

Development Management Report

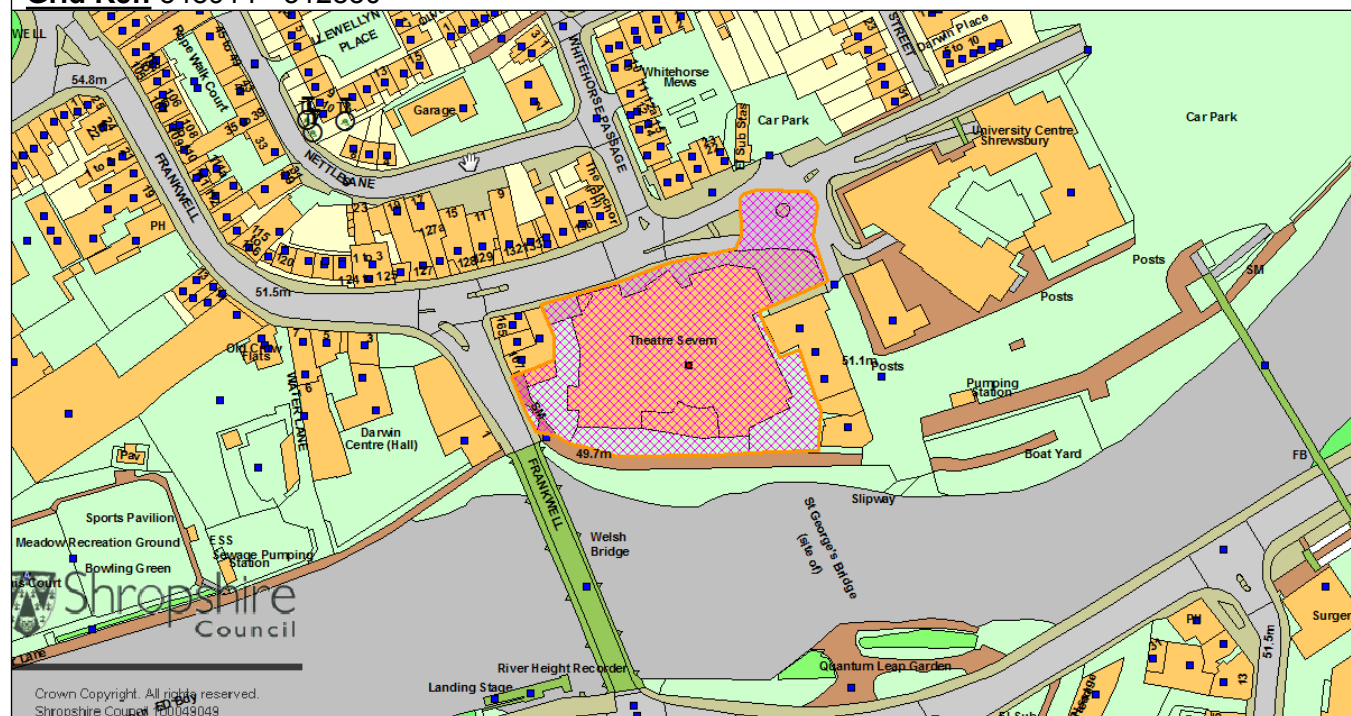
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 18/02941/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Installation of steel external steps from the first floor level to ground level		
<u>Site Address:</u> Theatre Severn Frankwell Quay Shrewsbury SY3 8FT		
<u>Applicant:</u> Shropshire Council		
<u>Case Officer:</u> Aileen Parry		<u>email:</u> planningdmc@shropshire.gov.uk

Grid Ref: 348914 - 312830



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the provision of steel external steps from the first floor level to ground level.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Theatre Severn is located within the Frankwell Special Character Area of the Shrewsbury Conservation Area, and within a particularly prominent location on the River Severn adjacent to the grade II* listed Welsh Bridge, as well as the non-designated heritage asset Maltings immediately to the east.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 The agent is Property Services Group, Shropshire Council acting on behalf of their internal client, Asset and Estate Management, Shropshire Council.
- 3.2 The proposal does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the application is made by the Council (or it relates to land owned by the Council) for development that is not in line with statutory functions.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 - Consultee Comments
Archaeology (Historic Environment)
Have no comments to make on this application with respect to archaeological matters.

Conservation (Historic Environment)
No objection.

Rights Of Way
Have no comments to make on this application.

