



Committee and date

South Planning Committee

6 December 2016

Development Management Report

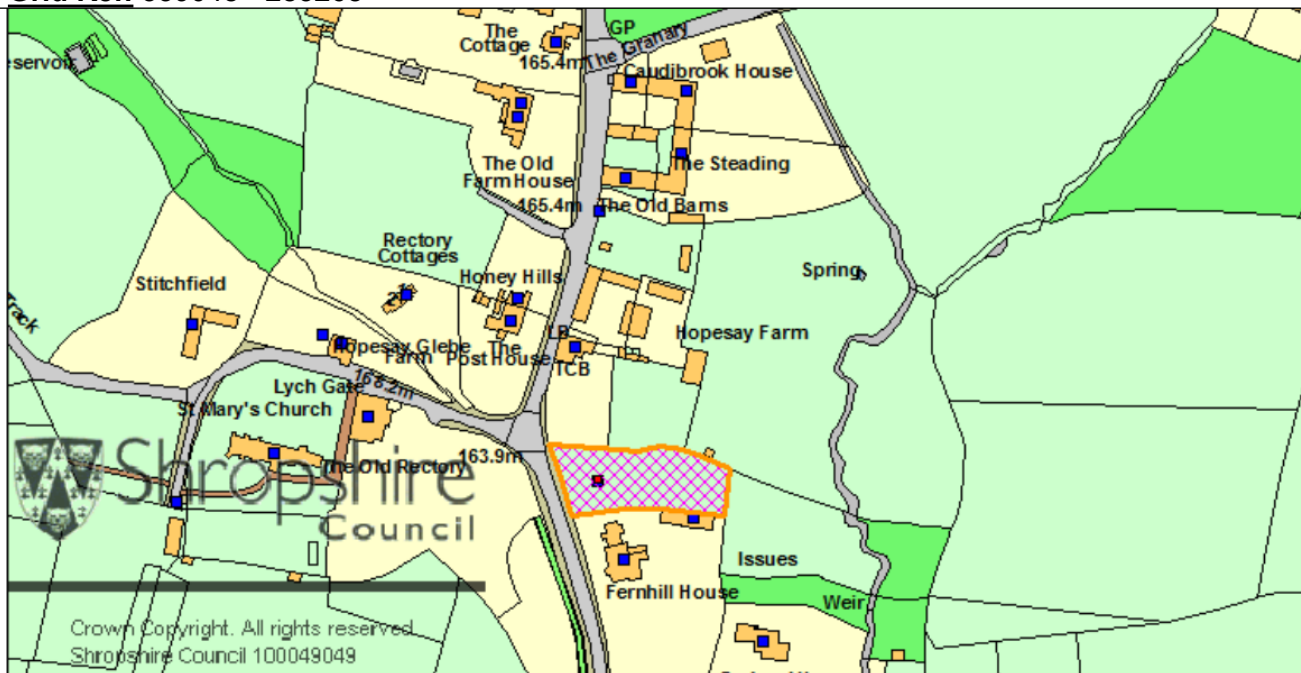
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Summary of Application

Application Number: 16/01597/FUL	Parish:	Hopesay
Proposal: Erection of single dwelling and formation of vehicular access		
Site Address: Proposed Dwelling To The South Of Hopesay Farm Hopesay Shropshire		
Applicant: Mr & Mrs Bowen		
Case Officer: Heather Bradley	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 339048 - 283268



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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning permission for the erection of a detached dwelling.

1.2 The scheme proposes a four bedroom detached dormer dwelling, constructed in brick, with a slate tiled roof. Following discussion with Council Officers the scheme was amended to reduce the size of the rear projecting element and amend the porch design to a smaller canopy design.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site forms a roughly rectangular parcel of land on the east side of the village of Hopesay. The land sits between Hopesay Farm to the north and Fernhill House and Fernhill Cottage to the south. Hopesay Farmhouse is itself a grade II listed building.

2.2 The site is currently a field, open to views of the wider landscape to the west. Existing vehicular access is situated along the north end of the low stone boundary wall which separates the site from the main road running through the village. A public bench abuts this boundary wall sitting on the grass verge and facing the mature hedge boundary of the property to the east known as The Old Rectory.

