



Committee and date
Northern Planning Committee
 6 December 2022

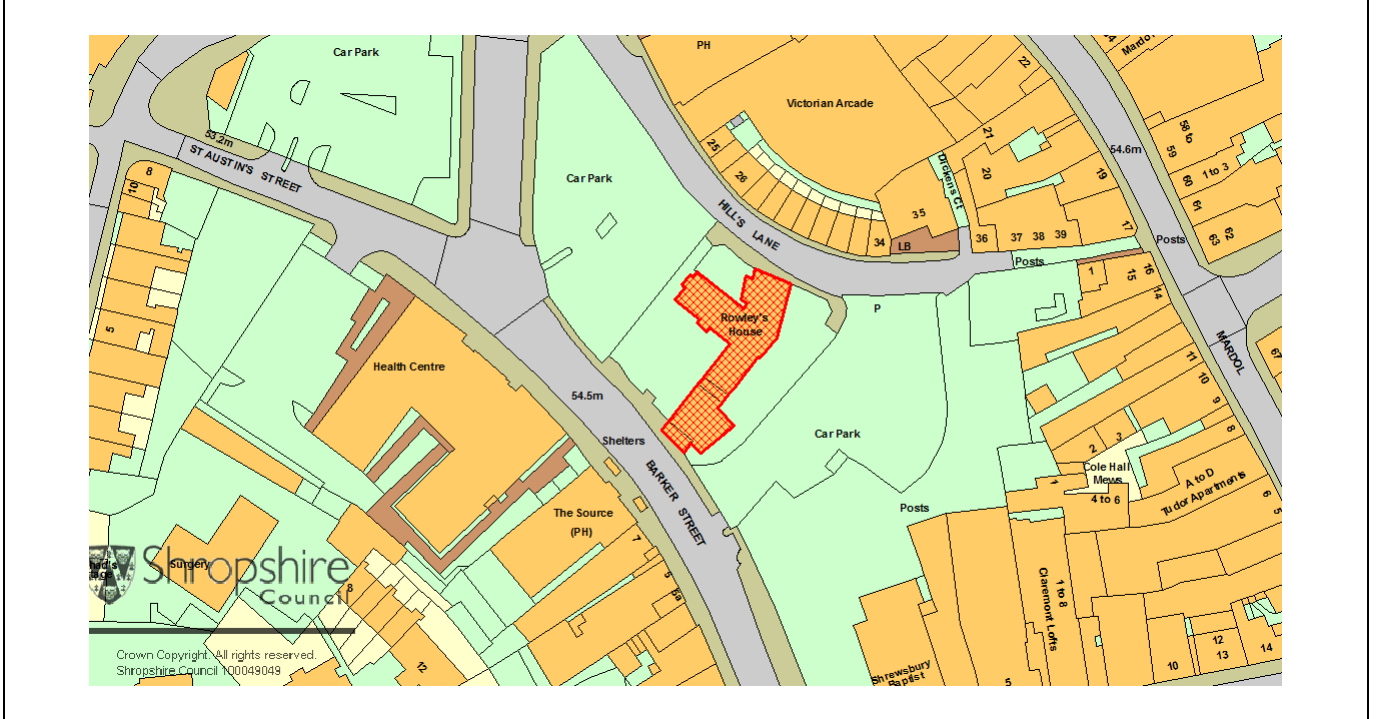
Development Management Report

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

Summary of Application

Application Number: 22/04244/LBC	Parish:	Shrewsbury Town Council
Proposal: Fitting of temporary timber frame over damaged infill panels to stabilise this section of the wall, to enable more detailed investigation of timber frame and development of permanent repair plan affecting a Grade II* Listed Building		
Site Address: Rowleys House Barker Street Shrewsbury Shropshire SY1 1QH		
Applicant: Shropshire Council		
Case Officer: Karen Rolfe	email: historic.environment@shropshire.gov.uk	

Grid Ref: 348940 - 312581



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

Recommended Reason for Approval:

The approved works are acceptable on heritage grounds and will not have an adverse impact on the special architectural and historic character or the setting of the listed building and are considered to be in accordance with local and national policies with respect to the historic environment including Core Strategy Policies CS6 and CS17, MD2 and MD13: The Historic Environment (SAMDev Adopted Plan), Historic England Guidance and the National Planning Policy Framework (NPPF), as well as in accordance with the requirements of Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

REPORT

1.0 THE PROPOSAL

- 1.1 This listed building consent application proposes stabilization works to a limited area of the timber frame and loose infill panels at the second floor level on the south-east gabled elevation of Rowley's House, which along with Rowley's Mansion are prominent interconnected former houses of late 1500 and early 1600 construction situated prominently in the Shrewsbury town centre off Barker Street and within the core of the Shrewsbury Conservation Area. The buildings are listed at Grade II* level due to their considerable historic and architectural significance.
- 1.2 The proposed works would add a small area of new supporting oak timber frame to be temporarily fixed over the existing panels to stabilize the area while a permanent repair solution is developed. The area to be covered by these works is identified on the drawings and plans submitted with this application and prepared by a specialist structural historic environment Engineer. Drawing A100-B sets out the proposed works which consist of oak braces screwed into the timber frame. This localised repair option is supported by an options report which illustrates the panels affected with annotated photographs of the interior side of this wall, where areas of localised timber decay, deformation and loose infill brickwork is evident, as also shown in the engineer's submitted drawing A200. Netting will be fixed to the new oak timbers to prevent render externally from falling and the timbers will be stained to match the existing frame.
- 1.3 As noted in the PSG Statement also accompanying this application, these temporary stabilization works to this small section of the south-east elevation will only be in place for a period of time to allow development of a wider ranging and more extensive permanent repair plan, and those works to be implemented.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Rowley's House and Rowley's Mansion are prominent adjacent and interconnected late 16th Century and early 17th Century historic and architecturally significant buildings within the Shrewsbury town centre closely fronting both Barker Street and Hill's Lane and located within the Town Centre Special Character Area

