

<b>SOUTH PLANNING COMMITTEE</b>		
<b>SCHEDULE OF ADDITIONAL LETTERS</b>		
<b>Date: 13 April 2021</b>		
<b>NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting</b>		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
5	18/01258/OUT – Land South East of Springbank Farm	Church Stretton Town Mayor
See the attached document.		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
5	18/01258/OUT – Land South East of Springbank Farm	Member of the Public
See the attached document.		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
5	18/01258/OUT – Land South East of Springbank Farm	The Strettons Civic Society
See the attached document.		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
5	18/01258/OUT – Land South East of Springbank Farm	Save Snatchfield Group and All Stretton Village Society
See the attached document.		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
7	19/01329/FUL – Land South of Doddington	Local Ward Member - Cllr M Shingleton
<p>I object to this application on the following grounds:</p> <ol style="list-style-type: none"> <li>1. Creeping intrusion onto the Clee Hill ANOB</li> <li>2. Questionable right of Access to backland development.</li> <li>3. Over development of sloping site which will require considerable 'engineering' site preparation.</li> <li>4. Over development of small site, does not contribute to the current spacious site density.</li> <li>5. Does not contribute the urgent need for local affordable housing.</li> <li>6. Adds to the creeping incremental impact onto the A4117 at the notorious Earls Ditton Junction.</li> </ol>		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
7	19/01329/FUL – Land South of Doddington	Parish Council
<p>The Parish Council wish to re-iterate it's strong objections to the proposals as per our comments submitted on 30th May 2019.</p> <p>The points were also made at the Planning Committee meeting last year by Cllr Tim Evans and the opinion of the Parish Council has not changed since then.</p>		

Item No.	Application No.	Originator:
8	19/04823/FUL – Proposed dwelling at Middleton Mill, Neenton	Case Officer
<p>There is a correction to paragraph 6.9.1 of the report in respect of Affordable Housing. Due to the size of the application site exceeding 0.5 hectares in this case, the application would constitute a major development in the context of paragraph 63 of the National Planning Policy Framework (NPPF) even though only one dwelling is proposed. The Council's policy CS11 therefore remains applicable and an affordable housing contribution can be sought should the Committee resolve to grant planning permission. The Report recommendation is amended to:</p> <p><b>Grant Permission as a Departure, subject to the completion of a Section 106 Agreement to secure an affordable housing contribution and to the conditions set out in Appendix 1.</b></p>		
Item No.	Application No.	Originator:
9	20/03308/FUL – Land West of Blacksmiths Cottage, Broome	SC Ecology
<p>Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.</p> <p>A Habitats Regulations Assessment has been undertaken and is supplied separately to this response (My ref 20/03308/FUL 06.04.2021 sw).</p> <p>The HRA must be included in the Planning Officer's report for the application and must be discussed and minuted at any committee at which the planning application is presented.</p> <p>Recommended conditions</p> <p>Foul Water drainage</p> <p>1. The proposed foul water drainage shall be installed in accordance with Drawing DS0963P - Ø2.6 CP – SL. The sealed unit is to be emptied and all waste/effluent taken out of the Clun Catchment, and at no time shall any foul water discharges take place within the River Clun catchment without prior approval of Shropshire Council. Reason: To ensure the protection of the River Clun SAC, a European protected site.</p> <p>Bat and bird boxes condition</p> <p>2. Prior to first occupation / use of the building, 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 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species. - A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design,) 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 be maintained for the lifetime of the development.</p>		

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

#### Recommended Informatives

##### Nesting birds informative

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 the building and begin nesting, work must cease until the young birds have fledged. Please contact me, or one of the other Ecology team members, if you have any queries on the above.

#### Habitats Regulations Assessment (HRA)

##### 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 *Land West Of Blacksmiths Cottage, Broome, Aston On Clun, Shropshire (20/03308/FUL)* project, 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 (as amended), 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.

The following consultee responses from SC Ecology should be read in conjunction with this HRA:  
20\_03308\_FUL 06.04.2021 sw

These are also available on the planning website:

<https://pa.shropshire.gov.uk/online-applications/search.do?action=simple>

Date of completion for the HRA screening matrix:

**06 April 2021**

HRA completed by:

Suzanne Wykes  
Specialist Practitioner (Ecology)

## 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	<b>20/03308/FUL</b> <i>Land West Of Blacksmiths Cottage, Broome, Aston On Clun, Shropshire</i> Erection of one dwelling with detached garage
Name and description of Natura 2000 sites	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 most planning applications within this area.
Description of the plan or project	Erection of one dwelling with detached garage.
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

## 2.2 Stage 1 Screening Conclusion

An interim 'Guidance note for developers on requirements for waste water management for any development in the Clun Catchment' 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 further notice, with the exceptions detailed below.