2.3 The site is within the Hopesay Conservation Area, the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and the catchment of the River Clun which is a designated Special Area of Conservation (SAC).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have provided views contrary to the Officers recommendation. This has been discussed with the Local Member and the Chairman and Vice Chairman of the South Planning Regulatory Committee. The Chair and Vice Chair requested that the application should be determined by planning committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Hopesay Parish Council –objects to this application on the grounds that:

- A previous application for this site (SS/1/02911/0) was declined (Oct 92), went to appeal, and was dismissed (Mar 93) by the Planning Inspector and the primary basis for declining the application and dismissing the appeal remains valid: "the proposed development will have a detrimental effect on the visual amenities of the Shropshire Hills Area of Outstanding Natural Beauty and the (then proposed) Conservation Area and would set a

precedent for other inappropriate development". The Planning Inspector: "I consider that the main issue in this case is the effect of the proposal on the character and appearance of the area.." and "Hopesay is a particularly unspoilt hamlet which has undergone very little development..and its character derives..from its informal dispersed layout where open fields are intermingled with buildings. The appeal site is centrally located within the hamlet and.. its openness makes a very important contribution to the rural character of the settlement" and "The erection of a new dwelling on the site would be very harmful to the open rural character of Hopesay and would detract from the natural beauty of this part of the AONB". The Planning Inspector also did not consider that the proposal could be regarded as infill because of the substantial gap between the adjacent dwellings and the particular character of the surroundings.

- The application is inaccurate because it states that there is no planning history whereas the previous application and decision (as stated above) is actually on Shropshire Council's Online Register.
- This area is now a Conservation Area. The proposed application is not in keeping with existing dwellings within the Conservation Area. The application attempts to make similarities with brick built dwelling in the hamlet whereas the existing brick dwellings are over 100 years old, and made of hand made mellow terracotta bricks from local clay or of Victorian bricks, with original clay tiled roofs.
- The application states that the proposed new property 'represents careful and proportionate infilling' and will have 'little impact on the character or significance of the Conservation Area' and implies that the visual impact will be slight. However the visual impact will be enormous due to the unsympathetic design and materials, and the proposed dwelling will have a significant adverse impact on the Conservation Area and the listed buildings nearby, as it is in the heart of the hamlet. Council argues that far from 'careful and proportionate infilling', the proposed dwelling is inappropriate, jars with surrounding buildings, is unattractive, and has no merit. It does nothing to preserve or enhance the Conservation Area, and in fact will have the opposite effect.
- The proposed dwelling is 4 bedrooms. There are already more than enough 4 + bedroomed dwellings in the area. More are not needed. The local market requires smaller, more affordable dwellings for young families and for older persons downsizing.
- The site has always been a field and is an integral part of the Conservation Area. Furthermore, the environmental appraisal submitted is inaccurate (we note it was carried out in February, when much flora and fauna is invisible).
- There are Great Crested and other newts in the hamlet and in that part of the hamlet, there are water voles in the stream that runs through the field, there are several species of bats, as well as numerous frogs, toads, slow

worms, hedgehogs, stoats, and various other fauna. There are reportedly 130 species of flora in the field, some unusual.

Hopesay Parish Council – Response to amended plans and additional information – Objections remain as originally submitted.

4.1.2 SC Drainage (SUDs) - 19th April 2016 - No objection subject to conditions regarding surface and foul water drainage and use of permeable surfacing to driveway and access Recommend informative regarding the design of Sustainable Urban Drainage Systems (SUDs).

SC Drainage (SUDs) – 12th July 2016 - The proposed surface water drainage is acceptable. The proposed foul water drainage details should be conditioned if planning permission were to be granted. The Foul Drainage Assessment Form (FDA1 Form) should be submitted for approval.

4.1.3 SC Historic Environment (Conservation and Design) – 10th May 2016 – Amendments requested.

- No principle objections to the construction of a detached dwellinghouse on this site as it will be located within its own plot where the existing conservation area is characterised by detached properties set into spacious plots.
- The proposed dwelling will broadly follow the building line to that of Ferndale House to the south.
- Hopesay Farmhouse is set a little distance away to the north where overall the proposal would have little overall impact upon the setting of these heritage assets including that of the wider conservation area.
- However there are some proposed design features that could cause harm to setting including the scale where the side elevation profile into the plot is too large - could this be replaced by a simple timber framed sunroom type structure?
- The porch that is somewhat incongruous, where the porch detailing is too large in terms of its span and it over dominates the front elevation. A simple timber post tiled porch would suffice.
- The proposed front rooflight to the side set down section should be removed and placed on the rear facing plane of the roof.
- The Planning Statement states that the dwelling will be constructed in red brick but what about the other facing materials? The Conservation Area Statements states other materials including timber framing and slate roofs, so the proposed materials palette needs further explanation.
- Details on how the existing stone wall will be managed as the structure currently makes a positive contribution to the setting of the conservation area.

Overall it is considered that the proposal is not in accordance with policy MD13 of SAMDev or in accordance with the design principles set out in the Hopesay Conservation Area Statement (paragraph 7.4). There is objection to this proposal until the above recommended amendments are undertaken to the proposed drawings.

SC Historic Environment (Conservation and Design) – 25th July 2016 –
These comments supplement those originally submitted on 10th May 2016 –
Amendments to design acceptable, however additional heritage impact assessment
required.

