



Committee and Date
Northern Planning Committee
7th November 2023

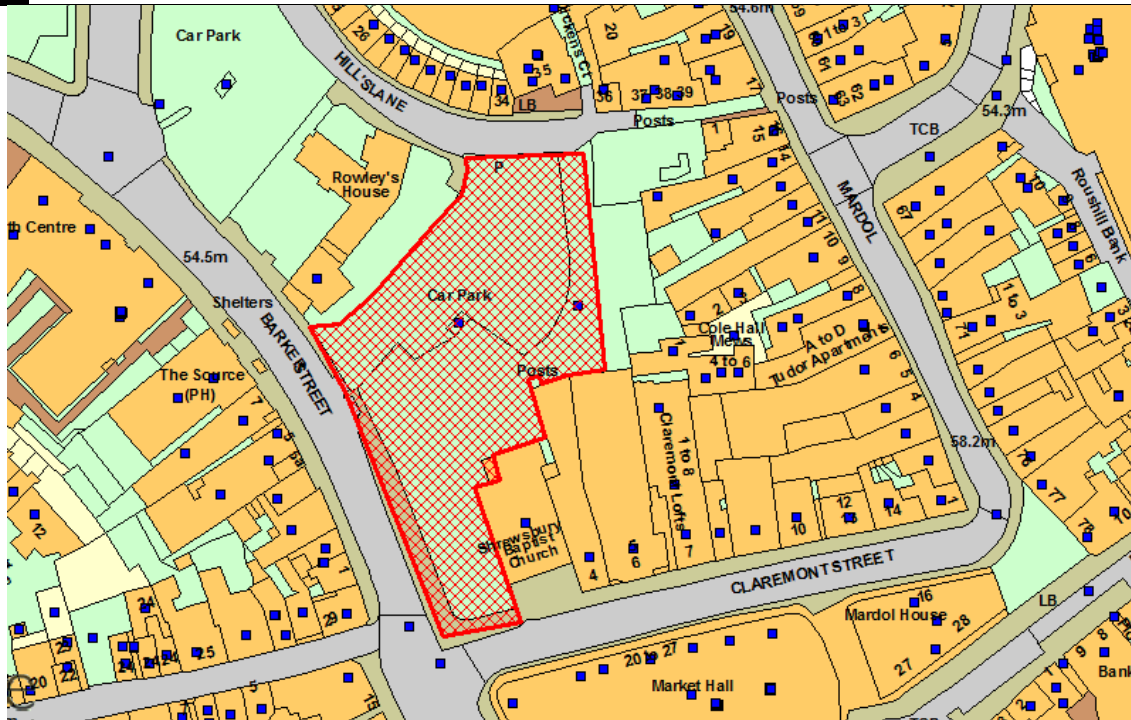
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/01422/FUL	Parish:	Shrewsbury Town Council
Proposal: Proposed mixed use development to include 83 Bed Hotel and 3 No. Retail Units with associated Car Parking and Landscaping		
Site Address: Car Park Barker Street Shrewsbury Shropshire		
Applicant: Morris and Company Limited		
Case Officer: Philip Mullineux	email: philip.mullineux@shropshire.gov.uk	

Grid Ref: 348968 - 312573



Recommendation: Delegate approval to the Planning Service Manager subject to a Section 106 agreement in relation to landscaping and the taxi drop off and pick up point and the conditions as set out in appendix 1 attached to this report and any amendments as considered necessary to these conditions by the Planning Service Manager.

REPORT

1.0 THE PROPOSAL

1.1 Application is made in 'Full' and proposes a mixed-use development to include 83 Bed Hotel and 3 no. retail units with associated car parking and landscaping on land currently in use as a car park alongside Barker Street, Shrewsbury.

1.2 The application is accompanied by a flood risk assessment, lighting assessments, site waste management plan, transport assessment, heritage statement, tree survey, landscaping detail, design and access Statement, Planning Statement, street scene plans, site location plan, block plans and proposed elevations and floor plans. Amended plans were received during the planning application processing period and this report is on the basis of the latest amended plans and application supporting information received which were subject to a full re-consultation.

1.3 Detail in support of the application indicates that the application site is located in the West End district of Shrewsbury at the existing surface car park between Rowley's House & Mansion and Claremont Street Baptist Church. The site and car park are owned by Morris Property and managed by the Council.

The application details a four-storey building, reducing to three storeys near to Rowley's House, located adjacent to the back-of pavement on Barker Street.

The ground floor accommodates 3 retail units and the hotel entrance/administration areas, with a service/delivery yard to the rear, five (5) parking spaces and a reduction of the existing public parking provision from 93 spaces to 27 spaces. The upper floors contain 83 bedrooms and associated service accommodation, and the roof contains open-air areas to house air source heat pumps, concealed by a roof parapet.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site which is relatively flat is currently a surface car park serving 93 car spaces. It is irregular in shape and is bounded by Barker Street to the South-west and Hill's Lane to the North-east. The site adjoins Rowley's Mansion and House (Grade II* Listed Building, C16th and 1618, - northern boundary), and Shrewsbury Baptist Church (1878) on Claremont Street. The site which is located within the Shrewsbury Conservation Area is approximately 3030

square metres in area and falls 3.5 metres from the corner of Barker Street/Claremont Street to the corner of Rowley's Mansion/Hill's Lane. The site is located to the north-west of Shrewsbury Town centre in an area known as the West End, with direct pedestrian access to the wider central areas of Shrewsbury. This part of town, which is often referred to as the West End, is considered an important location in its own right within the town centre. It sits between the River Severn and Smithfield Road to the North, the Riverside and Pride Hill shopping centres to the East, Shoplatch to the South and Barker Street to the West.

Geographically, the zone is inclined to flooding, especially the streets in proximity to the River Severn, for example Smithfield Road, Victoria Quay and the lower ends of Mardol, Roushill and Bridge Street are within the 1 in 100 year flood area. The proposed site, however, is on land having a less than 1 in 1,000 annual probability of flooding.

The West End has a varied townscape with a mixture of historic urban grain and surface carparks created through urban clearances in the 20th century. There are residential, retail, food and beverage, and leisure uses and the majority of buildings are two–four storeys high with the exception of the market hall. There are a mixture of building styles reflecting the historical development of the area. These include a number of medieval timber frame buildings, Georgian and Victorian terraces, buildings from the 1960s and recently a development at the Tannery site which indicates an historical reference to the industrial uses of the past.

- 2.2 The development as proposed is not considered to fall into the remit or any of the category's or thresholds of The Town and Country Planning Environmental Impact Assessment Regulations 2017.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council has objected to the application raising material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions and the Service Manager in consultation with the Chair and Vice consider valid material reasons have been raised for Committee consideration.

4.0 Community Representations

- 4.1 **Shrewsbury Town Council** have responded to the application indicating:

The Town Council object to this application as the proposal is too vast for the location. The Town Council considered the amended plans they had received for this proposal and Members appreciated the work that had gone in to making the amendments, but they felt that the size of the building was still not justified and was still too large for the site. The proposed building would dominate the church next door.

An earlier response indicated:

The Town Council object to this application. The scale of the proposed building is still too large compared with Rowley's House and this proposal defers away from Rowley's House and ruins the sightline. Specifically, the Committee believe the proposal was one storey too high for the location. They also feel that the development still fails to be in-keeping with the character of the area and dwarfs the adjacent church.

4.2 **Consultee Comment**

4.3 **Historic England** responded on 11 October 2023 indicating:

Thank you for your letter of 27 September 2023 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

We note the design amendments made, in particular the lighter treatment of the dormers and gables on the street elevation and the somewhat reduced visual conflict between the adjacent neo-classical chapel and the rear projections from the proposed development. We remain however, concerned as to the overall design and massing of the scheme as explored in our previous letters of May and August this year, to which we refer you.

Further breaking down the development visually into what could read as series of structures more in keeping with the grain and character of the historic townscape would we believe better sustain and reveal the character of the conservation area and the significance of nearby listed buildings in their shared setting. If, conversely, what was proposed was a single architectural composition of the ambition and quality appropriate to a footprint of this scale, in this location, then that could be considered on its architectural merits in juxtaposition with historic character and setting; this is not the case.

It will be for you authority to consider how and what more can be achieved further to paragraph 195 of the NPPF in minimising conflict between any part of the development proposals and the conservation of heritage assets such that all remaining harm has clear and convincing justification (and is shown to be necessary to the delivery of public goods) before a balance in respect of less than substantial harm is applied with great weight afforded to the conservation of the significance of designated heritage assets.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs

195, 199, 200 and 202 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

An earlier response of 1 August 2023 indicated:

Thank you for your letter of 12 July 2023 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

As you are aware in our letter dated 7 May 2023, we expressed concern regarding the harmful impact of the proposals on this sensitive part of the Shrewsbury Conservation Area and surrounding heritage assets. Specifically, we highlighted the monolithic character of the proposed building and the uncomfortable relationship of a four storey structure of such considerable massing alongside the surrounding fine grain, more traditional streetscape. We also considered that architecturally the overall composition seems somewhat unbalanced rather than achieving a more cohesive whole.

From the additional information submitted, we note the comments in the letter from Berrys dated 16 June 2023 regarding the emerging, but not yet public or adopted, Design Code, their comparisons between the current scheme and the extant permission and the rationale for the most recent design amendments.

Having carefully reviewed the revised drawings the changes to the elevations are relatively minor and do not address our concerns. In our view the proposed building would continue to be an incongruous and intrusive addition to the historic streetscape.

We therefore refer you to the content of our previous letter and recommend that the applicant continues to work with your officers to achieve a scheme that sets the high standard of future development appropriate for this important

historic and much celebrated county town.

Recommendation

Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account and seek amendments safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

An earlier response of 7 May 2023 indicated:

Thank you for your letter of 17 April 2023 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

Whilst we note the changes which have been made to the previous scheme (application reference: 22/04028/FUL), Historic England remains concerned regarding its harmful impact on this sensitive part of the Shrewsbury Conservation Area.

We would therefore recommend that the applicant continues to work with your design and conservation specialists, informed by your authority's emerging Design Code, to bring forward a scheme which sits more comfortably within the surrounding historic streetscape and sets the standard for future development in this historic county town.

Historic England Advice

Significance:

The application site is located within the core of the Shrewsbury Conservation Area surrounded by numerous designated and non-designated heritage assets including several listed buildings directly opposite along Barker Street.

Immediately adjacent to the north is Rowley's House and Rowley's Mansion. Built in the late 1500s by Roger Rowley a successful wool merchant, the imposing timber framed Rowley's House, and elegant brick Mansion built by his son in 1618 are listed Grade II. As such they represent just 5.8% of all listed buildings nationally.*

Whilst extensive demolition took place in the 20th century, this part of the conservation area still retains considerable architectural and historic interest preserved in the fabric of its buildings and the quality of its streetscape. Key elements of this character are founded in the fine grain of the building plots, combined with careful architectural detailing, high quality materials and the relatively consistent two and a half and three storey height.

This fine grain of historic townhouses, shops and businesses combine to provide an attractive streetscene which contributes to Shrewsbury's widely

celebrated character.

Any addition to this valued historic townscape therefore rightly requires very careful consideration.

Policy Considerations:

In view of this sensitive location there is a need to have due regard to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 concerning listed buildings, conservation areas, and their settings, and sections 12 and 16 of the National Planning Policy Framework. We would also highlight our guidance: The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3.

As you will be aware the 1990 Act specifically emphasizes the need to have special regard to the preservation of listed buildings and their settings, and the desirability of preserving or enhancing the character or appearance of a conservation area. Section 16 of the NPPF further highlights the desirability of new development making a positive contribution to local character and distinctiveness, and that local planning authorities should look for opportunities for new development within conservation areas to enhance or better reveal their significance. Paragraph 199 goes on to state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 further states that any harm to, or loss of, the significance of a designated heritage asset, including development within its setting, should require clear and convincing justification.

