



Date: Thursday, 26 June 2014

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

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CENTRAL 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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Agenda Item 12

CENTRAL PLANNING COMMITTEE		
SCHEDULE OF ADDITIONAL LETTERS		
Date:		
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:
3	14/00701/FUL	Ryton Village Hall
<p>At the Parish Council meeting held on 6th November at Ryton Village Hall, John Owen of The Fox Inn presented his proposals for the redevelopment of the car park and during the presentation he stated that there was an agreement with the Village Hall Management Committee for car park sharing.</p> <p>The Village Hall Management Committee would like to put on record that this is a misrepresentation of the situation and notify that:</p> <ol style="list-style-type: none"> 1. There is no agreement, formal or informal, for the sharing of the car park at the village hall. 2. There has been no request from Mr Owen for such an agreement 3. That the Village Hall MC would not be prepared to enter into such an agreement. <p>On one occasion in the past two years the village hall was used as an overflow for the funeral wake of a resident of Ryton, held at The Fox Inn. That single event should not be construed as there being any ongoing agreement to share the car park.</p>		
Item No.	Application No.	Originator:
3	14/00701/FUL	Clerk to Condover Parish Council
<p>Having read the Officer's report concerning the above planning application, I feel I must draw to your attention that the Parish Council received written confirmation from the Chairman of Ryton Village Hall Committee that the Committee would not allow its car park to be used as an over flow car park for The Fox Inn. In your report at para 6.5.2 you refer to this</p>		
Item No.	Application No.	Originator:
3	14/00701/FUL	David Lane – Chairman, Condover Parish Council
<p>The Parish Council has formally received a letter from Ryton Village Hall Committee confirming that the applicant does not have permission to use their car park.</p>		
Item No.	Application No.	Originator:
3	14/00701/FUL	Neighbour – P Morris, Mulberry House
<p>Letter to applicant offering the use of a nearby field for overflow parking. “The ground is dry and suitable to cleanly park several dozen cars throughout the year”.</p>		
Item No.	Application No.	Originator:
3	14/00701/FUL	Balfours
<p>Sent by Mr T.M Evans on behalf of neighbour Mrs Howard. Mrs Howard understands that drainage issues have been cited as reasons to object to the proposed development and wishes to state that such issues have only arisen because a ditch that would have been perfectly adequate to take the run off from the proposed development has been filled in and built over. Such works have caused Mrs Howards field to flood and remain wet when in the past it has not been. The ditch forms the boundary with Homers Field</p>		

and was filled in without Mrs Howards consent and probably building regulations consent. A second ditch along the western boundary of Homers Field has also been filled in. When the ditches were open they flowed into a 12" culvert at the south east corner of Homers field.

Item No.	Application No.	Originator:
3	14/00701/FUL	Neighbour – Mr & Mrs Halstead

Can only conclude that allegations from Balfours regarding works to drainage ditches refers to 4 Marshwall.

Property was bought in 2004 and was marketed for sale by Lane Fox Balfours. At this time there were no ditches on property. The sales details clearly show a wooden shed, a flagstone patio and a pation table and chairs sited on the northern most boundary of property, where it adjoins Homers Field. This is clearly where Mr Evans asserts that a ditch used to be. Copy of Balfours sales details attached.

Mr Evans also asserts that the ditch was built over. Our extension is built parallel to a 100mm culverted pipe which was replaced at the request of Shropshire Council's Building Control during construction of the extension in 2009, as the previous perforated pipe was completely blocked and silted up, allowing no water to pass through.

Copies of planning permission for extension granted in 2008 and garage granted in 2012 attached for information. Neither Mrs Howard nor Mr Evans objected to either application.

Copy of Building Regulations Consent for extension and garage also attached.

We brace ourselves for any planning application to develop Homers Field which may be prepared by Mr TM Evans on behalf of Mrs Howard.

Kathleen & Matthew Halstead

Item No.	Application No.	Originator:
3	14/00701/FUL	Terry Jones Solicitors

We are presently acting on behalf of residents of numbers 2, 3, and 4 Marshwall Cottages, Ryton concerning the above application.

We have had sight of the original application and not least of all, reports prepared on behalf of the applicant by David Bennion and a response prepared on our clients' behalf by Andrew Gough.

At this particular juncture, we do not consider it pertinent nor necessary to comment on the reports which deal with the proposed drainage of the site as this is a matter of fact and expert evidence. We can, however, but conclude that the applicants proposal for excess surface water and cleansed foul water, is to be drained into a 'dry ditch' to the north of the site. This proposition will potentially have a most detrimental effect on our clients' property which are alluded to in Mr Gough's report. It also raises two additional issues which do not appear to have been addressed: -

1. The applicant would appear to have no right of easement to direct or drain the site via a dry ditch and
2. In the event of the proposed drainage system being accepted by your Council and this adversely affecting our clients' property, be it by potential flooding or contamination, your Council will be held responsible for such ramifications and any diminution in the value of their properties, as a consequence.

