



Shropshire Council  
Legal and Democratic Services  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Date: Tuesday, 30 April 2019

**Committee:**  
**Central Planning Committee**

**Date:** Thursday, 9 May 2019

**Time:** 2.00 pm

**Venue:** Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting.  
The Agenda is attached

Claire Porter  
Director of Legal and Democratic Services (Monitoring Officer)

**Members of the Committee**

Ted Clarke (Chairman)

Nat Green (Vice Chairman)

Nick Hignett

Pamela Moseley

Tony Parsons

Alexander Phillips

Kevin Pardy

Keith Roberts

David Vasmer

Vacancy

Vacancy

**Substitute Members of the Committee**

Peter Adams

Roger Evans

Hannah Fraser

Ioan Jones

Jane MacKenzie

Alan Mosley

Dan Morris

Lezley Picton

Claire Wild

Your Committee Officer is:

**Shelley Davies** Committee Officer

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Email: [shelley.davies@shropshire.gov.uk](mailto:shelley.davies@shropshire.gov.uk)

# AGENDA

## **1 Apologies for absence**

To receive apologies for absence.

## **2 Minutes**

To confirm the Minutes of the meeting of the Central Planning Committee held on 11<sup>th</sup> April 2019 – To follow.

Contact Shelley Davies on 01743 257718.

## **3 Public Question Time**

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2 p.m. on Wednesday, 8<sup>th</sup> May 2019.

## **4 Disclosable Pecuniary Interests**

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

## **5 The Stew, Frankwell, Shrewsbury - 17/05538/FUL (Pages 1 - 102)**

Proposed refurbishment, extension and conversion of the Stew into 7 no. apartments, office, spa / leisure, coffee shop and garages.

## **6 Car Park, The Dana, Shrewsbury - 18/03206/FUL (Pages 103 - 120)**

Erection of residential building providing ten apartments following demolition of existing prison reception building; formation of associated car parking, cycle parking and shared storage space; landscaping scheme; revised vehicle and pedestrian access.

## **7 Residential Development Land Adjacent Chronicle House, Chester Street, Shrewsbury - 19/01500/FUL (Pages 121 - 144)**

Application under Section 73A of the Town and Country Planning Act 1990 for the erection of a sixth floor to provide a roof top conservatory with glazed ballustrading (revised scheme).

## **8 Proposed Affordable Dwelling South of Woodfield, Cruckton, Shrewsbury - 19/01303/OUT (Pages 145 - 154)**

Outline application for the erection of one (affordable) dwelling to include access.

**9 Maesbrook Nursing Home, Church Road, Shrewsbury - 19/01132/FUL (Pages 155 - 172)**

Erection of first floor extensions to north east part of main building to create additional bedrooms; link corridor to additional bedrooms in roofspace with increase in height of roof and insertion of rooflights (revised scheme to include raise ridge height on approved extension to annex roof with fire escape from new first floor link bridge together with zinc roof line raised).

**10 80 Upper Road, Shrewsbury - 19/00660/FUL (Pages 173 - 180)**

Erection of first floor extension to side over existing garage, alterations to window material to side and rear elevations, addition of dormer window to rear elevation.

**11 Schedule of Appeals and Appeal Decisions (Pages 181 - 212)**

**12 Date of the Next Meeting**

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 6<sup>th</sup> June 2019 in the Shrewsbury Room, Shirehall.

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## Committee and date

Central Planning Committee

9 May 2019

## Item

5

Public

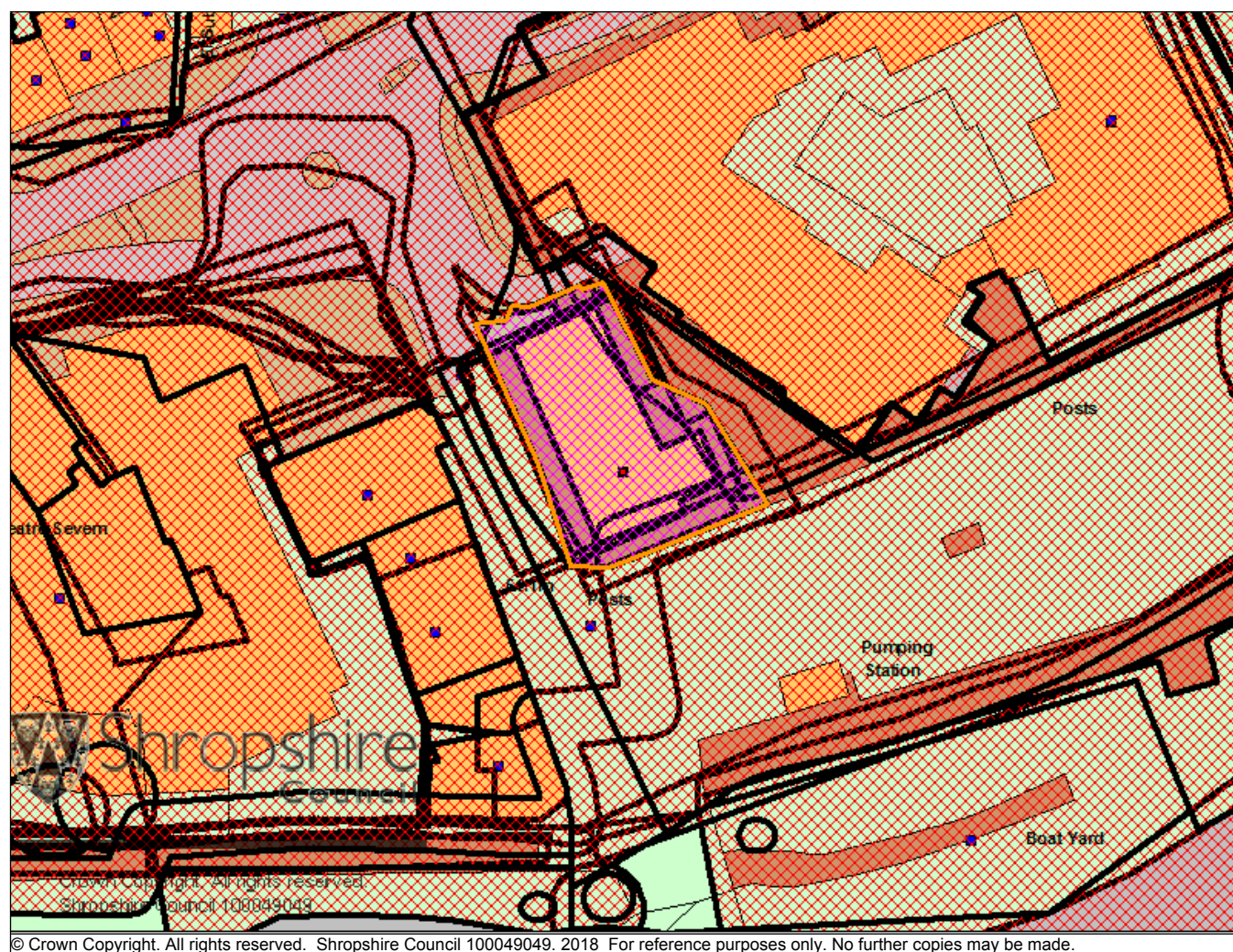
## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 17/05538/FUL	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Proposed refurbishment, extension and conversion of the Stew into 7 no. apartments, office, spa / leisure, coffee shop and garages		
<b><u>Site Address:</u></b> The Stew Frankwell Shrewsbury Shropshire SY3 8JR		
<b><u>Applicant:</u></b> Mr Leese		
<b><u>Case Officer:</u></b> Mandy Starr	<b><u>email:</u></b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	



**Recommendation: - Recommend approval subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The proposal is for proposed refurbishment, extension and conversion of the Stew into 7No apartments, office, spa/leisure, coffee shop and garages
- 1.2 The original plans have been amended following discussions with the agent and applicant. In addition Viability Assessments have been submitted by the applicant and have been analysed by the District Valuation Service.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The Stew lies adjacent to the River Sever at Frankwell Quay side of Shrewsbury within Flood Zone 3. The building is unlisted but is nevertheless considered to be a non-designated heritage asset and it sits in the Frankwell

Quay part of the Shrewsbury Town Conservation Area fronting onto the river. The building has a south/south east orientation and is adjacent to the northern edge of the Frankwell Car Park. Beyond the car park is a Pumping Station and protective flood defence wall in front of the river with a boat yard beyond. To the east of this part of the car park and eastern end of the Guildhall is a pedestrian bridge across the river.

2.2 To the east of the building is a narrow lane which also abuts the Guildhall a modern building which provides accommodation for the University Centre Shrewsbury (part of the University of Chester). To the west and beyond the car park exit route is the historic three storey building of the Glen (The Maltings) and beyond this is the Theatre Severn. Immediately to the north of the Glen is the Theatre's Loading Bay which operates over a 24 hour period. To the north of the Stew building is a roundabout providing access to the loading bay, the Frankwell Car Park and Guildhall underground car park and a public car park.

2.3 The Stew comprises of a part three storey/ part two and half storey and two storey building that is made up to a former 'Merchants House' taking up the northern western element with a warehouse on the back and a warehouse is also attached to the southern end too with a smaller wing facing east. The building clearly shows signs of being extensively altered in the past both internally and externally

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This is a building of historic interest/significance within the town and substantial objections received.

4.0 Community Representations

4.1 - Consultee Comments

#### **SC Conservation & SC Archaeology**

A joint consultation response for conservation and archaeology has been provided.

Amended plans have been submitted that will retain and restore the majority of the former house and southern warehouse ranges including the majority of their roofs whilst adding a four storey extension with a contemporary design.

However the success of the restoration of the historic ranges will be dependent on the use of appropriate materials, building techniques and detailing which will need to be secured by way of pre-commencement conditions.

With regard to the overall scale and size of the extension, the District Valuer's Appraisal of the applicant's Viability Assessment indicates that the proposed development represents the most viable option and in design terms it is considered that the contemporary design would complement and differentiate between the original building and the new additions.

In terms of impact on the Conservation Area, the proposed development would retain and restore a substantial portion of The Stew and ensure that the

significance of this non-designated heritage asset is conserved by the retention of the main elevations and roofs of the historic building and this proposal would retain and preserve the positive contribution this building makes to the character and appearance of the Conservation Area.

As for the impact on the archaeology, a programme of archaeological work including historic building recording prior to any works commencing with a watching brief during demolition works and internal and external works to retained historic ranges and an evaluation following the demolition of the two storey eastern range and further mitigation thereafter as appropriate should be made conditional of any planning permission.

### **SC Ecology**

Recommend conditions and informatives

### **SC Regulatory Services**

Recommend conditions requiring a sound test to be carried out prior to the occupation of the first floor residential accommodation for the gym use and that a Noise Impact Assessment be carried out in respect of the level of mitigation is sufficient to capture the noise from the Loading Bay and road outside of the front of the Stew.

### **SUDS**

The Environment Agency should be consulted on the flood risks and the finished floor level of the development as the fluvial flooding is from a Main River.

### **SC Highways**

No objection subject to the development being carried out in accordance with the approved plans and conditions and informatives.

### **Environment Agency**

No objection subject to conditions and completion of S106 agreement for developer to contribute £10K towards maintaining and operating the Environment Agency's Frankwell Flood Alleviation Scheme and Flood Warning Service.

### **SC Emergency Planning Officer**

Aware that the Environment Agency have a Flood Elevation Scheme in place at Frankwell and on that basis my recommendation would be the following:

- i. Potential residents are made aware of the risk of flooding prior to purchase;
- ii. All purchasers are encouraged to sign up to the EA Flood Warning Scheme for this area;
- iii. An Evacuation Plan is produced and shared with specifically Shropshire Fire & Rescue Service and Shropshire Council Emergency Planning Unit for comment/awareness;
- iv. That the aforementioned Evacuation Plan is given to each of the Residents at the time of sale.

### **Historic England**

*Comments dated 21.02.2019 following publication of the District Valuer's report.*

The applicant has indicated a desire to pursue the current scheme, regardless of the findings of the review of the development viability appraisal. Therefore, given that the building is continuing to deteriorate and that these proposals would result in its repair and bring it back in to use, Historic England does not object to the current application. We thank you for addressing the concerns we have previously expressed, and are happy to defer to the local authority with regard to the details of the proposals.

### **SAVE Britain's Heritage**

The principle of retention and some sympathetic redevelopment is much welcomed, especially in light of earlier proposals for demolition. However, in our view the current proposal falls very short of being sympathetic to the heritage asset, and that the extensive remodelling of the Stew would detract from its significance and that of the conservation area. In accordance with local and national planning policy therefore the proposal should be refused.

### **The Victorian Society**

The Victorian Society adds its objections to those of other amenity societies and Historic England to the current application for the refurbishment, extension and conversion of the Stew, Frankwell Quay.

While the principles of repair and reuse with some adaptation would be broadly acceptable, the current proposals pay little attention to the significance of the Stew or its contribution to the Frankwell Special Character Area of the Shrewsbury Town Centre Conservation Area. We therefore request that the current application is refused, as it fails to meet the requirements of the 1990 Planning Act (Section 72) or of relevant national and local heritage planning policies.

### **The Georgian Group**

#### *Comments made on original plans*

The current proposals do not adequately address the significance of the Stew to the Frankwell Special Character Area of the Shrewsbury Town Centre Conservation Area. Whilst we would welcome an appropriate scheme to redevelop this area, the current scheme is unacceptable.

The replacement roof structure would cause significant damage to the historic building. Greater justification is needed in justifying the detrimental effect on the character of the Conservation Area. Any new addition to a historical building should be subservient to the original fabric. The scale of the proposed extension is too large, and as a result would dominate the original structure. The design of any addition should complement the original fabric, in terms of scale, design and materials. Unfortunately the current proposals fall significantly short in this regard.

The proposed new development would not preserve or enhance the Conservation Area, and as a result we object to the current proposals.

*Comments made on revised scheme*

Whilst we agree with Historic England's comments that the revised scheme is an improvement, the current proposals still do not adequately address the significance of the Stew to the Frankwell Special Character Area of the Shrewsbury Town Centre Conservation Area. We would welcome an appropriate scheme to redevelop this area; however, the current scheme is unacceptable.

Any new addition to a historical building should be subservient to the original fabric. The scale of the proposed extension is too large, and as a result would dominate the original structure. The design of any addition should complement the original fabric, in terms of scale, design and materials. Unfortunately the current proposals fall short in this regard.

The proposed new development would not preserve or enhance the Conservation Area, and as a result we object to the current proposals.

## 4.2

**Representations****Shropshire Fire & Rescue**

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:

<http://www.shropshirefire.gov.uk/planning-applications>

**West Mercia Police***Initial comments*

I comment on this proposal as Design Out Crime Officer for West Mercia Police. I do not wish to formally object to the proposal at this time. However there are opportunities to design out crime, reduce the fear of crime and to promote community safety. Therefore should this proposal gain planning approval the below advice should be considered by the developer.

The applicant should aim to achieve the Secured By Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment. The scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if 'Secured By Design' is implemented. There is a clear opportunity within this development to achieve the Secured by Design award. By doing so it can also address the requirements of the new Approved Document Q.

*Further comments*

Approved Document Q applies to all new dwellings, including those resulting



from a change in use of an existing building, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies to builds within Conservation Areas. Approved Document Q creates security requirements in relation to doors at the entrance to a building, including garage doors where there is a connecting inner door leading directly into the dwelling.

Also included are ground floor, basement and other easily accessible windows; and any easily accessible roof-lights. The requirement is that the product must be shown to have been manufactured to a design that has been tested to an acceptable security standard.

### **Theatre Severn**

#### *Original comments*

We are keen for building to be developed, but The Stew is located next to the Theatre Severn's loading bay which is used both day and night and involves large vehicles moving, being loaded and loaded throughout the night and which is inherently noisy.

Nearest residential property is some distance away, so our activities are not causing a nuisance; however if the Stew is converted for residential use because of its close proximity this would present a considerable nuisance to anyone trying to sleep in building.

#### *Additional comments on revised scheme*

While the redesign relocates the worst affected bedrooms to the far side of the building, we still have concerns about the proximity of the sleeping accommodation to our loading bay and the potential for residents to be disturbed by our normal operations.

Our loading bay is used sporadically. We are required to load and unload large vehicles at any point, 24 hours a day, seven days a week. Loading and unloading flight cases and scenery is inherently noisy.

The design statement does not appear to acknowledge the problems this will cause to residents on the redeveloped building.

Has this been considered? Has there been any detailed assessment of the noise levels we are dealing with? Will the structure be designed to minimise sound transference? Will features such as triple glazing and mechanical ventilation be included in the design?

We are concerned about the likelihood that residents of the Stew will be inconvenienced to the extent that they complain and ultimately to press for restriction to our operating hours. This would present a threat to the theatre's viability. The incompatibility between the residential use of the Stew and the ongoing use of our loading bay needs to be acknowledged and addressed as a design consideration.

## 4.3 - Public Comments

**Shrewsbury Town Council****(12.02.2018)**

The Town Council is generally supportive of the current proposals to renovate The

Stew, retaining as much of the building as possible and creating a use for the building which has been empty for virtually two decades. Members however remain at odds with the contemporary design choice of the additional floor and would look to seeing a more traditional pitched alternative being used.

**(09.08.2018)**

The committee were asked to reconsider the above application due to amended plans received. Members recalled that they were generally supportive of the previous design, but had concerns about the treatment of the top floor and the contemporary nature of the roof treatment they wished to see more of a traditional pitch. Members were unanimously in agreement that these changes did not address any of the Town Council's concerns about the contemporary design of the additional floor and if anything it was a less sympathetic design than the previous iteration. Members remained of the view that a more traditional pitched style would be more appropriate.

**(25.02.2019)**

Members considered the Viability Assessments received at the request of Shropshire Council Planning Department and noted their contents. Members felt that their original objections to this planning application were still valid.

106 responses were received of which 73 object and 33 support the scheme.

The objections can be categorised into the following material planning reasons which are considered in detail in the report:

- ☐ Comments on original design and wider townscape
- ☐ Comments on revised drawings
- ☐ Conservation Area and Non-designated heritage asset issues
- ☐ History of building and Frankwell
- ☐ Change of use
- ☐ Big Town Plan
- ☐ Ecology Issues
- ☐ Economic Considerations
- ☐ Viability Assessment Considerations
- ☐ Car Parking and Pedestrian Provision
- ☐ Theatre Loading Bay concerns
- ☐ Loss of original walls and fabric
- ☐ Concerns raised following District Valuer's report



These comments include comments from the Shrewsbury Civic Society whose submission can be read in full on the Online Planning Register.

The site notice was displayed on 12 December 2017 and expired on 2<sup>nd</sup> January 2018.

## 5.0 THE MAIN ISSUES

- 5.1 Principle of development
  - Sequential Site Assessment
  - History of the site
  - Siting, scale and design of existing building
  - Scale and design of the proposed building and uses
  - Residential Amenity
  - Visual impact
  - Issues raised by the Previous Planning Inspector and Listing Inspector
  - Assessment of Viability Appraisal
  - Impact of proposal on non-designated heritage asset
  - Assessment of proposal on Shrewsbury Conservation Area
  - Flooding and Drainage Issues
  - Noise Insulation and ventilation issues in relation to proposed Gym/Leisure Use and Theatre Severn Loading Bay
  - Car Parking and Highway Issues
  - Ecology
  - Assessment of some of the other comments made by objectors

## 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.

- 6.1.2 The adopted development plan for Shropshire is the Local Development Framework (LDF) Core Strategy, the Supplementary Planning Document (SPD) on the Type and Affordability of Housing and the Site Allocations and Management of Development (SAMDev) Plan. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) are also material considerations

## 6.2 Sequential Site Assessment

- 6.2.1 The sequential test guides main town centre uses towards town center locations in the first instance and then if no town centre locations are available, to edge-of –centre- locations, and, if neither town center locations nor edge of centre locations are available, to out of town center locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.
- 6.2.2 Section 7 of the NPPF deals with Ensuring vitality of town centres. There is a requirement that decisions should support the role that town centres play by taking a positive approach to their growth, management and adaption. There is a requirement that under Paragraph 86, planning authorities “*should apply a sequential test to planning applications for main town centre uses*” which are not in the ‘existing centre’. The guidance stresses that Main town centre uses should be located in town centres, then edge of centre locations.
- 6.2.3 In addition under paragraph 87 there is a need that when considering edge of centre proposals, “*preference should be given to accessible sites which are well connected to the town centre*”.
- 6.2.4 Furthermore both the adopted core strategy CS15 and the SAMDev S.16 require a sequential site assessment to be undertaken for applications for main town centre uses and this requirement is also set out in Section 7 of the NPPF. The aim of the sequential test is to focus new town centre uses within town centres or failing that on the-edge-of-town centres.
- 6.2.5 The delivery of the policy preference for the town centre will rely on a realistic availability of sites and considered alongside the Shrewsbury Vision regeneration and outcomes of reviews to the Shrewsbury Retail Study. These factors will be considered when allocating sites for retail and office development within the SAMDev and applying the sequential assessment of development properly.
- Where sequentially acceptable, the priority for out-of-centre office development will be to locate development within or adjacent to existing business parks
- 6.2.6 It is accepted that it may not be possible to accommodate all forecast needs in a town centre, due to there may be physical or other constraints which make it inappropriate to do so such as the River Severn here. In such circumstances, the Council would need to plan positively to identify the most appropriate alternative strategy for meeting the need for these main town centre uses, having regard to the sequential tests.
- 6.2.7 These tests should ensure that any proposed town centre uses which would not be sited in existing town centres would be in the best location to support the vitality and vibrancy of the town centre and that the use of the proposed building is not likely to result in significant adverse impacts on the existing town centre uses as specified in the NPPF.
- 6.2.8 The Guidance requires that where a proposed use cannot be located in the town centre then it must be considered against several tests:
- i) Has there been due regard to the requirement to demonstrate

flexibility and whether a more central site would be more appropriate? If this could now be achieved then would the site be located in an edge of centre or out of centre location? If the proposal was to locate the use in an edge of centre location the use would need to be in an accessible location that was well-connected to the town centre.

- ii) Is there any scope of flexibility in the format or scale of the proposal and what contribution a more central site would be able to provide?
- iii) If there were no suitably sequential preferable locations to what is now proposed, then the test has been passed.

6.2.9 In response to the requirements, the proposed uses of the Stew that would be relevant to the test would be the office and leisure/health/gym uses, but these two uses would be for limited floor areas; with the office being 56m<sup>2</sup> and the leisure use being 87m<sup>2</sup> against the proposed 7No apartments and 32m<sup>2</sup> of Cafe space. The test requires that if the site is an edge of centre location then it must be in an accessible location and well connected to the town centre. In this case, the application site is defined as being an-edge-of-centre location.

6.2.10 Furthermore even though the proposed uses are also typical town centre uses, due to the limited size of the proposed ground floor rooms this would severely restrict these proposed uses from being viable for town centre businesses who are likely to want larger scale premises, so the proposed uses as considered here would be more appropriate for an edge of town location in this instance.

6.2.11 The Stew is sited just across the river from the main town centre and easily reached by a footbridge into the town centre and an adjacent long stay car park. In addition the site is close to the Theatre Severn which is a defined Town Centre site on its own, as shown on the Shrewsbury S16.1 plan of the SAMDEV.

6.2.12 The building is currently a vacant historical building and this proposal is to convert, refurbish and extend it so that it provides a mixed use that is appropriate for this edge of town location. Moreover due to close proximity of the River and the Flood Zone 3 designation, there can be no residential use on the ground floor and therefore the proposed uses indicated above are the result of a requirement for a viable alternative.

6.2.13 In support of this requirement, the agent has made the following comments:

*“Following your request to submit a sequential test for the ground floor uses on the proposal, I have looked back over our files and determined that the uses proposed are the result of the requirement for a viable alternative to ‘residential use’. We cannot place residential on the ground floor given the limitations imposed by the EA, so the next best alternatives were sought to maximise the potential income and reduce pressure on the amount of new build that is required.*

*If we occupied the ground floor with uses that provided a lower income than the ones that we are proposing, we would need to offset this loss by creating a*

*larger extension, which puts huge pressure on the conservation area concerns, which have been of primary concern during this entire planning process. The proposed extension mass has only just about been accepted.....*

*Therefore we appreciate that the NPPF calls for a sequential test – but given the context of the Stews history and the sensitivities around its redevelopment, the output of any sequential test is inconsequential compared to the weight needed to be given to the conservation area concerns.*

*We also appreciate that the NPPF is seeking to protect town centres in order that they can be sustainable and improve their vitality. It should be noted that we are not offering any primary town centre uses such as A1 retail within the Stew, and the proposed uses fit in well with the area of Frankwell.”*

6.2.14 Taking all this evidence together, it is considered that the sequential test has been passed.

### 6.3 **History of the Site**

6.3.1 The application building is sited at Frankwell to the west of the town centre on the west side of the river. During the mediaeval period, the site lay to the east of hospital of St George and was at the northern end of the original Welsh Bridge known as St Georges Bridge which was sited where the Theatre Severn is now. In the C16 the land where the Stew is sited was known as ‘Stewcroft’. This name could have been a historic reference to the hospital’s former fish ponds or stews. There are other suggestions of the name as it may have come from the local area, being related to separate building albeit connected with the hospital or that it was associated with a bathing place or house.

6.3.2 The oldest part of the building is the early Queen Anne 5 bay red brick and stone quoined C18 house which is typical of broader pattern of rebuilding that took place in Shrewsbury and other examples of this type of architecture survive elsewhere in the Conservation Area. In terms of actual evidence, the earliest map that shows the evidence of the building is that of John Rocque dated 1746, but the building does not exist in an earlier map of 1610 made by John Speed. The building appears in an engraving of the town from 1739 by S & N Buck and there is a further engraving made after a painting by Paul Sandby which is post 1773 all of which show a building in the same general location. Subsequent interested parties have previously disputed that the buildings shown on the engravings are in fact the application house, but the view is taken that there is a component of the Stew which started as a C18 domestic building.

6.3.3 The Stew building now comprises of several other ranges with the range behind the house being in place by 1838 and by the time the first OS map was drawn, it was in its current form by 1882 with the later C19 warehouse added to the river side elevation during the period between 1830 and 1840 and constructed of Baltic Pine timbers. This warehouse is likely to have been used in connection with the river trade up to the 1830s, even though it did not stand

on the Frankwell Quay itself (where the Theatre is now.) Following the opening up of the canal network in 1835 that allowed vessels into the town centre itself, the river trade declined.

- 6.3.4 Furthermore in the later C18 and C19, Frankwell changed and became infamous for densely packed court houses that were packed into the backlands of the original medieval burghage plots that fronted onto Frankwell. A number of industries operated from Frankwell such as maltsters. Indeed, following the decline in the river trade after 1835 resulted in changes in the use of the area, this prompted changes in the use of the Stew too which continued to reflect the wider industrial character of the area. By the middle of the C19, the building was being used by maltsters and seed merchants. However this use changed in the latter part of C19 for the manufacturers of waterproof wagon covers, rope and other industrial woven goods and this evidenced by the painted signage on the northern half of the north-east elevation. The building was subsequently extended again on the frontage of the former dwelling in the 1930-1940s, but this extension was demolished in the early 2000's thereby revealing the earlier core of the building.
- 6.3.5 The Sales Particulars from the former Shrewsbury & Atcham Borough Council (SABC) dated 2004 indicate that the property has a floor area of 825m<sup>2</sup> and was available for either sale or rent with offers over £400,000 invited. It was described as a substantial three storey building of traditional brick with a pitched tiled roof. It had been used as a warehouse and latterly as a furniture sale room. The building was in a shell-state ready for occupation and refurbishment to suit occupier's requirements.
- 6.3.6 Information in the particulars states that were the property to be sold with vacant possession as a Long Leasehold Sale of 999 years, the vendors would still require to exert a degree of control over the future use and ongoing condition of the building and this would be enforced. Clauses in the lease included conditions to ensure that the building should be put into good repair and uses may be restricted to certain operations and that the Council's activities must not be compromised by use of the building and that there are conditions for the maintenance of any shared access. Short term contract car parking at Frankwell may be available to occupiers of the refurbished building by way of a quarterly licence. When the Particulars were drawn up the Stew's rateable value was assessed as £9,900, but following any refurbishment work it would be re-assessed accordingly.
- 6.3.7 The property was situated in an area that had been identified as an 'opportunity site' in the then Local Plan. Possible uses could have included "employment, entertainment, residential, hotel/leisure and retail and/or restaurant purposes". The Stew is within the Frankwell Conservation Area but is not a listed building it is however considered to be a non-designated heritage asset. The building was operating as a furniture auction sale room – as a '*sui generis*' use. Uses that SABC would have considered appropriate were offices, medical consultancy, restaurant, retail etc or conversion into dwellings.
- 6.3.8 The applicant purchased the lease on this property by way of an agreement dated 2<sup>nd</sup> December 2004 on a leasehold basis from 14 February 2006 with a

total purchase price of £450,000. However the building has now been empty for a number of years and is beginning to deteriorate both internally and externally.

#### 6.4. **Siting, scale and design of existing building**

6.4.1 As indicated above, the Stew comprises of what was a C18 merchants house with a later warehouse range added to the back and then a further one to the south which is higher than the existing house and rear range. In addition at the rear of the east elevation nearer the Frankwell car park end is a pitched roof two storey wing

#### 6.4.2 External appearance

##### 6.4.2.1 *Former House element on Western Elevation*

The former house is a 5 bay single pile range of two storeys with attics in the roof space and is constructed of handmade red bricks in a Flemish bond with distinctive stone quoins on the north west corner of the building and more to south east corner although these are less prominent and has a plain tiled roof. The principle elevation faces west and it would have had side gables to the north and south. On the frontage are two sets of rusticated stone quoins which are mostly evident apart from being painted over on the side where the house is adjoined to the C19 warehouse. There is also the remains of a simple stone band-course at first floor level but this does not extend right across the frontage anymore

6.4.2.2 There is little evidence of any original openings at ground floor as the existing obvious openings include two doorways that have been bricked. One is flush with the frontage and the other set back. There is also a smaller window opening in a bricked up opening with a curved brick arch which has also been boarded up

6.4.2.3 There is however evidence of 5No rubbed flat arch heads at first floor indicating the position of the former sash window openings, but all the openings have been bricked up and are flush with the frontage, bar the central window which has been partially replaced with a plank door and the opening number four to the south which has been boarded up with the remains of a glazed window above.

6.4.2.4 Above the first floor lintels are several courses of original brickwork with evidence showing where the former corrugated iron roof was attached. Above this are the original eaves of the house with its steeply sloping 53 degree tiled roof with 3No large rooflights illuminating the three attic rooms. The rear roof slope is shallower at 42 degrees.

6.4.2.5 Both the ground and first floor elements of the frontage show the remains of white paint suggesting that this was an internal wall for what was flat roofed addition that was added in the middle part of the C20. This had large square Crittal windows and included large doors leading into the building. Between the ground and first floors of this addition was sign written on the south elevation '*Auction and Sales Centre*', indicating its former use; whereas to the

north were individual letters reading '*Holland Broadbridge Auction and Sales Centre*'. This addition was removed in the early years of this century.

- 6.4.2.6 Notwithstanding the alterations that have taken place on the west elevation, it is clear that the front of the house has retained strong evidence of its original features.

6.4.2.7 *North Gable End*

On the north elevation of the building, the distinctive pitched roof of the former house presents a distinctive feature along with solid brick chimney stack that is one of the two corner fireplaces of the original dwelling. There are several openings on this gable end associated with the house. The two white painted timber windows are for first and attic floors and are casement windows not sashes. One is centred below the gable and a second and wider one is centred above two ground floor openings that provide the current access into the building.

- 6.4.2.8 The eastern side of the stack forms the junction between the rear elevation of the former house and the later C18 range that was attached to this wall and provided a narrow three storey ware house. Timber handing doors are a feature of the ware house gable end with a Lucum roof above. Beyond this is a windowless brick elevation and sloping roof. Like the frontage of the building, there are areas of white paint over the brickwork. The paintwork for the house element is just below the first floor casement whereas for the warehouse end, the paintwork extends up to the attic floor.

6.4.2.9 *East Elevation Warehouse Elevation*

The east elevation of the building has a more uniform appearance associated with its industrial past with three storeys of smaller casement windows. There are also two blocked up doorways at ground floor and two green painted doors at first floor. There is also partial white paintwork indicating that there was a secondary building to the north east of the main structure at an earlier period too which has now gone with a timber structure projecting off this elevation suggesting that this may have held some machinery in the past. The roof slope at the northern end is shallower than the former house being 30 degrees which is the same as the pediment over the C19 warehouse.

- 6.4.2.10 Written in large white painted letters on a black background over the brickwork above the C18 range is the original signwriting advertising '*Potter Bros Waterpr....*', the latter text being painted over. At ground floor there is evidence of render being added to the lower courses in places indicating evidence of damp. There are several door openings at ground level too.

- 6.4.2.11 Closer to the southern end of this elevation is a three storey elevation of the C19 warehouse which has slightly larger windows opening compared to the C18 warehouse behind the former dwelling and which still retain their original glazing.

6.4.2.12 Attached to the C19 warehouse is a two storey brick built outshot. This is clearly a later addition in that it abuts the brick arches of the nearest openings that comprise of a door and first floor window even though the brickwork matches that of this range and it also includes a black painted strip that would have related directly to the sign writing on the southern gable of the building. All the window openings in this projection have been bricked up apart from the east gable window opening which is boarded. There is evidence of original sign writing on the southern and east walls with the words 'Haulage Merchants' being just above visible.

6.4.2.13 *The Southern Elevation*

The southern elevation of this C19 warehouse provides the Stew's most prominent feature that of the classical style pediment with shallow slopes of some 30 degrees which is visible in both Frankwell and from Smithfield across the river. This distinctive gable end still retains its white painted brick walling and two bay arrangement right across the depth of the building and it higher than the ridge height of the former dwelling so is the prominent view. Furthermore the windows in this gable have been retained with glazing. The ground floor ones which are deeper and are boarded up but like the upper windows, the curved timber arches above the windows and projecting cills can be seen.

6.4.2.14 Like the east elevation of the building, there is clear evidence of the original sign writing. Between the ground and first floors is a large dull blue strip with the wording '*Holland Broadbridge*'. Signwriting in the pediment reads '*Frankwell Works Established*'. It would appear from a newspaper advertisement of the time that the rest of the wording was sign written on this gable end and said '*1855, Potter Bros, Makers of, Waterproof sheets &*' Two more features of this advertisement are the two chimney stacks that are from the former house element of which the central one is much higher than the northern end one.

6.4.2.15 *West Warehouse Elevation*

This C19 warehouse is attached to the former dwelling element being adjoined adjacent to the stone quoins. This elevations also exhibits strong symmetry typical of a Victorian industrial building. Either side of the block up timber loading bays for each floor and which retains its lucum roof are matching single bricked up windows for each floor too with engineering brick curved arches and cills.

6.4.2.16 Like the other elevations of the former dwelling and earlier warehouse, white paint extends between the second and third floors where there is clear evidence that this frontage became an internal wall for the Auctioneers. Indeed there is clear evidence of part of the return wall of this extension visible between the ground and first floors of the right hand bay.

6.4.2.17 *Other External Features*



6.4.2.18 Finally, there are a number of drain pipes on the building of which there is one positioned on the front wall of the dwelling element and several of them appear to be causing issues with rising damp as can be seen from the lower courses of the brickwork around the building especially as is hard surfacing around the building. In addition, there is a slight slope from the car park side of the building to the north. The building is currently enclosed on all sides by Heras Fencing. There is a kerbed footway and other hard surfacing around the site that takes account of the slight change in levels from the south to the north of the site. On the north gable there is some limited hardstanding due to the kerbed curve of the road which runs between the Stew and the adjacent building known as the Guildhall.

6.4.2.19 *Adjacent Buildings*

6.4.2.20 This a large modern red brick and slate roof courtyard building that is occupied by the University of Chester as their Shrewsbury Campus. This three storey building with accommodation in the roof space sits on the other side of the shared access to the east of the Stew. There are a number of windows that face directly towards the Stew as well as the entrance to the underground car park near the northern end of the building. A number of architectural details on this building pick up design features from the Stew including window arrangement, detailing and a modern take on the Lucum roof where there are oversailing roof treatments. The Guildhall is sited quite close to the northern end of the Stew but is angled away towards the southern end of the building. There is a shared surface between the two buildings which can be opened up for loading purposes at the southern end where the existing bollards can be lifted here.

6.4.2.21 In front of the southern gable end is a yellow boxed area and car park barrier restricting any parking right in front of the building. The same applies on the west elevation too as there are double yellow lines just beyond the formal hard surfacing and bollards as this is the exit from the car park, Marina and the Maltings leading up to the mini roundabout that also provides the access to the Frankwell Long stay Car park which has its exit route in front of the Guildhall and the Stew.

6.4.2.22 On the other side of the car park exit is the Maltings a historic building of similar age to the Stew constructed of brick with white render and painted brickwork facing onto a large area of hardstanding immediately beyond which is the Theatre Severn Loading Bay. Vehicular access is permanently required to the Loading Bay to allow the Theatre to operate over a 24/7 period throughout the year.

6.4.2.23 The Theatre itself is an amalgamation of large new buildings and an old Chapel and has a distinctive red brick flat roof fly tower that stands proud of the rest of the building.

6.4.2.24 Internal arrangements

6.4.2.25 There have been some changes inside but the basic layout survives as the

house floors are intact as well as the internal brick cross walls and beams as do chimney breasts in the former house element. The staircase leading from the entrance on the north side of the building also survives leading up to the first floor of the dwelling. A second staircase from the warehouse at the rear also survives leading to the second floor. Access to the attic accommodation is via a further staircase on the first floor. These two staircases provide access to rest of the warehouse accommodation too including the ground and first floors of the projecting two storey wing.

- 6.4.2.26 Apart from the supporting beams, there is also evidence of timber roof detailing in the warehouse section but it is noted that some of the original ceilings have been removed and there are large holes in the lath and plaster of the second floor ceiling of the house element that has allowed pigeons to roost here. The egress of birds and water from poorly maintained internal drainage has allowed material damage to the inside and outside of the building.

## 6.5 **Scale and design of the proposed building and uses**

### Relevant Guidance and Policies

- 6.5.1 In terms of national guidance significant weight needs to be attributed to the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).
- 6.5.2 The NPPF is to contribute to the achievement of sustainable development. The policies set out in paragraphs 7 to 217, taken as a whole constitute central Government's view of what sustainable development in England means in practice for the planning system. There are three dimensions to sustainable development which require to the planning system to perform a number of key roles in terms of economic, social and environmental objectives.
- 6.5.3 Economic objective  
The economic objective which the planning system must perform includes contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and by identifying and co-ordinating development requirements including the provision of infrastructure.
- 6.5.4 Social objective  
The social objective that the planning system must perform including supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the present and future generations and by creating a high quality built environment with accessible local services that reflect the communities needs and support its health, social and cultural well-being
- 6.5.5 Environmental objective  
The environmental objective which the planning system must perform includes contributing to, protecting and enhancing our natural, built and historic environment and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

- 6.5.6 Section 12 of the NPPF deals with ‘Achieving well-designed places’ also reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness. There is also a requirement that developments should be “*visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*”

#### Adopted Shropshire Core Strategy

- 6.5.7 Policy CS1 This deals with the Strategic approach for the County and sets out the overall targets for different developments by accommodating investment and new developments with the aim to make the area more sustainable. Shrewsbury is the sub-regional centre and Shropshire’s growth point for retail, office and employment development and will accommodate some 25% of the residential requirement over the Plan period.
- 6.5.8 Policy CS2 Shrewsbury has its own Development Strategy to provide a comprehensive and co-ordinated approach to planning and development which is encapsulated by the Shrewsbury Vision (an unadopted document) integrates elements of housing, economic , transport , community and environmental policy in order that the town would achieve a significant level of housing and economic growth linked with infrastructure improvements whilst protecting and enhancing the town’s role, character and unique qualities of its historic and natural environment
- 6.5.9 In addition, in recognition of the special character of the town and its particular environmental challenges, development of the town will have regard to flood risk management and enables development appropriate to the flood risk as well as to the promotion, conservation and enhancement of the town’s natural and historic features, heritage assets and environmental quality including the corridors of the River Severn and the town centre.
- 6.5.10 With regard to the environment, the protection and enhancement of the town’s historic character and heritage assets including the extensive conservation area focussed on the town centre will be required to ensure that the development of Shrewsbury maintains its high quality of life and environment and these are key themes of the Shropshire Sustainable Community Strategy and the Shrewsbury Vision.
- 6.5.11 Policy CS6 which deals with sustainable design and development principles states that development should conserve and enhance the built, natural and historic environment and be of an appropriate scale and design taking into account local character and context. It also needs to take into account the health and wellbeing of communities including safeguarding residential and local amenity and that development is designed to a high quality consistent with good practice standards including appropriate landscaping and taking account of site characteristics and ground contamination.
- 6.5.12 Policy CS8 Facilities, Services and Infrastructure Provision seeks to ensure that development of sustainable places in Shropshire have safe and healthy

communities including the encouragement of infrastructure such as CIL and also affordable housing contributions where required.

- 6.5.13 CS9 'Infrastructure Contributions'. This policy also deals with CIL and affordable housing contributions with the appropriate levels of contributions set out in the SAMDev or in the Community Infrastructure Levy Charging Schedule at a level that is economically viable for the majority of development and this is assessed regularly to reflect changes in market prices, costs of construction and alternative land values over time.
- 6.5.14 Policy CS11 deals with the Type and Affordability of Housing which seeks to ensure that there is a mixed and diverse range of accommodation by way of seeking to ensure that all housing development is designed to be capable of adaption to accommodate lifestyle changes to achieve the Lifetime Homes Standard and ensuring that all open market housing makes the appropriate contributions to the provision of local needs affordable housing having regard to the current prevailing target rate set out in the Shropshire Viability Index and the viability of developments taking into account the requirements of Core Strategy Policy CS9. The Type and Affordability of Housing SPD is also relevant here.
- 6.5.15 Policy CS13 Economic Development, Enterprise and Employment. This policy seeks to support enterprise and deliver sustainable economic growth and prosperous communities. The policy also seeks to ensure that the business investment recognises the economic benefits of the County's environment and quality of life as unique selling points which need to be valued, conserved and enhanced. There is a need to promote a sustainable pattern of development in line with the spatial strategy means that much of the economic development takes place in Shrewsbury and the Market towns.
- 6.5.16 Policy CS15 Town and Rural Centres. In this policy, development and other measures will maintain and enhance the vitality and viability of town centres and within the context of the strategic approach (Policies CS1-CS5) support the delivery of appropriate comparison and convenience uses such as offices and leisure facilities. In accordance with national policy and having considered the requirements of the sequential and impact assessments (if applicable) town centres will be the preferred location for new retail, office and other town centre uses.
- 6.5.17 Within Shrewsbury there is a need to support a balanced approach to the planned level of housing and employment growth for each town; positively contribute to the mix and diversity of uses within town centres without undermining their primary retail function and support the appropriate re-use or regeneration of land and premises. Shrewsbury being the strategic centre will be the preferred location for major comparison uses attracting large numbers of people and so there is a requirement for 20,000m<sup>2</sup> gross floor office space provision between 2006 and 2026. In delivering these targets and in following the sequential approach to site selection, priority will be given to identifying and delivering edge of centre development as in the case here.

- 6.5.18 The Shrewsbury Place Plan is also relevant here in terms of management of flooding and wide town centre issues.
- 6.5.19 In addition to supporting Shrewsbury's wider growth priorities and where sequentially acceptable, edge of centre locations close to the town centre which offer opportunities for beneficial redevelopment of sites will be encouraged  
Shropshire Sites Allocations and Management of Development (SAMDev) Plan
- 6.5.20 MD1 Scale and Distribution of Development. This policy sets out where the pattern of new housing development will be within the County; namely Market Towns and other Key Centres, Community Hubs and Community Clusters and areas where exception schemes for local needs housing is acceptable.
- 6.5.21 MD2 deals with Sustainable Development. This requires that for a development to be considered acceptable it must achieve local aspirations for design in terms of visual appearance and how a place functions as set out in local community led plans and it must also contribute to and respect local distinctive or valued character and existing amenity value by a number of specific criteria such as responding to the form and layout of the existing development and the way it functions including building heights, lines, scale etc. It must also reflect local characteristic architectural design and details. There is also a requirement to consider the design of the landscaping which responds to the local character and context of the site
- 6.5.22 MD3 Managing Housing Development provides part of Shropshire's local planning framework for the delivery of housing. The policy should therefore be applied alongside other policies of the adopted Local Plan (Core Strategy and the SAMDev Plan) in meeting the total housing requirement of 27,500 dwellings over the plan period. The policy applies to all types of housing development, including market and affordable housing, as well as dwellings for agricultural, forestry and other essential countryside workers.
- 6.5.23 MD4 Managing Employment Development. This policy deals with the management of a portfolio of employment land and premises to maintain a reservoir of available sites. Employment development will be delivered by permitting proposals that are sustainable development and suitable small scale sites such as what is currently proposed here and would need to be compatible with the adjoining proposed uses and would satisfy the relevant settlement policy and accompanying development guidelines.
- 6.5.24 MD8 deals with Infrastructure Provision. In relation to existing infrastructure, development should only take place where there is sufficient existing infrastructure or where the development includes measures to address the specific capacity which it has created or which is identified in the Local Development Framework Implementation Plan or Place Plans. Where critical infrastructure shortfall is identified, appropriate phasing will be considered to make development acceptable. Furthermore development will be expected to

demonstrate the existing operational infrastructure will be safeguarded so that is continued operation and potential expansion would not be undermined by the encroachment of incompatible uses on adjacent land.

