



Committee and date

South Planning Committee

1 August 2017

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 17/01360/REM	Parish:	Worthen With Shelve
Proposal: Approval of reserved matters (appearance, landscaping, layout and scale) pursuant to outline permission 14/05151/OUT for the erection of one dwelling and alterations		
Site Address: Proposed Dwelling South Of The Sidings Snailbeach Shropshire		
Applicant: Mr & Mrs K Kniill		
Case Officer: Trystan Williams	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 337033 - 301732



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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks approval of matters (specifically appearance, landscaping, layout and scale) reserved when outline planning permission was given for the erection of an open-market dwelling at the above site (ref 14/05151/OUT). Means of access was not a reserved matter, although outline Conditions 10 and 11 require the submission and agreement of further details of parking/turning areas and visibility splays concurrent with the reserved matters application. Additionally, amended plans have been submitted during the course of the current application in line with officer advice.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is a long, narrow parcel of land along the east side of the Class C road leading south out of Snailbeach village, a former lead mining settlement at the western foot of the Stiperstones ridge. The ground consists of terraces cut into the hillside and retained above the road by a stone wall whose height increases considerably towards the southern end. It once formed part of Snailbeach Wharf, ostensibly the terminus of the Snailbeach District Railway's narrow gauge freight line from Pontesbury. In actuality the line continued southwards into a siding from which trains would reverse northeast up an inclined plane into the heart of the mine complex, now followed by a metalled track off which the site is accessed. Another siding extended into the broad lower terrace on the western half of the site.

2.2 The railway opened in 1877 and operated sporadically until the 1950s. Little remains here besides the earthworks and retaining walls of the terraces (which reflect the differing heights of the railway line and its sidings), although a small timber-framed and iron-clad shed possibly built in the 1920s survives mid-way along the lower terrace. Opposite the site entrance, meanwhile, is a brick building formerly a weighbridge office, now used as holiday accommodation and incorporated into the curtilage of a cottage further north. At the north end of the wharf 'The Sidings' is a modern house, whilst a short distance to the south are two properties on the edge of the neighbouring hamlet of Crowsnest. The hillside to east is densely wooded and the site is just inside the Shropshire Hills Area of Outstanding Natural Beauty (AONB), whilst its northern tip is within the Snailbeach Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the adopted 'Scheme of Delegation', this reserved matters application is presented to the planning committee for determination as specifically requested by Members when they resolved to grant outline planning permission for the development at the 11th October 2016 Committee meeting.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

4.1.1 Worthen with Shelve Parish Council – support

- 4.1.2 Shropshire Council Flood and Water Management – comment:
Before development commences full drainage details should be submitted for approval as per Condition 12 of the outline permission.
- 4.1.3 Shropshire Council Historic Environment (Archaeology) – comment:
The scheme involves new-build construction on a site with a direct linear/functional link via the former railway (Historic Environment Record No. PRN 01344) to Snailbeach Lead Mine (PRN 0984). Parts of the mine complex are a scheduled ancient monument (SAM) which also includes some sections of the railway. However, most of the trackbed appears to have been removed in the past, and other sections have been built on. Nevertheless the application site previously incorporated parts of the railway sidings, and may on account of its elevation retain some archaeological evidence relating to the railway.
- 4.1.4 The site can therefore be considered to have some archaeological interest, and accordingly pre-commencement conditions attached to the outline permission require a construction method statement and programme of archaeological work. These matters remain outstanding, and the requirement for archaeological work should be repeated in order to address Paragraph 141 of the National Planning Policy Framework (NPPF) and Policy MD13 of the Council's Site Allocations and Management of Development (SAMDev) Plan. This should involved recording of historic fabric commensurate with the 'Level 2' standard as defined by Historic England, and an archaeological inspection during groundworks.
- 4.1.5 Shropshire Hills AONB Partnership – comment:
The local planning authority has a statutory duty to take into account the AONB designation, with the NPPF giving such areas the highest level of protection in terms of landscape conservation. The application also needs to conform to the Council's own Core Strategy policies and SAMDev Plan, whilst the Shropshire Hills AONB Management Plan is a further material consideration. The lack of detailed comments by the Partnership should not be interpreted as suggesting that the application raises no landscape issues.
- 4.1.6 Shropshire Council Highways Development Control – objection:
The details submitted are insufficient to make a technical assessment.
- 4.1.7 At the outline stage it was commented that although the land required for the northwards visibility splay was under the applicant's control, it needed to be included within the red-edged site boundary on the plans. This is still required before an informed assessment can be made.
- 4.1.8 If approval is given it should include informatives regarding the need to keep the road clear of mud and surface water run-off from the site, and the requirement for a licence for works on or abutting highway land.
- 4.1.9 Historic England – no objection:
On the basis of the information available to date, no bespoke comments are made. However, the Council's own Conservation and Archaeology Teams should be consulted.

