

	<p><u>Committee and Date</u></p> <p>Southern Planning Committee</p> <p>26 July 2022</p>
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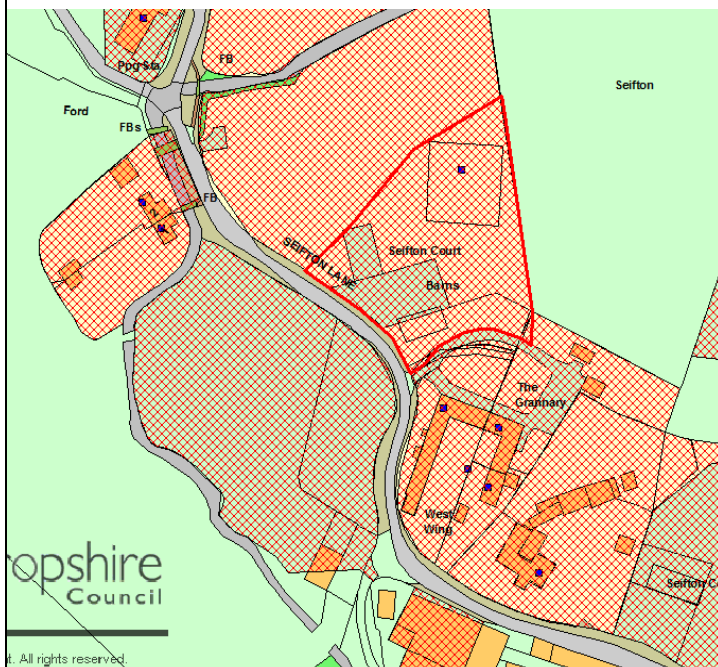
## Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

### Summary of Application

<b>Application Number:</b> 22/00106/OUT	<b>Parish:</b>	Culmington
<b>Proposal:</b> Outline application for the erection of one dwelling to include means of access		
<b>Site Address:</b> Proposed Dwelling To The North Of Seifton Lane Seifton Shropshire		
<b>Applicant:</b> Mr & Mrs Pease		
<b>Case Officer:</b> Sue Collins	<b>email</b> : sue.collins@shropshire.gov.uk	

**Grid Ref:** 348342 - 283148



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**Recommendation:- Grant outline planning permission subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

1.1 This application seeks outline planning permission for the erection of a dwelling on land to the north of Seifton Lane, Seifton, Shropshire.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site lies to the north of the barn conversion scheme at Seifton Court with other dwellings located to the north and north west of the site.

2.2 Access to the site is via Seifton Lane which terminates at Pool Cottage and The Corn Mill. This lane passes to the south east of the site. There are some domestic style outbuildings located on the site with trees and hedgerows within the site.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Applications where the Parish Council submit a view contrary to officers (approval or refusal) based on material planning reasons the following tests need to be met:  
(i) these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and  
(ii) the Area Manager or Principal Planning Officer in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish/Town Council has raised material planning issues and that the application should be determined by committee

### 4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online

#### 4.1 Consultee Comments

4.1.1 **Culmington Parish Council:** This application was discussed at the Culmington Parish Council meeting on the 1st February 2022. Culmington Parish Council unanimously resolved to object to this application as Seifton Lane is within Culmington Parish and does not come within a Community Hub or Community Cluster and is therefore designated as 'open countryside' where new development is strictly controlled in accordance with Policy SP10 of the Shropshire Local Plan. The application does not meet any of the exceptions to the Strategic Plan within Section SP10 of the Local Plan.

The Local Plan states in S7.3 that a Community Cluster in Seifton is only that part of Seifton which is in the Diddlebury Parish. A letter from David Hedgley dated 30th July 2019 (Chair of Diddlebury Parish Council) to Ian Kilby (Shropshire Council) states that 'It is only the part of Seifton which is in Diddlebury Parish that has been assigned status as a development cluster for open market development.' (See attached document).

