



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

Date: Monday, 11 November 2024

Committee: Northern Planning Committee

Date: Tuesday, 19 November 2024

Time: 2.00 pm

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

You are requested to attend the above meeting. The Agenda is attached
There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda
The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

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<https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard - Assistant Director – Legal and Governance

Members of the Committee

Joyce Barrow
Garry Burchett
Geoff Elnor
Ted Clarke
Steve Charmley
Julian Dean
Roger Evans
Nat Green
Alex Wagner
Vince Hunt (Vice Chairman)
Paul Wynn (Chairman)

Substitute Members of the Committee

Roy Aldcroft
Gerald Dakin
Steve Davenport
Mary Davies
David Evans
Julia Evans
Nick Hignett
Pamela Moseley
Ed Potter
David Vasmer
Edward Towers

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 4)

To confirm the Minutes of the meeting of the North Planning Committee held on 17th September 2024, attached, marked 2.

Contact: Emily Marshall on 01743 257717

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 12 noon on Wednesday, 13th November 2024.

4 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

5 Riverside Shopping Centre, Pride Hill, Shrewsbury, Shropshire (24/03682/AMP) (Pages 5 - 12)

Non material amendment to amend the proposal description to allow for the provision of public toilets relating to Planning Permission 23/05402/FUL

6 Riverside Shopping Centre, Pride Hill, Shrewsbury, Shropshire (24/03681/VAR) (Pages 13 - 32)

Variation of condition no.2 (approved drawings) attached to planning permission 23/05402/FUL

7 Visitor Centre And Premises At Conduit Head, Nobold Lane, Shrewsbury, Shropshire (24/03420/FUL) (Pages 33 - 38)

Replace an existing outside toilet to create one suitable for disabled access

8 120 Battlefield Road, Shrewsbury, Shropshire, SY1 4AQ (24/03469/FUL) (Pages 39 - 44)

Erection of rear single storey extensions to dwelling and internal alterations

9 Appeals and Appeal Decisions (Pages 45 - 68)

10 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at

2.00 pm on Tuesday 10th December 2024, in the Shrewsbury Room, Shirehall,
Shrewsbury.

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Committee and Date

Northern Planning Committee

19th November 2024

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 17 September 2024

In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

2.00 - 2.43 pm

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillor Paul Wynn (Chairman)

Councillors Garry Burchett, Geoff Elnor, Ted Clarke, Julian Dean, Roger Evans, Nat Green, Vince Hunt (Vice Chairman), Roy Aldcroft (Substitute) (substitute for Joyce Barrow) and Steve Davenport (Substitute) (substitute for Steve Charmley)

33 Apologies for Absence

Apologies for absence were received from Councillors Joyce Barrow (substitute: Roy Aldcroft), Steve Charmley (substitute: Steve Davenport) and Alex Wagner.

34 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 16th August 2024 be approved as a correct record and signed by the Chairman.

35 Public Question Time

There were no public questions or petitions received.

36 Disclosable Pecuniary Interests

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

37 Glovers Meadow, Maesbury Road, Industrial Estate, Oswestry, SY10 8NH (24/02237/FUL)

The Area Planning and Enforcement Officer introduced the application for the Installation of a ground mounted 2 megawatt peak (MWp) solar farm to supply Arla Foods and all associated works.

The committee commented that the application was an excellent example of a proposal for a solar farm and were pleased to note conditions in relation to maintenance and monitoring of the site.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously expressed their support for the proposal.

RESOLVED:

That planning permission be granted in accordance with the Officer recommendation, subject to the conditions as set out in Appendix 1 of the planning officer's report.

38 Proposed Residential Development, Land NW Of Honeyspot Farm, Rosehill Road, Stoke Heath, Shropshire (24/02619/OUT)

The Development Manager introduced the outline application for the erection of single self-build dwelling and garage.

Councillor Sarah Planton on behalf of Stoke Upon Tern Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mr Stephen Locke, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of Members expressed their support for the officer's recommendation but asked the agent to take on board comments in relation to a landscaping condition which would help to alleviate some of the concerns raised by neighbours and assist with noise reduction.

RESOLVED:

That outline planning permission be granted in accordance with the Officer recommendation, subject to the conditions as set out in Appendix 1 of the planning officer's report.

39 9A Shrawardine, Shrewsbury, Shropshire, SY4 1AH (24/02715/AMP)

The Development Manager introduced the application for the non material amendment for the removal of the existing chimney to planning permission 23/03587/FUL. Erection of flat roof two-storey front extension to create a new entrance and interior remodelling of existing dwelling.

Having considered the submitted plans Members unanimously expressed their support for the proposal.

RESOLVED:

That planning permission be granted in accordance with the Officer recommendation, subject to the conditions as set out in Appendix 1 of the planning officer's report.

40 Appeals and Appeal Decisions

RESOLVED:

That the appeals and appeal decisions for the northern area be noted.

41 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday 15th October 2024 in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:

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Committee and date
Northern Planning Committee
 19th November 2024

Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

Summary of Application

Application Number: 24/03682/AMP	Parish:	Shrewsbury Town Council
Proposal: Non material amendment to amend the proposal description to allow for the provision of public toilets relating to Planning Permission 23/05402/FUL		
Site Address: Riverside Shopping Centre Pride Hill Shrewsbury Shropshire		
Applicant: C/O BNP Paribas Real Estate		
Case Officer: Ollie Thomas	email: ollie.thomas@shropshire.gov.uk	

Grid Ref: 349132 - 312736

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Recommendation:- Grant permission, due to proposed amendment being considered non-material when having regard to the effect of the original planning permission.

REPORT

1.0 THE PROPOSAL

1.1 This application is seeking permission for a non-material amendment to the previously approved planning application, ref: 23/05402/FUL, to amend the description of development to include for the provision of public toilets, as part of the redevelopment of Riverside Shopping Centre, Shrewsbury. No further changes to plans and/or drawings are proposed as part of this application, instead these will be dealt with under a separate variation application, that incorporates a series of amendments to the previously approved plans.

1.2 The application is submitted in accordance with Section 96A of the Town and Country Planning Act 1990, which confers power to the Local Planning Authority (LPA) to make non-material changes to planning permissions already granted.

1.3 The original full planning permission (ref: 23/05402/FUL) consented the following description of development:

"Demolition of the Riverside Shopping Centre and related activity, enabling works including boundary wall and the formation of a new public park following demolition, to include pocket gardens, event space and amphitheatre, accessible ramp, lift and staircase, flood attenuation and temporary meanwhile uses across the Site".

1.4 The amended description of development being sought under this application is as follows:

*"Demolition of the Riverside Shopping Centre and related activity, enabling works including boundary wall and the formation of a new public park following demolition, to include pocket gardens, event space and amphitheatre, accessible ramp, lift and staircase, **public toilets**, flood attenuation and temporary meanwhile uses across the site".*

1.5 The application is being made on the basis that in order to meet funding deadlines as prescribed under the Levelling Up Fund scheme, a greater package of works needs to be delivered in early 2025 - all of which relate to the public park and public realm areas. Whereas the public toilets (and other 'podium' related development) was expected to be part of the package of works relating to the second phase of works as part of a further planning application, this has now been brought forward within the overall programme.

2.0 SITE LOCATION/DESCRIPTION

2.1 Smithfield Riverside, as a whole is approximately 4 hectares and lies within the river loop, to the north-west of Shrewsbury's town centre. Smithfield Riverside is bound by the river to the north-west and the Darwin Shopping Centre and Pride Hill

Shopping Centre to the south-east. The site that this application relates to is the far western end of Smithfield Riverside, comprising the former Riverside shopping centre, police station and GP surgery.

- 2.2 At the time of this application, demolition has commenced on the Riverside Shopping Centre, police station and GP surgery, in accordance with the original planning permission. Resultantly, the site is currently secured through hoarding and is experiencing increased levels of activity associated with its demolition.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation', given the application has been submitted by Shropshire Council to itself which also acts as the Local Planning Authority. The application is therefore presented to Planning Committee for determination.

4.0 Community Representations

- 4.1 As an application to make a non-material amendment is not an application for planning permission, the provisions relating to statutory consultation and publicity do not apply. The Local Planning Authority has discretion in whether and how they choose to inform other interested parties or seek their views.
- 4.2 As by definition the changes sought are non-material, the LPA has not carried out any consultation or publicity during the determination of this application.

5.0 THE MAIN ISSUES

Whether the proposed amendment is considered 'non-material' to the original grant of permission.

6.0 OFFICER APPRAISAL

6.1 Flexibility for planning permissions

- 6.1.1 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. Notwithstanding, it is accepted that new issues may arise after planning permission has been granted. Where these modifications are less substantial, the planning system has provisions in place to make non-material amendments (and minor material amendments) to the original permission. Such amendments can take the form of revisiting planning conditions imposed on the original permission, imposing new conditions or altering the proposal description.
- 6.1.2 There is no statutory definition of 'non-material', instead it is dependent on the context of the overall scale of development and regard must be had to the effect of the change, together with any previous changes. It can therefore be said that if a change is to be considered as 'material', it must be of significance and conversely

for a change to be 'non-material' where there is no resultant harm (in planning terms), this can be considered as lacking in materiality.

6.2 Significance and harm

- 6.2.1 The original planning permission granted *inter alia* a new public park, public event space and public realm development, to both complement and support the redevelopment of the Shopping Centre and the wider town-centre. Indeed the redevelopment of Riverside Shopping Centre was designed on one of the core design principles of 'Movement and Access' (Smithfield Riverside Strategic Development Framework (SRSDF), adopted February 2022). The adopted Illustrative Masterplan was developed with a high-quality public realm and new public garden and square.
- 6.2.2 The public park was previously considered at the time of the original planning permission, to which it was outlined that "*the park would comprise a series of landscaped, garden terraces which form differing character areas*" and "*would help link the historic core of the town to the River Severn and comply with the 'Big Connection' regeneration strategy of the Big Town Plan and meet a key design aim of the [SRSDF] which is to provide a good, active pedestrian and cycle connection between Smithfield, the town centre and Frankwell across the river.*"
- 6.2.3 The public park has always been predicated on providing a high-quality public realm connection, with improved pedestrian accessibility and the provision of open-space in a multi-functional approach. The provision of public toilets within the public park is therefore seen as an ancillary use that supports and supplements the wider use of the park, whilst reinforcing the objectives to provide an enhanced, accessible and multi-functional public realm. Hence, it is the Officers judgement that the provision of public toilets, to be listed in the proposal description, is not material when having regard to the effect of the change on the original planning permission.
- 6.2.4 As mentioned, this application is seeking to amend the proposal description only. It is not seeking to approve any amended plans or drawings that show the public toilets in their position - instead, this is being dealt with under a separate Section 73 variation application. Resultantly, this application is required to consider whether there is any harm of providing public toilets within the wider package of works, as opposed to whether the design, siting, scale of the public toilets amounts to harm.
- 6.2.5 The provision of public toilets, within a wider public park and public event space, is seen as a complementary use that is ancillary in nature. Whilst the consideration of public toilets does raise material considerations. When considered in-combination with material considerations already determined under the original planning application, their inclusion does not result in any additional harm (amenity, highways or other impacts). Nor does the inclusion of public toilets increase the size or clearly change the appearance of the development, such that the change is considered material or requiring a new planning application.
- 6.2.6 Furthermore, the siting, scale and design of the public toilets will be dealt with

under the separate variation application, to which Officer's can apply further assessment of material considerations to ensure the public toilets are compliant with all relevant adopted planning policies.

