



Committee and date

Central Planning Committee

11 December 2014

### Development Management Report

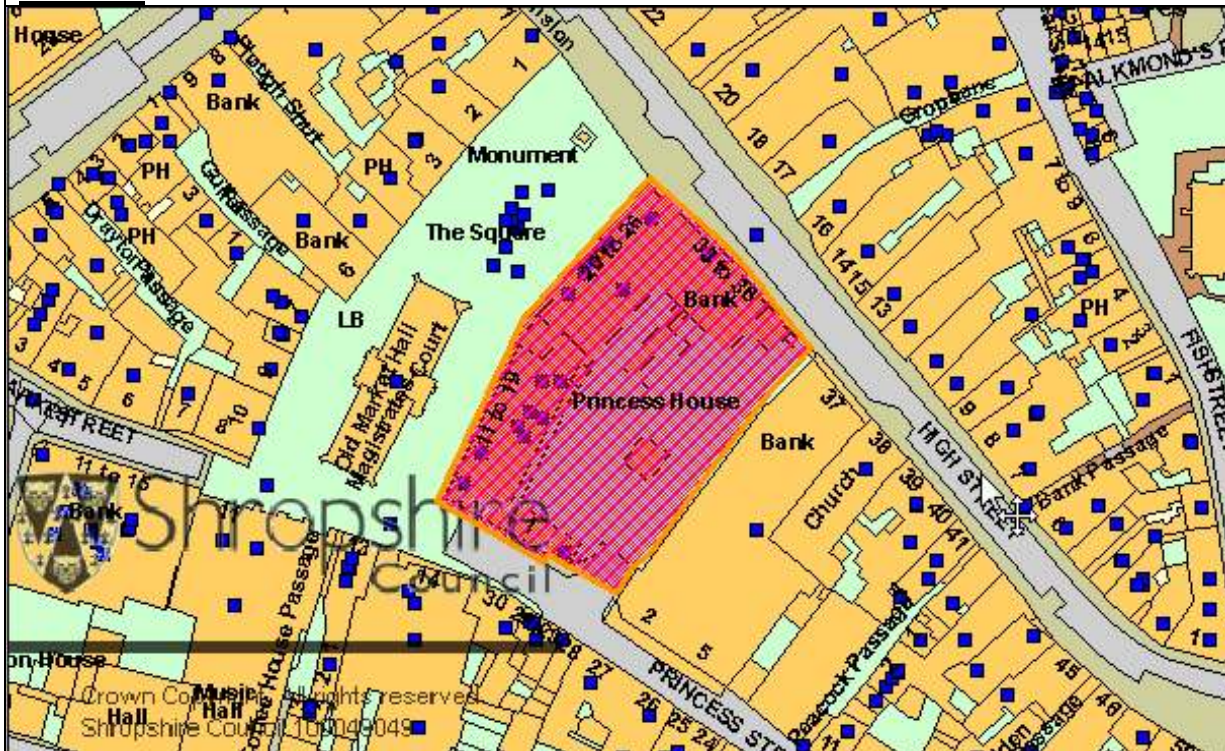
Responsible Officer: Tim Rogers

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#### Summary of Application

<b>Application Number:</b> 14/04383/FUL	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Conversion of the existing office space and extension to provide 50No residential apartments together with secure storage facilities and restaurant unit at ground level		
<b>Site Address:</b> Princess House The Square Shrewsbury Shropshire		
<b>Applicant:</b> The Retail Plus Property Partnership		
<b>Case Officer:</b> Jane Raymond	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 349144 - 312450



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a S106 to secure 2 affordable units.**

## **REPORT**

### **1.0 THE PROPOSAL**

1.1 This application relates to external alterations and re-cladding of Princess House in association with conversion of the existing office space to dwellings and erection of a roof extension and extension over the existing car park entrance at first, second and third floor level to provide a total of 50 residential apartments (34 conversions and 16 new build) together with retention of the existing parking at first floor level, change of use of part of the ground floor to restaurant and the provision of secure storage facilities in the basement.

