

Appeal Decision

Inquiry opened on 28 April 2015

Site visits made on 7 May 2015 and 23 September 2015

by Joanna Reid BA(Hons) BArch(Hons) RIBA

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

Decision date: 14/12/2015

Appeal Ref: APP/L3245/A/14/2226918

The Stew, Frankwell, Shrewsbury, Shropshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gallery Design and Development Ltd against the decision of Shropshire Council.
 - The application Ref 13/02708/OUT, dated 1 July 2013, was refused by notice dated 8 May 2014.
 - The development proposed is demolition of existing building, construction of new hotel, spa and restaurant.
 - The inquiry sat for 15 days on 28 April 2015 to 1 May 2015, 6 to 8 May 2015, 9 to 10 July 2015, 15 to 18 September 2015, and 22 and 24 September 2015.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the inquiry an application for costs was made by Shropshire Council against Gallery Design and Development Ltd. This application is the subject of a separate Decision.

Preliminary matters

3. The application was submitted in outline with access, appearance, layout and scale for consideration at this time, and with landscaping reserved for future consideration.
4. English Heritage *PPS5: Planning for the Historic Environment PRACTICE GUIDE Revision Note June 2012*, which is referred to in the Council's reason for refusal 1, has been withdrawn and superseded by English Heritage, now Historic England, *Historic Environment Good Practice Advice in Planning Notes 1, 2 and 3*. *Good Practice Advice in Planning Note 2* (GPA2) is relevant and was addressed by the parties at the inquiry.
5. Reason for refusal 1 also refers to the edge of the town centre location of the appeal site. The Statement of Common Ground agreed between the Council and the appellant dated 3 October 2014 says that the Council accepted that the proposed site was suitable on a sequential basis for the location of the hotel. So, I shall deal with this matter as agreed in that Statement of Common Ground.

6. The appellant's ecological consultant's report¹ was submitted during the appeal process. It confirms that during the preliminary roost inspection no evidence of roosting bats was found, either internally or externally, and subsequent survey effort, in line with best practice, documented no emergence or return of roosting bats to the structure at the appeal site. The report adds that, as there is no evidence to suggest the presence of roosting bat species, there should be no constraint upon the development proposals from an ecological perspective, and no further survey is considered necessary. Thus, it has been shown that, subject to the imposition of planning conditions if the appeal were to be allowed, there is no reasonable likelihood that protected species on or adjacent to the site would be adversely affected by the proposed development. The Council has since confirmed that it does not seek to defend its concerns in reason for refusal 2. As I do not consider that anyone's interests would be prejudiced, I shall deal with the appeal accordingly.
7. After the inquiry was closed, on 30 October 2015, the examining Inspector issued her *Report on the Examination into Site Allocations and Management of Development (SAMDev) Plan*. The parties were given the opportunity to comment on this in writing and the comments received have been taken into account.
8. I have used the convention adopted for the elevations in the application plans because the references to cardinal points vary in the representations. So, for example, what should be 'roughly north' is referred to as 'north'.
9. The appeal site is within Frankwell Special Character Area of the Shrewsbury Town Centre Conservation Area (Conservation Area). The existing building at the site, which is known locally as The Stew, would be demolished to make way for the proposed development. As the site is situated in a conservation area, in the exercise of my statutory duty I am required to take account of section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* as amended (LBCA) which states that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Main issue

10. From what I have said above, from my inspection of the site and its surroundings, and from the representations made at the inquiry and in writing, I consider that the main issue in this appeal is whether the proposed development would preserve or enhance the character or appearance of the Conservation Area.

Planning policy

11. The Development Plan includes the strategic policies of the March 2011 *Shropshire Council Shropshire Local Development Framework: Adopted Core Strategy* (CS). Paragraph 215 of the *National Planning Policy Framework* (Framework) says that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The relevant CS Policies are broadly consistent with the Framework.

¹ In letter form, written on 4 August 2014 but dated 4 July 2014, attached to Statement of Common Ground agreed between the Council and the appellant dated 28 April 2015.

12. CS Policy CS1 aims for Shropshire to flourish, accommodating investment and new development to contribute to meeting its needs and to make its settlements more sustainable. It refers to the emerging *Shropshire Site Allocations and Management of Development (SAMDev) Plan* (SAMDev) development plan document to which weight can be given in accordance with Framework paragraph 216. The relevant SAMDev Policies are generally consistent with the Framework, and as the SAMDev is at an advanced stage, they can be afforded some weight.
13. CS Policy CS2 seeks to pursue a comprehensive and co-ordinated approach to the planning and development of Shrewsbury. The approach, encapsulated by the Shrewsbury Vision² (SV), seeks to achieve a significant level of housing and economic growth, whilst protecting and enhancing the town's role, character and the unique qualities of its historic built environment. Shrewsbury will be a major focus of services to meet the needs of the town and its wider catchment area. In recognition of the special character of the town and its particular environmental challenges, the development of the town will have regard to, amongst other things, the promotion, conservation and enhancement of the town's historic features, heritage assets, and environmental quality, including the corridors of the River Severn and the town centre.
14. CS Policy CS2 and emerging SAMDev Policy S16 refer to the SV. As the SV is not an adopted supplementary planning document or supplementary planning guidance, it can be afforded comparatively little weight.
15. CS Policy CS6 aims for development to be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness. It aims to ensure that, amongst other things, all development protects, restores, conserves and enhances the built and historic environment and is appropriate in scale, density, pattern and design, taking into account local context and character, and those features which contribute to local character.
16. CS Policy CS8 seeks to facilitate the timely provision of additional facilities to meet identified needs in locations that are appropriate and accessible. CS Policy CS13 says that the Council will plan positively to develop and diversify the Shropshire economy, supporting enterprise and seeking to deliver sustainable economic growth. Emphasis will be placed on supporting the development and growth of Shropshire's key business sectors and clusters, including tourism. CS Policy CS15 aims to maintain and enhance the vitality and viability of town centres and to support the delivery of leisure facilities.
17. CS Policy CS16 seeks the delivery of high quality, sustainable tourism and leisure development, which enhances the vital role that these sectors play for the local economy, which benefits local communities and visitors, and which is sensitive to Shropshire's intrinsic natural and built environmental qualities. Emphasis will be placed on supporting new tourism development and leisure facilities, promoting and preserving the historic, heritage brand and values of Shrewsbury, and development of high quality visitor accommodation in accessible locations served by a range of services and facilities, which enhances the role of Shrewsbury as a tourist destination to stay.

² Broadway Malyan's February 2011 *Shrewsbury Vision Regeneration Framework* (SV)

18. CS Policy CS17 aims for development to identify, protect, enhance, expand and connect Shropshire's environmental assets. It seeks to ensure that all development protects and enhances the diversity, high quality and local character of Shropshire's built and historic environment, and does not adversely affect the visual, or heritage values and functions of these assets, their immediate surroundings or their connecting corridors.
19. CS Policy CS18 seeks for development to integrate measures for sustainable water management to reduce flood risk.
20. Emerging SAMDev Policy S16 seeks to encourage appropriate development and redevelopment that accords with the broad Development Strategy in CS Policy CS2 on suitable sites within the town's development boundary. It identifies the 'Heart' of Shrewsbury as a key area of change, where proposals for new development/redevelopments and enhancements should have regard to the principles, priorities and objectives of the SV, as appropriate, including aiming to support economic development and to protect and enhance heritage, environmental and conservation assets and deliver environmental improvements.
21. Emerging SAMDev Policy MD13, says that, in accordance with CS Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring that wherever possible, proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings, and ensuring that proposals which are likely to have an adverse effect on the significance of a non-designated heritage asset, including its setting, will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect. In making this assessment, the degree of harm or loss of significance to the asset including its setting, the importance of the asset and any potential beneficial use will be taken into account. Support will be given to proposals which appropriately conserve, manage or enhance the significance of a heritage asset.
22. The Historic Environment Supplementary Planning Document referred to in SAMDev Policy MD13 is not in place. The explanatory text to SAMDev Policy MD13 says that the Shropshire Historic Environment Record sets out Shropshire's non-designated heritage assets. It also says that emerging SAMDev Policy MD2 requires new development to respect, enhance or restore the historic context of buildings. Emerging SAMDev Policy MD2 seeks sustainable design, which contributes to and respects locally distinctive and valued character, and to embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place.
23. The November 1997 *Shrewsbury & Atcham Borough Council Planning Brief Frankwell Quay, Shrewsbury* (PB) is adopted Supplementary Planning Guidance. However, it attracts very little weight due to its age and conformity with then applicable Development Plan policy.

