

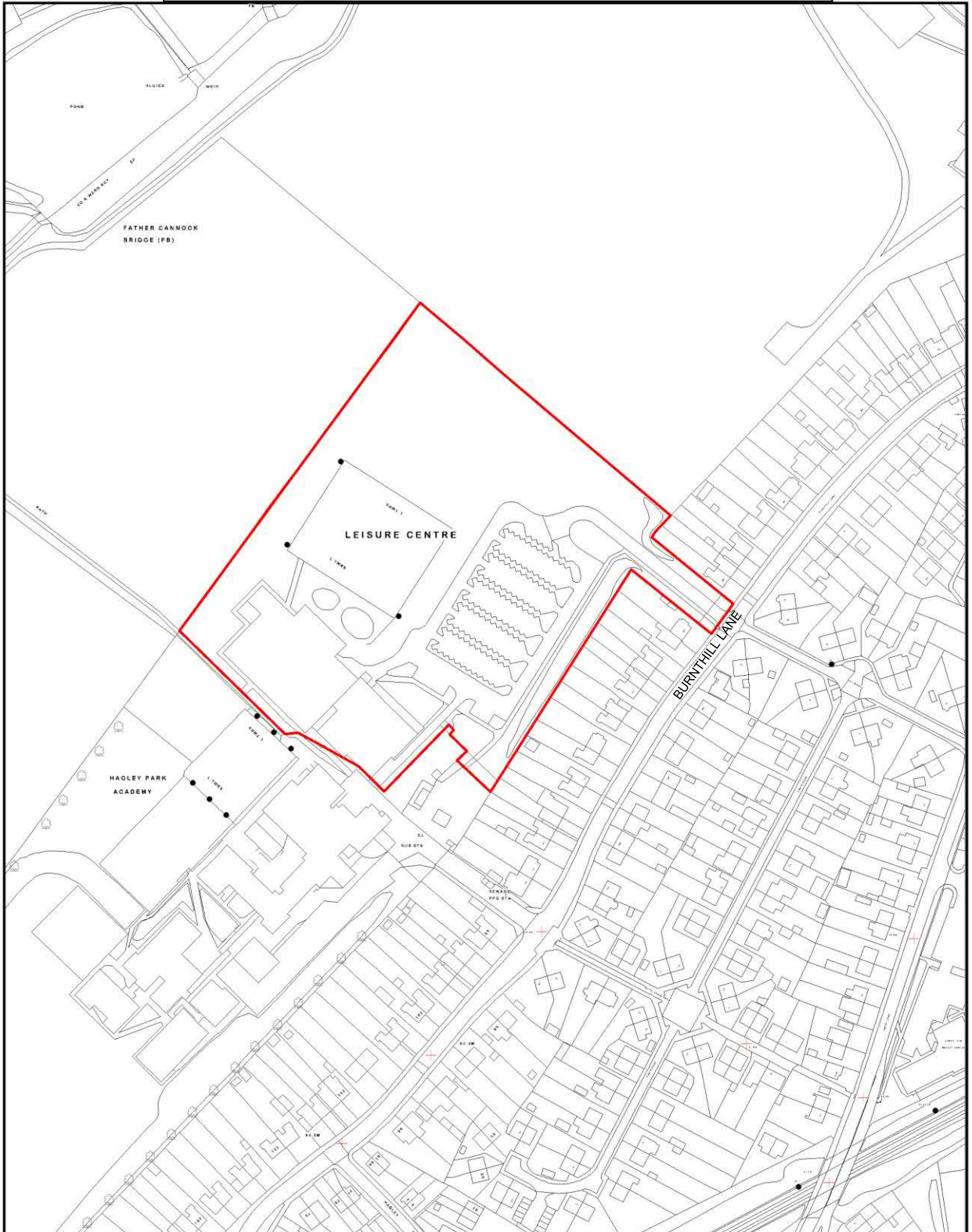


Application No: CH/20/043

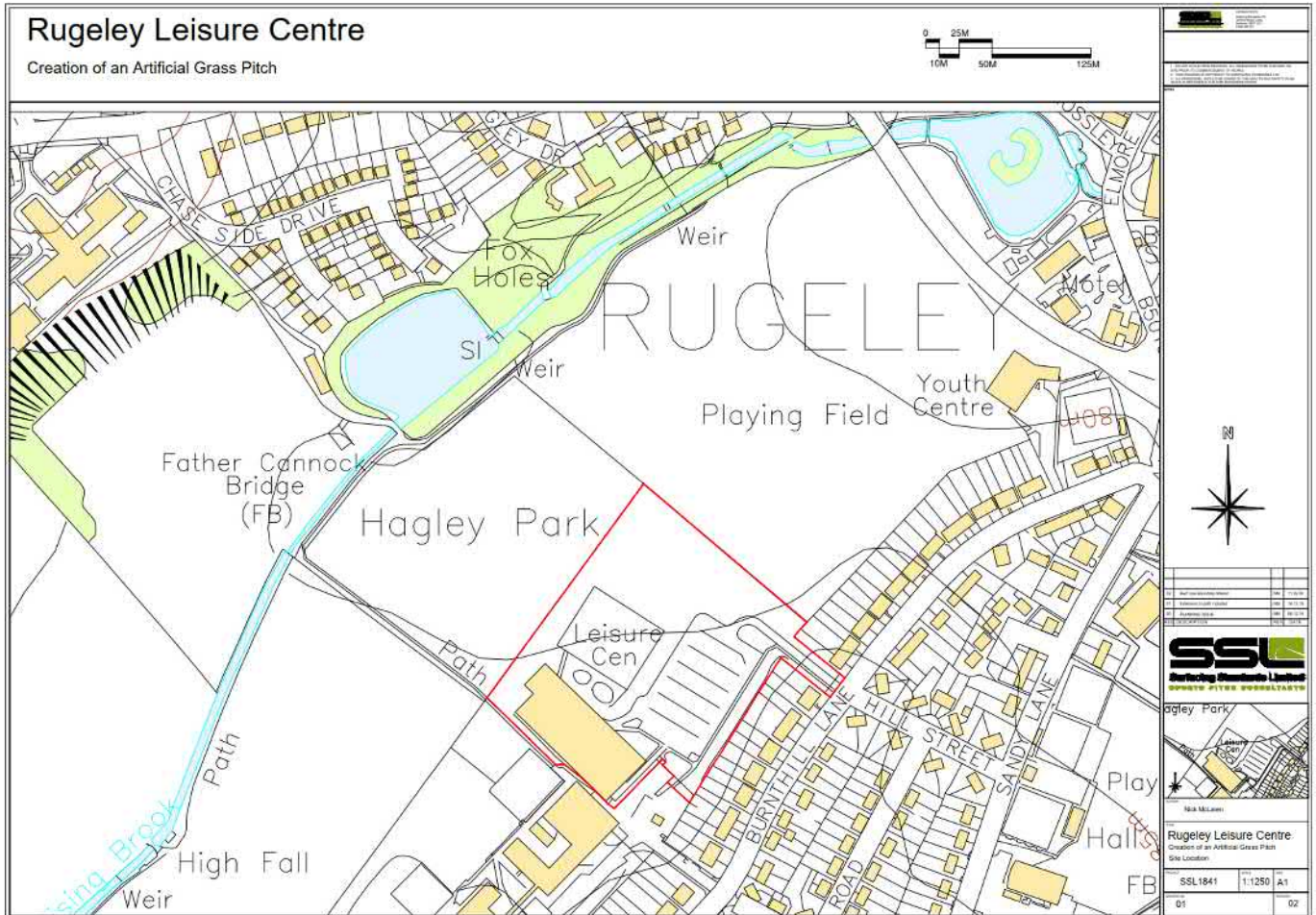
Location: Rugeley Leisure Centre, Burnthill Lane, Rugeley, WS15 2HZ

Proposal: Creation of a 3G Artificial Grass Pitch (AGP) with fencing, floodlighting, storage container, access pathways and a floodlit car park extension.

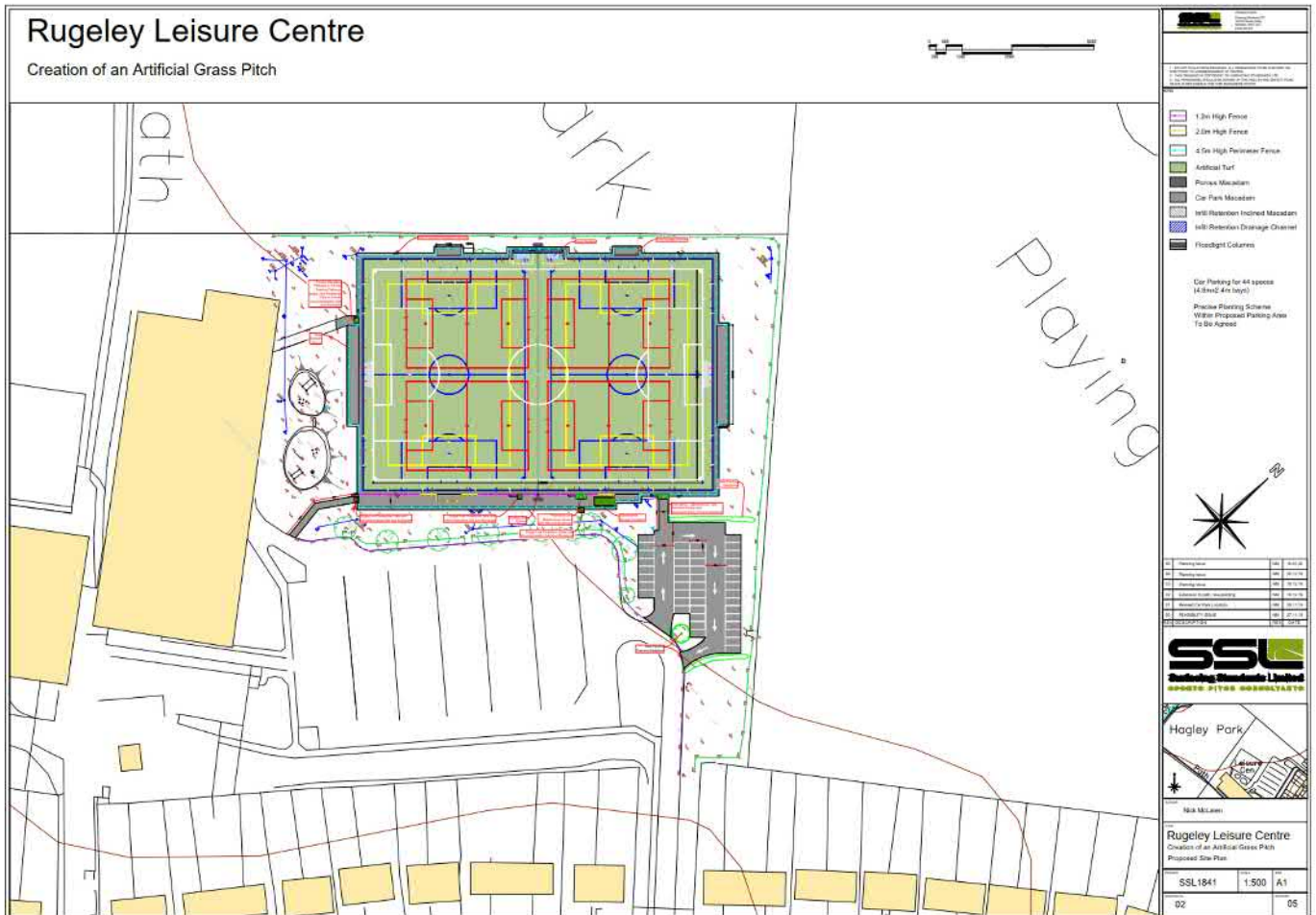
ITEM NO. 6.1



Location Plan



Proposed Site Plan



PAGE INTENTIONALLY BLANK

Contact Officer:	Richard Sunter
Telephone No:	01543 464 481

PLANNING CONTROL COMMITTEE

25 MARCH 2020

Application No:	CH/20/043
Received:	11-Feb-2020
Location:	Rugeley Leisure Centre, Burnthill Lane, Rugeley, WS15 2HZ
Parish:	Rugeley
Description:	Creation of a 3G Artificial Grass Pitch (AGP) with fencing, floodlighting, storage container, access pathways and a floodlit car park extension.
Application Type:	Full Planning Application

RECOMMENDATION:

That the Application be Approved subject to the conditions in this report.