### **2.0 SITE LOCATION/DESCRIPTION**

2.1 Princess House is a large three storey 1970s building situated within the historic core of Shrewsbury Town Centre on the South East side of the Square. It faces the Old Market Hall which is a scheduled ancient monument and Grade 1 listed and there are a number of Grade 2\* and Grade 2 listed buildings surrounding the Square. Alterations have already been made to the fronts of the ground floor retail units under planning permission reference 11/04717/FUL.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the Area Planning Manager/Principal Planning Officer in consultation with the Committee Chairman agrees that the application should be determined by committee.

### **4.0 Community Representations**

#### **4.1 - Consultee Comments**

##### **4.1.1 SC Conservation (Historic Environment) -**

Background to Recommendation:

A full planning application has now been submitted following several meetings and extensive discussions at the pre-application stage involving our Team, the Planning Case Officer, English Heritage and the applicant and his architect. The application affects Princess House, an extensive modern building which dominates the east side of the Shrewsbury Town Centre's historic Town Square. Princess House is immediately across from The Old Market Hall, a Scheduled Monument and Grade I listed building within this key important public town centre space, and is sited within the mix of many notable designated and non-designated heritage assets within the Square, along the High Street and running along Princess Street to the south. The area is located within the 'Town Centre Special Character Area' which makes up part of the larger Shrewsbury Conservation Area.

**Principles of Scheme:**

We had recommended at the pre-application stage of this proposal that early advice from English Heritage would be vital and key to ensuring that any increase in building height and external façade modifications are sensitive to the setting of the heritage assets nearby, visually appropriate within the Conservation Area and would strive to improve as much as possible what most would agree is overall an unattractive building within the historic Town Square. We concur with the position of English Heritage and have no objection in principle to this proposal, which will also bring additional residential accommodation to the area, and which follows extensive ground floor shop front improvements that have been completed to date involving most of the retail units.

**Detail:**

The intent of the application is to upgrade the building for residential use and we welcome efforts to re-order the building's existing elevations to improve the overall appearance of this building in this sensitive and key location within The Square. While we are generally content with the contemporary external enhancements proposed to the building, one aspect of the proposal we have questioned are the rotating photovoltaic panels mounted on glass, and the impact these could have on the area. This element, among other aspects of the proposal, can now be more fully deliberated as part of this full planning application. Specific conditions need to be applied that ensure all external materials, elevational detail, decorative finishes and colour schemes are submitted for review and approval at the pre-commencement stage and we agree that further advice from English Heritage on these detailed matters is desirable.

**Recommendation:**

No objection in principle subject to strict review and approval of elevational details, external materials, decorative finishes and colour schemes prior to work commencing on this proposal.

- 4.1.2 **SC Archaeology (Historic Environment)** - The proposed development site is situated in a key focal location in the historic core of Shrewsbury, within the centre of the Shrewsbury Conservation Area and within the settings of a large number of Listed Buildings. The latter include the Old Market Hall, which is designated as both a Scheduled Monument and a Grade I Listed Building (National Heritage List Refs 1003707 & 1254925). The advice of both English Heritage and the Conservation Officer for the Central Area on the design, form, materials and detailing of the proposed development must therefore be followed in full. It is also noted that at present the application is not accompanied by a Heritage Statement which justifies the design philosophy of the proposed development in relation to the policies set out in Section 12 of the NPPF. From the plans submitted with the application it is, however, noted that the proposed development will be entirely contained within the existing footprint of Princess House. As a consequence there will be negligible, if any, ground disturbance. We therefore have no comments to make on the proposed development with respect to archaeological matters.
- 4.1.3 **English Heritage** - We have no objection in principle to this proposal, but a high quality of detail design, materials and finishes will be absolutely vital if this project is to be worthy of its setting.

Princess House is in a key position in one of England's best historic towns, a vital component of the Conservation Area, and a major influence on the settings of several outstanding historic buildings. It must be said that in its present form it is not worthy of its location.

There is, therefore, the potential for a substantial improvement. We consider the present proposal acceptable in principle, although with some regret that it has not proved possible to relocate the car parking on the first floor so as to give more animated elevations around its northern corner. We also consider that the western corner would benefit from some redesign so as to give a simpler junction of elevations, without the re-entrant.