Reasons

Conservation Area

24. Shrewsbury is the county town of Shropshire and an important market town, which is set in the attractive rural landscape of the Welsh Marches. The extensive Conservation Area includes the historic core of the town, which is largely contained by a loop in the River Severn, and its mainly mediaeval and C19 suburbs.
25. The Conservation Area is mostly characterised by its historic street pattern and its wide range of listed and unlisted, historic and modern buildings that reflect the development of Shrewsbury as a military, administrative and commercial centre. It also includes some handsome buildings which reflect the town's development as a desirable place to live in the C18. Due to its large scale the Conservation Area is divided into a number of special character areas. The appeal site is within the Frankwell Special Character Area, which is roughly north-west of the historic core of the town, and on the opposite side of the River Severn to the town centre.
26. The rich variety of styles, forms and materials of the historic buildings, the successful integration of some modern buildings, the spaces, including the river, and the sloping topography, are important to the diverse and attractive appearance of the Conservation Area. Some buildings and spaces are not widely visible, but the sense of discovery as views unfold contributes to the town's allure as a tourist destination. The significance of the Conservation Area includes the splendid array of diverse mainly historic buildings and spaces, their relationships with one another, and the important specific contribution of each of its special character areas, which together illustrate its gradual development as a nationally important and outstanding historic settlement.

Frankwell Special Character Area

27. The Frankwell Special Character Area includes the part river-edged suburb of Frankwell, which is mainly reached from the town centre by the Welsh Bridge and 2 footbridges. The site is within the part of Frankwell that is now known as the Frankwell Quay area. The *Shrewsbury Town Centre Conservation Area Special Character Area Assessment Frankwell Special Character Area 10* (CAA)³ explains that Frankwell is thought to have grown up as a centre for free traders. During the 1600s it was a centre of commercial activity with barges unloading wine, tobacco, fruit and dye on Frankwell Quay. The wool trade was a major source of income, and the River Severn played a significant part in the development of that trade, as the navigable river made the transport of goods easier. The development of many different trades during the 1600s led to Frankwell becoming known as the 'little borough'.
28. Notable historian Barrie Trinder, in *Beyond the Bridges*, explains that Frankwell developed into an industrious working class suburb, with the traditional industries of Frankwell being the traditional manufacturers of market towns. These included maltings which continued throughout the C19, brewing, wool trading and wool-stapling, tanning, nail-making, warehousing, and workshops related to arable and pastoral farming. Frankwell accommodated some noisy and polluting trades, and varied cargoes were handled by its warehouses. The

³ First produced in about 1998 and updated in 2007

lively commercial suburb of Frankwell grew throughout the C19 and it reached its industrial peak during that time. Thus, regardless of when the river trade declined, the closeness of the river to the Frankwell Quay area was important to its early growth as a commercial and industrial suburb.

29. More recently, some of the relatively short-lived commercial and industrial buildings in the Frankwell Quay area of Frankwell, including the Atlas Foundry, and those between the Maltings⁴ and the Welsh Bridge, have made way for the Guildhall and Theatre Severn. However, 2 of the more robust buildings from this earlier period of commercial and industrial expansion, The Stew and the Maltings, which is nearby to the west, have endured. They are important as reminders of the former commercial and industrial area.
30. In Frankwell, the building styles vary, but the fairly shallow pitched mainly Welsh slate roofs, steeply pitched dormers, and skyline features such as gables, chimneys, and spires, complement the consistency in scale and massing of the older fabric which contributes positively to the character of the historic townscape. The CAA identifies 2 key architectural styles; mainly C16 and C17 timber-framed buildings, and, as the C18 progressed, the use of local hand made brick, which satisfied the fashion for flat symmetrical façades.

The Stew

31. Due to the generous width of the river close by, in views from Smithfield Road and from the nearby footbridge, The Stew enjoys a prominent open site to the north of the River Severn between the Guildhall and the Maltings, which has Theatre Severn nearby beyond it. In those views, the form and features of The Stew, and its open siting near the river, contribute to that perception that it is a historic warehouse with a connection to the river.
32. The Stew is a mainly 3-storey pitched-roofed broadly L-plan building. It includes 2 parallel north ranges, a south range about as wide as both of them, and a 2-storey outshoot at roughly right angles to the east of the south range. It grew in stages, and although there were differences between the parties about the interpretation of each element, its broad sequence of development was largely agreed. The parties also agreed that the north-west range was built as a house. The house range was extended with a warehouse extension to the east and then to the south, with the south-east outshoot some time around then, and at some time during the C19 the house was converted to become part of the wider industrial building.
33. The Stew illustrates that process of development, because although the house range can still be made out, its functional character and appearance are mainly those of an early to mid C19 warehouse. The plain brick walls, mainly slate roofs, vertically and horizontally aligned regularly spaced small segmental headed window openings, and the taking-in doors to all 3 floors with lucams, which are the gable-roofed hoists, are important to its commercial and industrial appearance. The use of robust traditional materials, strong gabled forms, simple alignment, and straightforward detailing and features are important to its historic functional character. The removed later extensions have left some marks, but its historic character and appearance is clear from its form and features.

⁴ Also referred to in the representations as Frankwell Quay Warehouse, The Glen, and the Glen Maltings

34. From Dr Baker's March 2000 *Frankwell Quay, Shrewsbury An Archaeological Evaluation*, by the end of the C19 The Stew was used by Potter Bros, manufacturers of waterproof wagon covers, rope and other industrial woven goods. Some painted signage from that time has survived on the north-east range. Photographs in that archaeological evaluation show that The Stew was probably extended during the 1930s to 1940s. The removal of these C20 extensions in the early 2000s has left some now external paint and render, but their demise has enabled the historic form and features of The Stew to be better revealed and appreciated.

The house

35. The mainly brick-built 5-bay 2-storey plus attic house range includes altered and blocked historic openings in its west wall, but the flat arched rubbed headers are extant. These, and other features including the stone quoins, plinth and string course, and the remnants of coped gables, show a broad symmetry in what was probably the front of the early to mid C18 house. Its likely age is supported by the Shrewsbury Civic Society's brick consultant's (the brick consultant's) evaluation which dates the bricks in the house range to the early part of the C18. The plain tiled west-facing roof slope includes 3 roof lights which may have replaced dormers. The house range has a broad 3 cell plan form, but apart from the canted chimney breasts, little of the interior has survived its conversion for industry.
36. Although The Stew has an overall robust functional character in views from the nearby roundabout in Frankwell, the scale and form of the former house is clear. The house range faces the Maltings, and its simple gabled form, use of materials, features, broad symmetry and domestic scale, are important to its character as a once handsome historic dwelling. Whilst the remnants of the former extensions presently detract a little, its character and fabric can be readily interpreted. Moreover, its scale, form, features, alignment, and materials contribute positively to its appearance.
37. The bricks could have been made some time before the house was built, or made using outdated production techniques, and the use of its style and features could have endured long after they first became fashionable in remote areas and/or where craftsmen built in their forefathers' traditions. However, similar early C18 buildings, such as Newport House, Dogpole, and dissimilar later C18 buildings, such as the Crescent, Town Walls, relatively close by in Shrewsbury town centre, make this less probable. Whilst the CAA says that the use of brick in the Frankwell area was not common until the late C18, its earlier use at The Stew would not make its use common. Moreover, even if the house had been built later in the C18, it would still reflect the pattern of architectural development within the town centre in the early to mid C18.

The maps and illustrations

38. The appellant's heritage witness's view was that the commercial and industrial extensions and conversion of The Stew happened after the river trade had declined. Without that link The Stew was simply another industrial building, of which there are other better examples in and around the town. On the basis of a number of historic maps and illustrations, including scaling from them and carrying out overlaying exercises, the appellant's view was that The Stew had taken various forms over the years, with extensions built at different times, parts demolished and others built to replace them.