With specific regard to design considerations, section 12 of the NPPF emphasizes that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Planning decisions should therefore ensure that development adds to the overall quality of an area; is visually attractive as a result of good architecture, layout and appropriate and effective landscaping; is sympathetic to local character and history; establishes or maintains a strong sense of place; optimizes the potential of the site and creates places that are safe, inclusive and accessible. Furthermore, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Previous comments:

We provided comments in October 2022 regarding proposals for the redevelopment of the car park as a mixed-use development comprising a hotel, three retail units with associated car parking and landscaping (application reference 22/04028/FUL). In our letter we noted that the application site offers considerable opportunities to better reveal the significance of this part of the town centre conservation area by improving its current relationship to surrounding heritage assets, as well as screening the rebuilt side elevation of the former Baptist Church which was never intended to

be exposed.

However, we also raised concerns regarding the relationship of a four storey structure of such considerable massing to the surrounding more traditional streetscape and encouraged the applicant to take inspiration from the site's immediate surroundings and context.

Current Proposals:

Having considered the current proposals we note the changes that have been made; including the introduction of a mansard style roof, and the use of 'bays', gables and a hierarchy of fenestration to break-up the elevations.

The Design and Access Statement and Heritage Impact Assessment explains the reasoning behind these changes. However, in practice the volume of the top floor and the size of the dormers is such that the buildings still reads strongly as a four storey structure. Furthermore, whilst we note the changes to the elevations, we remain concerned by the building's monolithic character juxtaposed against the fine grain of the surrounding streetscape.

Architecturally the overall composition seems unbalanced, with the two prominent gables on Barker Street competing against each other rather than achieving a cohesive whole; a situation which is further exacerbated by the somewhat anomalous double height entrance to the hotel.

We are aware of the extant planning permission for this site (reference 09/02760/FUL). Although four storeys, the approved building had the appearance of three storeys with ancillary accommodation fully integrated within the roof space. In addition, the rhythm of the bays and treatment of the elevations also better reflected that of traditional burgage plots which helped to reduce the impact of its massing, whilst the corner entrance directly addressed the prominent junction of Claremont Street and Barker Street. In so doing the scheme was a relatively successful and contextual addition to the streetscene. Any new scheme should endeavor to surpass these previous proposals, which as yet the current proposals do not.

We strongly feel that far more could be done to strive for an improved design which enhances or better reveals the significance, character and appearance of the conservation area - as national policy requires, and Shrewsbury justly warrants.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

Clearly it is your authority's decision as to whether such a quantum of development is necessary to achieve a viable scheme in this town centre location. However, we would urge you to continue discussions with the applicant to bring forward proposals that sit more comfortably within the surrounding historic streetscape. We would also recommend that consideration is given to the local authority's own emerging Design Code to

help inform those proposals and set the high standard of future development appropriate for this historic county town.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us

4.4 **Severn Trent** have responded to the application indicating:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and*
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.*

NOTE: we would not permit a surface water discharge into the public combined sewer, and recommend the applicant seeks alternative arrangements - please note, we would insist soakaways and other SUD techniques are investigated before considering a discharge to the public surface water sewer with restricted rates.

It may be beneficial for the Developer/Applicant to make contact with STW and look to submit a Development Enquiry for this development site; this will discuss the drainage proposals for site, and if any issues, look to resolve them. It is best to visit our website: <https://www.stwater.co.uk/building-and-developing/new-site-developments/developer-enquiry/> and follow the application form guidance to begin this process.

IMPORTANT NOTE: This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

4.5 **Shropshire Fire and Rescue Service** have responded to the application indicating:

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations

stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

'THE BUILDING REGULATIONS 2010, FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications

Water Supplies for Firefighting – Building Size

It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m² or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <https://www.shropshirefire.gov.uk/safety-at-work/planning-applications>

4.6 **SC Drainage** have responded indicating:

- 1. The FRA and outline drainage strategy is generally acceptable.*
- 2. To ensure a viable drainage strategy is available for the development, it must be demonstrated that Severn Trent will accept the proposed foul and surface water systems to their existing networks.*
- 3. Full network and simulation calculations for the surface water drainage for critical storms up to the 1% AEP plus 40% CC must be submitted for approval.*
- 4. Although a maintenance schedule has been provided, confirmation of who will be responsible for the on-going maintenance must be submitted for approval.*
- 5. In order to develop the surface and foul water designs to satisfy the LLFA's requirements, reference should be made to Shropshire Council's SuDS Handbook which can be found on the website at <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>*

The Appendix A1 - Surface Water Drainage Proforma for Major Developments must also be completed and submitted with the application.

4.7 **SC Trees** have responded to the application indicating:

I refer to my previous Tree comments of 09/05/2022 (extracts below) and the following issues which have NOT been addressed with the latest plans:

1) Tree Survey relating to Shropshire Council trees outside Rowley House
Whilst overall I agree that a good case can be made for removing these trees, my own view is that the exception is Tree T6 a good specimen "A" category tree which could be retained within the proposed planting bed due to its established high amenity to Hill Street.

2) Proposed new landscaping comments

GA - Landscape Plan with Potential Offsite Streetscape Development 2
Drawing Number Status Morris PLC Planning SY713-200-1301

The landscape proposals are for 9 semi mature new trees planted in shrub and herbaceous beds. Clearly the use of suitable trees will be essential to soften and enhance the scheme and create attractive and useable public spaces.

My concerns are the difficulty of establishing new trees in this hostile, hard landscaped environment for the long term, there is a lack of any detailed tree pit specifications or soil volume requirements. Therefore, there is a need for a rigorous specification for ground amelioration and the provision of a good growing medium to a depth and volume appropriate not just for initial establishment, but for the long-term good health and development into maturity of all the planting stock in accordance good practice as set out in BS 8545:2014 Trees: from nursery to independence in the landscape.

The use of a specialist tree planting company (for example Green & Blue Urban) will be essential to ensure planting is successful for both the short and long-term including detailed soil volume requirements. Without further evidence that the proposed planting scheme can be implemented it is not clear that the scheme represents sustainable development.

Recommendation

Details of planting pits, soil volumes and a 5-year management plan should be added to the landscape plan in line with BS 8545:2014 "Trees: from nursery to independence in the landscape" recommendations and made a condition of approval. A specialist company should be employed at an early stage to establish that the proposed tree planting is feasible in the chosen locations.

An earlier response indicated:

The proposals will impact on a significant group of 6 mature Whitebeam trees situated immediately adjacent to the site on the NW boundary in the pedestrianized area growing 3m apart. A tree survey has been submitted which demonstrates that whilst all the trees could be retained and protected overall, the wider approach is to consider if these trees are better removed to improve the views of Rowley House as "arguably these (trees) have outgrown the site and now block views of Rowley's house as well as giving some of the

public space a slightly claustrophobic feel". A further justification is due to the / poor average condition of 5 of the trees (4 "C" category 1 "U") and damage caused to hard surfacing by the roots.

Whilst overall I agree that a good case can be made for removing these trees, my own view is that the exception is Tree T6 (shown in photo below) a good specimen "A" category tree which could be retained within the proposed planting bed due to its established high amenity to Hill Street.

2) Proposed new landscaping comments

The landscape proposals are for 9 semi mature new trees planted in shrub and herbaceous beds. Clearly the use of suitable trees will be essential to soften and enhance the scheme and create attractive and useable public spaces.

My concerns are the difficulty of establishing new trees in this hostile, hard landscaped environment for the long term, there is a lack of any detailed tree pit specifications or soil volume requirements. Therefore, there is a need for a rigorous specification for ground amelioration and the provision of a good growing medium to a depth and volume appropriate not just for initial establishment, but for the long-term good health and development into maturity of all the planting stock in accordance good practice as set out in BS 8545:2014 Trees: from nursery to independence in the landscape.

The use of a specialist tree planting company (for example Green & Blue Urban) will be essential to ensure planting is successful for both the short and long-term including detailed soil volume requirements. Without further evidence that the proposed planting scheme can be implemented it is not clear that the scheme represents sustainable development in accordance with the aspirations set out in the NPPF.

Recommendation

Details of planting pits, soil volumes and a 5-year management plan should be added to the landscape plan in line with BS 8545:2014 "Trees: from nursery to independence in the landscape ' recommendations" and made a condition of approval. A specialist company should be employed at an early stage to establish that the proposed tree planting is feasible in the chosen locations.

An earlier response indicated:

There are a number of trees adjacent to the site and an Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has identified six individual trees which have been assessed in

accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate. A further two trees have been identified but no details have been recorded as it is considered that these are a sufficient distance from the site so as not to be impacted.

The six trees form a visual and aerodynamically cohesive group to the east of Rowley's House, a significant historic building. To some extent the continuous canopy of the trees obscures the views of this elevation of the building and parts of the canopy is in contact with the building. The trees would benefit from tree surgery to raise the crowns and cut them back from the building. The AIA notes this and recommends the felling of three trees, one identified as being in poor condition and the other two as having a relatively low amenity value. It further considers the removal of all trees, replacing them with a single feature tree. Both approaches have merit and could be considered, however as these trees are outside the application area and are protected by the Conservation Area, a separate notification would be required if either of these two options was to be implemented.

The AIA notes that there would be some minor level of encroachment into the RPAs of the retained trees. It considers that this is within the maximum level of encroachment that is considered acceptable under BS 5837: 2012. Whilst it is acceptable that BS5837 recommendations allow up to 20% encroachment, this needs to be assessed on a tree by tree basis. In my view it is reasonable to assume that the trees would tolerate this, providing proper care was taken when working within the RPA.

The proposal include new tree planting, which is sufficient to off-set any tree losses and increases canopy cover and green infrastructure assets within the town, however given the prominence of the development and the importance of the new tree planting it is recommended that the Council's Landscape Advisor is consulted on this application to consider the aesthetics of the planting.

The following condition is advised if planning permission is granted.

In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'.

a) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a site-specific Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the

tree protection requirements recommended in BS5837: 2012 have been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement must provide details of how any operation within the RPA will be managed and controlled. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day-to-day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

4.8 **SC Environmental Protection** have responded indicating:

Environmental Protection has reviewed the information provided and has the following comments:

The retail uses could include restaurant or café uses, extraction systems associated with such uses have the potential to have a noise and odour impact in the area if not appropriately designed and maintained. Hence I recommend a condition requiring all such systems to be approved prior to the use commencing.

The plant associated with the hotel and retail uses has the potential to impact on nearby residential properties if it is not appropriately designed and mitigated in regards to noise. The acoustic report has recommended a condition requiring all plant and machinery to be designed to achieve a level of 10dB below background when assessed in accordance with BS4142: 2014. Environmental Protection agrees with the recommendation of the report and for this purpose recommends the conditions below.

1. No development shall take place until a noise mitigation scheme for any noise emitting plant and machinery, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure no observed adverse effect due to noise from the cumulative impact of any plant and or machinery associated with the proposed development. The

approved scheme shall be completed prior to the first occupation of the building and shall thereafter be retained. Before any new noise emitting plant and or machinery is used on the premises other than as provided in the approved scheme, a further scheme evidencing the same matters shall be submitted to and approved by the Local Planning Authority and the approved scheme shall be completed before the plant or machinery is first used.

Reason: To protect the amenity of the area and nearby residential properties

2. Prior to any works associated with establishing A3 use at the premises, details of the extraction system, including noise information of any components (e.g. fans) and details of odour abatement technologies, shall be submitted in writing to the planning authority for approval. The information must show where the extraction system will run including elevation drawings to show termination height. The approved system shall be installed in full and maintained according to the manufacturers' instructions in perpetuity. Approval shall be sought upon each significant change to the type of food being prepared and therefore this condition shall stand as long as A3 use is permitted on this site.

Reason: To protect the amenity of the area and nearby residential properties

4.9 **SC Planning Policy** have responded indicating:

Background

This application is a resubmission following a previously withdrawn application (22/04028/FUL). The application seeks full planning permission for an 83 Bed Hotel and 3 retail units with associated car parking.

This proposal is being made within the development boundary of Shrewsbury (as defined within the adopted Local Plan (SAMDev)). The proposal does not lie on a preferred allocated site in the adopted Local Plan or form part of any preferred allocation within the draft Shropshire Local Plan, however it does lie within the Town Centre part of Shrewsbury as outlined in the Shrewsbury SAMDev Policy map (S16, Inset 1), as well as within the Shrewsbury Conversation Area.

