

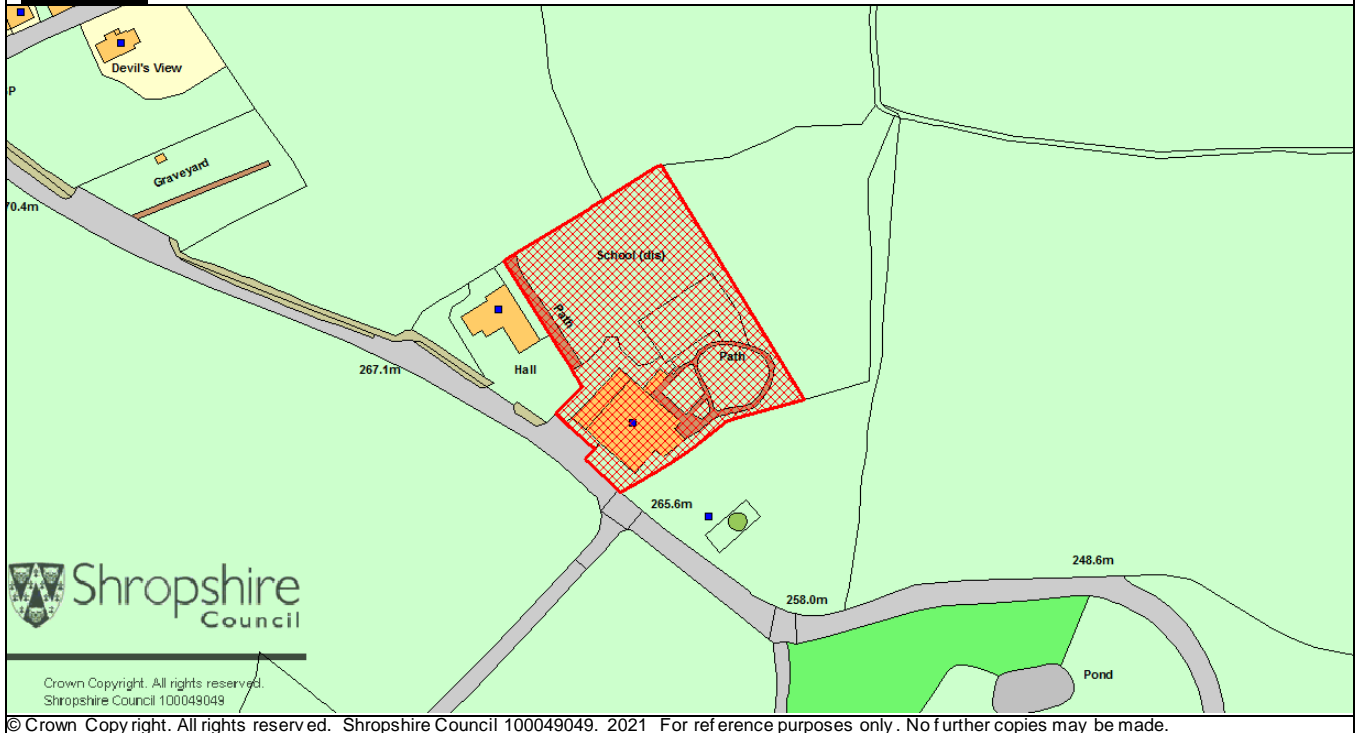
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

<u>Application Number:</u> 21/01948/FUL	<u>Parish:</u>	Worthen With Shelve
<u>Proposal:</u> Demolition of existing buildings and the erection of 9 dwellings, with access, the extension of Hope Village Hall car park to provide 12 additional parking spaces, revised entrance to the Village Green and associated works		
<u>Site Address:</u> Hope C Of E Primary School Hope Shrewsbury Shropshire SY5 0JB		
<u>Applicant:</u> Cornovii Developments Limited		
<u>Case Officer:</u> Shannon Franklin	<u>email</u>	: shannon.franklin@shropshire.gov.uk

Grid Ref: 334014 - 301644



Recommendation:- Grant Permission subject to the completion of a Section 106 agreement securing an affordable housing contribution and a public open space financial contribution in addition to the conditions contained in Appendix 1 below, and any modification to these conditions and the terms of the S106 as considered necessary by the Head of Planning.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the demolition of existing buildings, a redundant school, and the erection of 9 dwellings. The scheme includes for the provision of a new access point, extension of the adjacent Hope Village Hall car park and a revised entrance to the Village Green and associated works.
- 1.2 The submission of the application follows the receipt of pre-application advice from Officers, referenced PREAPP/21/00047 and dated 9th March 2021 which confirmed that *'based on the indicative submission I should advise that any planning application is likely to be supported in principle'* subject to the issues of public open space, layout and amenity being suitably addressed.

