



Date: Tuesday, 8 June 2021

Time: 1.00 pm

Venue: The Auditorium - Theatre Severn, Frankwell Quay, Frankwell, Shrewsbury. SY3 8FT

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NORTHERN PLANNING COMMITTEE

SCHEDULE OF ADDITIONAL LETTERS

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

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NORTH PLANNING COMMITTEE		
SCHEDULE OF ADDITIONAL LETTERS		
Date: 8th June 2021		
<p>NOTE: This schedule reports only additional letters received before 5pm on the day before committee.</p> <p>Any items received on the day of Committee will be reported verbally to the meeting</p>		
Item No.	Application No	Originator
5	20/05125/FUL Golf House Lane	Case Officer
<p>A draft Section 106 Unilateral Undertaking and associated annexes has been submitted by the applicant which includes the requirements as set out in paragraph 7.3 of the conclusion in the committee report. Officers have verified the terms which are considered acceptable and the agent has confirmed that once the land owner and applicant has signed the agreement this will be posted to the Council.</p>		
Item No.	Application No	Originator
5	20/05125/FUL Golf House Lane	Case Officer
<p>Members are requested to note that the previous application for residential development at this site (ref. 20/05125/FUL, considered by Planning Committee in November 2020) was refused for the following reason:</p> <p><i>Notwithstanding the additional affordable housing being offered, it is considered this does not outweigh the non-compliance with policy MD2 with regards to provision on site of the open space requirements. There is no existing suitable recreational open space within close proximity to the application site. As such it is considered the financial contribution in lieu of the on-site public open space in this instance is not acceptable. The proposal is considered not to comply with Policies CS6 and MD2 of the Local Plan and the overall principles of the NPPF in relation to sustainable development.</i></p>		
Item No.	Application No	Originator
6	20/04347/FUL New Street Lane	Case Officer
<p>A Heritage Assessment has been received from the Agent. However there is insufficient time to carry out formal consultation on the document prior to the Committee Meeting.</p>		
Item No.	Application No	Originator
8	20/01957/FUL	Case Officer
<p>Concerns have been raised with regards to the affordable housing percentage contribution on this site. It was set at 15% for the previous application subsequently approved as a consequence of a viability appraisal. The Draft Section 106 makes provision for an overage payment in the event of profit above 20% of the gross development value as an additional affordable housing payment. (Please refer to paragraph 6.8.4 in the Committee report for detail of payments in relation to this proposal). (15% affordable housing provision has been standard with both the Shrewsbury SUE's and is time limited as per their respectful Section 106's).</p>		
Item No.	Application No	Originator
8	20/01957/FUL	Member of the public.
<p>One further letter of objection received from members of the public raising issues with regards to the principle of the development and supporting infrastructure.</p>		

Relevant issues raised are covered in the report.		
Item No.	Application No	Originator
8	20/01957/FUL	Case Officer
In order to clarify the site subject to this application is shared between two different ward areas as the south western corner of the site is located within the Bowbrook ward, to which Alex Wagner is the local member. As such both Councillor Lesley Picton and Councillor Alex Wagner are the relevant local ward members in relation to this application site.		
Item No.	Application No	Originator
8	20/01957/FUL	Case Officer
Representation has been received from Shropshire Area of the Ramblers, with regards to concerns about internal footpaths within the site and their future well-being. The Council's Rights of Way Officer was consulted on the necessity for diversions etc and their response to the application is outlined in paragraph 4.8 of the report to Committee. This matter is further discussed in paragraph 6.4.7 of the report and further discussion with regards to diversions will need to take place between the applicants and the Council's Mapping and Enforcement Team and it has been recommended that an informative is attached to any approval notice subsequently issued in relation to this matter. However, it is clear that the principle in respect of the footpaths and their routes is considered acceptable.		
Item No.	Application No	Originator
9	21/00442/FUL	Member of public
It says in the 'What is a rural exception site' background paper 'The affordable housing provided on rural exception sites should only be used to meet a clearly identified local housing need The current HomePoint data indicates that there are 18 people with a strong local connection 10 of whom require a 1-bedroom property, 7 require a 2-bed property and one requires a 3-bed property. The planning application is for 20 properties of which 4 are 1-bed bungalows, 4 are 2- bed bungalows, 8 are 2-bed dwellings and 4 are 3-bed dwellings. This planning application does not reflect the evidenced local housing needs.		
Item No.	Application No	Originator
9	21/00442/FUL	Case Officer
In response to the above comment from the member of the public. It is not a policy requirement that proposed exception sites precisely reflect current housing need as this regularly changes. The Home point data is one of a number of sources used to consider the extent of housing need in a particular area. As noted above in paragraph 4.1.4 the scheme is supported by the Council's Affordable Housing team as it will help to address the current need. It is considered by officers that the mix of housing types is appropriate for the locality and the context of the site.		
Item No.	Application No	Originator
9	21/00442/FUL	Case Officer
The applicant has now confirmed the specification and height of the acoustic barrier to the northern edge of the site, as referred to in paragraph 4.3.3 of the		