Conformity with the Adopted Plan

Shrewsbury is considered to be a suitable location for sustainable development and is identified as strategic centre in the adopted Local Plan (Core Strategy and SAMDev). The site falls within the adopted development boundary for Shrewsbury as defined in the adopted Local Plan.

SAMDev policy S16.1, para 1 confirms that:

“Core Strategy Policy CS2 sets out the broad Development Strategy for Shrewsbury supplemented by this Policy S16.1. Appropriate development and redevelopment that accords with the Strategy will be

encouraged on suitable sites within the town's development boundary, which is identified on the Policies Map."

SAMDev policy S16.6A confirms that:

"A: Development proposals should have regard to the aims of:

- i. Renewing areas of relatively poor environment and greater potential, notably at Riverside, West End, Frankwell, Abbey Foregate and Castle Foregate;*
- ii. Reducing the impact of traffic and congestion in key areas, notably High Street/West End, Castle Street, Smithfield Road, Frankwell, Abbey Foregate and Castle Foregate;*
- iii. Ensuring strong, high quality public realm and links between spaces, particularly walking routes;*
- iv. Significantly enhancing the town centre retail offer, whilst retaining and developing the independent sector;*
- v. Enhancing the role of the river and access to it;*
- vi. Unlocking the potential of some vacant or underused buildings;*
- vii. Celebrating gateways and arrival points."*

Given the site's location (i.e. with no allocation designation) any development in this location would be considered as being windfall development.

SAMDev policy MD10a (Managing Town Centre Development) states under paragraph 2c:

"v. There is a presumption in favour of proposals for main town centre uses within the wider Town Centre."

In accordance with MD10b (Town and Rural Centre Impact Assessments), no Impact Assessment will be required for the retail element of the scheme as the site lies within the defined town centre of Shrewsbury.

Policy MD13: The Historic Environment is of particular importance due to the site's location near listed buildings and being within a conservation area. More detailed comments on these aspects will be supplied by the council's Historic Environment Team, however it is noted that a Heritage Impact Assessment has been provided with the planning application.

Due to the site's location and its immediate surroundings, all paras (i.e. MD13 paras 1-4) are all relevant to the application as all of them apply.

Local Plan Review

The emerging Draft Shropshire Local Plan (2016-2038) has been through several stages of consultation and the Draft Local Plan was submitted to the Planning Inspectorate for examination on the 3rd September 2021.

Paragraph 48 of the NPPF stipulates the factors which effect the amount of weight that can be applied to relevant policies in emerging plans. Reflecting these considerations, it is considered that given the relatively advanced stage of the Local Plan Review, some limited weight can be applied to relevant draft policies in the draft Shropshire Local Plan, as a material consideration in the decision-making process on Planning Applications. However, it is also considered that this limited weight is significantly reduced where there are any relevant unresolved objections. Ultimately, the draft Shropshire Local Plan will only carry full weight upon its adoption.

Additionally, like the Adopted Plan, the Draft Plan is intended to be read and used as a whole and all relevant policy requirements would need to be taken into account where it is proposed that any weight is given to the emerging Plan.

Local Plan Review Policy considerations

Shrewsbury is identified as a Strategic Centre in the Shropshire Core Strategy and SAMDev Plan and it continues this designation within the draft Shropshire Local Plan (Policy SP2 Strategic Approach and Policy S16 Shrewsbury Place Plan area).

The application site lies within the development boundary for Shrewsbury, albeit not included as any allocation. As such this application's approval would result in windfall development within the development boundary.

SP3 Climate change

This strategic policy encourages walking and cycle links between new developments to existing neighbourhoods and community facilities and enabling the integration of electric vehicle (EV) charging infrastructure into new development. The policy also seeks more broadly to reduce or offset carbon emissions for example through fabric energy efficiency, integration of renewable and low carbon energy systems into residential development and measures such as compensatory planting. SP3 also highlights measures needed to mitigate and adapt to climate change impacts which include SUDs & water efficiency measures and use of design and green infrastructure.

SP5 High Quality Design

This is an existing Adopted Local Plan policy requirement (notably in Policy MD2 SAMDev Plan but also elsewhere). The application should also be considered against this Draft policy which explicitly sets out expectation and principles for achieving new development which delivers high quality design.

SP12 Shropshire Economic Growth Strategy

This policy positively supports enterprise, development and diversification of the local economy, targets growing and under-represented sectors. Shropshire will increase its productivity by improving digital and transport connectivity,

making productive use of low carbon energy sources, meeting skills needs, and by using the benefits of its local talent and business expertise.

DP9 Managing and Supporting Town Centres

The site lies within the Town Centre area as illustrated in the policy maps. As such any proposal in this area must accord with policy DP9. This confirms that, for proposals in such areas:

“1. Development and other measures will maintain and enhance the vitality and viability of Shropshire’s network of Town Centres and High Streets in line with national policy, taking into account local regeneration strategies where appropriate, as well as the requirements of this policy and any settlement specific guidance contained in policies S1-S18.”

Para 6a confirms that:

“In supporting the appropriate management of uses within the defined Town Centres the following will apply:

a. There is a presumption in favour of proposals for main town centre uses within defined Town Centres;”

The policy’s supporting text states that:

“4.95 Whilst Shrewsbury has experienced a number of notable closures of national multiple operators recently, the overall offer in the town centre continues to be strong, supported by a well-regarded independent sector and bolstered by the aspirations of the Big Town Plan and associated masterplanning work. Shrewsbury is the only Centre with a defined Primary Shopping Area reflecting the continued importance of retail uses within the overall mix of uses.”

DP10 Tourism, Culture and Leisure

This emerging policy is relevant to this proposal due to the application’s nature of providing a hotel in a location in close proximity to several listed buildings within a conservation area. Of particular importance to this scheme is para 1a, 1b, 1c and 1e:

1. To deliver high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire’s intrinsic natural and built environment qualities, emphasis will be placed on:

“a. Supporting new and extended tourism development, and cultural and leisure facilities, that are appropriate to their

location, and enhance and protect the existing offer within Shropshire;

b. Promoting connections between visitors and Shropshire's natural, cultural and historic environment, including through active recreation, access to heritage trails and parkland, and an enhanced value of local food, drink and crafts;

c. Supporting development that promotes opportunities for accessing, understanding and engaging with Shropshire's landscape, cultural and historic assets including the Shropshire Hills AONB, rights-of-way network, canals, rivers, meres and mosses. Development must also meet the requirements of Policy DP14;

...

e. Promoting and preserving the distinctive historic, heritage brand and values of Shrewsbury, the Market Towns and rural areas;"

More detailed comments with regard to the historic environment and any potential impacts will be provided by the council's Historic Environment Team. However, the aforementioned criteria must be fully adhered to in order for the development to be policy compliant.

DP19 Water Resources and Water Quality

In line with existing adopted policy, development must not adversely affect the quality, quantity and flow of both ground and surface water and must ensure that there is adequate water infrastructure in place to meet its own needs.

DP23 Conserving and Enhancing the Historic Environment

The policy is of particular importance due to the site's location near listed buildings and being within a conservation area. More detailed comments on these aspects will be supplied by the council's Historic Environment Team, however it is noted that a Heritage Impact Assessment has been provided with the planning application.

Due to the site's location and its immediate surroundings, all paras (i.e. DP23 paras 1-7) are all relevant to the application as all of them apply.

DP27 Broadband and Mobile Communication Infrastructure

Shropshire businesses and communities require quality broadband provision and mobile network connectivity to support economic growth, social inclusion and community safety. Development proposals will be expected to provide the infrastructure for broadband and mobile communications as essential utilities.

Conclusion

Adopted Plan Policies contained within the SAMDev Plan and the Shropshire Core Strategy currently provide the main relevant local criteria for the consideration of applications. The emerging Draft Local Plan does need to be

taken into consideration, albeit with limited weight given the current stage in the examination process.

From a policy perspective, the scheme largely accords with the policies from SAMDev/Core Strategy and the draft Shropshire Local Plan. The location (in terms of being within the development boundary and within a defined Town Centre, under both SAMDev and the draft Shropshire Local Plan) is positive, as is its use. The retail which is to be provided as part of the proposal also accords with emerging policy DP9 and SAMDev policy MD10a.

However, comments from other consultees will be of importance to such a development, particularly those in the Historic Environment due to the site being surrounded by listed buildings. Highways will also have an important viewpoint on the possible impact(s) of a decrease in public parking and any potential increase in traffic in this area.

4.10 SC Conservation Manager has responded indicating:

Background to Recommendation:

It is understood the proposed development comprises a fully redesigned version of the previously withdrawn hotel scheme, with ground floor retail units and associated car parking and landscaping submitted under application reference 22/04028/FUL. The design of the elevations have also been amended twice since the application was first submitted, as the Applicant has sought to respond to points raised by statutory consultees and objectors to the scheme.

The proposed development site boundary is the same as the previous scheme and is located within the Shrewsbury Town Centre Special Character Area of the Shrewsbury Conservation Area. It is currently used as a surface car park and the proposed hotel with ground floor retail units would be situated in a prominent position, adjoining the Claremont Baptist Church, on the corner of Claremont Street and the Barker Street frontage. This is an area that was subject to large scale clearance and successive demolition works between the 1930s and 1960s, which removed a close-grained townscape comprising medieval tenement plots containing densely packed buildings, separated by narrow courts, yards and alleyways. Historic maps and pre-clearance photographs indicate that the Barker Street frontage was previously occupied by a continuous frontage of predominantly three storey buildings, extending from the Mermaid Public House, on the corner of Claremont Street, past Rowley's House, to the junction with Bridge Street.

The Grade II listed Rowley's House & Rowley's Mansion (NHLE ref. 1254524) is located immediately adjacent to the northern boundary of the proposed development site, which consequently falls within its setting. In summary, this complex comprises a substantial late 16th century, three storey building with attic, adjoining an early 17th century brick mansion house built by the draper and merchant William Rowley of Worfield. The significance of these*

buildings therefore derive from their architectural, historic and archaeological interest. Prior to the clearance this was surrounded by buildings and have only achieved their current visual prominence within the existing townscape as a consequence of being fortuitously spared from mid-20th century demolitions. Other Grade II listed buildings stand opposite the site, on the west side of Barker Street; east of the site fronting onto Mardol; and north of Hills Lane. In addition, many of the surrounding unlisted buildings are considered to comprise non-designated heritage assets that make a positive contribution to the character and appearance of the Conservation Area.

In archaeological terms, the proposed development site is located within Shrewsbury Deposit Zone XV – Mardol-Barker Street. Both the Heritage Impact Assessment that has been submitted with this application, and previous archaeological assessments of the car park, have highlighted the very high likelihood that deposits associated with the pre-clearance townscape and associated buildings survive across the proposed development site. These include the former Ship Inn (HER PRN ref. 30939). Previous investigations also include a Ground Penetrating Radar survey and trial trenching exercise, the latter of which confirmed the presence of medieval deposits c. 0.9 – 1.8m below the present ground surface in two trenches west and north of the Claremont Baptist Church. As consequence the proposed development site is considered to have high-very high archaeological potential.

RECOMMENDATION:

Summary: - No objection subject to conditions

Detail: -

The following advice is provided as a joint consultation response on behalf the Historic Environment Team.

When assessing this application due consideration has been given to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Policies CS2, CS6, CS17, MD2, MD13 and S16 of the Local Plan; the policies contained in Chapter 16 of the NPPF; and the guidance contained in the NPPG and Historic England's Historic Environment Good Practice in Planning Advice Notes 2 (Managing Significance in Decision-Taking in the Historic Environment) and 3 (The Settings of Heritage Assets).

With regard to Policy MD 13 of the Local Plan and Paragraph 194 of the NPPF, the applicant has submitted a Heritage Impact Assessment by Clwyd-Powys Archaeological Trust. This describes the significance of the designated and non-designated heritage assets that would be affected by the proposed development and assess the impacts that proposed development would have upon their significance.