2.0 SITE LOCATION

- 2.1 The application site is the former Hope CofE Primary School which closed approximately 3 years ago and remains redundant. The application site extends to 0.51ha, which includes the school building itself, an area of hardstanding to the front and a hard- surfaced playground to the rear. In addition, the application includes the land to the rear of the adjacent village hall comprising of the 'village green' currently laid to grass.
- 2.2 The boundaries of the site to the northwest, northeast and southeast are formed of mixed native species trees and hedging. To the southwest boundary there is a mixture of metal railed fencing, wooden fencing and brick wall forming the boundary to the highway and the village hall car park.
- 2.3 The site is bounded to the southwest by the village hall and its existing car park, together with the highway providing the site access and in a wider context in all directions is bounded by agricultural land laid to grass. The nearest neighbouring development is located 180m to the southeast; comprising of the residential dwelling The Old Schoolhouse, and 170m to the northwest; comprising of a cluster of residential dwellings either side of Drury Lane.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation'. The application is submitted by Cornovii Development Limited, a housing development company wholly owned by Shropshire Council and as such, a committee decision is necessary, as has been confirmed by the Chair, Vice Chair and Principal Planning Officer at the relevant agenda setting meeting.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 Worthen with Shelve Parish Council – 13.10.2021 - Neutral

The parish council is supportive in principal of the scheme but notes that the developer is looking to deliver UP TO 3 affordable dwellings to rent! This parish council would like to see 3 affordable dwelling, with a local lettings policy in place delivered in this development. We understand that the properties for sale would be offered on a local basis too.

Access to the village hall car park must be maintained at all times and the village hall car park is not to be used an overflow car park for this development.

The Village Green must be delivered as agreed with Hope Village Hall, the local member, the Local community and the Parish Council.

It is noted that this in a brownfield site, which has been supported in principle due to the aforementioned conditions in this response and our previous comments.

Initial comments - 28.04.2021 – Neutral

This Parish Council is supportive in principal of the scheme but would like to see some visuals of the roadside showing the relationship between the village hall and proposed site.

Properties need to be in character with the roadside setting and this parish council is concerned that the proposed buildings will look higher than the village hall in the landscape setting. If Plot 9 and Plot 5 were swapped, a bungalow would not appear so dominant against the roadside.

It is considered by this Parish Council that given that the site sit within the AONB some individual design features should be introduced into the properties so as to ensure the houses do not look so alike, giving a less urban style in the overall design of the properties.

This Parish Council has concerns about potential management charges for communal areas on the site.

This Parish Council would look for all new properties to be energy efficient.

We commend the developer in including the village hall and the wishes of the community in retaining a green space in the design aspect.

4.1.2 SC SUDS – Final comments – 27.01.2021 – Conditions recommended

The latest drawing S7822-01 Rev P6 does not address any of our comments from either 27/4/21 or 6/12/21 and therefore the condition from 27/4/21 is still required to ensure all details are provided.

Further comments – 06.12.2021 – No objection

1. Although the drainage layout is generally acceptable, all existing pipes should be replaced to the outfall watercourse. To reduce the likelihood of

blockages, the proposed pipes should be at least 150mm diameter.

2. Confirmation is required that the watercourse normally has flow throughout the year.
3. No further design details have been submitted as per our comments dated 27 April 2021. Full details must be submitted for approval.

Initial comments – 27.04.2021 – No Objection

Pre commencement conditions and informatives recommended.

4.1.3 Shropshire Hills AONB Partnership – 05.05.2021 – Neutral

The Shropshire Hills AONB Partnership is a non-statutory consultee and does not have a role to study the detail of all planning applications affecting the AONB.

With or without advice from the AONB Partnership, the planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision, and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan.

Our standard response here does not indicate either an objection or 'no objection' to the current application.

The AONB Partnership in selected cases may make a further detailed response and take a considered position.

4.1.4 SC Regulatory Services – 11.05.2021 – No Objection

I would recommend that if permission is granted that a condition requiring that the sound insulation scheme for the proposed dwellings as detailed in section 6 of the Nova Acoustics report ref 5794LT 001 is implemented prior to occupation of the dwellings.

4.1.5 SC Ecology – 10.08.2021 – No Objection

Pre-commencement/Pre-occupation conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

Initial Comments – 14.05.2021 – Additional Information Required

Additional information is required in relation to bats and Great Crested Newts. In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the 2017 Conservation of Habitats and Species Regulations (as amended).

4.1.6 SC Highways - Final Comments – 02.11.2021 – No objection

Further to your recent consultation request in relation to the above mentioned planning application. I would like to apologise for the delay in responding. We have now had an opportunity to review the revised proposed site plan Drawing

number 2735-D-00 and can confirm that Shropshire Council as Highway Authority raise no objection to the granting of consent. It is our understanding that the development is to remain private and will not be put forward to be adopted by Shropshire Council as Highway maintainable at the public expense. On that basis we raise no concerns with regard to the proposed layout.

It is recommended that details of construction of the access are submitted for approval prior to commencement of works, and a construction management plan is submitted for approval.

Initial Comments – 12.05.2021 – Additional Information Required.

