

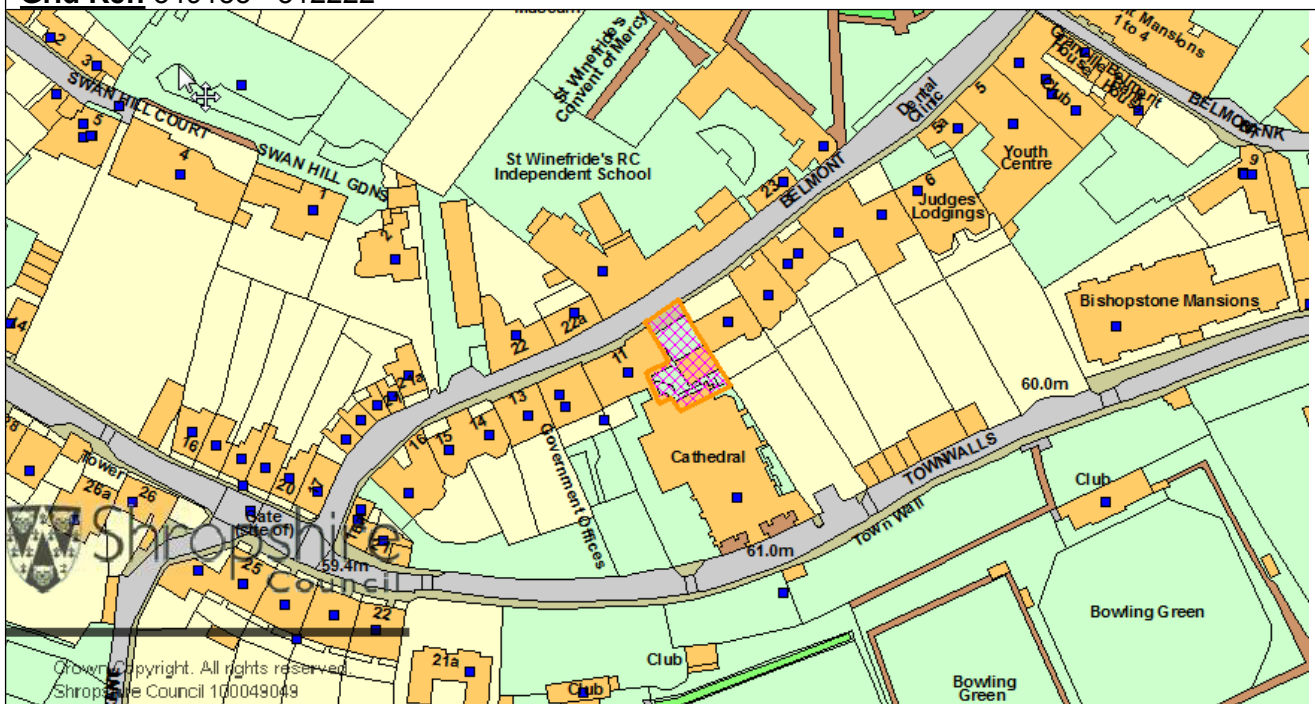
## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b><u>Application Number:</u></b> 17/02076/LBC	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Works to Listed Building(s) to facilitate the installation of replacement gates, railings and piers to include a reduction in the height of existing wall		
<b><u>Site Address:</u></b> Cathedral Church Town Walls Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Shrewsbury Roman Catholic Diocesan		
<b><u>Case Officer:</u></b> Luke Ashley	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 349153 - 312222



**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 It is proposed to create new gates in a “quatrefoil” pattern for the entrance from Belmont as a continuation of the cast iron gate arrangement on Town walls. It is also proposed to remove the wooden doors leading from Belmont (the street to the east of the Cathedral) into the small parking area just outside the East window of the Cathedral and to replace these with new cast iron gates using the same “quatrefoil” pattern.
- 1.2 The existing brick wall to either side of the Belmont access will be lowered to allow for the installation of railings (to similar design to the gate) flanking the new automatic set of gates.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 Shrewsbury RC Cathedral is located in the Medieval Centre of Shrewsbury and occupies a site situated between Belmont and Town Walls Streets. The building is Listed Grade II\* and is located within the Shrewsbury Conservation area.
- 2.2 Views of the front of the Cathedral are taken from Belmont and this forms an important and dominant element of this part of the wider conservation area

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers based on material planning reasons and the Area Planning Manager in consultation with the Committee Chairman agrees that the Town Council has raised material planning issues and that the application should be determined by committee.

