

Development Management Report

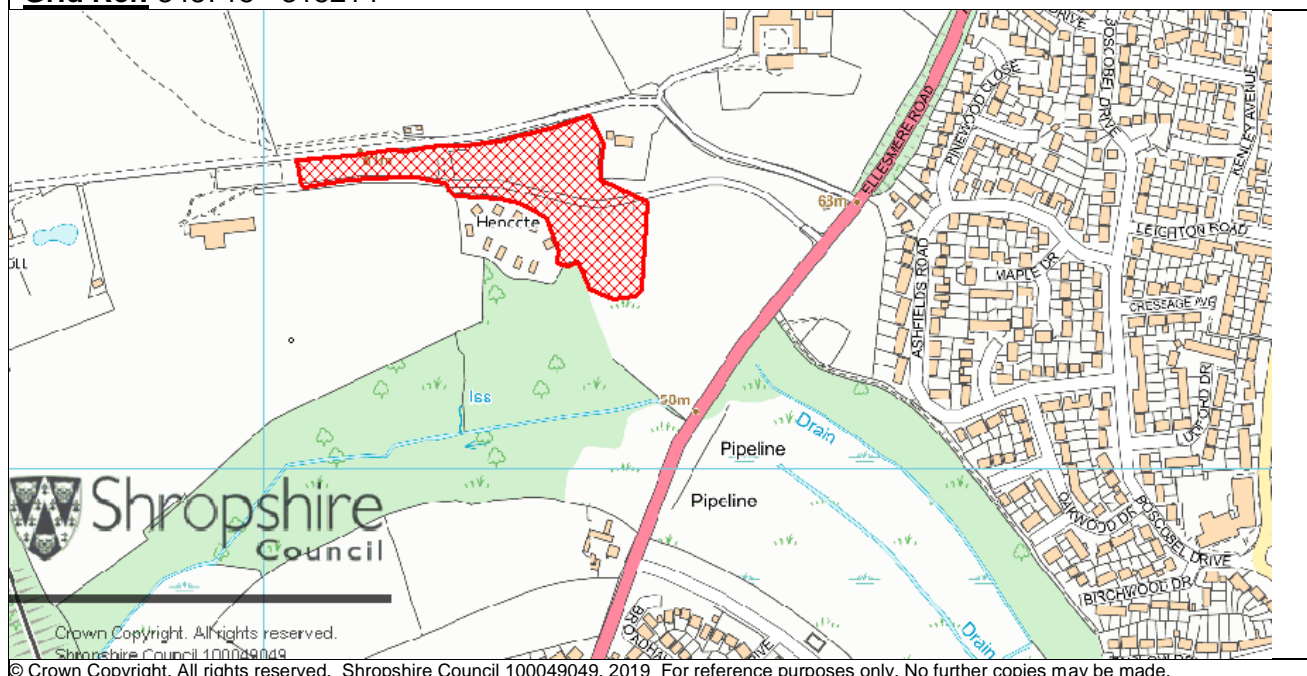
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 19/05538/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Change of use of land for the erection of 20 Holiday Lodges and provision of parking areas and associated landscaping (amended description)		
<u>Site Address:</u> Hencote Farm Cross Hill Shrewsbury Shropshire SY4 3AA		
<u>Applicant:</u> Mr A Stevens		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planning.northern@shropshire.gov.uk	

Grid Ref: 348715 - 315214



Recommendation: Grant Permission subject to the conditions as set out in Appendix 1.

REPORT

1.0 PURPOSE OF REPORT

- 1.1 This planning application was previously considered by the Northern Planning Committee at its meeting on 8th December 2020. Members at that meeting were minded to refuse the application on the basis that the proposed development was considered as overdevelopment and would impact on the tranquil nature of the area, and would have an adverse visual impact on the landscape in this prominent countryside location contrary to CS5, CS6, CS16 of the adopted Core Strategy and MD11 of the adopted SAMDev Plan.
- 1.2 In accordance with paragraph 17.4 of the Local Protocol for Councillors and Officers dealing with Regulatory Matters, the application was deferred for further consideration.
- 1.3 This report seeks to provide advice on the risk associated with refusing the application for the suggested reason and provides members with further information and comments received since the earlier report was published. The applicants have also subsequently amended the application.
- 1.4 The original report presented to members in December 2020 is attached to this report for information at appendix 2.

2.0 RISK OF REFUSING THE APPLICATION

- 2.1 The risk of refusing any planning application is that the applicant appeals the decision and that a Planning Inspector deciding an appeal may overturn the Councils decision and allow the proposal. There are costs associated with defending an appeal against refusal but there are also risks of the Council being required to pay the appellants costs of an appeal.
- 2.2 Costs can be awarded if the Council is considered to have behaved unreasonably, in not allowing the application or in its conduct in defending an appeal, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. The purpose of the costs regime is stated to include encouraging local planning authorities to properly exercise their development management responsibilities, and to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case. All involved in the appeal process should behave in a reasonable way including presentation of full and detailed evidence to support their case.
- 2.3 This report is before members on the basis that the reason for refusal suggested by members at the December committee would be difficult to defend successfully if challenged at appeal. The report below seeks to advise members on the defensibility of the suggested reason for refusal in the light of the amendments now made to the application, and gives further consideration to amended plans received.

3.0 ADDITIONAL INFORMATION RECEIVED

- 3.1 Two additional comments from the public have been received regarding the proposal for 26 lodges.

The applicant has considered the members comments and provided a response and amended the proposal to 20 lodges.

Officers have sought advice from the Councils landscape consultant.

- 3.2 Additional public comments (to proposal for 26 lodges) with concerns summarised as follows:

- Visual impact in the immediate vicinity and the wider landscape.
- Impact on the view of Shrewsbury and the South Shropshire Hills.
- Additional traffic on a busy road verging on overload will impact on pedestrian safety.
- Considers that the volume of traffic is already bad and that speed restrictions are rarely adhered to.
- The number of parking spaces quoted is inaccurate.
- Impact on an ancient tree.

- 3.3 Additional comments from agent:

The applicant wishes to get the project started in the spring and so in order to push for an early positive determination we are prepared to delete the units 1 to 6 from the planning application.

We will send through amended updated plans this afternoon, but it is hoped that this will overcome the specific concerns of the Planning Committee which related to:

- *overdevelopment and would impact on the tranquil nature of the area*

comment - the scheme reduces the amount of development by 23% from 26 to 20. This reduction will assist in integrating the scheme into the existing landscape and also assist in reducing the overall impact of the development upon its surroundings

we feel it would also be useful to remind the Committee that within the Regulation 19 Local Plan Review (consultation starts today) there will be 450 houses directly to the south of the site and the Shrewsbury north western bypass directly to the north, which sets a different 'context' to the site in a couple of years time (it certainly won't be tranquil)

- *adverse visual impact on the landscape in this prominent countryside location*

comment - the 2 remaining areas sit within the existing landscape features within the site and are significantly screened by the rolling topography and landscape screening. Within this context we believe that the issues of an adverse visual impact are wholly removed from the application

Based on this we hope the committee will see this as a positive step towards reducing their initial concerns.

