



Committee and date
 South Planning Committee
 8 May 2019

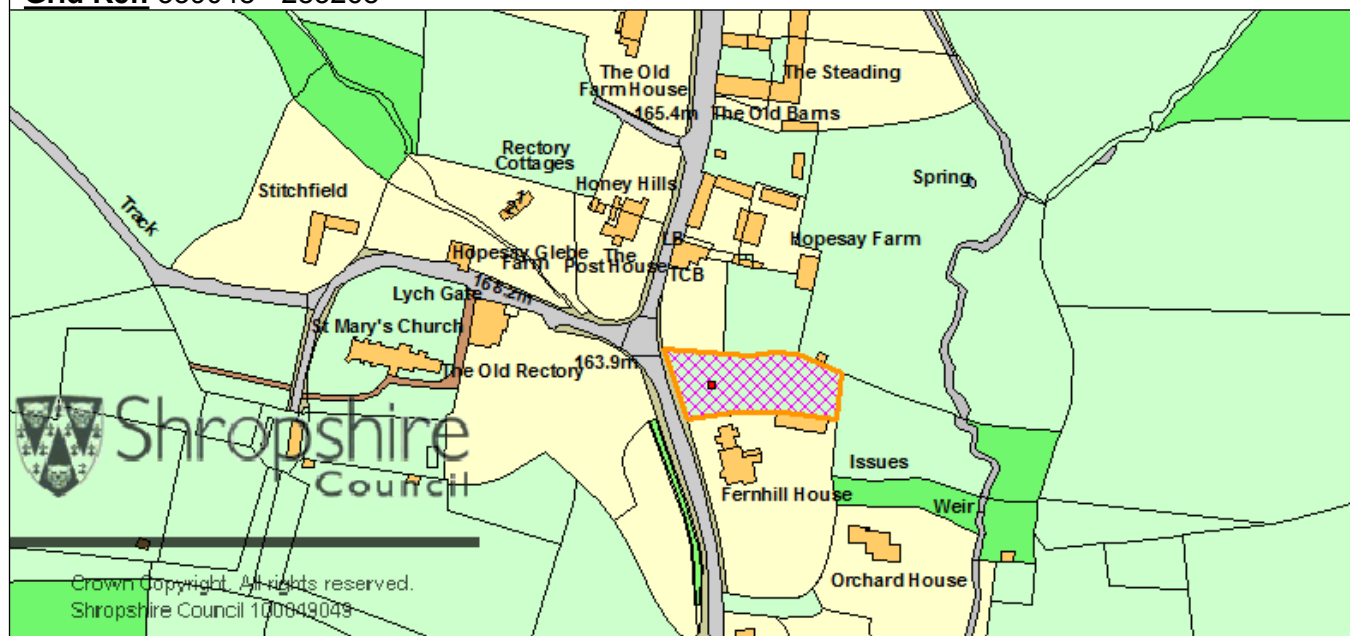
Development Management Report

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Summary of Application

Application Number: 19/00218/FUL	Parish:	Hopesay
Proposal: Erection of single storey dwelling and garage with foul treatment plant and temporary siting of a static caravan (amended description)		
Site Address: Proposed Dwelling To The South Of Hopesay Shropshire		
Applicant: Mr And Mrs Moulder		
Case Officer: Heather Owen	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 339048 - 283268



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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning permission for the following:

- Erection of a detached dwelling.
- Installation of a foul treatment plant.
- Siting of a static caravan for a temporary period (during construction).

1.2 Members may recall that an application for a 4 bed detached dwelling (16/01597/FUL) on this same site was refused by South Planning Committee at the meeting of 06th December 2016 for the following reason:

Due to the siting, scale and design of the proposed dwelling, in particular the loss of the significant gap in the street scene and impact on views from the Shropshire Way; and the overbearing mass of the red brick built form, the proposed development would not make a positive contribution to the local character and distinctiveness and would result in an adverse change, detracting from the character and appearance of the village, Conservation Area and its AONB setting. The proposal is therefore contrary to development plan policies CS6, CS17, MD2, MD12 and MD13 and paragraphs 58, 60, 64, 115 and 131 of the NPPF.

1.3 This application proposes an alternative design seeking planning permission to construct a 3 bedroomed single storey dwelling, constructed in stone with timber weatherboarding. The scheme proposes an L shaped footprint, the section proposed to run alongside the northern boundary is design with slate tiled pitched roof. The section along the east has been designed with a mono-pitched roof which would be clad with zinc metal seam sheeting.

2.0 SITE LOCATION/DESCRIPTION

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

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

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

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have provided views contrary to Officers recommendation. This has been discussed with the Local Member and Chair and Vice Chair of the South Planning Committee, whom requested that the application be determined by planning committee due to the sensitive location of the site and the material planning considerations raised warrant committee determination as the previous application was.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Hopesay Parish Council: Hopesay Parish Council conditionally supports this application, upon the following conditions:

- That the specific design and plans for the dwelling (as in the current application) are not changed or altered;
- That the height of the dwelling is not increased;
- That the dwelling cannot be extended;
- That nothing is to be planted erected or placed (e.g. along the front boundary) to obscure the sight line to Hopesay Hill behind; and
- This support is conditional and specific to the local family applicant named in the application.