Culmington Parish Council also has concerns about any development along Seifton Lane, including this application, for the following reasons:

a. Flooding – Seifton Lane experiences severe flooding and difficulties for normal

and emergency service vehicles to access properties throughout the length of this no through road. Further development will only exacerbate the problem.

b. Traffic – this application indicates four parking spaces. Traffic along this single-track lane is already an issue with private drives being used as passing places. A working farm is based half way along the lane and is already struggling to use the lane due to the increase in traffic and are sometime required to reverse with attached trailers causing a greater risk to other road users including pedestrians. The addition of a further 4 vehicles is of great concern.

4.1.2 **Affordable Housing:** No objection. The proposed development falls below the threshold by which the Local Planning Authority are able to require a contribution towards affordable housing. Therefore, no affordable housing obligations apply in this instance.

4.1.3 **Ecology:** No objection

I have reviewed the information and plans submitted in association with the application and I am happy with the survey work carried out.

The updated ecological appraisal carried out by BIOME Consulting (December 2021) found the site to be in the same condition than the original 2020 survey, with the exception of a small amount of Himalayan Balsam along the watercourse, which will be managed in order to stop it's spread.

Any external lighting to be installed on the building should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area.

SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of a bat box/integrated bat tube will enhance the site for wildlife by providing additional roosting habitat.

4.1.4 **Trees:** No objection

The indicative site plan and visibility splay (Plan ref. 19\_998\_003) identify the loss of approximately 6m of established native hedgerow but otherwise very few direct arboricultural implications. However, given that all matters except access are reserved there remains potential for arboricultural implications to accrue from any significant change to the indicative layout shown in plan 19\_998\_003. The Tree Team note that this application seeks consent for access and that the Highways Team's Comments broadly accept the visibility splay without modification and so the Tree Team would not expect significant change to access in a reserved matters application.

The NPPF set out an expectation that new development will result in biodiversity net gain, and the national local policies CS6 and MD2 as bolstered by the national model design code aspire for the sustainable integration of new development into the local and wider landscape. In the light of these considerations and the loss of 6m of hedgerow the Tree Team recommend that the council secure measures for landscape mitigation and compensation to be submitted as part of any subsequent reserved matters application.

4.1.5 **Conservation:**

Response Received 10.06.22

Further to our previous comments a Heritage Desk Based Assessment has been

submitted. The document has attempted to assess the impact of the development upon the setting of nearby listed buildings. However, due to the lack of any details of the design, scale, massing or materials of the proposed dwelling, the assessment has not been able to make any firm conclusions in this regard and notes that the assessment made 'is based on the limited information and assumptions made about this development only'. Therefore, we are unable to conclude that the development would not result in less than substantial harm to the setting of heritage assets.

#### Response Received 08.02.22

The application proposes the erection of one dwelling to the north of Seifton Lane, Seifton. The application is in outline with all matters reserved save for access. The proposed site lies to the north of the Grade II listed Seifton Court and associated historic farmstead and to the west of the Grade II listed Seifton House. As stated at preapplication stage due to the proximity of the proposed development to designated heritage assets a Heritage Impact Assessment should be provided in line with the NPPF and SAMDev requirements. It is noted that none has been provided and the reason given being that the application is in outline. However, the lack of an assessment and any detail of the scale, design, materials, bulk and massing of the development mean that the application is lacking in sufficient information to enable the local planning authority to understand the potential impact of the proposal on the significance of heritage assets.

The National Planning Policy Framework paragraph 194 states 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.' At the current time the application does not comply with local policy MD13 or the national requirements under paragraph 194 of the NPPF, there is insufficient evidence and information submitted to demonstrate that it would not be detrimental to the character and setting of the heritage assets taking into account the above mentioned policies and legislation, and at the current time would recommend refusal on this basis.

#### 4.1.6 **Archaeology**

##### Response received 10.06.22

The proposed development site is located within the historic core of Seifton, and on the site of the deserted medieval village at Seifton (HER PRN 00961), comprising banks, hollow ways, field boundaries, rig and furrow and building plots. The transcription of the Tithe Award map for Culmington Parish of date and historic editions of the Ordnance Survey map indicate that the application site remained undeveloped throughout the 19th century, and during this period, was used as an orchard. As a result, there is a possibility that archaeological remains relating to the earlier history of the village may be present. The proposed development site is therefore deemed to have some archaeological potential.

