

PLANNING COMMITTEE

5 November 2024

APPLICATION FOR CONSIDERATION

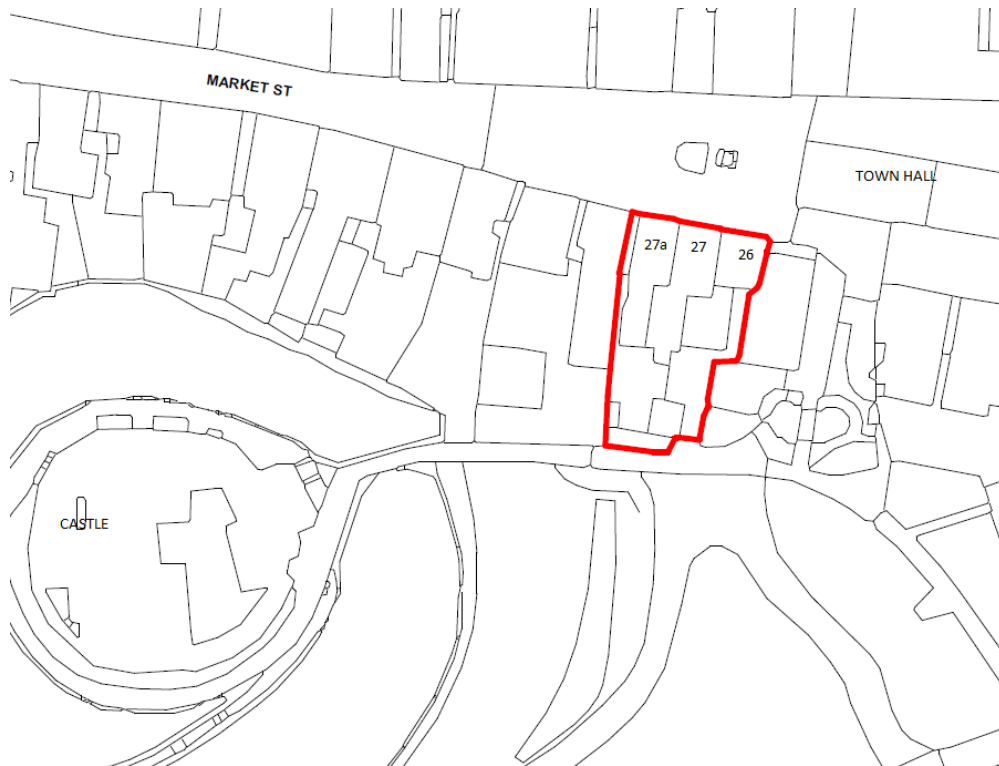
REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

Application Reference	0220/2024
Proposal	Listed Building Consent for roof and window repairs, demolition of external staircase, boundary wall and brick houses, temporary covering to roof of outbuilding.
Site Address	27A Market Street, Tamworth, B79 7LR
Case Officer	Andrew Davies
Recommendation	1. Agree the reasons for approval set out in this report

1. Introduction

- 1.1 This application is for Listed Building Consent for roof and window repairs, demolition of external staircase, boundary wall and brick houses and temporary covering to roof of outbuilding at 27A Market Street, Tamworth, B79 7LR.
- 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.
- 1.3 The Committee Report has been written coincident with the end of the statutory consultation period, but prior to receipt of all consultation responses. It is anticipated that additional consultation responses will have been received by the time of the November planning Committee and that they will be reported as an addendum to this report.
- 1.4 Specific works proposed to be undertaken include:
- Roof repairs to the building as the Structural Engineers details
 - Sealing off holes in the roof to prevent further ingress of vermin
 - Temporary repairs to dormer windows to prevent further water ingress
 - Repair of timber windows where necessary
 - Temporary Covering of the roof to small, rear outbuilding to prevent further water ingress
 - Demolition (by hand) of external staircase tower, which is structurally very unsound. Bricks to be retained for re-use.
 - Boundary wall between 27 and 27a to be taken down by 10no. courses, by hand. Bricks to be retained for re-se.
 - Brickhouses to rear of boundary wall to be carefully taken down by hand and bricks retained for re-use.