6.5.25 MD13 deals with the historic environment. This requires that all of the County's historic assets should be conserved, sympathetically enhanced and restored by considering their significance in terms of a heritage asset as well as ensuring that the social or economic benefits of the development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset or its setting taking into account the degree of harm. There is also a need to encourage development which delivers positive benefits as set out in the community led plans.

6.5.26 Settlement Policy S.16 is linked with Policy CS2 which is the broad development strategy for Shrewsbury, so that applications for development and re-development that accord with Strategy will be encouraged on suitable sites, such as employment land and residential development. New housing will be allocated on existing brownfield and windfall land as well as the allocated housing sites.

A key area of change is the 'Heart of Shrewsbury' where proposals for new development and redevelopment and enhancements should have regard to the principle priorities and objectives of the Shrewsbury Vision as appropriate and should aim to:

- i) Provide a sustainable and complementary mix of retail, community, employment and residential uses
- ii) Support economic and community development
- iii) Protect and enhance heritage, environmental and conservation assets.

The Stew is considered to be sited in the 'Heart of Shrewsbury' where there is a requirement to;

- i) Renew areas of relatively poor environment and greater potential such as Frankwell;
- ii) Reduce the impact of traffic and congestion such as Frankwell
- iii) Building strong, high quality public realm and links between spaces particularly for walking routes and bridges
- iv) Enhancing the role of river and access to it
- v) Unlocking the potential for some vacant and underused buildings.

6.5.27 Within Settlement Policy S.16, there is a need to provide 6,500 dwellings by 2026 and up to 2018, As of 31 March 2018 sites with planning permission or prior approval was 2,789 in Shrewsbury and the Council has a 6.78 years supply of deliverable housing land against housing requirement within the adopted Core Strategy and 8.87 years supply of deliverable housing land against the housing need identified against the Government's standard methodology. There is a requirement that 60% of them should be on

previously developed land. It is also acknowledged that both the River Severn and landscape considerations will act as constraints on residential development. As for employment land, there is a requirement to provide 90ha by 2026 due to Shrewsbury's continued growth as a sub-regional centre

6.5.28 There are allocated key areas for change in Shrewsbury including in the Heart of the Town which has been subject to major studies and consultations such as the Shrewsbury Vision and the Shrewsbury Big Town Plan.

6.5.29 Dimensions of the building

6.5.30 The application is for the conversion and alterations of the existing building including the removal of the two storey east facing wing and the erection of a four storey rear and side addition. This would provide 7No apartments, 6No car parking spaces, a coffee shop, an office, spa and sauna and a gym/therapy room. No residential accommodation can be provided at ground floor because of the flood risk, so the apartments are arranged over the three upper floors of the extension and the first and second floors of the existing building.

6.5.31 The measurements of the footprint as indicated in the Sales Particulars for the Lease indicate that the building would be 8.98m by 24.08m.

6.5.32 The existing building has a variety of different eaves and ridge heights with the former dwelling being the lowest building. This has an eaves height of 6.8m when viewed from the west and 7.3m when viewed from the north. The ridge measures 10.3m from the west side and 10.7m from the north side.

6.5.33 The rear warehouse elevation has eaves of 9.7m and a ridge of 10.8m high whereas the C19 warehouse is taller at 12.9m high when viewed from the east side and 11.5m when viewed from the south. This change in levels is due to the slight drop in the ground level to the east. The eaves are 8.9m high when viewed from the west elevation and 9.7m high when from the east side. There is a secondary two storey wing which has a ridge of 7.3m high and eaves of 5.4m.

6.5.35 Views of the Stew from the north show that the gable end of the dwelling element does not have symmetrical roof slopes; in that the west facing roof slope has an angle of 58 degrees, whilst the rear roof slope is shallower at 37 degrees and it adjoins the substantial chimney stack. This is further attached to a small flat roofed element above the Lucum hood, beyond that is warehouse roof slope of 30 degrees.

6.5.36 There is a marked change in roof heights and design between the C18 warehouse addition and the later C19 version which has a distinctive symmetrical pediment of 28 degrees. Beyond this end of the building is the slightly later two storey wing which has eaves of 5.4m and a ridge of 7.3m. This has roof slopes of 30 degrees.

6.5.37 According the Agent, the building has an internal floor area of 699m<sup>2</sup> and the site area is 0.027ha in total.

The Original Scheme

- 6.5.38 The original submitted plans proposed a totally different roof treatment compared to the current scheme. These original plans indicated that the fourth floor would have extended right across both the top of the house and the C19 warehouse to give a 'penthouse suite' effect with the distinct elevations forming a zig-zag pattern across the roof.
- 6.5.39 In addition the proposed roof treatment of the entire extension would be provided by two shallow concave roofs. Although the original ridgeline of the merchant's house would have been retained, the proposal did not include the re-instatement of the 3No dormers, as it now proposed. Instead 5No oversized single light windows were to be inserted above the parapet of the house in a grey zinc steeply sloping roof below the top floor element.
- 6.5.40 Another feature of this original design would have been the curved projecting balconies that would have been attached to the former taking-in doors of the warehouse that have resulted in the top floor balcony over-sailing the lower ones to overhang the highway.
- 6.5.41 As for the southern elevation, although the brickwork would have been stripped of its paintwork as is proposed under this current revised scheme, the strong architectural feature of the pediment would have been materially diminished by way of the concave roof extension was to have been sited behind this prominent feature and in addition the large scale floor to ceiling windows would have been totally out of character with it too. Furthermore the submitted plans did not make it clear how the pediment would remain intact either, once the rest of the pitched roof was removed to facilitate the fourth floor addition here.
- 6.5.42 There was a further objection and that was that the new extension to the east of the warehouse would project further forward leaving the southern gable end as a recessive feature and a poor relation to the proposed development.
- 6.5.43 The roof design by way of its total dominance of both the Merchant's House element and the roofscape of the warehouse would have had a serious detrimental effect on the character and appearance of this non-designated heritage asset in this part of the Frankwell Conservation Area and moreover the design features proposed were not typical of older buildings on this side of the river and such a design would have seriously harmed the significance of this asset and the character and appearance of the conservation area too. As a result, the agent was advised that this scheme would be refused unless it was redesigned to provide a design that included the retention of the pitched roofs of Merchant's House and C19 warehouse.

#### Revised Plans

- 6.5.44 The revised plans were submitted last summer. Unlike the previous scheme the fourth floor would be restricted to the extension element instead with a limited floor area. This would therefore ensure that the roof spaces of the Merchant's house and C19 were retained intact and the fourth floor element would have a recessive appearance. Views of the box addition with its thin lined roof would be further limited due to the use of dark coloured wall cladding
- 6.5.45 In terms of the height of the proposed extension compared to the existing building, whilst the existing ridge lines would be retained as existing, the four storey extension would be higher and would project above the existing building



when viewed from a distance. The two duplex upper floors would have a roof height of 2.6m and be some 14.3m above ground level. It is also noted that there are different roof heights for these floors. The ground floor element would have a height of 2.3m high, that of the first floor would be 2.9m high, the second floor would be 2.6m high and the third floor 2.1m high, but because of the duplex arrangement this accounts for why the fourth floor would be 2.6m high. The scheme also includes balconies on all four elevations with the most significant balcony area for the fourth floor which would help to decrease the visibility of the box like appearance of this floor.

6.5.46 Externally, apart from the renovation changes that are proposed along with the four storey side extension, there are no other changes to the actual footprint of the building as the revised plans show that apart from the renovation changes that are proposed to the existing building; the proposed four storey side extension (that includes the provision of 6No covered car parking spaces and an enclosed bin store), that a separate bin collection point would be created on the north side of the building. Access to the car parking areas would be via the existing shared adopted highway access to the side of the building between The Stew and The Guildhall. It is acknowledged that accessing these spaces will be fairly tight and this would appear to have been compensated by the design of the doors that are double width instead of single bays so that only 3No doors are proposed here instead of 6No individual doors.

6.5.47 This shared access road was to have originally included space for a refuse lorry to park, but with the allocation of the bin storage area to the north of the building, it would appear that there is no longer a requirement for large vehicles to park outside of the elevation. However suitable arrangements will still be needed for emergency services to access the communal hallway and stairs here that are sited on this side of the building.

6.5.48 The proposed floor areas of the different uses are as follows:

Ground floor

Office - 56m<sup>2</sup> –

Spa/Sauna Room - 20m<sup>2</sup>

Gym/Therapy Room - 38m<sup>2</sup>

Reception Area - 29m<sup>2</sup>

Coffee Shop - 32m<sup>2</sup>

Total floor area for commercial use 175m<sup>2</sup> including total leisure facilities of 87m<sup>2</sup>

Toilet, changing rooms, Bin Store for the storage of waste and recycling bins, lift and access to staircase to upper floors

6No Car parking spaces.

6.5.49 The **office use** would be contained in the ground floor of the former dwelling. This will involve the opening up of two windows either side of the front door with new sash windows. A glazed door would be inserted as the entrance door. On the north elevation, the existing floor to ceiling commercial doors and windows would be removed and the walling re-instated with a triple light side

window on the same alignment as the first floor window above. The chimney stack on this elevation would remain. The office would also provide welfare facilities – a kitchenette and by opening up a small length of the south side wall of the former house to provide a single WC in what was to have been one of the changing rooms to be provided in the C19 warehouse element. The office use would be operational from 0700 to 1800 throughout the week.

- 6.5.50 The elevations of the former dwelling and warehouse would be restored by removing the remains of the white painted brickwork. As for the dwelling element on the west and north elevations this would also involve the infilling of part of the north elevation to replace the former shop windows, the reinstatement of the stone quoins, string course and opening up the original window openings to allow for 12No pane sash windows to be inserted with the appropriate return and detailing. At roof level, the 3No rooflights would be removed and replaced with double casement dormers that would be centrally positioned to align with the central front door.
- 6.5.51 Turning to the proposed **Gym/Therapy Room** of 38m<sup>2</sup>, this would be sited in the south east corner of the former C19 warehouse element. It would be quite a deep room that would extend nearly right up to the former party wall of the former dwelling and utilize the existing window in this southern gable end that is currently boarded up
- 6.5.52 To the west of this room would be the **Spa and Sauna** room of 20m<sup>2</sup> which would be sited in the southwest corner of the C19 warehouse. Two windows are proposed here facing each direction. The existing south elevation window would be refurbished with new glazing and a new window would be inserted in the west elevation.
- 6.5.53 Access to these leisure facilities would be via a central doorway which is currently blocked up on the west elevation of the warehouse and would lead to a **Reception, a WC and two changing rooms**. There would be a fire exit leading to the rear of the building where the lift, communal stairs and enclosed bin storage space is as well as the staff access into the Coffee Shop. Apart from the central door way, one of the changing rooms would have the other window in this range. It should be noted that all of the ground floor windows for this end of the buildings would have internal louvered shutters for privacy behind the timber replacement windows. It is intended to operate this leisure facility from 0600 to 2200 hours seven days a week.
- 6.5.54 The proposed extension would add a narrow extension of 1.6m to the original warehouse wall behind the dwelling element. This would then provide **4No garage parking spaces** which would have a depth of 5.1m and be 2.5m wide in this section of the building.
- 6.5.55 Beyond the Car Space No 4 would be the main door access for the communal staircase and lift shaft. This use and the **Bin Store and the two further car spaces** for Units 5 and 6 and the **Coffee Shop** would be contained in the larger element of the proposed extension where the existing two storey range is sited and will be demolished. The **Bin Store** would provide space for the commercial waste as well as recycling space for the residential units. This tapering slightly offset extension would have a depth of 13.9m and widths

ranging from 7.2m to 8m at its widest point. . The extension would also project beyond the original gable end by some 2.8m and be set away from the corner by 900mm. This set back from the original south east corner would be 500mm thereby retaining the integrity of corner of the building intact. This also means that the width of the building on the south elevation would be 7.3m.

- 6.5.56 The **Coffee Shop** would have glazed floor to ceiling elevations on all three elevations. The hours of opening given in the application form indicated that this would be open from 0700 to 2000 hours, seven days a week. In terms of employment, the application form states that there would be 12 full time staff and three part time for all of the commercial uses.
- 6.5.57 First Floor
- Flat 1 – 117m<sup>2</sup> – 2 bed apartment – 4 bedspaces  
 Flat 2 – 98m<sup>2</sup> – 2 bed apartment – 4 bedspaces  
 Duplex 1 (ground floor) - 86m<sup>2</sup>
- 6.5.58 The first floor would comprise of two flats being provided within the original floor layout building plus a narrow addition for Flat 1, whilst Duplex 1 would be above the Coffee shop, two parking spaces and bin store. Duplex 1 as its name suggests would be arranged over two floors.
- 6.5.59 **Flat 1** would be laid out across the former first floor dwelling element and the rear warehouse section and would include the narrow east facing extension beyond this that would add a further 1.7m by 10.5m giving a floor area of 17.8m<sup>2</sup> onto the original rear wall of the building. This extension would mean that the original staircases in this rear warehouse section would be removed, but the original loading bay opening would be retained as a window for the ensuite for Bedroom 1
- 6.5.60 The accommodation would provide an open plan layout for the kitchen, dining room and living area that would face primarily west over the Theatre Severn Loading bay and the Maltings. A new north facing window would be inserted in the north wall of the former dwelling return wall that would match the replacement window that is to be inserted below. The two bedrooms and the hall and bathroom would face east. The new windows on this side would include French doors leading out onto the escape balcony, a 900mm floor to ceiling window for Bedroom 2 and an expanse of floor to ceiling glazing that would wrap around the east and part north elevation for Bedroom 1 which would include a small balcony area that would face north of 1000mm x 1600mm that could provide emergency access if a flood event were to occur. An angled balcony area with a depth of 2.6m by 11.5m would be provided off the hall that would taper off towards north east corner of the building. This balcony is essentially the main emergency access balcony as it would provide an escape gate in the event of flooding.
- 6.5.61 **Flat 2** would be entirely incorporated into the C19 warehouse element. Access would be off the communal staircase. Like Flat 1 it would provide a two bedroom apartment. However, bedroom 2 would face west and bedroom 1 south. The open plan kitchen/dining/living area would face both south and west

and have three windows including a balcony of 1700mm x 700mm to replace the original first floor loading bay.

- 6.5.62 **Duplex 1** would fit into the south eastern element of the four storey extension. Like the Coffee Shop, parking area and bin store below, this ground floor part of Duplex 1 would mirror the extended footprint and comprise of a WC and utility room off the hall and staircase to the second floor which would lead into a large open plan living/dining/kitchen area that would have an outlook over three directions; namely west, south and east. Again floor to ceiling glazing and timber/zinc cladding would be employed on all elevations. A balcony of 800mm x 3800mm is proposed to be sited on the south east corner of the building.

6.5.63 Second Floor

Flat 3 – 117m<sup>2</sup> – 2 bed apartment – 4 bedspaces

Flat 4 – 98m<sup>2</sup> – 2 bed apartment – 4 bedspaces

Duplex 1 (first floor) – 86m<sup>2</sup> – 3 bedrooms – 6 bedspaces

- 6.5.64 Like the first floor, the second floor would provide 2 further 2 bed apartments and the bedroom accommodation for Duplex 1. This would provide 14No bed spaces arranged as 7No double bedrooms and be reached by the communal staircase and lift and as before have a similar tapered balcony area on the east side. From the submitted plans, it would appear that Flat 1 would provide the access for all of the flats to access the emergency exit in the event of a flood.

- 6.5.65 **Flat 3** would be sited above Flat 1 and provide the same layout too with the bedrooms facing north and east and a similar tapering east facing balcony with access from French Windows off the hall. The living and kitchen areas would also have 2No rooflights to be inserted in the rear roof slope of the former dwelling.

- 6.5.66 **Flat 4** would be over Flat 2 and also provide the same floor layout as below. However due to the position of the roof above, there would be provision of a rooflight in the hall to add additional light to this enclosed space and also the ensuite shower room for bedroom 1.

- 6.5.67 The **first floor of Duplex 1** would provide three double bedrooms and three ensembles and bedroom 1 would also have a dressing room too. Unlike the matching window patterns for Flats 1, 3 and Duplex 3 which show identical glazing and cladding positions, the east elevation for Duplex 1 on this floors shows an offset window for the bedroom 1. Bedroom 2 would also have a balcony of the same dimensions as below.

6.5.68 Third Floor

Duplex 2 (ground floor) - 88m<sup>2</sup> - 2 bedrooms – 4 bedspaces

Duplex 3 (ground floor) - 56m<sup>2</sup>

- 6.5.69 **Duplex 2** would be housed in the third floor of the proposed extension and would provide two bedrooms off the hall plus ensembles which would lead towards the southern end of the extension where the kitchen/dining area would be. Stairs would lead up to the floor above. A matching balcony like the ones below would be provided for the dining room.

- 6.5.70 **Duplex 3** would be housed in the third floor of the former C18 warehouse plus the narrow extension as before. Off the communal hall would be an

enclosed room for the emergency generator in the event of a flood event. A similar balcony to the floors below would be provided along the eastern elevation. On this floor, the accommodation would provide a hall, WC and staircase up. This would lead into an open plan kitchen/dining/living area. 3No rooflights are proposed on the west side of the accommodation as the kitchen would not have a window.

#### 6.5.71 Fourth Floor

Duplex 2 (first floor) – 47m<sup>2</sup> – 1 bedroom – 2 bedspaces

Duplex 3 (first floor) – 38m<sup>2</sup> – 2 bedrooms – 4 bedspaces

6.5.72 **Duplex 2** would be reached by way of its own staircase below. Unlike this floor below, it would have a much smaller floor area, thus leaving a large open plan balcony area wrapping around three sides to the east, south and west. The depth of the balcony to the east would be 1200mm and to the south would be 3m by 7.3m (not including the projecting balcony) and to the west it would be 1800mm at its widest. Access to this balcony would be via a single door near the top of the stairs. Apart from the south facing living room, the third double bedroom would face east. An ensuite is also proposed too. Between the living room and bedrooms would be a study with a single floor to ceiling window facing south. The Duplexes will have flat roofs unlike the rest of the building and in the case of Duplex 2 include large expanses of floor to ceiling glazing on the east and south elevations.

6.5.73 **Duplex 3** on the other hand would be over its ground floor as well the communal staircase too. 2No double bedrooms are proposed with ensuites and its private balcony would be off the landing on this floor. This unit would also have a wraparound balcony to the west and north elevations of this floor. It would have a depth of 2300mm to the west and abut against the rear facing roof slope of the former dwelling and 1100mm to the north. A privacy screen would need to be inserted between the Duplex 2 and 3 and also along the western boundary of the balcony to limits views into Flat 3's living area. The north west corner of the balcony would abut the existing chimney stack on the north side of the former dwelling and this would be retained in situ.

6.5.74 Unlike the flat units below there would be no access to the communal staircase from these upper floors as their only staircases would be from their ground floors. This applies to the lift too which has reduced part of the floor area of Duplex 2.

6.5.75 The Nationally Described Space Standards 2017 set the minimum size standards for residential accommodation. In this case, for a two bedroom/four bedspace flat the minimum floor area would be 70m<sup>2</sup> and of that the floor area for a double bedspace ( double room) would be 11.5m<sup>2</sup> and have a width of 2.7m for the main bedroom and 2.5m for the other bedrooms. Flats 1, 2, 3 and 4 all comply with these standards.

6.5.76 The Duplex units are slightly different in that a two storey/ 3 bedroom/6 bedspace units should have a floor area of 102m<sup>2</sup> arranged over two floors

and they are still required to have 11.5m<sup>2</sup> floor areas. Duplex 1 complies with these requirements as does Duplex 3.

6.5.77 Duplex 2 is a three bedroom unit with a floor area of 135m<sup>2</sup> which is above the 102m<sup>2</sup> National Space Standards limit. Two of its double bedrooms would be on the ground floor of the duplex with the third one over. The proposal is for 6No bedspaces. Due to the configuration of this accommodation, two of the double bedrooms are slightly smaller than the minimum floor area of 11.5m<sup>2</sup>. However in the case of Bedroom 1, this could be remedied by moving the proposed built-in wardrobe to another wall and in the case of Bedroom 2 it is only minimally smaller.

6.5.78 Proposed materials

6.5.79 In terms of materials, the former painted brickwork would be restored as would the stone quoins, the string course and the windows opened up to provide 12No pane sash windows along with restored arches and cills. Replacement casement windows are also proposed to the north and south elevations

6.5.80 The roofs of the existing buildings are both plain clay tiles and slate and these materials would be retained on the existing house element and C19 warehouse too. To the rear and side of these buildings it is proposed to provide a single ply membrane roof with a thin PPC aluminium edge detail.

6.5.81 The ground surfacing materials for the balconies would be limestone paving and the balustrading and the emergency gates would be constructed of frameless glazing to a height of 1100mm.

6.5.82 It is proposed to infill areas of brickwork to the north where the former shop front was with new brickwork and to replace the painted brickwork with new brickwork and a mixture of burnished copper cladding, grey zinc cladding and render which is to be added to the east facing elevation. Full details of these materials will be required by way of conditions.

6.5.83 As for the windows joinery, new timber sash and casement windows would be inserted in the existing window openings, whereas PPC aluminium windows are proposed for the new build element of the proposals.

6.5.84 In order to achieve the required internal ventilation system, there is a need to provide acoustic ventilators which will need to be inserted into the principle elevation of the former Merchant's House. A specification and a drawing of the ventilators and cast iron grill have now been submitted.

## 6.6 **Residential Amenity**

6.6.1 Policy CS6 of the Core Strategy and Policy MD2 of SAMDev indicates that development should safeguard the residential and local amenity

6.6.2 The Stew is currently empty but it has a large number of existing window openings on all four elevations, but the building has not been occupied since planning permission was granted to use the Guildhall for the change of use (apart from part of the first floor to be retained for Shrewsbury Town Council

Offices as a B1 use) from other offices use to non-residential educational (D1) use associated with the University of Chester Shrewsbury Campus that was granted under 15/000160/COU on 28 September 2015.

6.6.3 The Guildhall on this side is mostly two storeys high with accommodation in the large sized roof space, but the north eastern end is much higher than the south western end near the car park. There is a large scale window with briese soleill above the entrance to the underground car parking area. Further along this elevation are various windows and roof lights. There are also steps on side and a large gable with further briese soleill arrangement picking up design features such as the hoist lofts of the Stew building. There are some 4 windows facing the Stew at first floor and large window openings at second floor as well as rooflights.

6.6.4 The range that faces on the eastern side of the Stew is Block C which comprises of a number rooms including teaching rooms, meeting rooms and shared serviced offices.

6.6.5 In addition, it is important to note that the Stew whilst aligned in a north/south direction, it is most closely related to the Guildhall near its north eastern corner compared to the south eastern corner of the site due to fact that this part of the Guildhall is positioned at an angle along this side.

6.6.6 There is currently a separation distance of 5m between the corner of the Stew's C18 warehouse and side wall of the Guildhall and this would be reduced by some 1600mm from the four storey extension that is to be sited here.

6.6.7 There is however a greater separation distance between the existing side elevation on the southern eastern corner of some 18.6m, but again this distance would be reduced due to the 8m wide extension to be added here, thus reducing the separation distance to some 10m. As a result, it is acknowledged that there would be material interlooking between the two buildings which would be greater on the north eastern end where the bedrooms for Flats 1, 3 and Duplex 3 are located

6.6.8 Were this part of the Guildhall providing residential student accommodation, then the close proximity of the proposed new bedrooms would be wholly unacceptable in this location, but the University occupy this building for a D1 use only and therefore Officer's consider that with the use curtains and blinds by users of both buildings this would reduce the loss of amenity that would be experienced here.

6.6.9 A further issue is that of the potential for some loss of light to the west facing windows of Block C from the additional storey on the extension. However the fourth floor does not extend right to the edge of the building as its northern elevation would be set in from the end of the north gable by 1800mm, so this would lessen the potential loss of light that would be experienced from this side of the Stew where it would be closest to the Guildhall.

## 6.7 **Visual Impact**

6.7.1 Section 12 of the National Planning Policy Framework 2018 which deals with

‘Achieving well-designed places’ also reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness. There is also a requirement that developments should be *“visually attractive as a result of good architecture, layout and appropriate and effective landscaping.”*

- 6.7.2 CS6 of the Core Strategy deals with sustainable design and development principles states that development should conserve and enhance the built, natural and historic environment and be of an appropriate scale and design taking into account local character and context. It also needs to take into account the health and wellbeing of communities including safeguarding residential and local amenity and that development is designed to a high quality consistent with good practice standards.
- 6.7.3 Policy CS17 deals with Environmental Networks and is also concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire’s built, natural and historic environment and it does not adversely affect the values and function of these assets.
- 6.7.4 Whereas under SAMDev MD2 which deals with Sustainable Development requires that for a development to be considered acceptable it must achieve local aspirations for design in terms of visual appearance and how a place functions as set out in local community led plans and it must also contribute to and respect local distinctive or valued character and existing amenity value by a number of specific criteria such as responding to the form and layout of the existing development and the way it functions including building heights, lines, scale etc. It must also reflect local characteristic architectural design and details. There is also a requirement to consider the design of the landscaping which responds to the local character and context of the site.
- 6.7.5 MD13 deals with the historic environment which is relevant here. This requires that all of the County’s historic assets should be conserved, sympathetically enhanced and restored by considering their significance in terms of a heritage asset as well as ensuring that the social or economic benefits of the development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset or its setting taking into account the degree of harm. There is also a need to encourage development which delivers positive benefits as set out in the community led plans.
- 6.7.6 As part of the agent’s Conservation Statement he has stated that in respect of the revised scheme that he acknowledged that following the submission of the original drawings which had shown a concave roof arrangement over the existing and proposed building and which were found to be unacceptable, various design reviews took place which concluded that there were three key elevations that were important; the north, west and south elevations and roofs and that all of the elements of the Stew were in the same alignment in an approximate north/ south direction.



- 6.7.7 Further consideration was undertaken that would now ensure that the proposed drawings would seek to retain the angles of the original roofscape that would then allow the extension to be sited on the eastern side of the building, but at the same time ensuring that the position and massing of the proposed extension was carefully minimised to limit the impact on the area
- 6.7.8 There are two main elements that have influenced the visual impact are firstly, the proposal involves the renovation of the existing buildings which would result in both the original Merchant's house and C19 warehouse elements of the building becoming more dominant in the street scene compared to the current situation. In doing so, the upgraded elevations would ensure that the overall building would materially enhance the north, west and south elevations of the building; however this renovation has to be considered against the markedly different appearance that the four storey box-like addition would provide to the south and east elevations of the Stew and that would give the appearance of infilling the gap between it and the Guildhall.
- 6.7.9 The works to restore the original appearance of the Mansion House and C19 warehouse are to be welcomed as is the design amendments to retain the existing roof line details of both of these buildings too.
- 6.7.10 Moreover it is also important to note that the proposed north elevation as shown on Dwg No BA1638 P008 Rev E suggests that the extensions to the east side of the building would be immediately visible from the roundabout and beyond, whereas in reality, part of the projecting wing of the Guildhall would obscure some of the addition when viewed from this side and the proposed addition also increases in width southwards, so the narrowest part of the extension is adjacent to the north gable end, so the proposed extension would actually appear to be more recessed than this drawing suggests. The same applies to the full extent of the massing of the fourth floor which would not be fully visible from the ground either.
- 6.7.11 As for the southern elevation, unlike the previous drawings, the pediment of the C19 warehouse would remain intact and connected to the existing pitched roof of warehouse. The revised plans show that proposed extension would be attached to the east wall of the warehouse and although at four storeys high, the upper floor of Duplexes would be set back from these original roofs. These design features along with the irregular window and cladding pattern do not seek to imitate the original strong window pattern that exists elsewhere on this building thus ensuring that extension is read as modern addition to the building instead.
- 6.7.12 Furthermore the offset, re-orientated and slightly projecting glazed link of the extension that would be built off the south east corner of the former warehouse which would use full height glazing arranged over all four floors would also provide the necessary separation distance to ensure that this proposed extension would be of an acceptable design, so as not to materially harm the visual amenity of the Stew.
- 6.7.13 It is also acknowledged that this proposal would have some impact on the Guildhall appearing to close off the separation distance between the two buildings when viewed from the car park, but as the proposal would be a light-

weight glazed box structure, that would provide an extension that did not try to mimic either the rest of the Stew or the Guildhall, but would remain as a distinct entity that would be in scale with both existing buildings and thus not result in a detrimental impact to the visual amenity of the area.

- 6.7.14 Another important view is that from the footbridge spanning the River as this affords wide views of the Guildhall, The Stew, Maltings and the Theatre Severn beyond. Due to the alignment of the Guildhall at a different angle to The Stew and its distinctive over large gable design, the Stew is not read as an isolated building when viewed from the footbridge but is viewed against the backdrop of the larger Guildhall, so although the addition of the glazed extension would project slightly forward of the south gable end here, this element would not detract from the overall appearance of the extended property.
- 6.7.15 In addition, the agent originally submitted a Conservation Statement (using the Prince's Trust Regeneration Guidance) to compare the existing building and the original proposal for the floating concave roof design. The overall conclusion of the existing building considered its setting, building structure, Community Value and its retention and enhancement of the significance of the building was calculated as being minus 3. This means that the current building has a negative impact on the area.
- 6.7.16 The original scheme was analysed and the total marks for the improved building is given as plus 5. Indeed the agent considered that the scheme would create a unique building by providing a new architectural approach that had not been seen before so both the conversion and restoration of the Stew would provide a new chapter for this historic building.
- 6.7.17 This document has now been updated to reflect the proposed revisions to the scheme. In particular, the agent states that the roof line on the western side with a contemporary interpretation to the east which would be concealed from view from the quay side by the existing roof geometry which would still allow for the legibility of the original form. He goes onto say that *"the relationship between the historically restored façade and the contemporary roof will clearly inform the view of a sequence of adaption that the building has experienced."* The impact rating will still be plus 5.

## 6.8 Issues raised by the Previous Planning Inspector and Listing Inspector

- 6.8.1 The outline application 13/02708/OUT was for the demolition of the existing building and the construction of a new hotel, spa and restaurant. The matters of **access, appearance, layout and scale** were considered at this time with the landscaping reserved for future consideration.

The application was refused for the following reasons:

1. The Council is of the opinion that demolition of The Stew (even as a non-designated heritage asset) would cause substantial harm to the character and significance of the Conservation Area (a designated heritage asset) which would not be outweighed by the benefits created

from the development of an additional hotel on the edge of the town centre. Accordingly the proposal is contrary to Shropshire Core Strategy Policies CS6 and CS17, the National Planning Policy Framework and the Planning Policy Statement (PPS) 5: Planning for the Historic Environment PRACTICE GUIDE (Revision Note June 2012).

2. In the absence of additional information in respect of the impact on the proposed development on bats it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010) and is contrary to Shropshire Core Strategy Policy CS17.

- 6.8.2 With regard to the *edge of town centre location*, it was agreed that the proposed site was suitable on a sequential basis for the location of the hotel
- 6.8.3 The Inspectors report is long and very detailed as to why the proposal was unacceptable. The issues were discussed under a number of headings. The relevant issues for this current case are that the appeal site is within Frankwell Special Character Area of Shrewsbury Town Centre CA. The demolition of the building means that this scheme was required to take account of the s72 (1) of Planning (Listed Buildings & Conservation Areas) Act 1990 as amended which states that “*with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*”
- 6.8.4 The Inspector considered that the main issue was whether the proposed development would preserve or enhance the character or appearance of the Conservation Area.
- 6.8.5 The Inspector noted that the Shrewsbury Conservation Area was extensive and included the historic core of an important market town that was contained in the loop of the river and ranged from mainly medieval dwellings to C19 suburbs. It also had a historic street pattern and a range of listed and unlisted buildings as well as modern buildings that reflect Shrewsbury as a military, administrative and commercial centre. There were a number of ‘handsome’ buildings from C18 that promoted the town as a ‘*desirable place to live.*’
- 6.8.6 The Conservation Area is divided into Special Character Areas and the Stew is in the Frankwell Special Character Area and is situated to the north west of the historic core of the town and the opposite side to the town centre. This had resulted in varied style, forms and materials of historic buildings as well as the successful integration of the some more modern buildings.
- 6.8.7 She also stated that the “*significance of Conservation Areas includes a splendid array of diverse mainly historic buildings and spaces, their relationships with one another and the important specific contribution of each of the special character areas which together illustrate its gradual development as a nationally important and outstanding historic settlement.*”
- 6.8.8 The Inspector then discussed the Frankwell Special Character Area in more

detail. This area is a part-river edged suburb that is accessed by the Welsh Bridge and via two footbridges. Historical evidence indicates that in the 1600's commercial activities included barges unloading wine, tobacco, fruit and dyes onto the Quay. Wool was also a main source of income and the navigable river allowed the easier transport of goods into the town so Frankwell became known as the 'Little Borough'. It later became an 'industrious working class suburb' with typical industries associated with market towns such as malting's, brewing, wool industries, tanning, nail making and cargoes were being stored in warehousing. There was also evidence of 'noisy and polluting trades'.

- 6.8.9 Notwithstanding the arguments put by various interested parties during the Appeal, the Inspector took the view that regardless of when the river trade started to decline, due to the close proximity of the river to Frankwell Quay, this feature was an important to its *'early growth as a commercial and industrial suburb.'*
- 6.8.10 The Inspector also noted that several of the older commercial and industrial buildings in Frankwell Quay have been replaced by the two large buildings of the Guildhall and Theatre Severn. Nevertheless the Stew and the Maltings were *'important as reminders of the former commercial and industrial area'*.
- 6.8.10 The Inspector noted that building styles were variable but certain features such as *"shallow pitched Welsh slate roofs, steeply pitched dormers and skyline features such as gables, chimneys... complement the consistency in scale and massing of the older fabric which contributes positively to the character of the historic townscape."*
- 6.8.11 She went onto note that the Conservation Area had two key architectural styles those of the mainly C16 and C17 timber framed buildings and in the later C18, the use of handmade brick.
- 6.8.12 With regard to **The Stew**, she took the view that that the position of the Stew in relation to the Guildhall and the Maltings and the river *"in those views the form and features of The Stew and its open siting near the river, contribute to that perception that it is a historic warehouse with a connection to the river."*
- 6.8.13 The building was described as a three storey pitched roof structure with a broadly 'L' plan footprint with two parallel ranges and south facing range of roughly the same width as both of other ranges. There was also a two storey outshot to the east elevation. It was clear that the building had been constructed in stages with the north west range being constructed as a house which was then extended to the rear and that a later attached warehouse to the south was added with the outshot at a later date. She took the view that sometime during the C19, the merchant's house was converted into the wider industrial building.
- 6.8.14 The Inspector noted that The Stew *'illustrates the process of development, because although the house range can still be made out, its functional character and appearance are mainly those of an early to mid C19'*

*warehouse.”*

- 6.8.15 In particular, the design of the building with its plain brick walls, mainly slate roofs and the window pattern with the regularly spaced small segmented headed window openings as well as the taking-in doors with lucams are considered to be important to the buildings commercial and industrial appearance. Other features that the Inspector considered were important were *“the use of robust traditional materials, strong gabled forms, simple alignment, and straightforward detailing and features are important to its historic functional character.”* She also acknowledged that the later flat roofed addition to the front had left some marks on the building – notably the paintwork and blocked up windows – but that the historic character and appearance had been retained.
- 6.8.16 The Inspector went into further detail about the house element of The Stew. She described it as a brick built 5-bay two storey plus attic house. Although the building had altered and blocked historic openings on the West wall, the flat arched rubbed headers remain extant. There are other features such as the stone quoins, plinth and string course and coped gables which gives the building the flat symmetry of a typical early to mid-C18 dwelling.
- 6.8.17 The house element currently had a plain tiled west facing roof slope with 3No rooflights, but these replace what would have been original dormers. It was acknowledged that internally little of the original layout remained apart from the 3-cell layout and the two chimney breasts. Nevertheless the Inspector took the view that The Stew had *‘an overall robust functional character in views from the nearby roundabout’* and that the *‘scale and form of the former house’* was clear
- 6.8.18 She also made the point that the principle elevation of the house faces onto the Maltings and noted that its *“simple gabled form, use of materials, features, broad symmetry and domestic scale are important to its character as a once handsome historic dwelling.”* This is an important point as the frontage has been altered during the C20, but its *“character and fabric can be readily interpreted”*. Furthermore, *“its scale, form, features, alignment and materials contribute positively to its appearance.”*
- 6.8.19 Consideration was also made regarding the conflicts between the appellant and other interested parties on whether the conversion of the house and its industrial extensions had happened after the river trade had declined as it was suggest that without that link, this property would then just be another industrial building and have less merit. However the Inspector was satisfied with submitted information and was able to conclude that it was likely that the NE range dated from 1820-1830 and the south range from 1830-1850 and could have been there since 1835.
- 6.8.20 The issue of the River Trade was also considered with documentary evidence being supplied to the Public Inquiry. It was established that the building of the new Welsh Bridge appeared to reduce the amount of river trading upstream of it. Indeed the area in front of Stew and Maltings is indicated as being reclaimed land which allowed for new buildings such as the Maltings to be erected in the early C19; even though the quay element had moved further downstream.

Unlike the Maltings, The Stew is clearly further back from the river bank, but it still would have had an elevation facing onto the river frontage and this could have given the occupier a commercial advantage. In addition access to the river was maintained with a public road leading down to the river and this is still 'in situ' today

## 6.9 **Assessment of the Viability Appraisal**

6.9.1 In the previous appeal, the Inspector had noted that because the Stew is a non-designated heritage asset, there would be a need to ensure that a balanced judgement was required to have regard to the scale of any harm or loss and the significance of the Heritage Asset. However as that proposal was to demolish the Stew altogether, its entire significance as a non-designated heritage asset would have been lost as would have been the buildings positive contribution to the character and appearance and significance of the designated heritage asset of the Conservation Area itself.

6.9.2 Therefore any proposal that would “*cause less harm to The Stew than a complete demolition would be more likely to conserve the non-designated heritage asset in a manner appropriate to its significance,(the) viable use of The Stew is capable of being relevant.*”

6.9.3 This important issue is therefore relevant in considering the viability of the current proposal as submitted and whether the enlarged building and restoration of the existing building would harm the significance of this non-designated heritage asset and whether it would preserve or enhance the character and appearance of this part of the Shrewsbury Conservation Area.

6.9.4 This requirement is set out in the statutory guidance of s72 of the LBCA which advises that the Optimum Viable Use is the one that is likely to cause the least harm to the significance of the asset, so it is also important to consider whether the viability of this current proposal would cause more or less harm to the designated heritage asset of the Shrewsbury Conservation Area than the previous proposal to demolish the building and replace it with a hotel.

6.9.5 When the previous scheme was considered at appeal, the applicant was required to provide a viability assessment. This is because under Paragraph 134 of the earlier Framework, there was a need to assess whether a proposal that may or may not lead to less than substantial harm to the significance of a designated heritage asset such as the Conservation Area would be acceptable in terms of the harm to that asset and that this harm would need to be weighed against the public benefits of the proposal that would also need to include whether the proposal had secured its optimum viable use. (This wording has now been updated under Paragraph 196 of the updated Framework).

6.9.6 Paragraph 131 was also relevant of the older Framework in that it required that:

*a) the desirability of sustaining and enhancing the significance of the 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 viability; and*

*c) the desirability of new development making a positive contribution to local character and distinctiveness.*

(This paragraph has since also been replaced with Paragraph 192 of the updated Framework).

6.9.7 The Inspector stated in her decision letter the following relevant paragraphs: Paragraph 114:

*“At application stage, the Residents’ witness put in 3 sketch schemes for options on the re-use of The Stew. These and a further option for student accommodation on the upper floors and a restaurant on the ground floor have been considered by the appellant’s costs and valuation witnesses. Fitting out costs would be depended on specific proposals for specific developers, so they were not included in the cost estimates. Also the appellant’s purchase costs and developer’s profit were not included in the valuations. Whilst the cost estimates give a feel for costs for these particular schemes, and the significant negative valuations for all of them are noted, each would achieve a finished building of pristine appearance which would not be necessary to at least preserve the character or appearance of the Conservation Area”.*

6.9.8 Paragraph 115 states:

*“By contrast, on the basis of the appellant’s costs witness’s data, it was agreed that the structural repairs would cost in the region of £200,000. With the coming of the University Centre to the Guildhall and the post-recession upturn in the market, other uses for The Stew could come forward. However the appellant’s costs and the valuation witnesses have not carried out feasibility studies for other options for The Stew that would cause less harm to the significance of the designated heritage asset. So taken together, the other matters raised by the appellant, including the structural, costs and valuation evidence, attract very little weight.”*

6.9.10 With regard to this current application for extensions to the Stew, two Viability Assessments have been submitted. The second one was required because of the revised designs had been submitted and it was considered important to take account of these changes in an updated Assessment.

6.9.11 The agent was also asked to allow for the two Viability Assessments to be made public during the processing of this application. However the applicant has stated that neither of these Viability Assessments should be made public because these documents give all the detailed build costings and a detailed assessment of the predicted final capital values of the proposed development and to release this information would compromise the applicant’s ability to obtain competitive tenders for the work and also compromise the applicant in being able to market the development once complete.

6.9.12 Viability and decision taking is set out under the National Planning Practice

Guidance. This states that where viability is required in decision taking such as where the deliverability of a development may be compromised by the scale of planning obligations or other costs, then a viability assessment is necessary. The particular circumstances of the site would inform whether such an assessment is necessary and the proposed development in question

6.9.13 A site is normally viable if the value generated by its development exceeds the costs of developing it.

6.9.14 The agent has also provided additional information as to why the Viability Assessments are not being made public:

*“.... client has submitted two reports, the latter was an extract of the first. In essence it has used the Executive Summary from the main report and cited the predicted profit/loss figures of the options considered. In summary this report demonstrates that the proposed development is only viable with the extra floor.*

*Unfortunately you will recognise though that both aspects of the viability report have been completed by Chartered Surveyors, both of whom have previously completed work for the Council. The detailed build costs have been obtained from the Building Cost Service, are reflective of the local market and the average cost per/ft2 of the developments reflects industry standard rates. Equally the predicted capital values are based upon the local market and have been provided by a prominent local Valuer who has considerable experience.*

*We note that no other similar Council's release viability assessments as part of planning applications and therefore can see no valid reason why Shropshire would need to do so. All of the information that you have requested within your email is contained within the report. Equally you will recognise that we have previously supplied similar assessments as part of the Public Inquiry into a range of options that Mr Napier and the Civic Society put forward as viable alternatives, demonstrating that they yielded considerable losses.*

*In terms of a land value, you will note that the Viability Report has assumed that the site has a **NIL** land value, consequently the predicted profit/loss figures are the actual profit/loss predicted from the development. This approach is one endorsed by the Princes Trust and actually Historic England in their documents on enabling development. However you should recognise that the predicted profit figure of 6% is considerably below that typically anticipated for a viable scheme of 15 to 20%.*

*You should note that the viability appraisals have not included the CIL costs for the development. The predicted profit figure detailed in the viability report of 6% is below that typically accepted (15% to 20%) and consequently our Client requests that the Council consider this in the CIL determination.*

6.9.15 The Council considered that it was essential that the Viability Assessments were assessed by an independent Assessor and this has been done by the District Valuation Office. The reports from the later Assessment has now been published and deals with three different options of which Option 1A refers to the revised plans that were submitted last year.