3.4 Shropshire Councils Landscape Consultant comments on revised scheme:

Visual amenity

External viewpoints of the proposed glamping units would comprise semi-obscured views from: Ellesmere Road around Hencote Dairy through occasional gaps in the existing intervening vegetation and landform, short sections of Hencote Lane over the existing roadside hedge, the White House, mostly the upper storeys of dwellings on Winney Hill View, and potentially the upper storeys of a few dwellings on the west side of Ashfields Road and the Herongate Estate.

Potential adverse visual effects will be mitigated by siting the units in already largely enclosed spaces, intervening existing woodland and hedges and additional planting of woodland, hedges, large shrubs and extra heavy standard trees in and around the proposed glamping units. Car parking will be located within the existing parking area adjacent to the site offices and access to the units will be on foot only.

Publicly accessible viewpoints, which are generally recognised as most sensitive are few in number and the potential magnitude of private viewpoints is small. The proposed development areas are not visually linked with the winery/restaurant building and there are negligible cumulative visual effects with the existing glamping units. Therefore, I anticipate the overall effect on local visual amenity would be minor to negligible.

Landscape fabric and character

The development site comprises two areas. The upper 'Family' area consists of 0.41ha of existing amenity grassland surrounded by mature hedgerows on 3 sides and the cutting to the site access road on the fourth side. The lower 'Couples' area consists of 0.35ha of unimproved grassland and scrub surrounded by the sub valley landform on 3 sides and densely woodland on the fourth. Apart from some minor terracing to set the couples units into the hillside there will be minimal accommodation/infrastructure works required.

The fabric of the landscape setting will change only slightly, and the proposed buildings are principally temporary in nature. The landscape character of the site and setting are already influenced by the existing glamping development and access road, so that the magnitude of change can be construed as minimal. Additionally, all the proposed woodland, hedge, large shrubs and tree planting are appropriate to the local environment and will assist in assimilating the new structures in the setting. I was impressed with the quality and maintenance of planting works undertaken to accommodate the existing development, particularly

the large standard trees and hedges.

As the Applicant has pointed out, the cumulative baseline landscape could be interpreted as including the allocated housing development around Winney Hill View identified in the forthcoming Local Plan Review and the proposed Shrewsbury north western bypass to cross the field north of Hencote Lane. Therefore, taking account of the absence of landscape designations, the changing baseline environment, small scale of change, and proposed mitigation in terms of siting the structures and proposed planting, I anticipate the overall effect on the landscape fabric and character to be negligible.

4.0 **OFFICER APPRAISAL**

4.1 Members were predominantly concerned that the number of lodges proposed represented an overdevelopment of the site and that this would impact on the tranquil nature of the area and would have an adverse visual impact on the landscape in this prominent countryside location.

5 **Visual amenity/landscape character**

5.1 Whilst officers consider that the proposal for 26 lodges would not represent over development of the site or significantly adversely impact on visual amenity or landscape character the opinion of the Councils independent Landscape Consultant have been sought to review the position.

5.2 Since Committee considered the matter, the case officer and two principal officers have visited the site and surrounding area along with the Councils landscape consultant. It was agreed during this site visit that the only lodges that might impact on views out from the site towards Shrewsbury (viewed from the public footpath along Hencote Lane) were the 6 proposed lodges referred to as 'the collection'. It was also considered that these lodges would be sited in the most prominent of the three proposed locations representing development on the skyline when viewed from certain viewpoints. The applicant has therefore removed the 'collection' site from this application for change of use.

5.3 Now that the more prominent of the three sites has been omitted from the proposal officers consider that it is not necessary for the applicant to commission a suitably qualified Chartered Member of the Landscape Institute (CMLI) to undertake a Landscape Visual Impact Assessment (LVIA) or a Landscape and Visual Appraisal (LVA). The revised plans have been forwarded to the Councils landscape consultant who has provided an assessment of the impact of the 20 lodges now proposed (see paragraph 3.4 above).

5.4 This assessment concludes that the overall effect on local visual amenity would be minor to negligible and that the overall effect on the landscape fabric and character would also be negligible.

5.5 It is recognised by officers that although the site is not designated, local residents value this site primarily for the views of Shrewsbury out over the site from Hencote Lane that runs adjacent to the north. The 6 lodges that have now been omitted from the proposal would have been more visible from the lane than the other sites

but would not have completely obscured the views of Shrewsbury and the Shropshire Hills beyond. However, by omitting the 'collection' site the applicant hopes to alleviate any concerns regarding the impact on views towards Shrewsbury that might have prevented this proposal from being approved.

- 5.6 Similarly, the site for the 6 'collection lodges' is the only location where the lodges might have been visible from locations looking towards the site i.e. from sections of Ellesmere Road, Winney Hill, Ashfields Road and parts of Herongate estate. There is no right to a view from private dwellings and any views of the lodges from public spaces, roads or footpaths would have been minimal. Now that the 'collection' site has been omitted from the proposal it is considered that the remaining two sites for a total of 20 lodges would not adversely impact on visual amenity or the character and appearance of the landscape.

6 Impact on the tranquil nature of the area

- 6.1 As referred to in section 6 of the report to the December committee, officers consider that having regard to the current surrounding land uses and the existing development (restaurant and large outdoor seating area and the existing lodges) the addition of 26 lodges would not make any significant discernible difference to noise and disturbance in the locality.
- 6.2 Officers are of the opinion that any activity and noise generated by the 20 additional lodges now proposed in this amended scheme would not significantly impact on the 'tranquil nature of the area' referred to by some members of the committee. The site is close to the Shrewsbury urban area and the busy Ellesmere Road and it is not considered that 20 additional lodges would make any discernible difference to how the nature of the site is currently perceived.
- 6.3 Furthermore, and as observed by the agent on behalf of the applicant, the draft local plan approved by Cabinet in December proposes to allocate 450 houses to the south of the site. The draft plan also provides support in principle for the delivery of the Shrewsbury North West Relief Road to the north of the site. Given their current status, only limited weight can be given to either of these potential developments, however if they are approved then both would be expected to have far greater impact than 20 or 26 holiday lodges.

7 Intensification of the Site

- 7.1 Members expressed concern that an additional 26 lodges represented overdevelopment or an over intensification of the site but did not qualify this view. Section 6 of the December report outlined that the existing and proposed Lodges will occupy approximately 8% of the 60 acre estate leaving 18 acres in agricultural use and 37 acres of natural habitat which is over 60% of the site. The omission of the area for the siting of the 6 'collection' lodges reduces the area of the 60 acre site occupied by lodges to just under 8%.
- 7.2 The two areas now remaining within this application for change of use are separated from each other and the existing glamping area and are also some distance from the restaurant and winery. The 10 lodges to be sited on each of these two separate areas will also have open space and landscaping around each

individual lodge.

- 7.3 It is not considered that the proposal represents an over intensification of the holiday use of the overall site and would also not result in a significant intensification in traffic movements compared to the existing use of the overall site that includes the winery, the restaurant and 10 existing glamping units.

