



Committee and date  
South Planning Committee  
6 December 2016

## Development Management Report

Responsible Officer: George Candler, Director of Place & Enterprise

### Summary of Application

<b><u>Application Number:</u></b> 15/01850/FUL	<b><u>Parish:</u></b>	Much Wenlock
<b><u>Proposal:</u></b> Proposed extension and conversion of existing studio building to form two residential units and one commercial unit		
<b><u>Site Address:</u></b> Fox Studio, King Street, Much Wenlock, Shropshire, TF13 6BL		
<b><u>Applicant:</u></b> Mr & Mrs Myers		
<b><u>Case Officer:</u></b> Lynn Parker	<b><u>email:</u></b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 362175 - 299856		



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**Recommendation: Grant Planning Permission subject to the conditions set out in the minutes to the Committee meeting of 11<sup>th</sup> August 2015, relating to materials, surface water drainage, programme of archaeological work, landscaping, construction method statement, parking and the removal of Permitted Development Rights.**

Contact: Tim Rogers (01743) 258773

## **1.0 Background & Principle of Development**

- 1.1 The South Planning Committee resolved to approve the above application for the extension and conversion of an existing studio building to form two residential units and one commercial unit at their meeting on 11<sup>th</sup> August 2015, subject to the prior signing and completion of a Section 106 agreement to secure the affordable housing contribution and to planning conditions. A copy of the report to the August 2015 meeting is at Appendix A. The application is still pending as the Section 106 Legal Agreement for the provision of a financial contribution in relation to affordable housing in line with policy CS11 'Type and Affordability of Housing' of the Shropshire Core Strategy has not yet been completed.
- 1.2 Shropshire Council's Core Strategy was adopted in March 2011 with the founding principle of seeking to create the context for "A Flourishing Shropshire". The Shropshire Council policy requires anyone developing a new open market dwelling (subject to exceptions) to make an Affordable Housing Contribution (AHC), which depending on the development size and the prevailing target rate, could be a financial contribution and/or on site provision. In this case for two residential units, the contribution would be a financial one equating to £17,964.00.

## **2.0 Written Ministerial Statement**

- 2.1 The Minister of State for Housing and Planning, Brandon Lewis MP issued a Written Ministerial Statement (WMS) on the 28<sup>th</sup> November 2014 announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (and which have a maximum combined gross floor space of 1,000sqm), or 5 units or less in designated protected rural areas.
- 2.2 Reading and West Berkshire Councils sought to challenge the WMS at the High Court and on 31<sup>st</sup> July 2015 Mr Justice Holgate quashed the WMS and the Government subsequently withdrew relevant commentary from the National Planning Practice Guidance. From this point Shropshire Council continued to apply its affordable housing policy.
- 2.3 The Government challenged this decision through the Court of Appeal which overturned Mr Holgate's decision on the 11<sup>th</sup> May 2016. Consequently the WMS still applies and is reflected in amended NPPG of the 19<sup>th</sup> May 2016.
- 2.4 In addition to this the Housing & Planning Act gained Royal Assent on the 12<sup>th</sup> May 2016 and this gives power to Government to make secondary legislation to achieve the same result i.e. set minimum thresholds for affordable housing contributions.
- 2.5 At this juncture, in accordance with the view of the Planning Inspectorate it is considered that the WMS is a material consideration. Shropshire Council therefore accepts that the WMS applies as a significant material consideration and this means that the Council will not automatically require an Affordable Housing Contribution for applications for 10 or less dwellings and less than 1,000m<sup>2</sup> floor area in the majority of cases where the site is not located in a designated rural area.