- 6.9.16 Option 2 was for the conversion of the existing buildings and the demolition of the two storey annexe and the replacement of the northern half of the eastern façade to provide ground floor offices, reception, gym and parking spaces and use the first and second floors to provide 3 x 2 bedroomed apartments on each floor.
- 6.9.17 Whilst Option 3 was to comprise of alterations and refurbishment of the existing building to create offices on the ground floor and to provide 2 x 2 bedroom apartments on each of the first and second floors so 4 units in all.
- 6.9.18 It should be noted that neither of these other options were submitted as part of this current application and neither were any plans for these uses either.
- 6.9.19 The District Valuer required additional information from the Council in order to consider the Assessments. This additional information is set out below:
- a) There is no requirement for any affordable housing as the total number of dwellings would be less than 10 which is the cut off limit for requiring an Affordable Housing Contribution. Moreover the property has been leased to the applicant on a long 999 year lease and therefore the tenure of the dwellings is leasehold not freehold.
  - b) The only contributions would be £10,000 of which £5k would be to maintain the Environment Agency's flood defences in this part of Frankwell and the other £5k would provide an early warning system for occupiers of the commercial units of the building of a flooding event.
  - c) The timescale for the contribution for the flood defence scheme to be paid would be subject to liaison with the Environment Agency for specific times of when such monies would be required but it is envisaged that the contribution would need to be provided within 5 years of the commencement of the development
  - d) Regarding the last existing use of the property. This was granted under SA/96/0338 for the change of use of ground floor to auction room. The building at that stage was known as the former 'Laurences Furniture Showroom'. Permission was granted on 22 May 1996. It was subject to four conditions including one dealing with hours of operation (Condition 3) and one referring to the public address system (Condition 4):

*Condition 3*

*The premises shall not be open to the public between the hours of 2100 and 0800 Monday to Saturday and at no time at all on Sundays. Reason: To protect the amenities of the occupiers of the nearby residential properties.*

*Condition 4*

*Any public address system or other amplified sound equipment shall be operated so as to ensure it is not audible at any adjacent premises. Reason: To safeguard the amenities of the occupiers of adjoining residential properties.*

It is therefore our view that the building has a mixed use incorporating retail, warehouse (A1/B8) and auction room (Sui Generis).

- e) The District Valuer requested that consideration be given to what would the Council consider appropriate with regard to any alternative uses if were the proposed residential use not to go ahead and whether residential use is acceptable in principle regardless of the current scheme?

- 6.9.20 There was no objection to the provision of residential accommodation here provided that it is all at first floor and above and that suitable flood risk measures are included in the development that would provide a dedicated escape route from the residential units to a safe space away from the river side as can be seen on the attached first floor layout plan that shows the position of the balcony escape route.
- 6.9.21 Another requirement of any residential use would be the need for appropriate sound attenuation to provide satisfactory sound proofing to the building in terms of providing adequately insulated walls and double or triple glazed replacement sash windows for the Mansion House elevation that would face onto the Loading Bay of the Theatre Severn and this would need to be conditioned accordingly
- 6.9.22 As for other uses in the building if the residential use were not to go ahead, then as it already has a mixed use, these existing uses could continue but there could be other uses ranging from A2 to A5 that may also be appropriate too. Student Accommodation may also be acceptable as a C2 use subject to the fact that there can be no residential use below First Floor because of the flood risk. There could also be some D1 potential uses here such as a gallery or museum use too.
- 6.9.23 However, one critical consideration is that, because the building has been vacant for so long and is now showing clear signs of deterioration, any new development should seek to provide the best economic return. At the same time this has to be balanced against the requirement that the final uses should seek to ensure that as much of the of the original buildings is retained so as not to result in an determinant impact character and appearance of this part of the Conservation Area, thus causing an unacceptable level of harm to a designated heritage asset.
- 6.9.24 The District Valuation Service (DVS) Report
- 6.9.25 Firstly the applicant's Valuation figures were considered and this was followed by the calculations by the DVS. In addition the S106 contributions have also been factored in for all three units by the DVS.  
For ease of reference, there are certain terms that need to be explained.
- 6.9.26 Firstly, the Gross Development Value (GDV) is made up of the sale of the open market apartment units and the investment sale of the commercial units on the ground floor which have been valued using the rent and yield approach.

The National Planning Practice Guidance (NPPG) states that:

*“On an individual development, detailed assessment of Gross Development Value is required. On housing schemes, this will comprise the assessment of the total sales and/or capitalized rental income from the development. Grant and other external sources of funding should be considered. On retail and commercial development, assessment of value in line with industry practice will be necessary.*

*Wherever possible, specific evidence from comparable developments should be used after adjustment to take into account types of land use, form of property, scale, location, rents and yields. For housing, historic information about delivery rates can be informative.”*

6.9.27 Secondly, Construction Costs (CC) are measured using the Gross Internal Floor Area but is inclusive of external costs. The NPPG states:

*“Assessment of costs should be based on robust evidence which is reflective of market conditions. All development costs should be taken into account including:*

- ▣ build costs based on appropriate data, for example that of the Building Cost Information Service;*
- ▣ abnormal costs, including those associated with treatment for contaminated sites or listed buildings, or historic costs associated with brownfield, phased or complex sites;*
- ▣ infrastructure costs, which might include roads, sustainable drainage systems, and other green infrastructure, connection to utilities and decentralized energy and provision of social and cultural infrastructure;*
- ▣ cumulative policy costs and planning obligations. The full cost of planning standards, policies and obligations will need to be taken into account, including the cost of the Community Infrastructure Levy.*
- ▣ finance costs including those incurred through loans;*
- ▣ professional, project management and sales and legal costs”*

6.9.28 In the report, the DVS have stated that the construction costs for the development have been assessed by their in-house quantity surveyor and they adopted a construction contingency of 2%.

6.9.39 In addition the DVS noted that the applicant did not provide any detailed information relating to fixtures and fittings, level of specification and design of the proposed residential units. As a result Special Assumptions have had to be made which may need to be revised on the submission of more information.

6.9.30 It is also noted that the applicant did not adopted any abnormal development costs in his calculations and neither has the DVS.

6.9.31 However allowance of 15% for professional fees has been made by the applicant in respect of all three options whereas the DVS adopted a total of

6.8% construction costs for each of the options.

6.9.32 In terms of the Finance Costs/Development Programme (FC/DP), 12 months has been allowed for each option. Finance costs of 6.5% (which would be inclusive of bank arrangement fees and surveyor's monitoring costs) has been adopted for all three options and which the DVS considers to reflect the current market

6.9.33 In addition, the DVS has made the Special Assumption that the Environment Agency's Flood Defence contributions would need to be payable in months 15 – 16 of the development period for each option's appraisal.

6.9.34 Sales and Marketing Costs (S&MC) This is for agents and legal fees associated with the sale of the units. The DVS states that they have adopted a total development and sales period of 19 months/1.58 years (which is inclusive of a lead-in period of 3 months) based on the proposed development scheme and the information in the applicant's viability report.

6.9.35 Developer's Profit (DP)

It should be noted that the applicant has not adopted a developer's profit in any of the three appraisals but there was an earlier suggestion that 6% was to be considered or even 0%. As a result of this uncertainty The DVS confirmed that no allowance has been made for any allowance for developer's profit in any of the options. This exclusion of the developer's profit has been agreed by way of a Special Assumption with the Local Authority.

6.9.36 Nevertheless, normally a developer seeking to build open market units would seek to achieve a 15% DP for commercial and residential units in all of the proposed schemes and this percentage would be reasonable for the proposed development scheme in the current market.

6.9.37 Land Acquisition Fees

As for land acquisition fees an allowance 1.75% has been made for agent's fees and legal fees

6.9.38 Residual Land Value (RLV)

The NPPG states that Land Value is: *“Central to the consideration of viability is the assessment of land or site value. Land or site value will be an important input into the assessment. The most appropriate way to assess land or site value will vary from case to case but there are common principles which should be reflected.*

*In all cases, land or site value should:*

- ☐ *reflect policy requirements and planning obligations and, where applicable, any Community Infrastructure Levy charge;*
- ☐ *provide a competitive return to willing developers and land owners (including equity resulting from those wanting to build their own homes); and*
- ☐ *be informed by comparable, market-based evidence wherever possible.*

*Where transacted bids are significantly above the market norm, they should not be used as part of this exercise.”*

### 6.9.39 Option 1A – the current scheme

6.9.39.1 Both the Gross Internal Area (GIA) and Net Internal Area (NIA) are set at 1,021m<sup>2</sup> due to lack of confirmation on the Applicant's Viability Assessment. This Option would result in 10 units of which there would be 7 residential units and 3 commercial units arranged over the three floors of the original building and four floors of the proposed extension.

#### 6.9.39.2 Gross Development Value

The planning applicant has adopted a GDV of £2,912,383

The DVS has assessed this as being a GDV of £2,912,381 exclusive of any incentives that may be required

#### 6.9.39.3 Construction Costs

The planning applicant has adopted CC of £2,250,088 which equates to £2,203,80 per square metre based on a GIA of 1,021 square metres and is inclusive of external works.

The DVS has adopted construction costs of £2,172.45 per square metre which equates to £2,218,079 based on a GIA of 1,021m<sup>2</sup> which includes all circulation areas and is inclusive of external works.

#### 6.9.39.4 Finance Costs/Development Programme

The applicant has adopted £95,592 for the development finance costs.

No figures have been provided from DVS

#### 6.9.39.5 Sales & Marketing Costs

The applicant has adopted £58,248 for agents and legal fees.

The DVS has made an allowance of £66,248 for sales and legal fees

#### 6.9.39.6 Residual Land Value

This information was not provided by the applicant – instead a Market Value was given for each option instead.

The Residual Land Value assessed by the DVS based on the proposed development scheme is **£280,942** based on an approximate Gross site area of

0.027ha.

6.9.40 **Option 2**

6.9.40.1 This is for the conversion of the existing building following the demolition of the two storey wing to the side and the replacement of the northern half of the eastern façade to provide ground floor offices, a reception, gym and parking spaces and would use the first and second floors to provide 3No x 2 bedroom apartments on each floor giving a total of 6No residential units. No plans were submitted.

6.9.40.2 Both the GIA and NIA have been provided this site with the GIA measured as 870m<sup>2</sup> and the NIA at 794m<sup>2</sup>.

6.9.40.3 **Gross Development Value**

The planning applicant has adopted a GDV of £2,106,940.

The DVS has assessed this as being a GDV of £2,106,940 exclusive of any incentives that may be required.

6.9.40.4 **Construction Costs**

The planning applicant has adopted CC of £1,888,001 which equates to £2,170 per square metre based on a GIA of 870m<sup>2</sup> and inclusive of external works.

The DVS has adopted construction costs of £2,090.28 per square metre equating to £1,818,547 based on a GIA of 870m<sup>2</sup> which includes all circulation areas and is inclusive of external works.

6.9.40.5 **Finance Costs/Development Programme**

The applicant has adopted £79,848 for the development finance costs.

6.9.40.6 **Sales & Marketing Costs**

The applicant has adopted £42,139 for agents and legal fees.

The DVS has made an allowance of £50,139 for sales and legal fees.

6.9.40.7 **Residual Land Value**

The Residual Land Value based on the proposed development scheme is **Negative -£10,288** based on an approximate gross site area of 0.027ha.

6.9.41 **Option 3**

6.9.41.1 Conversion of the ground floor to offices and the first and second floors to residential to form 4 x 2 bedroom units on each floor. No plans have been submitted.

6.9.41.2 Both the GIA and NIA are measured as being 620m<sup>2</sup>. This Option would result in 5 units of which 4 would be residential uses and there would be 1No commercial use as an office on the ground floor.

6.9.41.3 Gross Development Value

The planning applicant has adopted a GDV of £1,190,660.

The DVS has also assessed this as having a GDV of £1,190,660 exclusive of any incentives that may be required

6.9.41.4 Construction Costs

The planning applicant has adopted CC of £1,591,551 which equates to £2,567 per square metre based on a GIA of 620m2 and is inclusive of external works.

The DVS has adopted construction costs of £2,452.67 per square metre that equates to £1,520,660 based on a GIA of 620m2 which includes all circulation areas and is inclusive of external works.

6.9.41.5 Finance Costs/Development Programme

The applicant has adopted £58,598 for the development finance costs.

6.9.41.6 Sales & Marketing Costs

The applicant has adopted £37,557 for agents and legal fees.

The DVS has made an allowance of £27,313 for sales and legal fees

6.9.41.7 Residual Land Value

The Residual Land Value based on the proposed development scheme is **Negative -£525,156** based on an approximate gross site area of 0.027ha.

6.9.42 Site Value

The DVS has noted that applicant's report of 28 September 2018 states that the Market Value of the completed development for Option 1A would be £102,228. For Option 2 it would be negative -£284,386 and for Option 3 it would also be negative at -£568,983. However no bench mark land value has been presented.

6.9.43 In this respect there is recent case law and current and emerging NPPF viability guidance, that suggests *“that any adopted benchmark should be set against the Existing Use Value and not as an Alternative Use Value which is not a given”*. This is because a change of use is required *“which reflects the Hope value rather than an assessment of the sites EUV”*.

6.9.44 The DVS Report goes onto say that:

*“In adopting a Benchmark Land Value (BLV) for viability testing current and emerging viability guidance sets out three principles that should be reflected in determining a site value. In all cases land or site value should:*

- ② *fully reflect the total cost of all relevant policy requirements including planning obligations and where applicable any Community*

*Infrastructure Levy charge;*

- ☐ *fully reflect the total cost of abnormal costs; site specific infrastructure costs; and professional fees;*
- ☐ *allow for a premium/competitive return to landowners(including equity resulting for those building their own homes); and*
- ☐ *be informed of comparable market evidence of current uses, costs and values wherever possible. Where recent market transactions are used to inform assessment of benchmark land value there should be evidence that these transactions were based on policy compliant development. That is so that previous prices based on non-policy compliant developments are not used to inflate values over time. Where transacted bids are significantly above the market norm, they should not be used as part of this exercise”.*

- 6.9.45 In addition the DVS also states that emerging guidance is now favouring an Existing Use Value (EUV) Plus methodology. The Plus element is that of a premium above the EUV that would be paid to the land owner to *“incentivise release of the land for development in comparison with the other options available”*.
- 6.9.46 The reason for this type of approach is that concerns have been identified that by using a Market Value approach that this would risk *“importing individual features and circumstances from other sites that may have a greater or fewer number of constraints or abnormal costs amongst other variables”*. Recent research by the Royal Institute of Chartered Surveyors had identified this behaviour.
- 6.9.47 Therefore in order that the land value of different sites is to be comparable, it should reflect the different circumstances. This could include that the policy requirements have been met in other cases that includes taking into account the need for affordable housing. Moreover it is important to *“disregard transacted bids that are significantly above the market norm to avoid an over inflation of land values at the expense of policy objectives.”*
- 6.9.48 However with regard to this particular case, the DVS notes there is *“a lack of truly comparable sites”*. So the DVS states that it is *“impossible to know whether circumstances are comparable to that the price paid in one case should influence that paid for another site with entirely different circumstances.”*
- 6.9.49 The Report goes onto say that under Para 4.4. of the RICS Valuation Information Paper 12 that:
- Generally, high density or complex developments, urban sites and existing buildings with development potential do not easily lend themselves to valuation by comparison. The differences from site to site (for example in terms of development potential or construction cost) may be sufficient to make the analysis of transactions problematical. The higher the number of variables and adjustments for assumptions the less useful the comparison.”*
- 6.9.50 According to the DVS, the Existing Land Value (ELV) *“is the value of the land*



*in its existing use together with the right to implement any development for which there are extant planning consents”.*

- 6.9.51 The proposed changes of use such as here to residential are excluded from the ELV. Furthermore this land value is not the price paid for the site and it must also disregard any Hope Value. This means that the EUV will vary according to each site and development types.
- 6.9.52 The DVS considers that the EUV for this site should have regard to the site's condition and also mentions the existing car parking which it assumed must refer to the Frankwell car park beyond.
- 6.9.53 In terms of the uses for The Stew the extant planning permission relates to the mixed use as Auction Rooms (Sui Generis) and Warehousing A1/B8 associated with furniture.
- 6.9.54 The DVS also noted that the Council has suggested other uses could be considered here too ranging from A2 to A5 and D1 uses as well as Student Accommodation as a C2 use provided that there was no residential use below first floor due to the flood risk.
- 6.9.55 There is another important issue to consider regarding the Benchmark Land Value and that is the length of time that the building has been vacant and it is showing signs of deterioration, so there is clear need that any new development would need to provide the *“best economic return”*.
- 6.9.56 This has to be *“balanced against the requirement that the final uses should seek to ensure that as much of the original building is retained”* so as not result in a detrimental impact on the character and appearance of this part of the Conservation Area.
- 6.9.57 The DVS takes the view that having carried out research of similar buildings that have been sold in the local area for similar uses that there is no *“directly comparable evidence”* has been found and to value The Stew in its current state of repair with its existing has been difficult. Nevertheless the Benchmark Land Value of The Stew is given as being £150,000 in its current state.
- 6.9.58 Notwithstanding the limited Benchmark Land value, the DVS considers that none of the proposed Options are viable.
- 6.9.59 What is of interest is that contrary to objectors views that have suggested that this building does not need to be extended, as is now proposed with costly additions in order that it would be viable, it is clear that Option 3 which is the least invasive scheme of converting the ground floor to offices and the first and second floors to residential to form 4 x 2 bedroom units on each floor would be the least viable in terms of returns giving a negative Residual Land Value of - £525,156. So this is a counter-intuitive argument. Option 2 which would also involve the conversion of the existing building following the demolition of the

two storey wing to the side and the replacement of the northern half of the eastern façade to provide ground floor offices, a reception, gym and parking spaces and would use the first and second floors to provide 3No x 2 bedroom apartments on each floor. This would also give a minus figure of -£10,288 for Residual Land Value which is significantly less than for Option 3.

6.9.60 However the application as it stands which is Option 1A is to convert the existing buildings bar the two storey extension which would be demolished and erect a four storey extension to provide an office, a reception, gym, leisure area and 6 parking spaces on the ground floor with 4No x 2 bedroom apartments and 3No duplex flats covering floors one and two of the original building and the three upper floors of the proposed extension to be attached to the east side of The Stew. This extent of development would give a residual land value of £280,942. Unlike the two other options it is a positive figure.

6.9.61 In essence, the District Valuer's Report would appear to suggest that in order to make any proposal for the redevelopment of this site to be acceptable in economic terms, it has to include a substantial residential extension which in this case would mean a four storey extension but because of the flood risk to The Stew there can be no residential use below first floor level so this would limit any profitability to the upper floors only. Had that not been the situation, then officers would have been able to make a case for a lower extension that did not need to include the fourth floor and in doing have ensured that the proposed addition would have been less prominent in the wider townscape and Frankwell Conservation Area.

A third party has queried the methodology of the District Valuer's report. The Council are therefore seeking further confirmation from the District Valuer's Office on this matter and this response will be reported at the Committee.

#### 6.10. **Assessment of proposed development with regard to the Frankwell Conservation Area**

6.10.1 In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS2 Shrewsbury Development Strategy CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policy MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published July 2018, Planning Practice Guidance 2018 and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 ( as amended).

6.10.2 Other advice is contained in Historic England's 'The setting of Heritage Assets' – Historic Environment Good Practice Advice in Planning Note 3 (second edition), the Shrewsbury Town Centre Conservation Area – Special Character Area Assessment – Frankwell Quay) in the determination of planning applications.

6.10.3 Policy CS2 which deals with the town's development strategy states that "in

*recognition of the special character of the town and its particular environmental challenges, the development of the town will have regard to: the promotion, conservation and enhancement of the town's natural and historic features, heritage assets... and environmental quality, including the corridors of the River Severn..."*

- 6.10.4 CS17 which deals with Environmental Networks is also concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and it does not adversely affect the values and function of these assets.
- 6.10.5 Policy MD2 of the SAMDev deals with Sustainable Development. This requires that for a development to be considered acceptable it must achieve local aspirations for design in terms of visual appearance. It must also reflect local characteristic architectural design and details. There is also a requirement to consider the design of the landscaping which responds to the local character and context of the site
- 6.10.6 MD13 deals with the historic environment. This requires that all of the County's historic assets should be conserved, sympathetically enhanced and restored by considering their significance in terms of a heritage asset as well as ensuring that the social or economic benefits of the development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset or its setting taking into account the degree of harm. There is also a need to encourage development which delivers positive benefits as set out in the community led plans.
- 6.10.7 With regard to the NPPF there are a number of relevant paragraphs that need to be considered under Section 16 of the guidance. Firstly, Paragraph 193 requires 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*.
- 6.10.8 Paragraph 194 goes onto say *"Any harm to or loss of significance of a designated heritage asset (from alteration or destruction or from development within its setting) should require clear and convincing justification"*.
- 6.10.9 Paragraph 200 states:  
*"Local Planning Authorities should look for opportunities for new development within Conservation Areas... 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"*.
- 6.10.10 The Shrewsbury Civic Society has stated that the previous Inspector's decision saved the property from demolition as Stew was identified as a *"non-*

*designated heritage asset of regional significance” and it was noted that “Due to its archaeological, architectural and historic values, the Stew has significance meriting consideration in planning decisions” and “it makes an important positive contribution to ... the Conservation Area.”*

- 6.10.11 The Planning Inspector who dealt with the previous proposal to demolish The Stew and replace it with a hotel noted that the Stew was neither a locally listed building nor had it been identified as a positive contributor to the Conservation Area even though with modern thinking, humbler buildings should also now be valued. The Stew does however have a Historic Environment Record (HER).
- 6.10.12 This means that as a result the requirements of the NPPF this requires as a minimum, the relevant HER needs to be consulted when describing the significance of any heritage asset affected. Of note here is the fact that due to the town’s importance in the Welsh Marches and the Midlands, it was determined that *“The Stew has regional significance as a non-designated heritage asset”*.
- 6.10.13 The Government’s Listing Inspector has also considered whether this building should be listed and in 2017 noted that *“The Stew is a very distinctive building and its domestic and industrial parts are each clearly legible... (and it)... is an important reminder of Shrewsbury’s river trade in the C18 and early C19”*. In addition the view was taken that: *“The contention that the Stew is essential to the character of the Conservation Area is well founded and it has strong local interest. It is one of the few surviving buildings which reflect both the residential and industrial development of Frankwell in the C18 and C19 and the combination of the house and warehousing is essential to understanding the activities which took place here and in the area more generally. Although the building cannot be placed on the National List (due to its altered condition), its considerable local importance should not be underestimated.”*
- 6.10.14 Under Paragraph 189 of the NPPF, there is also a requirement that an applicant should describe the significance of any heritage assets affected including any contribution made by their setting. The level of detail should be proportionate to the asset’s importance;
- “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.”*
- 6.10.15 The agent has submitted a Statement of Significance as part of the Historic

Impact Assessment that is required for this application. In it, the agent states that it is the existing building's contribution to the Conservation Area that is 'paramount'. The external walls of The Stew have been materially altered thus preventing it from being listed. The agent states that *"in concluding how the development should 'treat' the existing structure, we have looked at the importance of the buildings impact on the place of 'Frankwell'".*

- 6.10.16 He suggests that in order to retain the majority of the building a way needs to be found to support the renovation works of the existing fabric but at the same time retaining the key elements that make this building's contribution to the Conservation Area so important.
- 6.10.17 In support of the applicant's Viability Assessment, the most viable option is to provide 998m<sup>2</sup> of development space for a commercial and residential mix. It is these uses that provide the highest return value per square metre which in turn would reduce the amount of accommodation required.
- 6.10.18 With regard to the original scheme, it proposed to remove the existing roofs of the merchant's house and warehouse and erect a further storey to accommodate the additional floor area required. The agent indicated that it was *"understood that the significance of the Stew's contribution was predominantly through the repair and re-instatement of the three principle elevations"*.
- 6.10.19 Unfortunately, this meant that the significance of the original roof geometry of the merchant's house and C19 warehouse including the pediment was not given enough consideration. So the proposed concave roof was designed to relate to the adjoining modern building but in doing so the agent acknowledged they had *"lost sight of the original form of the Stew."*
- 6.10.20 The agent took the view that because the additional floor areas were required, there was a need to consider an urgent viable solution in terms of uses in order that the building would be able to be maintained in the long term.
- 6.10.21 Therefore the current revised scheme is to try and achieve a balance between the earlier design concerns and need to make the building viable and proposes adding the extension onto the east side of the property, so the original building geometry is retained to the north, west and south. The agent does acknowledge that the additional floor area will make the:
- "extension higher than the existing Stew, but as its sits behind the building and with carefully stepping back of the mass, it can be perceived as a separate structure in its own right. This helps to clearly identify the original Stew from the proposed extension, further assisted with the use of a contemporary architectural language which aligns itself with the Theatre and the Guildhall."*
- 6.10.22 It is then suggested that the proposal creates an Architectural rhythm of new and historic buildings across Frankwell Quay and ensures that the Stew would not lose its historic identity and that the space around the building would retain their historical relevance.

6.10.23 The agent also notes that the revised design and massing allows for the

*“retention of the significant parts of the original building and its roof structure, whilst more clearly defining new from old; the existing building has a long history of extension and change and this proposal continues that evolution”.*

It would also retain much of the original building and would give it *“its own identity in the street scene”*.

Finally the agent says that

*“any perceived harm has to be set against the benefits of restoring and preserving the significant parts of the existing building that are retained for many generations to come.... the proposal will provide a fresh impetus to the completion of this part of Frankwell that has now sat derelict for decades.”*

6.10.24 Archaeological Officers Comments

6.10.24.1 The proposed development site is located within the Frankwell Special Character Area of the Shrewsbury Conservation Area. It includes an historic building known as The Stew (HER PRN 01471). Whilst this has recently been re-assessed by Historic England and determined not to meet the criteria for listing, it was established in 2015 Planning Appeal Decision that it comprises a non-designated heritage asset that makes a positive contribution to the character and appearance of the Conservation Area. The reasons for this will be set out in greater detail below.

6.10.24.2 Frankwell developed as suburb of Shrewsbury during the medieval period (HER PRN 08157), and the proposed development site is located close to the site of the old Welsh (St. Georges) Bridge (HER PRN 01471) and a former street known as St Georges Waterlode. Although more prosaic theories exist regarding the etymology of the buildings name, perhaps the most plausible is that it to derive from the former fish ponds (stew ponds) associated with the medieval Hospital of St. George (HER PRN 01470), not least because the site is referred to in 15<sup>th</sup> century documents as ‘le Stewe crofte’. In the 17<sup>th</sup> century wharves were constructed at Frankwell, and on the opposite bank of the river at Mardol, and the area around the proposed development site subsequently developed in relation to Shrewsbury’s river trade. During the later 18<sup>th</sup> and 19<sup>th</sup> century the Frankwell became a predominantly working class and industrial area, in part due to the river trade, which reached a peak in the early 19<sup>th</sup> century.

6.10.24.3 The standing fabric of The Stew indicates that the north-western component of the building incorporates substantial remains of an early 18<sup>th</sup> century house of five bays and two stories with full attic. This was built in mellow red handmade brick laid in Flemish Bond, with blocked window openings with heads of gauged red brick, stone quoins and string course below the first floor windows, beneath a plain tile roof with coped gables and roof lights indicating the

position of former dormers. This range was subsequently converted into a warehouse and extended to three stories to its rear in the late 18th or early 19th century, and again to the south in the early 19th century, in both instances in mellow red handmade brick beneath slate roofs. Window openings in these extensions are regularly spaced in vertical and horizontal alignment, with two sets of taking-in doors to all three floors with lucams above, which overall provide the building with an industrial architectural character. From the late 19th century until the 1950s or 60s the building became the works for Potter Brothers, manufacturers of waterproof wagon covers, ropes and other woven fabric products. In the mid-20th century the building was extended again, on both the front and rear elevations, and was latterly used as an auction house and offices by Holland Broadbridge. The 20th century additions were subsequently demolished in c2003-4, as part of the wider re-development associated with the construction of the adjacent Guildhall building, which re-revealed the earlier components of the building as outlined above.

- 6.10.24.4 The extent to which the extensions to the early 18th century house in late-18th century – early 19th century to create a warehouse can be directly linked to the town's river trade has been much contested. Whatever the case, the evidence that the standing fabric of the building provides for its evolution from a domestic dwelling to an industrial warehouse building is indicative of the development of the wider area into a predominantly working class, industrial suburb during the same period. Aside from the adjacent Glenn Maltings, very few buildings survive within this part of the Conservation Area which exemplify this change in Frankwell's character during this period. In addition, and despite the larger scales of the adjacent Guildhall Building and nearby Theatre Severn, the Stew remains a visually prominent building within the Frankwell Special Character Area of the Shrewsbury Conservation Area, particularly within the views that can be gained across the River from Smithfield Road. As a consequence of these and the other factors outlined above, the Stew is considered to make a positive contribution to the character and appearance of the Conservation Area.
- 6.10.24.5 In addition, and because it may stand on the site of the fish ponds for the medieval hospital, the proposed development site is considered to have high potential for that the below ground archaeological remains.
- 6.10.24.6 With regard to the archaeological interest of the proposed development, and in relation to Paragraph 199 of the Framework and Policy MD13 of the Local Plan, it is also advised that programme of archaeological work is made condition of any planning permission for the proposed development. The exact requirements will be subject to the final foundation design for the proposed extension but may comprise historic building recording (to Level 3) of the existing building prior to any work commencing, a watching brief during demolition works and internal and external works to the retained historic ranges, an evaluation following demolition of the two storey eastern range and further mitigation thereafter as appropriate
- 6.10.25 Conservation Officers Consultation Response
- 6.10.25.1 In providing this advice due regard has been given to CS6 Sustainable Design

and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, Chapter 16 of the National Planning Policy Framework (NPPF) (revised 2019), the National Planning Practice Guidance and Historic England's Guidance. In addition, we have had special regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area.

- 6.10.25.2 A substantial body of information about the significance of the Stew, and its contribution to the character and appearance of the Conservation Area, was produced both prior to and as part of the 2015 planning inquiry. Together with Historic England's recent listing assessment report, this information has now been incorporated into the Shropshire Historic Environment Record (HER). In addition, the Applicant provided an updated Historic Impact Assessment as part of their amended scheme submission. As a consequence, the information requirements set out in Paragraph 189 of the Framework and Policy MD13 of the Local Plan are deemed satisfied.
- 6.10.25.3 In terms of the design of the proposed development, the scheme as originally submitted proposed an eastern extension to the building which also involved the removal of the entirety of the roof of the retained historic components of the building to provide for a full third floor extending across the whole footprint.
- 6.10.25.4 The extension was considered to remove too much of historic fabric and to substantially overwhelm the historic building, in terms of its scale and massing. As a consequence, this scheme would have significantly altered the character of the historic building and thereby had an unacceptably detrimental impact on the character and appearance of the Conservation Area.
- 6.10.25.5 Following negotiations with the Applicant, amended plans have been submitted which will retain and restore the majority of the former house and southern warehouse ranges, including the majority of their roofs, whilst adding a four storey eastern extension with a contemporary design. Internally, the retained historic fabric of the building includes the canted chimney breasts in the corners of the former house range, such that the majority of the former floorplan of the historic ranges would remain legible.
- 6.10.25.6 In terms of the exterior of the building, the success of the restoration of the retained historic range of the building will, however, be dependent upon the use of appropriate materials, building techniques and detailing. As a consequence, a range of pre-commencement conditions are advised below to secure prior approval of these aspects of the scheme.
- 6.10.25.7 With regard to the overall size and scale of the extension, the DVS's review of the Applicant's Viability Appraisal indicates that the proposed development represents the most viable option of those the three options they reviewed. In design terms, it is considered that the contemporary design of the extension would complement and differentiate between the new additions and



the historic elements of the building.

- 6.10.25.8 As a consequence, it is considered that the flat roof on the extension will reference nearby Theatre Severn building and is appropriate in this respect. Similarly, whilst it is acknowledged that the extension would represent a substantial addition to the historic building, it is considered that the proposed design succeeds in breaking up the massing of the extension through the use of a mixed palette on materials that reflect the industrial character of the area and a varied pattern of fenestration.
- 6.10.25.9 Likewise it is accepted that the recessed junction with the southern warehouse range and a canted, offset gable will reduce the effect of the extension projecting beyond the building line of the historic range. Again, the success of the design in achieving these outcomes will be dependent upon the final selection of materials and detailing, and pre-commencement conditions are advised below to secure prior approval of these.
- 6.10.25.10 It is acknowledged that the upper levels of the four storey extension would rise the above the roof level of the historic ranges. In terms of views within the surrounding parts of Conservation Area, the impact would be greatest when looking towards the building from the western end of the Frankwell Footbridge. From this location, the end of the extension will project across and partially obscure the gable of the historic warehouse range. This effect is acknowledged in the Applicant's updated Historic Impact Assessment. However, the wireframe view (View 4 in the Assessment) indicates that the roof level of the extension **would not project above that of the adjacent Guildhall building**, and that some of the extension would sit behind and be masked by the latter. In addition, the historic range of the Stew would not be completely obscured and the relationship between it and the Glen Maltings would still be legible to some degree.
- 6.10.25.11 Elsewhere, it is considered that the wireframes contained in the Applicant's updated Historic Impact Assessment indicate that the impact on views within the conservation area would be less significant. For instance, when seen from Smithfield Road (View 3 in the Assessment), the recessed link and offset gable of the extension would provide a visual separation with the historic ranges, enabling the pediment gable of the warehouse to remain prominent in the view.
- 6.10.25.12 Additionally, the contemporary design of the extension would establish an architectural rhythm when seen in relation to the contemporary design of the Theatre Severn, the historic Glen Maltings and retained components of The Stew, and the historicist Guildhall Building
- 6.10.25.13 When stood in the street been the Glen Malting and The Stew facing the west elevation of the retained historic ranges the upper levels of the extension would not be visible above the repaired roof. When seen from the north and north-west (View 1 in the Assessment), whilst the upper levels of the extension would be visible above the gable end of the house range, visually it would be seen to sit to its rear and a careful use of visual recessive materials will further

mitigate its impact

6.10.26 *Historic England's Comments*

6.10.26.1 *Initial comments dated 12.01.2018 on original drawings*

Historic England welcomes the proposed retention of The Stew. However, we consider that the current scheme would cause harm to this non-designated heritage asset, and the Frankwell Special Character Area of the Shrewsbury Town Centre Conservation Area. As such the application fails to preserve or enhance the character or appearance of the conservation area, or satisfy the requirements of the NPPF.

We are therefore unable to support the current proposals, and would recommend that the application is deferred or refused, to enable the applicant to work with your specialist conservation advisers to bring forward a more sympathetic scheme.

As you are aware from our previous comments, both within our consultation responses and at the subsequent public enquiry, we consider that The Stew is a regionally important non-designated heritage asset, which makes a considerable positive contribution to the significance of the Frankwell Special Character Area of the Shrewsbury Town Centre Conservation Area.

This predominantly 19th century industrial warehouse incorporates the much altered, but still legible, structure of an early 18th century townhouse. As such it is a rare reminder of the former commercial and industrial heritage of the Frankwell Quay area, and the considerable importance of river trade to the development of Shrewsbury into a nationally important and outstanding historic settlement. In addition, the Stew is readily seen from numerous vantage points within Frankwell, across the river and from the Grade II\* Welsh Bridge, thus connecting it to the wider town centre and conservation area.

There is clearly a statutory requirement under section 72 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 a conservation area.

In addition, (old) section 7 of the NPPF highlights the importance of ensuring that developments establish a strong sense of place which responds well to local character and identity, and promotes or reinforces local distinctiveness. Paragraph 64 specifically states that 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.

(Old) Section 12 goes on to emphasise the importance of conserving and enhancing the historic environment, and advises that local authorities should look for opportunities for new development within conservation areas to better reveal their significance. Furthermore it clearly states that any harm to a heritage asset should require clear and convincing justification.

We are therefore disappointed that despite the legislative requirement to do so, and the clear and thoughtful analysis of the Appeal Inspector in her report of 2015, the current proposals appear to pay little regard to either the character or significance of the existing building or the conservation area.

In her report the Inspector highlighted The Stew's overall robust functional character. She noted that despite the changes that have taken place, The Stew's character and fabric can still be readily interpreted, and that its scale, form, features, alignment and materials contribute positively to its appearance, and historic functional character. Furthermore, she noted that the building fabric, including its bricks and roof construction, holds evidence of its age and origin, and the subtly different pitched-roofed forms contribute to the elegant character of the house, and the functional character of its warehouse extensions.

As part of her assessment the Inspector also contrasted The Stew and the Maltings to the nearby larger Guildhall and Theatre Severn. In particular she highlighted the important contribution of their human scale leading to the river, and drew attention to the consistency of scale and massing of the older fabric of this part of the conservation area, which contributes positively to the character and the appearance of the historic townscape.

In light of the Inspector's findings, we are therefore surprised that such a scheme has come forward. Whilst we welcome the retention of The Stew, we fail to see how the current intervention pays appropriate regard to the architecture integrity or historic character of the existing building. In our view the scale, materials and architecture of the proposed extensions are incongruous, and dominate the modest functionality of the existing structure. In so doing they obscure the simple, restrained industrial vernacular, undermining the significance of both The Stew and the Frankwell character area.

As highlighted by the Inspector, the existing scale and the form of the roof is characteristic of the more historic properties in this part of the conservation area. Having considered the range of indicative roof treatments within the supporting information, we consider that an additional storey of development would have a highly detrimental impact. It is therefore not an approach we would support in principle.

If you consider that the viability appraisal justifies an extension to the Stew, then whilst not ideal, the east elevation would seem to be the least intrusive location. However, such an extension, whether of contemporary or traditional design, should complement and be informed by the architecture of the existing building.

We would also encourage the consideration of opportunities to address the existing highway-dominated setting of The Stew. Enhancing the relationship of the application site with the river would ensure that this historic waterfront

becomes a positive and attractive asset to the town.

Finally, from our records we are also aware that in 2015 there were discussions regarding the deteriorating condition of The Stew, which was predominantly the result of ineffective maintenance resulting in localised decay and saturation of brickwork. The current application does not indicate what steps have been undertaken by the applicant in the interim to address these issues. Clearly such on-going maintenance is fundamental to preserving a building whilst a viable future is being sought. Paragraph 130 (now paragraph 191) of the NPPF is clear that where there is evidence of deliberate neglect of, or damage to, a heritage asset the deteriorated state of the heritage asset should not be taken in to account in any decision. We would therefore urge the local authority to establish what works have been undertaken, and if necessary use the powers at your disposal to protect this important non designated heritage asset.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the proposals are contrary to both the 1990 Act and the NPPF. We would therefore recommend that the current application is deferred or refused, in order to enable the applicant to work with your specialist conservation officer to bring forward a more appropriate and sympathetic scheme.

#### 6.10.26.2 *Further Comments dated 30 January 2018*

The viability report assessment which we have been consulted on is of such a limited nature as to prevent us being able to providing a meaningful response. However, we understand that additional detailed information has been provided to the local authority, and that you are in the process of having this assessed and verified. On this basis we are happy to defer to the local authority regarding this element of the scheme.

#### 6.10.26.3 *Further comments dated 2 August 2018*

As you will be aware from our previous discussions, whilst we are of the view that the revised proposals are a considerable improvement on those previously submitted, we are still concerned by the scale of the proposed development and that it steps forward of the gable end of the existing building. In our view, stepping the extension back from this key elevation, and omitting the top most storey, would result in a less dominant and more sympathetic solution.

However, from our discussions we are aware that the applicant is adamant that this quantum of development is essential in order to bring forward a viable scheme, and ensure the future of the building. This being the case, and in view of the harm that the revised scheme would cause to The Stew and surrounding heritage assets, it is vital that the submitted viability statement fully justifies the extent of development proposed. If however, such an economic case cannot be adequately substantiated, we would recommend that the proposals be

amended to address our concerns.

With regard to any extension, in view of the sensitive location we would suggest further detailed drawings be submitted for your consideration, in order to show all architectural details, finishes and materials. We would also refer you to our previous comments regarding the improvements to the existing setting surrounding The Stew.

Historic England's last comments following the publication of the District Valuer's report acknowledged that notwithstanding the assessment found that neither of the three schemes including the amended plans were viable, that the applicant has nevertheless indicated a desire to pursue the current scheme, regardless of the findings of the review of the development viability appraisal. Therefore, given that the building is continuing to deteriorate and that these proposals would result in its repair and bring it back in to use, Historic England does not object to the current application.

We thank you for addressing the concerns we have previously expressed, and are happy to defer to the local authority with regard to the details of the proposals

6.10.26.4 *Final comments dated 21 February 2019*

The applicant has indicated a desire to pursue the current scheme, regardless of the findings of the review of the development viability appraisal. Therefore, given that the building is continuing to deteriorate and that these proposals would result in its repair and bring it back in to use, Historic England does not object to the current application.

We thank you for addressing the concerns we have previously expressed, and are happy to defer to the local authority with regard to the details of the proposals

6.10.27 *Comments from SAVE Britain's Heritage*

- 6.10.27.1 Recommend refusal of the scheme. We have been concerned about this historic building for a number of years as it is one of only two surviving in the town connected with Shrewsbury's river trade during the C16 and C18 which was an important part of the town's development and evolution.

Architecturally, the building features typical design elements found on many early 19th century industrial/warehouse buildings. These include service doors to all floors of the building, a variety of windows, some bricked up, and a gable roof. Quoins can also be seen on one corner of the building.

In August 2013 SAVE objected to the proposed demolition of the building. That application was refused by the local planning authority, and at a subsequent planning appeal the refusal was upheld by a planning inspector, who identified that the building's value lies in its character, the still legible historic form, use

and function, and the coherence and human scale of its fabric and appearance.

We therefore welcome the apparent acceptance by the applicant that the building must be retained when developing this site, but we strongly object to the current proposal. In particular, the removal of the pitched roofs and the replacement of other sections of the building represent an unjustifiable loss of original features. The new architectural elements introduced, including the extra storey, roof form and balcony extension, are also, we consider, unnecessarily dominant.

Given the planning inspector's remarks, we view the current proposal as one that would cause significant harm to the building's integrity and historic character, as well as harm to the conservation area in which it is located.

The existing building must retain legibility and its historic form must not be subservient to the new elements proposed. We refute the applicant's claim in the Design and Access Statement that the new design would "*fully reinstate and restore the remaining original building... in order that the original historical clarity is amplified*".

Through its historical association and townscape value the Stew makes a positive contribution to the Shrewsbury Town Centre Conservation Area, a designated heritage asset, and is itself a non-designated heritage asset.

Our view is that this proposed development will not promote local distinctiveness, does not adequately address the historic environment, its character or significance, and would fail to take advantage of local opportunities. It will harm the designated asset of the conservation area, in contravention of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would be contrary to the Council's Policies and the NPPF.

### *Summary*

In conclusion, we reiterate that the principle of retention and some sympathetic redevelopment is much welcomed, especially in light of earlier proposals for demolition. However, in our view the current proposal falls very short of being sympathetic to the heritage asset, and that the extensive remodelling of the Stew would detract from its significance and that of the conservation area. In accordance with local and national planning policy therefore the proposal should be **refused**.

#### 6.10.28 *Comments from the Georgian Society*

##### 6.10.28.1 *Original plans*

The current proposals do not adequately address the significance of the Stew to the Frankwell Special Character Area of the Shrewsbury Town Centre Conservation Area. Whilst we would welcome an appropriate scheme to redevelop this area, the current scheme is unacceptable.

The replacement roof structure would cause significant damage to the historic building. Greater justification is needed in justifying the detrimental effect on the character of the Conservation Area. Any new addition to a historical building should be subservient to the original fabric. The scale of the proposed extension is too large, and as a result would dominate the original structure. The design of any addition should complement the original fabric, in terms of scale, design and materials. Unfortunately the current proposals fall significantly short in this regard.

#### *Revised Plans*

Whilst we agree with Historic England's comments that the revised scheme is an improvement, the current proposals still do not adequately address the significance of the Stew to the Frankwell Special Character Area of the Shrewsbury Town Centre Conservation Area. We would welcome an appropriate scheme to redevelop this area; however, the current scheme is unacceptable.

Any new addition to a historical building should be subservient to the original fabric. The scale of the proposed extension is too large, and as a result would dominate the original structure. The design of any addition should complement the original fabric, in terms of scale, design and materials. Unfortunately the current proposals fall short in this regard.

The proposed new development would not preserve or enhance the Conservation Area, and as a result we object to the current proposals.

#### 6.10.29 *Comments from the Victorian Society*

- 6.10.29.1 The Victorian Society adds its objections to those of other amenity societies and Historic England to the current application for the refurbishment, extension and conversion of the Stew, Frankwell Quay.

While the principles of repair and reuse with some adaptation would be broadly acceptable, the current proposals pay little attention to the significance of the Stew or its contribution to the Frankwell Special Character Area of the Shrewsbury Town Centre Conservation Area. We therefore request that the current application is refused, as it fails to meet the requirements of the 1990 Planning Act (Section 72) or of relevant national and local heritage planning policies.

#### 6.10.30 *Shrewsbury Civic Society*

##### 6.10.30.1 *Final comments dated 7 March 2019*

We add our objection to the Town Council's and others, for this application, as it stands. Any Civic Society should try to promote what is right for the buildings

and the town in the long term.