In assessing that proposed development officers acknowledge that the planning permission for the Claremont Baptist Church site (planning application ref. 09/02760/FUL – hereafter referred to as the ‘medical centre scheme’) has been commenced and is therefore both extant and a significant material consideration. This comprises a four-storey building that was intended to accommodate ground floor retail including a pharmacy, together with a doctors surgery on the first and second floors and office accommodation on the third and fourth floors. This building would have an L-shaped plan that would abut the commenced component of the scheme, which comprised the replacement of the former Claremont Baptist Church building with a new steel framed building that retains the historic front façade of the church on Claremont Street.

In addition, officers are mindful that the Masterplan Vision for the Shrewsbury Big Town Plan advocates the reintroduction of built form into the surface carparks adjoining Barker Street and St Austin’s Street, including the present development site. Likewise, whilst many of the surrounding streets retain their close-grained plots and high-quality townscape, the 20th century clearances and demolitions on what are now the carpark sites have left ‘voids’ in the townscape and overall urban grain of this area of the town. As a consequence, officers consider that the existing ‘black top’ surface carparks create poor quality, car dominated spaces which, together with the exposed steelwork on the unfinished side elevations of the Claremont Baptist Church, make a negative contribution to the character and appearance of this part of the Conservation Area and to the setting, and thereby the significance, of Rowley’s House & Rowley’s Mansion. As such, there are no in principle objections to development on the application site on historic environment grounds.

Since the withdrawal of the previous application (ref. 22/04028/FUL) and during the current application officers have sought to work positively with the Applicant, as required by Paragraph 38 of the Framework, to improve the design of the proposed development. Despite this, officers acknowledge that the current application has attracted a significant level of objection, including from the Shrewsbury Civic Society, albeit in their most recent that the latter body does recognise that the Applicant has made ‘genuine attempts’ to improve the design and break down the mass of the building.

Historic England has also expressed concerns about the proposed development in their consultation responses of 7 May, 1 August, and 11 October respectively. Officers note, however, that whilst they have raised issues throughout about the design, Historic England have not objected outright to the development, instead advising that the planning decision rests with the local planning authority. This includes ensuring that the relevant local and national policy tests relating to the historic environment set out above are appropriately applied.

With regard to Paragraph 195 of the Framework, and in terms of assessing the impact the current application would have on the historic environment, officers recognise that the footprint of the hotel building has been slightly reduced and pulled further back from Rowley's House compared with the previous application (ref. 22/04028/FUL), to provide increased separation from the listed building. The revised landscaping scheme now proposes a garden area within the site boundary in this 'gap' between the buildings and along the north western edge of the site, therefore providing a significantly greater degree of soft landscaping than the current situation. The amount of the car parking has been significantly reduced over the current position, with hard landscaping that makes use of coloured surface treatments more in keeping with the historic context of the site. It is also understood that to further reduce the impact of the scheme, the Applicant is willing to offer a s106 Agreement to improve the landscaping around Rowley's, including provision to establish a York stone surfaced pedestrian access link from Hills Lane to Barker Street and high quality urban tree planting to replace the existing over mature white beams.

In terms of the design of the hotel building itself, officers acknowledge that the height of the roof has also been reduced over that proposed in the previous application (ref. 22/04028/FUL), and the fourth floor accommodated within a mansard effect roof with dormers, stepping down to three storeys nearest to Rowley's House. This three-storey section of the building has been redesigned as a stone clad 'pavilion', with a more active elevation that is intended to address the listed building.

Officers also note that the principle of accommodating the fourth floor within the roof space follows that established, albeit using a different architectural approach, by the extant permission for the medical centre scheme. Further, that the elevation drawings provided by the Applicant (Drawing No BST-AHRB1-XX-DR-A-08401-P22) demonstrate that the ridge height of the hotel building would also be lower than that of the medical centre scheme.

From the rendered visualisations included in both the Design and Access Statement and the context images, it is also understood that the building line on the Barker Street side of the street is intended to ensure that it will still be possible to gain views of the south-western end of the Mansion when looking northwards along Barker Street from, for example, at the Bottom of Claremont Hill.

Taking these points together, and with reference to Policy MD13 of the Local Plan and Paragraphs 199 and 200 of the NPPF, officers therefore consider that the revised scheme removes the harm that the previous proposal would have caused to the significance of Rowley's House & Rowley's Mansion, as a consequence of the overbearing effect upon its setting. In this respect they concur with the conclusions reached on this point in the Heritage Impact Assessment.

Turning to the other detailed aspects of the proposed design of the hotel building as now amended, the use mansard roof design with dormer windows means that the principal elevation on the Barker Street frontage is now intended to read as a three and half storey building, which steps down to two and a half storeys at its northern end, adjacent to Rowley's House. The overall massing of the elevation is broken up by two projecting gables of different design, together with a subsidiary third gable that would accommodate a stairwell. In comparison to the previous hotel scheme (ref. 22/04028/FUL), greater vertical emphasis is provided by both the gables and visible down pipes recessed into the brickwork. The use of stone cladding on the ground floor shop units, with middle bays stepping down the slope from south to north, the window heads and cills, and the parapet detailing and parapeted gable provide increased horizontal emphasis. Together this establishes a 'top, middle, base' treatment of the elevation which is in keeping with the approach advocated in the Council nascent Design Code for the town centre. The recessed four light window units at first floor level and use of blue glazed bricks in the gables take their cues from Victorian detailing.

The Claremont Street elevation provides a secondary frontage that now sits more comfortably with the scale and proportions of the buildings on the northern side of the street, whilst also complementing and not competing with the architectural ostentation of the retained façade of the Claremont Baptists Church. As now amended, the hotel signage is minimised on the Barker Street Frontage. By necessity, the rear (eastern elevation) of the building continues to accommodate the servicing of the building but the redesign means that it now reads more coherently with the other elevations.

Officers acknowledge that the overall form, massing and liner footprint of the proposed hotel building is different to that of extant medical centre scheme. However, officers consider that the overall quantum of development is no greater than that of the medical centre building. Likewise, the facades of the medical centre scheme make extensive use of two colours of render and glazing to break up the massing, which officers contend is less reflective of materiality surround townscape than the extensive brickwork and Grinshill coloured stone cladding on the proposed hotel building.

Drawing these points together, officers conclude that the design of the proposed development will preserve the overall character and appearance of the Conservation Area, whilst a degree of enhancement will be provided by the reintroduction of built form and the reduction in the extent and re-landscaping of surface car parking. As such, and when also taking account of the existing situation on the proposed development site and the position established by the extant medical centre scheme, the overall effect on the Conservation Area is considered to be neutral – (minor) positive. Consequently, and with reference to Policy MD13 of the Local Plan and Paragraphs 199 and 200 of the NPPF, officers consider that the revised proposal will not cause harm to its significance as a designated heritage asset. This will, however, be subject to conditions requiring approval of the details of

the external materials on the hotel building and the landscaping design in order to ensure that the merits of the revised design are fully achieved. Suitable conditions are therefore advised below.

With regard to the archaeological interest of the proposed development site, and in relation to Policy MD13 of the Local Plan and Paragraph 205 of the NPPF, it is advised that a programme of archaeological work would need to be made a condition of planning permission. The exact requirements would be subject to the final foundation designs of the proposed hotel building, and the extent of any wider groundworks across the site but would be likely to entail at least some open area excavation within the footprint of the building. An appropriate condition of any such consent would be: -

Suggested Conditions:

External materials: -CC1. Details of External Materials

Reason: To ensure that the character and appearance of the Conservation Area is preserved.

Landscaping: -DD1. Landscape Design

Reason: To ensure that the character and appearance of the Conservation Area is enhanced.

Archaeology: -

No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

4.11 **SC Highways Manager** has responded indicating:

It is noted that the car parking arrangements at the rear of the site have been amended to reflect Cole Hall being retained in its present form as opposed to incorporating the existing highway extent of Cole Hall into the overall parking area to service both the car park and adjacent frontages, that currently benefit by the status of Cole Hall. The highway authority recognises that there would be potential benefits of the original car parking proposals but accept also that there are legal implications in bringing this forward. That said, it is not considered that this is a material consideration that would otherwise affect the determination of this application. The revised proposals are considered acceptable although as stated previously, the highway authority do not fully support the retention of the limited car park for public use but accept that the retention of car park would benefit the hotel customers and it would be a

matter between the hotel operator and car park owner regarding any arrangement between the 2 parties over its use.

As set out previously, whilst it is noted that there has been objection to this application because of the loss of parking, the highway authority do not consider that an objection is warranted or be defensible. The issues concerning parking stock in the town centre are currently being considered alongside the Big Town Plan and major redevelopment within the Town Centre and it is considered that the loss of this particular privately owned car park would not prejudice the work that is being undertaken. It is acknowledged also that the site currently benefits from an extant planning permission and this also is a material consideration.

In other respects, it is considered important that the pedestrian routing through the site between the landscaped area on the northern side of the building and Rowleys House provides an attractive avenue to encourage pedestrian activity between Barker Street through to the Mardol. It is understood that a financial contribution will be made in terms of the Council's asset in improving the current landscaping adjacent to Rowleys House and this is considered a positive.

The scheme includes a taxi drop off and pick up area outside of the building on Barker Street and this will need to be controlled by way of a Traffic Regulation Order. This element will need to be incorporated into a Section 106 requirement.

Notwithstanding that this development is within the river loop and a town centre location, a Travel Plan should be provided to encourage sustainable travel to the site by both customers and staff.

The construction period will be an important issue to address to ensure that the redevelopment of the site will not cause an adverse impact throughout the development of the site and therefore will require a detailed Construction Traffic Management Plan/Method Statement to demonstrate how the construction period can be mitigated to reduce its impact in this part of the town centre and ensure that both highway and pedestrian/cycling safety is not compromised.

It is assumed that Conditions will be imposed that the development will be carried out strictly in accordance with the approved drawings and to ensure that any doors/windows do not open in the direction of the highway. The highway authority request that the following construction condition is imposed:-

- Prior to the commencement of development a Construction Traffic Management Plan/Method Statement (CTMP/MS) shall be submitted to and approved in writing by the Local Planning Authority; the approved details shall be fully implemented and shall remain in force for the duration of the*

construction period. Reason: In the interests of local amenity and highway/pedestrian safety.

- *Prior to the development hereby permitted being first brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Reason: To promote sustainable travel opportunities and reduce car borne travel into the town centre.*

4.12 **Public Comments**

4.13 Fifty-four letters of objections have been received from members of the public. Key planning issues raised can be summarised as follows:

- Proposal is not considered to be in keeping with the surrounding area which forms part of a Conservation Area.
- Imposing proposal in relation to Rowley's Mansion, to which any development should not mirror in any way.
- Other alternative sites better located for development of this nature. Also consideration should be given in the first instance to re-use of existing buildings.
- Further consideration required to more open space and soft landscaping in this part of the town and tree planting alongside the front street elevation of the site. Concerns also raised with regards to area of kerb alongside front corner of building.
- Proposal not considered to accord with the Big Town Plan in that it does not connect with the town's unique character and heritage.
- Detrimental impact on surrounding residential amenity.
- No consultation with surrounding residents.
- Detrimental impact on availability of car parking places for members of the public and loss of existing car parking facilities.
- Proposal considered a hideous architectural design.
- No need for the retail units in consideration of current amount of empty shop units in the town centre.
- Proposal better suited to the Riverside development.

4.14 Eight letters of support/comment have been received from members of the public. Key reasons include:

- There is a need for hotel accommodation within the town of Shrewsbury.
- Car parking is not an issue to object in relation to this application.
- The design works aesthetically.
- This will help to stimulate the surrounding area, (including future use of Rowley's House), local hospitality offerings and tourist attractions.
- Overall the proposal represents economic benefits to the surrounding area.
- The exterior appears to be red brick and would be expected to age fairly gracefully.

- 4.15 **Shrewsbury Civic Society** has responded to the application and the latest amended plans indicating:

Shrewsbury Civic Society's (SCS) comments on these latest revised proposals, fall into two categories; firstly those involving the design of the hotel itself and secondly those relating to the wider context of the development site.