Quite apart from the substantive part of the application, it is of considerable concern that we note from an e-mail written by you to Bruce Bartlett, the application appears to have found favour with you in terms of your proposed recommendations to your Council. It is patently clear from your e-mail that you were seeking reassurance that the drainage situation would not present a barrier, despite the fact that my clients' expert report (produced by Mr Gough) clearly states that it does. Interestingly, we note your e-mail has now been removed from your Council's website, which given the content of the e-mail, of no great surprise. We have no doubt you will appreciate that your office, as a representative of Shropshire Council, demands integrity and impartiality of the highest order. Our reading of your e-mail dated 12th June regrettably suggests a bias which is both prejudicial and lacking in factual impartiality which is completely unacceptable. It must inevitably follow that if your recommendations, as outlined, are presented to your Council's planning committee, this will immediately give rise to our clients having a right of appeal, should the application be granted and/or our client seeking a Judicial Review as to the conduct of Council's officers in failing to deal with the application impartially and objectively.

Item No.	Application No.	Originator:
3	14/00701/FUL	Neighbour – Thorpe, Grove Lodge

Addressed to Mr & Mrs J Owen, The Fox Inn (applicant)

Further to our recent conversations regarding the availability of additional car parking space for the patrons of The Fox Inn during major events such as charity balls and family fun days that you have previously organised, I am pleased to offer assistance. As tenant of the field to the south of The Fox Inn, I would be happy to section off part of the field to provide parking for at least 40 cars on such occasions. The field is well drained and the access is suitably located to avoid causing traffic disruption or undue disturbance to neighbouring properties.

I understand that you have, as suggested; also contacted the landlord of the field, Mrs Anne Richards and that Anne has indicated her satisfaction with this arrangement.

Yours sincerely
David Thorpe

Item No.	Application No.	Originator:
3	14/00701/FUL	David Edwards – Flood and Water Manager

Further to our previous comments and our subsequent investigation into the existing status of the watercourse in this area, my further comments follow.

The ditch, which forms the northern boundary of the site in question, is classified as a watercourse. A watercourse is any natural or artificial channel through which water flows, such as a river, brook, beck, ditch, mill stream or culvert. Whilst, in recent history, a lack of maintenance and alterations to the watercourse may have resulted in locally perceived lower flows, the watercourse is currently flowing, as one would expect, due to the high ground water levels in the area. During a site visit on the 8 April 2014, upon initial inspection, the watercourse appeared to be dry in the garden of Wysteria House, downstream of the proposed development. However, upon closer inspection, flow was evident in the watercourse within the stone that had previously been used to fill the watercourse in. The flows witnessed during a site visit on 24 June 2014 were deemed likely to be sufficient to accept the discharge from a packaged sewage treatment plant, subject to the necessary exemption certificate / consent from

the Environment Agency. The drainage statement produced by D A Sluice and Partners in 2008 for the neighbouring development of Wysteria House (planning reference SA/08/1491/O) further confirms that historically, downstream of the site in question, is "...a small flowing watercourse". To ensure that the watercourse has sufficient flow, the applicant should be requested to supply evidence from undertaking a flow monitoring exercise. This is important, since the ground conditions have now been shown not to be suitable for the use of soakaways.

Further to the comments received from Andy Gough dated 8 June 2014, the Flood and Water Management Team provided a response which included the following points. These have been further enhanced by my comments in **bold**:

- The assessment of the existing run-off from the site assumes that the existing surfaces, including the compacted stone, are impermeable. Whilst there is likely to be a degree of infiltration with this material, during high intensity rainfall, there is likely to be surface water run-off, flowing to the western boundary. Andrew Gough's report is correct that the existing run-off using Shropshire Council's criteria for a brownfield assessment would be 21.5l/s and not 29l/s as stated. Shropshire Council requires a 50% betterment to the existing flow for the new development, which the design achieves, by using two outfalls each of 5l/s which should help to reduce downstream surface water flooding.
Subsequent to this statement being made, it was clarified that the proposed surface water drainage system to serve the development will include a single outfall of 5l/s to the watercourse, not two as originally interpreted from the plan. This constitutes a reduction in the rate of surface water discharge when compared to the site's existing use, and is in accordance with Shropshire Council's 'Surface Water Management: Interim Guidance for Developers' document.
- Referring to Andrew Gough's first point, although a lower maximum rainfall intensity figure has been used to design the pipe sizes, the design shows that there is sufficient capacity in the system to accommodate a 1 in 100 year plus 30% storm with flooding. The rainfall intensity is not taken in to account when Micro Drainage assesses system capacity. In the event of high intensity rainfall, exceedance flow will be stored along the western boundary wall, whereas with the existing situation overland flow is able to flow to adjacent land.
- The quoted vp figure of 79 and the 300mm drainage layer was accepted for the permeable paving design. Exceedance flow would remain on the surface and enter the storm system on the western boundary.
- Concerns were raised on 21/5/14 that the northern ditch was not a constantly flowing watercourse and the Environment Agency would unlikely consent to the outfall. The question was raised whether there is sufficient depth to outfall the foul drainage to the ditch.
As stated above, the watercourse has been witnessed as flowing by the Flood and Water Management Team. A historic planning document for the neighbouring development of Wysteria House in 2008 supports this.
- In summary, the design demonstrates that exceedance flow will be stored on site and that the storm water system provides a controlled run-off.

