

Appeal Decision

Site visit made on 10 January 2017

by **I Radcliffe BSc(Hons) MRTPI MCIEH DMS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 February 2017

Appeal Ref: APP/L3245/W/16/3159221

Former Hathaway Site, Monkmoor Road, Shrewsbury, Shropshire SY2 5TZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Severnside Housing against the decision of Shropshire Council.
 - The application Ref 16/01327/OUT, dated 24 March 2016, was refused by notice dated 5 August 2016.
 - The development proposed is residential development with all matters reserved. Total number of dwellings to be a reserved matter.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted wholly in outline. I have dealt with the appeal on this basis and I have taken the indicative site plan that has been submitted into account insofar as it is relevant to my consideration of the principle of residential development on the appeal site.
3. A section 106 agreement has been submitted which secures the provision of on affordable housing. Its terms are addressed in more detail within the decision.

Main Issue

4. The main issue in this appeal is whether the appeal scheme comprises sustainable development as defined in the National Planning Policy Framework('the Framework'), having regard to;
 - the effect of the proposed development on the historic environment; and,
 - the effect of the proposal on existing employment areas.

Reasons

5. The appeal site is previously developed land located in Shrewsbury in an accessible location within easy reach of its centre and the range of services and facilities that it has to offer. As a result, it is not a matter in dispute that, in principle, it constitutes a windfall site that accords with the development plan's spatial strategy for housing.

Historic environment

6. On the appeal site are two former military buildings: a large hanger that was constructed towards the end of World War One (WWI) and a workshop added to the site by the RAF during the Second World War (WWII). Nearby, to the north east of the appeal site, is a second hangar from WWI. Owing to their
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- association with the RAF and the major conflicts of the last century both are non-designated heritage assets.
7. In assessing the significance of these buildings, and the effects of the proposal upon them, I have relied upon the submitted Heritage Statement and its update, the comments of the Council, appellant and other interested parties, together with my own observations.
 8. The hanger on the appeal site, and the hanger nearby to the north east, date from towards the end of World War One (WWI) and were used to accept, test and equip aircraft. In the inter-war period the hangars were put to other uses and during World War Two (WWII) were used to carry out repairs, or break up damaged aircraft. Since then these buildings have been subdivided internally and returned to commercial purposes. In my judgement, due to the age and relative rarity of hangers that date from WWI, indeed these are the only remaining WWI hangers in Shropshire, they of importance to the region. The significance of the hangers relates to their historical interest associated with the mass mobilisation of armaments production in WWI and their distinctive early twentieth century form of construction involving, for example, the use of all timber Belfast roof trusses.
 9. During WWII, the long semi-circular prefabricated workshop clad in corrugated metal sheeting was erected on the site to assist with aircraft work. As a common type of structure from this period used for repair work, in my view, it is a non-designated heritage asset of local importance.
 10. The WWI hanger building on the appeal site has been altered. However, whilst, for example, the large doorways in the ends of the building have been closed up, some windows replaced and some new window openings, door openings and internal walls inserted it is still legible as a former hanger. In terms of setting, with development that has occurred since both hangers were built almost 100 years ago, the surrounding open and green airfield context that existed at the time they were built has disappeared. The setting of the WWII building, which externally has been little altered, has also changed due to post war development. As a result, the buildings are now located within an urban setting of large employment related buildings and housing. The alterations that have been carried out to the buildings and their changed settings have to some extent reduced the significance and interest of these buildings. Nevertheless, notable significance and interest remains and for the reasons given above they constitute non designated heritage assets of importance to the region and locally.
 11. The proposed development would demolish both buildings on the appeal site. Whilst a photographic survey of the buildings would be occur, and some features of architectural and historic interest could be removed and stored, the significance of the buildings associated with their presence as physical structures would be lost. Consequently, the demolition of these buildings as part of the proposed development would cause considerable harm to the significance of these non-designated heritage assets.
 12. The appeal site lies within the setting of the hanger nearby to the north east. However, owing to the changed appearance of this hanger and the changed context of the hangers since they were built, with housing separating them, I am not persuaded that existing development on the appeal site makes a meaningful contribution to its setting. As a result, the proposed demolition of

the hanger on the appeal site would not materially harm the setting of this building.

13. When considering the effect of a proposed development on the significance of a non-designated heritage asset, paragraph 135 of the Framework advises that a balanced judgement will be required having regard to the scale of any harm, or loss, and the significance of the heritage asset. Policy MD13 of the SAMDev Plan, which applies the Framework in Shropshire, states that proposals that adversely affect the significance of a non designated heritage asset will only be permitted if it can be clearly demonstrated that the public benefits of the proposed development outweigh the adverse effects.
14. The Framework identifies that heritage assets are irreplaceable resources. Once demolished they cannot be replaced. Both buildings are not vacant and are in beneficial use. I have found that the WWI hanger and WWII workshop are of historic significance and respectively of regional and local importance. Some features could be removed and stored if the proposed development went ahead. However, the proposed development in demolishing both buildings would result in considerable harm to the significance of these heritage assets.
15. On the other side of the balance, although there is no current shortfall in the required supply, the housing scheme would make a contribution to boosting housing supply. In doing so, and by providing housing of the type most in demand, including for older people, it would help address housing need.
16. In relation to affordable housing, based upon the appellant's figures, there are over a thousand fewer affordable homes than should have been delivered at this stage of the Local Plan in Shropshire. The appellant states that the appeal proposal would deliver at least 20% of the proposed units as affordable homes in compliance with the target rate for the area. Based on the indicative site plan, this would amount to eight or more of the 39 dwellings shown being affordable units. In so doing, the proposal would make a small policy compliant contribution to addressing this issue.
17. Economically, the development would generate employment, albeit limited to the construction period, and the spending of the new households would generate economic activity. However, this has to set against the economic harm described in the following section that would result from the loss of a low cost employment site that is fully occupied.
18. Taking all these matters into account, I therefore conclude that the public benefits described would not outweigh the harm that would be caused to the non-designated heritage assets on the appeal site. The proposal would therefore be contrary to the Framework and policy MD13 of the SAMDev Plan.