The hotel building

- We remain opposed to the bulk of the structure especially its height and would refer to our more detailed comments in previous submissions on the planning portal.*
- We acknowledge that the applicant is constrained by the very prescriptive, and in this context unhelpful, brief that Travelodge insist on. The problem remains very largely the quantum of development rather than the ways in which the architects are 'wrapping' it. Basically, we feel that this quantum is unsuitable for this site.*
- We acknowledge that the applicants are trying to reflect some concerns regarding exterior detailing and appreciate their willingness to take these into account including for example smaller dormer windows and that the shop fronts now step down Barker Street to reflect its topography, though the need for a single use within the building's upper floors and thus continuous level floors, mitigates against the equivalent stepping down of the fenestration and roofline in a way that would make this approach more meaningful.*
- We suggested in our previous comments on the planning portal, that having different designs for the two main gables created a fussy appearance and so we support the new simpler approach with a more limited palette of materials adopted in these revised proposals.*

The wider context of the site

- SCS has, for nearly 30 years, urged the restoration of a dense but intricate urban grain to this site and the neighbouring car park in Bridge Street. These views were, and are, a major aspect of our objections to this application. In principle, building along Barker Street is of course potentially a welcome development. However, the neglect, as we see it, of the area to the rear of the Travelodge and along Hill's Lane in this application is a major concern.*
- It could be reasonably argued that development along Barker Street is 'phase 1' in a process that would ultimately lead to further 'urban repair' on the rest of the site. However, planning for that future development in the form of a masterplan should in our view have been integral to this application. An iterative masterplan drawing for the development of the rest of the site, as part of this application would have been a useful indication of general intent. More importantly however, we would have liked to have seen a clear commitment from the applicants to work with other bodies to produce a detailed masterplan for the whole site in the very near future along the lines outlined by the Big Town Plan and in the evolving Design Code, which is briefly referred to in this application. This development does not necessarily preclude further, more sympathetic, development on the site but it probably does make it harder to achieve in the absence of a more holistic approach.*

- The current landscaping proposals only really have meaning in the immediate area between the proposed Travelodge and Rowley's House along Barker Street. The creation of a new public space behind the Travelodge, in effect an enlarged 'New Ship Inn Yard, for which we and others have argued should inform the nature of the landscaping here and along Hill's Lane. The current landscaping proposals are in effect operating within a townscape vacuum. In our view, planting along Hill's Lane should be omitted. This is a prime site for future building development, perhaps partly as an extension to Rowley's Mansion along Hill's Lane to create a semi-enclosed public space. Bushes or trees are not an appropriate substitute.

In conclusion, we acknowledge the genuine attempts by the architects to break down the mass of the proposed Travelodge and give it a street presence appropriate to the site. These efforts have to some extent softened the previous monolithic nature of the proposed structure. However, we again argue that the key issue is that the quantum of development being proposed is too large for this site. We also maintain that, despite a stated acceptance of the desirability of restoring the urban grain of the area, the absence of a meaningful masterplan which addresses this restoration in the area behind the Travelodge and along Hill's Lane is problematic.

4.16 **The Shrewsbury Big Town Plan** have objected to the application indicating:

I am writing on behalf of the Shrewsbury Big Town Plan Partnership Board, as its chair, with reference to the above planning application.

The Shrewsbury Big Town Partnership (BTP) wishes to raise its concerns regarding the proposed development of a Travelodge.

BTP recognises that the West End is in need of regeneration, hence it being one of the main character areas in the Partnership's Masterplan. Areas (including Rowley's House) are looking tired and we welcome the interest from private companies to develop sites such as this. We also welcome enhanced hotel provision in the town generally.

We believe that to truly revitalise this area the need for a comprehensive approach to its delivery is required rather than piecemeal developments which aim to contribute towards the masterplan vision but do not.

The Bellstone end of the West End has seen the start of regeneration with footfall increasing and the primary shopping offer expanding as all the units of the Market Hall being let. This development site would give a significantly large opportunity to enhancing that ground floor "shop front" potential through a more innovative allocation of use, similar to the extant planning permission on the site. We believe that this development does not accord with the fundamental principles of Paragraph 130 of the National Planning Policy Framework

130. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Following the award of government funding, BTP commissioned the development of a Design Code both in a broad overview of the town centre and more specifically to the West End and in more detail to individual development sites, including this site. We believe that whilst this has not currently been adopted as a Supplementary Planning Document, its completion and sign off to submit to Government for review gives it weight as a material consideration.

We believe that design delivered through partnership working offers the best way forward and could be brought together in the form of masterplan to guide new development.

The recently completed Design Code for Shrewsbury was developed in partnership with Shropshire Council, Shrewsbury Town Council and the Shrewsbury Business Improvement District. It featured 12 key characteristics developed following extensive community and stakeholder engagement, and will be submitted for formal adoption in the near future. It is hoped therefore that any applicant who is committed to delivering successful high-quality schemes would embrace this guidance in its current form.

However, the current proposals seem to dismiss what is set out in this Code and is more likely to undermine the wider regeneration of the West End rather than acting as a catalyst.

Despite the various changes to the proposed scheme, the actual design is not the fundamental issue here, given that design is in essence only a response to the original client brief; moreover, it is the combination of three key elements:

- the proposed location*

- the use
- the quantum of development required by the end user.

These 3 elements create a building that is clearly at odds with the existing fine urban grain, variation in roofline, stepping down to reflect the changes in level across the site and creating a more human scale that does not dominate the buildings adjacent, such as Rowley's House and Claremont Baptist Church. Consequently, there is a need to change at least one of these aspects of the scheme, rather than merely effecting minor design changes as this latest iteration reflects.

In conclusion, the proposed scheme is unacceptable and should be resisted in principle in its current form, since it does not comply with NPPF paragraph 130, nor does it respond positively to the Big Town Plan's vision, a material consideration that provides the framework for the new Design Code.

In contrast, a masterplan, when finalised, would secure the area's longer term vision and future by creating the necessary framework to promote frontages to both Barker Street AND Hills Lane, with a more appropriate setting for Rowley's House and opportunities for high quality public open space. A more integrated approach is also more likely to kickstart inward investment and high quality development than this proposal alone given which despite a series of amendments would seem to offer few benefits to the wider area.

5.0 THE MAIN ISSUES

- Principle of development
- Impact on the Conservation Area and historic features.
- Siting, scale and design of structure
- Visual impact, landscaping and biodiversity.
- Highways and transportation
- Residential amenity.
- Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The development plan in Shropshire consists of the Core Strategy (adopted in February 2011), and the Site Allocations and Management of Development (SAMDev) Plan (adopted in December 2015). While planning applications are considered against the

policies of the development plan as a whole, specifically relevant policies to this application are set out further below

- 6.1.2 Core Strategy Policy CS6: Sustainable design and development principles 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 and which mitigates and adapts to climate change. It further states that all development will protect, restore, conserve and enhance 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.
- 6.1.3 Policy MD2 of the SAMDev on Sustainable Design indicates for development proposals to be considered acceptable development must respond positively to local design aspirations and contribute to and respect local distinctive or valued character.
- 6.1.4 Policy MD13: The Historic Environment in the SAMDev states that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring that where ever possible proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings and that ensuring that proposals which are likely to have an adverse effect on the significance of a non-designated heritage asset, including its setting will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect.
- 6.1.5 Paragraph 3.132 in support of Policy MD13 states Heritage assets are buildings, monuments, sites, places, areas or landscapes that merit consideration as part of the planning process. The term includes all designated and non-designated assets and makes reference to 'Conservation Areas' as a designated asset.
- 6.1.6 The National Planning Policy Framework, (NPPF) sets out the Government's planning policy and is a significant material planning consideration for decision takers. Paragraph 38 of the framework says that "Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area." The NPPF indicates a presumption in favour of sustainable development and that for decision taking this means approving development proposals that accord with an up-to-date development plan.
- 6.1.7 The NPPF states that achieving sustainable development means that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These are:
- An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth,

innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

6.1.8 The principle of this form of development is considered acceptable within the town of Shrewsbury. The key considerations in this case are whether the merits of the proposal in constructing the hotel and 3 retail units and associated car parking and landscaping through the use and the design along with the impacts on the setting of the nearby listed buildings and non-designated asset structures outweigh any detrimental impacts in relation to the setting of the Conservation Area, and listed buildings and the contribution the site makes to the historic and architectural character and appearance of the Shrewsbury Conservation Area. The key material considerations are considered further below.

6.2 **Historic environment and impact**

6.2.1 There is a statutory duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining planning applications within Conservation Areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. There is a statutory presumption, and according to the Courts, a strong one, against the grant of planning permission in instances where a scheme cannot be demonstrated to preserve listed buildings and their settings and either preserve or enhance the character or appearance of the Conservation Area, unless these very strong considerations are outweighed by other material planning considerations. Case law has established that an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if

it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering. Harm to a Conservation Area must be given considerable importance and weight in that balance even if that harm is less than substantial.

- 6.2.2 Section 16: Conserving and enhancing the historic environment in the National Planning Policy Framework, (NPPF), indicates:
In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'. (Para 194)

'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal' (Para 195)

It is considered that this matter has been adequately considered by the Council's Conservation team as referred to in paragraph 4.10 of this report.

'In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness'. (Para 197)

This matter is further considered later in this report.

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance' (para 199).

'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification' (para 200).

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use'.(para 202).

'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'. (para 203)

'Local planning authorities should not permit the loss or harm of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred'.(para 204)

'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 the asset (or which better reveal its significance) should be treated favourably'. (para 206)

'Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other elements) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole'.(para 207)

'Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies'(para 208)

In this instance the heritage assets are the Conservation Area and Rowley's Mansion House. along with surrounding non designated heritage assets and other grade two listed buildings settings within the surrounding vicinity.

- 6.2.4 The starting point for the Local Planning Authority's assessment of the impact on the Conservation Area is the positive legal duty imposed upon it by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. When determining planning applications within Conservation Area this

requires that “...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.” The fact that ‘special attention’ has to be paid to these considerations indicates that this issue should be assigned considerable weight in undertaking the planning balance

6.2.5 The applicants have submitted in support of their application a heritage impact assessment and this concludes

‘that there is a risk of substantial harm to buried archaeological remains if the project was to proceed in an unmitigated manner, but that with careful design and a programme of archaeological investigation, the change to the existing baseline could be managed in an acceptable manner.

There would be no harm to the heritage significance of Rowley’s House and Mansion. At present it is isolated within open areas making the special architectural interest of the building easily appreciated from all sides and from long distance vistas. Although the introduction of a three – four storey modern building to within c.10m of the Grade II listed building would reduce the opportunity to appreciate it in its setting from the southern end of Barker Street, the proposed public realm improvements in close proximity to it due to changes to the car parking area, would help to enhance the setting of the listed building.*

It has been assessed that there would be no harm to the four listed buildings along Barker Street or those on Hills Lane from the proposed development. With sensitive detailed design the new building would be acceptable within the Shrewsbury Conservation Area, and granting planning consent would be consistent with other relatively recent decisions in this part of the town. Also, any decision should be weighed against the benefit of reinstating the Barker Street frontage and removal of the long view across the surface car park that contributes little to the overall quality of the townscape.

This heritage impact assessment should reassure decision makers that they can demonstrate compliance with the statutory need in section 66 of the 1990 Town and Country Planning Act of their duty to preserve listed buildings and their settings.’

6.2.6 Historic England have commented on the application as set out in paragraph 4.3 above, indicating concerns regarding the application on heritage grounds, and in particular as to the overall design and massing of the scheme, indicating it will be for the authority to consider how and what more can be achieved further to paragraph 195 of the NPPF in minimising conflict between any part of the development proposals and the conservation of heritage assets such that all remaining harm has clear and convincing justification (and is shown to be necessary to the delivery of public goods) before a balance in respect of less than substantial harm is applied with great weight afforded to the conservation of the significance of designated heritage assets.