- Rear projecting sunroom - This has been reduced to a more acceptable scale, where it should be more ancillary to the principal section of the proposed dwellinghouse. It should also mitigate views looking north and southwards.
- The porch has now been amended to a smaller scaled porch that is a timber framed ancillary structure that tiled pitched. This amendment is welcomed.
- Front facing rooflight has been moved to the rear – this is therefore OK
- Status of existing boundary front wall - updated block plan has been noted and agree that a method statement to its reconstruction can be conditioned accordingly.

Whilst the above considers specific details of the proposed dwellinghouse, the Inspector's Report dated from 1993 is noted where he expresses concern over the proposed dwellinghouse's potential impact on the openness of the site, as well as relevant views of the hills and rural hinterland beyond and therefore the overall setting of the Shropshire Hills AONB. It is noted that this report was issued pre-designation of the Hopesay Conservation Area.

This is a significant consideration where many of the existing factors are still relevant, especially now that the conservation area has now been designated. It is noted from the submitted Heritage Statement that there would not be any impact from the proposal. There is disagreement with this statement, as any structure on this site will have some degree of potential impact with regards to open views as well as conservation area and listed building setting impact. Notwithstanding the Inspector's view on having a built structure on the site, it is imperative that if the principle of development of this site for a structure is accepted, then further setting assessment work should be required to assess the impact of the proposal on relevant views/vistas within the settlement of Hopesay, that could be in the form of photographic visuals of the proposal from the relevant vantage points, that include short and long-term views south, north, east and west. The view along the west and eastwards axis is perhaps the most critical in terms of assessing setting of the grade I St Mary's Church to the west as well as the view of the hills in the background.

SC Historic Environment (Conservation and Design) - 19th September 2016 -
These comments supplement previous comments submitted on 10/5/16 and
25/7/16 respectively – No objection, subject to conditions.

The main objection was the lack of heritage assessment with regards to how the new dwelling would impact upon the overall character, appearance and setting of Hopesay Conservation Area. Whilst a Heritage Assessment was submitted, it did not include photo visuals in order to aid the overall assessment of the potential impact of the setting of the site. The main concern was immediate views of the site from the immediate highway (photo 8) as well as views from St Mary's Church to the west (photo 1) and whether the proposal would impact on the setting of that heritage asset. The submission of the Conservation Area Viewpoints was made on

16/8/16 that has been helpful in order to make a better assessment of the site and supplementing the Heritage Assessment in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 128 of the NPPF and policy MD13 of SAMDev. The proposed amendments to the proposed dwellinghouse in the latest submitted drawing is supported where it reduces its overall width and therefore allowing views to the hills either side of the building within its plot that should be retained. The presence of existing mature hedgerows and planting also mitigates the impact of the proposed building from other immediate views within the conservation area, where the previous objection is now withdrawn subject to appropriate conditions including facing vernacular materials (bricks, oak timber frames, slate tiles etc), conservation specification rooflights and an appropriate recess for the proposed casement windows.

4.1.4 SC Historic Environment (Archaeology) – No objection subject to condition requiring secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI).

4.1.5 SC Highways – No objection subject to conditions and informatives regarding the new access, visibility splays and gates.

4.1.6 SC Ecology – 9th May 2016 - Additional drainage information has been requested and is awaited to enable Shropshire Council to complete a Habitat Regulations Assessment in order to assess any potential impact on the River Clun SAC.

SC Ecology – 25th July 2016 - No objection subject to conditions and informatives regarding bats, wild nesting birds and trenches.

4.1.7 Shropshire Hills AONB – Standing advice regarding policies affecting the Shropshire Hills AONB and the statutory duty of the Local Planning Authority to consider the AONB when determining a planning application.

4.1.8 SC Affordable Housing – 05th May 2016 - 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

4.2 - Public Comments

4.2.1 17 Objections received to original consultation –

4.2.2 Design

- A new build in standard red brick – out of character with the village.
- The dwelling is too large and imposing - not in character with the village.
- The proposed frontal design is of little architectural merit, but the design and proportions of the rear ground floor structure are certainly not in keeping with the surrounding dwellings and the setting of the village when viewed from the Hill.
- Development is non-compliant with the NPPF in respect of design. The plans submitted are for an "off the shelf" executive home which might be suitable for the commuter belts surrounding the West Midlands.

- The design is alien to Hopesay and more suited to an executive development in a large town.

4.2.3 Visual Impact

- Site provides the only place in the village where there is an uninterrupted view of Hopesay Common and Hill.
- Harm the AONB
- Spoil the aesthetic view of this part of the village.
- The design is unsympathetic with the look and feel of the village.
- Any development on the site would not preserve or enhance the character of Hopesay and conflicts with CS6 and CS7.
- Loss of the open character of the village.
- The proposed development would bring nothing of value to the settlement of Hopesay except architectural banality.
- The Shropshire Way was rerouted to improve views for walkers and runs alongside the site – view would be lost by the development.