## **3.0 Conclusion**

- 3.1 This development proposes a provision of two dwellings, a net gain of two small units. The affordable housing need in the Much Wenlock area, based on waiting list

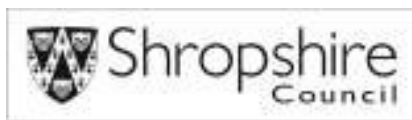
information as of 1<sup>st</sup> November 2016, indicates that there are 37 households on the waiting list with current Parish addresses and of these 26 households have expressed a first preference to remain living in the Parish. The need is for smaller sized dwellings and the decision at the October meeting to grant consent for 12 affordable dwellings off Callaughton Lane (Planning Ref: 16/02910/FUL) will take some of the identified need. While an unmet need would remain, it is not considered that this is sufficiently severe to outweigh the Government advice particularly as the proposed units are two bedroom and there is a need for such smaller properties in the town. Additionally, internal and external modification work and some extension is required to achieve the proposed one commercial and two residential units, and the total floor area does not exceed 1000m<sup>2</sup>. The applicants have advised that they have now received tenders for the work, which are quoting in the order of £180,000 plus VAT, and consider that the Section 106 affordable housing contribution would make the project to deliver two units of residential accommodation and modernised office unviable. Therefore it is now considered that no affordable housing contribution is required in this case, having regard to the material change in national policy discussed above.

#### **4.0 Recommendation**

- 4.1 The application is recommended for approval and will not be subject to a Section 106 agreement in relation to the financial contribution for affordable housing. The Approval Decision can therefore now be released.

**APPENDIX A**

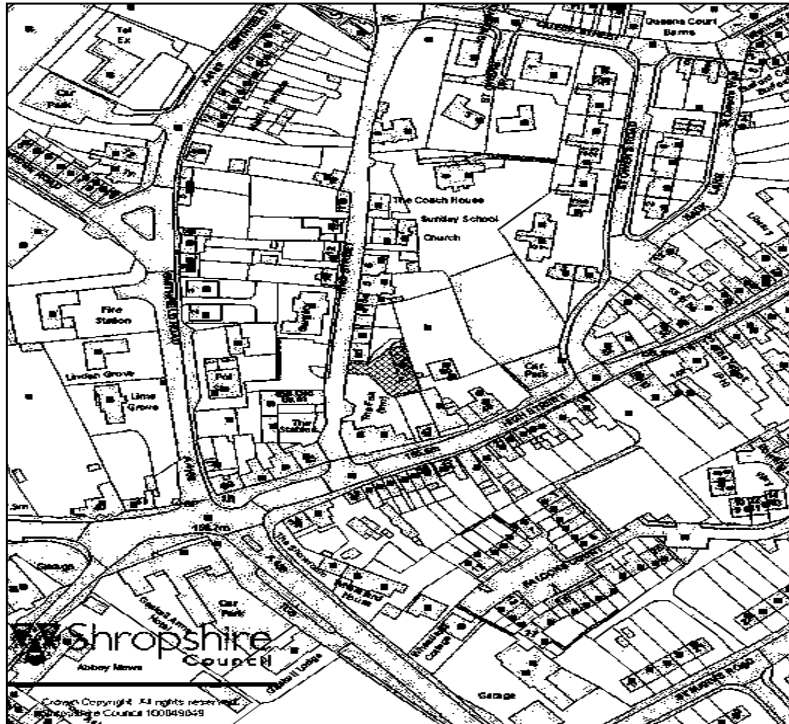
**COPY OF OFFICER REPORT AND RECOMMENDATIONS - CONSIDERED 11<sup>th</sup> AUGUST 2015 SOUTH PLANNING COMMITTEE**



<p><u>Committee and date</u></p> <p>South Planning Committee</p> <p>11 August 2015</p>
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**Summary of Application**

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**Recommendation:- Grant Permission subject to the completion of a Section 106 Agreement in respect of an affordable housing contribution, and to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

1.1 This application is for the extension to and conversion of the existing commercial building at Fox Studio, King Street Much Wenlock to form 2 apartments and an office unit. The units are proposed to be allocated as follows:

#### Fox Studio

- Ground Floor - Apartment 1 – lounge/kitchen, bathroom, 2 bedrooms
- Apartment 2 – Lobby and stairs up to first floor
- Office – lobby extension at front and office area and kitchenette

The Ground floor extension to the office would project out in line with the side elevations of this section of the building, and have a length of 2m past the line of the existing front elevation.