Reason(s) for Recommendation:

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and/ or the National Planning Policy Framework.

Conditions (and Reasons for Conditions):

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved

in writing by the Local Planning Authority. The agreement shall apply to the artificial grass pitch and include details of a usage plan, pricing policy, hours of use, access by educational establishment users, local football clubs and other community groups, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason:

To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Local Plan Policy CP5.

3. The football pitch(es) hereby approved shall not be used outside of the hours of

Monday to Friday	08:00 to 22:00 hrs
Saturday	08:00 to 16:00 hrs
Sunday	10:00 to 20:00 hrs

Reason

In the interests of protecting the amenity of the occupiers of the neighbouring residential properties.

4. No part of the development hereby approved shall commence until a scheme detailing the external environment-landscape, including planting, fencing, walls, surface treatment & construction details for the site has been submitted to and approved by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'. The approved landscape works shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner

Reason

In the interest of visual amenity of the area and in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

5. No part of the development hereby approved shall commence or any actions likely to interfere with the biological function of the retained trees and hedges shall take place, until details for tree and hedge protection have been submitted to and approved by the Local Planning Authority and the works comprising the approved scheme have been implemented. Details shall include the position and construction of all fencing and the care & maintenance of the trees & hedges within. The hedge and tree protection works shall be retained throughout the construction phase of the development.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

6. The car park extension hereby approved shall not be brought into use until a scheme for the fitting of two electric charging points for electric vehicles either within the car park extension or the existing car park has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been completed. The works shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of improving air quality and combatting climate change in accordance with policy CP16 and the National Planning Policy Framework.

7. No development shall begin until the following elements of a surface water drainage design have been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must demonstrate:

- Surface water drainage system(s) designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015).
- SuDS design to provide adequate water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus climate change in accordance with the guidance in the SCC SuDS Handbook. Provision of surface water runoff attenuation storage to achieve the limited discharge.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

Reason

To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development.

8. The development hereby permitted shall not be commenced until a scheme for the removal and replanting of the mature Oak Tree identified as tree T8 in the Arboricultural Report has been submitted to and approved in writing by the Local Planning Authority. The sports pitch shall not be brought into use until the works comprising the approved scheme have been implemented in full.

Reason

In the interest of conserving biodiversity in accordance with Local Plan Policy CP12 and paragraphs 170 and 174 of the NPPF.

9. No part of the development hereby approved shall commence or any actions likely to interfere with the biological function of the retained trees and hedges shall take place, until details for tree and hedge protection have been submitted to and approved by the Local Planning Authority. Details shall include the position and construction of all fencing and the care & maintenance of the trees & hedges within.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

10. Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout drawing shall be erected to the approved layout.

Within the enclosed area known as the Tree Protection Zone, no work will be permitted without the written consent of the Local Planning Authority. No storage of material, equipment or vehicles will be permitted within this zone. Service routes will not be permitted to cross the Tree Protection Zones unless written consent of the Local Planning Authority is obtained. The Tree Protection Zone will be maintained intact and the vegetation within maintained until the cessation of all construction works or until the Local Planning Authority gives written consent for variation.

Reason

To ensure the retention and protection of the existing vegetation which makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

11. No part of the development hereby approved shall commence until a scheme detailing the external environment-landscape, including planting, fencing, walls, surface treatment & construction details for the site has been submitted to and approved by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'.

Reason

In the interest of visual amenity of the area and in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

12. The approved landscape works shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

Reason

In the interest of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

13. The development hereby permitted shall be carried out in accordance with the following approved plans:

SSL1841/01 Revision 02: Site Location

SSL1841/02/Revision 05: Proposed Site Plan

SSL1841/04 Revision 02: Proposed AGP Elevations

SSL1841/05 Revision 00: Proposed Flood Lighting Scheme

SSL1841 Proposed AGP Materials and Appearance

Optivision LED gen3-Smart Area and Recreational Sports Lighting, 2019, April 29.

Rugeley Leisure Centre Artificial Turf Pitch Maintained Illuminance >200lux

Uniformity Ratio (Ev.min/Ev.ave) < 0.60., CalcLux Area 7.9.0.0

Arboricultural Report, Rugeley Leisure Centre

Reason

For the avoidance of doubt and in the interests of proper planning

Consultations and Publicity

External Consultations

Rugeley Town Council

No comments received.

Sport England

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link: https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

The Proposal and Impact on Playing Field

The proposal entails the enlargement of an existing small sided 3G pitch to create a full sized 3G pitch with fencing, floodlighting storage container, access pathways and a floodlit car park extension.

Assessment against Sport England Policy

This application relates to the provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the above policy, which states:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 5.

Sport England will assess the potential benefit of the new or extended sports facility by taking into account a number of considerations. As a guide, these may include whether the facility:

- meets an identified local or strategic need e.g. as set out in a local authority or NGB strategy (rather than duplicating existing provision);
- fully secures sport related benefits for the local community;
- helps to meet identified sports development priorities;
- complies with relevant Sport England and NGB design guidance;
- improves the delivery of sport and physical education on school sites; and
- is accessible by alternative transport modes to the car.

Proposals will also need to demonstrate that the loss of any area of playing field will not have an unacceptable impact on the current and potential playing pitch provision on the site. For example, it is unlikely that a loss would be acceptable if:

- it would result in the main user (e.g. a school or a club) being unable to meet their own minimum requirements for playing pitches (the Department for Education provide area guidelines for playing fields at existing schools and academies).
- other users would be displaced without equivalent replacement provision;
- it would materially reduce the capability and flexibility of the playing field to provide for a range of sports and natural grass playing pitches; or the area of playing field is significant in meeting local or strategic needs.

The Council's Playing Pitch Strategy (PPS) identifies that there is a shortfall of one 3G pitch and the action plan identifies that the shortfall will be addressed through the conversion of the small sided 3G pitch at Rugeley Leisure Centre to a full size 3G pitch. A recommendation action for the site also states consider the option to provide additional car parking as part of the 3G pitch development.

To inform this response the Football Foundation (FF) responding on behalf of the FA were consulted with the following response received:

The LA and Leisure Centre are currently liaising with existing community users to safeguard their usage and as this proposal will result in the creation of a larger 3G pitch, it will enable many of the community users to expand and develop their current initiatives.

The 3G project is identified as a strategic priority in both the PPS and LFFP.

The project is being developed through the Football Foundation's 3G Framework and so all technical designs and specifications are compliant from a technical perspective.

Partner clubs have been identified to utilise the 3G and will be built into the programme of use document which will be a requirement of their funding application to the Football Foundation. We will also look to ensure that the pitch is available for match play as well as training, with both local youth and adult leagues/ teams having access for both.

The funding application is due to be submitted to the Football Foundation in April 2020 with a decision expected in July 2020, to enable the works to be completed ready for the winter period.

Given the above Sport England considers that the proposal meets a strategic need and it is designed to the relevant NGB design guidance. Whilst the proposal will result in a short disruption for existing users the proposal will ultimately provide a facility that will help meet identified need and accommodate greater number of users. To ensure that the sports related benefits for the local community are secured a community use agreement (or extension of the existing joint use agreement for the Leisure Centre) needs to be secured to provide community access, including for local football clubs. Sport England therefore has no objection as the proposal subject to the following condition being imposed if planning permission is granted:

Community Use Agreement

Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the artificial grass pitch and include details of a usage plan, pricing policy, hours of use, access by educational establishment users, local football clubs and other community groups, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement. Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Local Plan Policy CP5.

Informative: Guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org .

Conclusions and Recommendation

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exception 5 of the above policy. The absence of an objection is subject to a community use agreement condition (as set out above)

being attached to the decision notice should the local planning authority be minded to approve the application.

If you wish to amend the wording of the recommended condition, or use another mechanism in lieu of the condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments. *Please note if a contract variation or some such security is provided to ensure the full sized AGP is secured for community access then it will be necessary to have the above condition.

Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

County Land Use Planning

No objections.

County Highways

No objections.

Local Lead Flood Authority

We have no objection to the application at this stage, subject to conditions.

We would recommend that the pre-commencement condition [above] should be attached to any planning permission.

We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and on any subsequent amendments/ alterations. Please also consult us again on any future major changes to the proposed development or drainage scheme.

Internal Consultations

Development Plans and Policy Unit

The National Planning Policy Framework (NPPF Paragraph 11) states that development proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The Development Plan for Cannock Chase District consists of the Local Plan (Part 1), adopted Neighbourhood Plans and the Staffordshire County Council Waste and Minerals Local Plan. The views of Staffordshire County Council as the waste and minerals authority should be considered, as necessary.

The Local Plan (Part 1) was adopted more than five years ago; it is now the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May-July 2019). Therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted Development Plan (Local Plan (Part 1)).

The site lies within the Green Belt, outside of the urban areas and defined village settlement boundaries as per Local Plan (Part 1). The proposed development area lies adjacent to the built form of the extant leisure centre, and comprises in part of an existent 3G AGP which sits within the Green Belt.

Local Plan (Part 1) Policy CP1 identifies that development proposals at locations within the Green Belt will be assessed against the NPPF and Policy CP14.

The NPPF (Para 145) identifies exceptions to the construction of new buildings as inappropriate in the Green Belt. These include provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Policy CP14 of the Local Plan sets out that landscape character will be considered in all development proposals in order to protect and conserve locally distinctive qualities, rural openness and sense of place. It is also considered that development proposals, including those for appropriate development within the Green Belt, must be sensitive to the distinctive landscape character and ensure they do not have an adverse impact upon their setting through design, layout or intensity.

The NPPF (Para 91) outlines that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles; including through the provision of sports facilities.

Paragraph 92 of the NPPF considers that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities [...] and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; [...]
- c) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and [...]."

Local Plan Policy CP5 outlines how the council will work with public, private and third sector partners to ensure that appropriate levels of infrastructure are provided to support social inclusion and healthy living in the District; this includes inter alia facilities for health, education, sports and recreation, and cycling/pedestrian routes and pathways.

Local Plan Policy CP3 requires high standards of design of buildings and spaces that successfully integrate with the extant environment and demonstrates appropriate designs that preserve and enhance the landscape, scenic beauty and character of the Green Belt.

With regards to the detailed design of the scheme, regard should also be paid to Policy CP16, the Design SPD (2016) and the Parking Standards, Travel Plans and Development Contributions for Sustainable Transport SPD (2005) (contains parking standards).

Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and in consultation with the relevant infrastructure provider.

Parks & Open Spaces

I have the following comments:-

- The Tree survey document is highly generic and has little reference to the site: -
 - No reference to any drawings and non included with the report
 - Not clear on what to be retained or removed for development purposed.
 - No AMS detailing works to trees.
- The tree survey plan: -
 - is unclear in terms of tree references.
 - The extent of tree/ hedge protection is inadequate for the development. It only covers the proposed car park extension only not the whole works associated with the artificial pitch.
- It is obvious from the layout plans that there is a single tree – early mature oak (category A standard) that needs to be removed to facilitate the proposed development. This would be acceptable provided that appropriate replacement planting is carried out as part of the development. Additionally given the nature and age of the tree, a check needs to be made for the presence of Bats and or nesting birds prior to its removal.
- No landscape plan has been submitted – this should form part of the full application -required
- Car park layout – The proposed layout will cause issues in terms of access/egress on the bend of the main car park. A better solution would be to have a single width access point from the main car park adjacent the western corner of the proposed car park and a single width egress point as presently shown on the eastern side of the car park. The larger proposed access point should be blocked off and formed into a turning head.
- There is a public footpath (Rugeley Town 22) that runs along the side of the site linking Penkridge Bank/Hagley Roads to Burnthill Lane. The access from the Hagley playing field into the site is via the present gap in the hedge/fence which would lead directly onto the parking area resulting in conflict i.e. limiting

access between parked cars. A solution may be to create a surfaced path along the western side of the egress road and parking area linking to the gap in the hedge. The definitive map however should be checked to confirm the appropriate alignment of the public footpath and if needs be a surfaced route to the site boundary created.