Location Plan



2. Policies

2.1 Local Plan Policies

SS1 - The Spatial Strategy for Tamworth
SS2 – Presumption in Favour of Sustainable Development
EC2 – Supporting Investment in Tamworth Town Centre
EC6 – Sustainable Economic Growth
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 2023
National Design Guide 2021
National Planning Practice Guidance 2014-

3. Relevant Site History

Reference	Description	Decision	Date
T02207	BUSINESS OF TOOL SALES AND HIRE AND THE SALE OF ALL ACCOMPANYING FIXINGS ABRASIVES ETC. ALSO SALE OF BLINDS, DOORS	Approved	14.02.78

	ETC.		
T12016	CHANGE OF USE TO SALE OF HOT FOOD	Approved	23.02.82
T13085	CHANGE OF USE OF FIRST FLOOR TO OFFICE AND SHOWROOM	Approved	26.05.83
T21790	REFURBISHMENT OF BUILDINGS AND CELLARAGE ASSOCIATED WITH SHOP UNITS, PARTIAL REBUILD AND REPAIR OF OUTBUILDINGS AND GENERAL ENHANCEMENT OF LANDSCAPING TO FORM SHOPS, OFFICES AND CRAFT UNITS	Approved	16.11.94
T21791	PARTIAL DEMOLITION OF DERELICT CONSTRUCTIONALLY UNSTABLE OUTBUILDINGS, STABILIZED AND REBUILT	Approved	14.12.94
T22108	RELOCATE TENANTS TOILET BLOCK: REFURBISHMENT OF BUILDINGS AND CELLARAGE ASSOCIATED WITH SHOP UNITS, PARTIAL REBUILD AND REPAIR OF OUTBUILDINGS AND GENERAL ENHANCEMENT OF LANDSCAPING TO FORM SHOPS, OFFICES AND CRAFT UNITS	Approved	17.05.95
T22109	REFURBISHMENT OF BUILDINGS AND CELLARAGE ASSOCIATED WITH SHOP UNITS, PARTIAL REBUILD AND REPAIR OF OUTBUILDINGS AND GENERAL ENHANCEMENT OF LANDSCAPING TO FORM SHOPS, OFFICES AND CRAFT UNITS: RELOCATE TENANTS TOILET BLOCK	Approved	23.05.95
0549/2002	Replacement of existing shopfront (G. F. level) including provision of sliding door for improved disabled access.	Approved	25.09.02
0141/2017	Listed Building Consent for the display of window vinyls to 27, 27A & 28 Market Street	Approved	08.05.17
0285/2017	Proposal to cut space for roof hatch and roof repairs to rear	Approved	16.08.17

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 Conservation Officer – no objections subject to adequate historic building recording being undertaken
- 3.1.2 Tamworth Borough Council Environmental Protection – no objections subject to a condition to minimise neighbour impact through working hour controls on the development.

Staffordshire County Council Consultees

- 3.1.3 Staffordshire County Council Archaeology – formal comments awaited, informal advice that the proposal would be acceptable subject to an acceptable form of Historic Building Recording being undertaken prior to work commencing.

Statutory Consultees

- 3.1.4 Historic England – no objections

4. Additional Representations

- 4.1 As part of the consultation process adjacent residents were notified. A press notice was published on 10 October 2024 and site notices were erected on the same date. At the time of writing this report, no responses from neighbours or members of the public 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 exercise of its functions, have due regard to the interests and needs of those sharing the protected characteristics under the Act, such as age, gender, disability and race. This proposal has no impact on such protected characteristics.
- 5.2 There may be implications under Article 8 and Article 1 of the First Protocol of the Human Rights Act, regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.

6. Planning Considerations

The key issues to be considered at this stage are

- Principle
- Character and Appearance
- Highway Safety
- Heritage
- Amenity

6.1 Principle

- 6.1.1 The Tamworth Local Plan 2006-2031 (LP) was adopted in February 2016. As well as the local plan there is guidance within the National Planning Policy Framework (NPPF) and the accompanying Planning Practice Guidance (PPG). The starting point in determining the acceptability of development proposals is the Local Plan, where the policies are considered consistent with the NPPF. Policy SS1 The Spatial Strategy for Tamworth is to provide development in the most accessible and sustainable locations and SS2 Presumption in Favour of Sustainable Development, states that proposals that accord with the local plan are sustainable and will be approved without delay.
- 6.1.2 Numbers 27 and 27a Market Street are within the Tamworth Town Centre, designated as Conservation Area and therefore Local Plan policies EC2 Supporting investment in Tamworth Town Centre and EN6 Protecting the Historic Environment are 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." Policy EN6 states that "Particular attention will be paid to enhancing key buildings in the town centre, the Creative Quarter initiative, positive redevelopment or enhancement of negative features,

public realm improvements and proposals that will enhance buildings classed as 'at risk' and 'vulnerable' in the Heritage at Risk Survey. 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."