6.3 The effect of the change on the original permission, as granted

6.3.1 In determining the above judgment that the proposed change is neither of any significance or harm, when considered against the original planning permission. Therefore, this application can be approved.

7.0 CONCLUSION

7.1 The provision of including 'public toilets' within the proposal description to the original planning permission is considered non-material, when having regard to the effect of the change proposed, on the planning permission as granted.

7.2 It is Officer's recommendation that permission be **GRANTED**.

7.3 It is Officers' view that in granting this application, no new conditions need imposing, or the deletion or altering of existing conditions attached to the original permission. Instead, any relevant conditions considered necessary to the public toilets can be imposed on the separate minor-material application that seeks permission for its siting, scale/amount and design (should this be approved).

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There is one principal risk associated with this recommendation as follows:

- 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.

This risk needs to be balanced against the risk of not proceeding to determine the application.

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 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 HISTORY:

PREAPP/11/01119 Proposed redevelopment of existing Shopping Centre PREAIP 7th June 2011

23/02123/FUL Building clearance, asbestos removal and partial demolition of Units 2, Units 44-48, and the pedestrian walkway canopy to make access for a geo-environmental ground investigation GRANT 31st July 2023

23/04914/SCR Screening Opinion for demolition of the Riverside Shopping Centre, walkways/bridges between the centre, Raven Meadows car park and Pride Hill Shopping Centre and enabling works to facilitate future development EAN 5th December 2023

23/05402/FUL Demolition of the Riverside Shopping Centre and related activity, enabling works including boundary wall and the formation of a new public park following demolition, to include pocket gardens, event space and amphitheatre, accessible ramp, lift and staircase, flood attenuation and temporary meanwhile uses across the Site. GRANT 22nd March 2024

24/02204/DIS Discharge of conditions 4 (demolition management plan), 5 (construction management plan), 9 (surface water pre-demolition) and 19 (hoarding details) relating to Planning Permission 23/05402/FUL DISAPP 16th August 2024

24/02508/DIS Discharge of conditions 8 (tree protection and arboricultural method statement) and 11 (flood warning and evacuation plan) relating to planning permission 23/05402/FUL DISAPP 19th July 2024

24/02631/DIS Discharge of Condition 3 (Written Scheme of Investigation) relating to Planning Permission 23/05402/FUL DISPAR 19th July 2024

24/02993/DIS Discharge of condition 7 (habitat management plan) relating to Planning Permission 23/05402/FUL DISAPP 2nd August 2024

24/03134/SCR Request for EIA screening opinion is made in support of an application under Section 73 of the Town & Country Planning Act 1990 to amend the previously consented scheme (ref. 23/05402/FUL). EAN 13th September 2024

24/03440/DIS Discharge of Condition 12 (Contamination) relating to Planning Permission 23/05402/FUL DISPAR 11th October 2024

24/03681/VAR Variation of condition no.2 (approved drawings) attached to planning permission 23/05402/FUL PCO

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SKBWZPTDKKT00>

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) - Councillor Chris Schofield
Local Member
Cllr Nat Green
Appendices - N/A

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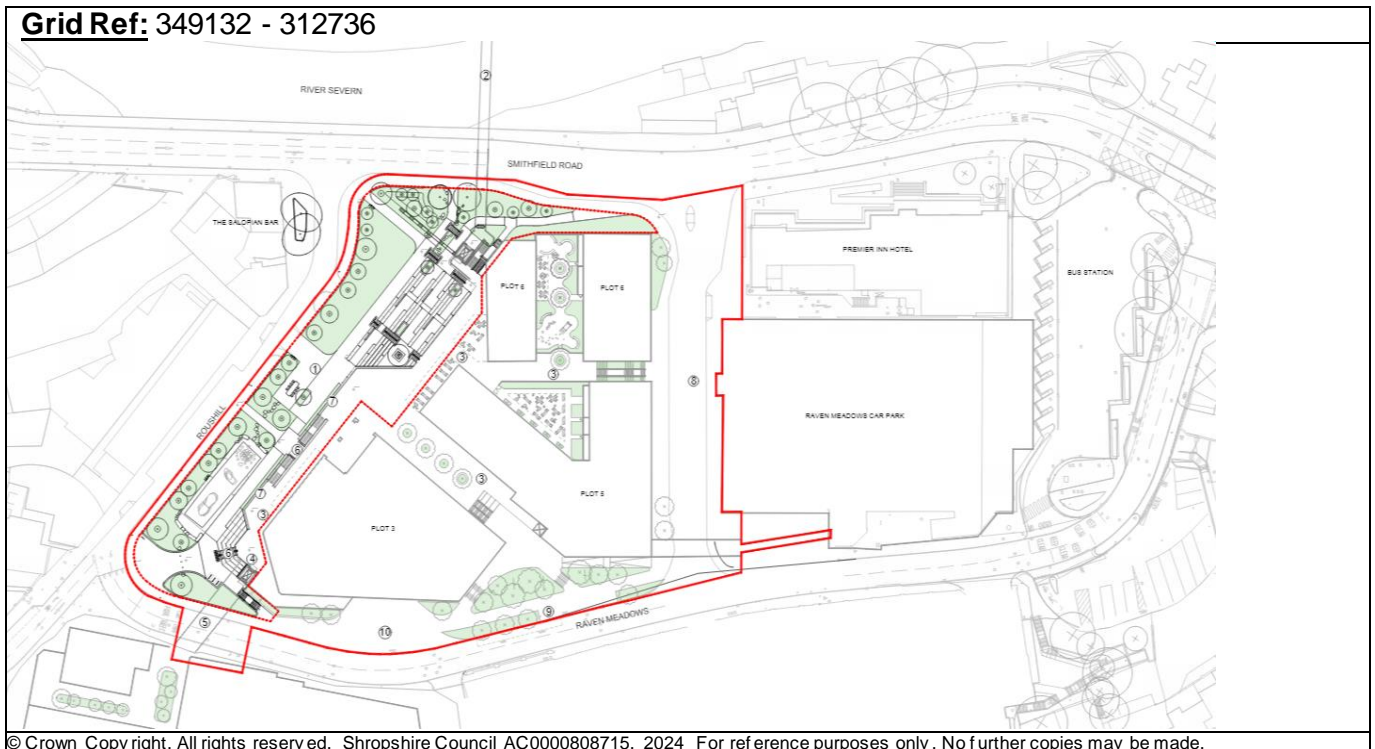
Committee and date
 Northern Planning Committee
 19th November 2024

Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

Summary of Application

Application Number: 24/03681/VAR	Parish:	Shrewsbury Town Council
Proposal: Variation of condition no.2 (approved drawings) attached to planning permission 23/05402/FUL		
Site Address: Riverside Shopping Centre Pride Hill Shrewsbury Shropshire		
Applicant: C/O BNP Paribas Real Estate		
Case Officer: Ollie Thomas		email: ollie.thomas@shropshire.gov.uk



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

REPORT

1.0 THE PROPOSAL

1.1 This application is seeking planning permission for a variation to the previously approved planning application, ref: 23/05402/FUL, to make a series of amendments to the previously approved plans and drawings as part of the redevelopment of Riverside Shopping Centre, thereby amending Condition 2 to the original permission.

1.2 This application is submitted in accordance with Section 73 of the Town and Country Planning Act 1990, which allows for planning applications to be made for the variation or removal of a condition to an existing planning permission. Such applications are to consider only the question of the conditions subject to the application, and cannot be used to re-open or revisit matters not part of the variation application for permission.

1.3 Planning permission was originally granted 22nd March 2024 for the following description of development:

"Demolition of the Riverside Shopping Centre and related activity, enabling works including boundary wall and the formation of a new public park following demolition, to include pocket gardens, event space and amphitheatre, accessible ramp, lift and staircase, public toilets, flood attenuation and temporary meanwhile uses across the Site" (as amended by 24/03682/AMP).

This permission has been lawfully implemented by way of commencing the demolition of the Shopping Centre.

1.4 The amendments sought under this application are limited to the following:

- New public realm and landscaping to the southern edge of Smithfield Rd;
- Changes to the park landscaping and layout;
- Extension to the western edge of the raised podium so the edge of the park is the wall, rather than hoardings. The additional area of the podium includes two sets of stairs leading from the park level to the podium. The southern edge of the podium will include a smaller seater terrace.
- Space for public toilets/storage under the podium which will take out a small amount of the floor storage area.
- New southern lift shaft and stairs at the edge of the podium, which will (eventually) connect to the footbridge.

1.5 The submitted Cover Letter confirms that the redevelopment works are being completed following a financial award received through the Levelling Up Fund and that in order to meet with the funding deadlines, the first part of the podium and

new landscaping along Smithfield Road are being brought forward to be delivered early next year.

2.0 SITE LOCATION/DESCRIPTION

2.1 Smithfield Riverside, as a whole is approximately 4 hectares and lies within the river loop, to the north-west of Shrewsbury's town centre. Smithfield Riverside is bound by the river to the north-west and the Darwin Shopping Centre and Pride Hill Shopping Centre to the south-east. The site that this application relates to is the far western end of Smithfield Riverside, comprising the former Riverside shopping centre, police station and GP surgery.

2.2 At the time of this application, demolition has commenced on the Riverside Shopping Centre, police station and GP surgery, in accordance with the original planning permission. Resultantly, the site is currently secured through hoarding and is experiencing increased levels of activity associated with its demolition.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation', given the application has been submitted by Shropshire Council to itself which also acts as the Local Planning Authority. The application is therefore presented to Planning Committee for determination.

4.0 Community Representations

The below section provides a summary of representations received during the consultation/publicity period, comments can be viewed in full on the online planning register, using the application reference.

4.1 Consultee Comments

4.1.1 SC Archaeology - No objection or comments

4.1.2 SC Ecology - No objection

It is noted that the proposed variation of Condition 2 is for minor changes to the approved site layout. The revised proposals includes changes to the park landscaping. This should be reflected in the Construction Management Plan as detailed in Condition 5 of the decision notice and the Habitat Management Plan as detailed in Condition 7.