4.1.2 Shropshire Hills AONB: Standing advice, Local Planning Authorities have a statutory duty to take into account the purposes of the AONB designation and planning policy to protect the AONB and the statutory AONB Management Plan. This standard response does not indicate either an objection or no objection to the current application.

4.1.3 SUDs: No objection, recommend condition to secure the detail of the surface and foul water drainage.

4.1.4 SC Archaeology (Historic Environment): No objection, recommend condition requiring a programme of archaeological in accordance with a Written Scheme of Investigation (WSI).

4.1.5 SC Conservation and Design (Historic Environment): No objection, recommend conditions regarding Materials (include sample panel stonework), Roof Details, Rooflights, Joinery and Finishes.

4.1.6 SC Regulatory Services: General advice regarding private water supplies.

4.1.7 SC Highways: No Objection – recommend conditions and informatives regarding formation of the new access and closing up of the existing.

4.1.8 SC Affordable Housing: No affordable housing obligation is required with this proposal.

4.1.9 SC Ecology: Final Comments: 23rd April 2019 – No objection:

- Habitat Regulation Assessment completed – conclusion – the proposal would not have a likely significant effect on the River Clun SAC, and an Appropriate Assessment is not required.
- Recommend conditions regarding provision of bat and bird boxes and external lighting.

SC Ecology: 12th March 2019 – Note - These comments supersede those of 08th February 2019, which were submitted in error:

- Additional clarification sought regarding foul drainage, due to development being within the River Clun Catchment.
- Recommend conditions regarding provision of bat and bird boxes and external lighting.

4.2 Public Comments

4.2.1 9 letters of objection received:

Visual Impact, AONB and Conservation Area

- There is an overriding need to protect the features of Hopesay which made it special and justify its designated as a Conservation Village. One of the features is the field subject to this application.
- Few Hamlets still have an open field in the centre, not only can nature thrive, but it also offers residents and visitors a fine view of the surrounding.
- This land should not be given up lightly when so much of the countryside is being urbanised.
- Loss of view from main lane through village over a National Trust Area, Hopesay Hill and AONB.
- The dwelling would be a focal point and have an undue visual impact on those coming into or passing through the village.
- Whilst new building has a place in every community, do not believe the very centre of this hamlet is the correct place to override the legislative intentions of the Planning (Listed buildings and Conservation Areas) Act 1990.
- From Hopesay Hill itself the building will be a significant feature on the village below, particularly from light spill from extensive areas of glazing, in the bedroom wing especially.
- The development would harm the Shropshire Way which passes the site.
- The dwelling would be a visual intrusion on the character of the village,
- Only one new building has been permitted in the conservation in 150 years and that cannot be seen from the road, this results in a much loved village scene, unaltered since the 19th century.
- Residents and Visitors alike comment on what a lovely, timeless place Hopesay is and it is for the benefit of visitor both now and future generations to come as much as for residents that the centre of Hopesay remains unchanged.
- The site is neglected with old tyres being dumped, but there is potential to be improved as a field.
- The dwelling would be of particular detriment to Fern Hill House and the Rectory and visually impact on listed properties and the traditional street

scene of Hopesay.

- Alternative sites should be considered and the core character of Hopesay preserved at all costs.
- Building here will materially alter the landscape and streetscape.
- The development would harm the AONB and is not in accordance with SAMDev policy MD12 and NPPF paragraphs 170 and 172.
- Any development would have a detrimental impact on the whole village.
- This is a case of classic 'infill' between two historic properties that would have a detrimental visual and environmental impact on the village as a whole.
- Although single storey the dwelling fills the width of the site and removes the gap in the frontage which allows views towards Hopesay Hill.

Design

- The scheme is not sympathetic to the character of the settlement which consists of well dispersed, large character properties within extensive grounds.
- The site is small and the dwelling will cover a significant area within it.
- The design is not in harmony with existing character properties within the village.
- The site is too restricted for the scale of development proposed.
- The mono-pitched roof would appear contrived and the overall dwelling be cramped and akin to the existing farmyard to the north of the site.
- The application does not comply with SAMDev Policy MD13 or NPPF paragraphs 192 and 196.
- If the Council was inclined to change their minds would comment that the current design is an improvement on those submitted in the past but would suggest more details are required on proposed stonework and nature of hardstanding.

Housing Policy

- The housing settlement target has been met and the SAMDev policy is therefore irrelevant.
- As previously stated during the 2016 application, new housing in the Parish of Hopesay was debated in the Hopesay Parish Plan. Pages 12 and 13 of the Parish plan, 2008 states 'New housing ... A third of respondents thought that currently redundant buildings should be converted to accommodation, ahead of creating new-build properties.'
- The scheme will not result in an affordable home needed by the community or is it freeing up any smaller property to meet local need.
- The property is not affordable self-build, or an essential rural workers dwelling, it would add to the stock of large private dwellings.