- 4.1.10 Shropshire Council Regulatory Services (formerly Public Protection) – comment:
There is no objection in principle to the proposals. However, the applicant should ensure that the layout and design details now proposed would be compatible with the requirement for a contaminated land investigation, and possibly remediation, under Condition 9 of the outline permission. It would be for the applicant to address any conflict between a future application to discharge that condition and the details proposed currently, for example by making a further application for amendments. Instead, and in order to avoid incurring additional costs, the applicant may prefer to address Condition 9 in tandem with the current application.
- 4.1.11 Shropshire Council Affordable Housing – comment:
Whilst the Council considers there to be an acute need for affordable housing in Shropshire, its housing needs evidence base and related policy predate the Court of Appeal judgment and subsequent changes to the Government's Planning Practice Guidance (PPG) regarding the use of Section 106 agreements to secure affordable housing contributions. On balance, therefore, if the development is policy-complaint then at this time national policy prevails and no contribution is required.
- 4.1.12 Shropshire Council Ecology – comment:
The Ecology Team has no comments on the current reserved matters application, but looks forward to receiving in due course a biodiversity conservation plan in accordance with outline Condition 8.
- 4.1.13 Shropshire Council Historic Environment (Conservation):
25/4/17 – objection:
Part of the site is within the Snailbeach Conservation Area, although the new dwelling itself would lie just outside. The Snailbeach Lead Mine SAM lies approximately 450 metres to the northeast, and the whole of the application site was occupied by the former Snailbeach District Railway line which was associated with the mine.
- 4.1.14 It is noted that the outline application was approved contrary to the recommendation of officers, who considered that even a single-storey dwelling in this location would have a detrimental impact on the conservation area. Whilst the outline permission has effectively established the principle of a dwelling here, it is important to secure a house of appropriate form, scale and design in order to mitigate its potential impact.
- 4.1.15 Overall there is little cohesiveness to the design as it stands, and the front gable and balcony in particular would have a significant impact on the conservation area's setting. A much simpler vernacular cottage with dormers (i.e. reflecting the left third of the proposed front elevation) should be sought, along with a much smaller footprint to reflect the modest cottages elsewhere in Snailbeach. In the meantime an objection is raised as the application is contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF Paragraphs 131 and 134, Core Strategy Policies CS6 and CS17, and SAMDev Policy MD13.
- 4.1.16 7/7/17 – comment (Objection withdrawn):
The amended plans reflect discussions at a recent meeting between officers, the

applicants and their agent. The discussions were aimed at creating a simpler and more legible design in terms of traditional versus contemporary aspects (i.e. the main length of the house and the projecting front gable), as well as tidying up the fenestration overall. Whilst the proposal is still not ideal, the principle of development is established and the amended design is at least sufficiently improved to allow the previous objection to be withdrawn. However, conditions should be used to secure precise details of all external materials and finishes, fenestration and recesses for window openings.

4.1.17 Natural England – comment:

Although the site is adjacent to the Stiperstones and the Hollies Special Area of Conservation (SAC), the development is unlikely to have any significant effects on this designated area. However, in order to meet the requirements of the Conservation of Species and Habitats Regulations 2010 the Council should reference the Habitat Regulations Assessment (HRA) it completed at the outline stage, which ruled out significant effects.

4.1.18 The SAC is also designated at a national level as a Site of Special Scientific Interest, but again it is unlikely that the development would damage or destroy the interest features for which this designation has been made.