4.1.3 SC Drainage - No objections subject to informatives

4.1.4 SC Landscape - No objections

These revised proposals do not appear to substantially alter the permitted Stage 1

scheme, but instead extent them into the preliminary works for Stage 2. As such, most of the detailed landscape proposals and landscape strategies from the original application are repeated. Distinct changes are made to the various steps and level changes between Roushill Park and the Podium. Also subtle changes have been made to the layouts of The Play Area and The Garden. These are all in-keeping with the original design approach.

In general, the extended works still provide a good public realm connection between the town and river. The improved pedestrian accessibility and appropriate development of open space in a multi-functional approach will enhance the townscape.

4.1.5 **SC Conservation - No objections**

Having considered the information under this application, we raise no issues relevant to heritage matters.

4.1.6 **SC Trees - No objections or comments**

4.1.7 **SC Environmental Protection (Regulatory Services) - No objections subject to conditions**

No objections to the proposed changes; however, the previously raised concerns regarding the impact of the proposed uses, on the existing residential properties needs to be considered. Hence, condition 15 requiring a noise management plan remains relevant to the revised application.

4.1.8 **Environment Agency - Amendments required**

Flood Risk

To ensure a safe and sustainable development, we advise that the podium level should be set at a minimum of 600mm above the design flood level. This is important as the podium is intended to eventually extend through the wider site to provide a development platform to facilitate future development plots, elevating them out of the floodplain.

We recommend the FRA be updated to confirm a design flood level (1 in 100 year plus climate change level) for the site, to evidence the appropriateness of the podium level and the associated flood storage calculations.

The submission of a revised FRA will ultimately inform a revised set of planning conditions, including amendments to previous wording.

Land Contamination

The current application proposes minor changes to the Roushill Park area and the GQRA appears to be unchanged. The previously recommended conditions

(Condition 12, 21, 22, 23, 24 and 26) remain relevant.

4.1.9 **Canal and River Trust - Not a statutory consultee, no comments provided.**

4.1.10 **Historic England - No objections or comments made.**

4.2 Public Comments

4.2.1 **Shrewsbury Town Council** raise no objections to this application.

4.2.2 **Shrewsbury Civic Society - Neutral**

The planned archaeological investigation will hopefully determine the extent to which the 17th Century Roushill Wall has survived under and around the former medical practice. Shrewsbury Civic Society would like any coherent remains made permanently visible. We appreciate that the ground has risen above the height of any wall remains, but we would like the potential of the exposure of the wall remains explored, perhaps within a sunken garden feature or under a glazed viewing window, as has happened in other towns notable the medieval Eastgate, Gloucester. This may not be possible for some of its length but a very common way of indicating the line of a town wall used in a number of towns, including the City of London, is to mark it out in bricks or stone setts. This, along with interpretation, would be a very simple, inexpensive and non-intrusive way of indicating its actual line. The proposed 'Gateway Wall' is apparently partly intended to reflect the existence of the earlier 17th Century wall but is not on the same historic line and would give a misleading impression in that respect.

4.2.3 The application was publicised by way of site notice on the 26th September 2014. At the time of the application being heard at planning committee, no representations from members of the public have been received.

5.0 THE MAIN ISSUES

Whether the proposed amendments, as a variation to Condition 2, are acceptable

6.0 OFFICER APPRAISAL

6.1 Background to application

6.1.1 Full planning permission was granted on the 22nd March 2024 for the demolition of the Riverside Shopping Centre and to include enabling works for the creation of a new public park, to include pocket gardens, event space and amphitheatre, supporting infrastructure and other temporary meanwhile uses.

6.1.2 The redevelopment of Riverside Shopping Centre, whilst being contrary to adopted planning policy which seeks for a retail-led redevelopment scheme, supports the vision detailed within the Big Town Plan (2018), the Shrewsbury Masterplan Vision (2021) and the Smithfield Riverside Strategic Development Framework (2022).

Further evidence gathered post the adoption of the SAMDev Plan have identified the poor performance of existing retail units, the peripheral location of Riverside Shopping Centre, the low occupancy of existing outlets and unattractive character of the surrounding area as being determinative in supporting a mixed-use scheme, which largely excludes retail. It was determined, at the time of granting the full planning application, that an alternative approach to developing the site was supported in principle.

- 6.1.3 Full planning permission was granted, subject to the imposition of a suite of planning conditions. Demolition works have since commenced under the original application. This application is seeking to amend approved plans in relation to the previously approved enabling works and first phase construction works. The principle consideration for a Section 73 variation application is that this application can only be considered insofar as the conditions being sought - in this instance only Condition 2 (the approved plans and drawings).
- 6.1.4 Based on the above, this application is not re-opening, or re-visiting the principle of development. Instead, this application is limited to only considering the proposed amendments and their compliance with adopted planning policies (and any other material considerations).
- 6.1.5 The issuing of a Section 73 planning permission takes effect as a new, independent permission to carry out the same development as previously permitted, subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. Resultantly, Section 73 consents are required to carry the same (or amended) conditions and any obligations or agreements (i.e. Section 106 Agreements).
- 6.1.6 Notwithstanding that said in 6.1.5, the planning permission that granted the redevelopment of Riverside Shopping Centre has been implemented and demolition works are well-advanced. Resultantly, the applicants have submitted a number of discharge applications to satisfy the requirements of those conditions imposed on the original planning permission. Taking into account that a new planning permission will be issued under this variation application, should consent be granted, the decision notice will seek to impose a number of re-worded conditions, where the requirements of those conditions has already been dealt with to the approval of the Local Planning Authority, but have not yet concluded - i.e. that demolition works occur in accordance with the previously approved information.

6.2 **Condition 2 - Approved Plans**

- 6.2.1 The condition as originally worded reads:

"The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1".

The grant of this variation application will retain the same wording as above; however, an amended Schedule 1 will be appended to the decision notice.

6.2.2 The submitted information splits the amendments being sought into three areas:

6.2.3 Area 1:

This area features additional landscaping measures along the southern edge of Smithfield Road:



This area is in addition to that previously approved and will see a continuation of the 'Wet Woodland' character area, by extending footpaths and planting that reflects the setting of the already approved landscaped area. A new pedestrian access connecting with Smithfield Road will be provided to enhance the permeability and connectivity of the park within the wider environment.

6.2.3 Area 2:

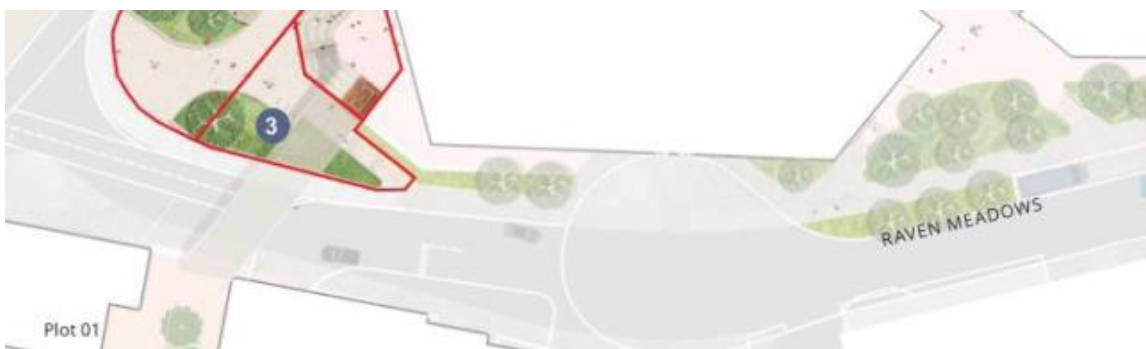
This area provides an extension of the western edge of the raised podium, connecting the seating terrace area with the southern corner of the park on Raven Meadows. The southern edge of the podium will include a smaller seating terrace.



This area will introduce a greater proportion of the raised podium to be provided as part of the first phase of works, including new stepped access, seating terrace and lift serving the future bridge that connects with Pride Hill. Public toilets are being provided within the podium, facing onto the play and seating areas to the west.

6.2.4 Area 3:

This area will provide yet more additional landscaping to the southern corner of the park extending along Raven Meadows and the formation of external steps:



Similar to Area 1, this area will introduce new footpaths and landscaping that is reflective of the wider park setting.

- 6.2.5 As detailed above, it is Officer's judgement that the proposed amendments are not considered material, when viewed against the originally approved plans and drawings. The proposed amendments do not result in any additional harm or impact on environmental matters, and are deemed to contribute to providing a high-quality and multi-functional public realm, for the benefit of all users within the town

centre.

6.4 Flood Risk

- 6.4.1 As a result of the site lying within Flood Zone 3b, within the River Severn catchment area, the flood risk of the proposed development was previously considered. To which, the public park was deemed classified as 'water compatible' development in accordance with NPPF Annex 3: Flood risk vulnerability classification. Furthermore, as the Shopping Centre footprint occupied the majority of the site, it was considered that the site should not be deemed as functional floodplain. It was concluded that the originally approved development would not exacerbate flood risk at the site.
- 6.4.2 However, as the proposed development introduces larger areas of landscaping and a greater proportion of the podium with the introduction of public toilets (considered 'less vulnerable' development) within the podium, it is therefore reasonable that matters of flood risk are considered as part of this application.
- 6.4.3 The application is supported by a Flood Risk Addendum (Arup, October 2024, v2), which confirms there will be no impact of fluvial flood storage as a result of the amendments to Areas 1 and 3. However, the extended podium section (including steps, public toilets and lift) will slightly reduce the available flood storage. Nonetheless, there remains a large net increase in storage as a result of the overall redevelopment scheme and the proposed amendments have minimal impact on the volume of flood storage.
- 6.4.4 The Environment Agency have provided comment to the proposed amendments, as originally submitted, seeking a number of clarifications and updates to the submitted flooding arrangements. The applicants have duly confirmed that the podium level will be designed above the minimum finished floor levels (FFL) - 600mm above the design flood level (54.94mAOD). However, the ground floor public toilets, due to their FFL will be positioned under the design flood level. Resultantly, these have been designed with a water exclusion strategy, to include surface moulder flood barriers at both the external door and the door leading to the undercroft car park.
- 6.4.5 Similarly to the conclusions of the original planning permission, it is considered that the proposed amendments will not result in exacerbating flood risk at the site, and subject to conditions recommended by the EA and duplicated from the original consent, the proposed amendments will comply with all relevant local and national planning policies.

7.0 CONCLUSION

- 7.1 In summary, this application for a variation to Condition 2 attached to planning permission ref: 23/05402/FUL can be supported on the basis that the original consent established the principle of the proposal and all it entails. The changes herein are relatively minor and have been shown to be of no detrimental harm to the surrounding environment. Indeed, the changes are considered to deliver a

betterment to that previously approved in terms of enhanced hard and soft landscaping and providing improved public realm and facilities.