An archaeological desk-based assessment has now been submitted with the planning application (Wessex Archaeology Ref. 262480.1, May 2022). It should be noted that the maps and plans included within the report require updating. Wessex Archaeology have been contacted regarding this matter. Notwithstanding this issue, the assessment has established that there is high potential for the presence of both buried archaeological and possible upstanding earthwork remains relating to the medieval period and Seifton DMV. It also found there is a background potential for prehistoric and/ or Romano-British activity inferred from similar levels of activity in the wider landscape. The assessment concludes that any adverse impact to upstanding earthworks or buried archaeological features as a result of the implementation of the development proposals would be permanent and irreversible in nature. An appropriate scheme of archaeological mitigation was therefore recommended, including the potential need for further pre-commencement fieldwork.

#### RECOMMENDATION:

Please note the Conservation Officer will provide comments on the impact of the proposed development on the listed buildings. The recommendations made below therefore only relate to the archaeological interest of the proposed development site.

In light of the above, and in relation to Paragraph 205 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise a pre-commencement measured earthwork survey of the development site, with further archaeological mitigation thereafter. Depending on the results of the earthwork survey, this may include further pre-commencement evaluation of the site through a trial trenching exercise and/or an archaeological watching brief.

Response received 09.02.22

The proposed development site is located within the historic core of Seifton, and on the site of the deserted medieval village at Seifton (HER PRN 00961), comprising banks, hollow ways, field boundaries, rig and furrow and building plots. The transcription of the Tithe Award map for Culmington Parish of and historic editions of the Ordnance Survey map indicate that the application site remained undeveloped throughout the 19th century, and during this period, was used as an orchard. As a result, there is a possibility that archaeological remains relating to the earlier history of the village may be present. The proposed development site is therefore deemed to have some archaeological potential.

The site also lies near to a number of listed buildings and as such any development here has the potential to impact upon the setting of these heritage assets.

#### RECOMMENDATION:

The National Planning Policy Framework (NPPF) Paragraph 194 states that 'In

determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.' This includes undesignated as well as designated heritage assets. On the basis of the above, and in relation to Policy MD13 of the Local Plan and Paragraph 194 of the NPPF, it is advised that a Heritage Impact Assessment, to include an Archaeological Desk-Based Assessment and walk-over survey, should be submitted prior to the determination of this application. The assessment should include all heritage assets that may be directly affected by the development and address any issues of setting and visual impact on heritage assets that may arise. The assessment should conform to Historic England's guidance on Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets (2017) and the Chartered Institute for Archaeologists' Standard and Guidance for Archaeological Desk-based Assessment (2014). This will enable an informed planning decision to be made regarding the impact of the proposed development, including on the archaeological interest of the site, and thereafter, the need for any further archaeological mitigation. There should be no determination of the application until the results of the required assessment has been submitted to the Local Planning Authority, or it should otherwise be refused.

- 4.1.7 **Highways:** No objection – subject to the development being constructed in accordance with the approved details and the recommended conditions and informative notes. The development is seeking outline consent with access included as a determined matter for the erection of a single dwelling. The site is served off a rural unclassified no through road, which currently serves a number of other properties and surrounding agricultural land. The likely traffic generated by the proposed property over and above the traffic the road already experiences is considered unlikely to lead to severe harm to the highway network upon which to sustain an objection. Care will however need to be taken with the management of construction traffic with consideration taken in terms of the nature of the lane and delivery times avoiding peak traffic flow times. All associated vehicles will need to be accommodated on the site to not adversely impede the highway. It is advised that prior to the submission of the required information for the Traffic Management Plan, the applicant/developer should contact Shropshire Council's Street Works Team on the following link to approve details prior to applying for the discharge of the condition.
- 4.1.8 **Drainage:** No objection subject to the inclusion of the recommended conditions

and informatives on any planning permission that may be granted.

## 4.2 **Public Comments**

4.2.1 Five letters of representation have been received. The following concerns were raised:

- This area is open countryside and therefore development would be contrary to the adopted SAMDev.
- Only exception housing should be allowed in this area.
- Extra traffic on the lane will cause problems for highway safety particularly for farm traffic and pedestrians using the road
- Scheme is out of keeping as existing dwellings are old or created through conversion of old buildings.
- The road and land including dwellings is subject to regular flooding with access by tractor and boat only.
- Increasing hardstanding will cause more flooding and exacerbate the problem.
- As the house is unlikely to be occupied by local people this could cause problems for existing agricultural businesses operating adjacent to the site.
- The proposed access is adjacent to an existing access and will require the removal of hedging to provide visibility. This together with the rest of the scheme will impact on wildlife in the area.
- Allowing this development will set a precedent for further development in the future
- There are restrictive covenants on the land preventing development across part of the site.