4.1.19 Additionally the local planning authority should consider the possibility of impacts on protected and priority species and habitats, landscape character, any locally designated wildlife or geological sites, ancient woodland and veteran trees, as well as opportunities for environmental enhancements.

4.1.20 Shropshire Wildlife Trust – no objection

4.2 **Public comments**

4.2.1 One local resident objects on the following grounds:

- Overdevelopment of this small and very exposed site, which would adversely affect the AONB as well as the site's historical importance. A single-storey dwelling would have a lesser visual impact.
- Insufficient detail of external materials. Stone should be used to blend with surrounding properties.
- Overlooking of No. 1 Crowsnest, particularly following recent tree felling.
- Noise disturbance as a result of the site's elevated nature. Already conversations between walkers using a right of way behind the site are audible.
- Light pollution from the extensively glazed lounge.
- It may be better to 'hand' the layout so that the bedrooms are positioned to the south and the lounge and garden to the north.
- Any balcony should be limited to a Juliet balcony facing north.

5.0 **THE MAIN ISSUES**

- Principle of development
- Layout, scale, design and impact on historic environment
- Impact on wider landscape
- Residential amenity
- Access and highway safety

- Ecology
- Other matters raised in representations

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of building a new open-market dwelling on this site is established already by the outline consent, and cannot now be revisited. With reference to the Housing Enabling Team's comments (Paragraph 4.1.10) it should be noted that no affordable housing contribution was secured at the outline stage.

6.2 Layout, scale, design and impact on historic environment

6.2.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places on local planning authorities a duty to pay particular regard to the desirability of preserving or enhancing the character and appearance of conservation areas. This is reflected by NPPF Part 12, Core Strategy Policies CS6 and CS17 and SAMDev Policy MD13. The NPPF also acknowledges the importance of non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to scheduled monuments, and recognises that an asset's significance can be harmed or lost through development within its setting. Meanwhile all development is expected to reinforce local distinctiveness in terms of building forms, scale and proportion, heights and lines, density and plot sizes, as well as materials and architectural detailing.

6.2.2 In this case the plot's shape dictates the position of the new dwelling towards the slightly wider southern end, which is farthest from the existing properties on the fringes of Snailbeach and elevated well above the road. Officers expressed concerns at the outline stage that even a very modest property here would introduce an essentially isolated built form and appear overbearing and unduly prominent in views into and out of the conservation area, but the Committee took the view that the site was acceptable to accommodate a dwelling.

6.2.3 Similarly with the current application the Conservation Officer initially felt that the height and forward projection of the 'cross-wing' towards the southern end of the house would be visually intrusive, as well as disrupting the coherence between the main dormered range to the left and the single-storey conservatory-style section to the far right. However, counterarguments put forward by the applicants' agent are that the projecting gable adds design interest and would still be set back far enough from the road to be obscured by the retaining wall when approaching from the south. It is also noted that the Parish Council supported this application from the outset.

6.2.4 In the circumstances it is considered that the amended plans are more satisfactory in that they enhance the design and balance the overall composition. In particular, giving the gabled front wing a contrasting rendered finish and more contemporary fenestration articulates it more clearly as a pivotal feature, and breaks up the overall massing. Additionally the dormer windows on the left-hand range have been aligned more symmetrically, and the ground floor openings reconfigured in a more uniform, cottage style which emphasises the subservience and essentially vernacular character of this lower section. Thus, subject to conditions requiring precise details of the external finishes, roof overhang treatments and fenestration, it

is felt on balance that the revised design is acceptable and would be acceptable in the conservation area's setting.

6.2.5 In comments on proposals elsewhere in Snailbeach, Historic England has indicated that ancillary features of the former lead mine should be afforded a similar level of protection as the scheduled area of the mine complex itself. In this case, however, neither English Heritage nor the Council's Archaeology Team objects, and it is noted that a programme of archaeological work (to include 'Level 2' recording and a watching brief during groundworks) plus a method statement to safeguard most of the remaining upstanding features associated with the former railway have been secured already through the outline conditions: These still apply and cannot be repeated on a reserved matters approval. It was also concluded under the outline application that the proposed removal of the existing metal shed was uncontroversial.