Summary

- No objection in principle to the proposal provided the issues noted are dealt with as part of the development.
- Car park area needs to be amended to as noted.
- Public Footpath 22 to be confirmed and taken account of.
- Oak tree to be checked for presence of bats or nesting birds.
- Conditions recommended with any consent:-

Tree and hedge protection details to be supplied.
Tree and hedge protection implementation.
Landscape details to be supplied.
Landscape implementation.

Environmental Services

No comments received.

Environmental Health

No adverse comments are offered in principle. It is understood that the hours of operation will be: -

Monday to Friday	08:00 to 22:00 hrs
Saturday	08:00 to 16:00 hrs
Sunday	10:00 to 20:00 hrs

These hours should be conditioned in order to prevent potential adverse impact of light and noise at unsociable times (i.e. post curfew).

Council's Ecologist

I have reviewed the climbing inspection report and agree that there is no reasonable likelihood that bats will be inhabiting the tree. The proposal for the replanting of the tree are acceptable.

Response to Publicity

The application was advertised by newspaper advertisement as a departure from the Development Plan. It has also ben advertised by site notice and neighbour letter. One letters of representation has been received stating: -

“Happy to see the car park and facilities extended but the trees behind Burnthill Lane properties should be removed completely or cut 50% of the current site. These trees are causing damage to gardens a [sic] the council have done nothing.”

Officers would comment that the issue of the existing trees to the rear of the gardens is not material to the determination of this application.

Relevant Planning History

CH/02/0020: New leisure centre and associated facilities. Full - Approval with Conditions. 01/29/2003.

1 Site and Surroundings

- 1.1 The application site is Rugeley Leisure Centre, comprising a modern, clad building, and associated car parking and sports pitches. The centre is accessed off Burnthill Lane, which is gained between two residential properties.
- 1.2 The sports pitches have the benefit of floodlighting and the access road and car park to the leisure centre also benefits from lighting columns providing safe access after dark.
- 1.3 There is limited landscaping within the site, which is mainly confined to the hedges along the northern and western boundary and some shrubs and smaller trees around the existing car park. The main feature of interest is a large oak tree along the western side of the site, which has significant amenity and landscape value.
- 1.4 To the east and south east of the site abuts the rears of the properties fronting onto Burnthill Lane. To the north east, north and north west the site abuts open land used as playing fields and to the south west is the former Hagley Park Academy.
- 1.5 The site is located in the West Midlands Green Belt and in a Minerals Safeguarding area for superficial sand and gravel.

2 Proposal

- 2.1 The applicant is seeking permission for the creation of a 3G Artificial Grass Pitch (AGP) with fencing, floodlighting, storage container, access pathways and a floodlit car park extension. This would be created at least in part on the site of the existing football pitch.
- 2.2 The container would measure 6.06m by 2.44m by 2.59m in height. This would be mainly used for the storage of a specialised tractor which would be used to manage the artificial pitch. The proposal also includes the provision of a covered seat measuring 5.5m in length and 2.03m in height.
- 2.3 The proposal would result in the loss of the mature oak tree.

3 Planning Policy

3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).

3.3 Relevant Policies within the Local Plan Include:

CP1:	Strategy
CP3:	Design
CP5:	Social Inclusion and Healthy
CP14:	Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)

3.4 National Planning Policy Framework

3.5 The NPPF (2018) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be a presumption in favour of sustainable development' and sets out what this means for decision taking.

3.6 The NPPF (2018) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.7 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development.
11-14:	The Presumption in favour of Sustainable Development.
47-50:	Determining Applications.
54-59:	Planning Conditions and Obligations.
91, 96, 97:	Open Space and Recreation.
108-109:	Promoting Sustainable Transport.
124, 127, 128, 130:	Achieving Well-Designed Places.
143-145	Protecting Green Belt
170, 175, 177, 179:	Conserving and Enhancing the Natural Environment.
212, 213:	Implementation.

3.8 Other relevant documents include: -

- Design Supplementary Planning Document, April 2016.
- Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport (2005).
- Manual for Streets.

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Applicant's case for very special circumstances.
- ix) The planning balance

4.2 Principle of Development

4.2.1 The site is located within an area that is designated Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraphs 143 & 145 of the NPPF states that the Government attaches great importance to Green Belts, adding that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As such the essential characteristics of Green Belts are their openness and permanence.

4.2.2 Local Plan Policy CP1 & CP3 require that development proposals at locations within the Green Belt must be considered against the NPPF and Local Plan Policy CP14. However, Local Plan Policy CP14 relates to landscape character and AONB rather than to whether a proposal constitutes appropriate or inappropriate development.

4.2.3 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 and 146 of the NPPF. Paragraph 145 relates to new buildings and states: -

"A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include, [amongst other things]:-

the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;"

4.2.4 Paragraph 146 goes on to state: -

"Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;

- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

4.2.5 In this particular case the proposed development is essentially for the creation of a 3G artificial grass pitch the creation of a floodlit car park extension. All other associated development (floodlighting, footpaths, storage container and spectator seating provision) would be ancillary to this main element of the proposal.

4.2.6 The creation of the artificial grass pitch and car park would constitute engineering operations. As such they could only be appropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. In this respect it is noted that the creation of the pitch and car park would include the provision of

- (i) Hard standing delineated for up to an additional 44 car parking spaces.
- (ii) 6 lighting columns up to 15m in height
- (iii) A 4.5m high perimeter fence around the pitch
- (iv) A part 1.2m high and part 2.0m high fence
- (v) 2 lighting columns in the car park up to 8m in height.

4.2.7 The above, taken cumulatively, would detract from the openness of the Green Belt and the car park as a hard engineered structure would also result in encroachment of urban form into the Green Belt. As such the proposal would fail to preserve the openness of the Green Belt and would, at least in part, conflict with the purposes of including land within it; and therefore constitute inappropriate development in the Green Belt.

4.2.8 Inappropriate development is harmful, by definition, to the Green Belt, and should not be approved unless very special circumstances exist to justify approval of the proposal. Furthermore, paragraph 144 of the NPPF goes on to state that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

4.2.9 This report will now go on to consider whether any other harm arises from the proposal, before looking at any considerations advanced by the applicant and then going to determine whether the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

4.3 Design and Impact on the Character and Form of the Area

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state:-

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 In this respect it is noted that the site is located within an area of grounds associated with Rugeley Leisure centre, which is mainly set out as formal pitches and associated car parking and landscaped areas. The wider area in which it is sited is formed by a wedge of countryside following Rising Brook, which is largely formally laid out for open sport and recreation associated with Rugeley Community Centre and Hart School, before transitioning into more typical agricultural countryside to the south west.

4.3.6 In respect to the potential impact on trees the applicant has submitted an Arboricultural Report. This identifies that two trees would be lost to accommodate the development. These include Tree T8 which is an early

mature oak and which is categorised as A1 (high quality) and which has an estimated remaining contribution of 40 years plus; and Tree T2 Bird Cherry which is an early mature tree, categorised as B1 and which has an estimated remaining contribution of 20+ years.

4.3.7 The Council's Landscape Officer has considered the proposal and his comments are noted. In particular it is noted that the proposal would result in the loss of trees which include Tree T8 which is an early mature oak and which is categorised as A1 (high quality) and which has an estimated remaining contribution of 40 years plus . This tree is prominent in the landscape and its loss would result in significant harm to the character of the landscape. However, the loss of both the oak and cherry tree is necessary for the pitch proposal to go ahead and therefore a balance has to be reached as to the relative merits of the loss of these trees against the benefits of the enhanced sports provision.

4.3.8 In addition to the above there would also be some impact on the landscape by virtue of the extension of the car park and the paraphernalia associated with the pitch. However, it is considered that the impacts in medium to longer term could be mitigated, to at least some extent, by the introduction of new landscaping which could be secured by condition. Indeed new tree planting would, over time, improve the existing landscaping on the site, which is fairly minimal. Nevertheless even subject to a condition to ensure new tree planting and landscaping of the car park moderate weight should still be given to the harm to the character of the area and wider landscape.

4.3.9 For the reasons given in the Planning Balance section of this report [section 4.10] it is considered that the harm to the local landscape is outweighed by other considerations, such that having had regard to the appropriate policies, the proposal, on balance, is considered acceptable.

4.4 Impact on Residential Amenity.

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.

4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

4.4.3 The two main issues in respect to impacts on residential amenity are noise from players and supporters and light spill and glare from the floodlights and lighting columns.

4.4.4 The proposed extended pitch would be approximately 85m from the rear garden fences of the properties fronting onto Burntill Lane and the car park would be 33m.

4.4.5 The applicant has submitted a lighting plan providing lux levels, specifications for the lights.

4.4.6 The Environmental Health Officer has stated that he has no objections subject to the imposition of a condition restricting opening times as follows: -

Monday to Friday	08:00 to 22:00 hrs
Saturday	08:00 to 16:00 hrs
Sunday	10:00 to 20:00 hrs

in order to prevent potential adverse impact of light and noise at unsociable times.

4.4.7 Given that any structures proposed are not of sufficient height, scale or proximity to have impacts in respect to loss of light or overlooking it is considered that subject to the attached conditions the proposal would secure a high standard of amenity for all existing and future occupiers of surrounding residential properties in accordance with Policy CP3 of the Local Plan and paragraph 127(f) of the NPPF.

4.5 Impact on Highway Safety

4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

4.5.2 The proposal includes the extension of the existing car park to enable the accommodation of a further 44 car parking spaces. However, the access would remain unaltered.

4.5.3 The Highway Authority has no objections to the proposal.

4.5.4 As such it is considered that the proposal would not have an unacceptable impact on highway safety and therefore would be in accordance with paragraph 109 of the NPPF.

4.6 Impact on Nature Conservation

4.6.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170 and 174, of the NPPF.

4.6.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced by: -

'the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for;

- support for the protection, conservation and enhancement of existing green infrastructure to facilitate robust wildlife habitats and corridors at a local and regional scale (particularly to complement Policy CP16);
- supporting and promoting initiatives for the restoration and creation of priority habitats and recovery of priority species and the provision of new spaces and networks to extend existing green infrastructure;
- supporting development proposals that assist the delivery of national, regional and local Biodiversity and geodiversity Action plan (LBAP/GAP) targets by the appropriate protection, incorporation and management of natural features and priority species;
- the promotion of effective stewardship and management across the district to contribute to ecological and geological enhancements.'

4.6.3 Paragraph 170 of the NPPF states [amongst other things] that: -

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

- 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); [and]
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

4.6.4 Paragraph 174 of the NPPF goes on to state: -

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

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it a Site of Special Scientific Interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees)

should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

4.6.5 The site is largely comprised of short intensively managed grassland which is a habitat type of no significant ecological value. However, the mature oak tree does have some ecological value in that both sessile and pendunculate oaks have 284 species of associated insect species (although this does not mean that every oak will support the full complement of associate species).

4.6.6 Notwithstanding the comments of the Landscape Officer in respect to the potential for bats to be present in the cavities of the oak tree further investigation and submitted bat report has demonstrated that there is no reasonable likelihood that bats will be inhabiting the tree as there are no suitable cavities.. The bat survey report has been considered by the Council's Ecologist who has agreed with its findings.

