

Recommended Reason for Approval

REPORT

1.0 THE PROPOSAL

- 1.1 Planning permission is sought for the erection of 8 dwellings, consisting of 4 pairs of semi-detached properties comprising a mix of 2 and 3 bedrooms. The proposals would also include the relocation of the existing bus shelter at the north-eastern corner of the site to the south-western corner along Longden Road.
- 1.2 Permission was previously granted at the site on 16th February 2016 for the demolition of the existing pub and erection of 6 x 3-bedroom dwellings with additional parking and garaging. This permission currently remains extant.
- 1.3 The application has since been amended upon initial submission by way of removing a dwelling from the southern portion of the site and thus negating the need for a row of 3 terraced dwellings and a pair of semis. The 4 resultant dwellings at the front of the site have also been moderately enlarged to incorporate 3-bedrooms each as opposed to the previously proposed two, with plots 4 – 8 being pushed further to the north within the site to allow rear gardens of a moderately greater depth for plots 1 – 4. The latest site plan also incorporates details pursuant to the location of bin storage facilities for each dwelling as requested at the Central Planning Committee's agenda setting meeting.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site comprises the former Cygnets pub within the centre of the village of Hook-a-Gate which has since been demolished. The site is located on the northern side of Longden Road and surrounded by residential properties on either side and directly opposite the main road to the south. Surrounding dwellings within the vicinity comprise a mix of detached, semi-detached and terraced properties and of no set architectural vernacular. There is also no defined front building line or consistent relationship between surrounding dwellings and the corresponding highway, with the neighbouring properties of The Gardens and Nos. 1-4 Rea Brook Terrace to the west significantly recessed from the streetscene. A tributary from the Rea Brook forms the site's northern boundary, with the topography of the site sloping from south to north towards the watercourse. The southern portion of the site closest to the highway is however relatively flat and currently comprises a substantial degree of hardstanding and rubble from the former pub.
- 2.2 The site is located within a Community Cluster which includes Hook-a-Gate as defined in the SAMDev, and primarily consists of linear development along the

main thoroughfare through the village.

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' given the objection from the Parish Council and local Member being in conflict with the officer's recommendation. The application was appraised by the Central Planning Committee's agenda setting meeting and deemed appropriate to be heard at Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Longden Parish Council

Longden Parish Council object to this applications for the following reasons:

- On Highway Grounds as the proposal for access and egress onto the Highway and within the site itself are not sufficient;
- The houses are too high and are above neighbouring properties in height;
- The houses are too crowded on the site and this constitutes overdevelopment of the site;
- The increase of dwellings in the village as a result of this proposal is 20%;
- There is no bin storage proposed - no collection point for bin day;
- There is insufficient lighting for safety;
- There is insufficient parking for the expected vehicles for 9 dwellings;
- The road which this development is off will not cope with the additional vehicular traffic

4.1.2 SC SuDs

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. No objection, subject to conditions and informatives.

4.1.3 SC Highways

No objection, subject to conditions and informatives.

The development site is the former Cygnets public house at Hook-a-Gate. The site is accessed off the C5150 road running through Hook-a-Gate which is governed by a local 30mph speed limit. The site was the subject of previous planning application 14/01589/FUL for six larger 3 and 4 bedroom dwellings approved on 16th February 2016. The current proposal seeks approval for development of nine 2 bedroom dwellings rather than the previous six larger dwellings. Two parking spaces per dwelling are to be provided. The access drive will be centralised as required and approved under planning application

14/01589/FUL. Further details are required regarding the access drive, including construction and surface water drainage.

4.1.4 **SC Affordable Houses**

If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's housing needs evidence base and related policy pre-dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

4.1.5 **SC Ecology**

No objection; subject to conditions and informatives.

A Habitats Regulations Assessment (HRA) Screening Matrix has been undertaken and concluded by the Ecologist that there is no legal barrier preventing planning permission being granted in this instance.