7.2 The amendments have been considered against all the key considerations, insofar as they relate to the proposed variation, of the original consent, of which the majority remain unaffected.

7.3 It is therefore recommended that permission be GRANTED subject to the conditions as set out below.

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 HISTORY:

PREAPP/11/01119 Proposed redevelopment of existing Shopping Centre PREAIP 7th June 2011

23/02123/FUL Building clearance, asbestos removal and partial demolition of Units 2, Units 44-48, and the pedestrian walkway canopy to make access for a geo-environmental ground investigation GRANT 31st July 2023

23/04914/SCR Screening Opinion for demolition of the Riverside Shopping Centre, walkways/bridges between the centre, Raven Meadows car park and Pride Hill Shopping Centre and enabling works to facilitate future development EAN 5th December 2023

23/05402/FUL Demolition of the Riverside Shopping Centre and related activity, enabling works including boundary wall and the formation of a new public park following demolition, to include pocket gardens, event space and amphitheatre, accessible ramp, lift and staircase, flood attenuation and temporary meanwhile uses across the Site. GRANT 22nd March 2024

24/02204/DIS Discharge of conditions 4 (demolition management plan), 5 (construction management plan), 9 (surface water pre-demolition) and 19 (hoarding details) relating to Planning Permission 23/05402/FUL DISAPP 16th August 2024

24/02508/DIS Discharge of conditions 8 (tree protection and arboricultural method statement) and 11 (flood warning and evacuation plan) relating to planning permission 23/05402/FUL DISAPP 19th July 2024

24/02631/DIS Discharge of Condition 3 (Written Scheme of Investigation) relating to Planning Permission 23/05402/FUL DISPAR 19th July 2024

24/02993/DIS Discharge of condition 7 (habitat management plan) relating to Planning Permission 23/05402/FUL DISAPP 2nd August 2024

24/03134/SCR Request for EIA screening opinion is made in support of an application under Section 73 of the Town & Country Planning Act 1990 to amend the previously consented scheme (ref. 23/05402/FUL). EAN 13th September 2024

24/03440/DIS Discharge of Condition 12 (Contamination) relating to Planning Permission 23/05402/FUL DISPAR 11th October 2024

24/03681/VAR Variation of condition no.2 (approved drawings) attached to planning permission 23/05402/FUL PDE

24/03682/AMP Non material amendment to amend the proposal description to allow for the provision of public toilets relating to Planning Permission 23/05402/FUL PDE

24/04035/FUL Construction of a new two way road, junction arrangements at Smithfield Road and Raven Meadows, re-located bus lay-by on Smithfield Road, landscape works, servicing arrangements and associated highway works PCO

24/04166/DIS Discharge of Condition 3 (Archaeological Mitigation Strategy) of planning permission 23/05402/FUL PCO

Appeal

97/00543/REF Erect and display 2 externally illuminated hanging signs. DISMIS 24th October 1997

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SKBWZ7TDKCR00>

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) - Councillor Chris Schofield
Local Member Cllr Nat Green
Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. The development hereby approved shall be begun before the expiration of three years from the date of planning permission 23/05402/FUL.

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

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Notwithstanding the approved document 'Flood Risk Management Plan' (Ref: 3590 Rev 1) for the flood warning and evacuation plan during the demolition stage, the following phases of the development:

- i) park construction
- ii) operational use

Shall not commence until a Flood Warning and Evacuation Plan for each phase has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include full details of the proposed awareness training and procedure for evacuation of persons and property (including vehicles/machinery), 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. The Flood Warning and Evacuation Plan shall remain in place for the lifetime of the development.

Reason: To minimise the flood related danger to people, and associated pollution risk, in the flood risk area.

4. Prior to the commencement of development of the remainder of the site outside of the park area (and excluding meanwhile uses and enabling works), a flood risk strategy should be

submitted and approved that:

- sets out the design flood level for the site;
- sets out the baseline flood storage position pre-demolition and;
- acts as a mechanism to record flood storage gain and loss through each phase of development;

to demonstrate that post development across the application site there is no net loss of flood storage and there is an overall reduction in flood risk.

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

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

5. Notwithstanding the hereby approved Generic Quantative Risk Assessment and associated appendices (Ref: SRS-ARP-RP-XX-RP-CG-00002 P03; Appendix A - Ground Investigation; Appendix B - Groundwater Monitoring; Remediation Method Statement and Discovery Strategy V2.0), prior to occupation of any part of the development a verification (validation) report demonstrating completion of the works set out in the approved remediation strategy. The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") should one be required for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Planning Authority.

The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that the risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

6. Prior to any meanwhile uses within the red line area as shown on location plan B040582-TTE-00-ZZ-DR-CH-001 REV P01 commencing, a Meanwhile Use Strategy shall be submitted to and approved by the Local Planning Authority. The strategy shall include details of: i) Use; ii) Landscaping; iii) Management and Maintenance; iv) Security; v) Boundary Treatment; vi) Access and vii) Flood Management scheme to include any mobile or demountable use of spaces below the 1% plus climate change level plus 600mm freeboard or 55m AOD will be subject to the flood evacuation plan (to be approved under condition 11). Any meanwhile uses that are non-mobile or non-demountable that are below the 1% plus climate change level plus 600mm freeboard will require a separate flood risk assessment and associated flood evacuation plan.

The strategy shall include details relating to the removal of the hoardings as approved by

condition 19. The meanwhile plots shall be used, maintained, and enclosed in accordance with the approved strategy.

Reason: In the interest of the amenity of the occupants of surrounding sensitive properties and to safeguard the amenities of the local area.

7. Prior to the use of Roushill Park and any meanwhile uses within the red line area as shown on location plan B040582-TTE-00-ZZ-DR-CH-001 REV P01 commencing, a noise management plan shall be submitted to and approved by the Local Planning Authority. The measures identified and approved by the LPA shall be implemented and maintained at all times thereafter in accordance with the approved plan.

This plan shall include:

- a) Statement detailing potential noise sources and the noise mitigation measures,
- b) details for complaints monitoring and handling protocol to verify and reduce noise levels where applicable.

Reason: In the interest of the amenity of the occupants of surrounding sensitive properties.

8. Prior to first use of the park, a strategy for the makes, models and locations of wildlife boxes for i) the park and ii) the wider site, shall be submitted to and approved in writing by the Local Planning Authority. This shall include external woodcrete bat boxes or integrated bat bricks, artificial nests, hedgehog domes, invertebrate bricks/hotels suitable for pollinators. The boxes relating to the park shall be installed prior to the first use of the park and thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

9. 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, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. 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.

10. Prior to the above ground works commencing, samples and/or details of 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.

11. Prior to the first use of Roushill Park a park management, maintenance, and access plan including details of management and maintenance of surface water and foul drainage must first be submitted to and approved in writing by the Local Planning Authority. The park must be managed and maintained according to the agreed plan for the lifetime of the development.

Reason: To safeguard the amenities of the local area, to protect the features of the development that contribute towards this and that are important to the appearance of the development, and to ensure the benefits of the open space can be enjoyed by the public in perpetuity.

12. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991) and to minimise any potential impact upon adjacent land users and residents.

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

13. The commencement of each phase shall be undertaken in accordance with the hereby approved Written Scheme of Investigation (Ref: edp8422_r004d) at all times. Following the completion of the archaeological works specified within the Written Scheme of Investigation, the applicant shall submit to the Local Planning Authority any post-excavation programme of works and/or any record of publication and/or archiving.

Reason: The site is known to hold archaeological interest.

14. All demolition works shall occur in accordance with the hereby approved 'Site Traffic Management Plan' (Ref: 3590) and 'Demolition Management Plan' (Ref: 3590 Rev 1) at all times, unless any variation has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety, the amenity of the occupants of surrounding sensitive properties and maintaining services to properties affected by the works, and to protect features of recognised nature conservation importance.

15. All construction works shall occur in accordance with the hereby approved 'Construction

Environmental Management Plan' (Ref: 3590 Rev.2) at all times, unless any variation has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety, the amenity of the occupants of surrounding sensitive properties and maintaining servicing to properties affected by the works, and to protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 15 of the NPPF.

16. All demolition and construction works shall, at all time, occur in accordance with the hereby approved:

- o Habitat Management Plan (ref. WEI20390-101-R-1-1-2-LEMP)
- o Updated Preliminary Ecological Appraisal (ref. WIE20390-100-R-1-1-10-UPEA)
- o Bat and Bird Box Plan (dated 10th July 2024)
- o Illustrative Masterplan (drawing no. 4068-FBA-01-XX-DR-A-011900)
- o Red Line Plan, General Arrangement (drawing no. 8436-PL-GA-100)
- o Roushill Park, General Arrangement (drawing no. 8436-PL-GA-101)

Unless any variation has first been submitted to and 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 15 of the NPPF

17. All demolition and construction works shall, at all times, occur in accordance with the hereby approved:

- Arboricultural Method Statement (ref. 230457-PD-13)
- Arboricultural Report (ref. 230457-PD-23)

Unless any variation has first been submitted to and approved in writing by the Local Planning Authority.

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

18. Notwithstanding the details that have been submitted, no construction work hereby approved shall commence (other than for site preparation/engineering works) until the final landscape details have been submitted and approved by the Local Planning Authority. The details shall include details of trees, planting, hard surfacing materials, site levels, external lighting, a space-sharing strategy, public seating and details of all gradients, ramps and steps within publicly accessible areas of the development.

Soft landscaping works shall include: tree plans, planting plans (at a scale not less than 1:100), written specification of planting and cultivation works to be undertaken and schedules of plants,

noting species, plant sizes and proposed numbers / densities and an implementation programme. The hard surfacing details shall include details of planters and samples showing the texture and colour of the materials to be used and information about their sourcing/manufacture. The lighting details shall include detailed drawings of the proposed lighting columns and fittings, information about the levels of luminance and any measures for mitigating the effects of light pollution. The landscaping scheme shall also include details of proposed finished site levels, boundary treatment and minor structures (such as play equipment, furniture, refuse storage, signs and lighting).

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.

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

19. The demolition and construction works shall be carried out in accordance with the hereby approved hoarding details:

- Temporary Hoarding Design (Ref: JCCTS24-003-TWCAL001)
- Hoarding Graphic Locations plan and drawings (Ref: 2nd August 2024)

At all times, unless any variation has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is acceptable.

20. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

21. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding bats, birds and otters as provided in Table 13 of the Preliminary Ecological Appraisal and Preliminary Roost Assessment including Bat and Otter Surveys (Arbtech, updated October 2023).

Reason: To ensure the protection of and enhancements for bats and Otters, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

22. If during development, contamination not previously identified, is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

23. The podium level, as a development platform, shall be set at a minimum height of 59.49m AOD.

Reason: To manage and prevent increased flood risk for future users of the development, in accordance with the identified design flood level.

