

## Development Management Report

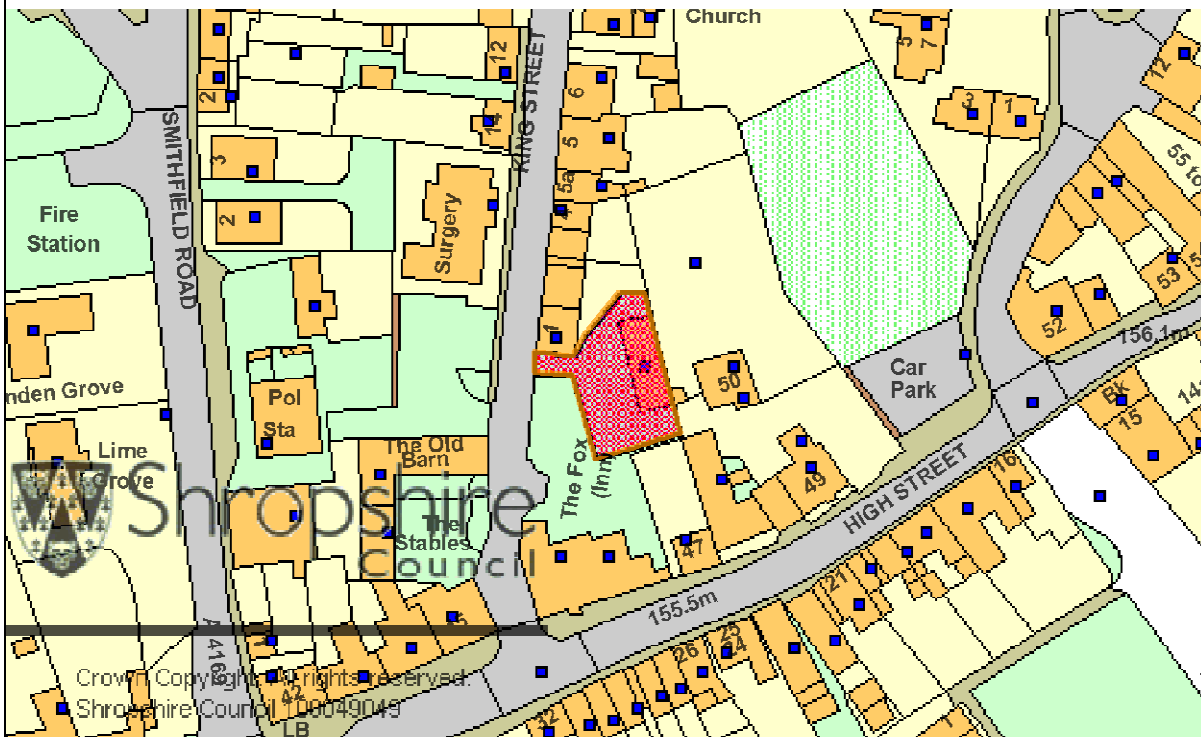
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 14/01397/FUL	<b>Parish:</b>	Much Wenlock
<b>Proposal:</b> 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).		
<b>Site Address:</b> Fox Studio King Street Much Wenlock Shropshire TF13 6BL		
<b>Applicant:</b> Lightsource Audio Visual Ltd		
<b>Case Officer:</b> Lynn Parker	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 362175 - 299856



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

## REPORT

### 1.0 THE PROPOSAL

1.1 This application as originally submitted was for the extension to and conversion of the existing commercial building at Fox Studio, King Street Much Wenlock to form 4 apartments and an apartment/studio unit, and the demolition of part of the boundary wall to be replaced by a detached dwelling. The residential units are proposed to be allocated as follows:

#### Fox Studio

Ground Floor - Apartment 1 – lounge/kitchen, bathroom, bedroom  
Apartment 2 – lounge/kitchen, bathroom, bedroom  
Apartment 5/Studio – lounge/kitchen, bathroom, studio (This unit has subsequently been changed to an office in the revised scheme).

Plus a porch entrance extension providing access to the first floor measuring 2.33m wide x 1.7m in depth x 3.2m to ridge height, 2.35m to eaves. (This element has been deleted from the revised scheme).