Detail, materials, and finishes will be the key to success here, and it may be that such a prestigious location cannot be entirely served by catalogue items. The facing materials, textures and colours should be within the present - quite wide - range of elevations in the town centre.

#### Recommendation

Conditional planning permission may be granted for this application, with stringent conditions requiring prior approval of elevational details, materials and finishes. In this case we would be prepared to advise on the discharge of these conditions.

- 4.1.4 **SC Highways DC** - The local highway authority makes no objection to the granting of consent to this application. We note that the developer proposes to retain the existing private parking contained on the first floor of the building, with one parking space per dwelling provided. This provision accords with the saved policy on parking provision contained in Appendix 2 of the SABC Local Plan 2001. Given the local transport options, services and employment available within the river loop the area can be considered as being highly sustainable for residential development and many people choose to live in the town centre who don't own a car. However we haven't been able to find any details with the application regarding the provision of cycle parking within the building, so this should be addressed by the applicant; the development should provide a sensible level of secure and convenient cycle parking contained within the building using 'Sheffield' stands or similar. Please note that cycle parking systems that attach to a single wheel of the bike are not permitted as they do not offer an acceptable level of security. Given the central location of this site within the town centre ownership of bicycles by the residents is likely to be high so should be accommodated within the design. Public cycle parking within the Square has become a premium so we are keen not to see this taken up by future residents of the building. Parking is controlled on the streets surrounding Princess House and long term permits are available for the town centre long-stay car parks, so we are of the opinion that the development should not give rise to parking problems should the demand for parking outstrip supply. Given that the current level of parking is being retained and considering the location, the development should not give rise to any notable increases to the number of trips from the main access. There is likely to be a rise in deliveries being made to the building, but these can be served from the existing loading bay on Princess Street. There have been some recent complaints of traffic issues on Princess Street and Market Street (a pedestrianised route), but we are currently looking at options to address this and to reduce 'through' trips along this route.

- 4.1.5 **SC Affordable Houses** - The Affordable Housing Statement accompanying the application reflects preliminary discussions that took place prior to the submission in relation to affordable housing. As noted, the applicant could change the use of existing offices into residential apartments subject to the Government's Prior Approval Process, without the need for a detailed planning application. Under this process, there would be no requirement for affordable housing provision. As the proposed change of use of offices is integral to the wider alterations/extensions, it was appropriate that a detailed planning application be submitted for scheme as a whole. The 34 proposed apartments within the original office building will not be subject to the requirement to provide a percentage as 'affordable', on the basis that the building could be converted into residential without the need for a formal planning application. The 16 additional units proposed by way of an extension will be subject to Council Policy, requiring all new residential development to contribute to the provision of affordable housing. The application site falls within an area where the contribution rate is 10% and therefore an extension comprising 16 dwellings, would generate a provision of 1.6 (one apartment and a financial contribution for the remaining fraction). The application notes that two, two bed units will be provided at first floor level. The floor area indicated for the affordable units is compliant with the minimum space standards used by the Homes and Communities Agency and therefore considered to be acceptable. It is agreed that the units will be discounted rent tenure. Any planning permission should be subject to a S106 Agreement and the affordable dwellings a local letting plan.
- 4.1.6 **SC Drainage** – Recommends measures to ensure that surface water drainage is undertaken in a sustainable manner.
- 4.1.7 **West Mercia Constabulary (Crime Prevention Design Advisor)** – There are opportunities to design out crime and /or the fear of crime and to promote community safety and gives advice regarding secured by Design.
- 4.2 - **Public Comments**
- 4.2.1 10 letters have been received (9 objections and 1 representation) including one from the STCRA, one from the Civic society and one on behalf of Trillium who provide Job Centre Plus (JCP) summarised as follows:

#### **Change of Use of Building**

- ☒ Supports the conversion of redundant office space above shops to dwellings in the town centre and the application should be welcomed for finding new use for a tired building by injecting capital for its regeneration.
- ☒ The proposal includes too many flats with inadequate space that would be contrary to the DCLG recently published 'Nationally Described Space Standard' document.
- ☒ Apartments on the first floor will have bedrooms that face directly into the covered parking area and these rooms might not satisfy the BRE standards for sunlight and daylight.

