



Appeal Decision

Site visit made on 11 August 2020

by **Helen B Hockenhull BA (Hons) B. PI MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 September 2020

Appeal Ref: APP/L3245/W/20/3248591

Mill Street, Wem SY4 5GB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr White, Millhouse Group against the decision of Shropshire Council.
 - The application Ref 17/01924/FUL, dated 25 April 2017, was refused by notice dated 27 September 2019.
 - The development proposed is the erection of two blocks of residential care home comprising 50.no units with communal facilities; formation of car parking; diversion of public right of way and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development I have used above, differs from that on the original planning application form. It is taken from the Council's Decision Notice and the Appeal Form. I have used this description as it better reflects the development proposed.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the Wem Conservation Area and the setting of nearby listed buildings;
 - the effect of the proposal on highway safety in particular the provision of off-road car parking.

Reasons

Heritage Assets

Character and appearance of the Conservation Area

4. The appeal site forms an area of vacant land which over time has naturally regenerated to comprise grass, trees and scrub vegetation. It is located at the southern end of the Wem Conservation Area. It lies opposite Wem Mill, a Grade II listed former corn mill now converted and extended to create apartments. Immediately to the north west corner of the site lies Mill House, a large two

- storey detached property in residential use. A public footpath runs through the site alongside the River Roden which is well used by the local community.
5. Wem Conservation Area comprises the central core of the town focusing on the linear development of buildings along the main roads running through it. The town has medieval origins and the settlement developed along the east west axis, now the High Street. It has historically grown from the centre. The High Street comprises a mix of two and three storey Georgian and Victorian buildings, some remodelled from their original timber framed form, built to the back of pavement. This gives the town a dense urban character. The significance of the conservation area lies in its architectural and historic interest.
 6. The bridge over the River Roden just before the appeal site and the bridge over the brook further along Mill Street create narrow points in the built form. The siting of the Mill and Mill House contribute to this narrowing and feeling of enclosure. The southern approach to the town is considered in the Wem Conservation Area Summary Character Appraisal document as a 'Gateway to Wem'. The appraisal describes the area as "a once thriving industrial area now mostly redundant, underutilised and under maintained. Sensitive enhancements are necessary for this approach to the town'. I note that the appraisal predates the conversion and extension of the Mill. This sensitive development has in my view enhanced this area, in line with the aspirations of the Character Appraisal.
 7. The appeal site forms an important area of verdant open space providing a transition from the later twentieth century residential development to the south and the denser historic urban grain of the town.
 8. The development proposes the erection of 2 blocks to form a residential care home. Block 1 would be sited in very close proximity to the western elevation of Mill House and would run parallel to the road adjacent to the Mill building and then turn south west to follow the river. Whilst the part of the building closest to Mill House would be single storey with a green roof, the remainder of the building would be three storeys with further accommodation in the roof space. When viewed from the south approaching the town, the proposed building would be taller than Mill House and due to its proximity would appear dominant and overpowering.
 9. I acknowledge that the 1874 Ordnance Survey map shows that there were buildings located within the appeal site to the west of Mill House. They were oriented overlooking the mill pond. The appellant's Heritage Statement includes a historic photograph showing that these were two storey buildings most likely associated with the Mill. Whilst they have all been demolished some years ago, it illustrates that this part of the appeal site has historically been previously developed and establishes the principle of development on this part of the site. It is notable that this former development had a much smaller footprint and was a similar height to Mill House, appearing subservient to the Mill. In contrast the appeal scheme comprises a substantial built development.
 10. The layout of the proposed development has been constrained by the parts of the site at greater risk of flooding. This has reduced the available area for development. As a result of its scale and the amount of built form proposed, the appeal scheme would provide limited space for car parking and landscaping.