First Floor - Apartment 3 – lounge/kitchen, bathroom, bedroom  
Apartment 4 – lounge/kitchen, bathroom, bedroom  
Apartment 5/Studio – bedroom. (This element has been changed to an office in the revised scheme).

Two storey extensions are proposed to the north and south gable end elevations of Fox Studio to facilitate the internal accommodation.

North – 2.38/3m wide x 3.9m in depth x 6.15m to ridge height

South – 6.05m wide x 3m in depth x 5.6m to ridge height

#### New Dwelling

Ground Floor – living room, W.C, kitchen/diner

First Floor – 2 bedrooms, bathroom

The dwelling would have measured 4.35m wide x 9.35m in depth x 7.68m to ridge height, but has been deleted from the revised scheme.

1.2 Materials are proposed as timber clad, render and Wenlock stone walls, roof tiles 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 4 vehicles is indicated. No trees or hedges are affected by the development.

1.3 During the course of the application, amended plans have been submitted in response to the issues raised by consultees and public representations. These revisions remove the detached dwelling from the proposal and provide a pedestrian access through the wall in its place, additional parking provision and a bin storage

area. Additionally, the unit previously indicated as a Apartment 5/Studio has been reallocated as purely for commercial office space. The porch extension has been removed from the front elevation.

- 1.4 An Affordable Housing Contribution Proforma has been submitted agreeing to pay a financial contribution of £22,320 towards off site affordable housing provision as the internal floorspace is identified as being an average of 31m<sup>2</sup>. The applicable target rate for this area is 20%.  $(0.80 (0.2 \times 4) \times 31\text{m}^2 \times 900 = £22,320)$ .

## **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 close to 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.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 Applications where the Parish Council submit a view contrary to officers based on material planning reasons the following tests need to be met:

- (i) These contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions: and
- (ii) The Area Manager of Principal Planning Officer in consultation with the Committee Chairman or Vice Chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by Committee.

### **4.0 Community Representations**

4.1 - Consultee Comments

4.1.1 Much Wenlock Town Council (07-05-14) –

- i. The site is prominently located within the Much Wenlock Conservation Area where the demolition of the stone wall to provide a new dwelling would have a significant detrimental impact on the character and appearance of this part of the Conservation Area.
- ii. Visibility for drivers exiting the proposed site access onto King Street is severely restricted in both directions, by the adjoining access to the north and the remaining tall boundary wall to the south. As a consequence the formation and use of the access would lead to conditions detrimental to the free flow and safe movement of traffic.
- iii. It is a site of sensitive archaeological remains which should be thoroughly investigated.
- iv. The proposals would lead to over development of a small site.

Much Wenlock Town Council (02-07-14) –

- i. There seems to be little difference between the amended proposals and the previous proposals and the development does not belong in a Conservation Area.
- ii. To object on the following grounds: the site is prominently located within the Much Wenlock Conservation Area where the demolition of any part of the stone wall will have a significant detrimental impact on the character and appearance of this part of the Conservation Area; visibility for drivers exiting the proposed site access onto King Street is severely restricted, in both directions, by the adjoining access to the north and the remaining tall boundary wall to the south. As a consequence the formation and use of the access will lead to conditions detrimental to the free flow and safe movement of traffic; it is a site of sensitive archaeological remains which should be thoroughly investigated; the proposals will lead to over development of a small site in a Conservation Area.

4.1.2 SC Affordable Housing (14-04-14) - As an open market housing proposal, the Core Strategy requires the development to contribute towards the provision of affordable housing.

The current affordable housing contribution rate for this area is 20% and as such a proposal for 5 new open market dwellings would be liable to make a contribution

equivalent to one whole affordable unit. The applicant should be requested to complete and submit an Affordable Housing Contribution Proforma.

SC Affordable Housing (12-06-14) - The affordable housing contribution proforma accompanying the application indicates the correct level of contribution and/or on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing.

