

# **PLANNING COMMITTEE**

**3<sup>rd</sup> DECEMBER 2024**

## **APPLICATION FOR CONSIDERATION**

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

<b>Application Reference</b>	0033/2023
<b>Proposal</b>	Demolition of No.26 Market Street (current Nationwide bank) and existing Castle Gateway bridge. Replacement of Castle Gateway bridge with wider pedestrian walkway with associated landscaping and enhancement of the public realm.
<b>Site Address</b>	26 Market Street Tamworth B79 7LD
<b>Case Officer</b>	Glen Baker-Adams
<b>Recommendation</b>	Approve subject to Conditions

**1. Introduction**

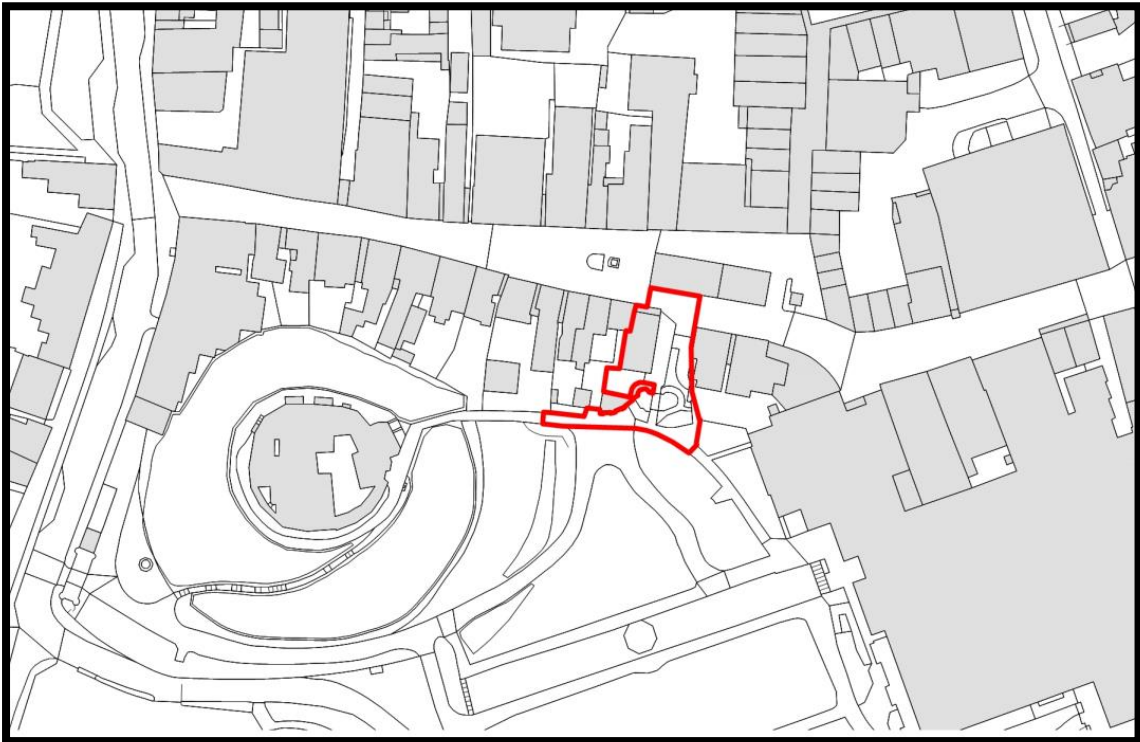
1.1 This planning application for:

- A new bridge, widened but of the same route as before using the existing pad stone foundations.
- Demolition of 26 Market Street and construction of landscaped area in its place.
- Construction of brick retaining wall



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.