39. However, paragraph 2.16 of the appellant's heritage statement explains that it was not until the latter part of the C18, when the need for accuracy was rendered paramount by the requirements of the Enclosure Awards and Tithing calculations that improvements in technologies for surveying and drawing maps came about. So, the argument, amongst others, that the rectangle on the 1746 Rocque map shows a building of 4 times the size of The Stew, on the basis of overlaying and scaling, attracts very little weight.
40. The earliest part of The Stew had been thought to be the house range, but the brick consultant's assessment was that the earliest visible brickwork, from around 1660, is a number of base courses around the south-east corner of the south-east outshoot. These may have been the base for an earlier timber-framed building as other similar buildings can be seen all round Frankwell, or an earlier brick structure which has since gone. As Frankwell is well known for its timber-framed buildings from that time the former option seems likely. Its loss and later part replacement would support the appellant's view about various phases of building and demolition, but at an earlier time than most of the standing fabric of The Stew. Also, due to its age, the Rocque map would not be expected to provide proof or not of this earlier structure.
41. Moreover, a function of a warehouse is to provide secure weather-resistant storage, hence, the use of robust materials such as brick and the few doors and small window openings. More ephemeral ancillary spaces, such as timber lean-tos, porches and covered yards may have come and gone. However, having regard to the expense and inconvenience of demolition and rebuilding for an active commercial venture, the brick-built warehouse sections are more likely to have been adapted and extended than pulled down and built elsewhere. The brick consultant's evaluation, which suggests the phased construction of the north-east and south ranges, supports this.
42. Regard has been had to the earlier maps and other illustrations, but due to the limitations of surveying and drawing before the late C18, and the potential for artistic license, especially in the larger panoramas where the focus of attention was not Frankwell, they attract little weight. The small scale of the versions of the 1832 Hitchcock map in the representations also weighs against its utility. However, the present plan form of The Stew broadly corresponds with the 1838 Wood map, although the attached building to the north has since gone.
43. Copies of 2 versions of the tithe map were put to me, one from the Shropshire Archives and the other from the National Archives. There are differences between them, and for the reasons given in the Council's rebuttal Proof of Evidence, which include that the original Shropshire Archives version is on linen and the original National Archives version is on vellum, it is likely that the Shropshire Archives version was a working copy, and was made before the National Archives version. The tithe map of the Township of Frankwell is a second class map, so it may have been based on an earlier map, such as the 1838 Wood map, and although the stamp on the National Archives version of the Tithe Map is dated 1851, its original base was probably made earlier. The Council's tithe map rebuttal Proof of Evidence, which shows that the tithe apportionment was subject to a prolonged dispute, supports this.
44. The purpose of the tithe maps was to establish parcels of land subject to tithe, so the buildings shown could be illustrative and indicative, acting like a key. Moreover, as ancillary domestic spaces such as yards were not subject to the

tithe, they could be included on the map as part of the inhabited building they related to. So, almost no weight can be attached to the differing dogtooth shapes on the 'gardens' plan of the Shropshire Archives and National Archives versions of the tithe map, or to the scale of the grey coloured non-inhabited part of The Stew on the Shropshire Archives 'gardens' plan. Also, it is highly probable that the 'gardens' plans on each version were drawn at about the same time as the main tithe map because they are on the same sheet, and they are directly referred to in the main map. Whilst the plan form of The Stew on the 'gardens' plan does not reflect the plan of the Stew on the smaller scale main map on each version, it was probably simply acting as a key. So, the 'gardens' plans on both versions of the tithe map are not suggestive of demolition and rebuilding.

45. The 1851 Tithe Apportionment records The Stew as a 'House, Garden, Orchard etc'. Non-inhabited parts of buildings were not relevant to the apportionment, and other non-domestic buildings were not necessarily described in it. So, the 'etc' could have included commercial and/or industrial use of part of The Stew. The grey coloured part of The Stew on the Shropshire Archives version of the 'gardens' plan supports this. Furthermore, the appellant's heritage witness accepted that neither the Wood map nor the versions of the Tithe maps would be expected to give evidence of the use of The Stew when they were made.
46. It is uncertain from some historic maps whether 'The Stew' or 'Stew' refers to nearby lanes, the area, or the building. So, without plans related to the earlier conveyances and deeds put in by The Residents of Frankwell and Mountfields (the Residents), they do not clarify when the non-domestic uses of the building began.
47. Whilst earlier dates for various parts of The Stew were put to me by others, from the historic maps including the 1838 Wood map and the main tithe maps⁵, the brick consultant's evidence, and from the character and appearance of the standing fabric, it is likely that the north-east range dates from at least around 1820 to 1830, and the south range from at least around 1830 to 1850. The 1882 and 1902 OS maps are consistent with that plan form. So, there was no dispute that The Stew, broadly in its present plan form, existed by 1838, and the appellant's heritage witness accepted in cross-examination that it could have been there by 1835.

The river trade

48. Around the start of the C17 wharves were constructed in Frankwell and on the opposite, town-side, bank of the River Severn at Mardol. The Old Welsh (or St George's) Bridge (part of which is now under Theatre Severn) was taken down after the present Welsh Bridge was opened in about 1795 a little further downstream (west). It is common ground that the main quay in Frankwell was also relocated further downstream around then, but still upstream of the Welsh Bridge. However, in 1809 the first dedicated tow path was built between Coalbrookdale and Shrewsbury, and the Mardol Quay also continued to operate beyond then. So, the new Welsh Bridge did not stop the upstream use of the river for trade.
49. Seasonal fluctuations in river levels affected the effectiveness of the Severn as a trading route. Even so, in *Reflections on the Surface illuminating the*

⁵ The top part of the National Archives version and the right hand part of the Shropshire Archives version

Severn's History (Reflections on the Surface), Barrie Trinder records that that the river trade increased during the 1820s (with 288 upstream journeys per year 1815-1820, and 363 upstream journeys per year 1825-1830), and only started to decline with the coming of the Canal Junction in 1835 (with 80 upstream journeys per year 1850-1855). So, although the river only took about one vessel per day between 1838 and 1849 that does not show that the river trade was in decline, because when the river was at its busiest an average of only 7 vessels a week passed upstream. Even after then, the river trade continued with 17 watermen listed in the town in the 1841 census. So, even with the coming of turnpike roads and canals, the river trade did not decline significantly until after about 1849 when the railway came to Shrewsbury. As the river traffic was at its peak between 1820 and 1835, this could have provided the spur for the warehouse extensions to The Stew.

50. Furthermore, Union Wharf, in St Mary's Water Lane in another part of the town, was built between 1823 and 1826, on a wharf facing the river. Irrespective of its purpose around a decade or so later, because at least part of its reason for being there is likely to have been the river trade, the building of the Union Wharf supports the view that warehouse extensions to The Stew were built when the river trade was active. From *Reflections on the Surface*, the trade in merchandise continued up until the 1840s, and there was, until after the 1850s, a regular pattern of trading in agricultural products centred on fairs featuring hops and cheese. So, The Stew could have been used for commercial warehousing related to the river trade.
51. The purpose of the 1832 'Telford' plan was to show proposed works to the Welsh Bridge and proposed shorelines. It does not show a quay on the Frankwell side of the river near The Stew, and only some features, which it seems would have helped to locate those works, are shown. Whilst the accompanying text says that the re-shaping of the river channel 'may be accomplished at a moderate expense, as little valuable property is interfered with', the proposed shoreline on the Mardol side cuts through a wharf, so this comment does not imply that there was no wharf on the Frankwell side.
52. As the naming convention for the 'Telford' plan is not known, and 'Malt-House' refers to a building which was built as a commercial building (a maltings), 'Stew-House' does not imply that The Stew was a dwelling. The depths of the Stew-House, Malt-House and Glen-House are not shown. So, their part outlines show their ends, or what would have been seen from the riverbank when carrying out the shoreline works, probably for reference. Thus, the part outline for The Stew could have included timber lean-tos or yard walls which have long gone. The brickwork in the south-east corner of the south range supports that view because the outline of a former lower wall in line with the south gable can still be made out. Moreover, whilst Thomas Telford was a skilled surveyor, the plan was drawn by J Bell, or another, so its accuracy is unknown. So, the 'Telford' plan cannot be relied upon as evidence or not of a quay in this part of Frankwell, or for the plan form or use of The Stew then.
53. After the construction of the Welsh Bridge, reclaimed land upstream of the bridge on both sides of the river was offered for the construction of new warehouses, and the Maltings was built on such land in the early C19, well before the coming of the railway to Shrewsbury. So, even if there was no quay on the Frankwell side thereabouts it did not discourage development. The reclamation works would have meant that The Stew was further from the river

than before. However, even if there were no quay or wharf in this part of Frankwell, its relationship to the river would have provided a commercial benefit because access to the river would have been possible, albeit by way of a plank from a vessel to the riverbank. As The Stew was also relatively close to the main Frankwell Quay it could have gained a commercial advantage from that.