The development site is accessed off the C5141 rural road and is the former Hope C of E Primary School and the principle of residential development on the land was accepted in consultation under PREAPP/21/00047. It is understood that the access road within the development is to remain private.

It should be noted that as this application is for “FUL” planning consent, appropriate detail and information should have been submitted by the developer, to ensure that the use of pre-commencement conditions can be avoided, should consent be granted, as suggested in the NPPF.

While the general layout of the proposed internal estate road is considered acceptable from a highways perspective, as is the provision of two parking spaces per dwelling, the following points need to be addressed by the developer:

- Full details of the construction of the access junction with the public highway are required to be submitted. These should include details of tie-in to the existing carriageway and footway.
- It is considered that the proposals could be improved by continuing the footway along the entire site frontage in an easterly direction in order to ensure maximum visibility.
- In order for the car park extension for the village hall to be appropriately assessed a dimensioned scale drawing showing all car parking spaces, existing and proposed together with manoeuvring space is required.

It is suggested that the developer contacts Shropshire Councils Developing Highways to discuss the development so that it accords with emerging new highway guidance and specifications.

4.1.7 SC Learning and Skills – 11.08.2021 – No objection

Both Hope CE Primary and St Mary's CE Primary in Westbury were closed and provision consolidated in Worthen at Long Mountain CE Primary. Learning & Skills led on these school closures and so have identified that there is no further requirement for the former Hope CE Primary site to be used for educational purposes. Learning & Skills is expecting a net capital receipt from the disposal of the site to retrospectively meet part of the capital works and cost required on expanding Long Mountain CE Primary to help accommodate the pupils from the

closing schools.

4.1.8 SC Parks and Recreation - 06.10.2021 – No objection

Confirmed via email that an offsite financial contribution would be required for provision of public open space secured by an appropriate legal agreement.

Initial comment - 19.08.2021 – Concerns raised

If the village green is not available to the public at all times but access is restrictive and the area considered private then we would not agree for this to be incorporated into the development's POS calculations.

The POS should as far as possible be provided from within the development, not outside and therefore the indicative layout currently under-provides dedicated POS.

Due to the development being in a rural setting with an extensive public Rights of Way network within its vicinity, an onsite provision of POS would not necessarily be required however an offsite contribution would need to be discussed further to compensate for any loss of onsite provision.

4.1.9 SC Trees – Final comments – 07.12.2021 – Conditions recommended.

I assume that given your request for conditions that in the balance the tree teams concerns raised in our previous consultee comments cannot be addressed and that it is broadly expedient to move forward to granting planning consent with these matters un-resolved. The following recommendation for conditions should not be taken as a damage limitation exercise rather the Tree Teams unfettered support for the application.

The amended proposed site plan 2735-D-003B introduces some subtle changes to the site layout that are not reflected in the existing tree protection plan dated April 2021 it is therefore necessary to recommend that an amended tree protection plan is required as a pre-commencement condition.

I note that the amended drainage plan Ref. S7822-01Rev.5 still includes an excavation across the open space to the detriment of the existing tree (See previous consultee comments and addendum) and to its future rooting zone. The annotation on the plan is to use a technical term complete BS because there is no way short of using a mole drill not to damage both roots and the rooting medium, even when carefully trenching by hand with strict oversight there will be some degree of small root severance / damage.

Further comments - 20.10.2021 – Alterations required

The Tree Team make this following consultee comment to be considered in tandem with its consultee comments dated 13/08/2021.

As has been discussed in the Tree Team consultee comments dated 13/08/2021 it is not clear that the arboricultural implications of (a) the excavations for level changes and the resultant need for rootlock walling and;

(b) the excavation for the foul water drain across the open space by T24A have been properly considered by a competent arboriculturalist. The Shropshire Council Tree Team are not convinced that the impacts of these activities as set out on plans 2735-SK-32 & Ref.01 rev. P4 represent good design and sustainable development. There is a need for a revision of the arboricultural impact assessment in order to provide design improvements with a revised tree protection plan and arboricultural method statement.

From an arboricultural perspective there appears to be no good justification for excavating the foul drain across the open space by tree T24A when the drain could be equally well serviced by spurs running to the drain in the road. On the basis that the open space is effectively going to be a raised bed the area of open space next to T24A is the trees only natural future rooting space and is essential to its ongoing and future good condition. Excavating across the open space right next to tree T24Az Root Protection Area will:

- (a) Damage the soil horizons creating a boundary to root development.
- (b) Introduce a service in the root zone of a potentially large tree which introduces maintenance issues for the pipe and potential damage issues for the tree should any maintenance be required on the pipe.
- (c) The excavation is proposed so close to the trees RPA that unless made using moling technology it is highly likely that the works and machinery will overspill into the RPA of tree T24A.