4.6.7 However, the loss of the mature oak would have a significant impact on the ecology of the site. Although the Council's Ecologist has opined that the tree has some characteristics of a 'veteran tree' due to some cavities and breakage of limbs the arboricultural report classifies it as an 'early mature oak. As such it is clear that the oak is not a 'veteran' tree. It is proposed that this tree is relocated to another part of the site and replanted, its limbs reduced for safety reasons but retained on the ground. The area would then be fenced off to prevent disturbance and for health and safety reasons. This would allow the tree to gradually decline on site and therefore provide a habitat for a range of species which use dead and decaying trees as habitat. This could be secured by an appropriately worded condition.

4.6.8 In addition to the above the residual harm resulting from the relocation of the tree could at least in part be mitigated by replacement planting which would ensure longer term tree cover. Both the planting of trees and the retention of the existing tree on site would largely compensate for the harm to the ecological value of the site such that only limited harm would result as a consequence of the proposal.

4.6.9 It is therefore concluded, on balance, and subject to the attached condition to secure new tree planting that limited weight should be afforded to the harm to nature conservation interests and the biodiversity of the site.

4.7 Drainage and Flood Risk

4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps, and therefore is in the zone at least threat from flooding.

4.7.2 The applicant has indicated that surface water would be discharged to water course and soakaway.

4.7.3 The LLFA have stated that they have no objection to the proposal subject to conditions.

4.7.4 As such subject to the attached condition it is considered that the proposal would be acceptable in respect to drainage and flood risk.

4.8 Mineral Safeguarding

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.8.2 Policy 3.2 of the new Minerals Local Plan states that:

Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.8.3 In this particular case, the site is located on the edge of the built up area of Rugeley.

4.8.4 The County Council Minerals Planning Policy and Development Control Team has stated that the site is not near any permitted waste management facility and is exempt from the requirement of Policy 3 in respect to mineral sterilisation.

4.8.5 Therefore the proposal is considered acceptable in respect to mineral safeguarding and is in accordance to the Minerals Plan and the NPPF..

4.9 Applicant's Case for Very Special Circumstances

4.9.1 In order to demonstrate that very special circumstances exist that would justify approval of the proposal the applicant has submitted the following statement: -

“To provide some background, as part of this development it is proposed to increase the parking provision to the Rugeley Leisure Centre site. The current car park accomodates [sic] 125 Nr car park bays, 2 Nr bus bays and 3 Nr parent and child spaces. This planning application proposes a car park extension which would provide an additional 44 Nr car park bays. This will provide capacity to accommodate [sic] the new 3G pitch development.

Whilst it is acknowledged that the proposed development is within greenbelt land, it is important to recognize that the car park extension is an integral element of this project.

The need for this new 3G pitch facility can be identified from a strategic point of view by analyzing the outcomes from the draft Playing Pitch Strategy (PPS) commissioned by Cannock Chase District Council.

The draft Cannock Chase District Council PPS [Playing Pitch Strategy], developed in May 2019, sets out the priorities for the delivery of playing pitches in the borough for the period 2018 - 2036.

Whilst demand for sports such as tennis, golf, athletics, hockey and bowls was identified as being met, that wasn't the case with football and the PPS highlighted a shortfall of one full sized 3G football pitch. That shortfall was identified as potentially being met through increasing the available provision at Rugeley Leisure Centre – which is what this application seeks to do.

The PPS found 62 Nr community available grass pitches within Cannock Chase, 21% of which were assessed as 'poor quality'. The report noted how the use of 3G pitches could 'not only alleviate overplay of grass pitches but can also aid quality improvements through the transfer of play and therefore reduced use.'

There is a shortfall of 11 v 11 natural turf pitches which results in overplay on the available natural turf pitches. The PPS recommends that one way of increasing the 11 v 11 pitch stock is to utilize 3G synthetic turf.

The conversion of the small sided 3G pitch at Rugeley Leisure Centre to a full size 3G pitch is identified within the draft Cannock Chase District Council PPS as a PRIORITY RECOMMENDATION and this 'would meet the current shortfall'.

The need for the car park extension can be demonstrated by a review of the existing car park usage.

During a 6 week period from the 23rd September 2019, car park numbers were monitored on a hourly basis. The detailed analysis provided empirical evidence to demonstrate certain key points which can be directly referred to the proposed 3G pitch provision;

- On weekdays evenings from 6pm until 9pm the current car park regularly exceeded 80% capacity. With the new 3G pitch potentially accommodating over 40 players (if pitch is split into 4), provision of additional car park bays would certainly be advisable. These are the key times when most 3G pitch users would be demanding usage of the new facility.
- As may be expected, the existing car park during the weekday (i.e. before 5pm) generally afforded sufficient capacity. However, with most 3G pitch community users likely to require evening bookings, ample afternoon parking provision would not be relevant to the success and sustainability of the 3G pitch..

The need for extending the current car park provision is intrinsically linked to development of the new 3G pitch facility for certain key reasons;

- As part of the effective management processes for the new 3G pitch facility, sufficient car park provision is needed to cater for increased number of users of the site due to the 3G pitch development which will be a larger facility to the existing synthetic turf pitch and, as such, will be designed to accommodate more users.
- The provision of the car park extension will ensure there is no adverse impact on nearby street and the overall impact of the development is mitigated.
- All running costs have been considered and built into business plans. It is planned that any staff or running costs associated in running the 3G facility, and sink fund costings to ensure the 3G pitch is resurfaced when it reaches its end of life, are met by the general income of the proposed 3G pitch. Without provision of the car park extension there is a risk that the whole development may become unviable. The car park extension is required to ensure the 3G pitch development is sustainable and the facility can accommodate the additional users.

It should be made clear that the design of the car park extension will be sympathetic to the overall aesthetics of the site.”

4.9.2 Officers note that the need for the proposed 3G pitch has been objectively assessed in the draft Cannock Chase District Council PPS [Playing Pitch Strategy], which sets out the priorities for the delivery of playing pitches in the borough for the period 2018 – 2036 and which highlights a shortfall of one full sized 3G football pitch.

4.9.3 Officers also note that paragraph 91 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which, amongst other things: -

- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

4.9.4 In addition officers also note that paragraph 92 of the NPPF states that ‘to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such assports venues, open space.....) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

4.9.5 In this respect it is considered that substantial weight should be afforded to the contribution the proposal would make in meeting the objectively assessed need for this type of sports pitch in the District. Furthermore it is considered that substantial weight should also be afforded to the contribution the proposal would make towards the aim of achieving healthy, inclusive and safe places.

4.9.6 Finally, it is considered that significant substantial weight should be given to the fact there are no reasonable alternative locations for the 3G sports pitch, which would offer the synergy in respect to the interaction with the existing Leisure Centre and accessibility by a wide range of transport modes including modes other than the private car.

4.10 Climate Change and Sustainable Resource Use

4.10.1 Policy CP16 “Climate Change and Sustainable Resource Use” of the Local Plan is a far ranging policy which engages with several topic areas, such as accessibility, energy efficiency, renewable and low carbon generation, adaptation to climate change, waste and recycling and flood risk which are dealt with in other sections of this report or which do not have a direct engagement with this proposal due to its nature.

4.10.2 However, one issue that is pertinent to a proposal for a significant amount of car parking is the issue of transition to electric vehicles and the role that this plays in combatting climate change through reducing carbon emissions. In this respect paragraph 110 of the NPPF states that applications for development should [amongst other things] (e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

4.10.3 It is therefore considered that the scheme should provide some provision for the charging of electric vehicles and it is recommended that two charging points be incorporated into the scheme. Subject to an appropriately worded condition it is considered that the proposal would be acceptable in this respect.

4.11 The Planning Balance

4.11.1 Paragraph 144 of the NPPF makes it clear that ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

4.11.2 In looking at the harms arising from the development it is noted that the proposal constitutes inappropriate development in the Green Belt. Paragraphs 143 and 144 of the NPPF make it clear that inappropriate development is, by definition, harmful to the Green Belt and that local planning authorities should ensure that substantial weight should be given to any harm to the Green Belt. In accordance with this it can only be concluded that substantial harm should be afforded to the harm to the Green Belt resulting from this proposal.

4.11.3 In addition it is considered that moderate weight should be given to the harm to the semi-rural character of the site resulting from the loss of the oak tree and cherry tree and the extension of the car park and other paraphernalia associated with the sports pitch.

- 4.11.4 Furthermore, it is considered that limited weight should be afforded to the harm to biodiversity of the site by virtue of the relocation of the oak tree.
- 4.11.5 However, it is considered that substantial weight should be afforded to the contribution the proposal would make in meeting the objectively assessed need for this type of sports pitch in the District. Furthermore it is considered that substantial weight should also be afforded to the contribution the proposal would make towards the aim of achieving healthy, inclusive and safe places.
- 4.11.6 Finally, it is considered that substantial weight should be given to the fact there are no reasonable alternative locations for the 3G sports pitch, which would offer the synergy in respect to the interaction with the existing Leisure Centre and accessibility by a wide range of transport modes including modes other than the private car.
- 4.11.7 In conclusion it is considered that the substantial weight to the harm to the Green Belt, moderate weight to the harm to landscape character and limited weight to the harm to the biodiversity of the site are clearly outweighed by the above considerations such that very special circumstances exist that would justify approval of the application.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

Equalities Act 2010

- 5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

- 5.3 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not

6 Conclusion

- 6.1 The application site is Rugeley Leisure Centre, comprising a modern, clad building, and associated car parking and sports pitches. The centre is accessed off Burnthill Lane, which is gained between two residential properties.
- 6.2 The application site is Rugeley Leisure Centre, comprising a modern, clad building, and associated car parking and sports pitches. The centre is accessed off Burnthill Lane, which is gained between two residential properties.
- 6.3 The site is located within an area that is designated Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'.
- 6.4 The creation of the artificial grass pitch and car park would constitute engineering operations. As such they could only be appropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it.
- 6.5 The proposal would fail to preserve the openness of the Green Belt and would, at least in part conflict with the purposes of including land within it; and therefore constitute inappropriate development in the Green Belt.
- 6.6 Inappropriate development is harmful, by definition, to the Green Belt, and should not be approved unless very special circumstances exist to justify approval of the approval.
- 6.7 The proposal is considered acceptable in respect to highway safety, impacts on residential amenity, drainage and mineral safeguarding.
- 6.8 It is considered that substantial weight should be afforded to the harm to the Green Belt resulting from this proposal, moderate weight should be given to the harm to the semi-rural character of the site resulting from the loss of the oak tree and cherry tree and the extension of the car park and other paraphernalia associated with the sports pitch and that limited weight should be afforded to the harm to biodiversity of the site by virtue of the relocation of the oak tree.
- 6.9 However, it is considered that substantial weight should be afforded to the contribution the proposal would make in meeting the objectively assessed need for this type of sports pitch in the District. Furthermore it is considered that substantial weight should also be afforded to the contribution the proposal would make towards the aim of achieving healthy, inclusive and safe places.
- 6.10 Finally, it is considered that substantial weight should be given to the fact there are no reasonable alternative locations for the 3G sports pitch, which would offer the synergy in respect to the interaction with the existing Leisure Centre and

accessibility by a wide range of transport modes including modes other than the private car.

- 6.11 It is considered that the harm to the Green Belt and the harm to landscape character and ecology are clearly outweighed by the above considerations such that very special circumstances exist that would justify approval of the application.
- 6.12 It is therefore recommended that the application is approved subject to the attached conditions.