committee report. Council's Public Protection Officer has verbally confirmed that the details are acceptable. Condition 6 can therefore be amended as follows:

6. Prior to first occupation of any dwelling hereby approved an acoustic fence with a minimum density of 15 kg/ m² and minimum height of 2m, as detailed in the submitted noise survey shall be erected in the position identified on the approved plan. Details of the external appearance of the fence shall submitted to and approved in writing by the Local Planning Authority. The fence shall thereafter be maintained for the lifetime of the development.

Item No.	Application No.	Originator
8	20/01957/FUL	Member of the public

Letter of objection received indicating that I the decision to allow the destruction of the pond and wetland area is wrong and that insufficient consideration has been given to their retention. I do understand that this is an allocated development site but that does not give carte blanche to be so destructive.

There is both a risk of unnecessary loss of a valuable wildlife habitat and also a risk to future householders (and therefore subsequent problems) for the developer and the Council from possible groundwater flooding. Please could extra consideration be given to the pond and wetland area.

Recently and outside the official deadline for comments, the metric used to try and justify allowing the destruction of the pond wetland/area was been submitted. In this metric, one question asks if any alternatives are possible?

There clearly are no alternatives to this site being allocated for housing in the Local Plan and it already being the subject of outline permission for 296 houses (14/00246/OUT). However, design and layout remains a material consideration and there are alternatives to the design and layout proposed. It is possible to design to retain the existing pond and wetland or to better minimize its loss

To meet NPPF, MD12, CS17, it would be much better to protect this area rather than attempt to offset loss with inadequately designed alternatives or attempt to make SUDs fit as alternatives.

History of the Ponds

Examination of old maps both at the archive in Shrewsbury Library and online at National Library of Scotland show that there was a pond in this location dating from 1888 to 1960's. Older residents still on the lane today remember using the pond for both swimming and skating.

It is not clear what happened from 1960 but the new pond and wetland has regenerated over at least the last 11 years and is now well re-established and a valuable habitat.

It is not acceptable to downplay the pond/wetland habitat which has re-established and to so sets a dreadful precedent for this rapidly disappearing habitat in our country. This would also surely make a mockery of trying to offset its loss with new and sterile ponds.

Hydrology of the ponds

The pond/wetland area has never dried up, even during our hot summers and it is acknowledged even by the developers' agents that it is highly likely to be groundwater fed. EA comments also concur with this and express concern over potential issues. Other commentators, some of them very qualified in this area have also expressed concern.

There appears to be insufficient hydrological investigation to determine the possible risks of attempting to drain and build over the ponds. SC nor the developer have enough information to be able to say with complete confidence that there is not a risk to future homeowners or other existing nearby properties on Shepherds Lane.

The land in this part of Shrewsbury has underlying glacial geology and areas of shallow groundwater which can cause problems to development. Noted here should be the Mytton Oak Memorial Park, a failed and costly project not too far away, where insufficient consideration was given to underlying ground conditions and little notice taken of qualified advice. A recent applicant for a petrol station was advised to look at above ground tanks rather than installing underground tanks.

