

Development Management Report

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Summary of Application

Application Number: 19/01500/FUL

Parish:

Shrewsbury Town Council

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

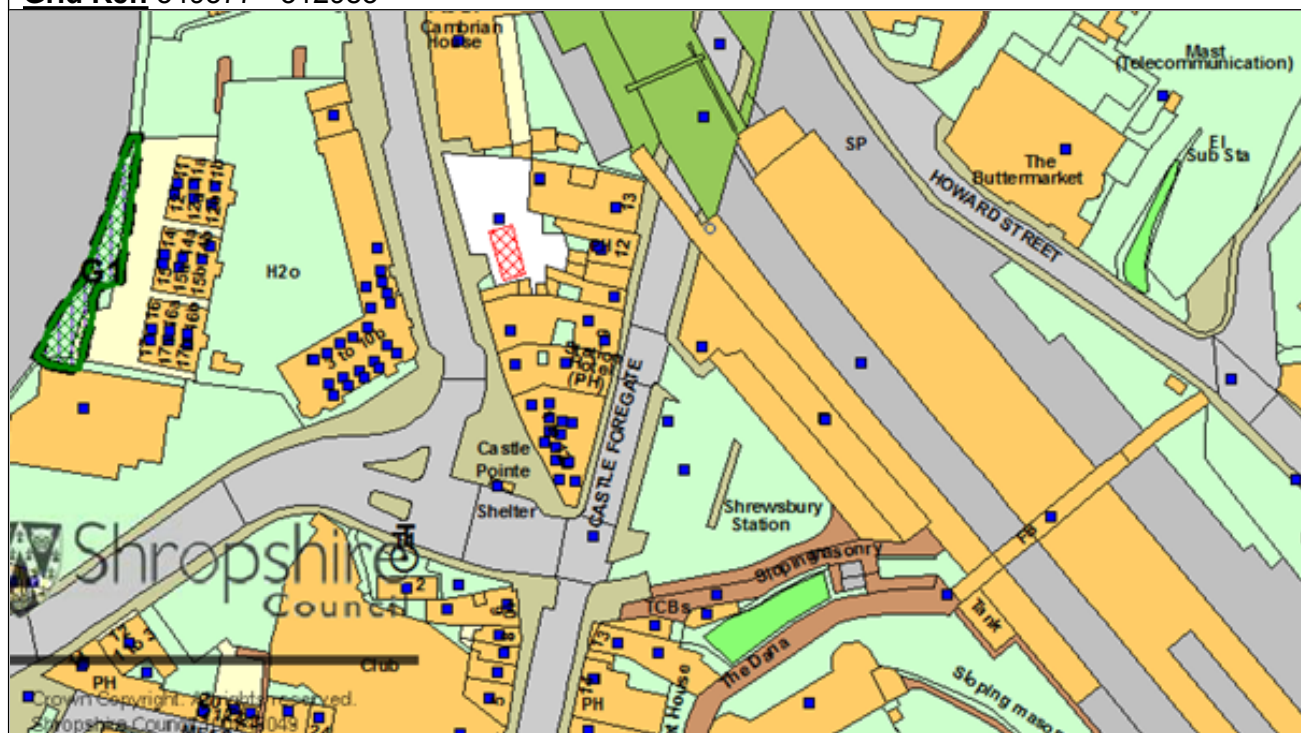
Site Address: Residential Development Land Adjacent Chronicle House Chester Street Shrewsbury Shropshire

Applicant: Mr Cory Irvine-Wright

Case Officer: Jane Raymond

email: planningdmc@shropshire.gov.uk

Grid Ref: 349377 - 312983



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

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

REPORT**1.0 THE PROPOSAL**

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

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

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

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

2.0 SITE LOCATION/DESCRIPTION

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

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 Community Representations

4.1 - Consultee Comments

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

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

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

permission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

archaeological matters.

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

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

4.2 - Public Comments

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

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

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

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

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

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

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

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

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

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

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

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

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

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

- 6.1.3 Paragraph 189 of the NPPF states the following:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

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

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

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

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

- 6.1.6 Heritage assets can be designated or non-designated and paragraph 197 of the NPPF states the following regarding non-designated heritage assets:
'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'

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

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

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

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

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

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

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



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



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



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

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

6.1.15 The Heritage assessment states the following:

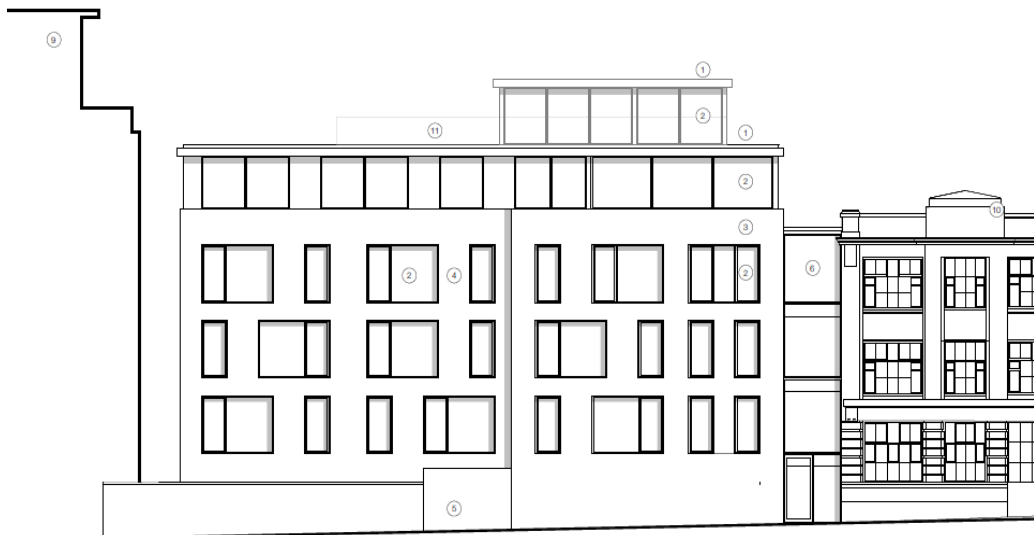
‘It is difficult to see why the Council is alleging that the appeal building is discordant with its surroundings when it so eagerly permitted a similar extension to Cambrian House in 2015. Instead of being “discordant” the additional structure is visually in accordance with the additional storey on Cambrian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

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

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



Previously refused application



Current proposal reduced by a sixth

6.2 Other Matters

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

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

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

7.0 CONCLUSION

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

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

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

RELEVANT PLANNING POLICIES

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

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

RELEVANT PLANNING HISTORY:

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

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

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

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

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

11. Additional Information

List of Background Papers

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

Cabinet Member (Portfolio Holder) - Cllr G. Butler

Local Member - Cllr Nat Green

Appendices

APPENDIX A: Views of the site