6.3 **Impact on wider landscape**

6.3.1 At the outline stage officers were concerned that a new dwelling perched on top of the high retaining wall, and divorced from the existing properties at both Snailbeach and neighbouring Crowsnest, would be clearly visible from across the valley to the northwest and encroach into the essentially open countryside between the two settlements. However, a consultant's Heritage Impact Assessment submitted at that time argued that this would not be the case since the development would be set against the backdrop of the wooded hillside, and because the retaining wall and terracing are established manmade features here.

6.3.2 Ultimately, with the principle of the development now established it would be difficult to refuse the current reserved matters application for a dwelling of reasonably modest proportions on the grounds that it would have an adverse landscape impact. Furthermore, whilst it could be argued that the inclusion of full-height glazing and rendered walls would make the property even more visible in distant views, as discussed above these features do enhance the design and given the other constraints this is perhaps more important.

6.3.3 The application block plan drawing shows trees within the application site at the northern end, close to the vehicular access. No details of the proposed boundary treatments have been supplied at the time of writing this report, and it is hoped to have this information in time for the Committee meeting.

6.4 **Residential amenity**

6.4.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. Officers revisited the site earlier in the year, and whilst the entrance to No. 1 Crowsnest and some of its paddocks were discernible through the intervening trees (which were not in leaf at the time), it was not possible to see into the windows or garden of that property. Therefore the degree of overlooking would not be unreasonable, even with the lounge windows and small balcony positioned as proposed, and similarly light spillage is unlikely to cause a significant nuisance. It is possible that some general 'people noise' from the site would be audible, but this is likely to be at a background level and nothing close to a statutory nuisance.

6.4.2 The distance between the new dwelling and the holiday let and other properties to the north would also be more than sufficient to ensure a reasonable standard of amenity.

6.5 Access and highway safety

6.5.1 Regarding the Highways Development Control Team's comments, the issue of the northwards visibility splay was in fact considered at the outline stage. The land involved was owned by the applicant at that time, so despite it being outside the red line denoting the site area it was felt that Condition 11 requiring precise details of the visibility splay would be enforceable. In the meantime the site itself has been transferred to the current applicants, so technically the land to the north is now outside their control (although it is still owned by the original applicant, who is a close relative).

6.5.2 In any event the current block plan confirms that the requisite 2.4 x 43-metre splay already exists in this direction, and also shows a similar one to the south. Moreover the access is already used by three dwellings further north along the track, so arguably the traffic associated with one additional property would have no significant highway safety implications. It is therefore suggested that the details are sufficient to meet the prior approval requirements of outline Condition 11, and that an informative to this effect is attached.

6.5.3 The pre-commencement requirements of outline Condition 10 are also addressed by the current block plan, which shows sufficient parking and turning space on-site.

6.6 Ecology

6.6.1 With reference to Natural England's comments, the HRA produced by the Council at the outline stage is reattached here as Appendix 2. This confirms significant effects on the adjacent SAC are unlikely, thereby fulfilling the Council's duty as 'competent authority' under the provisions of the Habitats Regulations.

6.6.2 Other ecological issues were also considered under the outline application and an appropriate condition was attached to that decision.

6.7 Other matters raised in representations

6.7.1 Drainage and contaminated land issues are addressed by conditions on the outline planning permission. The Regulatory Services Team's comments are noted, but ultimately it is for the applicants to decide whether to proceed with the current plans or apply for amendments at a later stage, if necessary.

7.0 CONCLUSION

7.1 The principle of the development is established by the outline permission to which these reserved matters relate. Whilst the new dwelling would have some impact on the setting of the conservation area and on the wider landscape, on balance the scale and design of the house as shown on the latest amended plans is considered satisfactory. Furthermore there are no undue or insurmountable concerns regarding archaeology, the wider landscape, residential amenity, highway safety, ecology, contaminated land or drainage as a result of the reserved matters proposals. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to

reinforce the critical aspects.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk management

8.1.1 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

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

8.3 Equalities

8.3.1 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

9.1 There are likely financial implications if the decision and/or imposition of conditions are 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.