Planning History

- This is the fifth application on this plot of land, all previous applications have been dismissed, the arguments made in 1993 remain the same.
- Approval of this application would set a precedent as noted by the Planning Inspector in the previous appeal on this site.
- The last proposed was unanimously rejected by the Planning Committee in December 2016.

- The applicants already have planning permission to build on their own land, this would be a second property new build.
- The applicant doesn't own the land and the proposal might not go ahead.
- Refusal is the only reasonable and consistent answer.
- The planning considerations already raised by previous objectors and in the previous refusal of the planning authority remain unchanged.

Highway Safety

- The narrow lanes to Hopesay should not be further burdened at a time when traffic is increasing due to increases in on-line shopping.

Biodiversity

- Well-managed the site would make a great contribution to botanical diversity, Shropshire has nearly lost all of its wild-flower meadows in recent years. For 25 years we have managed 2 fields near the site with sheep grazing and removal of weeds and as a result have over 130 native flowering plants, orchids, moschatel and ragged robin. Over 3,000 native deciduous trees have also recently been plan adjacent our fields which will greatly add to the attraction of Hopesay Village in the surrounding Shropshire Hills.

Procedure

- The Councils Planning website appeared to be down from 11th – 17th February so anyone wishing to view documents would not have had the full opportunity to do so before closure of public consultation period.
- The separate objections submitted by individual residents living at the same property should be uploaded to the system separately not together as they have been. This would be in line with the separate letters from supporters whom also reside at another property and who have also written in separately and have been uploaded separated and so will be given more weight.

Other matters

- This is a prime site in the centre of Hopesay, a village focus, its frontage is where the millennium seat is and where the WWI soldier and memorials were recently placed.
- The field should be considered a community asset.
- In the absence of any legal agreement there is no reason by the owners should not sell on the site with any consent who might then put forward a much less desirable design, even along the lines of the one rejected by the Council before. It is naive to think giving this permission would not make such an alternative application like this more likely to be accepted.

8 letters of support received:

- As a local resident of 30 years and knowing the family for the same length of time support this application.
- Disagree with objectors comments that the application is not providing a need in the community and its value to the community is low – The house is for a long standing, local family who are having to move.
- The planned building is clearly designed for the site providing modern

accommodation using a mix of traditional materials, whilst minimising its effect on other properties and retaining the view of Hopesay Hill from the road.

- The plans are sympathetic with the village and fit nicely with no impact on the view of Hopesay Hill.
- These plans have been carefully thought out and should cause minimum of intrusion in the area and should not obscure scenery.
- Support to be given to keep a family in the village.
- The site is current unused and unkempt, it does not enhance the look of the village.
- Whether or not technically ranking as infill the plot is the last in the conservation area suitable for new build, unless buildings start being permitted within the curtilage of existing properties.
- Over the last 30 years extensions, rebuilds, repairs and alterations have substantially altered the external appearance of properties within Hopesay.
- No two buildings in this conservation area exhibit the same style, character or design, most common building materials feature.
- Further to comments made on the previous application I am pleased to now give full support this is new application. The design statement and plans address the objections raised in the determination of the original application and satisfy the concerns raised in my original comments relating to design and size of the building.
- The layout of the single storey buildings fits discreetly with in the plot overcoming objections raised previously above sightlines to Hopesay Hill.
- In my previous 2016 comment I referred to the 2007 Plan , the 2015 Housing Needs Survey and the criteria laid down in the SAMDev Plan all of which I was closely involved with as Chairman of Hopesay Parish Council at the time. These support infill development, small scale sites that meet local demand and satisfy design standards in keeping with the local surroundings. The proposal meets all of these requirements and fits with the aspiration to deliver 15 additional dwellings in the period to 2026.
- Shropshire Council will have up to date records on developments since 2007, according to my count we have two new dwellings built or under construction since 2007 one in Aston on Clun the other a self-build affordable home in Hopesay. Two other properties in Aston on Clun are replacements of existing buildings and an outline planning consent for a development in Broome has not so far been followed up.
- Whilst it is not a material fact as far as planning regulations are concerned you may wish to consider that the applicant was born and brought up in Hopesay in a family with long local connections. The application to build a new dwelling fits well with the intent of the Parish Plan to provide for local demand.
- As a regular visitor to the Parish of Hopesay in full support of the current application.
- This application has clearly attempted to amend the discrepancy that occurred in the previous 2016 application.
- With the new build plan being only a single story building, a sustainable site could be achieved for both human and wildlife consumption whilst not altering the focal point of the area. This adaptation may help tie Shropshire's conserved natural scenery such as the hilltop views to its inherent cultural

- qualities in the area for which many tourists like myself admire when visiting.
- The current designs will help uphold and build upon the management plans vision and stature for the Area of outstanding natural beauty (AONB) set within the Hopesay Parish Plan 2008 (page 8).
- Shropshire is renowned for its richness of heritage and prosperity to which can be owed to the people within the community, whereupon local families are the foundation.