PAGE INTENTIONALLY BLANK

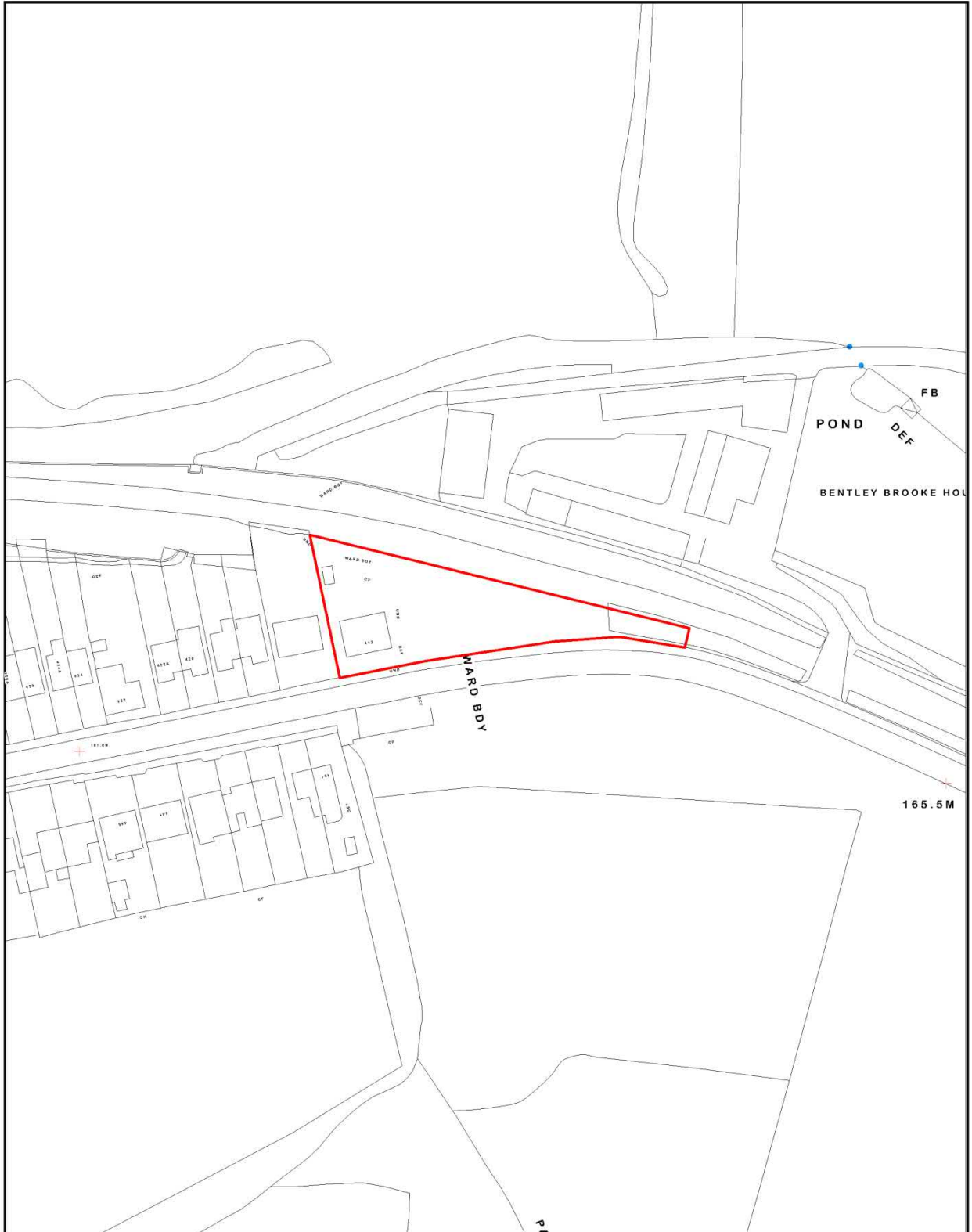
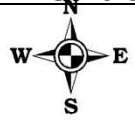


Application No: CH/20/045

Location: 412, Rawnsley Road, Cannock, WS12 1RB

Proposal: Construction of two new 4 bedroom dwellings. Re-submission of previous application approved CH/17/364 on the side garden of 412 Rawnsley Road, Hednesford

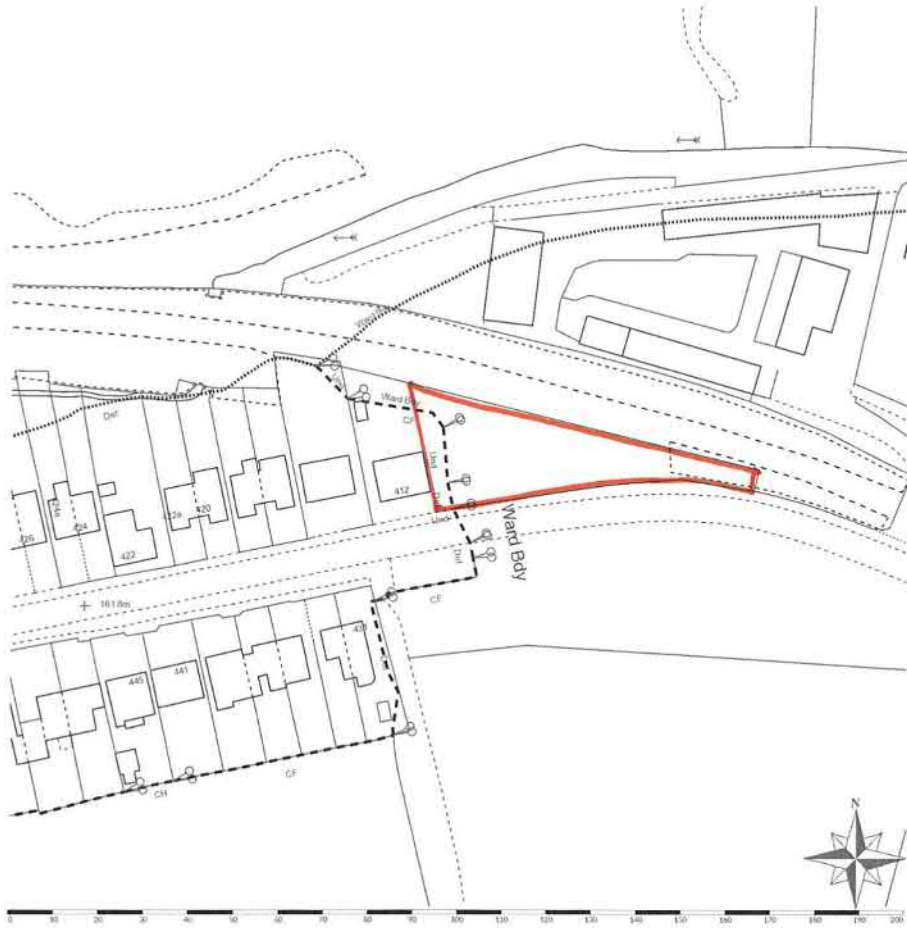
ITEM NO. 6.33



Location Plan

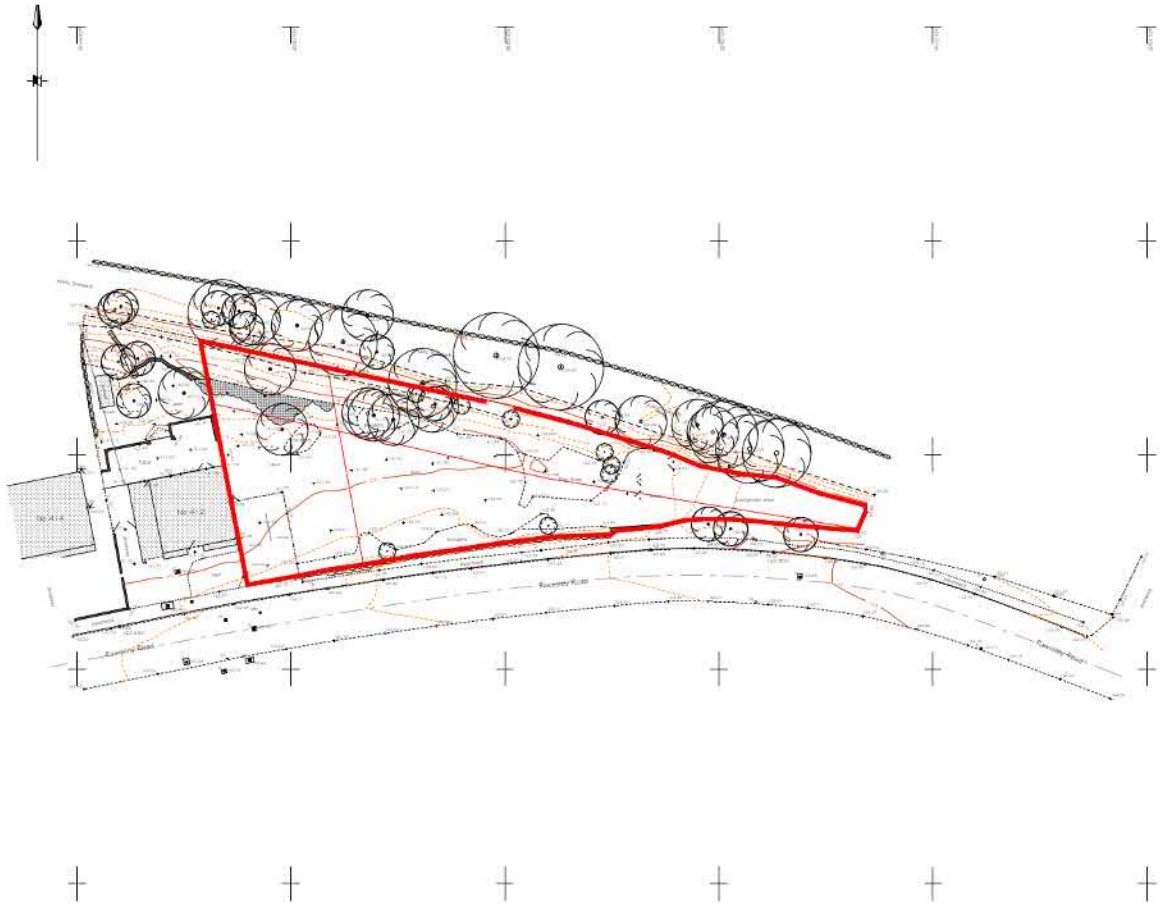
13/12/2019

412, RAWNSLEY ROAD, CANNOCK, WS12 1RB



Scale: 1:1250 | Area 4Ha | Grid Reference: 401000.313223 | Paper Size: A4

Site Survey Plan



1	Topographic Control Point
2	Control Point
3	Boundary Point
4	Property Boundary
5	Public Boundary
6	Watercourse
7	Electricity Pole
8	Electricity Cable
9	Telephone Pole
10	Telephone Cable
11	Gas Pipe
12	Water Pipe
13	Drainage Pipe
14	Manhole
15	Well
16	Septic Tank
17	Boundary Marker
18	Survey Station
19	Level Point
20	Spot Height
21	Spot Level
22	Spot Elevation
23	Spot Elevation
24	Spot Elevation
25	Spot Elevation
26	Spot Elevation
27	Spot Elevation
28	Spot Elevation
29	Spot Elevation
30	Spot Elevation
31	Spot Elevation
32	Spot Elevation
33	Spot Elevation
34	Spot Elevation
35	Spot Elevation
36	Spot Elevation
37	Spot Elevation
38	Spot Elevation
39	Spot Elevation
40	Spot Elevation
41	Spot Elevation
42	Spot Elevation
43	Spot Elevation
44	Spot Elevation
45	Spot Elevation
46	Spot Elevation
47	Spot Elevation
48	Spot Elevation
49	Spot Elevation
50	Spot Elevation

Beacon Land Surveys
 The Lodge
 Greenhouse Wood
 Liphig
 Suffolk IP21 3 7AU
 Tel: 01843 417399
 Email: info@beaconlandsurveys.co.uk