10.0 BACKGROUND

Relevant Planning Policies:

Central Government Guidance:

National Planning Policy Framework

Shropshire Local Development Framework:

Core Strategy Policies:

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

SAMDev Plan Policies;

MD2 - Sustainable Design

MD12 - Natural Environment

MD13 - Historic Environment

Relevant Planning History:

14/01271/OUT – Erection of dwelling and alterations to existing vehicular access (outline application to include means of access, but with matters of appearance, landscaping, layout and scale reserved) (withdrawn July 2014)

14/05151/OUT – Erection of dwelling and alterations to existing vehicular access (outline application to include means of access, but with matters of appearance, landscaping, layout and scale reserved) (permitted October 2016)

11.0 ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=ON6IFITDKLC00>

<p>List of Background Papers: Application documents available on Council website</p>
<p>Cabinet Member (Portfolio Holder): Cllr R. Macey</p>
<p>Local Member: Cllr Heather Kidd</p>
<p>Appendices: Appendix 1 – Conditions and Informatives Appendix 2 – Habitat Regulations Assessment Screening Matrix</p>

APPENDIX 1 – CONDITIONS AND INFORMATIVES

STANDARD CONDITIONS

1. The development shall be carried out in strict accordance with the approved, amended plans and drawings listed below.

Reason: To define the consent and ensure a satisfactory development which preserves the character and appearance of the adjacent Snailbeach Conservation Area, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Council Local Development Framework Core Strategy.

CONDITIONS THAT REQUIRE APPROVAL BEFORE DEVELOPMENT COMMENCES

2. No development shall commence until samples/precise details of all external materials/finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained in the absence of any further specific permission in writing from the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory, and to safeguard the character and appearance of the adjacent Snailbeach Conservation Area, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

3. No development shall commence until samples/details of the roof construction and materials, to include tiles, ridge tiles and detailing of eaves, valleys, verges and verge undercloaks as appropriate, have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and maintained thereafter in the absence of any further specific permission in writing from the local planning authority.

Reason: To ensure that the external appearance of the development is satisfactory, and safeguard the character and appearance of the Snailbeach Conservation Area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed in order to ensure a sustainable development.

4. No development shall commence until full joinery/product details of all external windows, doors, roof lights and any other external joinery, to include details of window styles, glazing bars, mullions, sill mouldings and decorative treatments/stains, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with approved details and thereafter maintained in the absence of any further specific permission in writing from the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory, and safeguard the character and appearance of the adjacent Snailbeach Conservation Area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed in order to ensure a sustainable development.

5. No development shall commence until details of the materials to be used for, and the form of, the heads and sills of all new window/door openings, together with the extent to which the windows and doors are to be set back from the face of the walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained in the absence of any further specific permission in writing from the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory, and to safeguard the character and appearance of the adjacent Snailbeach Conservation Area, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed in order to ensure a sustainable development.

INFORMATIVES

1. The local planning authority hereby gives notice that the details of access visibility splays and vehicle parking/turning areas] included on the submitted plans are sufficient to meet the prior approval requirements of Conditions 10 and 11 of outline planning permission No. 14/05151/OUT, dated 13th October 2016. All other requirements and conditions attached to the outline permission are unaffected by this notice and shall remain in full force unless discharged in writing by the Local Planning Authority.
2. Your attention is drawn specifically to the conditions above, and those attached to outline planning permission No. 14/05151/OUT, which require the Local Planning Authority's prior approval of further details. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) Order 2015 a fee (currently £97) is payable to the Local Planning Authority for each request to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority.

Where conditions require the submission of details for approval before development commences or proceeds, at least 21 days' notice is required in order to allow proper consideration to be given.

Failure to discharge conditions at the relevant stages will result in a contravention of the terms of this permission. Any commencement of works may be unlawful and the Local Planning Authority may consequently take enforcement action.

3. This development may be liable to a payment under the Community Infrastructure Levy (CIL) which was introduced by Shropshire Council with effect from 1st January 2012. For further information please contact the Council's CIL team (cil@shropshire.gov.uk).
4. This planning permission does not authorise the applicant to:
 - construct any means of access over the publicly maintained highway (including any footway or verge);
 - carry out any works within the publicly maintained highway;
 - authorise the laying of private apparatus within the confines of the public highway, including any a new utility connection; or
 - disturb any ground or structures supporting or abutting the publicly maintained highway.