Insufficient information: Our previous comments noted some missing or unclear information in the application so far. Some data is still unavailable, impairing our ability to appraise the plans fully:

- a) The application does not clarify exactly which walls of the original fabric would be demolished;
- b) The details and positions of the proposed dormer windows on the Queen Anne range needs greater specification;
- c) The design and materials of the additional storeys are not detailed;
- d) Unlike previous schemes, the top floor roof shows very little detail;
- e) This application uses terminology to suggest but not to show how it may complement its surrounding environment and the Conservation Area. This is not convincing.
- f) It is unclear if the plan will give a sufficiently high level of attention to the quality of detailing needed to renovate the original fabric of such a historic building.
- g) There is nothing to address the ‘highway dominated setting’ or ‘enhancing the relationship with the river’ (issues requested by Historic England).
- h) The NPPF requires that a developers own Viability appraisal must be made public and this applies retrospectively.

Height and prominence: Two features of the July ‘18 application plan have drawn criticism - its height and its forward position. Historic England, the Georgian Group and others noted how these features mean that the extension would not be subservient to the historic building. People’s first impressions would be dominated by an interesting new extension. However, what is needed is a first impression of a historic quayside building being enlarged and put to lively modern use. Notwithstanding these issues, the design is admired in other respects. Indeed it might be more acceptable with pitched roofs, as the Town Council had requested, or with a mansard type roof for the top floor lowering the height.

Viability: We understand that the recent Viability Appraisal (commissioned by the Local Authority) assesses the financial possibilities for three different schemes. These all include mixed use for the ground floor and apartments above. Not one option is assessed as viable in terms of providing a realistic return and this is without accounting for the initial purchase of the lease. At this point, one might consider some entirely different scheme, financing or usage. However, the developer now appears keen to proceed with the July ‘18 scheme. This plan has the largest extension and is the only one, of the three options, assessed as providing some “residual land value” but is also the only one to dominate over the Stew.

The developer’s previous Viability Appraisal has not been made public despite a NPPF requirement. Some of the data used in both appraisals was from the discredited Appeal documents. Furthermore, land values, especially for commercial purposes, are experiencing great uncertainty. We also note that the costings used were based on national, rather than (the often cheaper) local values. Therefore, we feel that Option 2, could be a reasonable compromise for all. We regret that other uses and plans have not been contemplated,



despite their being suggested.

Shrewsbury's Big Picture is being defined by the Big Town Plan which is keen to develop the Smithfield side of the river overlooking Frankwell Quay. Shrewsbury's economic future relies significantly on its "visitor economy". Visitors are attracted by the town's 'original' and historic features. To undermine the only one of these that represents the town's early development would be an 'own goal' and should not be contemplated. The possibilities for the Frankwell Quay are considerable but largely ignored by policy makers. No individual private developer should have to be responsible for the town's improvement, but neither should one frustrate the possibility of the long-term potential for all. There have been several plans put forward for the Quay area and the Civic Society is very keen to see developments that allow the town's heritage to clearly prosper.

Lloyd Grossman of the Heritage Alliance said, "*There is a danger in Shrewsbury that any one historic building might be undervalued because there are so many in the town.*" Sir Neil Cossons notes that Shrewsbury is one of a very few remaining, authentic English towns but it is at a cusp where it could lose its genuineness by piecemeal erosion of original features.

Restrictions on development: A high number of consultants, and others, have cited limitations on the details of planning applications for the Stew. Some concern the use of the ground floor with respect to flooding, including the contribution needed for flood defences. Others concern noise for potential residents, for example, the insulation needed above gym equipment and the problem of very late night noise from the theatre's rear set removals. Then there are restrictions concerning the need for a building that 'plans out' crime. A source of additional expense will be the need for archaeological investigations, at least at the SE corner of the building where the earliest foundations were discovered by the Civic Society's brick expert. We note how such issues are being addressed bit by bit.

Overall: the Society would welcome a scheme that could be implemented quickly and would preserve the prominence of the Stew as a heritage building on Frankwell Quay. Previous schemes have failed in this. For over 15 years, imprudent business decisions and a lack of enforcement has led to this protracted impasse. The current application is an improvement on previous ones. With further amendments, as suggested above, it could be acceptable, although we hope all other possibilities and uses will have been considered. In any case, this development is likely to need a considerable number of conditions. We would be happy to help expedite this.

The entries on the LPAs website now run into hundreds for this site. While "documents" are in date order, other entries are not. This is making for difficulties for some, in identifying the currently relevant comments. It has even led to an incorrect press report concerning Shrewsbury Town Council's recent views. A new application is surely needed for clarification.

We work to promote Shrewsbury's long term future. We therefore hope that your officers will seek an improved future for the Stew that preserves its

heritage and is beneficial to the town for the next centuries.

- 6.10.31 It is also noted that when the Inspector considered the previous appeal she noted that that the two older buildings are sited either side of an old road that leads down to the river with the Guildhall and Theatre beyond. The Inspector took the view that these two historic buildings gave a *“human scale in the street scene”*. Moreover, their position contributed to the historic character of the conservation area. The view was also taken that these two buildings framed *“the view of the historic core of the town rising up the hill across the river from Frankwell in a sympathetic and apposite way.”*
- 6.10.32 She also noted that *“Due to their form and scale, the Guildhall and Theatre Severn provide a sympathetic setting which enhances the heritage values and significance of The Stew and Maltings”*. Furthermore the siting of these buildings *“provide an important visual link between the historic townscape in the heart of Frankwell and the historic core of the town, thereby revealing the significance of the wider Conservation Area”*, and that: *“The Stew is more prominent than the Maltings and it contributed positively to the area’s historic functional warehouse aesthetic”*. Thus for the previous scheme which was to demolish The Stew this would *“harmfully disrupt the interpretation of the historic townscape and it would unacceptably damage the significance of the Conservation Area”*. As a result the appeal was dismissed.
- 6.10.33 Officers have now assessed all the comments made by Historic England, SAVE, the Victorian Society and the Shrewsbury Civic Society and are aware that any proposed for development at The Stew is going to be contentious because it makes a significant contribution to Shrewsbury Conservation Area on this side of the river and it also makes an important contribution to the character and appearance of Conservation Area where there is a requirement to preserve or enhance.
- 6.10.34 Following on from the previous appeal decision, it was understood that in order to bring the building back into use, that some form of extension would need to be added to the building. However it would be necessary for the applicant to justify by way of a Viability Assessment the extent of any extension required as the larger the extension the greater harm it would have to the significance of the conservation area.
- 6.10.35 Furthermore due to the constraints of site and the need to ensure that there would be no additions on to the principle elevations of the building, the location of any extension would need to be limited to the east side of the structure and because of the limited depth available, the south east corner of the site where the original two-storey wing is would be the place where widest area was available. This part of the site was also where the Guildhall building is set back thereby opening up end of the building to wider views.
- 6.10.36 It was also acknowledged that because of the close proximity of the site to the River that any new residential use could not be located at ground floor for either the existing building or any extension as well.

- 6.10.37 As part of the application, the applicant did submit a Viability Assessment to justify why Option 1 of the three examples that were submitted which was for the large two storey extension to be added to the east elevation of the building was the most viable.
- 6.10.38 Negotiations took place in which the applicant was asked to reconsider the scheme so that the original roofs of the building would be retained and any extension need would be set back from them. This would then enable the original features of the merchant's house and C19 warehouse to be re-instated including the former sash window openings in the house and any 3No new dormers would need to be aligned with the first floor windows instead of any rooflights. There was scope for balconies, but curved versions were not appropriate here.
- 6.3.39 It was also considered important that any new four storey extension on the south east corner should ensure that it would not obscure the southern end of the stew and its pediment and ensure that it did not also compromise the Guildhall either so a partly glazed extension was therefore acceptable in principle here in design terms.
- 6.3.40 As a result, it was requested that the extension should be set back from the corner of the original building and that the projecting element re-orientated to that it had a slightly different alignment to the existing building, so that it would not try and compete with the original building.
- 6.10.41 As for any fourth floor, if it was indeed necessary to make the scheme viable as the applicant had made out then this would need to be set back behind the original rear roof slopes of the building in order that it was as recessive as possible. A more coherent and legible window/walling arrangement was also requested for the extension itself.
- 6.10.42 Revised plans have now been submitted, that retain the four storey side extension including the off-set south elevation, the retention of the rear roof slopes of both the former merchant's house and the C19 warehouse, the re-instatement of the original window pattern including the three dormer windows and the use of a metal clad fourth floor element that would be inset from the retained roofs of the original building. Lightweight balconies are also proposed for the flats off the original taking in doors and for the extension and around the top floor too.
- 6.10.43 Whilst Dwg No BA 1638 P008 Rev F shows the proposed fourth floor box addition appearing to dominate The Stew, in reality and confirmed by the agent due to the roof's existing geometry, there would be limited views of the extension from ground level or more distant views due to the adjoining Guildhall building which would frame it to the east.
- 6.10.44 Originally with regard to the requirements in Section 16 of the NPPF, the application was lacking any Heritage Impact Assessment, but the agent had

supplied a detailed Conservation Statement evaluation spreadsheet between the current situation and proposed situation. Nevertheless this was not sufficient to comply with the requirements of paragraph 189 of the NPPF. As part of the revised plans a later Heritage Impact Assessment was then submitted and in that the agent has set out a Statement of Significance.

6.10.45 Paragraph 190 requires that local planning authorities should identify and assess the significance of any heritage assets that may be affected by the proposal. There is a requirement to take the particular significance into account when considering the impact of a proposal on the heritage asset to avoid or minimise any conflict between the heritage assets; in this case the Conservation Area and any aspect of the proposal.

6.10.46 Section 16 of the NPPF requires under Paragraph 192 that in determining applications, local planning authorities should take account of the following:

- a) *“The desirability of sustaining and enhancing the significance of the 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.”*

6.10.47 In respect of the revised plans that were submitted last year, these show the proposed four storey side extension would include the requested off-set south elevation; the retention of the rear roof slopes of both the former merchant's house and the C19 warehouse; the re-instatement of the original window pattern including the three dormer windows and the use of a metal clad fourth floor element that would be inset from the retained roofs of the original building as well as lightweight balconies for the flats using the original taking in doors on the west elevation as well as for the extension itself and at fourth floor too.

6.10.48 In response to point a) Officers have identified the three areas of significance for this development as archaeological, architectural and historic values and were identified by the previous Inspector and are set out in her decision letter. These are still considered to be the three areas of significance relevant here.

6.10.49 In order to sustain and enhance these values, there is a need to ensure that the principle features of the building are re-instated and restored and given an appropriate use that would be consistent with their conservation.

6.10.50 So the earlier proposal that would have included adding modern features to the upper attic floor of the merchant's house as well as obliterating the important roof space of the house and warehouse were wholly unacceptable. Whereas the revised scheme that retains the roofscape of the house and attached warehouse is to be welcomed as is the re-instatement of the original principle

elevation's window pattern with the use of sash and dormer windows.

- 6.10.51 The use of former merchant's house for an office at ground floor with the access through the original front door of the house creates the impression that the house element has a viable use again. That taken with the use of the first and second floors as residential use would also be consistent with the building's conservation. Equally the use of the attached warehouse element for a commercial use at ground floor and residential above would also be a viable use that would allow for this building to be restored and upgraded too.
- 6.10.52 With regard to point b), it is clear that by preserving the appearance of the former merchant's house and that of the c19 warehouse that this would make a positive contribution to the conservation of both the non-designated heritage asset and the wider conservation area compared to the current empty and poorly maintained building which clearly detracts from the conservation area.
- 6.10.53 However, the proposal is not just for the re-instatement of the original building, it is for the four storey extension to the building in place of the two storey east facing wing. So there has to be a balance between the extent of the additions required against retaining the building as it is, in terms of economic viability. The applicant takes the view that in order to make his scheme economically viable, even if this would bring no developers profit, that he needs to add a substantial extension within the site area of the east side of the building.
- 6.10.54 Then in respect of c) the desirability of whether any new development i.e. the proposed extension would make a positive contribution to the local character and distinctiveness. In this respect, the applicant could have submitted a scheme that simply added a three storey extension on to the eastern side of the building of the same style and appearance, but that would have clearly been a pastiche as The Stew was not built like that and further more due to the constraints of the site in terms of the flood risk, the size of the site area being constrained by the highway and Guildhall building means that any extension has to have a vertical emphasis.
- 6.10.55 Therefore it was accepted that a modern addition that did not try and compete with the historical features would be the most appropriate in this instance to ensure that it would make a positive contribution to the local character and distinctiveness
- 6.10.56 It is also necessary to consider the impact of the proposed development on the three areas of significance of The Stew as a non-designated heritage asset on the designated heritage asset of the Shrewsbury Conservation Area and great weight should be given to the Conservation Area's conservation.
- 6.10.57 Archaeological Value
- 6.10.57.1 The Appeal Inspector considered that the fabric of the building – bricks and roof construction – gave evidence of its age and origin. She pointed out that *"The understated diversity within its phases of growth in a limited range of styles, techniques and traditional building materials allows the gradual*

*development of the standing fabric to be understood. So the Stew has archaeological value.”*

- 6.10.57.2 Greater details of the fabric are given regarding the pitched roofs and window detailing both for the house element and that of the later warehouses. There has been no change in this value since the previous scheme was considered at appeal. Indeed, as the proposal involves the demolition of both the east facing wall and the two storey outshot, it may be that new archaeological evidence is revealed as part of these works which will need to be recorded appropriately.
- 6.10.58 Architectural Value
- 6.10.58.1 The Appeal Inspector also considered that the “*classical-style town and river-facing pediment and painted signage*” contributed to its historic use. As a result, “*the form and features of the Stew are important to its character, appearance and architectural value as a historic workplace and former dwelling.*”
- 6.10.58.2 Unlike the previous plans, the south facing gable end of the C19 warehouse is to be retained along with the historic pediment. The new additions are to be off set from this element of the building and in doing so this would ensure that the southern elevation remains legible.
- 6.10.58.3 In addition the proposed re-instatement of the window openings on the west elevation including that of the Merchant’s house would also materially increase the significance of this heritage asset. The retention of the taking-in doors and lucums are also important architectural features and should be retained where possible. The submitted plans show that the locations of both sets of taking-in doors would be retained with the ones facing west incorporating modest glazed balconies.
- 6.10.59 Historical Value
- 6.10.59.1 The Appeal Inspector took the view that although there was ‘no definitive evidence to show that The Stew was directly connected with the river trade’ as *it was not sited on a quay, there were other factors such as ‘its character, appearance, alignment and open siting close to the river’* that suggests that it is a ‘*historic riverside warehouse*’. She also noted that The Stew was a reminder of the trading route that the river gave to the town and also that Shrewsbury had a historic role as an inland port which was centred on both sides of the river.
- 6.10.59.2 She also noted that the ‘*historic form and values of The Stew have not been eroded by its warehouse extensions because they tell the story of the building’s development.*’ Another point was that “*the human scale and functional detailing of the features including the vertically aligned taking-in doors to each floor under the lucums allow its function as a historic workplace to be understood.*”
- 6.10.59.3 Other relevant comments in the Appeal decision are relevant here and include: “*The house range ... broadly reflects and illustrates the gradual development*

*of the town as a place to live in the C18 and the warehouse extensions illustrate the commercial and industrial development of the Frankwell Quay area during the early part of the C19”.*

*“The Stew is also a reminder of the style and character of domestic and industrial buildings which were once more common in this part of town, so its rarity in Frankwell contributes positively to historic value.”*

*“It has communal value for the people and organisations who attach importance to it”.*

*“The Stew has historic value as a historic commercial and industrial building which includes an attached converted house which is illustrative of important phases of the growth of Frankwell and Shrewsbury and Shrewsbury’s historic role as a river port.”*

6.10.60 The Inspector concluded in respect of the understanding the significance in the context of the Framework, that the building has significance due to its archaeological, architectural and historic values and these are important considerations in any planning decision.

6.10.61 Furthermore, she took the view that the Stew therefore makes a *“significant contribution to the Conservation Area as a whole.... The Stew is important to and integral to the significance of the Conservation Area and that The Stew makes an important positive contribution to the character and appearance of the Conservation Area which it is desirable to preserve or enhance.”*

6.10.62 There is a further important historical feature of the Stew in that it was common practice in the town in the C18 for land owners of business to live ‘over the shop’. In which case the Stew includes the remains of a fine C18 Merchant’s house and so this is of great significance in terms of the heritage asset. A proposal to re-instate the window openings and install new dormer windows in the roof space is to be welcomed.

6.10.63 Having identified the heritage values above, there is requirement to consider the potential impacts of the proposal on the significance of the identified heritage assets. Paragraph 193 of the NPPF that:

*“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.”*

6.10.64 Paragraph 194 goes onto say that:

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

6.10.65 Having regard to the revised plans and responses made by the Archaeological and Conservation Officer and Historic England, the view is taken that the proposal would result in less than substantial harm.

6.10.66 The requirements for development that would result in less than substantial harm are set out under Paragraph 196 which states:

*“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 public benefits of the proposal including where appropriate, securing its optimum viable use.”*

6.10.67 In terms of public benefits these arise from many developments and relate to achieving sustainable development, there are three objectives that are interlinked and overarching. These are economic, social and environmental. Details of these objectives are set out under Paragraph 8 of the NPPF.

6.10.68 With regard to the Economic public benefit, both Policy CS2 of the Core Strategy and S.16 of the SAMDev refer to economic drivers. There is an integrated vision as to how Shrewsbury should grow economically whilst at the same time aiming to protect and enhance the historic environment because Shrewsbury’s heritage assets are a key driver for the local visitor economy. Both the Stew and the Maltings have been identified as historic buildings within the Frankwell Special Conservation Area and they need to be retained and re-used.

6.10.68.1 It is considered that the proposed re-development of the Stew in addition to providing an extension that would allow for the maximum mixed use that could be accommodated on the site in terms of commercial and residential would complement the existing uses along the river frontage as well as increasing the vitality and vibrancy of the area. The commercial uses would provide 12No full time posts and 3No part time posts.

6.10.69 The second public benefit to consider is the Social Objective. Currently users of the Frankwell Car Park, the Theatre Severn and Guildhall have to walk past this uninspiring and neglected building with its Heras Fencing as it has social benefit to the Conservation Area.

6.10.69.1 A proposal to re-instate the original windows and doors of the two historic buildings and by extending the property upwards due to its constrained site area would introduce a number of new residential units along with commercial uses of the public Coffee Shop, an office and public modest leisure space would materially increase this part of Frankwell’s cultural community and provide user-friendly facilities to the adjoining buildings whether that be for the Theatre or the Guildhall or shoppers using the Frankwell parking area. An open and occupied building would be a great improvement to this part of the Conservation Area.

6.10.70 The third public benefit is the Environmental Objective. The building is currently vacant and fenced in, but nevertheless is highly visible to users of the Car Park, the footbridge, Smithfield and theatre goes on a regular basis. So a new



development that would enhance both the appearance and use of the existing building whilst providing an extension ensuring that the three original elevations can be preserved; given that the site is tightly constrained in terms of available site area, the adjacent uses and the flood risk is to be welcomed. This would result in this building being protected from further dereliction and given a long term enhancement that would be beneficial to the built and historic environment. Furthermore the installation of an emergency access for the residential uses proposed would adapt the building for climate change as would the provision of monies through the completion of a S106 agreement to manage the Environment Agency's flood barrier defences in this part of Frankwell.

- 7.10.71 Turning to the Optimum Viable Use, is considered to be either the sole viable use of the asset or if there is more than one viable use or a range of alternative viable uses, then the optimum one is the one that is likely to cause the least harm to the significance of the building and this would not just be through any initial changes, but also with regard to the future wear and tear
- 6.10.72 There is a requirement that an applicant should demonstrate that their proposals are either the only viable use or that the use would cause the least harm to the significance of the asset. In this case that is both the Stew itself and also the Shrewsbury Conservation Area. This analysis is normally dealt with by way of a Viability Assessment or Cost Benefit Analysis to show the costings that the various uses would constitute the Optimum Viable Use and that there are no alternative proposals that would result in less harm to the significance of the Stew and Conservation Area.
- 6.10.73 As can be seen from the Viability Assessment Section, the applicant did submitted two Assessments covering the two smaller scale options, the original plans and the revised plans.
- 6.10.74 The results from the DVA indicated that both Options 2 and 3 were not viable at all even though the amount of works and the uses were similar to what is now being proposed but over a smaller footprint. Both of these had negative Land Values.
- 6.10.75 However, Option 1A which is the revised scheme had a positive Land Value and that can only be because the proposed addition would be larger than given for Option 2 that was for 6 x 2 bedroom apartments, compared to the 7 No units now proposed. The applicant is aware that any extension that would project above the existing roof heights of the original building and project forward of the important south elevation would need to be fully justified due to the status of this building as a non-designated heritage asset within the Shrewsbury Conservation Area.
- 6.10.76 The revised design of the extension that shows that the light-weight fourth floor would be clearly separate from the two historic roof lines and also be in-set from the edge of the flat roof of the third storey below. In addition, the amended plans also show that the southern projection of the extension would also have a different alignment to the historic south gable as well as being clearly off set from the corner of this warehouse building. All of these design features would ensure that the proposal would not overwhelm the existing buildings but provide a contemporary addition that takes design cues from both the Theatre Severn in terms of the flat roof and from the Guildhall in terms of

its massing. The existing and proposed floor area would allow for the range of mixed uses now proposed whilst ensuring that the proposal would not result in harm to the significance of either this important non-designated heritage asset or the designated heritage asset of the conservation area itself.

- 6.10.77 Nevertheless it should be noted that the DVS did not consider that Option 1A was viable either due to lack of any developer's profit. However compared to the other options, this one would still result in a positive residual land value of £280, 942 even with the developer's profit of 0%.
- 6.10.78 Of note is that the smaller schemes were considered to be even less viable with -£10, 288 for Option 2 and -£525.156 for Option 3 which was the straight conversion of the existing building.
- 6.10.79 This clearly shows that in order for the building to have some residual land value following development, then this has to be with an extension to it, but which can only be added to the east side of the building in order that the restoration works can take place to the other historic elevations and such a scheme is further limited to commercial uses at ground floor due to the flood risk as well a compact site area.
- 6.10.80 It is also understood that an interested third party has queried these figures and suggested that a straight restoration and conversion of the existing building would be more viable and that such a development would also make a final value of £30,000 after taking off all the development costs, but this this has not been proved by the independent assessor.
- 6.10.81 The Council has now asked the District Valuer's Office to provide clarification of the methodology that was used to assess the applicant's financial appraisal and a response to this concern will be made at Committee.
- 6.10.82 Nevertheless, Officers consider that overall the proposed development would be considered to comply with these over-arching objectives and so provide a sustainable development and that the commercial and residential uses that are now proposed would result in the Optimum Viable Use.
- 6.10.83 Paragraph 197 of the NPPF is also relevant here:
- "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."*
- 6.10.84 It has already been established by the Planning Inspector at the earlier appeal that the Stew is an important non-designated heritage asset that sits in the Shrewsbury Conservation Area. She also identified three areas of significance which have been discussed above.
- 6.10.85 Ideally it would have been preferable if the Stew could have been converted

and restored without any external changes, so that the new uses could have been restricted to the original floor areas. However the analysis of the submitted Viability Assessments have shown that this Option is the least viable of the three that have been presented. So Officers have had to accept that there needs to be an extension to this property, in order that it can be restored and can become economically viable again but it is a finely balanced situation because of the building's history and previous proposals against a building that is continuing to deteriorate whilst in such a prominent and historic position.

- 6.10.86 There is also a requirement that any extension to a building should be respectful of the local context and character including matters of scale, design, form and layout as required by Policies CS6 and MD2.
- 6.10.87 In this case any extension to the building would need to be added to the east side of it; due to requirement to restore the original house elevations and retain the south gable and pediment of the C19 warehouse and because the site area itself is constrained by being surrounded by public land and an exit from a public car park and vehicular access to the river.
- 6.10.88 Beyond the Stew to the east is a narrow road is the Guildhall which is a large modern building, whilst beyond the public road to the west is the C19 Maltings, but which is also vacant at present and beyond this is the large scale massing of Theatre Severn. When read in the street scene these two historic buildings that face each effectively form small scale 'bookends' either side of the historic highway from the river against the larger bulk and massing of the more recent buildings. It is therefore essential that no extensions should be added to the principal elevations of the Stew which therefore limits any new development to the east side.
- 6.10.89 So whilst the principle of an extension to this building has been accepted, in design terms a light-weight contemporary designed glazed structure would be the most appropriate to ensure that the historic origins of the Stew would not be compromised and to show the evolution of the building. It would also be the most respectful of the local context and character of the area and a flat roofed structure would give a better scale, design and form to building too as well as showing the evolution of the building.
- 6.10.90 Nevertheless any extension that would project both above the ridge lines of the existing buildings and extend beyond the historic south gable of the warehouse would need to be carefully considered and justified because of the status of the building as a non-designated heritage asset within the Shrewsbury Conservation Area.
- 6.10.91 It was clear that the original drawings were for a wholly unacceptable design, due the expanse of the fourth floor, the loss of the dormer windows from the merchant's house and the entire warehouse roof including separating the pediment from its timbers as well the additional inappropriate features as this would have had a harmful effect on both the building and conservation area.

- 6.10.92 However the revised design of the extension albeit still showing a fourth floor but a modest flat roofed appearance that is clearly far more recessive than the earlier submission and that would be clearly separated from and also set back behind, the two historic roof lines would result in less harm to significance of the identified heritage assets
- 6.10.93 There are other important amendments to the drawings including the changes in orientation to the southern projection of the addition so that it would have a different alignment to the historic south gable of the warehouse as well as having a glaze wall that would be off set from the corner of this building thus ensuring that the old building retains its integrity. Other changes include the use of modest sized glazed balconies both on the west side of this warehouse and also for extension itself.
- 6.10.94 All of these design features would ensure that the proposal would not overwhelm the existing buildings but provide a contemporary addition that takes design cues from both the Theatre Severn in terms of the flat roof and from the Guildhall in terms of its massing.
- 6.10.95 The existing and proposed floor areas would allow for the range of mixed uses now proposed whilst ensuring that the proposal would not result in harm to the significance of either this important non-designated heritage asset or the designated heritage asset of the conservation area itself and therefore it is considered that in terms of planning balance the requirements have been met by this revised scheme.
- 6.10.96 As has been referred to above, the existing appearance of the Stew is a tired and vacant building that has seen better times and which is enclosed in builders fencing surrounded by highways. The revised proposal also includes the retention and restoration of the detailing of all three historic elevations of the Stew including the re-instatement of the original window openings, the insertion of three new dormer windows in the former house roof slope and the renovation of the stone quoins to allow for this end of the building to be restored to its former appearance as an important C18 merchant's house.
- 6.10.97 These alterations taken with the re-instatement of the window openings to the south and west faces of the C19 warehouse would clearly better reveal the significance of this important non-designated heritage asset in this part of Frankwell as well as giving the Stew its own identity again and would also enhance the character and appearance of this part of the Conservation Area for the wider benefit of Shrewsbury and in doing so tip the planning balance in favour of a recommendation for approval on heritage asset grounds.
- 6.11 **Flooding and Drainage Issues**
- 6.11.1 CS6 which deals with sustainable design and development principles states that development should conserve and enhance the built, natural and historic environment and be of an appropriate scale and design taking into account local character and context. It also needs to take into account the health and wellbeing of communities including safeguarding residential and local amenity and that development is designed to a high quality consistent with good

practice standards including appropriate landscaping and taking account of site characteristics and ground contamination.

- 6.11.2 CS17 which deals with Environmental Networks is also concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and it does not adversely affect the values and function of these assets.
- 6.11.3 CS18 Sustainable Water Management requires that developments will need to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on the water quality and quantity including ground water resources and to provide opportunities to enhance biodiversity by ensuring that all developments include appropriate sustainable drainage systems (SUDS) to manage surface water so that all development should aim to achieve a reduction in the existing runoff rate, but must not result in any increase in runoff rate.
- 6.11.4 With regard to the Core Strategy, Policy MD2 is also considered relevant here, because of the need to respect local distinctive or valued character and existing amenity value by a number of specific criteria such as responding to the form and layout of the existing development and the way it functions including building heights, lines, scale etc. It must also reflect local characteristic architectural design and details
- 6.11.5 There are a number of paragraphs in the NPPF that deal with Planning and flood risk. Paragraphs 155 to 163 are relevant here because the Stew is close to the River Severn and is sited in Flood Zone 3 so the considerations of these paragraphs need to have been dealt with and as a result the Environment Agency are a statutory consultee. and have made the following response with regard to this scheme
- 6.11.6 The applicant has submitted a Flood Risk Assessment with the application as the Stew is sited in Flood Zone 3 where there is high risk with a 1% annual probability of fluvial flooding.
- 6.11.7 This has stated that site area is 544m<sup>2</sup> and sits on a ground floor of 280m<sup>2</sup> at present but this would be increased to 330m<sup>2</sup>. The site is within an area known as Frankwell Quay and is protected from flooding by a flood barrier that consists of permanent and demountable defences. These defences provide a maximum flood protection level of some 300mm above the 1 in 100 year flood event (52.60m AOD). These barriers provide flood protection for 74 other properties.
- 6.11.8 The land surrounding the Stew is owned by Shropshire Council including the Theatre Severn and the Guildhall. Beyond this is the long stay car park of Frankwell which also forms part of the functional flood plain. A smaller short stay car park in front of the Guildhall in front of the river is protected by the flood barriers. A further small car park on the other side of the roundabout is also protected by flood defences.

- 6.11.9 The Environment Agency have made the following response with regard to this scheme:
- 6.11.10 **Flood Zone:** This site is located in Flood Zone 3, which is the high risk zone and is defined for mapping purposes by the Agency's Flood Zone Map. In accordance with Table 1: Flood Zones (Reference ID: 7-065-201-20140306) within the National Planning Practice Guidance (NPPG) Flood Zone 3 is considered 'high probability' of fluvial flooding and comprises land assessed as having a 1 in 100 year, or greater, annual probability of river flooding.
- 6.11.11 The site benefits from the Frankwell Flood Alleviation Scheme. However, this partially comprises of demountable sections which need to be erected prior to the onset of flooding. Your Council's Level 2 Strategic Flood Risk Assessment (SFRA) confirms that the Frankwell Scheme would overtop during a 100 year plus climate change (35%) flood event (53.45mAOD), in considering the lifetime of the development. As stated in the submitted Flood Risk Assessment the defence offers protection to approximately 300mm above the 1 in 100 year flood level (52.60mAOD). For information we are currently considering options to increase the standard of protection for the defences at this location.
- 6.11.12 The Executive Summary in the Level 2 SFRA states "*Breach scenarios at Frankwell have demonstrated that if a breach occurred during the 1 in 100 year event, inundation would be rapid, with fast, deep waters producing areas of extreme flood hazard. The area of inundation would be equal to if the defence wasn't there.*" Therefore undefended levels should be assessed as a worst case scenario. The map provided in Appendix D of the SFRA confirms that a breach of the section of demountable defence separating the short and long stay car parks at Frankwell would result in significant hazard risk ratings around the proposed site
- 6.11.13 **Sequential Test:** The NPPF details the requirement for a risk-based ST in determining planning applications. See paragraphs 100–104 of the NPPF and the advice within the Flood Risk and Coastal Change Section of the government's NPPG.

Paragraph 101 of the NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ST. It states that:

*'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'.*

Further detail is provided in the NPPG; 'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test (ET) if required (see Paragraph 102 of the NPPF).

- 6.11.14 The application is for a 'change of use' of the building along with some 'minor' built development. The NPPG states that "The Sequential and Exception Tests do not need to be applied to minor development or change of use".
- 6.11.15 **Flood Risk Assessment (FRA):** We have reviewed the submitted FRA (Appraisal & FRA Oct 2017 Rev 01). This section of the River Severn does have hydraulic model information, both in the River Severn Model and your Level 2 SFRA. However it should be noted that these models do not include the updated area climate change allowances currently in use as of March 2016.
- 6.11.16 For Non Major Development (as proposed) we would advise that a hydraulic flood model is produced, or existing model is re-run, similar to the approach for major development. This would give a greater degree of certainty on the design flood extent to inform a safe development. However, for 'non major' development only, in the absence of modelled climate change information, it may be reasonable to utilise an alternative approach. To assist applicants and Local Planning Authorities we have provided some 'nominal' climate change allowances within the 'Table of nominal allowances'.
- 6.11.17 In this instance we would recommend a nominal figure of 850mm on top of the best available data for the 1 in 100 year projected flood event (52.60mAOD). In this location this method indicates a projected 1 in 100 year plus climate change (35%) level of **53.45mAOD (the Design Flood Level)**. Alternatively, as stated in the attached Climate Change Guidance (Modelling Approach), the applicant/consultant may wish to re-run the model with the relevant allowances to derive a design flood extent to inform the development. Please note that finished floor levels should normally be set no lower than 600mm above the 1 in 100 plus climate change level (54.05mAOD in this instance).
- 6.11.18 Notwithstanding the above we have previously agreed, and would accept, a finished first floor level of 54mAOD.
- 6.11.19 **Safe Access:** Paragraph 054 of the NPPG advises on how a development might be made safe from flood risk. Paragraph 039 provides detail on access and egress.  
Pedestrian access should preferably remain flood free during the design flood event. However, in cases where this may not be achievable, the FRA may demonstrate that access is acceptable based on an appropriate assessment of 'hazard risk' including water depth, velocity and distance to higher ground (to the design flood level including climate change). Reference should be made to DEFRA Hazard risk (FD2320) – 'Danger to People for Combinations of Depth & Velocity' (see Table 13.1 – DEFRA/EA Flood Risk Assessment Guidance for New Development FD2320 at:  
<http://www.hydres.co.uk/tools/FD2320%20TR2%20Final%20Jan%2006.pdf>

- 6.11.20 Given our role and responsibilities we would not make comment on the safety of the access or object on this basis. This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider this to be safe in accordance with the guiding principles of the National Planning Practice Guidance (NPPG).
- 6.11.21 The Executive Summary in the Level 2 SFRA states "*Breach scenarios at Frankwell have demonstrated that if a breach occurred during the 1 in 100 year event, inundation would be rapid, with fast, deep waters producing areas of extreme flood hazard. The area of inundation would be equal to if the defence wasn't there.*"
- 6.11.22 I would also refer you to Policy CS18: Sustainable Water Management of your adopted Core Strategy which requires "*...development is designed to be safe, taking into account the lifetime of the development, and the need to adapt to climate change.*" Section 6.6.3 of the Level 2 SFRA for Shrewsbury provides a hierarchical approach for access/egress routes for brownfield sites within Flood Zone 3a.
- 6.11.23 However, we note that the proposed development will rely on the Flood Defences and a Flood Evacuation Management Plan (FEMP) to evacuate residents prior to flooding surrounding the building. As stated above, and for your consideration of safe access/egress, the 1 in 100 year plus climate change level (35%) is 53.45mAOD which would mean that, should the defences overtop or breach, the site would be impacted by flood depths of 1.95m (based on a stated ground level of 51.5mAOD). When 70% climate change allowances are considered depths could be as high as 2.6m.
- 6.11.24 Based on the possible flood depths, it may not be feasible for the access/egress route to be raised to provide 'safe' access above the 100 year plus climate change river flood level. It is therefore evident that the scheme is heavily reliant upon the implementation of a suitable FEMP. Your Council may still require confirmation of the depths along the access/egress route (which has not been confirmed at this time) to further inform your consideration of the application, including the FEMP, as discussed below. Furthermore access and egress by vehicular means is also a matter for your Emergency Planners and the Emergency Services.
- 6.11.25 **Flood Evacuation Management Plan (FEMP):** The NPPG (paragraph 056) states that one of the considerations for safe occupation is whether adequate flood warning would be available to people using the development.
- 6.11.26 We do not normally comment on or approve the adequacy of flood emergency response and flood evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users if they sign up to the Flood Warnings Service. The NPPG places responsibilities on LPAs to consult their Emergency



Planners with regard to specific emergency planning issues relating to new development. We would advise that you take account of the guidance within **NPPG Paragraph: 057** Reference ID: 7-057-20140306.

- 6.11.27 We would advise that the FEMP should identify a flood level, perhaps based upon the Welsh Bridge Gauge that will initiate evacuation of people and vehicles, and any subsequent closure of the building/car park. This trigger level should be when the access/egress is still 'dry' i.e. flood-free, to avoid any question of what is an acceptable level of flood risk to occupants.
- 6.11.28 The FRA confirms that discussions have been held with your Emergency Planners with regards the above and that a detailed FEMP will be prepared. We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider the development safe and whether a FEMP secures safe and sustainable development.
- 6.11.29 For your consideration, a comprehensive Flood Warning service operates in this local area. A trigger level may be sought to assist in evacuation.
- 6.11.30 The introduction of car parking into a flood risk area is not without risk and guidance suggests that a vehicle may be moved by depths in excess of 300mm. The AA have recently publish detail relating to the impacts of flooding on vehicles:  
<https://www.theaa.com/driving-advice/seasonal/driving-through-flood-water>
- 6.11.31 Conditions will be required to be imposed on finished floor levels and flood proofing. There is also a need for a developer contribution. As previously discussed, the site benefits from the Frankwell Flood Alleviation Scheme, maintained and operated by us, in addition to our flood warning service. The implementation of these two schemes is likely to enable redevelopment of this site. On this basis we would seek a developer contribution towards maintaining and operating the two schemes.
- 6.11.32 In this instance, to make the development acceptable in planning terms, the management of flood risk to the development, including safe access and egress, relies on the provision of our Flood Warning Service, we would normally seek £5,000 (for the non-residential development element of the development) towards maintaining and operating this service and a further £5,000, as a proportion of costs, towards the existing barrier maintenance (again, in reference to the non-residential element of the proposed development).
- 6.11.33 This sum would need to be agreed and secured upfront prior to any planning permission being granted through a unilateral undertaking or a Section 106 agreement as part of the permission.
- 6.11.34 We would like to comment that in the absence of contributions that the cost of

flood warning and any 'maintenance, rebuild, or structural alterations' would potentially place an increased burden on the public purse. It may also place additional burden/ risk to life on the emergency services and/or any rescuers.

6.11.35

The agent has stated in the FRA that discussions have been held with Shropshire Council Emergency Planner, the Environment Agency and Shropshire Fire & Rescue Services and it has been agreed:

The Joint Plan for Frankwell is that if the barriers are predicted to over top then Rest Centres will be opened to accept people from properties in Frankwell;

- ☐ Shropshire Fire and Rescue have advised that if residents are affected by a flood, people should remain within the premises until the flood event has passed; as necessary, residents will be evacuated;
- ☐ The building will be of robust design to ensure it is stable in the event of an extreme flood event;
- ☐ The building will be equipped with an emergency generator to provide lighting and heating in the event of an extreme flood event sufficient for 72 hours of use

6.11.36

The Council's Emergency Planner has also been consulted on this scheme. In her response she has stated that the Environment Agency operate a Flood Elevation Scheme at Frankwell which is used on a regular basis such as last month. On that basis the following actions are required:

- a) All potential purchasers are made aware of the risk of flooding prior to the purchase of their properties;
- b) All purchasers should be encouraged to sign up to the Environment Agency's Flood Warning scheme for this area;
- c) An Evacuation Plan is produced and shared specifically with Shropshire Fire and Rescue Services and is passed to the Shropshire Council Emergency Planning Unit for comment and awareness and
- d) That the aforementioned Evacuation Plan is given to each of the occupiers as the time of sale.

6.11.37

The agent is also fully aware of the flood risk to this property. In his response to the Environment Agency's comments he indicates the following:

*"It is clear that the EA have used the above Scenario 4 in recommending that the minimum first floor for residential uses should be set at a minimum of 54.0m AOD to ensure the more vulnerable element of the development remains dry in the event of a 1 in 100 year flood event plus climate change; we have extracted the rationale to the condition below:*

*The client has confirmed that the proposed residential floor level on the 1st floor is 54.1m AOD and therefore meets this stipulation.*

*We note as part of any future planning permission, the Council would be seeking a Legal Agreement that includes provision for the monies specified in the letter for the Flood Warning Service and towards existing barrier maintenance. Our Client proposes to use the s106 agreement from the Inquiry,*

*amending the figures as appropriate”.*

- 6.11.38 The agent has also stated that his Client accepts the Environment Agency’s £10,000 costs for the maintenance of the flood defence barriers and operational costs of the flood warning surface
- 6.11.39 He would propose to pay these at a cost of £1000/annum for 10 years; this would be a similar arrangement to that agreed during the public inquiry and the applicant has confirmed he will enter an s106 agreement on that basis.
- 6.11.40 This arrangement would appear to be different to the one suggested by the District Valuation Office which indicated that these payments should be required between months 15 and 16 of the development period.
- 6.11.41 In addition, the scheme will also include flood resilient features. The commercial elements on the ground floor excluding the 6No car parking spaces would all have a flood defence line around them and the doors for the entry to the residential floors and commercial uses would have removable flood defence barriers. As for covered bin store, this too would have a removable flood barrier but this would be inside the building close to the lift.
- 6.11.42 Moreover in the event of the Environment Agency flood defence structural wall barriers not being able to be put in place in time during a flood event, then the balcony at first floor off the communal staircase includes the provision of a gate to allow for emergency access from the building from the first floor and the north east corner of the building would allow for a specialist vehicle or rigid inflatable boat operated by the emergency services to be employed.
- 6.12 **Noise Insulation and ventilation issues in relation to proposed Gym/Leisure Use and Theatre Severn Loading Bay**
- 6.12.1 Policy CS6 is relevant here as sustainable design and development principles requires that development should conserve and enhance the built, natural and historic environment and be of an appropriate scale and design taking into account local character and context. It also needs to take into account the health and wellbeing of communities including safeguarding residential and local amenity and that development is designed to a high quality consistent with good practice standards including appropriate landscaping and taking account of site characteristics and ground contamination.
- 6.12.2 Policy CS13 is also relevant here. This policy seeks to support enterprise and deliver sustainable economic growth and prosperous communities. The policy also seeks to ensure that the business investment recognises the economic benefits of the County’s environment and quality of life as unique selling points which need to be valued, conserved and enhanced. There is a need to promote a sustainable pattern of development in line with the spatial strategy means that much of the economic development takes place in Shrewsbury.
- 6.12.3 As for SAMDev, MD2 is also relevant because any development must also contribute to and respect local distinctive or valued character and existing amenity value by a number of specific criteria such as responding to the form and layout of the existing development and the way it functions including

building heights, lines, scale etc

- 6.12.4 Finally MD13 is important as it requires that historic assets should be conserved, sympathetically enhanced and restored by considering their significance in terms of a heritage asset as well as ensuring that the social or economic benefits of the development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset or its setting taking into account the degree of harm.

- 6.12.5 As for the requirements of the NPPF, paragraph 182 is considered relevant here. It states that:

*“Planning....decisions should ensure that new development can be integrated effectively with existing businesses and community facilities..... Existing businesses and facilities should not have unreasonable restrictions placed on them as the result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development ( including changes of use) in its vicinity, the applicant...should be required to provide suitable mitigation before the development has been completed.”*

- 6.12.6 The proposal is for a mixed use of commercial with residential above and involves the restoration and conversion of an existing C19 warehouse. Two public protection issues have arisen regarding this scheme. One is the potential impact that the gym/leisure use that is to be sited at ground floor in part of the warehouse would have on the upper floors of this structure in terms of noise transmission and vibration and secondly the known impact that a theatre loading bay would have on any residents that would have bedrooms overlooking the west side of the site.

- 6.12.7 The Council’s Regulatory Services Officer is generally supportive of the scheme, but is concerned about the use of a gym that is proposed directly beneath a residential apartment as this would not normally be acceptable. Ideally the gym use should be omitted and a different commercial use provided instead.

- 6.12.8 If the Gym is to be retained as shown, then normally it would be expected that a Noise Impact Assessment will be required to take into consideration the current actual noise transmission through the building and the mitigation which will be necessary to protect residents from the gym activity noise is required. No noise from the gym use should be audible in the residential property above. This Assessment will need to include a Build Specification to show how the complete separation can be achieved from the rest of the fabric of the building. This will need to include suspended floors, ceilings, floating walls to provide a separation from the walls beneath as well as significant noise insulation between the ceiling and floor of the first floor above.

- 6.12.9 In response to this requirement the agent has indicated that the noise separation between the gym and residential apartments will be dealt with by separating the structure of the gym from the structure of the original Stew. A box within a box approach by using a floating floor on the residential level which will take the decibel reduction between demises down by 63db.