4.2 - **Public Comments**

4.2.1 This application was advertised via notice at the site. Additionally, the residents of 13 neighbouring properties were individually notified by way of publication. At the time of writing this report, 8 letters of representation have been received objecting to the proposed development on the following grounds:

- Increase of vehicles parking on the road;
- Likely obstruction from parking outside bus stop;
- Overdevelopment of the site;
- Increase of traffic through village;
- Height of houses will impact privacy and outlook;
- Impact on drainage;
- Impact on light levels of adjacent property;
- Contrary to local policy and Parish Plan;
- No bin storage facility or provision to site bins on collection day;
- Impact on visibility towards Shrewsbury due to bend in the road;

Cllr Evans also asked that the application be heard at Planning Committee should officers recommend approval due to the level of local objection.

5.0 **THE MAIN ISSUES**

5.1 **Principle of development**

Character and appearance

Neighbouring amenity

Highways

Ecology

Flooding/Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Core Strategy Policies CS1, CS3, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages. Policy CS4 also allows for the identification of 'Community Hubs and Clusters' within the rural area where further housing development can occur; these hubs and clusters were designated as part of the adoption of the Council's Site Allocations and Management of Development (SAMDev) plan.
- 6.1.2 The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.1.3 Policy CS6 of the Core Strategy seeks to ensure development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.
- 6.1.4 The site is located within the Community Cluster of Longden, Hook-a-Gate, Annscroft, Longden Common, and Lower Common/Exfords Green, and Policy S16.2(xi) has set a housing guideline of up to 50 additional dwellings over the plan period to 2026. Such housing development comprising infilling, the conversion of buildings and groups of dwellings within the villages may be considered acceptable on suitable site. 25-30 dwellings are expected to be delivered within Longden itself, with the remaining quantum of development spread evenly across the remaining villages. It is acknowledged that the housing guideline has been marginally exceeded in terms of actual housing completions and housing commitments through sites with planning permission, amounting to a total of 19 completions and 33 commitments as of March 2017.
- 6.1.5 The abovementioned housing guideline is a significant policy consideration in accordance with SAMDev Policy MD3. However, it should be noted that the 33 dwellings commitment figure includes the previous permission granted at the site for 6 dwellings. Consequently, such development in this case would only result in the addition of 2 further dwellings over and above the current figure of 52 dwellings (completions and commitments). Such an increase is not considered to result in a significant material impact relative to the housing guideline. In addition, it is considered that such proposals would result in the development of 8 relatively affordable dwellings, including the erection of 4 x 2-bedroom properties which would likely be aimed at first time buyers.

- 6.1.6 In comparison to the previous permission, such development is considered likely to result in a greater benefit for those wishing to get on the housing ladder given the reduction in size of the units proposed with an even spread of 2 and 3-bedroom properties. Therefore, such development is considered to result in a positive benefit in accordance with Policy MD3 which would render the principle of development to be acceptable in this case.
- 6.1.7 It should also be further emphasised that the proposed development would make use of an existing brownfield site, and Section 11 of the NPPF places great importance on planning policies and decisions giving substantial weight to the value of using suitable brownfield land within settlements for homes. Paragraph 38 of the NPPF also states that decision-makers at every level should seek to approve applications for sustainable development where possible, and it is considered that the proposed development would constitute a sustainable and effective re-use of an existing brownfield site within an area identified for additional housing within the SAMDev.

6.2 Character and appearance

- 6.2.1 Policy CS6 of the Core Strategy requires development to be designed to a high quality using sustainable design principles, which should be responsive to the local character and context of existing development and its wider surroundings. Likewise, SAMDev Policy MD2 requires development to respond positively to local design aspirations, and be reflective of locally characteristic architectural design and details.
- 6.2.2 The development includes the erection of 4 pairs of semi-detached dwellings, comprising a total of 8 dwellings. Four of the properties (plots 1 – 4) would be located adjacent to the Longden Road streetscene and fairly equally spaced either side of the proposed access road leading northward within the site. A separation distance of between 3 and 4m would be retained between the flank wall of the outermost dwellings and the corresponding flank boundaries, with additional soft landscaping proposed within such gaps. Further soft landscaping in the form of box hedging is proposed to the front of the dwellings behind Longden Road in order to soften the appearance of the properties with respect to the aforementioned streetscene. Each dwelling would be served by corresponding rear gardens, with the outer-most dwellings benefitting from slightly enlarged private amenity areas extending to the side up to the site's flank boundaries.
- 6.2.3 A total of 16 car parking spaces and hardstanding to facilitate turning within the site is proposed to the rear of plots 1 – 4, with additional landscaping along each flank boundary and interspaced between some of the proposed parking spaces. A further 4 x 2-bedroom dwellings (plots 5 – 8) are proposed within the rear of the site, with highly elongated rear gardens stretching northward and sloping down towards the watercourse bounding the site to the north.