8 OTHER MATTERS

- 8.1 Although members resolution to refuse the application did not refer to traffic there was debate by members regarding the suitability of the access to serve additional lodges and it was commented that there should be no additional development along Ellesmere Road until the North West Relief Road is completed.
- 8.2 Officers' advice to members is that a refusal reason based on highway grounds could not be substantiated. The purpose-built access drive that was constructed to serve the winery, the restaurant and the 10 existing holiday lodges although predominantly single-track width has 3 passing places along its length. The access point to the Highway is double width with wide visibility splays in both directions. The NPPF (para 109) advises that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe. There is no evidence to support such a conclusion in this case.
- 8.3 Highways have already confirmed that the existing access is acceptable from a Highways perspective and that the traffic generated from a proposal for an additional 26 lodges is acceptable as is the parking provision.
- 8.4 Members suggested that policy MD11.6 and MD11.7 supported a refusal of the application. Those paragraphs are relevant, and the cumulative impact of the visitor accommodation, including the fact that lodges have a greater impact than touring caravans and camping sites, has been taken into account. For the reasons outlined it is not considered that there is any significant impact on the natural and historic assets, road network or over intensification of the site.

9.0 CONCLUSION

- 9.1. Taking into account the amended plans received and for the reasons given in this report officers strongly advise that the reason for refusal suggested by members at the December committee would be difficult to defend successfully if challenged at appeal and furthermore that pursuing the draft reason for refusal would put the Council at risk of an award of costs against it.
- 9.2 It is considered that the proposed development will provide high quality tourist and visitor accommodation in an accessible and sustainable location that will provide environmental enhancements, employment opportunities and economic benefits to the wider area. A safe means of access is provided, and the proposal will not generate significant amounts of traffic or impact on highway safety. Subject to compliance with the recommended conditions (and the conditions imposed on earlier approvals for management of the wider area) the proposed development would have no adverse impact on protected wildlife or habitats and would ensure

the protection of wildlife and provide ecological enhancements. It is considered that due to the location, landscaping and orientation of the proposed lodges the development would not significantly impact on views away from the site or of the site, or adversely impact on the character and appearance of the area and would not result in significant harm to the living conditions of occupiers of dwellings nearby.

9.3 The proposal is therefore considered to accord with the aims and provisions of the NPPF and local plan policies CS5, CS6, CS13, CS16, CS17 MD2, MD11 and MD12.

10.0 Risk Assessment and Opportunities Appraisal

10.1 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, i.e. written representations, hearing or inquiry.
- The decision may be 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 made 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.

10.2 Human Rights

Article 8 gives 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.

10.3 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 1990.

11.0 Financial Implications

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

12. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS5, CS6, CS13, CS16, CS17 MD2, MD11 and MD12.

RELEVANT PLANNING HISTORY:

15/03349/FUL Erection of a winery, visitor centre (to include a restaurant and event hall) and maintenance building; formation of courtyard, service yard, visitors car parking; landscaping to include boundary fencing and entrance gates; associated facilities GRANT 24th March 2016

17/04363/FUL Creation of a concierge 10 unit glamping site for tourism and leisure operation (using previously approved vehicular access); formation of car parking area GRANT 19th January 2018

19/04524/VAR Removal of Condition No. 8 attached to Planning Permission 17/04363/FUL dated 19 January 2018 (amended by application for variation of condition 18/04428/VAR) to allow the safari units to be occupied as holiday accommodation all year round GRANT 22nd November 2019

13. Additional Information

List of Background Papers

19/05538/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2TRNBTDJWC00>

Cabinet Member (Portfolio Holder): Councillor Gwilym Butler

Local Member: Cllr Alex Phillips

Appendices

APPENDIX 1: Conditions

APPENDIX 2: Committee Report 8 December 2020

APPENDIX 1: Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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

3. No above ground works 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.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

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

4. Development shall occur strictly in accordance with the recommendations set out in section 5 and section 7.3 of the Ecological Appraisal dated 05 August 2020.

Reason: To ensure the protection of wildlife and to provide ecological enhancements.

5. Prior to the commencement of the development a landscaping scheme shall be submitted to and approved in writing by the local planning authority. Landscaping shall be carried out in accordance with the approved plan. The works shall be carried out prior to the occupation of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and to provide visual and ecological enhancement of the site.

6. No more than 20 holiday lodges shall be sited on the approved site area and the layout of the site and the scale, design and appearance of the holiday lodges shall be as indicated on the submitted and approved plans.

Reason: In the interests of visual amenity.

7. The holiday lodges hereby permitted shall only be used to provide holiday accommodation and shall not be occupied as a person's sole, or main place of residence, and the site owner/operator shall maintain an up-to-date register of the names of all owners/occupiers of the holiday let on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To ensure that the approved accommodation is not used for unauthorised permanent residential occupation (C3 use) which would be contrary to National and Local Plan Policy.

APPENDIX 2: Committee report 8 December 2020



Committee and date

8 December 2020

Item

Public

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 19/05538/FUL	Parish:	Shrewsbury Town Council
Proposal: Change of use of land for the erection of 26 Holiday Lodges and provision of parking areas and associated landscaping		
Site Address: Hencote Farm Cross Hill Shrewsbury Shropshire SY4 3AA		
Applicant: Mr A Stevens		
Case Officer: Jane Raymond	email: planning.northern@shropshire.gov.uk	

Grid Ref: 348715 - 315214

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Recommendation: Grant Permission subject to the conditions set out in Appendix B.

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to change of use of agricultural land to allow for the provision of 26 Holiday Lodges and associated parking areas. 10 lodges are identified on the plans as 'Couples Retreat' and are small units aimed at couples and 16 larger lodges are labelled as 'The Collection' and 'Family Luxury'.
- 1.2 The proposal comprises 3 separate areas of additional holiday lodge accommodation. A couples area of 10, 1 bed 2 person studio open plan lodges on 0.87 acre, a family area of 10, 2 bed 6 person lodges on 1 acre and a luxury lodge area of 6, 2 bed 4 person lodges on 0.65 acre. A total of 2.52 acres.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is Hencote winery and vineyard that includes a restaurant, visitor centre and 10 glamping pods. The agent has advised that the current glamping site has been shortlisted in the 'Camping, Glamping, Holiday Park of the Year' at the inaugural West Midlands Tourism Awards.
- 2.2 The Hencote site is situated approximately one mile north of Shrewsbury town centre and is accessed off a private access drive off the A528 Ellesmere Road.
- 2.3 It is a 60acre site; 18 acres are vineyard and winery and there are currently 10 glamping units on 1.3 acres of the site. The total area of existing and proposed glamping and lodges will be approximately 8.5% of the estate. 18 acres of the 60acre site is vineyard and together with the existing and proposed glamping and holiday lodge accommodation will leave over 37 acres of natural habitat.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Town Council object to the application which has also been requested by the Local Member to be referred to the relevant Planning Committee within 21 days of electronic notification of the application. The Principal Planning Officer in consultation with the committee chairman and vice chairman agree that the issues raised are material considerations which warrant Committee consideration.