### **4.0 Community Representations**

#### **- Consultee Comments**

SC Conservation – Initial holding objection received however this has been since been removed. No objections subject to conditions

SC Archaeology (Historic Environment) – No Comment

Historic England – No Comment

#### **- Public Comments**

Shrewsbury Civic Society - The use of open railings will mean that vehicles will be on constant display from the road. this could add to the impression of Shrewsbury's

‘over-concern for the car’.

Shrewsbury Town Council - The Town Council has no objection to the principle of installing gates at these premises but feels that the plans as submitted provide a radical alteration which will affect the listed building and is detrimental to the existing street scene. members respectfully request that this application is considered by the central planning committee.

## 5.0 THE MAIN ISSUES

Siting, scale and design (Conservation and setting of Listed Buildings)

## 6.0 OFFICER APPRAISAL

### 6.1 Siting, scale and design (Conservation and setting of Listed Buildings)

6.1.1 In considering these concurrent listed building consent and planning permission applications, due regard to the following local and national policies, guidance and legislation has been taken in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance. As the proposal is within the boundaries of the Shrewsbury Conservation Area, and more specifically the Town Centre Special Character Area, special regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area.

Section 66 of the Act is also relevant as the Cathedral building on the subject property is Grade II\* listed, and buildings along Belmont immediately adjacent to the Belmont site entrance are also Grade II and Grade II\* listed, and the Act requires the need to pay special regard to the preservation of listed buildings and their settings.

NPPF Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- ☐ The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- ☐ The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- ☐ The desirability of new development making a positive contribution to local character and distinctiveness.

NPPF Paragraph 137 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Core Strategy Policy CS6 states that;

*To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness.*

It further states that that all development:

*Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance.*

Core Strategy Policy CS17 goes further in regard to protecting heritage assets and states that all development proposals shall protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment [and] contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets.

SAMDev Policy MD2 states that to respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. As such, new development should respect the existing pattern of development, both visually and in relation to the function of spaces, retain and enhance important views and landmarks and respond appropriately to local environmental and historic assets, in accordance with MD12 and MD13

Policy MD13 states that heritage assets are a finite, non-renewable resource and great care must therefore be taken when determining applications which result in a loss of significance, either partial or total. Proposals adversely affecting either the significance or setting of designated or non-designated heritage assets will therefore be rejected unless the harm to the significance of the asset is outweighed by the public benefits of the proposal and there are no satisfactory alternatives.

The initial concerns raised by SC Conservation stated that the decorative quatrefoil motif combined with the proposed blue coated finish would not visually harmonize as well with the Belmont street scene, which is dominated not so much by the Cathedral, but by more traditional historic residential buildings that line the street here. The holding objection also stated that although there is no objection in principle to the modification of the existing relatively modern brick boundary wall and the rationalization of the parking area here, the proposed insertion of the same railings featured on the main Cathedral entrance along Town Walls is not considered to satisfactorily reflect the pattern of street frontage development along Belmont, and has the potential to be an unnecessarily very dominant individual visual feature in this location.

