

Committee and date

South Planning Committee

8 September 2015

Development Management Report

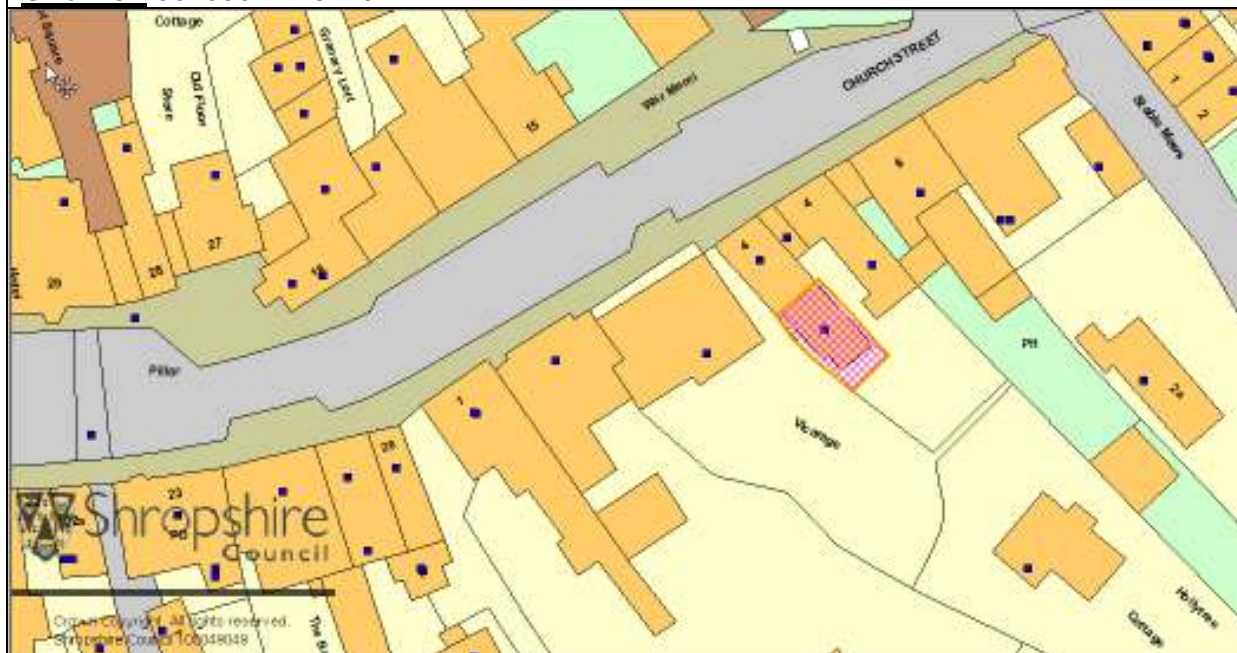
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 15/01977/LBC	<u>Parish:</u>	Cleobury Mortimer
<u>Proposal:</u> Listed Building Consent for works to facilitate the conversion of redundant Pharmacy Store once associated with a former Pharmacy from Use Class A1 to Use Class C3 Dwellinghouse		
<u>Site Address:</u> Proposed Dwelling Rear Of 4 Church Street Cleobury Mortimer Shropshire		
<u>Applicant:</u> Mr Gwilym Butler		
<u>Case Officer:</u> Emily Napier	<u>email:</u> planningdmsw@shropshire.gov.uk	

Grid Ref: 367390 - 275729



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Contact: Tim Rogers (01743) 258773