6.2.7 The Shrewsbury Big Town Plan have responded to the application as outlined in paragraph 4.16 above concluding that the proposed scheme is unacceptable and should be resisted in principle in its current form, since it

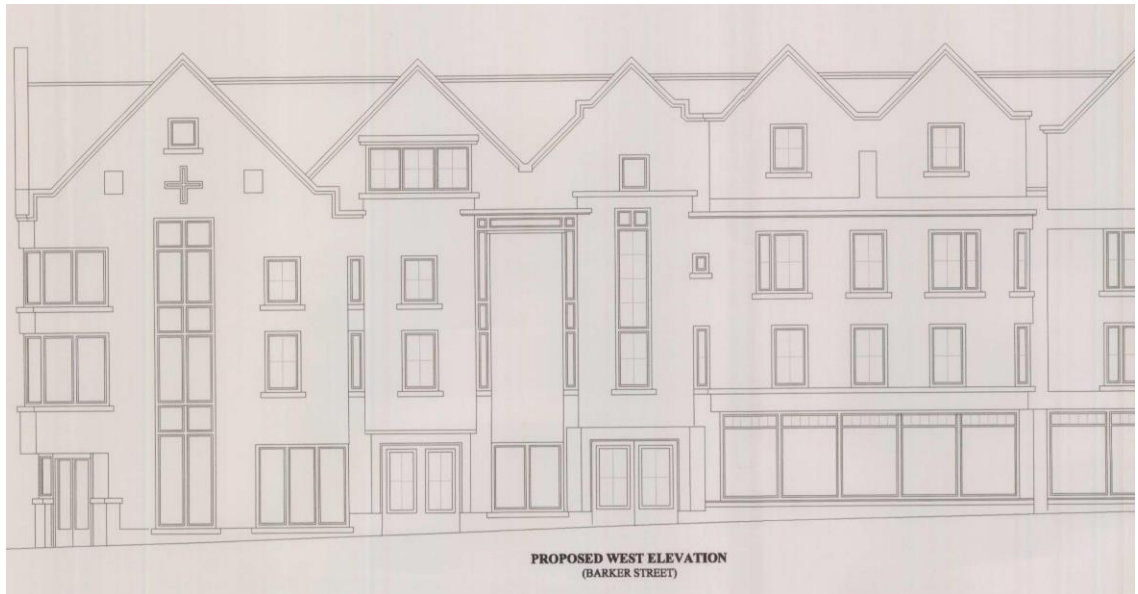
does not comply with NPPF paragraph 130, nor does it respond positively to the Big Town Plan's vision, a material consideration that provides the framework for the new Design Code. The response indicates that a master plan, when finalised, would secure the area's longer-term vision and future by creating the necessary framework to promote frontages to both Barker Street and Hills Lane, with a more appropriate setting for Rowley's House and opportunities for high quality public open space. A more integrated approach is also more likely to kickstart inward investment and high-quality development than this proposal alone given which despite a series of amendments would seem to offer few benefits to the wider area.

- 6.2.8 In response to comments by the Big Town Plan, whilst their reference and comments in relation to paragraph 130 in the NPPF is recognised, (not necessarily agreed with), it must be realised that the 'Design Codes, as referred to remain in draft form at the current time, are not therefore adopted supplementary or planning policy/guidance and therefore cannot be afforded any significant planning weight in the determination of this application. There is also no adopted master plan for the area and producing one would require both co-operation and active engagement from the Applicant as the land owner
- 6.2.9 Shrewsbury Town Council's response to the application is also acknowledged in that they comment that the proposal is too vast for the location and that the building is not justified, and too large for the site and will dominate the church next door.
- 6.2.10 Shrewsbury Civic Society and members of the public have also raised concerns in that they consider that the quantum of development being proposed is too large for this site and that in the absence of a meaningful master plan that re-development in this area is problematic. It is noted members of the public have also raised concerns with regards to impacts of the proposal on nearby listed buildings and in particular Rowley's Mansion and the Conservation Area that the site forms part of.
- 6.2.11 The Council's Conservation response raises no objections to the application subject to conditions. (Set out in full in paragraph 4.10 above). As pointed out in the response the site is in an area that was subject to large scale clearance and successive demolition works between the 1930s and 1960s, which removed a close-grained townscape comprising medieval tenement plots containing densely packed buildings, separated by narrow courts, yards and alleyways. Historic maps and pre-clearance photographs indicate that the Barker Street frontage was previously occupied by a continuous frontage of predominantly three storey buildings. The Grade II* listed Rowley's House & Rowley's Mansion is located immediately adjacent to the northern boundary of the proposed development site, which consequently falls within its setting and prior to the clearance this was surrounded by buildings and have only achieved their current visual prominence within the existing townscape as a consequence of being fortuitously spared from mid-20th century demolitions. Other Grade II listed buildings stand opposite the site, on the west side of Barker Street; east of the site fronting onto Mardol; and north of Hills Lane. In addition, many of the surrounding unlisted buildings are considered to

comprise of non-designated heritage assets that make a positive contribution to the character and appearance of the Conservation Area.

- 6.2.12 The Council's Conservation response also rightly makes reference to a previous planning approval reference 09/02760/FUL on site for a medical centre scheme. This planning permission is commenced, and therefore remains extant and thus is also a material planning consideration. This was for a four storey building which also included ground floor retailing. (See approved elevation plan facing onto Barker Street, below.

- 6.2.13 .



- 6.2.14 Also as referenced by the Council's Conservation Manager in his response in addition, it is noted that the Master plan Vision for the Shrewsbury Big Town Plan advocates the re-introduction of built form into the surface car parks adjoining Barker Street and St Austin's Street, including the present development site. Likewise, whilst many of the surrounding streets retain their close-grained plots and high-quality townscape, the 20th century clearances and demolitions on what are now the car park sites have left 'voids' in the townscape and overall urban grain of this area of the town. As a consequence, officers consider that the existing 'black top' surface car parks create poor quality, car dominated spaces which, together with the exposed steelwork on the unfinished side elevations of the Claremont Baptist Church, make a negative contribution to the character and appearance of this part of the Conservation Area and to the setting, and thereby the significance, of Rowley's House & Rowley's Mansion. This is considered a significant material consideration that tips in the balance towards supporting the application.

- 6.2.15 Also as acknowledged by the Conservation Manager the scheme before members is the result of amended plans in that the footprint of the scheme has been slightly reduced and pulled back further away from Rowley's House in order to provide increased separation from the Grade II* listed building, with a larger landscaped area along with design changes to the structure as outlined in the Conservation Manager's response in paragraph 4.10 earlier in this report. .

- 6.2.16 The Council's Conservation Manager has also responded on archaeology issues in that the proposed development site is likely to have very high archaeological potential and that this matter can be addressed via the attachment of a condition to any approval notice with regards to a programme of archaeological works.
- 6.2.17 In conclusion in relation to impacts of the proposed development on the surrounding historic environment, it is clear that this has caused considerable debate amongst consultee and members of the public in responses to the application, with widespread variations in conclusions drawn. Officers are mindful of the requirements to assess the development in relation to the NPPF and in particular paragraphs 195, 199, 200 and 202 as commented upon by Historic England in their response to the application. Taking all the strands into consideration as discussed in this report, Officers consider that the proposed development with careful consideration to external construction materials is acceptable, with no harm in relation to the surrounding Conservation Area and its historic contributors and this includes consideration to the Grade II* Rowley's House and Mansion and its setting, other nearby listed buildings and non-designated heritage assets and this also includes reference to the Baptist Church located on the corner of Barker Street and Claremont Street. As such with conditions attached to any approval notice issued with regards to detail of external construction materials, landscape design and archaeology as recommended by the Council's Conservation Manager in response to the application, on historic impact issues the proposal is considered by Officers to comply with the necessary tests as set out in the NPPF and Local Plan policies CS2, CS6 and CS17 of the Shropshire Core Strategy, Policies MD2, MD13 and S16 of the SAMDev, Sections 66(1) and 72(1) of the Planning (Listed buildings and Conservation Area Act 1990, guidance as set out in the NPPG and Historic England's Historic Environment Good Practice in Planning Advice Notes 2 and 3.
- 6.3 **Siting, scale and design of structure**
- 6.3.1 Policy CS6 of the Core Strategy is concerned with delivering high quality sustainable design in new developments that respect and enhance local distinctiveness. This is further bolstered by SAMDev Policy MD2. In summary, these policies expect new development to be designed to be sustainable in the use of resources, including during the construction phase and future operational costs, reduced reliance on private motor traffic, be respectful of its physical, landscape setting and context and to incorporate suitable mitigation in the form of materials and landscaping. Significantly, Policy MD2 allows for appropriate modern design and promotes “embracing opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.”
- 6.3.2 Paragraph 127 of the NPPF indicates that decisions should ensure that developments, ‘are sympathetic to local character and history, including the surrounding built environment and landscape setting and are visually attractive as a result of good architecture, layout and appropriate and effective

landscaping. Comment is also made that innovation and appropriate change should not be discouraged such as increased densities’.

- 6.3.3 The overall proposed design of the building is of a building of four floors (making use of the roof space), with a mansard effect roof with dormers, stepping down to three storeys nearest to Rowley’s House and Mansion. This three storey section of the building has been designed as a stone clad ‘pavilion’, with a more active elevation that is intended to address the listed building. The principle of accommodating the fourth floor within the roof space follows that as established, albeit using a different architectural approach, by the extant permission for the medical centre scheme. Further, that the elevation drawings provided by the applicant, (drawing no. BST-AHRB1-XX-DR-A-08401-P22) demonstrate that the ridge height of the hotel building would also be lower than that of the extant medical centre scheme. From the rendered visualisations included in detail in support of the application, the building line on the Barker Street side of the street is intended to ensure that it will still be possible to gain views of the south-western end of the Mansion when looking northwards along Barker Street from, for example, at the bottom of Claremont Hill.
- 6.3.4 The use of a mansard roof design with dormer windows means that the principal elevation on the Barker Street frontage reads as a three and half storey building, which steps down to two and a half storeys at its northern end, adjacent to Rowley’s House. The overall massing of the elevation is broken up by two projecting gables of different design, together with a subsidiary third gable that would accommodate a stairwell. Vertical emphasis is provided by both the gables and visible down pipes recessed into the brickwork. The use of stone cladding on the ground floor shop units, with middle bays stepping down the slope from south to north, the window heads and cills, and the parapet detailing and parapeted gable provide horizontal emphasis. Together this establishes a ‘top, middle, base’ treatment of the elevation which is in keeping with the approach advocated in the Council nascent Design Code for the town centre. The recessed four light window units at first floor level and use of blue glazed bricks in the gables take their cues from Victorian detailing. The Claremont Street elevation provides a secondary frontage that it is considered sits comfortably with the scale and proportions of the buildings on the northern side of the street, whilst also complementing and not competing with the architectural ostentation of the retained façade of the Claremont Baptists Church. Hotel signage appears minimised on the Barker Street frontage. By necessity, the rear (eastern elevation) of the building accommodates the servicing of the building and it is considered that this reads coherently with the other elevations. Officers consider that the overall form, massing and linear footprint of the proposed hotel building is different and a significant improvement to that of the extant medical centre scheme, and overall quantum of development is no greater than that of the medical centre building. The facades of the medical centre scheme make extensive use of two colours of render and glazing to break up the massing, which officers consider is less reflective of materiality surround townscape than the extensive brickwork and Grinshill coloured stone cladding on the proposed hotel building.

6.3.5 On scale and design officers consider that the design of the proposed development will preserve the overall character and appearance of the Conservation Area, within which the site is located within, with a degree of enhancement provided by the re-introduction of built form and the reduction in the extent and re-landscaping of very visual to the street scene of surface car parking to the side and rear of the site.

6.3.6 With careful consideration to external construction materials and landscaping that can be subject to conditions to any approval notice subsequently issued, the proposal on balance considered to comply with Policies CS6 of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev, the NPPF in relation to scale and design, and acceptable in relation to paragraphs 199 and 200, Officers consider that the proposal will not cause harm to the site surroundings as a significant designated heritage asset.

6.4 **Visual impact, landscaping and biodiversity.**

6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy encourages development that improves the sustainability of communities whilst requiring development to protect and conserve the natural, built and historic 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, and the achievement of local standards for the provision and quality of open space and ensure sustainable design and construction principles are incorporated within the new development.

6.4.2 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.