Wildlife Value of the Ponds

There are various Ecological reports and comments on the pond area. However, the focus is mostly on Great Crested Newts, a protected species and compensation measures seem related exclusively to them. This appears to be the detriment of the consideration of and mitigation of other fauna and flora. The current pond and wetland area provides habitat for a host of marginal plants and trees, aquatic plants, birds and insect life. It is acknowledged as a foraging area for bats recorded in the area.

The Common Snipe is present. This species is covered by Shropshire Council's Local Biodiversity Action Plan (LBAP) and is also an Amber species on the Birds of Conservation Concern List (BoCC).

A full list of all species on site does not appear to be available as minimal fieldwork and survey work appears to have been undertaken. The rich wildlife habitat has very much been overlooked and downplayed in both applications for this site. Again, the EA comment on this. This appears to have resulted in inappropriate conclusions and decision making that permits unnecessary loss of an important and ever diminishing category of habitat.

Mitigation

Lots is spoken about Net Biological Gain (NBG). However, in practice this has to be the right design to work and not just be numbers of replacement hedge plants/trees and areas. The addition of bird boxes will not make up for the loss of nesting sites for waterfowl. Bat boxes will be no good if the habitat they feed on is destroyed (CS17)

There is no 'like for like' mitigation for these ponds. It probably is not even possible due to the groundwater linkages. There is no comparison in water quality terms between a groundwater pond and SUDs and swales which receive surface water drainage from dense housing estates. The addition of roof water will upset the natural balance of the ponds and effectively means that the one remaining pond

becomes a SUDs feature with level outlet and an urban feature rather than a natural pond.

The agents and ecologists mention GCN compensation ponds and offer SUDs areas in their metrics as being suitable. However, none of these are suitable replacement habitats. No attempt has been made to replicate the current habitat by considering shallow pond margins to support marginal species of plant and wading birds. The SUDs constructions cannot be called acceptable compensation, they will be of considerably lower water quality as they will be taking site runoff (which will be contaminated road runoff) and will not be groundwater (high quality) fed. There is a big song and dance in this application about GCN to attempt to meet NE needs. But, the series of ponds built as mitigation are admitted even by the applicants' agents and SC Ecology to be of little benefit to other wildlife due to their design. They are visibly so steeply sided they show deterioration due scouring and slippages. (Have EN approved these and signed them off or is it just a box ticking exercise?)

In conclusion the loss of the pond and wetland area does not comply with CS17 which:

"Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors"

Nor does the loss of the pond and wetland comply with MD12 (The Natural environment) of SAMDEV which states:

The principle behind MD12 follows the hierarchy of:

- i. avoid loss or damage;
- ii. where the public benefits of the development clearly outweigh the value of any assets affected, provide adequate mitigation measures for any full or partial harm or loss;
- iii. as a last resort, where neither avoidance nor mitigation is reasonably possible, provide adequate compensation measures.

Nor does the loss of the pond and wetland and its inadequate mitigation does not comply with NPPF NPPF 174:

(b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Snipe are recorded on site and are an amber species in SCs Local Biodiversity action plan -

<https://shropshire.gov.uk/media/1859/sbap-snipe-2009.pdf>

NPPF 175 states the following:

175. When determining planning applications, local planning authorities should apply the following principles:

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

What can be done?

Over the passage of time since 14/00246/OUT was permitted the pond and wetland area has become well established and a valuable wildlife habitat. In this

current application one pond although altered beyond recognition is being offered. However offsite mitigation is recognized as inadequate (apart from possibly newts). Can a larger pond and wetland area be left, can it all be left? If not why not? (shouldn't there be evidence for this if the hierarchy mentioned above has been followed?)

Why can't design and layout be amended to allow the pond/wetland to stay? Is this an insurmountable problem? What is it if so?

Note here that DWH state on their Facebook page:

"As well as building beautiful homes for you to live in, we were also committed to protecting and caring for wildlife". Apparently DWH are committed to building nature friendly developments!