24. All demolition works shall occur, at all times, in accordance with the hereby approved:

- Flood Risk Management Plan (ref: 3590 Rev 1)
- Drawing 02908-JPL-ZZ-ZZ-D-C-4101-S4-PO2
- Temporary Post Demolition Drainage Report

Unless any variation has first been submitted to and approved in writing by the Local Planning Authority.

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

25. All construction works shall occur, at all times, in accordance with the hereby approved Technical Notes (Ref: SRS-ARP-RP-ZZ-RP-CD-0003 and SRS-ARP-ZZ-ZZ-RP-CD-0004)

unless any variation has first been submitted to and approved in writing by the Local Planning Authority.

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

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. This Section 73 planning permission is exempt from mandatory Biodiversity Net Gain. Please see <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers> for more information.
3. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

-



Committee and date
Northern Planning Committee
 19th November 2024

Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

Summary of Application

Application Number: 24/03420/FUL	Parish:	Shrewsbury Town Council
Proposal: Replace an existing outside toilet to create one suitable for disabled access		
Site Address: Visitor Centre And Premises At Conduit Head Nobold Lane Shrewsbury Shropshire		
Applicant: Mr Will Jones		
Case Officer: Nia Williams		email: nia.williams@shropshire.gov.uk

Grid Ref: 347215 - 311111

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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 full planning permission to replace an existing outside toilet to create one suitable for disabled access, to support the buildings use as a training and meeting hall for the Shropshire Beekeepers' Association.
- 1.2 The site is owned by Shropshire Council, and leased by the Shropshire Beekeepers Association (a registered charitable organisation)

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is accessed from Nobold Lane to the south. There is a field with radio mast and station to the north east, and a wood further to the north, a small light industrial area to the east, while to the north east the Radbrook-Mousecroft Lane Wildlife Site extends over 16 acres. The nearest residential dwellings are approximately 160m from the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme is proposed on Council-owned land but is not in line with statutory functions and is therefore to be determined by Planning Committee as set out in part 8 of the Shropshire Council Constitution.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shrewsbury Town Council** - The Town Council raise no objections to this application
- 4.1.2 **Drainage & SUDS** - This is a Minor Development and the site is not located within the SuDS Consultation Area. The LLFA will only provide standing advice on the development proposals to the LPA as an Informative Notes below:

The development is unlikely to significantly increase flood risk.

4.2 Public Comments

- 4.2.1 This application was publicised by way of a site notice published on 18th September 2024. No public comments have been received.

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Principle of Development

- 6.1.1 The provision to replace an existing outside toilet to create one suitable for disabled access is acceptable in principle.

6.2 Design, Scale and Character

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.

6.2.2 The proposed scale, design and appearance of the extension will respect the existing character of the dwelling and will not result in any visual impact in the locality. The siting and scale of the proposed is therefore acceptable. The extension will have little impact as this will fall in line with the existing dwelling and the case officer has no concerns over the materials proposed as the extension will be built from materials that will complement the existing.

6.3 Impact on Residential Amenity

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Having regard to the proposed orientation and distance away from neighbouring properties the proposed extension will not result in any detrimental impact from causing an overbearing impact or loss of light.

7.0 CONCLUSION

7.1 The works are judged to be in scale and character with the original building and of no demonstrable harm in terms of visual impact. No significant harm is considered to arise to the local amenity and the application therefore accords with the principal determining criteria of the relevant development plan policies including CS6 and MD2 and approval is 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 - written representations, a hearing or inquiry.
- The decision is 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 a) promptly and b) in any

event not later than six weeks after the grounds to make the claim first arose 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 give 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 1970.

9.0 FINANCIAL IMPLICATIONS

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application - in so far 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

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

CS17 - Environmental Networks

RELEVANT PLANNING HISTORY:

18/02910/FUL Creation of larger car parking area and the provision of lock up storage unit
GRANT 4th September 2018

SA/85/0632 Alterations to convert the site and existing buildings into a 'Visitors Centre'.
PERCON 30th August 1985

SA/85/0601 Alterations to convert the site and existing buildings into a 'Visitors Centre'.
PERCON 30th August 1985

SA/80/0709 General improvements of disused water tank building and wells. PERCON 28th
August 1980

SA/06/0726/F Change of use of land to civil engineering contractor's yard and erection of
workshop and storage buildings and construction of associated hardstandings WDN 30th
August 2006

18/02910/FUL Creation of larger car parking area and the provision of lock up storage unit
GRANT 4th September 2018

19/01798/DIS Discharge of condition 3 (Planting Plans) and 4 (Bat Boxes) attached to planning
permission 18/02910/FUL Creation of larger car parking area and the provision of lock up
storage unit DISAPP 6th June 2019

SA/85/0632 Alterations to convert the site and existing buildings into a 'Visitors Centre'.
PERCON 30th August 1985

SA/85/0601 Alterations to convert the site and existing buildings into a 'Visitors Centre'.
PERCON 30th August 1985

SA/80/0709 General improvements of disused water tank building and wells. PERCON 28th
August 1980

SA/06/0726/F Change of use of land to civil engineering contractor's yard and erection of
workshop and storage buildings and construction of associated hardstandings WDN 30th
August 2006

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SJCQBXTDK6P00>

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) - Councillor Chris Schofield
Local Member - Cllr Julia Evans
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, drawings and documents as listed in Schedule 1 below.

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

3. The external materials shall be as described on the submitted application form and to match in colour, form and texture those of the existing building where specified.

Reason: To ensure that the works harmonise with the existing development, and respect the residential context of the surrounding environment.

Informatives

1. Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if infiltration techniques are not achievable.

Any proposed drainage system should follow the drainage hierarchy, with preference given to the use of soakaways. 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 if it can be demonstrated that infiltration techniques are not achievable.

If main foul sewer is not available for connection, British Water 'Flows and Loads: 4' should be used to determine the Population Equivalent (PE) for the proposed development and the sizing of the septic tank or package treatment plant and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2.



Committee and date
 Northern Planning Committee
 19th November 2024

Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

Summary of Application

Application Number: 24/03469/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of rear single storey extensions to dwelling and internal alterations		
Site Address: 120 Battlefield Road Shrewsbury Shropshire SY1 4AQ		
Applicant: Mrs Rachael Vasmer		
Case Officer: Nia Williams	email: nia.williams@shropshire.gov.uk	

Grid Ref: 351566 - 316558

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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 full planning permission for the erection of rear single storey extension to an existing dwelling and internal alterations.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 120 Battlefield Road is a detached dwelling located on a large curtilage approximately 3 miles north east of Shrewsbury town centre. The property benefits from off road parking and has neighbouring dwellings to the north and south elevations.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application relates to the property of a Member of the Council for which a Committee consideration is mandatory under the Council's Scheme of Delegation.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shrewsbury Town Council** - The Town Council raise no objections to this application

4.2 Public Comments

- 4.2.1 None received at the time of writing this report.

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Principle of Development

- 6.1.1 The erection of rear single storey extensions to the dwelling and internal alterations to provide additional living accommodation for the existing dwelling is acceptable in principle.

6.2 Design, Scale and Character

- 6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.

- 6.2.2 The proposed scale, design and appearance of the works will respect the existing character of the dwelling and will not result in any visual impact in the locality. The siting and scale of the proposed is therefore acceptable. The works will have little

impact as this will fall in line with the existing dwelling and the case officer has no concerns over the materials proposed as they will match the existing.

6.3 Impact on Residential Amenity

6.3.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Having regard to the proposed orientation and distance away from neighbouring properties the proposed works will not result in any detrimental impact from causing an overbearing impact or loss of light.

7.0 CONCLUSION

7.1 The works are judged to be in scale and character with the original building and of no demonstrable harm in terms of visual impact. No significant harm is considered to arise to the neighbouring resident’s amenity and the application therefore accords with the principal determining criteria of the relevant development plan policies including CS6 and MD2 and approval is 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 - written representations, a hearing or inquiry.
- The decision is 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 a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose 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 give 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 1970.

9.0 FINANCIAL IMPLICATIONS

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application - in so far 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

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

CS17 - Environmental Networks

RELEVANT PLANNING HISTORY:

24/02927/HHE Erection of a rear single storey extension to detached dwelling, dimensions 2.90 metres beyond rear wall, 3.50 metres maximum height, 2.40 metres high to eaves WDN 16th September 2024

24/03469/FUL Erection of rear single storey extensions to dwelling and internal alterations PDE

SA/88/0299 Erection of a detached garage and snooker room. PERCON 2nd June 1988

SA/89/0283 Proposed two storey extension to provide snooker room, and extension to lounge on ground floor and extension to bedroom, two bathrooms and additional bedroom on first floor.

(The proposed extension to be completed in two phases). PERCON 7th July 1989

SA/98/0470 Erection of a detached workshop/store. PERCON 24th June 1998

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SJK4TBDK9R00>

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) - Councillor Chris Schofield

Local Member

Cllr Dean Carroll

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, drawings and documents as listed in Schedule 1 below.

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

3. The external materials shall match in colour, form and texture those of the existing building.

Reason: To ensure that the works harmonise with the existing development.



Committee and date
 Northern Planning Committee
 19th November 2024

SCHEDULE OF APPEALS AS AT COMMITTEE 19.11.2024

LPA reference	24/01875/PMBPA
Appeal against	Refused prior approval of permitted development rights
Committee or Del. Decision	Delegated
Appellant	Don Carissimo
Proposal	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to form one residential unit
Location	Rose Cottage Prees Green Whitchurch
Date of appeal	03.09.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	24/01723/FUL
Appeal against	Appeal against conditions imposed
Committee or Del. Decision	Delegated
Appellant	Mr Simon Shanklin
Proposal	Phased conversion and extension to existing single storey former public toilet building to provide single dwelling with ground floor workshop and storage
Location	Former Public Conveniences, St Julians Friars Shrewsbury
Date of appeal	05.09.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	24/00461/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Frontier Estates Ltd
Proposal	Redevelopment of site to provide a circa 60 Bed care home (use class C2) including access, parking and landscaping
Location	Paul Atkins Farm Services Phoenix Garage Great Hales Street Market Drayton
Date of appeal	12.09.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	24/01572/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Hood
Proposal	Erection of a first floor side extension and a front porch
Location	20 Longden Avenue Shrewsbury
Date of appeal	21.08.2024
Appeal method	Householder - Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	24/00988/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr Ridley
Proposal	Proposed Residential dwelling for retirement.
Location	Glasands Holyhead Road Nesscliffe Shrewsbury
Date of appeal	13.10.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

APPEALS DETERMINED

LPA reference	24/01162/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr And Mrs Murley
Proposal	Loft conversion works and alterations to side walling and roof lines to provide further living accommodation
Location	4 Bryn Road Shrewsbury
Date of appeal	23.07.2024
Appeal method	Householder
Date site visit	03.09.2024
Date of appeal decision	17.09.2024
Costs awarded	
Appeal decision	DISMISSED