54. Furthermore, the CAA describes the cramped and overcrowded tenements in Frankwell during the C19. Despite the acute pressure on land, the historic maps show that open access to the river was maintained even when the rest of Frankwell became densely developed. The yellow-orange marking of the road between The Stew and the Maltings on the National Archives version of the tithe map indicates that a public road led towards the river, and the OS maps from 1882 onwards show that open access to the river to the west of The Stew has been available, whether or not it was a right of way. That route remains open today, with a small boatyard nearby and boats able to use the slipway.

Significance

55. From the maps and illustrations, and the history of the river trade, there was no definitive evidence to show that The Stew was directly connected with the river trade, and it was not sited on a quay. However, the maps show The Stew had been extended at least by 1838, and its character, appearance, alignment and open siting close to the river, allow the reasonable interpretation that it is a historic riverside warehouse. The history shows that the close relationship of the river to Frankwell was important to the initial development of the Frankwell Quay area as a lively commercial and industrial suburb which grew throughout the C19. So, whether or not The Stew was directly connected with the river trade, it acts as a reminder of the use of the river as a trading route and Shrewsbury's historic role as an inland port. It provides prominent visible evidence of the former hub of commerce in the Frankwell Quay area, which was important to Frankwell. It was also important to Shrewsbury as a whole because the river port was initially centred on both sides of the river at Mardol and at Frankwell.
56. The Framework defines significance (for heritage policy) as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.
57. The building fabric of The Stew, including its bricks and roof construction, holds evidence of its age and origin. The understated diversity within its phases of growth in a limited range of styles, techniques, and traditional building materials, allows the gradual development of the standing fabric to be understood. So, The Stew has archaeological value.
58. The simple but subtly different pitched-roofed forms contribute to the elegant character of the house and the functional character of its warehouse extensions. The contrast between the taller openings with their mellow red flat-arched rubbed headers in the house range, and the blue/purple faced brick segmental heads and sills of the smaller squarer openings in the later extensions, allow its domestic and work-related phases to be appreciated. The historic form and values of The Stew have not been eroded by its warehouse extensions because they tell the story of the building's development. The human scale and functional detailing of its features, including the vertically aligned taking-in doors to each floor under the lucams, allow its function as a

historic workplace to be understood. The classical-style town and river-facing pediment and painted signage contribute to its historic commercial character. Thus, the form and features of The Stew are important to its character, appearance and architectural value as a historic workplace and former dwelling.

59. Moreover, in terms of its aesthetic architectural value, the colours and textures of its materials including the mellow bricks, dressed stone, clay tiles and slates harmonise with the broad palette of mostly traditional building materials and pitched roofed forms, which contribute positively to the appearance of the Conservation Area, and to the sense of place in Frankwell and Shrewsbury. So, whilst the phases of growth have given diversity to the form and features of The Stew, its use of materials has bound them together into a harmonious unified composition which contributes positively to local distinctiveness.
60. The house range at The Stew broadly reflects and illustrates the gradual development of the town as a place to live in the C18, and the warehouse extensions illustrate the historic commercial and industrial development of the Frankwell Quay area during the early part of the C19. From the historic photographs in the Residents' and the Shrewsbury Civic Society's witnesses' evidence, The Stew is also a reminder of the style and character of domestic and industrial buildings which were once more common in this part of the town. So, its rarity in Frankwell contributes positively to historic value. It has communal value for the people and organisations who attach importance to it, including some who have made representations, and for those for whom it holds memories of their past experience. Thus, The Stew has historic value as a historic commercial and industrial building which includes an attached converted house, which is illustrative of important phases of the growth of Frankwell and Shrewsbury, and Shrewsbury's historic role as a river port.
61. Furthermore, The Stew and the nearby Maltings are now set between relatively large modern buildings. The contrast between the contemporary character and appearance of Theatre Severn and the Guildhall within their settings enhances the historic character and appearance of The Stew and the Maltings.
62. Due to its archaeological, architectural and historic values, The Stew has significance meriting consideration in planning decisions. Its illustrative value is important because it helps the area and this part of the town to be interpreted. Thus, The Stew makes an important positive contribution to the character and the appearance of the Frankwell special character area, which is important to, and integral to, the Conservation Area as a whole.
63. Few warehouses from the time of The Stew have survived in Frankwell, and the only other one that the appellant's heritage witness could point to was the Maltings. However, the Maltings differs from The Stew because it was purpose-built as a maltings. Historic England's witness explained that The Stew is particularly important to keep because it embodies the long history of Shrewsbury owners 'living over the shop'. An interested party explained that adaption of buildings to meet new needs, such as the shops and offices in former houses in the town centre, is a characteristic feature of the town. This legacy has contributed to the panoply of historic buildings that are important to Shrewsbury's attractiveness for tourism. Because tourism is important to the local economy, the conservation of heritage assets has made a positive

contribution to the sustainability of the community including its economic viability in line with Framework paragraph 131.

64. The Residents' historic and more recent pictures show that the conversion of the Union Wharf, including its remodelled form and fenestration, has sustained little of the functional character or appearance of its historic warehouse. By contrast, the historic character and appearance of The Stew has endured. Because The Stew enjoys a prominent riverside setting in views across the spacious river from Smithfield Road, and from the nearby footbridge over it, The Stew makes a significant contribution to the Conservation Area as a whole. Thus, I consider that The Stew is important to, and integral to, the significance of the Conservation Area, and that The Stew makes an important positive contribution to the character and the appearance of the Conservation Area which it is desirable to preserve or enhance.
65. In relation to the surroundings of The Stew, the appellant's architectural witness explained that the 'massive' Theatre Severn and the 'gargantuan' Guildhall are considered to be buildings of inappropriate character, scale and form. Attention was drawn to Framework paragraph 127, which says that local planning authorities should ensure that the concept of conservation is not devalued through the designation of areas that lack special interest. However, their sites were part of the Conservation Area when they were designed, and the Council, and in the case of the theatre, English Heritage as well, have found both buildings to be acceptable.
66. The Guildhall and Theatre Severn are relatively large modern buildings which accommodate relatively large modern functions. Even so, their form, massing and use of materials moderate their scale. Both are broadly sympathetic to the finer grain traditional buildings around them, including The Stew and the Maltings. Their form and massing also softens the transition between the suburban character of Frankwell and the larger more recent developments, including the hotel and shopping centres nearby on the opposite bank of the River Severn, which are also within the Conservation Area. The difference in scale between Theatre Severn and the Guildhall and the traditional buildings in Frankwell contributes positively to the diversity in the townscape. This is reflected throughout the Conservation Area in other landmark buildings including the castle, the abbey, St Alkmund's and St Mary's churches, and the railway station.
67. Although not echoing the historic proportions of traditional warehouses, the massing of the Guildhall harmonises with its surroundings including The Stew and the Maltings. Its architectural vocabulary reinterprets the gabled roofs, materials and detailed design of The Stew and the Maltings in a contemporary way. Its character and appearance should benefit it admirably for its new life as University Centre.
68. The tall Theatre Severn fly tower and its generous entertainment spaces are moderated by the lower scale, more modest form, massing, and materials of other parts of the theatre complex around it, and its form embraces the historic Methodist Chapel. So, this functionally important and prominent landmark building, which is by a main route into the town over the Welsh Bridge, is also nestled into its townscape surroundings. Its use of materials has drawn inspiration from the more ephemeral industrial buildings it replaced in a refreshingly modern but locally distinctive manner.