- 6.2.4 The proposed dwellings would mirror each other in design, scale and appearance; albeit with plots 1-4 of a marginally greater width in order to facilitate 3-bedrooms. The dwellings would extend to a height of 8.8m (plots 1 – 4) and 8.4m (plots 5 – 8), incorporating a traditional pitch with flank facing gables and open canopied front porches with a mono-pitch roof. The arched brickwork above the ground floor windows would mirror the detailing of the adjacent properties of Spring Cottages to the north-east, with the overall scale and massing reflective of the aforementioned neighbouring properties. Due to the high variation in architectural character within the vicinity, it is not considered that the overall design and scale of the proposed dwellings would be incongruous with the wider locality, especially given the relatively uncomplicated and traditional nature of the development's design.
- 6.2.5 Plots 1 – 4 would all follow a distinct front building line moderately recessed from the Longden Road streetscene and that of Spring Cottages to the north-east. Such an arrangement would ensure that the development would have an appropriate relationship with the highway and correspond more successfully with the existing residential development extending north-eastwards along Longden Road towards Shrewsbury, especially in comparison to the pub previously in situ. The frontages of plots 1 – 4, whilst relatively narrow, would be generally reflective of the neighbouring properties of Spring Cottages and additional properties further to the north-east. The moderate gardens to the rear of plots 2 and 3 would not be apparent within the context of the streetscene, with reasonable degrees of spaciousness proposed either side of plots 1 and 4 allowing suitable soft landscaping.
- 6.2.6 Likewise, Plots 5 – 8 would be substantially recessed from the streetscene and therefore have a limited impact upon the visual amenities of the same. The design and scale would be reflective of plots 1 – 4 (albeit of a moderately reduced height), with the proposed layout making best use of the plot's shape yet ensuring adequate degrees of spaciousness would be retained either side up to the flank boundaries. Landscaping proposed along the flank boundaries and either side of the outermost dwellings at the rear (plots 5 and 8) would soften the visual appearance of the dwellings in time and ensure a generally harmonious form of development. The scale of plots 5 and 8 would also be reflective of the neighbouring properties of The Gardens (south-west) and The Prill (north-east) in terms of scale, and therefore not appear overdominant or incongruous in this respect.
- 6.2.7 Due to the lack of a distinct pattern of development within the wider vicinity, particularly in terms of grain and layout, and a wide variation of architectural styles and dwelling types present; it is not considered that the proposed development would appear out of place or generally incongruous with respect to the visual amenities of the locality. Moreover, adequate degree of spaciousness and soft landscaping are proposed within the site to ensure that the development would not appear cramped within the existing plot. Consequently, the development is considered to be acceptable from a visual perspective which would not represent an overdevelopment of the site as a whole.