This open space if left undisturbed could provide a healthy area of ground for the future root growth of tree T24A thus helping to mitigate the impacts of this development. Therefore, in the light of the aspirations for Sustainable Development, Good Design and for the requirement for biodiversity net gain this whole public open space should be protected during the development as construction exclusion zone (no machinery no storage of materials no excavations).

The arboricultural detail shown on plans (Ref 2735-SK-32) and the amended Proposed drainage layout (Ref.01 rev. P4) appears to offer a number of contradictions between what trees are to be retained, with the amended site plan offering root protection areas for trees T13U, T28B, T29B but not for trees G6, T17B, T16B, T20B which are identified for retention. Such inconsistencies result in on site errors during development and need to be addressed before the application is granted planning consent.

On the basis that the tree Team are still unable to recommend that this development reflects good design and sustainable development we are unable to recommend conditions here. However, should the case officer consider that it is expedient to progress this application towards determination without securing the changes and details discussed above then the Tree Team will be happy to recommend conditions at that time.

N.B. visual interpretation is included in the SC trees addendum 2.

Initial comments – 13.08.2021 – Alterations required.

1.1 Whilst the Tree Team consider the principle for development at this site is broadly acceptable it is not clear that compensation for the impacts on trees and landscape both identified and some not identified in the arboricultural impact assessment (AIS) have been considered in any depth and addressed. Given the extent of impacts upon trees and hedgerows and in relation to the principle of protecting restoring and enhancing natural environment with the expectation of net gain for biodiversity the Tree Team do not advise that this application be granted consent without first securing further detail on a range of arboricultural and landscape issues including measures (changes in layout) to mitigate unnecessary arboricultural impacts on existing boundary hedgerows. It is not expedient to leave the resolution of arboricultural impacts to conditions because at that stage layout will have been approved.

2.1 The Tree Team note that the development will remove the majority of the single most dominant block of trees on the site's south boundary (T10 to T44) with the retention of only four trees (T16 T17 T18 T24 & T44) and no capacity to replace the screening effect offered by the trees being lost.

2.2 The site sections plan and arboricultural impact assessment (Section 4,4 and the impact plan) highlight significant level changes and the use of a Criblock Wall along the south and north east boundary and level changes alongside the proposed village green these level changes are in close proximity to the boundary hedgerows with significant capacity to erode the quality and contribution to the character of the area and local green infrastructure. The AMS includes statements to the effect that:

- I. *It is unclear how much of the boundary hedgerow can be realistically retained during the development process. It is advised that the landscape scheme includes*
- II. *specifications for planting up any gaps that are produced during the development process or if any section die due to root damage.*
- III. *The section of H2 that will be situated alongside the Criblock Wall and new fence is unlikely to be able to be retained due to the space required for the development and how closely the Criblock Wall will be positioned to the hedgerow stems.*
- IV. *South boundary - Some sections of the hedgerow may require removal if the stems conflict with the route of the fence unless the fence route can be altered slightly to accommodate the hedgerow stems.*

These statements demonstrate why an arboricultural impact assessment is supposed to inform layout and help achieve sustainable development, an AIS identifies constraints that should then be addressed through good design. The tree Team are unable to support an application that is likely to result in the avoidable degradation of potentially important hedgerows.

2.3 The site sections (Plan 2735-D-020) appear to show significant level changes in the root zones of retained trees including the central oak reference T24, this is contrary to good practice and will result in significant detriment to the

trees effected.

2.4 Section 3.4.2 of the arboricultural report identifies that there would be a need over time to prune the oak tree (T24) in order to avoid proximity issues with neighbouring houses, granting planning consent where such issues are predictable is contrary to the principle of good design as set out in local policies and to good practice recommendations as embodied in BS 5837:2012.

2.5 With regards to tree T24 (Oak) the root protection area offered is the minimum acceptable, yet due to the presence of land for public open space to the north the RPA could be doubled without inconvenience to the developer but with significant benefits to the trees capacity to thrive, modification of the Tree Protection Area for T24 fits well with the principles of protecting restoring and enhancing natural assets.

2.6 Section 4.3 of the AIS identifies the potential for services and SUDS arrangements to have detrimental impacts upon retained trees, this advice is not reflected in the location of the proposed connection between the new SUDS and outflow from the sewage treatment to the existing surface water pipe, a revised arrangement or at least a site specific arboricultural method statement is required to manage these works.

2.7 Some compensatory planting is indicated on plan 2735-D-003A this falls between the housing development and the new village green, but as is shown in the SC trees addendum (attached) the site layout and constraints means that there is a high likelihood that the underlying ground in the areas identified for tree and landscape compensation will be destroyed as a growing medium leading to predictably poor development. Further to this the supporting details do not give any clear indication of what form and structure the planting will take, the plan annotation identifies trees but there is no indication of what trees will be planted and how they will be managed or integrated with the new houses without introducing a range of medium to long-term proximity issues for neighbours and for whoever takes on responsibility for managing them.