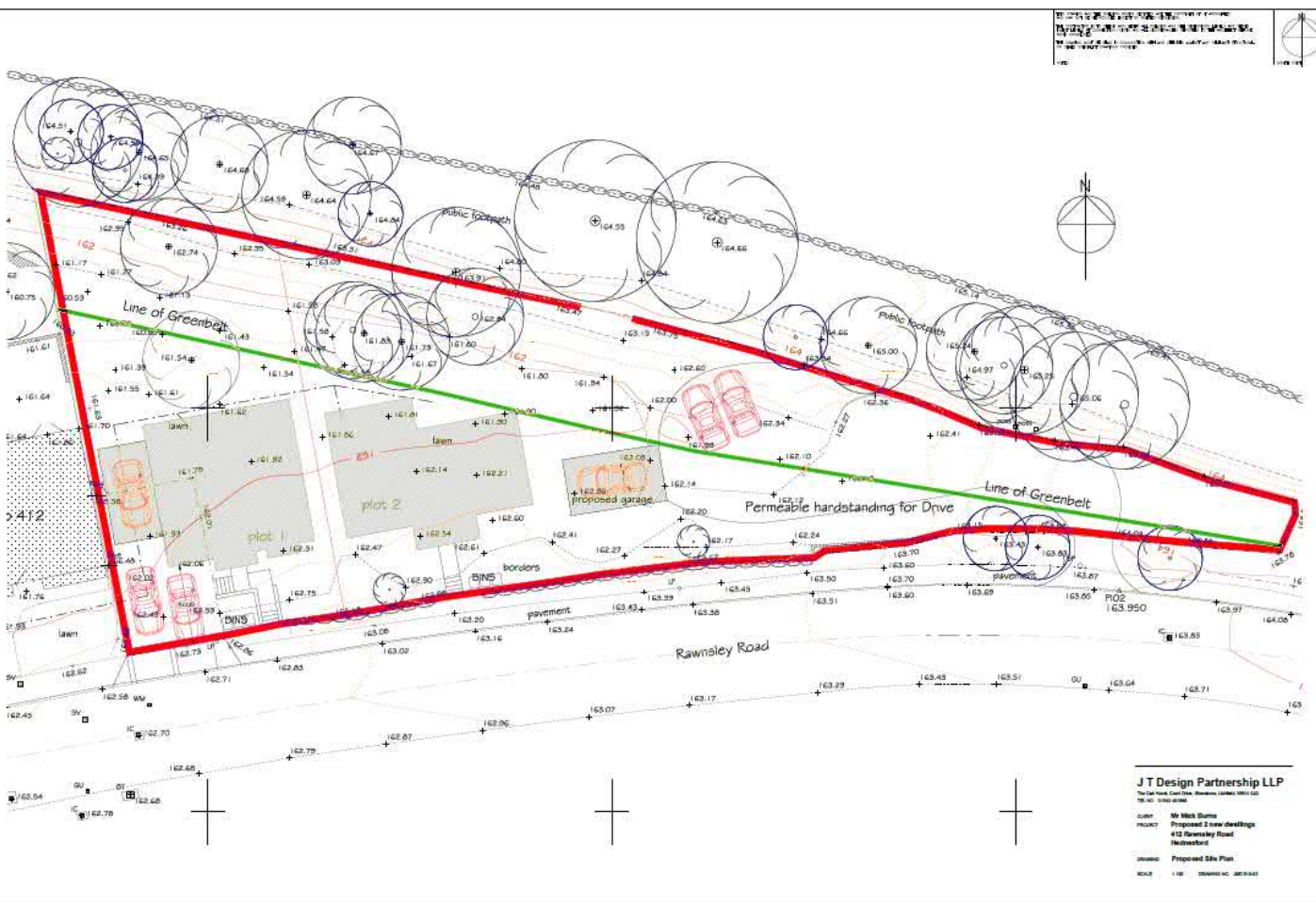
412 Rawsley Road
 Halesford

Property Detail, Levels
 & Boundaries Survey

Scale: 1:200
 Date: 13/11/2013

Beacon Land Surveys is a registered company and a member of the Institution of Surveyors and Landowners of the United Kingdom.

Proposed Site Plan



PROPOSED SITE PLAN
PROJECT: 412 Rawnsley Road, Newmarket
DATE: 10/10/2018
SCALE: 1:100

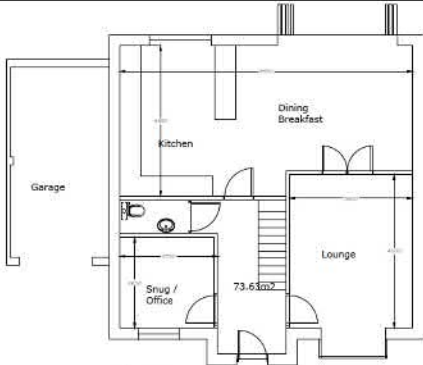


J T Design Partnership LLP
The Old Mill, East Street, Newmarket, Suffolk CB9 5DA
Tel: 01462 412345
Email: info@jtdesign.co.uk
www.jtdesign.co.uk

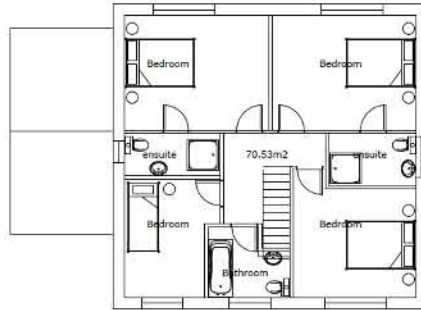
CLIENT: Mr Nick Burns
PROJECT: Proposed 2 new dwellings
412 Rawnsley Road
Newmarket

DRAWING: Proposed Site Plan
SCALE: 1:100 DRAWING NO. JTD/18/001

Proposed Plans and Elevations – Plot 1



Plot 1 Ground Floor Plan



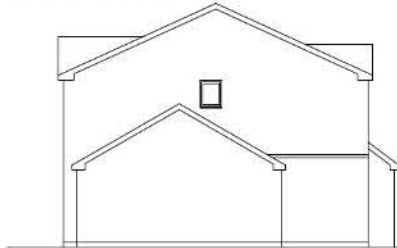
Plot 1 First Floor Plan



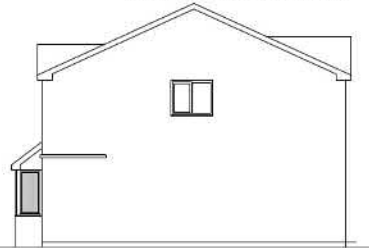
Plot 1 rear elevation (North)



Plot 1 front elevation (South)



Plot 1 side elevation (East)



Plot 1 side elevation (West)

THESE PLANS AND ELEVATIONS ARE THE PROPERTY OF J T DESIGN PARTNERSHIP LLP AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF J T DESIGN PARTNERSHIP LLP.

DATE: 10/10/2023



J T Design Partnership LLP

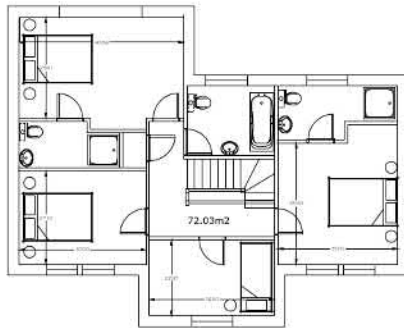
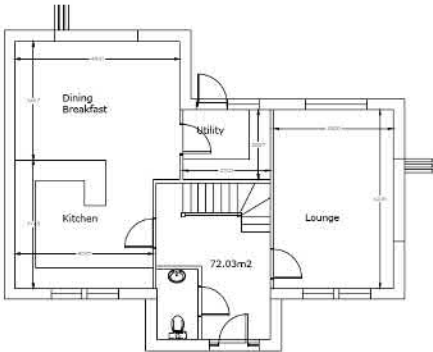
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200

PROJECT: Mr Mick Burns
Proposed 2 new dwellings
412, Barnsley Road,
Huddersfield

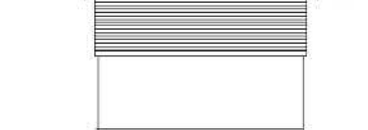
DESCRIPTION: Proposed Plans and Elevations
Plot 1

DATE: 10/10/2023

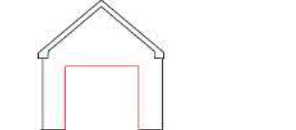
Proposed Plans and Elevations – Plot 2



NOT TO SCALE
 ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED
 ALL WALLS ARE TO BE CONCRETE UNLESS OTHERWISE SPECIFIED
 ALL ROOFING IS TO BE AS SPECIFIED
 ALL SERVICES ARE TO BE INSTALLED IN ACCORDANCE WITH THE RELEVANT STANDARDS
 ALL SERVICES ARE TO BE INSTALLED IN ACCORDANCE WITH THE RELEVANT STANDARDS
 ALL SERVICES ARE TO BE INSTALLED IN ACCORDANCE WITH THE RELEVANT STANDARDS



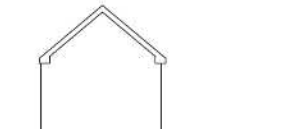
Plot 2 garage rear elevation (North)



Plot 2 garage side elevation (East)



Plot 2 garage rear elevation (North)



Plot 2 garage side elevation (East)



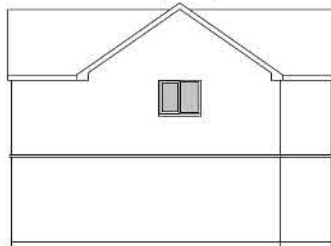
Plot 2 front elevation (South)



Plot 2 rear elevation (North)



Plot 2 side elevation (West)



Plot 2 side elevation (East)

J T Design Partnership LLP

The Centime, 200/202A, Business Centre, 10001 100

PO Box 10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

10001 1000

Contact Officer:	Claire Faulkner
Telephone No:	01543 464 337

PLANNING CONTROL COMMITTEE

25 MARCH 2020

Application No:	CH/20/045
Received:	03-Feb-2020
Location:	412 Rawnsley Road, Cannock, WS12 1RB
Parish:	Hednesford
Description:	Construction of two new 4 bedroom dwellings. Re-submission of previous application approved CH/17/364 on the side garden of 412 Rawnsley Road, Hednesford
Application Type:	Full Planning Application

RECOMMENDATION:

Approve with conditions

Reason(s) for Recommendation:

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and the National Planning Policy Framework.

Conditions (and Reasons for Conditions):

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990

2. No part of the development hereby approved shall be undertaken above ground level until details of the materials to be used for the external surfaces have been submitted to and approved by the Local Planning Authority.

Reason

In the interests of visual amenity and to ensure compliance with Local Plan Policies CP3, CP15, CP16, RTC3 (where applicable) and the NPPF.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 to the Order shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely:
- The enlargement, improvement or other alteration of the dwellinghouse; The enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
 - Any other alteration to the roof of the dwellinghouse;
 - The erection or construction of a porch outside any external door of the dwelling;
 - The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;
 - The provision within the curtilage of the dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
 - The erection or provision within the curtilage of the dwellinghouse of a container for the storage of oil for domestic heating;

Reason

The Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers and the character of the area. It is considered to be in the public interest to require an application to enable the merits of any proposal to be assessed and to ensure compliance with Local Plan Policy CP3 - Chase Shaping - Design and the NPPF.

4. No dwelling hereby approved shall be occupied until a scheme for the fitting of that dwelling with electric charging points for electric vehicles has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been completed.

The works shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning authority.

Reason

In the interests of improving air quality and combatting climate change in accordance with policy CP16 and the National Planning Policy Framework.

5. On completion of the gas monitoring programme, a risk assessment shall be completed, and submitted to the Local Planning Authority as part of a Remediation Method Statement (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out (including specific detail for both contamination and ground gases). The Statement shall also include details of validation testing that will be carried out once works have been completed.

Reason

The submitted phase 2 report (Ground Investigation Report for a proposed residential development at Rawnsley Road, Hednesford, Staffs, Ref. DP/28940, dated 18th December 2019, Authored by GIP Limited) has confirmed the presence of contamination and ground gases requiring remediation in accordance with paragraphs 170 & 178 of the NPPF.

6. If during remediation works, any contamination is identified that has not been considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals should, thereafter, form part of the Remediation Method Statement.

Reason

In accordance with paragraphs 170 & 178 of the NPPF

7. The development shall not be occupied until a validation/ phase 3 report has been submitted to and approved in writing by this Department. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason

In accordance with paragraphs 170 & 178 of the NPPF

8. Notwithstanding the approved plans, details for the bin stores shall be provided to, and approved in writing by the Local Planning Authority. The details shall demonstrate adequate environmental screening from the adjacent highway.