4.2.4 Heritage Assets

- Detrimental harm to the setting of nearby listed buildings.
- Heritage Statement. Section 7.1.2 concentrates on the impact of the proposed dwelling on the main vista along the axial lane through the village but makes no mention of the view of the proposed property from the path along the bottom of Hopesay Hill.
- Visually intrude on the Conservation Area.

4.2.5 Principle

- Proposal is not sustainable development.
- In this part of Hopesay parish there must be a presumption against a new-build residential development. The case could be considered purely speculative in nature.
- The proposal doesn't provide affordable housing to meet community needs;
- Four bedroom house is not needed, the priority is for smaller more affordable housing.

4.2.6 Planning History

- Applications have been refused on this site previously and dismissed at appeal – the circumstances of the village have not changed.
- The conclusions of the Inspector in their appeal statement are directly relevant to the proposal.
- Even if the planning environment had changed so drastically since 1993 as to diminish the Planning Inspector's overall findings, it wouldn't detract from his considered judgement as to what does or does not constitute infilling.

4.2.7 Ecology

- Adverse impact on biodiversity
- The survey doesn't take into account wildlife activity at different times of the year.

4.2.8 Residential Amenity

- Loss of privacy and outlook.

4.2.9 Highway/Access

- The village would not cope with the impact on construction traffic as a result of the development
- The field opening has always been in the current location and there is no reason why a new entrance should be made when the current gateway is adequate.

4.2.10 Drainage

- No investigation has been done into drainage from neighbouring septic tanks and sewerage systems – The soakaway is into the land under the proposed site.

4.2.11 Procedure

- Decision should be made by planning committee due to importance of this application to Hopesay, and its contentious nature.
- Concerned that most parishioners are unaware of the proposed new dwelling as no notice has yet been displayed on the site.
- The description of this application is not correct. The proposed dwelling is not to the South of Hopesay as the location is within Hopesay but should be described as Land adjacent to Fern Hill House Hopesay.
- Block Plans – the block plans have been drawn to avoid showing the sites proximity to The Old Rectory and its grounds.

4.3 2 comments received –

- The correct building materials will be critical to ensuring the building fulfils its stated ambition to remain subservient to existing village buildings and in line with the 19th Century properties.
- If permitted the development should be subject to certain specifications: -
- Samples of materials should be pre-approved by the Conservation Officer as some modern bricks would be inappropriate.
- Proposed hardstanding for cars should be restricted to the south side if the proposed building – to help the view from the village to the hills beyond to remain open to some extent.
- The low stone wall separating the site from the pavement should be retained (and replaced and rebuilt where the proposed opening is moved)
- Community bench should remain in situ (or a closely adjacent to its current location as possible)
- In considering the application, Shropshire Council should take note of the need highlighted in the Parish Plan, the Housing Needs Survey and the Place Plan for affordable or low cost housing for young people and older people wishing to downsize rather than for more large executive style properties.

4.4 7 objections received on amended plans and photographic survey: -

4.5 Photographic Survey – is inaccurate and misleading

- The photographs were taken with the foliage in full bloom, they give a wholly misleading impression of how the site will look in the autumn, winter and spring

- months when most of the deciduous trees will not be in leaf.
- The photographs omit the bench which was put there to allow walker a place to sit and refresh themselves and admire the view from that spot.
- Do not show how The Old Rectory holds a prime position towering over the height of the church and over the development site..

- No need to move the entrance to the field from a position that has existed for over 200 years.
- The bench will sit in the middle of the proposed new entrance.
- Changing the design detail cannot alter the whole architectural ethos.
- Little importance is attached to the design and materials specification.
- The scheme continues to harm the AONB, character and appearance of the Conservation Area.
- Adding the word "vernacular" to describe the brickwork, reducing the size of the rear of the property and redesigning the front porch do not mean that the house would now enhance the character of Hopesay.
- The amended plans do not take into account the harm to wildlife and ecosystems on the site.
- The small size and shape of the plot next to listed properties makes development unsuitable.

5.0 THE MAIN ISSUES

Principle of development
Affordable Housing Contribution
Siting, scale and design of structure
Visual impact and landscaping
Shropshire Hills AONB
Conservation Area
Archaeology
Biodiversity
Highway Safety
Residential amenity
Procedural matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 A key objective of both national and local planning policy is to concentrate new residential development in locations which promote economic, social and environmental sustainability. For Shropshire, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new housing to sites within market towns, other

'key centres' and certain named villages ('Community Hubs and Clusters') as identified in policy CS3; CS4 and set out in detail in the Council's SAMDev Plan Policy MD1. Sporadic development in open countryside (i.e. on sites outside the named settlements) is unacceptable without special justification.