4.1.3 SC Drainage (14-04-14) - On the planning application, it states that the surface water from the proposed development is to be disposed of directly to a main sewer. Such a connection should not be made, as it can result in increased flood risk elsewhere. The use of soakaways should be investigated in the first instance for surface water disposal. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The drainage details, plan and calculations could be conditioned if planning permission were to be granted. Standard advice supplied in relation to the encouragement of measures listed to minimise the risk of surface water flooding and that consent is required from the service provider to connect into the foul main sewer.

4.1.4 SC Conservation (08-05-14) – The current proposal is not supported from a conservation perspective.

The proposal involves significant alteration to the existing building including extensions to both sides, the erection of a porch, the insertion of a number of new openings and the alteration of a number of existing openings. The extension of the building to either side and the erection of a porch is considered inappropriate and detracts from the original character and form of the building. Although there appears to have been historic alterations to the openings to the front of the building, the proposed design creates a number of new openings and alters many of those existing resulting in a considerably different character. The original openings and brickwork details should be retained where ever possible during any conversion.

The current proposal is considered to be wholly inappropriate for this former Coach House and would be significantly harmful to the character and appearance of the building itself and the wider Conservation Area. If conversion is considered acceptable, the design of any conversion should look to retain the original form and character of the building.

The application also proposes the demolition of part of the boundary wall to the site and the erection of a single dwelling to the front of the site extending the existing terrace along King Street. The removal of this portion of wall is considered to have a detrimental impact on the character and appearance of this part of the conservation area. The proposed dwelling is considered to be an inappropriate addition to the existing terrace, the form of the proposed dwelling does not reflect the form of the existing terrace, the depth of the property and the roofline are out of keeping with the existing built form. It is considered that the proposed removal of the wall and the erection of the proposed new dwelling would have a detrimental impact on the character and appearance of the conservation area.

SC Conservation (05-06-14) - Following a discussion on site about the details of the conversion of the existing building a revised plan has been submitted. The revised plan has taken on board the philosophy of reusing the existing openings where possible which has helped to minimise the impact of conversion.

The amended plans are considered an improvement however I still have some concerns about the extension of the building to both sides, this may appear to be an over extension of the building and detract from the appearance and character of the conservation area.

The matter of a pedestrian access gate through the front boundary wall was discussed on site. A section of the wall is bowing and is in need of some repair, it was discussed that a small pedestrian gate could be inserted whilst repair works were undertaken. It was felt that from a conservation perspective a small pedestrian gate may be acceptable without significant detriment to the character of the conservation area. However the proposed opening on the plan appears much larger than anticipated and would not be appropriate.

The removal of the new dwelling from the application is welcomed.

SC Conservation (03-07-14) - The opening in the boundary wall to allow pedestrian access has been reduced in size and is now considered to be more appropriate. It is considered that a small insertion during the process of remedial works could be acceptable, details of the treatment will need to be agreed to ensure the impact is as minimal as possible.

- 4.1.5 SC Archaeology - 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 new dwelling and any ground disturbance associated with the conversion of the existing studio. In view of the above and in line with National Planning Policy Framework (NPPF), I 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. Wording of condition suggested.

4.1.6 SC Highways - The highway authority raises no objections in principle to the granting of consent.

The vehicular access to the proposed dwellings would be via the existing entrance to the public house car park, where other than for the parking space available, the amount of vehicle movements are currently not restricted. The scheme provides 4 dedicated parking spaces within this car park and though this would not fully serve all the dwellings, the town centre location of the development would make occupation of some units sustainable for residents without a motor vehicle.

One dwelling (unit 6) has a pedestrian access door directly onto the carriageway. Although I do not consider this to be ideal, I appreciate that there are other old residences along King Street where this is the case but I consider a highway objection to the scheme on the grounds of this would not be sustainable. I would however recommend that all access was via the public house car park in the interests of highway safety.

4.1.7 SC Waste Management - It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material).

Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. It is recommended that the developer look at the guidance that waste management have produced, which gives examples of best practice.