- 4.2 -Town Council
The Town Council raises no objections to this application.

- 4.3 - Public Comments
One neighbour has been consulted; a site notice placed by officers on 06.07.18;

and a notice published. No public comments have been received at the time of writing this report.

5.0 THE MAIN ISSUES

Principle of development
Design, Scale and Character
Impact on Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 In considering this proposal due regard and consideration is given to local policies CS6, CS17, MD2 and MD13, the National Planning Policy Framework (NPPF), Historic England Guidance, and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

6.2 Design, Scale and Character

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.

6.2.2 In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6 providing additional detail on how sustainable design will be achieved. 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.

6.2.3 Policy CS17 'Environmental Networks' states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets and does not adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.

6.2.4 In addition, SAMDev Policy MD13: The Historic Environment states that in accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.

6.2.5 The proposed scheme relates to the addition of grey powder coated steel escape stairs and doors to the east elevation of the Theatre Severn. Whilst this is a sensitive location in respect of the Shrewsbury conservation area and both designated and non-designated assets adjacent, its wider visibility will be limited given its location on the east elevation where it will be largely screened from view,

particularly in relation to the Welsh Bridge, Frankwell and wider conservation area. As such it is considered to have a negligible impact where taking the above policies and legislation into account.

6.3 Impact on Residential Amenity

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The proposal is considered accords with the relevant parts of CS6 and is therefore acceptable.

7.0 CONCLUSION

The proposed scale, design and appearance of the works is considered will respect the existing character of the theatre and will not result in visual impact or cause any detrimental impact on neighbouring properties or the Conservation Area. As such the proposal is considered to be in accordance with the NPPF and policies CS6, CS17, MD2 and MD13 of the Shropshire LDF.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

- ⑦ 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.
- ⑦ 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 and Saved Policies:

CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD2 - Sustainable Design
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

09/02174/ADV Erect and display non illuminated box lettering sign GRADV 28th October 2009
HEPRE/18/00031 Works to change cladding to flood wall in front of Theatre Severn PPNREQ
6th February 2018

18/02941/FUL Installation of steel external steps from the first floor level to ground level PDE
 SA/94/0340 Erection of a two storey extension to rear of property after removal of existing portable building and erection of an external steel escape staircase. PERCON 27th April 1994
 SA/08/1363/ADV Erect and display 4 non illuminated fascia lettering signs PERCON 19th January 2009

SA/07/1098/TPO To remove and replace two sycamore trees protected by SABC (Frankwell)
 TPO 1970 PERCON 3rd September 2007

SA/06/0993/DDM Erection of a new entertainment venue and retention of old chapel to provide a main auditorium of 650 seats, a studio theatre of 250 seats and a dance studio with ancillary support facilities (Use Class D2); licensed cafe/bars (Use Class A4) and associated highways improvements including new access arrangements and relocation of existing mini roundabout, following demolition of existing buildings (Amendment to planning permission reference 05/0880/DDM granted on the 18th January 2006) PERCON 22nd September 2006

SA/06/0332/DDM Application for Conservation Area Consent to demolish a modern stone wall and reinstatement of existing timber hoarding (approved under application 04/1586/DDM) to secure the site. PERCON 26th April 2006

SA/06/0179/DDM Conservation Area Consent to demolish a detached brick building and random stone wall PERCON 8th March 2006

SA/05/0880/DDM Erection of a new entertainment venue and retention of old chapel to provide a main auditorium of 650 seats, a studio theatre of 250 seats and a dance studio with ancillary support facilities (Use Class D2); licensed cafe/bars (Use Class A4) and associated highways improvements including new access arrangements and relocation of existing mini roundabout, following demolition of existing buildings PERCON 18th January 2006

SA/04/1588/DDM Application for Conservation area consent to demolish several existing buildings and thereafter erect timber hoardings (applied for under application 04/1586/DDM) to secure the site PERCON 8th December 2004

SA/04/1586/DDM Erection of 2.5m and 3m high timber hoarding to secure perimeter of site following demolition of existing buildings (applied for under Conservation Area Consent Application 04/1588/CON) PERCON 8th December 2004

11. ADDITIONAL INFORMATION

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Julian Dean
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 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings.
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
3. The external materials and their colour shall be provided strictly in accordance with the details indicated in the submitted application form and on the approved plans.

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the area.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.
2. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.

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