The guidance note is currently under review and the council website should be checked for the most recent version: <http://shropshire.gov.uk/environment/biodiversity-ecology-and-planning/ecological-surveys-forplanning-applications/>. The Nutrient Management Plan for the Clun Catchment was published in October 2014 and can be viewed at <https://www.gov.uk/government/publications/nutrient-management-plan-river-clun>.

Evidence, analysis, targets and measures to reduce phosphate in the River Clun are detailed in section 4.1 of the Nutrient Management Plan.

The development will give rise to foul water, and without mitigation, there could be a likely significant effect on the River Clun SAC.

An appropriate assessment (HRA Stage 2) is therefore required.

## 2.5 Initial screening for likelihood of significant effects on European Sites

Likely significant effect pathways have been identified and EU sites have been screened against these to identify which sites could be adversely affected.

**Table 2 – Initial screening for likelihood of significant effects**

European designated site	Distance from project site	Site vulnerability	Potential Effect Pathways
River Clun SAC	4.8km	Phosphate- Critical Levels and Loads exceeded.	<ul style="list-style-type: none"><li>Increased nutrients derived from foul water inputs into River Clun catchment.</li></ul> <b>Not screened out (in the absence of mitigation measures)</b>

## 2.6 Summary of Stage 1 screening

In the absence of mitigation measures, there are potential pathways for a likely significant effect between the development/project and River Clun SAC, alone and in combination with other plans and projects.

Shropshire Council has sought more detailed information/mitigation measures from the applicant in order to consider if the development will have significant effects on the SAC or have an adverse effect on the integrity of the River Clun SAC.

## 3.0 HRA Stage 2 Appropriate Assessment

### 3.1 Further assessment of water quality impacts

#### 3.1.1 Predicted Impacts

The SAC is within Unit 6 of the River Teme SSSI, which was assessed at March 2014 as being in unfavourable declining condition for a number of reasons including high levels of silt and nutrients (particularly ortho-phosphate (P) and nitrogen (N)), which affect the health of the pearl mussel population. Although monitoring data from the Environment Agency for the River Clun shows that there has been an improvement in the ortho-phosphate concentration, it is higher than is required for a recruiting pearl mussel population and in most of the Clun, including within the SAC, it is higher than that required to maintain adult mussels. Any additional P, N and sediment entering the SAC is likely to make its condition worse. P is discharged to the environment via foul water discharges (including treated effluent from sewage treatment works).

#### 3.1.3 Counteracting (mitigation) measures

The development proposes to discharge foul water to a 79,000 sealed cesspit, as shown on Drawing DS0963P - Ø2.6 CP – SL. This will be emptied regularly and

installed under building regulation control, ensuring it functions appropriately. Effluent will be disposed of outside of the River Clun catchment.

#### **Assessment of Adverse Effects Alone**

With the detailed mitigation measures as identified in section 3.1.3 above in place, there will be no adverse effect on site integrity alone. Foul water will not enter the river Clun catchment.

#### **Assessment of Adverse Effects in-combination**

There will be no residual effects (after mitigation) and therefore no in-combination effects.

### **3.4 Securing of mitigation measures**

The proposed sealed cesspit is part of the planning application, and therefore, if granted, the development would need to be constructed in accordance with the details submitted, otherwise, it would be in breach of planning permission. A condition is required to ensure that the effluent from the cesspit is disposed of outside of the Clun catchment.

Recommended condition wording:

*The proposed foul water drainage shall be installed in accordance with Drawing DS0963P - Ø2.6 CP – SL. The sealed unit is to be emptied and all waste/effluent taken out of the Clun Catchment, and at no time shall any foul water discharges take place within the River Clun catchment without prior approval of Shropshire Council.*

*Reason: To ensure appropriate sewage treatment and ensure the protection of the River Clun SAC, a European protected site.*

### **4.0 Summary of HRA Screening Appropriate Assessment including counteracting measures**

The appropriate assessment of the project has been carried out, including counteracting (mitigation) measures.

**Table 4 – Summary of HRA conclusions**

EU Site	Effect pathway	HRA conclusion
River Clun SAC	<ul style="list-style-type: none"><li>Increased nutrients derived from foul water discharge.</li></ul>	No adverse effect on site integrity alone or in-combination.

### **5.0 Final conclusions**

Following Stage 1 screening, Shropshire Council concluded that the proposed development is likely to cause significant effects on the River Clun SAC through the listed pathways detailed in

this HRA. Shropshire Council has carried out an Appropriate Assessment of the project, considering further information and counteracting (mitigation) measures.

