

AGENDA ITEM



Committee and date

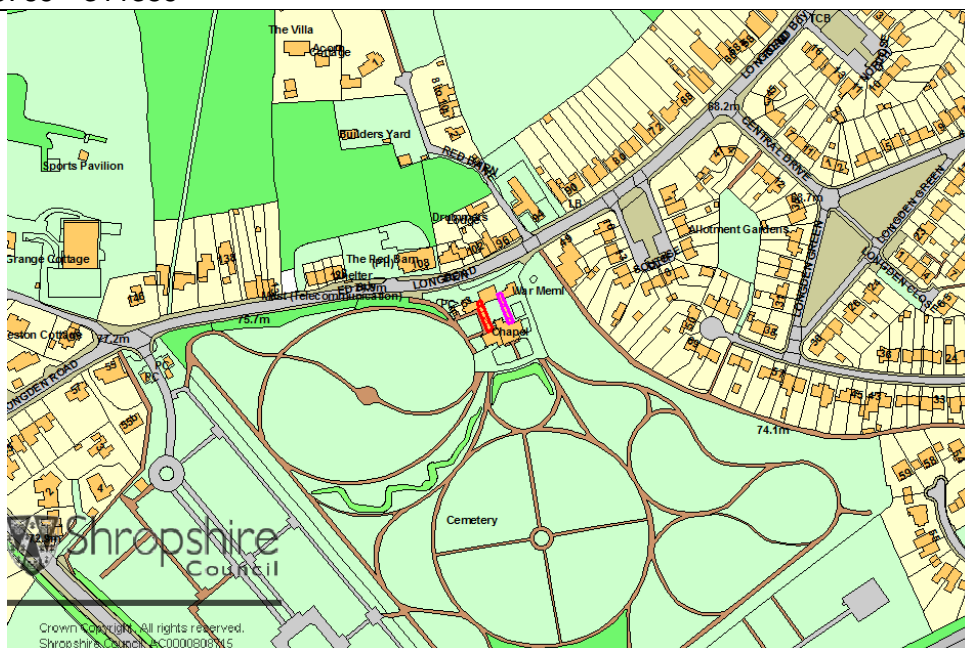
Development Management Report

Responsible Officer: Andy Wilde, Assistant Director of Growth and Infrastructure

Summary of Application

<u>Application Number:</u> 24/04501/LBC	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> To add individual memorial/commemorative plaques made of natural stone materials to interior elevations of cloister walls and similar.		
<u>Site Address:</u> Chapel Cemetery Longden Road Shrewsbury Shropshire		
<u>Applicant:</u> Mr Mark Foxall		
<u>Case Officer:</u> Karen Rolfe	<u>email:</u> historic.environment@shropshire.gov.uk	

Grid Ref: 348769 - 311359



Recommendation:- Grant Listed Building Consent subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This listed building consent application proposes the installation of individual memorial and commemorative plaques to the interior walls of the cloister range to the Grade II listed Shrewsbury Cemetery building positioned on the south side of Longden Road in Shrewsbury. This is an expansion of the small section of the cloister walls which currently have a series of memorial plaques in situ, where this expanded programme of plaque installation would cover additional cloister wall space and where the plaques would be sold to the public on an in-perpetuity basis.
- 1.2 The plaques will be made of natural stone materials in keeping with this historic building, and will be affixed to the internal face of the cloister wall beneath the cloister roof. It is understood that the plaques will be installed by experienced and qualified memorial masons who will ensure that the fixings are such that the impact on the cloister walls are minimal, with drill holes wherever possible made to existing mortar joints and the plaques mounted onto dowels.
- 1.3 The listed Cemetery buildings are owned by Shropshire Council and this listed building consent application has been submitted by the Council's Bereavement Services Manager. A site plan has been submitted with the application which denotes the location of the small section of cloister walls where existing plaques have been fixed, as well as the expanded area of cloister walls where future plaques will be installed.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The Cemetery building is positioned on the south side of Longden Road and forms an attractive set of buildings within the larger Longden Road cemetery of mainly stone construction comprised of chapels and porte-corchere linked by a cloister range with flanking lodges. This Grade II listed building was built in 1856 and designed by Samuel Pountney Smith in a highly Decorated style. The building is listed under list entry number 1270702.
- 2.2 The proposed expansion of plaque installation under this listed building consent application is limited to the cloister walls as indicated on the location and site plans submitted with this application. A photograph of the existing area of cloister wall with plaques installed has also been submitted with the application.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application has been submitted by Shropshire Council and relates to a proposal which is not strictly in line with the Council's statutory functions. Under the Council's Scheme of Delegation, such applications are required to be determined by Planning Committee.

4.0 Community Representations

Consultee Comment

No consultations were requested for this application.

Public Comments

Shrewsbury Town Council - The Town Council raise no objections to this application.

5.0 THE MAIN ISSUES

Principle of development
Siting and fixing of plaques and memorials
Visual impact

6.0 OFFICER APPRAISAL

- 6.1 Principle of development

- 6.1.1 The installation of plaques and memorials on the walls of institutional buildings such as the cemetery buildings is a common practice and in this case is an expansion of the area currently devoted to the installation of plaques on the walls of the cloister range which forms an integral part of this listed building. It is understood that the plaques and memorials to be sold will be of high quality suitable within the context of the building and in principle there is no heritage objection to the expanded use of the cloister walls for these installations.

- 6.2 Siting and fixing of plaques and memorials

- 6.2.1 It is understood that the fixing of the plaques will be done with great care by specialists in this field. Wherever possible the plaques will be fixed into mortar joints to avoid damage to stone work and thus minimise intervention into historic fabric.

6.3 Visual impact

6.3.1 It is understood that the plaques and memorials will be made of high quality materials to a high standard of design and detail and as such these are not expected to have a negative or detrimental visual impact on the cloister walls or on the wider appearance of the listed cemetery buildings.

7.0 CONCLUSION

The further use of the cloister range walls to facilitate an expanded memorial plaque installation programme is considered an appropriate and accessible location. The high quality stone plaques will be installed carefully to avoid harm to historic stone fabric comprising the cloister walls, ensuring that the installations respect the significance of the listed building, its appearance and its setting. It is considered that it has been satisfactorily demonstrated 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 local plan policies CS6 and CS17 of the Core Strategy, and MD2 and MD13 of the SAMDev.

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

RELEVANT PLANNING HISTORY:

HEPRE/18/00221 Repairs to the verges on the porte-cochere to the cloister / chapel LBCNRQ
18th September 2018

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Chapel

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SNIT1OTDLX200>

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 Kate Halliday

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.