- First Floor - Apartment 4 – lounge/kitchen, bathroom, 2 bedroom
- Office – two separate office rooms, and wet room.

The ground floor extension to the office would continue up to first floor level, expanding the larger office room and have a front window facing out over the parking

area. Externally this would involve the increase in the ridge height of the existing roof of what is currently the garage section, with a front gable projection being added to accommodate the new floor area. The existing ridge would have a small hip added in the upper area near the ridge to slope away from the boundary. Amended plans have been submitted which show hidden guttering to be used so as not to overhang the boundary. Other changes to the building include the insertion of roof lights on the front and rear roof slopes, and the insertion of two new first floor windows in the front elevation, located in the gaps between the existing windows.

- 1.2 Materials are proposed to match those of the existing building and white painted windows. Foul sewage and surface water are indicated to be disposed of via the main sewer. No alterations are proposed to the vehicular access and parking provision for 6 vehicles is indicated. No trees or hedges are affected by the development.

## 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls within the development boundary of the Key Centre of Much Wenlock on the south western periphery of the Town Centre and within Much Wenlock Conservation Area. It is accessed via King Street to the west via the High Street (B4378) to the south. The access point to the site is positioned between a single storey element of The Fox public house to the south west and a boundary wall abutting the road of Wenlock Stone approximately 3m high to the west. There are high gate piers either side of the access set back from the road, but no gate, beyond which is a tarmacked courtyard the usage of which is split between The Fox and Fox Studio. Access into/egress from the courtyard is comfortably achievable in a vehicle if taken slowly.

- 2.2 The building itself is of a north/south linear format with a west facing frontage into the courtyard. It is constructed in red brick with red roof tiles, a centrally placed entrance door and white timber openings which are unusually larger at first floor level. The existing first floor openings on the front elevation are currently obscure glazed, there are no windows on the east facing rear elevation. Formerly an outbuilding of The Fox (then the Wheatland Fox) public house, the first floor of the building has been used for office purposes since 1969 with a stable below, and the whole building as offices and a photographic studio since 1987. A single storey extension was added to the south side elevation of the property following permission granted on 1<sup>st</sup> March 2005 under planning ref: BR/APP/FUL/05/0049, to provide a storage area with 2 garage doors to the west facing elevation into the courtyard. This extension has a dual pitched roof with a side gable facing towards and adjacent to the rear boundary of no. 47 High Street.

- 2.3 There are neighbouring dwellings and commercial properties surrounding Fox Studio except to the south west where the courtyard extends towards The Fox public house, and west where King Street lies beyond the high boundary wall. The closest dwellings are nos. 48 and 50 High Street to the south east, sections of these properties being within metres of the boundary, and nos. 1 and 2 King Street to the north west where there is a distance of approximately 6m between their rear elevations and the corner of the Fox Studio building. There is a pitched roof single storey lean to extension on the rear of no. 1 King Street which forms the boundary with the courtyard at Fox Studio and covers most of the rear elevation allowing only

a doorway out into a yard which extends behind no. 2 King Street. There is a new build dwelling permitted under planning ref: 12/00240/FUL on 2<sup>nd</sup> January 2013 (amended under planning ref: 13/04730/AMP on 11<sup>th</sup> December 2013) to the north east with a south facing frontage and which is sited approximately 10 away from the existing north east corner of Fox Studio. There is a doctors' surgery across King Street to the north west which has its own dedicated car park, however vehicles also appear to park along King Street outside the site boundary wall.

2.4 A previous application (14/01397/FUL) for the conversion of the building was refused consent by committee on 29<sup>th</sup> October 2014, this scheme was for the conversion of the building into four residential units and one commercial units, and included the erection of a two storey extension off the north side elevation of the building, and an increase in height of the south side garage section of the building and the creation of a new pedestrian access through the stone boundary wall. The Committee refused the application on the following grounds:

1. The proposed development, by reason of increased scale through extension and the insertion of the proposed pedestrian access within the existing stone boundary wall would result in overdevelopment of the site and would have an adverse impact on the Conservation Area; neighbour amenity and public safety. The development would therefore be contrary to Shropshire Core Strategy policies CS6 and CS17, Much Wenlock Neighbourhood Plan policies H4 and GQD2 and paragraph 17 of the NPPF.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 This application is referred to committee for determination on the request of the Local Ward Member in accordance with the criteria for application call in set out in the Council's adopted scheme of delegation.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Much Wenlock Town Council – supports application

This application conforms with Neighbourhood Plan policies H2, H4, and H6 in Objective 1 of the Neighbourhood Plan for Much Wenlock.