6.3 Neighbouring amenity

- 6.3.1 Policy CS6 of the Core Strategy seeks to safeguard residential and local amenity. Plots 1 – 4 would be located within a similar position to the 4 dwellings previously proposed and granted at the site, yet with the dwellings now shifted further to the south-west. The north-eastern flank boundary of plot 4 would be sited approximately 9m from the flank wall of the adjacent neighbouring property to the north-east, and at a greater distance than the previously approved dwelling in this location. Likewise, plot 1 would only marginally extend further towards the mutual flank boundary with The Gardens to the south-west than the previously approved dwelling in this location. The layout of The Gardens is such that plot 1 would be sited adjacent to their front parking area as opposed to being within close proximity to the actual dwelling or its private amenity. The rear wall of plot 1 would also be sited in excess of 18m from the principal elevation of The Gardens, and almost an identical positioning to the previously approved dwelling in this location. Such a separation distance is considered sufficient to ensure the front habitable rooms of The Gardens would not be unduly overlooked, and would have no greater material impact than the extant permission with regards to this particular consideration.
- 6.3.2 With respect to the rear elevation of The Gardens, it is noted that plot 5 would be located to the north of the respective rear amenity space and therefore not result in any overshadowing of the rear garden serving The Gardens. A separation distance of approximately 4.5m would be retained between the southern flank wall of plot 5 and the northern flank wall of The Gardens, which would ensure that the impact of the development would not result in a demonstrable level of harm with regards to overdominance or constituting a generally overbearing form of development to unacceptable levels. The addition of soft landscaping in the resultant gap would also soften the appearance of plot 5 to some degree and, whilst the outlook from The Gardens to the north-east would be marginally reduced, it is not considered that the impact would be adverse enough to warrant the refusal of this application in isolation with outward views to the rear towards the watercourse still afforded.
- 6.3.3 Concerns have been raised over the topography of the site sloping downwards to the north, with the proposed dwellings within plots 5 – 8 extending to 2 stories in height and the subsequent impact upon neighbouring amenity. It is accepted that the extant permission in relation to the rear 2 plots saw a split level with the 2 dwellings having the appearance of being single storey at the front and extending to 2 stories at the rear following the drop in land level.
- 6.3.4 The current proposals would necessitate the increase in height of the current land level where the plot begins to slope to ensure an even land level for the erection of such 2 storey dwellings. However, it should be noted that plots 5 – 8 would not extend as far rearward as plots 5 and 6 of the extant permission, with only the approximate rear 4m of each dwelling requiring an increase of land level. A separation distance of approximately 9m would also be retained between the northern flank wall of plot 8 and the southern flank wall of the neighbouring

property of The Prill.

- 6.3.5 Whilst it is accepted that the development would result in a marginally greater impact upon the amenities of the aforementioned neighbouring property in terms of dominance and proximity than the extant permission, the separation distance proposed is still considered to be sufficient to ensure that such an impact would not result in a demonstrable level of harm. It is also noted that substantial soft landscaping is proposed along this particular flank boundary which would further ameliorate the impact in this respect.
- 6.3.6 A separation distance of in excess of 25m would be afforded between the rear of plots 1 – 4 and the front of plots 5 – 8, which is considered to be acceptable to ensure the privacy of future occupants would be maintained. Likewise, only a single window has been proposed at first floor level in the flank elevation of each dwelling to serve bathrooms. Such windows should be permanently fitted with obscure glazing and non-opening below 1.7m to ensure the privacy of future and adjoining occupants in perpetuity. This can adequately be secured via condition should planning permission be forthcoming.
- 6.3.7 Each dwelling would be served by a rear garden, and it is considered that whilst the level of amenity proposed for plots 2 and 3 is substantially less than the other 6 dwellings; the level of amenity proposed would be adequate, private and commensurate to the size of the resultant dwellings. All gardens would also be north-west facing and therefore receive adequate levels of sunlight during the latter parts of the day as a minimum. The amended site plan also demonstrates that each dwelling would have clear space for bin storage, with access being provided for each occupant in order for bins to be taken to the front of the site adjacent to the Longden Road streetscene.

6.4 Highways

- 6.4.1 The development site comprises the former Cygnets public house at Hook-a-Gate. The site is accessed off the C5150 road running through Hook-a-Gate which is governed by a local 30mph speed limit. The site was the subject of previous planning application 14/01589/FUL for six larger 3 and 4 bedroom dwellings approved on 16th February 2016. The current proposal seeks approval for development of eight dwellings (mix of 2 and 3-bed) as opposed to the previously approved 6 dwellings. Two parking spaces per dwelling are to be provided which is considered to be more than adequate. The access drive will be centralised as required and approved under planning application 14/01589/FUL. Further details are however required regarding the access drive, including construction and surface water drainage. Such details can be adequately secured via condition should planning permission be forthcoming, and the Highways department have raised no objections to the proposals in their current form.
- 6.4.2 No issues have been raised over the relocation of the bus shelter, and this can satisfactorily be secured and implemented by way of condition should planning permission be forthcoming. Whilst concerns have been raised over the potential

traffic generation resulting from the proposed development, it should be noted that the site used to operate as a pub which would likely have resulted in a substantial increase in traffic generation in comparison to the proposed development comprising a total of 8 dwellings. Consequently, an objection could not be sustained on such grounds.