69. The Guildhall and Theatre Severn reduce in scale towards The Stew and the Maltings, so they draw attention to these historic buildings in views from Smithfield Road, the nearby footbridge, and the nearby roundabout in Frankwell. Thus, they sustain the diversity and mostly harmonious relationships between buildings of different functions and eras, which are important to the character and the appearance of the Conservation Area, and to its significance as an outstanding historic settlement. So, this part of the Conservation Area is not defined by overly large and intrusive buildings but by the hierarchy in its buildings and spaces, and the diversity in its townscape.
70. Because The Stew and the Maltings are sited between these larger buildings, they maintain the human scale in the street scene between them leading to the river, which contributes in an important way to the historic character of the Conservation Area. Moreover, together, these historic buildings frame the view of the historic core of the town rising up the hill across the river from Frankwell in a sympathetic and apposite way.
71. The Stew is not locally listed or identified as a positive contributor in the CAA. However, the Residents' historic buildings and archaeology witness explained that more recent developments in conservation practice mean that the more humble buildings, and not just the great and the good, are now valued. Paragraph 5 of GPA2 says that non-designated heritage assets include those that have been identified in a Historic Environment Record (HER), and The Stew is included in the HER. Whilst doubts were expressed about the nature of documents in the HER, the advice in GPA2 is that a wide range of documents are suitable for an effective HER.
72. Moreover, Framework paragraph 128 says that as a minimum the relevant HER should be consulted when describing the significance of any heritage assets affected, so it is only a first step in assessing significance. As The Stew is included in the HER, it is also a non-designated heritage asset in terms of the emerging SAMDev. Because The Stew has been identified by the local planning authority as having a degree of significance meriting consideration in planning decisions, because of its heritage interest, it is a non-designated heritage asset. This was accepted by the appellant's heritage witness. Moreover, because of the importance of the development of Shrewsbury in relation to the Marches and the Midland region, I agree with the Council's heritage witness that The Stew has regional significance as a non-designated heritage asset.
73. English Heritage found that The Stew lacked sufficient special architectural or historic interest to warrant statutory listing in roughly 2000, 2005/6 and again in 2014, so the comments in its advisers' reports were relevant to that purpose. Reports by the same English Heritage Inspector on the same day for The Stew and the Maltings differ as the latter refers to the Conservation Area and the former does not. As The Stew's value to the significance of the Conservation Area was not the purpose of those reports, they do not alter my findings. Furthermore, English Heritage's letter to The Planning Inspectorate of 6 November 2007 for the withdrawn appeal ref APP/B3220/A/07/2055794 for The Stew says 'It is thus our judgement that the building contributes positively to both the character and the appearance of the Shrewsbury Conservation Area'⁶. For the reasons I have given, I agree.

⁶ The Residents' Statement of Case Appendix 59

74. The appellant's heritage witness says that The Stew is beyond practical repair and that the works needed to restore it would result in a fake building. However, it is common ground that, if The Stew were to be kept, only a fairly small proportion of its external brickwork would need to be replaced, even if the roughly 5 m stretch of the east wall were to be rebuilt in response to the appellant's structural engineer's concerns. A greater proportion of the stone quoins would need repair or replacement but they are a small part of its external fabric. With an appropriate scheme and sensitive conservation techniques, the repairs would become part of the building's history, so they would sustain the character and should enhance the appearance of The Stew.

Harm

75. The Stew would be demolished to make way for the proposed development. Framework paragraph 138 explains that loss of a building which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.
76. If The Stew were to be lost, although it is important and integral to the Conservation Area, the historic core of Shrewsbury, including its many listed and historic buildings, street pattern and spaces, which help to tell the story of its development, would remain. So, the significance of the Conservation Area as an outstanding historic settlement, although harmfully damaged by the loss of The Stew, would endure. In other words, the harm would not be such that very much, if not all, of the significance would be drained away from the Conservation Area as a whole. So, substantial harm to, or total loss of the significance of, the designated heritage asset, would not arise. Whilst the harm that the loss of The Stew would cause would be considerable, in the terms of the Framework it would amount to less than substantial harm to the Conservation Area as a whole.
77. Furthermore, because The Stew would cease to exist, neither the character nor the appearance of the Conservation Area would be preserved or enhanced. It would be contrary to CS Policies CS6 and CS17, emerging SAMDev Policies MD2, MD13 and S16, and the Framework. The demolition of The Stew would also cause the total loss of its significance as a regionally important non-designated heritage asset for ever, which would also be contrary to relevant local and national policy.
78. Attention was drawn to the considerable number of listed buildings in the Conservation Area, and that The Stew is not one of them. However, their presence and number does not alter my findings, because it is the impact of the loss of The Stew on the significance of the designated heritage asset that has been taken into account.

The demolition

79. After the demolition of The Stew, the resulting empty site would be an unsightly townscape gap which would harmfully erode the significance of the Conservation Area as an outstanding historic settlement. Moreover, it would fail to preserve or enhance the historic grain and urban texture, and the positive contribution of The Stew's forms, features and use of materials to the

character, and the appearance, of the Conservation Area. This would be contrary to CS Policies CS6 and CS17, emerging SAMDev Policies MD2, MD13 and S16, and the Framework. So, the appellant has entered into a planning obligation in the form of an agreement which seeks to ensure that The Stew would only be demolished if arrangements are in place to make certain that the proposed development would be built. This is broadly in line with the advice in Framework paragraph 136.

80. Framework paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Optimum viable use

81. The appellant's view is that 'its' optimum viable use refers to the designated heritage asset. Where the impact relates to a Conservation Area, through demolition of a heritage asset within that Conservation Area, it is impossible to read the policy as requiring a viability assessment of the very thing that is lost. Alternatively, a viability assessment in respect of the Conservation Area as a whole is beyond the scope of planning. So, 'including securing its optimum viable use' is not applicable in the case of a Conservation Area. Thus, the appellant's case could simply rely on public benefits to outweigh any harm or loss, and it has not sought to demonstrate optimum viable use of the Conservation Area in any event.
82. The Council's view is that the sensible application of Framework paragraph 134 is to consider the optimum viable use 'of the site' meaning 'of The Stew' as a part of the Conservation Area. Even so, that is not what the words in the Framework say, and I must deal with the Framework as it is written.
83. Whilst Framework paragraph 134 does not require a viability assessment of The Stew, Framework paragraph 131 says that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. As The Stew is a non-designated heritage asset, Framework paragraph 135 says that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. As the proposal includes the total demolition of The Stew, all of its significance as a non-designated heritage asset would be gone. Because a proposal that would cause less harm to The Stew than its complete demolition would be more likely to conserve the non-designated heritage asset in a manner appropriate to its significance, viable use of The Stew is capable of being relevant.
84. In respect of the designated heritage asset, that is the Conservation Area, Framework paragraph 132 says that any harm or loss should require clear and convincing justification. Because the proposal includes the total loss of The Stew's positive contribution to the character, the appearance and the significance of the Conservation Area, the viability of a proposal that would cause less harm to that small part of the designated heritage asset is also capable of being relevant. This is consistent with the statutory duty in section 72 of the LBCA. It is supported by national Planning Practice Guidance (PPG) paragraph ID: 18a-015-20140306, which advises that the optimum viable use is the one likely to cause the least harm to the significance of the asset.

The proposed development

85. Framework paragraph 132 also explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The Framework Glossary defines conservation as the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance. Conservation Areas change over time, and redevelopment in the Frankwell Quay area including the Guildhall, next door, and Theatre Severn, close by, has contributed to such change.
86. The Design and Access Statement (DAS) says that the site is currently occupied by a derelict brick factory building which is in very poor condition detracting from the high quality surrounding buildings. It explains that the scheme would take reference from the materials and proportions of the surrounding buildings. It adds that the proposed main block 'warehouse' and brickwork façades with 'punch hole' windows would be reminiscent of warehouse architecture. The appellant's architectural witness, who was not the designer of the scheme, says that the proposal would reflect the modern outlook of this phase of the town's history and that it would make a C21 contribution to the history of architecture in the town.
87. The proposed development, up to 6 storeys tall, would take up most of its irregularly shaped site. It would be taller than the nearby ridge of the Guildhall, but not as tall as the fly tower of Theatre Severn, and its materials would include brick, glass and metal. The restaurant, function suite and some guest rooms would benefit from generally open views towards the river, with the town beyond. At least by day, the mainly glazed top storey of the hotel with its shallow pitched inverted roof would have a lighter appearance than the floors below. However, after dark, lighting inside the top floor would be likely to draw attention to the great height of the development, and blackout blinds to overcome this effect could not reasonably be controlled by condition. The lower partly metal clad east wing would be subservient to the main hotel form, stepping down towards the eaves of the Guildhall.
88. Due to their form and scale, the Guildhall and Theatre Severn provide a sympathetic setting which enhances the heritage values and significance of The Stew, and the Maltings nearby. By contrast, due to its great height and bulk the proposal would harmfully increase the presence of large modern buildings in the immediate area. Thus, it would erode the heritage values of the Maltings and diminish the standing and prominence of Theatre Severn and the Guildhall.
89. Because of the siting of the Guildhall and Theatre Severn, The Stew and the Maltings provide an important visual link between the historic townscape in the heart of Frankwell and the historic core of the town, thereby revealing the significance of the wider Conservation Area. The proposal would harmfully diminish this important link. Moreover, the 2 historic buildings, which presently maintain the scale and texture, which contribute positively to the character and the appearance of the historic townscape, would be reduced to one. So, the important heritage focus of the views from Smithfield Road, the nearby footbridge and the nearby roundabout in Frankwell, would be unacceptably eroded.
90. Although the scheme seeks to reinterpret warehouse architecture, The Stew, which is more prominent than the Maltings, and which contributes positively to

the area's historic functional 'warehouse' aesthetic, would be gone. Whilst the design of the proposal aims to translate positive features of the locality into a new design solution, a person looking at and experiencing the scheme would not be reminded of the historic commercial and industrial area, or of the historic importance of Shrewsbury as a port on the River Severn, or of the earlier phase of residential development in the town. Because the scheme would harmfully disrupt the interpretation of the historic townscape it would unacceptably damage the significance of the Conservation Area.