4.0 **Community Representations**

4.1 **- Consultee Comments**

- 4.1.1 **WSP on behalf of SC Drainage:** The review of the drainage strategy in the FRA is acceptable in principle. The drainage details, plan and calculations should be submitted for approval. Recommends a drainage condition and informative advice.
- 4.1.2 **WSP on behalf of SC Rights of way:** No comments to make on the application
- 4.1.3 **SC Trees:** No protected or important trees are affected by this proposal and I raise no objection on the grounds of trees. The submitted Ecology report makes recommendations for new sensitive landscaping works to enhance the site and prevent negative impacts upon the adjacent Old River Bed.

Therefore, a landscape scheme is required to include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance. Planting schedules shall include details of species, plant sizes and proposed numbers/densities, recommendations for native hedge and tree planting are included in the ecology report.

- 4.1.4 **SC Ecology:** Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

I have the read the submitted No Significant Effects Report Hencott Pool (Midlands Meres and Mosses Ramsar Phase 2 (Gerald Longley, August 2020), the Preliminary Ecological Appraisal (Gerald Longley, August 2020) and the Outline Wildlife Sensitive Lighting Plan (Gerald Longley, August 2020).

Habitats Regulations Assessment

This application has been considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to The Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations).

A Habitats Regulations Assessment matrix is included at the end of this response. The HRA matrix must be included in the Planning Officer's report for the application and must be discussed and minuted at any committee at which the planning application is presented.

Provided that the works are carried out as proposed, the proposed development will not adversely affect the integrity of Hencott Pool Ramsar phase 2.

Landscaping and lighting

I am happy with the level of survey work, the proposed landscaping plan and the lighting plan. Works should be carried out in accordance with the landscaping and lighting plans.

'A Habitat Management Plan for the wider Hencote estate was produced in 2019 (Arbtech, 2019). This plan included management prescriptions for some areas within the site surveyed for this report.'

4.1.5 **Shropshire Fire and Rescue:** Refers to advice and information available within Shropshire Fire and Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications.

4.1.6 **SC Highways:** No Objection – subject to the development hereby approved being constructed in accordance with drawing number 1937-PL-01.
The application plans do not implicitly show the access to the development within the red line boundary, but the application form states that no new vehicular or pedestrian access is proposed. Therefore, it is assumed that the access that was built to serve the Hencote vineyard will serve this development. This is acceptable from a highways perspective. Any variation from this access will need further consideration.

The generated traffic is acceptable as is the parking provision for the development.

4.2 - Public Comments

4.2.1 **Shrewsbury Town Council:** Objects to this planning application on the following grounds:

- Members have expressed concerns that these proposals to construct additional holiday accommodation represents an over-development of the site, especially in relation to the increasing number of development plans for this location;
- Members feel that the introduction of these additional units will spoil the view

of the countryside at this location;

- Given the topography of the land at this site, Members expressed concerns that these additional units will have a detrimental visual impact in an area where it is widely acknowledged to be a buffer zone where town meets countryside.

4.2.2 **Local Member:** I have looked at these plans in detail and spoken to the client's agent. As the application currently stands, I cannot support it. This is because:

1. It is a countryside site, so any extra activity should be limited and subservient to the main agricultural business that takes place on the site. The current 10 glamping units and restaurant could be considered subservient at a stretch, but the 26 units cannot and very much change the nature and use of the site.

2. Noise. Most campsites/glamping sites in Shropshire of similar or larger scale are not close to residential developments. This is (Herongate, plus the 8 homes at Winney Hill View are nearby) so the impact of noise, especially late evening, should be taken into account. The hillside location will amplify this. All in all, the scale of the extra development will have an unacceptable noise impact on nearby residents.

3. Highways. 26 extra units will generate extra traffic on an already over-congested Ellesmere Road, and cause too much turning traffic on a junction that does not have good site lines and experiences speeding traffic. The application also notes that there is not a pavement on the side road, so journeys into town (which the application says is an economic benefit) will be by car.

4. Visual impact. The application as it stands will be visible from Winney Hill View, Herongate and Ellesmere Road. The application says that there will be landscaping/shading, but these were promised for the previous glamping application, and these buildings are still very much visible from Winney Hill View/Herongate/Ellesmere View.

4.2.3 **Shrewsbury Civic Society:** Object summarised as follows:

- Is pleased to see that the location of the first phase of the holiday accommodation is generally concealed from public view.
- Concerned about the expansion which will result in the lodges being more visible, especially at night.
- If permitted the foundations and infrastructure should be minimal, to help prevent urbanising the site.
- An updated ecological assessment is required.
- Has already grown too much and no longer represents the original permission granted for a small, limited times enterprise accompanying the vineyard.

4.2.4 10 letters of objection summarised as follows:

- Despite enormous local opposition, the applicant obtained planning permission for a vineyard and winery on the basis that the site's primary business purpose would be growing vines and making wine - with a visitor centre with strict limits on numbers. Instead, this enterprise is rapidly turning into an ever expanding and intrusive holiday park, conference and entertainment venue.
- By stealth, and repeated applications, the trajectory of this historic farm is towards becoming a leisure/holiday complex with a restaurant, glamping pods and this latest expansion bid. The vineyard appears to play a secondary role.
- The winery and restaurant building itself is a blot on the landscape appearing as an industrial building from the surrounding countryside and from within Shrewsbury and the new lodges will have a further negative impact on the landscape and will be visually intrusive.
- This application would nearly quadruple the number of accommodation units at Hencote, a controversial hilltop location in a sensitive site of enormous landscape amenity value, close to an SSSI and conservation area.
- The scale of the proposed development is not suitable for the site which is in danger of becoming over developed creating a large-scale development unsuitable for its prominent location.
- From a winery to glamping and then to permanent pods might be the stepping-stones to even further development.
- The units would be easily visible from houses at Winney Hill View and along Ellesmere Road to the south but also from much of Herongate - because of their location and their scale.
- The proposed lodges are too numerous and too large, and the visual impact would not be far off a hilltop housing estate and will be visible for miles.
- No LVIA has been submitted to show how the lodges could appear in the landscape or setting out any mitigation proposals.
- The proposed facilities will detrimentally affect the local area behind the Hencote Estate, reducing the character of the area and disrupting tranquillity for wildlife.
- The proposal would be contrary to CS17 and 11 of the NPPF.
- The hedgerow along Hencote Lane is being allowed to grow to full height, shutting off the view over the town completely from ramblers and walkers.
- The lodges will increase traffic on the Ellesmere Road particularly over the

summer months and a Transport Statement has not been submitted.

- It is impossible to access the site by public transport unless you are prepared to walk a long way along the dangerously narrow pavement on Ellesmere Road.
- The proposed development will have a negative impact on the amenity of local residents. There is already a lot a noise on certain occasions and the lodges will increase noise nuisance. People staying in the lodges can be noisy late into the night.
- The over development of a winery and restaurant into a leisure facility will have a permanent negative effect on the quality of the lives of the residents of Winney Hill View due to noise.
- In the summer months when we are enjoying the evening in the garden, or have windows open at night, the guests at the glamping lodges have become noisy and disorderly whilst we assume they are having private parties.
- If the number of glamping units are nearly quadrupling, then the concern is the noise levels will do the same. Hencote guests come and go in just a weekend, and sadly some will not be concerned about their behaviour (including shouting and swearing) and how it may affect their neighbours.
- Will result in loss of privacy due to lodges built on the hillside overlooking residents in Winney Hill.
- Concerned that the loss of a view will depreciate property values.

