

# AGENDA ITEM



Committee and date

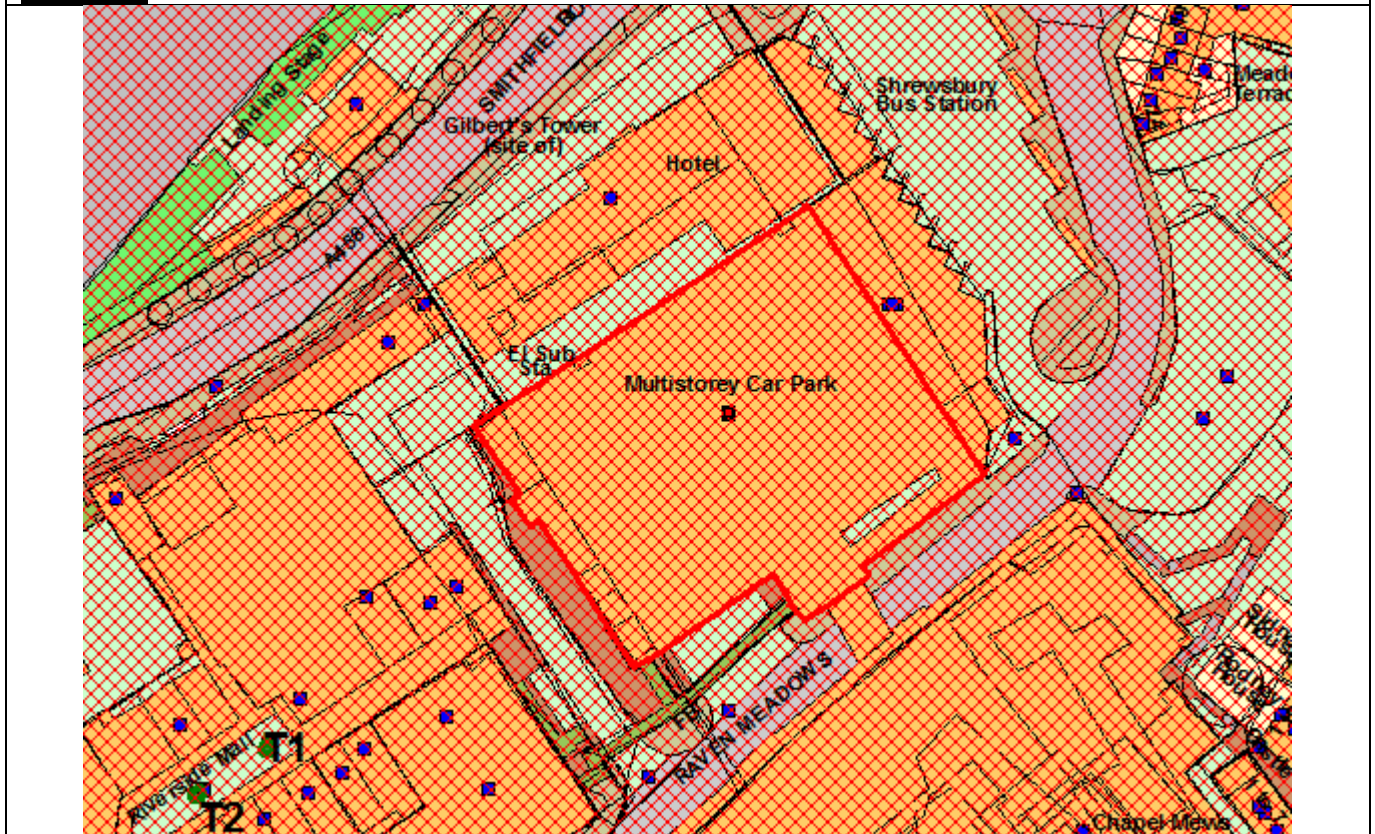
## Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

### Summary of Application

|   |   |                         |
|---|---|-------------------------|
| <b><u>Application Number:</u></b> 25/00649/FUL  | <b><u>Parish:</u></b>   | Shrewsbury Town Council |
| <b><u>Proposal:</u></b> Installation of 2.434m high perimeter fencing at levels 8-13 inclusive      |   |                         |
| <b><u>Site Address:</u></b> Raven Meadows Multi Storey Car Park Raven Meadows Shrewsbury Shropshire |   |                         |
| <b><u>Applicant:</u></b> Highways And Transport Shropshire Council                                  |   |                         |
| <b><u>Case Officer:</u></b> Nia Williams  | <b><u>email:</u></b> <a href="mailto:nia.williams@shropshire.gov.uk">nia.williams@shropshire.gov.uk</a> |                         |

**Grid Ref:** 349219 - 312798



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Raven Meadows Multi Storey  
Car Park

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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 Full planning consent is sought for the installation of 2.434m high perimeter fencing at levels 8-13 inclusive to prevent danger to life and increase public safety.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The multi-storey car park is located in Shrewsbury Town centre and within the Shrewsbury Conservation Area.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme is proposed on Council owned land but is not in line with statutory functions and is therefore to be determined by Planning Committee as set out in part 8 of the Shropshire Council Scheme of Delegation.

### 4.0 Community Representations

- 4.1.1 **SC Conservation (Historic Environment)** - The multi-storey car park is a large modern building positioned within the boundaries of the Shrewsbury Conservation Area, and more particularly within the Coton Hill and Raven Meadows Special Character Area. The need for the protective high level perimeter fencing is understood and no objection is raised on heritage grounds to this installation. Our only comment is that there may be a need to further consider the colour finish, which is currently proposed as a dark green, in terms of facilitating a muted or recessive colour finish at this high level against the colour of the building and the skyline, where we highlight the special regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area.