On several of DWH Facebook posts, new home owners complain about drainage issues. Developing over infilled ponds could well give rise to similar complaints on this site. It is therefore really important to be confident there will be no drainage problems on this site.

Can DWH be persuaded to a compromise on this site on the basis of improving their reputation or will they be hypocrites?

What qualified biologists/ecologists have visited the site. Has SC ecologist anyone from NE actually visited. If so, how long ago? How many hours survey has been done? Has a full survey ever been properly done?

It is likely that many of the decisions made have been made from the desk rather than from visits or detailed surveys even more since COVID. Can the application be deferred so that proper consideration of the pond and wetland area can be undertaken?

I believe both DWH and SC could do better. This is a world in which we are supposed to be restoring biodiversity.

Officer comments

In response to concerns about lack of consideration to other sites for development, this site is allocated for housing in accordance with the local plan and whilst the ponds are a feature of the site they are relatively recent in their presence on site and have been considered in relation to information in support of the application by both the applicants and the Council. The Council's Ecologist have considered their impacts and impacts in relation to protected species and raises no objections to the application as proposed which does include provision for retention of the main pond along with biodiversity enhancement in relation to the development as a whole. The creation of new ponds specifically for wildlife, as mitigation in relation to the proposal will overall maintain the status of wetland habitat in the local area. Natural England have also been consulted on the application and a European protected species report is attached as appendix 2 to the Committee report. The Council's Drainage team as well as the Environment Agency were consulted on the application and neither have objected to the proposed development in their respectful responses to the application.

There remains an extant planning permission for development on site and this includes all matters. This permission is for housing to be constructed on the land on which the ponds are located upon and does not include provision for any of the ponds as on site. The current application does include provision for the retention of one of these ponds along with landscape mitigation around it as well as pond development as part of the wider development in order to retain biodiversity as a feature in this area. .

Item No.	Application No.	Originator
8	20/01957/FUL	Case Officer
<p>There is a typing error in Paragraph 6.8.1 of the Committee report it should read '15%' affordable housing rather than 10%.</p>		
Item No.	Application No.	Originator
11	18/03940/FUL	Case Officer
<p>A revised drainage plan has been received, to clarify the points raised by the Canal & Rivers Trust. An officer from the Trust has indicated that the revised plan is likely to satisfy the Trusts points raised, although formal confirmation of this is yet to follow.</p>		
Item No.	Application No.	Originator
11	18/03940/FUL	Case Officer
<p>The formal re-consultation comments of the Canal & Rivers Trust have been received on 7th June 2021. The Trust confirm the following:</p> <p style="padding-left: 40px;">'Thank you for your consultation.</p> <p style="padding-left: 40px;">...</p> <p style="padding-left: 40px;">Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 2015 (as amended)) is the following general advice:</p> <p style="padding-left: 40px;">The amended drainage plan and correspondence received from the applicant's agent (received by the LPA on 02/06/21) has confirmed that the waste disposal unit flows into the cesspit to the south, which will be a contained system (isolated from the separate drainage system flowing to the north). This waste disposal unit would collect waste from the touring caravans and flow into the contained unit. The Trust is content with the amended drainage plan and information provided.</p> <p style="padding-left: 40px;">We would reiterate our comments that we have no concerns regarding the proposed cess; pool in the location shown subject to this being a sealed underground tank which is properly maintained and emptied regularly with the waste being disposed of offsite. The sue of the alarm is welcomed as a measure to prevent it over flowing.</p> <p style="padding-left: 40px;">The Trust would support that the drainage details are conditioned to be implemented in accordance with the submitted details, to ensure that an appropriate drainage scheme is installed at the site, in line with the officer's report.'</p>		
Item No.	Application No	Originator
8	20/01957/FUL	Case Officer
<p>The application site falls into two separate Council ward areas. Most of the site is in Tern to which Councillor Picton is the local member. A section of the site on the south-eastern side falls in Bowbrook and for this area Councillor Wagner is the local member.</p>		

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