4.1.8 SC Ecology – Informative recommended in relation to bats and nesting wild birds.

4.2 - Public Comments

4.2.1 In total 25 public representations have been submitted, comprising 24 objections and one letter of support from 13 different addresses, including Much Wenlock Civic Society. These can be viewed in full online, however, are precised below:

Objections to proposal as submitted:

- o While the Neighbourhood Plan survey has shown that there is a great need in town for both affordable starter homes, and down sizing retirement dwellings, is there a guarantee that these units will remain residential?
- o Adding the 2 storey extensions on a very tight plot is overdevelopment.
- o The extension to Apt. 5 would appear to be disproportionate to all the other proposed new accommodation.
- o The extensions will take away sunlight from 3 houses especially no. 50 including annex and no. 51 (in the process of development).
- o A 2 storey extension to the gable end of Fox Studio would directly block the morning sun, casting both ground and first floor rooms at 1-2 King Street in permanent shadow. It would overlook both the bedrooms and garden, destroying any hope of privacy.
- o Existing obscure glazing in Fox Studio would change to clear glass if

permission is granted.

- o As the land falls away behind the building, its blank wall facing Ashfield cottage is already high and forbidding.
- o The proposed dwelling is double the depth of the existing gable at no. 1 King Street, the scale and layout of which should be respected.
- o Any continuation of the terrace should take account of the existing building depth.
- o To cover the gable is inappropriate as it is constructed in local limestone rubble and contributes considerably to the streetscape.
- o The site plan submitted is inaccurate and misleading in favour of the applicant.
- o The proposed dwelling is of an inappropriate design, scale and siting in relation to the existing buildings.
- o It will add further traffic congestion to an already dangerous junction.
- o Parking on King Street where several households have more than 2 cars is already difficult.
- o King Street provides access to the local doctors' surgery and access and parking is already limited.
- o If visitor car parking is not allowed for the development access along King Street will be even more difficult.
- o It will reduce the parking for The Fox and make the area even more difficult to negotiate.
- o If the surface water drainage goes to soakaways, it will tend to percolate down to the adjacent lower lying gardens.
- o No room for bins or recycling.

#### 4.2.2 Much Wenlock Civic Society:

- o No objection in principle to a suitable housing development on the site, however, the particular high density development currently proposed at the heart of the Conservation Area, fails to comply with current planning policy.
- o Of particular concern is the removal of a section of local stone wall, significant parking area and the parking demand arising from such a large number of new dwellings.
- o Urge the LPA to require prior archaeological investigation before work commences if approved.

#### 4.2.3 Objections to amended proposal - previously voiced objections are reiterated plus:

- o The latest set of amendments prove the applicant has no intention of accommodating our concerns.
- o Cramming 5 residential units into such a confined space will have a massive effect on privacy and light, and therefore a radical impact on the neighbours experience of living in their own homes both inside and out.
- o Anti-social housing should be avoided for everyone's sake.
- o The applicants intend encroaching onto my land, demolishing my boundary wall and disturbing/destroying my planting. I will not allow my wall to be demolished or undermined for foundation works.
- o Some of the surrounding properties were not built with foundations/insubstantial foundations to manage increased drainage from



the proposed soakaways.

- o Our property (no. 48) is considerably lower than the foundations of the garages linked to the studio.
- o The proposed development fails to meet criteria set out in the Much Wenlock Neighbourhood Plan.
- o The provisions of the Much Wenlock Neighbourhood Plan for parking and private amenity space should be observed.
- o The introduction of a break into the wall to allow pedestrian access would further exacerbate parking problems within this narrow street.
- o Residents of King Street frequently have members of the public parking right in front of their doors, so how is the applicant going to prevent cars blocking access for the disabled and bin collection?
- o There is a King Street residential action group who have already made proposals to turn the road into a one way street.
- o Previous planning applications to make an entrance through this wall were refused.
- o The application documents are inadequate, the drawings undimensioned.
- o There is potential noise pollution due to the amount of units planned for development in such a small site.

#### 4.2.4 Letter of support:

- o The accommodation that these dwellings would provide is much need in Much Wenlock for single occupation or as starter homes for a couple.
- o For those that have lived in Much Wenlock all their lives, there is a problem when they want to downsize.
- o The comments that the revisions have not changed the application do not recognise the reduced number of dwellings or the alteration to the fronts by removing the cladding and porches.
- o There is a precedent set for infill in the Conservation Area, with buildings within the King Street environs being erected or altered. A large detached house at Mardol Cottage dominates the skyline and overlooks the properties on Queen Street.
- o The plans for The Fox Studio show consideration of many sensitive issues such as height of building, car parking, space between properties and overall appearance.
- o The proposal sets out parking facilities for the properties, and therefore the development would not negatively impact on parking problems in King Street.