11. The existing trees, grass and vegetation on the appeal site provide a verdant appearance to the Conservation Area when viewed from the south and also from the public footpath along the river to the west, contributing positively to its character and appearance.
12. The development proposed, would inevitably result in the loss of several of the existing trees, as detailed in the submitted Arboricultural Impact assessment, as well as part of the grassed area on the site. The scale of the development, the prominent position of car parking adjacent to the road, and limited new landscaping, would have an adverse effect on the character and appearance of the street scene and the conservation area. I acknowledge that significant planting and landscaping could impinge on the view of the Mill and Mill House from the south, making it more difficult to maintain their visual relationship and historic link. However, the scheme as proposed is minimal, resulting in a predominantly hard edge to the Conservation Area to the detriment of its character.
13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides a general duty in exercise of planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The National Planning Policy Framework (the Framework) in paragraph 193 states that when considering the impact of a proposal on the significance of designated heritage asset, great weight should be given to the asset's conservation.
14. The appeal scheme due to its scale and massing would not preserve or enhance the character or appearance of the Wem Conservation Area. It would, however, cause less than substantial harm to the Conservation Area as a whole. The Framework in paragraph 196, advises that in such a case, this harm should be weighed against the public benefits of a proposal. I shall undertake this balancing exercise in my conclusion on this first issue after I have considered the effect on the setting of the listed Mill.

Setting of nearby Listed Buildings

15. The appellant has suggested that as the Decision Notice did not refer to the relationship of the appeal proposals to the nearby listed buildings, the Council has no concerns in this regard. Whilst the Council does not refer to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in their first reason for refusal, the Council's view that there is harm to the setting is clearly stated. In any event, under the provisions of the Act, I have a statutory duty in considering whether to grant planning permission to have special regard to the desirability of preserving the listed building or its setting.
16. The Framework in Annex 2 defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings may change. This is certainly the case with the Grade II Listed Wem Mill. The appeal site now provides an important area of open space which contributes to and enhances its setting when viewed from the south and the west from the public footpath. It also defines the area of the former mill pond recognising the historic relationship between the two sites.
17. The appellant has raised concern that in referring to the loss of green space in their evidence, the Council is raising an issue which does not form part of the

reasons for refusal. However, this green space forms an important area in the consideration of setting and character and appearance. It is justified in my view for the Council to refer to it and address the impact of the development upon it.

18. The Grade II listed Wem Mill dates from the early 19th Century. It appears that the current building replaced much earlier structures. The Mill is four storeys high and has a modern extension to the west of a similar height. Its significance, the value it has to this and future generations, lies in its historic, and architectural interest.
19. Significance derives not only from a heritage assets physical presence but also from its setting. The appeal proposal would be of a height complementary to the Mill and other buildings in the vicinity at this southern end of the Conservation Area. Block 1 is set back from Mill Street. It provides a degree of space between the proposal and the Mill building and maintains key views. However, this space would be dominated by the hard surfacing of the car park, the access and refuse storage. A very small area of trees is proposed to screen the car park but this would be very minimal in extent. This would have a negative effect on the setting of the Mill.
20. Looking from the south, the proposed buildings would result in a more densely developed less open setting to the Mill and due to their proximity would visually compete with this heritage asset. From the public footpath, as it would be run alongside Block 2, views of the Mill would be channelled and dominated by the appeal scheme.
21. The overall scale and massing of the appeal scheme would significantly change the surroundings in which the listed mill is experienced and cause harm to the significance of the listed Mill through its setting. I consider that bearing in mind the overall impact of the scheme, this harm would be less than substantial.
22. The bridge over the River Roden is also a Grade II listed structure. The appeal proposal is of a sufficient distance to ensure that no harm is caused to its setting and therefore significance.

Heritage balance

23. As I have explained above, in line with the Framework, I must consider whether the less than substantial harm to the Conservation Area and the setting of the listed Mill building would be outweighed by the public benefits.
24. The proposal seeks to provide a residential care home and extra care apartments. The provision of accommodation for an aging population, enabling residents to stay close to the town, would be a significant positive benefit of the scheme. The proposal would make a contribution to the local economy during its construction and provide employment opportunities. Having regard to the temporary nature of construction jobs and the number of permanent jobs created, I attribute moderate weight to this benefit.
25. The development would make effective use of land and assist to tidy it up. It would also ensure the continued maintenance of this area of land including removal of invasive species such as Knotweed. It is acknowledged that the scheme retains the public footpath along the River Roden. Whilst the proximity of the proposed development would increase visual surveillance and security

for users, this short section of the path along the site boundary would be less attractive. I therefore give these benefits limited weight.