- 6.1.2 Hopesay is part of a Community Cluster with Aston on Clun, Broome, Horderley, Beambridge Long Meadow End, Rowton, and Round Oak. The SAMDev settlement policy S7.2(i) sets the housing guideline for the cluster seeking to deliver around 15 additional dwellings in the plan period (up to 2026) in the form of infilling and conversions on small scale sites. The policy also states that housing development in the form of single plot developments would be preferred to enable a slow, cumulative growth. To date Hopesay has delivered no housing development under this policy. Its inclusion as a component of a Community Cluster under SAMDev Policies MD1 and S7 implies that the location in general *is* sustainable, and carries significant weight (NPPF Paragraph 14 states that proposals which accord with the development plan should be approved without delay).
- 6.1.3 The existing development in Hopesay tends to be focused along the unclassified C road which runs through the village and along the spur road which leads to the village church. The pattern of the built development is made relatively informal and dispersed due to the presence of open fields and mature landscaped areas which intermix between the built structures. The Planning Inspector in the appeal decision issued in 1993 (SS/1/2911/O/) and which has been referenced by the Parish Council and third party objectors confirms that the site is centrally located. The SAMDev Plan does not define development boundaries around these Cluster settlements and provides no definitive definition of infilling, the question of whether or not specific schemes constitute infilling is a matter for judgment in each case, although the explanatory text accompanying Core Strategy Policy CS4 confirms that windfall development *adjoining* the settlements is unacceptable. The dictionary defines 'infill' as 'the act of filling or closing gaps'.
- 6.1.4 In this case built development sits to both the north and south sides of the application site. In Paragraph 4 of the appeal decision the Inspectorate considers that the proposal couldn't be regarded as infilling due to the substantial gap between the adjacent dwellings and the character of the surroundings. In terms of the weight which this previous appeal decision carries in considering this current planning application it should be noted that the decision made on 24th March 1993 is now 23 years old and Hopesay was considered countryside in planning policy terms where no new open market housing was accepted by the adopted development plan at that time. The scheme now before the Council has to be considered in the current planning policy context set out above and has significantly changed compared to the plan context in 1993, particularly with the adoption of the SAMDev plan which identifies Hopesay as part of a community cluster. As a result it has to be accepted that Hopesay will have a degree of housing development, and the character of Hopesay will be likely to evolve as a result. This change of policy context has to be given significant weight in assessing both whether the scheme represents infill and on the character and appearance of the settlement, Conservation Area and Shropshire Hills AONB (a matter which is considered later in this report).

6.1.5 In terms as to whether the application site could be classed as infill, as noted above there is built development to the north and south sides of the plot and the site is clearly within the central part of the settlement. It is noted that the inspector considers there is a substantial gap between adjacent dwellings, and this would mean the site isn't not infill, however it also has to be noted that existing development in the settlement is sited in generous plots, with gaps between, which the Inspectorate also identifies. It is therefore considered given the above that the application site would represent infilling for the purposes of adopted planning policy.

6.2 Affordable Housing Contribution

6.2.1 On 28th November 2014 the Minister of State for Housing and Planning, Brandon Lewis MP, issued a Written Ministerial Statement (WMS) announcing that planning obligations should not be used to secure affordable housing contributions in connection with developments of 10 units or less (and with a maximum combined gross floor space of 1,000sqm), or 5 units or less in Designated Rural Areas. The latter are defined under Section 157 of the Housing Act 1985, and now include many rural parishes in Shropshire as well as the Shropshire Hills Area of Outstanding Natural Beauty (AONB).

6.2.2 Reading and West Berkshire Councils sought to challenge the WMS at the High Court. On 31st July 2015 it was quashed by Mr Justice Holgate, and the Government subsequently withdrew its associated Planning Practice Guidance (PPG). From this point Shropshire Council continued to apply its own affordable housing policy.

6.2.3 The Government challenged Mr Holgate's decision through the Court of Appeal, which overturned it on 11th May 2016. Consequently the WMS still applies. Furthermore the Housing and Planning Act gained Royal Assent on 12th May 2016, giving the Government power to achieve the same result (i.e. to set minimum thresholds for requiring affordable housing contributions) via secondary legislation.

6.2.4 In addition the Planning Inspectorate had already taken the stance that the WMS was a material consideration to be given significant weight in planning appeals, in accordance with the Secretary of State's position. The Court of Appeal confirmed this view that, like the National Planning Policy Framework (NPPF), the WMS constitutes policy as opposed to mere guidance, and that the Secretary of State is entitled to give greater weight to his policy if it conflicts with a development plan.

6.2.5 At this juncture Shropshire Council accepts that, despite the development plan remaining the starting point for planning decisions, the WMS is a significant material consideration and one which is more up-to-date than its own policies. The Council will not generally require an affordable housing contribution in connection with schemes where the aforementioned thresholds would not be met.

6.2.6 Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG. On balance, therefore, and at the time of writing, it is considered that there are no

specific circumstances which would justify giving greater weight to the latter and requiring an affordable housing payment in this particular case, with the relevant thresholds not being met, and it having been established above that the development is sustainable in any event.

