

Development Management Report

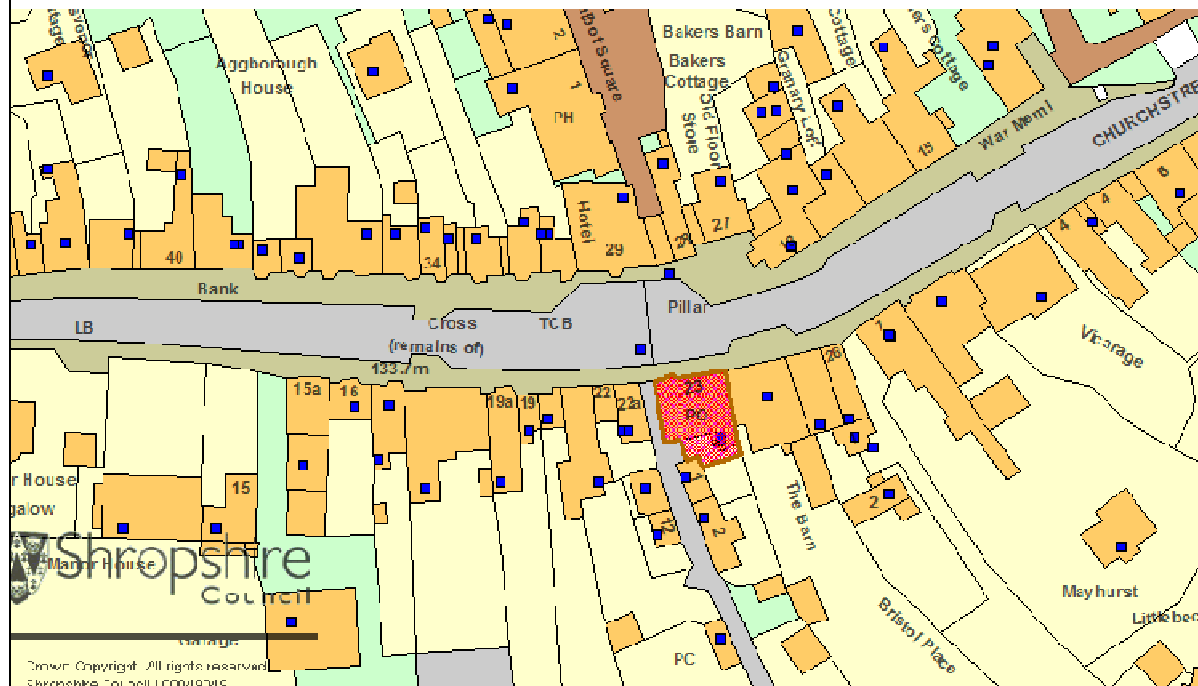
Responsible Officer: Rachael Parry

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Summary of Application

Application Number: 14/02130/LBC	Parish: Cleobury Mortimer
Proposal: Installation of replacement windows to include double glazing to rear ground and first floor affecting a Grade II Listed Building	
Site Address: Butlers Of Cleobury, Brunswick House 23 High Street Cleobury Mortimer Kidderminster DY14 8BY	
Applicant: Mr G Butler	
Case Officer: Rachael Parry	email: historic.environment@shropshire.gov.uk

Grid Ref: 367322 - 275701



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

REPORT

1.0 THE PROPOSAL

- 1.1 Application for Listed Building Consent for the following works
- Installation of three replacement windows to rear elevation
 - New windows to be constructed of timber, painted white with double glazed units

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Brunswick House is a grade II listed building and located within the Cleobury Mortimer Conservation Area. It is currently occupied at the ground floor by a retail unit and post office, with residential above. The building is constructed from brick with a rendered plinth and has stone rubble sides and rear under a plain tile roof.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application is made, by and relates to the property of a Shropshire Council Member.

4.0 Community Representations

- Consultee Comments
SC Ecology – no comments
- Public Comments
None received

5.0 THE MAIN ISSUES

Impact on architectural character and interest of the Listed Building

6.0 OFFICER APPRAISAL

- 6.1 Impact on Listed Building
- 6.1.1 The proposed works to this building include the replacement of three windows on the rear elevation with timber double glazed white painted windows. All windows are rotten and detract from the traditional character and appearance of this property. The applicant has agreed via email that the larger window at ground floor will be replaced with a window to match in design to that above on this elevation, which is seen as enhancement. The joinery details will be conditioned to ensure a sensitive replacement is approved prior to insertion. Double glazed units will be incorporated to upgrade the energy performance of the building. Traditional materials and finishes will be incorporated so to not detract from the buildings historic qualities.

7.0 CONCLUSION

The proposals include works to a grade II listed building. The works will not have a detrimental impact on the significance, fabric, character or appearance of the building. As such the scheme complies with the main objectives of relevant development plan policy and it is recommended that listed building consent is granted.