6.1.3 The application is considered to conform with the policies above in seeking to make the buildings safe to ensure their continued status as heritage assets and to enable future development to bring them back into active use subject to future permissions.

6.1.4 The proposed development is therefore considered to be in compliance with key policies of the Tamworth Local Plan 2006-2031 and in principle an acceptable form of development for the location subject to meeting other requirements of the Local Plan.

6.2 Character and Appearance

6.2.1 The appearance of a development is a material planning consideration and in general terms the design of a proposal should not adversely impact on the character and appearance of the wider street scene.

6.2.2 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.

6.2.3 The appreciation of character and appearance is a significant part of recent planning reform and, with the introduction of the National Design Guide, remains a very important consideration of planning applications

6.2.1 The proposed site is comprised of the Grade Two Listed Buildings at 26, 27 and 27a Market Street, Tamworth. The proposed work areas are primarily located within the rear of those buildings, which sit on the southern side of Market Street to the north east of the Castle alongside the boundary of the Castle

6.2.2 Numbers 27 and 27a are believed to have been built in the nineteenth century although elements of them may pre-date that and it has not been established exactly when they were built.

6.2.3 The proposed works arise from concerns over the structural integrity of the buildings, that necessitated a structural survey being undertaken during July and August 2024. According to the survey report, the survey was intended "to identify any items which need to be addressed to ensure that the building is watertight in the short term and removes any risk to persons who are in close proximity to the buildings. For the inside to take into account the recommendations of timber and damp surveys and address those repairs necessary to make the building safe to access." The report goes on to state that "It is not intended that the report covers all of the necessary repairs to make the buildings suitable for occupation and the items raised in this report are the minimum necessary to satisfy the above brief."

6.2.4 Consequently, the submitted application seeks Listed Building Consent, not to make the buildings habitable, but only to undertake the essential works arising from the survey to ensure that the building is watertight and safe.

6.2.5 The survey report identified two elements that in order to make the building safe would require demolition or partial demolition of structures. It identified that the rear stair tower had suffered a significant foundation failure and is in a dangerous condition, requiring careful demolition by hand. It also noted that the boundary wall between No's 27 and 27a is in poor condition with a partial collapse at higher level, necessitating a reduction in height by ten courses of bricks and the installation of new coping to prevent water ingress.

6.2.6 It is noted that works of a similar nature were approved in 1994 and 1995 to demolish or structurally improve outbuildings at the site.

- 6.2.7 The proposed works include demolition and replacement of an existing dilapidated external staircase, reduction in height of a boundary wall, demolition of dilapidated outbuildings and other minor works, principally to the rear of the structures. The applicant has proposed that all works are conducted by hand and that all materials recovered are stored for reuse.
- 6.2.8 Whilst the proposed works are essential for ensuring the stability and safety of the structures to the rear of the buildings, they will also serve as means of enabling further development to be undertaken at a later date, subject to consent. They would alter the appearance of the site, however the location is such that the works would be unlikely to be seen from outside of the site other than from within higher parts of the Castle.
- 6.2.9 The character and appearance of the proposed works would therefore not impact upon the streetscene and is considered to be in compliance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031, the NPPF and National Design Guide.

6.3 Highway Safety

- 6.3.1 Tamworth Local Plan policy EN5h) states that new developments will be expected to pay particular regard to highway safety and servicing requirements, the capacity of the local road network and the adopted parking standards set out in Appendix C.
- 6.3.2 The works proposed would be to the rear of the host building where there is no direct vehicle access, only pedestrian access and materials would be moved via this route. The applicant has advised that the proposed works would likely require access to the front of the site by one vehicle movement per day, to be undertaken early in the working day with a 7t flatbed vehicle. The nature of the proposed works means that there would be no requirement for hoarding at the front of the site with, access from the rear gate only. Furthermore, the majority of the reclaimed bricks would be kept on site with only potentially a modest proportion having to be removed from the site. Any removed would be transported to and stored at the Holloway works compound. Consequently, the proposal is considered to comply with Policy SU2 Sustainable Transport of the Tamworth Local Plan 2006-2031.