4.1.2 SC Affordable Housing –

As an open market housing proposal, the Core Strategy requires the development to contribute towards the provision of affordable housing. The detail of this requirement is contained in Core Strategy Policy CS11 together with Chapter 4 of the Council's adopted Supplementary Planning Document on the Type and Affordability of Housing.

The exact contribution is dependent upon the affordable housing rate applicable at the date of submission of a full planning application or reserved matters in the case of an outline application. This rate is reviewed annually. The current affordable housing contribution rate for this area is 20% and as such a proposal for 2 new open market dwellings would be liable to make a contribution equivalent to 2 x 0.20 of a whole affordable unit (2 x 20%). As this level of contribution is less than a whole unit, it is translated into a cash sum paid by the developer as an off-site Affordable Housing Contribution used by the Council fund the delivery of affordable housing



provision elsewhere in the area.

4.1.3 SC Drainage - no objection, drainage details can be conditioned if permission granted.

4.1.4 SC Conservation – No objection subject to conditions.

In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application proposes the extension and conversion of this existing building to form two apartments and one studio/office unit. This proposal follows a previous refusal for the conversion and extension of the building. The site lies within the Much Wenlock Conservation Area.

The proposal has been significantly reduced from the previous scheme removing the two storey side extension and reducing the number of units proposed. The proposed pedestrian gate through the boundary wall has also been omitted. These changes are considered to have alleviated the previous issues from a conservation perspective and overall it is considered that the proposal will preserve the character of the conservation area in line with policies, guidance and legislation as outlined above.

Suggested Conditions: Joinery, External Materials, Roof Materials, Conservation Rooflights, Metal Rainwater Goods, Landscaping.

4.1.5 SC Archaeology – No objection subject to conditions

Background to Recommendation: The proposed development site lies on the edge of the Medieval urban form of Much Wenlock (HER PRN 05029) as defined by the Central Marches Historic Towns Survey and within a group of Tenement plots to north of High St, east of Smithfield Road (HER PRN 05041). More importantly it is also located immediately adjacent to the supposed site of St John's Leper Hospital (PRN 05010). An evaluation carried out on the Leper Hospital site in 2012 determined that significant archaeological features, deposits and structural remains of medieval date are present on the site. These are overlain by archaeological deposits of early post-medieval date which also have the potential to inform us about the development of this part of Much Wenlock during this period. Although the site has been built over during the Post Medieval period, the archaeological potential of the site, particularly at depth, remains moderate to high. Any below ground archaeological remains are likely to be affected by the construction of the proposed extension and any ground disturbance associated with the conversion of the existing studio.

RECOMMENDATION: In view of the above and in line with National Planning Policy Framework (NPPF), we would recommend that a programme of archaeological work be made a condition of any planning permission for the proposed development

comprising an initial evaluation of the site prior to construction commencing with further archaeological mitigation thereafter if deemed necessary. An appropriate condition of any such consent would be: Suggested Conditions:

No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

#### 4.2 - Public Comments

##### 4.2.1 10 objectors:

- Inaccurate, vague drawings give no indication of the impact the development will have on surrounding properties.
- Boundaries are false and not accurate. Boundary with 48 High Street not shown correctly, rear garden boundary is in co existence with south elevation of the proposed structure.
- North boundary stone wall, boundary in question.
- Overdevelopment of site
- No pavement along King Street, houses open directly onto street, but still has a 30mph speed limit. This makes street hazardous for pedestrians. Development would increase traffic along King Street.
- Traffic particularly congested at 4-6pm
- Sky lights to east roof ignore concerns over noise and disruption raised during previous application, with regards to neighbour amenity
- 2 flats inappropriate, should be two traditional two up two down cottages more in keeping with conservation area.
- Existing obscure glazed window should be retained.
- Second storey would cause light obstruction
- Loss of two garages for parking.
- No amenity space for new properties.
- Impact of raising height of garage section and extension. Neighbouring property is set at lower level which increases impact.
- Disappointed with Parish Council support for application
- Contrary to policy EJ2 of the Neighbourhood Plan.