## 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  
EN5 – Design and New Development  
EN6 – Protecting the Historic Environment  
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

Reference	Proposal	Decision
0012/2000	Alterations to shopfront	Approval
0110/2002	Illuminated cash machine surround sign	Approval
0549/2002	Replacement of existing shopfront (G. F. level) including provision of sliding door for improved disabled access.	Approval
0560/2002	Sites for licensed street trading	Approval
0580/2004	Provide handrails to front steps, provide disabled toilet facility on the ground floor and wheelchair platform stairlift between ground and first floors	Withdrawn
0650/2005	Alterations to the internal layout to provide a vertical platform lift to provide access to the first floor for people with mobility difficulties and a toilet facility on the ground floor for wheelchair users	Approval
0266/2006	Installation of a computer wireless link bridge - to be positioned behind the parapet/crenelations at the Holloway Lodge roofline; Wooden noticeboard to be reinstated on the external wall (road side) of the Lodge	Approval
0047/2008	Permission to consider use of highways for street cafe trading subject to restrictions and regulations imposed in Staffs County Council control of commercial obstruction in highway	Approval
0422/2019	New shop frontage	Approval
0424/2019	Advertisement consent for illuminated and non-illuminated new signage, new fascia signage, new ATM surround and new vinyl	Approval
0411/2020	Works to a Listed Building to allow for various minor alterations, including the installation of an ADT fire and security system and Wi-Fi data receiver; removal and replacement of existing panelling, boarding shelving and sales point with more suitable alternatives; external bracket for a hanging sign and the provision of external table and chairs.	Approval

### 4. Consultation Responses

- 4.1 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**

- 4.1.2 *Tamworth Borough Council Environmental Protection*  
No objections
- 4.1.3 *Tamworth Borough Council Conservation Officer*  
No objections
- 4.1.4 *Tamworth Borough Council Planning Policy and Delivery*  
No objections

#### **Staffordshire County Council Consultees**

- 4.1.5 *Staffordshire County Council Highways*  
No objections subject to conditions
- 4.1.6 *Staffordshire County Council Archaeology*  
No objections subject to conditions

- 4.1.7 *Lead Local Flood Authority*  
No comments (only respond to major development)

### **Statutory Consultees**

- 4.1.8 *Historic England*  
No objections with additional information to come forward as part of the Scheduled Monument Consent process.

### **Others**

- 4.1.9 *Cadant Gas*  
Information given
- 4.1.10 *Staffordshire Police Design out Crime Officer*  
Guidance on proposals

## **5. Additional Representations**

- 5.1 As part of the consultation process adjacent residents were notified. A press notice was published on 9<sup>th</sup> February 2023 and site notices were erected on 8<sup>th</sup> 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>.
- 5.2 One objection was received citing a concern over the loss of the bank as an amenity for the town with also requests for clarity over what is happening to the kiosk shop at the rear of the bank.
- 5.3 A response to this is given at section 7.7 of this report.

## **6. Equality and Human Rights Implications**

- 7.1 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.
- 7.3 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.

## **7. Planning Considerations**

- 7.1 The key issues to be considered for this application are:
- Principle
  - Character and Appearance
  - Heritage
  - Amenity
  - Highways
  - Response to objector comment

## 7.2 Principle

- 7.2.1 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).
- 7.2.2 SS1 The Spatial Strategy for Tamworth states that Tamworth Town Centre will be the primary focus for new retail leisure and tourism development.
- 7.2.3 The location of the development is well within the Tamworth Town Centre and therefore Local Plan policy EC2 Supporting Investment in Tamworth Town Centre is relevant to this application. 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.” Clearly the proposals aim to improve a heritage asset.
- 7.2.4 The site is part of the Tamworth Castle grade I listed Scheduled monument, within the Tamworth Town Conservation Area and within the close proximity of numerous listed buildings. The proposal is therefore required to also comply with Local Plan policy EN6 Protecting the Historic Environment.
- 7.2.5 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.”
- 7.2.6 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.
- 7.2.7 The application is considered to allow Tamworth town centre to be the focus of new tourism development and therefore the proposals will facilitate access to one of the most important tourist attractions in the borough. It will also be an important part in the development of the area to allow it to remain an attractive place to shop and visit to enable it to meet the other policy requirements of EC2 and NPPF at chapter 6 specifically.
- 7.2.8 The application relates solely to the external physical works to the gateway bridge and demolition of the existing building immediately to the side. Whilst the demolition of any building is not always the most sustainable approach, by doing this at this site will achieve further overarching policy objectives including improving the access to the town centre and use of a historic part of the wider area. As a result, the development is acceptable in principle and accords with Tamworth Policy EC2 and the NPPF.

