

Committee and date

Central Planning Committee

12 March 2015

Development Management Report

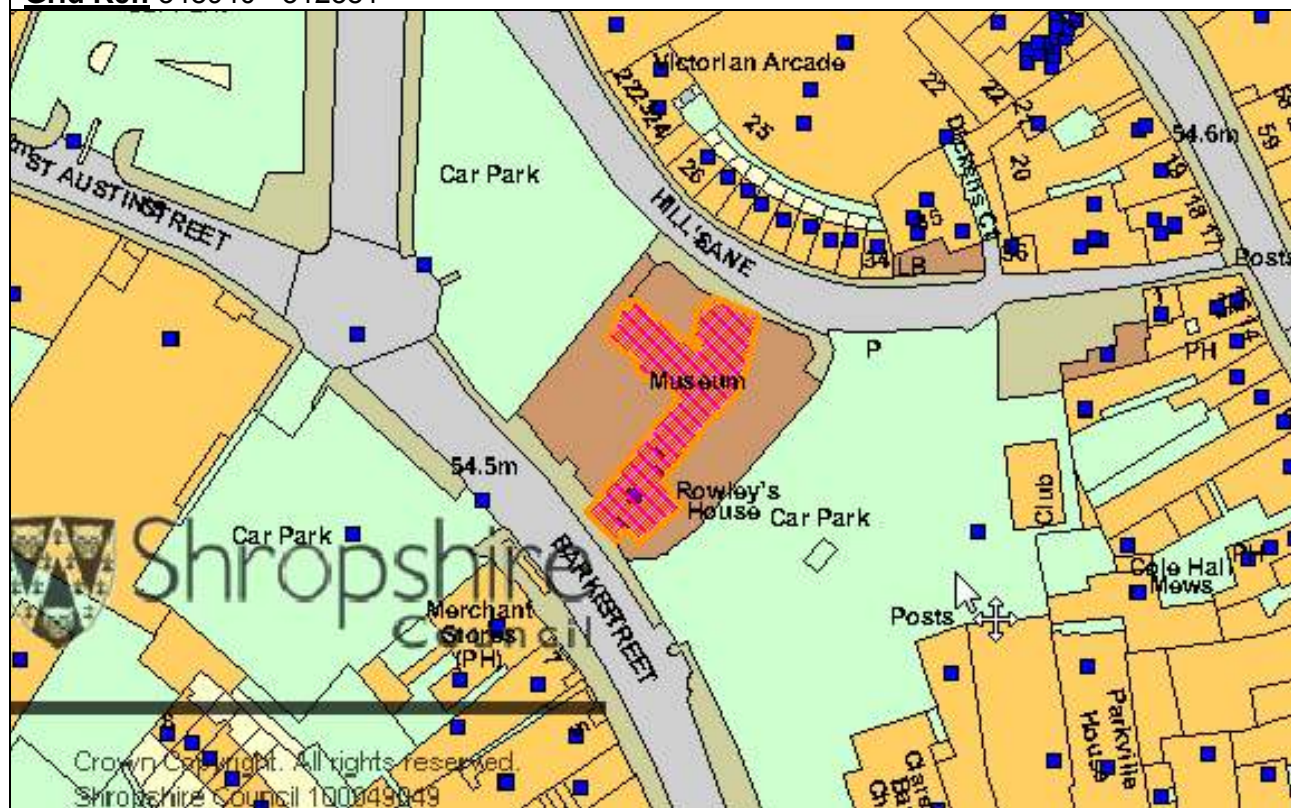
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Summary of Application

<u>Application Number:</u> 15/00066/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Change of use from current D1 (Museum) to D1 (Education and Administration)		
<u>Site Address:</u> Rowleys House Museum Barker Street Shrewsbury Shropshire SY1 1QH		
<u>Applicant:</u> University Of Chester		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 348940 - 312581



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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 from Museum to D1 (Education and Administration). It is proposed that the building will become the administrative hub for the University Centre Shrewsbury and initially for the first year or two it is planned that teaching on Post-Graduate courses will be held in this location. No internal or external alterations are proposed.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Mardol house is a Grade 2* listed building situated within the centre of Shrewsbury.

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

4.1.1 - Consultee Comments

- 4.1.2 There are no statutory consultees.

4.2 - Public Comments

- 4.2.1 Shrewsbury Town Council - SUPPORTS -Members are supportive of this application and are pleased that a significantly important building in a prime location will continue to be fully utilised. However, they ask that, providing it does not interfere with its use, an element of the building remains publicly accessible even if times are restricted i.e. tours on certain dates.
- 4.2.2 Shrewsbury Civic Society – SUPPORTS – Having a University in Shrewsbury might enrich the town and are delighted that this building has a sustainable further use and no external alterations are proposed that may affect the Conservation area.

5.0 THE MAIN ISSUES

Principle of the proposed change of use

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 This application relates to change of use of Rowleys House from D1 (Museum) to D1 (Education and Administration). The new use 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 which identifies Shrewsbury as the primary location for the provision of services and infrastructure in addition to commercial and residential uses. 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 CS8 (Facilities, Services and Infrastructure) promotes the provision and enhancement of facilities and services (including education) in appropriate locations that improves access to these facilities.

6.1.4 The site is situated within the Town Centre and is easily reached by public transport and is in easy walking distance of the train and bus station, buildings within the town centre that are to be used as student accommodation, and 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 represents sustainable development and is acceptable in principle.

6.2 Other Matters

6.2.1 **Parking** - 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 noted that students are unlikely to own cars and that staff can either use public transport or pay for parking adjacent to this site or the Guildhall.

6.2.2 **Impact on the building and Conservation Area** – the proposal includes no external or internal alterations so the character and appearance of the building and

its setting within the Conservation Area will be preserved. If any external or internal alterations are proposed in the future an application for Listed Building Consent will be required. Advert consent would also be required for any proposed signs.

7.0 CONCLUSION

7.1 It is considered that the proposed use of Rowleys House for Education and Administrative purposes is acceptable in principle in this sustainable location within Shrewsbury Town Centre. The proposal includes no alterations to the building and would therefore 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 CS8.

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

CS8 : Facilities, Services and Infrastructure

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

RELEVANT PLANNING HISTORY:

SA/79/1165 Restoration of Rowleys Mansion eventually to be used as a museum.
NOOBJC 21st January 1980

SA/08/1068/DDM Installation of a disabled access ramp PERCON 16th October 2008

SA/08/1067/DDM External alterations in connection with installation of disabled access affecting a Grade II* Listed Building PERCON 4th December 2008

11. Additional Information

[View details online:](#)

List of Background Papers: File 15/00066/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.