6.5 Ecology

6.5.1 This application has been considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to The Conservation of Species and Habitats Regulations 2010 (known as the Habitats Regulations). A Habitats Regulations Assessment matrix is included at the end of this report. The Council's Ecologist has noted that Bomere, Shomere & Betton Pools lie approximately 3.2km to the south-east, with Hencott Pool lying approximately 7.1km to the north-east. The proposed development site does not lie within the water catchment for either of these European Designated Sites. Therefore, no impacts in relation to water pollution are predicted. No impacts are anticipated from air pollution as the development is small and a significant distance from the European Designated Sites.

6.5.2 Neither of the European Designated Sites are publicly accessible so there will be no increase in recreational pressure. It is concluded that there are no pathways between the development and any European Designated Sites which could cause an effect, alone or in-combination with other plans or projects. An appropriate assessment (HRA Stage 2) is therefore not required. There is therefore no legal barrier under the Habitats Regulations Assessment process to planning permission being granted in this case.

6.5.3 The Ecologist has no objection to the proposed development subject to the imposition of planning conditions requesting details pursuant to bird/bat boxed, an ecologically sensitive lighting plan and the submission of a report demonstrating implementation of the RAMMS, as set out in section 6.1 of the Ecological Appraisal (Greenscape Environmental, December 2018).

6.6 Flooding/Drainage

6.6.1 No objections have been raised by the Council's drainage team provided details pursuant to surface and foul water drainage are submitted to and approved by the drainage team prior to the commencement of development at the site. This can adequately be secured by way of condition should planning permission be forthcoming.

7.0 CONCLUSION

The proposals are considered to constitute an effective and sustainable use of the plot, with the principle of development deemed acceptable within an existing residential area. Moreover, such development is not considered to adversely impact the visual amenities of the immediate locality, nor unduly impact residential amenity or the safety and convenience of the local highway network. Ecology and drainage matters can also be satisfactorily controlled by way of

planning conditions.

Officers therefore recommend that planning permission be granted, subject to conditions as outlined in Appendix 1.

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.

Habitats Regulations Assessment (HRA) Screening Matrix

1.0 Introduction

The proposal described below has the potential to adversely affect a designated site of international importance for nature conservation. The likelihood and significance of these potential effects must be investigated.

This is a record of the Habitats Regulations Assessment (HRA) of the project at Site Of The Cygnets, Hookagate, Shrewsbury, Shropshire (18/05838/FUL), undertaken by Shropshire Council as the Local Planning Authority. This HRA is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2017, in accordance with the EC Habitats Directive (Council Directive 92/43/EEC) before the council, as the 'competent authority' under the Regulations, can grant planning permission for the project. In accordance with Government policy, the assessment is also made in relation to sites listed under the 1971 Ramsar convention.

Date of completion for the HRA screening matrix:

16th January 2019

HRA screening matrix completed by:

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2.0 HRA Stage 1 – Screening

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider if the impacts are likely to be significant. Following recent case law (*People Over Wind v Coillte Teoranta C-323/17*), any proposed mitigation measures to avoid or reduce adverse impacts are not taken into account in Stage 1. If such measures are required, then they will be considered in stage 2, Appropriate Assessment.

2.1 Summary Table 1: Details of project

Name of plan or project	18/05838/FUL Site Of The Cygnets, Hookagate, Shrewsbury, Shropshire
Name and description of Natura 2000 site	<p>Bomere, Shomere & Betton Pools Midland Meres and Mosses Ramsar Phase 1 (59.08ha), as a group, are particularly important for the variety of water chemistry, and hence flora and fauna, which they display. It is included within the Ramsar Phase for its Open Water, Swamp, Fen, Basin Mire and Carr habitats with the plant species <i>Elatine hexandra</i> and <i>Thelypteris palustris</i>.</p> <p>Most of Hencott Pool Midland Meres and Mosses Ramsar Phase 2 (11.5ha) is swamp carr on very wet peat dominated by alder <i>Alnus glutinosa</i> and common sallow <i>Salix cinerea</i> with frequent crack willow <i>Salix fragilis</i>. Although there are considerable areas of bare peat beneath the trees, there is a rich flora of fen plants. It is included in the Ramsar Phase for its Carr habitat and the species <i>Carex elongata</i> and <i>Cicuta virosa</i>.</p>
Description of the plan or project	Erection of 9no new dwellings and alterations to 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 projects or plans have been identified which could act in-combination with this project to cause likely significant effects on Bomere, Shomere & Betton Pools.