## 7.3 Heritage

- 7.3.1 26 Market Street is located within the Tamworth Town Conservation Area and within the setting of numerous listed buildings. The wider gateway is also connected to Tamworth Castle as a scheduled monument and Grade I listed building.
- 7.3.2 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.

- 7.3.3 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.
- 7.3.4 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.”
- 7.3.5 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.
- 7.3.6 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.
- 7.3.7 26 Market Street is considered to *not* contribute positively to the conservation area and therefore its demolition for a sympathetic landscaped area will enhance the appearance in line with both EN6 and the statutory requirements of the Town and County Planning (Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.3.8 The bridge is a replacement with acceptable materials chosen and therefore will also meet these requirements.
- 7.3.9 In addition, to aid in the assessment of this, the Tamworth Borough Council conservation officer has been consulted and also confirms the existing bridge has no heritage merit and therefore no objections to the development.
- 7.3.10 The analysis above shows therefore 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.

#### 7.4 Design

- 7.4.1 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.
- 7.4.2 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.

7.4.3 The gateway improvements allow for better appreciation of the historic merits of the Castle and grounds by widening this space to a sympathetic scale. Widening the bridge also increases accessibility and enables better security with the lighting proposed. Materials chosen are suitable, being bronze balustrades as a reflection of the historic part of the area. The proposals within this space are delicate and proportionate with high quality landscaping and planting proposed. Whilst losing buildings in a historic setting can have disproportionately negative impacts upon an area, 26 Market Street does not offer much in the way of providing the historic features that many of the other buildings in the local vicinity. As a result, it is considered that its demolition would enhance the setting and be of an acceptable design to meet the relevant policies at EN5 of the Tamworth Local Plan and in the NPPF.

## 7.5 Amenity

7.5.1 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.

7.5.2 There are no residential properties within close proximity to the development site that would be impacted by the development of the proposals. During the construction, there may be some localised disruption but this is temporary and will be managed through a construction management scheme to be later submitted for approval in conjunction with the highways authority. The statements with the application suggest careful demolition of the building and the requirement for a Construction Management Plan will ensure potential amenity issues are controlled.

7.5.3 Furthermore, the council's environmental Protection have been also consulted on this proposal and considering the above have no objections to the development and with the following considerations the development is considered to accord with EN5 of the Tamworth Local Plan 2006-31.

## 7.6 Highways

7.6.1 Tamworth Local Plan policy SU2 states 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 upon the environment. Planning permission will be refused where travel to and from the development would be likely to cause harmful levels of pollution, highway safety or capacity impacts.

7.6.2 The pedestrian route across the bridge will be closed and temporary walking diversion signs will be clearly signposted around the town. Construction of the works will require Market Street to be used for deliveries which will be managed effectively, with the assistance of Staffordshire CC officers and separate approval regimes. A compound will be temporarily set up in the castle grounds to facilitate effective and safe working practices.

7.6.3 To aid in the assessment, Staffordshire County Council highways colleagues have confirmed the proposals are acceptable subject to further details required by additional planning conditions. There was a requirement for finger post wayfinding however there is already one in-situ and therefore as this is unnecessary it would not conform to the six tests of planning conditions.<sup>1</sup>

7.6.4 This is an acceptable position in planning terms and therefore the development will conform to Tamworth Local Plan policy SU2 and the National Planning Policy Framework.

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<sup>1</sup> The NPPF at paragraph 57 states that there are various 'tests' for conditions to be applied for a development.