Continued - Additional information has been received in regard to the conservation officers comment, in which a small section/area of green anti-climb fencing is already existing on the top decks for safety purposes. The green fencing was selected to blend into this and into the landscape/ hills views. The Conservation officer concluded that this was a valid reason and that they no longer raise any further queries or any objections to the proposed.

- 4.1.2 **SC Archaeology (Historic Environment)** - Officers have no comments on this application in regard to archaeological matters

### 4.2 Public Comments

- 4.2.1 **Shrewsbury Town Council** - Whilst the Town Council raises no objections to this

application Members fully agree with the Conservation Officer comments and agree the applicant needs to consider the colour of the fencing to ensure it is as opaque on the skyline as possible.

- 4.2.2 **Shrewsbury Civic Society** - We understand and support the need to introduce safety measures in the light of the tragic events mentioned in the application. However, the proposed works would we believe unnecessarily disfigure this admittedly modest modernist building. The cranked tops of the fencing make it prison-like - are these necessary or is there an alternative? The proximity of the proposed fencing directly behind the parapet will make it very visible from the street. Setting the fencing back from the edge of the parapet would help to mitigate this. The proposed green colour of the fencing would draw unwanted attention to the austere fencing. We believe that a galvanised steel finish would be less glaring.

## 5.0 THE MAIN ISSUES

Principle of development  
Details of Proposal  
Visual Impact  
Residential Amenity  
Impact on Conservation area

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 The application is considered in the light of Core Strategy Policies CS6 (Sustainable Design and Development) and SAMDev Policy MD2 (Sustainable Design).
- 6.1.2 CS6 requires development to be designed to a high quality using sustainable design principles. It also seeks to ensure that development is appropriate in scale, density, pattern and design to its local context and has regard to residential and local amenity.
- 6.1.3 Policy MD2 of the Council's adopted SAMDev Plan similarly requires development to contribute to and respect local distinctive or valued character and existing amenity value.
- 6.1.4 Policy MD13: The Historic Environment of the Site Allocations and Management of Development (SAMDev) plan further encourages development which delivers positive benefits to heritage assets.

### 6.2 Details of Proposal

- 6.2.1 The application proposes to install a 2.435m overall height anti-climb properties fence in front of the existing concrete parapet walls to the upper levels of the carpark. The Securus (358) security fencing is composed of 2 metre high 358 rigid mesh panels with cranked tops at a 45-degree fitted with 3 number security tension wires, all facing the car park side.

The extent of existing Raven Meadows multi-story car park footprint is 3,717m<sup>2</sup>

and is composed of 14 levels. There will be no increase or reduction in the floor area of the existing building, the works are limited to provide perimeter fencing to primarily prevent falls. The extent of the fencing at the various levels is as follows:

- Level 8 – 15.5 metres long perimeter fencing section to the west side of the MSCP.
- Level 9 - 31.1 metres long perimeter fencing to the south west side of the MSCP.
- Level 10 - 2.8 metres long west side of the MSCP adjacent stairwell.
- Level 11 - 106.3 metres long perimeter fencing to the south side of the MSCP.
- Level 12 - 96.1 metres long perimeter fencing to the north side of the MSCP.
- Level 13 - 106.2 metres long perimeter fencing to the south side of the MSCP, & internal fencing between Level 13 & 11 with no cranked top.

There is an existing small section/area of green anti-climb fencing on the top decks and the green colour of the proposed fencing is aimed to blend into this and into the landscape views. Part of the fencing will be hidden behind the current balustrade and this height is between 1.1 and 1.2m.

The conservation officer has confirmed that sensible reasons for the colour chosen has been addressed and no longer raise any further queries on this proposed installation relative to heritage matters.

## **6.3 Visual Impact**

- 6.3.1 The proposal is functional for its required purpose, and it would not appear at odds within the Conservation Area, integrating with the wider site. The Shrewsbury Civic Society have commented on the proposal and whilst the comments have been noted, it is not envisaged that the scheme would result to a detrimental impact on the Conservation Area to a degree that would warrant refusal of the scheme.

The proposal is not considered to harm visual amenities of the locality, complying with Core Strategy Policy CS6 and SAMDev Policy MD2.

- 6.3.2 It is considered that the proposed works would not result in any adverse visual impact to the appearance of the building or the wider street scene.

## **6.4 Residential amenity**

- 6.4.1 No residential properties are located near the application site

## **6.5 Impact on Conservation area**

- 6.5.1 The case officer has considered the application in relation to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard is to be given to preserving or enhancing the character or appearance of the Conservation Area.

## **7.0 CONCLUSION**

- 7.1 The proposal is considered to be acceptable in principle, complying with relevant local plan policies. The proposed development would ensure public safety is maintained at

all times to those users of the multi storey car park, this is attached significant weight. It is therefore recommended that planning permission be GRANTED subject to the conditions listed below.

## 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

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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

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

National Planning Policy Framework

CS17 - Environmental Networks

MD13 - Historic Environment

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SRXU94TD0BN00>

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| List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) |
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| Cabinet Member (Portfolio Holder) - Councillor Chris Schofield |
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| Local Member - Cllr Nat Green |
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| Appendices |
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| APPENDIX 1 - Conditions |
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## 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.

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Reason: To comply with Section 91(1) of the Town and Country Planning 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.