- 6.12.10 The agent also acknowledges that for thermal reasons that the historic building would need be insulated which would thicken its construction as well as giving an opportunity to reduce noise levels by employing particular materials. Secondary glazing and acoustic curtains would also be used.
- 6.12.11 Noise insulation details for existing building in respect of gym use
- 6.12.11.1 Revised drawings have now been submitted indicating that the existing ceilings in the rooms of the original building on the ground floor would be lined with British Gypsum CasoLine MF with suspended ceiling tiles with 2No layers of 12.5mm Gyproc Soundbloc board with staggered joints and 100mm Isover Spacesaver insulation to achieve a sound reduction of 60dB (A).
- 6.12.11.2 The ground floors rooms that would be insulated would be the office use, the gym/therapy rooms, the Spa/Sauna and the Reception/Changing rooms.
- 6.12.11.3 The existing first floor solid brick walls facing west and northwards of the original building would be plastered internally and lined with a Gyprame GL1 Lining Channel framework to give a 35mm cavity wall filled with 25mm Isover Acoustic Partition Roll. The walls would be internally lined with one layer of 12.5mm Gyproc Soundbloc to achieve a sound reduction of 57dB) so as to thermally insulate these walls.
- 6.12.11.4 The second floor arrangements are similar to the first floor in that the existing solid brick walls facing west and north would be plastered internally and lined as above and that in addition the ceilings would be lined with British Gypsum CasoLine MF suspended ceiling tiles to match the specification of the ground floor.
- 6.12.11.5 The roof tiles for the building would also have similar insulation between the rafters and the walling below to achieve a sound reduction of between 60dB and 58dB.
- 6.12.11.6 As for the floors themselves, a resilient bar would be positioned in the wall and above this 150mm beam and dense block flooring with a 25mm screed would be constructed. This would give a sound reduction of 58dB
- 6.12.11.7 In addition, details have been given of the upgrading of sound insulation of concrete floors. The submitted drawing shows CasoLine ceiling suspended beneath basic floor to give a 240mm cavity. The ceiling lining would be Gyproc FireLine and give a ceiling lining thickness of 2 x 12.5mm which would give an airborne sound insulation of 58dB and 66dB on impact
- 6.12.11.8 The Council's Public Protection Officer has now considered the details that have been submitted by the agent setting out the different degrees of noise attenuation through the building's fabric. It can be confirmed that a proposed noise attenuation of 55dB through the glazing, 57dB through the walls and 58dB though the ceilings is acceptable on noise grounds. Nevertheless a suitably worded condition will be required to ensure that these attenuation measures are achieved through testing that has been carried out by an appropriately experienced and qualified noise assessor.
- 6.12.12 Window Design and Ventilation Systems

- 6.12.12.1 The second issue that Public Protection raised was following concerns raised by the Technical Manager of Theatre Severn which a Shropshire Council owned building. Whilst the Theatre is keen for the Stew to be developed, part of the building is located between the exit from the car park and directly in front of the Theatre Loading Bay which is operational day and night which involves large vehicles moving being loaded and unloaded throughout the night which is an inherently noisy activity.
- 6.12.12.2 The current nearest residential units are some way away from the Loading Bay, so these activities do not cause a nuisance. However if the Stew is converted to residential use, then any occupiers facing the loading bay would be affected by vehicular noise and these operations because they would present a considerable nuisance to people trying to sleep in the rooms facing west.
- 6.12.12.3 As a result of these material concerns raised by the Theatre, officers discussed their concerns with the applicant and agent and it was agreed that the bedroom accommodation for Flats 1 and 3 that are to occupy the former Merchant's House element of the building on floors one and two would see the bedrooms relocated to the east side of the accommodation instead. So only the open plan kitchen/dining and living rooms would face onto the Loading Bay.
- 6.12.12.4 Nevertheless the Theatre's Technical Manager has still raised concerns about any residential use on this side of the building due to the nature of operations at the Loading Bay. In particular there is concern about the likelihood that future residents of the Stew will be inconvenienced to the extent that they would complain and ultimately this would then limit the hours of operation. As a result this would present a clear threat to the theatre's viability. For that reason, the Theatre is keen that the applicant should acknowledge the incompatibility between the residential use of the Stew and the ongoing use of the Loading Bay.
- 6.12.12.5 In respect of the wording contained in Paragraph 182 of the NPPF, it is the responsibility of the applicant/developer to manage the potential for noise disturbance that would be generated from the community facility i.e. Theatre Severn for the future occupants of the Stew. Therefore a suggestion that the Theatre should give advance warning of their operations would be considered unreasonably restrictive.
- 6.12.12.6 As a result of these concerns the agent has now provided additional details with regard to the proposed Acoustic detailing to be provided for the replacement sash windows to be inserted in the opened up openings on this elevation and behind this would be triple glazed secondary glazing by 'Soundproof Windows'. This glazing will achieve a sound reduction of 55dB in conjunction with the external sash or casement windows including the second floor dormer windows.
- 6.12.12.7 The Public Protection Officer is aware that a high level of noise attenuation glazing will be required for the façade facing the Theatre and road access onto Frankwell car park exit to ensure that the external noise concerns are addressed. Details of glazing have now been submitted, but it is still requested that a Noise Impact Assessment be imposed to consider what level of mitigation is necessary to capture noise from the theatre when equipment is

being moved in and out of the theatre at night.

6.12.12.8 The Noise Impact Assessment must capture the LAeq noise levels over a suitable time period and the LA max noise levels with the measurements along glazing which allows a good level of noise to be achieved inside the residential space. In addition, the ventilation measures which will allow the windows to be kept closed will need to be specified such as through acoustically attenuated trickle vents or mechanical ventilation.

6.12.12.9 Following the submission of details of the Acoustic wall ventilators (Greenwood Airvac MA3051 or similar) to be installed through the outside walls that would seek to achieve a sound reduction of the 55dB. The Council's Public Protection Officer has now confirmed that a BS4142 type assessment be carried out with a rating of no more than 30dB LAeq in bedrooms at night would be likely to suggest no significant impact with the maximum noise levels of no more than 45dB and no more frequent than 15 times in any one night period between 2300 to 0700 hours. However this Assessment cannot be conditioned prior to a decision being approved so the applicant would need to provide the relevant assessment and state how the building envelope will reduce noise between the external and internal façade to achieve the above standard.

6.12.12.10 It also felt appropriate to include within the required S106 agreement reference to the fact that all future occupiers of the residential units both now and in the future would need to be aware of the restrictions on the layout and operational use of the apartments and furthermore could not make complaints regarding the operation of the Loading Bay by the Theatre Severn.

6.12.12.11 Finally, a separate ventilation and air-conditioning system would also be required for the Spa/Sauna, the Gym/Therapy Room and the Coffee Shop. This system would be affixed to the ceiling of ground floor and exit at first floor level with the vent and extraction unit being attached to the north facing wall of Unit 1.

### 6.13. **Car Parking and Highway Issues**

6.13.1 The current proposal seeks to refurbish the existing building and extend it to develop seven apartments together with office, spa/leisure, coffee shop and garages. Access to the town centre and wider highway network is readily available and a large public car park is situated in close proximity to the property which can be utilised by users of the commercial elements of the development.

6.13.2 The development of seven apartments is considered acceptable from a highway perspective, however it is noted that a ratio for parking of one space per apartment is stated on the application form and only six spaces are indicated on the proposed plans, so it is likely that the public car park would need to be used for any remaining vehicles. The argument that these spaces should be omitted and the space used for other uses, would just mean an increase in commercial uses here facing onto the Guildhall as residential use is limited to first floor and above.

6.13.3 The 6No car parking spaces are to be positioned off the narrow lane between the Guildhall and the Stew and gates are shown on the submitted drawings. No details of these gates have been shown, but concern is raised that these should not be roller shutter doors as they would create a harsh appearance along this well used access way. Instead any doors should have regular spacing's so that they are capable of being seen through. Details of the design will be required by condition

6.13.4 There is also a requirement to provide electric charging points for the residential occupier's vehicles and these will need to be shown on a plan too.

6.13.5 The road between the Guildhall and the Stew is a public highway and currently has bollards along the car park end, but is nevertheless well used as a pedestrian route to and from the Theatre. As a result the Highway Authority have requested that details will be required regarding likely vehicle movements arising from the scheme including for the servicing of the commercial elements of the development and a construction method statement will be required for this development.

6.13.6 However they have raised no objection to the development subject to it being carried out in accordance with the approved plans and conditions.

#### 6.14 **Ecology**

6.14.1 Both C17 of the Core Strategy and MD12 of the SAMDev are considered relevant here. This latter policy deals with the natural environment and in connection with other associated policies seeks through applying guidance, the conservation, enhancement and restoration of the county's natural assets which will be achieved by ensuring that the social and economic benefits of the development can be demonstrated to clearly outweigh the harm to the natural assets where proposals are likely to have an unavoidable significant adverse effect, directly or indirectly or cumulatively on any of the following: locally designated biodiversity sites; priority species and habitats; woodlands, trees and hedges and landscape character and local distinctiveness. In these circumstances a hierarchy of mitigation then compensation measures will be sought. There is also a need to encourage development which appropriately conserves, enhances, connects, restores or recreates natural assets particularly where this improves the extent or value of these assets are recognised as being in poor condition. Finally there is a need to support proposals which contribute positively to special characteristics such as adjacent high priority biodiversity areas.

6.14.2 A bat survey was carried out on this site in July 2014 by Mark James Latham and updated in June 2017. The Survey states the following details:

#### Bats

*'Numerous roosting opportunities for bats were identified but none displayed signs of historic or contemporary use. Surveys undertaken during 2017 have confirmed that no material changes have occurred since the completion of the*



*preliminary roost inspection in 2014.'*

*Due to the presence of potential roosting features, an emergence survey was carried out on 8th July 2014 and a re-entry survey was carried out on 29th July 2014. Because a few had passed, another emergence survey carried out. A 'further dusk emergence survey was conducted [on 15th June] 2017 to establish if any material changes had occurred since the original surveys.'*

*No bat activity was observed in relation to the buildings. 'Activity was restricted to single contacts of commuting common pipistrelle and noctule bat. Low levels of soprano pipistrelle activity were also recorded at the river, where some foraging was noted to occur.'*

*In order to protect foraging and commuting bats, during and post- construction, the following working methods should be followed:*

- *'Any flood lighting should be switched off at a minimum of one hour prior to sunset.'*
- *'Any works required to be undertaken between dusk and dawn should not occur between mid-April and October, inclusive, thereby avoiding the active season for bats.'*
- *A 'low impact lighting schemes should be adopted following guidance outlined in the BCT's "Bats and lighting in the UK". This should seek to reduce light spill via the use of low level lighting used in conjunction with hoods cowls, louvers or shields to direct light to intended areas only.'*

*'It is recommended that the proposed scheme incorporates the installation of 2 Schwegler 1FR bat tubes' to enhance the roosting opportunities available.*

### Birds

*The building provides potential nesting opportunities for birds. 'Both contemporary and historic evidence of high levels of pigeon activity was identified the second floor and pigeons were noted roosting within all roof voids and one second floor room.'*

*Works should ideally take place between September and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and if any active nests are present, works cannot commence until the young birds have fledged.*

*'It is recommended that the proposed scheme incorporates the installation ... 2 Schwegler 16 or 17b swift nest boxes' to enhance the nesting opportunities available for swifts.*

- 6.14.3 The Council's Ecologist has no objections to the scheme and has recommended approval subject to conditions being imposed for bat and bird boxes and for any external lighting.

**6.15 Assessment of some of the other comments made by objectors**

- 6.15.1 With respect of the view that the Stew should be taken back into public ownership and restoration grants be made available in order that this would create a worthwhile investment opportunity for tourism or community use, officers consider that the applicant is the current developer and it he who owns the lease and that considerable negotiations have taken place to be now able to able to recommend this scheme for approval. Moreover were the building converted as it stands without any extensions, then even for commercial and residential uses, this would likely be unviable too as has been indicated with the DVS assessments.
- 6.15.2 Officers are aware of the extent of the deterioration in the fabric of the Stew and following on from the recent appeal decision that dismissed the 13/02708/OUT scheme to demolish it are keen to see it regenerated and accept that this will include the proposed erection of a four storey side extension. Were this application not to proceed then the applicant would be required to repair parts of the fabric that have deteriorated in the near future.
- 6.15.3 The Civic Society's comments have been considered as part of this process and their views have been assessed and given the appropriate weight along with those from the Statutory Consultees and professional officers.
- 6.15.4 There is no objection in policy terms to the upper floors of the Stew being used for residential uses as that was the original use of the Merchant's House. Moreover the design of the extension does include provision for off road parking too and residential uses in this area help to reduce the threat of crime in edge of town centre areas like this.
- 6.15.5 The Council is fully aware of the potential for archaeological finds at the Stew given its history and as part of any permission a suitable archaeological condition would be imposed requiring a written scheme of investigation to be submitted.
- 6.15.6 It is acknowledged that the proposal will involve the loss of the original wall of the rear warehouse behind the merchant's house and the two staircases associated with the commercial usage, but the majority of the original rear walls of the house element would be retained with only an opening made at the first and second floors for Flats 1 and 2 for ease of circulation. The eastern back wall of the C19 warehouse element is also shown as being mostly retained too.
- 6.15.7 In addition the revised plans will ensure that original roofing structures of the merchant's house and C19 warehouse are retained too along with the north, west and south elevations of the original building so that the majority of the building's architectural and historic interest would be retained in this part of the Conservation Area.
- 6.15.6 However it is important to note that the Stew is not a designated heritage asset

i.e. it is not a listed building and therefore the removal of external walls etc whilst unfortunate would not be a reason to refuse this scheme.

- 6.15.7 With regard to the view that only Option 3 would be the most appropriate here because it would only involve the conversion of the existing building, even though it would be the least unviable, that is matter for the applicant to consider and in addition it should be noted that he has accepted the results of the valuation assessment but nevertheless still wishes to proceed with Option 1A. The other two options were not before the Council to consider.

## 7.0 CONCLUSION

- 7.1 It is considered that the proposed refurbishment of the Stew along with the side extension facing onto the Guildhall and the conversion of the building into 7No apartments, office, spa/leisure, coffee shop and parking is acceptable in principle in this sustainable location in the edge of Shrewsbury Town Centre. The scheme as now proposed would not result in harm to significance of the heritage assets of this building in the wider Conservation Area and would provide the optimum viable use for the building; as well as delivering significance public benefits to make this a sustainable development. In addition the proposal would enhance the character and appearance of this part of the Shrewsbury Conservation Area in that it would allow for the refurbishment of the former merchant's house and c19 warehouse whilst providing a contemporary extension that would relate appropriately to the Guildhall next door. There would be no material loss of amenity to users of the Guildhall from the new extension. Officers recommend that approval be granted subject to be completion of the appropriate S106 agreement so that future occupiers would not be at risk from a flood event subject to the required Flood Event Management Plan being implemented.

- 7.1 The proposal therefore accords with the NPPF and the Shropshire Core Strategy Policies CS1, CS2, CS6, CS8, CS9, CS11, CS13, CS15, CS17, CS18, the Shrewsbury Place and SAMDev Policies MD1, MD2, MD3, MD4, MD8, MD12, MD13 and S.16 and officer's recommend that the application is approved subject to standard conditions on time limits, development in accordance with approved drawings, details of a written scheme of investigation, details of new materials, schedule of works, a construction management plan, details of replacement and new joinery, details of how the original roofscape would be attached to the new extension and details of the new roofing structure, rainwater goods, details of external services, rooflights, brickwork re-pointing and repairs, stonework repairs, protection of features, surface water and foul drainage, requirement for a noise assessment and monitoring exercise for the internal insulation for the proposed gym use and window ventilation system for residential protection against the noise and disturbance from the Theatre Severn Loading Bay, environment agency conditions, details of the car parking spaces, bat and bird boxes and external lighting.

- 8.0 Risk Assessment and Opportunities Appraisal

- 8.1 Risk Management

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

- ② 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.
- ② 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:

### RELEVANT PLANNING HISTORY:

13/02706/CON Demolition of existing building REFUSE 8th May 2014

13/02708/OUT Outline application for the erection of a hotel, spa and restaurant to include access, appearance, layout and scale following demolition of existing building REFUSE 8th May 2014

17/05538/FUL Proposed refurbishment, extension and conversion of the Stew into 7 no. apartments, office, spa / leisure, coffee shop and garages PCO

SA/79/0309% Provision of plastic lettering with a matt finish to the north and south elevations. REFUSE 18th March 1980

### Appeal

14/02168/REF Outline application for the erection of a hotel, spa and restaurant to include access, appearance, layout and scale following demolition of existing building DISMIS 14th December 2015

## 11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr G. Butler
Local Member Cllr Julian Dean
Appendices

APPENDIX 1 - Conditions

## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITION(S)**

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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

3. 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 development site is known to have archaeological interest.

4. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a Traffic Management Plan

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area

**6. A schedule of building works shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. No work shall be carried out other than in accordance with the approved schedule. All existing original features shall be retained in situ unless it is specifically shown on the approved plans that they are to be removed.**

**Reason: To safeguard the architectural and historic interest and character of the non-designated Heritage Asset.**

**7. Before any works of demolition begin the details for the preservation and stability of that part of the building (or architectural feature) which is to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such steps shall, where necessary, include measures to strengthen any wall or vertical surface; to support any floor, roof or horizontal surface; and to provide protection for the building against the weather during the progress of the works. The approved details shall be implemented in complete accordance with approved details.**

**Reason: To safeguard the character and appearance of the area. The information is required before development commences to ensure the protection architectural features is in place before any work commences on site.**

**8. Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, garage doors, exterior cabling and external electrical charging fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.**

**Reason: To safeguard the architectural and historic interest and character of both the non-designated heritage asset and the designated heritage asset.**

**9. No development shall take place until details for the garages/parking for all apartments have been submitted to and approved by the Local Planning Authority. The approved scheme shall be provided prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.**

**Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.**

**10. No development shall take place until a scheme for the enclosure of any plant and machinery associated with the gym and leisure uses with sound-proofing material and details of mounting to reduce vibration has been approved in writing by the Local Planning Authority. A noise monitoring exercise shall report on the noise reduction properties on the insulation that has been installed to ensure that it meets the noise reductions stipulated in the application and in addition it shall report on the audibility of noise within the residential property above the gym when the gym equipment is being tested prior to use and where necessary provide additional noise mitigation proposals to mitigate any unreasonable noise. The approved scheme shall be fully implemented prior to the first use of the plant or machinery and shall thereafter be retained.**

**Reason: To protect the amenities of the residential occupiers from potential noise nuisance. The information is required prior to the commencement of the development to ensure that the enclosure of the plant and machinery is installed in the development from the commencement for the reasons given above.**



**11. Details of the roof construction including large scale drawings and cross sections at 1:50/1:20 showing the detailing of how the existing roofscape would be adjoined to the new extension hereby permitted and also large scale drawings showing the detailing of the proposed new roof treatment shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.**

**Reason: To safeguard the architectural and historic interest and character of the non-Designated Heritage Asset.**

#### **CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

12. Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Authority Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

Reason: To minimise the flood related danger to people in the flood risk area

13. Finished 1st floor levels shall be set no lower than 54mAOD unless otherwise agreed in writing by the LPA. This figure includes a consideration for climate change.

Reason: To protect the proposed dwellings from flood risk for the lifetime of the development.

14. Prior to the above ground works commencing samples and details of the roofing materials including the flat roof materials and the materials to be used in the construction of the external walls including the render, the replacement bricks and the cladding and the limestone flooring to be used for the balconies 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.

15. Prior to their installation full details of the roof windows shall be submitted to and approved in writing by the Local Planning Authority. The installation of the windows shall be carried out in complete accordance with the approved details. Reason: To safeguard the architectural and historic interest and character of the non-Designated Heritage Asset.

16. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details. Reason: To safeguard the architectural and historic interest and character of the non-Designated Heritage Asset

17. No pointing or re-pointing of existing or proposed masonry shall commence until the Local Planning Authority has approved the following items in writing:

- o a drawing showing the proposed area(s) of repointing
- o the mortar mix

- o the method of removing existing mortar, please note that old mortar shall not be removed using any mechanical tool or angle grinder.
  - o an inconspicuous pointing sample provided on site following approval of the above items
- Reason: To safeguard the historic interest and character of the non-Designated Heritage Asset and ensure an appropriate external appearance.

18. The external brickwork shall be repaired by cutting in or using replacement bricks to match the existing. Bedding and repointing (should be in a lime mortar to include the mix and joint finish to a specification to be approved in writing by the Local Planning Authority. Reason: To safeguard the architectural and historic interests and character of the non-designated heritage asset

19. Before relevant works commence samples of stone for use in repairs and new work to the building shall be made available to and approved in writing by the Local Planning Authority before any works commence. Reason: To safeguard the architectural and historic interest and character of the non-designated heritage asset.

20. Prior to first occupation / use of the building, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and Paragraph 172 of the NPPF.

21. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species

### **Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in

before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

3. The Applicant /future occupiers should contact 08708 506506 to be set up on our flood warning system. In preparing the evacuation plan the applicant should have note to the FRA. Contact with the Environment Agency would enable the provision of the most up to date, best available, flood information.

4. Whilst the first floor residential element will be dry in a design flood the existing ground floor is 51.50mAOD and would clearly be at risk of significant flooding were it not for the presence of the flood barriers and when overtopped in an event in excess of 300mm above the 1 in 100 year flood level, as confirmed on page 11 of the submitted FRA. The Environment Agency recommends that in areas at risk of flooding, consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include removable barriers on building apertures such as doors and air bricks and providing electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products, can be found on the Environment Agency web site [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) under the 'Managing Flood Risk' heading in the 'Flood' section.

5. The developer is advised that Electric Charging Units should be installed in the Garage spaces.

6. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at:  
<http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

7. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

8. This planning permission does not authorise the applicant to: construct any means of access over the publicly maintained highway (footway or verge) or carry out any works within the publicly maintained highway, or authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

9. This planning permission does not purport to grant any consent under the Town and Country Planning (Control of Advertisement) Regulations 1992 for the advertisements shown on the deposited plans. A separate consent will be needed in this particular respect and this permission is granted without prejudice thereto.

10. Any works/activities carried out either by, or on behalf of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act (NRSWA) 1991 and the Traffic Management Act (TMA) 2004 and licensed accordingly by the Street/Highway Authority in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Shropshire. Developers must also inform undertakers of their proposed works, to jointly identify any affected apparatus, and to agree diversion or protection measures and corresponding payment.

Any such works or activities commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with Shropshire Council Street Works Team. To allow effective co-ordination contact must be made with the Street Works Team at least three months in advance of the commencement of the works and any subsequent applications must be in line with the noticing requirements of the NRSWA 1991, TMA 2004 and Highways Act 1980. The developer must particularly ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time and using the same Traffic Management measures.

For more information please contact [Streetworks@shropshire.gov.uk](mailto:Streetworks@shropshire.gov.uk) or <https://shropshire.gov.uk/roads-and-highways/application-forms-and-charges/>.

These works are required in order to minimise disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980.

11. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days' notice is required to enable proper consideration to be given.

12. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

13. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

14. These premises will require registration under The Food premises (Registration) Regulations 1991 at least 28 days prior to them being opened for business. Failure to register the premises prior to their operation will constitute an offence for which you could face a fine on summary conviction. You are therefore required to contact Community Services with regard to registration of the premises and to discuss the requirements of The Food Safety (General Food Hygiene) Regulations 1995 and Health and Safety at Work Act 1974.

15. National Planning Policy Framework 2019  
National Planning Practice Guidance 2019

Shropshire Council Adopted Core Strategy

- CS1 Strategic Approach
- CS2 Shrewsbury Development Strategy
- CS3 The Market Towns and other Key Centres
- CS6 Sustainable Design and Development Principles
- CS8 Facilities, Services and Infrastructure Provision
- CS9 Infrastructure Contributions
- CS11 Type and Affordability of Housing
- CS13 Economic Development, Enterprise and Employment
- CS15 Town and Rural Centres
- CS17 Environmental Networks
- CS18 Sustainable Water Management
- CS19 Waste Management Infrastructure

Type & Affordability of Housing SPD

Shropshire Site Allocations and Management of Development (SAMDev) Plan

- MD1 Scale and Distribution of Development
- MD2 Sustainable Development
- MD3 Managing Housing Development
- MD4 Managing Employment Development
- MD8 Infrastructure Provision
- MD12 Natural Environment
- MD13 Historic Environment

S.16 Shrewsbury

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## Committee and date

Central Planning Committee

9 May 2019

## Item

6

Public

## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

**Application Number:** 18/03206/FUL

**Parish:**

Shrewsbury Town Council

**Proposal:** Erection of residential building providing ten apartments following demolition of existing prison reception building; formation of associated car parking, cycle parking and shared storage space; landscaping scheme; revised vehicle and pedestrian access

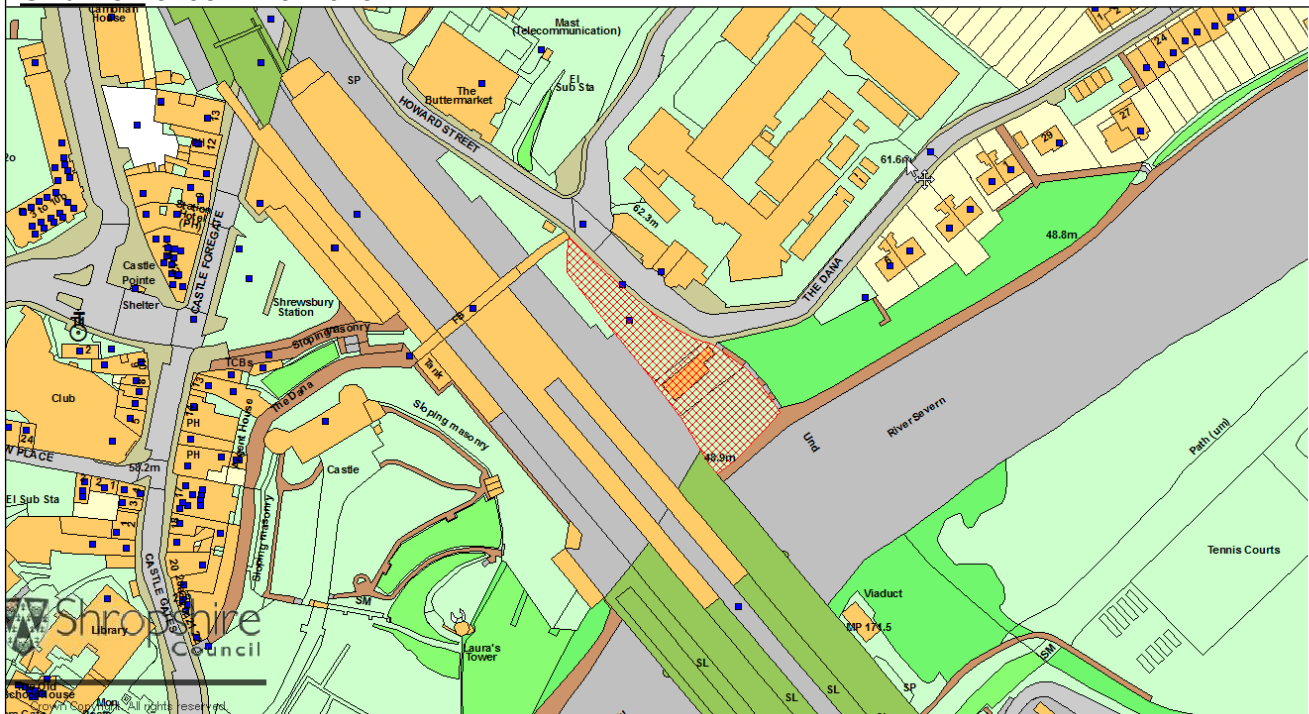
**Site Address:** Car Park The Dana Shrewsbury Shropshire

**Applicant:** Morris & Company Limited

**Case Officer:** Jane Raymond

**email:** [planningdmc@shropshire.gov.uk](mailto:planningdmc@shropshire.gov.uk)

**Grid Ref:** 349542 - 312918



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application relates to the erection of a part three storey and part four storey building to provide nine apartments following demolition of existing prison reception building. It also includes the formation of associated car parking, cycle parking and shared storage space, a landscaping scheme and revised vehicle and pedestrian access
- 1.2 The application when first submitted was for ten dwellings but following negotiations with Conservation the proposal has been amended and reduced from nine to ten apartments.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is the former prison visitor car park and former single storey prison reception building, and an area to the rear that slopes down to the river.
- 2.2 The site is located within Shrewsbury Conservation Area, adjacent to the listed Grade II former prison (with separately listed Gatehouse and perimeter wall), and in close proximity to the Castle, a scheduled ancient monument, and other surrounding designated heritage assets.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council have submitted a view contrary to officers with regards to the application as first submitted and the Local Member has requested that the amended application be referred to the relevant Planning Committee due to the prominence of the building within the town and its location so close to listed buildings and agreed by the Planning Services Manager in consultation with the committee chairman to be based on material planning reasons.

### 4.0 Community Representations

#### 4.1 - Consultee Comments

##### 4.1.1 SC Historic Environment:

##### Background to Recommendation:

Following submission of our previous comments on the application of 3 September 2018, negotiations have taken place with the applicant regarding the design of the proposed development and an amended scheme has now been submitted.

##### Recommendation:

When assessing the amended scheme, due consideration has been given to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the policies contained in Chapter 16 of the NPPF; Policies CS6, CS17, MD2 and MD13 of the Local Plan, 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).

In their further consultation response of 4 April 2019, Historic has again expressed concern about the design of the amended development, although they have not formally objected to the application.

However, we note that the northern frontage of the amended scheme has been pushed back further to the south. This will mean that the views that can be gained of Shrewsbury Castle from the Dana will not be blocked to the same extent as previously. This addresses our previously expressed concerns regarding the severance of the visual connection between the Castle and Castle Fields, which we considered harmed both the significance of the Castle as a Scheduled Monument, as a consequence of development within its setting, and the Conservation Area, as a result of this impact on its character and appearance.

Pushing back the northern frontage of the building creates a greater stand-off from the listed Gatehouse for the prison. Likewise, further mitigation is provided by the stepped back of the second floor of the building on the northern elevation, whilst the greater degree of articulation and variation in the fenestration breaks up the overall scale and massing of the building. Likewise, the walls of second floor will be clad in dark grey standing seam zinc, which together with the metal balustrade on the northern elevation, creates the impression of a roof at this level, with the overall effect of visually lowering the building. Taken together it is considered that these changes significantly reduce the impact on the setting of the Gatehouse, creating a building which will be less overbearing and more subservient to it. We therefore consider that the harm to the significance of the listed Gatehouse, as a result of development within its setting, has now been substantially reduced.

We previously had some concerns that the introduction of standard sized trees into the soft landscaping scheme of the carpark might also have an impact on the setting of the Gatehouse. However, we note that only low shrubs are now proposed, which is considered more appropriate in this location.

As previously advised, the proposed development site is not considered to hold archaeological interest.

As a consequence of the above considerations, we therefore withdraw our previous objection to the proposed development, subject to materials and landscaping conditions.

- 4.1.2 **Historic England:** Historic England has concerns regarding the application on heritage grounds. Whilst not objecting to the proposal as amended do not consider that the revised scheme fully addresses their concerns.
- 4.1.3 **SC Ecology:** The 2016 bat survey has been submitted as requested and the location of replacement trees/shrubs indicated on the updated landscape plan. However, details of the planting proposed in the garden facing the river have not been clarified, or the degree of pruning of trees to provide views across the river from the new

development. These matters should be covered in a detailed landscaping plan and the Construction Environmental Management plan. The conditions and informatives in my response dated 21st September 2018 should be attached to any planning permission.

- 4.1.4 **SC Trees:** No objection to this proposal on arboreal grounds. There will be loss of 2 "B" category trees - one a Silver Birch with current public visibility on the street scene and a Sycamore at the back of the building.

The proposal is for low level landscaping at the front of the building however I would like to see some replacement tree planting incorporated here using suitable fastigate species to soften the frontage (more than proposed) and replace lost amenity. The car park would benefit from trees with a more spreading canopy to make an attractive and shady parking area.

- 4.1.5 **SC Rights of Way:** No comments to make on this application.

- 4.1.6 **SC Waste Management:** The bin store shown on plans will provide appropriate capacity for refuse and recycling for 10x properties.

- 4.1.7 **SC Highways:** No response received.

- 4.1.8 **SC Regulatory Services:** As indicated in the Acoustic report, the construction details have not been submitted. Please could the developer provide glazing specification and subsequent ventilation specification for the building which will be directly facing the railway platform (the south west elevation or elevation which is partially marked 'façade A' as mentioned in the acoustic report diagram) and the side elevations facing the carpark and landscaped area (facades B, c and G) - this is to allow any occupant to use the rooms, especially those facing the railway station, without significant disturbance as they may be impacted by railway noise, including the noise from announcements over the loud speaker. If this information is not forthcoming at this stage I recommend that a condition is included to this effect for details to be submitted for approval prior to construction.

- 4.1.9 **WSP on behalf of SC Drainage:** Suggests a drainage condition and informative advice.

- 4.1.10 **SC Affordable Housing:** Requests confirmation that the whole building is below 1000sqm.

- 4.1.11 **Network Rail:** Whilst there is no objection in principle to this proposal, provides comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

- 4.1.12 **Environment Agency:** The site is predominantly in Flood Zone 1, the low risk zone with the garden area within Flood Zone 2 (medium risk). Has provided a copy of EA Standing Advice for development within Flood Zone 2 of a Main River and recommends that the views of SC Flood and Water team are sought

- 4.1.3 **West Mercia Constabulary:** Provides advice on Secured by Design and the new

Approved Document Q.

#### 4.2 - Public Comments

4.2.1 **Shrewsbury Town Council:** (Comments on proposal as first submitted): The Town Council is not opposed to the development of this site but due to its important and prominent location would like to see alternative designs considered that are more sensitive to the area. Artist's impressions and photomontages would be helpful to visualise the scheme.

4.2.2 **Shrewsbury Civic Society:** (Comment on proposal as first submitted): The scheme represents a good use of the site and is likely to have several advantages. The position is a sensitive one sited opposite listed parts of the old prison and within the Shrewsbury Conservation Area.

The danger is that the new building could dominate the streetscape thereby undermining the importance of the prison entrance. Members of our committee suggest that there are ways of ameliorating the height and bulk of the proposed building, perhaps by stepping the top floor or providing a mansard type roof.

There is an anxiety that views from the Dana street will be more limited and so any alterations to the car-park wall will need careful consideration.

There was also some concern for the albeit slight loss of green hedge and trees. Consequently, some degree of planting in the car park could make the space more acceptable.

Being so close to the railway station would suggest significant noise issues, not just from trains but also from the stations tannoy system, of which local residents are very aware. It is noted that sound proofing is considered in plans showing that BS 8233 could be achieved with the right construction. Is this enough?

Overall, we are positive about this application and see several advantages. However, we are keen to ensure that the above aspects are considered and improvements made where possible.

4.2.3 **Sustainable Transport Shropshire:** (Comment on proposal as first submitted): The proposals for cycle parking (P/06: Upper Ground Floor Plan) are welcome in that they are secure and covered, but are not satisfactory in other ways.

Currently the design requires for a cycle to negotiate the front door (with door closer?), be fed through a narrow corridor ending in a sharp right-angled turn, and then lifted on to a complicated elevator. There is no manoeuvring space at all at the sides of the room. This is really quite awkward, and may actually deter use. We could even foresee the space becoming a dump for unwanted items.

Fortunately it is probably not too difficult to reallocate space from the Communal Storage and Storage Area, to follow recommendations in, eg, Sustrans Design Manual.

The interior parking of bikes is welcome but 6 spaces seems too few given the sizeable potential population of up to 40 people, all of whom might want a bike. The application stresses the low usage of cars expected in this central location, but errs on the side of overprovision of car parking on the grounds of preventing spill over of cars onto residential streets.

The statement is silent about the role of car clubs in reducing the need for parking space and in reducing trips by car. Some of the parking spaces could be reallocated. At least one should go to external cycle parking (preferably under cover) while another one or two should be allocated to car club cars. Co-Wheels car club have confirmed that they are enthusiastic about having a car close to the site.

The requirement is to provide attractive facilities that will encourage cycle use. This requirement is repeatedly stressed in the NPPF.

#### 4.2.4 **Two letters of objection** to proposal as first submitted summarised as follows:

- ❑ The car park will take up all of the car park spaces used by visitors to the prison visitor experience.
- ❑ Hopes that the owners of the prison site erect a sign that directs visitors to the prison visitor experience, to the paid for car parking that is used for train passengers and is adjacent to the prison.
- ❑ Impact on open views including near views that focus on the Walls of the Castle with its Laura's Tower and distant views that include surrounding hills as far as Caer Caradoc.
- ❑ It appears to rise far too high in the presence of the listed prison Gate House on the other side of the street. One less floor would reduce the effect of overshadowing its historic neighbour.
- ❑ The proposed building is ending abruptly upwards instead of having a pitched roof like all the rest of the nearby buildings, within this Conservation Area.
- ❑ Loss of a high mature tree with a life expectancy of 40 years.
- ❑ Lack of at least one or two smaller flats in order to widen the potential social mix and also act as the affordable part of the development.

## 5.0 **THE MAIN ISSUES**

Principle of development

Scale, design and appearance and impact on the character and appearance of the locality and heritage assets

Access and parking

Landscaping and ecological implications

## 6.0 **OFFICER APPRAISAL**

## 6.1 Principle of development

- 6.1.1 As the site is situated within the current urban development boundary for Shrewsbury residential development of this site accords with policy CS1 and CS2 that identifies Shrewsbury as the primary focus for housing development for Shropshire. The site is considered to be in a sustainable location within easy walking distance of the Town Centre and both the train and bus station. It will provide nine open market apartments that will help boost housing supply numbers and make efficient use of a brownfield site. The proposal therefore also accords with the principles and objectives of the NPPF and the presumption in favour of sustainable development.

## 6.2 Scale, design and appearance and impact on the character and appearance of the locality and heritage assets

- 6.2.1 The proposed site is situated within a Conservation Area and there are listed buildings nearby and the proposal has the potential to impact on these heritage assets. The proposal therefore needs to be considered against Shropshire Council policies MD2, MD13, CS6 and CS17 and with national policies and guidance including section 16 of the National Planning Policy Framework (NPPF). Special regard needs to be given to the desirability of preserving the setting of nearby listed buildings and preserving or enhancing the character or appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 6.2.2 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.

- 6.2.3 Paragraph 189 of the NPPF states the following:

*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.*

- 6.2.4 Setting and significance is clearly defined within Annex 2 of the NPPF:

*Setting of a heritage asset:* *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

*Significance (for heritage policy):* *The value of a heritage asset to this and future*

*generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.*

- 6.2.5 Planning Practice guidance advises that '*A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.*'
- 6.2.6 Historic England Good Practice Advice notes that '*consideration of the contribution of setting to the significance of heritage assets, and how it can enable that significance to be appreciated, will almost always include the consideration of views.*'
- 6.2.7 A revised Design and Access statement and Heritage Impact Assessment statement has been submitted to support the proposed development which has been amended. These amendments seek to address the initial concerns of Historic England who considered that due to the position, scale and design the proposed four storey building would compete with the listed building and would diminish its significance.
- 6.2.4 The principle views of the building that have the potential to impact on the setting and significance of nearby heritage assets are from Howard Street to the north west and from The Dana to the north east. Photomontages have been provided to illustrate the proposal in context:



View looking south from The Dana as originally proposed



Amended proposal



View looking north from Howard Street as originally proposed



Amended proposal

- 6.2.5 The proposed building has now been more sensitively designed so that the brick built two storey aspect is no higher than the height of the perimeter walls of the prison and the third floor is set back and constructed of a different material. The stepping back of the second floor of the building clad in dark grey standing seam zinc and the greater degree of articulation and variation in the fenestration breaks up the overall scale and massing of the building and creates the impression of a two storey rather than three



storey building.

- 6.2.6 The Conservation officer and Historic Environment Manager consider that these changes significantly reduce the impact on the setting of the Gatehouse so that the proposed building now appears subservient to the listed Gatehouse and no longer competes with it so that its significance is not diminished. In addition to the third floor being set back the whole of the building has been set back further to the south so that the views of the Castle from The Dana are not significantly obscured.
- 6.2.7 Conservation and planning officers now consider that the proposed development would not result in 'substantial harm' or 'less than substantial harm' to the character and appearance of the Conservation area or the setting of nearby heritage assets. However Historic England whilst not objecting to the proposal still have some concerns regarding the impact of the development on the significance of the prison gatehouse though they have not identified that the proposal would result in 'less than substantial harm'
- 6.2.8 If it was considered that the proposal would have 'less than substantial harm' to the significance of heritage assets paragraph 196 of the NPPF requires that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 193 requires that any harm to, or loss of, the significance of a designated heritage asset from development within its setting should require clear and convincing justification.
- 6.2.9 The proposed development will make efficient use of a brownfield site providing nine apartments in a sustainable location and helping to boost housing supply. Development of this site will help fund the continuing development of the remainder of the prison site ensuring that it is restored and maintained for future generations.
- 6.2.10 It is considered that the removal of the existing single storey visitor building (that currently makes a negative contribution to the character and appearance of the conservation area) and its replacement with the proposed building will have no significant adverse impact on the views of the nearby heritage assets and thereby have no significant harm to their setting or diminish the significance of these heritage assets.

### 6.3 Access and parking

- 6.3.1 The area in front of the existing visitor building and proposed apartment building is currently used for parking in association with the current use of the prison as a visitor attraction. Once the planning permission for the conversion of the prison has been implemented the car park will no longer be required by visitors and the existing planning permission includes adequate parking provision for future residents.
- 6.3.2 This proposal indicates 12 parking spaces for future residents (including one disabled) and covered cycle storage within the building. This is considered more than adequate for a building situated in such a sustainable location.
- 6.3.3 Sustainable Transport Shropshire consider that the cycle provision as originally submitted was inadequate and inaccessible. The proposal as amended indicates a



double stacked cycle store within the building to provide storage for 8 cycles easily accessed via the entrance hall at the front of the building. This secure store is considered more than satisfactory.

- 6.3.4 The proposal includes some amendments to the existing vehicular and pedestrian access and Highways have not responded to their consultation. However considering the existing use as a car park it is not considered that the proposal would have any impact on highway safety or congestion in the locality.

#### 6.4 **Landscaping and ecological implications**

- 6.4.1 CS17 and MD12 seek to ensure the conservation and enhancement of natural assets and to ensure satisfactory landscaping of new development. Ecology have commented that the planting proposed in the garden facing the river have not been clarified and recommends a detailed landscaping plan and Construction Environmental Management plan to ensure the provision of amenity and biodiversity. The proposal does include the loss of two trees (a Sycamore to the rear of the site and a Silver Birch nearer the front of the site). The Tree officer has no objection to the proposed loss of these trees and this will be mitigated by the planting of additional trees.
- 6.4.2 The Tree officer has commented that the proposal might benefit from additional tree planting within the car park to the front of the building. However Conservation consider that the introduction of standard sized trees into the soft landscaping scheme of the car park might have an impact on the open views and setting of the Gatehouse. It is therefore considered that landscaping to the car park should be restricted to low shrubs, and any tree additional tree planting should be to the rear of the site facing the river.
- 6.4.3 It is considered that subject to compliance with the suggested conditions the proposal would have no adverse ecological implications and that trees to be retained will be protected and a satisfactory landscaping proposal will be secured.

#### 6.5 **Other matters**

- 6.5.1 Flood risk/drainage: The bottom of the site closest to the river is within flood zone 2 but the majority of the site and the part where the building and car park will be located are within flood zone 1 (the lowest risk of flooding). A condition will ensure the provision of satisfactory foul and surface water drainage.
- 6.5.2 Noise: Due to its location adjacent to the station there is potential for disturbance to future residents due to noise. A condition is recommended requiring details of the glazing specification and ventilation specification for the north, south and east facing elevations to be submitted for approval to ensure adequate sound insulation.

#### 7.0 **CONCLUSION**

- 7.1 Residential development of this site is acceptable in principle and accords with policy CS1 and CS2 that identifies Shrewsbury as the primary focus for housing development for Shropshire. The site is within easy walking distance of the Town

Centre and both the train and bus station, and the proposed development will make efficient use of this brownfield site providing nine apartments in a sustainable location and helping to boost housing supply.