## 5.0 **THE MAIN ISSUES**

- Principle of Development
- Design, Scale and Character and Impact on Historic Environment
- Impact on Residential Amenity
- Ecology
- Trees
- Conservation
- Archaeology
- Highways
- Drainage

## 6.0 **OFFICER APPRAISAL**

### 6.1 **Policy & principle of development**

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for

local planning authorities as a material consideration to be given significant weight in determining applications.

- 6.1.2 The local Parish Councils and Local Member have indicated that the settlement of Seifton is considered open countryside and as such no further open market housing should be approved in this location. Culmington Parish Council have referred to policy reference SP10 in their response. This is a policy that is included in the draft Local Plan that is currently under review. At this stage it holds no weight in determining applications as it has not yet progressed far enough in the adoption process.
- 6.1.3 A key objective of both national and local planning policy is to concentrate new residential development in locations which promote economic, social and environmental sustainability. Specifically, the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer open market housing to sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in the relatively recent SAMDev Plan. Isolated or sporadic development in open countryside (i.e. on sites outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances, or unless other relevant material considerations are held to outweigh the statutory priority afforded to the local development plan.
- 9.1.4 Seifton is identified as a component of a Community Cluster alongside Corfton, Bache Mill, Boulton, Broncroft, Middlehope, Peaton, (Great/Little) Sutton and Westhope, under SAMDev Policies MD1 and settlement policy S7.
- 9.1.5 The settlement Policy at S7.2(ii) gives a guideline of around five additional dwellings, and no more than ten, in each of the settlements by 2026, and besides conversion schemes the intention is for these to comprise infill development on suitable small-scale 'windfall' sites.
- 9.1.6 Since there is no predefined development boundary around Seifton the question of whether or not specific schemes would constitute infilling is a matter for judgment in each case.
- 9.1.7 The site subject to this application is accessed off Seifton lane, a no-through road which provides access to a group of around 14 properties. The site is located to the north of Seifton Court Barns. Opposite the site to the west lies a pair of semi-detached dwellings, separated by the no-through road and to the north a detached dwelling, separated from the site by a watercourse. Bearing the above in mind it is considered that the site is sufficiently bounded by existing development to represent infill and in principle maybe acceptable for the development of one detached dwelling.
- 9.1.8 In relation to the objection by the Parish Councils and the Local Member, Officers' have sought advice from the Council's Solicitor. The current interpretation of this matter is that both the plan and policy maps have been through consultation and a Local Plan Examination. While reference is made to Diddlebury Parish, no



reference has been made to Culmington Parish in the explanatory notes. The Development Plan for an area is the development plan documents taken as a whole that have been adopted for that area. The SAMDev policy MD1 sets out the settlement policy framework and lists community cluster settlements. These are not set out in Parishes but in settlements. The SamDev Plan policy map for the area shows the cluster settlements marked with a star. There is a star on the settlement of Seifton not in the Diddlebury parish.

- 9.1.9 In terms of the evidence base underpinning the policy, the Craven Arms Area was discussed in the SAMDev Technical background paper dated March 2014, and at para 3.137, the settlements in Policy S7.2(iii) are discussed as follows:

Bache Mill, Boulton, Broncroft, Corfton, Middlehope, Peaton, Seifton, (Great and Little) Sutton and Westhope Cluster

3.137

At the Issues and Options stage (2010), rural Parishes in the Craven Arms area were invited to consider whether settlements in their parishes might reasonably accommodate new development. Parishes in the wider Corvedale area including Diddlebury, chose to take this matter into the preparation of their local Parish Plans.

3.138 Shropshire Council supported this approach due to the significant potential for development in Diddlebury village due to its accessibility on the B4368 through Corvedale and the potential range of development opportunities in the village. Diddlebury Parish considered the issue of future development in the parish during the preparation of SAMDev Preferred Option and confirmed their wish to have a Cluster in their parish early in 2013.