6.4 Heritage

- 6.4.1 Tamworth Local Plan policy EN6 Protecting the Historic Environment states that proposals will be required to pay particular attention to:
- a) The scale, form, height, massing, detailing and materials of the development, the existing buildings and physical context to which it relates.
 - b) 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.
 - c) Important views of listed buildings, scheduled monuments and historic townscape as identified in the conservation area appraisals.
- 6.4.2 The proposal has been assessed by the Tamworth Borough Council Conservation Officer, who has liaised with both Historic England and the Staffordshire County Council Historic Environment Team in respect of this application. The Conservation Officer has stated that the proposal would be acceptable subject to ensuring that an appropriate Historic Building Record is undertaken prior to the works commencing and that all Scheduled Ancient Monument aspects, which are outwith the scope of this planning application are taken properly into account due to the site's proximity to Tamworth Castle
- 6.4.7 Historic England has advised that it does not object in principle to the proposal and has stated that it "should generally enhance the significance of existing grade II listed buildings, setting of adjacent listed buildings and Scheduled Monument and the existing character and appearance of the conservation area. Such works should improve the economic viability of the listed buildings and should hopefully enable them to get back into use." It also noted that "However, clarification should be sought on the future status of the outbuildings, and ensure appropriate consideration is undertaken on what may require Scheduled Monument Consent for adjoining archaeological structures." As a consequence, it is deemed appropriate to ensure that separate to the planning process, all necessary steps are undertaken with respect to Scheduled Monument consents.

6.4.8 The Staffordshire County Council Historic Environment Team has at the time of writing this report not yet provided definitive comments but has indicated informally that it would have no objection to the scheme provided that an adequate Historic Building Record is completed prior to the works commencing.

6.4.9 As a result the proposal is therefore considered to be in accordance with Policy EN6 Preserving the Historic Environment of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework.

6.5 **Amenity**

6.5.1 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. NPPF paragraph 130 f) also states that planning decisions should ensure that developments create places... with a high standard of amenity for existing and future users.

6.5.2 Owing to the nature of the proposed works, there would be no long term amenity concerns for neighbours to the site although it is noted that there could be limited noise impacts during the undertaking of the works. However, as the proposed works are by their nature to be undertaken largely by hand rather than with significant machinery, it is highly unlikely that there would be a significant disturbance arising from the works. Notwithstanding that assessment, Tamworth Borough Council Environmental Protection has advised that a condition should be imposed to limit the potential noise disturbance off site, through control of working hours. It is therefore considered that the likely level of disturbance to neighbour amenity is minimal and with steps taken to condition working times, would be in accordance with the amenity aspects of Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031.

6.5.3 At present the site is unoccupied and the proposed works would have no bearing upon the amenity of potential future occupiers, which are likely to be of a commercial nature at least at ground floor level.

6.5.4 As a result the proposal is therefore considered to be in accordance with Policy EN5 Design and New Development of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework.

7 **Conclusion**

7.1 The proposal is for Listed Building Consent for roof and window repairs, demolition of external staircase, boundary wall and brick houses, temporary covering to roof of outbuilding at 27a Market Street, Tamworth.

7.2 Balancing the considerations of the proposal it is deemed that the proposed works are essential to the integrity of the structures at the host site and are appropriate subject to undertakings to ensure that the historic nature of the site is adequately recorded and taken into consideration.

7.3 The key planning issues relate to heritage and amenity matters and it is considered that the proposal has, with conditions where, necessary, met or exceeded the policy requirements established by the Tamworth Local Plan 2006-2031 and the interests of consultees. It is recommended therefore that the proposal is approved subject to conditions.

8 **Recommendation**

Approval subject to conditions.

Conditions / Reasons

1. The development shall be commenced within three years of the date of this permission.

Reason: To comply 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 only be carried out in accordance with the application form and drawing numbers 2321-1000 and 2321-3010 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the permission

3. Construction activities which are audible beyond the site boundary, including deliveries, ground works and earth movements, shall be restricted to the following days and times:

- 08:00 – 18:00 Monday to Friday
- 08:00 – 13:00 Saturday

Construction shall not be undertaken on a Sunday or a public holiday.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development as described within paragraphs 183-188 of the National Planning Policy Framework 2021, and chapter 6.36 of the Tamworth Borough Council Local Plan 2006-2031.

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