LPA reference	23/04841/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr R Walker
Proposal	Erection of two storey extensions to rear and side utilising existing access from highway.
Location	Sandwell Cottage Cardeston Ford Shrewsbury
Date of appeal	22.05.2024
Appeal method	Written Representations
Date site visit	17.09.2024
Date of appeal decision	01.10.2024
Costs awarded	
Appeal decision	ALLOWED

LPA reference	23/04842/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr And Mrs R Walker
Proposal	Erection of two storey outbuilding to replace existing buildings and change of use to domestic curtilage
Location	Sandwell Cottage Cardeston Ford Shrewsbury
Date of appeal	22.05.2024
Appeal method	Written Representations
Date site visit	17.09.2024
Date of appeal decision	01.10.2024
Costs awarded	
Appeal decision	ALLOWED

LPA reference	23/04604/AGR
Appeal against	Refused Prior Approval of Permitted Development
Committee or Del. Decision	Delegated
Appellant	Antony Pugh
Proposal	Proposed erection of an agricultural building for the storage of hay and machinery
Location	Lacon House Soulton Road Soulton Wem
Date of appeal	28.04.2024
Appeal method	Written Representations
Date site visit	01.10.2024
Date of appeal decision	25.10.2024
Costs awarded	
Appeal decision	DISMISSED

LPA reference	23/05144/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs WT Woollaston
Proposal	Erection of detached dwelling and associated infrastructure
Location	Proposed Dwelling To The West Of 30 Havelock Road Shrewsbury
Date of appeal	09.07.2024
Appeal method	Written Representations
Date site visit	17.09.2024
Date of appeal decision	28.10.2024
Costs awarded	
Appeal decision	DISMISSED



Appeal Decision

Site visit made on 3 September 2024

by **N McGurk BSc (Hons) MCD MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 September 2024

Appeal Ref: APP/L3245/D/24/3346701

4 Bryn Road, Shrewsbury, Shropshire, SY3 8PQ

- 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 and Mrs Murley against the decision of Shropshire Council.
 - The application Ref is 24/01162/FUL.
 - The development proposed is loft conversion works and alterations to side walling and roof lines to provide further living accommodation.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of The Mount Conservation Area.

Reasons

3. The appeal property is a semi-detached two storey dwelling situated within a small residential cul-de-sac comprising three pairs of semi-detached dwellings and a single detached dwelling. The appeal dwelling is a 1930s brick property with pebbledash rendering, featuring double height bay windows and mock timber framing to its front gable.
 4. The appeal property is located within The Mount Conservation Area, characterised by the presence of period properties, including Victorian, Edwardian and interwar dwellings, many of which have retained their period features and are laid out within a garden setting. This provides for a strong sense of heritage and a notably green and spacious environment.
 5. During my site visit, I observed Bryn Road to comprise something of an enclave, as a cul-de-sac set well back from the busier road, The Mount. The appeal dwelling, like its neighbours, is set back from the street behind an attractive garden area and driveway and has a larger garden to the rear.
 6. I also noted during my site visit that the retention of period features and the symmetrical appearance of each of the three pairs of semi-detached dwellings along Bryn Road is visually striking. This lends Bryn Road a very notable sense of uniformity and leads it to appear very much in keeping with The Mount Conservation Area's significant attributes.
-

7. The proposed development would extend the appeal dwelling at roof level, such that the existing hipped roof would become a raised hip, effectively creating a gable to the side of the dwelling.
8. I find that the proposal would introduce an alien feature within a cul-de-sac characterised not only by the presence of hipped roofs, but also by pairs of semi-detached dwellings with roofs of symmetrical appearance.
9. I find that this would detract significantly from Bryn Road's sense of uniformity and strong sense of symmetry. The symmetrical appearance of the appeal property and its attached neighbour would be severely disrupted. The proposal would result in a visual mis-match between the two adjoining roofs and would result in the pair of dwellings appearing out of character with the other pairs of dwellings along Bryn Road.
10. In addition to the above, I find that the incongruous appearance of the proposal would result in it drawing undue attention within its surroundings.
11. Taking all of the above into account, I find that the proposed development would appear out of keeping with its surroundings and that this would be to the detriment of The Mount Conservation Area's qualities. Having regard to paragraph 208 of the National Planning Policy Framework (the Framework) and to Planning Practice Guidance, I consider that the harm to the character and appearance of The Mount Conservation Area would be less than substantial. This needs to be balanced against any public benefits the development may bring.
12. In this regard, there is nothing before me that comprises or amounts to a public benefit that outweighs the harm identified.
13. Consequently, I find that the proposed development would not preserve the character and appearance of The Mount Conservation Area, contrary to the National Planning Policy Framework; to Shropshire Core Strategy (2011) Policies CS6 and CS17; and to Shropshire Site Allocations and Management of Development Plan (SAMDev) (2015) Policies MD2 and MD13, which together amongst other things seek to protect local character.

Other Matters

14. In support of their case, the appellants refer to other decisions relating to properties within the wider vicinity. However, none of these are so similar to the proposal and circumstances before me as to provide for direct comparison. I note in this regard that Bryn Road has a different in character to The Mount. Notwithstanding this and in any case, I have found that the proposed development would not preserve The Mount Conservation Area, a factor not mitigated by decisions relating to other proposals elsewhere.

Conclusion

15. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

Appeal Decisions

Site visit made on 17 September 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2024

Appeal A Ref: APP/L3245/W/24/3340920

Sandwell Cottage, A458 from Cardeston Park Junction to Ford B4393 Junction, Cardeston, Ford, Shropshire SY5 9NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr R Walker against the decision of Shropshire Council.
 - The application Ref is 23/04841/FUL.
 - The development proposed is erection of two storey extensions to rear and side utilising existing access from highway.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of two storey extensions to rear and side utilising existing access from highway at Sandwell Cottage, A458 from Cardeston Park Junction to Ford B4394 Junction, Cardeston, Ford, Shropshire SY5 9NG in accordance with the terms of the application, Ref 23/04841/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have dealt with another appeal APP/L3245/W/24/3340949 on this site. That appeal is the subject of a separate decision.
3. I have taken the description of development from the appeal form and the decision notice, as this more accurately describes the proposal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

5. Sandwell Cottage is a detached two-storey dwelling which lies in open countryside fronting the A458 Trunk Road. Other than the road, the site is surrounded by agricultural land. The property sits within a large plot, behind an attractive boundary wall.

6. Sandwell Cottage is considered a non-designated heritage asset (NDHA). The property is a traditional dwelling of stone construction with gable dormers to the front elevation and decorative chimneys. I consider that the significance of Sandwell Cottage, as a NDHA, lies partly in its historic past use as two stone semi-detached cottages. The building is shown in its linear form on historic maps dating from at least 1881. The attractive cottage, and location of the appeal property within its generous plot, make a positive contribution to the picturesque rural character of the area.
7. Paragraph 209 of the National Planning Policy Framework (the Framework) requires that the effect of a proposal on the significance of a NDHA should be taken into account in determining the application and states that a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.
8. Whilst the proposed side extension would be visible from the road, the side extension would not appear as unacceptably incongruous, or significantly alter the character and appearance of the appeal property. The height of the side extension would be lower than that of the existing building and would be set back from the host property. This would ensure that the side extension would appear visually subordinate and would not excessively overwhelm or over dominate the original building. I consider that the significance of the original building in terms of its age and previous use would not be harmed.
9. The proposed rear extensions, along with the side extension, would cumulatively increase the size of the host property markedly and result in a much larger dwelling. However, the proposed rear extensions would not overwhelm the property, with the proposed gables being equal to or lower than the existing ridge line, and would include the removal of an earlier, albeit smaller extension. The host property sits within a generous plot, and the extensions are not overly excessive in scale and design in relation to the site context, and would not cause the site to appear cramped or overdeveloped. Furthermore, the use of appropriate facing materials, which are in keeping with the original dwelling, would ensure that the proposal would have an acceptable appearance that would assimilate well with the host dwelling, and would not detract from the character and appearance of the area.
10. Guidance within Shropshire Council's Type and Affordability of Housing Supplementary Planning Document (2012) (SPD) seeks to control the size of extensions in the rural area, in part to help maintain the stock of smaller, lower cost market dwellings. The guidance warns against multiple successive extensions as this tends to lead to the creation of excessively large properties. Although the SPD does not give specific guidance on what would be considered excessive, it is my view that, in this instance, the proposal would not lead to an excessively large dwelling out of character with the surrounding area, nor to the loss of a small, low cost dwelling.
11. The appeal property is situated fairly close to the road in a rather isolated and prominent position. The surrounding topography is relatively flat, which adds to the visibility of the dwelling. However, the proposed extensions would sit comfortably within the context of the host property when viewed from public vantage points. Furthermore, views of the proposed development are likely to be in the form of fleeting glimpses from motorists travelling at some

speed along the Trunk Road, with well established hedgerows helping to screen the dwelling.

12. For the reasons outlined above, the design of the proposed development is acceptable, and would not result in harm to the character and appearance of the host building. On this basis, the effect of the proposal would be neutral and on balance it would not be harmful to the significance of the NDHA.
13. I therefore conclude that the proposed development would not harm the character and appearance of the host property and the surrounding area. The proposal would accord with Policies CS5 and CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (2011), along with Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (2015). These, taken together and amongst other things, seek development that is of a high-quality design, that protects, restores, conserves, and enhances the built environment, historic context, and the character of heritage assets. It would also comply with guidance contained within the SPD which seeks to protect an appropriate stock of smaller, lower cost open market dwellings and ensure that larger dwellings do not harm the character and appearance of the area.

Conditions

14. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. I have amended the conditions where necessary in the interest of clarity.
15. In addition to the standard timeframe condition, it is necessary to impose a condition requiring the development to be carried out in accordance with the submitted plans in the interest of certainty.
16. Although not included in the Council's list of conditions, National Highways suggested a pre-commencement condition relating to a Construction Traffic Management Plan. Due to the location of the appeal site adjacent to the A458 Trunk Road, I consider this to be reasonable and necessary to mitigate any adverse impacts on the Trunk Road. The appellant has agreed to the pre-commencement condition. I do not consider a drainage condition necessary, as suggested by National Highways, as the proposal is a minor development and not located within a Sustainable Urban Drainage (SUDs) consultation area.
17. Conditions regarding the materials to be used for the roofing and external walls, details of the roof windows, and details of external windows, doors and other external joinery are necessary in order to protect the character and appearance of the area and the architectural and historic interest of the NDHA.
18. The Council's ecologist has suggested conditions to ensure the provision of roosting and nesting opportunities. As the proposed development is within open countryside, I consider this to be reasonable and appropriate. As no external lighting is shown on the proposed plans I have not thought it necessary to include a lighting plan condition.
19. I have considered the Council's suggested condition regarding the removal of permitted development rights (Schedule 2, Part 1, Classes A-E of the Town

and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance advises that conditions restricting the use of permitted development rights may not pass the tests of reasonableness and necessity. The Council considers that the removal of permitted development rights is necessary to maintain the scale, appearance and character of the development and to safeguard residential and/or visual amenities. Whilst I note the Council's suggested reasoning, I do not find it to be an exceptional justification to restrict permitted development rights.

