

Northern Planning Committee

6th December 2022



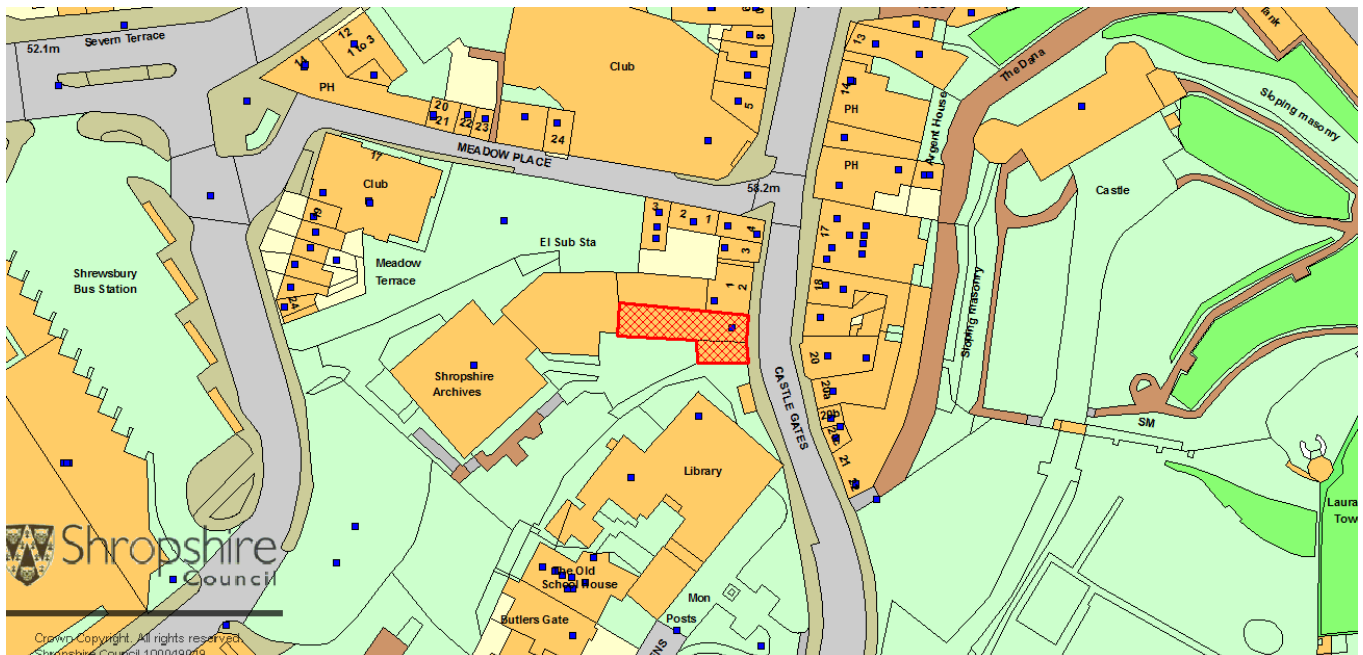
Development Management Report

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

Summary of Application

Application Number: 22/04536/LBC	Parish: Shrewsbury Town Council
Proposal: Internal alterations affecting a Grade II Listed Building for the construction of a new accessible W.C. on the ground floor	
Site Address: 1A Castle Gates Shrewsbury Shropshire SY1 2AQ	
Applicant: Shropshire Council Property And Development	
Case Officer: Karen Rolfe	email: historic.environment@shropshire.gov.uk

Grid Ref: 349373 - 312842



Recommendation: Grant Permission subject to the conditions as 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), Planning Practice and 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 is very limited and modest in scope, and proposes the insertion of an accessible WC room within the ground floor of the Grade II listed building known as 1A Castle Gates, located in the Shrewsbury town centre just north of the main Grade I listed Library, and to the front and attached to the Shrewsbury Archives. The building was constructed in 1902 of brick construction with an attractive mock timber facade and it is immediately adjacent to a full height side porch of stone with arched open entrance accessing the side of the building, with the name Blowers Repository inscribed over this archway. The main building was used for many years as the library reference and offices but more recently has been used as offices and now is mainly vacant. The property is owned by Shropshire Council.
- 1.2 As outlined in the Statement submitted by the Property Services Group, there is a need for toilet facilities on the ground floor for potential office type uses of this space. The interior of the ground floor of this building has few historic features remaining or at least visible, comprising a mainly open area with modern partition walling and suspended ceilings as well as modern fixtures and fittings. The proposed WC would be set back part way into the open space, be comprised of timber stud work and plasterboard partitions with added ventilation in the ceiling void. Existing drainage points dictate the location of this WC and the location is not considered to impact directly on historic fabric or interior layout of the ground floor, while also being easily reversible if so desired in the future.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Number 1A Castle Gates is a visually prominent historic building within the Castle Gates street scene, in the Shrewsbury town centre. The building was constructed in 1902 with a mock timber exterior and its stone porch with arched opening and inscribed text of Blowers Repository makes for a visually attractive group along with the Library immediately up the hill and other listed and historic buildings to the north and opposite. The building is listed under list entry number 1246557. These properties are all within the Town Centre Special Character Area which forms part

of the wider Shrewsbury Conservation Area. The works under this listed building consent application are very limited in scope, and simply propose the insertion of a stud wall WC facility within the ground floor of the building so that it can provide accessible toilet facilities as a stand alone space for future occupiers.

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 development as proposed is not in consideration of a statutory function.

4.0 Community Representations

4.1 Consultee Comment

4.1.1 SC Archaeology - No comments relevant to archaeological matters.

4.2 Public Comments

4.2.1 Shrewsbury Town Council - No objections raised on this application.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The insertion of a ground floor toilet facility within this modernised interior ground floor space is supported in principle on heritage grounds. There is minimal impact related to this insertion of lightweight stud walling with the WC sited so it can connect to existing drainage and pipework. There is also no identified harm to historic fabric or to the significance of the building or its interior space with this proposal, where the WC room would be easily reversible if so desired in the future.

6.2 Siting, scale and design of structure

6.2.1 The details of the WC room are set out in the drawing supplied by PSG where this is a simple insertion of a small partitioned space along the south inside wall of the building, where it can connect to existing plumbing and drainage.

6.3 Visual impact

6.3.1 Externally there will be no visual change to the building. Inside the currently open space will be marginally disrupted by the partition walls to the WC but this should not appear as an unexpected feature in the ground floor which has modern fittings already.

7.0 CONCLUSION

7.1 A satisfactory case has been presented for the insertion of an accessible WC within the ground floor space of this listed building. The works will improve its future usage in terms of facilities required for practical use and accessibility purposes, with no harm to historic fabric or the significance of this listed building identified. It is considered that the application meets 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 as 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 SAMDePolicies: CS6, CS17, MD2 and MD13

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RJA9NBTD0BN00>

List of Background Papers: File reference 22/04536/LBC
Cabinet Member (Portfolio Holder) - Councillor Richard Marshall
Local Member - Cllr Nat Green
Appendices APPENDIX 1 - Conditions

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

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

Reason: To comply with Section 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 existing features of architectural and historic interest (e.g. windows, doors, ornamental plaster, joinery, staircases, fireplaces) shall be retained in-situ and fully protected during the approved works.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

4. All new partitions and other elements of construction shall be scribed around historic and architectural features including cornices, picture rails, chair rails, skirting's, panelling, door and window linings and shall not cut through such features.

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

5. All new external and internal work and finishes, and work of making good shall match existing original work adjacent, in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason: To ensure satisfactory preservation of this Heritage Asset.

6. 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.