- 7.2 It is considered that the removal of the existing single storey visitor building (that currently makes a negative contribution to the character and appearance of the conservation area) and its replacement with the proposed building will have no significant adverse impact on the views of the nearby heritage assets and thereby have no significant harm to their setting or diminish the significance of these heritage assets.
- 7.3 Subject to the imposition of the suggested conditions the proposal would have no adverse ecological implications, the trees to be retained will be protected and a satisfactory landscaping proposal will be secured. In addition adequate parking and a safe means of access to the site, drainage and sound insulation will also be provided.
- 7.4 It is therefore considered that the proposal accords with the relevant parts of Shropshire Council policies MD2, MD12, MD13, CS2, CS6 and CS17 and with national policies and guidance including section 16 of the NPPF and section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 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: Section 16 of the NPPF and section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Core Strategy and SAMDev Policies: MD2, MD12, MD13, CS2, CS6 and CS17

## 11. Additional Information

### **List of Background Papers**

18/03206/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages

Cabinet Member (Portfolio Holder) - Cllr G. Butler

Local Member - Cllr Nat Green

Appendices

Appendix 1; Conditions

## **APPENDIX 1**

**Conditions****STANDARD CONDITION(S)**

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a Traffic Management Plan

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

4. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, integrated bat and bird boxes) will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- f) Identification of Persons responsible for:
  - i) Compliance with legal consents relating to nature conservation;
  - ii) Compliance with planning conditions relating to nature conservation;
  - iii) Installation of physical protection measures during construction;

- iv) Implementation of sensitive working practices during construction;
  - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
  - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

5. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, bat boxes);
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Details of species-rich grassland creation, enhancement or restoration including details of green hay or seed mixes (if used);
- e) Native species are to be used and are to be of local provenance (Shropshire or surrounding counties);
- f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design and to ensure that the landscaping is appropriate in relation to the settings of designated heritage assets and the character and appearance of the Conservation Area

6. An update bat survey of the buildings and site shall be carried out in the June to August period immediately before demolition or disturbance of the building on the development site if these works are to commence after August 2019. Where update surveys show that conditions on the site have changed (and are not addressed through the originally agreed mitigation measures) then a revised updated and amended mitigation scheme, and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority prior to the demolition or other works to the building. Works will then be carried forward strictly in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that development is informed by up to date ecological information on bats (European Protected Species) and that ecological mitigation is appropriate to the state of the site at the time demolition or other works to the building commences.

## **CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

7. Ground clearance, demolition and construction work shall be carried out in accordance with the recommendations and tree protection measures of the submitted Tree Report and the tree protection measures retained for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

8. Prior to above ground works commencing details of the glazing specification and ventilation specification for the north, south and east facing elevations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To enable future occupiers to use the rooms, especially those facing the railway station, without significant disturbance as they may be impacted by railway noise, including the noise from announcements over the loud speaker.

9. No above ground works shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.

Reason: to ensure satisfactory drainage of the site and to avoid flooding.

10. Prior to the above ground works commencing of the roofing materials and the materials to be used in the construction of the external walls 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 and that any impacts on the settings of designated heritage assets and the character and appearance of the Conservation Area are minimised.

11. Within 3 months of the commencement of development a habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) A monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

12. Prior to first occupation / use of the building, a minimum of one woodcrete bat box, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on each of trees T7 and T9. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

13. Prior to first occupation / use of the building, the following boxes shall be erected on the site:

A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for

swifts (swift bricks or boxes), sparrows (32mm hole, terrace design) and small birds (32mm hole, standard design) shall be erected on the site.

The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (e.g. under eaves of a building if possible) with a clear flight path, and thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 175 of the NPPF as mitigation for loss of nesting habitat and enhanced nesting opportunities.

14. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall:

- a) identify those areas/features on site that are particularly sensitive for bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
- b) show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

Reason: To minimise disturbance to bats, which are European Protected Species.

15. Prior to the relevant parts of the works commencing full details of the design and construction of the revised access and car parking area including any new footways, verges, accesses, and street lighting together with details of the disposal of surface water shall be submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented prior to the first occupation of any of the dwellings hereby approved.

Reason: To ensure a satisfactory access to the site.

16. The car parking spaces and cycle storage indicated on the approved plans shall be provided prior to the first occupation of the dwellings hereby approved and shall be kept available for the parking of motor vehicles, at all times. The car parking spaces shall be used solely for the benefit of the occupants of the development hereby approved and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure an appropriate level of parking and cycle storage is provided for the lifetime of the development.

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## Committee and date

Central Planning Committee

9 May 2019

## Item

7

Public

## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

**Application Number:** 19/01500/FUL

**Parish:**

Shrewsbury Town Council

**Proposal:** Application under Section 73A of the Town and Country Planning Act 1990 for the erection of a sixth floor to provide a roof top conservatory with glazed ballustrading (revised scheme)

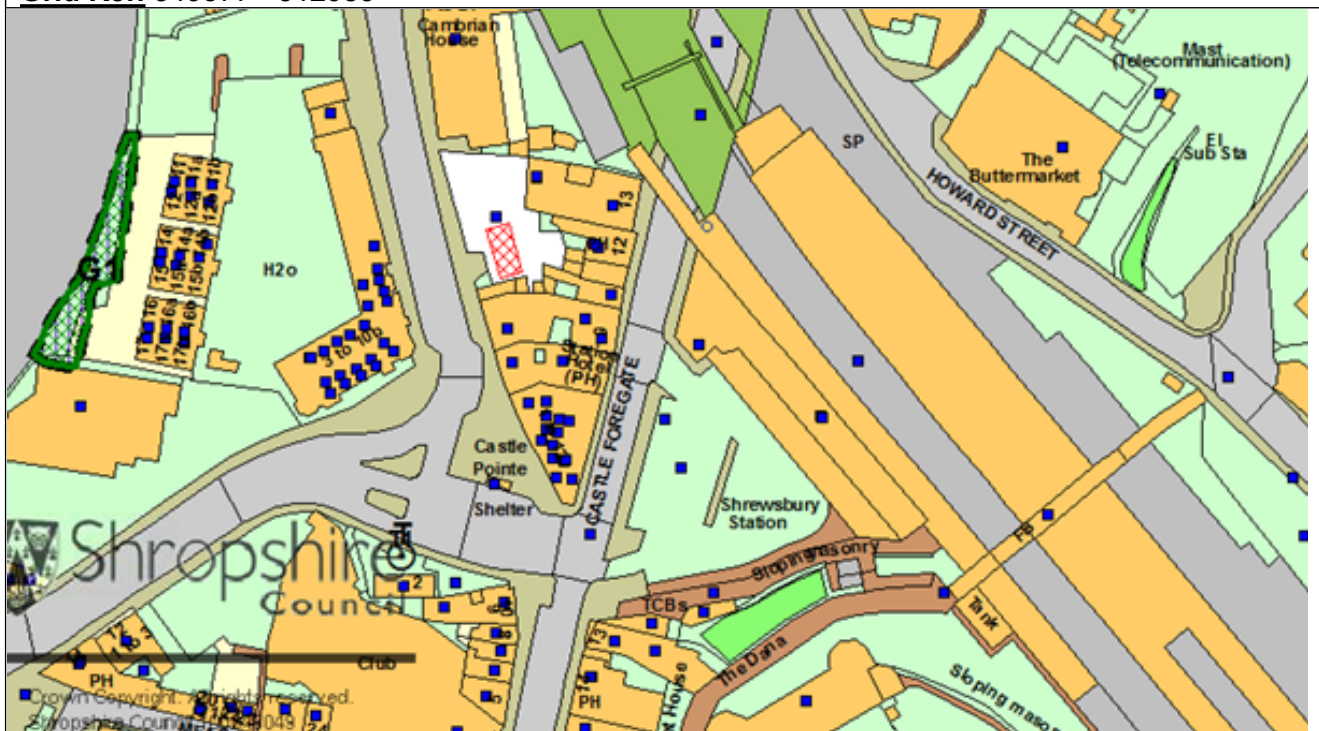
**Site Address:** Residential Development Land Adjacent Chronicle House Chester Street Shrewsbury Shropshire

**Applicant:** Mr Cory Irvine-Wright

**Case Officer:** Jane Raymond

**email:** [planningdmc@shropshire.gov.uk](mailto:planningdmc@shropshire.gov.uk)

**Grid Ref:** 349377 - 312983



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**Recommendation:- Refuse.****Recommended Reason for refusal**

1. It is considered that the proposed rooftop extension (reduced by a sixth of its currently built form) would be a prominent and discordant feature that would detract from the character and appearance of Chester House itself and would dominate and overpower views of the adjacent Chronicle House and other heritage assets in the area. The roof top extension would interrupt the stepping down of the roof line from Cambrian House and break the originally intended consistent, clean and unadorned roof line of Chester House. This prominent feature would be viewable from many vantage points (both near and distant) within the Conservation area and adversely impact on the character and appearance of the building and disrupt the skyline and would fail to preserve or enhance the character or the appearance of the Town Centre Special Character Area within Shrewsbury Conservation area. It is therefore contrary to Shropshire Council policies MD2, MD13, CS6 and CS17 and section 16 of the NPPF and section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**REPORT****1.0 THE PROPOSAL**

- 1.1 This is a retrospective application for planning permission for the erection of a sixth floor to provide a roof top conservatory with glazed balustrading to roof terrace.
- 1.2 Planning permission has already been refused for a larger roof top extension under reference 18/03375/FUL and again under 19/00495/FUL which was supported by a more detailed heritage impact assessment and the submission of a planning statement. The applicant revised the drawings submitted under application 19/00495/FUL but then requested that these be disregarded and the application be determined using the originally submitted drawings.
- 1.3 This application is for the same roof top extension previously refused but slightly reduced in size and seeks to address the reasons for refusal of the latest refused application:

*It is considered that the proposed rooftop extension is a prominent and discordant feature that detracts from the character and appearance of Chester House itself and dominates and overpowers views of the adjacent Chronicle House and other heritage assets in the area. The roof top extension interrupts the stepping down of the roof line from Cambrian House and breaks the originally intended consistent, clean and unadorned roof line of Chester House. This prominent feature is viewable from many vantage points (both near and distant) within the Conservation area and adversely impacts on the character and appearance of the building and disrupts the skyline and fails to preserve or enhance the character or the appearance of the Town Centre Special Character Area within Shrewsbury Conservation area. It is therefore contrary to Shropshire Council policies MD2, MD13, CS6 and CS17 and section 16 of the NPPF and section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

- 1.4 This revised application reduces the width of the conservatory by 2.2 metres as well

as reducing the area of associated balustrading. It is supported by the same planning statement and detailed heritage impact assessment.

## 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a brownfield site within the centre of Shrewsbury which was previously used as a private car park and accessed off Chester Street. The building erected on site (referred to as Chester House) was originally commenced in September 2017 which implemented planning permission 14/00582/FUL for the erection of a five-storey building to provide 11 residential units. Revisions to the external elevations and materials were approved under planning reference 17/03177/VAR.
- 2.2 The site is situated between two office buildings, Cambrian house, a 1960s office building to the north west, which has recently been converted to apartments with the addition of a sixth floor of accommodation, and Chronicle House, a three storey 1920s building to the south, which has also been converted to residential use on the upper floors and retail at ground floor.

## 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Local Member has requested that the application be referred to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Planning Services Manager to be based on material planning reasons.

## 4.0 Community Representations

### 4.1 - Consultee Comments

- 4.1.1 **SC Conservation (Latest comments on this revised application received 29.04.2019):** Our Team was recently re-consulted on a revised scheme under application 19/00495/FUL which proposed a modest reduction to the length of the constructed sunroom/conservatory. Our Team considered this proposed amendment to the plans submitted and it was our Team view that our earlier comments made on that application would remain relevant. It is understood that planning application has now been refused. As this new full planning application proposes the same revised scheme, we would reiterate our earlier comments.

**Comments on revised roof top extension (19/00495/FUL) reduced in size received 18.03.2019:** Our Team has been re-consulted on a revised elevation and plan which proposes a modest reduction to the length of the constructed sunroom/conservatory. Our Team has considered this proposed amendment to the plan and it is our view that our earlier comments would remain relevant in this case.

**Earlier comments on previous application (19/00495/FUL) received 06.03.2019:** A retrospective planning application has now been submitted for a 6th floor 'sunroom/conservatory' feature which sits atop the new 5 storey residential building on Chester Street. This application follows on from an earlier planning application 18/03375/FUL for the same sunroom feature, which was refused planning

permission.

We would refer you to our series of two formal consultee comments submitted under application 18/03375/FUL and which were included in full within the Development Management Report relevant to that application.

This current retrospective application appears to represent a 'resubmission' of the earlier application (as the proposal is described in the Planning Statement) and therefore there are no apparent changes to the application we considered under 18/03375/FUL, and as such, we would refer you to our earlier series of comments which would still apply to this current application.

It is acknowledged that a new Heritage Statement has been submitted with this current application however having reviewed this document which is in the form of an Appeal Statement we do not concur with the Statement's conclusions. Again we would refer you in full to our earlier consultee comments in terms of the impact that this development has on surrounding both non-designated and designated heritage assets (as identified in our earlier comments) at this gateway site to the town centre within the Conservation Area. We would also refer you to the comments submitted by the Shrewsbury Civic Society and the Shrewsbury Town Council which have identified similar issues with this development.

**Comments on earlier application (18/03375/FUL) received 26.09.2018:** I would refer you to our earlier comments on this application dated August 17th.

A 'Heritage Impact Assessment' has now been prepared by CJR Heritage Services.

I generally do not disagree with the bulk of the statements made in the Assessment regarding the design, architectural detailing and materials and finishes as they relate to the 5 storey Chester House building in its approved five-storey form under application 17/03177/VAR.

As noted in our earlier comments, the 5 storey height, with its top/fifth floor being set back and mainly glazed, was considered to represent an acceptable height both visually and in terms of overall scale which would sit relatively comfortably between the larger and taller modern 'Cambrian House' at the north-west corner of the block, and the more modestly scaled and traditionally designed and detailed 'Chronicle House' immediately to the south. Stepping the height of the new building up marginally from Chronicle House with a consistent, clean and unadorned roof line was the aim, and particularly important given that Chronicle House is considered to represent a non-designated heritage asset within the Conservation Area, a double-fronted building purpose-built in 1927 to be occupied by the Shrewsbury Chronicle and designed by local architect Frank Shayler (Shayler and Drake).

Making up the rest of the Chester Street/Castle Foregate triangular block are further traditional buildings considered to also represent non-designated heritage assets including 'Cleveland House' which dates from 1885 as a temperance hotel and is a four storey building of Ruabon brick capped by a distinctive belvedere at the Chester Street/Smithfield Road junction, as well as facing the Grade II listed Shrewsbury

Station and its forecourt, the series of 19th Century buildings including the three storey Italianate polychromatic brick Corbett Building, the painted brick Station Hotel (formerly The Grapes), the Castle Foregate frontage of the Chronicle Building and the more modestly scaled Albion Vaults.

The Heritage Impact Assessment does not adequately address the impact on the character or appearance of the non-designated heritage assets making up this block, both individually and as a group, where it would appear that an incomplete assessment of the impact of the roof top 'sun room' addition (which has substantially been constructed, beyond the approval granted under application 17/03177/VAR) has been undertaken, and where I would refer you to photographs taken by the planning case officer from views towards the building from the Shrewsbury Station forecourt, from the Dana footpath below the Grade I and Scheduled Shrewsbury Castle, or from more distant views within and between the Special Character Areas that make up the wider Shrewsbury Conservation Area.

In views from the Station forecourt and the Dana footpath, the sun room addition appears to sit uncomfortably on top of Chronicle House (where without the sunroom the new build would be far less visible behind it). From the Dana footpath the sun room addition sits atop of the decorative roof line of the Station Hotel. From other angles and views the sun room appears to form an extension to the top floor of the modern Cambrian House to the north as the heavy roof line and dark metal cladding of Cambrian House are continued horizontally and incorporated into the design of the sun room, adding to its bulk, dominance and causing an interruption to the traditional sky line over the buildings making up this block.

In our view the Assessment does not support the introduction of a sixth storey to Chester House in this sensitive location within the Conservation Area. The Assessment also does not support the conclusion of the Design and Access Statement that the sun room is 'small in scale and in the overall townscape is barely perceptible' or that 'the overall height remains subservient to the other blocks adjacent'.

We would recommend that the application is refused due to the impact on heritage assets in the immediate and wider area, and the impact on the Conservation Area, where an additional storey in this form would neither enhance nor preserve the character or the appearance of the Town Centre Special Character Area, relevant to the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is not considered that this proposal has had adequate regard to the relevant local and national policies and guidance in terms of historic environment matters including CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the revised National Planning Policy Framework (NPPF) and relevant Guidance including Historic England's Setting of Heritage Assets. The impact on the significance and setting of designated heritage assets where Section 66 of the Act requires the need to pay special regard to the preservation of listed buildings and their settings, has also not adequately been assessed.

**Earlier comments on 18/03375/FUL received 17.08.2018:** I would refer you to our comments on planning application 17/03177/VAR the plans of which reflect the design of the residential building currently under construction on this former gap site between the three storey traditionally-designed stone-faced building known as Chronicle House and the modern and recently re-clad large residential building known as Cambrian House on Chester Street. The new residential building on the subject lands was approved under application 14/00582/FUL at four storeys, with the revisions approved under the 2017 VAR application considered to improve the fenestration, materials appearance and detailing of the building to better respond to the neighbouring traditional building and to enhance the appearance of the building within the street scene and the wider Conservation Area.

The height approved for the building was considered appropriate within the context of the taller Cambrian House and the lower and more traditionally scaled Chronicle House, at a generous mid-point level. A new application has now been received to add another level to the building under construction currently, in the form of a linear 'sunroom', extension, adding another storey to the building. This sunroom would only serve to add additional private space to the occupants of apartment 11, and would have no wider public benefit, while adding to the height of the building, and overpowering the smaller existing building next door, which is considered to be a non-designated heritage asset within the Conservation Area.

The impact of this additional storey to this building would need to be fully assessed in terms of immediate and wider impact on the character and appearance of the Conservation Area, and would need to include the impact on views through and between the relevant Special Character Areas which make up the wider Shrewsbury Conservation Area, for example on views across the town centre from points within the Castlefields neighbourhood. This additional storey is likely to unnecessarily dominate these views and the skyline. This assessment has not been submitted as part of this current application.

Based on the information submitted, we would recommend that this additional storey is removed and the scheme withdrawn due to the impact on heritage assets in the immediate and wider area, and the impact on the Conservation Area, as an additional storey would neither enhance nor preserve the character or the appearance of the Town Centre Special Character Area, relevant to the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is not considered that this proposal has had adequate regard to the relevant local and national policies and guidance in terms of historic environment matters including CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and relevant Guidance including Historic England's Setting of Heritage Assets. There could also be an impact on the significance and setting of designated heritage assets where Section 66 of the Act requires the need to pay special regard to the preservation of listed buildings and their settings, and this has not been adequately assessed.

4.1.2 **SC Archaeology:** We have no comments to make on this application with respect to

archaeological matters.

4.1.3 **WSP on behalf of SC Drainage:** The site is in Flood Zone 3 but the development is for a roof top conservatory on the sixth floor and should not increase any flood risk.

4.1.4 **Historic England:** On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

#### 4.2 - Public Comments

4.2.1 **Shrewsbury Town Council (Comments on earlier application):** The Town Council objects to this planning application on the grounds that it is not in-keeping with the surrounding properties in the Conservation Area. Members feel that the proposals are out of proportion to the Listed buildings in the vicinity, creating a dominant feature that would detract from the existing skyline. Members feel that the plans do not enhance one of the major gateways in the town centre.

4.2.2 **Shrewsbury Civic Society (Comments on earlier application):** We are concerned that this application has been submitted to gain retrospective permission for an already erected additional storey on the planned and permitted building of 17/03177/VAR. The flouting of planning permission, particularly within a Conservation Area, must not be allowed to undermine planning regulations. We are saddened to see that this is now being taken to Appeal, as is the enforcement order served.

We can appreciate that for the building's users the so called "sun-room" on the top would be a nice facility affording good views. However, it is not attractive from the many other local buildings and even from the street level of a number of surrounding roads. (Of course it is not seen from Chester Street itself.) We admire how well the adjacent Cambrian House augments this area of the town and are not discontent with the front facade of the "Chester House". However, there were too few contextual considerations outlined in the various applications for this site. The roof-top sun room is a pronounced example of this.

Most of all, the "sun-room" fractures the important skyline, and is visible from a good many points around this part of historic Shrewsbury. Without it, the skyline falls pleasantly from Cambrian House to Chronicle House in a way commensurate with other parts of this precious town. We noted and appreciated this aspect at the time of the original application. However, the "sun-room" now gives a feeling of hotchpotch, utilitarian, and unplanned growth.

We support the Local Planning Authority in this and ask that the "sun-room" is removed and this application is rejected.

4.2.3 **Three letters of support from occupiers of the adjacent Cambrian House developed by the applicant:**

☐ Living on the top floor of the adjacent Cambrian House has a direct view over

the roof of Chester House and considers that the roof top conservatory greatly improves the immediate view, the redevelopment of the entire area, the skyline and the conservation area in general.

- ☐ Cambrian House is taller and more prominent in the skyline than the adjacent Chester House and the Council found the height and mass of Cambrian House as enhancing the street scene and conservation area and the current proposal is small as part of the whole area and existing roof scape.
- ☐ Considers that the conservatory is an enhancement to the approved building of Chester House, is well designed in keeping both with that and the adjacent Cambrian House.
- ☐ It would enhance what would otherwise be a flat, grey and fairly boring roof-scape.
- ☐ Fails to see how there is any harm either to the immediate area, to the wider skyline or to the conservation area generally.
- ☐ In response to the Council's objections the applicant (Mr Irvin-Wright) has offered to make a significant reduction in the width of the conservatory which serves to further reduce its impact.
- ☐ Walking down Castle Street and seeing the tops of Cambrian House and the new development appreciates the lovely olive trees and bay trees on the roof top. Considers that the treatment of the top floors of both buildings are very much in line with inner city buildings including greenery and gardens and is entirely appropriate in 2019 and enhances the redeveloped area.
- ☐ Fails to understand how the alternative (an expensive appeal and a large grey flat rooftop on Chester House) could be an improvement to anyone in the area or experiencing the skyline and considers it a waste of public resources.

## 5.0 THE MAIN ISSUES

Impact on the character and appearance of the locality and the Conservation area.

## 6.0 OFFICER APPRAISAL

### 6.1 Impact on the character and appearance of the locality and the Conservation area.

- 6.1.1 The proposed site is situated within a Conservation Area and there are listed buildings and buildings considered to be non-designated heritage assets in the locality and the proposal has the potential to impact on these heritage assets. The proposal therefore needs to be considered against Shropshire Council policies MD2, MD13, CS6 and CS17 and with national policies and guidance including section 16 of the National Planning Policy Framework (NPPF). Special regard needs to be given to the desirability of preserving the setting of nearby listed buildings and



preserving or enhancing the character or appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 6.1.2 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.

- 6.1.3 Paragraph 189 of the NPPF states the following:

*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.*

A Planning Statement and a Heritage Appeal Statement have been submitted to support the application.

- 6.1.4 One of the reasons for refusal for the first application for the conservatory stated the following:

*The submitted 'Heritage Impact Assessment' does not adequately describe the designated heritage assets (conservation area and nearby listed buildings) or the non-designated heritage assets in the locality and does not assess the impact of the proposed roof top extension on these assets and is therefore contrary to paragraph 189 of the NPPF.*

- 6.1.5 As a more detailed Heritage Assessment has been submitted it is considered that paragraph 189 has been addressed in terms of describing '*the significance of any heritage assets affected*' and providing detail regarding the authors judgement on the '*potential impact of the proposal on their significance*'. The Heritage assessment has been reviewed by the Council's Conservation Officer who has confirmed that '*we do not concur with the Statement's conclusions*'.

- 6.1.6 Heritage assets can be designated or non-designated and paragraph 197 of the NPPF states the following regarding non-designated heritage assets:  
*'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'*

- 6.1.7 The Glossary in Annex 2 The NPPF states that a Heritage Asset is '*A building,*

*monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)'. A building does not have to be locally listed to be identified by the LPA to be a non-designated heritage asset.*

- 6.1.8 Chronicle House adjacent to the site is considered by the LPA to be a non-designated asset that contributes to the character and appearance of this part of the Town Centre Special Character Area of the wider Shrewsbury Conservation area. The submitted Heritage Assessment states the following regarding the impact of the proposal on Chronicle House:

*'I do not consider that the presence of the appeal structure makes Chronicle House less significant than it would be otherwise or that it reduces the contribution that the building makes to the character and appearance of Shrewsbury Conservation Area.'*

- 6.1.9 It also states the following regarding the effect on Shrewsbury Conservation Area:

*'The appeal building is such a small component of the whole area, and it is so much a part of the existing roofscape (see Figures 1 to 3 and 6 to 9) that the change is almost imperceptible when considered as part of the whole'.*

- 6.1.10 Although the roof top conservatory extension has been reduced in size Officers still disagree with both of these statements in relation to this revised proposal and it is considered that the rooftop extension would continue to appear as a prominent and unacceptable addition that would be seen from various viewpoints within the conservation area (See Appendix A).
- 6.1.11 From various viewpoints the roof top extension (even if reduced in width) would not be small in scale, or subservient to the adjacent Chronicle House and would continue to be clearly visible to the public. It would be a prominent and discordant feature that will distract from the adjacent Chronicle House when approaching from Smithfield Road to the West and would be a dominant feature that would disrupt the skyline.



- 6.1.12 Similarly in views from the East, from the Dana footpath beneath the Grade I and Scheduled Shrewsbury Castle and from the forecourt to the railway station (which is also listed), the roof top addition would appear to sit uncomfortably on top of Chronicle House.



From the Dana footpath the roof top extension would appear to sit atop of the decorative roof line of the Station Hotel and again disrupt the skyline which makes up this part of the conservation area.



- 6.1.13 The submitted statement and heritage assessment makes reference to an earlier officer report for the conversion and extension to an office building to the north west 'Cambrian House' and appears to be presenting this as justification for allowing this proposal.
- 6.1.14 The submitted planning statement highlights that the officer's delegated report for the extension and external facade changes of Cambrian House stated that 'The

*additional fifth floor should blend in fairly seamlessly and overall these alterations are welcomed and should modernise and update the appearance of this building, enabling it to make a more positive contribution to the Conservation Area and the appearance of Shrewsbury Town Centre in general’.*

6.1.15 The Heritage assessment states the following:

*‘It is difficult to see why the Council is alleging that the appeal building is discordant with its surroundings when it so eagerly permitted a similar extension to Cambrian House in 2015. Instead of being “discordant” the additional structure is visually in accordance with the additional storey on Cambrian House’*

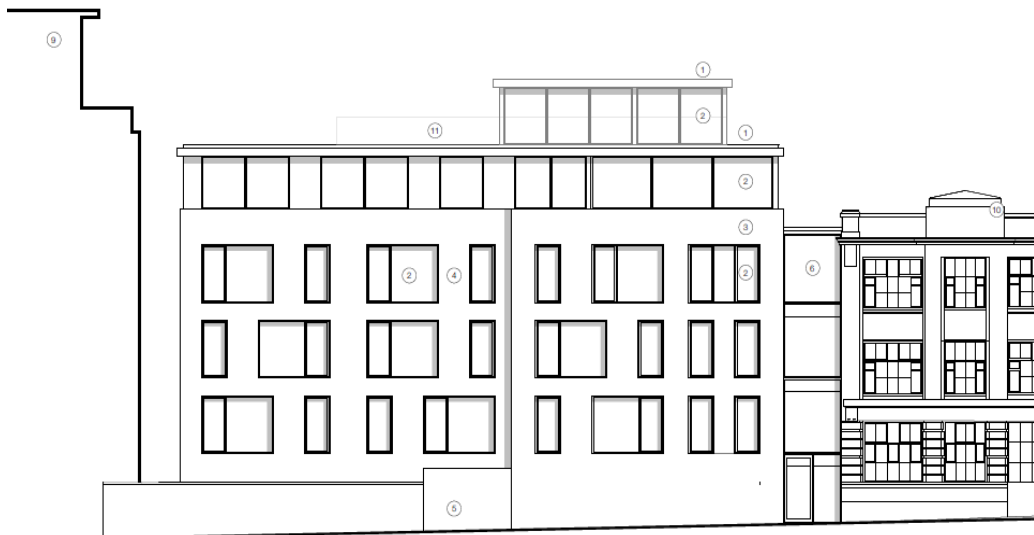
It is not considered that comparisons can be made between these two very different proposals. The proposals for Cambrian House taken as a whole including changes to the external appearance of the whole of the building were considered to improve the character and appearance of this neglected office building that had a negative impact on the street scene and this part of the Conservation area. The building now referred to as Chester house and without its roof top extension is considered to be a positive contribution to the street scene. The design, scale and appearance of Chester House (at the time of the application for the building and its subsequent amendments) having regard to its siting between Cambrian House to the north west and Chronicle House to the south was considered appropriate in this context.

- 6.1.17 As pointed out by the Conservation officer the originally approved five storey height of Chester House, with its top floor being set back and mainly glazed, was considered to represent an acceptable height both visually and in terms of overall scale which would sit relatively comfortably between the larger and taller modern ‘Cambrian House’ at the north-west corner of the block, and the more modestly scaled and traditionally designed and detailed ‘Chronicle House’ immediately to the south.
- 6.1.18 The scale and design approved for the building now referred to as Chester House was considered appropriate within the context of the taller Cambrian House and the lower and more traditionally scaled Chronicle House, at a generous mid-point level. At the original height approved Chester House was considered to sit comfortably within this block of non-designated heritage assets that face Chester Street and Castle Foregate.
- 6.1.19 It is considered that the addition of the roof top extension (even as now amended and reduced in width detracts from the character and appearance of Chester House itself and dominates and overpowers the adjacent Chronicle House. It takes away the stepping down of the roof line from Cambrian House and the marginal stepping up of the height of the new building from Chronicle House and breaks the consistent, clean and unadorned roof line of Chester House which was the original intention.





Previously refused application



Current proposal reduced by a sixth

## 6.2 Other Matters

6.2.1 Amenity – Policy CS6 and MD2 seek to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development ‘*creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*’. The five -storey building (referred to as Chester House) erected under planning permission 14/00582/FUL and as amended by 17/03177/VAR is situated to the rear of 10, 11, 12 and 13 Castle Foregate which are all commercial properties.

6.2.2 The previous report stated that there are windows to the rear of 11 and 12 (The Albion Vaults Public House) and the building already impacts on light to these windows and it was considered that the addition of a sixth floor unacceptably results

in a loss of light and is an overbearing and obtrusive feature.

- 6.2.3 The applicant has commissioned Sylvan Resources Limited to produce an assessment to ascertain the extent of shade that would be cast from the application building. The report concludes that *‘for the majority of the year the increase in the building’s height makes very little difference to the shade it casts onto the rear of the Albion’*.
- 6.2.4 It is agreed that the proposed roof top extension would not have a significant adverse impact in terms of shading and loss of light but it would increase the height of the building and therefore reduce the amount of sky visible from windows to the rear of the Albion Vaults. It would therefore have some impact on light levels and increase the sense of enclosure and over bearing and obtrusive impact of the building when viewed from the rear of the Albion Vaults.
- 6.2.5 This would only be of significance to the existing second floor windows that serve bedrooms with the majority of the other windows being bathrooms, laundry and office. The additional increase in height of the building would also have some impact on the outlook from rear facing bedrooms and living room approved under a recent application (19/00396/FUL) for the erection of a rear extension, together with internal and external alterations at the Albion Vaults to create a mixed use premises (public house and guest house with managers apartment).
- 6.2.6 Flood risk – WSP on behalf of Shropshire Council Drainage objected to the earlier application as it is a 'More Vulnerable' development located in Flood Zone 3b. Flood risk was assessed as part of the original application for the erection of the building and as this proposal is to the roof it does not impact on flood storage capacity. However a flood risk assessment (FRA) to assess the risk to future occupiers should have been submitted and has not been received. Notwithstanding this as the application is recommended for refusal a FRA was not requested but if this application were to be approved it is recommended that the same conditions regarding the provision of safe emergency access/egress and the requirement for a Flood Evacuation Management Plan should be imposed.

## 7.0 CONCLUSION

- 7.1 It is considered that the proposed rooftop extension (reduced by a sixth of its currently built form) would be a bulky and dominant addition to this new building referred to as Chester House and would be a prominent and discordant feature that would detract from the character and appearance of Chester House itself and dominate and overpower views of the adjacent Chronicle House and other heritage assets in the area. The roof top extension would interrupt the stepping down of the roof line from Cambrian House and break the originally intended consistent, clean and unadorned roof line of Chester House. This prominent feature would be viewable from many vantage points (both near and distant) within the Conservation area and adversely impact on the character and appearance of the building and disrupt the skyline and fail to preserve or enhance the character or the appearance of the Town Centre Special Character Area within Shrewsbury Conservation area. It

is therefore considered contrary to Shropshire Council policies MD2, MD13, CS6 and CS17 and section 16 of the NPPF and section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 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: Section 16 of the NPPF and section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Core Strategy and SAMDev Policies: Core Strategy policies CS6 and CS17 and SAMDev policies MD2 and MD13

### **RELEVANT PLANNING HISTORY:**

14/00582/FUL Erection of 11 no. residential units and associated external works; formation of new access GRANT 12th December 2014

17/03177/VAR Variation of condition 2 (approved plans) pursuant to 14/00582/FUL to allow for a revised front elevation GRANT 28th November 2018

18/03375/FUL Application under Section 73A of the Town and Country Planning Act 1990 for erection of a sixth floor to provide a roof top conservatory with glazed ballustrading (amended description) REFUSE 9th October 2018

19/00335/VAR Variation of condition 2 (approved plans) pursuant to 14/00582/FUL (varied by 17/03177/VAR) to allow for amendments to the internal floor layout to provide two additional residential units (amended description) PDE

19/00495/FUL Application under Section 73A of the Town and Country Planning Act 1990 for provision of roof top conservatory with glazed ballustrading REFUSE 27th March 2019

## **11. Additional Information**

### **List of Background Papers**

19/01500/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Cabinet Member (Portfolio Holder) - Cllr G. Butler

Local Member - Cllr Nat Green

Appendices

APPENDIX A: Views of the site

## **APPENDIX A: Views of the site**



**View from Beacalls Lane from just east of the Butter Market**



**View from the North-West end of the railway station.**





View from the railway station car park.



View from ramp to platform 1 at the bottom of the steps up to the Dana path.



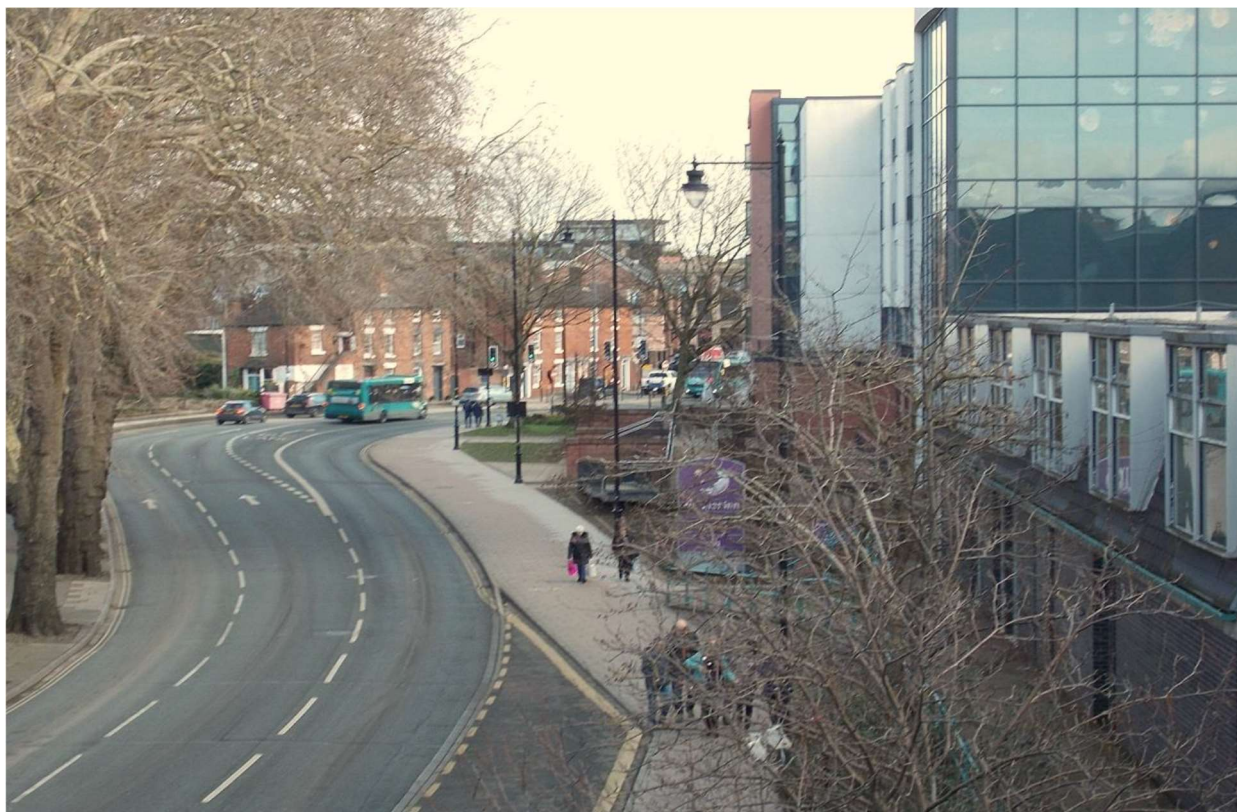


View from the Dana path in front of the Castle



View from the Dana path in front of the Castle.





**View down Smithfield Road from the footbridge to Frankwell car park**



**View from the junction of Smithfield Road with Chester Street**





**View from near the bottom of Castle Gates**



**View from the river bank next to Frankwell car park and just east of the foot bridge.**





**View from river side path to the east of the Shrewsbury Cricket Club oval**



**View from the centre of the Shrewsbury Cricket Club oval**





## Committee and date

Central Planning Committee

9 May 2019

## Item

8

Public

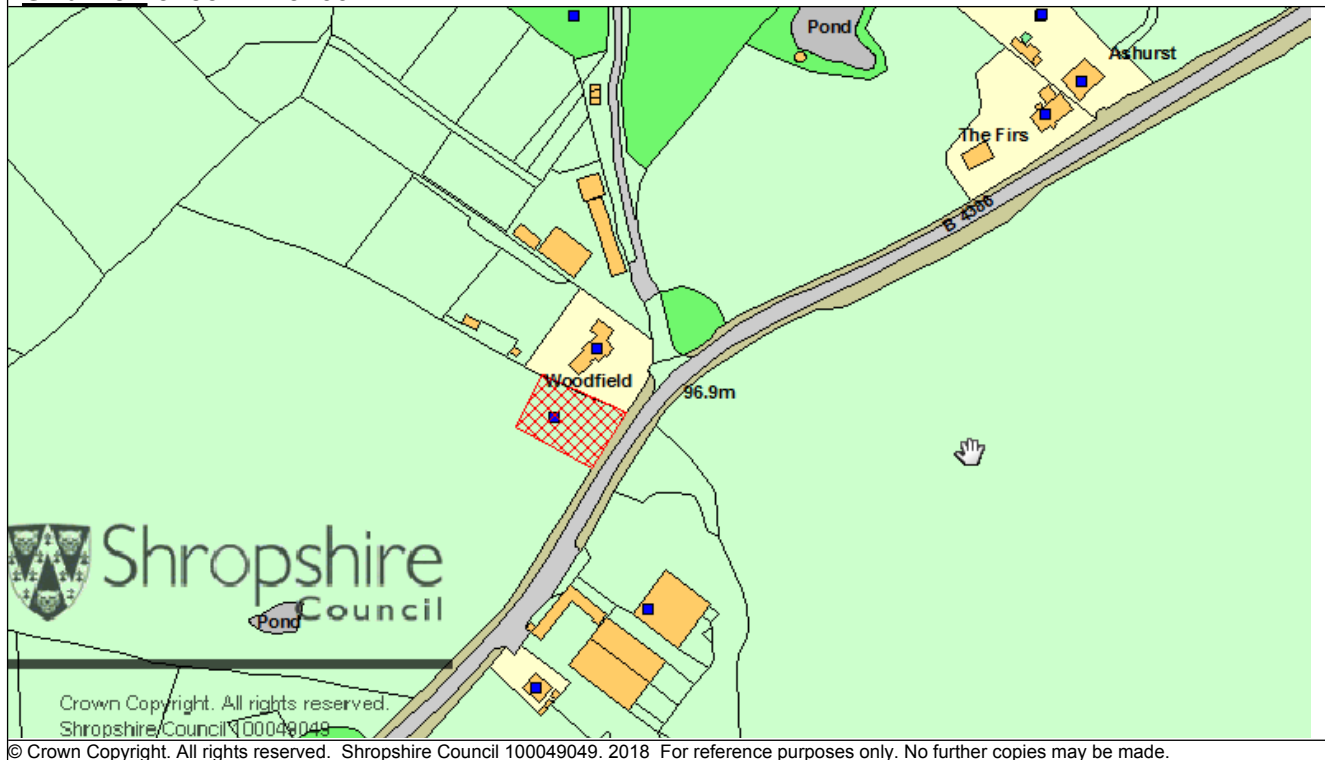
## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 19/01303/OUT	<b><u>Parish:</u></b>	Pontesbury
<b><u>Proposal:</u></b> Outline application for the erection of one (affordable) dwelling to include access		
<b><u>Site Address:</u></b> Proposed Affordable Dwelling South of Woodfield Cruckton Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Mr & Mrs D Harrison-Rogers		
<b><u>Case Officer:</u></b> Jane Raymond	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 343374 – 310924**Recommendation: Refuse****Recommended reason for refusal:**

1. The proposed site is not considered to be within or adjacent to the named settlement of Cruckton and the development of this site to provide an affordable dwelling in a countryside location would therefore be contrary to Core Strategy policies CS5 and CS11 and SAMDev policy MD7a and the Type and Affordability of Housing SPD.

**REPORT****1.0 THE PROPOSAL**

- 1.1 This application relates to outline planning permission for the erection of a single plot affordable dwelling to include means of access with all other matters reserved.
- 1.2 The application is a re-submission of an earlier application that was withdrawn by the applicant when they were advised that the application was recommended for refusal under delegated powers.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is the north east part of a field situated to the south of 'Woodfield' which is a house owned by the parents of the applicant.
- 2.2 Woodfield is situated 5 miles south west of Shrewsbury, 4 miles north east of Pontesbury and approximately a mile north of Cruckton.

- 2.3 The site is situated off the B4386 and is proposed to be accessed via an existing drive that serves 'Woodfield'.
- 2.4 The earlier application that was withdrawn was for a site to the north of 'Woodfield', set back from the highway and was proposed to be accessed via a track that is also a public footpath.

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

- 3.1 The Parish Council have submitted a view contrary to officers and the Local Member has requested that the application be referred to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Planning Services Manager in consultation with the committee chairman and vice chairman to be based on material planning reasons.

### 4.0 **Community Representations**

#### 4.1 **- Consultee Comments**

- 4.1.1 **WSP on behalf of SC Highways:** No Objection subject to the development being constructed in accordance with the approved details, and the suggested conditions and informatives.

The proposal seeks outline consent with access as a determined matter and all other matters reserved for the development of an affordable dwelling on land to the south of Woodfield, Cruckton, Shrewsbury. The development will share the existing access to Woodfield off the B4386 rural road, which is likely to require some improvements to accommodate the additional traffic from a further dwelling. A shared access drive should be a minimum of 4.2m in width, maintained for the first 6 metres. If it is bounded by a wall, fence or something that acts as such then an additional 0.6m should be added for each side which is thus constrained. This is to allow a vehicle to enter at the same time as a vehicle leaving the premises without obstructing the adjoining highway. Vehicles entering the property from the south west will have an immediate tight turn to run along the new access drive parallel to the road and sufficient space should be available for a vehicle entering from the south west to pull clear of the public highway before making the turn.

Any future planning application should provide any and all details necessary to assist with the appropriate determination from a Highways and Transport perspective. As well as, demonstrate that the proposed new vehicular access, associated visibility splays, parking and turning facilities are commensurate with the prevailing local highway conditions, in accordance with 'Manual for Streets 1 & 2'.

- 4.1.2 **WSP on behalf of Shropshire Council Drainage:** Provides advice on sustainable drainage.
- 4.1.3 **SC Affordable Houses:** Has confirmed that the requirements relating to 'housing need' of the Supplementary Planning Document in relation to the 'build your own affordable home scheme' have been satisfied.

## 4.2 - Public Comments

### 4.2.1 **Pontesbury Parish Council:** Strongly supports this application in terms of its location within Cruckton and the local connections of the applicant.