## 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

**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.

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 H4 indicates that proposals such as this one for the conversion of existing buildings to one bedroom apartments, will be supported where they contribute positively to local character and help to meet local housing needs.

6.1.2 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.

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. Whilst this application includes conversion of a commercial building to residential, it also allows for office space over 2 floors and retaining the business element. Having both residential and business uses under one roof, introduces the potential for home and work life to combine.

6.1.3 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 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 amended plans alter the proposed appearance of the building significantly from the submitted details. By removing the porch and door canopy elements, reducing the number of new openings and retaining more of the existing openings it is felt that the core form and character of the building will be retained. Similarly the impact on the prominent boundary wall and existing residential terrace on King Street has been significantly reduced by the removal of the proposal to insert a new dwelling. The amendment to open up only a pedestrian access into the wall where it is currently bowing and needs some repair work is felt to be acceptable without significant detriment to its character and that of the wider Conservation Area.
- 6.2.3 The extensions on either side of the building remain proposed on the amended plans and have been included to ensure the viability of the scheme. Whilst any reduction in their size would of course lessen the impact, it is considered that they are clearly subservient to the main building having lower roof ridges, and the character of the front elevation is not encroached upon. Therefore 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 (indicated at 4) and their internal capacity with the provision of one bedroom each, combined with the office use which will be empty overnight, will not afford excessive occupation of the site.
- 6.2.5 The submitted site plans show new areas of soft landscaping within the courtyard which will improve on the existing hardness of the site. To ensure that the visual appearance of the site benefits from soft landscaping, further details of this aspect will be conditioned.
- 6.3 Impact on neighbours/residential amenity
- 6.3.1 Whilst the concerns expressed are appreciated, it is not felt that there will be significant adverse impact on the adjacent neighbours from the proposed residential use, overlooking or overbearing from the increased mass of the building. The agent has confirmed that the applicant has full and proper title to the development, boundaries have never been disputed and the development is completely within the applicant's ownership.
- 6.3.2 All new and existing first floor windows will overlook the courtyard or to part of the rear of no. 1 King Street where there are no windows. The only new window which creates the potential for overlooking of adjacent private amenity spaces is that of the west facing bedroom window in the northern side extension. This window would look down into the yard behind nos. 1 and 2 King Street, and over towards the first

floor windows at no. 2 King Street. For this reason the window will be conditioned to be obscure glazed with top hung vents opening only. The agent has been made aware of this intent and has verbally agreed to the requirement. There are no windows proposed to the north or south side elevations, or to the east facing rear elevation. Similarly 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 proposed extensions are lower in height than the existing building and increase its footprint by a restrained amount of approximately 28.5m<sup>2</sup>. Additionally, they are not positioned directly abutting any of the neighbouring dwellings, there being sufficient space around Fox Studio to accommodate the extensions. 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. Those on King Street to the west may have reduced morning light resulting from the northern side extension, but the width at 3m max and height at 6.15m will not result in an excessive additional mass which would have a much greater impact than that created already by the existing building.

#### 6.4 Impact on the historic environment

6.4.1 On balance it is considered that the amendments proposed to the scheme have sufficiently protected the character and appearance of the building, the site and the surrounding Conservation Area to be of greater benefit to the dynamics of the town than harm caused to the historic environment. The reasons for this consideration are detailed above in paragraph 6.2, and are largely supported by SC Conservation who whilst have reservations in relation to the side extensions, understand that without them this scheme to provide 4 no. one bedroom apartments which would be an asset to local needs, is not viable. It is considered that the development makes efficient use of an existing building and land whilst respecting the character of the surrounding area in its scale and massing.

#### 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, and when 4 spaces were initially proposed this was acceptable to SC Highways.

6.5.2 Attention has been drawn to parking issues outside the site, however it is difficult to visualise how the proposed development would exacerbate this problem given that on site parking is provided. The insertion of a narrow pedestrian access into the boundary wall is not considered to impact on the adjacent road, although it is recommended by SC Highways that all access is via the public house car park in the interests of highway safety.

