

Committee and date

Central Planning Committee

12 February 2015

Development Management Report

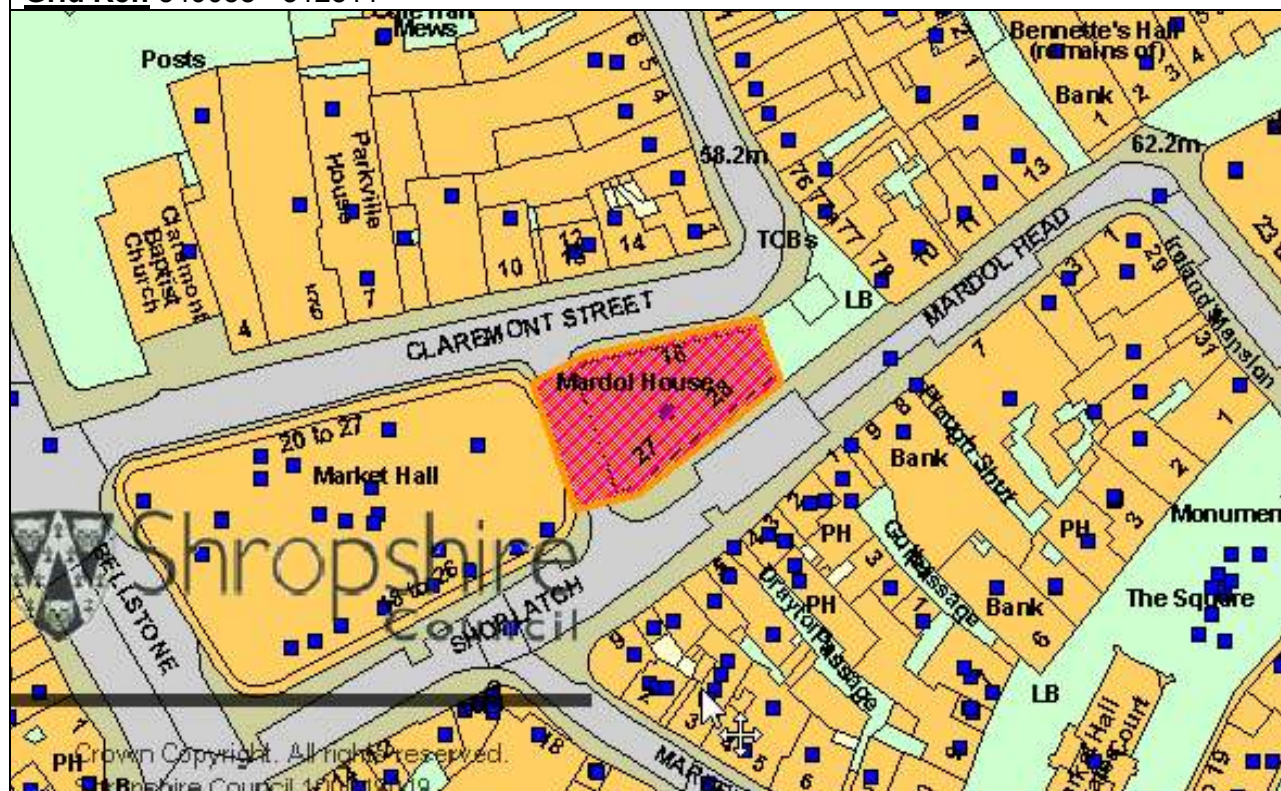
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 15/00090/FUL	Parish:	Shrewsbury Town Council
Proposal: Change of use from office space to student halls of residence to provide 85 units (large HMO Sui Generis use)		
Site Address: Mardol House Shoplatch Shrewsbury Shropshire SY1 1HS		
Applicant: Shropshire Council		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	

Grid Ref: 349058 - 312511



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Contact: Tim Rogers (01743) 258773

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

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to change of use of the upper floors of Mardol House from office space to student halls of residence to provide 85 units (large HMO Sui Generis use). Access to accommodation will be through the Managerial Suite adjacent to the Timpson shop and not the indoor market entrance. No external alterations are proposed other than a Gas Meter Housing Unit.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Mardol House is a large modern building sited in a highly visually prominent position adjacent to the Market Hall within the 'Town Centre Special Character Area' which makes up part of the larger Shrewsbury Conservation Area. The application affects all of the floors above the ground floor commercial shops currently occupied by Blacks.

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 it relates to an application made by the Council on land owned by the Council where the development is not in line with statutory functions.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Conservation (Historic Environment)

Principles of Scheme:

There is no objection in principle to the proposed new use of this centrally located building for student accommodation. It is not clear from the application however what if any modifications would be made externally to the building and this is of course important to assess given the building's prominent location within the Town Centre and the Conservation Area. Additional details in this regard are required. We would also recommend that all windows to student rooms are kept free of decoration/banners/flags etc. to ensure that the appearance of the building is maintained as such decoration could have a detrimental impact on the character and appearance of the area and the historic street scene.

RECOMMENDATION:

No objection in principle subject to further information regarding any external modifications proposed or required.