[https://assets.publishing.service.gov.uk/media/669a25e9a3c2a28abb50d2b4/NPPF\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/669a25e9a3c2a28abb50d2b4/NPPF_December_2023.pdf)



## 7.7 Response to objector comment

- 7.7.1 The sole objector to the proposal was interested to know what was happening with the kiosk to the rear of the Nationwide Bank. This will remain as this part of the castle and therefore adjudged to be unaffected significantly by the proposals. Secondly, in response to the loss of the bank, whilst this unfortunate at this site the bank will continue to operate but from 12-13 Market Street instead. More details can be found on this [here](#).

## 8. Conclusion

The proposals include the demolition of a building which does not contribute positively to the quality of the Tamworth town centre conservation area and its removal and replacement with a well thought out landscaped area will allow for better appreciation for the grade I listed Tamworth Castle and its grounds. The finished design of the gateway is appropriate and sympathetic, meeting both local and national planning policy.

## 9 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:
  - SPE0814 04 101 General arrangement plan
  - SPE0814 04 201 Landscape sections
  - SPE0814 04 301 Landscape details Sheet 01 of 02
  - SPE0814 04 302 Landscape details Sheet 02 of 02
  - SPE0814 04 401 Detailed Soft Landscape Proposals
  - SPE0814 04 601 Landscape Specification Document

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 Borough 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 Borough 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 Plan, drawing no. TAM0704-02-111, no development works shall take place until revised details indicating the following have been submitted to and approved in writing by the Local Planning Authority:
  - Proposed measures on the trafficked section of Market Street to prevent vehicles from entering the pedestrianised area leading to the replacement footbridge, The development shall thereafter be carried out in accordance with the approved details and be completed prior to first use and thereafter retained as such for the lifetime of the development.

Reason: To provide a safe and suitable means of access to the site, in the interests of highway safety and in the interest of achieving good design and creating better places in accordance with the aims and objectives of the National Planning Policy Framework and to accord with policy SU2 of the Tamworth Local Plan 2006-31.

5. Development shall not take place (except demolition works) 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 to accord with SU2 of the Tamworth Local Plan Policy 2006-31 and the NPPF.

6. Development shall not take place (except demolition works) until 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 the removal of existing SCC Lighting Assets within the site, 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 Road 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 and to accord with SU2 of the Tamworth Local Plan Policy 2006-31 and the NPPF.

8. Prior to commencement of the development (except demolition works), detailed design information for any highway works including highway delineation features, site clearance , palette of surfacing materials, and drainage works situated within Market Street and Footway link between 24-26 Market Street that interface with the main public realm scheme 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 and to accord with SU2 of the Tamworth Local Plan Policy 2006-31 and the NPPF.

9. Prior to the commencement of any construction, including demolition, 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 the National Planning Policy Framework.

10. Prior to commencement of development (except demolition works), full structural design information and construction method statement for the proposed replacement bridge deck and use of existing substructure shall be submitted to and approved in writing by the Local Planning Authority. The submission of details must include Structural Approval in Principle (AIP)

documentation based on ground investigation undertaken. The replacement bridge deck and substructure must be fully implemented in accordance with the approved details.

Reason: In the interest of Highway Safety.

11. A) "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-fieldwork 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: In the interests of protecting potential archaeological remains and to accord with EN6 of the Tamworth Local Plan 2006-31 and the National Planning Policy Framework.

### **Informative Notes on Decision Notice**

#### *Highway Works Agreement*

Condition 8 requiring 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](mailto: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>

#### *Staffordshire County Council 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](mailto:glynn.hook@staffordshire.gov.uk) and [lightingforstaffordshire@eonenergy.com](mailto:lightingforstaffordshire@eonenergy.com)

#### *Proposed Seating*

The placement of street furniture such as proposed seating (F02 as shown on General arrangement Plan) within the public highway will be the ongoing responsibility/liability of the Borough/ Parish council.

#### *Cadant Gas*

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.

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 work, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions).

Prior to carrying out work, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://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 changes 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.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) or on 0800 688 588.

*Designing Out Crime Officer Comments*

There are a number of recommendations set out in the response by D Fisher dated 24<sup>th</sup> February 2024. It is advised that these be taken into full account in the final installation of the bridge and associated development.