3.139 This Cluster was confirmed in the SAMDev Revised Preferred Option in July 2013 with the Parish Plan nearing completion. At this time, there was majority support for small scale development but no desire to accommodate large housing developments. It was proposed instead, that Diddlebury village be the principal location for the delivery of affordable housing on exception sites. In response to the SAMDev Revised Preferred Option there was majority support for this Cluster.

3.140 Shropshire Council welcomes this Cluster in the physically contained and relatively inaccessible Corvedale valley. The provision of local opportunities for new housing will support the local communities within a strategy which offers a responsible and planned approach to the delivery of open market and affordable housing.

- 9.1.10 While only Diddlebury Parish is mentioned in the policy and not Culmington Parish it does not explain that it is not intended to include the whole of Seifton. Reference to the Corvedale valley is a geographical location rather than any administrative or parish area.
- 9.1.11 Overall by referencing policy S7 together with the policy map it is considered that the policy as a whole says that the settlement of Seifton is in the cluster and does not relate to only those parts which maybe in Diddlebury Parish. This would need to be clarified by specific wording explaining the limitations and this is not contained in the policy.

9.1.12 As such in view of the legal opinion that has been received it is considered that the site is part of the settlement of Seifton and this is considered part of the Cluster as set out in policy S7.2 of SAMDev

9.1.13 Other issues such a Drainage, Highways etc will be discussed further in this report.

## 6.2 **Affordable Housing**

6.2.1 Comments have been made by the Affordable Housing Officer in relation to the amount of Affordable Housing Contribution. Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre date the Court of Appeal decision and subsequent changes to the NPPG, meaning that on balance and at this moment in time, National Policy Prevails and consideration will be made in light of the above details. As such no contribution is required for this size of development.

## 6.3 **Design, Scale and Character Impact on Historic Environment**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. The National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. In addition, policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design.

6.3.2 This application is in outline where the issues of appearance, layout and scale have been identified as reserved matters. As such no details of these have been provided at this stage. It is appreciated that the site is close to heritage assets, but as it is unknown exactly the details of the proposed development it is not possible to fully assess the impact on these. A condition is recommended for inclusion on any planning permission granted that the first application for reserved matters be accompanied by a full Heritage Impact Assessment to ensure that the scheme proposed is appropriate for this location.

6.3.3 Overall from the information available there is no justification to refuse the current outline application.

## 6.4 **Impact on Residential Amenity**

6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.4.2 As indicated at para 6.3.2 this is an outline application. The size of the site will allow for some flexibility in its potential layout and there will be scope for a

dwelling to be designed which would ensure that any impact on residential amenities would be to an acceptable level. As such no objection is raised by Officers in relation to the impact of the development on the residential amenities of the area.

## 6.5 Ecology

6.5.1 Some comments have been received that the proposed development will have an unacceptable impact on wildlife in the area. Not only from the building on the land but also the removal of a section hedgerow in order to create the proposed access.

6.5.2 As part of the application an updated ecological appraisal was submitted which has been assessed by the Council's Ecologist. No objection has been raised by them regarding the scheme, subject to the inclusion of the recommended conditions and informatives. These would include enhancements to the ecology and biodiversity of the area through the provision of bat and bird boxes and protection for wildlife through a buffer zone during the construction works and by the need for approval for external lighting prior to its installation.

6.5.3 As no objection has been raised by the Ecologist and the recommended conditions would help to protect and enhance the ecology and biodiversity of the area this would be considered to be in accordance with the NPPF and policies CS17 and MD12 of the Shropshire LDF.

## 6.6 Trees

6.6.1 The application would include the removal of approximately 6 metres of the hedging to the front of the site to create the visibility splay necessary for the creation of the vehicular access. It is also noted that as this is an outline application only other implications in regard to the impact on trees and hedgerows could require further consideration.

6.6.2 However as it is outline, the landscaping of the site would be considered as part of any reserved matters application. As such it would be possible to ensure that appropriate planting or other landscaping works are carried out to mitigate for the loss of the hedgerow. Therefore subject to the inclusion of the recommended conditions no objection has been raised by the Council's Tree Officer.