Conclusion

20. For the reasons given above, I conclude that the proposal would comply with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

21. As a result, the appeal should be allowed.

L C Hughes

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan 2145-PL-04; Proposed Site Plans 2145-PL-03; and Proposed Plans and Elevations 2145-PL-02.
- 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 in consultation with the Highway Authority for the A458 Trunk Road. The Statement shall provide for:
 - i) the parking of vehicles of site operatives;
 - ii) loading and unloading of plant and materials;
 - iii) measures to control the emission of dust and dirt during construction; and
 - iv) assurance that all construction vehicles exit the site in forward gear.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development above ground level shall take place until details / samples of the roofing materials, roof windows and the materials to be used in the construction of the external walls of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 5) Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery to be used in the extension hereby permitted 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. The development shall be carried out in accordance with the approved details.
- 6) Prior to first use of the extension, the following boxes shall be erected on the site:

A minimum of 1 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

A minimum of 1 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), and/or small birds (32mm hole, standard design).

A minimum of 1 artificial nests, of integrated brick design, suitable for swifts (swift bricks). 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 be maintained for the lifetime of the development.

For swift bricks: Bricks should be positioned 1) Out of direct sunlight 2) At the highest possible position in the buildings wall 3) In clusters of at least three 4) 50 to 100cm apart 5) Not directly above windows 6) With a clear flightpath to the entrance 7) North or east/west aspects preferred.

*****END OF SCHEDULE*****



Appeal Decisions

Site visit made on 17 September 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2024

Appeal B Ref: APP/L3245/W/24/3340949

Sandwell Cottage, A458 from Cardeston Park Junction to Ford B4393 Junction, Cardeston, Ford, Shropshire SY5 9NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs R Walker against the decision of Shropshire Council.
 - The application Ref is 23/04842/FUL.
 - The development proposed is erection of two storey outbuilding to replace existing buildings and change of use to domestic curtilage.
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Decision

1. The appeal is allowed and planning permission is granted for erection of two storey outbuilding to replace existing buildings and change of use to domestic curtilage at Sandwell Cottage, A458 from Cardeston Park Junction to Ford B4393 Junction, Cardeston, Ford, Shropshire SY5 9NG, in accordance with the terms of the application, Ref 23/04842/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have dealt with another appeal APP/L3245/W/24/3340920 on this site. That appeal is the subject of a separate decision.
3. I have taken the description of development from the appeal form and the decision notice, as this more accurately describes the proposal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

5. The proposed development relates to a detached dwelling, Sandwell Cottage, which sits in open countryside and fronts the A458 Trunk Road. Other than the road, the appeal site is surrounded by agricultural land.
6. The proposal is for a large two-storey outbuilding comprising a carport, a workshop, and a gym/garage with an office above, which would be situated at the rear of the plot, behind the host property and its rear garden.

7. The proposal would demolish existing outbuildings and erect a single outbuilding. The site currently has permission as an operating centre for a maximum of 2 vehicles (7.5 ton) and it is therefore also sought to change the use of the land to residential.
8. Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) 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. In comparison to a typical residential garage, the proposal is certainly not small, as it would consist of a carport, a workshop, and a gym/garage and office. However, in consideration of an appropriate scale, design and appearance I have considered the proposal in relation to the plot size and the host dwelling.
9. Sandwell Cottage is a detached property set within a generous plot. I have allowed an appeal¹ for rear and side extensions to the property, which would see its floor area increase. The proposed outbuilding would have a smaller floor area than the extended dwelling and would be smaller in scale and mass and therefore subservient in relation to Sandwell Cottage.
10. Although the outbuilding would undoubtedly be large, taking into account the scale of the host dwelling and garden it would remain subordinate to its context and setting. A large garden area would remain available as private outdoor amenity space, ensuring that the development would not appear disproportionate to the residential curtilage. Given the positioning of the proposed outbuilding, at the rear of the plot, the general attractive openness of the garden would not be affected.
11. The topography of the site leads to the rear of the appeal site being slightly elevated in relation to Sandwell Cottage. The proposal would not be visible from the public domain at the front of the cottage, although it would be visible from partial and fleeting glimpses from motorists and pedestrians along the A458 Trunk Road. However, it would be seen in the context of the site and wider rural landscape. Its timber clad design, with large doors and elements with an open frontage, would be appropriate to the rural surroundings, and would not appear as discordant or be an incongruous addition to the prevailing character of the area. In my view, there would be no material harm to the visual interests of the rural surroundings.
12. Sandwell Cottage is considered a non-designated heritage asset (NDHA). The property is a traditional dwelling of stone construction with gable dormers to the front elevation and decorative chimneys. I consider that the significance of Sandwell Cottage, as a NDHA, lies partly in its historic past use as two stone semi-detached cottages. The attractive cottage, and location of the appeal property within its generous plot, make a positive contribution to the picturesque rural character of the area.
13. Paragraph 209 of the National Planning Policy Framework (the Framework) requires that the effect of a proposal on the significance of a NDHA should be taken into account in determining the application and states that a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.

¹ APP/L3245/W/24/3340920

14. The proposed outbuilding would be separated from Sandwell Cottage by garden land, and would be smaller and subservient to the dwelling. From my observations, the scale and design of the proposal and the separation distance and intervening landscape features would not lead to the proposed development having an unacceptable effect on the NDHA or its setting. On this basis, the effect of the proposal would be neutral and on balance it would not be harmful to the significance of the NDHA.
15. I therefore conclude that the proposed development would not harm the character and appearance of the host property and the surrounding area. The proposal would accord with Policies CS5 and CS6 of the CS, along with Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (2015). These, taken together and amongst other things, seek development that is of a high-quality design, that protects, restores, conserves, and enhances the built environment, historic context, and the character of heritage assets. It would also comply with the Framework, which seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Conditions

16. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. I have amended the conditions where necessary in the interest of clarity.
17. In addition to the standard timeframe condition, in the interest of certainty it is necessary to impose a condition requiring the development to be carried out in accordance with the submitted plans. A condition regarding the materials to be used for the roofing and external walls is necessary in order to ensure that the external appearance of the development is satisfactory.
18. The Council suggested a condition regarding the removal of permitted development rights (Schedule 2, Part 1, Classes A-H of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)). The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance advises that conditions restricting the use of permitted development rights may not pass the tests of reasonableness and necessity. The Council considers that the removal of permitted development rights is necessary to maintain the scale, appearance and character of the development and to safeguard residential and/or visual amenities. I agree that removing the permitted development rights would be reasonable and necessary in order to ensure that domestic paraphernalia is limited and to safeguard the character of the surrounding rural area.

Conclusion

19. For the reasons given above, I conclude that the proposal would comply with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
20. As a result, the appeal should be allowed.

L C Hughes INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan 2145-PL-102; Proposed Outbuildings (Floor Plans and Elevations) 2145-PL-100 Rev A; Outbuildings Proposed Site Plan 2145-PL-101 Rev A.
- 3) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A-H of Part 1 of Schedule 2 to the Order shall be undertaken.

*****END OF SCHEDULE*****



Appeal Decision

Site visit made on 1 October 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2024

Appeal Ref: APP/L3245/W/24/3343379

Lacon House, Soulton Road, Wem, Shropshire SY4 5RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3 (1) and Schedule 2 Part 6, Class A of the Town and Country Planning (General Permitted Development) (England), Order 2015.
 - The appeal is made by Anthony Pugh against the decision of Shropshire Council.
 - The application Ref is 23/04604/AGR.
 - The development is proposed erection of an agricultural building for the storage of hay and machinery.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form does not appear to provide a description of the proposed development. Therefore, I have utilised the description found on the decision notice as, based upon the plans and submitted evidence, this represents an accurate description of the proposal.
3. The appeal is made pursuant to Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England), Order 2015 (as amended) (GPDO). Development is permitted under Class A where it relates to agricultural development of units of 5 hectares or more. For development to be permitted under class A, it must satisfy the limitations as set out in the GPDO. These conditions establish a requirement for developers to apply to the local planning authority for a determination as to whether prior approval will be required in relation to several prior approval matters.
4. In refusing the application, the Council have found harm with the siting of the proposed building as their reason for refusal. There is no suggestion that the proposal otherwise conflicts with the parameters of Part 6, Class A of the GPDO. I have therefore assessed the appeal on this basis.
5. After the decision was made by the Council, the appellant appears to have submitted an additional plan to the Council which showed an alternative position of the proposed structure. The Council and appellant have both provided this plan in their case. The Council state that this was a suggested location of where the building could be sited, which was subject to pre-application discussions before this appeal was made.
6. This represents the submission of new information which constitutes a significant and material change to what was originally submitted. The Planning Inspectorate Appeals' Procedure Guide makes it clear that the appeal process should not be

used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested people's views were sought. Accepting this new information would have deprived those who were entitled to be consulted of the opportunity to make any representations as part of an appeal. I have therefore not considered this new information in this appeal as it would prejudice any interested parties.

7. The appellant has also provided a plan of new hedge planting proposals and overhead electricity wires. It is the appellant's contention that the hedge planting proposals and electric wiring restricts the options for the siting of the building. These plans are informative as a possible reason as to why the building could not be sited in a different location which does not amend the scheme itself, with regard to its design and siting. The Council has had the opportunity to comment upon these through the appeal process. For these reasons, I have considered the plans and comments in determining this appeal.

Main Issue

8. The main issue is whether or not prior approval is required and should be granted for the siting of the proposed building having regard to the character and appearance of the area.

Reasons

9. The appeal site is an open field located to the west of Lacon House. The B5065 is situated next to the site. When travelling along this road, it is apparent that built forms generally make up individual farmsteads where multiple buildings are clustered together in close proximity to each other. This is regardless of their use as a residential or agricultural building. Agricultural barns are visibly close to the built form and are not sited in isolated positions. An example of this typical layout at a No. 8 Saulton Road is visible from the appeal site. Taking the wider area into account, the surrounding area is characterised by open and relatively flat fields which are bound by hedgerows and fencing. Again, individual isolated buildings are not apparent in this wider landscape.
10. The proposal would create a tall building which, due to its overall height, would be highly visible despite the existing hedges which surround the appeal site. It would be visible when viewed from the B5065 on approach to and when passing the appeal site. Yet, the building would be commensurate with a design typical for its proposed use in an agricultural setting. Therefore, in principle, the design and external appearance of the building, including its height, is considered as acceptable.
11. However, sited broadly in the centre of the appeal site well away from the field boundaries, and other buildings, including those within the appellant's ownership, the building would appear as a standalone feature. Therefore, it would not be located next to other buildings and structures, as typically found as a characteristic in the locality. Its absence of a physical relationship with clusters of other buildings would create a building which would appear isolated and exposed, with little relation to the neighbouring buildings which make up the individual farmstead are a prevailing characteristic of the area within the vicinity of the appeal site. As such, the siting of the building would be significantly at odds with and detrimental to the visual appearance of the area.