Employment areas

19. The Framework supports sustainable economic growth. In protecting existing employment areas for which there is a need from redevelopment for other uses, policy MD9 of the SAMDev Plan is consistent with the Framework.
20. The appeal site is not shown as an employment area on the Policies Map. Nevertheless, as policy MD9 explains, such employment sites may benefit from its protection. The largest unit on the site is in retail use. As a consequence, the Council position is that the site was not included as an employment area on the Policies Map in order to retain flexibility in relation to retail use on the site. Given that the majority of the site is occupied by small local businesses, rather than retail, I agree with the Council that it is a mixed commercial site that

- should be protected as an employment area by policy MD9 for Class B and other sui generis uses present on the site.
21. A mixed commercial site in policy MD9 is a category at the bottom of the hierarchy of existing employment areas. Nevertheless, the site provides affordable units in Shrewsbury for businesses to trade and prosper that offer lower value added products and services. At present, there are four businesses employing 32 people on the site and one of the businesses has expanded to occupy more than one unit. I saw during the site visit, that all the units are in use.
 22. A schedule of available accommodation on other sites for the businesses on the appeal site has been prepared. Essentially, it shows that other accommodation is available, but in the case of two of the three existing local businesses this would be at a higher rental cost. In the case of the JES Engineering, the increase would be at least £6,500 per year, if not significantly more. Given the relatively large size of the Monkmoor Industrial Estate, which the appeal site lies next to, the loss of employment land on the appeal site would not adversely affect it. In principle, subject to suitable design, residential development could also be delivered on the appeal site without conflicting with neighbouring uses. However, given the limited alternative employment sites identified in the schedule that offer comparable units in terms of cost, I find that the loss of the appeal site to housing would have an adverse impact on the range and choice of employment sites in the area. Taking all these matters into account, in relation to policy MD9, the appeal site is an employment area of moderate significance and it should be protected accordingly.
 23. Where alternative uses are proposed that would lead to the loss of the protected employment area, as in the case in this appeal, Policy MD9(5) requires evidence of sustained marketing to demonstrate that use of the premises for employment purposes is no longer viable. Clearly, given that all the units are occupied the site is in demand.
 24. Reference has been made to new energy rating requirements which mean that the units would shortly need to be upgraded and the need for repairs. However, in the absence of details of the costs and financing arrangements, I am not persuaded that the works required would increase rents on the site to the extent that the units would cease to offer affordable business units for which there is evident demand.
 25. For the reasons given above, I therefore conclude that as the proposal would result in the loss of a protected employment site of moderate significance it would adversely affect the supply of existing employment areas contrary to policy MD9 of the SAMDev Plan.

Overall Conclusions: The Planning Balance

26. The Framework sets out a presumption in favour of sustainable development. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: environmental, economic and social.
27. In terms of the development plan, residential development of windfall sites within the settlement boundary of Shrewsbury is supported. However, the buildings on the appeal site are non designated heritage assets which policy MD13 of the SAMDev Plan seeks to protect. I have also found that the site is

- also an existing employment area worthy of protection by policy MD9 of the same plan.
28. In terms of the environment, the proposed development would make efficient use of previously developed land in an accessible location. However, the proposed development would result in the demolition of non-designated heritage assets from WWI and WWII on the site which are in beneficial use. Despite the proposed survey work and removal of certain features for preservation this would cause considerable harm to the significance of these assets, contrary to policy MD13. On the other hand, should the development go ahead with the control that exists in relation to reserved matters, a well designed, attractive residential scheme could come forward that would make efficient use of the site.
29. Economically, the proposal would result in construction employment, although by its nature this would be short lived. The scheme by increasing the local population would also boost local spending power slightly. However, this has to be balanced against the loss that would occur of an occupied employment site which offers low cost workspace and is worthy of protection. Such loss would be contrary to policy MD9 of the SAMDev Plan.
30. Socially, based on the indicative plan around 39 new dwellings would be provided of a mix geared to meet local need, including older people. Although there is no current shortfall in the required supply, the housing scheme would therefore make a contribution to boosting housing supply and helping address need. As I have earlier noted, based upon the appellant's figures in relation to affordable housing, there are over a thousand fewer affordable homes than should have been delivered at this stage of the Local Plan in Shropshire. The appeal proposal by delivering at least 20% of the proposed units as affordable homes would make a small policy compliant contribution to addressing this issue.
31. The site is in an accessible location and the windfall development of previously developed land within Shrewsbury for housing is supported by the development plan. The proposed development would result in some social, economic and environmental benefits which I have described above. However, the positive aspects of the proposal are, in my judgement, insufficient to outweigh the demonstrable harm that would be caused, contrary to the development plan, to the historic environment and an existing in use employment area. I therefore conclude, based upon the overall balance of considerations, that the proposal would not be a sustainable development and would be contrary to the development plan as a whole and the Framework.

Conclusion

32. For these reasons that I have given, and having regard to all other matters raised, I conclude that the appeal should be dismissed.
33. As I noted as a procedural matter, at the request of the Council the appellant has submitted a section 106 agreement. The tests in paragraph 204 of the Framework and regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) apply to planning obligations. In this case however, as the appeal is to be dismissed on its substantive merits, it is not necessary to assess the agreement against these requirements.

Ian Radcliffe Inspector