- ❑ The high density will result in increased traffic and congestion in the surrounding narrow streets and there is no indication of areas for covered cycle parking.
- ❑ There is no need for another restaurant in the town which is already overprovided with eating houses and coffee shops.
- ❑ The Department for Work and Pensions objects to the application as it affects the Job Centre Plus (JCP) facilities in Shrewsbury that it has a statutory obligation to fulfil.
- ❑ The services offered by the JCP need to be combined within, and operated from, one unit to ensure that all relevant services are available to job seekers, to maximise the opportunities available to them.
- ❑ The JCP requires a town centre location and a sizeable unit that can accommodate a dual Class A2 and B1a use, accessible to visiting members of the public and a separate access for staff and there are currently no suitable alternative premises within Shrewsbury Town Centre that could accommodate JCP.
- ❑ The existing location of the JCP is ideal and has been operating successfully from Princess House since 1999 and benefits from a Lease until 2017, but would wish to continue to do so beyond this period.
- ❑ The application will result in the loss of offices and the JCP in this location if the ground floor is converted to a restaurant and the upper floors to offices.
- ❑ MD9 of the emerging SAMDev seeks to protect employment land from alternative uses.
- ❑ The application fails to properly address the loss of offices, and existing employment and the proposal will result in the loss of an important community service within Shrewsbury.

### **Scale, design and appearance**

- ❑ Princess House does little to augment or enhance its surroundings and this application will probably be the only opportunity in the next 100 years to improve the look of this hideous building.
- ❑ Princess house is one of the most important sites in Shrewsbury and whilst the proposal is marginally better than existing it is not good enough and deserves better.
- ❑ The proposals do not offer any improvement or make any positive contribution to the existing building or townscape.

- ❑ The extensions and the extra height and volume proposed only serves to increase the overall scale, height and massing of Princess House and will increase and not deplete the overpowering and overbearing appearance and add significantly to its bulk, increasing its dominance in the area.
- ❑ The roof could be set back further to reduce its prominence.
- ❑ The proposed roof is not in keeping with the roof line of other buildings in the vicinity.
- ❑ The design, materials, and colours make no attempt to reference its context and ignore the historic setting.
- ❑ The design is too massive, over-bearing, uniform and boring and not in keeping with the micro medieval architecture of The Square.
- ❑ The large unbroken featureless façade with no articulation or design features is not complimentary to the street scene and other buildings facing the Square which have regular vertical divisions and varied roof lines.
- ❑ The outer cladding particularly overlooking the square is grey, bland and unimaginative.
- ❑ Strengthening the colour and textural differences between the vertical sections would at least give a semblance of articulation along the facade and lessen its apparent bulk.
- ❑ The main block on the corner of High Street and the Square is dull, grey and unimaginative. The addition of wooden gables at the ends of the main block - on High Street and on the corner of Princess Street are, on the other hand , too fussy and like its precursor plays the same trick trying to hint at Shrewsbury's Tudor past.
- ❑ The solar panels would be more appropriate and effective if they were out of sight on the roof and would generate more power without impacting on the appearance of the building.
- ❑ Well designed display panels could be used instead of the solar panels to break up the first floor garage level 'finning'

4.2.2. Cllr Bannerman: If minded to approve requests that it goes to committee for the following reasons:

- ❑ This building has been the subject of a previous highly contentious application.
- ❑ Its position in the heart of the historic town centre and beside the Old Market Hall makes it crucial that the design is as sensitive and complementary as is possible.
- ❑ The proposed use of solar panels on the front elevation is extraordinary
- ❑ Although the change from office to residential accommodation is generally

welcomed in the town centre, this is a very busy location, where there are already traffic problems.

- ☒ The size of some of the flats is below that nationally recommended.

4.2.3 Shrewsbury Town Council – Members do not object to the principal of developing Princess House but are not happy with the proposed design and material choices. Members have requested a sample of the cladding to be temporarily put up on the building and would like to receive more information about the proposed materials. Being in such a prominent and sensitive position in the town, members feel more thought into the external design is needed. The wrap around cladding currently proposed makes the building look imposing and larger than life and members request that more colours of cladding/other materials are used to break up the mass of the building. They feel the current plans are not in keeping with or complimentary to the historic setting in which Princess House sits.