## 6.7 Archaeology

6.7.1 During the course of the application further information regarding archaeological matters has been submitted for consideration. This has been assessed by the Council's Archaeologist.

6.7.2 While minor updates are required to the submitted plans and maps submitted it has established that there is a high potential for the presence of remains relating to the medieval period and Seifton DMV. There is also the potential for prehistoric and/or Romano-British activity. AS the development may have a permanent impact on any of these features an appropriate scheme of archaeological mitigation was recommended. It has been recommended that a condition be

included on any planning permission granted that further archaeological works are carried out prior to the commencement of any development.

## 6.8 Highways

- 6.8.1 Concerns have been raised regarding the impact of the new dwelling on highway safety of the area particularly as Seifton Lane is single track width and is heavily used by agricultural vehicles.
- 6.8.2 The Council's Developing Highways Manager has commented on the application raising no objections to the scheme. The land is an unclassified no through road which serves a number of other properties as well as surrounding agricultural land. However they consider that it is unlikely that the additional dwelling would lead to severe harm to the highway network and as such it is not possible to justify refusal on this basis.
- 6.8.3 A number of conditions and informatives have been recommended for inclusion on any planning permission that may be granted. These will ensure that there is careful management of construction traffic and that the proposed access and parking is to a satisfactory standard prior to the occupation of the dwelling and remains so for the lifetime of the development.
- 6.8.4 In view of these comments it is officer opinion that there is insufficient justification to recommend refusal of the application on this basis and there would not be severe harm caused to the highway network as a result of the development.

## 6.9 Drainage

- 6.9.1 A number of local residents have identified that the area is prone to flooding to the point where the Emergency Services are required to allow occupiers of dwellings along Seifton Lane to leave their homes. As such they consider another dwelling will not only place a bigger strain on the emergency services, but the additional hardstanding will exacerbate the flooding of the area.
- 6.9.2 The Council's Drainage Engineer has assessed the application and the Flood Risk Assessment (FRA) which has been submitted by the Agent. Any future application for reserved matters will need to take into consideration the mitigation recommended within the FRA. These have been specified by the Drainage Engineer in his response on the application. A condition has also been recommended for inclusion on any planning permission granted which will require full details of the foul and surface water drainage methods that are to be used. This condition will ensure that a satisfactory drainage system is proposed that would prevent the scheme from exacerbating the existing flooding of the area.
- 6.9.3 From the above comments while there is undoubtedly a problem with flooding in this area, the site can be appropriately developed without causing any further harm in relation to flooding. It is Officer opinion therefore that the scheme would be in accordance with policy CS18 of the Shropshire Core Strategy.

## 7.0 CONCLUSION

7.1 A number of issues have been raised by local residents, Local Member and the Parish Council's these have been assessed by officers. It is considered that the development of an open market dwelling in this location would be acceptable and that the recommended conditions would deal with any matters raised to ensure that the scheme is carried out in a suitable manner. As such the scheme is considered to be in accordance with the NPPF and policies S7.2(ii), CS4, CS6, CS17, CS18, MD2, MD12 and MD13 of the Shropshire LDF.

## 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

### 8.1 Risk Management

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

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

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning

committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

## 9.0 FINANCIAL IMPLICATIONS

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS4 - Community Hubs and Community Clusters  
CS6 - Sustainable Design and Development Principles  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management  
MD2 - Sustainable Design  
MD12 - Natural Environment  
MD13 - Historic Environment  
National Planning Policy Framework  
Settlement: S7 - Craven Arms

### RELEVANT PLANNING HISTORY:

PREAPP/19/00353 Proposed single dwelling residential dwelling. PREAIP 19th September 2019  
22/00106/OUT Outline application for the erection of one dwelling to include means of access  
PCO

## 11. Additional Information

View details online:

[22/00106/OUT | Outline application for the erection of one dwelling to include means of access | Proposed Dwelling To The North Of Seifton Lane Seifton Shropshire](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)  
Councillor Ed Potter

Local Member

Cllr Cecilia Motley

Appendices  
APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

2. Approval of the details of the appearance of the development, access arrangements, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure (England) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The first submission of reserved matters shall include a Himalayan Balsam management plan. Works shall be carried out strictly in accordance with the approved management plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent the spread of invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