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Since the consideration of the last application at this site the National Planning Policy Framework (NPPF) has been revised, the latest version published in February 2019. One of the key objectives of the revised NPPF however continues to be to concentrate new residential development in locations which promote, economic, social and environmental sustainability. For Shropshire, its local development plan in the form of the Core Strategy and Site Allocations and Management of Development (SAMDev) Plan, has changed little since the consideration of the 2016 application. Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 still seek to steer new housing to sites within market towns, other 'key centres' and certain named villages which make up the 'Community hubs and Clusters' as identified in policy CS3, CS4 and set out in details in the Councils SAMDev Plan policy MD1. Sporadic development in open countryside (i.e. on sites outside of named settlements) is unacceptable without special justification.
- 6.1.2 Hopsey is part of a Community Cluster, with Aston on Clun, Broome, Horderley, Beambridge, Long Meadow End, Rowton and Round Oak. The SAMDev settlement Policy S7.2(i) sets the housing guidelines for the cluster seeking to deliver around 15 additional dwellings in the plan period (up to 2026) in the form of infilling and conversions on small scale sites. The policy also states that housing development in the form of single plot developments would be preferred to enable a slow, cumulative growth. Its inclusion as a component of a Community Cluster under

SAMDev Policies MD1 and S7 implies that the location in general *is* sustainable, and this carries significant weight.

- 6.1.3 As Officers noted in the previous 2016 committee report the existing development in Hopesay tends to be focused along the unclassified C road which runs through the village and along the spur road which leads to the village church. The pattern of the built development is made relatively informal and dispersed due to the presence of open fields and mature landscaped areas which intermix between the built structures. The Planning Inspector in the appeal decision issued in 1993 (SS/1/2911/O/) and which has been referenced by third party objectors confirms that the site is centrally located. The SAMDev Plan does not define development boundaries around these Cluster settlements and provides no definitive definition of infilling, the question of whether or not specific schemes constitute infilling is a matter for judgment in each case, although the explanatory text accompanying Core Strategy Policy CS4 confirms that windfall development *adjoining* the settlements is unacceptable. The dictionary defines 'infill' as 'the act of filling or closing gaps'.
- 6.1.4 In this case built development sits to both the north and south sides of the application site. In Paragraph 4 of the appeal decision the Inspectorate considers that the proposal couldn't be regarded as infilling due to the substantial gap between the adjacent dwellings and the character of the surroundings. In terms of the weight which this previous appeal decision carries in considering this current planning application it should be noted that the decision made on 24th March 1993 is now 26 years old when Hopesay was considered countryside in planning policy terms and where no new open market housing was accepted by the adopted development plan at that time. The scheme now before the Council has to be considered in the current planning policy context set out above and has significantly changed compared to the plan context in 1993, particularly with the adoption of the SAMDev plan which identifies Hopesay as part of a community cluster which accepts a degree of housing development on appropriate sites. This change of policy context has to be given significant weight in assessing both whether the scheme represents infill and on the character and appearance of the settlement, Conservation Area and Shropshire Hills AONB (a matter which is considered later in this report).
- 6.1.5 In terms as to whether the application site could be classed as infill, as noted above there is built development to the north and south sides of the plot and the site is clearly within the central part of the settlement. It is noted that the inspector considers there is a substantial gap between adjacent dwellings, and this would mean the site isn't not infill, however it also has to be noted that existing development in the settlement is sited in generous plots, with gaps between, which the Inspectorate also identifies. It is therefore considered given the above that the application site would represent infilling for the purposes of adopted planning policy. This was a conclusion which members accepted when the application was considered in 2016.
- 6.1.6 Third party objectors have raised comment that the parish has met its housing guideline of 15 dwellings and thus no more dwellings should be permitted. The Council's most recently published Five Year Housing Land Supply Statement,

March 2019 includes analysis of completions and commitments and sites with planning permission as at 31st March 2018. In the case of the community cluster within which Hopesay sits there have been 3 completions and 17 sites with planning permission or prior approval (as at 31st March 2018). It is noted that the number of completions since the previously published Five year Housing Land Supply Statement (Published August 2016) has remained static at 3, although the number of permissions has increased by 10 (from 7). It is also noted that the current permissions are focused within Aston and Clun and Broome, with currently no planning permissions being granted for Hopesay.

6.1.7 SAMDev policy at MD3.2 states that the settlement housing guideline is a significant policy consideration and provides further guidance on how decisions should be determined in such circumstances where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline. The policy requires decisions to have regard to:

- i) The increase in number of dwellings relative to the guideline; and*
- ii) The likelihood of delivery of the outstanding permissions; and*
- iii) The benefits arising from the development; and*
- iv) The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and*
- v) The presumption in favour of sustainable development.*

6.1.8 On applying the criteria listed in policy MD3.2, it is acknowledged that the scheme if permitted would add to the number of permissions granted within the cluster as a whole which if all delivered would increase the number of dwellings above the cluster guideline. At present there is no evidence to suggest that each of the outstanding planning permission would not be delivered, however it is noted that the number of completions within this cluster has remained static at 3 and thus there is still a significant under delivery of housing for this cluster.

