricted to authorised and emergency vehicles only and controlled with the use of removable bollards. The proposed access position is situated at the intersection between Middle Entry walkway and College Lane, however the existing building canopy and BT Cabinet appear to restrict access for LGV/HGV type vehicles. Additional information was requested by the Highway Authority to demonstrate that adequate vertical clearance is available above the access route for the largest design vehicle and confirm the position of the BT cabinet is outside the vehicle pathway. This information will be requested as part of a condition which the applicant has agreed to.
- 6.5.6 SCC Street Lighting Assets
Two lighting columns situated within College lane will be affected by the scheme and it was initially unclear whether the SCC Road Lighting Assets are proposed to remain in situ or will be removed and relocated. In order to provide further information on this, Staffordshire CC have requested a condition which the applicant has agreed to that confirms the relevant details.
- 6.5.7 Restricted footway width on College Lane
There was some concern how the proposed bench and raised planting area abutting the footway will reduce the available footway width to a substandard level resulting in pedestrians including vulnerable users potentially walking within the vehicular carriageway. A consistent 2 metre footway width (minimum) must be retained along the College Lane footway and proposed bench set back 500mm from the footway edge to provide sufficient footway clearance when in use.
- 6.5.8 Construction and Demolition Management Plan
The Outline Construction Traffic Management Plan give a robust assessment 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 Construction Traffic Management Plan will be provided. The Highway Authority would therefore ask that once the works contractors is appointed a detailed Construction Management Plan is submitted to the LPA/LHA for approval.
- 6.5.9 In conclusion, taking into account the satisfactory response to many specific highway considerations and the further required information through relevant conditions proposed development will confirm to policy SU2 of the Tamworth Local Plan 2006-31 and the NPPF.

7 Conclusion

- 7.1 The public space improvements as a part of this development are another project to enhance the Tamworth town centre as part of the wider Future High Street Project. The proposed development is acceptable in principle with a suitable design which will not have a detrimental impact upon the setting of the adjacent listed buildings or the Tamworth Town Conservation Area. There are no severe highway safety implications. 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 and drawings: SPE0815-04-111 Rev. B; SPE0815-04-112 Rev D; TAM0704-02-121 Rev D and TAMW02-MCB-ES-00-DR-E-0390-S4-P02 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the permission.

3. Prior to occupation of development, details of all the external materials have been submitted to and agreed in writing by the District Planning Authority. The development hereby permitted shall be subsequently constructed using the approved materials unless alternative materials are first agreed in writing by the District Planning Authority.

Reason: To ensure that the District Planning Authority can exercise proper control over the materials used and the appearance of the building when completed, in the interest of visual amenity.

4. Notwithstanding any details shown on the approved General Arrangement sheet 1 and 2 Plans, Drawing no. SPE0818-04-111 Rev D and SPE0818-04-112 Rev D, prior to occupation of development, revised details indicating the following should be submitted to and approved in writing by the Local Planning Authority:

- Proposed fixed bollard situated near Barclays Bank entrance within the public highway is removed from the scheme.
- Details of Emergency and Maintenance vehicle access on College Lane are provided with supporting vehicle tracking exercise and vertical clearance requirements to demonstrate the proposed access is safe and suitable for its intended purpose.

5. Prior to occupation of development a detailed surface water drainage strategy for all Highway and private contributing catchments within the development layout to a suitable means of outfall shall be 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.

6. Prior to occupation of development, 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.

7. Prior to occupation of development, full details of a replacement Lighting Scheme and maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority. The approved Permanent Lighting Scheme shall be fully implemented prior to first use of the development.

Reason: To ensure the Highway and public realm remains adequately illuminated in the interests of highway/public Safety.

8. Prior to occupation of the development, detailed design information for any vehicle access and highway works including highway delineation features situated within Church Street, College Lane and Middle Entry that interface with the main public realm scheme in Editha Square as broadly outlined within the approved General Arrangement Plans, 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.

Reason: In the interest of highway safety.

9. Prior to occupation, a detailed Construction Environmental Management Plan (CEMP) prepared by the appointed contractor shall be submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP 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. 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 the National Planning Policy Framework.

10. Prior to the installation of any tree proposed within five metres of the highway boundary shall be planted with a suitable root barrier system in place to prevent structural damage occurring within the adjacent Road/footway with details to be first agreed in writing with the local planning authority.

Reason: In the interest of highway safety.

Important Informative comment to be included on consent.

Highway Works Agreement

Condition 8 requiring vehicle access and 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 online application form. Please complete and submit online or contact Highway.agreements@staffordshire.gov.uk for more information. The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>

SCC Lighting Assets

Prior to disconnection/removal of SCC road lighting assets within the site, approval will be required from Staffordshire County Council. The applicant will be responsible for all costs associated to any temporary and permanent replacement lighting scheme.

Please contact the following for further information – glynn.hook@staffordshire.gov.uk and lightingforstaffordshire@eonenergy.com