#### 5.0 THE MAIN ISSUES

- o Principle of development
- o Design, scale and character
- o Impact on neighbours/residential amenity
- o Impact on the historic environment
- o Access/Parking
- o Drainage
- o Financial contributions

#### 6.0 OFFICER APPRAISAL

##### 6.1 Principle of development

6.1.1 The proposed site falls within the Key Centre of Much Wenlock in which the principle of erecting open market dwellings is supported by LDF Core Strategy Policy CS3 – The Market Towns and Other Key Centres, as a more sustainable form of

development. Bridgnorth District Local Plan 'Saved' Policy H3 identifies Much Wenlock as a key settlement where residential development will be permitted provided the site is appropriate. The Market Towns and other key centres are identified in LDF Core Strategy Policy CS1 – Strategic Approach as maintaining and enhancing their traditional roles in providing services and employment and accommodating around 40% of Shropshire's residential development over the plan period. Greater self-containment is the key objective of the Market Town revitalisation programme.

- 6.1.2 In accordance with the LDF Core Strategy, the Much Wenlock Neighbourhood Plan is supportive of small scale infill sites and conversions within the Parish in order to provide for a limited amount of housing to meet local needs. As Much Wenlock is a highly desirable town in which to live, it is a challenge to provide housing to meet local needs in a way that respects the quality of the town and its rural setting against generally high house prices. Policy H2 of the Neighbourhood plan states that:

*Housing developments within the development boundary of Much Wenlock will be permitted where they include a range of house type, including two and three bedroom dwellings. Housing developments will also be expected to include an element of single level dwellings and to meet the needs of the elderly and people with disabilities.*

Policy H4 of the Neighbourhood plans states:

*Housing infill development and the conversion of existing buildings to residential use will be supported where they contribute positively to local character and where they help to meet local housing needs. Within the conservation areas of Much Wenlock and Bourton infill development should conserve or enhance the special architectural and historic character of these settlements.*

- 6.1.3 LDF Core Strategy Policy CS13 – Economic Development, Enterprise and Employment plans positively to develop and diversify the Shropshire Economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities, placing particular emphasis on amongst other criteria, supporting the revitalisation of Shropshire's Market Towns, developing their role as key service centres, providing employment.

- 6.4.4 Objective 2 of The Much Wenlock Neighbourhood Plan aims to help business create jobs by making sure that existing employment sites are kept for employment use where possible and appropriate. Policy EJ2 of the Neighbourhood plan states that:

*Proposals for the use of land or buildings on existing employment sites for uses other than employment purposes will not be permitted unless:*

- it can be demonstrated that the on-going use of the premises or land for employment purposes is no longer viable on the basis of the criteria in Appendix 1 of the Plan; or*
- the alternative proposal would provide demonstrable employment benefits to the local community and contribute to its long-term sustainability.*

Whilst this application includes conversion of part of a currently commercial building to residential, it also retains office space over 2 floors with the current business continuing to operate from the site with the business owners to move into the newly created residential units.