6.1.9 The development would contribute to the housing stock within the county as a whole and contribute to maintaining a five year supply and provide some local benefits in terms of construction work and retaining residents in the local area who in turn will spend money within the local area, albeit it is acknowledge that for single dwelling developments these benefits are small. Hopesay has been identified as an appropriate location for residential development and the Local Planning Authority is satisfied that this designated has been made taking into account the long term sustainability of the settlement and county as a whole. Currently no dwellings have been granted planning permission within Hopsey itself and thus there is currently no cumulative impact of new housing developments within this settlement. As such it is judged that the erection of one dwelling would not cause any demonstrable harm to the character of the settlement in terms of delivering excessive housing to the settlement which may result in disproportionate car usage or excessive energy consumption in the context of the Community Cluster policy. When the above is weight in the planning balance it is considered it would be difficult to justify refusal of this application on housing numbers.

6.2 Siting of Caravan

- 6.2.1 The scheme also includes the temporary stationing of a static caravan for occupation by the applicant during the construction works on site. The applicant's agent advises that the applicant's current home was owned by a family member whom has passed away and the property now needs to be sold. The applicants share of the funds from the sale will be used to help pay for the new build and the static caravan would be used if the applicants cannot find any suitable alternative accommodation nearby during the construction. Due to the sensitive location of the site with in the AONB and Conservation area it is considered a condition restricting the siting for a temporary period of 2 years (or completion of the dwelling, whichever is the sooner) would be sufficient.
- 6.2.2 As this part of the scheme was added after the original consultation of the application, the Parish Council along with the direct neighbours and third party responders to the application have all been re-consulted on this amendment. No further comments have been received from neighbours or third parties. The Parish Council are considering this amendment at their next meeting to be held 01st May 2019 and thus the views of the Parish Council on this aspect are not yet know at the time of writing this report, however they should be available to members by the committee date.

6.3 Affordable Housing Contribution

- 6.3.1 Core Strategy Policy CS11 and an accompanying Supplementary Planning Document require all market housing schemes to make an affordable housing contribution (usually a payment in lieu of on-site provision where a small number of dwellings is proposed). However the revised version of the NPPF published in February 2019, incorporated the 2014 Written Ministerial Statement which announced that planning obligations should not be used to secure such tariff-style contributions below certain thresholds, the stated intention being to boost housing supply by removing "disproportionate burdens on small-scale developers". Paragraph 63 of the NPPF states, that affordable housing provision should not be sought in connection with small-scale residential developments (i.e. those comprising fewer than ten dwellings, or five or fewer in 'designated rural areas'), without any reference to developer burden or other motives. This application is for 1 dwelling and given the above circumstances it must be accepted that the Council's policies in this respect are out-of-date and can no longer be given significant weight, meaning no affordable housing contribution should be sought here.
- 6.3.2 Part of the Parish Councils conditional support to this application is that the dwelling should be for the applicant only whom it is understood are a local family. The National Planning Practice Guide which supports the NPPF states that planning obligations such as Section 106 agreements should only be used where it is not possible to address unacceptable impacts through condition. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant, enforceable, precise and reasonable. In this case given the application site is within an identified community cluster where open market housing is accepted on suitable sites by adopted housing policy and not within a countryside location where applications for new dwellings are more strictly controlled, it is considered it would not be reasonable to restrict the occupation of

the dwelling to the applicant and their family only, given there is no planning harm created within a cluster settlement by allowing the occupation of the dwelling to be unrestricted.

6.4 Siting, scale and design of structure

6.4.1 Both national and local plan policy seek to ensure developments are of a high quality of design which seeks to create distinctive places. At paragraph 126 the NPPF acknowledges that the level of design detail and degree of prescription should be tailored to the circumstances of each place.

6.4.2 Paragraph 127 of the NPPF goes into further detail regarding the development of planning policies and decisions seeking to ensure that developments:

'a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

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

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

6.4.4 The design and scale of the dwelling subject to this application when compared to the previously refused scheme has been amended in a number of ways, in

particular through the reduction in scale from a two storey dwelling to single storey, resulting in an alternative layout to the dwelling on the plot and changes to materials.

- 6.4.5 In terms scale, the overall floor space of living accommodation this application proposes is approximately 159.2sqm, whereas the previous 2016 application proposed approximately 175.76sqm of living accommodation. It is however noted that the reduction in height to single storey level does mean this accommodation is all provided at ground floor and thus the overall footprint of the dwelling increases compared to the previously refused two storey dwelling. However it is judged that the plot is of sufficient size to accommodate the larger footprint whilst continuing to provide generous amenity space, further the single storey design prevents the larger footprint from resulting in a cramped or overdeveloped site.
- 6.4.6 Turning to the design detailing the scheme proposes the use of stone and timber boarding for the external walling as opposed to red facing brick which was proposed under the 2016 application. Paragraph 4.11 of the Hopesay Conservation Area statement (revised March 2008) states that brick and render alongside timber framing and limestone are identified as the main materials found in the settlement. The use of stone, timber and slate materials are as such judged to be a reflective of the local vernacular and the precise details of these materials in terms of joining width, pointing, mortar mix, and finishes to the timber boarding can be secured via planning condition.
- 6.4.7 There is also an element of contemporary design and material introduced into this scheme through the use of standing seam metal for the mono-pitched roof section and the use of expansive glazed sections. To a degree the design of the proposal mimics the conversion of traditional outbuildings, where openings are often treated with glazed sections and the overall detailing of the scheme is to be kept relatively simple in form.
- 6.4.8 Paragraph 4.4 of the Conservation Area Statement (last revised in March 2008) identifies a main feature of the area to be the large Victorian dwellings in their own grounds. To an extent the single storey dwelling proposed here with its simple form and design would appear subsidiary to these larger dwellings rather than compete for dominance with the village.
- 6.4.9 Overall in terms of design and scale it is considered that this scheme is an improvement on the previous scheme, and has sought to address the concerns and reasons for refusal of the previous scheme. The proposal is reflective the character of the settlement and would contribute towards preserving and enhancing the local distinctiveness of the area.
- 6.4.10 The Parish Council within their comments request that conditions should be included to prevent any changes to the height of the dwelling or extensions to the property. The Town and Country (General Permitted Development) Order already restricts the amount of work which can be carried out under permitted development rights for locations within the Conservation Area and AONB, alterations to a roof of a dwelling house for example requires planning permission as would side extensions. Bearing in mind the above and the 6 tests set out in the NPPF for the