It is understood, from reports by neighbours and the applicant's drainage consultant, that some exploratory work has been undertaken within the proposed development site. After discussion with both neighbours and the consultant, a further site visit was undertaken by the Flood and Water Management Team on 24 June 2014. It was evident that the work carried out was to clear existing land drainage systems within the development site. This maintenance work did not require consent. The work has

resulted in land drains being able to freely flow once more. Historic mapping supports the view of the Flood and Water Management Team, acting as the Land Drainage Authority, that this is a watercourse which, when maintained as it should be by the responsible riparian landowners, flows under normal circumstances.

The site visit undertaken on the 24 June 2014 confirmed the existence of a 300mm diameter culvert beneath the large field to the west of the proposed development and its neighbours. The culvert forms the conduit between the open watercourse to the west and the open watercourse adjacent to the development site. It was found to be in a poor state of repair and the landowners responsible for its maintenance are to be contacted under the Land Drainage Act to require its return to normal serviceability. It appears that, over time, the interconnecting drains and ditches have been 'modified' and this, in turn, has resulted in the existing situation where the culverted watercourse has become silted. The proposed development cannot be held accountable for the lack of maintenance downstream, since it has a 'right to drain' albeit in natural quantity. Riparian landowners have a duty, in common law, to accept natural flows from the land above them. The proposed surface water drainage system for the development replicates this natural flow. Separate to this planning application, the Flood and Water Management Team will seek to resolve the existing land drainage issues downstream of the development site by working with those riparian landowners who are responsible for the watercourse's maintenance.

In summary:

The proposed development site has a right to drain its surface water, in the manner it is proposing, via a restricted outfall of 5l/s, despite there being land drainage issues downstream which are the responsibility of third parties. This principal was explored in some detail, albeit for a larger development, as part of the recent Southern Planning Committee decision for 14-00062/OUT; this development was granted outline permission.

The proposal to discharge treated foul effluent, from a packaged sewage treatment plant, to the watercourse is likely to be acceptable since the watercourse is flowing constantly. To be certain of the level of dilution that flows in the watercourse can achieve, however, the applicant should be requested to demonstrate the flow rate in the watercourse. If planning permission were to be granted, this could be dealt with via the following condition: -

Condition:

In order to prove the suitability of the watercourse as a means for discharging treated foul effluent, details of the rate of dry weather flow within the watercourse forming the northern boundary of the site should be submitted for approval.

Reason:

To ensure the correct level of dilution is achieved within the watercourse.

Item No.	Application No.	Originator:
3	14/00701	Case Officer

Having regard to the updated comments received from the Council's Flood and Water Manager which confirm that the submitted drainage scheme is acceptable subject to the applicant being able to demonstrate the flow rate in the watercourse is suitable to receive treated foul effluent from the package sewage treatment plant, officers would request that members agree to omit Condition 4 which is no longer required and replace it with the following two conditions: -

1: Prior to the commencement of any development works on site, details of the rate of

dry weather flow within the watercourse forming the northern boundary of the site should be submitted for approval to the local planning authority.

Reason:

In order to prove the suitability of the watercourse as a means for discharging treated foul effluent and to ensure the correct level of dilution is achieved within the watercourse.

2: Prior to the commencement of any development works on site, full details, plans and sizing of the proposed packaged sewage treatment plant should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water 'Flows and Loads: 3' should be used to determine the number of persons for the proposed development and the sizing of the packaged sewage treatment plant should be designed to cater for correct number of persons. The packaged sewage treatment plant should be installed and thereafter permanently maintained in accordance with the agreed details.

Reason: To ensure that the foul water drainage system complies with the Building Regulations H2

Item No.	Application No.	Originator:
8	14/01036/OUT	Case Officer

Typing error identified in report as follows:

Paragraph 7.1 should read 'village of Ford' and not 'Dorrington'
Paragraph 7.2 should not include reference to Pontesbury.