- 6.1.5 The National Planning Policy Framework (NPPF) is also committed to securing economic growth and boosting the supply of housing, two elements which are identified as contributing to ensuring the vitality of town centres. It is felt that this proposed development of mixed residential and office use will contribute positively to the vitality of Much Wenlock Town Centre and is considered to be an appropriate site due to the conversion of an existing building, its size and positioning.
- 6.1.4 The proposed conversion of an existing building in the town centre to a mixed residential and office use would in principle comply with policies CS1, CS3 and CS13 of the Shropshire Core Strategy, and also with policies H2 and H4 of the Much Wenlock Neighbourhood Plan, there is some conflict with policy EJ2 of the Neighbourhood Plan however the retention of the office use in part of the building and the continued operation of the business from this site if the development is permitted is considered to comply with the objectives of this policy, even though the overall floor area of the commercial use is decreased. The benefits of providing two small units of 2 bedroom accommodation in the Town centre is considered to outweigh the reduction, but not loss of, the commercial floor area. The principle of the development is therefore considered to be acceptable in accordance with these policies.
- 6.2 Design, scale and character
- 6.2.1 Both the National Planning Policy Framework (NPPF) and LDF Core Strategy Policies CS6 and CS17 direct that a high quality development should be created whilst contributing to local character, and protecting and enhancing the built and historic environment. These considerations should benefit for the lifetime of the development and provide positive improvements in people's quality of life.
- 6.2.2 The proposed conversion into a mixed residential and office use is accomplished with relatively little changes to the building, with the main alteration being the addition of a 2m two storey extension to the front of what is currently the garage section (to become offices) and the increase in height of this section of the building. The form of the main section of the building is unchanged with external alterations to this section consisting of the insertion of additional openings, most notably two new first floor windows in the front elevation and a number of roof lights. It is felt that the core form and character of the building will be retained.
- 6.2.3 The extension off the front of the garage section of the building to facilitate its conversion into office accommodation is considered to have a relatively minor impact on the overall character of the building, this section would remain subservient to the main building having lower roof ridges, and the character of the front elevation is not encroached upon, the building is set back from the front of the site, separated from the road by an area of car parking with views restricted by the prominent boundary wall along the site frontage which would be retained, although the building would be readily visible from users of the small garden area attached to the rear of the Fox Inn. The provision of the apartments that the extensions will facilitate is felt to

outweigh the limited harm that they will bring to the character of the existing building and surrounding Conservation Area.

6.2.4 The scale of the proposal is not considered to be overdevelopment of the plot as both the number of apartments and their internal capacity with the provision of two bedrooms each, combined with the office use which will be empty overnight, will not afford excessive occupation of the site.

6.3 Impact on neighbours/residential amenity

6.3.1 Queries have been raised with regards to the position of the boundaries in third party comment, however the agent has confirmed that the applicant has full and proper title to the development, and the development is completely within the applicant's ownership. The plans have been amended to show "hidden guttering" along the south side elevation to prevent any overhang of the boundary in this location. Building works are contained within the building envelop with the exception of the front extension off the garage section which projects directly forward in line with the existing side elevations of this section of the building, and does not encroach on the boundary of the site. Some areas of the existing structure which are to be altered, namely the side and rear elevations of the garage section which will be increased in height are located on the boundary of the development, and may require agreement under the Party Wall Act to be implemented, however this is a matter to be resolved between the applicant and the adjoining properties should permission be granted.

6.3.2 All new and existing first floor windows will overlook the courtyard at the front of the property, with no new windows in any side or rear elevations that face onto adjoining properties. The amended plans shows the northernmost first floor windows in the front elevation (one existing, one proposed), to be obscure glazed and fixed shut with the exception of top opening lights above eye level. This is considered to be sufficient in order to protect the amenities of number 1 King Street, which is located to the front of the applications site, and would otherwise potentially be overlooked by these windows. These details can be controlled by condition to ensure they are retained. There are no windows proposed to the north, east or south elevations. A condition can be applied to ensure that no windows are inserted into these elevations (nor further windows to the front elevation which could alter the character of the building).

6.3.3 The application shows a number of roof lights in the main roof of the building, and concerns have been raised over the impact of these on the amenities of neighbouring properties. The roof is sufficiently high above the floor levels of the rooms to which the roof lights would provide illumination so that there is no realistic possibility of overlooking of the neighbouring properties. The applicant has informed the Council that they would be willing to have these roof lights conditioned to be fixed shut so as to prevent disturbance through noise to the adjoining premises.