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

Recommended Reason for Approval

REPORT

1.0 THE PROPOSAL

- 1.1 Seeks the conversion of a redundant pharmacy store from Use Class A1 to Use Class C3 (Dwelling house)
- 1.2 Some modest works are proposed in order to facilitate the conversion; this is primarily the introduction of windows in place of doors. A porch was proposed however following objections from neighbours, the town council and Shropshire Councils Conservation team this was omitted from the plans.
- 1.3 The proposals related to this application also require full planning permission related to the change of use of the building, this assessment is made in a separate application under 14/01976/FUL.
- 1.4 The planning application was deferred from planning committee, however no grounds for deferral were related to the impact upon the character and appearance of the Listed Building.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The property to which this application relates is a modest structure forming a more recent addition to the rear on an existing A1 premise. The structure is a modest single storey extension at the rear of 4 Church Street. 4 Church is a grade II listed building occupying a prominent position on Church Street, within Cleobury Mortimer conservation area. The building is early C18 with later additions, and is constructed principally of brick under a tile roof with decorative ashlar details. The application concerns the single storey outbuilding attached to the rear of the building, previously used as a store room, which is accessed via a central passageway from the front of the building. The outbuilding is considered listed by virtue of being attached to the main listed building, although is a much later mid C20 structure, and does not in itself appear to be of any historic interest. However, works to this part of the building will result in an impact on the main listed building.
- 2.2 There are a number of residential units already accessed via the rear of 4 Church Street, there is one self contained flat adjacent to the building related to this application with a number of windows facing out towards to application building, the primary window that will most likely be visible from the application building serves kitchen/ living room area.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 Applications made, by or on behalf of, or relating to the property of Members or officers of the Council who hold politically restricted posts or who either directly or indirectly report to the Group Manager Environment.

4.0 Community Representations**4.1 Consultee Comments****4.1.1 Shropshire Council Conservation** – comments received 22nd June 2015

From visiting the site, it does not appear that the conversion will involve any works to the historic fabric of the listed building, and will solely involve works to the mid C20 outbuilding to the rear. The materials and finishes of the building currently have little cohesion with the main listed building, and therefore conversion of the building may be a good opportunity to improve its visual appearance. Therefore, generally no objection is raised to the proposals; however we would recommend that the following amendments could be made:

-As part of the conservation, improvements could be made to the visual appearance of the building by replacing the existing roof covering with either slate or plain clay tiles. This would allow it to blend better with surrounding buildings in the conservation area.

-The existing brickwork is also of little merit; therefore the proposed rendered insulation coating should improve the appearance of the building, and is supported. We would recommend that a system is considered which has a traditional lime finish, which would be appropriate to the adjacent listed building. Details are required of the texture and colour, and also how the render will be finished at ground and eaves level- however this could be secured as a condition.

-It is considered that the proposed porch will be visually intrusive to the courtyard/ passageway area to the rear of the building, and could be omitted in order to retain the existing linear building line.

-The proposed alterations to window openings, and the installation of patio doors to the gable are considered acceptable. All new windows should be flush fitting timber casements (without trickle vents). Joinery details could be secured by condition.

-Further improvements could be made to the setting of the listed building by replacing the existing concrete courtyard/ passageway with appropriate paving or sets.

Recommendation

Overall, no objection is raised to the proposed conversion, and providing consideration is made to the above recommendations; it is felt that this should preserve and enhance the character of both the listed building and conservation area, in accordance with parts 66 and 72 of the Planning (Listed Buildings and Conservation Areas act) 1990.

Case officer note: The comments were submitted prior to amendments and it is therefore considered that comments relating to the porch have been resolved.

Suggested conditions:

J5- Rainwater goods
J8- Roof details
C2- Material samples (for render coating)
J24-Joinery details

4.1.2 Shropshire Council Archaeology – Comments received 12th June 2015

The proposed development is located within the Medieval urban form of Cleobury Mortimer (HER PRN 05478) as defined by the Central Marches Historic Towns Survey, a group of tenement plots, south of Church Street (HER PRN 05473) and within a possible Anglo Saxon Minster enclosure tentatively based on stream and minor streets (HER PRN 05468). In light of this the proposed development site may have some archaeological potential and any below ground archaeological remains may to be affected by the construction of the proposed entrance lobby.

RECOMMENDATION:

In view of the above it is recommend that an archaeological inspection of the ground works for the proposed entrance lobby be made a condition of any planning permission for the proposed development. An appropriate condition of any such consent would be: -

Suggested Conditions:

No development approved by this permission shall commence until the applicant has notified Shropshire Councils Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide him/her with reasonable access in order to monitor the ground works and to record any archaeological evidence as appropriate.

Officer comments: The above condition was recommended prior to the omission of the porch from the proposals.

4.1.3 Shropshire Council Affordable Housing – Comments received 28th May 2015

Listed Buildings are noted as an exemption in the SPD Type and Affordability of Housing from the need to contribute to the provision of affordable housing as per Policy CS11 of the Core Strategy. Therefore no contribution will be required in this instance.

4.1.4 Shropshire Council Drainage – Comments received 27th May 2015

No objection informative advised.