4.1.2 **SC Public Protection - Specialist**

Having considered the proposal I have no comment on this application at this time. I can confirm that the property is exempt from requiring a licence as an HMO under housing legislation having discussed this aspect with housing specialists within public protection.

4.1.3 **SC Drainage**

We have no comment from the drainage and flood risk perspective, regarding this proposal as there are no proposed changes to the footprint of the building.

4.1.4 **Shropshire Fire And Rescue Service**

No comment

4.2 **- Public Comments**

4.2.1 One letter received from a Town Centre resident summarised as follows:

- ☒ Commends the proposal to convert the unused office space in Mardol House to a hall of residence for students and that appropriate clauses to manage student behaviour are to be included in any tenancy agreements.
- ☒ Access to the Market Hall and its stalls via the staircase on the first mezzanine needs to be closed off so that all access to the Market Hall is denied when the market is closed.
- ☒ The plans for each of the floors show partitions between several rooms going across the windows which cannot be appropriate and will hazard the privacy and safety of the students and would also spoil the uniform appearance of the exterior.
- ☒ There is no mention of where refuse will be stored and how it would be collected.

4.2.2 Shrewsbury Town Council: No objection

5.0 **THE MAIN ISSUES**

Principle of the proposed change of use
Impact on the appearance of the building
Impact on local and residential amenity

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

6.1.1 This application relates to change of use of the upper floors of Mardol House from office space to student halls of residence to provide 85 units which is classed as a large HMO. Although this is a Sui Generis use it is a change of use to residential

accommodation. The residential accommodation is proposed in association with the arrival of 'University Centre Shrewsbury' in September 2015, a division of Chester University which will be based in Shrewsbury.

6.1.2 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 identifying Shrewsbury as the primary location for residential development. CS2 also supports development which promotes, protects and enhances the vitality and viability of Shrewsbury town centre. The university is expected to bring significant economic benefits to Shrewsbury and in particular the town centre economy.

6.1.3 The site is situated within a busy part of the Town Centre where there are predominantly retail or bar/restaurant premises. It will be within easy walking distance of the main teaching areas which are proposed to be located in the Guildhall at Frankwell. It is therefore considered that the proposed new use for this building is acceptable in principle.

6.2 **Impact on the appearance of the building**

6.2.1 No external alterations are proposed apart from a proposed Gas Meter Housing Unit. In dividing up the external space some partitions will abut existing windows but it is considered that this would not have any significant impact on the appearance of the building. The Conservation officer has commented that the student rooms are kept free of decoration/banners/flags etc. to ensure that the appearance of the building is maintained. However what students put up inside their rooms cannot be controlled but the display of banners, flags, posters or adverts on the exterior of the building would need permission.

6.3 **Impact on local and residential amenity**

6.3.1 There may be concern that the use of the building by students would result in noise and disturbance that might affect other occupiers of the building or local amenity. However this building is situated in a busy part of town and it is not considered that its use as a HMO would result in unacceptable noise and activity that would be discernible in this locality. In addition it cannot be presumed that the use of the building as a HMO would result in noise and activity any different to any other residential use of the building. There will also be clauses included in tenancy agreements to manage student behaviour. Students will also not have direct access to the Market Hall as access to the accommodation will be through the Managerial Suite adjacent to the Timpson shop, which will negate the need for use of the indoor market entrance. Consequently, access from Mardol House to the market via the first floor would be blocked avoiding any issues of security.

6.4 **Other Matters**

6.4.1 The proposal includes no parking provision and this is consistent with saved local plan policy T13, which discourages the provision of new parking within the Shrewsbury 'river loop', and is acceptable in this town centre location with good public transport. It is also noted that students are unlikely to own cars.

6.4.2 The proposed conversion will be subject to Building Regulations and also the Management of HMO Regulations 2006 legislation and this will ensure that the standard and maintenance of the accommodation is acceptable. Building Regulations approval would be required for the conversion works to cover the installation of additional plumbing and electrical works and to satisfy the requisite fire safety and acoustic standards. The Management of HMO Regulations sets out various responsibilities which landlords should comply with, including the provision of safety measures (e.g fire escapes, fire fighting equipment), a duty to provide waste disposal facilities and essential services such as water, gas and electricity and a general duty to maintain the living accommodation to an adequate standard.

7.0 CONCLUSION

7.1 It is considered that the proposed use of the upper floors of Mardol House as a house of multiple occupation is acceptable in principle in this sustainable location within Shrewsbury Town Centre. The site and building are deemed to be appropriate for the proposed use and adequate legislation is in place to ensure that the quality of accommodation provided is of an acceptable standard. The proposal would have no adverse impact on the appearance of the building or local amenity. The proposal therefore accords with the NPPF and Shropshire LDF policies CS2 and CS6.

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:

CS2 : Shrewsbury – Development Strategy

CS6 : Sustainable Design and Development Principles

Shrewsbury & Atcham Borough Local Plan (June 2001) Policies : Appendix 2 Car and Cycle Parking Standards.

RELEVANT PLANNING HISTORY:

11/03031/FUL Removal and replacement of existing windows with double glazed units to match existing GRANT 19th August 2011

List of Background Papers: File 15/00090/FUL

Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member: Cllr Andrew Bannerman

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 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.