12. The appellant suggests that the location of the proposed building is subject to various constraints such as overhead powerlines, risks of flooding, orientation and hedgerows which are to be planted around Lacon House and its grounds. This planting is to be undertaken through a separate exercise and not as part of this appeal. It is further stated that hay storage is required to continue the agricultural business of the site. Whilst these possible constraints and requirements are noted, it is not demonstrated that it is inevitable that the business would fail or become unviable without the building proposed. These matters do not outweigh the harm I have found in relation to the siting of the proposed building as required to be assessed under Part 6 of the GPDO.
13. Discussions with a fire officer have been disclosed by the appellant. The comments from this officer suggest that the location of the proposal is suitable as it would minimise fire risk to other buildings in the vicinity, such as Lacon House. Whilst this would satisfy their concerns regarding fire risk, the matter of addressing fire risk does not, ultimately appear to rule out some other areas or locations that may be more suitable having regard to the matter under consideration. Based upon what has been submitted this would not outweigh the harm which would be experienced to the character and appearance of the area through the proposed location of the building.
14. Other planning decisions for developments of a similar appearance are raised to support this appeal. In assessment of the available evidence before me on these cases, the buildings proposed in these cases appear to be sited closer to the individual farmstead and associated buildings, unlike as would result from the appeal proposal. The appellant further cites application 23/04553/FUL. From the limited information about this application, it appears that this application relates to a neighbouring property and is an application for full planning permission and not in respect of siting under the GPDO. Given the limited explanation of this case and absence of any information such as a set of plans or officer report, I can only ascribe this matter minor weight in my decision. I have had regard to the characteristics of the local pattern of development as I saw it and based upon the evidence before me.
15. For the reasons set out above, the proposed siting would be at odds with and significantly harmful to the character and appearance of the area. Therefore, I conclude that prior approval should not be granted for the proposal. While they are not determinative in this application for prior approval under the GPDO, I have had regard to the aims of Policies CS6 and CS17 of the Shropshire Core Strategy 2011 and Policies MD2 and MD7b of the Site Allocations and Management of Development Plan 2017, insofar as they set out material of relevance to the matter of siting.

Other Matters

16. The Council have cited that no access details have been provided. During the course of the appeal, the appellant has provided a hedgerow plan. This plan does not indicate the provision of access points between the fields in the appellant's ownership. However, I noted during my site visit and from the evidence before me that an access to the field exists from the B5065. There are other access points located along the highway which serve the other areas surrounding Lacon House. The appellant also contends that two new gateways are to be located along the hedgerow which is to be developed. Given I am

dismissing the appeal building on its siting, this matter is not determinative in my decision.

17. In their evidence, both parties note the discussions undertaken throughout and post the decision to refuse prior approval. The appellant raises alleged historical issues with the Council's planning team, previous applications and complaints about their conduct, professionalism and possible assumptions the Council's planning team have made about this case. Ultimately, I have had regard to the planning merits of the respective parties' cases insofar as they relate to the main issue for consideration in this appeal. Where matters are not directly relevant to the main issue, it is not within my remit to form a view or verdict on these matters.

Conclusion

18. For the reasons given above the appeal should be dismissed.

J Smith

INSPECTOR



Appeal Decision

Site visit made on 17 September 2024

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 October 2024

Appeal Ref: APP/L3245/W/24/3345109

Land west of 30 Havelock Road, Belle Vue, Shrewsbury SY3 7NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr PN & Mrs WT Woollaston against the decision of Shropshire Council.
 - The application Ref is 23/05144/FUL.
 - The development proposed is erection of detached dwelling and associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the proposed development was not detailed on the application form, and so I have taken the details of the address from the appeal form.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of Belle Vue Conservation Area (CA).

Reasons

4. The appeal site is located within Belle Vue CA, which comprises largely residential streets with varied dwellings from the 19th and early 20th century. I consider that the significance of the CA, as it relates to this appeal, derives from the architectural merit and layout of the traditional residential properties that reflect the area's history as an early Shrewsbury suburb. Havelock Road is a narrow street with mature vegetation and attractive buildings, which reflect the history of the CA and add to its verdant and attractive character, thus contributing to its significance.
5. The appeal site no longer forms part of the garden of 30 Havelock Road (No 30). The mature trees within and bordering the site, along with its openness, make a positive contribution to the street scene. The appeal site provides a pleasant green space amongst the built form of the CA and provides an attractive setting for surrounding built development. Its spaciousness, natural features and openness contribute to the quality of the local environment, and it therefore makes a positive contribution to the character and interest of the CA.

6. I agree with the Inspector who considered a previous appeal¹ for a residential dwelling at the appeal site, that local properties vary in style and that a modern, contemporary design would not be incongruous. Moreover, the proposed development would not be extensive in relation to the site. Since the previous appeal, there have been amendments to the design and positioning of the proposed dwelling so that it would be single storey at the front, with the two-storey element being set further back within the plot to reduce its prominence. The flat sedum roof would reduce its mass and help to mitigate its impact on the site's natural features.
7. However, due to the proposal's positioning forward of No 30, despite the front of the proposal being single-storey, it would be visible within the street scene, diminishing the appeal site's defining characteristics of openness and spaciousness which contribute to the CA. Whilst the boundary fence between the two properties would provide some screening, the proposal would be visible from Havelock Road to the southeast, eroding the open nature of the appeal site.
8. My attention has been drawn to a contemporary modular extension which has been built at 42 Havelock Road (No 42). I am mindful that consistency in the planning process is important. Whilst it is inevitable for comparisons between developments to be made, each will have its own site-specific circumstances and merits upon which it is considered. The building at No 42 is an extension to a terraced property and does not extend forward of the terrace. The terraces have a narrow and enclosed feel, rather than the spacious, open area of the appeal site. As such, whilst it may be visible, the extension at No 42 does not have the same effect on the character or appearance of the CA as the proposed development which is before me.
9. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. Due to its siting, and its impact on the appeal site's openness and spaciousness, I find that the proposal would cause harm to the significance of the CA and would fail to preserve or enhance its character or appearance. I consider that the harm in this case, given the limited nature and extent of the development, would be less than substantial.
10. I agree with the previous Inspector that the proposal would not affect the setting or significance of the listed buildings at 7 and 9 Havelock Road, due to the separation distance and intervening landscape.
11. Whilst there is some confusion over the status of the adjacent property, No 30, the conservation officer comments detailed in the Officer Report state that it is considered to be a non-designated heritage asset (NDHA).
12. Planning Practice Guidance advises that clear and up to date information on NDHAs should be made accessible to the public to provide greater clarity and certainty for developers and decision makers.² It also states that in some cases, local planning authorities may also identify NDHAs as part of the decision-making process on planning applications.

¹ Appeal Decision: APP/L3245/W/20/3244782

² Planning Practice Guidance Paragraph: 040 Reference ID: 18a-040-20190723

13. I have not been made aware of a Local List of NDHAs, and there is limited supporting information in respect of No 30 being a NDHA. I also note that English Heritage have previously assessed the property and do not consider its architectural interest to be such that it would warrant listing. Nevertheless, No 30, which was built in the 1880s, is a handsome detached two-storey red brick villa designed in the classical style by a local architect, S.G. Jones, with attractive architectural detailing and an adjoining two-storey coach house at its rear.
14. I consider that No 30's historic fabric, setting, pleasing architectural composition, fine detailing and use of traditional materials give it heritage and architectural significance and aesthetic value within the street scene, which result in it making a positive contribution to the CA. On this basis I do not find its designation as a NDHA unreasonable. No 30's significance as a NDHA, as it relates to this appeal, is therefore largely derived from it being a fine example of Victorian domestic architecture.
15. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Setting is not fixed and may change as the asset and its surroundings evolve. I noted on site that the NDHA was clearly visible from the appeal site. Having regard to the guidance in the Framework, I am therefore of the view that the appeal site forms part of the wider setting of the NDHA. Whilst the appeal site may have originally been intended as a building plot, it has remained undeveloped for over a century. The open nature of the appeal site contributes positively to the setting of the NDHA by enabling its architectural features and distinction within the street scene to be appreciated, thereby making a positive contribution to its significance as a NDHA.
16. In line with paragraph 209 of the Framework I am required to make a balanced judgment in assessing the effect of development on the significance of a NDHA, which should have regard to the scale of any harm and the asset's significance. Whilst the proposal would not physically alter the fabric of the NDHA, it would serve to enclose the NDHA and would diminish its spacious setting. On balance, I consider that it would cause moderate harm to the significance of the NDHA and the positive contribution that it makes to the CA.
17. I have found that the proposal would cause less than substantial harm to the CA. Paragraph 208 of the Framework states that less than substantial harm to the significance of a designated heritage asset (the CA) should be weighed against the public benefits of the proposed development.
18. The Council is satisfied that the proposed dwelling could be built without causing harm to trees, and there would be no highway or parking issues. From the evidence before me and my observations on site, I see no reason to disagree. However, these are requirements of planning policy and would not be public benefits.
19. A dwelling on the site could help prevent unauthorised access to neighbouring land. However, there is no evidence that demonstrates that this is the only way that this benefit could be achieved, and so it affords only limited weight.
20. The proposal would provide a home for the appellants who would like to live near to family, but this would be of private rather than public benefit.

21. The proposal would contribute to the housing stock through the provision of an energy efficient, adaptable and attractive dwelling in an accessible location. Through the introduction of a sedum roof it would enhance biodiversity. There would be economic benefits through the construction of the building and the contribution that occupiers would make to the local economy. However, these public benefits would be limited given that the proposal is for a single dwelling, and they do not outweigh the less than substantial harm caused to the significance of the CA.
22. I conclude that the proposed development would not preserve or enhance the character or appearance of the CA. It would therefore not accord with Policies CS6 and CS17 of the Shropshire Core Strategy (2011) which seek to ensure that development protects and enhances the local character of the historic environment. It would also not comply with Policies MD2, MD12 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (2015) which seek to protect landscape character and heritage assets and their settings. Furthermore, it would be in conflict with the Framework, which seeks to ensure that development conserves and enhances the historic environment.

Conclusion

23. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
24. For the reasons given above the appeal should be dismissed.

L C Hughes

INSPECTOR