4.1.5 Cleobury Mortimer Parish Council – Comments received 23rd June 2015

Cleobury Mortimer Parish Council OBJECT to both these planning applications due to the impact, especially from the proposed entrance lobby, on the amenity of the neighbours. This lobby would severely reduce the light to the property opposite and is proposed to be built on the communal access area. There are some anomalies in the application paperwork ie the property opposite has windows which will be directly overlooked and there will be works affecting both the interior and exterior of the building which is not noted in the application form. Council is also concerned with the Change of Use which will remove a business property from the town.

4.2 Public Comments

4.2.1 Two representations have been received in respect of the application, detailing OBJECTIONS to the proposals, full details are available on the planning file, a summary of the key material considerations raised is provided as follows:

- ❑ Impingement of light and privacy if porch and elevation is built by way of its height and proximity to adjacent dwelling.
- ❑ Former windows will be lowered, reducing privacy of opposite neighbour
- ❑ Bin stores not fundamentally necessary and will be a permanent intrusion into an area specifically designated in leases for an un-encumbered benefit of all occupiers.
- ❑ Building would be better used for the purpose it intended.
- ❑ Lack of amenity, parking will be exacerbated by the creation of a new dwelling.
- ❑ Three properties already occupied here, creation of an additional dwelling will be over crowding given limited access and number of inhabitants already occupying the dwelling space.
- ❑ Would have a marked effect on privacy, access for building operatives, emergency services and facilities in the Communal Area previously enjoyed by the present tenants which are included in the deeds to the property.
- ❑ Q10 applicant has answered no to works to interior/exterior when the formation of kitchen/ bathroom/ porch and doors and windows will involve such works.
- ❑ Q19 applicant has answered no to the question regarding the presence of trees when in fact there is a well established Perry Pear Tree which would affect the development.
- ❑ Design and Access Statement doesn't use plural for properties or gardens, could be taken to imply that existing premises are used by fewer people than they actually are.

5.0 THE MAIN ISSUES

Impact on the character and appearance of the Listed Building

6.0 OFFICER APPRAISAL

6.1 Impact on the character and appearance of the Listed Building

6.1.1 Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that, when considering whether to grant listed building consent for any works, or whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. In this context, "preserving", means doing no harm.

6.1.2 The proposals for this building provide necessary works which will improve the buildings function and provide for the use of the building as a residential dwelling which will safeguard the continued use and maintenance of a heritage asset in accordance with policy CS17 of the Shropshire core Strategy and Section 12 of the National Planning Policy Framework. Furthermore it does not appear that the conversion will involve any works to the historic fabric of the listed building, and will solely involve works to the mid C20 outbuilding to the rear. The proposed alterations are considered minor, and will provide necessary improvements to the building, through sympathetic installation of windows and doors, use of render and use of metal rainwater goods which will ensure the building has a more sympathetic appearance and one which is more in keeping with that of the Listed Building.

7.0 CONCLUSION

7.1 Overall it is considered that the proposed conversion should preserve and enhance the character of both the listed building and conservation area, in accordance with parts 66 and 72 of the Planning (Listed Buildings and Conservation Areas act) 1990. It is subsequently recommended that the application be **APPROVED**.

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

15/01976/FUL Conversion of redundant Pharmacy Store once associated with a former Pharmacy from Use Class A1 to Use Class C3 Dwellinghouse PDE

15/01977/LBC Listed Building Consent for works to facilitate the conversion of redundant Pharmacy Store once associated with a former Pharmacy from Use Class A1 to Use Class C3 Dwellinghouse PDE

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=NNW25QTDK8R00>

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) Cllr M. Price
Local Member(s) Cllr Gwilym Butler Cllr Madge Shineton
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 amended plans and drawings L (___) 001 REV B, L (___) 002 REV B, L (90) 000 REV D as received on 26th June 2015.

Reason: To ensure the satisfactory preservation of the Listed Building.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. **Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.**

Reason: To safeguard the architectural and historic interest and character of the Listed Building.

4. **Details of the roof construction including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.**

Reason: To safeguard the architectural and historic interest and character of the Listed Building.

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

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

5. The external materials (for render coating) shall match in colour, form and texture those of the existing building.

Reason: To ensure that the works harmonise with the existing development.

Informatives

1. This planning permission should be read in conjunction with planning application No. 15/01976/FUL, to which further/alternative conditions may be attached.
2. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.