use of the conditions it is not considered it would be necessary or reasonable to remove all permitted development rights for this proposed dwelling.

6.5 Visual impact and landscaping – Shropshire Hills AONB and Conservation Area

- 6.5.1 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that local planning authorities should pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. It also requires that the LPA should have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Part 16 of the NPPF and Core Strategy CS17 and SAMDev MD13 supports the above.
- 6.5.2 Part 15 of the NPPF at paragraph 172 states that great weight on conserving landscape and scenic beauty Areas of Outstanding Natural Beauty. Policies CS17 and MD12 support these national policies seek to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.
- 6.5.3 The application site sits to the south of Hopesay Farm, the house of which is a grade II listed building. To the west around 85m from the site lies the Grade I listed St Marys Church. Fernhill House which lies to the south of the site whilst not a formal designated as a listed building is judged to be of local heritage interest and thus is classed as a non-designated heritage asset. The site is within the Hopesay Conservation Area, designated on 16th December 1993.
- 6.5.4 Paragraph 4.7 of the Hopesay Conservation Area Statement, notes that the dwellings set in large grounds combined with other open spaces in the settlement are an important part of the character of Hopesay and should be retained. It is accepted that the site forms one of these open gaps which contributes to the character of the village and the impact of development of such a gap needs to be carefully considered.
- 6.5.5 In terms of visibility, the location of the application site is such that any development here would be visible from public view points along the highway when travelling immediately past this part of the settlement. The rear of the site is more exposed to wider views from the surrounding landscape, with public rights of way running through the landscape on the east and along which, at points, looks down onto the settlement. As a result of this the rear of the proposed dwelling would be visible, however the rear of existing properties along this side of the village are currently also visible and the proposed property would be viewed as part of this group rather than as an isolated feature.
- 6.5.6 The Councils Conservation Team have assessed the application and the Heritage Impact Assessment which has been submitted as part of the supporting documents. The Conservation Officer is content that the proposal would not be of detriment to the principal special architectural character or historic interest of the setting of the listed buildings or the non-designated heritage asset of Fernhill House to the south of the site.

6.5.7 It is acknowledged that the development of the plot would result in the loss of an existing vista and this in turn would alter the character of this part of the settlement and Conservation Area. The proposed single storey design and use of a non-pitched roof along the section running across the site would assist to create a low lying development which would allow for the retention of some views across the site to the natural landscape beyond. It is considered that the harm caused by the loss of the vista to the character of the settlement and in turn to the character and appearance of the Conservation Area and Shropshire Hills AONB is less than substantial when considering the proposal against the current policy context on development in this settlement. Overall, the character and appearance of the wider conservation area would be preserved.

6.6 Archaeology

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

6.6.2 In view of the above, and in relation to Paragraph 199 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise a watching brief during ground works associated with the development.

6.7 Biodiversity

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

6.7.2 The application is supported by the Phase 1 Environment Appraisal prepared by Greenscape Environmental Ltd. The Councils Ecologist has considered the survey and is content that Ecological interests can be safeguarded by conditions and informatives.

6.7.3 The site lies within the catchment of the River Clun which is a designated Special Area of Conservation, due to the population of Freshwater Pearl Mussel. As such and at the request of the Council the applicant's agent has submitted further detail of the foul drainage proposals. It is proposed to use a package treatment plant which would discharge into a drainage field, rather than a watercourse. Percolation tests have been submitted to indicate that the ground is suitable for soakaways. The Councils Ecologist has carried out a Habitat Regulations Assessment (HRA),

which is attached as Appendix 2 of this committee report, In summary the report concludes that the proposed development is unlikely to lead to significantly increased concentrations of nutrients within the River Clun. Hence there should be no adverse effect on the integrity of the River Clun SAC through this development, either alone or in combination with other projects.