5.0 THE MAIN ISSUES

Principle of development
Visual impact and landscaping
Ecological implications
Residential amenity
Access/Highway implications

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 National planning policy set out within the NPPF supports sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. The NPPF also supports the development and diversification of agricultural and other land-based rural businesses and ;promotes the creation of sustainable rural tourism including the provision of tourist and visitor facilities in appropriate locations.

6.1.2 The site is outside the development boundary for Shrewsbury and is therefore

considered to be in the countryside where the following adopted local plan policies are the most relevant in determining the principle of the proposed development in this location:

Core Strategy:

CS5 - Countryside and Green Belt

CS13 - Economic Development, Enterprise and Employment)

CS16 - Tourism, Culture and Leisure

SAMDev Policy:

MD11 - Tourism Facilities and Visitor Accommodation

- 6.1.3 Policy CS5 supports development proposals on appropriate sites which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to (among other proposals) sustainable rural tourism and leisure and recreation proposals which require a countryside location in accordance with CS16 and CS17.
- 6.1.4 Policy CS16 promotes the delivery of high quality, sustainable tourism, and cultural and leisure development and supports new and extended tourism development and schemes aimed at diversifying the rural economy for tourism provided they are appropriate in terms of their location, scale and nature and preserve existing natural features and where possible do not harm Shropshire's tranquil nature. CS16 also supports development of high-quality visitor accommodation in accessible locations served by a range of services and facilities, which enhance the role of Shropshire as a tourist destination to stay. Proposals are required to be of an appropriate scale and character for their surroundings and be situated close to or within settlements, or an established and viable tourism enterprise.
- 6.1.5 SAMDev Policy MD11(Tourism Facilities and Visitor Accommodation) also permits proposals for tourism, leisure and recreation that require a countryside location where the proposal complements the character and qualities of the site's immediate surroundings.
- 6.1.6 Core Strategy policy CS13 (Economic Development, Enterprise and Employment) seeks to diversify the Shropshire economy, support enterprise, and the delivery of sustainable economic growth and prosperous communities. It states that emphasis will be placed on areas such as supporting the development and growth of Shropshire's key business sectors, which includes tourism.
- 6.1.7 The 60acre site consists of approximately 37 acres of natural habitat and 18 acres of vineyard (which is agricultural use). The winery, visitor centre and restaurant were approved in March 2015 and the siting of the 10 existing glamping pods was approved in January 2018. Hencote is now an established rural business close to the urban area north of Shrewsbury and was approved as a rural diversification proposal ancillary to the vineyard. The proposed and existing holiday units together with the restaurant and visitor centre will occupy approximately 4 acres of the 60 acre site and it is considered that the scale of the proposed development would not represent over development of the site or an unacceptable intensification of the overall use of the site.

- 6.1.8 The expansion of the holiday accommodation at this existing successful enterprise will bring economic benefits to the town of Shrewsbury and the wider area, bringing visitors to both the town and the county that will support other local businesses.
- 6.1.8 Although it is acknowledged that there was some public opposition to the development of the visitor centre, restaurant and glamping site the business is now well established and has proved to be successful. The existing glamping pods are popular and well used throughout the year and there is a demand for more and alternative visitor accommodation. The provision of additional lodges at an existing site and in reasonably close proximity to Shrewsbury town centre is supported by both CS16 and MD11 in addition to CS5, and will help to enhance the role of Shrewsbury and Shropshire as a tourist destination to stay.
- 6.1.9 There are significant benefits to the proposal that outweigh any potential harm (which will be considered in the following paragraphs), including rural diversification, the provision of good quality tourist and visitor accommodation in an accessible and sustainable location, environmental enhancements, employment opportunities and the related economic benefits to the wider area. All of these benefits accord with the aims and provisions of the policies identified in 6.1.1 above, paragraph 83 of the NPPF and the principles of sustainable development.

6.2 Visual impact and landscaping

- 6.2.1 The NPPF at paragraph 170 advises that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).'

The site where the lodges will be located is not nationally or locally designated and is not identified within the development plan as being of special quality or landscape value.

- 6.2.2 The 'Old River Bed' part of which is a Site of Special Scientific Interest (SSSI) is situated to the south east of the site and 'Hencote Pool' to the north is also designated as a SSSI and is part of the Midland Meres and Mosses Ramsar (Wetlands of International Importance). It is considered that the proposal would have no adverse impact on the character and appearance of these designated sites or their setting within the wider landscape and ecological impacts will be considered in paragraphs 6.3 below.
- 6.2.2 Policies CS6 (Sustainable Design and Development principles), CS17 (Environmental Networks) and MD12 (The Natural Environment) aim to ensure that new development protects, conserves and enhances the natural, built and historic environment and does not have a significant adverse impact on Shropshire's environmental assets. MD11 requires proposals to be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where

appropriate.

- 6.2.3 The local member has commented that the proposed lodges will be visible from Winney Hill View (a new development to the south), and from Herongate and Ellesmere Road to the east of the site, and some residents have commented that the proposal will result in the loss of a view, however, there is no right to a view. The Town Council are concerned that the additional units *'will have a detrimental visual impact in an area where it is widely acknowledged to be a buffer zone where town meets countryside'*.
- 6.2.4 A landscape visual impact assessment (LVIA) and a landscaping scheme have been submitted. The LVIA provides a series of photographs taken from a variety of locations and like the existing glamping accommodation it is considered that the proposed lodges will be barely visible in views from the majority of vantage points to the south and east of the site. The site is not in designated Greenbelt or otherwise protected landscape such as AONB or conservation area and it is considered that the area where the lodges will be located has no particular quality or landscape value that might differentiate it from any other rural or countryside location.
- 6.2.5 The proposed lodges and decking areas will be constructed of timber built off timber posts driven into the ground and are 'hobbit hut' in style and appearance. The proposed scale, design, material and colour of the lodges will help them blend into the natural landscape unlike static caravans which would not be acceptable. Another benefit of the proposed lodges and their method of installation is that they could easily be removed and the ground reinstated if no longer required.
- 6.2.6 The proposal includes a landscaping scheme that in addition to tree and shrub planting around the proposed lodges indicates two large areas of tree planting that will be planted with native species as indicated in 7.4 of the Ecological report, one area is referred to as 'copse'. This tree planting is in addition to the recent tree and shrub planting as part of the landscaping associated with the earlier development of the site. The proposed 'copse' will screen the development from the nearest property (The White House) situated immediately to the east of the area proposed for the 'family luxury' lodges.
- 6.2.6 The submitted documents indicate that careful consideration has been given to the location, landscaping and orientation of the existing and proposed lodges and that the only units with the potential for 'glimpsing visibility' will be those located in the 'Couples retreat' area. These are proposed to be set in the existing valley between the existing glamping site and the rear of Winney Hill. These units will be set below the crest of Winney Hill and in addition to the proposed landscaping the views of the proposed lodges from Ellesmere Road and the properties to the east will be minimised.
- 6.2.7 The location where the existing and proposed lodges will be most visible is from Hencote Lane to the east and north as the proposed family area and luxury area will be sited adjacent to the northern boundary of the site. However, this area is adjacent to the existing glamping area and the winery and restaurant building and this close up view of the lodges will be screened by a boundary hedge once matured but in the short term by the proposed woven willow fencing.