Before carrying out any such works the developer must obtain a licence from Shropshire Council's Street Works Team. For further details see <https://www.shropshire.gov.uk/street-works/street-works-application-forms/>.

Please note that Shropshire Council requires at least three months' notice of the developer's intention to commence any works affecting the public highway, in order to allow time for the granting of the appropriate licence/permit and/or agreement of a specification and approved contractor for the works.

5. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.
6. If the new vehicular access and/or parking/turning areas hereby permitted would slope towards the public highway, surface water run-off should be intercepted and disposed of appropriately. It is not permissible for surface water to drain onto the public highway or into highway drains.
7. 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.

APPENDIX 2 – HABITAT REGULATIONS ASSESSMENT (HRA) SCREENING MATRIX

Application name and reference number:

14/05151/OUT
The Sidings, Snailbeach, Shrewsbury, Shropshire SY5 0LT
Erection of dwelling and alterations to existing vehicular access

Date of completion for the HRA screening matrix:

24th June 2015

HRA screening matrix completed by:

Rob Mileto, Ecological Consultant to Shropshire Council

Table 1: Details of project or plan

Name of plan or project	14/05151/OUT The Sidings, Snailbeach, Shrewsbury, Shropshire SY5 0LT Erection of dwelling and alterations to existing vehicular access
Name and description of Natura 2000 site	The Stiperstones and The Hollies SAC (601.46ha) represents a nationally important area of dry heath and also hosts a significant presence of sessile oak woodlands with <i>Ilex</i> and <i>Blechnum</i> . Annex I Habitats that are a primary reason for selection of site: <ul style="list-style-type: none"> European dry heaths: This site in central Britain is an example of European dry heaths that contains features transitional between lowland heathland and upland heather moorland. The most extensive vegetation type present is H12 <i>Calluna vulgaris</i> – <i>Vaccinium myrtillus</i> dry heath, which is characteristic of the uplands. South-facing slopes support stands of H8 <i>Calluna vulgaris</i> – <i>Ulex gallii</i> heath, a predominantly lowland vegetation community of south-west Britain. The heathland of the Stiperstones is in excellent condition because it is managed by a programme of rotational, controlled winter burning and cutting. Annex I Habitats present as a qualifying feature, but not a primary reason for selection of site: <ul style="list-style-type: none"> Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles
Description of the plan or project	Erection of dwelling and alterations to existing vehicular access
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

Statement:

Given the scale and nature of the development Natural England does not believe there will be any likely significant effect on the SAC, either directly or indirectly.

The Significance test:

There is no likely significant effect on the European-designated site of The Stiperstones and The Hollies SAC as a result of the works proposed under planning application 14/05151/OUT (erection of dwellings and alterations to existing vehicular access at The Sidings, Snailbeach, Shrewsbury, Shropshire SY5 0LT).

The Integrity test:

There is no likely effect on the integrity of the European-designated site of The Stiperstones and The Hollies SAC as a result of the works proposed under planning application 14/05151/OUT (erection of dwellings and alterations to existing vehicular access at The Sidings, Snailbeach, Shrewsbury, Shropshire SY5 0LT).

Conclusions:

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.

Guidance on completing the HRA Screening Matrix

The Habitat Regulation Assessment process:

Essentially, there are two ‘tests’ incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the ‘significance test’ and the other known as the ‘integrity test’ which must both be satisfied before a competent authority (such as a Local Planning Authority) may legally grant a permission.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –
- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
 - (b) is not directly connected with or necessary to the management of that site,
- must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context ‘likely’ means “probably”, or “it well might happen”, not merely that it is a fanciful possibility. ‘Significant’ means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

Habitat Regulation Assessment Outcomes:

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted unless it is clear that there are no alternative solutions, the project must be carried out for imperative reasons of overriding public interest, and the Secretary of State has been notified in accordance with section 62 of the Conservation of Habitats and Species Regulations 2010. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.

Duty of the Local Planning Authority:

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulation Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.