2.2 Statement

Bomere, Shomere & Betton Pools lies approximately 3.2km to the south-east. Hencott Pool lies approximately 7.1km to the north-east.

The proposed development site does not lie within the water catchment for either of these European Designated Sites. Therefore, no impacts in relation to water pollution are predicted.

No impacts are anticipated from air pollution as the development is small and a significant distance from the European Designated Sites.

Neither of the European Designated Sites are publicly accessible so there will be no increase in recreational pressure.

It is concluded that there are no pathways between the development and any European Designated Sites which could cause an effect, alone or in-combination with other plans or projects. An appropriate assessment (HRA Stage 2) is therefore not required.

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

3.0 Guidance on completing the HRA Screening Matrix

The Habitats Regulations 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'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

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 Habitats Regulations Assessment of Local Development Documents (Revised Draft 2009).

Habitats Regulations 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.

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 Regulations 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.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach
 CS6 - Sustainable Design and Development Principles
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD3 - Managing Housing Development
 Settlement: S16 - Shrewsbury
 National Planning Policy Framework

RELEVANT PLANNING HISTORY:

14/01589/FUL Demolition of public house and erection of 6 new dwellings including alterations to access GRANT 19th February 2016

18/05838/FUL Erection of 8no new dwellings and alterations to vehicular access PDE

11. Additional Information

[View details online:](#)

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)

Cllr R. Macey

Local Member

Cllr Roger Evans

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. The development shall be carried out strictly in accordance with the approved 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 above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.**

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

5. **No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).**

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

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

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

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

8. Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the RAMMS, as set out in section 6.1 of the Ecological Appraisal (Greenscape Environmental, December 2018).

Reason: To demonstrate compliance with the RAMMS to ensure the protection of the brook, which forms part of the Environmental Network.

9. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 6 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

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

7. Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings hereby approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority.

Development shall be carried out in accordance with the approved details.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

10. The first floor windows in the flank elevations of the dwelling shall be permanently shall be non-opening at 1.7m above the finished floor level, fitted with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in such elevations.

Reason: To preserve the amenity and privacy of adjoining properties.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 classes A, B and E shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

12. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species, and other species.

13. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use. Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

14. Prior to the demolition of the existing bus shelter, the proposed bus shelter must be erected within the location as specified on plan number PL-001 Rev B and retained as such thereafter.

Reason: In the interests of the local community.

Informatives

1. In arriving at this decision Shropshire 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 38.

2. Himalayan balsam is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to allow this species to be released into, or cause it to grow, in the wild and landowners should not allow it to spread onto neighbouring land, although they may not be obliged to remove or treat it on their own land.

Treatment of Himalayan balsam should be carried out by an experienced contractor and development cannot commence until the plant has been completely removed from the site.

Use of herbicides alongside water courses should only be undertaken by experienced, licensed contractors following advice from the Environment Agency.

Himalayan balsam is classed as a controlled waste and should be disposed of by an experienced contractor to an approved waste site in accordance with the Environmental Protection Act (Duty of Care) Regulations 1991).

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

4. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

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

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

5. Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

6. The use of soakaways should be investigated in the first instance for surface water disposal.

Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

7. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare	Change allowance	% of impermeable area
Less than 25	10	

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

8. If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new driveway run onto the highway.

9. On the Surface Water Flood Map, Plots 6 and 7 are at risk of surface water flooding. The applicant should provide details on how the surface water runoff will be managed and to ensure that the finished floor level is set above any known flood level or at least 150mm above the ground level.

10. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

11. This planning permission does not authorise the applicant to:

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

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

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

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

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

13. The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at

all times, in the interests of public and highway safety.

<https://new.shropshire.gov.uk/planning/faqs/>

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

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