6.2.8 It is considered that having regard to the scale, design, appearance and siting of the proposed lodges and the existing and proposed landscaping of the site the development would have no adverse impact on the character and appearance of the locality and the wider landscape. It is considered that the rural character of the area will not be significantly affected, and the site will be visually and ecologically enhanced by the planting proposed.

6.3 **Ecological implications**

6.3.1 The site is within 600metres of Hencott Pool which is part of the Midland Meres and Mosses Ramsar phase 2. As the proposal has the potential to adversely affect a designated site of international importance for nature conservation, the likelihood and significance of these potential effects must be investigated and a Habitats Regulations Assessment (HRA) undertaken.

6.3.2 More detailed information was sought from the applicant in order to consider whether the project would have any significant effects on Hencott Pool or have an adverse effect on the integrity of this site. The submitted 'No Significant Effects Report Hencott Pool (Midlands Meres and Mosses Ramsar Phase 2 (Gerald Longley, August 2020)' has been reviewed by the Councils Ecologist and a HRA is included in Appendix A. The Councils Ecologist has undertaken the required 'Appropriate Assessment' which concludes that the proposed works will not adversely affect the integrity of Hencott Pool Ramsar phase 2, either alone or in-combination with other plans or projects, providing the development is carried out according to the details submitted. The Councils Ecologist has also confirmed that there is no legal barrier under the Habitats Regulations Assessment process to planning permission being granted in this case.

6.3.3 In addition to the 'No significant effects report' a 'Preliminary Ecological Appraisal' and an 'Outline Wildlife Sensitive Lighting Plan' has been submitted. These have been reviewed by the Councils Ecologist who has confirmed that the level of survey work is satisfactory and is happy with the proposed landscaping and lighting plan.

6.3.4 The existing and proposed Lodges will occupy approximately 8% of the 60 acre estate leaving 18 acres in agricultural use and 37 acres of natural habitat which is over 60% of the site. It is considered that subject to compliance with the recommended conditions and also the conditions imposed on earlier approvals for management of the wider area the proposed development would have no adverse impact on protected wildlife or habitats and would ensure the protection of wildlife and provide ecological enhancements as required by MD12 and CS17.

6.4 **Residential amenity**

6.4.1 Policy CS6 and MD2 seek to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development *'creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'*.

- 6.4.2 The majority of concerns with regards to residential amenity relate to noise and disturbance and that future occupiers of the holiday lodges would not have the same regard for their neighbours as occupiers of residential properties. The proposal includes 10 lodges located in an area described as 'Couples Retreat' and are small 1 bedroom units aimed at couples. These lodges would be located over 250 metres away from the nearest residential properties situated east of Ellesmere Road and over 350 metres away from the new houses at Winney Hill to the south which is where the majority of the concerns have been received.
- 6.4.3 16 larger 2 bedroom lodges that can accommodate 4 are labelled as 'The Collection 1 - 6' and 'Family Luxury 1 - 10', and are located further away from the properties to the east and south east but closer to 'The White House' a detached house to the east. A landscaped area planted with trees indicated to be 'copse' on the plan will screen both the view and the activity associated with the development from this property.
- 6.4.4 Whilst it is considered that holiday makers might sometimes make a little more noise than homeowners using their gardens in summer months (both during the daytime and evenings) it is considered that the provision of 26 lodges aimed at couples and families and groups of four would not make any significant discernible difference to noise and disturbance in the locality having regard to the existing use of the site and the surrounding land uses. These include the busy Ellesmere Road, the children's play area opposite the site entrance, the existing restaurant and outdoor seating area and the sites location adjacent to the urban built up area.
- 6.4.5 The agent has responded to the concern regarding noise and has advised that *'occupants of the units are requested to respect their neighbours both in adjacent units and in the broader setting as part of the induction to the site and its facilities and the client folder reiterates this, some clients may become noisy at times and depending on the prevailing wind direction conversation may be heard some distance away, if complaints are made, then the management will intervene and instruct the clients to respect their neighbours'*.
- 6.4.6 It is considered that the proposed use is not an inherently inappropriate and unneighbourly form of development and the proposed lodges are intended to offer quality accommodation at a tranquil rural retreat. Planning decisions must be based on an assumption that occupiers of either residential dwellings or holiday accommodation will behave in an appropriate and considerate manner having regard to their surroundings and neighbours, whether these are visitors or residents. It is considered that the proposal would not result in significant or unacceptable levels of noise and disturbance for nearby residents.
- 6.4.7 Due to the distance from the dwellings to the south and east the proposal could not be considered to result in a loss of privacy and although the view from some of these residential properties might include distant glimpses of the proposed lodges there is no right to a view. Similarly, the impact on house values is not a material consideration and any concerns about light pollution from the existing development are covered by the earlier permissions and conditions attached to those decisions.
- 6.4.8 The Council's Ecologist has confirmed that the lighting proposal for this development is satisfactory and would have no adverse impact for wildlife. It is

considered that the lighting proposal would also have no adverse impact on residential or local amenity.

6.5 Access/Highway implications

6.5.1 Concern has been raised regarding additional traffic having an adverse highway impact. The NPPF advises that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.

6.5.2 CS6 requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car-based travel to be reduced but at the same time include appropriate car parking provision and appropriate vehicular access. Policy MD2 requires development to incorporate adequate on-site car parking to ensure that cars do not overspill onto surrounding roads and therefore negatively impact on the local road network.

6.5.3 Adequate parking is provided for each lodge and once visitors have arrived by car there are opportunities for visitors to walk, cycle or use public transport to visit the town centre or other towns, or to enjoy the surrounding countryside. Whilst it is anticipated that the majority of visitors will arrive by private car there is also the opportunity for some visitors to arrive in Shrewsbury by train or bus and to get a taxi to the site. The location of the site is considered to be a benefit to the proposal compared to many holiday parks that are situated in rural countryside locations remote from any town or village or any public transport.

6.5.4 Access to the proposed lodges will be via the new access that was built to serve the Hencote vineyard and restaurant and is considered to be more than adequate to serve the additional lodges. Highways have reviewed the application and have not requested a detailed transport or traffic assessment and consider that the traffic generated by the proposal and the parking provision is acceptable. It is considered that the proposal would not generate significant amounts of traffic or impede the free flow of traffic on this part of Ellesmere Road or exacerbate the existing congestion experienced closer to the town centre at peak times.