91. Furthermore, due to its height and siting between 2 prominent and important existing buildings, Theatre Severn and the Guildhall, the proposal would have little of its claimed landmark value. Because of its unsympathetic bulk and discordant height, it would also fail to complement the consistency in scale and massing of the older fabric which contributes positively to the character and the appearance of the historic townscape. For the same reasons, the proposed development would have a detrimental overbearing effect on the Maltings. Thus, the development would fail to make a positive contribution to local character and distinctiveness that would be desirable, as sought by Framework paragraph 131.
92. Therefore, I consider that the proposal would fail to preserve or enhance the character or the appearance of the Conservation Area. It would be contrary to CS Policies CS6 and CS17, emerging SAMDev Policies MD2, MD13 and S16, and the Framework. Because the proposal would fail to conserve the Conservation Area in a manner appropriate to its significance as an outstanding historic settlement, the harm that it would cause attracts considerable importance and weight. Having regard to the relative significance of The Stew and its important contribution to the significance of the Conservation Area as a whole, the harm that the proposal would cause is afforded very considerable weight.

Public benefits

93. PPG paragraph ID: 18a-020-20140306 advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the Framework (Paragraph 7). The description of the application includes a 'new hotel', the plans show that it would have 42 hotel rooms, and the DAS explains that a 4* boutique hotel is envisaged. The appellant's valuation witness described a 'boutique' hotel as a hotel catering for a 'particular niche' market, and for customers 'looking for something special'. It would also be a place to stay where guests could be 'pampered', hence the spa and leisure facilities.
94. Whilst no CS policy specifically seeks a hotel in Shrewsbury, and it is not a key priority in the emerging SAMDev, the Council has accepted that the proposal would offer some economic benefits, including benefits for tourism, which would weigh in its favour. So, the Council has not raised concerns in its reasons for refusal about CS Policies CS1, CS2, CS8, CS13, CS15 and CS16, despite the tension between economic and environmental matters in some policies, including CS Policies CS2 and CS16. I see no reason to disagree.
95. Hotel Solutions' June 2007 *Shrewsbury Hotel Futures Final Report* (HSR) was part of the evidence base for the CS. Although the HSR helps the economic benefit from hotels to be appreciated, it is not a planning policy document, so it can be afforded relatively little weight. Even so, its advice included that policies should be permissive of destination hotel development in the wider

area/countryside, particularly where they are building on existing facilities such as golf courses or securing a new use for a building of character. It also says that, given the identified need to upgrade and potentially reposition and expand existing hotels, policies should actively encourage this, especially where there is an opportunity to capture new markets. Whilst the proposal aims to achieve a destination hotel and to capture new markets it would not be sited in the wider area/countryside, it would demolish rather than secure a new use for a building of character, and it is not for an existing hotel.

96. The HSR summary identified immediate potential for a boutique hotel in 2007, and its forward strategy says that attracting a boutique hotel to Shrewsbury town centre is a priority in terms of supporting the town centre and visitor economic strategies. However, in contrast to 'a character building in the historic core, with an attractive environment and easy access to facilities around it which would best fit operator requirements', the proposal would replace an existing character building with a new development.
97. The HSR sets out growth projections for hotel development in Shrewsbury. The medium growth projection to 2016 was 148 additional hotel rooms. Since the HSR was published the Council's commercial witness confirmed that about 159 new hotel rooms have been provided. So, there is no demonstrable quantitative need for more hotel rooms, or for more hotel development, in Shrewsbury.
98. The HSR also found that there was no 4* hotel accommodation in Shrewsbury. Since then, the town centre Prince Rupert Hotel has upgraded its offer to provide 70 4* hotel rooms. This exceeds the HSR's identified high growth forecast requirement up to 2016 and 2021, and the identified medium growth requirement (64 rooms) to 2026. These forecasts were based on an average annual room occupancy rate of 70%. Whilst the Council's commercial witness considered current hotel room occupancy to be around 55%, the appellant's valuation witness considered it to be about 70%. On the latter basis, existing occupancy in the town is consistent with the projections in the HSR, so there is no demonstrable qualitative shortfall in 4* hotel accommodation in the town.
99. Moreover, HSR Opportunities by Standard of Hotel shows that a reason for the immediate potential for boutique hotels in the town was that 4* rooms could be achieved by either the conversion of suitable properties or through the upgrading or repositioning of existing hotels in the town. So, it seems that the HSR promoted boutique hotels not as a specific product, but as a means of achieving better quality rooms in town centre hotels. Whether or not it could be considered to be a 'classic' hotel, the Prince Rupert Hotel provides for a 'particular niche' market seeking a heritage experience and 'looking for something special'. That is because its offer includes 4* rooms in a character building in the historic core of the town, with historically themed restaurants, C12 mansion suites, and views over historic Shrewsbury. Furthermore, the appellant's planning witness accepted in cross-examination that there was no other justification for the provision of a boutique hotel in the HSR.
100. The encouraging terms of the HS letter of 17 October 2013 (HS letter) to the appellant's representative include that the proposal would have a 'good fit' with the HSR, thus relying on its 2007 report, and 'would appear to fill a gap in Shrewsbury's current supply', which is tentative. It also says that because of their relatively small size boutique hotels can be an effective means of

achieving new supply in destinations such as Shrewsbury that are otherwise unable to support the development of a full service 4* hotel. However, the footnote on Page 2, which lists boutique hotel bedroom development that it considers has taken place since the HSR, does not include the upgrade of the Prince Rupert Hotel. So, the HS letter does not give an up to date assessment.

101. Objectives in Britton McGrath Associates' July 2011 *Visitor Economy Strategy* for Destination Shrewsbury include: 'to expand upon and deliver our unique visitor experience anchored by its core assets', which include its 'historic town experience', and to 'develop Shrewsbury as a quintessentially English Historic town that is nationally recognised as a visitor destination'. Its strategy seeks, amongst other things, to 'unlock the potential in existing assets'. By contrast, the proposal would replace an existing asset with a new building.
102. The data collection limitations explained on page 5 of the Bridget Baker Consulting Ltd's June 2012 *Marches LEP Board Research into Hotel demand across the Marches* are noted. Even so, in the wider regional context, this later research, which identified a somewhat depressed market in Shrewsbury then, found Shropshire to have a good range of hotels, from branded budget, boutique, midscale and 4* leisure resort, before the Prince Rupert Hotel had repositioned its offer. Also, the Council's commercial witness explained that the 4* Albrighton Hall hotel, which is only a few miles from the town, already offers spa and leisure facilities, and that there are publicly available free-standing spa and leisure facilities in the town.
103. CS Policy CS20 and emerging SAMDev Policy S16 refer to the SV, which sets out an integrated vision for the way the town should grow. Whilst the SV promotes economic growth, it also aims to protect and enhance the historic environment because it recognises that its historical assets form the key driver of the local visitor economy. The Stew and the Maltings are identified as historic buildings in Frankwell which should be retained and reused, in line with the PB. The SV notes a general 4* / country club opportunity and suggests hotel and leisure uses in the Frankwell area, but it gives low priority to its proposals in Frankwell. By contrast, in Riverside, on the other side of the river, where the SV proposals were a high priority, the 136 hotel room Premier Inn has already been delivered. So, the SV provides little support for the scheme.
104. Whilst the proposal would complement existing uses along the river frontage, and positively contribute to the vibrancy and vitality in the area, this would be expected for the scheme to comply with relevant local policy. Nonetheless, CS paragraph 6.31 emphasises the importance of tourism and leisure to the economic prosperity of Shrewsbury. The economic benefits would include jobs for roughly 35 hotel staff and roughly 10 spa staff, compared with other unspecified uses of The Stew, which is presently not in use.
105. Although there is no demonstrable shortfall in quantitative or qualitative need for the proposal, Shrewsbury could grow as a university town, and there has been some upturn in the economy since the HSR. The appellant says that the proposal would provide better leisure/spa facilities than other hotels in the town. So, the scheme could offer more diversity and raise the town's profile as a leisure break destination, attract small conferences and some overseas customers, and it could appeal to some in the local corporate market in line with the HS letter. Thus, there should be tourism benefits for Shrewsbury,

which would potentially include more visitors spending their money locally and, thus, increased economic activity in the town. So, the public economic benefit of the proposal, including the wider gains for tourism, attracts some weight.