3.0 In considering the proposal the Tree Team has taken due regard where applicable to the following local and national policies and guidance, including national policies and guidance for the natural environment assets and habitats as aspired to in A Green Future: Our 25 Year Plan to Improve the Environment which informs the National Planning Policy Framework (NPPF) sections 2, 11, 12 & 15. National Model Design Code Part 2 (nature). CS6 'Sustainable Design and Development Principles' and CS17 of the Shropshire Core Strategy, and policy MD2 & MD12 of the SAMDev Plan. The layout is also considered against guidance on good practice and trees as set out in British Standard 5837:2012 Trees in relation to design, demolition and construction: recommendations & BS8545:2014 Trees: From nursery to independence in the landscape – recommendations.

4.0 Whilst from an arboricultural perspective the Tree Team maintain that there are a number of issues that make it difficult for them to support the application

as meeting sustainable development, should the Case Officer consider that it is expedient to progress the application forward without the above issues being addressed then the Tree Team would recommend conditions.

See public access for full comments.

4.1.10 **SC Affordable Housing – 17.08.2021 – No objection**

The site exceeds 0.5 ha and therefore falls within the definition of a major development for the purposes of applying adopted policy relating to affordable housing provision.

The applicant has requested consideration of vacant building credit being applied to the assessment of on-site affordable housing requirements/or financial contributions. The application site is located within an area where the prevailing target rate for affordable housing is 20% which translates on a scheme of 9 proposed dwellings to 1.8 i.e. one affordable dwelling and 0.8 as a financial contribution.

Paragraph 64 of the National Planning Policy Framework provides that “to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”. The footnote suggests that this credit should be “equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned”. The application of vacant building credit is considered appropriate in this instance. Taking into consideration the vacant building and the floor area of the proposed dwellings, has resulted in a reduction in contribution requirements. As such, the requirement relates solely to a financial contribution of £41,094 (effectively 0.6 of a contribution). The SPD Type and Affordability of Housing outlines the payment requirements and spend criteria.

Whilst there are no houses being proposed that meet the definition of ‘affordable dwellings’, those that are, support community aspirations for the site and for the Parish. The Parish have been keen to encourage and support the provision of smaller dwellings for young people and families and for bungalows for those requiring level access accommodation.

4.2 - Public Comments

4.2.1 This application was advertised via notice at the site, advertisements in the local newspaper and the Councils website. Additionally, the village hall adjacent was notified by way of publication of this application. At the time of writing this report, two applications in support and two applications with a neutral stance had been received in response to this publicity.

4.2.2 The reasons cited for the support to the application can be summarised as follows:

- The application will provide much needed additional parking to the neighbouring village hall;
- The application will redevelop a site which has been subject to vandalism

- since the closure of the school;
- Affordable lower cost housing is required in the rural area which the scheme provides;
- The provision of a new accessible village green is encouraged;

4.2.3 The reason cited for concerns/neutral standpoint are summarised as follows:

- Concerns over the resultant ownership of the new village green and its long-term maintenance;
- Concerns over the adequacy of the proposed drainage mechanism and its implications on flooding;
- Legal status and ownership of the land subject to the application;
- The developer is Shropshire Council and any decision will be favourable regardless of local residents' comments;
- The new development will involve an additional access point onto the road which raises highways safety and pedestrian safety concerns;
- The area does not cater to young families with regards to the services available, so the type of housing proposed is inappropriate;
- Applications in the area have been refused due to meeting the demand for housing needs so why would an application for 9no. dwellings be acceptable on this site;
- The site is within the AONB and should be protected accordingly.

4.2.4 The trustees of the neighbouring Hope Village Hall have also provided a comment which is available via the planning portal. In summary the Hope Village Hall Support the proposal but have raised concerns which can be summarised as follows:

- Potential impact of residents parking on the village hall car park;
- The proposed drainage scheme and the potential for it to impact upon the village hall and surrounding countryside;
- The specification details of the additional parking to be provided for the village hall.

Additionally, reference has been made to the need for formal legal agreements for the handover of the parking and 'village green' to the village hall trust

5.0 THE MAIN ISSUES

- 5.1
- **Principle of development**
 - **Siting, scale and design of the structure**
 - **Visual and heritage impact**
 - **Highways**
 - **Ecology and trees**
 - **Public open space**
 - **Affordable housing**
 - **Other matters**