6.3 Siting, scale and design of structure

6.3.1 Paragraph 55 of the NPPF advises that the design of developments, particularly in rural communities should:

- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- Reflect the highest standards in architecture;
- Significantly enhance its immediate setting; and
- Be sensitive to the defining characteristics of the local area.

6.3.2 Paragraph 60 of the NPPF however states that:

‘Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness’

6.3.3 This national guidance is reflected and supported at the local level through Core Strategy policy CS6, which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev policy MD2 expands further on this and expects development to contribute to and respect locally distinctive or valued character and existing amenity value by:

- i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and
- ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
- iii. Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and
- iv. Enhancing, incorporating or recreating natural assets in accordance with MD12.

6.3.4 The Hopesay Conservation Area was designated on 16th December 1993. Paragraph 4.4 of the Conservation Area Statement (last revised in March 2008) identifies a main feature of the area to be the large Victorian dwellings in their own grounds. Paragraph 4.11 states that brick and render alongside timber framing and limestone are identified as the main materials found in the settlement. Dormers and projecting gables are another feature existing on the housing in the settlement.

- 6.3.5 In terms of scale the scheme as amended is considered to sit comfortably within its plot, providing generous amenity space. The proposed dormers, and projecting pitched roof gables all pick up on features existing within the settlement, whilst the proposed glazed gabled to the rear introduces a modern feature and gives the property an individual character.
- 6.3.6 Brick and slate are the material proposed in the construction of the dwelling. Such materials are considered to reflect the local vernacular. Concerns are raised with regard to the type of material, however the precise details of the materials, to include matters such as jointing width and pointing can be dealt with via planning condition.
- 6.3.7 Overall the design of the proposed scheme as amended is considered to reflect the character of the settlement and contributes towards preserving the local distinctiveness of the area.
- 6.4 Visual impact and landscaping – Shropshire Hills AONB and Conservation Area
- 6.4.1 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that local planning authorities should pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. It also requires that the LPA should have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Part 12 of the NPPF and CS17 and SAMDev MD13 supports the above.
- 6.4.2 Part 11 of the NPPF places great weight on conserving landscape and scenic beauty Areas of Outstanding Natural Beauty. Policies CS17 and MD12 support these national policies seek to protect and enhance the diversity, high quality and local character of Shropshire’s natural, built and historic environment.
- 6.4.3 The application site sits to the south of Hopesay Farm, the house of which is designated as a grade II listed building. To the west around 85m from the site lies the Grade I listed St Marys Church. The Councils Conservation Officer has considered the proposed scheme as amended alongside the heritage impact assessment and the photographic survey submitted as requested and is content that the proposed development would not be of detriment to the setting of these heritage assets.
- 6.4.4 Paragraph 4.7 of the Hopesay Conservation Area Statement, notes that the dwellings set in large grounds combined with other open spaces in the settlement are an important part of the character of Hopesay and should be retained. It is accepted that the site forms one of these open gaps which contributes to the character of the village and the impact of development of such a gap needs to be carefully considered.
- 6.4.5 In terms of visibility, the location of the application site is such that any development here would be visible from public view points along the highway when travelling immediately past this part of the settlement. The rear of the site is more exposed to wider views from the surrounding landscape, with public rights of way

running through the landscape on the east and along which, at points, looks down onto the settlement. As a result of this the rear of the proposed dwelling would be visible, however the rear of existing properties along this side of the village are currently also visible and the proposed property would be viewed as part of this group rather than as an isolated feature.

6.4.6 The dwelling is proposed to sit along the same building line as the adjacent neighbouring property to the south (Fernhill House) and in general the plot size is considered to mirror existing plot patterns within the settlement. It is acknowledged that the development of the plot would result in the loss of an existing vista and this in turn would alter the character of this part of the settlement and Conservation Area. The block plan however indicates that some space will remain between the boundaries of the site and the proposed dwelling, and this would allow for some views, albeit limited, to the natural landscape beyond. It is considered that the harm caused by the loss of the vista to the character of the settlement and in turn to the character and appearance of the Conservation Area and Shropshire Hills AONB is less than substantial when considering the proposal against the current policy context on development in this settlement. Overall, the character and appearance of the wider conservation area would be preserved.

6.5 Archaeology

6.5.1 The proposed development is located within the historic core of Hopesay. The village is understood to have early medieval origins and the proposed development site has remained undeveloped since at least the 19th century, as indicated on historic editions of the Ordnance Survey maps. It is therefore possible that the archaeological features and deposits relating to the medieval and later development of the settlement may survive on the proposed development site. As a consequence, it is considered to have moderate archaeological potential.

6.5.2 In view of the above, and in line with Paragraph 141 of the NPPF, it is recommended that a programme of archaeological work, to comprise an archaeological watching brief during all ground works, is made a condition of any planning permission.

6.6 Biodiversity

6.6.1 National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat. The National Planning Policy Framework (NPPF) emphasises that Local Planning Authorities should ensure development contributes to and enhances the natural and local environment including minimising impacts on biodiversity and providing net gains where possible.