Reason

In the interests of visual amenity and to ensure compliance with Local Plan Policies CP16.

9. The dwellings hereby approved shall not be brought into use until the new access to the site (plot 2), as illustrated on Dwg.No JMD 610-03, has been completed within the limits of the public highway as a vehicle dropped crossing and 1.5m by 1.5m pedestrian visibility splays have been provided to either side of the vehicle access with nothing placed or retained forward of the splays exceeding 600mm in height above the adjacent carriageway level.

Thereafter, the access and visibility splays shall be retained free of obstruction for the life of the development.

Reason

In the interests of highway safety and to comply with Para 32 of the NPPF.

10. Notwithstanding the submitted information, before the development hereby permitted is commenced, details showing appropriate visibility splays for each access shall be submitted to and approved in writing by the Local Planning Authority.

The visibility splays shall thereafter be provided prior to first use of the dwellings in accordance with the approved plan and retained for the life of the development.

Reason

In the interests of highway safety and to comply with Paragraph 32 of the NPPF.

11. Prior to first occupation, the access, parking and turning areas for the dwellings shall be provided in accordance with the details shown on the approved plan Dwg.No. JMD 610-03.

Thereafter the access, parking and turning areas shall be retained as such for the life of of the development.

Reason

In the interests of highway safety and in accordance with Paragraph 32 of the NPPF.

12. Any gates for plot 2 shall be located a minimum of 6m rear of the carriageway edge and shall open away from the highway.

Reason

In the interests of Highway safety and in accordance with Paragraph 32 of the NPPF.

13. The garages indicated on the proposed plan shall be retained for the parking of motor vehicles and cycles only. It shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

Reason

In the interests of Highway safety and in accordance with Paragraph 32 of the NPPF.

14. The development shall not commence until a drainage scheme for the disposal of surface water and foul sewage has been submitted to and approved in writing. No dwelling shall be occupied until the drainage scheme serving that dwelling has been completed in accordance with the approved scheme.

Reason

In order to ensure that the development is served by an appropriate means of surface water and foul sewage disposal in in the interest of protecting the aquatic environment and to prevent flooding in accordance with the NPPF.

15. The development hereby permitted shall be carried out in accordance with the following approved plans:

NP010045/101 Proposed Site Plan
NP10045/110 Proposed Plans and Elevations
Design & Access Statement
Planning Statement
Phase 1 Desk Study 16-0729 Dated 30 March 2017
Preliminary Ecological Appraisal RSE_833_R1_PEA Issue date May 2017

Reason

For the avoidance of doubt and in the interests of proper planning.

Notes to the Developer:

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

The works required in Condition 1 require a Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>
 Any soakaway shall be provided 4.5m rear of the footway boundary.

Consultations and Publicity***External Consultations***Hednesford Town Council

Objection

The plot as a whole is small for these house types; the developers found this out when they realised Plot 1's house needed to be wider. By increasing its size they have made the actual space around the house even smaller. Whilst plot 2 is the same dimensions it is on a narrowing plot of land which joins the Green Belt and it is considered that the development would look very cramped and squeezed into the available piece of land adjoining the Green Belt. It is questioned if the existing house at 412 was intended to be the last house before reaching the Green Belt with the developer trying to cram in two more properties. Overall the Town Council is not supportive as the proposal would look out of keeping with the area.

Historic England

No comments offered.

Staffordshire Wildlife Trust

No response to date

Severn Trent Water Ltd

No objection subject to an informative being added to the decision notice if approved.

Travel Management and Safety

No objection subject to conditions.

Internal Consultations

Development Plans and Policy Unit

The proposal is for the erection of two dwellings adjacent to an existing line of residential dwellings along a road. The location site lies partly within the Green Belt with a disused railway embankment to the rear of the site which contains a public footpath.

The National Planning Policy Framework (NPPF) 2019 states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraphs 133 — 147 in the NPPF set out the purpose of the Green Belt and what types of development are appropriate within it, Policy CP1 in the Cannock Chase Local Plan — Local Plan (Part 1) 2014 supports this stance. Policy CP3 in the Cannock Chase Local Plan (Part 1) states that developments should show how they form appropriate design in the Green Belt through careful design of new development. The policy also sets out the design standards for new built development including good designs that relate well to the existing developments and local landscape characteristics. The Design SPD should be consulted for additional design guidance.

The Cannock Chase Local Plan (Part 1) 2014 was adopted more than five years ago; it is therefore the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May—July 2019). Therefore limited weight can be afforded to it.

The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part1)). If it is a market housing residential development scheme the proposal may be CIL liable. Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation requirements, as per Local Plan Part 1 Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate impacts upon Cannock Chase SAC (2017). However, should full exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Councils policy/guidance. Any

site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's CIL Infrastructure list.

Environmental Health

No objection subject to conditions

Thank you for referring this matter for consideration. Having reviewed the application submissions, I have the following comments:

Land contamination

The submitted report (Ground Investigation Report for a proposed residential development at Rawsley Road, Hednesford, Staffs. Ref. DP/28940, dated 18th December 2019. Authored by GIP Limited) details investigation of geotechnical and geochemical conditions at the application site.

Made ground was noted to be up to 1.90m thick across the site. 4 boreholes were advanced across the site to facilitate sampling of soils. Ground gas monitoring wells were installed in two of these locations, for subsequent investigation. Groundwater was not noted in either well during monitoring.

Soil samples were analysed for a range of metals, non-metals, metalloids, inorganics, organics (including TPH and PAH).

Human health risk assessment was carried out using the CLEA model, with the 'residential with plant uptake, 1% SOM' scenario used to compare with sample results. This noted levels of benzo(a)pyrene in excess of the critical concentration at WS3.

This, alongside the possibility that further contamination maybe present in the made ground, leads the report to recommend remediation in the form of 600mm of clean imported material across proposed garden areas and soft landscaping. Imported materials should come from a proven source, with chemical analysis of the material, along with validation of depth are to be confirmed in a report to the LPA, post-works.

The report also recommends a watching brief during site works, in case potentially contaminated materials are encountered. If so, an environmental consultant should be contacted to assess the risk. At the time of writing, 4 of the 6 intended gas monitoring rounds had been completed. The final results and updated assessment are to be forwarded upon completion. A historic landfill is noted 63m to the northwest and there are a number of gravel pits in the area, which all represent a potential source of ground gas.

From the 4 monitoring rounds, the following was noted: methane, carbon monoxide, hydrogen sulphide were not detected; carbon dioxide levels of between 4.2% and 16.2% were recorded (highest within WS4); with oxygen levels of between 3% and 15.2%. Gas flow readings were less than 0.5 l/hr. On the basis of these results, the report recommends protection measures equivalent to 'Characteristic Situation 2' (as per BS8485) and for a 'Type A' building, a protection score of at least 3.5 points would be required. This conclusion should be reassessed following completion of the monitoring programme, and submitted to the LPA in a Remediation Method Statement, which details the selected design measures and validation plan.

CIL Officer

In respect of the above planning application, based on the additional information form submitted, the chargeable amount for the proposed development would be £14,866.39.

Strategic Housing

No response to date.

Environmental Services(Ecology)

No objection.

I have reviewed the updated Ecological Report by RammSanderson and am of the opinion that the proposals will have no significant ecological impact.

Waste and Engineering Services

No objection.

Bin collection points should be constructed to a sufficient size and quality for the number of bins required and consideration given to their proper environmental screening. On a fortnightly basis there can be up to two bins per property presented at the same time; therefore bin collection points should be constructed to accommodate this number as a minimum.

Properties should be designed with bin storage points to the rear or sides of the properties to maintain the street scene environment. If they are to be placed on the front of properties then adequate environmental screening should be considered.

Confirmation of the proposed bin storage and collection points should be requested from the developer.

Response to Publicity

The application has been advertised by site notice and neighbour letter. No letters of representation have been received.

Relevant Planning History

CH/17/364	Residential development:- Erection of 1 three bedroom detached dwelling and 1 four bedroom detached dwelling. Committee approval.
CH/16/173	Lawful Development Certificate for the proposed erection of 2no. single storey outbuildings. Approved
CH/15/0490	Lawful development certificate for the existing use of land as domestic curtilage. Approved

1 Site and Surroundings

1.1 The application seeks outline consent for residential development on land adjacent to 412 Rawnsley Road.

- 1.2 The site is of an irregular 'triangular' shape and has a maximum depth of approximately 27m at the deepest point (3.5m at its shallowest) and a road frontage of 74m with a total area of 0.1 hectares .
- 1.3 The site was formally used as garden land by No.412 Rawnsley Road. The area comprises of soft landscaping with a hedgerow along the frontage and a former railway embankment running parallel to the northern boundary.
- 1.4 There is an existing driveway to the southwest corner of the site which comprises an area of hardstanding for the parking of two vehicles.
- 1.5 The host dwelling has further garden to the rear and parking with and an integral garage to the west.
- 1.6 The street scene comprises of traditional two storey properties constructed from a variety of brick and render and tile. The application site is of an uncharacteristic size in this location.
- 1.7 The site is in part unallocated and undesignated in the Cannock Chase Local Plan (Part 1) and in part located within the designated West Midland Green Belt as shown on the Cannock Chase Local Plan. The application site is also located in a Mineral SafeGuarding Area for Bedrock Sand and within a Low Development Boundary as designated by the Coal Authority.

2 Proposal

- 2.1 The applicant is seeking consent for the construction of two x 4 bedroom dwellings. The application is a re-submission of the extant permission CH/17/364 on the side garden of 412 Rawnsley Road, Hednesford.
- 2.2 The proposed Plot 1 would be a 4 bedroom dwelling and would incorporate the existing driveway to the east of No.214 Rawnsley Road. The dwelling would be two storey and would have a single storey garage to the side. The private rear amenity space would have a depth of 15m (at the deepest point) and a width of 13.5m.
- 2.3 Proposed Plot 2 would be a 4 bedroom dwelling and would incorporate a new vehicle access and driveway to the east. The dwelling would be two storey and would benefit from a detached garage to the east. The private rear amenity space would be of a depth of 10.3m and a width of 25m.
- 2.4 The proposed access to the east would remove part of the existing hedgerow and would terminate in a small parking area for three vehicles. The access would be constructed from permeable materials. Both proposed buildings would be constructed on a lower level than the adjacent highway.
- 2.5 The existing dwelling (No.412) would retain adequate parking (4 vehicles) and private amenity space to the rear.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014), the Minerals Local Plan for Staffordshire (2015-2030) and the Hednesford Neighbourhood Plan (2017-2028).
- 3.3 Relevant Policies within the Local Plan Include:
- CP1- Strategy
 - CP2- Developer Contributions for Infrastructure
 - CP3 - Chase Shaping – Design
 - CP6 – Housing Land
 - CP7 – Housing Choice
 - CP12 –Biodiversity and Geodiversity
 - CP13- Cannock Chase Special Area of Conservation (SAC)
 - CP14 - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)
- 3.4 Relevant policies within the Minerals Plan include:-
- 3.2 Safeguarding Minerals
- 3.5 National Planning Policy Framework
- 3.6 The NPPF (2019) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.
- 3.7 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.8 Relevant paragraphs within the NPPF include paragraphs: -
- 8: Three dimensions of Sustainable Development
 - 11-14: The Presumption in favour of Sustainable Development
 - 47-50: Determining Applications
 - 124, 127, 128, 130: Achieving Well-Designed Places
 - 143-146: Proposals affecting the Green Belt
 - 212, 213: Implementation

3.9 Other relevant documents include:

Design Supplementary Planning Document, April 2016.
Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

4 **Determining Issues**

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Drainage and flood risk
- ix) Mineral safeguarding
- x) Crime and the fear of crime
- xi) Waste and recycling facilities
- xii) Ground conditions and contamination
- xiii) Affordable Housing

4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site is a windfall 'greenfield' site located on the edge of Hednesford. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF.

4.2.2 However, paragraph 177 of the NPPF makes it clear: -

‘The presumption in favour of sustainable development does not apply where development requiring appropriate assessment (under habitat Regulations) because of its potential impact on a habitats site is being planned or determined’.