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 three months 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 – Parts:

12 Conserving and enhancing the historic environment

PPS5: Historic Environment Planning Practice Guide

West Midlands Regional Spatial Strategy Policies:

QE5 – Protection and Enhancement of the Historic Environment

Core Strategy:

CS6 – Sustainable Design and Development Principles

RELEVANT PLANNING HISTORY:

SS/1974/-/A/3971 Display of an illuminated 'Midland Bank' advertisement sign. REFUSE
27th March 1974

SS/1968/-/A/2781 Display of "Midland Bank" advertisement sign GRANT 2nd October
1968

12/03504/FUL Installation of 1. external condensing unit to the rear elevation (amended
description) GRANT 31st May 2013

12/03505/LBC Installation of 1no. external condensing unit to the rear elevation and 1no.
compressor unit within the cellar affecting a Grade II Listed Building (amended
description) GRANT 31st May 2013

SS/1/08/20559/LB Installation of a 0.74m satellite dish on rear elevation (south)
PERCON 26th June 2008

SS/1/08/20558/F Installation of a 0.74m satellite dish on rear elevation (south) PERCON
26th June 2008

SS/1/07/20233/LB Erection of extension and alterations to shop with flats above;
erection of a metal staircase and a boundary fence. PERCON 10th March 2008

SS/1/07/20232/F Erection of extension and alterations to shop with flats above; erection
of a metal staircase and a boundary fence. PERCON 10th March 2008

SS/1/7143/L/ Conversion of existing basement office to a sorting office and provision of
new external entrance door and steps to rear of property. PERCON 17th October 1996

SS/1/5731/P/ Installation of a satellite antenna PERCON 22nd June 1995

SS/1/4812/L/ Conversion of second floor to 2 x 2 bed self-contained flats PERCON 18th
August 1994

SS/1/4811/P/ Conversion of second floor to 2 x 2 bed self-contained flats PERCON 18th August 1994

SS/1/4018/L/ Conversion of upper floors to 5 no. one-bed, self-contained flats. PERCON 9th December 1993

SS/1/4017/P/ Conversion of upper floors to 5 no. one-bed, self-contained flats. PERCON 9th December 1993

SS/1/2555/L/ Change of use from existing bank to a post office DC 21st May 1992

SS/1/2554/P/ Change of use from existing bank to a post office DC 21st May 1992

SS/1980/399/P/ Change of use from residential to offices of existing living accommodation. PERCON 25th July 1980

SS/1/02/13521/LB Internal refurbishment, provision of access and alterations to fenestration of building. PERCON 25th September 2002

SS/1/02/13520/F Internal refurbishment, provision of access and alterations to fenestration of building. PERCON 25th September 2002

SS/1/04/16075/LB Erection of an extension to the rear elevation. REFUSE 16th September 2004

SS/1/04/16074/F Erection of an extension to the rear elevation. REFUSE 16th September 2004

SS/1/05/17181/LB Erection of an extension to property. (Re-advertised - amended plans) REFUSE 11th November 2005

SS/1/05/17180/F Erection of an extension to property. (Re-advertised - amended plans) REFUSE 11th November 2005

SS/1/00/11172/LB Erection of a notice board. PERCON 28th July 2000

SS/1/00/11171/AD Erection of a notice board. PERCON 28th July 2000

SS/1/03/14083/LB Display of an illuminated advertisement PERCON 30th January 2003

SS/1/02/13962/AD Display of an illuminated advertisement PERCON 30th January 2003

SS/1/06/18377/LB Erection of an extension to Post Office premises and demolition of existing structures REFUSE 17th August 2006

SS/1/06/18376/F Erection of an extension to Post Office premises and demolition of existing structures REFUSE 17th August 2006

SS/1984/-/A/271 Display of an internally illuminated fascia sign. PERCON 11th June 1984

SS/1984/-/L/458 Display of an internally illuminated fascia sign. PERCON 11th June 1984

11. Additional Information

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</p> <p>14/02130/LBC</p>
<p>Cabinet Member (Portfolio Holder)</p> <p>Cllr M. Price</p>
<p>Local Member(s)</p> <p>Cllr Gwilym Butler</p> <p>Cllr Madge Shineton</p>
<p>Appendices</p> <p>APPENDIX 1 - Conditions</p>

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)

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

2. Notwithstanding the details on the approved plans, the ground floor window shall be replaced with one of a design which matches that above. Listed Building Consent is not granted for the design show on the elevation drawing.

Reason: For avoidance of doubt and to ensure the satisfactory preservation of the Listed Building.

3. No works shall be carried out other than in accordance with the approved plans. This consent does not indicate approval for associated or enabling works not included in the approved plans, which may be necessary to carry out the scheme. Details of any further works shall be submitted to the Local Planning Authority and approved in writing prior to those works being carried out.

Reason: To ensure the satisfactory preservation of the Listed Building.

4. No joinery works shall commence until precise details of all external windows and doors and any other external joinery have been 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.

Reason: To safeguard the architectural and historic interest and character of the Listed Building.

Informatives

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