6.6 Drainage

6.6.1 A Flood Risk Assessment (FRA) has been submitted as the site is greater than one hectare but it is not at risk of flooding. The FRA includes a drainage strategy that has been reviewed by the Drainage team who have confirmed that the strategy is acceptable and recommends a condition requiring submission of the detail. The recommended drainage condition is included in appendix B.

7.0 CONCLUSION

7.1 It is considered that the proposed development will provide high quality tourist and visitor accommodation in an accessible and sustainable location that will provide environmental enhancements, employment opportunities and economic benefits to the wider area. A safe means of access is provided, and the proposal will not generate significant amounts of traffic or impact on highway safety. Subject to compliance with the recommended conditions (and the conditions imposed on

earlier approvals for management of the wider area) the proposed development would have no adverse impact on protected wildlife or habitats and would ensure the protection of wildlife and provide ecological enhancements. It is considered that due to the location, landscaping and orientation of the proposed lodges the development would not significantly change views of the site or adversely impact on the character and appearance of the area and would not result in significant harm to the living conditions of occupiers of dwellings nearby.

7.2 The proposal is therefore considered to accord with the aims and provisions of the NPPF and local plan policies CS5, CS6, CS13, CS16, CS17 MD2, MD11 and MD12.

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, i.e. written representations, hearing or inquiry.
- The decision may be 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 made a) promptly and b) in any event not later than three months 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 gives 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 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar 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: NPPF

Core Strategy and Saved Policies: CS5, CS6, CS13, CS16, CS17 MD2, MD11 and MD12.

RELEVANT PLANNING HISTORY:

15/03349/FUL Erection of a winery, visitor centre (to include a restaurant and event hall) and maintenance building; formation of courtyard, service yard, visitors car parking; landscaping to include boundary fencing and entrance gates; associated facilities GRANT 24th March 2016

17/04363/FUL Creation of a concierge 10 unit glamping site for tourism and leisure operation (using previously approved vehicular access); formation of car parking area GRANT 19th January 2018

19/04524/VAR Removal of Condition No. 8 attached to Planning Permission 17/04363/FUL dated 19 January 2018 (amended by application for variation of condition 18/04428/VAR) to allow the safari units to be occupied as holiday accommodation all year round GRANT 22nd November 2019

11. Additional Information

List of Background Papers

19/05538/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2TRNBTDJWC00>

Cabinet Member (Portfolio Holder): Councillor Gwilym Butler

Local Member: Cllr Alex Phillips

Appendices

APPENDIX A: Habitats Regulations Assessment (HRA) Screening Matrix

APPENDIX B: Conditions

APPENDIX A: Habitats Regulations Assessment (HRA) Screening Matrix**1.0 Introduction**

The proposal described below has the potential to adversely affect a designated site of international importance for nature conservation. The likelihood and significance of these potential effects must be investigated.

This is a record of the Habitats Regulations Assessment (HRA) of the project at Hencote Farm Cross Hill Shrewsbury Shropshire SY4 3AA (19/05538/FUL), undertaken by Shropshire Council as the Local Planning Authority. This HRA is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2017, in accordance with the EC Habitats Directive (Council Directive 92/43/EEC) before the council, as the 'competent authority' under the Regulations, can grant planning permission for the project. In accordance with Government policy, the assessment is also made in relation to sites listed under the 1971 Ramsar convention.

Date of completion for the HRA screening matrix:

9th November 2020

HRA screening matrix completed by:

Sophie Milburn Assistant Biodiversity Officer sophie.milburn@shropshire.gov.uk Tel.: 01743 254765
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2.0 HRA Stage 1 – Screening

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider if the impacts are likely to be significant. Following recent case law (*People Over Wind v Coillte Teoranta C-323/17*), any proposed mitigation measures to avoid or reduce adverse impacts are not taken into account in Stage 1. If such measures are required, then they will be considered in stage 2, Appropriate Assessment.

2.1 Summary Table 1: Details of project

Name of plan or project	19/05538/FUL Hencote Farm Cross Hill Shrewsbury Shropshire SY4 3AA
Name and description of Natura 2000 site	Most of Hencott Pool is swamp carr on very wet peat dominated by alder <i>Alnus glutinosa</i> and common sallow <i>Salix cinerea</i> with frequent crack willow <i>Salix fragilis</i> . Although there are considerable areas of bare peat beneath the trees, there is a rich flora of fen plants. The site is notable for the size of its population of elongated sedge <i>Carex elongata</i> . Other uncommon species include purple smallreed <i>Calamagrostis canescens</i> , cyperus sedge <i>Carex pseudocyperus</i> , cowbane <i>Cicuta virosa</i> , great spearwort <i>Ranunculus lingua</i> and fine-leaved water dropwort

	<p><i>Oenanthe aquatica</i>. There are locally extensive moss carpets of <i>Calliergon cordifolium</i>, <i>C. cuspidatum</i> and <i>Sphagnum squarrosum</i>.</p> <p>Hencott Pool is included in the Midland Meres and Mosses Ramsar phase 2 for its carr habitat and the species <i>Carex elongata</i> and <i>Cicuta virosa</i>.</p>
Description of the plan or project	<p>Erection of 26 Holiday Lodges; parking areas to include change of use of land</p> <p>The following potential effect pathways have been identified:</p> <ul style="list-style-type: none"> - Air pollution - Hydrological impacts - Recreational - Introduction of invasive species
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	<p>20/00385/OUT - A hybrid (full and outline) application comprising: Outline application, to include access, for employment development (up to 10,357sqm (111,482sqf), associated landscaping, infrastructure works, car parking, servicing and vehicular, pedestrian circulation; full application (Section 73A, retrospective) relates to associated infrastructure works including electricity sub station and estate roads forming means of access to each plot (amended description)</p> <p>20/00362/SCR - Environmental Impact Assessment (EIA) Screening Opinion for a hybrid (full and outline) planning application comprising: outline application for employment development comprising B1 (B), (C) / B2 / B8 use class with ancillary B1(A) office space and/or sui generis employment uses (up to 10,357m² (111,482ft²)(GEA)), associated landscaping, infrastructure works, car parking, servicing and vehicular, pedestrian circulation, and full application (retrospective) for associated infrastructure works including electricity substation and estate roads forming means of access to each plot</p> <p>20/02631/FUL - Mixed commercial development comprising industrial building (B1c, B8) with trade counter uses; 80-bed hotel; restaurant and bar; coffee shop with drive-through facility; associated access, parking, drainage and landscaping scheme to include diversion of public right of way</p> <p>20/03355/OUT - Outline application (access for consideration) for the residential development of up to 28 dwellings; to include some demolition and some tree removal</p>

2.2 Initial screening for likelihood of significant effects

Potential effect pathways have been identified and Hencott Pool has been screened against these.

Table 2 – Initial screening for likelihood of significant effects

European designated site	Distance from project site	Site vulnerabilities	Potential effect pathways
Hencott Pool, part of Midlands Meres and Mosses Ramsar phase 2	635m	<ul style="list-style-type: none"> - Eutrophication, mainly from surrounding agricultural run-off. - Lowering of the water table from surrounding activities. - Invasive species, in particular Canada geese that graze, trample and enrich the vegetation. 	<ul style="list-style-type: none"> - Air pollution - Hydrological impacts - Recreational - Introduction of invasive species

2.3 Summary of Stage 1 screening

There are potential pathways for likely significant effects between the project and Hencott Pool Ramsar phase 2.