## 5.0 THE MAIN ISSUES

Principle of development  
Design, appearance and visual impact  
Parking/Highways  
Residential amenity

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 This proposal includes conversion of the upper floors and the erection of a roof top extension and extension over the existing car park entrance to provide a total of 50 residential apartments and change of use of part of the ground floor to a restaurant. The proposal accords with the principles of the NPPF representing sustainable development on a previously developed site in this Town Centre location. It also complies with Core Strategy Policies CS2 that identifies Shrewsbury as the primary location for residential development and also retail, office and commercial uses whilst protecting the vitality and viability of the Town Centre. The proposed change of use is therefore acceptable in principle.

6.1.2 Trillium that provide Job Centre Plus facilities that occupy the ground floor in addition to the first, second, and third floors of the Southern half of Princess House has however objected to the application as the proposal if approved and implemented would result in the loss of a suitable location for them to continue to operate from. The agent was contacted to provide comment on the Job Centres desire to remain in the building and they have confirmed that all of the existing occupiers of the office accommodation were offered the opportunity of taking a 15 year renewal of their agreements but that all of these were refused, including Trillium. The applicant has confirmed that their contract to provide the Job Centre Plus service expires at the beginning of 2018 and they will withdraw their objection if they could stay to that point. The agent has also confirmed that the building lends itself to a conversion from the High Street end to Princess Street, so it is quite possible that the Job Centre could perhaps, operate for an extended period up until early 2018. However their current lease does end in 2017 and the current owners are not obliged to renew the lease which the LPA also has no control over.



- 6.1.3 **Restaurant use** – The proposal includes conversion of part of the existing ground floor to a restaurant (A3 use). The application site is within the heart of the town centre and is considered to be a suitable location for an A3 use that would increase the vibrancy of the town, especially during the evening, and should be a positive addition to the town centre economy. The proposal would therefore accord with Core Strategy Policy CS2 that supports development which promotes, protects and enhances the vitality and viability of Shrewsbury town centre and also policy CS13 (Economic Development, Enterprise and Employment) which promotes Shropshire as a business investment location.
- 6.1.4 However this aspect of the proposal does not need planning permission as the revisions to the current GPDO by the current government allow for change of use to Class A3 (restaurants and cafes) from a use falling within Classes A1 (shops), A2 (financial and professional services) and B1 (business) for a single continuous period of up to two years. Therefore this application cannot be resisted even though some protection is afforded to B1 and sui generis uses under SAMDev Policy MD9 (Protected Employment Areas).
- 6.1.5 **Residential use** – The offices on the upper floors could be converted to apartments without the need for planning permission under the present Government's introduction of permitted development rights for conversion of offices to dwellings under Class J of Part 3 of the GPDO. The only matters that can be considered when considering such applications are highway impacts and contamination and flooding risks. The loss of offices currently used by the Job Centre and the loss of this valuable facility in this town centre location is unfortunately not a material consideration due to the Government changes to the GPDO.
- 6.1.6 Similarly the comments regarding the floor area of some of the units being below 'Nationally Described Space Standards' (NDSS) is also not a material consideration in relation to the proposed apartments on the existing first, second and third floor as the building can be converted to dwellings without planning permission. However the Homes and Communities Agency criteria suggests between 30 and 35sqm for one bedroom, 45 to 50 for 2 bedroom and 57 to 67sqm for three bedroom and all of the units (new build and conversions) fall within this recommended guideline.
- 6.1.7 The 'NDSS' is only a consultation draft document dated Sept 14 and is not National or Local Policy. It is not intended as a statutory regulation but can be referenced in planning policies where justified by need and subject to viability but would only be applicable if it is referred to in a local plan.
- 6.1.8 The accommodation proposed for the new top floor and second and third floor extension consists of 3 one bedroom apartments, 12 two bedroom apartments and 1 three bedroom apartment. The 'NDSS' requires that the minimum gross internal floor area for single storey dwellings is 50sqm for one bedroom, 61sqm for 2 bedroom and 74sqm for 3 bedroom. All of the new build apartments are above the 'NDSS' except for the 3 one bedroom apartments and 1 of the two bedroom apartments which are only just below this suggested standard. Shropshire Council does not have a specific policy relating to space standards but the Housing SPD