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The application site comprises of a disused school building together with its outdoor playground, parking, and recreation areas. The proposal seeks to provide 9no. dwellings together with access and parking for each of these dwellings, together with additional parking for the adjacent village hall and a grassed area of landscaping identified as a 'village green' within the proposals.
- 6.1.2 The majority of the application site, currently occupied by the school buildings, school playground and associated parking areas, comprise previously developed land, and therefore in accordance with adopted policy CS10 of the Core Strategy is redevelopment for housing is supported. Policy CS10 recognises that priority should be given '*for the re-use and development of brownfield sites on suitable sites in sustainable locations*'.
- 6.1.3 The application site is located within the area of Hope; a dispersed settlement primarily focussed around development wither side of the A448 at its junction with the Hope School Lane off which the application site is located. Whilst its is accepted that spatially the application site sits outside the nucleus of the settlement of Hope, the site is still considered to form part of the settlement given its close proximity to neighbour dwellings and the pattern of development forming this village.
- 6.1.4 Hope, Bentlawnt, Hopesgate etc. within the Shelve Parish are identified as a Community Cluster at policy S2.2 (vii) of the SAMDev and whilst no de4fined development boundary is set down within the SAMDev polices maps, the application site is considered to be within it.
- 6.1.5 As such, in principal the application site is considered to be a sustainable location for development and a site comprising of previously developed land where residential development is considered to be acceptable in accordance with CS10. In this regard the development is therefore policy complaint.
- 6.2 Siting, scale and design of structure**
- 6.2.1 In terms of design, Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; this policy seeks to ensure any development, including residential, is sympathetic to the size, mass, character and appearance of the surrounding area. Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible.
- 6.2.2 Section 12 of the National Planning Policy Framework; Achieving good design, reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness.
- 6.2.3 Following consultations with Officers, the proposed scheme has been revised throughout the determination including changes to the layout, massing and overall scale of the development.
- 6.2.4 The proposal seeks to provide 3no. bungalows to the rear (northeast) of the site,

2no. three bedroomed houses and 4no. two bedroomed houses. The access point is to the southeast edge of the site from Hope School Lane, running northeast with houses on the northern and southern side and bungalows to the northeast edge beyond a turning head.

- 6.2.5 In terms of scale, each of the individual houses types are considered to be acceptable. The proportions of the two storey dwellings have been design to reflect some of the traditional cottages found within Hope and their layout and orientation has been design to give character to the street frontage, whilst minimising the scale and visual prominence. Similarly, with respect of the bungalows the roof design, height and profile has been amended in lien with Officers comments in order to give rise to an appropriate scale of development.
- 6.2.6 The proposed dwellings are all two to three bedroomed; a scale which has been informed by identified need within the parish of Worthen and Shelve, as identified in the 'Right Home Right Place' Survey of May 2019. Of those respondents to the survey who were thinking of moving and indicated an accommodation type preference, 84% identified a need for two or three bedroomed properties and 22 persons identified a bungalow as a housing type wanted.
- 6.2.7 In terms of siting, the positions of each of the dwellings, together with their parking is considered to be acceptable. A sufficient set back from the road frontage is to be maintained such that the development will not be experienced as overbearing and the overall layout, with a mix of housing types, sizes and
- 6.2.8 The proposal is also providing a 'village green' area of landscaping to the rear fo the village hall. This is sited on the area of the development site currently laid to grass and is therefore appropriately positioned and scaled. Similarly, the additional parking area for the village hall is sited appropriately to the rear of the hall as an extension to the existing carparking area. Whilst Officers recognise this is an encroachment into and area otherwise free of built development the public benefits of this provision are considered to outweigh the harm. Additionally, it is recognised that CS8 recognises the need to protect and enhance those amenities, such as the village hall, which contribute to residents and visitors quality of life.
- 6.3 Visual and heritage impact**
- 6.3.1 The application site is not situated in within a Conservation Area nor are there any designated or non-designated heritage assets within in close proximity to the development. The nearest asset, the Listed Building, Holy Trinity Church and its setting is unaffected by the proposal due to the distance and typography of the land between the two sites. As such no concerns in this regard, nor conflict with the relevant policies, CS6 and MD13 are identified.
- 6.3.2 The application is however located within the Shropshire Hills Area of Outstanding Natural Beauty and therefore the visual impact of the development must be sensitive approached. The proposal has been designed such that the two storey dwellings are to the southwest of the site and the single storey

dwelling to the northeast in order to best utilise the existing land typography. As such the long-distance views of the proposal will primarily encompass the upper portion of the single storey dwellings to the rear.

6.3.3 From the street scene, as mentioned above the layout of the proposal has been given careful consideration such that the two dwellings are set back from the highway edge, that a landscaping belt can be included and the southwest elevations of the dwellings appear as their frontages, better reflecting the character of the surrounding locality and traditional cottages found nearby.

6.3.4 With regards to the landscaping existing on site, wherever possible this is to be retained included the mature tree to the rear of the site and the hedges to the boundaries. Additional planting, to be secured by condition is also proposed, which will assist in minimising the visual prominence of the site and assimilate the new development into the existing rural location.

6.3.5 There is a public footpath which is accessed from Hope School Lane to the south of the site running in a north east direction, from which some views of the development site will be possible. Given that the views from this footpath currently encompass the school buildings and associated outdoor spaces, together with the adjacent village hall, it is not considered that the development will give rise to an unacceptable impact upon the users of this footpath.

6.3.6 The massing of the development; single storey to the northeast and two-storey on the remainder of the site will reduced the bulk and visual prominence at the closet point of the development site with the footpath (approx. 23.0m) such that the impact is sufficiently reduced. The introduction of additional landscaping and retention of the existing where identified, will also assist in reducing the visual harm and prominence.