6.6.2 In this case the application has been accompanied by a Phase 1 Environmental Survey conducted by Greenscape Environmental Ltd (February 2016). The Council's Ecologist has considered the survey and is content that ecological interests can be safeguarded by conditions and informatives.

6.6.3 The site lies within the catchment of the River Clun which is a designated SAC, as such the Council's Ecologist has carried out an Habitat Regulations Assessment

Screening Matrix (Attached as appendix 2 to this committee report). In summary the report concludes that the proposed development is unlikely to lead to increased levels of nutrients reaching the River Clun SAC and therefore the scheme will not adversely affect the integrity of the European Designated Site at the River Clun SAC.

6.7 Highway Safety

6.7.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that:

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

6.7.2 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced.

6.7.3 The site is situated on a ‘C’ class road, whilst there is an existing field gate to the north end of the site frontage, the proposal seeks to close this opening and form a new access to the south end of the boundary. The Councils Highways team consider that the proposed relocation of the access would have a degree of benefit to highway safety as it would move the access further away from the bend in the road and the road junction which leads to St Marys Church, thus negating the potential of conflicts at the current location. The amended block plan indicates the visibility splays for the proposed access and it is considered the formation of the new access would not result in serve harm to highway safety.

6.7.4 The Highways Officer notes that the existing bench would no longer be in the most suitable place should the proposed access be built. Following discussion with the applicant’s agent it has been confirmed that the application is willing to relocate the bench to in front of the new part of the wall proposed following the blocking up of the north access point. This is a matter which could be secured by condition.

6.8 Residential Amenity

6.8.1 Core Strategy Policy CS6 requires all development to safeguard the amenities of neighbouring residents. In this case the closest neighbouring properties are to the south of the site. The block plan indicates there would be a distance of around 11m between the side elevation of the proposed dwelling and the side elevation of Fernhill House. The majority of the amenity space serving the neighbouring properties is set to the south away from the application site. Openings proposed in the ground floor of the property could be screened by boundary treatments. The closest first floor window is shown to serve an ensuite, and it is considered the window can be conditioned to be obscure glazed. It is considered that the development of this site with one detached dwelling would not unduly harm residential amenity.

6.8.2 Hopesay Farm to the north of the site is around 35m from the application site, a small field would separate the sites, the boundaries of which are defined by mature tree and hedging. Opposite the site, the grounds of The Old Rectory run up to the western boundary of the road. The land on this side is set at a higher ground level and the existing mature landscaping screens these grounds from the application site. The dwelling itself is set some 60m away. At such distances and given the nature of the land levels and mature landscaped boundaries between the application site and these neighbouring properties, it is considered that the proposed scheme would not unduly harm expected levels of residential amenity.

6.8.3 It is almost inevitable that building works anywhere will cause some disturbance, however this is a temporary feature and given the scheme is for one dwelling only, it is not considered that the scheme would result in a significant level of disturbance to justify refusal of this planning application.

6.9 Drainage

6.9.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing runoff rate and not to result in an increase in runoff. The Councils drainage officer is satisfied that the development can be adequately drained without causing or exacerbating flooding in the site or vicinity.

6.10 Procedural Matters

6.10.1 The site notice was sent out to the applicant's agent to be displayed at the site for 21 days as per Council procedure when the application was validated. However following notification from the parish and the local community that the site notice had not been displayed, the Council Officers displayed a site notice on the existing field gate at the time of their site visit.

6.10.2 The objections regarding the quality of the photographic survey submitted is noted, however the photographs form just part of the overall assessment of the impact of the proposal and the Councils Conservation Officer has raised no objections to the quality of the survey.

7.0 CONCLUSION

7.1 The application site is situated within the settlement of Hopesay which is part of a nominated community cluster, the principal of open market housing development is therefore acceptable on suitable sites in accordance with policies CS4 and MD1. It is judged that the plot represents infill development and the design and scale of the amended dwelling would not adversely harm the character of the settlement, picking up on detailing already existing on properties within the area.

7.2 The loss of the vista is acknowledged however given the current policy context it is considered the harm created on the character and appearance of the settlement and the Conservation area is less than substantial. The character and natural beauty of this part of the Shropshire Hills AONB would not be significantly harmed.

7.3 The proposal can be carried out without harm to highway safety, or the biodiversity of the area and the impact on residential amenity would be negligible.

7.4 The scheme as amended is considered to comply with the main objectives of the relevant development plan policy and it is recommended that planning permission is granted subject to conditions.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the

public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework
National Planning Practice Guidance

Core Strategy:

CS1 Strategic Approach
CS4 Community Hubs and Community Clusters
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

Supplementary Planning Document (SPD) on the Type and Affordability of Housing

Site Allocations and Management of Development (SAMDev) Plan:

MD1 Scale and Distribution of Development;
MD2 Sustainable Design
MD3 Managing Housing Development
MD12 Natural Environment
MD13 Historic Environment

Settlement Policies

S7 Craven Arms

Other Documents:

Hopesay Conservation Area Statement.