6.8 Highway safety

- 6.8.1 Paragraph 109 of the NPPF states that developments should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.8.2 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced.
- 6.8.3 The site is located on a 'C' class road, whilst there is an existing field gate to the north end of the site frontage, like the previously refused application the proposal seeks to close this opening and form a new access to the south end of the boundary. The Council Highways Team previously considered that there would be a degree of benefit to highway safety in relocating the access to the proposed location as it would move the access away from the bend in the road and the road junction leading to St Marys Church, thus negating potential conflicts at the current location. The block plan submitted indicates visibility splays for the proposed access, and the Councils Highways team raise no objection to the formation of the new access. A condition requiring the precise detail of the access construction, to include materials (which would ensure the initial access surface is bonded rather than loose gravel) and confirmation of final visibility splays can be secured via condition.
- 6.8.4 As before the Councils Highways Officer notes that the existing public bench would no longer be in the most suitable place should the proposed access be built and this is a concern which has also been raised by objectors. This has been taken up with the applicants agent who confirm agreement to relocation of the bench along the verge, this a matter which is secured by condition which also requires the blocking up of the existing field access prior to the occupation of the dwelling should permission be gained.
- 6.8.5 The block plan submitted with this application indicates that there would be a vehicle access running along the side of the proposed property, the applicants agent has confirmed the main purpose of this will be to allow access for maintenance of the foul treatment plant. It has also been confirmed that the field to the rear would be within the ownership of the occupier of the proposed dwelling, rather than part of a farm and thus it is unlikely there would be frequent agricultural vehicular usage of the access to cause undue harm.
- 6.8.6 The comments of the Councils highways team regarding the type of walking surface on the drive and the design of the garage are noted, however they are not

judged to be significant material planning matters as they would not harm the safe use of the highway.

6.9 Residential Amenity

- 6.9.1 Core Strategy Policy CS6 requires all development to safeguard the amenities of neighbouring residents. In this case the closest neighbouring properties are to the south of the site.
- 6.9.2 Hopesay Farm to the north of the site is around 35m from the application site, a small field would separate the sites, the boundaries of which are defined by mature tree and hedging. Opposite the site, the grounds of The Old Rectory run up to the western boundary of the road. The land on this side is set at a higher ground level and the existing mature landscaping screens these grounds from the application site. The dwelling itself is set some 60m away. At such distances and given the nature of the land levels and mature landscaped boundaries between the application site and these neighbouring properties, it is considered that the proposed scheme would not unduly harm expected levels of residential amenity.
- 6.9.3 It is almost inevitable that building works anywhere will cause some disturbance, however this is a temporary feature and given the scheme is for one dwelling only, it is not considered that the scheme would result in a significant level of disturbance to justify refusal of this planning application.

6.10 Drainage

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

6.11 Procedural Matters

- 6.11.1 The concerns raised regarding the way in which the Council have scanned third party letters to the electronic planning file is noted. However the way in which these representations have been uploaded to the electronic file has no bearing on how these representations are treated. Representations from a single property are treated as one representation regardless as to whether they were received together, separately or have been scanned together or separately. All responses received are recorded and given due consideration above.
- 6.11.2 Concern has been raised by one objector that the planning pages of the councils website were unavailable from 11th – 17th February 2019 preventing the documents from being viewed during the public consultation period. The initial neighbour letter consultation period for this application ran from 21st January until 11th February 2019, and the site notice extended this consultation period until 22nd February 2019. The Councils current procedure is that comments are accepted after these consultation deadlines and up until a decision is made. It is therefore considered

that this short period of possible outage of the web pages would not of prevented full consideration of the application documents by interested third parties.

7.0 CONCLUSION

7.1 The application site is situated within the settlement of Hopesay which is part of a nominated community cluster, the principal of open market housing development is therefore acceptable on suitable sites in accordance with policies CS4 and MD1.

7.2 It is judged that the plot represents infill development and it is considered the addition of one dwelling within this settlement would not cause demonstrable harm to the settlement character in terms of number of new housing within the area. The design and scale of the proposed dwelling is considered to of responded to the site constraints and is reflective of materials and detailing within the existing settlement whilst still introducing its own individual character to enhance the distinctiveness of Hopesay.

7.3 The loss of the vista is acknowledged however given the current policy context it is considered the harm created on the character and appearance of the settlement and the Conservation area is less than substantial. The character and natural beauty of this part of the Shropshire Hills AONB would be preserved and the proposal can be carried out without harm to highway safety, or the biodiversity of the area and the impact on residential amenity would be negligible.

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

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

Both of these risks need to be balanced against the risk of not proceeding to

determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework
National Planning Practice Guidance

Core Strategy:

CS1 Strategic Approach
CS4 Community Hubs and Community Clusters
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing

CS17 Environmental Networks
CS18 Sustainable Water Management

Site Allocations and Management of Development (SAMDev) Plan:

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

Settlement Policies
S7 Craven Arms

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

Other Documents
Hopesay Conservation Area Statement.

RELEVANT PLANNING HISTORY:

16/01597/FUL Erection of single dwelling and formation of vehicular access REFUSE 8th December 2016

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

Appeal

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

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PLDZIETDJ5100>

List of Background Papers Design and Access Statement Heritage Statement Biodiversity Survey and Report
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Members Cllr. Lee Chapman Cllr David Evans
Appendices APPENDIX 1 – Conditions APPENDIX 2 – Habitat Impact Assessment – River Clun

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.