6.3.7 Overall, in considering the existing development on site; a dilapidated school building, the proposal does not represent visual harm to the locality and is considered to have a neutral impact. The scale of the development, including the individual dwellings, the layout, landscaping and details are considered to reflect the character of the locality meeting the requirements of CS6 and MD2, as well as protecting the visual amenity of the Area of Outstanding Natural Beauty sufficiently.

6.4 Highways

6.4.1 The proposed development will provide 2no. car parking spaces per dwelling, together with an additional 12no. car parking spaces to the neighbouring village hall.

6.4.2 With regards to the parking provision for the dwellings, this is considered to be proportionate to the two and three bedroomed dwellings proposed and no concerns are raised in this regard. Additionally, the road layout within the development sited is considered to be acceptable with sufficient turning space for vehicles and pedestrian footpaths where appropriate.

6.4.3 The 12no. parking space to the village hall are designed to meet the demand identified for this community asset and are therefore supported. The layout of the space provides a tuning area and access to the 'village green' beyond whilst minimising the encroachment into the undeveloped portion of the site.

6.5 Ecology and Trees

6.5.1 The SC Ecology consultee has confirmed that the scheme complies with the relevant aspects of policies CS6, CS17 and the NPPF with regards to ecology, subject to the imposition of appropriate conditions.

6.5.2 In terms of the scheme impact on trees Officers recognise that the SC Trees officer retains some concerns over aspects of the scheme and the detailing proposed. The applicant has made a number of revisions to the scheme in order to address wherever possible the concerns raised such that Officers have concluded the public benefits of the scheme; provision of housing (housing which is designed specifically to meet local need) and provision of parking to the village hall are sufficient to outweigh the harm, such that in conducting the planning balance, the remaining harm to trees identified does not constitute a reason for refusal of the scheme. The revised tree protection plan and arboricultural method statement requested has been submitted alongside the application and the excavation within the RPA of the tree to be retained has been omitted within the revised drainage plan, as mentioned within the SC Tree Officers most recent comments.

6.6 Public open space

6.6.1 Within policy MD2 of the adopted SAMDev its is recognised that all residential development should provide sufficient public open space to meet the needs of residents for outdoor recreation and wellbeing. The proposal includes for a 'village green' area of outdoor space however this does not contribute to the developments provision of public open space. The development should provide 30m² of public open space per bedspace within a development. The proposal therefore generates a need for 570m² of public open space which meets the requirements of policy MD2 such that it 'meets local needs in terms of function and quality and contributes to wider policy objectives such as surface water drainage and the provision and enhancement of semi natural landscape features'.

6.6.2 Whilst the application is providing a small area of public open space surrounding the tree to be retained on site this is not sufficient to meet the need generated by the development. At this stage in the proposal the relevant legal agreements over the ownership of the 'village green' area and the access arrangements to it have not been finalised and as such there is no guarantee this space will be available to residents and it does not therefore form part of the developments POS provision. The applicant has therefore agree to pay a financial contribution to provide offsite public open space to meet the needs of the development which will be secured by an appropriate legal agreement.

6.7 Affordable Housing

6.7.1 The application seeks planning permission for 9no. dwellings and as such there

is no policy requirements for affordable housing provision on site, however a financial contribution is required and will be secured via an appropriate legal agreement.

- 6.7.2 With regards to the public comments received, querying the lack of provision of guaranteed affordable housing, whilst it is recognised that on site affordable housing will not be provided in perpetuity, the dwellings types; bungalows and 2 and 3 bedroomed house have been designed in consultation with the Local Council in order to meet identified need within the Parish as discussed above. The mechanism of the sale of the properties cannot reasonable be controlled by the Council as the scheme is not proposing affordable housing in perpetuity, rather dwellings of a scale designed to meet identified local need.

6.8 Other matters

- 6.8.1 The proposed scheme is not considered to give rise to any unacceptable impact upon neighbouring residents amenity on account of the distance to other properties. Similarly, the presence of the village hall next door is not considered to impact upon the potential occupants of the dwellings proposed; whilst there may be some occasional events it is unlikely this will lead to significant disturbance.

- 6.8.2 The comments of the local residents in relation to the ownership of the 'village green' are noted however this area does not contribute towards the developments Public Open Space and its ownership/management is considered to be a civil matter. Similarly, the provision of the car parking to the village hall will be a requirement of the development in order to provide the necessary public benefit to justify the provision of the dwellings. the monitoring and parking restrictions placed upon these spaces would be within the control of the landowner, which is to be the Hope Village Hall Trust, following the sale/handover proposed.

- 6.8.3 Comments have also been received from local residents with regards to the proposed drainage scheme at the site. A drainage layout plan has been provided which meets the principle requirements of planning policy however, as per the comments of the SC Drainage team some details are missing and therefore a conditions will be imposed requiring submission of additional information prior to the commencement of works at the site. This will ensure that the proposed drainage is acceptable, does not give rise to foul or surface water drainage issues and that the requirements of policy CS8 and CS18 are met in full.