Further to these earlier comments, ongoing discussions with the architects have been accomplished to more fully discuss the railings scheme and alterations to the existing brick wall to accommodate them. The architects have expanded on their initial Design and Access Statement to more fully address potential visual impact of

the blue coated quatrefoil pattern cast railings and gate proposed within the immediate and wider Belmont street scene with an addendum now provided in the form of a heritage assessment and historical background of the area along with a fuller justification for the design proposed, which would match the cast iron railing design now partially implemented to the main frontage of the Cathedral along Town Walls. It is also understood that approval has now been granted for the remainder of this proposed railings scheme along Town Walls, which would replace the existing Lych-gate railings and Memorial Chapel gates to complete the scheme.

The newly implemented railings and gates scheme on Town Walls are of an exceptionally high quality and finish as executed, and while they are indeed a visual change in the street scene, they do enhance the site and the setting of the Cathedral building and work well with other improvements along the frontage and on the wider site. It is understood that the proposed Belmont gates and railings would be of an equally high quality, and would visually help reinforce the sense of connection through both ends of the Cathedral site which the Cathedral is desirous of improving, as well as increase the potential appreciation of the east end of the Cathedral building which is currently poorly interpreted.

On balance following this further assessment of the proposal, no further objection is raised to the Belmont frontage scheme as detailed on the plans submitted, and while the scheme will result in a visual change to the rear entrance to the site, the scheme is considered to overall result in an improvement to the character and appearance of the immediate street scene and the setting of the Cathedral within it, and given the level of set back of the gates and wall/railings from the street line, there is considered to be an acceptable level of visual impact on the wider street scene within the Conservation Area. The alterations to the boundary wall and the insertion of an automatic gate with the same quatrefoil design are also considered acceptable due to how they tie in with the rest of the proposed scheme and in regard to their limited impact upon the wider conservation area.

## 7.0 **CONCLUSION**

It is not considered that there would be any significant adverse impacts of the proposal that would outweigh the benefits. The new signage is considered appropriate and would also lead to an enhancement of the site in terms of its visual appearance whilst preserving the character of the wider conservation area. It is therefore considered that the proposal accords with Shropshire Core Strategy policies CS6 and CS17, SAMDev policies MD1, MD2 and MD13 and the aims and provisions of the NPPF.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations,

hearing or inquiry.

- ☒ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

# 10. Background

## Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy policies CS6 and CS17

SAMDev policies MD1, MD2 and MD13

**RELEVANT PLANNING HISTORY:**

15/03737/FUL Internal alterations and improvements to No.11 and No.12 Belmont including the demolition of existing rear basement extension and erection of replacement extension to accommodate a cafe, retail space and heritage centre to support the Cathedral; alterations and improved access facilities to Shrewsbury Cathedral South Entrance; landscaping works to the rear garden areas of No.11 and No.12 to improve parking facilities GRANT 4th December 2015

15/03738/LBC Internal alterations and improvements to No.11 and No.12 Belmont including the demolition of existing rear basement extension and erection of replacement extension to accommodate a cafe, retail space and heritage centre to support the Cathedral; Alterations and improved access facilities to Shrewsbury Cathedral South Entrance; landscaping works to the rear garden areas of No.11 and No.12 to improve parking facilities GRANT 4th December 2015

**11. Additional Information**

List of Background Papers: 17/02075/FUL and 17/02076/LBC
Cabinet Member (Portfolio Holder): Cllr R. Macey
Local Member: Cllr Nat Green
Appendices APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended)

2. All works shall be carried out in complete accordance with the terms of the application and approved plans.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

#### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Notwithstanding the decorative ironwork authorised by this consent details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to their installation:

- Fully detailed and dimensioned drawings, together with samples of scrolls, spearheads finials, and any other details
- Details of the method of attachment of the decorative ironwork
- Details of the proposed high-performance corrosion-inhibiting priming system
- The colour scheme for the ironwork

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

#### CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

4. All existing features of architectural and historic interest (e.g. windows, doors, ornamental plaster, joinery, staircases, fireplaces) shall be retained in-situ and fully protected during the approved works.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

5. All new external and internal work and finishes, and work of making good shall match existing original work adjacent, in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason: To ensure satisfactory preservation of this Heritage Asset.