The Appropriate Assessment concludes that the proposed works under planning application reference 20/03308/FUL, will not adversely affect the integrity of the River Clun SAC, either alone or in-combination with other plans or projects, providing the development is carried out accordance to the details submitted and a condition placed on the development to ensure foul water is discharged of, outside of the Clun catchment. A planning decision can be made on this basis.

## **Appendix 3**

### **Guidance on completing the HRA Screening Matrix**

#### **The Habitats Regulations Assessment process**

Essentially, there are two 'tests' incorporated into the procedures of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, 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 63, part 1:

63. (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 63, part 5:

63. (5) In light of the conclusions of the assessment, and subject to regulation 64 ([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 "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site", or "it may 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)*.

63. (6) In considering whether a project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.

#### **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 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 64 of the Conservation of Habitats and Species Regulations 2017. 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 is 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.

Item No.	Application No.	Originator:
9	20/03308/FUL – Land West of Blacksmiths Cottage, Broome	Case Officer

The Councils Ecology team raise no objection to the proposals. As part of the assessment the Councils Ecologist have completed a Habitat Regulation Assessment (included above). This concludes that subject to conditions the proposed cesspit drainage solution would not have any potential effect pathway by which the proposed development might impact on the River Clun SAC. In view of the comments from the Ecology Team the report recommendation for this application is amended to:

### **Grant Permission subject to the conditions set out in Appendix 1 and two further conditions to secure the foul drainage and provision ecological enhancements:**

#### Foul Drainage condition:

Prior to the first use or occupation of the new dwelling hereby permitted, a foul drainage system in the form of a sealed cesspit as shown on the approved plans DS0963P-02.6 CP-SL and 201149/03b shall be fully installed. It shall thereafter be retained and maintained in full working order, and when emptied, all waste/effluent shall be disposed of outside the water catchment area of the River Clun. At no time shall any foul waste/effluent be discharged into the ground or any watercourse within the River Clun catchment area, including by means of connection to a public sewer.

Reason: To ensure that the development is provided with satisfactory means of drainage, to avoid increasing the risk of flooding or pollution at the site or elsewhere, and to 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.

#### Bat and Bird box condition:

Prior to first occupation / use of the building, 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 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.



- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design),) 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 be 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.

Item No.	Application No.	Originator:
9	20/03308/FUL – Land West of Blacksmiths Cottage, Broome	Local Ward Member – Cllr D Evans

I have reservations regarding this application 20/03308/FUL.  
I understand that this application is for a 2-bed dwelling if this is the case why does it need to have such a high roof with enough space to add another 2 bedrooms in the roof space at a later date. I can see the applicant has slightly lowered the roof lining from the previous application but for a traditional bungalow type dwelling it could go even lower. I have concerns about the design the utility room looks like it has been tacked on as an afterthought. I have no problem with the materials being used but I think a better design would fit in with the barn conversions that have taken place in the adjoining area. I know there have been objections to this dwelling from the parish that the applicant has tried to address. So, therefore I would like to see a much better design with the space reduced in the attic part.  
Thank you I will leave the committee to determine the application for the right result for the area.

Item No.	Application No.	Originator:
10	20/04432/FUL – Land South of Callaughtons Ash, Much Wenlock	Member of Public

Further comments from supporter of application:

- Long time supporter of affordable homes in Much Wenlock
- Much Wenlock residents voted overwhelmingly in Neighbourhood Plan for affordable housing
- Issue of flooding is a separate one which the developers of Callaughton Ash are not and should not be responsible; the responsibility should be in the hands of the Local Authority, Severn Trent and the Environment Agency in combination
- Alleviation of flooding should not be in the hands of developers.

Item No.	Application No.	Originator:
12	21/00180/FUL	Local Ward Member - Cllr M Shineton

Object for following reasons:-  
1. No need to use this access which is mainly for domestic use for Thistle Rose and Honeysuckle Cottages.  
2. The Applicant has built and converted a number of the original farm buildings for domestic usage in this area.

3. The proposed access already has surface water cascading onto the poorly maintained Bayton road which is also access to a number of local homes and farms.
4. There is an existing alternative access to the field further down the Bayton Rd which has a wider space to enable tractor and trailer to manoeuvre onto the land and does not impact onto any private dwellings and with good sight lines for approaching traffic.
5. The land holding is small and very undulating and does not lend itself to supporting multiple numbers of animals therefore would not require such large equipment to feed them.

I urge the Committee to refuse this application on the grounds of un-necessary incremental impact on existing dwellings and potential road hazard.

Cllr. Madge Shineton

Independent Councillor, Cleobury Mortimer Division