26. The Framework in paragraph 193, requires great weight to be given to an asset's conservation. Overall whilst I recognise the public benefits of the proposal, I consider that they do not outweigh the cumulative harm to the character and appearance of the Conservation Area and the setting of the listed Mill. The proposal would therefore conflict with the conservation objectives of Section 16 of the Framework, Policies CS3, CS6 and CS17 of the Shropshire Core Strategy 2011 and Policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev) Plan 2015. These policies amongst other things seek to enhance local distinctiveness and conserve and enhance the historic environment.

Highway safety

27. The access to the site is proposed to the south from Mill Street, leading to a 10-space car park. The Council are concerned that this level of provision would not meet the likely parking demand of the scheme.
28. I am advised that the Council does not have any current parking standards against which to assess the proposal. The appellant has submitted a Highway Assessment which estimates the number of care hours required for future residents. As staff would operate a shift basis, it is calculated that at any one time between 6 – 8 staff would be on site. I have no reason to doubt this assessment. The site is very accessible within walking distance to Wem and is on a public transport route. This provides alternative means of travel for staff and visitors other than the car. I am advised that the 2011 census indicates that around 67% of Shropshire residents travel to work as a driver of a car. This suggests that approximately a third of staff would not drive resulting in a parking demand of 4-5 spaces per shift.
29. The remaining 4-5 parking spaces would be available for visitors. On any occasion when on site capacity cannot meet demand, public car parking would be available approximately 100 metres north of the appeal site. The appellant has undertaken a parking survey which demonstrates that whilst there are parking restrictions in the vicinity of the appeal site, there is some availability of on street car parking on surrounding roads within walking distance. Based on the evidence before me, I consider that the provision of 10 parking spaces would be adequate to provide for the parking demands of the scheme. If additional parking is required on occasion, alternatives would be available in the locality.
30. In summary, I consider that adequate car parking would be provided, and the proposal would cause no harm to highway safety. The scheme would therefore comply with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev which amongst other things promote sustainable design principles.

Other matters

31. The appeal site lies within the environment network of Shropshire. Policy CS17 of the Core Strategy aims to protect and enhance such areas. The site also provides a foraging area for bats, a protected species and is located within 50 metres of a breeding pond for great crested newts.

32. The appellant in the submitted Environmental Network and Ecological Management Plan, suggests measures to reduce the impact on local biodiversity including the provision of an area of compensatory land within his ownership as mitigation for the loss of habitat resulting from the development. These measures would need to be secured through a legal agreement. Whilst the appellant has offered to enter into such an agreement, I have not been provided with one.
33. Whilst the need for ecological mitigation is discussed in the Council Officers report, this matter does not form part of the Council's reasons for refusal. This suggests it is not in dispute. Accordingly, I do not need to address this further.
34. The appellant has commented that the Council's pre application advice was framed in a positive way, at odds with the final decision. My reading of the advice however is that it raised policy issues that would need to be addressed and advised on technical work that would be necessary. Such advice is given without prejudice to the success or otherwise of any subsequent planning application. The Council is not required to explain why they have changed their position, rather they must provide evidence to support their final decision.

Conclusion

35. The appeal site is in an accessible location to the south of Wem. It is proposed to provide specialist housing which would contribute to the housing needs of the area. I accept that part of the site has historically been occupied by buildings and the development of the site presents an opportunity to provide enhancement to this 'Gateway to Wem'.
36. However, whilst I have concluded that the appeal scheme would result in no adverse impacts on highway safety, I have found that it would cause harm to the character and appearance of the Wem Conservation Area and the setting of the listed Wem Mill. This harm is not outweighed by the public benefits of the scheme therefore the proposal fails to achieve the conservation objectives of the Framework and the development plan.
37. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Helen Hockenfull

INSPECTOR