In light of the longstanding difference of opinion regarding the nature and extent of the Cruckton settlement, Pontesbury Parish Council, having consulted with residents in all parts of Cruckton, including the Montgomery Road, maintains its view that the applicant's site is within Cruckton. To suggest that it is not is to ignore the long history of Cruckton as a linear, dispersed settlement as outlined in the Design and Access Statement and accompanying map. Planning policy indicates that each settlement must be viewed on its own merits and in the case of Cruckton this means its special character and layout as a product of the Cruckton Hall estate. Given that there are at least seventeen houses along the Cruckton section of the Montgomery Road it is hard to argue that the applicant's site constitutes isolated or sporadic development.

The Parish Council notes that this application contains significant improvements to the previous one namely;

- i) improved access which no longer uses the bridleway/footpath
- ii) the house is sited further away from farm buildings
- iii) the site is closer to the road and therefore has less impact on open landscape
- iv) the proposed site near an existing farmstead is very much in character with other relatively recent additions in Cruckton

When similar improvements were made to a recent application at Coppice Farm in Cruckton the planning officers gave it their approval despite maintaining that it was not part of Cruckton settlement, presumably on the balance of material planning concerns. Therefore, in the important matter of planning consistency the Parish Council supports this application.

The Parish Council would like to add the following proviso - that any property built should be in keeping with the adjoining property in terms of design, style and character.

### 4.2.2 **Local Member (Cllr Roger Evans):** I have looked again at this application and note the comments from the Parish Council.

I fully support their comments and was present when the application was considered by that Parish Council. They raise a number of material planning reasons that should enable it to be approved.

This should be supported and if officers are minded to refuse then formally request that this be considered by the Central Planning Committee.

## 5.0 THE MAIN ISSUES

This application is for outline planning permission with access included and all other matters reserved for later approval. The main issues are:

- ☐ Principle of development

2 Access

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 The Housing Supplementary Planning Document (SPD) and Policy CS11 of the Core Strategy provide a positive supportive framework for the consideration of single plot exception sites in rural areas subject to a number of criteria including local housing need and location.
- 6.1.2 Local housing Need: The SPD requires prospective occupiers to demonstrate to the satisfaction of the Councils Housing Enabling Officer that they are in housing need and are unable to identify or afford a suitable alternative home currently available for sale on the open market in the local area or within 5km of the proposed site. They are also required to demonstrate that their housing need should be met in the local area and that they have a strong local connection to the area. The Councils Enabling Officer has confirmed that a local need has been demonstrated and that there are no suitable affordable properties available in the area. The Parish Council support the application and have also confirmed a local connection.
- 6.1.3 Location: The site falls outside any defined development boundary or Community Hub or Cluster settlement identified under MD1 and is therefore considered to be situated in the countryside. Shropshire Core Strategy Policy CS5, supported by SAMDev Policy MD7a, indicates that new development in open countryside will be strictly controlled in accordance with national planning policies protecting the countryside and green belt. However exception may be made if the proposal is for affordable housing to meet a local need in accordance with national and local plan policies.
- 6.1.4 Policy CS11 indicates that exception schemes for local needs affordable housing may be considered on suitable sites in and adjoining recognised named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity.
- 6.1.5 Policy MD7a states that suitably designed and located exception site dwellings will be positively considered where they meet evidenced local housing needs and other relevant policy requirements.
- 6.1.6 The Housing SPD advises that 'exception sites' must be demonstrably part of or adjacent to a recognisable named settlement. Paragraph 5.17 advises the following:

*'Because a settlement is a relationship between different properties, the limits of the settlement are defined by where the relationship peters out. This varies from settlement to settlement, depending on a number of factors. For example, a site a short distance from a loose-knit settlement may be considered "adjoining" while a similar distance in a tightly clustered settlement would not be.'*

Paragraph 5.15 also advises that the place name '*might not necessarily be reflected in the postal address*'.

- 6.1.7 The Parish Council and the local member both consider that Cruckton is a dispersed or loose knit settlement and that houses along the B4386 (the majority of which have 'Cruckton' in their name) are within the settlement. However officers consider that Cruckton is a close knit community or settlement and that the application site and existing houses along the B4386 are not considered to be within or adjacent the settlement of Cruckton but are situated in the countryside.
- 6.1.5 The map below indicates the site circled in red and illustrates that it is separated from the settlement of Cruckton approximately a mile by road to the south of the site. Other applications for affordable dwellings referred to by the Parish Council and that have been approved, are located adjacent to and opposite Coppice Farm (16/03379/FUL and 17/05333/FUL respectively). An application site further away from the centre of Cruckton and Coppice Farm and on the other side of Terrace Farm (17/02233/FUL) was refused as it was not considered to be within or adjacent to the named settlement of Cruckton.



- 6.1.5 The proposed site is situated close to the B4386 approximately a mile to the North



of the centre of Cruckton. That it is not within the settlement is further confirmed by the road sign at the cross roads north of Cruckton (and ½ of a mile south west of the application site) stating 'Cruckton ¼ of a mile'.



## 6.2 Access

- 6.2.1 Access is included in this outline application and is not reserved for later approval. The proposal indicates a shared access drive with the existing access to Woodfield off the B4386. Highways have no objection to the access proposed but have commented that it is likely to require some improvements to accommodate the additional traffic from a further dwelling. If the decision was for approval it is recommended that the conditions suggested by Highways are included on the decision notice to ensure the provision of parking and turning space and a satisfactory means of access to the highway.

## 7.0 CONCLUSION

- 7.1 The proposed site is not considered to be within or adjacent to the named settlement of Cruckton and the development of this site to provide an affordable dwelling in a countryside location would therefore be contrary to Core Strategy policies CS5 and CS11 and SAMDev policy MD7a and the Type and Affordability of Housing SPD.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

- ⑦ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ⑦ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather

than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

# 10. Background

## RELEVANT PLANNING POLICIES

Central Government Guidance: NPPF

Core Strategy and SAMDev Policies: Core Strategy policies CS5 and CS11, SAMDev policy MD7a and the Type and Affordability of Housing SPD.



**RELEVANT PLANNING HISTORY:**

18/05272/OUT Outline application for the erection of a single plot affordable dwelling to include means of access WDN 9th January 2019

**11. Additional Information**

**List of Background Papers**

19/01303/OUT - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=POO6NGTDKV600>

Cabinet Member (Portfolio Holder) - Cllr G. Butler

Local Member - Cllr Roger Evans

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## Committee and date

Central Planning Committee

9 May 2019

## Item

9

Public

## Development Management Report

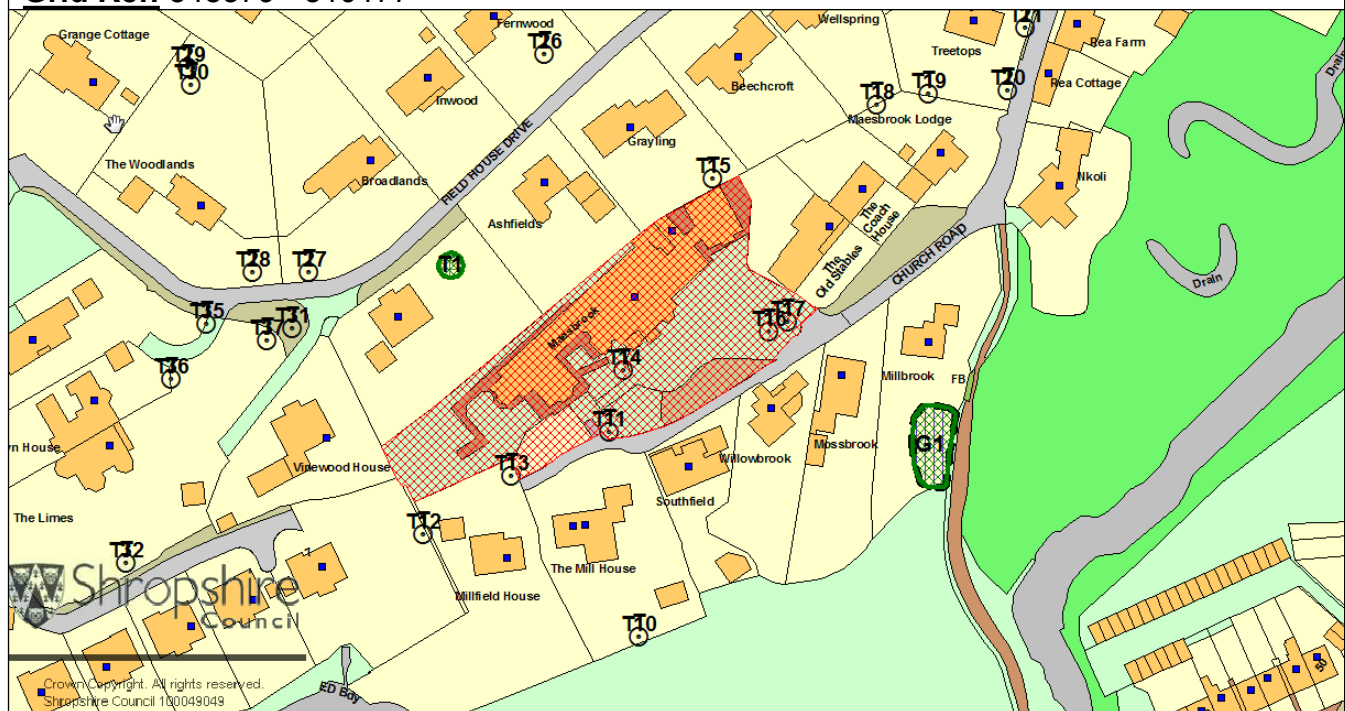
Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 19/01132/FUL	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Erection of first floor extensions to north east part of main building to create additional bedrooms; link corridor to additional bedrooms in roofspace with increase in height of roof and insertion of rooflights (revised scheme to include raise ridge height on approved extension to annex roof with fire escape from new first floor link bridge together with zinc roof line raised)		
<b>Site Address:</b> Maesbrook Nursing Home Church Road Shrewsbury SY3 9HQ		
<b>Applicant:</b> Maesbrook Nursing Home		
<b>Case Officer:</b> Shannon Franklin	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>	

**Grid Ref:** 348379 - 310177



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**Recommendation:- The application is approved subject to the conditions set out in Appendix 1.**

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 The application seeks planning permission for a revised scheme resulting in the erection of first floor extensions to the northeast part of main building to create three additional bedrooms; a link corridor to these additional bedrooms with an increase in height of roof and insertion of additional windows.
- 1.2 A scheme seeking the same works in principle; three additional bedrooms and a link corridor, was permitted in decision notice 17/05387/FUL on 15<sup>th</sup> March 2018 however, following consultation with the building regulations the applicant is now required to provide an internal fire escape staircase and increased head height. The application therefore seeks a raised ridge height on the approved extension to the 'annex' roof together with a fire escape from the first floor link bridge to a new ground floor entrance hall, together with an increase in the zinc roof line height to the third bedroom and corridor.

### **2.0 PLANNING HISTORY**

- 2.1 The site has an extensive planning history, the key applications of which are highlighted below:
- SA/89/0571 – granted planning permission for the conversion of the original building from a private home into a nursing home including provision of a single storey extension to the rear (northwest) elevation.
  - SA/97/1151 – granted planning permission for the erection of a single-story building linked to the main building providing four additional bedrooms. This building is located to the northeast side of the original building and is known as the 'annex' and is the main portion of the building on site affected by the current application.
  - SA/07/1620/F – granted a two-storey extension providing additional bedrooms and communal space. This extension is to the southwest elevation of the original building.
  - 17/05387/FUL – granted planning permission for a first-floor corridor link and three additional bedrooms in the roofspace of the 'annex'.
- 2.2 A number of other applications permitting smaller scale extensions and alterations including the provision of fire escapes and conservatories have also been granted on site. The building currently on site utilised as a residential nursing home comprises of 39 single bedrooms and 3 shared bedrooms; accommodating a total of 45 residents, together with associated communal space and service facilities such as a kitchen and laundry. A further three bedrooms are permitted under

application 17/05387/FUL; the application which this scheme is seeking to revise, but have not yet been constructed.

### **3.0 SITE LOCATION/DESCRIPTION**

- 3.1 The application relates to Maesbrook Nursing Home which is located in the area of Meole Village approximately 2.4km to the south of Shrewsbury town centre. The building is situated to the southern end of Church road, a narrow lane serving the site and other residential properties. The building has been extended to both the northeast and southwest sides together with extensions to the rear (northwest) elevations throughout the 30 years it has operated as a nursing home
- 3.2 The nursing home is roughly formed of three parts; the annex building, the original building and an extension granted planning permission in 2007. To the southwest the site has a patio and lawned garden area and to the south elevation there is a car park split into two levels formed of sealed tarmac. The site is accessed via Church Road and is bounded in all directions by detached residential dwellings in both single and two storey formats and of varying ages and design styles.

### **4.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION**

- 4.1 The application does not comply with the delegation to officers as set out in Part 8 of the Council Constitution as the Local Member has requested that the application be determined by committee within 21 days of being notified of the application. Resultantly the Area Planning manager together with the Chair and Vice Chair of the committee have discussed the application and the reasons for the Local Member 'call-in' and confirmed that a decision via committee is appropriate.

### **5.0 COMMUNITY REPRESENTATIONS**

#### **5.1 - Consultee Comments**

##### **5.1.1 Shrewsbury Town Council – 11.04.2019 - Objects**

The Town Council objects to this application on the following grounds:

- Being mindful of the fact that the Nursing Home is set in a prominent location within the Meole Brace Conservation Area, the style chosen neither enhances nor preserves the area.
- The building is of particular historical importance and the Council regards the link building is of an unsympathetic design within its context and is not in-keeping with the existing building and its historical context.
- Members consider the proposed extensions overdevelopment of the site and the overlooking windows impact on the privacy of the neighbouring properties.
- Increasing the capacity of the Nursing Home will exacerbate the current traffic problems particularly congestion around the narrow streets of

Church Road.

- Members request that it be investigated as to whether the planning conditions set by Shropshire Council within previous applications have been met; particularly conditions regarding scale of the facility and bed numbers, extraction from the laundry and treatment of sewage.
- The Town Council requests that the Central Planning Committee consider this application.

#### 5.1.2 **Shropshire Fire and Rescue – 19.03.2019 – No objection**

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: <http://www.shropshirefire.gov.uk/planning-applications>

#### 5.1.3 **SC SUDs – 14.03.2019 – No objection**

No objection has been raised to the application however the applicant should implement an appropriate sustainable drainage scheme. The relevant Guidance provided by the council and within the Planning Practice Guidance should be adhered to and preference should be given to drainage measures which allow rainwater to soakaway naturally. Informatives are recommended

#### 5.1.4 **SC Conservation – 26.04.2019 – No Objection**

The application site is located some distance outside of and to the south west of the southerly extent of the Meole Brace Conservation Area. The property is occupied by what was originally built in the early 20th Century (sometime between 1902 and 1927 according to historic OS mapping editions) a large red brick villa ('Maesbrook'), but more recently which has been occupied by a nursing home, and with more modern extensions to the easterly end of the main building being added.

The subject application appears to increase the height of the easterly-most modern extension to two storeys while also modifying and expanding the link feature which joins the earlier building to the modern extension. Having considered the proposal, on heritage grounds there is no objection raised to the alterations associated with the height increase of the extension as shown on the plans as in itself it would retain a visual detachment from the earlier traditional villa building. Some consideration of modifying or reducing the scale of the extensions/alterations proposed to the link feature however may be warranted in order to maintain a more visually clear distinction between the original/earlier and the new buildings – the link feature as submitted appears somewhat visually awkward in its proposed form and design and may represent overdevelopment of the site in light of potential impacts on the original/early villa occupying the site.

Due regard to CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, and Chapter 16 of the National Planning Policy Framework (NPPF) (revised 2018) is required on this application, where some

revisions to the scheme may be required to satisfactorily address issues of good design in the context of the site.

## **5.2 - Public Comments**

5.2.1 The residents of fifteen neighbouring properties were individually notified by way of publication of this application. At the time of writing this report, six individuals had submitted representations objecting to the scheme. These representations cite the following reasons for their objections:

- Continued conflict between the nursing home, its visitors and the immediate neighbours;
- Objections to previous applications have been overridden by planning officers;
- Overlooking caused by proposed rooflights, windows and doors;
- Issues with the existing drainage network;
- The site does not comply with its existing conditions and is therefore overdeveloped;
- There is no provision for additional car parking for visitors;
- Visual impact on the area and outlook from neighbouring dwellings;
- Narrow lane serving the site has exiting highways issues which will be worsened by the proposal;
- The external first floor area could become a staff smoking area;
- Significant increase in height from the original approval impacting neighbours through overshadowing;
- Use of the site is commercial and therefore not compatible with neighbouring residential dwellings;
- The holly hedge to the north and the ecological specimens it houses will be impacted by the scheme;
- There is an existing level of noise, intrusion, light pollution and smell from the property which will be exacerbated by the proposal.

## **6.0 THE MAIN ISSUES**

- 6.1
- **Principle of development**
  - **Siting, scale and design of structure**
  - **Visual impact and landscaping**
  - **Other issues**

## **7.0 OFFICER APPRAISAL**

### **7.1 Principle of development**

7.1.1 The principle of development to provide three additional bedrooms at the property has already been established through the granting of planning application

referenced 17/05387/FUL. This application permitted and increase in the roof height of the 'annex' building from 5.6m at the ridge to 7.4m and enabled a first-floor link corridor and additional bedroom to be provided in the form of an extension to the original building on site.

- 7.1.2 This current application seeks to provide an internal fire escape staircase and raise the ridge height of the 'annex' further and raise the approved height of the zinc roofed link corridor and first floor bedroom. These changes are required in order for the proposed bedrooms and corridor to be compliant with buildings regulations and therefore implementable and useable as additional bedrooms.
- 7.1.3 Officers are therefore considering whether the alterations between the existing approval and the proposed revised scheme are acceptable. The provision of three bedrooms is acceptable and is not disputed in principle.
- 7.1.4 The primary policies under which the application is to be considered are therefore related to design and appearance. Policy CS6 of the Shropshire Core Strategy states that while extensions and alterations to existing properties are acceptable, development should conserve and enhance the built environment and be appropriate in scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity.
- 7.1.5 Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible and Section 12 of the National Planning Policy Framework – Achieving well designed places, reinforces these goals at a national level, by requiring design policies to reflect local aspirations ensuring developments are sympathetic to local character, visually attractive and establish a strong sense of place.
- 7.1.6 MD13: Historic Environment and CS17: Environmental Networks seek to ensure that development protects and enhances the local character of the built and historic environment, together with protecting environmental assets within Shropshire and creating a network of natural and historic resources for residents and visitors to access and benefit from.

## **7.2 Siting, scale and design of structure**

- 7.2.1 The application seeks planning permission for a revised scheme of works to provide a first-floor extension comprising of a link corridor, an extension to provide an additional bedroom at first floor level and alterations to an existing roof space to create two further additional bedrooms. All three bedrooms sought will have an en-suite. The permitted scheme is not compliant with building regulations requiring a fire escape and increased headroom at first floor level. The current application therefore seeks the following alterations between the permitted scheme and the proposal:
- Increase in the height of the roof to the 'annex' resulting in a ridge height of 8.1m and an eaves height of 4.6m;
  - Increase in height of the zinc flat roof to 6.2m at its highest point;



- Provision of an internal staircase with a catslide roof culminating in an entrance porch and ground floor level;
- Provision of 6no. roof lights as opposed to the approved 4no;
- Provision of two windows; one to each bedroom, which are to be obscure glazed fixed shut to the the northeast elevation within a new gable feature of the roof;
- Provision of an entrance ramp to the southeast elevation of the annex.

7.2.2 Firstly, in considering the alterations to the roof heights Officer's recognise that the existing ridge height to the 'annex' is 5.6m, the approved height is 7.4m and that the proposal seeks a ridge height of 8.1m. This alteration has a corresponding impact on the eave's height of the building such that it increases to 4.6m. The flat roofed zinc corridor has an approved roof height of 5.0m and the first-floor bedroom 6.7m which will increase to approximately 6.2m and 7.0m in height.

7.2.3 The increases in height across the proposal from that approved to the proposal are modest and will not result in a significant negative impact or alteration in the bulk and visual appearance of the building. The zinc roof portion will remain subservient to the main building terminating below the eaves of the original building and the increase in height of the 'annex' will not be experienced as significant due to the use of a hipped roof. The gable proposed to the northeast elevation of the hipped roof will again demonstrate subservience to this portion of the building and is in proportion with the existing features of the building such as the entrance porch.

7.2.4 The additional fire escape required to meet current building regulations will result in a catslide roof extending from the first floor down to the new entrance door to this portion of the building. As a result an addition 17.8m<sup>2</sup> of internal space will be created in an alcove between the 'annex' and the original building which is currently laid to tarmac hardstanding and serves no designated function within the site layout. The southeast elevation of this stairwell will be set back from the principal elevation of the main building and due to the roof profile and its siting between the two building components it is not considered that this feature will appear prominent. The inclusion of this link feature and catslide roof is supported from a heritage perspective as it ensures that the more modern extension on the 'annex' remain separate to the main building, a red brick villa built in the early C20th.

7.2.5 Finally, in response to the additional rooflights proposed no concerns over their siting are identified at this stage given that they will be within the roof slope and are of an appropriate size commonly found within residential dwellings in the neighbouring properties. The scale and profile of the gable to the northeast elevation is considered to be acceptable as it is subservient to the main roof structure and the windows within it, which have been revised from the original submission, are also considered to be of an acceptable size and siting. The impact of this addition on neighbouring residential amenity is discussed below.

7.2.6 On balance, while it is recognised that the alterations necessary to obtain building regulations compliance at the site will increase the height of the approved building

and result in a small increase in floor area, given the existing approval on site and the siting of the extension within the plot it is not considered that the differences will result in significant concerns over the siting, scale or design. The scale of the enterprise will not alter from that previously approved and is therefore not considered to represent overdevelopment of the site, contrary to public comments received and therefore on this basis it is not considered an objection could be upheld and the proposal is therefore considered to be acceptable.

### **7.3 Visual impact and landscaping**

- 7.3.1 The alterations relate solely to the northeastern end of the building, the ‘annex’ building and the immediately adjoining portion of the original building. The later 2007 extension to the southwest is unaffected by the scheme. The portion of the building to which the application primarily relates is not clearly visible from the nearest public viewpoint, Church Road, due to the site boundaries and the mature holly hedge and trees to the shared boundary with the neighbouring dwelling, The Old Stables. In particular the orientation of the ‘annex’ to the main building ensures that the link corridor and first floor bedroom is almost entirely screened from this angle.
- 7.3.2 The existing ‘annex’ uses a hipped roof which will be raised by an additional 0.7m above the existing approval as part of the application. Additionally, a flat roof, formed of zinc; again increasing in height from that previously permitted, and a catslide roof to the fire escape stairwell; an entirely new aspect of the revised scheme, have the potential to be glimpsed from points along the public highway.
- 7.3.3 Considering the scope of the works, the existing approval and the existing screening in place it is not considered that any significant visual impact will arise when viewing the proposal from the nearest public viewpoints. The revised scheme of alterations will be seen in context with the existing building which has undergone a number of changes and alterations such that more modern additions do not appear out of character, and the link feature and catslide roof ensure a clear distinction between the original building and the more modern annex and its associated alterations. This is considered to be an appropriate solution from a heritage perspective given the age of the original building and the desire to maintain its original frontage.
- 7.3.4 The site is not located within the boundaries of a Conservation Area and the nearest boundary to the Meole Brace Conservation Area is a sufficient distance from the site that no impact upon its character is considered to arise. Similarly, there are no public footpaths affected by the proposal due to their distance from the site and the existing residential properties sited between the footpaths and the development site.
- 7.3.5 Neighbouring residents; primarily those located at The Old Stables and Grayling will be able to see the proposed alterations from within the curtilages to their properties. There may also be some views of the proposal from windows in the upper storeys of these dwellings. Given the existing arrangement and views of both the ground floor flat roofed extension to the northwest (rear) elevation, an existing pitched roof linked corridor and the hipped pitch roof of the ‘annex’ building it is not considered that the proposal will have a significant negative impact on these

properties in terms of their visual outlook. The development will not encroach any close the these neighbouring properties of their shared boundaries further minimising the visual impact and prominence.

- 7.3.6 The proposal will utilise a mixture of non-traditional materials including larch timber cladding and natural slate together with sedum and zinc roofing. Not all of these materials are commonly found within the locality nor are they all present on the existing building however they were permitted for use as part of the previous application and it is not considered that they will result in an unacceptable visual impact.

#### **7.4 Residential Amenity**

- 7.4.1 The application will introduce 3no. additional bedrooms at a first-floor level to the existing premises as per the previous permission granted on site (Ref: 17/05387/FUL). When considering the impact on residential amenity on neighbouring occupants, together with the occupants of the proposed residential accommodation sought, overshadowing, overbearing and overlooking must be taken into account.
- 7.4.2 In terms of overlooking caused by the works to the 'annex' portion of the building it is not considered that the proposal will have any significant impact to neighbours as it utilises rooflights within the roof slope to the northwest and south east elevation of the hipped roof and obscure glazed window to the north-eastern elevation. Within the hipped roof structure there are two windows located in the rear and two in the front elevation, all at first floor level. These windows will be opening but will not provide a clear outlook into neighbouring gardens or properties due to their siting, therefore any overlooking concerns are minimal. Therefore these windows, which are to be of a conservation style, are not considered to have a significant negative impact on the privacy of the neighbouring residents at The Old Stables or the other surrounding dwellings due to the orientation, roof pitch and size of the windows.
- 7.4.3 A small gable is included to the northeast elevation which will contain two windows approximately 600 x 600mm in size. These windows are to be obscure glazed fixed shut so that no views in this direction are available to the occupants of the room. On balance it is therefore considered that the impact of these windows on neighbouring residential amenity will be limited, offering no outlook towards the rear garden of The Old Stables.
- 7.4.4 The door forming a 'juliet' style balcony; serving the additional bedroom created at a first-floor level and attached to the main building, will look towards the annex and will be orientated such that there are no clear views from the window towards existing neighbouring properties or their curtilages. The additional window to the rear (north) elevation of the first-floor link will look north-northwest towards the residential dwelling Grayling, this window will be approximately 27.0m from their rear elevation and is not considered to impact upon their privacy significantly given the existing first floor windows of the nursing home in place and the distances involved.
- 7.4.5 The additional first floor bedroom attached to the main building and the first-floor

link corridor will have an increase roof height as part of this revised application, approximately 300mm above the original approval. Given the limited increase in height of this portion of the building, together with the distances from the nearest elevations of neighbouring buildings; 21.9m from the nearest rear elevation of Grayling, 24.5m from the nearest rear elevation of Ashleigh, this portion of the development is not considered to be experienced as overbearing to neighbours nor will it impact overshadowing of the neighbouring properties.

7.4.6 It is accepted the increase in ridge height of the 'annex' annex to 8.1m at the ridge utilising a hipped roof, will increase the overshadowing caused by this portion of the building however, the hipped roof design minimises the shadow as much as possible and any shadow will predominantly fall on land within the applicant's ownership or on land already impacted by the existing arrangements or the mature tree and hedge planting separating the development site from the neighbouring property The Old Stables. It is not considered that the increase in overshadowing caused by the development is sufficient to constitute a reason for refusal, particularly when considering the existing approval for a roof of a similar profile only 700mm lower.

7.4.6 In considering whether the proposal will be overbearing on the neighbouring properties officers consider that no issues will arise as the footprint of the development will not encroach any closer to the neighbouring properties and the proposal will not be situated directly on a shared boundary. The heights and profile of the revised scheme, although increased in places will not significantly alter the experience of existing residents and will not result in a demonstrable negative impact to neighbouring residents' amenity.

## **7.5 Other Issues**

7.5.1 The neighbouring residents have raised concerns regarding the number of bedrooms and the impact on car parking at the site. It is necessary to clarify that an existing planning permission 17/05387/FUL has granted an additional three bedrooms on site and within the report, Officers concluded that on balance the increase in bedrooms would not have a significant impact upon the highways network or result in overdevelopment of the site, sufficient to warrant refusal of the scheme. This current proposal seeks a revised scheme to enable the three bedrooms previously approved and their access to be building regulation compliant.

7.5.2 The nursing home on site currently on site currently comprises 39 single bedrooms and 3 shared bedrooms; accommodating a total of 45 residents, together with associated communal space and service facilities. A further three bedrooms are permitted under 17/05387/FUL application but have not yet been constructed. Therefore, a development on site comprising of 45 bedrooms and 48 residents has already been accepted in principle, the application does not seek to alter this position.

7.5.3 While it is noted there is a condition on a previous approval (SA/07/1620/F) at the site which reads as follows:

*"There shall be no more than 37 bedrooms in the combined existing and*

*extended building as granted by this permission and no more than 42 residents shall occupy the combined existing and extended building at any one time.*

*Reason: In order to ensure that the site is not overdeveloped."*

And residents consider this should be implemented again and enforced, a similar condition of this nature cannot be placed on this subsequent decision as the previous reasoning is not sufficient to meet with current legislation and would fail the condition tests set down in the National Planning Policy Guidance. In reality the concerns of 'overdevelopment' of the plot relates to the potential impact on parking which will not alter from the previous approval.

- 7.5.4 As per the previous application, in considering the effect of the increase on the current parking and access arrangements, it is accepted additional visitors will visit the site however, the increase in residents and bedrooms will not require any additional staff to be on site. The site has up to 26 car parking spaces available; 22 on the upper level in front of the main building and an additional 4 at the lower level accessed directly from Church Road, depending on vehicle size, and it is not considered that visitors to 3no. additional residents would have a significant cumulative impact on this arrangement. The narrow lane and requirement to pass a school on the route to the site is recognised by does not alter the consideration of Officers that the site is acceptable from a highway's perspective. The site is located in a town centre location where the use of public transport to reach the site is possible and is therefore broadly sustainable.
- 7.5.6 The footprint of the building will be increasing slightly as a result of the internal fire escape to be created to the southeast elevation however this will not encroach into the existing area of parking and therefore the arrangement outlined above will remain unchanged.
- 7.5.7 In order to ensure adequate parking on site is retained for staff and visitors visiting both the current and additional occupants, and on street parking within the locality which would negatively impact on the character of the setting is kept to a minimum, an appropriately worded condition will be imposed on any grant of planning permission. This condition will address the primary concern over the plots 'overdevelopment' i.e. parking.
- 7.5.8 Neighbouring residents have also highlighted issues with the existing foul drainage capacity at the site. The application seeks to introduce 3 additional bedrooms to the property each with an en-suite bathroom. The increase in demand on the site drainage capacity will therefore be consummate to three persons. The increase in flows associated with this number of residents is not considered to significantly alter the demand of the site and the drainage scheme implemented would be dealt with in more detail at building regulations stage. While Officers recognise there may be issues on site with drainage capacity in the locality, this is considered to be a civil matter which is not controlled by the planning regime, therefore regrettably the level of increase in the use of the existing drainage system is not sufficient to justify alterations or refusal of the scheme.

- 7.5.9 As advised during the most recent application on site, in examining the site, its access arrangements and the existing development in place, officers consider no further acceptable opportunities for extension or alterations to provide additional accommodation are available and therefore the demand on foul drainage and on car parking is unlikely to increase further for the lifetime of the development.
- 7.5.10 Officers have taken into account the previous planning permission on site and the alterations sought as part of the current revised scheme. While the comments of neighbouring residents have been taken into account, Officers do not consider that any of the issues raised are sufficient to warrant refusal of the scheme. The scale of the proposal is proportionate to the existing building on site, the harm to visual impact will be limited and the impact on neighbouring residents' amenity through overshadowing and overlooking is not considered to significantly alter from the existing position, nor that of the existing approval. Officers therefore consider that on balance the scheme should be approved subject to appropriate conditions in relation to the windows to the first-floor northeast elevation and the parking provision on site.

## **8.0 CONCLUSION**

- 8.1 On balance it is considered that the cumulative impact of the development on the site and the surroundings does not have a demonstrable impact sufficient to warrant refusal of the scheme. The works are judged to be in scale and character with the existing building, of no demonstrable harm in terms of visual impact and the amenity of neighbouring residents is considered to be preserved. As such the proposal is in accordance with the determining criteria of the relevant policies including CS6 and CS8 and as such approval is recommended.

## **9.0 Risk Assessment and Opportunities Appraisal**

### **9.1 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.

## **9.2 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.

## **9.3 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.

## **10.0 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:

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

CS17 - Environmental Networks

National Planning Policy Framework

MD13 - Historic Environment

### RELEVANT PLANNING HISTORY:

10/03563/DIS Discharge of condition 5 part iii (obscure glazing) and conditions 7 and 8 (drainage) attached to planning application ref. SA/07/1620/F GRANT 12th October 2010

10/03832/AMP Proposed Non-Material amendment to previously approved planning permission Ref SA/07/1620/F GRANT 24th September 2010

10/04193/FUL Provision of ramp to enable disabled access from lower garden to upper garden and retention of existing temporary wooden wheelchair accessible ramp from car park to building (Amended Description) GRANT 11th April 2011

12/02339/FUL Erection of an additional fire escape stair at rear GRANT 16th July 2012

PREAPP/14/00028 Proposed erection of a single bedroomed bungalow in association with the care home and formation of new car parking area PREUDV 19th February 2014

17/05387/FUL Erection of first floor extensions to north east part of main building to create additional bedrooms; link corridor to additional bedrooms in roofspace with increase in height of roof and insertion of rooflights GRANT 15th March 2018

19/01132/FUL Erection of first floor extensions to north east part of main building to create additional bedrooms; link corridor to additional bedrooms in roofspace with increase in height of roof and insertion of rooflights (revised scheme to include raise ridge height on approved extension to annex roof with fire escape from new first floor link bridge together with zinc roof line raised) PCO

SA/89/0571 Conversion of existing private dwellings into private nursing home. Construction of a single storey flat roof extension to provide kitchen and laundry facilities. Erection of a first floor external fire escape staircase. PERCON 10th October 1989

SA/96/0213 Erection of an extension to provide enlarged dining room. PERCON 4th April 1996

SA/07/1620/F Erection of a two storey extension to side providing additional bedrooms and communal space PERCON 7th March 2008

SA/07/1140/F Erection of first and second floor extension to rear and erection of a conservatory WDN 2nd October 2007

SA/02/0380/F Erection of an external Escape Stairway and door, and installation of new dormer window on second floor. PERCON 23rd May 2002



## 11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)  
Cllr G. Butler

Local Member  
Cllr Nic Laurens

Appendices  
APPENDIX 1 - Conditions

## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITION(S)**

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls 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.

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

4. The 26no. car parking spaces currently provided on site; 22no. on the upper level and 4no. on the lower level, shall be retained in perpetuity.

Reason: To ensure the provision of adequate car parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

5. The windows in the first floor gable to the northeast elevation shall be permanently formed as a fixed light and glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in that elevation.

Reason: To preserve the amenity and privacy of adjoining properties.

### **Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: <http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

3. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

4. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

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## Committee and date

Central Planning Committee

9 May 2019

## Item

10

Public

## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

**Application Number:** 19/00660/FUL

**Parish:**

Shrewsbury Town Council

**Proposal:** Erection of first floor extension to side over existing garage, alterations to window material to side and rear elevations, addition of dormer window to rear elevation

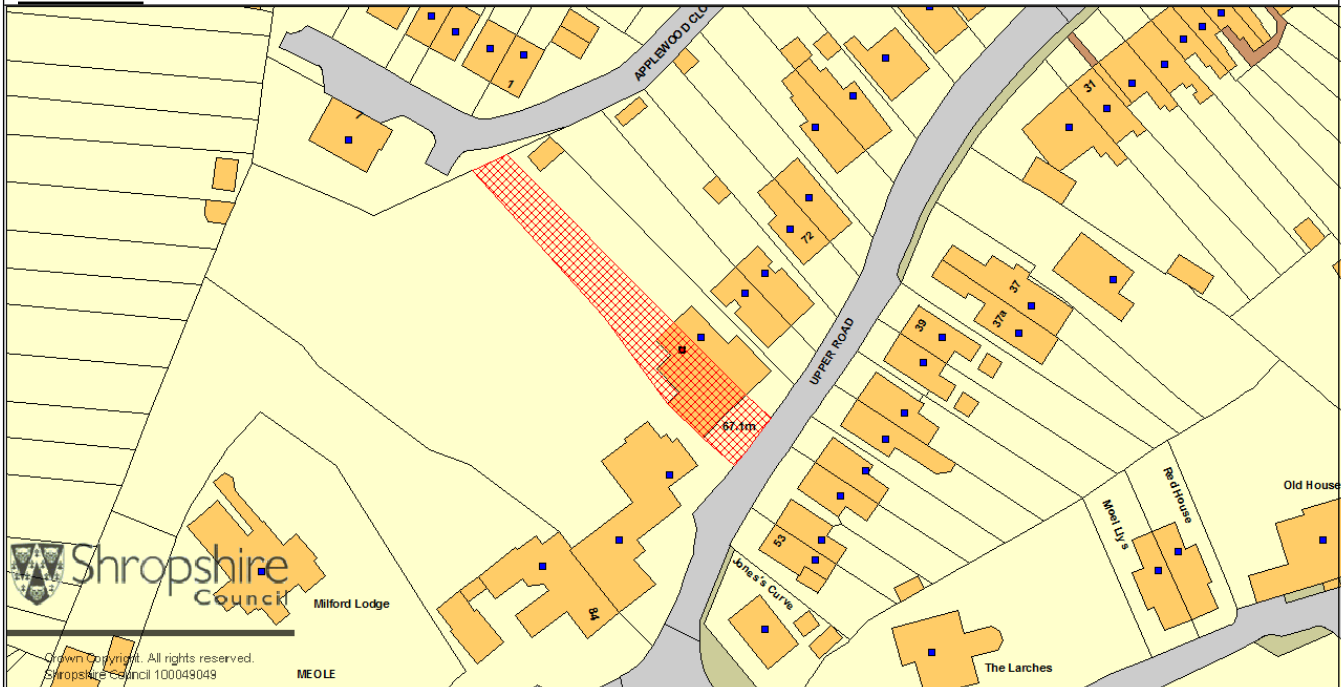
**Site Address:** 80 Upper Road Shrewsbury Shropshire SY3 9JP

**Applicant:** Mr Richard Boak

**Case Officer:** Sonia Kizito

**email:** [planningdmc@shropshire.gov.uk](mailto:planningdmc@shropshire.gov.uk)

**Grid Ref:** 348769 - 310768



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.****REPORT****1.0 THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of first floor extension to side over existing garage, alterations to window material to side and rear elevations, addition of dormer window to rear elevation.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site subject of this proposal is occupied by the south-westerly half of a very early 20th Century semi-detached dwelling of a distinctive stone construction which sits relatively prominently in the Upper Road street scene. The properties along Upper Road are located within the Meole Brace Conservation Area, and it should be further noted that the properties to the immediate south-west of No 80 are the large brick Grade II listed pair of houses (Melville House and Wheatlea House).

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Town Council comments are at variance with officers' view. The Local Member raises no objection. The Planning Services Manager in consultation with the Chair of the Central Planning Committee considers that material planning considerations have been raised which warrant consideration by the Central Planning Committee.

**4.0 Community Representations****Consultee Comments**

- SC Archaeology: No comment to make with respect to archaeological matters.
- The Town Council objects to the proposal and considers that it provides a design that it is out-of-keeping with the existing property, the neighbourhood and neither preserves nor enhances the conservation area. The extension will be partly visible from the road which will have a detrimental effect on the street scene. They also consider the choice of materials to be unsympathetic with the existing stonework of the main property.
- SC Conservation: The application site subject of this proposal is occupied by the south-westerly half of a very early 20th Century semi-detached dwelling of a distinctive stone construction which sits relatively prominently in the Upper Road street scene. The properties along Upper Road are located within the Meole Brace Conservation Area, and it should be further noted that the properties to the immediate south-west of No 80 are the large brick Grade II listed pair of houses (Melville House and Wheatlea House) dating from about 1830 which contribute strongly to the area. Along with having due regard to CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, Chapter 16 of the National Planning Policy Framework (NPPF) (revised 2018), and Planning Practice Guidance and Historic England Guidance including The Setting of Heritage Assets, special regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would be required in terms of the extent to

which this proposal would preserve or enhance the character or appearance of the Conservation Area. Also relevant to this application would be Section 66 of the Act in considering the impact of this extension proposal on the character, significance, historic fabric and setting of the listed building adjacent. While in principle a modest extension to No 80 could likely address these requirements, the proposed first floor extension in its present form in the position proposed directly over the lean-to garage with a minimal set back from the main elevation has the potential to be overly visually dominant within the street scene, particularly when considered adjacent to the Grade II listed building to the south. This rather prominent extension will also upset the overall balanced design of the semi-detached building comprising Nos 78-80 where the attached adjacent unit, as noted in the D and A Statement, is identical in appearance (bar the small lean-to garage to No 80). To address these issues the proposed extension will need to be set back significantly further from the face of the garage and where a redesign of the layout of the extension would be required a very large dressing room is proposed some of which could be accommodated to the rear of the property and therefore more concealed from views. As designed however the proposed extension is considered to have a measurable visual impact on the character and appearance of the Conservation Area and on the setting of the listed dwellings adjacent, and revisions to the scheme are recommended.

- Following amendments to the plans the Conservation Officer submitted comments suggesting that if a window is to be added to the front elevation it needs to be scaled down so it does not reflect the size of the main windows to the main elevation. This could be secured with a joinery detail (like JJ20) and external finishes conditioned for colour

#### Public Comments

- A site notice was displayed and residents of neighbouring properties were notified of the development. No representations have been received.

#### Local Member

- The Local Member has no objection.

## 5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure

Visual impact and impact on conservation area

Residential Amenity

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 This following policies are relevant to this application: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and Historic England Guidance, and as the proposal is within the boundaries of the Shrewsbury Conservation Area, special regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act

1990 is also required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area. The proposed development lies adjacent to a listed building and under Section 66 of the above Act special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

6.2 Siting, scale and design of structure

6.2.1 The scheme introduces a first floor extension sited atop the existing garage, alteration to materials of the windows and introduction of a dormer window to the rear. The proposed would be set back from the principle elevation and appears subservient against the existing dwelling. The Town Council objects to the design and materials. However, it is noted that the existing garage extension is of render which is different from the host dwelling which was constructed of stone. In addition, the replacement windows would have a style similar to the existing design. It is considered that the design, scale and siting are considered acceptable.

6.3 Visual impact and impact on conservation area

6.3.1 The application site property is a semi-detached dwelling within a Conservation Area. Any additions to dwellings therefore have to be carefully designed to ensure they are in keeping with the character and appearance of the main dwelling and the surrounding area.

6.3.1 The Town Council has objected to the proposal stating that the proposal would have a detrimental effect on the street scene and neither preserves nor enhances the conservation area. The objection has been noted however, the existing garage extension that has different materials from the host dwelling can be viewed from the street scene. Having regard to the existing side garage extension and as the first floor extension will be set back from this, together they will be viewed as a subservient and later addition to the main house. Therefore it is considered that it would respect the character of the existing dwelling.

6.3.2 The comments of the Council's Conservation Officer are noted. One of the initial concerns was that the extension would have minimal set back from the main elevation and would therefore have the potential to be overly visually dominant, particularly in relation to the adjacent listed building. Revised plans now propose a greater set back and this would provide a more sympathetic and less dominating design. The Council's Conservation Officer also recommended that the window to the front elevation was omitted, but that if one was to be provided then it would need to be scaled down so it does not reflect the size of the main front windows to the house. The revised plans propose a smaller window and it is considered that this is now in proportion to the scale of the first floor extension. As recommended by the Conservation Officer conditions can be imposed to require submission of joinery detail and external finishes for approval.

6.3.3 Consideration has been given to the requirements set out in Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. In addition the proposal has been assessed in relation to policies CS6, CS17, MD2 and MD13 which require that proposals conserve the historic environment including heritage assets. With the presence of the existing side garage, the proposal being set back from the front elevation, and the scaled-down size of the front window it is



considered that the proposal would preserve the overall character and appearance of the Conservation Area, and would not adversely affect the setting of the adjacent listed building.

6.4 Residential amenity

6.4.1 The proposal is of a domestic scale that is considered proportionate to the existing dwelling. It is not considered that there will be an adverse impact on neighbouring amenity as a result of overlooking or over bearing impact to neighbour amenity.

7.0 CONCLUSION

It is considered that the proposal as amended would be of an appropriate scale and design and would preserve the character and appearance of the Conservation Area and not adversely affect the setting of the nearby listed buildings. Due regard has been given to the requirements of Sections 66 and 72 of the above mentioned Act, and the proposal meets the criteria of Core Strategy Policies CS6 and CS17 and the SAMDev Policies MD2 and MD13. It is considered appropriate in scale, pattern and design to the main dwelling and will not adversely affect the neighbour amenities or the visual character and appearance of the Conservation Area. Approval is therefore recommended.