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 will not have a greater impact on the access than its current use and it is therefore considered sufficient for purpose.

6.6 Drainage

6.6.1 The proposed development can be considered as a minor housing/commercial extension as the building already exists and the amount of extension is limited to approximately 28.5m<sup>2</sup>, the impact on the level of surface water drainage therefore being minimal. As the building is already connected to the main sewer, it is felt that the drainage details can be successfully managed by pre-commencement condition.

## 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 appropriate for a town centre location.

## 8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ☒ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☒ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than 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:  
National Planning Policy Framework

Core Strategy and Saved 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  
H3 - Residential Developments In Main Settlements  
D6 - Access And Car Parking

Type And Affordability Of Housing SPD  
Much Wenlock Neighbourhood Plan 2013-26

RELEVANT PLANNING HISTORY:

BR/APP/FUL/07/0687 – Construction of new vehicular access, entrance gates and boundary wall after demolition of part of existing boundary wall. Refused 25<sup>th</sup> September 2007.

BR/APP/FUL/05/0049 – Erection of a single storey extension. Granted 1<sup>st</sup> March 2005.

BR/95/0785 – Siting of a temporary office building for a period of one year. Granted 18<sup>th</sup> January 1996.

BR/86/0885 – Use of former stables as photographic studio with associated offices. Granted 19<sup>th</sup> January 1987.

BR/86/0724 – Use of former stables as offices and studio. Granted 6<sup>th</sup> November 1986.

69/2128 – Conversion of first floor of existing building used for storage purposes to office accommodation and formation of vehicular access Wheatland Yard, High Street Much Wenlock – Granted 15<sup>th</sup> October 1969

61/939 – Change of use of loft over stables into carpenters machine shop, back yard of Wheatland Fox Hotel – Granted 31<sup>st</sup> May 1961.

**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 as amended received on 16<sup>th</sup> May 2014  
Notes responding to private objections received on 1<sup>st</sup> July 2014

**Cabinet Member (Portfolio Holder)**

Cllr M. Price

**Local Member**

Cllr David Turner

**Appendices**

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

#### CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No built development shall commence until samples of all external materials including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory.

4. No development shall take place until a scheme of surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be complete before the development is occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding

5. Details of the pedestrian access through the boundary wall with King Street including method of demolition, repair and finishing work shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works on the pedestrian access. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Conservation Area.

6. 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.



Reason: The area is of archaeological potential and it is importance that any archaeological features and finds are properly recorded.

7. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:
- Means of enclosure
  - Hard surfacing materials
  - Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
  - Planting plans
  - Written specifications (including cultivation and other operations associated with plant and grass establishment)
  - Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
  - Implementation timetables

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

8. All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. wheel washing facilities
  - vi. measures to control the emission of dust and dirt during construction
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

### **CONDITION THAT REQUIRES APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

10. The development hereby permitted shall not be brought into use until the car parking shown on the approved plans has been provided, properly laid out, hard surfaced and drained, and the space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate car parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

### **CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

11. The first floor bedroom window of Apartment 3 (as specified on drawing no. PL-004 hereby approved) in the west facing front elevation shall be permanently formed as a fixed light apart from the top hung vent, and glazed with obscure glass and shall thereafter be retained. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no further windows or other openings shall be formed in that elevation or any of the other elevations, unless specific permission is obtained from the Local Planning Authority

Reason: To preserve the amenity and privacy of adjoining properties and to protect the character and appearance of the building and the surrounding Conservation Area.

### **Informatives**

1. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

3. If your application has been submitted electronically to the Council you can view the relevant plans online at [www.shropshire.gov.uk](http://www.shropshire.gov.uk). Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.

4. The advice of Shropshire Council Drainage is attached for your information.
5. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

6. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

7. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
8. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:  
National Planning Policy Framework

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

Type And Affordability Of Housing SPD  
Much Wenlock Neighbourhood Plan 2013-26

Bridgnorth District Council 'Saved' Local Plan Policies:  
H3 - Residential Developments In Main Settlements  
D6 - Access And Car Parking

9. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.