

**NORTH PLANNING COMMITTEE
SCHEDULE OF ADDITIONAL LETTERS**

Date: 18th November 2014

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

Item No.	Application No.	Originator:
All		Officer

Members should note that the period for any party to submit a judicial review of a planning decision is 6 weeks and not three months weeks as noted in section 8.1 of the reports.

Item No.	Application No.	Originator:
5	14/04701/OUT (Rush Lane, MD)	Market Drayton Town Council

To refer to the decision made the last time this application was seen with the exception of the consultation, as this has now been carried out.

Item No.	Application No.	Originator:
5	14/04701/OUT (Rush Lane, MD)	Environment Agency

Note that this application is a re-submission and that we previously commented on planning application ref. 14/01982/OUT for the site. The current proposal is for residential development of up to 162 dwellings as previously proposed.

I note that the previous 'Illustrative Development Framework Plan' (dated 30 April 2014, drawing no. IDF-01 Rev. G) and Flood Risk Assessment by Hydrock (dated April 2014, ref. R/13867/002) have been submitted with this application. On this basis we have no objection to the proposed development but would refer you to the comments made in our response to the previous application (our letter dated 4 June 2014, ref. SV/2014/107761/01-L01), which still apply.

Item No.	Application No.	Originator:
5	14/04701/OUT (Rush Lane, MD)	Council Archaeologist

Continues to recommend a phased programme of archaeological work

Item No.	Application No.	Originator:
5	14/04701/OUT (Rush Lane, MD)	Local Representations

A further 75 letters of representation have been received. Most do not raise any new issues. Additional reasons for objection are summarised below.

- The application is identical to the previous application on Rush Lane. It does not overcome any of the previously raised concerns and it does not update any of the survey work or take into account the potential traffic movements of both this application and the Greenfields Lane application.
- The applicant does not own all of the land proposed for development.
- Local services, such as schools and doctors will be unable to cope.
- 87% of residents of Market Drayton are against any housing development of varying size, type or tenure
- Potential impact on trees within neighbouring properties
- Impact on neighbours amenities and views of design shown on the front of the D&A

Item No.	Application No.	Originator:
5	14/04701/OUT (Rush Lane, MD)	Consultee

Severn Trent Water raises no objection to the proposal subject to condition relating to the submission of drainage details prior to the development commencing.

Item No.	Application No.	Originator:
5	14/04701/OUT (Rush Lane, MD)	Agent
<p>Has requested that the requirement for open space in condition 4 is more specific</p> <p>Officer therefore recommend that condition 4 be amended to read: <i>No development shall commence until a Master Plan showing how the permitted development will integrate with the remainder of the land identified for allocation under policy S11.1a of the Site Allocations and Management of Development (SAMDev) Plan Pre-Submission Draft (Final Plan) dated 17th March 2014 ("the S11.1a Land") has been submitted to and approved in writing by the Local Planning Authority.</i></p> <p><i>The Master Plan shall address the following:</i></p> <ul style="list-style-type: none"> - <i>Pedestrian and cycle links with the S11.1a Land to the east and west of the site and to the existing public right of way</i> - <i>Vehicular links, including for public transport, from the approved access roundabout to the remainder of the S11.1a Land to the east and west of the site</i> - <i>The provision of public open space for informal recreation, children's play and natural and semi natural open space</i> <p><i>Reason: To ensure that the development of the site does not prevent the development of the wider SAMDev allocation and enables comprehensive development of the SAMDev allocation.</i></p>		
Item No.	Application No.	Originator:
6	14/03782/OUT (Greenfields Lane, MD)	Public Protection
<p>Originally Public Protection did not hold any information to suggest that a contaminated land condition should be placed on this application. However, after reviewing the Phase 1 assessment submitted it is noted that recommendations are made for intrusive works due to potential contaminative land uses. The Environment Agency has already noted that conditions should be placed in relation to potential harm to controlled waters. I therefore propose a condition.</p>		
Item No.	Application No.	Originator:
6	14/03782/OUT (Greenfields Lane, MD)	Local Representations
<p>A further 21 letters of representation have been received, raising the following new issues.</p> <ul style="list-style-type: none"> • The applicant does not own the entire development site. • Detrimental impact on wildlife. • 87% of respondents to the Market Drayton Town Planning Survey (2010 & 2011) are against any housing development of varying, size, type and tenures. 		
Item No.	Application No.	Originator:
7	14/00536/OUT (Whitridge Way, Trefonnen)	Trefonnen Rural Protection Group
<p>Have provided the attached objection update commenting on the officers report</p>		
Item No.	Application No.	Originator:
7	14/00536/OUT (Whitridge Way, Trefonnen)	Local Representation
<p>One further objection has been received raising concerns about para 5.15.6 of the officer report and comments that the objectors did not submit their own Heritage Statement that the objectors submitted a statement written by Dr George Nash MIFA. The objection also questions the accreditation of the author of the applicant's heritage statement; that the objectors comments were based on an independent professional appraisal which also questions the content of the applicant's heritage statement and that the heritage statement submitted by the objectors was published on the Council website before the applicant's heritage statement and as such is not a rebuttal of the applicant's statement.</p>		