7.0 CONCLUSION

- 7.1 The proposal seeks to provide 9no dwellings on previously developed 'brownfield' land within the recognised community cluster of Hope. The development is considered to be suitably scaled and sited, and the resultant visual impact is sufficiently limited on account of the design and landscaping which will be controlled via condition.

The applicant has agreed to enter into an appropriate legal agreement to secure an affordable housing payment and financial contribution for public open space.

As such the application is considered to accord with the applicable policies of the development plan, including but not limited to CS4, CS6, CS11, MD2, S2.2 (vii) and the NPPF and approval is recommended subject to the signing of an MoU legal agreement and subsequently a S106.

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach
CS4 - Community Hubs and Community Clusters
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS10 - Managed Release of housing Land
CS18 - Sustainable Water Management
CS17 - Environmental Networks
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD12 - Natural Environment
National Planning Policy Framework

RELEVANT PLANNING HISTORY:

12/01766/FUL Erection of single-storey building to house biomass (wood pellets) boiler GRANT
18th June 2012
12/05136/AMP Resiting of approved biomass boiler unit (non-material amendment to planning
permission ref. 12/01766/FUL) GRANT 12th February 2013
PREAPP/21/00047 Proposed demolition of existing buildings and erection of 9 dwellings, with
access and 16 additional parking spaces with revised entrance and associated works. PREAIP
9th March 2021
21/01948/FUL Demolition of existing buildings and the erection of 9 dwellings, with access, the
extension of Hope Village Hall car park to provide 12 additional parking spaces, revised

entrance to the Village Green and associated works PDE
SC/CC2002/0063 Construction of single-storey extension and covered walkway PERMIT 11th
December 2002
SS/1/02/13905/CC Formation of (additional) office and staff accommodation. PERCON 3rd
December 2002

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Mrs Heather Kidd
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 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. 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.

4. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

Reason: In order to protect the visual amenities of the area and the AONB.

5. The landscaping scheme required by condition No. 4 above shall include the following:

(a) Full details of all existing physical and landscape features on the site including site levels to OS datum, the position, species, height, girth, spread and condition of all trees, clearly distinguishing between those features to be retained and those to be removed.

(b) Full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting.

(c) Full details of all protective measures to prevent damage during the course of development to trees and other features to be retained.

(d) Details of the materials to be utilised in any hard surfacing (patios, parking areas etc.).

Reason: In order that the local planning authority may be satisfied that the proposal will not

result in unacceptable level of visual harm.

6. 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:

- the parking of vehicles of site operatives and visitors.
- loading and unloading of plant and materials.
- storage of plant and materials used in constructing the development.
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- wheel washing facilities.
- a scheme for recycling/disposing of waste resulting from demolition and construction works.
- a construction traffic management (& HGV routing plan) and community communication protocol.

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

7. No ground clearance, demolition, or construction work shall commence until the tree protection measures details in the submitted Tree Survey & Arboricultural Impact Assessment (prepared by Focus Environmental Consultants, received 30.12.2021) have been implemented in full. The tree protection measures shall be retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

8. No demolition ground clearance or construction works will commence until the Local Planning Authority has approved in writing that the Tree Protection Measures have been established in compliance with the approved tree protection plan referenced in condition 7 above (Photographs of it in place might suffice).

Reason: To ensure that the Tree protection is set up and maintained in accordance with the Tree Protection Plan.

9. (a) No site works demolition or development (including demolition, ground works/re-profiling and tree felling / vegetation clearance) shall take place until a specification of all proposed tree planting has been approved in writing by the LPA. This specification will include details of:

- (i) the quantity, size, species, position and the proposed time of planting for all trees to be planted, together with;
- (ii) an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance.

(iii) Measures for soil amelioration, or the introduction of fresh or decompact-ed and ameliorated topsoil that accords with recommendations in BS3882:2015 Specification for topsoil for the area to be landscaped with appropriate volumes of soil (At least 20cubic metres per tree) in those are-as to ensure the successful establishment to independence in the land-scape of the trees planted.

All tree, shrub and hedge planting included within the specification shall be carried out in accordance with the specifications and in accordance where applicable with good practice as set out in BS8545:2014 -Trees: from nursery to independence in the landscape: recommendations.

(b) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously dam-aged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

REASON: To ensure the choice and establishment of new or replacement trees and blocks of woodland is suitable to the design of the development and the ongoing sustainable amenity of the local area.

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

10. Prior to the development hereby permitted being first brought into use, details of the construction of the proposed access, and visibility splays as shown on Drawing No 2735-D-00 shall be implemented in accordance with the approved details.

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

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

11. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 5.0 metres of the highway boundary.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

Reason: In order to protect the visual amenities of the area and the setting of the adjacent heritage assets.

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