6.4.3 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. In addition, SAMDev Policy MD12: The Natural Environment builds on Policy CS17 providing development which appropriately conserves, enhances, connects, restores or recreates natural assets

6.4.4 Also, 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.

6.5.4 The applicants in support of their application have indicated in their amended Design and Access Statement that the footpath that runs between Hill's Lane and Barker Street is an important pedestrian connector. This will become much better defined once the proposed hotel negates the 'sea of tarmac' which currently dominates the south side of the bend in Hill's Lane. In terms of the wider structure of Shrewsbury's West End, this is the natural route between the northern part of Mardol / Smithfield Road to Claremont Hill / St John's Hill / the Quarry. The current proposals are a great opportunity to

upgrade this part of the pedestrian movement network. There will be no vegetation on the Barker Street side of the site in order not to obstruct pedestrian free flow and views towards Rowley's House/Mansion. Detail indicates that the external works proposed are conceived as contributing towards repairing the historic character of the town, which must also function as a series of purposeful, practical and manageable spaces. The Barker Street footway is widened and paved with traditional Yorkstone to make a continuous surface at the active commercial frontage. The garden to the north of the hotel is enclosed with hedges, so could be managed as a spill out space for a café or restaurant. The green space between the garden and the car park is publicly accessible 24/7 and provides a visual green buffer.

The car park use on some of the site is retained with reduced capacity, but with a properly defined safer footway at Hill's Lane and six blue badge spaces. The back of house area for the hotel and commercial units is clearly defined from the public car park, but not physically secured with unsightly fencing. The landscape proposals seek to introduce greenery whilst remaining sensitive to the historic urban context. This urban greening is aimed at making urban areas more biodiverse, with biophilic benefits for residents, workers and visitors, in order to try and increase footfall and dwell time, all contributing to the social and economic health of urban living.

6.5.5 The application proposes construction on a hard surfaced area with no demolition of existing structures on a site considered brown field, with little or no vegetation of any significance. Whilst the application also proposes via a Section 106 agreement off site removal of six trees and replanting using new species, any issues in respect of ecological concerns with regards to the removal of the trees can be included as part of the proposed Section 106 agreement /condition attached to any approval notice removal of trees outside the bird nesting season. A section 106 agreement is referred to in paragraph 6.5.7 below.

6.5.6 There are six existing Whitebeam trees to the eastern side of Rowley's House & Mansion. As these have matured it has become clear that they are an unsuitable species for various reasons. They are considered unsuitable specimens for their location with large crowns and shallow roots that appear to have roots that have lifted paving, disturbed surface levels, interrupted drainage and so damaged foundations. Thirdly, this is a monoculture and could be more biodiverse. These trees are not within the application site area, however the applicants have proposed to have these trees removed as a benefit to all the interested parties and plant replacement trees, planted within the application site area, to consist of a range of native and 'exotic' trees to assist biodiversity, using species which are more appropriate in terms of mature size and habit. The application proposes the following tree plantings:

Acer campestre (field maple) - 40-50cm girth - 1 no.

Carpinus betula Fastigiata' (fastigate hornbeam) - 40-50cm girth - 1 no.

Quercus cerris (turkey oak) - 40-50cm girth - 1 no.

Sorbus aucuparia 'Fastigiata' (rowan), - 20-25cm girth - 5 no.

Sorbus intermedia (Swedish whitebeam), - 30-35cm girth - 1 no

- 6.5.7 As the existing whitebeam trees are located outside the application site, the applicants propose entering into a Section 106 agreement to secure the following:

To make a payment to Shropshire Council of £60,800 for the purposes of delivering enhanced landscaping and pedestrian connectivity between Barker Street and Hills Lane to include:-

- Felling existing trees - £3,300
- The overall cost for new planting and maintenance (including preliminaries @10%) for two appropriately specified trees - £27,500
- Hard landscaping works to create pedestrian link between Barker St and Hills Lane - £30,000

Trigger for payment: Prior to bringing the application development into use.
Trigger for repayment of contribution to Morris & Co: 5 years from receipt of payment if not used for the required purpose.

- 6.5.8 The SC Tree Manager has responded to the application indicating whilst a good case could be put forward for the removal of the existing whitebeam trees, one of them is considered a good specimen "A" category tree, which could be retained within the proposed planting bed due to its established high amenity value to Hill Street. The response indicates that the landscape proposals are for 9 semi mature new trees planted in shrub and herbaceous beds. Clearly the use of suitable trees will be essential to soften and enhance the scheme and create attractive and useable public spaces. However concerns are raised that there can be difficulty establishing new trees in this hostile, hard landscaped environment in the long term, application detail lacks any detailed tree pit specifications or soil volume requirements. Therefore, there is a need for a rigorous specification for ground amelioration and the provision of a good growing medium to a depth and volume appropriate not just for initial establishment, but for the long-term good health and development into maturity of all the planting stock in accordance good practice as set out in BS 8545:2014 Trees: from nursery to independence in the landscape. The use of a specialist tree planting company (for example Green & Blue Urban) will be essential to ensure planting is successful for both the short and long-term including detailed soil volume requirements. The response recommends details of planting pits, soil volumes and a 5-year management plan that should be added to the landscape plan in line with BS 8545:2014 "Trees: from nursery to independence in the landscape" recommendations" and made a condition of approval. A specialist company should be employed at an early stage to establish that the proposed tree planting is feasible in the chosen locations.

- 6.5.9 Whilst it is considered disappointing that the 'category A' tree is proposed for removal, overall the existing whitebeams are considered poor quality and not ideal for the location they are located within. Officers consider on balance the landscaping proposals as put forward by the applicants to be a significant improvement to the public realm of the area which will also substantially assist in the setting of Rowley's House and Mansion and that of the development as proposed whilst offering potential for improved biodiversity to the location. As

such Officers conclude that the landscaping as proposed is welcome and acceptable with a condition attached to any approval notice issued with regards to a tree management plan in accordance with detail as outlined above and the applicants signing a Section 106 agreement in relation to landscaping to include detail as set out in paragraph 6.5.6 above.

- 6.5.10 In relation to landscaping and visual impacts the proposal is considered acceptable with consideration to the issues as discussed above and in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy and Policies MD2, MD12, MD13 and S16 of the SAMDev and the NPPF in relation to landscaping and visual impacts. This landscaping also a considerable contributor to conclusions of no harm in relation to the overall historic setting of Rowley's House and Mansion and the surrounding Conservation Area and Officers view that as a consequence and bearing in mind the history of the site that there will be no harm to the historic environment.

6.6 **Highways and transportation.**

- 6.6.1 The applicants have submitted a Transport statement and this concludes that the Barker Street application site represents a suitable and sustainable location for a hotel & retail land use and its re-development would not result in any material detrimental effects on the immediate local transport network.

Furthermore, the location of the site offers excellent opportunities to encourage travel by sustainable, alternative travel modes to the private car. It considers that there are no overriding reasons for the refusal of planning permission for the proposals on highways and transportation grounds

- 6.6.2 Detail included in the amended Design and Access Statement indicates that existing vehicular serving routes to the site from Hill's Lane will be retained. A taxi 'drop-off' will be included at the existing car park entrance on Barker Street from which side along with the corner of Claremont Street, pedestrian access, with full consideration to disabled access and circulation into and within the development will be obtained. The application proposes retention of 27 parking spaces on site for public use with 4 spaces dedicated to disabled use. There are also 5 spaces reserved for the staff of the hotel and retail units. To encourage green travel and cycle usage in town, 15 Sheffield cycle hoops are proposed, 10 within the car park and 5 on the pavement, and the pedestrian route from Mardol/Hills Lane to Barker Street enhanced by the formation of a 'green corridor' adjacent to Rowley's House and Hill's Lane. Consideration has also been given to delivery vehicles and unloading facilities to the rear of the proposed building along with emergency vehicle access and refuge collection.

- 6.6.3 The SC Highways Manager raises no significant concerns in relation to the proposal indicating whilst it is acknowledged that there have been some local concerns regarding the scheme, the highway authority appreciate that the scheme is acceptable on highway and transportation matters subject to a construction traffic management plan and travel plan being attached to any approval notice subsequently issued. The section 106 agreement as discussed earlier in this report in relation to landscaping will also need to refer to the taxi drop off and pick up area outside of the building on Barker Street being controlled by way of a Traffic Regulation Order It is not considered that this development would give rise to any highway and pedestrian safety

concerns, and it is noted that the response from SC Highways Manager refers to other available car parking sites within the town, acknowledges future regeneration within the town as part of the Big Town Plan and also the extant planning permission that remains on the site.

- 6.6.4 It is acknowledged that loss of existing car parking has been raised as a material consideration by members of the public, along with the level of parking provision on the site. However, the site is located within the town centre, in a sustainable location within reasonable walking distance of public car parks and alternative modes of transport. The Travel Plan should seek to help in reducing car borne traffic to the site for both staff, visitors and customers. Further still as indicated above the site has an extant planning permission for development on site and was previously part of built development demolished in the 1930/60's and as such it has not been earmarked to be retained for such use in the long term.
- 6.6.5 On highways and transportation matters the application is considered acceptable and in accordance with Policies CS5 of the Shropshire Core Strategy and MD2, MD4 and S16 of the SAMDev and the NPPF in relation to transportation and access matters.
- 6.7 **Residential amenity**
- 6.7.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. The applicants have submitted a noise assessment, lighting assessment and waste management plan in relation to the proposal and these have been considered as part of the considerations in relation to the application. The noise report concludes that existing noise levels have been established for the site, and assessment made of the changes that can be expected as a result of the development. The façade of the Retail and Hotel units can readily achieve the identified appropriate design assessment criteria, resulting in no adverse noise impact to the hotel bedrooms from external noise sources. External plant noise limits have been identified however; the detail of plant items is not currently available. A condition has been proposed to enable appropriate control to be exercised over this matter as finalised plant information becomes available. The suggested condition indicates: "Details of external plant and noise control measures and the resultant noise contributions to the facades of nearby residential buildings shall be submitted for approval to the Planning Authority. Such noise control measures should be adequate to control noise contributions to a contribution level of Background noise (LA90) minus 10 dB(A) when assessed to the methods and procedures of BS4142:2014, including all relevant corrections. Such assessment shall consider typical daytime and night-time operating conditions of the plant and be confirmed by a qualified Acoustic Engineer and Building Services Engineer as reasonable and as expected.
- 6.7.2 The amenity of future occupants of the hotel and users of the 3 proposed retail units as well as occupants of surrounding businesses must have consideration as well as occupiers of surrounding residential units.
- 6.7.3 As such the Council's Regulatory Services were consulted on the application and they have responded indicating no objections recommending conditions be attached to any approval notice issued in relation to noise mitigation and

extraction systems in consideration of potential end users of the proposed 3 retail units and surrounding residential amenity.

- 6.7.4 On amenity issues in consideration of surrounding residential development businesses and end users of the development as proposed, the development is considered acceptable with conditions attached as recommended by the Council's Regulatory Services Manager in response to the application and in accordance with Policy CS6 of the Shropshire Core Strategy, Policy MD2 of the SAMDev and the NPPF on amenity matters.

6.8 **Drainage**

- 6.8.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing run-off rate and not result in an increase in run-off

- 6.8.2 The applicants have submitted in support of their application a flood risk assessment. The site covers approximately 0.3 ha and is located wholly within Flood Zone 1 based on the Environment Agency Flood Map for Planning, as such the development as proposed considered acceptable providing it does not cause an increase in drainage issues elsewhere. Surface and foul water discharge have been considered in accordance with the drainage and suds hierarchy.

- 6.8.3 The Council's Drainage Manager was consulted on the application and has responded indicating no objections to the principle, as the flood risk assessment and outline drainage strategy is generally considered acceptable. The response further indicates that in order to ensure a viable drainage strategy is available for the development, it must be demonstrated that Severn Trent will accept the proposed foul and surface water systems to their existing networks.

- 6.8.4 Severn Trent have made comment indicating no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

- 6.8.5 On drainage issues with a condition attached to any approval notice as recommended by Severn Trent in response to the application, the development as proposed is considered acceptable and in accordance with Policies CS5 and CS18 of the Shropshire Core Strategy, Policy MD2 of the SAMDev and the NPPF in relation to flooding and drainage matters.