Item No.	Application No.	Originator:
8	14/01036/OUT	Agent

Agent submitted copy of letter sent to Central Committee Members:

To all Councillors – Central Committee

Dear Sir/Madam

Development South of Brook Cottages, Ford - 14/01036/OUT

With regards to the above item and specifically having regard to comments of Councillor Evans in his e-mail of 16 June 2014, we wish to draw to member's attention to the contents of correspondence between ourselves and the Council Officers that has taken place in the last few weeks.

Attached is an e-mail sent on 20 May 2014, to the Highways Area Manager, regarding the footpath link and the suitability of the existing link from the application site onto the existing footpath 0416/13/1 which leads to Manor Crest. It can clearly be seen from the Officer's response dated 21 May 2014, (copy attached), that whilst a new footpath link to the Leasowes would provide the most direct and convenient route to the school, the existing pedestrian route via the footpath and footway does indeed provide an acceptable route, and he confirms that this deals with his previous comments.

There is clearly therefore an acceptable pedestrian link available and whilst it may be that the Parish Council will be approached regarding future footpath provision, as it currently stands the footpath situation must be accepted as resolved. Indeed, the existing footpath goes across our client's land and down to the lay-by on the A458 as indicated on the attached Plan

With regard to Councillor Evans' concerns regarding the suitability of the road system to cater for the development, the Council's Highways Engineer, in his professional opinion, raises no objection to the proposal on highway safety grounds.

In addition, Councillor Evans' made comments on a document from over 4 years ago but this was a SAMDEV proposed preferred option consultation and was only included in the application as background information. The main changes in circumstance relate to the introduction of the NPPF and the recognised shortfall of available housing land supply in Shropshire.

For the avoidance of doubt there is no reference in the current application to the proposal relating to "Phase 1" but it is noted that Councillor Evans recognises that not all the field that could be built on is included in the proposal.

Finally in paragraph 7.1 there is a typing error in that Dorrington is referred to instead of Ford.

Members are therefore requested to support the Officer's recommendation accordingly.

Item No.	Application No.	Originator:
8	14/01036/OUT	Agent

Copy of email correspondence between the agent and SC Highway Officer, Richard Harman as follows:

From: Dave Richards (agent)
Sent: 20 May 2014 12:17
To: Richard Harman
Cc: Nanette Brown; Gavin Wong; 'Martin Parrish'; penny@lesstephanplanning.co.uk
Subject: Development south of Brook Cottages Ford Application ref 14/01036/out

Good morning Richard,
With reference to your e-mail of earlier today regarding the above application I would advise as follows :-

There is no objection to the introduction of a landscape based SUDS system utilising the natural topography of the site and this can be subject to appropriate conditions.

With regard to the question of a proposed pedestrian link to the village the comments of the Parish Council are noted and whilst this is an issue that can be revisited in the future there is a current available link which means that the development of the site is sustainable and supportable at the present time.

However whilst it is appreciated the new link would be a convenient route for occupiers of the development to access the recreation ground the existing established PROW through the site leading to Manor Crest can be utilised to access the village and there is a public footpath all the way along this route through the village to school, village hall, recreation ground etc.

For your information please find attached a proposed site plan showing in blue the intended pedestrian link and in purple the existing public right of way. Also attached is a copy of the definitive PROW map with the formal reference number 0416/13/1.

It is hoped you can agree that the site is therefore sustainable on road safety grounds.

Please let me know if you require any further information

Kind regards,
Dave Richards
Planning Associate

From: Richard Harman
Sent: 21 May 2014 10:32
To: 'Dave Richards'
Cc: Nanette Brown; Gavin Wong; 'Martin Parrish'
Subject: RE: Development south of Brook Cottages Ford Application ref 14/01036/out

Hi Dave,

Thank you for clarifying the connection with existing FP 0416/13/1 and Manor Crest and I must admit I have missed this point. Whilst clearly the proposed connection to The Leasowes would provide the most direct and convenient connection to the school, the existing walking route via the footpath and footways does indeed provide an acceptable route so I confirm this deals with our previous concern.

I'll provide our consultation response to development management ASAP.

Kind regards,
Richard Harman MIHE
Developing Highways Area Manager (Central)
Highways and Transport, Shropshire Council

The agent also submitted with this correspondence three plans showing the route of the existing public footpath that have either already been included in the application submission or have been added to the slides available for the committee meeting.

Item No.	Application No.	Originator:
8	14/01036/OUT	Agent

Email received from agent:

In relation to the above, we would like to confirm that the applicants/landowners are happy for a condition to be imposed on any outline consent to ensure that any reserved matters application is submitted with a 1 year period and thereafter once REM is approved, any commencement is made within a 2 year period.

We hope that these reduced timescales demonstrate our commitment to develop the site at the earliest opportunity.

I would appreciate you including this within any late representations for tomorrow's meeting and also confirming this specifically to Members prior to discussion.