Item No.	Application No.	Originator:
8	14/03184/FUL (Brogyntyn Hall)	Agent
<p>Has provided an updated arborocultural report, additional ecology reports, a heritage statement relating to the farm buildings and amended plans for the buildings at Home Farm. The amended plans are those shown on the power point and seek to overcome the concerns of the Conservation Officer. Additional cross sections and elevations have been shown; the forge has been retained in the kitchen of unit 1; other features and machinery will be retained where possible; amended elevations show the roof lights in the correct positions; the internal alterations to home farm have been reduced; the chimney to Dairy Cottage has already been removed under a previous consent, the window alterations have been amended and the existing staircase retained; part of the farm office is now to be retained and used as garaging/storage for the proposed new dwelling removing the need for a new build garage.</p> <p>The updated ecology report considers that the development will not affect the environmental network due to the retention of the woodland. There are no ponds that have the potential for great crested newts as they either have ducks or fish or are separated from the application site by existing barriers.</p> <p>The tree report acknowledges that the site is in a conservation area and as such permission is required for any works to trees. It also acknowledges that a significant number of trees are to be removed to enable the development but that new planting is proposed along with protection of retained trees.</p> <p>The agent has also confirmed:</p> <ul style="list-style-type: none"> • that they will remove the proposed tree removal at the Hall and to the north of the Home Farm from the current application, so that the proposal is only for the removal of trees directly associated with the enabling development. • that the tunnel and ice house situated on the estate do not form part of the application, and no works are proposed to these structures. • that they accept and intend to provide the mitigation for protected species, in particular bats, set out in our ecologists report. 		
Item No.	Application No.	Originator:
8	14/03184/FUL (Brogyntyn Hall)	Council Tree Officer
<p>Raised concerns about the number of trees proposed to be removed and required further time to consider the submitted tree survey.</p>		
Item No.	Application No.	Originator:
8	14/03184/FUL (Brogyntyn Hall)	Council Ecologist
<p>Demolition of the east wing and other works to the hall will require an EPS licence. In order to get an EPS licence more survey work will be needed next summer, which will mean no works to hall before next Autumn. Repairs, for example to the roof, could also require a licence. The applicants are strongly advised to work closely with their ecologist to timetable works to avoid causing themselves complications later on.</p> <p>The full response of the Council Ecologist is attached.</p>		
Item No.	Application No.	Originator:
8	14/03184/FUL (Brogyntyn Hall)	Council Conservation Officer
<p>Has confirmed that the amendments shown on the amended plans are acceptable and have overcome the concerns previously raised. Conditions have been recommended and provided on the report.</p>		
Item No.	Application No.	Originator:
8	14/03184/FUL (Brogyntyn Hall)	Local Representations

12 additional letters have been received raising the following concerns

- the Highway Officer comments do not consider the extra traffic on the road and the safety of existing accesses onto the road
- the new housing is not sustainable,
- the demolition of the wing of the listed building is not necessary and harmful to the building,
- the wing to be demolished is not a service wing and is the main façade when approaching from Oakhurst Road drive
- a longer period of time should be given to marketing the property,
- further efforts should be made to find an alternative solution,
- that protection of heritage should just be a given
- the housing development will result in infilling between the site and Oswestry in the future
- adversely affects Swiss Cottage, Castell Brogyntyn, the lakes and tunnels
- loss of wildlife

Item No.	Application No.	Originator:
8	14/03184/FUL (Brogyntyn Hall)	Local Representation
<p>A press release has also been circulated around members advising of a social media campaign on Facebook set up to save Brogyntyn Hall from the development and partial demolition.</p> <p><i>Officers would draw members attention to the fact that Brogyntyn Hall is grade 2* (not grade 2 as noted in the press release), Swiss Cottage is grade 2 (not grade 1).</i></p>		
Item No.	Application No.	Originator:
9	14/03025/OUT (Ruyton XI Towns)	Officer
<p>This application should also be considered against paragraph 66 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 which requires local authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission for development which affects a listed building or its setting.</p>		
Item No.	Application No.	Originator:
11	14/00517/FUL (The Venue, Oswestry)	Council Ecologist
<p>Has provided updated comments removing the objection and recommending conditions and informatives relating to bats and great crested newts which are already detailed within the report.</p>		

Memorandum



To: Karen Townend
Copy to:
From: Alison Slade
Date: 12th November 2014

My ref: Brogyntyn(2)14
Your ref: 14/03184/FUL &
14/03185/LBC

Further consultation on planning application: Brogyntyn Hall, Oswestry - Change of hall from offices to residential with associated alterations to include demolition of service wing; conversion of Home Farm into 11 residential units; demolition of estate office and agricultural sheds; alterations to existing farm house and Dairy Cottage; erection of 50 dwellings within grounds; formation of vehicular access to B4580

I have read the above application and the supporting documents, including the updated Phase 1 and Phase 2 Environmental Assessment by Greenscape Environmental dated November 2014.