does refer to space standards within paragraph 2 which states that it is '*important to maintain acceptable living standards for the occupants of dwellings, in terms of the internal size of living accommodation*' and that '*Developments must not provide cramped accommodation*'. It is considered that the amount of floor area of accommodation to be provided for each unit is not cramped and provides an acceptable level of living accommodation. In addition each unit of accommodation is provided with a secure storage area in the basement.

- 6.1.9 **Affordable housing** – Only the new build element of the proposal is liable for an AHC under Policy CS11 and the applicant is willing to enter into a S106 to secure two affordable units on site that has been agreed with the Housing enabling officer. This is an over provision that is welcomed over one unit on site and the balance of 0.6 as an AHC. The housing enabling officer has also confirmed that the floor area indicated for the affordable units is compliant with the minimum space standards used by the Homes and Communities Agency and is therefore considered to be acceptable.

## 6.2 **Design, appearance and visual impact**

- 6.2.1 The proposed alterations to the building include a roof extension, second and third floor extension above the existing vehicle entrance and cladding of the exterior and a new articulation of the façade with revised fenestration and the addition of solar panels. Considering the prominence of the building within the town centre and the publicity given by a full page article on the front of the Shropshire Star this application has received very little objection (9 letters in total). Of those letters received there is generally support for this opportunity to upgrade and improve the exterior of the building but that improvements could be made to what is proposed. However design and appearance and what is acceptable are subjective and opinion is divided even between the minimal numbers of public comments received. The LPA can not dictate what an applicant proposes but can obviously refuse any proposal if it is considered that the proposal would have an adverse impact on the character and appearance of the building and the area in which it is situated.
- 6.2.2 The applicants have undertaken pre-application consultation and sought the advice of the Conservation and Design Officer and John Yates of English Heritage. The application as submitted has regard to this pre-application consultation and includes revisions and alterations suggested by English Heritage and Conservation which includes the grey colour as seen in the initial 'artist impression' of the main block that faces The Square and High Street. This is one area where there is consensus of opinion in that this creates a bland, dull and uniform block that does nothing to reduce the bulk and prominence of the building. Due to objections to this colour it was suggested to the applicant that samples are brought to site to be reviewed and that a revised artist impression is submitted to show a more 'buff' colour that is more akin to the Old Market Hall and other stone used in the locality. A variety of samples have not been provided on site but officers inspected a sample of the proposed 'rainscreen' terracotta tile system at the pre-application stage and consider this material to be an acceptable quality cladding system. These terracotta tiles come in a variety of sizes, textures and colours that can be agreed upon at a later date (subject to condition), however it is considered that the buff colour in the latest artists impression is more appropriate than the grey colour

originally indicated in this application.