Shropshire Council has sought more detailed information from the applicant in order to consider if the project will have any significant effects on Hencott Pool Ramsar phase 2 or have an adverse effect on the integrity of this site.

3.0 HRA Stage 2 Appropriate Assessment

This appropriate assessment is based on the No Significant Effects Report Hencott Pool (Midlands Meres and Mosses Ramsar Phase 2 (Gerald Longley, August 2020).

Table 3 – Further assessment of potential impacts

General effect pathway	Potential impact	Consideration of potential impacts
Air pollution	Dust from construction	Lodges will be constructed on decking secured by posts driven into the ground, therefore no dust will be created. Trenching for services will involve small scale excavations undertaken over a short period of time and will not create significant dust.
	Emissions from increased vehicle movements during construction and from visitors to the site	Hencott Pool is over 200m from the site and from the A or B roads which construction vehicles and visitors travelling to and from the site would use. No likely significant effects as a result of increased traffic are anticipated.
	Increased nitrogen oxides, sulphur dioxide particulate matter and other pollutants from residential combustion processes	Hot tubs outside each lodge will be wood fired. The use of well-seasoned and dried wood along with regular maintenance will minimise particulate emissions. As Hencott Pool is over 600m from the project site, no likely significant effects are anticipated.
Hydrological impacts	Pollution from waste water/sewage	Waste water/sewage from the new lodges is to be treated in an existing on-site package treatment plant with an outfall to the south, the opposite direction from Hencott Pool. The development site slopes down to south, away from Hencott Pool.
	Changes to groundwater through abstraction	There will be no abstraction. Potable water for domestic use within the lodges will be provided via an existing water main adjacent to the existing service road.
	Changes to surface water quantity/quality	Hencott Pool is at the same level (80m) as the northern boundary of the site. The land between slopes up slightly

		from the development site and then down slightly. The site slopes down to the south (away from Hencott Pool). All surface and waste water drainage, whether designed or accidental, from the site will be to the south and will not impact Hencott Pool.
Recreational	Increased hunting pressure from domestic animals	Pets will not be permitted in the new glamping villages.
	Increased deposition of dog faeces through new or increased numbers of visitors	Pets will not be permitted in the new glamping villages.
	Damage from increased bikes and other vehicles	There is no legal access for vehicles and bikes to Hencott Pool. Visitors would need to carry a bike over two kissing gates to access the site. A site visit by Gerald Longley on 5th August 2020 did not observe any attempts at illegal off-road biking.
	New or increasing visitor numbers causing interference with grazing and other management designed to maintain the features of the international site	A site visit by Gerald Longley on 5th August 2020 did not observe any signs of management at Hencott Pool. This echoes reports in previous surveys of the site being unmanaged (or nearly so) for many years. Any visitors to Hencott Pool will therefore not interfere with management.
	Disturbance caused by noise during construction or use/occupation	As Hencott Pool is over 600m from the project site, noise is not considered an issue.
	Increased trampling and physical damage of international site by additional visitors	<p>There is no formal public access to Hencott Pool. A public footpath leads from Hencote Lane (to the northwest of the site) across fields and around the east edge of Hencott Pool. Although marked on some OS maps as The Marches Way Long Distance Footpath, the path is not signed as such on the ground and does not form part of The Shropshire Way or any other local circular route promoted on Shropshire's Great Outdoors website. A small path runs around part of the north edge of Hencott Pool running through the woodland and then out into a field to the north but no other access for people.</p> <p>There is potential for a small increase in people walking the public footpath and possibly passing through the north side of the woodland around Hencott Pool on the small informal path. This path does not pass through areas or carr or close to areas where <i>Carex elongate</i> has been recorded so would not cause damage to the habitat or plants Hencott Pool is notified for.</p> <p>Leaving the path would involve walking through vegetation and/or on soft ground, particularly in winter or after heavy rain. In summer the shady, damp woodland is home to many biting insects and thorough exploration of the site is considered unlikely to appeal to most visitors to Hencote Farm.</p> <p>Hencote Farm have no plans to promote Hencott Pool to visitors as a destination to visit.</p>
Introduction of invasive species	Introduction or spreading of invasive species or diseases, e.g. through vehicle movement or by boats, people or dogs, or introduction of fish or non-native plants	<p>There is no access for vehicles or boats from the site to Hencott Pool. There is no open standing water so the site is unsuitable for fishing.</p> <p>The likelihood of introducing fish, disease or non-native plants by small numbers of visitors to Hencote Farm who may walk the footpath are considered insignificant.</p>

4.0 Summary of HRA Screening Appropriate Assessment

The proposed development will not result in any significant effects on Hencott Pool and no adverse effects on site integrity are anticipated, alone or in combination with other plans and projects.

5.0 Final conclusions

Following Stage 1 screening, Shropshire Council concluded that possible effect pathways exist between Hencott Pool Ramsar phase 2 and the project site. Shropshire Council has carried out an Appropriate Assessment of the project, considering further information. The Appropriate Assessment concludes that the proposed works under planning application 19/05538/FUL will not adversely affect the integrity of Hencott Pool Ramsar phase 2, either alone or in-combination with other plans or projects, providing the development is carried out according to the details submitted.

There is no legal barrier under the Habitats Regulations Assessment process to planning permission being granted in this case.

6.0 Guidance on completing the HRA Screening Matrix

The Habitats Regulations Assessment process

Essentially, there are two ‘tests’ incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the ‘significance test’ and the other known as the ‘integrity test’. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the ‘integrity test’ need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –

- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context ‘likely’ means “probably”, or “it well might happen”, not merely that it is a fanciful possibility. ‘Significant’ means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitats Regulations Assessment of Local Development Documents (Revised Draft 2009).

Habitats Regulations Assessment Outcomes

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted.

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulations Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

APPENDIX B: Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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

3. No above ground works 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.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

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

4. Development shall occur strictly in accordance with the recommendations set out in section 5 and section 7.3 of the Ecological Appraisal dated 05 August 2020.

Reason: To ensure the protection of wildlife and to provide ecological enhancements.

5. All hard and soft landscape works shall be carried out in accordance with the approved plan. The works shall be carried out prior to the occupation of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and to provide visual and ecological enhancement of the site.

6. No more than 26 holiday lodges shall be sited on the approved site area and the layout of the site and the scale, design and appearance of the holiday lodges shall be as indicated on the submitted and approved plans.

Reason: In the interests of visual amenity.

7. The holiday lodges hereby permitted shall only be used to provide holiday accommodation and shall not be occupied as a person's sole, or main place of residence, and the site owner/operator shall maintain an up-to-date register of the names of all owners/occupiers of the holiday let on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To ensure that the approved accommodation is not used for unauthorised permanent residential occupation (C3 use) which would be contrary to National and Local Plan Policy.