RELEVANT PLANNING HISTORY:

SS/1/2911/O/ Erection of a dwelling and formation of a vehicular and pedestrian access.
REFUSE 15th October 1992

Appeal

SS/1/2911/O/ Erection of a dwelling and formation of a vehicular and pedestrian access.
DISMIS 24th March 1993

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=O5L3DETDLQ300>

List of Background Papers
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr. Lee Chapman & Cllr David Evans
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

Reason: To comply with Section 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 amended 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.

3. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Phase 1 Environmental Survey conducted by Greenscape Environmental Ltd (February 2016).

Reason: To protect features of recognised nature conservation importance.

4. Prior to the first use or occupation of any part of the development hereby permitted, the drainage system hereby approved shall be installed in complete accordance with the approved plans and particulars:-

Drainage Layout Plan, drawing number HS-DL-500 Rev A
Soakaway Calculations Rev A, and Porosity Graph.

These shall be maintained thereafter in the absence of any further specific permission in writing from the local planning authority.

Reason: To ensure that the development is provided with satisfactory means of drainage, avoid increasing the risk of flooding at the site or elsewhere, and safeguard the ecological interest of the River Clun Special Area of Conservation, in accordance with Policies CS6, CS17 and CS18 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has 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 development site is known to hold archaeological interest.

6. No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

Reason: To ensure a satisfactory means of access to the highway.

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

7. Prior to the above ground works commencing samples and/or details of the following shall be submitted to and approved in writing by the Local Planning Authority.

- Roofing materials;
- External walls materials, including pointing, jointing width, bond and mortar mix.

The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory in the interests of the Shropshire Hills AONB and Heritage Assets.

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

Reason: To safeguard the amenity of the area and character of the Heritage Asset and Shropshire Hills AONB.

9. Prior to their installation full details of the roof windows shall be submitted to and approved in writing by the Local Planning Authority. The installation of the windows shall be carried out in complete accordance with the approved details.

Reason: To safeguard the character and appearance of the surrounding Heritage Asset.

10. Prior to the first occupation of the dwelling hereby approved the existing field access shall be blocked with reclaimed stone from the creation of the new access hereby permitted and the existing bench re-sited to the land in front of the new stone wall. Before this work commences details of the stone work, to include a sample panel of approximately 1m square to show the character of coursing and joining width, mortar mix, pointing profile and finish, shall be erected on site. No work requiring the use of those materials shall be started until approval has been received in writing by the Local Planning Authority. The work shall be carried out in accordance with such details.

Reason: To define the permission for avoidance of doubt, in the interests of highway safety and protecting the visual amenity of the area, Shropshire Hills AONB and Heritage Assets .

11. A total of 1 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds

12. A total of 1 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species

13. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.

Reason: To minimise disturbance to bats, a European Protected Species.

14. The first floor window in the south side elevation shown on the approved floorplans to serve an ensuite shall be obscure glazed prior to the first occupation of the dwelling and shall be permanently maintained as such thereafter.

Reason: In the interest of residential amenity.

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

15. Any gates provided to close the proposed access shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

16. Notwithstanding the provisions of the Town and Country General Development Order 2015 (or any order revoking or re-enacting that order with or without modification), any fence or other means of enclosure at the road junction/access shall be set back to the approved sight lines and those areas shall thereafter be kept free of any obstruction at all times.

Reason: In the interest of highway safety.

Informatives

1. Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

Protection of visibility splays on private land

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- o construct any means of access over the publicly maintained highway (footway or verge) or
- o carry out any works within the publicly maintained highway, or
- o authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- o undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

2. As part of the SuDS, the applicant should consider employing measures such as the following:

- ' Water Butts
- ' Rainwater harvesting system
- ' Permeable surfacing on any new access, driveway, parking/paved area
- ' Attenuation

- ' Greywater recycling system
- ' Green roofs

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

3. 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).

Any trees within the hedgerows may have potential for roosting bats. If these trees are to be removed then an assessment and survey for roosting bats must be undertaken by an experienced, licensed bat ecologist in line with The Bat Conservation Trusts Bat Surveys Good Practice Guidelines prior to any tree surgery work being undertaken on these trees.

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

4. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.
5. 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.

6. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email:

snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

7. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation. Your attention is specifically drawn to any conditions above that require the Local Planning Authority's approval.

In accordance with Article 27 of the Town & Country Planning (Development Management Procedure) Order 2015 a fee may be payable to the Local Planning Authority for applications to discharge conditions. If a fee is necessary this will be required per request. The required forms are available from www.planningportal.gov.uk or from the Local Planning Authority.

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. Failure to discharge pre-commencement 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.

8. 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.