- 6.2.3 Comments have also been received that the main block on the corner of The Square and High Street has no articulation or design features and that textural differences between the vertical sections would give a semblance of articulation. However this is what is proposed and indicated on the drawings of the proposed elevations which show vertical sections of different width, with some set back and some set in and clad in contrasting shades of materials. The proposed cladding of terracotta tiles can be in different sizes and textures and in different colours and can be subject to condition and approved later as agreed by English Heritage. It is considered and agreed by the Conservation Officer and English Heritage that this aspect of the proposal is acceptable subject to appropriate conditions regarding materials.
- 6.2.4 With regards to the facades facing Princess Street and High Street it was agreed that a different approach should be applied to make them distinct from the main block discussed above and to add some variety and interest to this part of the building and to give the appearance of a separate building on each street frontage, and it is considered that this objective has been achieved. Some commentators have suggested that this is an attempt to replicate the design of Tudor buildings in the locality whilst others have commented that the design is not in keeping with the medieval architecture in the Square. Again opinion is divided but it was agreed at the pre-application stage that a 'pastiche' design would not be successful and a fresh more modern design that had some regard to the surrounding Tudor architecture was more appropriate and it is considered that this part of the proposal is successful in this respect. Again the detail of the colours and textures of the materials proposed can be subject to condition.
- 6.2.5 The proposal includes a roof extension which is set back from the edge and a cornice has been added to the edge of the existing building. The roof extension has gables above the elevations facing High Street and the corner of The Square and Princess Street but there are no gables proposed above the main block on the corner of High Street and The Square. This is again deliberate in an attempt to break up the huge bulk of Princess House and to give the appearance of three separate buildings. It is considered that this approach is acceptable and officers do not consider that the roof extension adds to the overall mass of Princess House. It is considered that the different treatments of the facades and the introduction of a roof extension with variety in the roof-scape actually diminish the overall scale, massing and dominance of the building.
- 6.2.6 A final point of contention is the proposed solar PV panels on the first floor elevation of the main block on the elevations facing The Square and High Street. The applicant was advised at the pre-application stage that this part of the proposal might not be successful in either providing a satisfactory appearance or their efficiency in this location on a North West and North East facing elevation. This part of the proposal needs reviewing and it is suggested that if approved a condition is imposed requiring full details to be submitted for approval of the solar PV panels, or an alternative solution to the ventilation apertures that are required to the first floor elevation where the existing car park (to be retained) is located.

6.2.7 It is accepted that this proposal is not going to be acceptable to all tastes and opinions and can always continue to be tweaked and revised. However the applicant has engaged in the pre-application service and has taken on board the advice given by English Heritage and the Council's specialist Conservation and Design Officer to arrive at the proposal submitted. English Heritage and Conservation have no objection to the proposal subject to details of the external materials and their colour being submitted for approval and Officers consider that the proposed alterations to the building including the roof extension are an improvement on the existing building and will improve its character and appearance and its setting within the Square.

### 6.3 **Highways/parking**

6.3.1 Each unit is provided with one parking space which is considered acceptable in this sustainable town centre location. The proposal does not provide new parking but makes use of an existing parking area on the first floor that is accessed off Princess Street. Highways have no objection to the proposal which should not result in a significant increase in traffic and congestion in the Town Centre as the parking provision for existing occupiers of the building already exists. Each apartment is provide with secure storage in the basement that can be used for the storage of cycles which would help promote sustainable and alternative modes of travel other than by car.

### 6.4 **Residential amenity**

6.4.1 The amount of internal floor area and living space for the proposed apartments has already been referred to above and is considered acceptable. However comments have also been received regarding adequate ventilation and daylight to the bedrooms within the first floor apartments that will face the first floor parking area that will be underneath the landscaped deck area proposed to be provided at second floor level. Reference has been made to the BRE '*Site layout planning for daylight and sunlight; a guide to good practice*' but this only provides non-mandatory guidelines on daylight and sunlight provision in new buildings. The size and location of windows and ventilation and light is a matter for consideration at the Building Regulation stage. The agent has however been contacted to ensure that the proposal meets with current Building regulation standards and has confirmed that the proposed second floor decked area has openings above each of the first floor windows to ensure that they would not suffer from a lack of daylight. If the windows cannot be opened and need to be of special glass to help sound proof them from vehicular noise then mechanical ventilation can always be installed to provide adequate ventilation that meets Building Regulation standards.

6.4.2 The proposed landscaped deck area at level two will provide some outdoor amenity space for residents and the top floor apartments also have the benefit of a front balcony/roof terrace. The level of outdoor amenity space is considered acceptable in this Town Centre location with the Quarry Park and all the facilities and services that the Town Centre has to offer and is considered acceptable and compatible with town centre apartment living.

6.4.3 The site is situated within the heart of the Town Centre where there are a significant number of late opening premises where A3 uses would be expected and encouraged. There are also a high proportion of residential properties within the

town centre and residential apartments are proposed on the upper floors of the building. However, this is a common scenario within the town centre and would not automatically preclude an A3 use providing adequate measures can be put in place to protect adjoining properties from excessive noise and disturbance.