Recommendation:

A European Protected Species licence will be required before works can begin on the Hall and Home Farm. The bat mitigation, including access to the roof void, must be shown on the proposed plans for the hall. Two bat lofts must be shown on the proposed plans for Home Farm.

Bat survey of the ice house is required before any work to take place to it.

Trees proposed to be removed must be assessed both for bat roost potential and their importance for lesser horseshoe bats and other bat species before any consent is granted. The proposed tree felling could damage the Environmental Network and the core foraging area for the maternity lesser horseshoe bat roost. The tree felling and Landscape Management Plan should not be approved until the details have been agreed by the Natural Environment Team.

In the absence of this additional information (detailed below) I recommend **refusal** since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

Bats

Further to my memo dated 23rd September, Greenscape have provided an updated report. I have also met with the consultants on site.

The roof repairs, re-roofing and installation of rooflights at the main hall have high potential to affect the lesser horseshoe bat maternity roost. At present the bats appear to access the roof space through a hole in the floor, therefore to avoid blocking their access route it will be necessary to create alternative access points to the roost area **before** the area above the

portico to the entrance hall can be repaired. A design for the access is included in the Greenscape report, however the access points also need to be shown on the proposed plans for this area of the hall (above the portico).

From the spread of bat droppings the lesser horseshoe bats are using the majority of the rooms in the main hall. Although there only appear to be two doors into the east wing from the rest of the hall, the bats are entering the building through broken windows and other gaps. From my site meeting, it is considered that a European Protected Species licence will be required for demolition of the east wing. Some of the internal alterations could also impact on the bats.

Greenscape (2014) consider the roof void of building B at Home Farm contains a summer roost for lesser horseshoe bats, with pipistrelle bats also present. There is a small maternity roost for pipistrelle bats in building A. Signs of long-eared bats were recorded in building B and pipistrelle bats were found in the linked building C workshops. No evidence of bat use was recorded for buildings D – I which are storage and agricultural buildings and a detached house.

The roof voids of the stables opposite the Hall also contain a lesser horseshoe bat roost. No work is shown to the stables in this application.

From the landscape management plan I note that works to an ice house in the grounds are proposed. Ice houses can be used by lesser horseshoe and other bat species for hibernation. A bat survey will be required before this work can be approved.

A European protected species licence will be needed for the works to the hall and stables as well as conversion of buildings A and B, the Saw Mill and workshop at Home Farm. Greenscape propose mitigation by:

- Creation of new access points to the maternity LHB roost at the Hall;
- Timing roof works to avoid disturbance of bats;
- Post development monitoring for 5 years;
- Two bat lofts to be installed at Home Farm in buildings B and C;
- Bat boxes prior to work commencing on conversions at Home Farm;
- Control of lighting, particularly near roosts.

With the outstanding information required I have not yet completed an EPS 3 tests matrix. This will be required before consent can be granted. The following conditions are required as set out below.

Conditions

1. All works on Brogyntyn Hall and conversion of buildings A, B and C (Saw Mill and workshop) at Home Farm shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) A licence by Natural England pursuant to regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
 - b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specific activity/development will require a license.

Reason: To ensure the protection of lesser horseshoe and other bat species, a European Protected Species

2. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the updated Phase 1 and Phase 2 Environmental Assessment by Greenscape Environmental dated November 2014.
Reason: To ensure the protection of bats and great crested newts, a European Protected Species.
3. Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) Identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
Reason: To minimise disturbance to bats, a European Protected Species.

Bats and trees

An arboricultural report was uploaded to Uniform today. This shows tree felling close to the lesser horseshoe bat roosts.

Trees which would be affected by the development have not been identified and assessed for potential bat roost habitat as described in The Bat Conservation Trust’s *Bat Surveys – Good Practice Guidelines* (2nd Edition 2012).

The woodland is part of the Environmental Network under Policy CS17 and we therefore would wish to see it retained and well-managed to maximise it’s wildlife value. It is particularly valuable as a horseshoe bat foraging and commuting area, crucial for the survival of the lesser horseshoe bat maternity roost. I have not had time to comment on the Landscape Management Plan or the tree felling proposals, which will need proper consideration before approval. I note there is a Tree Preservation Order covering the whole site.

Great crested newts

Greenscape consider that “none of the ponds are considered to have high potential to support GCN. They are either large pools supporting fish and duck, dry areas or separated by substantial barriers.” There is however a historic great crested newt (GCN) record around 325m to the proposed new access road, which appears to relate to Pond 3 in the Greenscape (Nov 2014) report.

Risk Avoidance Measures are recommended and condition 1 above will require this to be followed. The following informative is also recommended:

Informative

Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

Nesting birds

Swallow nests were found buildings A and B at Home Farm. Nests were also observed in buildings D and F. Mitigation for loss of nesting opportunities must be provided and the following condition and informative are recommended.

Condition

4. Prior to work starting on conversion of buildings A, B, D or F at Home Farm, details of 10 artificial nests suitable for small birds such as sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

Informative

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.

If there are queries on this memo please contact me using the details below in the first instance. In my absence Nicola Stone (01743 252556) may be able to help.

Alison Slade
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