4. The first submission of reserved matters shall include a Construction Environmental Management Plan. The submitted plan shall include:

a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented;

b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;

c) Requirements and proposals for any site lighting required during the construction phase;

d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);

e) The times during construction when an ecological clerk of works needs to be present on site



to oversee works;

f) Identification of Persons responsible for:

i) Compliance with legal consents relating to nature conservation;

ii) Compliance with planning conditions relating to nature conservation;

iii) Installation of physical protection measures during construction;

iv) Implementation of sensitive working practices during construction;

v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and

vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12,

CS17 and section 175 of the NPPF.

5. A minimum 20m buffer shall be temporarily fenced off parallel to the bank along the length of the watercourse, as described in the updated ecological appraisal prepared by BiOME Consulting (December 2021). No access, material storage or ground disturbance shall occur within the buffer zone. The development shall be carried out strictly in accordance with the approved details.

Reason: To ensure the protection of the watercourse, and associated wildlife, during construction works

6. The reserved matters application will include a comprehensive scheme of landscape compensation and mitigation works to be carried out on the site. This shall include:

(i) Details of existing and proposed ground levels, and of the grade of topsoil to be used in connection with level changes

(ii) Details of proposed planting schedules, methods for protection from grazing and for aftercare provision.

(iii) Timetables for implementation

(iv) A clear and unambiguous statement that: any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season in

accordance with further details which shall first be submitted to and agreed in writing by the local planning authority.

REASON: To compensate for the loss of established planting as a result of development works at the site, and to preserve the character and appearance of the local area, in accordance with Policies CS6 & CS17 and MD2 & MD12 of the Shropshire Local Development Framework Adopted Core Strategy and SAMDev plan.

7. Where plans and particulars submitted for the reserved matters application indicate that construction work excavations or level changes are to take place close to or within the Root Protection Area (RPA) of any retained tree(s), large shrubs or hedges, the application will be supported by a Tree Protection Plan (TPP) which will be

supported by an arboricultural method statement (AMS) where any breach of the tree(s) or hedgerows RPAs is proposed. These will detail how the retained trees / hedgerows will be protected during the development. All supporting arboricultural details will be compatible with good practice as set out in BS5837:2012 trees in retain to design demolition and construction recommendations.

REASON: To ensure that retained trees shrubs and hedgerows are appropriately protected during the development, so that their condition and amenity value is not compromised or eroded.

8. The first application for reserved matters shall be accompanied by an up to date Heritage Impact Assessment.

Reason: To ensure that the proposed scheme will not have a detrimental impact on the nearby heritage assets.

### **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

9. No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

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

Reason: The site is known to hold archaeological interest.

11. No development shall take place until details for the parking, turning, loading, and unloading of vehicles have been submitted to and approved by the Local Planning. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

12. No development shall take place, including any works of demolition, until a Traffic Management Plan for construction traffic has been submitted to, and approved in writing by, the local planning authority, to include a community communication protocol. The approved Statement shall be adhered to throughout the construction period.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

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

13. Prior to first occupation / use of the buildings, 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 boxes or integrated bat bricks, 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 Swifts (Swift bricks or boxes with entrance holes no larger than 65 x 28 mm can accommodate a wide range of species (CIEEM, 2019)), Starlings (42mm hole, starling specific), Sparrows (32mm hole, terrace design), House Martins (House Martin nesting cups) and/or

small birds (32mm hole, standard design) shall be erected on the site prior to first use of the development.

The boxes shall be sited in suitable locations and at suitable heights from the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall therefore be maintained for the lifetime of the development.

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

14. The access shall be satisfactorily completed and laid out in accordance with the Indicative Site Plan Drawing No. 19\_998\_003 prior to the dwelling being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

15. The access apron shall be constructed in accordance with Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the dwelling being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

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

16. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without

modification, no access gates or other means of closure shall be erected within 5.0 metres of the highway boundary.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.

17. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

### **Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the 2006 Natural Environment and Rural Communities Act. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

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

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a Great Crested Newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

3. 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 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. Only if there are no active nests present should work be allowed to commence.

If during construction birds gain access to any of the building and begin nesting, work must cease until the young birds have fledged