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:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

MD13 - Historic Environment

National Planning Policy Framework

### RELEVANT PLANNING HISTORY:

19/00660/FUL Erection of first floor extension to side over existing garage, alterations to window material to side and rear elevations, addition of dormer window to rear elevation PDE SA/00/0601 Erection of single storey extensions to provide attached garage and conservatory. PERCON 6th July 2000

## 11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr G. Butler
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Local Member Cllr Nic Laurens
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Appendices APPENDIX 1 - Conditions
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## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITION(S)**

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

#### **CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

3. Prior to the relevant works commencing samples and/or details of the roofing materials, colour and materials to be used in the construction of the external walls 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.

4. Prior to the commencement of the relevant work details of all external windows and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All windows shall be carried out in complete accordance with the agreed details

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

### **Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

-

## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

<b>LPA reference</b>	18/05011/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mr Josh Jones
<b>Proposal</b>	Outline application for the erection of 1 No dwelling (all matters reserved)
<b>Location</b>	Proposed Dwelling South Of 2 Pontesford Shrewsbury
<b>Date of application</b>	30.10.2018
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated Decision
<b>Date of decision</b>	25.01.2019
<b>Date of appeal</b>	25.02.2019
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	18/02747/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mrs Julie Houlker
<b>Proposal</b>	Outline application for residential development for up to 2 No. dwellings with retention of access
<b>Location</b>	Proposed Residential Development Land To The North Of Betley Lane Bayston Hill Shrewsbury
<b>Date of application</b>	19.06.2018
<b>Officer recommendation</b>	Grant Permission
<b>Committee decision (delegated)</b>	Committee Decision
<b>Date of decision</b>	09.11.2018
<b>Date of appeal</b>	01.03.2019
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	18/03583/OUT
<b>Appeal against</b>	Appeal Against Non Determination
<b>Appellant</b>	Atbay Ltd
<b>Proposal</b>	Outline application for mixed use development for residential, retail and business units with associated parking (all matters reserved)
<b>Location</b>	Proposed Development Land At Former Bus Depot Minsterley Shrewsbury
<b>Date of application</b>	03.08.2018
<b>Officer recommendation</b>	-
<b>Committee decision (delegated)</b>	-
<b>Date of decision</b>	-
<b>Date of appeal</b>	29.01.2019
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	18/05178/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mr M Ebrey
<b>Proposal</b>	Outline application for the erection of 1 no detached bungalow (all matters reserved)
<b>Location</b>	Land Adj Atterley Bings Heath Astley Shrewsbury
<b>Date of application</b>	08.11.2018
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated Decision
<b>Date of decision</b>	03.01.2019
<b>Date of appeal</b>	08.03.2019
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	18/05582/VAR
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mr Phillip Edwards
<b>Proposal</b>	Removal of condition 5 pursuant to 12/03658/FUL to allow for an internal floor area, including future extensions, to be in excess of 100sqm
<b>Location</b>	Oak Tree Cottage Wattlesborough Halfway House Shrewsbury
<b>Date of application</b>	04.12.2018
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated Decision
<b>Date of decision</b>	14.02.2019
<b>Date of appeal</b>	18.03.2018
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	18/04534/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mrs Hilary Silva
<b>Proposal</b>	Outline application (all matters reserved) for the erection of a detached dwelling and garage
<b>Location</b>	Proposed Dwelling North Of Appleby Ford Shrewsbury
<b>Date of application</b>	03.10.2018
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated Decision
<b>Date of decision</b>	27.11.2018
<b>Date of appeal</b>	24.03.2019
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	17/02960/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mr M Warner
<b>Proposal</b>	Erection of detached dwelling with detached garage following demolition of agricultural/industrial buildings former grain store
<b>Location</b>	Great Ness Dryers Caravan Storage, Warehouse And Office Rodefern Lane Great Ness Montford Bridge Shrewsbury
<b>Date of application</b>	20.06.2017
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated Decision
<b>Date of decision</b>	27.07.2018
<b>Date of appeal</b>	26.11.2018
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	13.02.2019
<b>Date of appeal decision</b>	05.04.2019
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>
<b>Details</b>	



<b>LPA reference</b>	18/00641/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mr Neal Katz
<b>Proposal</b>	Erection of a detached dwelling and formation of new vehicular access
<b>Location</b>	Proposed Dwelling East Of 1 Snowdrop Close Shrewsbury
<b>Date of application</b>	07.02.2018
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated Decision
<b>Date of decision</b>	27.04.2018
<b>Date of appeal</b>	26.10.2018
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	13.02.2019
<b>Date of appeal decision</b>	05.04.2019
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>
<b>Details</b>	

<b>LPA reference</b>	18/00483/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Eagle Cressage Limited
<b>Proposal</b>	Erection of 4 No. dwellings and conversion of existing former Public House to form 2No. additional dwellings with associated car-parking and landscaping (re-submission)
<b>Location</b>	The Eagles Inn 1 Harley Road Cressage Shrewsbury
<b>Date of application</b>	29.01.2018
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated Decision
<b>Date of decision</b>	18.04.2018
<b>Date of appeal</b>	24.08.2018
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	25.03.2019
<b>Date of appeal decision</b>	11.04.2019
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED – COSTS REFUSED</b>
<b>Details</b>	

<b>LPA reference</b>	18/00544/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Lord Ambrose Langley-Ingress
<b>Proposal</b>	Outline planning permission for the siting of two holiday lets to include access arrangements
<b>Location</b>	The Old And New Stations Bomere Heath Shrewsbury
<b>Date of application</b>	01.02.2018
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated Decision
<b>Date of decision</b>	27.09.2018
<b>Date of appeal</b>	21.12.2018
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	25.03.2019
<b>Date of appeal decision</b>	15.04.2019
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>
<b>Details</b>	

<b>LPA reference</b>	18/00543/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Lord Ambrose Colan Langley-Ingress
<b>Proposal</b>	Change of use and extension of an existing vacant station waiting room building to provide a single detached holiday let, together with associated access and curtilage arrangements (amended description).
<b>Location</b>	The Old And New Stations Bomere Heath Shrewsbury
<b>Date of application</b>	01.02.2018
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated Decision
<b>Date of decision</b>	27.09.2018
<b>Date of appeal</b>	21.01.2019
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	25.03.2019
<b>Date of appeal decision</b>	15.04.2019
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>
<b>Details</b>	

<b>LPA reference</b>	18/00085/LBC
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mr Andrew Huffer
<b>Proposal</b>	Construction of a glass safety screen / guarding balustrade to the flat roof to the rear of the property affecting a Grade II Listed Building
<b>Location</b>	5 Marine Terrace Shrewsbury
<b>Date of application</b>	08.01.2018
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated Decision
<b>Date of decision</b>	15.03.2018
<b>Date of appeal</b>	13.09.2018
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

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## Appeal Decision

Site visit made on 13 February 2019

**by J D Westbrook BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 April 2019**

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**Appeal Ref: APP/L3245/W/18/3217127**

**Great Ness Dryers Caravan Storage, Warehouse And Office, Rodefern Lane, Great Ness, SY4 2LD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr M Warner, c/o The Planning Group Ltd, against the decision of Shropshire Council.
  - The application Ref 17/02960/FUL, dated 16 June 2017, was refused by notice dated 27 July 2018.
  - The development proposed is the erection of a two-storey detached dwelling with detached garage, following the demolition of agricultural/industrial buildings of a former grain store.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this are:
  - whether the proposed development would provide a suitable site for housing, having regard to the principles of sustainable development, the development plan and the National Planning Policy Framework (NPPF), and
  - the effect of the proposal on the character and appearance of the Great Ness Conservation Area (CA) and the surrounding countryside.

### Reasons

3. The appeal site lies a short distance to the south of the small settlement of Great Ness, in open countryside to the north west of Shrewsbury. It includes a group of linked buildings of industrial design with surrounding agricultural land. The buildings were apparently previously in agricultural use, but now appear to be in use for commercial storage purposes. They comprise a large central core structure with a curved roof and a series of smaller extensions and additions with a range of roof designs. All are constructed from corrugated materials.
4. The proposed development would involve the demolition of the existing buildings and the erection of a new dwelling on the site of the current central core structure. There would be a new detached triple garage building, around 10 metres to the north of the dwelling, and there would be a large area of garden to the rear, in what is currently grazing/farmland. The new dwelling and the garage would have a curved roof and would include the use of timber boarding, extensive glazing and "Trespa" panels.

*Suitability of the site for housing*

5. The NPPF, in paragraph 78 notes that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. In paragraph 79 it continues by indicating that planning policies and decisions should avoid the development of isolated homes in the countryside.
6. Policy CS1 of the Council's Core Strategy (CS) indicates that development in rural areas will be located predominantly in Community Hubs and Community Clusters, and will contribute to social and economic vitality. Outside of these settlements, development will be primarily for economic diversification or to meet local needs for affordable housing. Policy CS4 indicates that communities will become more sustainable by focusing private and public investment in the rural area into Community Hubs and Community Clusters, and not allowing development outside these settlements unless it meets policy CS5. Policy CS5 indicates that appropriate development proposals will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits.
7. Policy MD1 of the Council's Site Allocations and Management of Development Plan (SAMDev) indicates that Great Ness forms part of a Community Cluster within the Shrewsbury area. Policy MD7a of the SAMDev indicates that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. There can be exceptions to this policy, but the proposed development would not meet the requirements for such exceptions.
8. In this case, Great Ness is a very small settlement with a relatively close-knit grouping of dwellings and a church. It is also a Conservation Area. The area is characterised by dwellings of a largely traditional design in red brick and/or render, including The Poplars, a red-brick Listed Building that occupies something of a focal point in the settlement. The appeal site is physically separated from the settlement and is surrounded by grazing land and farmland. It is seen in its context as an isolated industrial-type unit, with no apparent visual or functional link to the rest of Great Ness. Moreover, whilst the proposal would result in an additional open market dwelling, it would also apparently result in the loss of some employment to the area.
9. There has been some relatively new construction of dwellings in Great Ness, but these have taken the form of limited infill developments, within the confines of the settlement itself, and therefore may be said to conform to the development plan policies relating to Community Clusters, with a resultant improvement to the sustainability of settlements in these clusters.
10. In the light of the above, I find that the proposal would conflict with guidance in paragraph 79 of the NPPF. It would also conflict with a range of policies from the CS and SATDev, in that it would be located outside of the community of Great Ness and would not bring any obvious social or economic benefits to that community. It would not represent economic diversification or meet any needs for local affordable housing. Furthermore, by virtue of its relatively isolated location and resultant separation from any local services or facilities, I consider that it would not, in this case, represent a sustainable form of development. It would not, on this basis, be a suitable site for housing.

### *Character and appearance*

11. The built form of the settlement of Great Ness occupies a very small area. The CA boundary includes some additional peripheral land. The proposed dwelling would be over 100 metres away from any dwellings within the settlement and from the CA boundary. It is surrounded by farmland and appears as an industrial type storage building, common to agricultural areas. There are other buildings of an agricultural/industrial design, including the use of corrugated metal, elsewhere in the vicinity of the appeal site, including some large buildings to the south. In this respect, the current buildings on the appeal site do not appear out of character in the open countryside, and would also seem to be in reasonable condition. They are not, therefore, an eyesore.
12. By virtue of the distance of the appeal site from the body of the settlement, the current buildings are not seen readily in the context of the CA. The removal of the existing buildings on the appeal site would, therefore, have only very slight, if any, beneficial impact on the setting or appearance of the CA.
13. The appellants note that the proposed dwelling would occupy a smaller footprint than the existing buildings, and that it would be designed to replicate the form and scale of the central Dutch Barn element of the complex. However, the dwelling would be constructed out of a range of materials, including large amounts of glazing. To replicate a Dutch Barn type of design, using the proposed palette of materials and domestic design features, would result in a building with an incongruous appearance in this open countryside location. Moreover, the distance between the dwelling and the garage would lead to the residential built form extending northwards into what is currently grazing/farmland, while the incorporation of an extensive garden area to the west of the dwelling would result in significant further encroachment of an isolated residential plot into the surrounding countryside.
14. The appellants note that permission has recently been granted for a new dwelling to the north-east of the appeal property on a large site between The Poplars and another detached house known as Oakfield. This dwelling has now been built. It is a large detached house, of traditional design and primarily constructed from red brick. It also lies within the CA. In this case, the site may be considered an infill site, and the design of the house complements to a large extent that of The Poplars, and reflects the general character and appearance of the CA. On this basis, it cannot be seen as a precedent for the development proposed on the appeal site.
15. In conclusion on this issue, I find that the proposed development would not be harmful to the CA and may therefore be said to preserve its character and appearance. However, by virtue of its design and materials, and its detrimental impact on the character and appearance of the surrounding countryside, I find that it would conflict with Policy CS6 of the CS and Policy MD2 of the SAMDev, both of which indicate that development should respect local context and character, including matters of scale, design, form and layout.

*J D Westbrook*

INSPECTOR





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## Appeal Decision

Site visit made on 13 February 2019

**by J D Westbrook BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 April 2019**

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**Appeal Ref: APP/L3245/W/18/3214886**

**1 Snowdrop Close, Shrewsbury, SY3 7TU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Neal Katz against the decision of Shropshire Council.
  - The application Ref 18/00641/FUL, dated 6 February 2018, was refused by notice dated 27 April 2018.
  - The development proposed is the erection of a detached dwelling and the formation of a new vehicular access.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The submitted plans contain minor errors. The Proposed Layout Plan (Alternative) purports to relate to a proposed bungalow, although all other documentation relates to a two-storey dwelling, whilst the drawing showing the east elevation of the house omits a ground-floor window which appears on the proposed ground-floor plan. These matters do not, however, affect the main issue of the case.

### Main Issue

3. The main issue in this case is the effect of the proposed dwelling on the character and appearance of the area around Snowdrop Close and Primrose Drive.

### Reasons

4. No 1 is a detached house situated on a corner plot at the junction of Snowdrop Close and Primrose Drive. These roads form part of a modern housing estate that comprises largely detached houses on good sized plots. The estate has a generally open character and appearance, and houses are set well back from the pavement. Houses on corner plots are generally set well back from the boundaries with each road.
5. No 1 is a large detached house on a wide plot. It currently has a triangular side garden which has a 1.8 metre brick wall to the side and rear. To the side, the wall is sited at the rear of the pavement on Primrose Drive, while there is a public footpath behind the wall to the rear. The footpath gives access to an area of public open space and a playing field, between the housing estate and a nearby railway line.

6. The proposed house would be sited within the existing side garden area of the appeal property. It would be two-storey and L-shaped, with a narrow front element and a wider rear portion. The rear garden area of the proposed house would widen out to the rear, but there would be a detached garage with driveway and turning head in the rear portion of the garden, with a vehicular access at the southern end of the site. From the limited information before me, it would appear that there would be a narrow gap between the proposed house and the existing dwelling, while both front and rear elements of the proposed house would extend up to, or almost up to, the side boundary.
7. Policy CS6 of the Council's Core Strategy (CS), indicates that development should be appropriate in scale, density, pattern and design, taking into account local context and character. Policy MD2 of the Council's Site Allocations and Management of Development Plan (SAMDev) continues this theme by indicating that development should contribute to and respect locally distinctive character by responding appropriately to the form and layout of existing development and the way it functions, including streetscape, building lines, scale, density and plot sizes.
8. In this case, the appeal property, along with No 8 Snowdrop Close opposite, occupies a large corner plot, within which the dwelling is set well back from the road boundaries to the front and side. This creates an open character and appearance around the road junction, which is a common feature within the wider estate.
9. The proposed development would involve splitting the property into a large, approximately rectangular plot, on which would sit the existing house, with a small triangular plot to the side. The proposed house would effectively fill the width of the plot in its middle section, and would extend almost to the side boundary at the back of the pavement on Primrose Drive. This would fail to respect the prevailing locally distinctive character of the area. It would appear inappropriate in its context, by virtue of the restricted size and uncharacteristic shape of the plot, and it would appear cramped in the streetscape, particularly when compared with its surroundings and other corner plots on the estate.
10. The appellant refers to examples of similar proposals that have been permitted by the Council. I have few details of these, and three are located some distance from the appeal site. There are two recent examples along Primrose Drive (Nos 4 and 7), but I note that both have more space to the side than this current proposal. In the case of No 7, there is an open grassed strip between the property boundary and the rear of the pavement, while No 4 has a wider plot, such that the house is set in from the side boundary, and there is a narrow area of landscaping between the boundary wall and the pavement. In these cases, therefore, the local character and context has been respected, which would not be the case with the current proposal at No 1 Snowdrop Close.
11. In the light of the above, I find that the proposed dwelling would be harmful to the character and appearance of the area around Snowdrop Close and Primrose Drive, and that the proposal would, therefore, conflict with Policy CS6 of the CS, and with Policy MD2 of the SAMDev.

*J D Westbrook*

INSPECTOR

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## Appeal Decision

Site visit made on 25 March 2019

**by Alexander Walker MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> April 2019**

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**Appeal Ref: APP/L3245/W/18/3210027**

**Eagles Inn, Harley Road, Cressage, Shrewsbury SY5 6DE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr David Poyner on behalf of Eagle Cressage Limited against the decision of Shropshire Council.
  - The application Ref 18/00483/FUL, dated 26 January 2018, was refused by notice dated 18 April 2018.
  - The development proposed is the erection of 4no. new dwellings and conversion of existing former Public House to form 2no. additional dwellings with associated car-parking and landscaping.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr David Poyner on behalf of Eagle Cressage Limited against Shropshire Council. This application is the subject of a separate Decision.

### Procedural Matters and Main Issues

3. Following the Council's determination of the application, a Bat Survey and a Great Crested Newt Survey were undertaken by Gerald Longley Ecological Consultants, dated 20 June 2018 and 16 May 2018 respectively. These surveys accompany the appeal submission. The Council confirm that they do not disagree with the conclusions of these surveys. Based on the evidence before, I find no reason to conclude otherwise.
4. In light of the above, the main issues are whether the site is a suitable location for housing, having regard to local and national planning policy; the effect of the proposal on the provision of local community facilities and services in the area; and, the effect of the proposal on the non-designated heritage asset.

### Reasons

#### *Location*

5. Policy CS3 Shropshire Council Adopted Core Strategy (CS) 2011 states that the Market Towns and other Key Centres will maintain and enhance their roles in providing facilities and services to their rural hinterlands and that balanced housing and employment will take place within the towns' development boundaries. Policy CS4 of the CS sets out how new housing will be delivered in

the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015. Policy MD1 of the SAMDev identifies those settlements that fall within a Community Hub or Community Cluster. Cressage is not identified as a development settlement within either Policy CS3 of the CS or Policy MD1 of the SAMDev and therefore, for the purposes of the development plan, the appeal site falls within the open countryside.

6. Policy CS5 of the CS allows new development in the open countryside only where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of particular development that it relates to including dwellings for essential countryside workers and conversion of rural buildings. There is no evidence before me to suggest that the proposal falls within any of the development listed in Policy CS5. However, the list is not exhaustive.
7. Policy CS5 is complemented by Policy MD7a of the SAMDev, which goes on to further state that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. Therefore, it seems to me that although Policy CS5 of the CS does not explicitly restrict new market housing in the open countryside, Policy MD7a of the SAMDev does. As the proposal is for an open market dwelling the proposal would fail to accord with Policies CS5 and MD7a.
8. I acknowledge that Policy CS5 is based upon pre-Framework policy and guidance. However, this in itself does not result in the policy being out-of-date. Overall, I find no inconsistency between Policy CS5 and the Framework. Accordingly, I attribute it full weight.
9. In addition to allocated sites, Policy MD3 of the SAMDev also supports other sustainable housing development. Paragraph 3 of Policy MD3 goes on to state that where settlement housing guidelines appear unlikely to be met, additional sites outside settlement development boundaries may be acceptable. However, as set out in the first paragraph to the policy, it should not be read in isolation from other policies, including Policies CS2, CS3, CS4, CS5, MD1 and MD7a. There is no evidence before me of any housing guidelines that are unlikely to be met.
10. The Council is currently carrying out a Local Plan Review. Paragraph 33 of the National Planning Policy Framework (the Framework), states that local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years.
11. The appellant argues that as the Council are carrying out the review the development plan policies are therefore out-of-date and as such the proposal benefits from the 'tilted balance' set out at Paragraph 11 d) of the Framework. However, I do not agree with this argument. Paragraph 33 contains no explicit link to the 'tilted balance' set out in Paragraph 11 d). Moreover, Planning Practice Guidance (PPG) states that: "Policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years. The review process is a method to ensure that a plan and the policies within remains effective. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Due weight should be given to relevant

policies in existing plans according to their consistency with the National Planning Policy Framework. It will be up to the decision-maker to decide the weight to give to the policies.”<sup>1</sup> Accordingly, PPG is clear that existing policies should not be considered out-of-date simply because a review has not yet been completed.

12. There is no dispute that the Council can demonstrate a 5 year supply of deliverable housing land. Furthermore, the policies of the development plan which are most important for determining the application are not out-of-date. Accordingly, the proposal does not benefit from the presumption in favour of sustainable development set out in paragraph 11 (d) of the Framework.
13. The village of Cressage has a number of services and facilities and has good transport links to larger settlements and therefore is in an accessible location. I acknowledge that there is the possibility that the village might form a defined development settlement within the development plan as part of the Local Plan Review. However, until such time, it must be considered against the current development plan, whereby Cressage is considered to fall within the open countryside.
14. I therefore find that the proposal would fail to accord with the Council’s housing strategy embodied in Policies CS3, CS4 and CS5 of the CS and Policies MD1, MD3 and MD7a of the SAMDev. In addition, it would fail to accord with the housing objectives of the Framework.

#### *Community Facilities and Services*

15. The appellant states that the existing public house building closed for business in 2015 and has since remained vacant. Prior to that it closed in 2008 for a period of two years and then reopened until 2015. It is argued that this demonstrates a limited demand and viability for the business. However, there is no evidence before me that these were the reasons for the closure of the business or of any marketing exercise to encourage its use to continue.
16. In the absence of any of this evidence, given that it is the only public house within a relatively large rural settlement, it seems reasonable to me it could be a viable business and provide an important community facility. Whilst I accept that the public house has not been open for business for some time, its lawful use remains as a public house and therefore a community facility, albeit not currently in operation.
17. I find therefore that it has not been demonstrated that there is sufficient justification for the loss of the community facility. As such, it is contrary to Policy CS8 of the CS, which seeks to protect and enhance existing community facilities.
18. The Council also cite paragraph 28 of the Framework. Whilst it states that non-strategic policies can include the provision of community facilities, it does not specifically preclude the loss of existing facilities. Accordingly, I find no conflict with this paragraph.

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<sup>1</sup> Paragraph: 064 Reference ID: 61-064-20190315

*Non-designated Heritage Asset*

19. The existing building is a substantial, 2/3 storey building set within a large open car park and is located on the junction of the A458 and the B4380. As a consequence of its scale and location, the building is a prominent gateway feature on entering/exiting the village. The appellant confirms that the building is approximately 150 years old. Whilst not statutorily listed, there is no dispute between the parties that the building is a non-designated heritage asset. I consider that its significance derives from the scale and positioning of the building and its historic association with the village.
20. The proposal includes the conversion of the existing building into two dwellings. The Council raise no objection on design grounds to this and, based on the evidence before me and the observations I made on site, I concur. The Council's concern lies in the proposed four detached dwellings.
21. Three of the dwellings would be sited in a linear pattern on either side of the existing building; two to the south and one to the north, on the corner of the junction. The fourth dwelling would be to the rear of the site.
22. The two dwellings to the south would be set back behind the forward building line of the existing building and the spacing between them would be generous. This would ensure that the existing building remains a key building in the streetscene on approach from the south.
23. However, the dwelling to the north would be on the corner of the junction of Sheinton Road and the A458 and although slightly set back it would be a prominent and dominant feature on entering the village from the north and west. As a consequence, it would compete with, rather than complement, the dominance of the existing building and therefore diminish its significance.
24. The existing stone wall on the corner of Sheinton Road and the A458 supports the historical importance of the existing building on the site and together with other boundary stone walls on each side of the junction they make an important contribution to the historic character of this part of the village. The proposed loss of this wall and replacement with a brick wall would further diminish the historical significance of the existing building.
25. The Council also raised concern regarding the lack of distinctive character on the two dwellings to the south. Whilst the dwellings would be modern in their design, they would have some features taken from the existing building, including a mix of facing materials, gable features and chimneys. Overall, I do not consider that their lack of distinctive character would be unacceptably harmful to the existing building or the streetscene.
26. Overall, I find therefore that the proposal would significantly harm the significance of the non-designated heritage asset. As such, it would fail to comply with Policies CS6 of the CS, which seeks to ensure that development protects, restores, conserves and enhances the built and historic environment. It would also fail to comply with Policies MD2 and MD13 of the SAMDev, which seek to ensure that development protects the historic context and character of heritage assets and their significance, including non-designated heritage assets. Furthermore, it would fail to comply with the design and historical environment objectives of the Framework.



## Other Matters

27. The appellant refers me to a number of schemes that the council have granted planning permission for. However, two of these schemes<sup>2</sup> were granted planning permission prior to the adoption of the SAMDev and at a time when the Council could not demonstrate a 5 year supply of deliverable housing land. Therefore, the policy context was markedly different to that which the current proposal is assessed against. With regard to planning permission ref 16/04489/FUL, the site already benefitted from planning permission for residential development and whilst the scheme increased the number of dwellings, the details of the Council's consideration of the scheme are not before me. Therefore, I cannot be certain that there are any direct comparisons with the current proposal that weigh in its favour.
28. Two of the proposed dwellings would be affordable units. Whilst the scale of the number of units is only small, it nevertheless is afforded moderate weight in favour of the proposal. The proposal would also make an effective use of previously developed land, although the Council makes a compelling case that as they can demonstrate a 5 year supply of deliverable housing land, it is not necessary to develop greenfield open countryside sites. Therefore, the weight I attribute in favour of the proposal to the redevelopment of the previously developed site is only moderate.

## Planning Balance

29. Section 38 (6) of the Planning and Compulsory Purchase Act, 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst the Framework is a significant material consideration, it does not change the statutory status of the development plan as the starting point for the decision and its primacy in the determination of planning applications. I find no conflict between the objectives of the Framework and the development plan and there is no evidence presented to me to demonstrate that the most important policies for determining the proposal are out-of-date.
30. The proposal would be located in an accessible location, provide affordable housing and make an effective use of previously developed land. However, I do not find that these matters, individually or cumulatively, outweigh the significant harm I have found in respect of failing to accord with the Council's housing strategy, the loss of a community facility and the harm to the non-designated heritage asset.

## Conclusion

31. For the reasons given above the appeal is dismissed.

*Alexander Walker*

INSPECTOR

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<sup>2</sup> LPA Ref 12/01206/FUL and 14/01895/OUT

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## Costs Decision

Site visit made on 25 March 2019

**by Alexander Walker MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> April 2019**

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### **Costs application in relation to Appeal Ref: APP/L3245/W/18/3210027 Eagles Inn, Harley Road, Cressage, Shrewsbury SY5 6DE**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr David Poyner on behalf of Eagle Cressage Limited for a partial award of costs against Shropshire Council.
  - The appeal was against the refusal of planning permission for the erection of 4no. new dwellings and conversion of existing former Public House to form 2no. additional dwellings with associated car-parking and landscaping.
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The appellant requested an extension of time to complete the Great Crested Newt survey, to which the Council agreed an extension until 20 April 2018. It was agreed that the appellant would keep the Council 'posted' in the meantime. There is no evidence of any further correspondence between the parties and the Council subsequently determined the application on 18 April 2018, two days before the agreed extension.
4. I acknowledge that there were four reasons for refusal, with matters relating to ecology being just one of them. Nevertheless, it seems to me that the Council's failure to comply with the agreed extension of time amounts to unreasonable behaviour.
5. However, the appellant submitted the appeal, accompanied by the bat and Great Crested Newt surveys, which, presumably, were the same ones being prepared at the time the Council determined the planning application. The Council have confirmed that they raise no objection to the findings of the surveys and accordingly, I have found no ecological harm in this respect. Had the surveys not been carried out, it is likely that I would have found such harm.
6. Therefore, whether or not the surveys were completed before or after the Council's determination of the application, based on the evidence submitted, it was necessary to carry out the survey to ensure that there would not be any

unacceptable ecological harm. Consequently, I do not find that the costs in carrying out the surveys were abortive. Therefore, unnecessary expense in the appeal process has not been demonstrated.

**Conclusion**

7. I therefore conclude that whilst the Council behaved unreasonable, this did not result in unnecessary expense during the appeal process. For this reason, an award for costs is therefore not justified.

*Alexander Walker*

INSPECTOR

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## Appeal Decision

Site visit made on 25 March 2019

**by Alexander Walker MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> April 2019**

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**Appeal Ref: APP/L3245/W/18/3219323**

**The Old and New Stations, Leaton Hall Junction B5067 to Station House Junction, Bomere Heath, Shrewsbury SY4 3AP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Lord Ambrose Langley-Ingress against the decision of Shropshire Council.
  - The application Ref 18/00544/OUT, dated 31 January 2018, was refused by notice dated 27 September 2018.
  - The development proposed is to include access arrangements and the proposed siting of two holiday lets.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on that basis. The drawings submitted with the application indicate the layout of the two holiday lets. In addition, the supporting information indicates that the holiday lets would be detached, two-storey, four-bedroom buildings. However, as the application form clearly identifies 'Layout' and 'Scale' as not being reserved matters to be determined at this stage I have treated these matters as indicative only.

### Main Issues

3. The main issues are the effect of the development on the character and appearance of the area, including the non-designated heritage asset, and whether the site is a suitable location for tourist accommodation, having regard to local and national policy.

### Reasons

#### *Character and Appearance*

4. The appeal site is located within the open countryside and lies adjacent to a railway line. It is currently a vacant parcel of land adjacent to the 'The New Station' and 'The Old Station', which are located immediately to the south. Together with the existing buildings, the overall site once formed the historical Leaton railway station. To the north east is a cricket field and on the opposite side of the railway track are open fields. Whilst to the south are industrial buildings, these are on the opposite side of the road and therefore, due to this

- separation, I consider that the appeal site is read in the context of the surrounding rural setting rather than the industrial buildings. Due to its low profile, the railway track is not readily visible within the landscape and does not detract from the rural setting. The overall openness of the site makes a positive contribution to the open and rural character of the area.
5. The New Station is of red brick construction with blue brick quoins and window surrounds with prominent decorative brick chimneys. Due to its modest size and simple form, the building is clearly read as being subservient to the larger Old Station. This also reflects the original functional relationship between the two buildings. There is no dispute between the parties that the building is a non-designated heritage asset. I consider that its significance derives from the character and appearance of the building and its historic association as a railway station facility.
  6. Due to the narrow width and long length of the site, it is likely that the holiday lets would be sited along the railway track, similar to the existing two buildings. Whilst the layout and scale of the holiday lets are reserved matters, in conjunction with the existing buildings, it is likely that they would create a linear pattern of development extending away from the road and along the railway track. Due to the openness of the site, the holiday lets would likely be highly prominent in the landscape, particularly on approach along the road from the west. As a consequence, the erosion of three-dimensional space and the intrusive built form would erode the openness of the area and create a more urban form of development that would be detrimental to the rural character of the area.
  7. Furthermore, whilst scale is not considered at this stage, the appellant states that the holiday lets would be two-storeys. As a consequence, they would likely be significantly larger than the New Station and therefore fail to reflect the modest size of the building. Moreover, it would fail to respect the built form of the existing buildings, which diminish in scale from the road along the railway track. Therefore, the proposal would be detrimental to the significance of the non-heritage asset.
  8. The appellant states that the residential development that is currently under construction in Bomere Heath would eventually bound the football pitch and cricket ground to the north of the site as per the allocation in the Local Plan Review. Whilst the site to the north of the football pitch is identified as a preferred site for housing, there is no evidence before me of the current status of the Review and therefore I can only attribute it limited weight. In any event, if the proposed allocated site was developed for housing, the openness of these sports facilities would create a transition between the rural setting, within which the appeal site is located, and the urban form of the settlement. Therefore, even if the allocated site in the Review was developed, I do not consider that the proposal's significantly harmful effect on the character and appearance of the area would be reduced to such an extent that it would be acceptable.
  9. I have had regard to the use of landscaping to assist in reducing the visual impact of the development. Whilst no details of landscaping have been provided, I am not satisfied that this would be effective at mitigating the harm to the character and appearance of the area, particularly as it would take time to establish.

10. I find therefore that the proposal would significantly harm the character and appearance of the area and the significance of the non-designated heritage asset. As such, it would fail to comply with Policies CS6 and CS17 of the Shropshire Core Strategy (CS) 2011, which seek to ensure that development protects, restores, conserves and enhances the built and historic environment. It would also fail to comply with Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 2015, which seek to ensure that development contributes to and respects local distinctiveness or valued character and protects the historic context and character of heritage assets and their significance, including non-designated heritage assets. Furthermore, it would fail to comply with the design and historical environment objectives of the National Planning Policy Framework (the Framework).

*Suitable Location*

11. Despite the appellant's argument that the site forms part of an industrial setting, for the purposes of the development plan, it lies within the open countryside.
12. Policy CS5 of the CS restricts new development in the open countryside to appropriate sites which maintain and enhance the character and vitality of the countryside, and where they improve the sustainability of rural communities by bringing local economic and community benefits. In particular, this may include sustainable rural tourism which requires a countryside location, and which accords with Policies CS16 of the CS.
13. In support of Policy CS5, Policy CS16 of the CS states that visitor accommodation should be in accessible locations, served by a range of services and facilities. In rural areas it should be of an appropriate scale and character for its surroundings and be close to, or within, settlements or an established tourism enterprise where accommodation is required.
14. The site forms part of an existing bed and breakfast business that operates from the Old Station. The proposal would expand this existing business. The appellant contends that the holiday lets would be focused on providing accommodation that would be accessible for all.
15. I acknowledge that the appellant has permission to use the cricket pitch in order to access the newly constructed footpath that leads into the village and the services contained within it. However, there is no evidence before me of the circumstances of this agreement and therefore I cannot be certain that is on a permanent, formal basis. Accordingly, I attribute this agreement limited weight and have based my assessment of the accessibility of the proposal on the route that the users of the proposed accommodation would have a right of access. This route would in part be along a relatively busy, unlit road with no footway, which would be unattractive for visitors to walk. Nevertheless, the nearby bus stop would allow access to the local bus service that has good links with Shrewsbury.
16. Notwithstanding this, Policy CS16 of the CS requires development to be of an appropriate scale and character to their surroundings. For the reasons I have set out in the first main issue regarding the harm to the character and appearance of the area and the non-designated heritage asset, the proposal would fail to satisfy this requirement and therefore fail to accord with Policy

- CS16. For the same reason, it would fail to satisfy Policy CS5 of the CS, which seeks to ensure that development in the open countryside maintains and enhances the character and vitality of the countryside.
17. Policy MD11 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan December 2015 provides further support to Policies CS5 and CS16 of the CS, stating that tourism development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings. It also states that holiday let development that does not confirm to the legal definition of a caravan, and is not related to the conversion of existing appropriate rural buildings, will be resisted in the countryside following the approach to open market residential development in the countryside under Policies CS5 and MD7b. I acknowledge that the proposed development for the conversion of the New Station<sup>1</sup> comprises a conversion in accordance with Policy MD11 and MD7b. However, whilst it is on the same overall site as the appeal site and is in the same ownership, it is a separate development.
18. Whilst it is not explicitly clear in the submission as to how the lets would be constructed, based on the indicative drawings and the appellant stating that they would be two-storey buildings they would not fall within the definition of a caravan or comprise a conversion. Accordingly, it would fail to comply with Policy MD11.
19. The submitted Business Plan states that the proposal would be privately funded and provide tourist accommodation where there is currently very little within the area. Although the Business Plan provides details regarding the current number of rooms within the existing bed and breakfast, there is no information regarding the viability of the business or whether there is a demand for further accommodation due to a lack of capacity. I acknowledge that the proposals would provide more accessible accommodation, which is very limited within the existing business. However, there is no substantive evidence that there is a demand for two holiday lets that would provide such accommodation.
20. I find therefore that due to the harmful effect of the proposal on the character and appearance of the area; the fact that the holiday lets would be purpose built buildings and not fall within the legal definition of a caravan; and, that there is insufficient evidence demonstrating that the existing business is viable, the site is not suitable for the proposed tourist accommodation. As such, it would be contrary to Policies CS5 and CS16 of the CS and Policy MD11 of the SAMDev. It would also be contrary to Policies MD2 and MD4 of the SAMDev, which seek to ensure that development contributes to and respects local distinctiveness or valued character and employment development is on suitable development sites. Furthermore, it would fail to comply with the objectives of the National Planning Policy Framework, which promote sustainable rural tourism.
21. The Council also rely on Policy CS1 of the CS. However, this is a strategic policy which does not restrict rural tourism development. In addition, the Council also relies on Policy CS11 of the CS and, which relates to housing need. Furthermore, MD7b does not relate to new build tourist accommodation. Accordingly, as the proposal is for new build tourist accommodation, I find no conflict with these policies.

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<sup>1</sup> Appeal Ref APP/L3245/W/18/3219326

### **Other Matters**

22. The appellant argues that that as the Local Plan is currently under review it is therefore not up to date and as such the presumption in favour of sustainable development applies. However, the review is a legal requirement for all local plans. I do not consider that this review makes the relevant development plan policies out of date for the purposes of paragraph 11 of the Framework. Therefore, paragraph 11d of the Framework is not engaged.
23. I acknowledge that the proposal would comprise the redevelopment of previously development land. However, I do not consider that this outweighs the harm I have identified above.

### **Conclusion**

24. For the reasons given above, the appeal is dismissed.

*Alexander Walker*

INSPECTOR

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## Appeal Decision

Site visit made on 25 March 2019

**by Alexander Walker MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> April 2019**

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**Appeal Ref: APP/L3245/W/18/3219326**

**The Old and New Stations, Leaton Hall Junction B5067 to Station House Junction, Bomere Heath, Shrewsbury SY4 3AP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Lord Ambrose Colan Langley-Ingress against the decision of Shropshire Council.
  - The application Ref 18/00543/FUL, dated 31 January 2018, was refused by notice dated 27 September 2018.
  - The development proposed is the change of use and extension of existing building to provide a single dwelling, with associated access and curtilage arrangement.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the non-designated heritage asset and the character and appearance of the area.

### Reasons

#### *Non-heritage Asset*

3. The appeal building is a waiting room building known as 'The New Station', with 'The Old Station' being the station house to the south. Together, these formed part of the historical Leaton railway station. The building is of red brick construction with blue brick quoins and window surrounds with prominent decorative brick chimneys. Due to its modest size and simple form, the building is clearly read as being subservient to the larger Old Station. This also reflects the original functional relationship between the two buildings. There is no dispute between the parties that the building is a non-designated heritage asset. I consider that its significance derives from the character and appearance of the building and its historic association as a railway station facility.
4. The proposal includes the construction of a two-storey extension on the north west elevation of the building and the demolition of an existing lean-to concrete block extension and its replacement with a larger extension on the north east elevation.
5. The footprint of the original building is approximately 66.2 sqm. The existing extension is approximately 39.5 sqm. The proposal would result in the building

- having a footprint of approximately 215 sqm, an increase of approximately 109% of the existing footprint, with a further 73 sqm floorspace at first floor. In addition, the ridge height of the two-storey element would be approximately 0.8m higher than the highest part of the existing building.
6. Consequently, the proposed extensions would substantially increase the bulk of the building, which would fail to reflect its modest size. Both the two-storey element and the north east element would dominate the building and fail to appear as subservient additions. Moreover, the extensions would be prominent when viewed from all sides of the building and thus erode its original form.
  7. In addition, the fenestration detailing of the proposal fails to respect the proportions and solid to void ratio of the existing building. In particular the large garage door and French doors in the north east elevation; the large expanse of glazing in the south east elevation, including a Juliet balcony; the large expanse of glazing in the south west elevation of the two-storey element; and, the two-storey narrow window, the single pane small window, the patio door and part sunlight/part window elements in the north west elevation. Overall, the disjointed and incongruous fenestration details would significantly detract from the design of the existing building.
  8. I note the conclusions of the Heritage Impact Assessment carried out by Richard K Morriss & Associates, dated September 2018, which note that the proposal would result in 'minor' harm.' However, for the reasons outlined above, I consider that the harm to the building would be significant rather than simply 'minor'. Whilst the significance of the building may have been reduced over the years, it has not been entirely lost.
  9. I find therefore that the proposal would significantly harm the significance of the non-designated heritage asset. As such, it would fail to comply with Policies CS6 and CS17 of the Shropshire Core Strategy (CS) 2011, which seek to ensure that development protects, restores, conserves and enhances the built and historic environment. It would also fail to comply with Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 2015, which seek to ensure that development protects the historic context and character of heritage assets and their significance, including non-designated heritage assets. Furthermore, it would fail to comply with the design and historical environment objectives of the National Planning Policy Framework (the Framework).
  10. In their reasons for refusal, the Council also rely on their Type and Affordability of Housing Supplementary Planning Document (SPD). However, as I am dismissing the appeal, it is not necessary to consider planning obligations. Accordingly, I find no conflict with the SPD.

*Character and appearance of the area*

11. The appeal property is located within the open countryside and lies adjacent to a railway line. To the north east is a cricket field and on the opposite side of the railway track are open fields. Whilst to the south are industrial buildings, these are on the opposite side of the road and therefore, due to this separation, I consider that the appeal site is read in the context of the surrounding rural setting rather than the industrial buildings. I have also had regard to the railway line. However, due to its low profile it is not readily visible within the landscape and does not detract from the rural setting.

12. Although set back from the road serving the site, due to the openness of the area, it is clearly visible on approach to the site from the west and is a prominent feature within the local landscape.
13. Due to the prominence of the building within the local landscape, the proposed extensions would diminish the historical railway context of the site. Furthermore, its resultant bulk would create a significantly larger building that would erode the openness of the site and the surrounding area and appear as an incongruous feature within the landscape. Whilst only the front façade of the building would be readily visible from the road, the rear would be clearly visible from the adjacent cricket ground. In any event, the bulk of the two-storey element alone would appear as an incongruous feature.
14. The appellant states that the residential development that is currently under construction in Bomere Heath would eventually bound the football pitch and cricket ground to the north of the site. However, the openness of these sports facilities would create a transition between the rural setting, within which the appeal site is located, and the urban form of the settlement. Therefore, even when the development under construction is completed, I do not consider that the proposal's significantly harmful effect on the character and appearance of the area would be reduced to such an extent that it would be acceptable.
15. I find therefore that the proposal would significantly harm the character and appearance of the area contrary to Policies CS6 and CS17 of the CS and Policies DM2 of the SAMDev, which, amongst other things, ensure that development protects, restores, conserves and enhances the natural and built environment, and contributes to and respects locally distinctive or valued character. It would also fail to accord with the design objectives of the Framework.
16. In their third reason for refusal, the Council rely on Policy MD13 of the SAMDev. However, this relates to heritage assets. Notwithstanding the building itself, there is no evidence before me that the area in which the appeal site is located forms part of a heritage asset. Therefore, I do not find that this policy is relevant to this main issue.

## **Planning Balance**

17. The appellant argues that that as the Local Plan is currently under review it is therefore not up to date and as such the presumption in favour of sustainable development applies. However, the review is a legal requirement<sup>1</sup> required for all local plans. I do not consider that this review makes the relevant development plan policies out of date for the purposes of paragraph 11 of the Framework. Therefore, paragraph 11d of the Framework is not engaged.
18. Paragraph 197 of the National Planning Policy Framework (the Framework) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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<sup>1</sup> Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012

19. The proposal would reuse the heritage asset and provide suitable accommodation for disabled people and I acknowledge that national policy supports inclusive design. Also, the site would be accessible to the village via the newly constructed nearby footpath, although there is no evidence of any formal rights of access across the adjacent cricket pitch. I have also had regard to the potential for the building to fall into further disrepair in the event that the appeal is dismissed.
20. The appellant contends that a smaller scheme would not be viable. However, there is no evidence before me to substantiate that there are no other suitable schemes that would not be harmful to the non-heritage asset. Accordingly, I attribute the matter of viability limited weight.
21. The proposal would provide economic benefits by making a small contribution to the local economy. Furthermore, it would make a positive contribution to the social dimension of sustainable development by way of providing accessible accommodation for disabled users in an accessible location. Individually or cumulatively, I do not consider that these public benefits outweigh the significant harm the proposal would have to the significance of the non-heritage asset and the character and appearance of the area. As such, I do not find that the proposal represents sustainable development.

### **Conclusion**

22. For the reasons given above the appeal should be dismissed.

*Alexander Walker*

INSPECTOR