6.9 **Economic and social benefits**

- 6.9.1 Paragraph 81 of the NPPF indicates that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It also requires 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.

Paragraph 83 of the NPPF indicates that planning policies and decisions should recognise and address the specific locational requirements of different sectors.

- 6.9.2 Policy CS3 refers to development in market towns and key centres, which will maintain and enhance their roles in providing facilities and services to their rural hinterlands and providing foci for economic development and regeneration, on an appropriately located mostly brownfield site.
- 6.9.3 Policy CS15 indicates that recognised town and key centres will be the locations for new retail, office and other town centre uses. As such the location for development in principle is considered acceptable.
- 6.9.4 The application proposes a mixed-use development consisting of an 83 bedroomed hotel on floors above 3 retail units which will occupy the ground floor on what is considered a brown field site on the edge of the main town centre retail and leisure district. The development as proposed will deliver a significant number of benefits to the community. The generic benefits include:
- Inward investment
 - Job creation
 - Economic impact

With regards to job creation, some of these will be short term through the development and construction phases and some will be permanent within the completed development. In addition to these jobs, there are existing jobs that will be protected and the local supply chain will benefit in terms of servicing the development once it is operational.

The project will also deliver a wide range of intangible benefits such as:

- Wider choice of hotel accommodation.
- Contribute to the night-time economy
- Bring back into built use a brown field site.

Whilst it is acknowledged that Historic England in response to the application indicated concerns regarding the application on heritage grounds and scale of development, they have indicated that clearly it is the authority's decision as to whether such a quantum of development is necessary to achieve a viable scheme in this town central location. The Council's Conservation Officer considers the development acceptable with no significant harm and Officers share this view and consider the relevant tests in the NPPF to be acceptable. It is considered whilst there are considerable public benefits the requirements of paragraph 196 of the NPPF in relation to the public benefits offered against harm are not engaged. Historic England do not suggest that any harm they have identified amounts to any substantial harm. The SC Conservation Team disagree with Historic England that the proposed development will cause any harm to the significance of the Conservation Area as a result of its impact of the new build elements upon its character and appearance. They consider that the proposed development will cause no harm to the significance of the Conservation Area. With reference to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, they consider that for the same

reason, and with reference to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, they likewise consider that proposed development will not affect the settings of any listed buildings.

6.9.5 The Case Officer having reviewed both responses and noting Historic England do not object outright to the application, share's the view as set out by the SC Conservation Manager. As such the criteria of paragraph 195 of the NPPF are not engaged, as it is considered that the development will not lead to any harm to the Conservation Area and its historic setting. Furthermore paragraph 196 is not engaged as it not accepted that any harm will be caused to the significance of the heritage assets. Notwithstanding that view the development will provide benefits to the town and with no harm, the development is in accordance with paragraph 197 of the NPPF.

6.10 **Other matters.**

6.10.1 Whilst it is accepted there are considerable objections to the application from members of the public, it is also acknowledged that there are also letters of support from the public. Matters raised and not covered above are referred to below.

6.10.2 Reference has been made to other sites better suited for the development. Each application is considered on its own planning merits in consideration of relevant local and national planning policies. It is considered that the location for the proposed development complies with these and will bring a hotel to a town centre site that will work well with the night-time economy that Shrewsbury has to offer as well as providing hotel accommodation suited to the business and tourism community.

6.10.3 Concerns have been raised about the necessity for more open space. It is considered that the site offers acceptable landscaping in relation to the development and setting of the historic environment and the location is in close proximity to the Town's Quarry Park.

6.10.4 Comment has been made about lack of consultation with the local community. It is understood the applicants have engaged with the Town Council and local bodies. Community engagement is encouraged, however it cannot be a basis on which to recommend refusal to an application.

6.10.5 Development considered a hideous design. This is a matter of judgment and personal opinion. This report has explained Officer considerations in relation to the impacts on the surrounding area and historic environment and it is considered the design is acceptable.

6.10.6 No need for retail units. The site is in a town centre location and proposes three retail units on the ground floor. This is considered acceptable given the location and does not trigger the requirement for a retail impact assessment in accordance with relevant local plan policies. It is understood no end users have yet been identified and the space would lend itself well to retail or office use.

6.10.7 It has been suggested that the development would be better suited to the 'Riverside development'. The proposed development has been considered in relation to relevant local and national planning policies and the principle of this development in this location is considered acceptable and in accordance with relevant planning policies.

7.0 **CONCLUSION**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2 The application has generated much comment in relation to impacts on the historic environment and especially its suitability to the Conservation Area and listed buildings and their settings, most notably the Grade II* Rowleys House/Mansion. Whilst the comments as made by Historic England, (who have not indicated an outright objection), are noted along with those of Shrewsbury Town Council, The Big Town Plan and Shrewsbury Civic Society, the comments as made by the Council's Conservation Manager are also noted. It is considered that the Conservation Manager has carried out an extensive response to the application taking into consideration not only the location and impacts, but also the extant planning permission, revised designs as a result of further negotiations with the applicants during the application processing. Officers consider that the Conservation Manager has raised some very important key points and that the tests as set out in the NPPF with regards impacts are not engaged as the development on balance considered acceptable. Whilst comments by the Big Town Plan Partnership Board are noted with regards to its vision, which it considers a material consideration that provides the framework for the new Design Codes, these design codes are not yet formally adopted for planning purposes and thus do not form supplementary planning consideration and further still there is no master plan covering the area the site is located within. As such Officers are unable to give this any substantial weight as a material consideration in the planning process.
- 7.3 Overall with consideration to the surrounding built environment the scale and design along with the layout and landscaping as proposed subject to a Section 106 agreement as outlined in this report with regards to the landscape mitigation and enhancement are considered acceptable. There are no issues of concern in relation to biodiversity.
- 7.4 Many members of the public have raised concerns about loss of car parking, whilst it is appreciated the existing car parking area is close to the town centre and no doubt valued by users of the car park, it will not be totally lost as a provision in this area, the site is close to other car parking areas, and it must be acknowledged that this site was always marked for further built development as a replacement for development demolished during the 1930's and 1960's. The development in a sustainable location and in accordance with relevant local plan and national planning policies in relation to the principle for development on site. The SC Highways Manager raises no objections, subject to a construction traffic management plan and travel plan conditions being attached to any approval notice issued. Also as referred to in paragraph 6.6.3 above the section 106 agreement in relation to landscaping will also need to refer to the taxi drop off and pick up area outside of the building on Barker Street being controlled by way of a Traffic Regulation Order.
- 7.5 Matters in relation to drainage and residential amenity with the attachment of conditions is considered acceptable.

- 7.6 It is considered the development on site will bring about economic benefits and make a positive contribution to the town's overall economic economy, the site forming part of the town centre in what is considered a 'sustainable location' for development as proposed.
- 7.7 Taking all the material planning considerations and weighing them up against the relevant planning policies both in relation to the local plan and national planning policy and guidance, it is considered that the development as proposed is acceptable. It must also be recognised that the emerging Draft Shropshire Local Plan (2016-2038) can only receive limited weight as discussed by the SC Planning Policy in their response to the application as outlined in paragraph 4.9 above.
- 7.8 The recommendation is to delegate approval to the Planning Service Manager subject to a Section 106 agreement in relation to landscaping and the taxi drop off and pick up point as discussed in this report and the conditions as set out in appendix 1 attached to this report and any amendments as considered necessary to these conditions by the Planning Service Manager.

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

- CS1 - Strategic Approach
- CS2 - Shrewsbury Development Strategy
- CS6 - Sustainable Design and Development Principles
- CS9 - Infrastructure Contributions
- CS13 - Economic Development, Enterprise and Employment
Economic Development, Enterprise and Employment
- CS15 - Town and Rural Centres
- CS16 - Tourism, Culture and Leisure
- CS17 - Environmental Networks
- CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD4 - Managing Employment Development
 MD8 - Infrastructure Provision
 MD11 - Tourism Facilities and Visitor Accommodation
 MD12 - Natural Environment
 MD13 - Historic Environment
 National Planning Policy Framework
 Settlement: S16 - Shrewsbury
 SPD Sustainable Design Part 1

RELEVANT PLANNING HISTORY:

22/04028/FUL Proposed mixed use development to include 83 Bed Hotel and 3 No. Retail Units with associated Car Parking and Landscaping WDN 20th October 2022
 PREAPP/22/00730 Change of use of Pay and Display Carpark to proposed mixed use development to include an 83 bed hotel and 3 retail units with associated car parking and landscaping PREAIP 9th January 2023
 23/01422/FUL Proposed mixed use development to include 83 Bed Hotel and 3 No. Retail Units with associated Car Parking and Landscaping PDE

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RSC189TDFWK00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) - Councillor Chris Schofield
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Local Member

Cllr Nat Green

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

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, drawings and documents as listed in Schedule 1 below.

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 development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

4. Prior to development on site details of planting pits, soil volumes and a 5-year management plan will be submitted to the Local Planning Authority and approved in writing with regards to soft landscaping and plantings associated with the development. This will be in-line with BS 8545:2014 "Trees: from nursery to independence in the landscape" recommendations". A specialist company in this field must be employed at an early stage to establish and confirm that the proposed tree planting is feasible in the chosen locations.

Reason: To ensure adequate landscaping in relation to development on site and its setting in the surrounding built environment.

5. No development shall take place until a noise mitigation scheme for any noise emitting plant and machinery, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure no observed adverse effect due to noise from the cumulative impact of any plant and or machinery associated with the proposed development. The approved scheme shall be completed prior to the first occupation of the building and shall thereafter be retained. Before any new noise emitting plant and or machinery is used on the premises other than as provided in the approved scheme, a further scheme evidencing the same matters shall be submitted to and approved by the Local Planning Authority and the approved scheme shall be completed before the plant or machinery is first used.

Reason: To protect the amenity of the area and nearby residential properties

6. Prior to any works associated with establishing A3 use at the premises, details of the extraction system, including noise information of any components (e.g. fans) and details of odour abatement technologies, shall be submitted in writing to the planning authority for approval. The information must show where the extraction system will run including elevation drawings to show termination height. The approved system shall be installed in full and maintained according to the manufacturers' instructions in perpetuity. Approval shall be sought upon each significant change to the type of food being prepared and therefore this condition shall stand as long as A3 use is permitted on this site.

Reason: To protect the amenity of the area and nearby residential properties

7. Prior to the above ground works commencing samples and/or details of the external roofing materials and the materials to be used in the construction of the external walls and roof drainage detail shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory in consideration of the surrounding Conservation Area and setting of listed buildings.

8. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and time scales. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs, and to ensure adequate consideration in relation to the surrounding Conservation Area and setting of listed buildings.

9. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

10. Prior to the commencement of development a Construction Traffic Management Plan/Method Statement (CTMP/MS) shall be submitted to and approved in writing by the Local Planning Authority; the approved details shall be fully implemented and shall remain in force for the duration of the construction period.

Reason: In the interests of local amenity and highway/pedestrian safety.

11. Prior to the development hereby permitted being first brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and this shall be implemented on first use of the site as approved.

Reason: To promote sustainable travel opportunities and reduce car borne travel into the town centre.

Informatives

1. Severn Trent will not permit a surface water discharge into the public combined sewer, and recommend the applicant seeks alternative arrangements - please note, they would insist soakaways and other SUD techniques are investigated before considering a discharge to the public surface water sewer with restricted rates.

It may be beneficial for the Developer/Applicant to make contact with STW and look to submit a Development Enquiry for this development site; this will discuss the drainage proposals for site, and if any issues, look to resolve them. It is best to visit their website:

<https://www.stwater.co.uk/building-and-developing/new-site-developments/developer-enquiry/> and follow the application form guidance to begin this process.

IMPORTANT NOTE: This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

2. Nesting birds

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal and/or conversion, renovation and demolition work in buildings [or other suitable nesting habitat] should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

[Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.]

[If during construction birds gain access to [any of] the building[s] and begin nesting, work must cease until the young birds have fledged.]

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