106. Turning to the other public benefits, the restaurant could be open to the public, but there is no mechanism to ensure that the fairly modest spa and leisure facilities would be available to the public. Whilst members of the public could pay to stay in the hotel and use its facilities, very little weight can be attached to its spa and leisure facilities as a social benefit for the community. So, together, these public social benefits attract little weight.
107. Regarding the design, Framework paragraph 56 says that the Government attaches great importance to the design of the built environment, and a core planning principle in Framework paragraph 17 is to always seek to secure high quality design. The design of the building was not a concern of the Council in its reasons for refusal. The appellant's architectural witness considers that the proposal would achieve high quality design. Some members of the public including guests could find the building attractive to look at, but others may not, and members of the Shrewsbury Civic Society have expressed their concerns about its design. To my mind there is nothing special about the design of building, say, as a standalone piece of architecture that would weigh in favour over and above the need to meet the design aims of local and national policy. Moreover, for the reasons given above, the proposal would be unacceptably harmful to the character and the appearance of the Conservation Area. So, no weight can be afforded to the public benefit of its design.

Structural condition, costs and valuations

108. The appellant's case includes structural engineering evidence, and cost estimates and valuations for 4 sketch schemes for the reuse of The Stew. The appellant's structural engineer's initial view was that The Stew had come to the end of its useful life, but during the inquiry the appellant's and the Council's structural engineering witnesses agreed a Structural Statement of Common Ground (SCG). SCG paragraph 2.1.1 states that the building is not in danger of collapse and can be repaired.
109. Attention was drawn to a number of cracks in the external walls, amongst other things. However, the Council's evidence was that these cracks, including those in the south gable, are zones of weakness which would need fairly simple masonry repairs. The geometry of the cracks C1 to C2 in the west wall, where the former extension has gone, and where the embedded steel remnant has corroded, and which may also have sustained mechanical damage when the extension was taken down, are not indicative of subsidence because they are wider by the steel and narrower further from it. Also, there is little evidence that any of the cracks have changed significantly, or that the historical movement in the south gable or the south-east outshoot has progressed, since the last inspection in 2007. Furthermore, there was little evidence that independent monitoring of the drainage systems, or investigation of ground conditions, has been carried out. So, there is little to show that underpinning would be necessary.
110. Although ineffective maintenance of rainwater goods including the valley has led to further localised decay in timbers and saturation of brickwork since 2007, and roof coverings are missing in places, it is common ground that the main roof structures are not a cause for concern. The localised decay in the

south wall of the south-east outshoot, due in part to root action, would also seem to be due to ineffective maintenance. The localised decay in the wall plates could be cut out and new timber spliced in, and the rainwater goods, roof covering, timber and other repairs could be carried out as part of normal maintenance. The Council's witness explained that proprietary systems to provide lateral restraint at eaves level, for the joists at the east façade, and to deal with potential movement at joist bearings, are available with warranties. Even so, there was little evidence that these systems and warranties for them, which would have relatively low cost implications, have been investigated.

111. The roughly 5 m stretch of the east wall, which does not satisfy the 'middle third rule', which was explained by the appellant's structural engineering witness at the inquiry, could be taken down and rebuilt as suggested by him. However, there is little evidence that it has worsened since 2007, and there was very little to show that other measures of restraint and support have been investigated that would damage less of the building fabric and potentially cost less.
112. The Stew has been used for various purposes, including industry, since it was built, and the Council's evidence is that imposed loads for other uses would be unlikely to increase domestic loading by more than 14%. As historic timber is often tighter grained and more robust than modern softwood, without analysis of the timber and/or load testing it would be inappropriate to assume that the existing floors are unsuited to more than domestic loading. There is little to suggest that the other matters raised by the appellant's structural engineer, including the sloping sill in the south wall of the south range, are a cause for concern. Such characteristics contribute positively to the patina of age and the authenticity of historic buildings, as demonstrated by the fabric of the considerable range of heritage assets throughout the Conservation Area.
113. Whilst some investors would seek to ensure a safe return on investment and a well turned out property at an early stage, others seeking to restore a unique historic building could take a longer term view but would wish to be aware of potential constraints. So, the nature and extent of remedial works would depend on an investor's approach, which, in turn, would be likely to affect the viability of proposals for re-use. However, as it is common ground that The Stew is not beyond repair, the less than substantial harm that its loss would cause to the significance of the designated heritage asset would not be justified solely on the basis of its existing structural condition.
114. At application stage, the Residents' witness put in 3 sketch schemes for options to re-use The Stew. These and a further option for student accommodation on the upper floors and a restaurant on the ground floor have been considered by the appellant's costs and valuation witnesses. Fitting out costs would be dependent on specific proposals for specific developers, so they were not included in the cost estimates. Also, the appellant's purchase costs and developer's profit were not included in the valuations. Whilst the cost estimates give a feel for costs for these particular schemes, and the significant negative valuations for all of them are noted, each would achieve a finished building of pristine appearance which would not be necessary to at least preserve the character or the appearance of the Conservation Area.
115. By contrast, on the basis of the appellant's costs witness's data, it was agreed that the structural repairs would cost in the region of £200,000. With

the coming of University Centre to the Guildhall and the post recession upturn in the market, other uses for The Stew could come forward. However, the appellant's costs and valuation witnesses have not carried out feasibility studies for other options for The Stew that would cause less harm to the significance of the designated heritage asset. So, taken together, the other matters raised by the appellant, including the structural, costs and valuation evidence, attract very little weight.

116. With regard to my colleague's appeal decision ref APP/B3220/A/07/2040269 for a proposal which included the demolition of the Maltings, for the reasons given in my decision, I concur with his view that the Maltings, 'and The Stew adjacent, serves as a prominent example of Shrewsbury's gradual development' ... 'it is a surviving example of the former industrial nature of this particular part of the Conservation Area.' However, the proposal before me differs from that before my colleague, and whilst there are some similarities between The Stew and the Maltings, there are also differences including that the Maltings does not incorporate an earlier house range. So, I have dealt with the proposal before me on its merits and in accordance with its site specific circumstances, my statutory duty with regard to the Conservation Area, and relevant Development Plan policy and national policy and guidance.

The effect on the Conservation Area

117. The matters in favour include some weight to the economic benefits, little weight to the social benefits, no weight to the design, and very little weight to the other matters raised by the appellant. However, the sum of the public benefits and other matters in favour is substantially outweighed by the very considerable weight afforded to the harm that the proposal would cause to the Conservation Area. So, insufficient clear and convincing justification has been put to me to show that the proposal would conserve the Conservation Area in a manner appropriate to its significance as an outstanding historic settlement.
118. Moreover, because the proposal would harmfully conflict with the aims of CS Policy CS6 and CS Policy CS17, even though the proposal would satisfy other relevant Development Plan Policies, it would unacceptably conflict with the Development Plan as a whole, and insufficient material considerations have been put to me to outweigh that harm.
119. Furthermore, Framework paragraphs 7 and 8 explain that the 3 mutually dependent dimensions of sustainable development, its social, economic and environmental roles, should not be undertaken in isolation. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. Although the proposal would achieve some economic gain and a little social gain, these gains would be substantially outweighed by the very considerable environmental harm that the proposal would cause. Therefore, the proposal would not amount to sustainable development.
120. For all of these reasons, I consider that the proposed development would fail to preserve or enhance the character or the appearance of the Conservation Area. It would be contrary to CS Policies CS6 and CS17, and emerging SAMDev Policies MD2, MD13 and S16, and the Framework, which aims to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Other matter

121. Because the appeal should be dismissed for the reasons given in the main issue, there is no need for me to consider whether the planning obligations for heritage matters, and flood prevention measures in accordance with CS Policy CS18, would satisfy all of the tests in Regulation 122(2) of *The Community Infrastructure Levy Regulations 2010* and Framework paragraph 204.