6.3.4 Whilst the proposed extensions to the southern section of the building would involve an increase in height and the extension of the building close to the boundary with the properties to the south, the adjacent properties to the south and south east of the building are unlikely to suffer from any loss of sunlight as Fox Studio is on their north side. The mass of the building along the boundary would be increased and so the impact of the development on these dwellings would be greater, however in terms of loss of amenity it is difficult to identify any harm that this impact would cause. There

would be a modest loss of outlook, but no overlooking or overshadowing, and as the height increase is considered to be minor, and the new extension would have a roof pitching up away from the boundary, it is not considered that the extension would have an overbearing impact on the occupiers of these properties.

#### 6.4 Impact on the historic environment

6.4.1 In considering the proposal due regard should be had to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

6.4.2 The proposal has been significantly reduced from the previous scheme removing the two storey side extension and reducing the number of units proposed. The proposed pedestrian gate through the boundary wall has also been omitted. These changes are considered to have alleviated the previous issues from a conservation perspective and overall it is considered that the proposal will preserve the character of the conservation area in line with policies, guidance and legislation as outlined above. The materials and finishes of the building can be conditioned for approval to ensure no adverse impact on the conservation area.

6.4.3 The proposed development site lies on the edge of the Medieval urban form of Much Wenlock (HER PRN 05029) as defined by the Central Marches Historic Towns Survey and within a group of Tenement plots to north of High St, east of Smithfield Road (HER PRN 05041). More importantly it is also located immediately adjacent to the supposed site of St John's Leper Hospital (PRN 05010). An evaluation carried out on the Leper Hospital site in 2012 determined that significant archaeological features, deposits and structural remains of medieval date are present on the site. These are overlain by archaeological deposits of early post-medieval date which also have the potential to inform us about the development of this part of Much Wenlock during this period. Although the site has been built over during the Post Medieval period, the archaeological potential of the site, particularly at depth, remains moderate to high. Any below ground archaeological remains are likely to be affected by the construction of the proposed extension and any ground disturbance associated with the conversion of the existing studio. In view of these issues and in line with National Planning Policy Framework (NPPF), the Council's archaeologist have recommended that a programme of archaeological work be made a condition of any planning permission for the proposed development comprising an initial evaluation of the site prior to construction commencing with further archaeological mitigation thereafter if deemed necessary

#### 6.5 Access/Parking

6.5.1 It is not considered that the level of development proposed here will significantly impact on the traffic levels in Much Wenlock more than currently exists at the site. The building is located in central Much Wenlock where public transport and everyday facilities are within easy walking distance. The development will not result in the loss of off street parking and will provide 6 parking spaces in a town centre area where access to public transport makes this provision not essential and sustainable for occupants without a vehicle.

6.5.2 Attention has been drawn to parking issues outside the site, however it is difficult to substantiate how the proposed development would exacerbate this problem given that generous on site parking is provided. The applicant has explained that the delivery aspect of the business is intended to be relocated away from the site, with the business administration being retained in the offices in the building. This would mean a reduction in delivery and dispatch vehicles from the site, with the applicant stating that:

*The affect of our proposals will reduce commercial vehicle (mainly vans 3.5 tonne) movements to and from the site by about 50 a week, based on current levels of business. These movements occur throughout the day and into the early hours (6am to 2am). However, if our family is able to relocate to the new development flats, a further 80 vehicle (mainly cars) movements per week will be eliminated.*

Whilst these figures are unsubstantiated, it is considered to be a reasonable assumption that should the delivery section of the business be relocated to another site, and the applicants move into the units which adjoin the offices they operate their business from, the number of vehicle journeys to and from the site will likely reduce substantially. Whilst the relocation of the delivery section would require car journeys to this new location, this would be offset by the reduction in larger delivery vehicles visiting the town centre site, and having to traverse the restricted access arrangements along Kind Street.

6.5.3 The vehicular access to the proposed dwellings is already in situ and in regular use. The change of the building to residential is not considered to have a greater impact on the access than its current use, and is likely to result in a reduced demand on this access with regards to both number of trips and type of vehicle, and it is therefore considered sufficient for purpose.