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

Reason: To protect features of recognised nature conservation importance.

4. The static caravan hereby approved shall be removed from the site and the land reinstated to its previous condition within 24 months of the date of this planning permission or following substantial completion of the dwelling (whichever is the sooner).

Reason: To retain planning control and in the interests of the visual amenity of the area.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

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

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

Reason: To ensure that the development is provided with satisfactory means of drainage and safeguard the ecological interest of the River Clun Special Area of Conservation, in accordance with Policies CS6, CS17 and CS18 of the Shropshire Local Development Framework Adopted Core Strategy and SAMDEV policy MD12.

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

- Roofing materials;
- External walls materials, including a sample panel of stonework to show the stone pointing, jointing width, bond and mortar mix.

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

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

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

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

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

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

10. Before any above ground works commence, 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.

11. 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 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

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

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

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

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

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

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

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

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

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

16. 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 gates shall be provided to close the proposed access along the highway frontage.

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

Informatives

1. PRIVATE WATER SUPPLY

Consideration should be given to ensuring that the quality of the water supply to the proposed development meets the required microbiological and chemical standards of the Private Water Supplies (England) Regulations 2016 where these regulations apply. In addition, an investigation should be carried out in order to provide evidence that there is a sufficient and sustainable water supply available to meet the needs of future residents living in the proposed dwellings. Alternatively, there may be provision for properties to connect to the mains water supply. The latter is the preferred option with regards to public health.

Regulation 13(2) of the Private Water Supply (England) Regulations 2016 stipulate that a water supply must not be brought into use unless the Local Authority are satisfied that the supply does not constitute a potential danger to human health. The applicant must therefore provide suitable information with any future application including test results. Shropshire Council should be used to carry out sampling to ensure that it is carried out in a way that satisfies legislative requirements.

For information on water sampling and contact details please visit:

<https://new.shropshire.gov.uk/environmental-health/environmental-protection-and-prevention/private-water-supplies/how-do-private-water-supplies-regulations-affect-me/>

2. Mud on highway

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

No drainage to discharge to highway

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

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- 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.

3. NESTS OF WILD BIRDS

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

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

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

GENERAL WILDLIFE PROTECTION - TRENCHES

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

BATS

All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

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

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

APPENDIX 2

RIVER CLUN CATCHMENT – HABITAT REGULATIONS ASSESSMENT

Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

19/00218/FUL
Proposed Dwelling To The South Of
Hopesay
Shropshire
Erection of single storey dwelling and garage with foul treatment plant and temporary siting of a static caravan (amended description).

Date of completion for the HRA screening matrix:

23rd April 2019

HRA screening matrix completed by:

Nicola Stone
Planning Ecologist

Table 1: Details of project or plan

Name of plan or project	19/00218/FUL Proposed Dwelling To The South Of Hopesay Shropshire Erection of single storey dwelling and garage with foul treatment plant and temporary siting of a static caravan (amended description).
Name and description of Natura 2000 site	River Clun SAC (14.93ha) supports a significant population of Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> . The River Clun SAC is currently failing its water quality targets particularly relating to ortho-phosphates. The current phosphate target for the river and particularly at the SAC is 0.02mg/l. Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. Shropshire Council formally consults Natural England on any planning application within this area. Annex II Species that are a primary reason for selection of site: <input checked="" type="checkbox"/> Freshwater pearl mussel <i>Margaritifera margaritifera</i>
Description of the plan or project	Erection of single dwelling and formation of vehicular access. (The dwelling will have three bedrooms).
Is the project or plan	No

directly connected with or necessary to the management of the site (provide details)?	
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

Statement

An interim ‘Guidance note for developers on requirements for waste water management for any development in the Clun Catchment’ (see attached) has been published by Shropshire Council, based on information and discussions with Natural England and the Environment Agency who have subsequently endorsed it. This guidance will be followed by the planning authority when making planning decisions until the Nutrient Management Plan for the Clun Catchment has been finalised by NE and the EA.

The applicant is proposing to use a **Package Treatment Plant/septic tank with discharge to a drainage field.**

Discharge from the treatment plant will not be discharged straight to the water course. Instead it will be directed to ground in a drainage field.

A percolation test has been completed by the applicant indicating that the ground is suitable for a drainage field. The drainage field will be constructed in accordance with Building Regulations Approved Document H2: Paragraph 1.26 to 1.44.

In view of the above, and providing the development is carried out according to the details submitted then the proposal will not lead to significantly increased concentrations of nutrients within the River Clun. Hence there should be no adverse effect on the integrity of the River Clun SAC through this development, either alone or in combination with other projects.

The Significance test

The proposed works in application No 19/00218/FUL will not have a likely significant effect on the River Clun SAC. An Appropriate Assessment is not required.

The Integrity test

It was concluded that the proposed works under planning application No 19/00218/FUL would not have a likely significant effect on the River Clun SAC, and an Appropriate Assessment is not required.

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’. 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 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 satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of over-riding 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.