Conclusion

122. For the reasons given above and having regard to all other matters raised, the appeal fails.

Joanna Reid

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Sarah Reid

of Counsel, instructed by Anne Gerzon,
Solicitor, Shropshire Council

She called

Dr Andrew P Wigley
BSc(Hons) MA PCHE PhD FSA MCIfA

Jon Avent BSc(Hons) CEng
MIStructE IHBC

Charles T Howell

Andrew J Gittins BA(Hons) MA
LMRTPI

Natural and Historic Environment Manager,
Shropshire Council

Director, Mann Williams Consulting Civil and
Structural Engineers

Consultant, Cooper Green Pooks

Principal Planning Officer, Shropshire Council

FOR THE APPELLANT:

Niall Blackie LLB LARTPI

Solicitor Advocate, FBC Manby Bowdler LLP

He called

Geoffrey Lane DiplArch DipITP
RIBA(rtd) MRTPI

EurIng David Smith BSc(Hons)
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Colin P Silk MRICS MIEW

James R Evans BSc(Hons)
MRICS

Stuart Thomas BA(Hons) MA
MRTPI

Listed Buildings and Conservation Planning Ltd

Director, David Smith Associates Consulting
Structural and Civil Engineers

Director, Silk Sharples Jennings Chartered
Surveyors

Registered Valuer, Head of Commercial
Department, Halls Holdings Limited
Head of Planning, Berrys

FOR SHREWSBURY CIVIC SOCIETY:

Simon Worlock

of Counsel, instructed by
Richard F Hewat-Jaboor on behalf of
Shrewsbury Civic Society

He called

Dr Nigel J Baker BA PhD MIFA
Richard F Hewat-Jaboor

Mike Carter TCert BD AdvDipEd
RgI

Antony J Mugridge

Archaeological Consultant and Contractor
CMJ Chartered Architect

Chairman of Shrewsbury Civic Society
planning committee and local resident
Structural Restoration Consultant and Master
Brick Maker

FOR THE RESIDENTS OF FRANKWELL AND MOUNTFIELDS:

Peter J Napier BA(Hons) FRICS IHBC

Chartered Building Surveyor, Director,
Peter Napier & Co Ltd, who also gave evidence
on behalf of The Residents of Frankwell and
Mountfields

He called

Richard K Morriss MA(Hons)
MSocSc

Historic Buildings Consultant and Consultant
Archaeologist, Richard K Morriss & Associates

INTERESTED PERSONS:

Cllr Andrew Bannerman	Ward Councillor for Coton Hill and Quarry
Professor Ian Lacey	Local resident
George Welsby	Local resident
John Yates	Inspector of Historic Buildings and Areas, Historic England
Gill Gilmore	Local resident

DOCUMENTS PUT IN AT THE INQUIRY

- 1 Supplementary Note to Dr Wigley's Proof of Evidence
- 2 The Council's rebuttal of Mr Smith's Proof of Evidence
- 3 Mr Howell's curriculum vitae
- 4 Maltings inquiry Proof of Evidence of Ian Kilby Appendices 5, 7 and 18
- 5/1 Appellant's rebuttal Proofs of Evidence of Mr Lane,
- 5/2 Mr Thomas,
- 5/3 Mr Evans, and
- 5/4 Mr Silk
- 6 Mr Lane's Summary
- 7/1 List persons represented by Peter Napier & Co Ltd,
- 7/2 email from Ms Croft of SPAB to Mr Napier of 14 April 2015 08:23, and
- 7/3 Mr Napier's copies of historic documents
- 8 Mr Napier's review of Proofs of Evidence after replacement of PPS5 guidance
- 9 Mr Hewat-Jaboor's Proof of Evidence of 27 April 2015
- 10 Appellant's opening statement
- 11 The Council's opening statement
- 12 Statement of Common Ground between the Council and the appellant dated
28 April 2015
- 13 Agreed modifications to SAMDev Policy MD13
- 14 English Heritage *Historic Environment Good Practice Advice in Planning
Note 2*
- 15 Consultation responses received by the Council during the application
process
- 16 First page of planning application form and list of consultees
- 17 Two plans for Frankwell Quay planning brief
- 18 Planning Policy Guidance: *Planning and the Historic Environment* (PPG15)
extract
- 19 Mr Kilby's email of 27 April 2015 08:03 forwarding Mr Benyon's letter
- 20 Professor Lacey's statement
- 21 Extract from *The Bridges of Shrewsbury*, Arthur Walburgh Ward (1935)
- 22 Dr Baker's March 2000 Frankwell Quay archaeological evaluation
- 23 Mr Napier's Summary
- 24 Extract from *A History of Shrewsbury Volume II*, H Owen and J B Blakeway
(26 November 1825)
- 25 Extract from Pigot and Co's *National Commercial Directory for 1828-9*
- 26 Clearer enlargement of 'Telford' plan
- 27 Ms Gilmore's statement
- 28 Copy of tithe apportionment map from the National Archives including
enlarged plan of gardens
- 29 Extracts from 8 historic maps on one page for ease of reference
- 30 Mr Lane's note about the tithe apportionment map from the National Archive
including enlarged plan of gardens

31	Larger version of 'The South West Prospect of Shrewsbury'
32	Mr Morriss's Summary
33	Extract from the <i>Journal of the House of Commons</i> (1809)
34	Published references to transport modes
35	Current Ordnance Survey overlays on historic maps
36	Enlargements of 1851 map from <i>Memorials of Shrewsbury</i> , Henry Pidgeon
37	Email from Ms Croft of SPAB to Mr Leese of 6 May 2015 08:27:28 +0100
38	Part transcript of historic lease of possession relating to the Maltings
39	Part copy of will of William Frank 1788
40	Part copy of will of Evan Owen 1798
41	Page 12 of English Heritage <i>Good Practice Guide for Local Heritage Listing</i>
42	Dr Wigley's rebuttal Proof of Evidence regarding tithe award map
43	Evaluation of bricks used in the construction and modification of 'The Stew' by Antony J Mugridge dated 30 June 2015
44	Mr Lane's second rebuttal Proof of Evidence dated 8 July 2015
45	Statement of Common Ground between the Council and the appellant in respect of structural matters
46	Mr Hewat-Jaboor's amended Proof of Evidence of 20 August 2015
47	Mr Rigby's email of 14 September 2015 07:06
48	Mr Silk's curriculum vitae
49	David Smith Associates drawing number 15/19782/SK01
50	Emails between Mr Leese and Mr Gittins regarding progress of planning application
51	Rigby Thorpe comments dated 14 September 2015
52	Draft planning obligations for flood defence and heritage issues with land registry details
53	Silk Sharples Jennings updated estimates and Mr Blackie's related email of 14 September 2015 17:49
54/1	The Council's SAMDev update with appendices, and <i>Shrewsbury Town</i>
54/2	<i>Centre Conservation Area Special Character Area Assessment</i> for Town Centre, Raven Meadows and Coton Hill, and St Julian's Friars
55	English Heritage letters of 6 August 2013 and 23 October 2013, and related correspondence between the Council and the appellant
56	Mr Carter's curriculum vitae
57	The Council's suggested conditions
58	The Council's CIL Regulations Compliance Note
59	Shrewsbury Civic Society's suggested site visit itinerary
60	The appellant's suggested construction travel plan condition
61	The Council's Air Quality Management Area details
62	Email from Mr Thomas to Mr Gittins regarding plans of 23 September 2015 09:31
63	Certified copy of completed planning obligation relating to flood defences
64	Extract from Shropshire Council SAMDev Plan: Schedule of Main Modifications
65	Mr Blackie's email to Ms Gerzon and Mr Napier dated 5 May 2015 11:44
66	Shrewsbury Civic Society's closing statement
67	Certified copy of completed planning obligation relating to heritage issues
68	The Residents' closing statement
69	The Council's closing submissions
70	The appellant's closing submissions
71	Partial application for costs on behalf of the Council
72	Costs application on behalf of the Council
73	The appellant's response to the Council's application for a partial costs award

- 74 Email of 5 November 2014 08:46 from Mr Blackie to Mr Gittins
- 75 Email of 14 October 2014 10:53 from Mr Gittins to Mr Blackie

DOCUMENT PUT IN AFTER THE INQUIRY

- 76 Email of 1 December 2015 12:42 from the appellant's agent to The Planning Inspectorate

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer Services Department:

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