4.2.3 Policy CP13 of the Local Plan recognises that any project involving net new dwellings will have an impact on the SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and that the proposal should be considered having regard to the development plan and other material considerations.

4.2.4 In respect to the principle of the proposal, it is noted that the site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in ‘very special

circumstances'. Paragraph 144 of the NPPF states that local planning authorities should ensure substantial weight is given to any harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

4.2.5 The stages in taking decisions on applications within the Green Belt are as follows.

- a) In the first instance a decision has to be taken as to whether the proposal constitutes appropriate or inappropriate development.
- b) If the proposal constitutes inappropriate development then it should not be allowed unless the applicant has demonstrated that 'very special circumstances' exist which would justify approval.
- c) If the proposal is determined to constitute appropriate development then it should be approved unless it results in significant harm to acknowledged interests.

4.2.6 Local Plan Policy CP1 & CP3 require that development proposals at locations within the Green Belt to be considered against the NPPF and Local Plan Policy CP14. Local Plan Policy CP14 relates to landscape character and AONB rather than to whether a proposal constitutes appropriate or inappropriate development.

4.2.7 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 & 146 of the NPPF. Paragraph 145 relates to new buildings and paragraph 146 to other operations. The lists contained within these paragraphs are closed and therefore are fixed. The proposal could be considered as not inappropriate provided it meets one of the above exceptions.

4.2.8 Paragraph 143 of the NPPF makes it clear that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Furthermore paragraph 144 states when "considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt" adding "Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations". The test of whether Very Special Circumstances therefore requires an assessment of all potential harms and benefits of the proposal.

4.2.9 In this instance, the pair of dwellings proposed would be sited on the land that remains unallocated and therefore would not themselves be sited within the Green Belt. Notwithstanding this, the rear gardens of the proposed development would be sited within the Green Belt. However, the application site is currently used as garden land associated with No.412 Rawnsley Road and therefore would not significantly alter the character of the land and its impact on the openness of the Green Belt.

4.2.10 A new access and driveway would be introduced to the east of the site off Rawnsley Road to provide access to the proposed Plot B. This driveway would,

in part, fall within the Green Belt. Paragraph 146 of the NPPF lists forms of development other than those listed in Paragraph 145 of the NPPF, that are not considered inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This includes (amongst others) engineering operations.

4.2.11 The provision of the permeable driveway is considered to be an engineering operation that would not impact on the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.

4.2.12 The proposed development is not considered to be inappropriate in this location with the unallocated section of the site being developed and the Green Belt section of the site comprising garden land and therefore no change of use or character to the existing use. Notwithstanding, a condition has been recommended for the removal of permitted development rights to ensure future development of the dwellings would not encroach across the Green Belt boundary to retain the openness of the Green Belt.

4.2.13 Furthermore, there is a current planning permission on this site for the erection of two dwellings; 1 x 3 bedroom dwelling and 1 x 4 bedroom dwelling with detached garage and associated amenity space. This permission expires on 15th November 2020. This extent permission provides a strong material consideration to the proposal as this development could be constructed by the applicant if the current proposal is refused.

4.2.14 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

4.3 Design and the Impact on the Character and Form of the Area

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 Given the above it is noted that the small scheme for 2 dwellings would fit comfortably within the urban grain of the surrounding area in terms of size, scale and plot density reflecting the linear layout and form of the surrounding area.

4.3.6 In respect to the impact on the trees within the site the applicant has commissioned an Arboricultural Report. This outlines that the quality of trees is categorised as follows: -A (high quality and value), B (moderate quality and value), C (low quality and value) and U (which are considered as unsuitable for retention).

4.3.7 The report concludes that of the 15 trees and 1 group of trees surveyed they were found to be generally moderate (b) to low (c) category values. The proposed development would require the removal of 1 category B tree and 5 category C trees and 2 further category U trees. The report concludes that the tree removal would not be significantly detrimental to the local tree cover or public amenity.

4.3.8 The findings of the arboricultural report are considered to be reasonable and proportionate to the condition of the trees within the site. It is also noted that there are no tree protection orders on the site and these trees could be removed at any time by the owner. The hedgerow along Rawnsley Road would be, for the majority retained.

4.3.9 The proposed dwellings are of a traditional design with feature headers and sills being constructed from brick under a tile roof. The proposed materials are not specified within the application, however, it is considered that this element can be adequately controlled through the use of a condition.

4.3.10 Therefore it is concluded that the proposal in respect to its layout, scale and design would not have a significant impact on the character and form of the area

and therefore would not be contrary to Policy CP3 of the Cannock Chase Local Plan, the Design SPD and the Good Design section of the NPPF.

4.4. Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.
- 4.4.4 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.
- 4.4.5 In this instance the only dwelling that could be affected by the proposed development would be No.412 Rawnsley Road. However, the proposed dwellings would be constructed to the side of this dwelling and therefore not result in a detrimental impact to the occupiers of this dwelling in accordance with the Design SPD.
- 4.4.6 The existing dwelling at No412 Rawnsley Road already benefits from a separate access with parking area, integral garage and access to the rear garden.
- 4.4.7 The proposed dwellings would benefit from an adequate area of private amenity, parking and have a good outlook. As such the proposal is considered to accord with the policies set out within the Design SPD with regard to the future occupiers of the site.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe adding at paragraph 110: -

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second so far as possible

to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 4.5.2 In respect of this application one additional access would be created to the east of the site to be used in association with Plot B. Plot A would utilise the existing hardstanding adjacent No.412. The existing building already benefits from parking and an integral garage to the west and as such would not be affected by the loss of the existing hardstanding. The County Highway Authority has raised no objections to the proposal subject to conditions.
- 4.5.3 As such it is considered that a scheme is acceptable in respect of highway safety and capacity.

4.6 Impact on Nature Conservation Interests

- 4.6.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170, 174, 177, 179 of the NPPF.
- 4.6.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via

'the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for;

- support for the protection, conservation and enhancement of existing green infrastructure to facilitate robust wildlife habitats and corridors at a local and regional scale (particularly to complement Policy CP16);
- supporting and promoting initiatives for the restoration and creation of priority habitats and recovery of priority species and the provision of new spaces and networks to extend existing green infrastructure;

- supporting development proposals that assist the delivery of national, regional and local Biodiversity and geodiversity Action plan (LBAP/GAP) targets by the appropriate protection, incorporation and management of natural features and priority species;
- the promotion of effective stewardship and management across the district to contribute to ecological and geological enhancements.'

4.6.3 Paragraph 170 of the NPPF states [amongst other things] that

- 'Planning policies and decisions should contribute to and enhance the natural and local environment by:
- 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); [and]
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

4.6.4 Paragraph 174 goes on to state [amongst other things]: -

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

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

Site Specific Impacts on Ecology

4.6.5 Whilst the site is located within a wider Wildlife Landscape Zone, the application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest.

4.6.6 The applicant has submitted a Preliminary Ecological Appraisal with which to inform the application. The appraisal found that there was no significant ecological constraints existed within the site. The Councils Ecologist was consulted on the application and raised no concern to the proposal.

4.6.7 As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

Impacts of Cannock Chase Special Area of Conservation

4.6.8 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of

Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL.

4.7 Drainage and Flood Risk

4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.

4.7.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

4.7.3 It is noted that the site is within close proximity to a main road and at the periphery of a built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable. Severn Trent was consulted on the application and is satisfied that the proposal would not impact on the public sewerage system. A condition has been recommended for drainage details to be submitted to and approved in writing by the planning authority to ensure adequate drainage is provided. As such, the proposal accords with paragraph 155 of the NPPF and would not result in an inappropriate development in areas at risk of flooding.

4.8 Mineral Safeguarding

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for Bedrock Sand. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.8.2 Policy 3.2 of the new Minerals Local Plan states that:

Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.8.3 The application site is located within a Mineral Safeguarding Area for Bedrock Sand. Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as

the site falls within the development boundary of an urban area and is not classified as a major application.

4.9 Crime and the Fear of Crime

4.9.1 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can do to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.

4.9.2 In addition to the above paragraph 127(f) of the NPPF states planning policies and decisions should ensure that development create places which [amongst other things] create places that are safe and where crime and disorder, and the fear of crime, do not undermine quality of life, social cohesion and resilience.

4.10 Waste and Recycling Facilities

4.10.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.10.2 Officers can confirm that there is adequate provision within the site for the storage of waste and recycling facilities. The provision would be two wheelie bins per flat and would be provided within the envelope of the building.

4.10.3 The Councils Waste and Engineering Services were consulted on the application that raised no objections to the proposal. The Waste & Engineering Officer sought confirmation of the bin storage and collection points, these were duly provided by the applicant. The details provided demonstrated the bin store would be to the front of the dwellings. As such, a condition has been recommended for details of the bin stores to be provided given the prominent street front location.

4.10.4 As such, the proposal would contribute to national and local waste reduction and recycling targets in accordance with the requirements of Policy CP16(1) (e).

4.11 Ground Conditions and Contamination

4.11.1 The site is located in a general area in which coal mining has been a significant factor and therefore there are potential issues in respect to land stability.

4.11.2 In this respect paragraph 170 of the NPPF states: -

“Planning policies and decisions should contribute to and enhance the natural and local environment by [amongst other things]:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable

levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

4.11.3 In addition to the above paragraph 178 of the NPPF states: -

“Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”

4.11.4 Finally paragraph 179 of the NPPF makes it clear that where 'a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.

4.11.5 The application site lies in close proximity to the former Hednesford Quarry, now a landfill as well as a dismantled former mineral railway line to the rear of the site. As such, the applicant has submitted a Ground Investigation Report prepared by GIP Limited which details investigation of geotechnical and geochemical conditions at the application site.

4.11.6 In this instance, made ground was noted to be up to 1.90m thick across the site. 4 boreholes were advanced across the site to facilitate sampling of soils. Ground gas monitoring wells were installed in two of these locations, for subsequent investigation. Groundwater was not noted in either well during monitoring. Soil samples were analysed for a range of metals, non-metals, metalloids, inorganics, organics (including TPH and PAH). Human health risk assessment was carried out using the CLEA model, with the 'residential with plant uptake, 1% SOM' scenario used to compare with sample results. This noted levels of benzo(a)pyrene in excess of the critical concentration at WS3.

4.11.7 This, alongside the possibility that further contamination maybe present in the made ground, leads the report to recommend remediation in the form of 600mm of clean imported material across proposed garden areas and soft landscaping. Imported materials should come from a proven source, with chemical analysis of the material, along with validation of depth are to be confirmed in a report to the LPA, post-works.

4.11.8 The report also recommends a watching brief during site works, in case potentially contaminated materials are encountered. If so, an environmental consultant should be contacted to assess the risk.

4.11.9 At the time of writing, 4 of the 6 intended gas monitoring rounds had been completed. The final results and updated assessment are to be forwarded upon completion. A historic landfill is noted 63m to the northwest and there are a number of gravel pits in the area, which all represent a potential source of ground gas. On the basis of these results, the report recommends protection measures equivalent to 'Characteristic Situation 2' (as per BS8485) and for a 'Type A' building, a protection score of at least 3.5 points would be required. This conclusion should be reassessed following completion of the monitoring programme, and submitted to the LPA in a Remediation Method Statement, which details the selected design measures and validation plan.

4.11.10 The Environmental Health Officer has considered the report and has stated that he has no objection subject to conditions.

4.11.11 Therefore it is concluded that In this instance, the proposal subject to the attached conditions is in accordance with paragraphs 170 and 178 of the NPPF and is therefore acceptable.

4.12 Affordable Housing

4.12.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, given the order of the Court of Appeal, dated 13 May 2016, which give legal effect to the policy set out in the [Written Ministerial Statement of 28 November 2014](#), and the subsequent revision of the PPG it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

5 Human Rights Act 1998 and Equalities Act 2010
--

Human Rights Act 1998

5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

Equalities Act 2010

5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

6 Conclusion

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.