- 6.4.4 The proposed opening hours for the restaurant have not been indicated on the application form and unrestricted late night opening hours whilst acceptable in other locations within the Town Centre might not be appropriate in Princess Street and The Square which are a quieter area of town. However a late refreshments licence would be required for any opening hours after 11:00 pm and this would take into account the potential impact on surrounding amenity. For this reason it is not proposed that there is any additional need to impose a condition to restrict opening hours as part of any approval.
- 6.4.5 Extraction equipment is usually required with any A3 use which can have adverse impact on residential amenity through excess noise and odour. A condition is therefore recommended to state that details of this must be provided for prior approval prior to first use of the site and when there is any change in occupier or type of food to be provided.
- 6.4.6 The general noise and activity from kitchens and restaurants also has the potential to impact on the residential apartments directly above. However, the Applicant would need to make an application under Building Regulations for the internal fit-out of the restaurant and as part of this application the sound insulation would be assessed and a determination made on whether it is adequate to protect the residents above.

## 7.0 CONCLUSION

- 7.1 The proposed conversion of the existing offices to dwellings and part of the ground floor to restaurant and erection of a roof top extension to provide additional residential accommodation is acceptable in principle in this sustainable Town Centre Location. In addition the change of use of existing space could all be undertaken without the need for planning permission. It is acknowledged that revisions could continue to be made to the proposed re-recladding and alterations to the facades of the building and the proposed extension but it is considered that subject to the suggested conditions the proposal would improve the overall character and appearance of the building and its setting within the historic centre of Shrewsbury. It is considered that the proposal provides adequate living accommodation and satisfactory parking space and that it is acceptable to have limited private outdoor amenity space in this Town Centre location. Officers therefore recommend that this application is approved subject to the conditions set out in Appendix 1.

## 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

Core Strategy and Saved Policies: CS2, CS6, CS11, CS13 and CS17

11. Additional Information

View details online:

<b>List of Background Papers:</b> File14/04383/FUL
<b>Cabinet Member (Portfolio Holder):</b> Cllr M. Price
<b>Local Member:</b> Cllr Andrew Bannerman

## 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 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 and drawings.

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 BEFORE THE DEVELOPMENT COMMENCES

3. Prior to the commencement of development (other than the conversion of ground floor to restaurant) full details and samples of all external materials and their colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval details prior to the first occupation of any of the residential apartments hereby approved.

Reason: In order to ensure the external appearance of the development is satisfactory and to enhance the character of the existing building and the surrounding area.

4. Prior to the commencement of development (other than the conversion of ground floor to restaurant) detailed plans and sections at a scale of 1:20 of the proposed doors and windows and samples to indicate their colour shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approval details prior to the first occupation of any of the residential apartments hereby approved.

Reason: In order to ensure the external appearance of the development is satisfactory and to enhance the character of the existing building and the surrounding area.

#### CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

5. The alterations and exterior cladding of the building hereby approved shall be commenced prior to the commencement of the roof extension and shall be completed prior to the first occupation of any of the apartments hereby approved.

Reason: The erection of the first floor extension in isolation would not be acceptable as it would not result in a satisfactory external appearance.



6. This permission does not purport to grant consent for the Solar PV panels indicated on the drawings of the elevations herby approved. Prior to their installation full details of the Solar PV panels (or alternative ventilation grills or Louvre panels for the first floor apertures to the car parking area) shall be submitted to and agreed in writing with the LPA. The approved details shall be implemented prior to the first occupation of the residential apartments herby approved.

Reason: In order to ensure the external appearance of the development is satisfactory and to enhance the character of the existing building and the surrounding area.

7. Prior to first use of the ground floor as a restaurant details of the proposed extraction system shall be submitted to and agreed in writing with the Local Planning Authority. The agreed system shall be fully installed prior to the A3 use granted under this permission first commencing and shall be maintained thereafter to the manufacturer's recommendations.

When any new food operation or new food operator moves into the premises details of the proposed extraction system shall be again submitted and approved in writing prior to starting operations, in order that it can be assessed for suitability against the food preparation to be carried out.

Reason: to protect the amenity of the area and nearby residents from noise and odour.