## 6.6 Drainage

6.6.1 Advice from the Councils sustainable drainage team is that the following drainage details, plan and calculations could be conditioned if planning permission were to be granted:

1. Prior to commencement of the development, details of how the proposed surface water drainage system accords with policy RF.2 of the Much Wenlock Neighbourhood Plan must be submitted for approval.

Reason: To ensure that the development will reduce the overall level of flood risk both to the use of the site and elsewhere when compared to current use.

2. Informative: The applicant should consider employing measures such as the following:

- a. Water Butts
- b. Rainwater harvesting system
- c. Permeable surfacing on any new driveway, parking area/ paved area
- d. Attenuation
- e. Greywater recycling system
- f. Green roofs

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

## 6.7 Financial contributions

6.7.1 Policy CS11 of the Core Strategy requires payment of a contribution towards affordable housing provision for all new residential units granted consent, which is secured via a S.106 legal agreement. The applicant has indicated a willingness to enter into such an agreement, should the committee resolve to grant permission for this application.

6.7.2 Officers note the Ministerial statement made on 28<sup>th</sup> November 2014 and amendments to the National Planning Practice Guidance as a material consideration in determining a planning application which indicated that such payments should not be sought for sites of less than 10 dwellings. However, following a subsequent decision by the Cabinet of the Council, the Council continues to give full weight to Policy CS11 of the adopted Core Strategy and Type and Affordability of Housing SPD and continues to seek on site provision of affordable housing and/or developer contributions to the provision of affordable housing in relation to all sites (please see the public statement of the Council 'as published on the website 30/01/15').

6.7.3 Given the above, it is recommended that planning permission be granted only subject to the satisfactory completion of a legal agreement to secure the provision of affordable housing in accordance with the terms of the policy. Non compliance with the requirements of adopted Core Strategy Policy CS11 would mean that the proposal would be in clear conflict with the aims and requirements of the Development Plan and should therefore be refused, unless other material considerations indicate otherwise.

## 7.0 CONCLUSION

7.1 It is considered that this proposal is not contrary to adopted policies as the mixed development of office and residential is acceptable in this town centre location, and the contribution that the extensions make to the viability of the intended use will outweigh any minor harm to the character of the building and its historic environment. The overall design and scale of the scheme will mainly retain the character of the existing building and therefore largely protect the surrounding Conservation Area. Furthermore, the development would not adversely impact on the residential amenity of adjacent dwellings or exacerbate surface water flooding, and will provide associated parking to a level above the requirement for a town centre location.

It is recommended that the committee grant permission for the development for the reasons set out above, subject to the completion of a S.106 legal agreement to secure a payment towards affordable housing as required by policy CS11.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations,



hearing or inquiry.

- ② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

Contact: Tim Rogers (01743) 258773

National Planning Policy Framework  
National Planning Practice Guidance

LDF Core Strategy Policies

- CS1 Strategic Approach
- CS3 Market Towns And Other Key Centres
- CS6 Sustainable Design And Development Principles
- CS9 Infrastructure Contributions
- CS11 Type And Affordability Of Housing
- CS13 Economic Development, Enterprise And Employment
- CS17 Environmental Networks

Bridgnorth District Council 'Saved' Local Plan Policies:

- H3 Residential Developments In Main Settlements
- D6 Access And Car Parking

Much Wenlock Neighbourhood Plan:

- H2 Housing developments
- H4 Housing Infill Development
- EJ2 Employment site development
- GQD2 Good Quality Design

#### RELEVANT PLANNING HISTORY

14/01397/FUL Proposed extensions and conversion of existing studio building to form four residential units and one commercial unit; including demolition of part of boundary wall (amended description). REFUSE 29th October 2014

BR/APP/FUL/07/0687 Construction of new vehicular access, entrance gates and boundary wall after demolition of part of existing boundary wall REFUSE 25th September 2007

BR/APP/FUL/05/0049 Erection of a single storey extension GRANT 1st March 2005

**List of Background Papers** (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Design and Access Statement

**Cabinet Member (Portfolio Holder)** Cllr M.  
Price

**Local Member**  
Cllr David Turner

**Appendices**  
APPENDIX 1 - Conditions