of the larger Shrewsbury Conservation Area. The buildings are listed at Grade II* under list entry number 1254524. Significant works to the buildings were undertaken in 1932 where archival photographs available indicate the extent of works at that time.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application is presented to Committee as it does not comply with the Council's scheme of delegation as the site is owned by Shropshire Council and the development proposed is not in consideration of a statutory function.

4.0 Community Representations

4.1 Consultee Comment

4.1.1 **Historic England** - No objection to this application is raised however Historic England does emphasize in their comments the importance of implementing a more permanent repair as a matter of priority. Full HE comments are as follows:

Historic England Advice

Built in the late 1500s by Roger Rowley a successful wool merchant, the imposing timber framed Rowley's House, and elegant brick Mansion built by his son in 1618 are located within the core of the Shrewsbury Conservation Area. These interconnected former houses are listed Grade II in recognition of their considerable historic, and architectural significance. The Mansion is also believed to be the earliest brick building in Shrewsbury.*

Given their importance we would draw your attention to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 regarding the preservation of listed buildings and their settings, and the preservation or enhancement of the character or appearance of conservation areas. We would also highlight Section 16 of the National Planning Policy Framework, which states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

As you are aware, we provided a response earlier this year (our letter dated 28 March 2022) in connection with listed building application reference: 22/00817/LBC for localized works to the timber frame and infill panels of this important Grade II heritage asset. We understand that following further exposure of the fabric it has become apparent that the deterioration is regrettably more extensive than initially anticipated. The current applicant therefore proposes a scheme of temporary stabilization to afford time to develop a more extensive programme of repair.*

It is clearly disappointing that the proposed repairs are regrettably unable to be progressed as initially proposed. However, we understand that the Local Authority is actively seeking a longer-term solution, and the current proposals are a temporary measure to prevent further deterioration. We are also aware that you are working closely with your Property Services Department to provide specialist

conservation advice.

In the circumstances we have no objection to the current application. However, we would emphasise the importance of implementing a more permanent repair as a matter of priority.

Recommendation

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

4.2 Public Comments

- 4.2.1 **Shrewsbury Town Council** - The Town Council raises no objection to this application but enquired if there was a more comprehensive scheme planned for the whole building.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of works proposed
Visual impact

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 This short term temporary oak bracing installation is for the purpose of short term stabilization of a section of the upper south-east timber frame with brick infill and external render finish panels while a longer-term more permanent solution to repairs to Rowley's House are developed. This short term solution has been developed by a specialist historic environment engineer in consultation with Historic England, our Historic Environment Team and PSG. Given this temporary installation would be applied to historic fabric and potentially visible in views to the building it was considered that a formal listed building consent application to agree these works was necessary, hence this application has been applied for by PSG.

6.2 Siting, scale and design of works proposed

- 6.2.1 As set out in drawings A100-B and A200 the proposed limited works are considered to be acceptable.

6.3 Visual impact

- 6.3.1 As set out in the PSG Statement the oak braces will be stained to match existing timber framing adjacent and the necessary netting will be fixed to not be overtly visible within views to the building.

7.0 CONCLUSION

With these temporary stabilisation works based fully on the drawings prepared by the specialist engineer and no objections raised by Historic England (while

acknowledging HE's emphasis on developing an appropriate, well-considered more permanent repair solution), it is considered that the application for these localized stabilization works to a section of Rowley's House's upper south-east elevation meet the requirements of the National Planning Policy Framework (NPPF) as well as the legislative requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policies CS6 and CS17 of the Core Strategy as well as Policies MD2 and MD13 of the SAMDev and there is no objection on heritage grounds to these works proposed.

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: NPPF

Core Strategy and SAMDev Policies:CS6, CS17, MD2 and MD1.

RELEVANT PLANNING HISTORY:

22/00817/LBC Internal and external alterations in association with replacement and repair of infill panels and repair of associated timber frame, affecting a Grade II * Listed Building GRANT
24th May 2022

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R19EA2TD07V00>

List of Background Papers: File 22/04244/LBC
Cabinet Member (Portfolio Holder) - Councillor Richard Marshall
Local Member - Councillor Nat Green
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

3. All works shall be carried out in complete accordance with the terms of the application and approved plans, drawings and documents as listed in Schedule 1 below.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

4. If hitherto unknown architectural evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record, together with recommendations for dealing with it in the context of the scheme, shall be submitted for written approval by the Local Planning Authority.

Reason: To ensure architectural features are recorded during development.